

Regular Meeting of the  
**Hillsborough County Board of Commissioners**  
**April 20, 2011**  
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. S. Ziehm, Comm. C. Holden, Comm. T. Pappas, Rep. G. Barry, Rep. K. Cusson-Cail, P. Coughlin, J. Hardy, D. Hogan, C. Beaulac, M. Castonguay, C. Kirby, M. Montminy, B. Moorehead, J. O'Mara, D. Reidy, G. Wenger, and L. Stonner.

**1. Call to Order**

Comm. Ziehm called the meeting to order at 9:05 a.m.

**2. Pledge to the Flag**

Comm. Pappas led the Pledge of Allegiance.

**3. Administrative Business**

Approval of Payroll Registers

**Motion:** To approve the Payroll Registers on the following dates, and in the following amounts:

➤ 4/6/11	\$308.00
➤ 4/8/11	1,452.00
➤ 4/14/11	480.00
➤ 4/15/11	1.16
➤ 4/18/11	129.12
➤ 4/18/11	412.28

for a total miscellaneous payroll of \$2,782.56, as well as a regular payroll dated April 14, 2011, in the amount of \$1,121,610.10, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated April 13, 2011 in the amount of \$1,786.50, and the Accounts Payable Register dated April 19, 2011 in the amount of \$973,832.66, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-15

**Motion:** To remove Transfer # 2011-15 from the table. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:** To approve Transfer 2011-15 for the County Commissioners to transfer from 7130-7701, Travel District 1 the amount of \$600, and to transfer to line 4130-7710, Travel Out-of-State a like amount. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Transfer # 2011-21

**Motion:** To approve Transfer # 2011-21 for the Sheriff's Office to transfer \$10,000 from line 4211-7970, New Equipment, and to transfer \$1,300 from 4211-7130, Retirement, and then to transfer the amount of \$11,300 to line 4211-7100, Social Security. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-22

**Motion:** To approve Transfer # 2011-22 for the Sheriff's Office to transfer from line 4211-7130, Retirement, the amount of \$20,000, and to transfer a like amount to line 4211-7720, Gas & Oil. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-23

**Motion:** To approve Transfer # 2011-23 for the Sheriff's Office to transfer from line 4199-7740, Contingency, the amount of \$10,780, and to transfer the amount of \$10,000 to line 4219-7010, Sheriff, Part Time-Salaries & Wages, and to transfer \$780 to line 4219-7100, Sheriff Part Time Social Security. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-24

**Motion:** To approve Transfer # 2011-24 for the County Convention to transfer from line 4110-7820, Equipment Repair & Maintenance, the amount of \$379, and to transfer a like amount to line 4110-7970, New Equipment. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-25

**Motion:** To approve Transfer # 2011-25 for the Registry of Deeds to transfer from line 4199-7010, Contingency-Salaries & Wages, the amount of \$23,000, and to transfer a like amount to line 4193-7120, Deeds-Health & Accident. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Wenger explained that the funding for this line was placed in the Contingency line during the budget process. This action will move the funds to the appropriate line.

Transfer # 2011-26

**Motion:** To approve Transfer # 2011-26 to transfer from line 4199-7740, Contingency-Grants Expenses, the amount of \$36,040, and to transfer a like amount to line 4130-7290, County Commissioners-Other Fees & Outside Services. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger explained that this transfer will facilitate payment of grant expenses relative to a grant that was awarded for Region 6 for transportation services, which will be reimbursed.

Transfer # 2011-27

**Motion:** To approve Transfer # 2011-27 for the Department of Corrections to transfer from line 4199-7741, Contingency Energy Grants, the amount of \$276,840, and to transfer a like amount to line to line 4230-7970, Corrections-New Equipment. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger explained that this transfer is to fund the boiler replacement project at the DOC using funds from the American Recovery & Reinvestment Act (ARRA) under the Energy Efficiency and Conservation Block Grant.

Transfer # 2011-28

**Motion:** To approve Transfer # 2011-28 for the Department of Corrections to transfer from line 4199-7740, Contingency-Grant Expenses the amount of \$48,849, and to transfer a like amount to line 4230-7330, Corrections-Pharmacy. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Holden read the supporting documentation relative to Transfer # 2011-28.

