

Regular Meeting of the  
Hillsborough County Board of Commissioners

April 4, 2007  
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, G. Wenger, B. Moorehead, K. Holt, A. Durette, J. Hardy, R. Mercer, E. Robinson, J. O'Mara, M. Rusch, C. Kirby, and R. Pomroy.

Also present: M. Rochet and D. Lozeau of Southern New Hampshire Services.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 3:43 P.M. J. O'Mara led those present in the Pledge to the Flag.

**2. Southern NH Services – Elderly Housing**

Comm. Holden noted that the purpose of the Board meeting with Southern New Hampshire Services (SNHS) was to begin determining what would be needed to move forward. D. Lozeau informed the Board that the deadline for the submittal of applications to HUD is May 9<sup>th</sup>. She noted that HUD distributes its funding to metro and non-metro sites between Vermont, New Hampshire and Maine. She noted that currently, SNHS is working on two non-metro sites in Milford and Bristol. She stated that the May 9<sup>th</sup> deadline is too soon for this project and she would look forward to making the deadline for next year. She noted that to meet next year's deadline, SNHS would have to demonstrate site control and it would have to perform environmental testing, which could take between 60-90 days to complete. Comm. Holden noted that there is definite need in Nashua and Manchester for these services, and that the Board will have to see if there would be appropriate need to have such a facility in Goffstown. D. Lozeau advised the Board that people from this area who would be eligible for these services would be given higher priority over those from other areas, but someone from another part of the Country could also be eligible to reside in this facility if needed. M. Rochet advised the Board that to demonstrate site control, SNHS would have to establish where the plot of land for development would be, and a lease agreement would have to be determined. Comm. Holden stated that shared services would also have to be determined, i.e. if the HUD facility would share the driveway, water, or sewer services, etc. with the Nursing Home.

Comm. Pappas inquired what would be the next step in this project, to which D. Lozeau stated that the next step would be to put together a list of all matters pertaining to the project in order of priority. She noted that the first priority would be to establish a site where the project would be located. A discussion followed.

D. Lozeau and M. Rochet excused themselves at this time.

**3. Minutes**

March 27, 2007

**Motion:** To approve the minutes of the Budget Meeting #2 on March 27, 2007. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**4. Business Office**

Approval of Payroll Register

**Motion:** To accept the Payroll Register dated 3/22/2007 in the amount of \$985,660.31 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Approval of Accounts Payable Register

**Motion:** To accept the Accounts Payable Register dated 4/2/2007 in the amount of \$900,986.15 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

A. Durette was recognized. He advised the Board that budget transfer requests are needed to cover anticipated expenditures through the end of the year.

Transfer # 2007-12: Sheriff Health & Accident to Sheriff Postage

**Motion:** To approve budget transfer # 2007-12 to transfer from the Sheriff Health & Accident line, 7120, the amount of \$5,000 to Sheriff Postage line, 7380, again the amount of the transfer is \$5,000. By Comm. Holden, second by Comm. Clemons.

A. Durette informed the Board that this transfer is an indication of how busy the Civil Process and Warrants Division has been this year as writs are served through the mail service.

Motion carried unanimously.

Transfer # 2007-13: Sheriff Health & Accident to Sheriff Office Supplies

**Motion:** To approve budget transfer # 2007-13 to transfer from the Sheriff Health & Accident line, 7120, the amount of \$2,000 to put that money in the Office Supplies line, 7360, again the transfer is for \$2,000, and it relates to the increase in the Warrants as well. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Transfer # 2007-14: Sheriff Salaries & Wages to Sheriff Auto Repair

**Motion:** To approve budget transfer # 2007-14, to transfer from the Sheriffs Salary & Wage line, 7010, the amount of \$10,000 and to transfer it into Auto Repair, the amount of the transfer is \$10,000 and the projected year-end expenses for auto repair would be \$30,000 with the transfer. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Transfer # 2007-15: Sheriff Salaries & Wages to Sheriff Gas & Oil

**Motion:** Request that the budget transfer # 2007-15, Sheriff Salaries & Wages, 7010, \$20,000 to Sheriff's Gas & Oil, 7720, total transfer \$20,000. By Comm. Clemons, second by Comm. Holden for discussion.

