

Grafton County Delegation Reorganization Meeting  
Grafton County ~ UNH Conference Room  
North Haverhill, NH  
Monday December 6, 2010

PRESENT: Representatives Aguiar, Almy, Bradley, Bulis, Cooney, Eaton, Gionet, Gould, Harding, Ingbretson, Ladd, Mirski, Nordgren, Pastor-Bodmer, Pierce, Reilly, Brosseau, Shackett, Simard, Smith, Sorg, Sova, Taylor, Townsend and White, Commissioner Cryans, Executive Director Clough, Secretary Martino.

OTHERS: RD Sharp

Commissioner Cryans introduced himself and said that he and Commissioner Burton along with incoming Commissioner Omer Ahern would be the Board of Commissioners. Commissioner Martha Richards is the outgoing Commissioner. He asked the representatives to fill out information on a sheet so that the County has their correct names and addresses along with their emails and mileage.

Commissioner Cryans stated that both parties had caucused before the meeting and now will have to make a decision about an Executive Committee. Commissioner Cryans noted that there were 13 members of each party.

A roll call was taken by Secretary Martino and it was determined there was a quorum.

Rep. Pierce began by presenting the Democrats suggestion on how to fill the positions on the Executive Committee in recognition of the 13/13 split. The suggestion was that each caucus chooses four members and put up (nominate) one other person for the full Delegation to vote on. The chairman would be chosen from the party that was in the minority and the majority party would have the vice chairmanship.

Rep. Bulis said that the republican caucus came up with a different thought in-that members from each Commissioner district would be chosen proportionate to the way of the election and that there should be four Democrats and five Republicans. He said that they want to give recognition to the way things are in the state but they would like to blur the party lines and work for the good of the County.

Rep. Pierce asked how they came up with that split and Rep. Bulis said that they would choose Reps. Ladd, Gionet and Bulis from Commissioner Burton's district, Reps. Aguiar, Brosseau and Sova from Commissioner-elect Ahern's district and then there would be three Democrats from Commissioner Cryans district.

Rep. Pierce asked about having the chair from the minority party if they were to agree to Rep. Bulis's suggestion and Rep. Bulis said they thought the chair should be a republican in order to have some clear direction. He stated there are large issues to tackle this year and there needs to be consistency so alternating chairs would not be a good idea.

Rep. Harding said that she struggles with having a republican majority and having the chair be a republican also and said that does not represent what the people wanted since

there is a 13/13 split. She said there should be a better balance and perhaps a change of chair would be fairer.

Rep. Bulis said that fairness was an issue but so is consistency and that is important to be able to stick with the goals that were set.

Rep. Aguiar said that his concern when splitting things up between districts, is that there may not be representatives in those districts who have the time to serve on the Executive Committee. Rep. Bulis said that he identified representative that did agree to serve.

Rep. Almy said that she agreed that changing chair parties was not a good idea. She said that she has served on the Executive Committee and feels they've always managed to work across party lines.

Commissioner Cryans said there seems to be a stalemate and questioned how this was to be decided. Rep. Almy said that she would like to see them go with the suggestion from the Democratic caucus. Commissioner Cryans asked if there was to be a motion made.

Rep. Almy moved to have each caucus appoint four members to the Executive Committee and to nominate another person and the full Delegation would vote on that person. Whoever has the minority party of the committee will hold the chair and the majority party will hold the vice chair. This would be in recognition of the 13/13 split. Motion was seconded by Rep. Aguiar.

#### DISCUSSION:

Rep. Sova asked if it wouldn't be more prudent to vote on the officers of the Delegation first as they become officers of the Executive Committee.

Rep. Ladd said that they need to look logically at things and agreed with Rep. Sova and would also like to see the officers put in place first and then make up the Executive Committee.

Rep. Mirski said he would like to call the question. Commissioner Cryans asked that all those in favor of calling the question raise their hands. The majority of members were in favor.

Rep. Smith asked if it were ethical to vote for the motion before having a chairperson and Commissioner Cryans said there was a motion on the table. She asked if the motion was in order.

Rep. Almy said the way it had been done in the past is to elect the Executive Committee from the Commissioner districts and then elected the officers.

A roll call vote was taken by Sec. Martino. 13 were opposed (Reps. Bradley, Bulis, Eaton, Gionet, Ingretson, Ladd, Mirski, Reilly, Brosseau, Shackett, Simard, Sorg, and Sova) and 12 were in favor (Reps. Aguiar, Almy, Cooney, Gould, Harding, Nordgren, Pastor-Bodmer, Pierce, Smith, Taylor, Townsend and White). Motion does not pass.

