

Regular Meeting of the  
Hillsborough County Board of Commissioners  
April 27, 2009  
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, L. Movsesian, P. Coughlin, P. Manney, M. Pilotte, D. Dionne, M. Montminy, D. Reidy, E. Robinson, M. Rusch, M. Wageling, G. Wenger, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas convened the Board of Commissioner's meeting at 10:50 a.m., followed by the Pledge to the Flag led by L. Stonner.

**Motion:** A motion was made to come out of our recess for the budget meeting by Comm. Holden, second by Comm. Clemons. Motion carried.

**2. Administrative Business**

Minutes

There were no minutes to approve at this time.

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated 4/16/2009 in the amount of \$1,126,736.63, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 4/24/2009 in the amount of \$655,443.53, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Telephone Poll

**Motion:** To approve the Telephone Poll conducted on April 23, 2009 at the request of the Department of Corrections; the Telephone Poll was to authorize Supt O'Mara to accept the transfer of a male inmate from Sullivan County Department of Corrections. Two Commissioners were contacted, and both expressed support for this action. By Comm. Holden, second by Comm. Clemons. Motion carried.

**3. Public Comment on Agenda Items**

Rep. P. Manney, Goffstown, NH, thanked the Board for posting its minutes on the website, noting that it is a great step toward communicating with the public. She inquired if it would be possible to post the meeting agenda, and noted that it would be helpful to have the minutes posted as quickly as possible, further noting that the minutes were not current at this time. Comm. Clemons asked it were possible to post the agendas prior to the meetings, to which Mr. Wenger responded that the Business Office could try

to do that; however it is often difficult to have agenda information in advance because the agenda information is often received at the last minute. Mr. Wenger mentioned that typically the minutes have been posted in a timely manner, but in the midst of budget meetings, there is only so much that can be accomplished with the available manpower, and the priority has to be the budget. Comm. Holden noted that a general agenda could be posted, but that the details frequently change during meeting pre-preparation time.

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

Comm. Pappas recognized Captain Dionne, who presented the Department of Corrections' Census, noting that as of April 22, the Census was 565; he explained that this included 497 men of whom 303 are being held pre-trial, and 194 have been sentenced. There were 68 women of whom 32 are being held pre-trial and 36 have been sentenced.

##### Community Public Water System Emergency Plan

Capt. Dionne informed the Board that this year the water plan document requires named emergency contacts and the signature of the owner; he noted that Mr. Wenger and Mr. Aster have been named as emergency contacts and he asked the chair to sign on behalf of the Board. Mr. Wenger informed the Board that because the County has a water tank, and even though the water source is the Manchester Water Works, the County is considered a public water supply.

Comm. Clemons congratulated the Department of Corrections on its recent graduation, noting that it was very impressive.

#### **5. Nursing Home**

##### Census

Comm. Pappas recognized Mr. Moorehead who presented the Nursing Home Census. He noted that as of April 23, the Census was 277, which included 209 Medicaid residents, 33 private pay residents, and 35 Medicare Part A residents.

##### Bid # 33-2009 – Commercial Generator

Mr. Moorehead presented Bid # 33-2009 for a Commercial Generator, noting that the lowest responsible bidder is Gemini Electric at a price of \$54,915.

**Motion:** To approve Bid # 33-2009 for a Commercial Generator for the Nursing Home, noting that the lowest responsible bidder is Gemini Electric, Auburn, NH at a price of \$54,915, which includes supply and installation. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired about limitations with the existing generator. Mr. Moorehead responded that there are several items that cannot be used with the existing generator; those items include items such as the dishwasher and laundry; he noted that the new generator also addresses pandemic issues.

Motion carried.

Comm. Holden congratulated Mr. Moorehead on the recent volunteer dinner at the Nursing Home, and expressed that she enjoyed attending.

## 6. Old/New Business

### Collective Bargaining

#### Nursing Home Chemical Worker's Tentative Agreement

Mr. Wenger informed the Board that while there is a Chemical Worker's tentative agreement, it has not been ratified by the Union yet. It is a two-year agreement through 2011. The wage package includes a 1.5% COLA, effective July 1, 2009, and a 1.5% performance increase for eligible employees on their anniversary dates. He outlined other changes in the proposed contract, including changing the prescription rider to \$20/\$30/\$50. There was discussion relative to approving the contract and imposing a time limit.

