

Regular Meeting of the  
Hillsborough County Board of Commissioners  
May 20, 2008  
Bouchard Building, Goffstown, NH

Minutes of the Public and Non- Public Session-Amended  
(Not Official Until Approved by the Board and signed by the Clerk.)

**Present:** Comm. C. Holden, Comm. M. Clemons, G. Wenger, B. Moorehead, M. Rusch, C. Kirby, J. O'Mara, J. Hardy, D. Reidy, C. Beaulac, and L. Stonner

Also present: T. Flygare

**1. Pledge to the Flag**

Comm. Holden called the meeting to order at 3:40 p.m. followed by the Pledge to the Flag led by L. Stonner

**3. Business Office**

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated 5/15/08 in the amount of \$1,108,266.66 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 5/19/08 in the amount of \$522,180.70 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Sheriff's Extraditions

**Motion:** To approve Sheriff's Office Extraditions in the amount of \$2,657.86, noting the County Attorney has already approved them. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid # BO-01-2008 - Postage Meter

Mr. Wenger presented details relating to Bid # BO-01-2008, which is for a new Postage Meter for the Bouchard Building, noting that this went out to bid with pricing options that include both a lease and purchase, and two bids were received. The two lowest bids for the Board's consideration include a bid for a five-year lease from Pitney Bowes with no buyout at the end. The second bid is for purchase from Formax Direct. The lowest cost to the County, and the recommendation, is to award the bid to Pitney Bowes for a five-year lease at a total cost over five years of \$10,500, subject to the review and approval of the lease agreement.

**Motion:** To award Bid # BO-01-2008 for a new Postage Meter to Pitney Bowes, Inc., 15 Constitution Drive, Bedford, NH at a cost of \$2,100 per year for five years, for a total of \$10,500. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Wenger noted that the Postage meter is budgeted and that we are required to do this to meet the required technology updates.

Bid # CIS-17-2008 – FY08 Technical Training

Mr. Wenger presented Bid # CIS-17-2008 for 14 days of Technical Training through New Horizons. He asked the Board to waive competitive bidding under RSA 28:8-e IV, as this is the State bidder. He noted that there are four different classes that the County will be looking to schedule.

**Motion:** To approve Bid # CIS-17-2008 for Technical Training to New Horizons, Nashua, NH, at a cost of \$357 per class day for a total of \$4,998, noting that we will wave competitive bidding under RSA 28:8-e IV, as this is the State vendor. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-26 – Complex

Mr. Wenger presented Transfer Request # 2008-26, noting this is a request to transfer from the Line 4198-7120 County Complex Health & Accident, to Line 4198-7720 County Complex Gasoline, in the amount of \$800; to Line 4198-7730 Auto Repairs in the amount of \$1,000; and to Line 4128-7830 Trash Disposal the amount of \$250, for a total transfer of \$2,050.

**Motion:** To approve Transfer Request # 2008-26, from 4198-7120 County Complex Health & Accident to County Complex, Line 4198-7720-Gasoline, in the amount of \$800; to Line 4198-7730-Auto Repairs, the amount of \$1,000; and to Line 4198-7830, Trash Disposal the amount of \$250, for a total transfer of \$2,050. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-27 – DOC-Pharmacy to Med/Dental Females & Gasoline

**Motion:** To approve Transfer Request # 2008-27 from the Department of Corrections Line 4230-7330 Pharmacy, to Department of Corrections Line 4230-7588 Medical/Dental Females, the amount of \$10,000; and to Line 4230-7720 Gasoline, the amount of \$1,500, for a total transfer of \$11,500. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-28 – Sheriff – Health & Acc. to Equipment Rental

**Motion:** To approve Transfer Request # 2008-28 from the Sheriff's Office, Line 4211-7120 Health & Accident, to Sheriff's Office Line 4211-7880 Equipment Rental, for a total transfer of \$1,800. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-29 – Contingency Grant to Sheriff's Part-time

**Motion:** To approve Transfer Request # 2008-29 from Line 7740 Contingency Grant, to Line 4219-7010, Sheriff's Office, Part-time, the amount of \$4,386, and to Line 4219-7100 Part-time Social Security, the amount of \$336, for a total transfer of \$4,722. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-30 – Superior Court Bailiffs to Sheriff-P.T. Salaries/Wages & and Social Security

**Motion:** To approve Transfer Request # 2008-30 from Line 4215-7010 Superior Court Bailiffs to Line 4219-7010 Sheriff Part-time Salaries and Wages, the amount of \$9,000; and from Line 4215-7100 Social Security, to Line 4219-7100 Part-time Social Security, the amount of \$700 for a total transfer of \$9,700. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-31 – Superior Court Bailiffs' Salary to Sheriff's Office, Gas, oil, etc.

