

GRAFTON COUNTY COMMISSIONERS' MEETING  
Administration Building  
North Haverhill, NH 03774  
September 8, 2022

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

OTHERS PRESENT: County Attorney Hornick, Register Monahan, Sheriff Stiegler, Lincoln Police Chief Chad Morris, Mascoma Community Healthcare – Sandra Hayden and Scott Berry, John Randlett

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

*ARPA Requests*

**County Attorney's Office – County Attorney Hornick**

Atty. Hornick reviewed the following ARPA request for office furniture and equipment:

1. New Copier - Atty. Hornick stated that they are looking to purchase a new copier for their name office. She explained that they just bought out their current copier and would like to give it to Victim Witness because their machine is very old with many copies. The cost of this is \$14,000.
2. Shredder - Atty. Hornick stated that they currently have a company that comes on campus and does their shredding that they have to pay for. She explained that if they were to purchase a large capacity professional grade shredder, they would be able to do their own shredding.
3. Conference Room Chairs/Tables – Atty. Hornick explained that they are looking to purchase twelve (12) conference room chairs as the current chairs are very old, dirty and do not fit appropriately around or under the table. They are also looking to purchase new conference room tables, as the one they currently have is too large for the space.
4. Small Table w/ four Chairs – Atty. Hornick stated that they are looking to purchase a small table and chairs for a meeting area within the Victim Witness space. There is no place to meet in that department nor is there any space for the employees to take a break.

Commissioner Ahern stated that his concern regarding the furniture is the possibility of a new courthouse or renovations to the courthouse in the future and if this would possibly fit the new space. Commissioner Lauer stated that there is also a request for new Commissioners' Office Conference Room furniture and asked if the current furniture in their conference room would fit

in the Attorney's Office. Atty. Hornick stated that she would need to take some measurements but would look to see if that were a possibility.

**MOTION:** Commissioner Lauer moved to recommend approval of the County Attorney's Office requests. Commissioner Ahern seconded the motion. Commissioner Piper and Commissioner Lauer were in favor. Commissioner Ahern was opposed. With the vote being two (2) in favor and one (1) in opposition the motion passes.

**Mascoma Community Healthcare – Sandra Hayden, Chairman Board of Directors & Scott Berry CEO.**

S. Hayden and S. Berry thanked the Commissioners for the opportunity to meet with them. S. Hayden stated that the Board at MCHC is currently negotiating with HealthFirst, a long established Federally Qualified Healthcare Center (FQHC) in Franklin, NH, to enter into an operating affiliation to provide financial stability, as fees from medical care have never fully funded the center's costs and they have relied on donations from their community. This proposed affiliation with HealthFirst would provide MCHC with FQHC status that would increase Medicare and Medicaid reimbursements as well as allow them to provide additional services. S. Berry and S. Hayden explained that the financial benefits of this proposed affiliation would not occur until 2023. S. Hayden and S. Berry explained that Mascoma Community Healthcare is in need of \$125,000 to meet its operating deficit from September –December until this proposed affiliation takes place. If they cannot secure funding from new sources in the final months of 2022, they will no longer be able to provide care. S. Berry stated that 5000 people in the Upper Valley would need to find another primary health care provider, noting that most practices are not accepting new patients and there is a critical shortage of primary care facilities in the Upper Valley. S. Hayden and S. Berry answered questions from the Commissioners. The Commissioners agreed that this request is very important, and they fully support it.

**MOTION:** Commissioner Ahern moved to recommend approval of \$125,000 for Mascoma Community Healthcare. Commissioner Lauer seconded the motion and all were in favor.

**Commissioners' Office & Maintenance - County Administrator Libby**

1. Conference Room Furniture – CA Libby stated that this request is to purchase new conference room furniture for the Commissioners' Conference Room. She explained that the table and chairs that are currently in the room were purchased in 2004. They have recently purchased new remote meeting technology and the existing furniture is not very functional with that new equipment. It also has a limited amount of seating. The new table would have seating for 20-22 individuals and would be set up so that all participants would have an easy view of the remote meeting technology. She noted that the tables would also have appropriate feeds for cords, thus alleviating the need to move tables or climb over them to plug things in.

**MOTION:** Commissioner Lauer moved to recommend approval for the Commissioners' Office Conference Room furniture. Commissioner Ahern seconded the motion and all were in favor.

