

County of Carroll
Commissioner's Meeting
Carroll County Administration Building
April 1, 2020

Meeting convened: 9:00 a.m.
Members Present: Amanda Bevard (Chair),
Participating Remotely: Terry McCarthy (Vice-Chair), David Babson (Clerk), Registrar Lisa Scott, Maintenance Director Bob Murray,
Others Present: Executive Coordinator Mellisa Seamans, IT Contractor Jon Rich of Cybertron, Treasurer Joe Costello, Finance Director Katheryn Armstrong
Present Remotely: County Attorney Michaela Andruzzi, Rep. Susan Ticehurst
Public Present: Rep. Ed Comeau (www.governmentoversite.com), Daymond Steer (Conway Daily Sun)

Call to Order

Pledge of Allegiance

Chmn. Bevard announced this meeting is open to the public in the Delegation meeting room. Arrangements are being made to allow public attendance via teleconference for future meetings. *The front door remained open for the duration of the meeting. The receptionist was asked to text the coordinator during the meeting if anyone arrived or called and wished to listen to the meeting via speakerphone. There were no requests received. Rep. Ticehurst requested and was sent a link to join in the meeting through the Zoom system.*

*****All votes during this meeting were taken via roll call*****

Approval of Minutes

MOTION: "To approve the March 25, 2020 meeting minutes" by Comm'r Babson, 2nd Comm'r McCarthy. Passed 3-0

MOTION: "To approve the March 30, 2020 meeting minutes" by Comm'r Babson, 2nd Comm'r McCarthy. Passed 3-0

Affordable Assisted Living Study

This agenda item on hold until April 8, 2020 meeting.

Department Head Report – Maintenance Director Bob Murray

RFP Paving Fire Road

Dir. Murray explained that the current unpaved fire road is difficult to maintain and presents a challenge for residents who wish to walk/wheelchair around the building. This capital expense is approved in the 2020 budget. The paving will be merely a base coat, "nothing fancy".

MOTION: "To allow Dir. Murray to advertise the request for proposals for fire road paving" by Comm'r Babson, 2nd Comm'r McCarthy. Passed 3-0

Washer/Dryer Bid Process

MOTION: "Waive the bid process to purchase the jail and MVC two dryers and one washing machine in favor of the vendors Yankee and Daniels. The reasoning in waiving the bid process is the companies held their prices from last year, mixing equipment presents difficulties and they have been good vendors in the past" by Comm'r McCarthy. 2nd Comm'r Babson. Passed 3-0

Other

There are currently two positions, a housekeeping position and a 2nd shift painting position, open and advertised on Indeed.com.

Dir. Murray commended the infection control team at MVC for doing a “fantastic job” and working very hard. No one is allowed to enter MVC without being screened, to include a questionnaire and temperature. Chmn. Bevard asked Dir. Murray to convey to staff how appreciative the commissioners are of their efforts.

The Siemens project work is suspended for the time being with any installations considered non-essential.

Executive Coordinator Report

Ms. Seamans expressed appreciation to the county staff who have welcomed her to this new position and helped her become acclimated.

County Website

MOTION: “That the Executive Coordinator Mellisa Seamans have full access to the website with CivicPlus” by Comm’r McCarthy. 2nd Comm’r Babson. Passed 3-0.

Water Bubblers

MOTION: “To rent two water bubblers, one for the delegation meeting room and one for the business office, at a cost of \$9.45 each per month” by Comm’r McCarthy, 2nd Chmn. Bevard. Passed 2-1 with Comm’r Babson opposed.

The rental of these two additional units will be reviewed once the isolation restrictions are lifted to determine if they are still necessary.

Commissioners’ Email

The commissioners agreed to have Mr. Rich route the commissioners@carrollcountynh.net email and their individual carrollcountynh.net email accounts to the commissioners’ computers. They will also be able to access these accounts through a remote portal.