**Motion:** To approve Transfer Request # 2008-31 from Line 4215-7010 Superior Court Bailiffs' salary to Line 4211-7720 Gas, oil, etc for a total transfer of \$10,000. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Request # 2008-32 – Misc. Departments to Misc. Departments - Telephone

Mr. Wenger noted that this transfer would allow the County to meet its Telephone expense across the County in the Departments that would need funds.

**Motion:** To approve Transfer Request # 2008-32 from Line 4150-7010 Wages Business Office-the amount of \$5,700, from Line 4151-7120 Health Computer Info Sys-the amount of \$5,700, and from Line 4151-7290 Outside Computer Info Sys-the amount of \$5,400 for a total transfer of \$16,800. These transfers will be applied to: Line 4123-7680 County Attorney Telephone-in the amount of \$3,725, to Line 4130-7680 BOC Telephone-in the amount of \$560, to Line 4155-7680 Human Resources Telephone-in the amount of \$470, to Line 4211-7680 Sheriff Telephone-in the amount of \$11,740, to Line 4441-7680 Human Services Telephone-in the amount of \$205, and to Line 4411-7680 Nursing Home Telephone-in the amount of \$100 for a total transfer of \$16,800. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### 4. Department of Corrections

##### Census

Mr. O'Mara presented the Census, noting that the census as of May 19 was 577, which included 518 men, 160 of whom were sentenced and 358 were pre-trial; there were 59 women, which included 15 that were sentenced, and 44 that were being held pre-trial.

##### Bid # FY08-79 – Stainless Steel Insulated Meal Tray Carts

Mr. O'Mara presented Bid # FY08-79 for Stainless Steel Insulated Meal Tray Carts. He informed the Board that the lowest responsible bidder meeting the specifications is ACL Industries of Manchester, NH at a price of \$2,459 per unite, noting they are purchasing ten units for a total cost of \$24,590.

**Motion:** To approve the bid from the Nursing Home for a total cost of \$24,590 to ACL Industries- 179 Elm Street, Manchester, NH, for Stainless Steel Insulated Meal Tray Carts. By Comm. Clemons, second by Comm. Holden. Motion carried.

##### Bid # FY08-80 – Building No. 27 – Roofing Shingles & Plywood

Mr. O'Mara presented Bid # FY08-79 for Roof Repair, Building # 27, originally known as the piggery, currently known as the kennel. He informed the Board that the roof is in significant disrepair and the lowest responsible bidder meeting the specifications for the lumber and shingles is Mast Road Lumber of Goffstown, NH for \$2,621.

**Motion:** To approve Bid # FY08-80, the County Complex, Line item 7960-Building Additions and Restorations, in the amount of \$2,621 to Mast Road Lumber, 736 Mast Road, Goffstown, NH. By Comm. Clemons, second by Comm. Holden. Motion carried.

##### Bid # FY08-81 – Catch Basin Replacement

Mr. O'Mara presented Bid # FY08-81 for Catch Basin Replacement. The lowest responsible bidder meeting the specifications is Sonny D Construction, in the amount of \$2,500, noting it is the lowest responsible bidder. The Catch Basin is located to the rear of the building on the right, and is the only Catch Basin left to be repaired, and funds are available in the budget to do this repair.

**Motion:** To approve Bid # FY08-81 for the County Complex, Line item 7960-Building Additions and Restorations, in the amount of \$2,500 to rebuild a Catch Basin, to Sonny D Construction, Back River Road, Bedford, NH. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid # FY08-82 – 2008 Ford F-350 Plow Truck w/Sander

Mr. O'Mara presented Bid # FY08-82 for a 2008 Ford F-350 Plow Truck w/Sander. The lowest responsible bidder meeting the specifications is Hillsboro Ford, Hillsboro, NH, in the amount of \$30,529, noting this vendor has also been awarded the State bid.

**Motion:** To approve Bid # FY08-82 for the Department of Corrections, Line 7970-New Equipment, to Hillsboro Ford, 16 Antrim Road, Hillsboro, NH, for a 2008 Ford F-350 Plow Truck w/Sander for a total cost of \$30,529. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. O'Mara requested a brief Non-Public session later in the meeting under RSA 91-A3 II (g) for consideration of a security issue at the DOC.

## 2. Thomas Flygare

Mr. Flygare was recognized and presented the Board with information regarding two pending contracts.

