

Regular Meeting of the
Hillsborough County Board of Commissioners
June 24, 2009
Bouchard Building, Goffstown, NH

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

Present: Comm. T. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, J. Hardy, M. Wageling, M. Cusson, A. Durette, M. Montminy, E. Robinson, M. Rusch, G. Wenger, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:01 a.m., followed by the Pledge to the Flag led by G. Wenger

2. Administrative Business

Minutes

Motion: To approve the minutes of June 10, 2009. By Comm. Clemons, second by Comm. Pappas.

Comm. Pappas noted that it was her understanding that both Commissioners have some changes. Comm. Clemons indicated that he felt that there were a couple of paragraphs where his meaning was not captured, where what was written was different than what he said, but he was okay with it.

Comm. Holden noted that on page 1, there was a motion to approve the minutes of April 8th and Ms. Robinson requested some changes to be made, and it read, "Comm. Clemons agreed to the changes as did Comm. Holden." Comm. Holden inquired if a vote was taken and where Comm. Pappas was on this vote. Mr. Wenger indicated that he understood that there was an agreement on a friendly amendment to the motion. Comm. Holden explained that she did not second the friendly amendment, so she does know if it has to be re-voted. Mr. Wenger suggested that the tape be reviewed.

Comm. Holden she referred to section #7-Old/New Business on page 3 of 5 that reads: "*She (meaning Ms. Robinson) suggested that the County's Legal Counsel review this issue for the County. The Board was in agreement with the recommendation to ask Counsel to investigate the issue.*" Comm. Holden noted that, in the discussion, she indicated that she thought the Board should review it as well, and not have Ms. Robinson and Legal Counsel do it without the Board being involved. Comm. Holden provided text of what she believed she had said. Mr. Wenger again suggested that the tape be reviewed and that the information be added.

Comm. Holden referred to a section in the middle of page 4, and noted that at the conclusion of Comm. Clemons comments, she did inquire, "*Do we have equal time, I won't bore you with the equal time because...*" She noted that she let Comm. Clemons continue because it was her opinion that he had several other issues to address, but he responded, "*I'm all set.*" She suggested that the minutes reflect a statement that was made relative to equal speaking time in the minutes after Comm. Clemons spoke.

Comm. Clemons noted that he does have one change to the same paragraph regarding the Nashua Telegraph news story relating to NH officials looking into prison deaths and offered that it could be misunderstood. He suggested that a person reading it might think that all of these deaths occurred in the prisons, but that is not the case. He suggested a correction to reflect that there are overdoses throughout the state, not only in the prisons.

Comm. Holden noted that she had requested a verbatim copy of what Comm. Clemons said during his extensive commentary, and perhaps it would make sense to insert both Commissioners comments exactly as they were said, to which Comm. Clemons indicated that that would be fine. The changes will be made and the minutes will be addressed at the next Board meeting.

Comm. Clemons withdrew his motion, Comm. Pappas withdrew her second. The motion was withdrawn.

Comm. Holden informed Ms. Rusch that she is listed as present in the minutes of the May 8 Sub-Committee meeting relative to Human Services/Special Projects, noting that at that time, she was in China. There was discussion relative to who was present; M. Rusch responded that she will make the correction and re-send the minutes.

Approval of Payroll Registers

Motion: To approve the Payroll Register dated 6/11/2009 in the amount of \$1,171,283.66, subject to review and audit. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated 6/22/09 in the amount of \$1,257,089.37, subject to review and audit. By Comm. Clemons,

Comm. Pappas asked Comm. Holden to second the motion, noting that the Board has business that it needs to attend to at this meeting, and these are fairly non-controversial items; she asked Comm. Holden if she could possibly second the motion. Comm. Holden responded that she believed that Comm. Pappas was capable of doing that.

The motion was seconded by Comm. Pappas. Motion carried.

