

Grafton County Delegation Reorganization Meeting
Grafton County ~ UNH Conference Room
North Haverhill, NH
Wednesday December 10, 2008

PRESENT: Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Ward, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding. Commissioner Cryans, Executive Director Julie Clough and Sec. Martino

EXCUSED: Reps. Matheson, Ingbretson, Nordgren, Benn and Pastor-Bodmer

PUBLIC: Harold Brown and Register of Deeds Bill Sharp

Commissioner Cryans called the Meeting to order at 10:05 AM and began by introducing himself and the other two Commissioners who were not in attendance, each who represent one third of the population. He welcomed everyone for coming and asked everyone be sure to give their contact information to either Director Clough or Jeri.

Commissioner Cryans said that the way the Executive Committee has typically been chosen was by Commissioner District and that it was usually broken down into three districts and three members onto the Executive Committee. The last Committee was broken down into three Republicans and six Democrats. The Delegation could choose to do this however they wanted. There was a discussion about splitting up into parties and making choices that way.

Rep. Williams asked that everyone introduce themselves and tell a little bit about themselves, which everyone did.

Rep. Anderson suggested that the choosing of the Executive Committee seemed to have been decided prior to the meeting which he felt was unexceptable. He said that everything should be done properly. Rep. Almy noted her perception of how things worked, which she said had eventually become a matter of calling around to newly elected delegates and see who was interested in serving.

Rep. Ward said that his recollection was that it was broken down into districts to caucus.

Commissioner Cryans then noted that he was currently playing a role in this meeting because there are no officers at this point but that it is the Delegations' meeting and their decision.

D. Pierce asked if there was a rule or statute that determines the number of people who serve on the Executive Committee, or could they have six. S. Almy said it is not dictated by statute. She added that if they continued to do it the same way as in the past, in particular overseeing all the department. budgets, then you couldn't do it with just six people.

R. Bulis asked exactly what the role of the Delegation and Executive Committee consisted of, to which B. Williams answered that the Delegation is the legislative body of the County and the Executive Committee works as a budget committee to oversee the financial end. He then read from a list of duties that the Executive Director had written up as to the duties of the Executive Committee such as when they meet etc.

J. Aguiar said that the only real control that the Delegation has over the County is the budget and its bottom line.

D. Pierce asked if the Executive Committee has any independent authority to enact legislation or does that have to go through the Delegation. S. Almy replied that the only authority is the ratification of the Commissioners decision of line item transfers.

J. Aguiar said that if they so desired, the Delegation could come up with rules as to how they would govern their body, and that would be done at this time.

B. Ward likened the Commissioners to the town Selectmen and that the Executive Committee is used as a liaison to the Delegation to pass on information. S. Almy added that it is also the responsibility of the Executive Committee to voice, on behalf of the Delegation, their displeasure at some of the Commissioners decisions.

B. Williams said that it is the Delegation's budget in the end. Commissioner Cryans concurred and then explained the budget process.

J. Aguiar said that the Delegation votes on a number and the Commissioners can spend that money as they want.

There was further discussion as to how the decisions would be made to choose the Executive Committee, whether it be districts or caucuses.

J. Aguiar said that it was important that if they break into caucuses that they be careful. Director Clough said that if they break out to caucus, then it had best be Republican and Democrat.

R. Bulis moved to continue with a six/three split (Democrat/Republican), which was seconded by G. Andersen. All (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Ward, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

R. Bulis moved to adjourn to caucus, which was seconded by R. Ladd.

RD Sharp spoke and said that rules could be made now if they wanted since there were no rules in place. Adding that if the group breaks up, the whole body will have to ratify the decisions.

When the vote came down all (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Ward, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

10:45 AM Republicans adjourned to the Commissioners Conference Room upstairs, Democrats remained and all other parties were removed from both areas while the doors were closed behind them. The audio recorder was turned off.

11:30 AM Everyone returned to the UNH Conference Room, the audio was turned back on and the roll call was taken by Sec. Martino.

