

Regular Meeting of the
Hillsborough County Board of Commissioners
June 15, 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, J. Hardy, D. Hogan, C. Beaulac, M. Castonguay, D. Dempsey, M. Estey, C. Kirby, M. Lencki, J. O'Mara, D. Reidy, E. Robinson, G. Wenger, and L. Stonner.

Also Present: R. Cruess-T.F. Moran, and J. Vadney and R. Tourigny-Neighborhood Works

1. Call to Order

Comm. Ziehm called the meeting to order at 9:07 a.m.

2. Pledge to the Flag

J. O'Mara led the Pledge of Allegiance.

3. CDBG Grant Request

Comm. Ziehm opened the floor to a presentation regarding a CDBG Grant Request. Mr. Tourigny explained that he represents Neighborhood Works Greater Manchester, a private Non Profit whose mission is to enhance people's lives and the community environment by providing quality housing services and revitalizing neighborhoods.

Mr. Cruess, President of TF Moran, explained that this project is for a Work Force Housing project in Amherst, NH located in the historic district; he provided illustrations of the homes that will be constructed. He noted that a similar project was built last year in Goffstown behind Rite Aid. Mr. Cruess informed the Board that the goal is to get the cost in a range to qualify for tax credits; he added that being awarded a CDBG grant would bring the cost down, and noted that while they had good support from the Town of Amherst, the Town did not qualify for CDBG funds because of its median income.

Mr. Tourigny requested that the Board support the request for the CDBG grant application. He explained that Neighborhood Works would own the project for 99 years; he noted that they have been involved in 291 units since the beginning of their work. The units at Hidden Pond in Amherst will be 2 bedroom apartments that are less than 1,000 square feet. The rent should be between \$800-900 per month and the average applicant will have an income from \$35,000 to \$45,000 for the household; there is already a waiting list of interested prospects.

Mr. Cruess explained that they are asking for approval of \$500,000 less \$25,000 for administration of the grant, which in this case would go to the County. The Commissioners mentioned that the cities of Manchester and Nashua were also interested applying for grants through the County, and that Peterborough had applied in the past.

Comm. Pappas inquired if there would be a need to go through the Public Hearing process related to the grants; Mr. Cruess responded that it would be necessary. The Board discussed the process, the required policies, and the need to post the hearings. Mr. Tourigny explained that his organization will help with the policies.

Mr. Cruess explained that the development is time sensitive and that September will be the last opportunity to apply for CDBG grant funding; he added that the permits and the Purchase & Sales Agreement will expire if not approved soon. He explained that without the funding, the cost will be higher, which in turn will result in a higher rental fee.

Following discussion, Comm. Pappas made a motion to divide the grant funding into thirds with 1/3 going to the project being presented today, 1/3 to the City of Manchester, and 1/3 to the City of Nashua.

Motion: To divide the \$500,000 available grant funds into thirds, contingent upon the funding in the FY 2012 budget. The motion was made by Comm. Pappas.

The motion failed for lack of a second.

Comm. Ziehm indicated that she would like to hear from the other interested applicants before approving today's application request. Mr. Wenger explained that the primary issue is whether funding remains in the budget. Mr. Tourigny added that they have a 30-day window; he thanked the Board for its time.

Mr. Tourigny, Ms. Vadney, and Mr. Cruess excused themselves and left the meeting

4. Administrative Business

Minutes

March 23, 2011

Motion: Comm. Pappas moved to adopt the minutes of the Board of Commissioner's regular meeting held on March 23, 2011.

Comm. Pappas indicated that she has not had time to review those minutes.

Comm. Pappas withdrew her motion.

April 6, 2011

Motion: Comm. Pappas moved to adopt the minutes of the Board of Commissioner's regular meeting held on April 6, 2011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

April 20, 2011

Motion: Comm. Pappas moved to adopt the minutes of the Board of Commissioner's regular meeting held on April 20, 2011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

May 18, 2011

Motion: Comm. Pappas moved to adopt the minutes of the Board of Commissioner's regular meeting held on May 18, 2011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Approval of Payroll Registers

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

- 5/31/11 \$ 3,750.71
- 6/2/11 32,077.54
- 6/3/11 56,942.81

for a total miscellaneous Payroll of \$92,771.06, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To approve the regular Payroll dated June 9, 2011 in the amount of \$ 11,578,814.56, subject to review and audit. Motion by Comm. Pappas.

Mr. Wenger indicated that the amount in this motion appears to be incorrect, and added that the Business Office will review the payroll and provide a corrected amount.

