

Regular Meeting of the  
Hillsborough County Board of Commissioners  
February 24, 2010  
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. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, R. Walsh, C. A. Durette, J. O'Mara, E. Robinson, E. Casey, G. Wenger, and L. Stonner.

**Also Present:** G. Fox and A. Introcaso,

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:06 a.m., followed by the Pledge to the Flag led by E. Robinson.

**2. Administrative Business**

Minutes

Commissioner Pappas noted that the Board would address administrative business at this time.

**Motion:** To approve the minutes of the Regular Board of Commissioner's meeting dated February 10, 2010. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated February 18, 2010 in the amount of \$1,130,188.55, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated February 24, 2010, in the amount of \$1,284,669.03, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

CIS Bid # 10-2010 – Nursing Home – Kronos Annual Software Support

**Motion:** To approve CIS Bid # 10-2010 for the Nursing Home for contractual support costs in the amount of \$6,248.05 to Kronos, Chelmsford, MA, noting that it is the lowest responsible bidder. Motion by Comm. Clemons, second by Comm. Holden.

Comm. Holden added a friendly amendment, noting that this is a single source bid consistent with RSA 28:8-e V. Mr. Wenger explained that this bid is for software maintenance related to the time clock at the Nursing Home.

Motion carried.

Comm. Pappas noted that there are several transfers before the Board today.

Motion: To approve Transfer #2010-15, to transfer \$1,400 from Corrections, line 7620-Gas-Heat/Cooking and to transfer into Law Library line the same amount. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve Transfer #2010-16, Corrections, to transfer from Medical/Dental-Men to Medical/Dental-Women, the amount of \$ 10,000. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve Transfer #2010-17 to transfer from Corrections line 7010, Salaries & Wages the amount of \$210,000, and to transfer to Corrections, line 7011, Overtime Wages the same amount. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve Transfer #2010-18, to transfer from Corrections-Gasoline to Corrections-Postage the amount of \$1,800. Motion by Comm. Clemons, second by Comm. Holden.

Comm. Holden pointed out that during the last six months of FY09; the average cost for the stamps provided to the indigent was \$880 per month, while the average cost for stamps provided for the first six months of FY2010 has increased to \$1,800.

Motion carried.

Motion: To approve Transfer #2010-19 to transfer from Contingency Grant Expense, Line 7740, the amount of \$17,972 and to transfer \$16,694 to Sheriff's Part Time-line 7010, and the amount of \$1,278 to the Sheriff's Part Time Social Security-line 7100. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve Transfer #2010-20 from Contingency Grant line 7740 the amount of \$8,570, and to transfer \$7,500 to Sheriff's Overtime-line 7011, and to transfer to Sheriff's Retirement-line 7130 the amount of \$1,070. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve Transfer #2010-21 to transfer \$13,406 from the Contingency Grant Expense line-7740 for the Justice Assistance Grant and to transfer \$13,406 to Sheriff's New Equipment-line 7970 to purchase new surveillance equipment. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger noted that these last three transfers are multiple transfers out of the Contingency Grant Expense line as reflected in the remaining account balance on the transfer form. Comm. Holden noted that they are still subject to Executive Committee approval.

### **3. Public Comment on Agenda Items**

There was no one present who wished to address agenda items.

### **4. Department of Corrections**

Census

Supt. O'Mara presented the DOC Census, noting that as of February 23, 2010, the Census was 600, which included 525 men of whom 371 were being held pre-trial, and 154 that had been sentenced. There were 75

women of whom 48 were being held pre-trial and 27 that had been sentenced. He noted that there were 16 in the community.

Supt O'Mara noted that he has an item to address under Old/New Business.

## **5. Nursing Home**

Census

Mr. Moorehead was unable to attend today's meeting. Mr. Wenger presented the Nursing Home Census and explained that as of February 18, the report indicates that there were 275 beds occupied, which included 202 Medicaid residents, 41 private pay residents, and 32 Medicare Part A residents.

January, 2010 Revenue Report

The revenue report was not available.

