

**Regular Meeting of the
Hillsborough County Board of Commissioners
January 11, 2012
Bouchard Building, Goffstown, NH**

**Minutes of the Public and Non- Public Session
(Not Official Until Approved by the Board and signed by the Clerk.)**

Present: Comm. T. Pappas, Comm. C. Holden, P. Coughlin, D. Dionne, C. Kirby, B. Moorehead, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner.

Also Present: J. Maccarone, J. Gendron, P. Martel, E. Gingras, D. Maurice, P. Bennett and C. Harrington.

1. Call to Order

Comm. Holden called the meeting to order at 9:00 a.m. She noted that Comm. Ziehm was unable to attend the meeting.

2. Pledge to the Flag

Comm. Holden led the Pledge to the Flag.

3. Grievances

PM 0598 - Elaine Gingras
PM 0599 - Micheline Barriere
PM 0600 - Christine Benner
PM 0601 - Joan Gendron
PM 0602 - Patricia Perkins
PM 0603 - Diana Maurice
PM 0604 - Pamela Bennett

Comm. Holden asked the Grievants if they would prefer to wait until all three Commissioners were present and inquired whether the Grievants preferred to be heard in Public or Non-Public Session. Mr. Maccarone responded that they were prepared to proceed today and would prefer Non-Public Session.

Motion: To move into Non-Public Session with J. Maccarone, P. Martel, J. Gendron, E. Gingras, D. Maurice, P. Bennett and C. Harrington consistent with RSA 91-A:3 II (a) relative to a personnel matter. Motion by Comm. Pappas, second by Comm. Holden. Pappas-yes, Holden-yes. Motion carried

The Board moved into Non-Public session at 9:05 a.m.

The Board met with J. Maccarone, P. Martel, J. Gendron, E. Gingras, D. Maurice, P. Bennett and C. Harrington.

The Board moved to come out of Non-Public session at 9:53 a.m.

Motion: To move out of Non-Public Session. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To Recess the meeting. Motion by Comm. Pappas, second by Comm. Holden.
Motion carried.

The Board moved into Recess to consult with Counsel at 9:53 a.m.

The meeting reconvened at 10:00 a.m.

Motion: To reconvene the meeting; motion by Comm. Pappas, second by Comm. Holden.
Motion carried.

4. Administrative Business

Approval of Payroll Registers

Motion: To approve the following miscellaneous Payroll Registers in the following amounts:

~ December 28,2011	\$800.00
~ January 5, 2012	548.07
~ January 5, 2012	378.13
~ January 10,2012	760.00

for a total miscellaneous payroll of \$2,486.20, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To approve a regular Payroll Register dated January 5, 2012, in the amount of \$1,151,149.66, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated December 29, 2011, in the amount of \$2,897,721.57 and to approve the Accounts Payable Register dated January 10, 2012 in the amount of \$3,011,266.82, for a total of \$5,908,988.39, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer 2012-13 - Corrections Wages to Corrections Overtime

Motion: To approve Transfer 2012-13 to transfer \$100,000 from Salaries & Wages at the Department of Corrections and to transfer a like amount to Overtime Wages. Motion by Comm. Pappas, second by Comm. Holden.

In response to a question from Comm. Holden, Supt. Dionne explained that the DOC has seven openings and will be holding an Academy in an attempt to fill those positions and cut back on overtime. The vacancies make the funds available for transfer.

Motion carried.

Transfer 2012-14 - Corrections Building Repairs to Corrections Equipment Repairs

Motion: To approve Transfer 2012-14 for the Department of Corrections to transfer the amount of \$15,000 from Building Repairs, line 4230-7810 and to transfer a like amount to Corrections Equipment Repairs, line 4230-7820 for a total transfer of \$15,000. Motion by Comm. Pappas, second by Comm. Holden.

In response to a question from Comm. Holden, Supt. Dionne explained that this transfer is due to unexpected repairs to the chiller system, the air conditioner in the video surveillance room where there is approximately \$600,000 worth of equipment, and an emergency repair to the overhead door in the transport booking area.

Motion carried.

5. Public Comment on Agenda Items

There was no one present from the public who wished to address the Board.

6. Department of Corrections

Census

Comm. Holden recognized Supt. Dionne who presented the Department of Corrections' Census, noting that as of January 12th, the Census was 497, and explained that this included 443 men, of whom 124 have been sentenced, and 319 who are being held pre-trial. There were 54 women, of whom 18 have been sentenced, and 36 who are being held pre-trial, and there are 10 in the community.

Emergency Repair

Mr. Dionne explained that the emergency repair is the repair to the overhead door that was referred to in Transfer 2012-14.