2. Maintenance – CA Libby stated Supt. Oakes is looking to replace more worn out flooring in the Administration Building and in the Nursing Home. He is looking to replace flooring in five (5) rooms in the Administration building and two (2) rooms in the Nursing Home. The total cost of the project is \$20,000.

**MOTION:** Commissioner Lauer moved to recommend approval for the replacement flooring in the Administration Building and Nursing Home. Commissioner Ahern seconded the motion and all were in favor.

The Commissioners waited until 10:06am and Register Monahan did not arrive for her scheduled 10:00 time.

### **Sheriff's Department – Sheriff Stiegler**

1. Ammunition – Sheriff Stiegler stated that he is looking to do an advanced five (5) year purchase of ammunition for annual and/or semiannual qualifications with their department issued handguns, rifles and shotguns. He explained that if this were approved they would be saving on future price increases for these products and extended waiting periods for inventory and shipping. The total cost is \$24,685.00. Commissioner Ahern stated that if the Sheriff were to purchase that much ammunition, he is taking it off the market in a very short time period and away from the consumer. Sheriff Stiegler explained that this ammunition is designated for military and law enforcement; it is not for sale for the public. Commissioner Ahern stated that this would still be taking supplies away needed to make the ammunition for the public. Commissioner Piper stated that she is in support of saving taxpayer money in terms of avoiding future inflation costs and supply chain issues.

**MOTION:** Commissioner Lauer moved to recommend approval for the ammunition purchase. Commissioner Ahern seconded the motion. Commissioner Lauer and Commissioner Piper were in favor. Commissioner Ahern was opposed. With the vote being two (2) in favor and one (1) in opposition the motion passes.

2. Enhanced Safety and Breaching Equipment – Sheriff Stiegler stated that this is something he is very concerned about after the events of Uvalde, Texas. He stated that in the event of an active shooter, they would lock the doors behind them to slow down entry by law enforcement. He noted that their agency falls short in not having entry tools commonly used to force open locked doors or to break glass on locked windows. This, coupled with not having ballistic shields to enter an active crisis while providing mobile cover for innocent bystanders, is a real problem for them in the event a situation like that arises in Grafton County. Sheriff Stiegler noted that this would be a wise investment.

Sheriff Stiegler explained that they have taken on redundant oversight of four (4) military surplus patrol rifles that New Hampshire State Police oversees for issuing federal government equipment within their agency. He noted that recently Enfield, Grafton and Littleton have all turned in military surplus weapons to the State Police and he would like to return these firearms to the

State Police and purchase replacement patrol rifles that become county property rather than US Government property managed through the state.

Commissioner Lauer stated that she has had a complaint from two (2) police chiefs in her district that the Sheriff's Department does not respond to their calls. She asked if the Sheriff's Office has a deputy that helps if there is not an officer on duty in a town. Sheriff Stiegler explained that this is not standard practice, or the law. Any town under 3,000 people, the State Police have to respond. He stated that the Sheriff's Department would always help when they are able to and he is disappointed that the Police Chiefs have not come to him first. He went on to explain that the State Police are not responding to non-emergent calls right now because they are understaffed. The Sheriff's Department is not always able to help if their hands are tied but they do respond and he feels that the information Commissioner Lauer received is not accurate. If a call is a life safety issue, they will never say no.

Lincoln Police Chief Chad Morris was present at the meeting and Sheriff Stiegler invited him to speak on the question if he feels the Sheriff's Department should be equipped the same as the Police Departments and State Police are with respect to patrol rifles and shields for entering a building where there is an active crisis. Chief Morris stated that without a doubt, the Sheriff Deputies should have this equipment as they are all over the county on a daily basis and you never know when or where a situation will arise.

**MOTION:** Commissioner Ahern moved to recommend approval of the enhanced safety and breaching equipment. Commissioner Lauer seconded the motion and all were in favor.

3. Portable Radio Replacement – Sheriff Stiegler stated that their portable radios are nearing an end of service date within the next few years. He explained that if they were able to acquire new portable radios, the old portables could be assigned to their active part time staff who currently have no portable radios. He stated that Director Andross has also recommended the purchase of three (3) new cruiser radios to replace their oldest models that may start to experience more maintenance issues within the next few years. They are looking to purchase twelve (12) portable radios and three (3) vehicle radios for a total cost of \$118,169.49.

