

Carroll County Commissioners Meeting
August 2, 2017
8:30 am

Present: Commissioners Amanda Bevard, David Babson, Mark Hounsell and County Administrator Ken Robichaud.

Others Present: Domenic Richardi, Howie Chandler, Daymond Steer, Jon Ruckenbrod

Commissioner Bevard called the meeting to order at 8:30 am/ Pledge of Allegiance

Commissioner Babson motioned to approve the minutes of July 26, 2017 as corrected seconded by Commissioner Hounsell: motion passed 2-1 on a roll call vote: Commissioner Hounsell "Aye", Commissioner Babson "Nay", and Commissioner Bevard "Aye"

Public Input – None

PYO Blueberries – Commissioner Babson

Commissioner Babson reported that Saturday went very well. The field had to shut down at 10:30 am on Sunday because there was no one to run the cash box. Blueberry sales were approximately \$200.00 for the weekend. Commissioner Babson said Inmate Dan Lennon was a great help. The hours for the upcoming weekend are Saturday 8am-12pm and Sunday 10am – 2pm

Commissioner Babson motioned to go into non-public session 1 Under RSA 91-A:3, II (b) the hiring of any person as a public employee seconded by Commissioner Hounsell: motion passed on a roll call vote: Commissioner Hounsell "Aye", Commissioner Babson "Aye", Commissioner Bevard "Aye"

Commissioner Hounsell motioned to come out of non-public seconded by Commissioner Babson: all in favor. So voted

Commissioner Bevard announced that in non- public the commissioners approved the hiring of Brianne Deyermund as Victim Services Assistant

Commissioner Hounsell excused himself from the meeting.

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Domenic Richardi Digital Recorder Bids

The following two bids were received:

- | | | |
|---------------------------------|-------------------|-------------|
| 1. Exacom | Concord NH | \$30,189.20 |
| 2. Ossipee Mountain Electronics | Moultonborough NH | \$20,535.00 |

The apparent low bidder is Ossipee Mountain Electronics of Moultonborough NH. Domenic will review the bids and come back with his recommendation.

Howie Chandler – Assisted Living Update

Howie discussed the tremendous need for assisted living facilities in Carroll County. Carroll County has the oldest population and is growing fast. Howie has been working with the Carroll County Coalition for Public Health, Gibson Center and Memorial Hospital. The plan is to add an assisted living wing on MVC and build a free standing facility in Conway. How said the next logical step is to have a feasibility study done.

DOL Report

Ken discussed the report from the DOL (department of labor) with the commissioners. See attached :

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Ken Merrifield
Commissioner of Labor

Kathryn J. Barger
Deputy Labor
Commissioner

State of New Hampshire

Department of Labor

INSPECTOR'S REPORT CORPORATE WIDE TOTALS

Hugh J. Gallen
State Office Park
Spaulding Building
PO Box 2076
Concord, NH 03302-2076
603/271-3176
TDD Access: Relay NH
1-800-735-2964
FAX: 603/271-2668
<http://www.nh.gov/labor>

5/20/16	7/17/17	Platt/Fotino	51/60	R
DATE BEGAN	DATE ENDED	INSPECTOR	NUMBER	CASE #
d/b/a Mountain View Nursing Home		Public Administration	603.539.7751	
ESTABLISHMENT		TYPE OF BUSINESS	TELEPHONE NUMBER	
95 Water Village Rd		Ossipee, NH 03864	02-6000122	
PHYSICAL ADDRESS		CITY/TOWN LOCATED	EMPLOYER ID #	
Carroll County		Same		
PARENT COMPANY		MAILING ADDRESS		
krobichaud@carrollcounty.net				
BUSINESS E-MAIL ADDRESS				

PRINT OWNER'S NAME & TITLE	SIGNATURE AND TITLE	DATE
Ken Robichaud - County Administrator		
PRINT REPRESENTATIVE'S NAME & TITLE	SIGNATURE AND TITLE	DATE

Signature only confirms that the information above is correct. By signing this document the employer does not necessarily agree with the findings of the inspection report.