Supt. Dionne informed the Board that while the holiday season is a difficult time for inmates, he is happy to report that there were no suicide attempts; he commended the medical and mental health staff at the facility. He added that this is a difficult time for inmates and families. Supt. Dionne reported that an inmate jumped over a railing on January 1st, he split his head open and required hospitalization. Supt. Dionne further noted that the inmate is okay, but is a management problem.

7. Nursing Home

Census

Comm. Holden recognized Mr. Moorehead who presented the Nursing Home Census. He noted that as of January 5th the Census was 278, which included 194 Medicaid residents, 45 private pay residents, and 38 Medicare Part A residents; which continues to be an excellent mix. He added that there is also one bed-hold.

8. Temple Street Courthouse

Bid # TS 2012-1 - Boiler Valve Installed

Ms. Robinson informed the Board that there was an emergency at Temple Street Courthouse. There was no heat on a section of the third floor; the problem was caused by a failing large cast iron valve in the steam pipes that it is very expensive to replace because there are only about five available nationwide. She added that the price includes installation, but not freight and her intent today is to inform the Board of the emergency action consistent with RSA 28:8-e IX because it could not be handled through the normal bidding process. She added that it will be installed by the following Monday or Tuesday.

9. County Attorney

UNH Law Fellowship

County Attorney Hogan informed the Board that his office has received an offer from the University of New Hampshire Law School to create a fellowship; this would be a recent graduate of the law school who could be a special Assistant County Attorney. UNH Law School will pay the expenses of the individual for one year; a contract will be forthcoming; it is being reviewed by Attorney Kirby. Attorney Hogan asked for Board authority to bring in the person for one year once Attorney Kirby has worked any issues with the contract.

The Board agreed to address the contract again at its next meeting once Attorney Kirby has completed her work. In response to a request for Legal Counsel's opinion, Attorney Kirby noted that this is a wonderful opportunity and explained that the big issue with this fellowship is whether or not this employee becomes an employee of the County. She added that it appears, under the terms of the agreement, that UNH would take care of most of the employment-related costs, but the liability issue has to be worked out. She added that she has spoken with Primex, who has some concerns as to the status of this individual as an employee of the County versus being an employee of the Law School. Attorney Kirby noted that she sent a letter to the County Attorney explaining the issues and will be happy to work with the Law School to modify the agreement. She added that the County is required to buy malpractice insurance for its Attorneys so that relates to the issue of whether the individual would be an employee of the County or UNH.

The Board agreed to wait until the issues are resolved and attempt to address it at its next meeting.

10. Old/New Business

Lions Club Request to Plant Seedlings (Mr. Reidy)

Mr. Reidy explained that Jon Nute received a request from the Lions Club to place about 2,000 seedlings in the area where the timber harvest occurred the previous year. He added that Mr. Nute would be working with them and because of that, it would be covered under University of NH Cooperative Extension insurance and there is no cost involved. The seedlings would add to the diversity to the mix of the trees that would grow back.

Motion: To approve the Lions Club request to plant seedlings in the area where timber was harvested. Motion by Comm. Pappas, second by Comm. Holden.

Discussion ensued relative who should authorize the project. Mr. Wenger added that he would see this as a project to be overseen by the Cooperative Extension and that further approval beyond that of the Board is not required.

Motion carried.

Board on Geographic Names - Follow up

Mr. Wenger added that a second letter was received from the US Board on Geographic Names; it is a follow-up to their earlier letter with additional information, again giving the County the opportunity to comment. The Board agreed no further action is necessary; Mr. Wenger noted that he would respond that the Board has responded previously.

Goffstown Zoning Petition Public Hearing

Mr. Wenger informed those present that the Public Hearing for the Zoning changes will be held the following evening at 7:00 p.m. at the Town Hall in the Mildred Stark Room. He added that it has been posted as a meeting of the Board should two or more Commissioners choose to attend. Mr. Wenger added that he spoke with B. Rose regarding what the expectations are since the County is the petitioner. He suggested that in the past they have had a brief overview and then the applicant has had an opportunity to make a brief presentation with respect to the proposal. The Board discussed its direction at the meeting and agreed that Mr. Wenger would do a presentation.

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The Board agreed to defer this discussion until all three Commissioners are present.

Policies & Procedures

The Board agreed to defer this discussion until all three Commissioners are present.

Mr. Wenger informed the Board that the Supt. Dionne has received a request from Mr. Maccarone relative to the Department of Corrections AFSCME group's intent to negotiate a successor agreement. The Board directed Mr. Wenger to forward the request to Mr. Flygare. Mr. Wenger added that Mr. Flygare is attempting to set dates with Mr. Noonan for the DOC Teamsters and the County Attorney Teamsters.

11. Public Comment

There was no one present from the public who wished to address the Board.

12. Non-Public Session

Mr. Wenger noted that he has a request for a Non-Public Session consistent with RSA 91-A:3 II (a) for a personnel issue.

