

GRAFTON COUNTY COMMISSIONERS' MEETING  
3855 Dartmouth College Hwy  
North Haverhill, NH 03774  
July 18, 2019

PRESENT: Commissioners Lauer, Piper and Morris, County Administrator Libby and Administrative Assistant Norcross

OTHERS PRESENT: HR Director Clough, Atty. Hornick, NH Bar Association Members – David Cole, Jason Crance, Gary Apfel, Emily Wynes, Simon Mayo, Barry Schuster, Steve Mirkin, Renee Sargent, Margaret Kettles, Omer Ahern Jr., Tom Trunzo and Adam Hescok

Commissioner Lauer called the meeting to order at 9:00am and began with the Pledge of Allegiance.

HR Director Clough stated that there is a mandatory anti-sexual harassment training today for all staff which is being done by Primex. She explained that when Primex comes on site for training their legal team reviews the County's policy and procedures. She stated that she was told that Grafton County's policy is an excellent comprehensive policy. They had a few suggestions of things to add. HR Director Clough stated that she didn't add everything they suggested but felt that some of the feedback they gave was very good feedback. She stated that they added a mandatory reporting procedure that includes everyone. It also clearly spells out the investigation and how it works. It explains what the employee will get at the end of the investigation. They will be able to see the results of the investigation but not the details of the investigation. She noted that because these are changes to the employee handbook she needs the Commissioners' to approve the changes.

**MOTION:** Commissioner Morris moved to approve the modifications to the Anti-Discrimination, Anti-Harassment and Anti-Retaliation section of the employee handbook. Commissioner Piper seconded the motion and all were in favor.

Commissioner Lauer asked if everyone had a chance to look at the minutes from the July 9<sup>th</sup> meeting. Commissioner Piper had several clarification edits. The Commissioners reviewed those edits.

**MOTION:** Commissioner Piper moved to approve the minutes from the July 9<sup>th</sup> meeting as amended. Commissioner Morris seconded the motion and all were in favor.

The Commissioners signed check registers: FY '19 1195-1196; FY '20 1; 1003-1006

CA Libby submitted the following CDBG Drawdown requests for Commissioner Lauer to sign:  
NHARDC - \$64,168

- WREN - \$28,000
- NCIC - \$34,941
- GRDC - \$35,500

CA Libby gave the following FY 2019 Financial Review:

## FISCAL YEAR 2019 FINANCIAL RECAP

**Revenue:** The County finished the year over revenue projections by \$2,945,439.99 this was largely due to an increase in ProShare of \$2,086,785 and Bed Tax of \$185,710.07 other departments finishing the year above revenue projections were:

- County Attorney – Victim Witness Grant – Due to additional grant funds being given during the fiscal year.
- Register of Deeds - \$77,854.05 – overall increase over projections
- Department of Corrections - \$51,349.92 – overall increase over projections
- Interest - \$102,733.37 – interest rates higher than projected – more funds to invest than projected.
- Other – \$162,872.91 – Abandon Property \$60,850.05; Federal PILT \$27,029; Human Service Recoveries \$78,044.14
- Nursing Home - \$426,802.59 – Primarily due to increase over budget in Medicare residents, having a Veteran and the NHJUAA final settlement payment of over \$200,000.

Departments finishing below Revenue Projections are as follows:

- Sheriff's Department - \$28,547.20 Most areas were below projections
- Farm - \$24,323.29 - This is primarily due to lower farm stand revenue and miscellaneous revenue.
- Alternative Sentencing - \$107,096.39 – due to very poor representations made by former staff for the FY 19 budget.

Overall a very healthy revenue year for the County.

**Expenses:** The County finished the year under expended by \$651,288.72. Most departments finished the year within their approved budgets. The following departments were bottom line over-expended:

- Commissioners' Office – \$1,018.12 – due to hiring a Social Service Consultant. The Executive Committee approved the over-expenditure and transfer of funds from the Human Service Budget.
- Victim/Witness - \$11,167.74 – The Victim/Witness is a sub budget of the County Attorney's office which finished the year under-expended and was able to cover the overages in the V/W budget that were caused by receiving additional grant funds. So, the over-expenditure was offset by revenue. Because the V/W program is part of the CA's office no approval is needed for the transfer from the Executive Committee.
- Sheriff's Department - \$2,659.74 – due primarily to an error that was made back in 2015 wherein a deputy did not receive his step increase. When discovered the retro-active raise was calculated and paid, this was not budgeted for. Additionally, there was an overage in



the Bailiff expenditure based on miscommunication during the transition of elected officials. Also, the health insurance line was over due to the new Sheriff's plan versus the previous Sheriff who did not carry a plan under this budget. Because the overage is less than \$5,000 the transfer can be done on approval of the Commissioners and does not need Executive Committee approval.