**Motion:** To accept the agreement between the Hillsborough County Board of Commissioners and International Chemical Worker's Union Council/UFCW Nursing Home Supervisory Personnel, with the understanding that if it is not ratified by the bargaining unit by May 15, 2009, the vote will be rescinded. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### County Attorney Teamsters Tentative Agreement

Mr. Wenger informed the Board that the County has received notice that the Teamsters Local 63 of NH has ratified the tentative agreement for its employees in the County Attorney's office. It is a two-year agreement through 2011. The wage package includes a 1.5% COLA, effective July 1, 2009, and a 1.5% performance increase for eligible employees on their anniversary dates and the change in the prescription rider to \$20/\$30/\$50. He outlined other changes in the proposed contract, noting that this contract also includes accommodations for those involved with the move to Nashua including adjustments to hours/days worked, a temporary ten cent per hour wage adjustment, and re-imburement for turnpike tolls through EZ Pass during the period they are in Nashua.

**Motion:** To approve the contract settlement between Hillsborough County Board of Commissioners/County Attorney and Teamsters Local 63, NH. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

#### Department of Corrections AFSCME 3657 Tentative Agreement

Mr. Wenger informed the Board the County has received notice that the Department of Corrections AFSCME 3657 bargaining unit has ratified this agreement. It is a two-year agreement through 2011. The wage package includes a 2% COLA, effective July 1, 2009, and a 1 % performance increase for eligible employees on their anniversary dates. He outlined other changes in the proposed contract, including allowing shift swaps, and changing the prescription rider to \$20/\$30/\$50. Mr. Wenger noted that relative to this contract, there will be an attempt made to resolve grievances through pre-arbitration mediation before incurring the expense of proceeding to arbitration.

**Motion:** To approve the contract settlement between Hillsborough County Board of Commissioners and the Department of Corrections AFSCME Local 3657, NH. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Moorehead informed the Board that there will be a Nursing Home AFSCME bargaining session on Thursday, May 7 from 9:00 a.m. to noon. Comm. Clemons will attend this meeting on behalf of the Board of Commissioners.

Mr. Wenger informed the Board that he has received written confirmation from Primex that the Health Insurance rate will be set at 4.2%. Mr. Wenger noted that if the County is willing to invest the time and effort to present the ExTRA educational programs (Engaged Together for Results and Awareness), Primex will reduce the Health insurance premium by an additional 1%, and the County will realize an additional 1% reduction in the Health Insurance rate, bringing it to 3.2%.

**Motion:** To approve the resolution to enter into Primex Health's ExTRA discount program, which reads: **BE IT RESOLVED:** To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex<sup>3</sup>) to reduce their final Health renewal by 1% through participation in their Primex<sup>3</sup> Health ExTRA Discount Program as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex<sup>3</sup> risk management pool membership during the term of the Primex<sup>3</sup> Health ExTRA Discount Program. The coverage provided by Primex<sup>3</sup> Health in each year of membership shall be as then set forth in the Coverage Documents of Primex<sup>3</sup>. However, notwithstanding the foregoing, it is agreed that Hillsborough County may terminate this Agreement on thirty (30) days written notice to the Primex<sup>3</sup> Chief Executive Officer. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To authorize the Chair to execute the ExTRA Discount Program agreement with Primex<sup>3</sup>. By Comm. Holden, second by Comm. Clemons.

Mr. Wenger and the Board discussed the recommendations of the Executive Committee made at its most recent meeting, and the Board's original plan of using unanticipated Human Services Surplus funds to fund the costs for the major County building repairs in the budget, thereby reducing the surplus. Mr. Wenger explained that Human Services has savings that were being realized as a result of the Federal Stimulus Package. He noted that reference to the Stimulus Package generated much discussion and debate with regard to the use of the monies, and the intent of the monies. As the discussion evolved, there was a recommendation that the Board may wish to consider taking the money from the Contingency Line. Transfer 2009-22 transferred funds from Human Services to Temple Street for the roofing project. It was presented with an explanation that the Human Services Department had realized a savings as a result of the Stimulus package. Mr. Wenger indicated that he discussed this with Ms. Robinson and is presenting the Board with a revised Transfer which accomplishes the same goal, except that it transfers the money from the various Contingency lines rather than from the Human Services Department. Mr. Wenger noted that the Executive Committee preferred to take the money from the contingency line, as most of the repairs would not be able to be completed prior to the end of the current fiscal year, and because it limits confusion relative to the Stimulus Package. Based on discussion, and the Executive Committee's input, the Chair entertained several motions.