Comm. Holden noted that the figure seems high, and that the current appropriation is \$75,000, about 25% expended. A. Durette informed the Board that the request is from a combination of factors, the activity of a high volume of prisoners being moved as well as the price of fuel. He noted that the Sheriff's Office is moving approximately 15,000 prisoners throughout the State, and other states. He noted that Extraditions have increased, and more arrests are being made. Comm. Holden inquired if the transfer is required due to Deputies taking the vehicles home, to which Mr. Durette stated that is not a contributing factor for this transfer.

Motion carried unanimously.

## 5. Nursing Home

Census

B. Moorehead was recognized. He informed the Board that the census at the facility on March 29<sup>th</sup> was 281 of which 213 were Medicaid residents, 41 were Private Pay, 27 were Medicare Part A residents. He stated that of that number, one resident was on Hospital LOA on bed-hold, which meant that the resident paid the rate to reserve the

bed for when they are ready to return.

#### Accounts Receivable – Write-Off Request

Mr. Moorehead requested that the Board authorize the Administrator to write off \$87,462.08, which represents uncollectible accounts from 1994-2002. He noted that this amount would be applied to the 2007 books. He advised the Board that he would present another request in June for a second write-off to clean up old accounts going back to around the same time. He noted that M. Welch, the Business Office Manager, has been working diligently to clean up many of the old accounts that were practically buried when software programs were added in the mid 1990's. He stated that in the course of transitioning to ADL in the late 90's, some of these accounts were not written off as they should have been. He noted that since 2002, the auditors have been writing off on average \$255,606 per year, which is based on a percentage of revenue. He noted that the information regarding these write-offs is available for the Board's consideration.

**Motion:** To honor the Write-Off Request as stated by Mr. Moorehead, in the amount of \$87,462.08 for the Nursing Home, noting they are for Accounts Receivable. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

B. Moorehead advised the Board that write-offs occur routinely in nursing homes and hospitals. He listed several situations that would cause an account to be uncollectible. A discussion followed.

#### Bid # 28-2007: Dietary Walk-in Cooler

B. Moorehead presented bid # 28-2007 for a Dietary Walk-in Cooler. He noted that the floors of the current coolers are rusting badly and if they are not replaced, they will become an issue with the State. He noted that the lowest responsible bidder was Perkins of Manchester for a bid of \$19,120.00.

**Motion:** To approve bid #28-2007 for a Dietary Walk-in Cooler in the Nursing Home, awarded to Perkins of Manchester, NH for the total cost of \$19,120.00, noting they are the lowest responsible supplier and lowest responsible bidder meeting specifications.

#### Bid # 27-2007: Commercial Gas Range

B. Moorehead presented bid # 27-2007 for the replacement of a Commercial Gas Range in the Dietary Department. He noted that the lowest responsible bidder was Alternative Sales of Kingston, NH for \$6,725.00.

**Motion:** To approve bid #27-2007 for a Commercial Gas Range for the Nursing Home, to Alternate Sales in Kingston, NH, total cost of \$6,725, noting they are the lowest responsible bidder meeting specifications. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

#### Bid # 31-2007: Parking Lot 1 & 2 Paving & Striping

Mr. Moorehead presented bid # 31-2007 to repave Parking lots 1, 2, the circle, the area to the Ambulance Entrance, and the Road to Mast Road. He noted that the paving would cut off at the 'Y' where the yield sign is going towards the parking lots on the west side of the building. He noted that the lowest responsible bidder is Hooksett Paving Co., Inc. of Hooksett, NH for a bid of \$57,865, which encompasses approximately 7,200 yards of blacktop including the re-striping of all of the lots and adding 11 spaces.

**Motion:** To approve bid #31-2007 for the Parking Lot 1 & 2 Paving & Striping, to Hooksett Paving Co., Inc. of Hooksett, NH for a total cost of \$57,865, noting this was 50% less than some of the other bids. By Comm. Holden, second by Comm. Clemons.

B. Moorehead stated that M. Lencki is currently checking references, including references from companies not secluded to driveways alone. A discussion followed. Comm. Clemons inquired why the County would check references following the approval of the bid, to which Mr. Moorehead noted that the bid is essentially a proposal and following approval the County would enter an agreement subject to Legal Counsel's review.

Motion carried unanimously.

Mr. Moorehead stated that there is a concern with what lays underneath the asphalt, noting that they will not know that until they rip it up. He noted that if there is drainage work needed, it would be at an additional cost.

## **6. Department of Corrections**

### Census

J. O'Mara was recognized. He informed the Board that the census at the facility on March 29<sup>th</sup> was 580. He noted that of the 580, 515 were men, of which 192 were sentenced and 323 were being held pre-trial. He noted that on the women's side of the house, 20 were sentenced, and 45 were pre-trial for a total of 65 female inmates.

