

Regular Meeting of the
Hillsborough County Board of Commissioners
July 8, 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, L. Movsesian, J. Dimick, A. Durette, P. Flood, C. Kirby, B. Moorehead, J. O'Mara, E. Robinson, M. Rusch, G. Wenger, and L. Stonner.

Also present: Members of the public

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:08 a.m., followed by the Pledge to the Flag led by P. Coughlin.

2. Administrative Business

Minutes

April 16, 2009

Motion: To accept the minutes of April 16, 2009. By Comm. Clemons, second by Comm. Holden. Motion carried.

April 20, 2009

Motion: To approve the minutes of April 20, 2009. By Comm. Clemons, second by Comm. Holden. Motion carried.

April 22, 2009

Motion: To approve the minutes of April 22, 2009. By Comm. Clemons, second by Comm. Holden. Motion carried.

April 27, 2009 – Public Hearing

Motion: To approve the minutes of the April 27, 2009 Public Hearing. By Comm. Clemons, second by Comm. Holden. Motion carried.

June 10, 2009

Comm. Pappas requested that the Board delay approved of these minutes because she had a question and wished to listen to the tape before acting on a motion. Comm. Holden requested that she be given an opportunity to listen to the tape as well. The Board agreed that the June 10, 2009 minutes will be addressed at the next Board meeting.

Approval of Payroll Registers

Motion: To approve the Payroll Register dated 6/25/2009 in the amount of \$1,135,824.43, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated 7/6/09 in the amount of \$6,055,999.15, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Sheriff's Extraditions

Motion: To approve the Sheriff's Extradition dated 6/8/09 in the amount of \$472.18. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve the Sheriff's Extradition dated 6/8/09 in the amount of \$6.00, Sheriff's Extradition dated 4/30/09 in the amount of 361.64, Sheriff's Extradition dated 6/2/09 in the amount of \$1,127.51, and Sheriff's Extradition dated 4/22/09 in the amount of \$146.41 for a total of \$2,113.74 for all five extraditions.

Comm. Clemons inquired regarding the nature of travel associated with the June 2nd extradition. Sheriff Hardy agreed to provide further information regarding that extradition.

By Comm. Clemons, second by Comm. Holden. Motion carried.

Telephone Polls

Motion: To approve a Telephone Poll conducted on July 6, 2009, which was conducted at the request of the Sheriff's Office seeking authority to join in the 2009 Byrne Justice Assistance Grant and to authorize the Vice Chair in the Chair's absence to execute the Interlocal Agreement. All three Commissioners were reached and expressed support for the action. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve a Telephone Poll conducted on June 25, 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 Merrimack 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 # 2009-40 Miscellaneous Salaries & Roll ups

Motion: To approve Transfer # 2009-40, Miscellaneous Salaries & Roll ups, to transfer from the following accounts:

Business Office Retirement line 7130, the amount of \$255,
County Convention Social Security line 7100, the amount of \$140,
Sheriff's Department Social Security line 7100, the amount of \$4,550,
Cooperative Extension Salaries line 7010, the amount of \$340,
Nursing Home Maintenance Retirement line 7130, the amount of \$50 for a total transfer of \$5,335,

And, to transfer the funds to the following accounts:

Business Office Social Security line 7100, the amount of \$50,
Human Resources Salaries & Wages line 7010, the amount of \$155
Human Resources Social Security line 7100, the amount of \$50,
County Convention Retirement line 7130, the amount of \$140,
Sheriff's Department Salaries & Wages, the amount of \$4,550,
Cooperative Extension Retirement line 7010, the amount of \$340,
Nursing Home Maintenance Social Security line 7100, the amount of \$50, for a total transfer of \$5,335.

Motion made by Comm. Holden, second by Comm. Clemons. Motion carried.

