

Regular Meeting of the
Hillsborough County Board of Commissioners
March 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. T. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, J. Hardy, A. Durette, C. Kirby, B. Moorehead, J. O'Mara, M. Rusch, G. Wenger, and L. Stonner.

Also Present: Mayor T. Gatsas, Finance Officer B. Sanders, and Economic Development Director J. Minkarah from the City of Manchester and S. Lyons, V. Durand, P. Martel, T. Dubois, H. Bernier and S. Naughton.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:35 a.m., followed by the Pledge to the Flag led by P. Coughlin.

2. City of Manchester

Comm. Pappas welcomed Mayor Gatsas, B. Sanders, and J. Minkarah, from the City of Manchester; she introduced the Board and Department Heads and explained that the Mayor is here today relative to the Recovery Zone Economic Development Bond allocation. Mayor Gatsas remarked that these bonds are to be used for the benefit of public projects and that the City of Manchester has two "shovel-ready" projects; one is for the Highway Department and the other is for the Police Department. He explained that the Highway Department facility on Valley Street has been there for many years and is in dire need of change; it is fraught with problems. He further explained that the City trucks are repaired there and the person making the repairs has to go down into a hole. Mayor Gatsas noted that the City has a design for the project and is ready to move forward, and the bonding discussions have started; he requested that the Board waive the funds allocated to the County in favor of the project; this project would be for economic development in the City; it would be creating jobs immediately and it is "shovel-ready." Mayor Gatsas entertained questions.

Comm. Clemons inquired about the 24 million dollars, and why he was not informed. Mr. Wenger explained that a discussion was held at the Board level the previous September or October with respect to the funds, and it was his understanding that when it was discussed, it was reviewed from a County perspective, and the County did not have any "shovel-ready" projects. He further explained that there were discussions relative to the two tiers of allocations; one was Economic Development Bond, the other for the Recovery Zone Facilities Bond, which the County could not use; the Recovery Zone Facilities Bond was for private development and it was waived back to the State Business Finance Authority the previous October.

Mr. Wenger noted that inquiries had been made to the communities, and his recollection is that Nashua did not have any projects at that time; additionally, there was communication with the former Manchester Mayor. Comm. Clemons responded that when the 36 million was allocated to the State, it was his understanding that it was the entire amount. He explained that the State, the City of Manchester, and the Counties received the Economic Development Bond. Comm. Clemons asked Mayor Gatsas how he learned about the allocation; to which the Mayor responded when the Business Finance Authority sent the City a letter, he started looking into it and learned that the City had an opportunity, and the City saw no reason to waive rights because it had four projects that could be looked at. He noted that he continued to ask questions and discovered that there were other funds available through the County, which brought him to this meeting. Comm. Clemons asked the Mayor if, in his opinion, the City of Nashua was informed of this also. He inquired if the Mayor had to dig for the information. Mayor Gatsas responded that he was not informed of this, but the previous Mayor may have been. Comm. Pappas responded that she did speak to one of Mayor Guinta's staff relative to the October discussion.

Mr. Wenger explained that there was also a presentation at an Association of County's Executive Committee meeting; the State Treasurer was there, and representatives from the Business Finance Authority attended. He noted that it was a very confusing meeting, and it led to the Business Finance Authority's presentation at the Board of Commissioner's meeting to discuss it. He further noted that there have been discussions at various times regarding the availability of these funds and whether or not they can be used. Comm. Holden noted that at least two of the Commissioners attended the Association of County's Executive Committee meeting, and because there were questions, Mr. Donovan, from the Business Finance Authority came to the Board of Commissioner's meeting, at which time he asked the Board to transfer the Recovery Zone Facilities Bond funds to the State, and the Board agreed to that request. She noted that Peterborough, Antrim, and Hillsborough were in those zones, but they did not have any "shovel-ready" projects. She explained that with a two to one vote, the Board agreed to defer those funds to the State and noted that she voted against the action. She noted that the information has been out there, there were two tracts, and to her knowledge, no one from the Towns has contacted her. Comm. Pappas noted that unfortunately, it was very confusing, but she believes the information was given on at least two occasions in a public setting.

Comm. Clemons asked if the deadline for deciding on these funds was December, a member of the Mayor's staff responded that December is actually the deadline for issuing the bonds. Comm. Pappas noted that there are many steps to go through before bonds can be issued; these bonds are going away if not used, and the City of Manchester is presenting a "shovel-ready" project.