**Motion:** To rescind the prior Board action of April 15, 2009, which approved Budget Transfer # 2009-22, and to take subsequent action. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To approve the new Budget Transfer # 2009-22, Revised, to transfer from 4199 Contingency line 7010 the amount of \$37,000, and from 4199 Contingency line 7740 the amount of \$100,000, and from 4199 Contingency line 7960 the amount of \$200,000, and to transfer to 4197 Temple Street, Buildings line 7960 the amount of \$337,000. By Comm. Holden, second by Comm. Clemons. Motion carried.

## 7. Public Comment

There was no one present from the public who wished to speak at this time.

## 8. Non-Public Session

There were no requests for Non-Public session.

## 9. Recessed Budget meeting

The Board reconvened its Budget discussion.

Ms. Robinson was recognized and indicated that if money from her Department is not spent, it will roll to surplus. She informed the Board that it is projected that the County will spend up to the Cap amount; the March bill has not yet been paid, and further indicated that she is submitting only the County's projected share, not the full amount as billed by the State. Ms. Robinson indicated that the State expects the County to pay its full bill, and then the State will send the Counties checks for the Stimulus money; however, she noted that there has been no issue with the County paying only its share as it has been doing. She noted that she is not sure what will ultimately happen, and that up to this point, the County has only been paying the State's portion and has been holding on to the County portion.

The Board discussed the Public Hearing and agreed that there was a good turnout with lively discussion. There was further discussion regarding action taken relating to the Department of Corrections, the Nursing Home, and the County Complex. Mr. Wenger reviewed the projects that the Departments presented and the motions and transfers the Board had previously considered and approved for major building repairs and Capital Reserve accounts. There was discussion regarding the Executive Committee's recommendations; there was a general consensus that the Executive Committee prefers to fund the building repair projects in the next budget as opposed to taking the money from the current year's surplus; this will provide an opportunity for more detailed discussion relative to the merits of each project. Additionally, most of the work will not be done before the end of the current fiscal year; the expectation is that the bid process will be complete before the end of the fiscal year, most of the projects will be ongoing so there will be justification to encumber the funds. This action will not impact the amount of taxes that need to be raised.

The Board reviewed the prior actions it took with respect to items taken out of its Budget and the surplus as well as a group of proposed actions. Going forward Mr. Wenger noted that the Board could consider different options, including whether some projects will be done in phases, or completed in one year. There was discussion relative to the most appropriate use of Surplus funds, which are there now, and may not be in the future. Based on its discussion and recommendations from the Executive Committee, the Board then made the following motions:

**Motion:** To rescind a motion made on April 20, 2009 that reduced the DOC 4230 line 7960, Buildings by \$62,500 for the Johnsonite Flooring Replacement. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To increase Department of Corrections, 4230, line 7960 Building by \$62,500 noting that this action restores the requested funding for the Johnsonite Flooring Replacement and to designate \$62,500 of the Undesignated Fund Balance to increase revenue line 3100, Budgeted Surplus, by said amount. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To rescind a motion made on April 14, 2009, Department of Corrections, 4230, line 7960 Buildings to reduce by \$110,000, and to rescind a second motion made on April 20, 2009, that again reduced that line by \$110,000. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To increase Department of Corrections, 4230, line 7960 Buildings by \$260,000 noting that this action restores the requested funding for the Facility Roof Repair and to designate \$260,000 of the Undesignated Fund Balance to increase revenue line 3100, Budgeted Surplus, by said amount. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To rescind a motion made on April 14, Department of Corrections, 4230, line 7970, New Equipment, that reduced the line by \$53,500 for the HVAC system. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger explained that for the original request for the HVAC project, the DOC was based on using an encumbrance and additional funds for the project; now that the encumbrance can't be used, the money would have to be added back in with the knowledge that the encumbrance will be released and rolled into surplus.