The Board discussed its intent in approving Transfer 2009-40 noting that it is requesting that, in lieu of a July 1, 2009 one percent (1%) wage adjustment that the non-affiliated County employees receive a one-time payment equal to 1% of their wages. The transfer is required to facilitate the payment by funding the salary related lines through the end of the fiscal-year. The total anticipated cost was indicated to be approximately \$59,236 including wages of \$50,762, social security of \$3,884, and retirement of \$4,590 and that ninety-six non-affiliated employees, representing departments and offices across the County are included. Mr. Wenger noted that after review the year-end salary lines, the lines included in the transfer are the only lines requiring additional funding to support the payment. The Commissioners discussed their availability for the upcoming Executive Committee and their support for the proposed action. Comm. Clemons noted that, at that time, he had a conflict with that meeting and was unsure if he would be available.

Transfer # 2009-40-A Cooperative Extension

Mr. Wenger was recognized. He explained that the Cooperative Extension Retirement line requires a transfer of \$240. He explained that transfer, 2009-40 includes these funds however should the Executive Committee does not approved that transfer it will be necessary to transfer funds for the Cooperative Extension thus he has prepared this transfer for consideration. He suggested that if transfer 2009-40 is approved this transfer, 2009-40-A will be withdrawn. With this understanding the Board proceeded.

Motion: To approve Transfer # 2009-40-A for the Cooperative Extension to transfer from Salaries and Wages the amount of \$240, and to transfer to Retirement, the amount of \$240 noting that the transfer will be withdrawn if Transfer 2009-40 is approved. Motion made by Comm. Holden, second by Comm. Clemons. Motion carried.

Transfer # 2009-41 County Attorney

Motion: To approve Transfer # 2009-41 for the County Attorney to transfer from Consulting Expense the amount of \$2000, and to transfer to Travel In State, the amount of \$2000. Motion made by Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer # 2009-42 Cooperative Extension

Motion: To approve Transfer # 2009-42 for the Cooperative Extension to transfer from Out of State Travel the amount of \$254, and to transfer from Equipment Repair the amount of \$423, and to transfer to Travel In State, the amount of \$345, and to transfer to Education & Conference the amount of \$332 for a total transfer of \$677. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer # 2009-43 Department of Corrections

Motion: To approve Transfer # 2009-43 for the Department of Corrections to transfer from Salaries & Wages the amount of \$1,400, and to transfer to Pharmacy, the amount of \$1,400 noting that it is to pay the June invoice. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Transfer # 2009-44 Department of Corrections

Motion: To approve Transfer # 2009-44 for the Department of Corrections to transfer from Salaries & Wages the amount of \$7,800, and to transfer to Electricity, the amount of \$7,800. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer # 2009-45 Department of Corrections

Motion: To approve Transfer # 2009-45 for the Department of Corrections to transfer from Salaries & Wages the amount of \$15,000, and to transfer to Medical/Dental, Women, the amount of \$15,000 to address anticipated June invoices. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Transfer # 2009-46 Department of Corrections

Motion: To approve Transfer # 2009-46 for the Department of Corrections to transfer from Salaries & Wages the amount of \$30,000, and to transfer to Medical/Dental, Men, the amount of \$30,000. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer # 2009-47 Contingency - Buildings

Motion: To approve Transfer # 2009-47 to transfer from Contingency line 7960 the amount of \$60,000, and to transfer to the Business Office line 7680 the amount of \$59,900, and to the Department of Corrections line 7680, the amount of \$100 the total transfer being \$60,000 there being outstanding bills submitted by FairPoint Communications and the transfer is necessary to address them. Motion by Comm. Holden, second by Comm. Clemons.

Mr. Wenger was recognized and he explained that there are a significant amount of bills outstanding from FairPoint that have to be reviewed to determine if they are properly the responsibility of the County. He suggested that the questions regarding the bills relate in part to the difficulties FairPoint has had with its billing as well as delays in the porting to the new phone system. He is recommending that the funds be transferred to the Business Office line as it is a one-time experience. He also suggested that at this point the DOC line required the transfer to carry it through the end of the year.

