

Regular Meeting of the  
Hillsborough County Board of Commissioners  
June 16, 2010  
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. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, L. Movsesian, A. Durette, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, E. Robinson, M. Rusch, G. Wenger, E. Casey, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:05 a.m., followed by the Pledge to the Flag led by G. Wenger.

**2. Administrative Business**

Commissioner Pappas noted that the Board would address administrative business at this time.

Minutes

**Motion:** To approve the minutes of the regular Board of Commissioner's meeting held on June 2, 2010. Motion by Comm. Holden, second by Comm. Clemons. Commissioners Holden and Clemons voted to approve the minutes; Comm. Pappas abstained since she was not present at that meeting.

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated June 10, 2010 in the amount of \$1,179,486.48 subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated June 15, 2010 in the amount of \$673,566.80, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas noted that there were several Transfers for the Board to review.

#### Budget Transfer No. FY 2010-40

**Motion:** To approve Budget Transfer No. FY 2010-40 to transfer the amount of \$2,000 from Nursing Home Dietary Overtime line 4413-7011 and to transfer the amount of \$2,000 to Nursing Home Dietary Salaries/Wages line 4413-7010; noting that this transfer is necessary to cover the additional Dietary Salary & Wages cost incurred when a long-term Unit Aide in the Nursing Department bumped into a Food Service Worker II position when the Unit Aide positions were eliminated in the fall of 2009; the hourly rate of the Unit Aide was approximately \$5.40/hour higher than the budgeted rate of the position filled in Dietary. Comm. Clemons moved the action, second by Comm. Holden. Motion carried.

#### Budget Transfer No. FY 2010-41

**Motion:** To approve Budget Transfer No. FY 2010-41: to transfer the amount of \$2,500 from Nursing Home Dietary line 4413-7130, and to transfer the amount of \$1,000 from Nursing Home Activities line 4417-7130, and to transfer the amount of \$6,000 from Nursing Home Rehabilitation line 4421-7130, and to transfer the amount of \$1,800 from County Attorney Reentry line 4125-7130, and then to transfer the amount of \$10,800 to Nursing Home Nursing line 4414-7130, and to transfer the amount of \$500 to Nursing Home Housekeeping line 4416-7130 for a total transfer of \$11,300. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Holden noted that the reason for the request is that on June 30, 2009, after the County's budget process was complete, Governor Lynch signed HB 0002 that contained a series of revisions to RSA 100-A, the laws that govern the New Hampshire Retirement System. Among the changes, the State's share of the political subdivision employer's contribution was reduced from 35%, as budgeted by the County, to 30% for the State fiscal year 2010. The County's budget appropriation for line 7130 was insufficient and a series of transfers was approved in April to fund the lines based on anticipated projections for the year. This transfer is requested to adjust the funding to reflect the required funding to complete the final payroll for the year.

Motion carried.

#### Budget Transfer No. FY 2010-42

**Motion:** To approve Budget Transfer No. FY 2010-42: to transfer the amount of \$2,160 from County Attorney Retirement line 4123-7130, and to transfer the amount of \$200 to County Convention Retirement line 4110-7130, and to transfer the amount of \$250 to Computer Information Services Retirement line 4151-7130, and to transfer the amount of \$10 to Human Resources Retirement line 4155-7130, and to transfer the amount of \$1,700 to Human Services Line 4441-7130 for a total transfer of \$2,160. Motion by Comm. Clemons, second by Comm. Holden.

Comm. Clemons noted that the reason for this request is that on June 30, 2009, after the County's budget process was complete, Governor Lynch signed HB 0002 which contained a series of revisions to RSA 100-A, the laws that govern the New Hampshire Retirement System. Among the changes the state's share of the political subdivision employers' contributions was reduced from 35%, as budgeted by the County, to 30% for the state fiscal year 2010. The County's budget appropriation for line 7130 was insufficient and a series of transfers was approved in April to fund the lines based

on anticipated projections for the year. This transfer is requested to adjust the funding to reflect the required funding to complete the final payroll for the year.

Motion carried

Budget Transfer No. FY 2010-43

**Motion:** To approve Budget Transfer No. FY 2010-43: to transfer the amount of \$300 from Contingency Salary & Wages line 4199-7010, and to transfer the amount of \$300 to Cooperative Extension Social Security line 4611-7100. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Holden explained that the reason for the transfer request is that the approved budget for the Cooperative Extension Social Security line is insufficient to complete the fiscal year. The transfer is requested to provide the funds necessary for the final payroll of the fiscal year.

