

MINUTES
Cheshire County Commissioners Meeting
Wednesday, May 05, 2021
County Hall
12 Court Street, Keene, NH 03431

Pursuant to Emergency Order #12 and Pursuant to Executive Order 2020-04
This meeting will be conducted electronically.

Conference Call Information
Phone Call-in Number: +1 646 558 8656
Meeting ID: 409 748 8803
Pin #: 6031233

Present: Commissioners: Jack Wozmak, Robert Englund, and Terry Clark

Staff: County Administrator Coates, Finance Director Trombly, IT Director Hummel, APRA Project Manager Pearson, Assistant County Administrator Bouchard.

Guest(s):

At 9:30 AM, Commissioner Wozmak opened the meeting, and County Administrator Coates conducted a roll-call of the Commissioners attending the meeting. Commissioners Englund and Clark responded as "present."

Commissioner Wozmak then moved to conduct this meeting as an emergency meeting under the relevant provisions of NH RSA 91-A and consistent with the recommendations contained in Executive Order 2020-04 Order 12 issued by Governor Sununu. Commissioner Englund seconded the motion, and upon roll-call vote, the motion passed unanimously.

Emergency Order #12 Pursuant to Executive Order 2020-04 Temporary modification of public access to meetings under RSA 91-A Pursuant to Section 18 of Executive Order 2020-04, it is hereby ordered, effective immediately, that:

1. Pursuant to Executive Order 2020-04, paragraph 8 provides: "State and local government bodies are permitted and encouraged to utilize the emergency meeting provisions of RSA 91-A to conduct meetings through electronic means while preserving, to the extent feasible, the public's right to notice of such meetings and ability to observe and listen contemporaneously."
2. Pursuant to Emergency Order #2 issued pursuant to Executive Order 2020-04, gatherings of fifty people or more are prohibited.
3. To implement these orders and recommendations, the requirement in RSA 91-A:2, II 1 (b), that a quorum of a public body be physically present unless immediate action is imperative, is waived for the duration of the State of Emergency declared in Executive Order 2020-04.
4. To further implement these orders and recommendations, the requirement in RSA 91-A:2, II 1 (c), that each part of a meeting of a public body is audible or otherwise discernible to the public "at the location specified in the meeting notice as the location of the meeting," is waived for the

duration of the State of Emergency declared in Executive Order 2020-04 so long as the public body:

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

Coates then outlined the rules of the meeting.

1. The public has an opportunity at the beginning of the Commissioners Meeting under "Public Comment" to speak. Community input will not be allowed after that point unless recognized and allowed by the Chair of the Commissioners.
2. All votes will be Roll Call, and when recognized, we are asking that you re-state your name and yes or no
3. If you have a question or motion that you would like to ask to put forward, please state the following, "Mr. Chair, Commissioner (your name) has a question or motion."
4. If you are having issues hearing the call, please text or call the County Administrator at 603-313-9002.
5. Please mute your phones so background noise won't interfere with the meeting.
6. This meeting has been posted on our website so that the Community, department heads, and media can listen to the meeting.
7. This meeting is utilizing a Zoom Platform so listeners can join us via audio or audio/visual.

At 9:32, AM the Chair opened the meeting and recognized Hummel to discuss Master Item Agenda #884: Semi-Annual Report – Information Technologies.

1. Supply Chain Compromise

Attacks directed against the County have increased sharply over the past four months - both generalized and targeted. The Increases are focused in three main areas but are all email-based.

- 1.1 *Attempts to infect/compromise directly the email server itself.*
- 1.2 *Attempts to use bogus emails to convince users to infect/compromise their county workstation.*
- 1.3 *"Supply chain" attacks - compromising trusted vendors as a path into the County.*

On January 5, security researchers discovered a number of severe vulnerabilities in Microsoft's Exchange email server program. A day later, attacks using those vulnerabilities were already taking place. Microsoft released patches on March 2.