Motion carried.

Bid # CIS-13-2009 – Business Office, Munis Maintenance Agreement

Motion: To approve Bid # CIS-13-2009 for the Business Office, Munis Informix User Maintenance Agreement at the price of \$4,837.50, to Tyler Tech, Inc., Dallas, Texas, noting that this is a single source bidder for annual contractual support costs consistent with RSA 28:8-e V. Motion by Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid # CIS-1-2010 – Business Office Munis Annual Software Maintenance

Motion: To approve Bid # CIS-1-2010 for the Business Office Munis Annual Software Maintenance, at the price of \$40,496, to Tyler Tech, Inc., Dallas, Texas, noting that this is a single source bid for annual contractual support costs approved consistent with RSA 28:8-e V. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

3. Public Comment on Agenda items

Members of the public were present. No one indicated a desire to speak relative to the agenda.

4. Department of Corrections

Census

Comm. Pappas recognized Supt. O'Mara who presented the Department of Corrections' Census, noting that as of July 2nd, the Census was 553, and explained that this included 493 men of whom 333 are being held pre-trial, and 160 have been sentenced. There were 60 women of whom 33 are being held pre-trial and 27 have been sentenced.

Supt. O'Mara reported that the inmates that the Department of Corrections housed from Belknap County during motorcycle week were transferred back to Belknap County without incident.

Bid FY10-01-A – Health Care Services (3 years)

Supt. O'Mara requested that the Board address Bid FY10-01-A for Health Care Services, which is a proposed three year contract.

Motion: To approve FY10-01-A – Health Care Services for a three year contract to Prime Medical Care. By Comm. Holden, second by Comm. Clemons.

Discussion ensued. Supt. O'Mara informed the Board that for each of the three years Prime Care was the lowest bidder of the two that submitted bids. He advised the Board that the bid package was forwarded to six companies. Of those six, five responded and four attended the mandatory pre-bid meeting and of the four who attended only two submitted bids and of those two only one attended the public bid opening. Based on the information and his review of the bids, both bidders met the specifications and did a thorough and comprehensive job of responding. He advised the Board that first and foremost, he was concerned about the cost, noting that the first year of the contract was at \$1,999,892.67 with the three year aggregate being \$6,242,833.74. He is also concerned that there are only two bids for consideration when such a large financial commitment is involved. He recommended that the Board reject both of the bids.

Comm. Holden commented that as Mr. O'Mara suggested the cost of the bids are very high, and noted that privatizing the department gives up control but not responsibility with the County still being liable, and that it could be perceived as union busting. She also noted that she was not comfortable with the fact that only two bids were under consideration for such a large responsibility and investment, and that as long as the County has been able to obtain Physician services, it has done an admirable job providing the services and in improving the impression of the facility.

Comm. Clemons inquired of the Superintendent regarding his statement that he bids were too high. Supt. O'Mara explained that in situations such as this, bidders will include margins for corporate and that it would be his intention to use the next twelve months or so to analyze the content and make a comparison to how we

deliver the services in order to determine if in fact what appear to be staggering costs are in fact so. A discussion followed regarding how the facility would address the need should the bid be rejected. Mr. O'Mara explained that there are additional bids that will be presented at this meeting of individual services in that event and agreed that he did not believe that the health of the inmates would suffer if the Board were to reject this bid and proceed with the individual service bids.

Comm. Holden inquired regarding the staffing in the department currently. Mr. O'Mara explained that there are 6 FTE's and a number of Per Diem employees. In response to a question, Mr. O'Mara advised the Board that if he were to proceed with privatization he would go through a new bidding process. There being no further questions Comm. Pappas called for a vote.

All three Commissioners voted nay. The motion failed.

