

Regular Meeting of the  
Hillsborough County Board of Commissioners

July 11, 2007  
Bouchard Building, Goffstown, NH

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

**Present:** Comm. T. Pappas, Comm. C. Holden, Comm. M. Clemons, L. Movsesian, M. Wageling, J. O'Mara, B. Moorehead, D. Reidy, M. Rusch, C. Kirby, P. Boardman, and E. Robinson.

Also present: T. Bracket, E. Therrian, Members of the public.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 1:00 P.M. J. O'Mara led those present in the Pledge to the Flag.

**2. Business Office**

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated 6/28/2007 in an amount of \$1,007,176.53 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

**Motion:** To approve the Payroll Register dated 6/30/2007 in an amount of \$3,750.00 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 7/10/2007 in an amount of \$6,460,141.86 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Transfer 2007-28 – Coop Ext. Misc. to In-State Travel

**Motion:** To approve Budget Transfer 2007-28 to transfer from Cooperative Extension Out-of-State Travel, Educations and Conference, and New Equipment the total amount of \$3,108.00 and to transfer that amount into In-State Travel line 7700. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously

Transfer 2007-29 – Human Services Insurance to Postage

**Motion:** To approve request for Budget Transfer 2007-29 Human Services Administration to transfer from Health Insurance the amount of \$2,300 to Postage, \$1,000, and Mileage \$1,300. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously

Transfer 2007-30 – Board & Care Children to Old Age Asst. & APTD

**Motion:** To approve Budget Transfer 2007-30 to transfer from Public Assistance, Board & Care of Children the amount of \$300,000 and to transfer it into Old Age Assistance the amount of \$110,000 and APTD the amount of \$190,000 for a total transfer of \$330,000. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously

Transfer 2007-31 – Temple Street Cleaning to Fuel

**Motion:** To approve Budget Transfer 2007-31 Temple Street, from Cleaning Services to Water the amount of \$250. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously

Bid #CIS-12-2007 – County E-mail Server

**Motion:** To approve Bid #CIS-12-2007, for a County E-Mail Server to GovConnection, 706 Milford Road, Merrimack, NH for a total amount of \$6,556.22. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Bid #CIS-13-2007 – Track-It Annual Support Renewal

**Motion:** To approve Bid #CIS-13-2007, for Track-It Annual Support for renewal of a service contract to Numara Software, 2202 N. West Shore Blvd, Tampa, FL in the amount of \$1,275. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Bid #CIS-14-2007 – Computer Purchase

**Motion:** To approve Bid #CIS-14-2007, for Computer Purchase to GovConnection, 706 Milford Road, Merrimack, NH the unit price is \$1,227.67 for laptop PC's with 9x5 next business day on-site support for 3 years for a total purchase for 12 units of \$14,732.04. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Bid #CIS-15-2007 – Microsoft Office 2007 – Upgrades

**Motion:** To approve Bid #CIS-15-2007, for Microsoft Office 2007 Upgrades to Insight Public Sec., 6820 South Hart Avenue, Tempe, AZ for a total price of \$10,172.46. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Bid #CIS-16-2007 – Network Media Audit

**Motion:** To approve Bid #CIS-16-2007, Network Media Audit to Prisdio Network Solutions of Woburn, MA for the total price of \$2,867 noting it is the lowest responsible bidder meeting the specifications. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Bid #BO-2007-03 – Telecom – Consulting RFP Services

**Motion:** To approve Bid #BO-2007-03, Telecom Consulting to JJW Consulting, Manchester, NH for a bid of \$11,135. By Comm. Clemons, second by Comm. Holden.

Mr. Wenger noted that this was a part of the continuing project to purchase a new phone system for the County. He explained that the funding for the consultant was in part from an encumbrance for that purpose and that the purchase had been held off pending approval of the appropriation for the system in the FY08 budget.

Motion carried unanimously.