Mayor Gatsas noted that Manchester is in the middle of budget discussions, and this should be a part of that discussion; he noted that he can see this being voted through next week and the City would move forward and likely be in a position to issue bonds in mid-October, and then begin the project. Comm. Pappas asked if there will be another round of bonds; no one had an answer, but the Mayor noted that if there were another round, he would certainly suggest offering that to the Nashua community first, giving them an opportunity to participate, further noting that if they did not have any projects, then Manchester would again be interested because it has other economic development, and could in fact, use another 24 million. He requested that the Board support his request today so that the City could move forward with this project.

Comm. Holden asked Comm. Clemons if he were not comfortable moving forward, perhaps he could talk to the city of Nashua this morning to see if it has projects that are ready to go. He responded that he has spoken with Mayor Lozeau of Nashua, and her feeling was that if the Board could delay this for two weeks, she would appreciate it. He noted that he was unaware of the 24 million dollars, so it was a shock when he received the letter (from the Manchester Mayor requesting the funds) and realized the money was available. He indicated that if a motion is made and seconded, he will comment further.

Comm. Pappas questioned if there was any way to determine if Mayor Lozeau could figure this out today. Comm. Clemons noted that he spoke with her quite extensively the previous day, and she indicated that if she were given two weeks, she would be able to be in a position to give the money to Manchester, or request half of it. He commented that Mayor Lozeau suggested that if Comm. Clemons wished to make a motion at this meeting to allot half of the money to Manchester and leave the other half in abeyance until the next meeting that is what she would accept.

Comm. Holden noted that she does not believe the Board can do that because it should consider a particular project that is ready; she noted that she does not believe it to be appropriate to allocate half of the bonding in this situation. Comm. Clemons noted that it would allocate half to Manchester; the rest would not be allocated to Nashua; it would still be available.

Mayor Gatsas explained that the issue he has with that action is that the City is going forward with its budget on the 29th; and it would not be presented unless approved by the Board of Commissioners at this meeting. Comm. Clemons noted that the City of Manchester's budget is not due until June 30th; Mayor Gatsas responded that he

understands that but the City has a budget and an Aldermanic Board that is prepared to put this through and get it done. Comm. Pappas asked Comm. Clemons is he was sure that Mayor Lozeau could not answer today; he responded that he is sure. Comm. Pappas responded that in that event, there is probably not a “shovel-ready” project pending; Comm. Clemons noted that there is a possible project...the Board Street Parkway is “shovel-ready,” but it is being held up by the State Department of Transportation and it needs Executive Council approval.

Comm. Holden suggested that the Board take this issue under advisement so that it has an opportunity to discuss the legal ramifications, and then could make a decision later in the meeting; the Board agreed to this action.

Mayor Gatsas requested that he be called so that he could be here for the decision, noting that he could be here in fifteen minutes. Mayor Gatsas thanked the Board for its consideration of his request on behalf of the City of Manchester. The Mayor left his contact information with the Secretary and he and his associates vacated the meeting.

Supt. O'Mara asked for clarification relative to the preceding discussion. Mr. Wenger explained that there were two different types of bonds; the bond that the County waived is a bond for private development, which the County has not been involved with in the past; the State was looking to get a bigger pool so it could go out and do a bigger project; that portion was waived back to the State. He noted that the portion under discussion at this meeting has been sitting there available if there was a project; Hillsborough County's allotment is \$24,059,000. Comm. Clemons explained that it is not a grant, it is a loan; Mr. Wenger noted that it is a bond and is meant to be used for building or capital projects such as municipal projects, and there are incentives to make the bonds look attractive to investors. Comm. Pappas noted that a great deal goes into the approval; it is not something that can be done in a three month period.

The Board agreed to move into recess to discuss the bond request with Counsel.

Motion: To move into recess to consult with Counsel. By Comm Holden, second by Comm. Clemons. Motion carried.

The Board moved into recess at 9:57 a.m. and met with Attorney Kirby and Mr. Wenger.

The Board moved out of recess at 10:17 a.m.

Motion: To move out of recess. By Comm Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas asked if there were any motions to be brought before the Board.

Comm. Clemons presented a motion relative to the request from the City of Manchester regarding the American Recovery and Reinvestment Act, Recovery Zone Economic Bonds:

Motion: To take the aforementioned matter under advisement with a deadline for action before the end of the Board of Commissioner's Business Meeting on April 7, 2010. By Comm. Clemons, second by Comm. Holden. The motion carried unanimously.

3. Administrative Business

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

Minutes

Consideration of pending minutes was deferred.