Motion: To reject all bids relative to bid number FY10-01-A – Health Care Services. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Mr. O'Mara informed the Board that bids 01 through 05 represent three year agreements renewable in twelve month units and each agreement includes a thirty day out clause. He explained that bid FY10-01 is for pharmacy services and that the lowest responsible bidder meeting the specifications was Omnicare of Londonderry, NH. He recommended that the bid be awarded to Omnicare.

Bid FY10-01 – Pharmacy Services

Motion: To approve County Corrections Bid FY10-01 for Medical Dental – Males Pharmacy Services to Omnicare, 23 Perimeter Road, Londonderry, NH. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons inquired regarding how the determination was made that Omnicare was the lowest responsible bidder. Mr. O'Mara explained that the director of Health Services looked at the distribution of medications over the past twelve months, what were the most prescribed medications, and the 16% discount off the average wholesale price resulted in an overall lower cost when looking across the board at the utilization. In addition Omnicare will give a credit for unused, outdated and discontinued meds.

Motion carried.

Bid FY10-02 – Ambulance Services

Mr. O'Mara was recognized and informed the Board that the only bidder meeting the specification and the only bidder was Rockingham Ambulance of Nashua, NH. He recommended that the bid be awarded as presented.

Motion: To approve Department of Corrections Bid FY10-02 for Ambulance Services to Rockingham Ambulance of Nashua, NH. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid FY10-03 – Radiology Services

Mr. O'Mara advised the Board that the lowest responsible bidder meeting the specifications, and only bidder, was MobilexUSA of Brockton, MA. He noted that MobilexUSA is the current vendor and that its bid reflects a ten dollar rate reduction from 2009.

Motion: To approve Bid FY10-03, Department of corrections for Radiology Services to MobilexUSA of Brockton, MA at a price of \$75 per X-ray, noting that this is the lowest responsible bidder that has a good history with the Department and the only vendor to respond to the RFP, further noting that this is a \$10 rate reduction from FY09. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired regarding how the services were provided. Mr. O'Mara explained that a mobile unit comes to the facility.

Motion carried.

Bid FY10-04 – Laboratory Services

Mr. O'Mara advised the Board that the lowest bidder meeting the specifications, and only bidder was Elliot Hospital Laboratory of Manchester, NH. He explained that the bid rates, which are attached to the bid document, represent a 3% increase over the FY 2009 rates.

Motion: To approve Department of Corrections Bid FY10-03 for Laboratory Services to Elliot hospital Laboratory, One Elliot Way, Manchester, NH. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid FY10-05 – Psychologist Services

Mr. O'Mara advised the Board that Dr. Harris was the only bidder and that he met the specifications. He recommended that the bid be awarded to Dr. Harris.

Motion: To approve Bid FY10-05 for Psychologist Services at the DOC to Paul F. Harris, PhD on Manchester, NH at \$80.00 per hour noting that this is the lowest responsible bidder that has a good history with the Department and the only vendor to respond to the RFP and it represents a \$1 reduction per hour from the FY09 rates. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired regarding where and how often the services are provided. Mr. O'Mara responded that the services are provided at the facility and that the Doctor is onsite approximately fifteen hours per week and is on call to the staff.

Motion carried.

Bid FY10-40 – Orange Canvas Step-in Shoes

Mr. O'Mara presented the bid explaining the Charm-Tex of Brooklyn, NY was the lowest responsible bidder meeting the specifications. He recommended that the bid be awarded as presented.

Motion: To approve Bid FY10-40 for Orange Canvas Step-in Shoes for 2500 pairs approximately to Charm-Tex of Brooklyn, NY at a unit price of \$2.64/pair for total of \$6,600 noting that it is the lowest responsible bidder. By Comm. Holden, second by Comm. Clemons. Motion carried.