#### 4. Nursing Home

##### Census

B. Moorehead was recognized. He advised the Board that the census at the facility as of July 7, 2007 was 273, noting that it was down from the prior weeks, with 211 Medicaid, 37 Private Pay, and 25 Medicare part A. He noted that the mix continued to be over the budget projections.

Medicaid Rate effective 8/1/2007

Mr. Moorehead reported that the proposed Medicaid rate effective 8/1/2007 based on a picture date of 3/31/2007 was set at \$156.37 or \$10.05 over the current budget rate of \$146.37. He suggested that if that rate remains in effect for the fiscal year it would have a net positive impact of approximately \$680,000. He informed the Board that the next picture date is in September and if there were an adjustment as a result of that review, it would go into effect in February.

#### Parking

Mr. Moorehead informed the Board that the Nursing Home is experiencing a problem with the use of its parking lot, explaining that some people are not parking where they should be parking. He suggested that non-handicapped people are parking in handicap parking spaces, non-clergy parking in clergy parking spaces, non-physicians parking in physician parking spaces, and so on. He noted that there are notices posted advising that if individuals park inappropriately they risk being towed at their expense. He advised the Board that he had contacted Pit-Stop Towing in Goffstown, NH, which has agreed, upon request, to come in and tow vehicles that are parked inappropriately. Mr. Moorehead recommended the Board authorize the use of Pit Stop Towing & Auto Repair to remove vehicles as necessary noting that this would not be a contract but that the company would be called only as necessary and the towing would be at the vehicle owner's expense. A discussion followed regarding the notices that are posted and the efforts made by the facility to have the vehicles moved prior to contacting the tow company. In response to a question, Mr. Moorehead explained that employees would not be subject to this because policies provide that they would be subject to progressive discipline up to discharge if they violate the parking procedures. Comm. Clemons expressed concerns regarding towing visitors to the facility and questioned the advisability of towing them under any circumstances. Mr. Moorehead expressed that many efforts have been made to resolve the situation, including discussions with violators and the situation persists. Comm. Pappas expressed desire not to tow. Comm. Clemons suggested that the problem be revisited. Comm. Holden suggested that a procedure requiring notice to offenders be proposed. Mr. Moorehead suggested that this has been attempted, some visitors having been spoken to five times. Comm. Holden suggested that in light of the concern something needs to be done. Comm. Clemons suggested that if something has to be done it should be done with great caution and consideration for other issues that it may create.

M. Wageling joined the meeting at this time.

Comm. Clemons inquired regarding the distribution of the census across the County. Mr. Moorehead explained the makeup of the census suggesting that the majority of referrals to the facility are coming out of the Manchester hospitals, which serve patients that tend to be from the areas closest to the facility. He suggested that hospitals in the Nashua tend to serve patients who are looking to move to facilities, which are closer to that area and where the patients may live.

Comm. Pappas requested to take the County Attorney's presentation regarding the Re-entry Grant out of order.

## **5. County Attorney**

### Re-Entry Grant

County Attorney M. Wageling was recognized. She advised the Board that she was present to provide the Board with an overview of the proposed Re-entry Program, which will be a fully funded grant program. She stated that she had been approached by the Attorney General's Office and asked if she would like to facilitate the implementation of a Re-entry Project in Hillsborough County. She noted that monies for the program had been funneled through the Federal Government to the NH Department of Corrections back in 2002 and that for a variety of reasons the project did not get off the ground. She suggested that the money had originally been returned to the Federal Government and through the efforts of Tim Bracket of the Attorney General's Office the monies were returned to New Hampshire with the understanding that the Attorney General's Office and the

County Attorney Office would help manage the program. She stated that as part of that she had agreed to do what she could to make the program a reality for Manchester including coming to the Board and the Executive Committee.

