

Regular Meeting of the  
Hillsborough County Board of Commissioners  
August 5, 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, C. Kirby, B. Moorehead, 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 1:30 p.m., followed by the Pledge to the Flag led by G. Wenger

Comm. Pappas explained that the reason for the meeting time change was to allow those who wished to attend the funeral of Sheriff Hardy's mother. She offered that Mrs. Hardy was a delightful woman who was very involved in her community and who will be missed.

**2. Administrative Business**

Minutes

July 21, 2009

**Motion:** To accept the minutes of July 21, 2009. By Comm. Clemons, second by Comm. Holden.  
Motion carried.

Approval of Payroll Registers

**Motion:** To approve the Payroll Register 7/23/2009 in the amount of \$1,133,656.08, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated 7/31/09 in the amount of \$1,303,387.15, subject to review and audit. By Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:** To approve the Accounts Payable Register dated 8/3/09 in the amount of \$216,507.24, subject to review and audit. By Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # CIS-3-2010 – Cisco Smart Net Hardware Support

Mr. Wenger noted that he would like to hold off on this bid; CIS is waiting for more information, and this is an important bid; it is for the support and the insurance for all of the hardware associated with the new telephone system and our network system. He noted that he may have to conduct a Telephone Poll to avoid an "end of life" issue, or it may be presented at the next meeting.

### **3. Public Comment on Agenda items**

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

The Board agreed to take the agenda items out of order, allowing time for others to be present.

### **6. Old/New Business**

Comm. Clemons reported that the County was not awarded the grant that was applied for relative to the Mental Health program that was proposed by several Mental Health and Corrections stakeholders. He reported that Susan Stearns from Nashua did yeoman's work in trying to secure the grant. Comm. Clemons expressed his strong support for the program and noted that he feels that it is important to explore other revenue sources to get the program off the ground. Comm. Holden inquired if the County of Rockingham was awarded the grant, to which Comm. Clemons responded, "They did?"

Comm. Clemons commented that everyone that was on the Mental Health ad hoc committee favors establishing the program; it is now a matter of obtaining funding. He noted that the committee did establish procedures for the Department of Corrections relative to Mental Health situations, so progress was made in that area.

Comm. Clemons inquired about the roof at Temple Street; he noted that an amount of money has been approved for the work, but wondered how the County would address any additional related problems that are discovered. Mr. Wenger noted that there will be change orders as the project progresses; at this point, they have discovered some skylights that need replacement...that is a change order, and there may be other issues. Mr. Wenger noted that change orders were anticipated; the initial bid was approximately \$91,000 for the roof, but he noted that approximately \$300,000 was appropriated. Mr. Wenger asked for input from the Board relative to other change orders, and how it wished to address them. The Board discussed the issue, considered how authority would be given for approval. Comm. Holden suggested that one approach would be that Mr. Wenger gives his approval and that at least one Commissioner be contacted. Mr. Wenger noted that a Telephone Poll could also be conducted, and that if there was a substantial expense, the Board should discuss and approve the change. He noted that the project should be completed in approximately two weeks. After a discussion, the Board agreed that E. Robinson would initially review the expense, and Mr. Wenger would approve the change order, which would then be run them by the Board for its approval; the total expenses will be presented to the Board for approval at its next meeting.

Comm. Clemons inquired when a decision had to be made regarding the lawsuit against the State relative to the retirement issue. Mr. Wenger noted that he followed up with Betsy Miller after the last Board meeting; she indicated that there was not a specific deadline but she agreed to follow up, and he has not heard back from her. He indicated that it is on the agenda for Friday's NHAC meeting. Comm. Pappas indicated that four Counties have joined the lawsuit; two of which have already paid.

Comm. Clemons explained that he was in the Lakes Region recently and watched the Belknap County Commissioner's meeting on television. He noted that it was interesting and inquired if there might be a way for Hillsborough County to have its meetings on public access television. The Board discussed Goffstown TV as an interested party and other videographers. There was a general agreement that it would be a good thing to pursue, but that it may not be an option without spending money, and noted that there is nothing in the current budget for this.

Comm. Holden noted that she is interested in having the meetings broadcast; Comm. Clemons indicated that it provides people with public information but it also allows for a bit of grandstanding. Comm. Holden noted that limits can be set for speaking time. Comm. Pappas offered to speak to a person with whom she is acquainted relative to the process for taping a meeting.

## 5. Nursing Home

### Census

Comm. Pappas recognized Mr. Moorehead, who presented the July 30 census, noting that there were 274 residents, which included 207 Medicaid residents, 39 private pay residents, and 28 Medicare Part A residents. He also mentioned that the Board has a corrected Nursing Home census for July 16th, noting that there was an error in the figures as presented at the last meeting. He explained that the Census was 266, as reported; however, it included 204 Medicaid residents, not 104 as reported.