## **6. Sheriff's Department**

Family Justice Center Grant

Chief Deputy Sheriff A. Durette addressed the Board relative to the Family Justice Center Grant; he explained that today is the deadline for submission of the Grant Application and asked the Board to authorize having the Chair execute a Memorandum of Understanding on behalf of the Board. Chief Deputy Durette asked the Board to execute the Memorandum of Understanding and noted that he would be leaving to take the document to the other involved people/agencies for their signature. He planned to both electronically submit and mail the Memorandum today so that the deadline will be met. He explained that it is a required document and that it will be signed by the following partners who have agreed to participate in the grant application:

- Hillsborough County Board of Commissioners
- Hillsborough County Sheriff
- Hillsborough County Director of Human Services
- Presiding Justice of the Goffstown Family Court
- Goffstown Chief of Police
- Francestown Chief of Police
- New Boston Chief of Police
- Weare Chief of Police
- Director, YWCA Crisis Service
- Director, Child Advocacy Center

Comm. Holden expressed her concern that the plan appears to have grown into a much larger program since the last Board meeting; she noted that it was her understanding that this was to be a pilot program with the Goffstown Court and the four Police Departments and the Sheriff's Department. She observed that it has expanded significantly and noted that it now includes the YMCA, the Hillsborough County Child Advocacy Center as well as the County Human Services Department; she asked how this would impact the County and its taxpayers; she asked how and why these new agencies were included when it was supposed to be a small program. She explained that Antrim has an advocacy center for children and their parents; there is also one in Peterborough as well as in the Town of Hillsborough. Chief Deputy Durette responded that it is a requirement of the Grant Application to include a non-profit victim advocacy program, and the only one in this particular area is the YWCA; he noted that there was no option but to include them. Comm. Holden responded that she understood that the Board authorized Chief Deputy Durette to proceed with the

application, but that she had no idea that it was going to be so extensive. Chief Deputy Durette explained that the number of partners does not inflate the cost or the difficulty in doing this and it includes agencies with experience in dealing with different categories of victims. She inquired why the Human Services Department was included; she noted that they do have two programs but they are outside the job description or parameters of Human Services. Chief Deputy Durette noted that they are included because of having alcohol counselors available at this location, and explained that some of the victims may need alcohol counseling, and they would be taking advantage of something that is already in place. Comm. Holden inquired if the grant monies would cover the cost of the Human Services staff or if it would be a burden on the County taxpayer, to which Chief Deputy Durette responded that the grant would cover the costs of any person's time that was doing work related to this grant.

Comm. Clemons noted that it was his understanding that the Sheriff's Department would be referring victims to agencies that can provide help rather than the help being provided by the Sheriff's Department staff. Chief Deputy Durette responded that his Department's goal is to bring the help to victims here at this location so that he/she does not have to leave the building, but the help will be provided by others with the exception of Gail Fox, who is qualified to give advice. Comm. Holden noted that it appears that the Sheriff's Department will be managing the grant. Chief Deputy Durette responded that statutorily, the Commissioners will be managing the grant, but operationally; the Sheriff's Department would do all the work.

In response to a question, Mr. Wenger raised concern relative to the Commissioners being asked to execute the agreement; he asked about a reference in the Memorandum of Understanding that implies that the County will be providing office space for the victim advocate, and noted that he is not aware that the County is providing space to anyone. Chief Deputy Durette responded that the grant does not allow for construction; they intend to search for grant funding to cover constructing space in some of the building's unused space. Ms. Robinson noted that Ms. Fox's office is located in the Goffstown Police Department, but when she is in the building, running up and down the stairs, she occasionally uses a vacant desk in the Human Services Department. Mr. Wenger and Comm. Holden noted that this is something they were not aware of. Comm. Holden asked what costs might face the County; Mr. Durette explained that everything but construction will be covered by the grant funds. Comm. Holden asked if the grant would result in having a new County employee; Chief Deputy Durette responded that the proposal includes one employee that would report to the County that would be running the program and everyone else would be a contractor from one of the community partners; he noted that he would recommend that Gail Fox become the employee responsible for oversight of the program. In response to questions from Comm. Holden, Chief Deputy Durette responded that her salary and benefits would be covered by the grant for the grant period of two years; there will be a document between the County and the employee that will include that the position is for the grant period, and that it will only be continued if additional grant funding is available.

Mr. Wenger noted that this is a Memorandum of Understanding between several agencies, and he would suggest that there should be some reference to the fact that it is contingent upon grant funding. He offered that if the Board is committing the County to do something through a Memorandum of Understanding, and that is contingent upon receiving grant funds for a specific term, then he would think that all parties would want the Memorandum to address that issue so that there is no issue down the road when the grant funds end. Chief Deputy Durette agreed to add that contingency to the Memorandum.

