

Regular Meeting of the  
Hillsborough County Board of Commissioners

June 13, 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, M. Wageling, G. Wenger, B. Moorehead, J. O'Mara, M. Rusch, R. Mercer, C. Kirby, A. Durette, and E. Robinson.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 3:44 P.M. Comm. Clemons led those present in the Pledge to the Flag.

**2. Minutes:**

The Board did not consider any minutes.

**3. Business Office**

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated 5/31/2007 in the amount of \$1,011,208.49 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 6/12/2007 in the amount of \$6,633,567.56 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Telephone Poll

Comm. Holden moved confirmation of a telephone poll conducted on Friday June 8, 2007 ratifying the tentative agreement reached with the Teamster group at the County Attorney's Office. She noted that the poll passed unanimously.

**Motion:** To approve the Telephone Poll conducted on Friday June 8, 2007 to ratify the tentative agreement reached with the Teamsters Local 633, Secretarial, Clerical and Professional Employees of the Hillsborough County Attorney's Office and to forward the agreement to the Executive Committee and Delegation with a request for review and approval of the cost items. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Comm. Holden moved confirmation of a telephone poll to approve the acceptance of a male inmate from Merrimack County.

**Motion:** To approve the Telephone Poll conducted on Friday June 8, 2007 authorizing the Superintendent to accept the transfer of a male inmate from Merrimack County. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Comm. Clemmons moved confirmation of a telephone poll approving the scheduling of a meeting of the Personnel Commission.

**Motion:** To approve the Telephone Poll conducted on Friday June 8, 2007 to schedule a hearing before the Personnel Commission of the employee complaint presently before it under policy 12-2:S. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Bid #CIS-11-2007 – Annual DOC Software Maintenance

G. Wenger was recognized. He explained that the bid before the Board was for the annual maintenance agreement supporting the JICS software operating at the Department of Corrections.

**Motion:** To approve bid #CIS-11-2007, Department of Corrections annual software maintenance to Northpointe, PO Box 309, Traverse City, MI for the price of \$2,479. By Comm. Clemons, second by Comm. Holden.

The Board noted that this was a single source bidder under NH RSA 28:8-e V.

Motion carried.

#### **4. Nursing Home**

Comm. Pappas noted the Mr. Moorehead was at a conference and would be late.

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

Census

J. O'Mara was recognized. He informed the Board that the census at the facility on June 7<sup>th</sup> was 572. He noted that 508 were men, of which 171 are sentenced and 337 were being held pre-trial. He noted that on the women's side of the house, 20 are sentenced, and 44 were pre-trial for a total of 64 female inmates. He noted that the facility is presently housing 20 inmates from Belknap County who are expected to be in residence approximately one week.

#### **6. County Attorney**

The Board agreed to address this item when the County Attorney arrived.

#### **Delegation**

M. Rusch was recognized. She advised the Board that the Public Hearing was scheduled for the following Tuesday at 6:00 P.M., that the Executive Committee will meet the next morning at 9:00 A.M., and the Delegation will meet on Thursday the 21<sup>st</sup> at 6:00 P.M. M. Rusch distributed budget books to those present.

#### **Sheriff's Office**

A. Durette was recognized. He informed the Board that once again this year the Sheriff's Office, at the last minute, has been requested to participate in a joint justice assistance grant, which is an interlocal agreement. This year Hudson, Milford, Manchester, Nashua, and Hillsborough County have been asked to participate. A. Durette distributed a copy of the agreement that is presently in circulation. He requested the Board consider the agreement and if inclined to participate in the program, to entertain the possibility of a telephone poll should it become necessary to approve and execute the agreement before its next meeting. He acknowledged that this has come to his attention at the last minute and apologized to the Board for the timing of the request. Comm. Holden noted that all three Commissioner Districts are represented as grant participants. The Board agreed to consider the matter and proceed as requested if required.

## 7. Old/New Business

G. Wenger was recognized. He informed the Board that requests had been received from the NHAC. Initially the Association has requested all counties join in a resolution to the Congressional delegation regarding the rights of inmates to public assistance. The second matter sought the nominations to sit on the NH Drinking Water Source Protection Program Advisory Committee. He also informed the Board that it had received a packet from the NHAC regarding the upcoming Annual Conference. He distributed the packet for the conference, which is scheduled for November 4<sup>th</sup> through the 7<sup>th</sup>. He noted that there are limited rooms reserved and a cruise that will require early booking. Early bird registration for the conference is September 28<sup>th</sup>.

G. Wenger requested a non-public discussion regarding the lease of County land. Comm. Pappas requested a non-public to discuss compensation and C. Kirby requested to meet in consultation with the Board regarding two pending matters.