Zoom Meetings

Comm’r McCarthy provided a March 31, 2020 memorandum and accompanying checklist from the NH Attorney General’s Office (attached) regarding how to conduct meetings in light of COVID-19 concerns. Mr. Rich said Zoom offers a webinar option for \$400 per year that allows the public to attend an online meeting in the “audience” unless given permission by the host to participate. The April 8 commissioners’ meeting will be available to the public via Zoom. An invitation will be sent to the delegation members.

Meeting Agendas

Starting this meeting, one department head each meeting will be asked to give a report. The schedule follows:

April 1	Bob Murray, Director of Maintenance	May 6	Katheryn Armstrong, Finance Dir
April 8	Bonnie Murley, HR Director	May 13	Lisa Scott, Registrar
April 15	Domenic Richardi, Sheriff	May 20	Michaela Andruzzi, County Atty
April 22	Howie Chandler, MVC Admin	May 27	Will DeWitte
April 29	Jason Henry, CCHOC Supt.		

Purchase Requisition

Ms. Seamans requested permission to purchase office items. Seth Coyner at MVC was helpful in researching best pricing. Comm’r McCarthy thanked Ms. Seamans for working with him on this and she said she would like to see all department heads going through a central purchasing system.

MOTION: “To authorize the purchase office equipment and supplies totaling \$142.92 as requested for the Executive Coordinator” by Comm’r McCarthy, 2nd Comm’r Babson. Passed 3-0

Hale's Location

Treas. Costello reported he met with the Hale's office administrator, Denise Leighton, over the weekend to go over the budget approved by the delegation. Treas. Costello asked what needs to be done at Hale's in preparation for the September Primary and November General Election. Comm'r McCarthy said there's nothing Hale's has to do as Town of Conway handles the election requirements and postings. Treas. Costello questioned the \$9,000 payable from Hale's Location to the County and what is included. Ms. Leighton was told by finance staff that she has to provide stamps and envelopes if she wishes the county to mail things to or on behalf of Hale's. The commissioners agreed the cost of mailings is included in the annual stipend Hale's pays to County.

MOTION: "To approve payment of \$20 to NH Association of Assessing Officials" by Chmn. Bevard, 2nd Comm'r McCarthy. Passed 2-0

MOTION: "To approve payment of \$2,000 to Whitney Consulting" by Chmn. Bevard, 2nd Comm'r McCarthy. Passed 3-0.

Ms. Leighton provided her monthly activity report and a copy of the most recent bank statement.

Tax-Anticipation Note (Line of Credit)

Chmn. Bevard read the resolution document into the record (Attached). Chmn. Bevard announced the rate of 1.09% for the principal non-taxable amount of \$12,149,900 and the taxable amount is at a rate of 1.49% in the taxable amount of \$2,850,100. Chmn. Bevard proceeded to sign all associated documents. Ms. Armstrong will meet with Comm'r Babson to notarize his signature on the documents. Treas. Costello requested a copy of both notes.

Ms. Armstrong asked permission to allow department heads to submit their invoices for payment via email rather than in-person for the time being. The commissioners agreed this is acceptable.

Registry of Deeds – Revenue


Registrar Scott reported the preliminary 1st quarter revenue. The County will be up 7% from 2019 with March exceptionally busy with revenue 58% from March 2019 and document count up 11%.

Public Comment

Rep. Ticehurst said she did not interrupt the meeting and was not able to join at the beginning.

The meeting recessed for the weekly check signing then adjourned.

Minutes approved on

April 8, 2020

Amanda Bevard, Chairman

David Babson, Clerk


Terry McCarthy, Vice-Chairman

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE

MEMORANDUM

TO: State Agencies and Public Bodies

FROM: Gordon J. MacDonald, Attorney General
Nancy Smith, Senior Assistant Attorney General and Right-to-Know Director
J.D. Lavallee, Assistant Attorney General

RE: How to Conduct Emergency Meetings in Compliance with New Hampshire's
Right-to-Know Law (RSA Chapter 91-A) in light of COVID-19 Concerns and
applicable Executive and Emergency Orders

DATE: March 31, 2020

This memorandum provides guidance on how to hold emergency meetings in light of Executive Order 2020-04 (declaring a State of Emergency) and Emergency Order #12 (temporarily modifying public access under RSA Chapter 91-A). It sets forth specific procedures that must be followed during the State of Emergency.