Motion: To move into Non-Public Session with Mr. Wenger consistent with RSA 91-A:3 II (a) relative to a personnel matter. Motion by Comm. Pappas, second by Comm. Holden. Pappas-yes, Holden-yes. Motion carried

The Board moved into Non-Public session at 10:25 a.m.

The Board met with Mr. Wenger.

The Board moved to come out of Non-Public session at 10:35 a.m.

Motion: To move out of Non-Public Session. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Comm. Holden asked if there was any further business before the Board. Comm. Pappas indicated that she has several motions relative to grievances.

Motion: To deny Grievance PM 0598 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Motion: To deny Grievance PM 0599 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Motion: To deny Grievance PM 0600 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Motion: To deny Grievance PM 0601 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Motion: To deny Grievance PM 0602 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Motion: To deny Grievance PM 0603 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Motion: To deny Grievance PM 0604 due to timeliness and the merits of the grievance. Motion by Comm. Pappas, second by Comm. Holden. Motion carried 2 to 0.

Mr. Moorehead provided the Board with information from the mediator.

Comm. Holden noted that the Board received information relative to grievance and the Federal Mediator as well as documentation about seniority calculation, as requested by the Board.

Motion: To seal the minutes of the Non-Public Session relative to the grievances. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Wenger provided an update regarding the CDBG Grant that the County is participating in with the City of Manchester. He noted that the grant has been awarded but he expressed concern relative to the contractual requirements from the CDFA as well as the additional requirements. He noted that the County would have to execute the agreement along with a package of materials, and then it would move to the Governor and Council for approval. He added that his concern relates to a number of issues that have to be worked out with the City of Manchester and the Community Center that the County will be working with. He noted that it is his understanding that the City of Manchester has accepted responsibility for everything but the County would have to be involved and work with them because all the contractual agreements are with the County; the County would become responsible and would end up having a lien on the property that is owned by the City of Manchester and leased to the organization. He added that he has asked for dates to meet with the City to work through all the issues and would want to do that before he would be comfortable coming to the Board with a package.

Mr. Wenger remarked that if the County is involved, it should consider having a person responsible for overseeing the project; that person should attend every construction meeting to confirm that construction is being done appropriately and the money is being spent properly. He added that he does not believe this responsibility can be transferred to the City of Manchester without complicated contractual requirements that protect the County. He noted that accepting this grant changes the way the County is doing business; there are many statutory and regulatory obligations that the County would have to meet that have not been required in the past. He added that he would be much more comfortable if there is someone from the County overseeing the grant.

Comm. Pappas noted that the City of Manchester has agreed to meet all the requirements; Mr. Wenger concurred that the City is willing to do that; however, the actual contract that the County, as the grant recipient, would have to execute for CDFA puts all of that responsibility on the County, but does not mention the County; it would require the County to sign the agreement with the Manchester Community Center, who is leasing the property from the City of Manchester, and the County would be required to get a mortgage from that entity. He added that the City is trying to work out the details, but the County is the actual grant recipient. He noted that there is a two-year window for expending the funds and there are reporting obligations and requirements that must be met related to low income individuals and to having 50% of those involved come from outside Manchester. The details have to be reported quarterly for three years beyond the two-year grant. He added that if this is not managed correctly, CDFA will be looking to the County.

Attorney Kirby added that the concerns Mr. Wenger addressed are valid concerns; it would change the way the County does business and it would create additional obligations on the County. She added that the grant would be wonderful if it were simply a pass-through of funds, as it was represented, but the documents speak to something different. She recommended that there are details to be worked out and while it is a great deal for the City of Manchester; she urged caution to make sure the best interests of the County are protected.

In answer to a question from Comm. Pappas regarding whether the City can provide a person to manage the details, Mr. Wenger responded that it is their intention to do that. Attorney Kirby added that the responsibility to make certain that the contractors do what they are supposed to do ultimately falls on the County as the grant recipient to monitor the details, which means that Mr. Wenger's time could be eaten up considerably as well as possibly his staff. Mr. Wenger noted that there is \$12,500 available for the administrative work and added that he has not met with all those involved. He added that he feels that there will be oversight by the City, but ultimately, if something is not done, the responsibility will fall back on the County. No decision was made; the Board will await further information.

Mr. Wenger informed the Board that an E.I.S. sheet was created for Supt. Dionne's new position; however, there has not been an engagement letter done for his new position. He added that every employee gets a letter outlining the job, hours, and responsibility, date of hire, and salary. The Board agreed that an engagement letter should be sent and a copy placed in the personnel file

13. Adjourn

There being no further business before the Board, the Chairman entertained a motion to adjourn.

Motion: To adjourn the meeting. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

The meeting adjourned at 11:05 a.m.

Approved on 5/2/2012