5. Nursing Home

Census

Comm. Pappas recognized Mr. Moorehead who presented the Nursing Home Census. He noted that as of July 2nd, the Census was 274, which included 204 Medicaid residents, 38 private pay residents, and 32

Medicare Part A residents. Mr. Moorehead explained that the census continues to decline and explained that hospitals are experiencing lower patient counts as well, noting that he senses that this is in part economy-driven.

Bid # 35-2009 – Parking Lot Re-Paving, (Lots 3 & 4)

Mr. Moorehead explained that the bid is for the paving of lots 3 and 4 totaling approximately 63,000 square feet. He indicated that the lowest responsible bidder meeting the specifications was Hooksett Paving of Hooksett, NH at \$66,730.

Motion: To approve Bid # 35-2009 from the Nursing Home to Hooksett Paving of Hooksett, NH at the total price of \$66,730, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid # 36-2009 – A-1 Nursing Unit Floor Replacement

Mr. Moorehead explained that the bid is for the replacement of the flooring on the A-1 dementia unit. He explained that the project will take approximately three months to complete because of the nature of the unit. He explained that at the completion of the project, the flooring will be consistent throughout the unit which is important as variations in colors can cause problems for the residents. He noted that the project will cover approximately 15,000 sq. ft. of flooring on the unit.

Motion: To approve Bid # 36-2009 for the Nursing Home to replace A-1 Nursing Unit Floor to A & E Flooring, Inc., Hooksett, NH, at a price of \$91,772, noting it is the lowest responsible supplier. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired if the bid was for material and labor to which Mr. Moorehead responded in the affirmative. A further discussion followed regarding how the project would be executed including how residents will need to be relocated on a day-to-day basis by staff to facilitate the project. Mr. Moorehead noted that both this project and the paving project can be depreciated.

Motion carried.

Bid # 40-2009 – Spiritual Counseling-Three-Year Contract

Mr. Moorehead explained that the next bid was for the renewal of the service of the Protestant minister. He explained that this was the first year of a three year agreement, that the Minister was in the facility one to two times a week and that the fee of \$5,200 is the same as is presently being paid. He indicated that he is awaiting return of the bid for the Catholic Priest which will be presented at a future Board meeting.

Motion: To approve Bid # 40-2009 for the Nursing Home in the amount of \$5,200 for Spiritual Counseling to Reverend Douglas Rickard, Manchester, NH, noting that he is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons inquired regarding the discussion at the Executive Committee regarding this particular item as he was not present at that time. A discussion followed regarding the Church and State issue that had been raised. In response to a question Attorney Kirby informed the Board that she had previously provided an opinion on the Church and State issue indicating that she did not see it as an issue.

Motion carried.

June Revenue Report

Mr. Moorehead presented the June revenue report, and informed the Board that the budget for January was \$1,655,673, while the actual revenue was \$1,640,889, resulting in a variance of \$14,784 under budget. He further noted that this reflects a light census and a 30-day month.

Comm. Pappas informed the Board that she had recently attended a Seniors Count symposium and that one of the goals of Seniors Counts is to provide respite care for those who provide home care for seniors. She noted that as the County is now looking into doing more for seniors she wondered if the County could revisit having the Nursing Home available to provide beds for short term stays for respite care. A discussion followed regarding the issues that this presents. Mr. Moorehead offered that the last time this was looked into, a question was presented to HHS as to whether the paperwork required for a nursing home admission and discharge could be relaxed for a short-term stay of this nature. He explained that the amount of paperwork required could be very costly and is very time consuming and it is his understanding that the requirements cannot be waived. He also indicated that there may be issues with Medicaid. He suggested that it could be looked into further. Comm. Clemons suggested that Seniors Counts contact Mr. Moorehead to discuss the issues. Mr. Moorehead offered that a more appropriate setting for such services would be in an assisted living setting where the services are probably more closely associated with the patients needs. Comm. Holden suggested that this may be an issue that could be addressed legislatively perhaps at the Federal level and may be something that the National Association of Counties could be contacted on and become involved in. E. Robinson offered to contact members of the association to see if the issue has been addressed elsewhere. She also suggested as at some point the County may wish to look into obtaining a bed at an assisted living facility to provide the service.