MATERIAL GIVEN TO EMPLOYER	NUMBER EMPLOYED	TYPE OF INSPECTION
Minimum Wage poster <input type="checkbox"/>	Male, Adult 30	Standard <input checked="" type="checkbox"/>
Protective Legislation poster <input type="checkbox"/>	Male, Minor 1	Re-inspection <input type="checkbox"/>
Whistleblowers' Protection Act poster <input type="checkbox"/>	Female, Adult 174	Special <input type="checkbox"/>
WARN Act poster <input type="checkbox"/>	Female, Minor 1	
Criteria to Establish an Employee or Independent Contractor poster <input type="checkbox"/>	TOTAL 206	
CD with Laws & Administrative Rules <input checked="" type="checkbox"/>		

VIOLATION	
Protective Legislation RSA 275	467
Citizens Job Protection RSA 275-A	6
WARN Act RSA 275-F	0
Youth Employment RSA 276-A	12
Minimum Wage RSA 279	8
Safety Law RSA 281-A:64	OK
Workers' Compensation RSA 281-A	OK
Boiler RSA 157-A	N/A
Elevator RSA 157-B	N/A

To be informed of changes in laws, rules & news
log on to www.nh.gov/labor and sign up
for E-MAIL ALERTS

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Ken Merrillfield
Commissioner of Labor

Kathryn J. Barger
Deputy Labor
Commissioner

State of New Hampshire
Department of Labor

July 24, 2017

Hugh J. Gallen
State Office Park
Spaulding Building
PO Box 2076
Concord, NH 03302-2076
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KEN ROBICHAUD, COUNTY ADMINISTRATOR
CARROLL COUNTY
MOUNTAIN VIEW NURSING HOME
95 WATER VILLAGE ROAD
PO BOX 152
OSSISPEE, NH 03864

RE: Wage Adjustment Case 52166

Dear Mr. Robichaud:

Inspector Platt and Inspector Fotino conducted an inspection of your books and records on July 17, 2017. Part of this inspection included an audit of employee wages and Inspector Platt and Inspector Fotino concluded that you owe additional wages to some of your employees. A copy of the Wage Adjustment Summary is attached for your review.

Pursuant to RSA 275:51, V, this is a demand for the payment of wages to these employees. If you object to this demand for payment, you must file an objection within ten (10) days of receipt of this letter. Your objection must state the reasons you disagree with this agency's determination. If you file an objection, please mail it to: Administrator, Inspection Division, New Hampshire Department of Labor, P.O. Box 2076, Concord, NH 03302-2076. If you file an objection, a hearing shall be scheduled. At the hearing, you shall be required to present evidence that supports your position that you do not owe any additional wages.

If you agree that additional wages are owed, please make checks payable to each employee "(Employee Name) or Treasurer, State of NH" within ten (10) days, less applicable federal taxes, and mail them to this department at the address above. Please be advised that failure to comply with this demand will result in a Civil Penalty for the violations.

Very Truly Yours,

Michele J. Small
Administrator
Inspection Division

MJS/cag
Enclosure

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State of New Hampshire
Department of Labor
Wage & Hour Inspection Division

CIVIL PENALTY PAYMENT REMITTANCE FORM (enclose with payment)

July 24, 2017

Make checks payable to: "Treasurer, State of New Hampshire" and mail to: New Hampshire Department of Labor, PO Box 2160, Concord, NH 03302-2160. For payment by credit card (MasterCard or Visa) please call (603) 271-3605.

Credit the account of: KEN ROBICHAUD, COUNTY ADMINISTRATOR
CARROLL COUNTY D/B/A
MOUNTAIN VIEW NURSING HOME
95 WATER VILLAGE ROAD
PO BOX 152
OSSIPEE, NH 03864

Invoice Number: 000350805
Case Number: 000052166

Amount Due: \$48,100.00

Amount Enclosed: \$ _____

NAME: CARROLL COUNTY D/B/A
MOUNTAIN VIEW NURSING HOME

REF: RSA 275:43	RSA 275-A:4-a	RSA 276-A:4 VIII
RSA 276-A:4 VI	RSA 276-A:11	RSA 276-A:13

Checks returned due to insufficient funds or account closed will be charged an additional \$100.00 penalty fee. By RSA 7:15a, an unpaid debt may be assigned to the Attorney General for collection.