Cheshire county does not use Exchange, although the State of NH and many cities, towns, organizations do. As such, these vulnerabilities do not directly affect our mail server. The increased activity by bad actors looking for vulnerable Exchange mail servers has Increased traffic at our mail server.

This situation also represents an increased threat because the chance of a trusted entity being compromised and bad actors using that to move laterally into our systems is very real. Unlike consumer-

type attacks where an isolated computer might be corrupted, causing the loss of personal documents or photos, these compromises are the start of so-called "supply-chain" attacks.

A supply-chain attack is one where a trusted vendor, often one with privileged access, is compromised first. Subsequently, the compromised vendor is used as a platform to launch remote Code Execution (RCE), server hijacking, backdoors, data theft, and potentially further malware deployment on the vendor's clients. In essence, by blindly trusting vendors, we lower our security to the level of the lowest common denominator.

Examples of real supply-chain attacks involving Cheshire county include the construction company DEW, Cheshire Medical Center, and Health Plans Inc. The email sent out came from the company's legitimate servers. However, the payloads they contained were malicious. These attacks were detected and blocked at various stages of processing by scanning the documents themselves and flagging suspicious connections.

In another case, a supplier that handles our flex-spending accounts changed its company name. Its old domain, "ipgbenefits.com," was bought by a company in China. Mail sent to those old email addresses is received by the Chinese and used to form lists of possible phishing targets. Phony emails, responding to the county emails, contained malware. Employees continued to send email to the old address until it was blocked in our email server.

Another increasing route of compromise involves county employees. Recently, a county employee's personal email (most likely on a home computer or smartphone) was compromised (April 2021). The situation gave the hacker access to all of the employee's email. An email from a county account to the personal account was intercepted by the malware. The hacker then responded to the county account in the same conversation with an email that contained a malware payload. The attempt was detected and defeated by the security programming we put in place in the email server.

2. Email Abuse

The ubiquity of email makes managing this threat difficult and unpopular. A significant number of employees - mainly those higher in the hierarchy - use their county email inappropriately. The main abuses involve using county email for personal business.

County employees frequently use their government email address for:

- Real estate transactions*
- Hair and nail appointments*
- Vacation and travel*
- Pet supplies and veterinary appointments*
- Personal credit card statements*
- Mortgage and line-of-credit statements*
- Car and homeowner insurance claims*
- Sports and hobby activities*
- Concert tickets*
- Food vendors*
- Car repair and purchase*
- Personal shopping*
- Forwarding mail from their personal email to bypass security measures*

The emails generated by these activities include direct communications, solicitations, and marketing from the directly contacted vendor. In addition, vendors sell these "qualified" addresses to other firms to produce a revenue stream. There is usually only one argument for using county email for your personal email - it's convenient. That is a weak argument in light of the consequences for that convenience.

2.1. Personal email is archived per the County's standard procedure, potentially forever, and subject to discovery searches and disclosures. It is very likely that personal email will end up in a court filing or FOIA response.

2.2. County email is not private and there is no expectation of privacy. Administrators and supervisors may have access to email without notice. In cases where email accounts are shared, employees may pry into the personal lives of other employees.

2.3. It increases the amount of SPAM the County must deal with. By posting or registering with a county email address in non-work related forums and services, the email address is put on more lists and becomes involved in more breaches. Verified county email addresses are valuable to people doing spear phishing and blind marketing (also known as unsolicited commercial email).

2.4. It increases attacks against the County and can lead to successful attacks. When a forum or online service is compromised, user and password combinations found are tried against other services. If a compromised user has a county email address, hackers will immediately start trying that same password and derivatives against the county email account and other county assets. Password reuse across many services is a big problem.

2.5. It increases the amount of email the County must save. This increase in cost is significant. Storage costs are one obvious concern, but the time and cost required for backup, disaster recovery, archiving, discovery searches, email migrations, and other tasks are more increased by storing non-business email.

2.6. Because each email represents a potential threat, unnecessarily increasing the volume of email translates into unnecessarily increasing the workload on IT staff and the risk to the County.