Approval of Payroll Register

Motion: To approve the Payroll Register dated March 18, 2010 in the amount of \$1,146,447.59 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 March 15, 2010, in the amount of \$1,160.35, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve the Accounts Payable Register dated March 24, 2010, in the amount of \$816,389.33, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Sheriff Extraditions

Motion: To approve Sheriff's Extradition vouchers, noting that they have been previously approved by the County Attorney. They include the dates of December 21, 2009 in the amount of \$7.50, February 11, 2010 in the amount of \$350.62, and February 22, 2010 in the amount of \$964.82, for a grand total of \$1,322.94. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Telephone Poll

Motion: To approve a Telephone Poll conducted on March 19, 2010, at the request of the Superintendent at the Department of Corrections to authorize the transfer of a female inmate to the Sullivan County Department of Corrections. All three Commissioners were reached and expressed support for the action. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Transfers

2010-19 – Temple Street Building Repairs

Motion: To approve Budget Transfer # 2010-19 for Temple Street in the amount of \$15,000 from Other Fees & Outside Services to Building Repairs. Motion by Comm. Clemons, second by Comm. Holden.

Mr. Wenger noted that the repairs are the items that were discussed at the last Board meeting; he explained that there may be more issues as the work proceeds.

Motion carried.

2010-20 – Misc. Retirement

Motion: To approve Budget Transfer # 2010-20, to transfer from Contingency, Buildings the amount of \$184,975, and to place the funds into the Retirement Line for:

- County Convention
- Computer Information Systems
- Human Resources
- Deeds
- County Complex
- Sheriff's Department

Department of Corrections
Cooperative Extension
Conservation District
Nursing Home Housekeeping
Nursing Home Social Services

Motion: Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden noted that these transfers are necessary because of changes in the Retirement System contribution; the funds were available from the Buildings line.

Mr. Wenger noted that he scoured the budget to find these monies; it could not be found within the Retirement lines from the various Departments; the Departments not mentioned are very close to reaching their budgeted amount; the Contingency Building has \$300,000 that was budgeted for a potential project that has not been used. Mr. Wenger explained that he does not anticipate a project starting before the end of the fiscal year that will encumber that \$300,000, so it should be available, and this explains why the funds are taken from this line.

2010-21 – Health & Accident Insurance

Motion: To approve Budget Transfer # 2010-21 to transfer \$123,000 from the Nursing Home-Nursing Health Insurance line, to the Department of Corrections Health line, the Nursing Home Social Services Health line, and the Nursing Home Dietary Health line. Motion by Comm. Clemons, second by Comm. Holden.

Mr. Wenger explained that during last year's budget process, a projection was recommended for each Department's estimated insurance expense. The estimated appropriations for the Department of Corrections and the Nursing Home Social Services and Dietary Departments are proving to be inadequate while funds remain in the appropriations for the Nursing Home Nursing Department; a similar transfer between the Nursing Home Nursing Department and the Department of Corrections was approved in FY '09; however, that adjustment was not carried into the FY '10 budget appropriation. This transfer is requested within the budget Health Insurance lines to meet the projected expense for each Department.

Motion carried.

Mr. Wenger informed the Board that based on discussions with Department Heads; it is likely that as the year goes on, there will be a need for more complicated transfers because the budget lines are much tighter in this year's budget. Comm. Clemons commented that when a budget is tight, there will be a need for more transfers, and that is a good thing for the taxpayers.

2010-22 – Board of Commissioners Consulting

Motion: To transfer from the Contingency Buildings line the amount of \$10,000, and to transfer a similar amount to the County Commissioners Consulting Expense; the reason for the transfer is that the consulting expense funds have been utilized during this fiscal year; the Board anticipated a reduction in negotiations for FY 10; however, the Board has been engaged with impact bargaining with the AFSCME group at the Nursing Home and has returned to bargaining with this group following the Delegation's failure to approve a Fact-Finders Report in June 2009. She indicated that the funds are available in the Contingency Buildings line. By Comm. Holden, second by Comm. Clemons. Motion carried.

2010-23 – Board of Commissioners – Out of State Travel

Motion: To approve Transfer # 2010-23 for the County Commissioners, transferring \$500 from Travel-District 1 to Travel Out-of-State. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

2010-24 – Manchester Courthouse Building Rental

Motion: To approve Budget Transfer # 2010-24, to transfer \$23,000 from Contingency Buildings to Manchester Courthouse Building Rental. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

2010-25 – Nursing Home Pharmacy

Motion: To approve Budget Transfer # 2010-25 to transfer \$20,000 from Nursing Home Rehabilitation Services to Nursing Home Pharmacy-Other Fees. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Holden explained that this is being required because of higher than anticipated Laboratory costs.

Motion carried.