Comm. Clemons congratulated Chief Deputy Durette for going for the grant, noting that it is a benefit to the County to shift the cost of services provided by Hillsborough County to the Federal Government; he noted that if at the end of the grant, the Board finds that the program is working as a great benefit to the citizens of Hillsborough County, then at that time, the Board could consider expending the necessary funds, but noted that in this case, there is an opportunity to extend a benefit to the citizens of Hillsborough County at a cost that is much below what it would be without the grant; he congratulated Chief Deputy Durette on his efforts. Comm. Holden noted that even though this is Federal money, it is at our cost; we are going to be taxed for it as are our children and grandchildren. Chief Deputy Durette noted that this money is out there for this type

of activity, and if the County doesn't go for it, it will be awarded to another jurisdiction in another part of the country.

Comm. Pappas asked Mr. Wenger if he had seen anything else in the Memorandum that is of concern. Mr. Wenger offered that he would urge the Board to have caution with respect to this Memorandum of Understanding and look at it because the Commissioners would be making representations by signing it, and he is not sure that all the components of the document are factual, such as, "Hillsborough County began providing office space to the Goffstown Police Victim Witness Advocate in 2009;" he noted that he is not aware that the County has done that. He noted that additionally, in the first paragraph with respect to the Board's responsibilities, he is not sure that the paragraph is consistent with his understanding of what the Board's roles and responsibilities are. There was discussion about the fact that Chief Deputy Durette is operating under a tight timeline. A sense of frustration was present; there was an agreement to address the concerns in a very short time so that changes could be made and Chief Deputy Durette could have a finalized document to take to the parties for signatures and still make today's deadline.

Comm. Clemons suggested that because of the time constraints, perhaps any needed changes in the Memorandum should be addressed at this time. Mr. Wenger noted that he did not receive the document until late yesterday and he is not prepared to do this; he stressed that he did not want to make representations for the Board without having an opportunity to step back and review the document. He added that if the Board wants to proceed, then fine; he noted that a Memorandum could likely be amended in the future. Chief Deputy Durette explained that in working with the Government in preparation of this document, he does not believe he put anyone in jeopardy in any language that he put in there; that being said; he noted that if Mr. Wenger is aware of something in the document that is glaring that needs to be changed, then he will change it, but he is working with a very short window of time.

Comm Holden suggested that the Board go into Non-Public Session to discuss the aforementioned matter. There was discussion and agreement that the meeting would continue, and then the Board would spend time to resolve any issues with the Memorandum. Chief Deputy Durette deferred to the others present so that the meeting could continue.

## **7. County Attorney.**

Comm. Pappas explained that the County Attorney was present with a guest. Attorney Walsh introduced Anthony Introcaso and asked for the Board's approval to appoint Att'y. Introcaso as an Assistant County Attorney; he noted that the appointment is also subject to the approval of the NH Attorney General. There was discussion regarding Att'y. Introcaso's many qualifications and the Board agreed that it would be appropriate to conclude the discussion in Non-Public session. There was discussion that since this was relative to the hiring of an employee, it was appropriate to address the Board's questions in Non-Public session.

## **8. Non-Public Session**

**Motion:** To move into Non-Public Session with Attorney Walsh and Attorney Introcaso consistent with RSA 91-A: 3 II. Motion by Comm Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public Session at 10:22 a.m.

The Board discussed the hiring of a public employee.

The Board moved out of Non-Public session at 10:32 a.m. No action was taken during Non-Public session.

**Motion:** To move out of Non-Public session. Motion by Comm Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas asked the Board if it wished to address any other business.

**Motion:** To approve the appointment of Attorney Introcaso as an Assistant County Attorney, noting that the appointment is also subject to the approval of the NH Attorney General. By Comm. Holden, second by Comm. Clemons. Motion carried.

## 9. Registry of Deeds

### Revenue Update

Register Coughlin was unable to attend today's meeting. The Revenue report was not available.

### Property Fraud Alert

Register Coughlin was unable to attend today's meeting. The Property Fraud Alert information was not available at this time.

## 10. Old/New Business

E. Robinson reported on the status of the boiler at Temple Street. The situation will remain much the same until spring arrives and the boiler can be shut down for replacement of the gaskets. Mr. Wenger noted that boiler replacement, as well as other large repairs/replacements, when necessary, should be included in the Capital Improvement plan.