**Motion:** To increase Department of Corrections, 4230, line 7970 New Equipment, by \$210,000 noting that this action restores the requested funding for the HVAC Control System and to designate \$210,000 of the Undesignated Fund Balance to increase revenue line 3100, Budgeted Surplus, by said amount. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To rescind a motion made on April 20, at which time the Board reduced Nursing Home Administration, 4411, line 7960, Buildings, by \$164,000, noting that the action removed the requested funding for the parking Lot Re-Paving (\$80,000), Resident Room doors (\$17,000), Upgrade H&V (\$29,000), and Flooring (\$38,000). By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To increase Nursing Home Administration, 4411, line 7960 Buildings by \$164,000 noting that this action restores the requested funding for the parking Lot Re-Paving (\$80,000), Resident Room doors (\$17,000), Upgrade H&V (\$29,000), and Flooring (\$38,000) and to designate \$164,000 of the undesignated fund balance to increase revenue line 3100, Budgeted Surplus by said amount. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To rescind a motion made on April 20, Nursing Home Administration, 4411, line 7962 Rental Unit Restoration by \$16,500 noting that that action funded the Ceiling Tiles. By Comm. Clemons, second by Comm. Holden. Motion carried.

The Board discussed the Ceiling Tile replacement project and whether to consider funding it in one year, or over a longer period of time.

**Motion:** To increase Nursing Home Administration, 4411, line 7962 Rental Unit Restoration by \$75,500 noting that this action funds the Nursing Home Ceiling Tile Replacement project and to designate \$75,500 of the undesignated fund balance to increase revenue line 3100, Budgeted Surplus by said amount. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To rescind a motion made on April 20 for the County Complex 4198, line 7960 Buildings by \$19,000 noting that that motion provided funding for the Flat Roof replacements. By Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To increase County Complex 4198, line 7960 Buildings by \$19,000 noting that this action restores the requested funding for the Flat Roof Replacements and to designate \$19,000 of the undesignated fund balance to increase revenue line 3100, Budgeted Surplus by said amount. By Comm. Holden, second by Comm. Clemons. Motion carried.

### **Capital Reserve Fund Accounts**

Mr. Wenger referred the Board to its previous discussion relative to establishing a Capital Reserve Fund account for some of its projects. He presented the possibility of establishing such an account for the Nursing Home's mandated project, which includes the design, purchase and implementation of hardware, software and related expenses. Mr. Wenger further explained that another item for consideration relative to establishing a Capital Reserve Fund account would be the purchase and design of a Central Control System Upgrade for the Department of Corrections. He explained that the State statute addresses specific projects for which funds are placed in a separate account, and are used for that specific project, noting that when that specific project is completed, any remaining funds go back into the Undesignated Fund balance. Mr. Wenger explained that a Capital Reserve "project" can be part of a planning tool that the County could use going forward.

**Motion:** To request the establishment of a Capital Reserve Fund account consistent with NH RSA 35:1 for the purpose of designing, purchasing, and implementing an electronic documentation system for the Nursing Home including the purchase of hardware, software, licensing, design and implementation services, training, and related equipment, services, and supplies and to designate \$350,000 of the Undesignated Fund Balance to fund the account. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that each Department, for the most part, made a significant effort to comply with the Board's request to cut budgets by 1%; he noted that he was appreciative of their efforts.

Mr. Wenger informed the Board that there was an error on the MS-46 in the Human Services Department numbers because somehow the report that was used to generate this carried in the all of the former employees; that line is the administrative cost; it is overstated by \$300,701. He noted that with the Board's consent, he will make certain that number is corrected.

**Motion:** To adjust the error as stated by Mr. Wenger. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger reviewed the actions taken at this meeting. He noted that the Board has put funding for the building repairs projects back in the budget, it has increased the use of surplus, the tax appropriation will remain at the same level as FY 2009, and there will be a one percent decrease in expenses across the board. Mr. Wenger will prepare the final budget document for the Board's review and approval, and then forward it to the Executive Committee.

The next meeting of the Board of Commissioners will be held on May 13, 2009 at 9:00 a.m. at the Registry of Deeds in Nashua.

Comm. Clemons commented relative to a Representative who stated his opinion against the Board's use of surplus and probable over-estimated revenue. Comm. Clemons noted that he could not understand the rationale, and what was expected of the Board. Mr. Wenger noted that one of the difficulties is that if revenues are reduced, and if they are under estimated and come in higher, then the surplus would be increased. He noted that there are different approaches and philosophies as to how to approach the process.

## 10. Adjourn

There being no further business before the Board, the Chairman entertained a motion to adjourn the budget meetings and the regular Board meeting.

**Motion:** To adjourn the budget meetings. By Comm. Holden, second by Comm. Clemons.  
Motion carried.

The budget meetings adjourned at 11:53 a.m.

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

The meeting adjourned at 11:54 a.m.

*(SIGNED 6/10/2009)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date