She introduced Ellie Therrian, who was present, advising the Board that Ms. Therrian had run the Manchester Academy Program, a very successful program run through Southern NH Services providing similar services to what the Re-entry Program will be offering. She stated that Ms. Therrian would be considered for the directorship of the Program and that she was present to answer questions regarding how the Program would operate. Attorney Wageling introduced Tim Bracket, the Grants Manager from the Attorney General's Office who was fundamental in getting the grant money back for the State of New Hampshire and who would answer any questions regarding the grant and the disposition of the funds. Finally, she introduced Mike McAlister, the Director of Field Services for the New Hampshire Department of Corrections. She noted that Mr. McAlister was present to represent Commissioner Wrenn and to assure that the NH DOC will do whatever is necessary to make the Program work.

M. Wageling referred the Board to the documentation provided in support of Program for detail. She explained that the Re-entry Program is there to facilitate an inmate's transition back into the community. She suggested that six months prior to an inmate's release from confinement the Program would be notified of the inmate's eligibility for the Program and an evaluation would take place to determine if the inmate is eligible for the Program. She explained that the Program is for inmates being released who upon entering the system indicated that they had ties to Manchester and that it will not be looking to bring individuals to the City. She went on to explain that the program will serve male or female inmates ages 17 to 25 and will consider any inmate regardless of the nature of the crime that caused the incarceration, provided they are willing to participate in the Program. She went on to explain that once an individual is determined to be qualified a plan would be developed to facilitate the individual back into the community. She suggested that once the individuals are back in the community the Program will work with them for approximately one year or longer if necessary, providing resources including assistance with housing, education, training, counseling, reintegration with family, and anything that will allow them to be reasonable citizens within the community and not reenter the system. She advised the Board that she has received the assurance of Commissioner Wrenn that the DOC will participate in any way necessary to make sure that the Program will get up and running and be successful.

M. Wageling expressed her belief that the Program was a great benefit to the City of Manchester and will have an impact on recidivism. She referred to studies conducted by the NH Center for Public Policy Management that made recommendations to improve New Hampshire's corrections system including many of the issues that will be addressed by the Program. She suggested that a successful program would have many positive effects in the community and on the judicial and corrections systems.

M. Wageling reiterated that the Program would be fully grant funded by the Federal Government and expressed that it would not cost the County any money. Comm. Holden inquired if the request would require the County to frontload the funds to start the Program. T. Bracket responded that the State has received an assurance from the Federal Government that the funds are available for the Program. A brief discussion followed regarding the need to make any approvals contingent on receipt of the Federal Funds.

Comm. Holden inquired regarding where the Program would be housed. M. Wageling informed the Board that they had looked at several potential locations for the office and that the proposed budget included funds to lease space. Comm. Holden inquired further, whether the staff would be County employees. M. Wageling explained that several job descriptions had been provided for approval including the Director, three Case Managers, and a Secretary position, which will be County employees. She explained that discussion had taken place regarding whether the Licensed Alcohol/Drug Counselor and Licensed Mental Health Counselor positions would be County positions or independent contractors noting that she had provided budgets for both approaches and was open to either approach. A discussion followed regarding the issue and approaches available for the positions.

Comm. Clemons inquired regarding what incentive there was for an inmate to join the program. M. Wageling

responded that initially it would be the desire not to return to the State Prison and to set thing right in their lives. Comm. Clemons inquired if anyone was aware of any state that provided a sentence incentive to join a program such as is being proposed. No programs were identified and M. Wageling suggested that those state operating similar programs have had very strong participation. It was also noted that the Program would provide a number of support systems that the inmate would not otherwise get upon release.

The Board expressed support for proceeding with the implementation of the Program and discussed the actions that would be required to facilitate it. M. Wageling suggested that she would like to start implementing the Program as soon as possible by getting the Director, Assistant Director, and Case Managers in place. Comm. Holden requested M. Wageling to provide the key points supporting why Hillsborough County should entertain implementing the Program. M. Wageling offered the following for the Board's consideration: should the Program not be implemented the Federal Government has advised the State that no future grant funding will be provided to the State; the largest number of parolees in the State are in the Manchester area and the individuals will be back in the community when released and it is better to have the support services in place to make the transition a success; success in reintegrating into the community has an impact on the quality of life; and the cost of incarceration verses successful reintegration into the community is significant, ranging up to thirty-thousand dollars for incarceration. In response to a question, it was suggested that forty to sixty offenders would be actively involved as the Program is running. Following the discussion, it was agreed that M. Wageling would meet with Mr. Wenger and a representative of the Executive Committee to review the process to implement the Program and to propose draft language for motions for the Board's consideration including approval of the positions and a transfer to fund the budget. The Board agreed to consider a telephone poll in order to facilitate presentation to the Executive Committee at its upcoming meeting.