E. Robinson distributed a report based on information from the County State Finance Commission meeting. She noted that the County's ARRA distribution has been adjusted and the County will receive a greater share than anticipated.

Ms. Robinson further reported that the State has overpaid a portion of Estate Recoveries by Counties; the Federal share has increased. Hillsborough County owes \$32,292.83. There was discussion that the funds were not available at this time, but should be included in the next fiscal year's budget, and agreement that the County does owe that money.

Comm. Pappas informed the Board that the County has been asked to have one person serve on a committee proposed by Commissioner Tsoumpas. Ms. Robinson and Comm. Holden indicated an interest in serving. It was agreed that a Commissioner and Mr. Wenger should be appointed and that there was no reason that Ms. Robinson could not attend, and when issues are addressed that could affect the DOC or the Nursing Home, then Supt O'Mara or Mr. Moorehead could attend. Comm. Pappas will inform Betsey Miller of the Board's feelings.

Comm. Pappas informed the Board that she received a letter from Mayor Gatsas indicating that the City of Manchester is declining participation in the Article 28-a lawsuit proposed by the New Hampshire Municipal Association/New Hampshire Local Government Center, New Hampshire School Board Association and the New Hampshire Association of Counties. There was discussion among the Board members relative to whether the County should participate. It was agreed to ask Attorney Kirby to review the lawsuit before the Board makes its decision.

Supt. O'Mara requested that the Board grant an inmate transfer request.

**Motion:** To authorize Supt O'Mara to accept the transfer of a female inmate from Rockingham County to Hillsborough County consistent with RSA 30-B: 21. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas returned to Old/New Business and opened the floor to anyone having business to address with the Board.

Supt O'Mara referred the Board to a letter from the Justice Center of the Council of State Governments. He informed the Board that representatives from this National organization have indicated that they would like to nominate Hillsborough County Department of Correction as one of two to four Counties across the US where County leadership in partnership with state officials, are interested in collecting data regarding the County's current response to mental illness. The County DOC has been selected because of the network it has created, and the working being done by the local mental health stakeholders.

Comm. Holden noted that this is an outstanding reflection on the DOC, and suggested that perhaps Hillsborough County should be nominated as outstanding County for NACo. Comm. Clemons noted that the grant is snowballing, the mental health program is getting good PR, and the group has done an admirable job.

Comm. Holden noted that she will be attending a meeting with Mr. Lunsford and Mr. Wenger relative to Primex insurance; she further noted that she attended a recent retirement party for Steve Griffin, Goffstown Economic Director.

Comm. Pappas noted that she attended a recent event at the YMCA; she informed the Board that it has been given a plaque of recognition for its support.

Mr. Wenger requested that the Board take action to remove former County Attorney Wageling from the Credit Card Account established for the County Attorney's Office, and to authorize the addition of County Attorney, Robert Walsh.

**Motion:** To remove the name of Marguerite Wageling from the Citizen's Bank Credit Card, and to issue a new credit card to County Attorney Robert Walsh. Motion by Comm Holden, second by Comm. Clemons. Motion carried.

Chief Deputy Durette presented a new copy of the Memorandum of Understanding for the Board's approval. He noted that he had worked with Mr. Wenger while the Board was in Non-Public session, and the revised Memorandum is more open-ended and makes fewer specific statements.

**Motion:** To authorize the Chair to execute the grant documents and the Memorandum of Understanding. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger addressed the Board relative to budget issues and reviewed the Board's instructions and memo. He noted that any changes in this year's instructions will be in bold for easy recognition. He provided the Board with the statutory provisions relative to capital improvement programs for municipalities for consideration. He suggested that the County should discuss and define what constitutes a capital improvement.

Comm. Clemons asked if the Charrette recommendations would be a part of the Capital Improvement program, to which others responded that it would be a part of the consideration in any long-term Capital Improvement Plan.

Mr. Wenger explained that part of the thought process in doing the Design Charrette or Master Plan was to reach a position of having a Capital Improvements program, which can then serve as a budgeting tool for

Departments so that they can plan ahead to include projects that they see coming up. Following this program will also give the Board a planning tool so that it can budget what will be included for the current and future year's budgets.

Comm. Clemons explained that he has a conflict with the August 11<sup>th</sup> meeting; he asked if that date could be changed. The Board discussed possible dates and agreed upon a date of August 12<sup>th</sup> at 8:30 a.m.

The meeting adjourned at 11:55 a.m.

*Signed 3/10/2010*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date