Rep. Ladd moved to go into caucus which was seconded by Rep. Nordgren. By a show of hands a majority was declared.

Commissioner suggested that they take 10 minutes to caucus. Republicans remained in the room while Democrats left to use a room in another part of the building.

10:52 AM Upon the return of the Democrats, a motion was made.

Rep. Ladd moved to appoint three officers to the Executive Committee. Those officers would be Rep. Bulis as Chair, Rep. Aguiar as Vice Chair and Rep. Sova as Clerk; this was seconded by Rep. Simard.

Rep. Pierce said that the Republicans have the full authority to do this but felt that everything was being rammed because the Democrats were down one person. He said even though they talked about working together, this does not represent that. He said that the suggestion from the Democrats is far more reasonable. He did not think this was a good start to the beginning of the next two years.

A motion was made to move the question. A show of hand showed a majority of 13.

A roll call vote was taken by Sec. Martino. 21 were in favor (Reps. Bradley, Bulis, Eaton, Gionet, Ingretson, Ladd, Mirski, Reilly, Brosseau, Shackett, Simard, Sorg, Sova, Aguiar, Almy, Cooney, Gould, Harding, Nordgren, Pastor-Bodmer, and Smith,) and 4 were opposed. (Reps. Pierce, Taylor, Townsend and White) Motion passes.

Commissioner Cryans announced the new officers as Rep. Bulis as Chairman, Rep. Aguiar as Vice Chair and Rep. Sova as Clerk, and handed the meeting over to Rep. Bulis as new Chairman.

Rep. Harding said she would like to have another discussion about fairness and would like to have a 5<sup>th</sup> person sharing the majority membership. She discussed the 5<sup>th</sup> person as an alternate on the committee.

Rep. Harding moved to have an alternate on the Executive Committee and rotate the majority from Republican to Democrat. Rep. Pastor-Bodmer seconded the motion.

Rep. Mirski said that having a non-voting member of the committee would be an absurd position in that the person will have to spend all their time in a no voting position.

Rep. Smith said that there are alternates on Town boards and she feels that because they can participate they can be very helpful.

Rep. Cooney stated that they become a voting member when another member is absent.

Rep. Almy said she had worked as an alternate and they are allowed to ask questions and even make motions, though not allowed to vote on them.

Rep. Sorg wanted clarification on the motion.

Rep. Pierce said that clarification to that would be that the alternate in the first year would be a member of the minority caucus and the second year that would switch.

Rep. Bulis asked why it would switch and Rep. Pierce replied that the two parties could share the power of the 13/13 Delegation.

Rep. Harding clarified her motion which was to have an alternate on the Executive Committee and that alternate the first year would be just that, and the second year the alternate would become an active voting member of a ten member committee.

Rep. Bulis said why not have the alternate just be the alternate. He did not see why there should be change half way through. Perhaps the alternate would be from the minority party. He said the issues were the issues and there should be no party line.

Rep. Mirski said there is no minority in a 50/50 split.

Rep. Harding said there is a minority party on a nine person Executive Committee.

Rep. Aguiar said he would like to address the split on the Executive Committee and thought the alternate issue with a 10<sup>th</sup> person has merits.

Rep. Sova agreed that the Executive Committee should be addressed first and then they could take up the issue of an alternate.

Rep. Bulis said they could elect the Executive Committee today and said he assumed that the Democrats had an alternate in mind.

Rep. Gionet motioned to move the question and was seconded by Rep. Simard.

Rep. Almy called a point of order and said that if the motion is voted on then they can't come back to it.

A discussion ensued.

Rep. Bulis said that if they can withdraw the motion to move the question then they can they can deal with the alternate now, otherwise they can't go back to it.

Rep. Harding asked a procedural question regarding her motion. Rep. Bulis said that if the motion to move the question is rescinded and the second is rescinded then she can withdraw her motion and if the second is withdrawn then the motion can be brought up again at a later time. This way they can address the issue with the Executive Committee and go back and revisit the suggestion of an alternate.

Rep. Bulis asked if Rep. Simard was willing to withdraw his second to call the question and he said yes, Rep. Bulis asked Rep. Gionet if he were willing to withdraw his motion to call the question and he replied no. Rep. Simard then reinstated his second of calling the question.

Rep. White asked what rules are being followed in these procedures as they are operating under an assumption of certain rules and the way that the motion is handled depends upon which rules are being followed.

Rep. Bulis said that they have not formally adopted any rules and they have sort of been more “hybrid” rules but tend to go primarily with Roberts Rules.

Rep. Pierce said that if Rep. Harding wanted to modify her motion then it should be voted down.