Sheriff's Extraditions

Motion: To approve the Sheriff's Extradition dated 3/26/09 in the amount of \$3,122.57. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Motion: To approve the Sheriff's Extradition dated 3/26/09 in the amount of \$3,550.75. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Telephone Polls

Motion: To approve Transfer # 2009-38, to transfer from Contingency to District Court Bailiffs Salaries & Wages line 7010 the amount of \$6,000, and to Social Security line 7100 the amount of \$390, noting that this transfer confirms action that was previously taken by the Commissioners in a Telephone Poll conducted and approved by all three Commissioners on June 16, 2009. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Motion: To approve a Telephone Poll conducted on June 12, 2009 relative to awarding a bid for the purchase of two computer servers. During the bidding process Mr. Roach was able to procure favorable pricing on the required hardware from GovConnection, Inc, provided our order was placed before the bidder's existing supply of six units was sold. In light of the limited number of units and the favorable pricing, the poll was pursued. All three Commissioners approved the

action at the time the Telephone Poll was taken. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Motion: To approve a Telephone Poll conducted on June 23, 2009, which was conducted at the request of the Department of Corrections to seek approval to accept the transfer of a male inmate from the Sullivan County Department of Corrections. All Commissioners approved the action at the time the Telephone Poll was taken. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Transfer # 2009-39 to transfer from Corrections – Heating Oil to New Equipment

Motion: To approve Transfer # 2009-39 to transfer from Corrections, Heating Oil line 7650 to New Equipment line 7970 the amount of \$9,015. By Comm. Clemons, second by Comm. Pappas. Motion carried.

3. Public Comment on Agenda Items

No one from the public was present to speak at this time.

4. Department of Corrections

Census

Comm. Pappas recognized M. Montminy, who presented the Department of Corrections' Census, noting that as of June 8, the Census was 571; she explained that this included 509 men of whom 333 were being held pre-trial, and 176 that had been sentenced. There were 62 women of whom 31 were being held pre-trial and 31 that had been sentenced.

Bid FY09-94 – Corrugated Roofs, Buildings 9, 10, 12 & 13

Motion: To approve Bid FY09-94 for Corrugated Roofs for Buildings at the Complex; at a price of \$9,586.71, to Cyr Lumber, Windham, NH, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY09-95 – 3-Phase Interior Transformers

Motion: To approve Bid FY09-95 for two 3-Phase Interior Transformers at a price of \$9,880 to Demand Electric, Manchester, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas.

M. Montminy noted that the budget amount for that line is \$29,015; the transfer that was just approved still needs to be approved by the Executive Committee; it is part of the funding that will be used for this bid. Mr. Wenger suggested that the Board approve this bid, subject to the Executive Committee's approval of Transfer # 2009-39 so there is no confusion with the vendors.

Comm. Clemons moved to amend the motion to add that this bid is subject to the Executive Committee's approval of Transfer # 2009-39. Comm. Pappas seconded the motion to amend. Motion carried.

Bid FY10-08 – Staff Uniform Set-up

M. Montminy explained that this bid covers different items that will be a part of the uniform purchase, and each item is priced separately. There is a total of what it would cost to set up one Officer and one

Supervisor. The total funds spent will depend on the number of set-ups needed. There was discussion of whether it needs to be approved by the Board since a set-up does not reach \$5,000. Mr. Wenger explained that the total cost of set-ups purchased will exceed \$5,000 over the course of the year, so it does need Board approval. M. Montminy explained that the request is to waive competitive bidding and to approve the bid for this vendor who has been used for several years; the vendor has the DOC's uniforms in stock; they have always provided everything the DOC has needed in a timely manner, and they do not charge for fittings. She noted that a local nearby vendor was used at one time; however, it went out of business.

Motion: To approve Bid FY10-08 for Staff Uniform Set-up and to waive competitive bidding under RSA 28:8-e II (b,c,d,g) because the vendor is able to keep the uniforms in stock and they are available when needed; they have the best quality uniforms, and the vendor has provided staff uniforms and/or accessories since 2004. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY10-11 – Sprinkler/Fire Alarm Inspection Contract

Motion: To approve Bid FY10-11 for the Sprinkler/Fire Alarm Inspection Contract for the Department of Corrections at a price of \$5,676, noting that it is the lowest responsible bidder, and this is the first year of a three year contract, and there is no price increase for three years. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY10-13 – Trash Removal Contract

Motion: To approve Bid FY10-13 for the Trash Removal Contract at the Department of Corrections to Allied Waste Services at a price of \$17,057.88, noting that it is the lowest responsible bidder and this is the first year of a three year contract, further noting that the price will increase to \$18,096.17. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY10-20 – Copy and Printer Paper (300 Cases)