2010-26 – Nursing Home Overtime

Motion: To approve Budget Transfer # 2010-26 to transfer the amount of \$125,000 from Nursing Home Salaries/Wages to Nursing Home Overtime. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

4. Public Comment on Agenda Items

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

5. Department of Corrections

Census

Supt. O'Mara presented the DOC Census, noting that as of March 18, 2010, the Census was 592, which included 520 men of whom 352 were being held pre-trial and 168 that had been sentenced. There were 72 women of whom 45 were being held pre-trial and 27 that had been sentenced. He noted that there were 18 in the community.

Request for Use of County Land

Supt. O'Mara informed the Board that Southern NH Services has requested to use the southwest field, area G, which is located across the road. They are once again requesting to use the land for the community garden project.

Motion: To approve Supt O'Mara's request on behalf of Southern NH Services to use the nearby land for community gardens. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Administrative Transfer

Supt O'Mara informed the Board that this item of business was previously approved by a Telephone Poll and does not need to be addressed at this meeting.

Supt O'Mara noted that the statute requires Board approval when a person is being transferred to the prison system; he further noted that for transfers between Counties, it is the receiving County Commissioners that have to approve accepting a prisoner; the sending County does not need approval; however, when prisoners are sent to the State of NH, the Board is required to authorize that transfer.

Supt O'Mara noted that there is a female prisoner that the NH State Prison for Women has agreed to take; he requested a motion authorizing this action.

Motion: To authorize the Superintendent to transfer a female inmate to the NH State Prison for Women. By Comm. Clemons, second by Comm. Holden. Motion carried.

Supt O'Mara announced that on March 5th, the Department of Corrections successfully graduated nine Correctional Officers and asked the Board's Certification of the officers. Comm. Holden moved: "Having completed the requirements pursuant to the Hillsborough County Department of Corrections' Correctional Officers Certification policy (A-129) and set forth by the Hillsborough County New Hampshire Commissioner's Certification Board," the Board affirms the following graduates of the 42nd Hillsborough County Department of Corrections Training Academy as Certified Correctional Officers.

The Correctional Officers being certified are:

Sarah E. Charbonneau,
Brendan P. Diminico
Kalvin G. Fosher
Matheau J. Goonan
Ejona Haxhija
Benjamin O. Hyman
Andrew J. Lyon
Eric C. Mosher
Jason D. Steele

Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Supt O'Mara noted that Attorney Kirby will be making a request to consult with Counsel relative to the Department of Corrections.

6. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of March 18th, the Census at the Nursing Home includes 279 occupied beds, which included 203 Medicaid residents, 42 private pay residents, and 34 Medicare Part A residents. He noted that all the numbers exceed the budget except the grand total, which is 1 below budget.

National Nursing Home Week – 2010 Employee Years of Service Award

Mr. Moorehead requested that the Board reimburse the Nursing Home for the Employee Service Awards, noting that the recognition will be held in May. He explained that the funds will come from the Recruitment and Retention budget line. Mr. Moorehead informed the Board that the cost will be \$2,450.

Motion: To reimburse the Nursing Home Recruitment and Retention Line for National Nursing Home Week for the employee years of service awards in the amount of \$2,450. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired where the funds will come from. There was discussion relative to this procedure. Comm. Holden responded that it will come from the Commissioner's budget, and is offset by revenue from miscellaneous vending machines. Mr. Wenger noted that this expense was covered by "canteen funds," but is now handled in this manner based on recommendations from the Auditor.

Motion carried.

Mr. Wenger asked the Board to consider if it wished to recognize all County employees in some manner. He explained that while it is done at the Nursing Home through employee service awards, there is nothing done in other Departments; he noted that he recently received a question from a Department with a ten-year employee inquiring if the County did any kind of recognition for employees. He offered that the Board may wish to consider recognizing employees across the County. There was discussion among the Commissioners and a general feeling that it was a good idea, but that the manner of presentation should be given consideration. Comm. Clemons expressed his opinion that presenting a certificate might be a good idea, but it could be counter productive to hold presentations during meetings.

Mr. Moorehead informed the Chair that he had one item to address under New Business.

7. Registry of Deeds

Revenue

Register Coughlin reported that things are going well at the Registry of Deeds and referred the Board to the Revenue Summary in the Board Packet.

Property Fraud Alert

Register Coughlin presented information relative to the Property Fraud Alert, which is a new program available to Hillsborough County residents. She noted that the new program will be available State-wide. Ms. Coughlin explained that people have been calling and indicating that mortgages and deeds have been recorded in their names, but it is not their information or signatures. The Property Fraud Alert program is being offered for free to County citizens; the information is available on the Registry of Deeds website. Individuals can subscribe by e-mail for this service at no cost; if something is reported under an individual's name, he/she is notified. There is also an 800 number that one can call to address any concerns. Register Coughlin explained that recently, with all the foreclosures and "For Sale" signs, people have been submitting false UCC filings, which only cost \$50 or \$100. Register Coughlin communicated that Hillsborough County is the first NH County to be proactive in offering this service to deal with fraud through the Registry of Deeds. She noted that the Registry website is: www.nhdeeds.com; once at the site, one can click on the "Property Fraud Alert" icon on the left of the homepage.