3. PII Leakage

PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any information which is linked or linkable to an individual. Some PII is not sensitive, such as that found on a business card. Other PII is Sensitive PII, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. Sensitive PII requires stricter handling guidelines.

Examples of Sensitive PII include: Social Security number (SSN), alien registration number (A-Number), or biometric identifier (e.g., fingerprint, iris scan). Other data elements such as a driver's license number, financial information, citizenship or immigration status, or medical information, in conjunction with the identity of an individual, are also considered Sensitive PII. In addition, the context of the PII may determine its sensitivity, such as a list of employees with poor performance ratings.

A privacy incident is defined as the actual or potential loss of control, compromise, unauthorized disclosure, unauthorized acquisition or access to Sensitive PII, in physical or electronic form. Privacy incidents occur primarily when employees fail to use appropriate controls while accessing, using or sharing Sensitive PII or when they use Sensitive PII for an unauthorized purpose.

When PII leakage is detected and brought to their attention, employees often explain the practice by stating there is no other way to do their job or that it has always been done that way. PDF documents containing PII and medical information are routinely exchanged in insecure email to the state and other providers. This is prevalent in dealing with state and federal agencies involved in medical cost reimbursements.

Examples include:

3.1 County staff sending plaintext name/DOB/SSN to an external vendor for benefits enrollment.

3.2 Outside services (UNUM, Richards Group) send emails to the County with plaintext PII.

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3.3 Employees exposing their own PII in email from a personal account to a county account. This is sometimes done at the request of a county employee. In one case, asking for a picture of a driver's license as well.

3.4 City of Keene staff emailing PII of suspects to the county Sheriff Department in plaintext.

3.5 The FBI emailing name/DOB/SSN in plaintext to HOC staff.

NH RSA 359-C requires any person doing business in New Hampshire to notify (or cooperate in notifying) those individuals who are affected by any security breach of unencrypted computerized data that contains personal information.

To the best of my knowledge, the County does not have a policy or mechanism in place to comply with the notification requirements. I brought this to the attention of the County Administrator who is currently working on a policy for notification or other remediation that may be required in the event of a privacy incident.

Hummel spoke to the document that he provided to the Commissioners and referenced concerning email security attacks and other hacking attempts. He spoke at length on various cases that IT has seen over the past few months and reported that none of the attacks have been successful thus far.

He then addressed the use of Personal Information that is sent and received from several sources and discussed several ways to mitigate the exposure of the data. The way that the County and its vendors use email and the introduction of email encryption was discussed and will be investigated further.

The Commissioners thanked Hummel for his presentation.

At 9:59 AM Master Agenda Item#885: American Rescue Plan Act (ARPA) State and Local Funding Presentation was addressed by Will Pearson who presented the following slides to discuss the rollout of the ARPA funding.

The American Rescue Plan
&
Cheshire County

Cheshire County ARPA Clearinghouse – State & Local



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5 “Buckets” of Funding

- Coronavirus Relief Fund (CRF) [\$150 Billion]
 - NH: \$1.25 billion
- State Fiscal Recovery Fund [\$219.8 Billion]
 - NH: \$959 million*
- Local Fiscal Recovery Fund [\$130.2 Billion]
 - NH: \$458 million*
- Coronavirus Capital Projects Fund [\$10 Billion]
 - NH: \$122 million*
- Local Assistance & Tribal Consistency Fund [\$2 Billion]
 - NH: N/A

*NHMA Estimate.

Coronavirus Relief Fund (CRF)
[\$150 Billion]

- Established in the Coronavirus Aid, Relief, and Economic Security (CARES) Act and expanded by the Consolidated Appropriations Act of 2021, Treasury is obligated to disperse these funds directly to the States, local, and tribal governments.
- *As of February 8, 2021, the State of New Hampshire had received its total CRF award of \$1.25 billion (the minimum award per CARES). As of April 28, 2021, the State of New Hampshire had distributed \$982,831,831.85 (~79%) of its CRF funding through the Governor's Office for Emergency Relief and Recovery (GOFERR).**

*See <[https:// www.goferr.nh.gov/](https://www.goferr.nh.gov/)>.