Transfer # 2011-29

**Motion:** To approve Transfer # 2011-29 to transfer from line 4199-7740, Contingency-Grant Expenses the amount of \$24,500, and to transfer a like amount to line 4196-7960, Manchester Courthouse-Buildings. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger indicated that Transfer # 2011-29 will facilitate the purchase of eight workstations for office support staff that will relocate to the renovated space at the Manchester Courthouse.

Transfer # 2011-30

**Motion:** To approve Transfer # 2011-30 to transfer from line 4199-7740, Contingency-Grant Expenses, the amount of \$69,500, and to transfer a like amount to line 4196-7960, Manchester Courthouse-Buildings. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

The aforementioned transfer will facilitate the purchase of a *30k linear filing inches Storage System* for the renovated space at the Manchester Courthouse.

Transfer # 2011-31

**Motion:** To approve Transfer # 2011-31 to transfer from line 4199-7740, Contingency-Grant Expenses, the amount of \$27,500, and to transfer a like amount to line 4196-7960, Manchester Courthouse-Buildings. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

The aforementioned transfer will facilitate the purchase of office furniture for the attorney offices for the renovated space at the Manchester Courthouse.

#### **4. Public Comment on Agenda items**

There was no one present who wished to comment on Agenda items.

#### **5. Department of Corrections**

Census

Supt. O'Mara presented the DOC Census. He noted that as of April 18, 2011, the Census was 503, which included 16 inmates serving in the community; there were 444 men of whom 320 were being held pre-trial and 124 that have been sentenced. There were 53 women of whom 30 were being held pre-trial and 14 that have been sentenced.

Mr. O'Mara informed the Board that while the census is up temporarily, the average census has been 480.

Bid # FY11- 101

Mr. O' Mara presented Bid # FY11-101 for the Department of Corrections and explained that this bid is for Heating Plant replacement; he recommended Eckhardt & Johnson as the lowest responsible bidder at a price of \$276,840 and explained that this bid is contingent upon approval of Transfer # 2011-27 at the Executive Committee level.

**Motion:** To approve Bid # FY11-101 for the Department of Corrections for Heating Plant replacement to Eckhardt & Johnson as the lowest responsible bidder at a price of \$276,840 noting that this bid is contingent upon approval of Transfer # 2011-27 at the Executive Committee level. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

In response to questions, Mr. Wenger explained that this bid is the result of recommendations from the consultants involved with the Energy Grant. He noted that engineers toured the facilities, did a study for the County, and provided recommendations.

## 6. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of April 14, 2011, the census for the Nursing Home was 281 total patients/residents; there were 202 Medicaid residents, 45 self pay residents, and 67 Medicare Part A residents. He noted that census numbers continue to be strong.

The Board discussed filling the Speech Therapist position at the Nursing Home. Comm. Holden noted that the Board was not given notice that the position would be filled. Mr. Moorehead explained that this position generates funds through Medicare and Medicaid that virtually pay for the position.

Comm. Pappas referred to a letter from a resident and explained that the sender reported excellent care while at the facility.

## 7. County Attorney

County Attorney, D. Hogan presented the Board with two "Appointment of Assistant County Attorney" forms for the Board's approval and execution. The Board agreed to approve and execute the documents.

**Motion:** To authorize the County Attorney to hire Assistant County Attorney Karen A. Gorham, and to hire Assistant County Attorney Charlene Dulac, noting that they have also been approved by the Attorney General's Office. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Attorney Hogan requested an opportunity to meet with the Board in Non-Public session relative to a personnel issue.