The Board thanked the County Attorney and her guests for their presentation.

#### **4. Department of Corrections**

##### Census

J. O'Mara was recognized. He informed the Board that the census at the facility on July 5<sup>th</sup> was 498. He noted that 452 were men, of which 154 are sentenced and 298 were being held pre-trial. He noted that on the women's side of the house, 16 are sentenced, and 31 were pre-trial for a total of 46 female inmates.

##### County Complex Bid #FY07-75 – Fence Around Old Reservoir

**Motion:** To approve Bid #FY07-75, 6' Fence Around Old Reservoir to Penney Fence of Londonderry, NH in the amount of \$7,800, the lowest responsible bidder meeting the specifications. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

##### County Corrections Bid #FY07-78 – Hot Water Tank and Burner System

Mr. O'Mara explained that the items before the Board included hot water tank and burner system for the facility. He explained that the lowest responsible bidder meeting the specifications was Granite State Plumbing/Heating at \$52,000

**Motion:** To approve Bid #FY-7-78, for a Hot Water Tank and Burner System for the Department of Corrections, the vendor being Granite State Plumbing and Heating, 10 North Riverdale Road, Weare, NH for a total of \$52,000, the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Mr. O'Mara provided the Board with an update regarding the status of inmates being held for and by other counties. He also provided the Board with information regarding an inmate from another state who had killed an officer escorting the inmate to a medical appointment as an example of the hazardous nature of the Department's

work. Comm. Clemons inquired regarding the status of the contract approved for the DOC AFSCME group. The Board agreed that upon receipt of the agreement signed by the Union it would approve implementation of the provisions so that they would be reflected in the next paycheck.

**5. County Attorney (cont.)**

Nashua Office Space

M. Wageling was recognized. She explained that with the addition of the new secretary and Assist. County Attorney in her Nashua Office the staff was preparing space for the new staff. In doing so, she suggested that it has become apparent that the most efficient way to meet the need would be to utilize a portion of the vacant space on the second floor, the space previously occupied by the County Attorney's staff. She requested authorization to utilize the office space adjacent to the space currently occupied by her staff for the employees. A discussion followed regarding the space requested which was described to include two offices immediately adjacent to the office formerly occupied by the Human Services Director and excluded the office suite at the opposite end of the building.

**Motion:** To accept the recommendation of the County Attorney in regard to the use of space in Nashua. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Comm. Pappas requested to ask a follow-up question of the County Attorney regarding the Re-entry Program. She inquired where an individual participating in the program would be sent if they were alleged to have failed the program. M. Wageling explained that the participants will be parolees and should they fail the program it would be a violation of their parole and they would be returned to the State Prison where they would await a hearing on the violation.

**6. Old/New Business**

Registry of Deeds '07 Revenue Summary

At Registrar MacDonald's request, G. Wenger provided the Board with a copy of the FY 2007 Registry of Deeds Revenue Summary for its information.

Cell Phone Request

G. Wenger was recognized. He advised the Board that there are two requests for the addition of cell phones to the County's approved list. He explained that the Sheriff's Office was requesting the addition of eight (8) cell phones consistent with funding approved in the FY'08 budget. He noted that the deputies who are not presently assigned a phone would receive one. In addition, he stated that the County Attorney's Office was requesting approval of five (5) additional cell phones. He explained that four of the phones would be used to replace the pagers used by the on-call staff noting that the cost would be similar, the phones would be much more efficient, and would eliminate the use of private phones by staff. He explained that the fifth phone would be assigned to an investigator in the County Attorney's Office. Mr. Wenger requested a motion authorizing the expansion of the approved cell phones by thirteen (13).