6. Sheriff's Department

Bid # 2010-1 – Ford Vehicles

P. Flood presented Bid # 2010-1 explaining that this is a request for approval of the purchase of a 2009 Ford Crown Victoria at a price of \$23,177, and a 2009 Ford Expedition at a price of \$25,023 for a total cost of \$48,200. He explained that the purchase is to be made at John Grappone Ford at the State bid price.

Motion: To approve bid number 2010-1 from the Hillsborough County Sheriff's Office for a total of \$48,200 to Grappone Ford for a 2009 Ford Crown Victoria and a 2009 Ford Expedition noting that this is the State bid price. By Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Pappas recognized Register of Deeds Pam Coughlin. Ms. Coughlin advised the Board that June was a good month for the Registry of Deeds and provided the Board with a report that gave an overview of the month. She reported that the employees who park in the city lot are being ticketed daily because the parking fees have not been paid; the parking fees are usually paid by the County, in advance. At Temple Street, it has been a practice of the County to pay the parking fee for 14 employees and then deduct the cost from the individual's paychecks. Three additional spaces are paid from the Sheriff's budget. Ms. Coughlin inquired as to how that might be prevented in the future. Mr. Wenger noted that the most efficient method would be to have the employees pay the fee directly to the city of Nashua.

Comm. Holden informed the Board that she had read an article in the Nashua Telegraph that reported that foreclosures are down in Nashua and Manchester, yet they are up in some of the smaller towns. Ms. Coughlin responded that in the larger cities, the banks are becoming more creative at working to keep people in their homes.

Comm. Holden indicated that she had received information from NACo regarding a vendor who is scanning books for a county in Tennessee and Texas. She agreed to provide the information to the Register.

Comm. Clemons inquired regarding the status of the roof repairs. Comm. Pappas agreed to move to new business and recognized Ms. Robison for a discussion of Temple Street.

7. Old/New Business

Ms. Robison reported that the vendor is planning to begin the roofing project on August 3rd, and plans to finish by August 14th, and noted that the roofing replacement should be done as scheduled, unless there are rain delays. She indicated that there might be parking issues to be resolved if a dumpster is brought in.

Ms. Robison also reported on the Security issue relative to Temple Street. She indicated that she is still attempting to resolve contract issues with Stanley Security as well as the signature issue reported last month. Ms. Robison noted that she will be approaching the security issues from a different perspective; she will go back to the RFP and a contract, and should have an answer by the end of the week. Comm. Holden noted that she had looked at the signature on the contract in question and found it interesting that the person who signed the document also signed "County Administrator."

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 the County has received \$114,000 from the State in Escheat funds on a budget of \$1.00. He explained that these funds come periodically.

Mr. Wenger reported that the NH Association of Counties is looking for nomination for the annual Awards Committee. A discussion followed and it was agreed that Commissioner Pappas would continue to represent the County on this committee. All departments were encouraged to consider individuals for nomination of the various awards.

Mr. Wenger advised the Board that the collective bargaining agreements that were recently approved by the Delegation are being reviewed for signature. He requested authorization to proceed with implementation of the contracts as soon as the agreements are executed by the various Union Representatives. He indicated that he was hoping to have the contracts implemented for the next payroll which will be completed prior to the Board's next meeting. Following a brief discussion the Board agreed to proceed as suggested.

Motion: To authorize the Business Office to proceed with implementation of the three contracts after they have been signed by the Union officials. By Comm. Holden, second by Comm. Clemons.
Motion carried.

Mr. Wenger advised those present the Mr. Reidy's mother had passed earlier in the week. The Commissioners expressed their condolences.

Mr. Wenger reported that the plans for Chestnut Street are progressing and that meetings with the Sheriff and County Attorney have occurred.