Motion carried.

Budget Transfer No. FY 2010-44

**Motion:** To approve Budget Transfer No. FY 2010-44: to transfer the amount of \$17,000 from Nursing Home Rehabilitation Social Security line 4421-7100, and to transfer the amount of \$3,500 from County Attorney Reentry line 4125-7100, and to transfer the amount of \$7,500 from Contingency Salary & Wages line 4199-7010, and to transfer the amount of \$28,000 to Nursing Home Nursing Social Security line 4414-7100 for a total transfer of \$28,000. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons noted that the reason for the request is that the approved budget for the Nursing Home Nursing Social Security line is insufficient to complete the fiscal year. The transfer is requested to provide the funds necessary for the final payroll of the fiscal year.

Motion carried.

Budget Transfer No. FY2010-45 (see page 5)

Comm. Pappas noted that there were two Telephone Polls before the Board.

Telephone Polls

Comm. Holden explained that a Telephone Poll of the Board was conducted on Friday June 4, 2010, at the request of the Department of Corrections seeking approval to accept the transfer of a male inmate from the Merrimack County Department of Corrections. Each of the Commissioners was contacted and expressed support for the action. The Telephone Poll was to authorize the Superintendent to accept the transfer of a male inmate from the Merrimack County Department of Corrections.

**Motion:** Comm. Holden moved to approve the action taken by the Telephone Poll. Second by Comm. Clemons. Motion carried.

Comm. Clemons explained that a Telephone Poll of the Board was conducted on Tuesday, June 15, 2010, at the request of the Department of Corrections seeking approval to accept the transfer of a female inmate from the Rockingham County Department of Corrections. Each of the Commissioners was contacted and expressed support for the action. The Telephone Poll was to authorize the Superintendent to accept the transfer of a female inmate from the Rockingham County Department of Corrections.

**Motion:** Comm. Clemons moved to approve the action taken by the Telephone Poll. Second by Comm. Holden. Motion carried.

#### Bid # CIS-17-2010 – FY2010 Server Purchase

**Motion:** To approve Bid # CIS-17-2010 for a server; the bid to be awarded to Insight Public Sector, Tempe, AZ, at a price of \$11,724.14, noting that it is the lowest responsible bidder. By Comm. Holden, second by Comm. Clemons.

In response to an inquiry, Mr. Wenger explained that this bid is to replace two servers that are outdated; this was an anticipated replacement that was appropriated in the last year's budget, and it is customary for this type of purchase to be done at the end of the year.

Motion carried.

#### Bid # CIS-19-2010 – Barracuda Email Archive Appliance

**Motion:** To approve Bid # CIS-19-2010 for a Barracuda Email Archive Appliance to GovConnection, Inc., Merrimack, NH at a price of \$5,563.25, noting that it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden.

Mr. Wenger explained that this will provide the County with the ability to archive all emails so they can be maintained for historical records, which is recommended for addressing potential litigation requirements; there could be situations where emails are requested relating to litigation or as a part of an RSA91-A request.

Motion carried.

#### Bid # CIS-1-2011 – Business Office Munis Software – Annual Software Maintenance

**Motion:** To approve Bid # CIS-1-2011 for the annual Munis Software Maintenance contract to Tyler Tech., Inc, Dallas, TX, at a price of \$47,657.10, noting that this is a single source bid for annual contractual support costs consistent with RSA 28:8-8 V, subject to approval in the FY 2011 budget by the Delegation. By Comm. Holden, second by Comm. Clemons.

Mr. Wenger explained that this is for annual maintenance for the County's Munis financial software that is used for payroll across the County; it is due now; however, the County has an agreement with Tyler Tech that it will be paid July 1<sup>st</sup>, which is after the budget process. Mr. Wenger noted that Tyler Tech provides updates to Munis every year that include the current year's tax documents that are provided in January prior to the Business Office producing the employee W-2's, 1099's, etc. Mr. Wenger noted that the Business Office also contacts them on a very frequent basis to address issues and ask procedural questions. He further explained that the updates are done electronically or by software being provided.

Motion carried.

### **Public Comment on Agenda Items**

There was no one present from the public who wished to comment.

### **Department of Corrections**

Census

Supt. O'Mara presented the DOC Census, noting that as of June 14, 2010, the Census was 575, which included 510 men of whom 338 were being held pre-trial and 172 that had been sentenced. There were 65 women of whom 43 were being held pre-trial and 22 that had been sentenced.