The Department of Corrections contract with the Teamsters is a relatively straightforward contract extension, done on a timely basis. The new contract, if approved, will take effect on June 30, 2008, when the current contract expires. It was negotiated within the guidelines provided by the Commissioners. The contract is a three-year agreement in which the COLA increase for each of the three years reduces, beginning with 1.5% the first year, 1.25% the second year and 1.0% for the third year. At the same time, the performance-based component of compensation increases by a similar margin; it will be 2.25% the first year, 2.5% the second year and then 2.75 for year three. Mr. Flygare noted that this is consistent with the Board's objectives of shifting the emphasis of the compensation program to a performance-based system. Each year the total base rate adjustment that an employee would be eligible for is 3.75%. The performance-based increase will occur on the anniversary date. The team agreed to maintain the employee contribution for Health Insurance at 22.5%; he noted that the insurance is through the Teamsters' Health Insurance and that it is less expensive for the County. This includes a negotiated maximum premium increases for the first year of 5% with the last two years at 10%. He explained that the remaining cost item for the County would be the \$100 cost for the fitness exam. The budget for education incentives was reduced from \$4,000 a year to \$3,000 a year. The remainder of the agreement included housekeeping issues.

**Motion:** To accept the collective bargaining agreement between Hillsborough County, NH, and Teamster's Local #633, Supervisory Employee of the Hillsborough County Department of Corrections from July 1, 2008 to June 30, 2011. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Flygare informed the Board that the second contract for the Board's consideration was much more complex, in large measure because the previous contract expired on June 30, 2005. Members of the bargaining unit were three years without a raise, which presented challenges in coming up with a package that would move the wages to a competitive level while not adding unnecessary costs to the taxpayers. He noted that this bargaining unit went to fact-finding, and that the Fact finder's report was reviewed and approved by the Commissioners. The Fact-finders recommendations applied only to the raises that would occur in fiscal year 2008. The remainder of the settlement for fiscal years 2009 and 2010 include items negotiated in addition to the Fact-finders recommendations. He noted that the Fact-finders recommendations was the foundation and created the contract from that point. The costs of increases for the first year do not significantly affect the tax burden because the increases occur at the end of the fiscal year and defer many of the costs to the second year.

Mr. Flygare noted that while it is a large base rate adjustment, it is no more than the base rate would have adjusted had they settled on time. It represents a raise of approximately 3.5% per year with no steps (which had been 5.0% a year), plus the steps will be eliminated.

Mr. Flygare informed the Board that the first year cost would be only about 1.0%. In the second year, there will be a 2.0% base rate adjustment (COLA), and the 1.85% performance-based increase for which all members of the bargaining unit will be eligible. In addition to those components that are familiar to all County contracts, there are several provisions included that transition the bargaining unit out of the step system. They recognize that employees will not be getting the step increases that they would have been eligible for, and the contract provides a base rate adjustment of 1.0% for missed steps, up to three steps, for anyone who would have been eligible for steps since the contract expired. This will occur on July 1, 2008. The Sheriff's Office will identify staff that would have been eligible for those payments. There is a very small group of people who would be eligible for an additional 1.0% adjustment on their anniversary date. Only people hired before July 1, 2008 with fewer than 6 years of service will be eligible for the additional 1.0%.

Mr. Flygare reported that the other cost item that will kick in during FY09 would be the weekend differential, which will increase from \$1.00 to \$1.50, noting that it is linked to the new weekend schedule. He noted that the contract also provides for a base rate adjustment on July 1, 2009, but it reduced from 2.0% to 1.75%, while at the same time the merit component will go up from 2.0% to 2.1% thus achieving the Board's objectives of moving more of the money into the performance-based component and away from the COLA adjustment. He noted that there is one smaller group of people who would have been eligible for one additional 1.0% adjustment, these are also people hired before July 1, 2008 with fewer than 6 years of service. This would be the final payoff of the step system and will eliminate step increases. He noted that the payback to the County over time would be significant.

Mr. Flygare informed the Board that its objectives for Health Insurance would be achieved. The employee contribution for HMO's would be changed from 20.0% to 22.5%, and for Point of Service, the contribution would be 26.0%, for the second year, the contribution for Point of Service would increase to 27.5%. He noted that the prescription rider that will be implemented on July 1, 2008, increasing the co-pay from \$3 and \$15 to \$10, \$20, \$30, resulting in a significant savings to both the County and the employees for Health Insurance.

Mr. Flygare summarized by informing the Board that non-cost items involve significant initiatives from the Sheriff throughout these negotiations. The agreement includes a weekend schedule as well as differential increases for the weekends. Other provisions relate to performance evaluations and other housekeeping items.