State Fiscal Recovery Fund [\$219.8 Billion]

- States will receive a total of \$195.3 billion in aid.
 - *NH estimate: \$959 million.**
- To the extent practicable, payments will be made to States and territories no later than 60 days from when the Secretary receives the required certification.
 - *Upon information and belief, NH has supplied certification and expects funds May 10.*
 - *NH anticipates allocating some ARPA monies in this year's budget process, but the majority will be contained in the subsequent budget.*

*NACo Estimate.

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State Fiscal Recovery Fund (cont.)

Used to cover costs incurred by December 31, 2024:

- To respond to the public health emergency with respect to COVID -19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- To respond to workers performing essential work during the COVID -19 public health emergency by providing premium pay to eligible workers of the State . . . that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- For the provision of government services to the extent of the reduction in revenue of such State . . . due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year in the State . . . prior to the emergency; or
- To make necessary investments in water, sewer, or broadband infrastructure.

State Fiscal Recovery Fund (cont.)

- States may transfer funds to a private nonprofit organization, a Tribal organization, a public benefit corporation involved in the transportation of passenger or cargo, or a special-purpose unit of State or local government.
- **States CANNOT use funds to:**
 - Directly or indirectly offset a reduction in the net tax revenue of such State . . . resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.
 - Deposit into any pension fund.

Local Fiscal Recovery Fund [\$130.2 Billion]

- **Metropolitan Cities [\$45.57 billion]**
 - *There are five NH cities that will receive funding per this account, but none are in Cheshire County.*
- **NonentitlementUnits of Local Government [\$19.53 billion]**
 - *See next slide.*
- **Counties [\$65.1 billion]**
 - *Cheshire County will likely receive \$14,756,217 per this account.**

*NACo Estimate.

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Local Fiscal Recovery Fund (cont.)
Nonentitlement Allocation Projections*

• Alstead:	\$ 190,000	• Nelson:	\$ 70,000
• Chesterfield:	\$ 360,000	• Richmond:	\$ 110,000
• Dublin:	\$ 150,000	• Rindge:	\$ 600,000
• Fitzwilliam:	\$ 230,000	• Roxbury:	\$ 20,000
• Gilsom:	\$ 80,000	• Stoddard:	\$ 120,000
• Harrisville:	\$ 90,000	• Sullivan:	\$ 70,000
• Hinsdale:	\$ 390,000	• Surry:	\$ 70,000
• Jaffrey:	\$ 520,000	• Swanzey:	\$ 710,000
• Keene:	\$ 2,260,000	• Troy:	\$ 210,000
• Marlborough:	\$ 210,000	• Walpole:	\$ 400,000
• Marlow:	\$ 70,000		

*NHMA Estimates.

Local Fiscal Recovery Fund (cont.)

- **Certification:**
 - While States are required to submit certification to the Treasury, no such language is included in the relevant sections for local governments.
- **Reporting:**
 - A [local government] receiving a funds . . . under this section shall provide the Secretary periodic reports providing a detailed accounting of the uses of such funds by such [local government].

Local Fiscal Recovery Fund (cont.)

Used to cover costs incurred by December 31, 2024:

- To respond to the public health emergency with respect to COVID -19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- To respond to workers performing essential work during the COVID -19 public health emergency by providing premium pay to eligible workers of the State . . . that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- For the provision of government services to the extent of the reduction in revenue of such State . . . due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year in the State . . . prior to the emergency; or
- To make necessary investments in water, sewer, or broadband infrastructure.

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Coronavirus Capital Projects Fund
(cont.)

- NH Estimated Allocation: \$122 million.*
- Timing of Payment(s):
 - [Treasury] shall establish a process of applying for grants to access funding [from this section] not later than 60 days after [enactment].
- Uses:
 - To carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID -19.