### Bid # FY07-08-A: Staff Uniform Set-UP-Officer/Supervisor

J. O'Mara presented bid # FY07-08-A for Staff Uniform Set-UP-Officer/Supervisor. He noted that on July 12, 2006, the Board awarded bid # FY07-08 to 911 Outfitters of Manchester, NH. He requested that the Board reconsider this motion due to the company's inability to fulfill the County's order.

**Motion:** To reconsider a motion taken by the Board on July 12, 2006, bid # FY07-08 for Staff Uniforms Set-Up-Officer/Supervisor. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

G. Wenger recommended that the Board rescind rather than reconsider the previous motion, to which Comm. Holden offered to withdraw the motion; Comm. Pappas then withdrew her second.

Motion withdrawn.

**Motion:** To rescind a motion taken by the Board on July 12, 2006, bid # FY07-08 for Staff Uniforms Set-Up-Officer/Supervisor. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

J. O'Mara presented bid # FY07-08-A for Staff Uniform Set-Up-Officer/Supervisor. He noted that the lowest bidder meeting the specifications was Neptune's of Haverhill, MA in the amount of \$782.95/\$753.45, noting this represents the complete outfit of a Supervisor and the complete outfit of a Line Officer consistent with the Collective Bargaining Agreement in the appropriate numbers. He stated that Neptune's is a previous provider of this service that had provided the service well in the past, but was out bid by 911 Outfitters previously.

**Motion:** To approve bid # FY07-08-A for Staff Uniform Set-Up-Officer/Supervisor to be awarded to Neptune's of Haverhill, MA for a total amount of \$782.95 for the Set up Officer and \$753.45 for the Supervisor, noting that they are the lowest responsible bidder, they don't have any oversize charges, and they have an acceptable past history with the County. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired what would happen with the contract with 911 Outfitters, to which Mr. O'Mara stated that the Department would send them a letter of termination. He noted that 911 Outfitters guaranteed that they would meet certain specifications that they later could not and with the training of new employees, uniforms are needed.

Motion carried unanimously.

**Bid # FY07-72: Classification Folders**

J. O'Mara presented bid # FY07-72 for Classification Folders. He noted that the lowest responsible bidder meeting specifications was Office Depot of Marlborough, MA at \$1.38 each. He presented the Board with a sample classification folder used by the Department of Corrections.

**Motion:** To approve bid # FY07-72 for the Department of Corrections for Classification Folders to Office Depot of Marlborough, MA, the unit price is \$1.38 per folder, they are the lowest responsible bidder meeting the specifications. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Bid # FY07-73: Eltron ID Printer Ribbons (250 prints each)**

J. O'Mara presented bid # FY07-73 for Eltron ID Printer Ribbons, 250 prints per ribbon. He noted that the lowest bidder meeting the specifications was NE Security & Communications of Manchaug, MA for the total price of \$52.75 each.

**Motion:** To approve bid # FY07-73 for Eltron ID Printer Ribbons, noting that they do 250 prints each, to NE Security & Communications out of Manchaug, MA, the unit price is \$52.75, noting they are the lowest responsible bidder meeting specifications. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

J. O'Mara described to the Board an incident that occurred at the Department of Corrections involving an in-custody death. He commended Corrections Officer Quintford Robinson and Sergeant Ryan Levierge who administered CPR for an extended duration of time before the paramedics could arrive. A discussion followed.

**7. Human Services**

E. Robinson was recognized. She distributed to the Board the Hillsborough County Public Assistance Report. She informed the Board of the difficulties of processing the State's bills due to multiple case families getting only one case number, noting that this has recently been resolved by the State switching to Medicaid numbers. She noted that it was a huge project to convert all of the case numbers to the Medicaid numbers.

Ms. Robinson informed the Board that OAA was budgeted at \$640,000 and is projected to be \$716,337 noting that this was due to the Medical Surcharge not rolling back as initially anticipated; APTD was budgeted at \$2,950,000 and is projected to be \$3,042,467; Nursing Home Medicaid was budgeted at \$20,000,000 and is projected to be \$19,653,139; DCYF and DJJS were budgeted at 4,880,000 and are projected to be \$4,242,852. She noted that December's bill has been processed recently and it reflects the increase at YDC from the \$360 to the \$370 daily rate. She informed the Board that the total budgeted amount was \$28,470,000 and the projected amount is \$27,654,794.