Mr. Wenger suggested that it was time to focus on obtaining space in Nashua to accommodate the County Attorney's staff. He noted that the timing of the move is still up in the air and the Attorney Wageling is having her staff start to develop a plan for the move. Following a discussion the Board agreed to proceed with pursuing available rental space on Temple Street.

Mr. Wenger explained for the Board that in addition to relocating the County Attorney's Office, the Sheriff's Transportation group will also need to be moved out of Chestnut Street. He offered space in the Bouchard Building that may be fit up to accommodate the group. He demonstrated space that could be used at the rear

portion of what is currently the Human Services Department area housing the Diversion Program staff. He explained that the County could make that space work with the addition of a doorway, and the ability to lock the door and secure that area. The goal is to keep the cost at a minimum and manage the move without additional HVAC work and within the \$5,000 renovation cap. Mr. Wenger asked the Board for direction relative to this issue.

There was discussion about the Human Services office space, conference room, and waiting area. Ms. Robinson noted that the space is intended for six people and the Department has ten in that space. She indicated that while the desks and computers for the Social Workers are not used daily they do come in weekly, and the Conference Room is used for their weekly meeting, as well as other meetings. She further noted that the goal, when moving to this building, was to have a desk for each Social Worker. She also noted that this building lacks in conference room space. Ms. Robinson inquired about whether this might be a temporary situation.

Comm. Clemons inquired how often the Human Services conference room is used. Mr. Wenger responded that it is used infrequently, and if there is a need for a conference room, on occasion the Treasurer's office space could be made available. Mr. Wenger noted that the two entities, the Sheriff's Transport Division and the Human Services Diversion Program that require space which is utilized occasionally and consistently.

Ms. Robinson inquired about the Sheriff's Transport Division space needs, to which Mr. Wenger responded that it is his understanding that there are 2 full time staff that are always in the office plus 6 staff in and out; he indicated that it is his understanding that this group will probably remain at the Bouchard Building.

Comm. Holden suggested that the Board explore this option, noting that this is not the first time the issue of sharing space has arisen. She suggested that perhaps the Commissioners could give up their offices since they are not used consistently. Mr. Wenger responded that there are privacy issues involved with people in and out of the Business Office. Comm. Holden suggested that it is important to be open to the option of sharing space. It was noted that this can be incorporated into discussions during the Charrette process. Both Commissioners Pappas and Clemons offered that their offices could be used. Mr. Wenger noted that he was not looking for a commitment, only an interest on the part of the Board for him to proceed with finding space for the Sheriff's Transport group within the Bouchard Building. The Board agreed that the proposal should be explored for its consideration.

Comm. Holden asked if there was a Transfer to move the funds to meet the GASB requirements. Mr. Wenger noted that he did not have the transfer today, but he will do a Telephone Poll of the Board if necessary relative to a transfer to move the funds to meet the GASB requirements.

M. Rusch informed the Board that the next Executive Committee meeting will be held on July 17th. The meeting will begin at 10:00 a.m., followed by the annual cookout. Those attending should respond to Ms. Rusch, letting her know what food item he/she will be bringing.

There was discussion with C. Kirby, Legal Counsel, relative to an agreement with the State pertaining to the Court Officers. She requested a motion authorizing the Chair to sign a resolution.

Motion: To authorize Chairman Pappas to sign the agreement between the County and the State of New Hampshire pertaining to the Court Officers. By Comm. Clemons, second by Comm. Holden.

Comm. Holden requested that the Board be informed when the agreement was finalized, and inquired as to when final resolution was expected. Attorney Kirby suggested that the agreement was all but complete, and agreed to meet to consult with the Board following the meeting to review the matter.

Motion carried.