Rep. Bulis said that the motion then was to end debate and asked for all those who were in favor. The majority was in favor. Debate ended.

Rep. Bulis asked if Rep. Pastor-Bodmer would withdraw her second which she did and then he asked Rep. Harding if she wanted to withdraw her motion, which she did.

Rep. Gionet nominated Reps. Ladd, Bulis, Sova, Brosseau and himself for the Executive Committee.

Rep. Almy nominated Reps. Aguiar, White, Townsend, Smith and herself to the Executive Committee.

Rep. Pierce suggested that there could be a 10 person committee and a discussion ensued.

Rep. Bulis then asked for a consensus for a 10 member Executive Committee by voice vote. He declared that to be a majority and the said there would be a 10 member committee.

Rep. Ladd said he had a real hang-up with having an alternate. And felt there wasn't a proper discussion about having a 10 person committee and questioned how it would function for the betterment of the County with an even number.

Rep. Bulis said that there needs to be a discussion then.

Rep. Taylor said she felt that that a 10 member committee would foster working together and she would suggest applying the same officers from the Delegation to the Executive Committee. Rep. Cooney agreed.

Rep. Sorg called this a formula for endless deadlock and he was more in favor of Rep. Harding's suggestion of an alternate of the party of the minority (on the committee).

Rep. Mirski supports Rep. Sorg's comments.

Rep. Gionet said that there has been no problem in all the time that he's spent on the Executive Committee with a 9 person board.

Rep. Nordgren said that what happens in July needs to be considered and she believes that the likelihood of coming up with a budget is better with a 10 person committee.

Rep. Pastor-Bodmer said she thinks that a 10 person committee is better for negotiating and also better for when decisions finally come to the full Delegation.

Rep. Sorg said that 5 to 4 votes brought to the Delegation gives you something to go on. He said that where there are disagreements, it causes people to vote with their party, calling it the default position.

Rep. Harding said she liked the 5/5 split better than the alternate suggestion as it takes the element of suspicion out of the decisions. She said she hoped they would be able to support this as a group. She asked if the three officers elected for the Delegation would also be the three officers of the Executive Committee. It was agreed that was the way that it had always been done in the past.

Rep. Mirski moved to create a 9 person Executive Committee which was seconded by Rep. Brosseau.

### DISCUSSION

Rep. Pierce said this motion assumes that a 10 person committee can't work together. Rep. Smith said she feels a 10 person group will have to come together and bring a decision to the Delegation and she feels there would be a better chance for balance. Rep. Cooney concurred.

Rep. Bulis said that he had never worked on a committee with an even number of people.

Rep. Gould said that he would rather see a balanced committee work on the budget as opposed to what is going on right here.

Rep. Gionet moved to amend the motion on the table and add that the Executive Committee take up an alternate member, if they wanted to, at their regular meeting, which was seconded by Rep. Eaton.

Rep. Aguiar said that goes against the recommendation of a 9 person committee. Rep. Sorg said in his opinion, a 10 person committee can not bring forth a fair vote.

Rep. Almy said it could either be deadlock in committee or deadlock in July and be forced to go into the summer. She said that the members have to come to a conclusion in order to bring a decision to the full Delegation.

Rep. Ingbreton said there is a reason that the committee is broken into 9 members and that's to be able to make a decision.

Rep. Ladd suggested that they could always consider choosing to go with a 2/3'rds vote on a 9 member committee.

Rep. Pastor-Bodmer said that she still believes that 10 people can work together and that she agrees with Rep. Sorg statement that members may resort to the default position. She said a 10 person committee would be wiser.

Rep. Bulis said that a gridlocked committee could hold up the County issues.

Rep. Gionet said he had faith in his colleagues.

Rep. Gionet moved to call the question and was seconded by Rep. Sova. In a voice vote the majority voted yes.

A hand vote was called on the amended motion. 4 Reps were in favor and 21 were opposed. Motion amendment fails.

Rep. Sova moved to call the question on the original motion of a 9 person committee and was seconded by Rep. Brosseau.

11:55 AM Rep. Pierce called for a Democratic caucus and the Democrats left the room while Republicans remained.

The Democrats were asked to return in five minutes.

A roll call vote was taken by Rep. Sova which reflected 13 Republican members present (Reps. Bradley, Bulis, Eaton, Gionet, Ingbretson, Ladd, Mirski, Reilly, Brosseau, Shackett, Simard, Sorg, and Sova). At this time Rep. Bulis declared a quorum.