Administrative Transfer

Supt. O'Mara noted that he has an Administrative Transfer and asked the Board to authorize the Chair to execute the agreement.

Supt O'Mara noted that he has a Budget Transfer to address under Old/New Business.

Comm. Pappas asked the Board if it wished to address the Budget Transfer at this time in the meeting.

Transfer No. FY 2010-45 – Department of Corrections

Supt. O'Mara explained that Transfer # FY 2010-45 is a request to transfer \$10,000 from the DOC Salaries & Wages line 4230-7010 and to transfer the same amount to Clothing & Related line 4230-7520. He explained that the wear and tear on the inmate uniforms as well as an anticipated exhausted supply brings this request to the Board before the next fiscal year; he further noted that funds are available from staff vacancies that can cover this expense, subject to this approved Transfer.

**Motion:** To approve Transfer # FY 2010-45 to transfer \$10,000 from the DOC Salaries & Wages line 4230-7010, and to transfer the same amount to Clothing & Related expenses line 4230-7520. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden noted that the current inventory is substandard due to constant wear and tear; transfer of funds will allow the bulk purchase of uniforms to replace the unsuitable inventory; funds are available due to staff vacancies throughout the year.

### **Nursing Home**

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of June 10th, there were 282 beds occupied, which included 200 Medicaid residents, 47 private pay residents, and 35 Medicare Part A residents. He noted that there is a strong mix on the quality side. Mr. Moorehead referred the Board to newspaper articles that are included in the Commissioner's packets.

## May Revenue

Mr. Moorehead presented May revenue information; he noted that the actual income was \$1,719,259 while the budget income was \$1,712,615, which results in a positive variance of \$6,644. He explained that the strong mix on the quality side is making up for the loss on the per diem rate.

## Bid # 18-2010 – HV-7 and HV-8 Control Upgrade

Mr. Moorehead presented Bid # 18-2010; he explained that it is for the kitchen area heating and ventilation control upgrade, and noted that the lowest responsible bidder is Honeywell, Manchester, NH, at a price of \$19,440. Mr. Moorehead noted that J. Lawrence Hall, Nashua, NH submitted a lower bid but did not meet the specifications.

**Motion:** To approve Bid # 18-2010 for the Nursing Home for a HV-7 and HV-8 Control Upgrade awarded to Honeywell, Manchester, NH, at a price of \$19,440, noting it is the lowest qualified supplier. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Pappas referred the Board to the two positive news articles relating to the Nursing Home.

## Registry of Deeds

### Updated Revenue

Register P. Coughlin provided the Board with a handout for the public record that illustrated the Registry of Deeds' revenue. She indicated that the Registry is down for the past six months, but it has hit its projected target; she noted that Tax Stamp revenue for the period of June 1 to June 11, 2009 was \$1,289,470.08, while this year the revenue is \$936,955.20 for the same period. Register Coughlin referred the Board to other revenue comparisons that were included in the report.

Register Coughlin informed the Board that she has received many calls of appreciation for the County's effort last year when it restored some of the County's historical books. Register Coughlin explained that over 700 people have signed up for the Property Fraud Alert program and thanked the Board for its foresight in approving participation in the project.

## Sheriff's Office

### 2010 JAG Grant

Chief Deputy Durette informed the Board that this is the seventh year in a row that the Sheriff's Office has been involved with the JAG (Justice Assistance Grant), noting that this year's allocation is \$8,000. He explained that it has been labeled as an intensive application program and explained that it augments overtime for the Deputies going out to apprehend people because there is a backlog of "wanted" subjects. Chief Deputy Durette requested that the Board authorize the chair to sign the document; then he will forward it to the City of Manchester, who will sign and forward it to others who are required to sign.

**Motion:** To authorize the Chair to execute the JAG agreement. By Comm. Clemons, second by Comm. Holden.

Comm. Holden asked for a copy, which was provided by the Chief. There was discussion that most of the language was identical to prior agreements.

Motion carried.

### **Old/New Business**

Supt. O'Mara reported that the inmates have planted their annual garden; this year's crops include corn, green beans, wax beans, zucchini, summer squash, cucumbers, and butternut squash. He explained that there is a problem with groundhogs and deer.

Supt. O'Mara reported that 40 Correctional Officers ran in the 25<sup>th</sup> Special Olympics Torch Run; they picked up the torch in Bedford and ran all the way to Concord. He noted that this was an impressive gesture on the part of the officers who do this on their own time.