The following members were present: Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding. B. Ward did not return to the meeting at this time as he had been called to appear at Superior Court.

R. Bulis and the Republican caucus nominated E. Gionet, B. Ward and B. Williams to the Executive Committee.

K. Taylor and the Democratic caucus nominated J. Aguiar, C. Friedrich, S. Laliberte, C. Mulholland, P. Preston and S. Ford.

D. Pierce moved to accept the nominations, which was seconded by L. Harding. All (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

Commissioner Cryans then asked for nominations of the three officers calling first for nominations for Chair.

Rep. Bulis moved to nominate J. Aguiar, which was seconded by R. Ladd.

Rep. Preston moved to nominate C. Mulholland, which was seconded by L. Harding.

Rep. Bulis moved to close the nominations, which was seconded by L. Harding. All, (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

Both candidates for the position of Chair gave small speeches as to their qualifications etc.

D. Pierce moved to vote by secret ballot, which was seconded by S. Ford.

S. Almy said that she was not sure of the legality of that and said that it might need to be by signed ballot or to vote publicly.

D. Pierce withdrew his motion and S. Ford withdrew the second.

G. Andersen moved to vote by open ballot, which was seconded by E. Gionet. 19 were in favor (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), 1 opposed (Aguiar)

The vote was taken by roll call by Sec. Martino

Twelve members (Reps. Taylor, Ford, Aguiar, Cooney, Smith, Preston, Pierce, Laliberte, Mulholland, Townsend, Almy and Harding), were in favor of C. Mulholland.

Eight members (Reps. Bulis, Gionet, Ladd, Friedrich, Maybeck, Williams, Andersen and Gould) were in favor of J. Aguiar.

Rep. Mulholland was chosen as chair.

D. Pierce moved to nominate B. Williams as Vice Chair, which was seconded by S. Laliberte.

D. Pierce moved to close the nomination which was seconded by S. Ford. All (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding) were in favor.

On the vote of B. Williams as Vice Chair, all (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

B. Williams moved to nominate P. Preston as Clerk, which was seconded by S. Laliberte.

L. Harding moved to close the nominations, which was seconded by D. Pierce. All (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

On the vote for P. Preston as Clerk, all (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

The Executive Committee and its officers were elected.

G. Andersen asked about the Jail project and Commissioner Cryans began by saying that the court decision had been rendered and that it was determined that the Delegation vote

stood and that the gathering of two Commissioners and two other parties was not considered a meeting, though an earlier meeting on the day of the bond vote was considered to be a meeting. Now there is a waiting period until the appeal process can be pursued

S. Almy asked when the appeal process is closed and how the payment of legal fees will be determined. Commissioner Cryans said there is still a negotiation on the legal fees and the appeal process begins when the legal fees have been settled.

D. Pierce said there has to be a final order by the court and if the fee issue is still outstanding the court will have to rule on that first.

Commissioner Cryans said that he hopes that the process will move along because the conditions of the Jail are not improving and there is a huge need for it. He encouraged those who have not toured the Jail to do so.

J. Aguiar said that at one time there was a suggestion that a committee be formed to look at the long term viability of the Farm and perhaps other things such as longevity and questioned whether this would be a good time to set that up. C. Mulholland said that there will be an upcoming Executive Committee meeting and that might be a better time to do that so that specifics could be instituted. S. Almy said that the full Delegation should be invited should someone be interested in sitting on that committee.

C. Mulholland said that Commissioner Richards wants to get the whole Delegation together for an Alternative Energy information meeting in February.

R. Bulis said that he would like to talk about the Jail project and feels that there needs to be a discussion about it.

R. Ladd moved that the Delegation set a date and a time to meet to discuss the Jail project and that no further activity on the project take place until that meeting occurs, which was seconded by B. Williams.

Discussion:

S. Almy said that there is no need to get a new cost on what it will be to build the Jail until there is a date known as to when it could potentially be built. B. Williams agreed but said that it should be done at the call of the Commissioners, when they know what can be done. R. Bulis said that the new members of the Delegation need to know what's going on and agreed that it should be at a time when it can go forward.

J. Aguiar said that he would like to see a separation of the motion in that a meeting should be held and at that time decide what to do.

E. Gionet referred to a letter from the town of Lincoln who met with Commissioner Burton, Director Clough and Superintendent Libby regarding the Jail, which discussed their hope that the County not continue to pursue continual litigation.

L. Harding suggested that part of the tour on January 9th include some information on the Jail project, which Director Clough said it would be.

R. Ladd said that living in Haverhill, he is familiar with the Jail project and that there are concerns from constituents about cost, taxes etc. and he knows there is a need for a new Jail but there is also a need to understand costs of the litigation and potential bonding, in open session.

D. Pierce moved to divide the motion made by R. Ladd, to have a meeting at the call of the Commissioners and to go forward when there is an opportunity to do so, and the second part would be to stop all progress until that time, which was seconded by S. Ford.

Discussion:

R. Bulis did not see the purpose of doing that since there is no progress so far anyway.

Director Clough spoke and said that the vote taken on February 11th has been held valid by the Court. This means that things can go forward however, if they make a motion to halt the process, then all that will be left is old information that will not be pertinent to the future.

E. Gionet asked if that would be prudent to do considering the fact that there is still pending litigation.

Director Clough said that she thought that they should at least be ready to go forward when the time comes.

D. Pierce said that the availability of the appeal period is a consideration and that there is a small likelihood of being successful, not saying that they should go full forward but that interim work can be done.

S. Almy said that it seems prudent to go ahead and re-estimate the project. Commissioner Cryans said that the Board of Commissioners has asked Director Clough to check with the County lawyer and to get some parameters on time, saying that if it seems that it may be a short time then that's one thing though the appeal process may take longer.

B. Williams said that he would agree and that their hands are tied until the appeal process is done.

Director Clough said that they can go forward, however, as there is money in the budget and the only thing being held up is the bonding process.

D. Pierce suggested to Director Clough that the County direct legal council (if appeal is taken) to ask for an expedited hearing.

G. Andersen suggested not dividing the question as the actual meat of it (the question) is that there should be no going forward.

D. Pierce withdrew his motion to divide the question.

S. Ford withdrew her second.

F. Gould said that he would like to know the current figure first before deciding not to continue, S. Ford said that having visited and speaking to Supt. Libby, she felt more up to date but would like an update of what is going on now, which K. Taylor agreed with.

P. Preston called the question.

B. Williams said that there is a legitimate vote from the Delegation to go forward but that he wants to be brought up to date.

M. Cooney said that they didn't need to vote on this, but to just go forward. She said an informational meeting will be satisfactory and that she doesn't want to see any more delays.

C. Mulholland asked who was in favor of calling the questions and all (Reps. Mulholland, Almy, Williams, Gionet, Bulis, Laliberte, Preston, Aguiar, Friedrich, Cooney, Taylor, Ford, Ladd, Smith, Maybeck, Pierce, Townsend, Andersen, Gould and Harding), were in favor.

The motion was repeated by the Secretary which R. Ladd said was not fully correct. The correct motion was read "that the Delegation set a date and a time to meet to discuss the Jail project and that no further activity on the project take place until that meeting occurs". P. Preston took a roll call vote.

13 were opposed (Reps. Taylor, Ford, Aguiar, Cooney, Smith, Preston, Pierce, Laliberte, Mulholland, Townsend, Almy, Gould, and Harding), 7 were in favor (Reps. Bulis, Gionet, Ladd, Friedrich, Maybeck, Williams, and Andersen). Motion failed.

Rep. Andersen moved to adjourn which was seconded by Rep. Gionet. All were in favor. The meeting was adjourned at 12:20 PM

Respectfully submitted,

Phil Preston, Clerk