**MOTION:** Commissioner Ahern moved to recommend approval of the portable radio replacement. Commissioner Lauer seconded the motion and all were in favor.

Commissioner Lauer stated that she wanted to state that in regards to the comments she received about the Sheriff's Department not answering calls, she knows that the Sheriff's Department would be there to help in the event of an emergency but may not be able to answer a non-emergent call. She stated that she understands that the information she received was not directly from the source of the comment.

4. Transport Van – Sheriff Stiegler stated that he has been asked by several Grafton County Police Chiefs about a dedicated transport vehicle to avoid police vehicles caravanning in the event of multiple arrests and/or protective custody detention of people in custody. He stated that unlike transports in more populated areas, transports in Grafton County would be much longer

journeys that would involve providing a more palatable and easier to monitor trip. He stated that a transport van would also give his department the ability to transport handicapped people, noting that they are currently not able to do this safely and in line with best practice. He has had to use the Nursing Home van on a couple of occasions. He stated that the DoC Supt. has stated that he would have an infrequent use for this vehicle but it could be utilized for taking inmate crews out for roadside cleanup, it would also be accessible to them if they needed to evacuate, or a handicap transport.

Sheriff Stiegler explained that he has determined that the only vehicle that would offer the resources that the County Police Chiefs, Grafton County DoC and Sheriff's Department could all agree on would be a short bus built for transporting people in custody.

Lincoln Police Chief Morris spoke about instances where there would be a need for a transport vehicle, noting that not all instances would be for criminal transport. He stated there are many situations that they could call for support and having this resource would be very helpful.

Commissioner Lauer stated that her first impression on this request was that it was not needed, but after listening to Sheriff Stiegler and Chief Morris, her opinion has changed. She asked if there would be any issues staffing these needs as this would not be an everyday need. Sheriff Stiegler stated that a couple of them live locally and there could be potential for collaboration with the DoC as Sheriff Stiegler feels it would be beneficial for a Correctional Officer to be deployed with the transport vehicle if there is a large amount of people being transported to the DoC.

**MOTION:** Commissioner Lauer moved to recommend approval of the transport van. Commissioner Ahern seconded the motion and all were in favor.

### **Register of Deeds Office – Register Monahan & Deputy Register Wyman**

Register Monahan apologized for being late and stated that they were taking care of a situation in the office.

1. Microfilm Project – Register Monahan stated that this project predated ARPA. During the Executive Committee budget deliberations, Rep. Simon had suggested funding this project through ARPA. She stated that this would put \$168,000 back into their Surcharge Account.

**MOTION:** Commissioner Lauer moved to recommend approval of the Microfilm Project. Commissioner Ahern seconded the motion and all were in favor.

Register Monahan noted that once this project is approved they would be putting out a press release on the accomplishments of these projects and noted that they still have surveyors and abstractors coming into the office not knowing this is available online.

2. Back Hazard Pay for Elected Register of Deeds – Register Monahan stated that the Commissioners had only recognized two (2) buildings as first responders and the federal government overruled that decision stating that Register of Deeds staff are first responders and

frontline workers. Register Monahan stated that during the Executive Committee meeting where the discussion had occurred regarding her initial requests for the hazard pay, comments were interjected inappropriately to sway that decision. When the person being discussed is not party to the meeting there is no time to rebut comments that are made, they are printed in the minutes as facts, and there is no room for a rebuttal. Rep Weston had stated that Register Monahan's request for bonuses would put her staff over the first responders and Register Monahan stated that they are indeed First Responders and Frontline Workers as well. She did not rebut the comment during the meeting because she was not recognized and she cannot correct mistakes. She went on to state that if the Federal Government recognizes her staff as essential workers then Grafton County should as well. Commissioner Piper asked when the Registry of Deeds was included as front line workers. Register Monahan stated that they always have been because they had to keep functioning on site and the definition for the back hazard pay was if you handled something previously handled by another person, or if you were in close contact with co-workers. Treasury rewarded the back hazard pay with ARPA and she was ahead of Treasury when she asked to encumber the salary of the person who exited at the beginning of the pandemic because she had to divide responsibility between her and the remaining staff members. CA Libby stated that there has never been any disagreement that all county employees are considered essential workers. She explained that the argument was that the Nursing Home and Department of Corrections provide 24 hour a day/7 day a week direct care to people. Register Monahan stated that her staff provides direct communication and training with people and counseling one on one.