Comm. Holden spoke about the NACo Dental Discount Plan, asking the Board if it wished to be involved in the program. She explained that the cost to belong is \$59 for an individual and \$69 for a family. The discount in savings is 38% and that if you dental expenses are over \$170 the card will pay for itself. She suggested that 1/3 of the Counties are participating in the plan. The Board indicated that it was interested in continuing to look into the program.

She went on to add that NACo is hosting two Webinars this week and provided relevant information. A discussion of information pertaining to Stimulus money followed including how funds can be expended. The Board discussed the FMAP money that has been received. Mr. Wenger noted that a recent memo from NHAC indicates that the monies that have been received could be expended at the County's discretion, however accurate records of the expenditure must be maintained. He suggested that the funds received have been segregated in a separate account and will be tracked. He noted that the FMAP funds anticipated in FY10 have been specifically addressed in the budget and through the budget discussion; however, the monies received to date have not been specifically authorized for expenditure. Comm. Pappas noted that Bud Finch indicated at a meeting held the previous day that there has to be well documented records.

Comm. Holden returned to a subject that she raised at the last meeting, that of updating the Policy and Procedure Manual; the manual in place currently dates back to 2005. She noted that it is important for the County to update this manual, and it should include policies for cell phone and computer access.

Comm. Holden noted that the next Charrette meeting is tentatively scheduled for July 22nd.

Comm. Holden inquired where the Board stood relative to an investigation of the recent lobbying that occurred (prior to the Delegation's Public Hearing). Comm. Pappas noted that she has given this issue much thought and feels that the Board needs to be very careful when addressing freedom of speech issues. She suggested the Board may look at the lobbying, but should proceed carefully and may wish to look into establishing policies and procedures.

Comm. Clemons indicated that he realizes there is a need for lobbying; he feels that it helps inform legislators and that informed legislators make informed decisions. He suggested that lobbying occurs all the time, and he does not favor going forward with this issue.

Comm. Holden explained that she has an issue with the use of postage and the franking permit. She suggested that there were many mailings, at least 36 pages. She noted that perhaps there has been an improper use of County postage, copying, phones and property, and estimates that it may represent over \$500. Comm. Pappas noted that other Departments lobby, the unions lobby, and it is difficult to determine where the line is drawn. Comm. Holden suggested that her concern included the use of County property to lobby as opposed to an individual or union's right to do it on their own, and with their own funds. Comm. Clemons inquired if she has a suggestion for what the Board should do to which. Comm. Holden suggested that she wasn't certain and therefore was suggesting that it be looked into.

E. Robinson informed the Board that her Department did lobby, and did use the copy machine, and did ask for letters of support. She indicated that there was one group of letters that went out, approximately twenty-five that were not on County letterhead. She volunteered to pay the cost of these if this is what the Commissioners want. Ms. Robinson explained that most of the letters were targeted. She encouraged the Board to look at the lobbying, including policies and procedures, but explained that she does want to deprive any person of his/her rights.

Ms. Robinson observed that Departments have lobbied in the past, particularly to get contracts approved. She noted that she has not seen such disparity in the budget between the Board and the Executive Committee in years.

Comm. Clemons noted that he also believes that transparency is good, so he would agree to go forward with an investigation. Comm. Pappas asked who could pull the guidelines and policies together. Mr. Wenger suggested that with any new policy recommendation, a draft policy could be circulated for comment and a petition presented to the Board in its capacity as the Personnel Commission for consideration at a hearing when employees and interested parties would have the opportunity to provide input. Comm. Holden suggested that a review of the Policies and Procedures has been on the back burner for some time and that this recent incident should bring it to the forefront.

8. Public Comments

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

9. Non-Public Session

There were no requests for Non-Public sessions.

Mr. Wenger requested clarification of the Board's intention relative to Transfer 2009-40. He requested confirmation that it was the Board's intent that if Transfer 2009-40 is approved by the Executive Committee the Business is directed to proceed with the distribution of the payments. The Board indicated that to be the case and that the office should move forward once the transfer is approved.

10. 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