Supt. O'Mara informed the Board that the Department of Corrections hosted a tour of the facility for a group from Leadership Greater Manchester and of all the places they went, the group indicated that the DOC was their second favorite visitation; the favorite was a canine demonstration of German Shepherds. He further indicated that the group was very interested in what happens at the facility and that he received a number of positive notes complimenting the staff on their professionalism.

Supt. O'Mara reported that with the Superior Court furloughs, many prisoners are being held longer prior to receiving their day in court. He reported that a press release relative to the longer wait for court dates has appeared in the newspaper.

Supt. O'Mara shared his opinion relative to the recent article in the Manchester Union Leader; he expressed his disappointment relative to the article and expressed his opinion that the newspaper sandbagged the Board. He noted that when Comm. Pappas was speaking with the reporter, it appears that she thought it was a global article relative to what County Government does, then one finds out (from the article) that there is a war brewing that the Commissioners didn't find out about at during the Board's Public Hearing when it submitted its budget. Comm. Holden noted that some of the information was not true.

Supt. O'Mara pointed out that the Executive Committee had two full days of hearings reviewing every Department's budget; and there were no discussions about non-affiliates; he noted that it is always good form to have discussion amongst the elected officials in a room, and whether the media is there or not, and to have the subject aired between the two parties; however, this article was rather one-sided; two Commissioners were excluded from their opportunity to weigh in on the discussion, and he thinks the article was done in bad form.

Comm. Pappas suggested that the Board consider how it will react to the article; she suggested that the situation was unfortunate in many ways; she indicated that there were misquotes. Comm. Clemons noted that he read the article and felt that two things were confused; he suggested that he felt Comm. Pappas was referring to the Nursing Home AFSCME contract but the article inferred that Rep. Kurk was talking about raises for the non-affiliates. Comm. Pappas responded that is exactly what happened. Comm. Clemons noted that this really confused people and that people who are not a part of the process would either be very confused or be swayed by the article. He explained that he does not believe the author wrote the story accurately; it seemed that he did not get all the information. Comm. Holden noted that, in a letter from one of her constituents, the man indicated that he did not have all the details, but has some feelings on the subject; he particularly commented

that without a raise, the employees were losing money out of their pockets; he also noted that they (referring to the non-affiliates) did not get a raise last year; Comm. Holden commented that that is incorrect; the non-affiliates got a performance increase; the Executive Committee took out the 1% COLA. She noted that she will call the constituent to clarify the information and offered that it might have been wise to comment that the County has six unions. Comm. Pappas responded that, in fact, they did provide that information; she asked Mr. Wenger to address the discussion held with the newspaper reporter.

Mr. Wenger observed that Supt. O'Mara hit on a couple of things that made an impression. Mr. Wenger indicated that he found the article rather disappointing and political in nature intended to carry a specific agenda based on the information that had been provided to the reporter; he noted that quite frankly, he was disappointed and expected two or three articles based on all the information that was provided. He noted that it was clear to him that the reporter was carrying out an agenda, and that there is confusion between the non-affiliated employees and the union contract, which is pending.

Mr. Wenger explained that the Board of Commissioners made a recommendation that included an adjustment for the non-affiliated employees, which largely in part tracks what has already been approved by the Delegation for four of the County's unions; the Chemical Worker's Nursing Home contract has already been approved for a 3% increase (merit & COLA); the Department of Corrections' AFSCME contract has been approved by the Delegation for a combined 3% increase; the Department of Corrections' Teamster's contract has been approved for a 3.75% combined increase, and the County Attorney Teamster's contract has also been approved previously by the Delegation for a 3% COLA. He further noted that in addition to those increases, those groups and the Sheriff's Department had increases last year that were higher than the non-affiliates because the Delegation chose to take the COLA away from the non-affiliates.

Mr. Wenger stressed that the Commissioners made a recommendation and passed that on to the Executive Committee; the recommendation was discussed throughout the Sub-Committee process, which in turn passed the recommendation on; it went to the Executive Committee where there were several days of discussion. He noted that there were discussions related to the non-affiliated employees, particularly with respect to the County Attorney's office where a change was made. Mr. Wenger noted that there was no further discussion and the majority of those present at the Executive Committee approved a motion to pass the budget recommendation on to the Delegation, and it is that recommendation that is going forward to the Delegation. The Executive Committee adopted the Board's recommendation, made changes, and has passed the budget on to the Delegation. It is important to note that the recommendation going forward reflects the opinion of the majority of Executive Committee.