The motion was withdrawn.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated June 9, 2011, in the amount of \$2,394,298.76, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Extradition Vouchers

Motion: To approve Extradition Vouchers, noting that they have been previously approved by the County Attorney. The dates and amounts are:

- 4/22/11 \$ 735.09
- 4/26/11 2,069.13

for at total Extradition Voucher expense of \$2,804.22. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Transfer # 2011-31

Mr. Wenger informed the Board that this is a request to rescind Transfer # 2011- 31 that was approved at an earlier meeting; he explained that revised action is requested to correct and reflect the amount of the available funds for transfer.

Motion: To rescind Transfer # 2011-31. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Transfer # 2011-31 – Revised

Motion: To approve Transfer # 2011-31 (Revised) to transfer the amount of \$24,500 from Contingency Grant Expenses, line 4199, and to transfer a like amount to Manchester Courthouse, Buildings, line 4196-7960. Motion by Comm. Holden, second by Comm. Pappas.

Mr. Wenger explained that this represents the end of funds available in that line and noted that a tabled transfer was not taken into consideration.

Motion carried.

Transfer # 2011-36

Motion: To approve Transfer # 2011-36 to transfer the amount of \$55,000 from contingency, line 4199-7010, and to transfer the amount of \$52,000 to Sheriff's Full Time-Salaries & Wages, line 4211-7010, and to transfer the amount of \$3,000 to Sheriff's Full Time-Social Security, line 4211-7100 for a total transfer of \$55,000. Motion by Comm. Pappas, second by Comm. Holden.

Much discussion ensued regarding accrued comp time. Sheriff Hardy explained that comp time has been paid to staff in his Department since it was initiated by former Sheriff Walter Morse when it became part of the bargaining agreement; it has continued since that time; he stressed that it was important to his operation. He explained that comp time is frequently used in lieu of overtime, and the employees have the option. Comm. Holden indicated that she would like to see the bargaining agreement that addresses comp time.

The Board discussed the issue of comp time with the Sheriff. There was a general agreement that comp time creates an unfunded liability as seen with this transfer request for an \$87,000 payout for three employees who recently retired. The Board favored establishing a clear County Policy to address comp time; it also agreed to address the issue in future contract negotiations.

Motion carried

Transfer # 2011- 37

County Attorney, D. Hogan explained that this transfer supports additional expenses related to a sexual violent predator trial and to a defendant claiming a defense of insanity. He explained that expert opinions are needed and noted that they add to the cost of a trial.

Motion: To approve Transfer # 2011- 37 to transfer the amount of \$7,500 from Extradition line 4123-7411, and to transfer the amount of \$1,500 from Other Fees line 4123-7290, and then to transfer the amount of \$9,000 to Consulting line 4123-7230. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Comm. Holden noted that the Board needs to see the County Attorney's pending grant request prior to approval. Att'y Hogan indicated that it is currently being developed and will be brought to the Board.

5. Public Comment on Agenda Items

Comm. Ziehm recognized Rep. Robbins. He thanked the Chair for recognizing him, but offered that it is better to be quiet and be thought a fool than to speak and prove it so.

6. Department of Corrections

Census

Supt. O'Mara presented the DOC Census. He noted that as of June 7, 2011, the Census was 548, which included 14 inmates serving in the community; there were 481 men of whom 364 were being held pre-trial and 117 that have been sentenced. There were 58 women of whom 41 were being held pre-trial and 17 that have been sentenced.

Mr. O' Mara informed the Board that the FY 2012 budget is based on an average daily population of 530, and noted that today's population is at 568.

Bid # FY 11-107 – Chiller Fan Condenser Motor

Mr. O' Mara requested that the Board approve Bid # FY 11-107 for a fan condenser motor for a chiller, noting the recommended vendor, Johnson Controls, is the current supplier. He requested that the Board waive competitive bidding consistent with RSA 28:8-e (V), noting that this vendor is the only company in the Manchester area that is an authorized vendor for the equipment.

Motion: To approve Bid # FY 11-107 for a fan condenser motor for a chiller to Johnson Controls, Manchester, NH, in the amount of \$6,300 with a request that the Board waive competitive bidding consistent with RSA 28:8-e (V), noting that this vendor is the only company in Manchester area that is an authorized dealer for the parts.

7. Nursing Home

Census

M. Lencki presented the Nursing Home Census and explained that as of June 9, 2011, the census for the Nursing Home was 274 total patients/residents; there were 195 Medicaid residents, 50 self pay residents, and 29 Medicare Part A/Managed Care residents.