While this memorandum is intended for state agencies and public bodies, it is also being released publicly and will be placed on the Department of Justice website as guidance. Attached to this memo is an outline that public bodies may use to assist with holding a meeting that is compliant with these procedures.

Determination of Emergency

Under RSA 91-A:2, III, a public body may allow one or more members to participate in a meeting by electronic or other means of communication. Under normal circumstances, a quorum of the members of the public body must be physically present in order for the meeting to take place. However, under RSA 91-A:2, III(b) if the chairman or presiding officer of the public body finds that an emergency exists and immediate action is imperative, then the chairman or presiding officer may waive the requirement that a quorum be physically present at the meeting.

Pursuant to Executive Order 2020-04, Section 8, chairs and presiding officers should continue to feel empowered to make a finding that an emergency exists due to the COVID-19 pandemic. Emergency Order #12, Section 3 further waives the requirement for a finding that immediate action is imperative before a public body can meet without a physical quorum present.

As a result, when a chair or presiding officer finds that an emergency exists pursuant to Executive Order 2020-04 and invokes Emergency Order #12, an emergency meeting can be held and no physical quorum of the public body is necessary.

Notice of Emergency Meeting

Whenever it is determined an emergency meeting will be held, a notice of the time and place of such meeting must be posted as soon as practicable. The law requires employing whatever additional means are available to inform the public about the meeting. For example, notice may be given over the radio or by e-mail, social media, or telephone to people known to be interested in the subject matter of the meeting. The nature of the emergency will dictate the type of notice that can be given. In any event, notice must be posted and a diligent effort must be made to reasonably inform the public that a meeting is to be held and the means for public access. Such efforts should be documented.

Even in situations where a majority or all of the public body is participating in a meeting electronically, the meeting must still be properly noticed at least 24 hours in advance unless the chair or presiding officer has concluded that an emergency circumstance requiring immediate action, in addition to the COVID-19 pandemic, necessitates waiving the notice requirement. While not required under the Right-to-Know law, it is generally appropriate that the notice of a meeting include or be accompanied with a brief list of the planned agenda items and a general notice that other matters within the public body's jurisdiction may be considered. Where the rationale justifying the emergency meeting is the risk of exposure to COVID-19 by physical attendance, there should generally not be a need to waive the notice requirement.

Emergency Meeting Procedure

Under the usual statutory framework, where the requirement of a physically present quorum is waived, a meeting of a public body may be conducted with most or all members participating electronically. However, the meeting must still be conducted in a manner that allows for public access. Typically, there must be a physical location specified in the notice where the public can attend at which any members physically present are located, and the remote members must participate in a manner that allows for their statements to be audible to any members of the public who are in attendance. If all members are participating electronically, then the public body must still provide a physical location to allow for public access to the meeting (even if such location is, for example, merely a room with a speaker phone).

The requirement that the public body still provide a physical location to allow public access to the meeting was waived by Emergency Order #12, Section 4, so long as the public body:

- a) Provides public access to the meeting by telephone, with additional access possibilities by video or other electronic means;
- b) Provides public notice of the necessary information for accessing the meeting;
- c) Provides a mechanism for the public to alert the public body during the meeting if there are problems with access; and
- d) Adjourns the meeting if the public is unable to access the meeting.

Emergency Meeting Member Participation

To ensure public access to the meeting, the public body must also take the following steps when a public body is conducting a meeting with remote (telephonic or video conference) members and remote public access under the emergency meeting procedures outlined above:

- a) Any member of a public body participating remotely must identify any other persons present at the location from which the member is participating; and
- b) The member(s) of a public body participating remotely are deemed to be present at the meeting for the purposes of voting.

All votes taken at a meeting at which any member participates electronically must be by roll call vote. This means that the minutes need to list all members participating and their vote on each vote. A total of Yeas and Nays is not sufficient.