The vote was taken on the motion to have a 9 member committee. 13 Reps. (Reps. Bradley, Bulis, Eaton, Gionet, Ingbretson, Ladd, Mirski, Reilly, Brosseau, Shackett, Simard, Sorg, and Sova) were in favor. Motion passes.

Rep. Ingbretson moved to appoint Reps. Bulis, Sova, Brosseau, Ladd and Gionet to the Executive Committee which was seconded by Rep. Simard. 13 Reps. (Bradley, Bulis, Eaton, Gionet, Ingbretson, Ladd, Mirski, Reilly, Brosseau, Shackett, Simard, Sorg, and Sova) were in favor. Motion passes. Nominees were approved.

Rep. Sorg moved to appoint Reps. Almy, Aguiar, Townsend and White to the Executive Committee which was seconded by Rep. Ingbretson.

Rep. Bulis noted that Rep. Taylor and Townsend had entered the room and then called the roll on the vote. 16 Reps were in favor (Reps. Bradley, Bulis, Eaton, Gionet, Harding, Ingbretson, Ladd, Mirski, Nordgren, Brosseau, Shackett, Simard, Reilly, Sorg, Sova, and Taylor) 1 Rep. was opposed ( Rep. Townsend) 8 Reps were not present in the room ( Reps. Aguiar, Almy, Cooney, Gould, Pastor-Bodmer, Pierce, Smith and White) Motion passes. Nominees were approved.

Rep. Bulis declared that there was now a full slate of officers and Executive Committee and said that the new way of doing things would be to first begin with the Pledge of Allegiance which would be lead by Rep. Reilly.

Following the Pledge, Rep. Harding said that she was disappointed in the process and thought there was going to be an opportunity to have an even committee and that was not represented in the outcome of this election. She said that she would hope to see that cooperation in the future.

Rep. Bulis said that they are sincere in wanting to move forward with making progress on the work that has been done.

Rep. Sorg said that as a matter of happenstance there were 13 members of the Republican party and 12 members of the Democratic party and the Republicans could have elected nine members of their own party to the committee, but didn't. He added that he thought they had been very fair.

Rep. Simard moved to certify the results of the meeting which was seconded by Rep. Brosseau. The vote was unanimous.

Rep. Bulis said that it was his intent to establish rules for the Delegation and to have good communication amongst all members.

Director Clough stated that the Executive Committee has always met the third Monday of the month and that the next meetings will be on December 20<sup>th</sup> at 10:00 AM.

#### OTHER BUSINESS:

Rep. Gionet moved that the Grafton County Delegation strongly recommend to the Commissioners that they hire as soon as possible, a Clerk of the Works for the Jail project. Said clerk should be a qualified and experienced construction supervisor, which was seconded by Rep. Townsend.

#### DISCUSSION:

Rep. Bulis feels there needs to be a dedicated Clerk of the Works for a \$34M project. He feels there needs to be quality assurance.

Rep. Reilly asked about a performance bond. Rep. Gionet said it was the only way to have any recourse.

Rep. Reilly moved to amend the motion to add that the Clerk of the Works must carry a performance bond for the project, which was seconded by Rep. Simard. A voice roll call was taken and all were in favor.

Rep. Bulis asked that a letter be drafted to that affect.

Rep. Bulis said it was a very important matter and Director Clough said that the County took it very seriously.

Rep. Ladd asked why there wasn't a Clerk hired to begin with and Rep. Gionet said it was discussed at a past Executive Committee meeting and that the County did not feel it was needed.

Rep. Sorg wanted to change the wording of the motion by Rep. Gionet from "recommend" to "direct", which was seconded by Rep. Ingbretson.

Director Clough said they could not do that.



Rep. Sova said that as elected officials they really don't have the right to direct other elected officials on how they should perform their duty.

Rep. Harding said that she hoped this could be a discussion between the Executive Committee and the Commissioners and that using the word direct is very disrespectful.

Rep. Shackett said he agreed with that and said that the decision by the Commissioners had to have been made with some thought and reason and he would like to have that explained to him before he voted on that.

Rep. Ingbretson asked Director Clough to tell them what her understanding was of the role of the Delegation. Director Clough said her understanding is that the role of authority of the Delegation is with finances and the budget and the Commissioners set policies and procedures.

She went on further to explain the reason the decision was made to use the Maintenance Supt. as Clerk of the Works as opposed to hiring an outside person. She noted that there were a number of issues with the Nursing Home when a Clerk was hired, who was an engineer, which turned into a bad experience. She said that there are always eyes on the Jail project and meetings with the architects and construction manager on a weekly basis. Everyone has a vested interest in seeing that the project goes well. The process has been ongoing for six months and is going well.