Motion: To approve Bid FY10-20 for 300 cases Copy and Printer Paper for the Department of Corrections at a price of \$28.85/case for a total of \$8,655 to Central Paper, Manchester, NH, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY10-46 – Powder Free Vinyl Exam Gloves (200 Cases)

Motion: To approve Bid FY10-46 for 200 cases of Powder Free Vinyl Exam Gloves for the Department of Corrections to Central Paper at a price of \$27.80/case, for a total price of \$5,560, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY10-51 – 2-Ply Toilet Paper (1200 Cases)

Motion: To approve Bid FY10-51 for 1200 cases 2-Ply Toilet Paper for the Department of Corrections to Noury Supply, Manchester NH, at a price of \$34.00/case for a total of \$40,800, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid FY10-53 – Clear Trash Can Liners (650 Cases)

Motion: To approve Bid FY10-53 for 650 cases Clear Trash Can Liners for the Department of Corrections at a price of \$10.69/case for a total of \$6,948.50 to Central Paper, Manchester, noting that it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Comm. Holden indicated that she would like to go back to Bid FY10-51, noting that Noury Supply is not the lowest responsible bidder; she asked if there was something in Central Paper's lower bid did not meet the specifications. M. Cusson responded that the Noury's case contained 96 rolls while Central Paper's case contained 80 rolls, therefore Noury's cost per roll was actually the lowest. Comm. Holden thanked Capt. Cusson for the explanation.

Bid FY10-58 – Inmate Uniforms (800 each of Tops & Bottoms)

Motion: To approve Bid FY10-58 for Inmate Uniforms (800 each of Tops & Bottoms) at the Department of Corrections to Bob Barker, Fuquay Varina, NC, at a price of \$4.04 to \$7.22 per item, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Pappas.

Comm. Clemons asked for an explanation of the price range, to which Ms. Montminy responded that the cost varies by size.

Motion carried.

Bid FY10-65 – Two-way Radios Service Contract

Motion: To approve Bid FY10-65 for a Service Contract for the Two-way Radios for the Department of Corrections to R & R Communications, Swanzey, N H, at a price of \$5,400, noting that it is the lowest responsible bidder, and it is the first year of a three year contract, further noting that there will be no price increase for the first two years. By Comm. Clemons, second by Comm. Pappas.

Comm. Clemons inquired if the County was protected if the price goes up unreasonably, to which Mr. Wenger responded that, it is his understanding that as is the case with all County contracts, there is a 30 day "out clause." Comm. Holden observed that the third year of the contract is for \$5,700.

Motion carried.

5. Nursing Home

Census

Comm. Pappas explained the Board has been provided with Nursing Home Census although there is no one present from the Nursing Home at this meeting, further noting that Mr. Moorehead is on vacation this week. The Census report indicated that as of June 18, the Census was 276, which included 208 Medicaid residents, 37 private pay residents, and 31 Medicare Part A residents.

Comm. Clemons informed the Board that a constituent called him for information about Hillsborough County Nursing Home because she was unable to easily access any information about the Nursing Home. She had an interest in placing a family member in the Nursing Home. Comm. Clemons inquired about how the Nursing Home is marketed, and if it is appropriate for a government agency to advertise at all. The Constituent's concern was she would not have known that the Nursing Home even existed had she

not finally accessed the information. Comm. Holden responded that she believes that the information is on the website and is out there, but noted that referrals are done primarily through the hospitals. She further noted that it is in the telephone directory, and a person could call the Nursing Home at (603) 627-5540, and ask for information about admissions. Comm. Holden observed that there may not be money in the budget to advertise. Comm. Clemons noted that he had promised to bring this to the Commissioners on behalf of his constituent, and he had done that. Comm. Holden noted that there are frequently articles in the newspapers; she further noted that the Nursing Home is not as frequently utilized by residents of her District or Comm. Clemon's District because it is not as convenient for their families. Comm. Clemons noted that he did tell his constituent that he was comfortable in assuring her that the Nursing Home staff would be willing to give her a tour of the facility. The Board agreed that it would bring this issue to the attention of Mr. Moorehead.