Mr. Moorehead was recognized and he noted that he had nothing further for the Board at that time.

Comm. Holden was recognized. She informed the Board that it would be receiving information pertaining to the upcoming NACO elections. She noted that NACO dues had increased by 2.8% at the May 11<sup>th</sup> meeting. She advised the Board that there is a new Energy Star Change a Light Campaign noting that if the County participates in the program employees and residents qualify to get a \$3.00 coupon from Office Depot. The Board was in support of the program and Comm. Holden agreed to register the County. Comm. Holden advised the Board that she had been appointed to the All Hazards Planning Committee. She informed the Board that the Right to Know Committee met on June 22<sup>nd</sup> noting that she anticipated that a bill would be forthcoming as the result of a compromise. Comm. Holden reminded those present that G. Chandler had distributed a memo including a revised format for the County's Policies and Procedures noting that no change were made to any of the policies and procedures. She suggested that the Board might wish to adopt the revised format at a future meeting.

Comm. Pappas advised the Board that C. Stacey had informed her that the Governor and Council had taken the budget transfer issue off the table and voted it down. Comm. Holden acknowledged Rep. Betsy Patten's work on the matter on behalf of the counties. B. Moorehead inquired if the State had determined what to do with the unspent monies in the Nursing Home line. He was advised that no decision had been made but it was noted that HB 721 included instruction on this issue that require the monies be spent.

## Personnel

### 9. Non-Public Session

The Board proceeded to address the matter pending before the Personnel Commission. Comm. Pappas inquired regarding the Board's desires to proceed in public or non-public. The Board agreed to proceed in non-public

**Motion:** To go into non-public session under RSA 91-A:3II (c) to discuss a matter which if discussed in public would likely adversely affect the reputation of a person and to discuss additional matters under RSA 91-A:3II (d), RSA 91-A:3II (a), and RSA 91-A:3II (e). By Comm. Clemons, second by Comm. Holden. Comm. Holden, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

Prior to moving into non-public session, the Board went into recess to consult with Legal Counsel.

**Motion:** To go into recess. By Comm. Holden, second by Comm. Clemmons. Comm. Holden, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

The Board entered recess at 4:13 P.M.

The Board came out of recess at 4:44 P.M. and immediately entered non-public session as previously moved.

The Board met with County Attorney Wageling who presented the credentials of Attorney Harpster for appointment as an Assistant County Attorney.

The Board met with Mr. O'Mara to discuss a pending legal matter at the Department.

The Board met with Mr. Wenger to discuss the status of discussions with the Manchester Water Works regarding the potential use of County lands.

The Board met in its capacity as the Personnel Commission to review the employee complaints before it.

No action was taken during the non-public discussions.

The Board came out of non-public session at 6:15 P.M.

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

## 8. Public Comments on Agenda Items

There were no members of the public available for comment.

Comm. Holden was recognized. She moved, based on the recommendation of the County Attorney to appoint a new Assistant County attorney, Brett J. Harpster, Esq.

**Motion:** Upon the recommendation of the County Attorney, to approve the appointment of Assistant County Attorney, Brett J. Harpster knowing that the Attorney General will consider the application for approval. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Motion:** To give authority to Legal Counsel to settle a case as discussed and at the amount discussed. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Comm. Clemmons was recognized for a motion

**Motion:** Move to dismiss the matter before the Personnel Commission dated May 24, 2007. By Comm. Clemons, second by Comm. Pappas.

Comm. Holden expressed her desire for additional information prior to proceeding.

Motion carried two in favor, one, Holden, opposed.

Comm. Holden was recognized for a motion relative to a matter that has come before the Personnel Commission from the Nursing Home. She noted that part one of the matter addresses a reorganization within the Nursing Home and as stated does not rise to the level of a complaint as the Administrator has the right to direct the workforce through such an action. She stated that the second part of the complaint, the harassment issue is a matter that the Commission is not set to move forward on and will request additional information from the employee should she wish to supplement her filings.

**Motion:** On Part I which discusses the reorganization, it is not a valid complaint, Mr. Moorehead has a right to direct the workforce so that the complaint does not rise to the level of a complaint for the consideration under the policy and with regard to Part II, the harassment issue, there is not enough information before the Commission, should the employee desire to clarify it will be considered, but as presented it does not rise to the level of a complaint. By Comm. Holden, second by Comm. Clemons.

Motion carried unanimously.

The Board requested G. Wenger to forward letters to the interested parties advising them of the Commission's actions.

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

**10. Adjourn**

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

The meeting adjourned at 6:17 P.M.

*(SIGNED 8/15/07)*

\_\_\_\_\_  
Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

\_\_\_\_\_  
Date