Register Coughlin requested an opportunity to meet with the Board and Mr. Wenger in Non-Public Session relative to employee issues after the regular business of the Board has been addressed.

8. Human Services

Revenue and Expense Update

Comm. Pappas reported that Ms. Robinson would not be attending today's meeting due to the birth of a new grandchild.

9. Old/New Business

Comm. Clemons commented relative to the Retirement Litigation and the position of the NH Association of Counties. He expressed his belief that the County should enter this lawsuit and noted that recent developments in the Legislature lead him to believe that this may be the first, but not the last attack to take place on the Counties, and noted that if the County lets this go, it is his belief that the State will find more and more ways to shift its burden to the Counties.

Comm. Clemons noted that he heard on NH Public Radio this morning that the Courts will take three furlough days, and in his opinion, all this does is save the State money but put more of the burden on the Counties because it delays action for people who are incarcerated at the DOC. He expressed his belief that the County should participate in this lawsuit and send a message to the State that its responsibilities should not be dumped on the Counties. He indicated that he wished to make a motion relative to this issue.

Motion: To participate in the lawsuit that the NH Association of Counties is bringing against the State regarding the issue of retirement funding. Motion by Comm. Clemons, second by Comm. Holden.

There was a question relative to the cost to participate in the lawsuit. Mr. Wenger responded that the cost for Hillsborough County's participation is \$8,543.29. He noted that there was a request to have a commitment by a certain date, but he would suspect that NHAC would be happy to have Hillsborough County's contribution whenever it arrives. The Board agreed that it should participate. Comm. Clemons noted that the amount approved earlier today for unanticipated expenses to the State was \$184,000, and noted that even if the lawsuit is not successful, it is important to send a message to the State that this has to stop. Comm. Pappas expressed her support, as did Comm. Holden, who noted that this type of action will continue. Supt O'Mara stated that the Town of Amherst, where he resides, had an unanticipated expenditure of \$22,000 for seventeen police officers. Mr. Wenger informed the Board that the transfer done this morning relative to unanticipated expenditures were the result of a bill signed by the Governor on June 30th, effective July 1st. Supt. O'Mara noted that there is another proposal currently pending to create an even greater cost shift away from the State relative to employee/employer. He noted that this type of action comes too late to be able to address it in the budget because the budget process will be complete.

Comm. Holden noted that at least the Teacher's Union has a seat at the table; the County does not have a seat at the table.

Motion carried.

Mr. Wenger noted this action raises a perplexing situation...the Board has \$1 in its Legal expense line; this action will require a transfer to be done. He asked the Board if it wished to have this presented to the Executive Committee at its next meeting, which is scheduled for the following Friday. The Board discussed the motion and agreed to send a message to NHAC that it will participate in the lawsuit, but may not send its contribution until the next budget cycle. Mr. Wenger explained that funds could likely be found; he offered that the Board may wish to send a message that it wished to participate in the suit but has to take appropriate actions to get the appropriation approved. Comm. Holden suggested that the expense be included in the Legal line in the next budget. Comm. Clemons expressed support and agreement.

In response to a question, Mr. Wenger responded that he believes that the subcommittees have taken out the requests for Legal expenses for the past four or five years. Supt O'Mara suggested that money may be available before the end of the fiscal year; Mr. Wenger noted that a transfer could be made. Supt. O'Mara noted that he does not envision an appropriation surviving the entire budget process and being passed by the Representatives. Comm. Clemons noted that when you look at how County government is structured... Comm. Holden noted that this is why they don't want the Board to have any money in the line. Comm. Clemons noted that they will vote against this. Comm. Holden expressed her belief that it is still important to add expenses to the Legal line; the Board should have some money in that line. Comm. Clemons suggested that in light of the fact that an appropriation may not be approved by the Delegation, it may make sense to do a transfer within the current budget. Mr. Wenger suggested that the Board may wish to consider what its appropriate actions would be should the Delegation not approve funding, as well as consideration of the legality of their ability to do that.

Supt O'Mara noted that there is a line in every budget, Other Fees & Services, line 0290, which may have funds. Mr. Wenger explained that the Board of Commissioners does not have that line.