6. Sheriff's Office

Interlocal Agreement

Chief Deputy Sheriff A. Durette informed the Chair that the Board has an Interlocal Agreement for its consideration, and asked that the Board to table discussion of the agreement because his Department wants to do more research on the allocation method that the Federal Government uses. The Board agreed to withdraw this item.

Mr. Wenger asked that the Board meet with him and County Attorney, M. Wageling in Non-Public session relative to Chestnut Street.

7. Registry of Deeds

Update

Comm. Pappas recognized Register, P. Coughlin. She informed the Board that there is a big hole in the ceiling plaster on the underside of the stairs going to the third floor; she noted that the previous Friday, a large piece of plaster fell and almost hit one of the staffers. She noted that this is not part of the water damage from the roof. Ms. Coughlin noted that Ms. Robinson arranged to have it been cleaned up; she inquired when it will be repaired and noted that the area is marked off for safety reasons.

Ms. Coughlin raised the subject of the checking account and noted that back in April, the Board voted to add her name on the Deed's checking account and approved the necessary letter to present to the Bank authorizing the change of names on the checking account; it has not been done. Mr. Wenger noted that he will ask the Treasurer to facilitate that change.

Ms. Robinson noted that the maintenance man has removed all loose plaster, so there should not be any more that falling plaster. She explained that her thinking is to have all the damaged plaster replaced at the same time when the contractors are there to do the repairs. Comm. Holden asked Ms. Coughlin if she completed an Incident Report, to which she responded that she had not. Comm. Holden suggested that completing that report provides communication to the Commissioners detailing what has happened. Mr. Wenger noted that it also documents the need for repairs so that when the funding is being considered, there is an understanding of the needs.

Attorney Wageling asked about the security issue at Temple Street. Ms. Robinson responded that there is a significant contractual issue; she explained that the goal is to get the maintenance person to also be the person monitoring the system via Honeywell. Ms. Robinson explained that she attempted to bring the information to C. Kirby, Legal Counsel; Honeywell wants to add a rider to the existing contract but after Ms. Robinson requested a copy of the contract, she observed that the signature was suspect. She

indicated that she did not sign the agreement, nor does she recognize the signature and she responded to Honeywell explaining that the signature was not her signature, nor is it the signature of a Commissioner. She explained that it is her recollection that when the contract was presented originally, the County explained that it would not sign the contract; it would operate under the terms of the awarded bid. She noted that Honeywell has not responded, so she will follow up with them, further noting that the cost for an additional monitor will be under \$5,000, so there will not have to be a bid, but there is not a contract in place yet relative to the actual monitoring. M. Wageling remarked that the County needs to keep this on the agenda, and asked that it be on the agenda with a follow up report at the next meeting. Comm. Pappas agreed that this is an issue of concern and the Board will keep this on the agenda. There was discussion relative to who might have signed the contract. Ms. Robinson will forward the document to the Board.

Attorney Wageling asked when the roof might be repaired to which Ms. Robinson responded that she does not have an actual date and indicated that it was her belief that it would be done this summer; there have been several telephone conversations; she will follow up again. Attorney Wageling noted her concern that it might not be done, and then it would be next winter. Ms. Robinson assured her that it would be done before winter, noting that she would find another contractor if necessary. Attorney Wageling requested that the roof replacement remain on the agenda, and then if too much time passes, it can be put out to bid again.

8. Old/New Business

M. Rusch informed the Board that the next meeting of the Executive Committee will be July 17th at 10:00 a.m., followed by the Annual cookout, which is pot luck. She explained that food items or contributions are welcomed.

Mr. Wenger informed the Board that he sent out the year end schedule to all Departments with a copy to the Commissioners. The Business Office requests that the final FY09 transfers be submitted by July 7, prior to the Board's next meeting. The Board will address all year end transfers at its July 8th meeting, and the Executive Committee will review them at its meeting on July 17th.

Comm. Holden asked for confirmation that the encumbrances will be due on July 15th, to which Mr. Wenger responded in the affirmative, and noted, that is when they will be available to the Commissioners.