## 8. Old/New Business

Mr. Wenger referred the Board to a document in its packet and requested that the Board execute the agreement. He noted that it relates to the grant for transportation services mentioned earlier in the meeting; he observed that Exhibit A explains the scope of services and noted that the County will be working in cooperation with Region 6. He suggested that the Board move forward to execute the agreement and explained that he will need resolutions approved, which Comm. Holden read for the Board's approval:

**Motion:** Be it resolved that That this County shall enter into a contract with the State of New Hampshire, acting by and through its Department of Transportation, providing for the performance by Hillsborough County of certain services as documented within the FTA Section 5310 Purchase of Service Contract Agreement, and that the officials listed, the Hillsborough County Board of Commissioners, Sandra Ziehm, Chairman, Carol H. Holden, Vice-Chairman/Clerk, and Toni H. Pappas, on behalf of the County are authorized and directed to enter into the said contract with the State of New Hampshire, and that they are to take any and all such actions that may be deemed necessary, desirable or appropriate in order to execute, seal, acknowledge and deliver any and all documents, agreements and other instruments on behalf of the County in order to accomplish the same. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:** Be it resolved that the signature of the above authorized Chairman of the Commissioners of this County, when affixed to any instrument or document described in, or contemplated by, these resolutions, shall be conclusive evidence of the authority of said parties to bind this County, thereby. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Wenger updated the Board regarding the renovation at 300 Chestnut Street; he indicated that construction is moving along and that a walk-through will be conducted on May 2<sup>nd</sup> at 2:30 p.m. Comm. Pappas will join Mr. Wenger for the walk-through. Mr. Wenger informed the Board that Mr. Lorenzon, at the State level, has designated the week of August 22<sup>nd</sup> as “move-in week.”

Comm. Holden noted that she received a letter from Judge Tina Nadeau in response to a Nashua Telegraph article. She noted that she will provide a copy for the public record.

Supt. O’Mara informed the Board that the access road to the Piscataquog River is open and the river has been stocked with fish by the NH Dept. of Fish and Game.

Supt. O’Mara noted that he participated in the Governor and Council Breakfast; more than 70 Hillsborough County veterans were recognized for their military service. He noted that certificates were provided for all the County’s veterans. The Board observed that it was a very moving recognition.

Mr. O’Mara referred to the Board’s elimination of the DOC’s Community Service Program. He explained that service projects are scheduled through November 2011 for the following Towns/Agencies: Lyndeborough, Milford, Bedford, Mont Vernon, Bennington, Amherst, Merrimack, and New Hampshire Food Bank. He went on to note that they are “booked solid” through June 30<sup>th</sup>. He provided and read a letter to the Board, noting that it is his belief that the letter should go to entities that have previously participated in the Community Service Program. The Board agreed to review the letter, and discussed the merits of the program with Mr. O’Mara; each expressed his/her position relative to the program and its effect on the County budget.

## 9. Public Comment

There was no one present who wished to comment.

## 10. Non Public Session

The Board agreed to move into Non-Public Session to address Attorney Hogan’s request.

**Motion:** To move into Non-Public Session with County Attorney Hogan and Legal Counsel, Attorney Kirby consistent with RSA 91-A:3 II (a) relative to a personnel issue, and then to meet with Attorney Kirby consistent with RSA 91-A:3 II (e) relative to pending litigations. Motion by Comm. Holden, second by Comm. Pappas. Pappas-yes, Holden-yes, Ziehm-yes. Motion carried.

The Board moved into Non-Public session at 10:05 a.m.

The Board met with Attorney Hogan, M. Rioux and Attorney Kirby relative to a personnel issue at the County Attorney's Office.

The Board met with Attorney Kirby and Mr. O' Mara relative to three pending litigations. No action was taken during Non-Public Session.

The Board moved out of Non-Public session at 10:49 a.m.

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

Comm. Ziehm entertained a motion.

**Motion:** To approve settlement authority in the three cases discussed in Non-Public session in the amount discussed. Motion by Comm. Holden, second by Comm. Pappas. Motion carried with Commissioners Pappas and Holden supporting the motion, and Comm. Ziehm voting against the motion.

## 11. Adjourn

Lacking further business, the Chair entertained a motion to adjourn.

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

The meeting adjourned at 10:55 a.m.

*Signed 6/15/11*

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Comm. Carol H. Holden  
Vice Chairman/Clerk  
Hillsborough County Board of Commissioners

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Date