Rep. Ladd asked who makes decision on change orders. She replied that she does.

Reps. Smith and Almy returned.

Rep. Ingbretson was concerned about the fact that the construction company that are the contractors for the Jail project is the same company who did the Nursing Home and feels that the company could let us down. Director Clough said she didn't feel the problems at the Nursing Home were the company's issues. She said there are also outside consultants who are doing reviews and inspections on the project. That consultant works for the County.

Rep. Reilly asked if funds were recovered for issues at the Nursing Home. Director Clough said they were not, though most problems were fixed at no cost to the County.

Rep. Harding questioned why this was even being discussed and wondered if there was any kind of problem going on with the project. Rep. Bulis said this is being considered as a precautionary measure.

Rep. Harding said she is not convinced that the people that are overseeing the project are not properly qualified.

Rep. Mirski said that when multiple individuals are making decision on a project that is when things go bad. He asked what the chain of command was regarding decision making. Director Clough said that there are three people involved and that she makes all the final decisions. Rep. Mirski said that only one person should be talking with the contractor to relieve miscommunications. He said that the decision line needs to be clear.

Rep. Ladd said there needs to be expertise in the area of supervision and knowledge of construction so that there is not a repeat of what happened in Haverhill school and to protect the interests of the County.

Rep. Reilly wanted to move to add to his amendment that had already been voted on, that the Clerk of the Works be independent of judgment and have authority and freedom to act as an individual and that the buck stops with that person and not with three other people.

Rep. Bulis said that it would be best to see where it goes from here as the meeting was not warned and there will not any binding decisions. The intent is what is known, he said.

Rep. Brosseau agreed with Reps. Mirski and Sova

Rep. Sova said that contractors like to have Clerk of the Works and that issues can be taken care of right away.

Rep. Sorg withdrew his motion to “direct” the Commissioner... and Rep. Ingbretson withdrew his second to the motion.

Rep. Sorg said that he feels there really needs to be a bond so that there are ways for recourse if needed, after the fact.

When the vote came down on the motion: that the Grafton County Delegation strongly recommends to the Commissioners that they hire as soon as possible a Clerk of the Works for the Jail project... 13 Reps. ( Bradley, Bulis, Eaton, Gionet, Ingbretson, Ladd, Mirski, Reilly, Brosseau, Simard, Sorg, Townsend and Sova) were in favor, 4 Reps. (Harding, Shackett, Smith, and Taylor. ) 1 ( Rep. Almy) abstained. Motion passes.

Rep. Ladd said he would like a report on the status of the water tank and Director Clough said that the recent recommendation from the Engineer hired by the County to review the various possibilities re: water, the most cost effective choice was for the County to create its own water system and add Hatchland Farm on as a customer and source of revenue. The Commissioners have made the decision to go forward with further testing for that.

Rep. Gionet asked if there was a feel for the possible volume of water given what has been drilled for the Jail project. Director Clough said that the preliminary hydrology reports show there is sufficient supply.

Rep. Mirski said that the social needs of the County need to be the ones that are focused on, such as the Nursing Home. He said that the Jail is going to take away from that and he would like the Commissioners to think about what can be done, such as revision of the bond or staffing expenses. He believes that expenses can be changed to look more towards the social issues. He also said there should be a cost benefit analysis done.

Rep. Harding moved to adjourn which was seconded by Rep. Townsend.

A hand vote was taken and 6 were in favor while 11 were opposed. Motion does not pass.

Rep. Gionet was recognized and said that there was money put into the budget for a performance audit and he feels it should be done. Rep. Bulis said that the consensus was to proceed with that and a discussion for that should be put on the agenda for the next Executive Committee meeting.

Rep. Almy said that she would like to know what other Counties have done because the only one she was aware of was in Coos and that one was done because there were serious issues which she didn't think that Grafton County had.

Rep. Ladd asked how much money was put in the budget and Rep. Gionet said \$40K

Rep. Ladd asked why it was put in if it wasn't necessary to do and Rep. Gionet said that he didn't think it wasn't necessary to do.

Rep. Bulis said that discussion needs to be had.

Rep. Mirski said he would like to move that Mason's Rules be used in conducting meetings. Rep. Bulis asked that that be left to the discretion of the chair and that it will be brought up in the future.

Rep. Shackett asked how to obtain information about what's going on at the County so he can become more informed. Rep. Bulis said he can contact Director Clough or Secretary Martino for information when need, or to go onto the County website where all the minutes can be found. Director Clough said she would forward all the information for getting in touch with her to the Delegates.

1:15 PM Meeting was adjourned

Respectfully submitted,

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Charles Sova, Clerk