THE CHECK MUST BE ACCOMPANIED WITH THIS REMITTANCE FORM

PIN056I

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Ken Merrillfield
Commissioner of Labor

Kathryn J. Barger
Deputy Labor
Commissioner

State of New Hampshire

Department of Labor

July 24, 2017

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KEN ROBICHAUD, COUNTY ADMINISTRATOR
CARROLL COUNTY D/B/A
MOUNTAIN VIEW NURSING HOME
95 WATER VILLAGE ROAD
PO BOX 152
OSSISPEE, NH 03864

RE: FEIN # 026000122, Case 000052166, Invoice 000350805

Dear Mr. Robichaud:

Recently, your business was inspected by Inspector Piatt and Inspector Fotino, who prepared a report, dated July 17, 2017. The purpose of the inspection was to check if your business was in compliance with New Hampshire labor laws. These violations were found, for which you are issued this Warning:

RSA 279:27	The Minimum Wage - Record Keeping
RSA 275-A:4-a	The Citizens Job Protection Act - Missing Documentation to Prove Status

For the violations listed above, the Department of Labor proposes no civil penalty. Rather, this letter is a warning under RSA 273:11-a, allowing you 30 days to correct the violation. However, any future violations of these laws will result in civil penalties.

The inspection also found these violations, for which a civil penalty is Proposed:

RSA 275:43	The Protective Legislation - Paying Wages Later than Designated Payday
RSA 275:43	The Protective Legislation - Not Paid Due to Miscalculations Errors
RSA 275-A:4-a	The Citizens Job Protection Act - No Documentation to Prove Status
RSA 276-A:4 VIII	The Youth Employment - Working Without Parent Permission
RSA 276-A:4 VI	The Youth Employment - Prohibitions - Students
RSA 276-A:11	The Youth Employment - Exceeding Hours for Certain Labor
RSA 276-A:13	The Youth Employment - Exceeding Night Work Limitations

Based on the nature of these violations, the Department of Labor proposes a civil penalty for these violations of \$48,100.00, calculated at \$100.00 x 467, under RSA 275:43; \$100.00 x 2, under RSA 275-A:4-a; \$100.00 x 6, under RSA 276-A:4 VIII; \$100.00 x 2, under RSA 276-A:4 VI; \$100.00 x 2, under RSA 276-A:11 and \$100.00 x 2, under RSA 276-A:13.

You can respond to this proposed civil penalty in three ways.

First, if you are now in compliance with the violations cited and you wish to discuss the amount of the civil penalty, you may request an informal conference. Contact this Department at (603) 271-0127. The purpose of the informal conference is to provide documentation to show that the cited violations have been corrected. The informal conference is optional and you are not obligated to request one; however the purpose is to ensure compliance with the labor laws so future violations do not occur.

PIN056IWC.doc rev

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KEN ROBICHAUD, COUNTY ADMINISTRATOR
CARROLL COUNTY D/B/A
MOUNTAIN VIEW NURSING HOME
July 24, 2017
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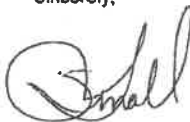
Second, if you wish to formally dispute whether these violations occurred or the amount of the proposed civil penalty, you have the right to request a formal hearing. To do so, send a letter within 30 days to: Administrator, Inspection Division, NH Department of Labor, PO Box 2076, Concord, NH 03302-2076. Include the Case number above. A hearing will be scheduled before a hearing officer, using the procedures spelled out in administrative rules chapter Lab 200 (available at www.nh.gov/labor). At the hearing, you may present witnesses, introduce evidence and establish such facts as you believe will support your position.

Third, you can waive your right to any hearing and pay the enclosed invoice within 30 days. For payment by credit card (MasterCard or Visa) please call (603) 271-3605.

If you do not respond to this letter by requesting either a formal hearing or informal conference, then the proposed civil penalty will be presented to a hearing officer for final decision and you will be responsible to pay that decision. If you do not pay voluntarily, the Department may use its collection powers of RSA 281-A:57-a, including liens against property, or request the assistance of the state Attorney General.