Mr. Wenger noted that in the article where it refers to the Board's action relative to the non-affiliated, it is a misstatement and is significantly misleading from a couple of standpoints; first, it is not factually correct because the Delegation has to approve the action, and secondly, the Board of Commissioners has not approved a raise for anybody yet. The Board simply budgeted the cost associated with a 0.5% increase for non-affiliates and a 2% merit increase on the anniversary date, and forwarded that on, so the discussion regarding a 3% raise that has been approved is misleading to non-affiliated employees.

Comm. Pappas mentioned that the reporter indicated that he had referred to the Board's minutes on the website. Mr. Wenger explained that the Board's action is only a part of the process. The Board directed the Business Office to include in the budget a 0.5% and 2% adjustment, which it did; the Board of Commissioners only makes a recommendation in respect to the budget. Mr. Wenger

observed that, in his opinion, he believes that the newspaper had an agenda and chose to select who it spoke with, as well as the information presented. He offered that he is not sure that there is anything that the Commissioners could do at this point. Mr. Wenger explained that the reporter he spoke with had the information with respect to the contract and what was provided to the Executive Committee. Mr. Wenger summarized by reiterating that the County has a process, and it is only partly through the process; however, the article made it appear that the County has completed the process.

Mr. Wenger informed those present that the Nursing Home contract that has been ratified provides the first increase these employees have had in years; he noted that in past years, the contract has fallen apart because of the union's unwillingness to accept the terms. He suggested that getting to this point has been a long, hard struggle of conflicting positions. He noted that every year that there has not been a contract; it has been as a result of action taken by the union membership with the exception of the 2009 budget when there was a Fact-Finder report that was rejected. He noted that the current contract has been ratified by the union and the Board of Commissioners and the Executive Committee has voted to recommend it to the Delegation; he noted that if it is not approved by the Delegation, he sees that as a step back, and in his opinion, it would significantly change the atmosphere at the Nursing Home because it would be the first time the County has taken action to reject a contract. He went on to note that this is a good contract; there are a lot of concessions on both sides; there are many items included at a cost that is less than that of other unions; it would be a significant setback if it were not to be approved because of misleading newspaper articles such as the one being discussed at this meeting. Comm. Clemons suggested that everyone involved in County government should lobby members of the Delegation, whether they are for or against approving the contract. He noted that he has informed those people that he has spoken of what went on; he hopes that the Representatives at the Delegation meeting are informed and understand how difficult it was to get this contract.

Mr. Moorehead noted that he just read the article and was surprised to note that there was no mention of the contract having a revised starting rate. He went on to note that there was no reference to the size of the Nursing Home or years of service, and when they mentioned an employee at the Nursing Home, they did not mention that she had been there since 1968; this is a critical piece of information. The article also failed to mention that the Hillsborough County Nursing Home has the lowest operating cost per day of any County Nursing Home in the State. Comm. Holden responded that the article was selective. Comm. Clemons agreed with Mr. Moorehead and noted that the Delegation has to know all these facts before they can objectively look at the situation and make an informed vote. He encouraged Mr. Moorehead to inform any Representatives that he is acquainted with relative to the background information.

Supt. O'Mara noted that the article described eleven County Nursing Homes in New Hampshire, and noted that the article referenced a collective deficit, giving a dollar value; he noted that this is grossly misleading because the Hillsborough County Nursing Home operates in the black. Comm. Pappas agreed and noted that this is the message the article should have included. Supt. O'Mara remarked that if Hillsborough County is the only County in the State that is operating in the black; it is a significant piece of information that the Delegation should have when it is considering the union agreement.

Comm. Holden suggested that all the Representatives should be called and be encouraged to attend the Delegation meeting and the information relative to the contract should be provided, first at the Public Hearing so it is a matter of public record, and then at the Executive Committee level. Supt. O'Mara asked if it would be prudent to present the members of the Delegation with a fact sheet at their meeting.

Rep. Movsesian was recognized; she remarked that Mr. Wenger's comments were very eloquent as well as those of Supt. O'Mara; she inquired if it would be possible to draft an email and send it out to the Representatives this week. There was discussion relative to providing information, how it would be received; the complexity of the union contracts that were proposed over the last seven years, and whether it would be received as being one-sided.