*NHMA Estimate.

Local Assistance & Tribal Consistency Fund
[\$2 Billion]

- For FY 2022 & 2023, \$750,000,000 shall be reserved for eligible revenue sharing (public lands) counties.
- For FY 2022 & 2023, \$250,000,000 shall be reserved for eligible Tribal governments.

Local Assistance & Tribal Consistency Fund
(cont.)

- **Uses:**
 - Any [recipient] may use funds provided under a payment made under this section for any governmental purpose other than a lobbying activity.

Among other things, this fund is intended to assist counties currently reliant on the Payment in Lieu of Taxes (PILT) and Secure Rural Schools (SRS) programs, among other revenue sharing programs, but based on their real economic conditions rather than historic payments.

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Take-aways

- Treasury is taking time to produce thorough guidance (likely to arrive with funds on May 10), but it is probable that the guidance will change throughout the life of the funds.
- The funds discussed today (excluding CRF monies) make up less than 20% of ARPA dollars, so familiarize yourself with ARPA whenever possible.
 - Use dedicated grants FIRST.
- Be patient; ask questions and wait for the response. The deadline to use these funds is 12/31/24.
 - ARPA funds are non-recurring, so be mindful of longterm commitments.
- Assess government operations and community needs now.
 - Coordinate with other stakeholders whenever possible.
- Maintain records and document success.
 - Share your successes (and difficulties) with the County and Federal Delegation.

Questions?

Contact:

William Pearson
Finance Assistant
Cheshire County
12 Court Street
Keene, NH 03431

wpearson@co.Cheshire.nh.us
(c) 603-714-9075

An extended discussion of the lack of rules and guidance from the federal government (specifically the Treasury Department) began, and the impact on the towns and County was covered.

Coates was then recognized for the Weekly Operations Report.

Coates said that he had conversations with the congressional and senatorial offices around public safety communications equipment upgrades for all counties throughout the state. He pointed out that the Cheshire equipment is badly in need of an upgrade. Many of the other County Administrators that he has spoken with confirm they also need a significant upgrade or replacement of much of their equipment.

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Coates said that an article that appeared in the Keene Sentinel covering mandated Department of Corrections semi-annual reporting to the State Attorney General office cited that only Cheshire County has been reporting the results of the inspections in detail and in an unbiased and open way. Coates and the Commissioners commended Bouchard, who prepares the reports for his detailed reporting and substantive narratives.

Coates then said that the Hundred Night bus that was parked in the Latchis Theater parking lot would be housed at the Tire Warehouse building in Keene instead of the Department of Corrections as previously discussed because the bus can be parked undercover at the Tire Warehouse location.

Coates then related that a discussion of benefits for new employees that could be implemented at 30, 60, or 90 days would be discussed at next week's meeting. Trombly will review the cost implications so that the Commissioners can determine the feasibility of implementing changes to the current policy.

Lastly, Coates said that work at the Nursing Home will be completed in May but the final punch list work will continue until around June.

Old Business: None

New Business: None

Consent Agenda: Minutes of 04/28/2021 and Manifests for the week. Commissioner Clark moved the consent agenda and was seconded by Commissioner Englund. The motion passed with unanimous consent upon roll call vote.

General Discussion: None

11:12 AM Pursuant to RSA 91-A:3, II(d), Commissioner Wozmak moved to enter a nonpublic session to discuss the consideration of the acquisition, sale or lease of real or personal property, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general Community. Commissioner Clark seconded the motion, and upon vote, the motion passed unanimously.

As a result of discussion in a nonpublic session, no decision was made, and no vote was taken.

At 11:55 AM, the Commissioners voted unanimously to reenter the public session.

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At 11:56 AM, there being no further public business to conduct, Commissioner Englund moved to adjourn the meeting and was seconded by Commissioner Wozmak. Upon roll call vote, the motion passed unanimously.

Minutes recorded by:
Assistant County Administrator Bouchard

Reviewed and submitted by:
T. Clark, Clerk