- Medical Referee - \$2,659.74 – unpredictable expense. Less than \$5,000 and was covered by the County Attorney's budget.
- Other - \$25,442.95 – This overage is comprised over several accounts
  - Retiree Health Insurance - \$12,960.94 – budget is based on estimate
  - Employee Benefit Payout - \$17,522.36 – budget is based on estimate
  - TAN Interest - \$6,932.56 – Interest rate was higher than projected
  - Outside Council - \$5,510.14 – several large cases – 1 pending

In the budget the 8670 Wage/Benefit Adjustment section was over by \$25,240.20 which will require approval from the Executive Committee – this will be put before them in September. Also, the 9100 TAN Interest and the 9210 Contingency will need approval as well.

- Overall the Nursing Home budget was over-expended by \$161,350.37. This is primarily due to the increased Bed Tax Payment that was required due to the additional ProShare monies received. In FY 2018 the 4<sup>th</sup> quarter Bed Tax Payment was \$271,657.73 this year's 4<sup>th</sup> quarter was \$354,350.22, that in combination with not increasing the expense to accommodate the additional ProShare received in the past two (2) years has led to an over-expenditure of \$202,459.40 at the end of FY 19. If increased ProShare payments occur again in FY 2020 this line will be over-spent a similar amount. The other large over-expenditure was Contract Nursing. A total of \$1,142,258.38 was spent in FY 2019 and the budget was \$912,645 over-spending the line by \$229,613.38. There were some savings in other areas of the budget which offset these expenditures. The following Nursing Home departments were over-expended:
  - Administration - \$163,254.62 – Bed Tax
  - Dietary - \$14,161.19 – Salary
  - Nursing - \$89,994.85 – Contract Nursing
  - Therapy & Rehab - \$73,115.91 – Higher Med A census
- The Nursing Home over-expenditure will require approval by the Executive Committee at their September meeting. Although the nursing home was bottom line over-spent they also finished the year significantly over-revenue, even without ProShare and Bed Tax.

Overall summary – Fiscal Year 2019 finished positively for the County and we will be able to grow our overall fund balance as well as our Undesignated Fund Balance which will be right around the 7% almost within range of the Fund Balance Policy.

We will be looking at doing a supplemental appropriation for funding for the IDN's and based on the formula being discussed Grafton's portion would be \$656,964, this has been factored into projections for fund balance.

CA Libby presented a list of FY 2019 Appropriation Transfer Requests totaling \$868,871.00. She answered various questions from the Commissioners.

**MOTION:** Commissioner Piper moved to approve the appropriation requests. Commissioner Morris seconded the motion and all were in favor.

CA Libby presented a second list of FY 2019 Appropriation Transfer requests totaling \$11,498.00.

**MOTION:** Commissioner Morris moved to approve the appropriation transfers totaling \$11,498.00. Commissioner Piper seconded the motion and all were in favor.

CA Libby presented a list of FY 2019 Encumbrance Requests. She reviewed the list of requests totaling \$90,760.17 with the Commissioners and answered questions. She noted that all of the department request justifications are included with the list as well.

**MOTION:** Commissioner Morris moved to approve the FY2019 Encumbrance Requests totaling \$90,760.17. Commissioner Piper seconded the motion and all were in favor.

NHAC Steering Committee Update – CA Libby attended the Steering Committee meeting on Tuesday in Concord. They are through the by-law revisions. They will be presenting those to the Executive Committee on August 2<sup>nd</sup>. Everyone will be receiving copies of the revised by-laws and the summary of the proposed changes next Friday. The plan is that those changes will be presented at the August meeting then they will go over any concerns and suggestions that are made from the Executive Committee and Officers. At their October meeting at the NHAC Conference they will prepare a final revised copy to be voted on at the last regular Executive Committee meeting of the year in December.

CA Libby stated that the Commissioners need to complete the County Administrator, DoC Superintendent and HR Director annual performance evaluations.