**Motion:** To approve the agreement between the Hillsborough County Sheriff's Department and Local #3657 American Federation of State, County and Municipal Employees, AFL/CIO for a five-year agreement from July 1, 2005 through July 1, 2010, with no cost items affected prior to FY 2008. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Flygare thanked the Board for their support. Comm. Holden and Comm. Clemons expressed their appreciation for the job done by the bargaining Team.

Mr. Wenger noted that he would forward the Tentative Agreements to the Delegation Office for consideration by the Executive Committee and Delegation, requesting their respective review and approvals.

## 6. Nursing Home

### Census

Mr. Moorehead was recognized. He presented the Nursing Home Census, noting that as of May 15, the Census was 277, which included 201 Medicaid residents, 43 private pay residents, and 33 Medicare Part A residents.

#### April Revenue

Mr. Moorehead informed the Board that the Budget for April was \$1,538,060, while the actual was \$1,642,023 resulting in a positive difference of \$103,563, noting that this is a significant difference, considering that April is a 30-day month. He noted that the average daily census was 278.

#### Bid #35-2008 – Dental Services

Mr. Moorehead presented Bid #35-2008 for resident Dental Services. The lowest responsible bidder is William Horgan, DDS, Hampstead, NH. Mr. Moorehead reported that the bid is for \$38,836 annually and that this bidder is the current provider.

**Motion:** To approve Bid #35-2008 for the Nursing Home from Line 7250- Dental Services, in the amount of \$36,836 to William J. Horgan, DDS, from Hampstead, NH, noting he is the lowest responsible bidder and is the current provider. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Bid #37-2008 – X-ray and Electrocardiogram services

Mr. Moorehead presented Bid #37-2008, and requested that the bid be awarded to Mobilex USA for the mobile X-ray and Electrocardiogram services at the Nursing Home, noting this is the portable E-ray that comes in when it is necessary to do X-rays in-house. The only bidder is Mobilex USA and it is the current provider. Their bid is at a cost of \$70 per exam. Mr. Moorehead noted that this service is used on the average of five to seven times monthly, which is lower than the quoted flat fee of \$600 per month.

**Motion:** To approve Bid #37-2008 for the Nursing Home-Line item 7290, for Mobile X-ray and Electrocardiogram services, in the amount of \$70 per exam, to Mobilex USA, Brockton, MA, noting that it is the lowest responsible bidder and the current provider. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Bid #38-2008 – Ambulance Services

Mr. Moorehead presented Bid #38-2008 for Ambulance Services, noting that the lowest responsible bidder is Careplus Ambulance Service, Merrimack, NH; their bid is for \$150 for each transport plus \$5 per mile. This amount excludes those who are Part A or Private Pay, which is quoted at a flat rate of \$330 per month. He noted that the majority of those transports will be billed directly to Part A and should not be a cost to the County unless the resident does not have that coverage.

**Motion:** To approve Bid #38-2008 for the Nursing Home-Line item 7290 Ambulance Services, to Careplus Ambulance Service, Merrimack, NH, for \$150 for transport and \$5 per mile, noting it is the lowest responsible bidder who bid on this service. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Bid #39-2008 – Outdoor Patio Cement

Mr. Moorehead presented Bid #39-2008 for Outdoor Cement to be poured in the Patio area outside of Unit B-2. He recommended Aggregate Industries at a price of \$2,640, noting it is the lowest responsible bidder.

**Motion:** To approve Bid #39-2008 for the Nursing Home, Line item 7960, for Outdoor Patio Cement to Aggregate Industries, Manchester, NH, at a cost of \$2,640, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Clemons asked if this provider also finishes the work, to which Mr. Moorehead responded that the Maintenance staff would finish the work.

#### Bid #40-2008 – (2) Outdoor Motorized Retractable Awnings

Mr. Moorehead presented Bid # 40-2008 is for (2) Outdoor Motorized Retractable Awnings; these are motorized awnings with a manual back up. They will be located outside the therapy area and will cover an area that is 12 feet by 18 feet. They will be used frequently in the summer for resident picnics to protect the residents from the sun and heat. The lowest responsible bidder is Just Right Awnings & Signs, Inc., from Dover, NH, at a price of \$8,400.

**Motion:** To approve Bid #40-2008 – for the Nursing Home-Line item 7970, for two Outdoor Motorized Retractable Awnings to Just Right Awnings & Signs, Inc., from Dover, NH, at a price of \$8,400, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Moorehead explained that he planned to update the Board in reference to the Resident Lounge, and wished to know when the Board of Commissioners would be available as a whole to come to the Nursing Home for a brief ribbon cutting ceremony. Mr. Wenger and the Board discussed the possibility of a BOC meeting at the Nursing Home with the ribbon cutting as the first item of business.