**Motion:** To approve the expansion of the approved cell phones by thirteen (13) as recommended by the County Administrator. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Personnel Commission

The Board agreed to address this matter in non-public session.

E. Robinson was recognized. She informed the Board that she had attended a meeting the prior day with the

Human Services Affiliate and Attorney B. Dunn. She suggested that there are issues that the Board will need to address when it meets in non-public session. Comm. Pappas stated that she had looked into the matter regarding the sharing of information with the Commissioners, raised following the NHAC meeting. She stated that upon receipt of mail she does share it with her fellow Commissioners and that upon review she determined that the letter in question had not been received prior to the Association meeting, as had been suggested. Following a discussion the Board agreed that Comm. Pappas with technical support from E. Robinson would serve as the Board's liaison to the HB 2 litigation group. It was agreed that the Commissioner Pappas would keep the Board advised of all issues and negotiations regarding the litigation.

G. Wenger was recognized and he advised the Board that following up on its prior discussion regarding the NHAC Executive Committee, two positions remain to be appointed. The Board discussed the positions and it was noted that contrary to its understanding Mr. O'Mara and J. MacDonald do not hold positions on the Committee by their appointments as the heads of their respective affiliate groups. Comm. Holden, E. Robinson, and B. Moorhead had been appointed with two positions remaining. Following a discussion Mr. O'Mara agreed to defer to J. MacDonald as an elected official and it was agreed that G. Wenger and J. MacDonald would be appointed.

Comm. Holden provided the Board with an overview of the various commissions that had been created as a result of the recent passage of HB 2. She advised the Board that she had attended the NHAC Executive Committee meeting the previous Friday and that she would be attending the upcoming NACO conference.

#### **7. Public Comment on agenda items**

There were no members of the public available for comment.

#### **8. Non-Public Session**

**Motion:** To go into non-public session under RSA 91-A:3II (b) to discuss hiring an employee, RSA 91-A:3II (e), litigation, and RSA 91-A:3II (c) Personnel Commission. By Comm. Holden, second by Comm. Clemons. Comm. Holden, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

The Board entered non-public session at 2:37 P.M.

The Board met with County Attorney Wageling and discussed the appointment of a new Assistant County Attorney.

The Board met to consider correspondence from Council and considered the litigation being pursued by the NHAC and counties based on HB2 and 28-a. The Board discussed the need to participate and the cost, funding available, and the need for a transfer as the funding in its Legal Expense line had been reduced to one dollar during the budget process. The Board agreed that a transfer should be drafted immediately in light of the fact that the Executive Committee, would not meet until September following its meeting on the 20<sup>th</sup> and that they would be unavailable to meet again prior to that meeting. The Board directed E. Robinson to develop a transfer from the budget line in her department that is the subject of the litigation to its Legal Expense line and that she present it to the Executive Committee for approval on Friday July 20<sup>th</sup> in their absence. The Board agreed that the transfer should be in the sum of \$20,000.

The Board considered a pending matter before the Personnel Commissioner.

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

The Board came out of non-public session at 3:47 P.M.

Comm. Clemons was recognized for a motion

**Motion:** Move to seal the minutes of the non-public session under RSA 91-A:4 as pertains to the Personnel Commission. By Comm. Clemons, second by Comm. Pappas. Motion carried unanimously.

Comm. Holden was recognized and moved the following actions.

**Motion:** Move to engage counsel in the 28-a challenge. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Motion:** Move to approve the appointment of two Assistant County Attorneys, Leslie M. Gill, Esq. and David C. Tencza, Esq. By Comm. Holden, second by Comm. Clemons.

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

**10. Adjourn**

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

The meeting adjourned at 4:00 P.M.

*(SIGNED 7/30/07)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date