Non-Public Sessions and Non-meeting Sessions

Public bodies may need to consult with legal counsel (a non-meeting) or go into a non-public session for an authorized purpose under RSA 91-A:3 or other statutory provision which authorizes a public body meet in non-public session. There has been no expansion of the criteria for non-public sessions or non-meetings under the State of Emergency at this time. Whenever feasible, public bodies should consider the meeting agenda in advance in order to ensure the feasibility of holding such sessions with the remote technology available. Strategies to minimize impact on public accessibility and ensure a coherent meeting include consulting with legal counsel before a public meeting is called to order or deferring such consultation until after the close of public session. Matters appropriate for discussion in non-public session can also be grouped together and addressed at the end of a public session.

To properly enter non-public session a public body is still required to vote, by roll call vote, to adopt a motion for a non-public session. The motion should state the statutory basis for the non-public session and must be approved by the majority of the members. If there are multiple issues to be addressed in the non-public session each issue should be identified and the specific authorization for non-public session stated. The vote to go into non-public session is taken during the public session of the meeting and recorded in the minutes of the public meeting that will be available to the public. The public minutes should explicitly identify each voting member and how he or she voted on the motion to enter non-public session.

If a non-public session occurs, a separate call in number for just the members should be used to be sure the public is properly excluded from the non-public session meeting and no unauthorized listeners remain. The public should be told they can stay on the public line or rejoin, depending on the technology used, and that the public session will resume when the non-public portion is complete. The public session must resume in order to vote on whether to seal the non-public session minutes.

Minutes of an Emergency Meeting

In all cases where the chair or presiding officer determines that an emergency exists pursuant to the COVID-19 pandemic and a quorum of the public body is not physically present,

the minutes should reflect that the public body is holding an emergency meeting pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3.

Meeting minutes compliant with RSA 91-A:2 must still be kept during emergency meetings. Minutes must include the names of the members of the public body participating in the meeting; the names of persons appearing before the body; a brief description of each subject discussed; and a description of all final decisions made, including all decisions to meet in non-public session. "Final decisions" include actions on all motions made, even if the motion fails. A clear description of the motion, the member making the motion, and the member seconding the motion must also be included. As noted above, all votes taken at a meeting at which any member participates electronically must be by roll call vote. This means that the minutes need to list all members participating and their vote on each vote.

Minutes must still be taken in non-public session, including documenting any action taken. As noted above, the minutes of non-public sessions are public documents unless the public body determines by a two-thirds roll call vote recorded in public session that the non-public session minutes are properly withheld from disclosure.

As this meeting will be conducted electronically, the Commissioners should read and vote on the resolutions below and the same should be reflected in the minutes (these resolutions are also included in the Tax Anticipation Note Certificate).

RESOLUTIONS:

1. The authorization of at least a majority of the Board of Commissioners and the Treasurer to sign the Notes or to have said signatures printed in facsimile on the Notes and to affix the Issuer's seal thereto is hereby approved, such Notes in substantially the form set forth on Exhibit A to the Tax Anticipation Note Certificate, attached thereto and made a part thereof;
2. The authorization of the Treasurer to deliver the Notes to the Purchaser (defined below) against payment therefor is hereby approved;
3. The authorization of at least a majority of the Board of Commissioners and the Treasurer to execute and deliver the Tax Anticipation Note Certificate, the Series A Note and Series B Note Line of Credit Riders (together, the "Line of Credit Riders") and IRS Form 8038-G in substantially the form presented to this meeting and such other documents as may be necessary or appropriate to accomplish the sale and delivery of the Notes in accordance with the foregoing is hereby approved;
4. The authorization of the County to act as its own Paying Agent with respect to the Notes is hereby approved;
5. The terms of the Notes including, without limitation, the amount, interest rate, premium, if any, maturity and form and the sale of the Notes to the purchaser(s) thereof as set forth on Schedule A hereto (collectively the "Purchaser"), all as being in the best interests of the County are hereby approved; and
6. The County Finance Director, with the approval of the Treasurer, is hereby authorized to sign one or more Schedules, in the form attached to such Line of Credit Rider, to draw upon such Lines of Credit.