Mr. Wenger informed the Board that the first FMAP money is available; Hillsborough County's payment is being held pending receipt of the County's payment of its portion, which has been sent by overnight mail. He noted that after speaking with Mr. St. Onge, he learned once the State receives the payment, the County's check will be released. Ms. Robinson noted that the ProShare payment will also be received soon.

Ms. Robinson informed the Board that there was an issue with the Incentive Funds; there was an amendment to HB2 that says that all the grantees from the previous fiscal year (FY09) will get the same allocation that they received in the past with a reduction related to the actual funding level. She explained that she believes there is movement by the Department to funnel that money in the future through the children's trust fund in order to try to garner more Federal money. Ms. Robinson explained that in her view, the unfortunate result is that a lot of the money that will be distributed is not for abuse and neglect; it is more related to prevention and diversion of delinquency and CHINS, and that is not an area that the children's trust fund handles, in fact it is specifically prohibited. She went on to explain that several Boards of Commissioners have drafted letters to the Commissioner of Health and Human Services (HHS) disagreeing with how HHS is handling Incentive Funds. Ms. Robinson noted that she drafted a letter for the Commissioners to sign relative to the changes to the administration of the Incentive Funds at the request of Comm. Pappas. Comm. Pappas asked if that is where it stands, and if she is correct in her understanding that the Counties will not be distributing the funds, to which Ms. Robinson responded that she is correct, the Counties will not be distributing the funds unless the State changes its approach...she

noted that there are no rules in place. Comm. Pappas noted that some of those providers do not exist anymore; Ms. Robinson responded that some of the agencies that received it last year have not asked for any money this year.

Mr. Wenger informed the Board that a meeting was held with the architects relative to the County Attorney's space at Chestnut Street the previous Monday, continuing to look at various design alternatives for the space. The next meeting will be on July 7th at 11:00 a.m. Mr. Wenger requested an opportunity to discuss the lease on that property in Non-Public session.

Mr. Wenger noted that this was the last Board meeting prior to July 1st, the beginning of the next fiscal year; he requested that the Board consider its intention with respect to the budget, as adopted by the Delegation, hopefully with a motion to implement the budget as approved. He noted that information is needed before July 1st because the County does have anniversary dates that occur during that first week in July.

Comm. Holden noted that she does have concerns relative to the budget that she would be happy to discuss it this morning. She noted that she has concerns about the way one Department, possibly two Departments, handled the budget...something went wrong, and she expressed her belief that there should be an investigation into the lobbying that occurred, and that it would be appropriate to do that. She noted that presently, the Board of Commissioners has \$1 in its Legal budget line, and the debate on this matter of legal representation stems back to an amendment in HB2 back in 2003. Comm. Holden noted the Board has a fiduciary responsibility to its taxpayers and citizens to provide a full explanation of what went on. She further noted that there was no motion made by the Board to take extraordinary measures to lobby the Delegation on certain budget issues that were removed by the Executive Committee on June 1st. The measures included phone calls to the State, copying letters, phone calls to the State Representatives, and postal charges that range from \$.44 per envelope to \$1.06. She noted that she would like have a copy of the envelopes and some of the mailings added to the permanent record. Comm. Holden explained that a very large effort took place that included contacting people on the State level, contacting juvenile and probation officers, and there was one letter that was sent on Commissioner Stevens' stationary. Comm. Holden noted that there is a huge record of the efforts that took place, and she expressed her belief that there are a number of legal questions that have arisen, and a full investigation is warranted.

Relative to the implementation of the budget, Comm. Holden noted that she spoke at the Public Hearing on June 16th at which time she rose to address an issue that is very important to this Board, namely the issue of the GASB auditing requirement; she noted that the funding supports the annual financial audit; this is the third year of a three year agreement. She noted that the County, for the first time, is required to comply with GASB, which will require an actuarial study of County expenses relating to ongoing retirement obligations; the expense is estimated at approximately \$15,000. Under RSA 28:3, the Clerk of each Board of Commissioners shall forward to the Commissioner of Revenue Administration, a report giving the financial condition of the County; Phase 3 of GASB is effective on December 15, 2008. She explained if the County does not comply with the GASB requirement, it will receive a qualified audit report, and she urged the Executive Committee to restore the \$15,000 in funding; it was not approved at the Delegation meeting. Comm. Holden concluded by urging that the Board consider a transfer from this year's budget so that the County can have the funds, and so that the County does not start with a black mark against it. There was discussion that the Towns do not always consider this as an important issue. Comm. Pappas suggested that it could be important for the County to meet this requirement and asked Mr. Wenger for his input. Mr. Wenger referred the Board to RSA 28:3-a County Audits, which reads: *"In the event that an audit is required, the commissioners, with the approval of the executive committee, shall engage the services of a certified public accountant"* He noted that it goes on to say: *"The performance and scope of the audit shall be in accordance with generally-accepted auditing practice."* Mr. Wenger suggested to the Board that to follow "generally-accepted auditing practices" is to follow GASB (the Government Accounting Standard Board) requirements. The County Convention is directing the Board, through the approval of the budget and the appropriation of funds for an audit and to do an