E. Robinson informed the Board that Rep. Rosenwald has expressed concern that the County's paid HCBC numbers do not match the State's paid HCBC numbers. She noted that she informed Rep. Rosenwald that the County's paid numbers reflect what the County actually pays, whereas the State's paid numbers reflect what they're paying the provider and that due to the Nursing Home's bill being 2 month behind, the County reflects the delay in HCBC and provider payments. She noted that she provided Rep. Rosenwald a graph showing the trend in provider payments. She noted that because of Medicare Part D the County is saving approximately \$40,000 per month. She referred to a letter the Board received from Comm. Stephens regarding Clawback noting that he is claiming that the County has been deducting \$17,487. She described the case he referred to noting that it was not an unusual occurrence and upon receipt of the appropriate paperwork the matter will be resolved. A discussion followed.

**8. Sheriff's Office**

Uncanoonic Radio Repeater Lease Renewal

A. Durette was recognized. He presented the Board with the Uncanoonic Radio Repeater Lease Renewal, which needs to be renewed annually. He noted that this has been reviewed by Legal Counsel.

**Motion:** To authorize the Chairman to sign the Uncanoonic Radio Repeater Lease Renewal on behalf of the Board of Commissioners. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Comm. Clemons inquired what the County leases on this site to which A. Durette stated that the County leases a small building, the land the building is on and the tower. He noted that the County leases other repeaters on public land and that many of them do not cost the County money. Comm. Clemons inquired how many repeaters are in the County, to which A. Durette stated that he is not aware of the specific number. A discussion followed.

## 9. Old/New Business

Comm. Holden presented the proclamation received from the Governor and the Governor's Council regarding County Government week and County's efforts for conservation.

## 10. Non-Public Session

**Motion:** To go into non-public session under RSA 91-A: 3 II (e), negotiations. By Comm. Clemons, second by Comm. Holden. Comm. Holden, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

The Board went into non-public session at 4:45 P.M.

**Motion:** To come out of non-public session. By Comm. Holden, second by Comm. Holden. Comm. Clemons, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

The Board came out of non-public session at 5:13 P.M.

## Grievances

AFSCME Grievance # MG 0528

**Motion:** To deny grievance # MG 0528. By Comm. Holden, second by Comm. Pappas for discussion.

Comm. Holden noted that the grievance did not rise to the level of a grievance, it did not violate 16.8 of the CBA, no disciplinary action was imposed for those reasons, and the policy under the weekend make-up is (a) and (b) of which (b) states "employees who call in sick on a scheduled weekend shift will not have to make up the time as long as the absence is not repeated for at least 6 months or the employee is out more than three days which includes a weekend day(s) and brings in a doctor's certificate certifying that the employee is ill during that period."

Comm. Clemons stated that he sees this as a case that even though it is not a clear-cut violation of the contract, there are so many instances where events are going to occur that paragraphs and sentences can not be found in the contract to cover it. He stated that in this particular case, the employee was called out to the emergency room and it would seem that an exception should have been made to this particular rule because of the circumstances surrounding it. He noted that no one likes to make decisions regarding exceptions to rules but in many cases they have to be made, and this is one that has to be made. He noted that he would vote against the motion.

Comm. Pappas noted that she agreed with Comm. Holden in that this does not rise to the level of a grievance and while she does feel badly for the employee and her situation, it should not have come before the Board as a grievance. Comm. Clemons inquired how the Board would have liked to see this handled to which Comm. Pappas noted that it is not a violation of the contract and if the Board begins to make exceptions in these cases it would open Pandora's Box. She noted that she is not sure if the Board should go down that road at this point. Comm.

Clemons inquired what is in place for situations such as this, noting that something should be in-place to handle this sort of situation. Mr. Moorehead stated that he concurred with what Comm. Holden stated in that the policy does include latitude for those occurrences and that none of the employees with grievances related to this matter would have had to make up that weekend if they hadn't had a prior weekend that they missed in a 6 month period. He noted that the policy has one weekend allowance per 6 months.

Motion carried, two in favor, one opposed. Comm. Pappas, yes; Comm. Holden, yes; Comm. Clemons, no.

#### AFSCME Grievance # MG 0530

**Motion:** To deny Grievance # 0530 for the same reasons as Grievance # 0528, noting that it did not violate the Union contract and it did not rise to the level of a grievance and the contract gives a 6 month window: "employees who call in sick on a scheduled weekend shift will not have to make up the time as long as the absence is not repeated for at least 6 months", noting that the rules should be followed. By Comm. Holden, second by Comm. Pappas for discussion.