Comm. Clemons asked if it would be appropriate for Mr. Wenger to speak at the Public Hearing on behalf of the Commissioners; Mr. Wenger responded that it would be appropriate. Ms. Rusch explained that while there are usually a few members of the Executive Committee present, there is customarily poor attendance at the Public Hearing. Comm. Clemons noted that it might be possible to influence one or two votes; Mr. Wenger noted that it also gets it into the public record. There was discussion about the fact that the Union Leader rarely shows up at one of the Public Hearings. Mr. Wenger noted that there was a positive article in the Union Leader the previous day relative to how the SEA had approved a contract with the State and how that this was a great contract saving the State significant money; he noted that he finds it interesting that that contract does continue the step increases for the employees; noting that the County has eliminated step increases; he further noted that the article referred to insurance savings and pointed out that only recently have the State employees started paying a share of the insurance benefits cost while the County employees have been paying a significant portion of their health insurance benefit for a long time. The County has already been realizing the benefits that the State is now touting as great savings for the State.

Mr. Wenger again noted that the Nursing Home employees have had no contract and only one raise in the last seven years, but each of those years, their insurance contribution has increased due to the increase in insurance premiums, whereas on the State level, they did not have to contribute. Supt O'Mara indicated that it was his understanding that the first time the State employees made a contribution was two years ago, and it was only ten dollars a pay period.

Mr. Wenger explained that while we now have six unions in the County, he would not be surprised to see the number of unions increase; the County will be dealing with the evergreen law for each group. Comm. Pappas noted that Mr. Wenger did share this information with the reporter.

Comm. Clemons raised his concern relative to how all the information could be given to the Delegation, particularly as it relates to the details of the Nursing Home contract. Mr. Wenger noted that the County has been providing the "red-line version" of the contract and that the package that he sent to the Executive Committee contained the cost items, the "red-line version, that illustrates the changes and Mr. Flygare's summary." In response to an inquiry from Comm. Clemons, Ms. Rusch noted that the Delegation receives the information in the mail. Mr. Wenger noted that Mr. Flygare will also present the information at the Public Hearing. Comm. Clemons inquired if there was a way to present information the night of the Delegation meeting since the Public Hearings are typically not well attended by members of the Delegation. There was discussion relative to producing an information sheet and a joint decision to have a handout of the contract information available the night of the Delegation meeting.

Ms. Rusch noted that she tended to agree with Representative Movsesian's recommendation about sending a letter to the Delegation; she indicated that she does not believe they will fully read a handout the night of the Delegation meeting and that minds may be made up before the meeting. She further suggested that the Board consider inviting the reporter to the Public Hearing and Delegation meeting. Comm. Pappas noted that the reporter has been invited, but perhaps he could be reminded. Mr. Wenger suggested that perhaps the Commissioners could put together a letter encouraging the

Representatives to attend that could include factual information such as a history of when there have been agreements, and the fact that an agreement has not been in place for a number of years. Comm. Clemons agreed that he would favor this approach, and perhaps a letter might influence some of the Representatives to attend the meeting; the other Commissioners concurred; Mr. Wenger agreed to draft a letter for the Board's approval.

Comm. Pappas recognized Ms. Robinson who suggested that some of the contract history be included, referring the Delegation to the contracts that it has approved. She noted that the impact on the County is less than other contracts because they have been without a contract for such a long period of time.

Mr. Moorehead noted that Nursing Home Administration has been following the direction of the Executive Committee to initiate some sort of merit; he added that it might not be a pure merit system at this stage, but this is a step to possibly get there. Comm. Holden agreed that this moves the Nursing Home in the right direction. Comm. Clemons commented that this contract may not be exactly what everyone wants, but it opens the door; now it is contingent upon the Nursing Home to make it work.

Comm. Pappas asked the Board to discuss methods of handling the press; she noted that, as a member of the Board, she is uncomfortable giving her opinion; she continuously informs the reporter that the opinion she is presenting is just her opinion and does not reflect the opinions of her fellow Commissioners, but that never gets into the article. She asked the Board to consider whether a Commissioner should turn such requests over to Mr. Wenger. Mr. Wenger offered that the Board may wish to consider adopting a policy relative to how a formal Board response will be presented. He noted that as elected officials, each has the right to speak individually, but as a Board, you act together by majority.

Comm. Clemons noted that he was a Civics teacher and suggested that to explain how County Government works in an article is nearly impossible. Mr. Wenger remarked that in 1898, a two and one-half page article about the County Complex appeared in the newspaper that was a predecessor to the Union Leader that did a good job of explaining the County's operation including the Alms House, the Jail, etc.