Mr. Moorehead asked to bring to the Board's attention a matter that involves the Nursing Home as well the Jail and the Sheriff's Department, the Departments that are in operation 24/7. He explained that his concern related to problems with the telephone system that have continued from June, 2009 through February 26, 2010, at least at the Nursing Home. Mr. Moorehead informed the Board that there have been four major outages and three minor outages with the phones during that time period. He explained that the last outage was on 2/26; he noted his concern with the continuing outages and communicated that some of the outages occur for different reasons; he noted that Mr. Wenger and the CIS Department have worked very hard and have cooperated with the Nursing Home in particular, trying to work with Cisco and One Communication as well as Fairpoint to try to fix these problems; they have addressed problems that have caused prior outages, but the problems that occur over time seem to be new issues. He expressed his concern that the problems will continue, and explained that it creates problems when the Nursing Home can't communicate with the outside.

Mr. Moorehead suggested that a Task Force be formed to take a look at the issue or issues with a 30 to 45 day timeline, followed by a report back to the Board. Comm. Pappas mentioned that she is aware that there has been much work done relative to the phone system with the Nursing Home; she asked when the phones were last out at the Nursing Home and if it were during the time that the electricity was out in the area, and asked if the power outage contributed to the problem. Mr. Moorehead responded that it occurred on February 26, 2010.

Mr. Wenger reported that he shares Mr. Moorehead's frustration; he explained that the issues have been different and have been addressed as they occur; the most recent issue is believed to have been caused by a card in the Nursing Home's system being "fried" as a result of a surge during the outage. He further explained that those things will happen, but his bigger concern is with respect to the response time when those things happen. Mr. Wenger noted that the card was fixed in a four-hour period of time but it involved multiple entities being involved including Fairpoint Communication coming out and replacing the card. He expressed his concern and noted that each time there is an issue it has been addressed.

Mr. Wenger went on to explain that there has been another entity brought in to review the issues and to give recommendations as to how things can be improved; he noted the importance of having the "fail-over" because with telephones and technology, things will happen, and the goal is to correct the issues as the County goes forward. Mr. Wenger informed the Board that one issue has been the fax machines; that issue is currently being addressed; the fax machines will be given independent lines, but that does not mean that individual copper lines cannot go down. He summarized by noting that the County has learned a great deal as it has moved through the implementation of the project; he offered that it would be appropriate to see if there are changes that could be made to simplify the system as well as making it work better. There was discussion about a Task Force. Mr. Moorehead expressed an issue with paging and asked about an engineering report that he has not seen. Comm. Clemons inquired if there were problems at the DOC, to which Supt O'Mara responded that there have been

problems, but he would not be the most informed person to address issues; he would designate someone who has been tracking the issues to attend Task Force meetings.

There was discussion about an echoing issue, which has been resolved. Mr. Wenger reported that a lot of the issues that are being addressed are issues that came up after the County had signed off on the design and was implementing the system. He noted that there are issues that are still being addressed.

Comm. Clemons offered to represent the Board on the Task Force and noted that all that a Task Force can really do is identify the problems, but they will not be experts. Mr. Wenger explained that RTM, a separate entity, has been brought in. He further explained that One Communications is the vendor that provides the lines, they are Fairpoint lines; Presidio is the Cisco partner that did the design and implementation. RTM has been brought in to look at things that the County can do; the County is awaiting a final response from them; then the County will work with Cisco, Once Communications, and hopefully wrap up with Presidio. Comm. Clemons asked if the goal was to identify problems and come up with solutions. Mr. Wenger responded that perhaps the goal could be to look at issues from a County perspective and ask the experts to find ways to make this service better; it is an expandable system; it can be made better.

There was discussion about a water problem that was raised by Mr. Moorehead. Mr. Wenger explained that this is an issue with Fairpoint. There is a box less than a mile down the road that is affected by water; every time it rains the copper lines go down; they have to replace that wire but have been unwilling or unable to do that. He noted that if they place fiber optic lines there, ninety-nine percent of the Nursing Home issues will go away.

Comm. Holden observed that she is not sure a Task Force is needed; this just adds another layer. She recommended using Incident Reports that are directed to the CIS Department, or to Mr. Wenger, and then they address and see the broad spectrum; she noted that the problem, as she sees it, is communication. Comm. Pappas suggested that a group meet in a less formal situation that include those involved, with reports at the Department Head meetings. Comm. Clemons will join this group. Mr. Wenger suggested that anyone with concerns or ideas be involved.

Comm. Holden reported that National County month is in April; the theme is healthy communities; she suggested coming up with initiatives for the April 7th meeting.

Comm. Holden informed the Board that she attended the Hillsborough County 4-H Activities Day on March 20th; it was great to see the kids at the Milford Middle School.