Register Monahan stated that the Delegation and Commissioners recognized the back hazard pay through ARPA and it is now being rewarded where it should have been. She stated that her department has been stonewalled on the fact that so much of their operation has evolved and changed. They hear from the Sheriff's Department and Corrections how things are constantly changing and she has not been heard on how much transition the Register of Deeds Offices have had to take on themselves. She believes it is an issue for NACo in general.

Register Monahan stated that in regards to the job descriptions, she has tried to protect the privacy of her team but in revisions, it is going to require a four (4) year degree.

Register Monahan stated that many counties agree that the Commissioners do not have oversight on Elected Officials salaries. She was not sure how it was handled in the original proposal for the ARPA stipends where the two (2) Elected Officials were included from HR and she stopped it because she did not feel it was appropriate. She would now like to put it before the Executive Committee that she was qualified for that bonus as well. Register Monahan stated that the RSA pertaining to Elected Officials salaries talks about the setting of the salaries and ARPA talks about the benefits available to an Elected Official who is a full time employee. This is something that the federal government has recognized and the county acts as a pass through of receiving these funds for what the federal government sees as essential front line workers.

Register Monahan stated that as counties across the country have had more than a year to discuss ARPA and determine best and appropriate use, she is confident that full time benefited Elected Officials are being recognized and being granted the back hazard pay. She noted that the Coos County Register of Deeds received a bonus through ARPA. She stated that this is a legal question that is going to be challenged. CA Libby stated that when the Register of Deeds and

County Attorney were included in the ARPA premium pay bonus, they were included in the estimate and the discussion was there would need to be a legal opinion regarding whether RSA 23:7 allowed this to happen. On September 30<sup>th</sup> 2021 they spoke with their attorneys from Sheehan Phinney Bass and Green. They said there was no express language in RSA 23:7 that would allow additional payments to be made to elected officials once the salary is set. CA Libby stated that because Coos County gave their Register of Deeds a bonus does not mean it was right. The Commissioners further discussed the request and agreed to forward this to the Executive Committee without a recommendation from them and they would contact Coos County and speak with their lawyers to obtain more information.

**MOTION:** Commissioner Lauer moved to forward the request to the Executive Committee with no recommendation for approval or disapproval and they contact Coos County and speak to the lawyers. Commissioner Ahern seconded all were in favor.

Commissioner Piper stated that the Commissioners need to be fair to the process because if there are changes that they are not aware of, changes in opinions or legal opinion or different interpretations they need to be sure as a Board that they are doing their due diligence.

J. Randlett was present for the meeting and stated that he was selectman in Plymouth for seven (7) years had the same situation come up with the Town Clerk. There were a few towns that gave bonuses but the majority did not. If one (1) county does it, that does not mean the rest need to. Commissioner Piper stated that she would reach out to the NHAC today to discuss this as well. She wants to make sure they are doing their due diligence.

**MOTION:** \* 11:20 AM Commissioner Ahern moved to enter into non-public session for the purposes of (l) 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 Piper seconded the motion. This motion requires a roll call vote. Commissioner Piper called the roll. Commissioner Ahern “yes” Commissioner Piper “yes” Commissioner Piper stated that a majority of the board voted “yes” and would now go into non-public session.

\* 11:59 PM Commissioner Piper declared the meeting back in public session.

**MOTION:** Commissioner Ahern 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 Piper seconded the motion. Commissioner Piper called the roll. Commissioner Ahern “yes” Commissioner Piper “yes”. Commissioner Piper stated that a majority of the board voted “yes” and the motion passes.

**MOTION:** Commissioner Lauer moved that based on the information received during a consultation with legal counsel, that they withdraw the motion to expend funds to pursue an external investigation of a county official on complaints from county employees. Commissioner Ahern seconded the motion and all were in favor.

12:00 PM with no further business, the meeting adjourned.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Omer C. Ahern Jr.", written over a horizontal line.

Omer C. Ahern Jr., Clerk