Comm. Clemons noted that if Bill Loeb were alive he would have come out in favor of the Nursing Home contract; in fact, he might have written an editorial about it; he suggested that Mr. Loeb was a strong union supporter who especially favored the Teamsters and noted that the Union Leader was a very appropriate title when Mr. Loeb was alive.

Comm. Holden noted that it is important to have a relationship with a reporter; and if someone calls you as an individual Commissioner, she feels that it is important to respond. Comm. Clemons noted that he always qualifies his comments by saying that he is only one Commissioner.

Mr. Wenger informed the Board that at the last meeting there was discussion relative to the extension of the insurance benefits. He noted that in light of the new Healthcare Bill, the County must make an election this year; the election relates to the eligibility of dependents. He noted that currently the County follows New Hampshire law, which is to cover dependents up to 26 years of age if they are unmarried, and are a resident of NH that does not have access to other insurance. He went on to explain that the traditional law provides for coverage up to the age of 19; the new Healthcare Bill will require extended coverage for dependent children under age 26 that are not eligible elsewhere, it will go into effect during the next policy period a year from now. He explained that the Board needs

to elect this year whether it wishes to go back to coverage up to age 19, to continue extended coverage up to age 26 as the County has for several years, or advance it to match the requirements of the new Healthcare Bill; he recommended that the Board continue with the coverage presently offered.

**Motion:** To not expand to (PPACA (Patient Protection & Affordable Care Act) and to maintain the County's current coverage consistent with NH law. Motion by Comm. Clemons, second by Comm. Pappas.

Comm. Holden noted that, consistent with her prior votes, she will vote against continuing the coverage to age 26 as she did when the original motion was made; she asked that her vote be recorded for the permanent record.

Motion carried with a vote of two to one with Commissioners Clemons and Pappas supporting the action addressed in the motion and Comm. Holden voting against the action.

Mr. Wenger discussed addressing the Design Charrette recommendations in a special meeting for that purpose where the topics addressed in the report can be discussed and addressed. He noted that 100 copies of the report will be generated so it can be distributed to the Cities and Towns, the Executive Committee, and the Department Heads; he suggested that it be posted on the County website, the Cooperative Extension website, and any other related links. Mr. Wenger noted that once it is on the website, the Delegation can be notified that the report is accessible on the County website, and if a Representative wishes a hard copy, he/she can ask for it and it will be provided.

Comm. Pappas recognized Attorney Kirby who noted that she has four requests for Non-Public Session; two involve the Department of Corrections, and two involve the Sheriff's Department; all are related to litigation issues. Comm. Clemons requested a Non-Public session relative to a personnel issue.

### **Public Comments**

Comm. Pappas recognized Representative S. Vaillancourt. Rep. Vaillancourt explained that he is a State Representative from Manchester, Ward 8. He noted that he wished to address two subjects that will come up during the finalized budget planning to be done in the next week to tens days. He referred to the comments in the Union Leader over the last couple of days, the Sunday News, and the previous day's article about the 3% increase for County employees. He expressed his opinion, noting that he sides with Rep. Kurk rather than Comm. Pappas at a time when many State officials are being laid off, or are being forced or asked to take time off...two or three week furloughs.

Rep Vaillancourt expressed his opinion, saying, "If you take a three week furlough, you would lose about 7% of your salary; for us to be giving 3% to the richest people in the State is just an outrage; we are talking about people who are making \$110,000, 120,000, or 130,000 a year...to give them 3% while we are giving poor people virtually nothing is just not the way we should be going; it is not a sustainable thing; the County could probably afford to do it this year with all the Federal money that we seem to be awash in, but you have to consider that when you do this, you are adding to your base for the future so you're not just giving for this year; but you're giving for the future as well." Rep. Vaillancourt went on to say, "In lieu of a 3% raise for all the non-affiliated; I suggest a flat dollar amount; in other words, if you were to give \$1,000, the person making \$30,000 would in fact be getting more than 3%, but the person making \$50,000 a year would be getting 2%, and the person making \$100,000 would only be getting 1%; that would seem to be a much greater recognition of

need rather than bloating salaries that are already bloating.” He said, “I would make a proposal that we give \$1,000 bonus, not as a part of their base so it won’t be considered in future years, but a \$1,000 bonus to anybody making less than the average, which is about \$57,000 a year.” He explained, “For anybody here July 1<sup>st</sup>, they get \$500 of it in December and another \$500 next April; this would be recognizing the need of people to get some kind of increase, but also that the County has limited resources and would also not be put into the base to affect future years.” He said, “That would be my proposal, and I would hope that you would look favorably upon that.”