Comm. Holden reported that the Charrette report is in its final stages; there is a draft and it is hoped that the final report will be distributed by mid-April. It will be sent to all the Town and City offices as well as the Selectmen's and Mayor's offices.

Comm. Holden observed that she has a NACo 100% Board of Directors report; it will be sent out to the Department Heads. She noted that the Dental Discount program will be available for member Counties at a cost of \$59 for an individual or \$69 for a family; the discount represents a savings of approximately 38%. She reported that the Prescription Discount Program is very successful.

Comm. Holden shared information relative to a new Government employee's market program, which provides Government employees with discounts to companies in the private sector.

Comm. Pappas informed those present that there will be a meeting with the Association of Counties on April 28th at the Primex Building in Concord; she noted that perhaps the Board may wish to do something at that meeting to celebrate National County month; the Board can address it further at its next meeting.

Mr. Wenger referred to the Executive Committee's invitation for the Board to join its meeting the following Friday to discuss the Board's parameters for the FY 2011 budget. After general discussion, the Board agreed to discuss that at the end of its meeting today.

10. Public Comments

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

The Board agreed to go into a brief recess.

Motion: To move into recess to consult with Counsel. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

The Board moved into recess with Mr. Wenger and Supt O'Mara to consult with Counsel at 11:23 a.m.

The Board moved out of recess and returned to regular session at 11:30 a.m.

Motion: To come out of recess. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

12. Grievances

Comm. Pappas recognized Mr. Lyons, Union Representative from AFSCME Local #93. Also present at the table were V. Durand-Grievant, P. Martel-President, and S. Naughton-Chief Steward. Representing the Nursing Home were B. Moorehead, H. Bernier, and T. Dubois.

Comm. Pappas asked Mr. Lyons if he wished the first Grievance to be held in Public Session or in Non-Public Session. He responded that in the matter of PM-0589, V. Durand wished to have the grievance heard in Non-Public Session.

Comm. Pappas entertained a motion to enter Non-Public Session to hear the first grievance.

Motion: To move into Non-Public Session consistent with RSA 91-A: 3 II (c). Motion by Comm. Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public Session at 11:40 a.m. with the Grievant, Union Representatives, and Nursing Home Staff consistent RSA 91-A: 3 II (c) to discuss a personnel issue.

The Board heard arguments from the respective sides concerning the pending Grievance, PM-0589.

The Board moved out of Non-Public Session at 12:00 p.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.

The Board moved into recess by unanimous consent at 12:05 p.m.

The Board returned to regular session at 12:20 p.m.

Motion: To move out of Recess. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Lyons referred to the matter of PM0591, and noted that Ms. A. Adedoyin requested that this grievance be withdrawn; she will not be proceeding with the grievance.

Mr. Lyons noted that in the matter of PM-0590, S. Clement is not present, but she requested that the grievance be heard in Public Session. He provided the Board with a packet of information relative to the grievance, noting that there was an award for a similar issue that occurred in 2008. He explained that this is a similar action to that which occurred in 2009 resulting in a grievance being filed. He explained that from the Union's perspective, this is a situation where a non-bargaining unit employee was given the opportunity to do work that should have been offered to the Grievant, a bargaining unit employee.

Mr. Moorehead noted that the Nursing Home's perspective is that the non-bargaining unit employee did not get paid overtime in December 2009. He explained that the driver who drove the bus has the required CDL license and has driven the bus numerous times. He further explained that the Nursing Home has accepted and complied with the Arbitrator's decision dated March 1, 2010. Mr. Moorehead requested that today's grievance be heard by another Arbitrator because the Nursing Home's position is that it should not be paying overtime when another employee is available who would not have to be paid overtime; additionally, it has been the Nursing Home's position that it should be able to direct the work force. He requested that the grievance be denied.

Comm. Clemons asked about the Union's recommendation relative to making the employee whole. Mr. Lyons responded that the employee was not offered the additional time; it was bargaining work that should have been offered to the employee. In this instance, the request is that the employee be paid compensation for two hours per incident at time and one-half. Mr. Moorehead noted that it was difficult to determine if the Grievant was offered overtime and refused, because she is not present at this meeting.

11. Non-Public Session

Comm. Holden noted that Register Coughlin has a request to go into Non-Public Session with Mr. Wenger

Motion: To move into Non-Public Session with Register Coughlin and Mr. Wenger consistent with RSA 91-A: 3 II (c) to discuss personnel issues. Motion by Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session with Register Coughlin and Mr. Wenger at 12:32p.m.

Register Coughlin discussed a recommendation for the reorganization of personnel within her office that would result in the elimination of one position and the dismissal of an employee. The Board indicated that it would consider a plan when requested by the Register.

The Board moved out of Non-Public session at 12:57 p.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.