Bid # 22-2011 – Electric Rates – One Year Fixed Rate Cost

Mr. Lencki explained that this bid locks in electrical rates for one year. He noted that the price is .07550 per KWH; the rate is up slightly for the Nursing Home and the DOC, but provides a savings for the Complex and Temple Street.

Motion: To approve Bid # 22-2011 for the Nursing Home to award the bid to Integrys, Manchester, NH, at a price of .07550 per KWH, noting that it is the lowest responsible bidder. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

May Revenue

Mr. Lencki reviewed the May Revenue; he explained that there is a variance for the month of \$76,421 to the negative and explained that that this is a good number because the Nursing Home will soon receive a check from Pro Share for over one million dollars.

Mr. Lencki informed the Board that inspectors from the Department of Labor have visited the Nursing Home; they have spoken with various employees and asked questions to verify that they are being managed and paid correctly.

7. Old/New Business

Mr. O' Mara informed the Board that the Department of Corrections once again received the "Public Health Acceptance Award for Food Safety, and remarked that the DOC has the "cleanest kitchen in town."

Mr. O'Mara provided information to the Board regarding recent incidents at the DOC. He explained that the previous Wednesday an inmate, who was a new commitment, was taken to the hospital with a complaint of severe abdominal pain; the inmate was well enough to return to the facility the following day. Mr. O'Mara noted that on Saturday when the inmate was allowed out of his cell for recreation and to use the telephone, he jumped from the mezzanine and was injured. The inmate was transferred by ambulance to the hospital; he sustained a chipped pelvis, and a chipped elbow. Mr. O'Mara noted that once the inmate was returned to the facility, he was moved to a first floor cell; furthermore, when the inmate is now out of his cell, two Correctional Officers accompany him.

Mr. O' Mara described a situation regarding concern for a deaf inmate. He explained that the DOC has a policy of "shake & wake" that is implemented whenever there is a fire alarm in the event that an inmate is not facing the strobe alarm and is not able to see it when initiated.

Mr. O' Mara noted that the DOC has an inmate with a brain injury who has issues at times with communication and function. He explained that the aforementioned situations are examples of the many difficult situations that staff at the facility face every day.

Mr. O' Mara informed the Board that the DOC was once again awarded a Residential Substance Abuse Grant in the amount of \$11,000, and noted that the facility will retain a LADC (Licensed Alcohol & Drug Counselor) who will facilitate group counseling for inmates with alcohol and/or drug issues.

Mr. Wenger referred the Board to a letter that will be going to the Town of Goffstown relative to advising the Town that the County will no longer be paying property taxes; the letter cites NH RSA 72:23 which specifically exempts County land from the levy of taxes. The letter was discussed and the Board authorized execution of the letter.

Motion: To authorize the letter to the Town of Goffstown, as discussed by the Board. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

The Board held a discussion relative to a letter that would advise the entities receiving services from the County Human Services Department that the ADDE and Family Intervention programs will not be funded in the FY 2012 budget.

Discussion ensued regarding a letter to the Representatives and cost items in the budget. The Board discussed its concerns relative to the Executive Committee's recommendation against funding raises for the non-affiliated employees and its position against approving the five bargaining agreements previously approved by the Board. The Board expressed its frustration with the last minute Executive Committee meeting in Concord and the lack of clarity relative to information it had requested.

Mr. Wenger indicated that it was his belief that the Executive Committee's intent was to take out the salary increase for non-affiliated employees and to not approve any union contracts.

The Board was in agreement that it is the responsibility of the Commissioners to decide how budget funds are spent; the Executive Committee does not have that right. The Executive Committee can determine the amount of money in the budget, and then it is the Commissioners responsibility to determine how those dollars will be spent; it is not within the Executive's Committee's purview to determine who receives a raise or wage cut, or which employees should be terminated; that is the responsibility of the Commissioners.

Mr. Wenger informed the Board that he has the proposed lease for Chestnut Street, which has been reviewed by the Legal Counsel; he added that it needs to be approved and executed by the Board.

Mr. Wenger offered that the Board may wish to give consideration as to how it will carry out reductions based on the reduced budget approved by the Executive Committee.

Comm. Ziehm noted that she received a call from Salvation Army relative to Incentive Funds. Ms. Robinson responded that Incentive Funds have been eliminated in the State budget.

Comm. Ziehm noted that she has changed her position relative to supporting CDBG grant fund applications because she learned that once the funds have been appropriated in the Federal budget, the funds never go back to that budget, so if the County does not use the funds, some other County or State will use them. The Board further discussed the grant applications.