audit, but then is not giving the appropriate funds to be able to conduct it as the Commissioners are required. He noted that the Board is now in a position of being required to do an audit, but it has not been given the funds to do it in accordance with "generally-accepted auditing practices." The County will receive an audit, but it will be a qualified audit. Mr. Wenger went on to note that he does not anticipate the County having to go out and borrow money under its current circumstances, so the implication this year is unknown. He went on to explain that at a recent meeting of the Public Depositor's Investment Advisory Committee that includes the Commissioner of Banking and other bankers, there was discussion with respect to Counties borrowing. He noted that he left the meeting with an understanding that this is a very difficult time, and that if you are looking to borrow anything, including a line of credit, which the Hillsborough County has used in the past, banks are looking at absolutely everything. He further noted that there are Counties in New Hampshire that are having difficult time borrowing money. Mr. Wenger explained that the Delegation and the Executive Committee fully discussed their action, including a discussion after Comm. Holden spoke to the issue at the Public Hearing. He offered that at this point, the Board could try two alternative things: one would be to try to do a transfer this year to see if it would be approved; the second alternative would be to wait until the next fiscal year and see if funds could be found. He noted that a decision will have to be made soon; the end of the fiscal year is near, and the longer this is delayed, the longer it will take for the audit to be completed.

Comm. Clemons commented that it was his understanding that if the Board approved a transfer if it would have to go before the Executive Committee, to which Comm. Pappas responded that he was correct, and noted that the Board could give it another try if it wished to take that action. Comm. Clemons explained that he personally believed in audits and believes that it is important for the Board to be as transparent as possible. He noted that he would agree with another attempt being made to secure the Executive Committee's approval through a transfer. Mr. Wenger noted that he will bring an appropriate transfer to the Board's next meeting for its approval. Comm. Holden noted that in an attempt to follow its own directives, it had previously reduced the accounting line in the budget.

Comm. Clemons informed the Board that he attended the swearing in of the Pelham Fire Chief the previous evening, and mentioned that it was a nice ceremony and reception for the Chief, who seems like a very capable man. Comm. Clemons noted that he took the liberty of wishing him good luck on behalf of the Board of Commissioners.

Comm. Pappas observed that a motion was appropriate if the Board wished to approve the budget.

Motion: To approve the budget as submitted by the Delegation on June 18, 2009. By Comm. Clemons, second by Comm. Pappas.

Comm. Holden observed that the Board does have certain Departments under its control, and just because money is appropriated, it does not mean it has to be spent. She noted that she disapproves of things that have happened, including a huge amount of lobbying that happened and re-iterated that she wants that issue looked into because there was a significant amount spent on postage and on employee time; she asked that the details of the lobbying effort be investigated and brought forward. Comm. Holden noted that she could find nothing in the minutes where the Board told the Department Head to go to extraordinary methods to do that.

Comm. Holden explained that she will be voting against the budget and against this kind of motion. Comm. Clemons asked that when Comm. Holden mentioned postage and costs that were objectionable, did she believe that also applied to the Commissioners and their use of copy machines for that purpose. Comm. Holden noted that she has four copiers in her home. Comm. Clemons re-stated the question to which Comm. Holden responded that she did not think the extent of the mailings from the County were appropriate, and there was one in particular that was not appropriate; it was sent out by one of the Social Workers with her Milford home address on the envelope, sent under the County franking. A personal letter was sent out by a Social worker on the County dime. Comm. Clemons responded that the Comm.