Minutes

Comm. Pappas asked the Board if it was ready to address the meeting minutes.

Motion: To approve the minutes of the regular Board of Commissioner's meeting that was held on March 10, 2010. Motion by Comm. Clemons, second by Comm. Holden. Comm. Pappas noted that she was not present at the aforementioned meeting; she abstained from voting. Motion carried.

Motion: To approve the minutes of the Hillsborough County Executive Committee meeting that was held on March 5, 2010, and was attended by Commissioners Pappas and Clemons. Motion by Comm. Clemons, second by Comm. Pappas. Comm. Holden noted that she was not present at the aforementioned meeting; she abstained from voting. Motion carried.

Comm. Pappas asked the Board to give consideration to what it would like to discuss relative to budget parameters at the Executive Committee meeting that it has been invited to attend. Mr. Wenger noted that in the budget book, the Commissioners have stated that they are looking to present a budget that does not have impact on the County taxpayer. Comm. Holden noted that the County cannot be dependent on six million dollars in surplus this year. Mr. Wenger explained that the Board will, in fact, need to present a budget that is based on approximately five million dollars in surplus because the County is presently holding approximately three million dollars in Federal Stimulus money that was received last fiscal year; it cannot be used to build up the surplus; it must be used for a specific purpose. Mr. Wenger suggested that the Board consider designating that money for a specific purpose during the course of this year; in addition, the County will have approximately two million dollars of unanticipated ARRA monies for this year so there will be five million dollars that must be designated for specific purpose(s) and there has to be a paper trail. He went on to explain that this year there is four million dollars in designated funds, and there will be an additional two million; the County will be prudent to use three million dollars of last year's surplus and two million dollars of this year's surplus. Mr. Wenger explained that four million dollars in revenue is being used to offset four million dollars in Human Services expenses.

Comm. Clemons remarked that he believes that the Board's budget manual speaks for itself; the Board agreed that it would be would listen to the Subcommittees and Departments for input, and that it was not ready to make commitments without first hearing all the information. It was decided to present what is in the budget manual and look to the Executive Committee to see what its agenda may be. Comm. Clemons observed that when the invitation was first extended, he looked at this as a way to eliminate some of the partisanship; he hopes the meeting is cordial and informational.

Mr. Wenger observed that the Commissioners make up a Board that speaks as a Board; the Executive Committee is a committee that speaks as a committee.

Motion: To recess to consult with Counsel. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

The Board recessed to consult with Counsel at 1:10 p.m.

The Board moved out of recess at 1:55 p.m.

Motion: To come out of recess and return to regular session. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas asked if there were any motions to be presented to the Board.

Motion: To approve authority for Legal Counsel to settle a case up to the amount discussed. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To deny grievance PM-0590. By Comm. Holden, second by Comm. Pappas. Commissioners Pappas and Holden voted in the affirmative. Comm. Clemons voted nay. Motion carried.

Motion: To deny grievance PM-0589. By Comm. Holden, second by Comm. Pappas. Commissioners Pappas and Holden voted in the affirmative. Comm. Clemons voted nay. Motion carried.

Motion: To approve the NACo Dental Discount Card Program for Hillsborough County and to authorize the Chair to sign the contract. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger observed that it was his understanding that during the last budget cycle when the Delegation reduced the Board's Legal line to \$1, it was done with the understanding that the legal expenses were included within the Delegation Office budget, and whenever there was need, those funds would be available. He offered that the Board may wish to consider asking the Delegation office to cover the cost of the County's participation in the NHACo lawsuit. Comm. Clemons asked what that meant, and Comm. Holden explained that it means that if the Board wants to get money to use for legal expense for the Board, it is not in the Board's budget; the Board has to go and ask the Delegation for the funds. Comm. Clemons asked if this was not discussed last year; Comm. Holden indicated that yes, the Board requested that there be funds in its legal line, but it was taken out by the Delegation. She suggested that the Board once again fund the line in its budget; she stressed that the Board should be able to get outside Counsel when necessary. Comm. Pappas asked if that was the only place to get the funds from; Mr. Wenger offered that with the way that the budget was structured, that is the appropriate step for the Board to take. Mr. Wenger noted that the Board could first request the funds from the Delegation budget; if refused, the Board could do a transfer, and if the transfer is not approved, the Board could once again request that the funds be added to its budget line. That is the position the Board has been put in and the process the Board must take to meet its obligations under law. After discussion, the Board agreed that Mr. Wenger will forward the bill to the Delegation.

12. **Adjourn**

There being no further items for the Board's consideration, The Board moved to adjourn.

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

The Board adjourned at 2:00 p.m.

Approved 5/6/2010

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date