If you have any questions, feel free to contact this Department at (603) 271-0127.

Sincerely,



Michele J. Small
Administrator
Inspection Division

MJS/cag
Enclosure

PIN058WC.doc rev

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EMPLOYER: Carroll County d/b/a Mountain View Nursing Home

5100 – 2 Violations	5170 – 11 Violations
5130 – 33 Violations	5190 – 3 Violations
5140 – 141 Violations	5191 – 9 Violations
5150 – 7 Violations	

(See Each Location's Wage Adjustment)

The employer failed to pay 7 employees the correct rate of pay for the weekend stipend. This occurred in 2 of the 8 departments.

5130 – 6 Violations

5191 – 1 Violation

(See each location's Wage Adjustment)

The employer failed to pay 120 employees who worked less than 5 hours in a day for the 15 minutes due to the timekeeping system being programed according to the employer's lunch policy. When interviewing the employer, the employer stated that employees working less than 5 hours do not take a half hour lunch. The wage adjustment reflects all time worked prior to the scheduled time in. This occurred in 6 of the 8 departments.

5130 – 22 Violations

5140 – 80 Violations

5150 – 2 Violations

5160 – 1 Violation

5170 – 6 Violations

5191 – 9 Violations

(See each location's Wage Adjustment)

The employer failed to pay 134 employees correctly for all wages due on payday. The employer did not calculate the benefit of working the Thanksgiving and Christmas holiday in 2015 correctly and made the difference up in later dates. Employees were paid late for other pay periods when the employee realized they were not paid correctly. This occurred in 6 of the 8 departments.

5130 – 24 Violations

5140 – 94 Violations

5150 – 2 Violations

5170 – 9 Violations

5190 – 1 Violation

5191 – 4 Violations

(See Late Pay worksheets)

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EMPLOYER: Carroll County d/b/a Mountain View Nursing Home

3. **8 Violations of RSA 279:27 Records of Hours and Wages.** - Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner or the authorized representative at any reasonable time. Every employer subject to a statutory minimum wage shall keep a copy of such statutory minimum wage posted in a conspicuous place in every establishment in which employees are employed. Employers shall be furnished copies of posters on request without charge.

Lab 803.03 Notification and Records.

- (f) Pursuant to RSA 279:27 and RSA 275:49, VI, relative to record keeping requirements, every employer shall:
- (1) Record payroll information so that time records, showing the time work began and ended including any bonafide meal periods, shall support individual pay sheets and that payroll sheets, in turn, shall support canceled checks or cash receipts;
 - (2) Require that time records with entries that are altered shall be signed or initialed by the employee whose record was altered;
 - (3) Not make use of automated time keeping devices or software programs that can be altered by an employer without the knowledge of the employee, or that do not clearly indicate that a change was made to the record;

During the entire inspection period, the employer failed to have time records with entries that were altered signed or initialed by the employees whose records were altered. This occurred in all 8 departments.

4. **6 Violations of RSA 276-A:4 Prohibitions.** - VIII. No youth 16 or 17 years of age shall be employed by an employer unless the employer maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment.

Lab 1002.02 Parental Permission Requirements.

- (a) In accordance with RSA 276-A:4, VIII, no youth 16 or 17 years of age shall be permitted to work without prior written authorization by the youth's parent or legal guardian.
- (b) The parental permission shall include the following:
- (1) The establishment's name and location;
 - (2) The date permission is given by the parent or legal guardian;
 - (3) The signature of the parent or legal guardian.
 - (4) The title of the position the minor will fill or a description of the work activities; and
 - (5) The minor's date of birth.
- (c) The parental permission shall be on file at the establishment's worksite prior to the first day of employment

The employer allowed 6 youths aged 16 or 17 to work without first obtaining written parental permission. This occurred in 2 of the 8 departments.

5130 - 4 Violations

5140 - 2 Violations

(See Youth Permission Worksheet)

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EMPLOYER: Carroll County d/b/a Mountain View Nursing Home

5. **2 Violations of RSA 276-A:4 Prohibitions.** - VI. No youth 16 or 17 years of age who is duly enrolled in school shall be permitted to work more than 6 consecutive days or more than 30 hours during the school calendar week, which shall be Sunday through Saturday.