Comm. Clemons stated that he would have agreed with Comm. Holden if it wasn't for the fact that both ladies were on vacation the following weekend. He noted that if they had been out of the State for that weekend it would have been impossible for them to make up the time. He noted that they did agree to work another weekend and that's the only caveat he has on this instance. He inquired if there is an instance in the contract that states exceptions could be made for vacations, to which Comm. Pappas stated that she did not have an answer for that. G. Wenger noted that he is not familiar with any language that would address that issue. Comm. Clemons inquired if there is anything in the policy that allows for exceptions for when people are on vacation, to which Comm. Holden stated that the individuals realized that they were late and knew they were going on vacation and should have made arrangements since they knew that they had been late before. She noted that whether it is one or 10 minutes late, there is a window of 7 minutes given. Comm. Clemons noted that this is a situation with extenuating circumstances wherein both of the grievants agreed to work another weekend therefore agreeing that the time had to be made up. He noted that there is nothing in the policy that addresses this, but there should be. He noted that he would vote against the motion.

Comm. Holden noted that this policy is in place because in the past, there has been a problem with weekend shifts, a problem with people calling out sick and a problem with people being late, and that this policy is in place to insure that the facility is staffed and is in response to a problem. She noted that the Union recognized in discussions that this was not being enforced uniformly, this was an effort to have a uniform policy, and it should be uniformly imposed. Comm. Clemons stated that this is staff that probably desires to be treated more professionally and he feels this policy in many ways does not fit that category and reasserted that he would not vote for the motion.

Motion carried, two in favor, one opposed. Comm. Pappas, yes; Comm. Holden, yes; Comm. Clemons, no.

#### AFSCME Grievance # MG 0529

**Motion:** To deny Grievance # 0529 because it did not violate 16.8, noting it was disciplinary action taken consistent with the infraction; 16.8 (c) was not violated and the sequence does not have to be followed if the infraction merits the discipline, and as the charge was insubordination it was just cause for suspension, also noting that the grievance should be denied whether or not one is on or off duty, the behavior must show respect. By Comm. Holden, second by Comm. Pappas for discussion.

Comm. Clemons stated that he would not vote in favor of the motion because the discipline took place before the act, noting that she was told she could not go to the meeting and was suspended before the meeting took place. He noted that the reason she was told she could not go to the meeting was because they would be short on the floor, yet she was suspended and a substitute was not called in to take her place.

Comm. Holden noted that words were exchanged in the course of the discussion of the grievance and she believed the discipline was appropriate, the two day suspension.

Motion carried, two in favor, one opposed. Comm. Pappas, yes; Comm. Holden, yes; Comm. Clemons, no.

AFSCME Grievance # MG 0531

Comm. Pappas inquired if there was additional information received regarding this grievance, to which G. Wenger stated that there was a request by the Union for the Board to consider additional information from the grievant. A discussion followed regarding the additional information.

**Motion:** To deny Grievance # 0531, Linda Carr noting that the reason for denying the grievance was because the Switchboard shift was left vacant due to illness and typically, the shift would be filled with a part-time employee in an effort to avoid paying overtime, that the shift was filled with a part-time employee and not paid overtime; that there was no need for the utilization of the overtime roster under CBA article V.3, and that the grievant is an Account Clerk I and is grade 11 and the Switchboard/Secretary position is a grade 9, noting that it has been the practice and not the policy to not use overtime unless it is needed and the utilization of part-time employees assist in this effort. By Comm. Holden, second by Comm. Pappas for discussion.

Comm. Clemons stated that he supported the vote for the denial of this grievance primarily because the grievant was not present and he felt more information was needed. He noted that she was given notice of the date and time of the hearing.

Motion carried unanimously.

## **9. Public Comments on Agenda Items**

There were no members of the public available for comment.

Comm. Pappas inquired if the Board could decide on future meeting dates. Following a discussion it was noted that the Board would meet on Wednesday, May 30, 2007 at 3:40 P.M., Wednesday, June 13, 2007 at 3:40 P.M., and Monday, June 25, 2007 at 1:00 P.M.

There being nothing further to discuss, the Board entertained a motion to adjourn.

## **11. Adjourn**

**Motion:** To adjourn. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

The meeting adjourned at 5:40 P.M.

*Approved 5/30/07*  
*(SIGNED 6/13/07)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners