

County of Sullivan, NH

Type of meeting: Board of Commissioners, Exec. Sess. Meeting Minutes Not Sealed
Date/Time: Monday, September 23, 2013, 4:21 PM
Place: Unity County Complex, Sullivan County Health Care Facility, Frank Smith Living Room – 1st Floor, 5 Nursing Home Drive, 03743

Attendees: Commissioners Jeffrey Barrette – Chair, Bennie Nelson – Vice Chair and Ethel Jarvis – Clerk, Marc Hathaway – County Attorney, and Sharon Callum – Minutes Taker.

Agenda Item No. 10. Possible Executive Session Per RSA 91-A:3.II.e. Consideration or Negotiation of Pending Claims or Litigation

4:21 Motion: to go into Executive Session per RSA 91-A:3.II.e. for a pending litigation issue. Made by: Jarvis. Seconded by: Nelson. Roll call vote was taken. All voted in favor of the motion. Those in Executive Session were Commissioners – Jeff Barrette, Ben Nelson and Ethel Jarvis, County Attorney Marc Hathaway and Sharon Callum.

Mr. Hathaway presented a 'Confidential' marked package to the Commissioners. Hathaway briefed the Board on the agreement signed with Ricci Consultants for GASB 45 consulting; and the agreement negotiated between Sullivan County and Ricci Consultants to release each from their agreement, and the 'not to sue' agreement agreed to. He noted, the case is now approaching trial in October and the County has received a '*production of documents and person for possible deposition*' request. Hathaway notified Sharleen Joy Davis of O'Connor, Carnthan & Mack LLC that the person most involved in this case for the County, former County Manager Greg Chanis, is now in CA. Hathaway pointed out the documents requested: reflected on Page 5, paragraph III, requested by subpoena made on behalf of MA trial court. He noted, they do not have authority in NH, and noted this is elective for Sullivan County to respond to. He noted they previously made a disclosure in 2011 – copies included in the package presented to Board today. The Board members are okay with producing the documents as long as it does not take up too much time of the staff. Callum noted she'd work with staff to attain the requested documents. Hathaway noted, any searches should reference: "Bournival", "KMS", and "Ricci Consultants". He indicated, they may, or may not request a deposition – if they request it, it would be at an attorney's office.

The Board decided their conversation held today would not need to be kept sealed.

4:35 Motion: to come out of executive session. Made by: Nelson. Seconded by: Jarvis. Voice vote: All in favor.

Respectfully submitted,


Ethel Jarvis, Clerk
Board of Commissioners

EJ/sjc

Date minutes approved: October 21, 2013