*The employer allowed 2 youths [REDACTED] and [REDACTED] age 16/17 to work hours in violation of this section. This occurred in the 5130 department.
2 violations working over 30 hours during the school calendar week.
(See Attached Youth Hours Worksheet)*

6. **2 Violations of RSA 276-A:11 Certain Labor.** - In addition to the prohibitions listed in RSA 276-A:4, III, IV, V, VI, and VII no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10- 1/4 hours in any one day, or more than 54 hours in any one week.

*The employer allowed a youth [REDACTED] work more than 10 ¼ hours in a day on 2 occasions. This occurred in the 5140 department.
(See Attached Youth Hours Worksheet)*

7. **2 Violations of 276-A: 13 Night Work.** -No such youth shall be employed or permitted to work at night work more than 8 hours in any 24 hours nor more than 48 hours during the week. If any youth is employed or permitted to work more than 2 nights each week, for any time between the hours of 8 o'clock p.m. and 6 o'clock a.m. of the day following, such employment shall be considered night work.

Lab 1002.03 Hours Limitations.

(c) Pursuant to RSA 276-A:13, any youth scheduled to work more than 2 nights in a week past 8 o'clock p.m. shall not be permitted to work more than an 8 hour shift during that particular week.

*On 2 occasions the employer allowed a youth [REDACTED] to work more than 8 hours in any 24 hours, when the youth was permitted to work more than 2 nights in the week. This occurred at the 5130 department.
(See Worksheet – 16/17 Youth Hours)*

NOTE:

*To be informed of changes in laws, rules, news, etc. log on to
WWW.NH.GOV/LABOR
and sign up for e-mail alerts.*

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Hales Location

Ken presented the commissioners with the following checks signature:

1. Ck # 2127	Town of Conway	\$17,708.40
2. Ck # 2128	Porter Office Machines	\$ 216.86
3. Ck # 2129	Fairpoint Communications	\$ 152.17
4. Ck # 2130	Petty Cash	\$ 23.53
5. Ck # 2131	Kathleen Vizard	\$ 1,333.33

Commissioner Babson motioned to allow the Chairman to sign all checks from hales location seconded by Commissioner Bevard: motion passed on a 2-0 vote

Administrator Update

Ken has done some research on the HUB Zones. They use the following data for this program:

1. Population
2. Poverty Rate
3. Unemployment Rate
4. Median Income
5. Census

Ken is going to contact the Grant Review Committee to look at the sheriff's grant.

Haying is going well 5,320 bales in the barn which is 543 bales above LY.

Commissioner Updates

Commissioner Babson said the hayfields need to be maintained.

Commissioner Babson asked who is on the Ad Hoc Committee and said they should tour the county property.

Commissioner Bevard said she received an email about using the land for community gardens

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Domenic Richardi

Domenic recommends giving the digital recorder bid to Ossipee Mountain Electronics at a price of \$20,535.

Commissioner Bevard motioned to accept the bid from Ossipee Mountain Electronics in the amount of \$20,535 seconded by Commissioner Babson: motion passed on a 2-0 vote.

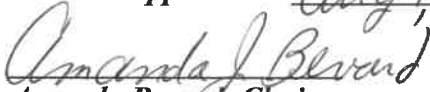
Commissioner Babson motioned to go into non-public session 2 Under RSA 91-A: 3 Paragraph II (a) the dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted seconded by Commissioner Bevard Motion passed on a roll call vote: Commissioner Babson "Aye", Commissioner Bevard "Aye"


Commissioner Babson motioned to come out of non-public seconded by Commissioner Bevard: all in favor. So voted

Commissioner Bevard motioned to seal the non-public minutes of session 2 August 2, 2017 seconded by Commissioner Babson: all in favor. So voted

Commissioner Babson motioned to adjourn seconded by Commissioner Bevard: all in favor. So voted

Minutes Approved on Aug 9, 2017


Amanda Bevard, Chairman


David Babson, Vice Chair


Mark Hounsell, Clerk