#### 6. Public comments on Agenda items

No members of the public were present to speak.

#### 7. Old/New Business

Mr. Wenger updated the Board regarding the status of the Goffstown District Court project noting that it would be presented at the Delegation meeting that evening. He indicated that he has filed an application with the Town of Goffstown, on behalf of the County, to appear before the Goffstown Planning Board. He noted that the County is required to present the project for Town review and comment and that the input is nonbinding. He explained that the funds for the project are presently in the Contingency budget and that if approved there will be a need to be a discussion with the Executive Committee regarding how to proceed with the funding, by either transfer and encumbrance or including new funding in the upcoming budget. There was discussion about the need for another Board meeting should the project be approved.

Comm. Clemons inquired about items being discussed at tonight's Delegation meeting, to which Mr. Wenger responded that tonight's meeting agenda will be the Blue Ribbon Salary Committee's recommendations for the elected officials, the lease agreement for the second floor, and the lease agreement for the Women's Prison.

Mr. Wenger informed the Board that this morning, the Executive Committee made a motion to take out the \$55,000 for the Master Plan without prejudice, and is requesting a presentation. Mr. Wenger has asked M. Rusch to arrange a time for the presentation.

#### 8. Non-Public Session

The Board moved into Non-Public session at 5:35 p.m.

**Motion:** To move into Non-Public session under RSA 91-A: 3 II (g) for consideration of a security issue at the DOC. By Comm. Clemons, second by Comm. Holden. Holden-yes; Clemons-yes. Motion carried.

The Board met with Mr. O'Mara who brought it up to date regarding an inmate security issue at the facility. Following a brief discussion the Board took no formal action.

The Board moved out of Non-Public session at 5:40 p.m.

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

C. Kirby informed the Board that she is working on the outstanding issues relating to the Goffstown District Court including indemnification of the State by the County. She noted that Mr. Wenger contacted Primex at her request, to make sure the County had coverage for those items. Mike Ricker, who represents Primex, responded with five issues that were of concern to Primex that needed to be addressed; two of the five issues have been resolved. There are potentially two (or three) outstanding issues at this time. C. Kirby noted that she has spoken with Mike Ricker and Mike Connor from the Administrative Service Department at the State in an effort to try to resolve these issues. What has developed is that Primex does not want to add the State as an "additional insured" under the County's coverage; they have agreed to add them as an "additional insured" solely for negligent acts, so if the State will accept that, then the County can get a certificate adding the State as an "additional insured." It is not clear that the State will accept that at this point. In addition, Primex will not agree to provide coverage under Paragraph 16.1 of the Lease Agreement unless it is limited to negligent acts. Mike Connor will have to go back to the Attorney General's office and get approval to limit the indemnification to solely negligent acts; he has not yet been able to reach his Counsel to get that authorization.

C. Kirby explained that the final issue is Article 16.2, which requires the County to indemnify the State for its non-performance. She noted that Primex would not provide coverage for that, and she indicated that she would not expect them to; however if the County is to proceed, it is important for the County and the Board to understand the ramifications if we accept that provision. It is a performance situation, meaning that if the County does not perform on its obligations under the lease, then the State has the right to come back on the County. She noted an example would be, if the County were placed on notice of a situation, and it did not respond, then the State might respond and hire someone to correct an issue. She indicated that she does not anticipate that to be a problem, but the Board needs to be aware of that situation, because if the State were to hire someone to perform a service which the County should perform, then the State will come back on the County and since we wouldn't have insurance coverage, it will come out of the County coffers. She indicated that these items would be raised at the Delegation meeting this evening.

Ms. Kirby reported that Mr. Ricker, on behalf of Primex, has done what he needs to do; she has done her part by informing the Board in reference to the issue with 16.2, and now we are waiting on the State to see if the Attorney General's office will accept the modification. There was discussion regarding how to proceed.

Comm. Holden expressed her belief that if the County had not worked so hard on this she would consider reversing her opinion about approving the lease. Comm. Clemons asked about revising the motion for this evening's meeting. Mr. Wenger replied that he is impressed that most of the issues have been resolved. Comm. Clemons suggested moving forward with the plan. A brief discussion followed.

The Board considered and moved to approve the Superintendent's request to accept a prisoner from the Rockingham County Department of Corrections.

**Motion:** To authorize the Superintendent to accept a prisoner from Rockingham County. By Comm. Clemons, second by Comm. Holden. Motion carried.

**9. Adjourn**

There being no further business for the Board's consideration at this time, a motion to adjourn was accepted.

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

The meeting adjourned at 5:47 p.m.

*(SIGNED 7/16/08)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date