In response to discussion about comp time, Mr. Wenger noted that there is nothing in the Policy Manual relative to comp time. The Board felt that it should be aware of the comp time that was not used so that it is aware of potential future expense. Mr. Wenger agreed that this should be discussed in detail; he added that a report is available that shows the unfunded liability. He noted that in some cases, if comp time were not an option, a person might have to leave in the middle of a job. He noted that the downside is that comp time is not accurately reflected in the budget relative to the needs of the operation. Ms. Robinson suggested that as the Board looks at this issue, it might choose to authorize comp time up to a certain number of hours, and there could be a requirement that those hours should be used by the end of the year to avoid an unfunded liability.

Comm. Holden informed the Board that the NACo dues were frozen again this year at \$750 for each County.

10. Non-Public Session

Comm. Ziehm entertained a motion relative to Non-Public Session.

Attorney Kirby requested an opportunity to meet with the Board in Non-Public Session relative to an employee issue. Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session relative to two employee issues.

Motion: To move into Non-Public session with Attorney Kirby, G. Wenger, D. Hogan, J. Hardy, J. O'Mara, M. Lencki, D. Dempsey, and E. Robinson relative to personnel issues consistent with RSA 91-A II 3 (a). Motion by Comm. Holden, second by Comm. Pappas. Holden-yes, Ziehm-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public session at 10:50 a.m.

The Board met with Attorney Kirby, G. Wenger, D. Hogan, J. Hardy, J. O'Mara, M. Lencki, D. Dempsey, and E. Robinson relative to a personnel issue.

The Board met with D. Hogan and C. Kirby relative to a personnel issue.

The Board met with G. Wenger relative to a personnel issue.

The Board moved out of Non-Public session at 12:26 p.m.

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

Motion: To move into Recess. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

The Board moved into Recess at 12:30 p.m.

The Board moved reconvened at 12:57 p.m.

Motion: To move out of Recess. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Ziehm asked if there was any further business before the Board. Comm. Pappas noted that she will move to approve the Payroll discussed earlier in the meeting that was incorrect.

Motion: To approve the Payroll dated June 9, 2011 in the amount of \$2,394,298.76, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To move that the Board of Commissioners send out a communication to employees relative to a reduction in force that is anticipated effective August 1, 2011, due to a lack of funding. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Ziehm referred to a letter to the Representatives that the Board is reviewing. She expressed her belief that it should be stated that all State employees receive step increases. Further discussion ensued relative to the letter, and the desire to be clear that the State budget includes step increases while the County did away with steps through contract negotiation.

Comm. Ziehm shared her concern that the message received by the employees, if the Delegation fails to give any increases, is that the County employees are less worthy than the State employees who do receive increases that were voted on by the Representatives. Mr. Wenger noted that the Board of Commissioners worked through a difficult process to get the unions to agree to get eliminate steps and to agree to performance increases. Mr. Wenger noted that his concern is that if the Delegation says no to an increase, the next time the County sits down at the bargaining table, every unit will want to include the step program in the new contracts.

Comm. Ziehm added that the County employees who supported the contracts are going to be penalized while the State employees will be rewarded. She stressed that this is not what the Board favors. Comm. Pappas agreed that the employees are being penalized. Comm. Holden added that this applies particularly

to the non-affiliated employees; she added that it is her belief that the contracts should be approved as well as an increase to the non-affiliated employees. Comm. Ziehm added that if she were in their place, she would want the steps back; she further noted that the majority of the Representatives that attend the Delegation meeting will not have attended earlier meetings and will not have any history of the impact of the Executive Committee's recommendations. Mr. Wenger added that those Representatives who have not attended the Public Hearing will have no idea of the County's experience with the contracts; they will not know that the Board has worked hard to eliminate steps.

Mr. Wenger will be presenting information at the Public Hearing outlining the history of the contracts. Further discussion ensued with a general agreement that the Executive Committee's plan is to not approve anything.

The Board unanimously approved forwarding the letter to the Delegation. The Board favored sending the letter to the full Delegation regarding its position relative to the budget and the concerns that the Board shares.

The Board discussed its options regarding the budget and the Public Hearing. Mr. Wenger referred to the information requested by one Representative. The Board agreed that it will provide information to the Delegation once it is clear what information is being sought.

The Board will hold a Special Meeting at 9:00 a.m. on Friday, June 17, 2011.

10. Adjourn

There being no further business before the Board, Comm. Ziehm entertained a motion to adjourn.

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

The meeting adjourned at 1:21 p.m.

Signed 9/21/2011

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

Date