Rep. Vaillancourt noted that the other thing that he disagrees with is what the Executive Committee did. He went on to say, “I hope they will re-visit this before the budget (is finalized); they removed approximately four million dollars from Federal funds that you (the Board) had included in your projections as revenue income; this was because two weeks ago there seemed to be a conflict between the Senate and the House in Washington as to whether this Federal money was going to come in; it was removed by the House and put back in by the Senate; I hope by the time we get to vote next week, it will be back in and we will restore that four million dollars in Federal funds. I am virtually certain it will be back; a person who is familiar with it said there was only a 50-50 chance two weeks ago, now concedes that it is probably 60-40 that it will be back, hopefully by next week we will be able to restore that four million. We also have some money that we need to restore for Bailiffs who are getting more money from the State, so hopefully, the numbers that have been given to the Delegation will be much bulkier than that and the County will be able to have a significant decrease in taxes, albeit if only for one year. My primary concern is to weigh in with these comments.” He referred to the Union Leader article and noted that he did not know how they got their information but said, “We should not be gold-plating things, especially in these economic times.”

Mr. Wenger requested to make a comment relative to the reference to the County having some of the “richest people;” he noted that the non-affiliates include some of our lowest paid employees in the County, and he would hope that the Delegation would find a way, if in fact they want to address the “richest employees,” to address the lowest paid employees that are part of that group. He further noted that it is misleading to say, as was said at last year’s Delegation meeting, that you are addressing the richest people; when the group also included some of the County’s lowest paid individuals, and that is unfair to them.

Comm. Clemons asked Rep. Vaillancourt if he plan to introduce his suggestion; he responded by saying, “Yes, and for me to have his “richest” comment rebutted is beyond the point, that I think that something should be done that... I think I did just present that way when you are dealing with those people.” Comm. Pappas attempted to bring Mr. Vaillancourt’s discussion back to the question at hand. He kept speaking without recognizing Comm. Pappas. Mr. Vaillancourt said, “I just learned that the average was \$57,000, so obviously for everybody less than that...you have people more than that that are bringing the average to \$57,000; my proposal would, in fact, address that.” Comm. Clemons inquired if Mr. Vaillancourt would be making that proposal. Mr. Vaillancourt replied, “I will make proposal.” He went on to say, “Comm. Pappas said that the non-affiliates did not get a raise last year, but in fact the Delegation voted to give 2% last year; I think it is better to give a straight dollar figure; that way the people at the (lower) end benefit more that the people at the top.”

Mr. Wenger noted that he was not rebutting, he was simply pointing out that last year, that discussion was not had, and it is an important discussion. He suggested that when you simply throw out “the richest,” you have to include the others, and unless you explain the reason for it, the meaning is clear.

## Non-Public Session

Comm. Pappas entertained a motion to move into Non-Public Session.

**Motion:** To meet in Non-Public Session:

1. with Attorney Kirby and Supt O'Mara relative to litigation issues at the Department of Corrections consistent with RSA 91-A:2 I (e)
2. with Attorney Kirby and Mr. Moorehead relative to litigations issues at the Nursing Home consistent with RSA 91-A:2 I (e)
3. with Attorney Kirby relative to a personnel issue consistent with RSA 91-A:2 I (a).

Motion by Comm. Clemons, second by Comm. Holden. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public Session at 11:27 a.m. No action was taken during Non-Public Session.

The Board met with Attorney Kirby and Supt. O'Mara relative to pending and prospective litigation. The Board met with Mr. Moorehead and Attorney Kirby relative to litigation issues at the Nursing Home. The Board met with Attorney Kirby relative to a personnel issue at the request of Comm. Clemons.

The Board moved out of Non-Public Session at 12:07 p.m.

**Motion:** To move out of Non-Public Session and return to the regular meeting. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Pappas entertained a motion relative to earlier discussion.

**Motion:** To approve settlement authority as discussed with Legal Counsel in Non-Public Session. Motion by comm. Holden, second by Comm. Clemons. Motion carried

## Adjourn

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

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

The meeting adjourned at 12:09 p.m.

*Approved on 7/14/2010*

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

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Date