Bid Waiver Request – CA Libby stated that Sheriff Stiegler has requested a bid waiver to purchase the ten (10) plate carriers from Atlantic Tactical through the State bid process. The price will be \$1,000 or less versus the \$1,400 that was budgeted for but Sheriff Stiegler does not have a set cost yet. The Commissioners agreed that they would like to have an exact cost per plate carrier before they approve the request. CA Libby also noted that there is a second request from Sheriff Stiegler in his packet to purchase five (5) helmets with the funds left over funds from the plate carriers. She stated that she feels that Sheriff Stiegler should be here to make that request to the Commissioners in person. The Commissioners agreed that they would like to meet with Sheriff Stiegler in person to discuss this request.

CA Libby requested to go into nonpublic session.

**MOTION:** \* 9:49 AM Commissioner Piper moved to enter into non-public session for the purposes of Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present according to RSA 91-A: 3, II (l) Commissioner Morris seconded the motion.



This motion requires a roll call vote, Commissioner Lauer called the roll. Commissioner Lauer “yes”; Commissioner Piper “yes” Commissioner Morris “yes” Commissioner Lauer stated that a majority of the board voted “yes” and would now go into non-public session.

\* 9:52 AM Commissioner Lauer declared the meeting back in public session.

**MOTION:** Commissioner Piper moved to permanently seal the minutes from the just completed non-public session because they could affect the reputation of someone other than those of the Board of Commissioners. Commissioner Morris seconded the motion. Commissioner Lauer called the roll. Commissioner Lauer “yes”; Commissioner Piper “yes” Commissioner Morris “yes” Commissioner Lauer stated that a majority of the board voted “yes” and the motion passes

Members of the Grafton County Bar Association arrived to discuss the Commissioners’ decision to have the space known as the lawyers’ lounge be designated as space the county will need to use and no longer be available to the Bar Association. Kristin Ross, President of the Grafton County Bar Association, introduced herself to the Commissioners and thanked them for allowing them the opportunity to come speak to them. She read a statement to the Commissioners that expressed their concerns in regards to losing the workspace for the GCBA and the hardships they would face as a result of losing that space.

Each of the members present at the meeting took the time to discuss their thoughts about the lawyers’ lounge, their concerns of what would happen if they were to lose that space and how vital that space is to their practices. They asked the Commissioners various questions and the Commissioners asked the Bar Association members various questions regarding the history and use of the lawyers’ lounge.

After everyone had a chance to speak the Commissioners were asked if they would table their decision for the July 31<sup>st</sup> deadline for the GCBA to remove their items from the space. The members of the Bar Association requested that they take one (1) Commissioner, one (1) member from the Attorney’s Office and one (1) member from the Bar Association to tour the courthouse and see if there are other spaces available. Commissioner Lauer stated that finding another space for the Bar Association has always been a part of the conversation. It was never their intent to take away their space and not look for an alternative. The Commissioners also requested dates that they would be able to see the lawyers’ lounge being used as they feel whenever they are over there it is not being utilized. Commissioner Piper stated that she is not in favor of tabling the decision. The decision has been made but they can extend the deadline and look into this issue more to see what other space may be available and what modifications can possibly be made. Commissioner Piper noted that it is their responsibility to oversee County operations. The County Attorney’s Office falls under County Operations and therefore is a priority to them.

**MOTION:** Commissioner Morris moved to extend the date that the Grafton County Bar Association needs to move out of the lawyers’ lounge space at the Courthouse to August 31<sup>st</sup>. Commissioner Piper seconded the motion and all were in favor.

Commissioner Lauer stated that she will represent the Commissioners in the group to tour the Courthouse and cautioned the Bar Association that right now their decision is that they need that space for the County Attorney's Office. K. Ross reminded the Commissioners that their membership overwhelmingly voted to use whatever funds they have to file injunctive relief with the courts. She stated that it would be a shame for the use of County resources as well as the Bar Association to use funds for that purpose. Commissioner Lauer noted that there is a specific RSA that gives the Commissioners authority over that building. Commissioner Morris noted that it has been wonderful that the county has been able to offer the Bar Association the use of that space free of charge for 50 years and they can all agree on that.

The Commissioners then discussed various ideas of ways to solve some of the problems addressed by the Bar Association.

12:23 PM with no further business the meeting adjourned.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'Marcia Morris', written over a horizontal line.

Marcia Morris,  
Clerk