Holden did not answer his question; he noted that he had asked if it would apply to Commissioners using County paper and County copying machines in their lobbying efforts. Comm. Holden noted that she did not know what the Commissioner was getting at. Comm. Clemons noted that he would think that if it applied to Department Heads, it would also apply to the Commissioners. Comm. Holden asked if the Commissioner was implying that she did that. Comm. Clemons responded that he was not implying anything. Comm. Holden responded that she would think that it is not appropriate. Comm. Clemons asked if it would apply to the Commissioners if they did this. Comm. Holden responded that she would think it would, and she would think that it applies not only in this case to all employees, but to cell phone use, explaining that if the cell phones are used in a lobbying effort, that is wrong; if they use a County phone to lobby during work hours, that is wrong, so there are issues that the Board should go through. The Board needs to go back to the good old policies and procedures, and reviewed what occurred. Comm. Holden informed the Board that she has a printout of the postage meter usage by different departments, and she will be looking at cell phone records. She summarized by expressing her belief that neither the Commissioners nor the County employees should use County time, postage or other resources for lobbying efforts, in particular, a County employee should not use County postage to mail a personal letter with the employee's home address. She went on to explain that she has received numerous complaints from constituents relative to this issue.

Comm. Clemons noted that it is ironic that in the course of discussion at the County Convention, people who voted against the proposals brought up the correspondence received to make their points, so yes, they might have complained that it was done, but they actually used the information that was provided to them. Comm. Pappas indicated that she would like to give the issue more thought, and perhaps do some research, and then discuss it again.

Comm. Pappas explained that there is a motion on the table to implement the budget. She asked if there was any further discussion.

Commissioners Pappas and Clemons voted to approve the budget. Comm. Holden voted no. The motion carried to approve FY2010 Budget.

Comm. Holden reported that toward the end of May, she received Goffstown's preliminary study relative to the new Fire Station in video format. She noted that she has not looked at it yet, and suggested that it is likely that a spot has already been selected, but the County is in the Charrette planning process, so she will not look at the video until after the Charrette; she did provide Mr. Wenger with a copy; she has put it away, but it is available for the other Commissioners if either is interested.

Comm. Holden informed the Board that the next Charrette meeting is scheduled for Thursday, July 2nd at 8:30 a.m. in the Commissioner's Conference Room.

Comm. Holden remarked that she wanted to congratulate Beverly Arel from Hillsborough County, who recently was presented an award from Governor Lynch and the Department of Health and Human Services. It was the Committee on Aging that honored her.

9. Public Comments

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

10. Non-Public Session

Comm. Pappas noted the Board has received three requests for Non-Public session, and entertained a motion.

Motion: To move into Non-Public Session with:

- M. Wageling, J. Hardy, and G. Wenger under RSA 91-A:3 II (d) relative to the lease and renovations regarding the Chestnut Street Courthouse,
- and then to meet with J. Hardy and A. Durette under RSA 91-A:3 II (e) relative to a pending legal matter,
- and lastly, to meet with M. M. Wageling, J. Hardy, P. Coughlin, M. Cusson, M. Montminy, and G. Wenger under RSA 91-A:3 II (d) relative to compensation for non-affiliated employees. Motion by Comm. Clemons, second by Comm. Pappas. Clemons-yes, Pappas-yes, Holden-yes. Motion carried.

The Board entered Non-Public session at 10:35 a.m. and met first with M. Wageling, J. Hardy, and G. Wenger to consider parameters for the lease following the renovation of the Chestnut Street Courthouse; the Board met with J. Hardy and A. Durette relative to a pending legal matter; lastly, the Board met with M. M. Wageling, J. Hardy, P. Coughlin, M. Cusson, M. Montminy, and G. Wenger relative to compensation for non-affiliated employees.

No action was taken during Non-Public session.

The Board moved out of Non-Public Session and returned to its regular meeting at 11:20 a.m.

Motion: To return to Public session. Motion by Comm. Clemons, second by Comm. Pappas. Motion carried.

11. Adjourn

There was no further business for consideration; the Chair entertained a motion to adjourn.

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

The meeting adjourned at 10:38 a.m.

(SIGNED 7/21/2009)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date