### 2009 Revised Revenue

Mr. Moorehead presented the revised revenue for fiscal year 2009. He noted that there is a difference in the numbers he presented a few weeks ago, and explained that these numbers are \$8,154 less because of an adjustment made by the Business Office, which moved funds from one year to another. He summarized by noting that the figures represent that the Nursing Home is \$688,961 over budget to the good.

Mr. Moorehead requested a Non-Public session consistent with RSA 91-A 3 II (c) for a discussion relative to hiring a person.

### Equal Employment Opportunity Plan

Mr. Wenger referred the Board to the Equal Employment Opportunity Plan that is in the Commissioner's packets. He noted that G. Chandler, Director of Human Resources has done a great deal of work in developing the statistical information and a narrative that has been included; it has been circulated to all Departments for input, and some Department will have recommendations. He anticipates a final version for the next BOC meeting and noted that having this on file will make it possible for the County to continue receiving grants.

Comm. Clemons informed the Board that there was a four-day series of articles in the Nashua Telegraph relative to what Nashua is doing in regard to mental health programs and issues, and why we should strive to keep the mentally ill from going into our prisons. Supt. O'Mara mentioned that this is good exposure and explains how that program works.

Comm. Holden noted that she attend a meeting of the Federal Regulatory Agency for hydroelectric dams in Bennington the previous evening, and has been getting literature relative to hydro power re-licensing. She had the opportunity to listen and to talk to Federal people, always trying to learn more, so that when the County addresses the river that runs through County property during the Charrette process, she will have as much information as possible relative to the environment and hydroelectric power. She noted that she has been receiving information for the last four years.

Comm. Holden noted that she distributed a report of the Nashville NACo Conference by email to save trees, and encouraged everyone to go to the NACo website at [www.naco.org](http://www.naco.org) or sign up for its newsletter.

Comm. Pappas noted that the NACo Board has approved the Northeast Region, which in turn elected Joe Giles from Pennsylvania as its leader. Additionally, the By-laws were adopted.

Comm. Holden noted that a 4-H Children's Tea Garden Open House was held at the Audubon Society on August 2<sup>nd</sup> from 12 to 5.

Comm. Holden informed the Board that the Hillsborough County Fair will be held From September 11<sup>th</sup> through September 13<sup>th</sup>; more information will follow.

Comm. Holden referred the Commissioners to the Rails to Trails request contained in their packet, noting that there is a request for support toward their grant application. The total grant is \$405,000; she noted that the grant money is 80% or \$324,800, and the Town will put up \$81,200. She explained that they are asking for the Board to provide a support letter for their project, noting that it will go to the Board of Selectmen on August 24<sup>th</sup>. The Board was in full agreement of providing a letter of support. Mr. Wenger noted that he would provide a letter for the Board to sign if the Commissioner's are willing to come in and sign it; they agreed to do so.

Comm. Holden suggested that it would be appropriated for the Board to consult with Counsel relative to the Right to Know law changes that have been reviewed by Counsel, and discuss the ramifications and interpretations relative to the law.

Comm. Holden reported that the Design Charrette is moving forward; the next meeting will be August 17<sup>th</sup> at 3:00 p.m. at the Bouchard Building. The Charrette Marketing Committee met this week to develop a plan for press releases and a list of stakeholders. Mr. Wenger informed the Board that he has spoken with Supt. O'Mara relative to the feasibility of holding the Charrette in the County barn, he explained that it is anticipated that approximately 150 people will attend the Saturday evening public meeting, and that is the largest space the County has. The Commissioner's Conference Room cannot handle that many people, but it will accommodate the smaller groups that will meet during the Charrette process. Mr. Wenger noted that he will coordinate with the Superintendent to see if the space in the barn will work unless there is any opposition. The Board agreed that he should proceed.

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

Supt. O'Mara reported that he has a signed Collective Bargaining Agreement between the Hillsborough County Commissioners and Hillsborough County Department of Corrections Local # 3657, American Federation of State, County and Municipal Employees, AFL/CIO. He requested that the contracts be executed; there are three original copies; one copy will go to the State, and one will go to the Business Office.

Mr. Wenger explained that the County is waiting to hear from the union on the Nursing Home agreement. Mr. Moorehead offered to follow up with the union representative.

Census

Supt. O'Mara presented the DOC Census, noting that as of July 29<sup>th</sup>, the Census was 558, which included 510 men of whom 351 are being held pre-trial, and 159 have been sentenced. There were 48 women of whom 27 are being held pre-trial and 21 have been sentenced.

Bid FY10-35 – Installation Only of Johnsonite Floor Tile

Supt. O'Mara presented Bid FY10-35 and explained that this bid is for the installation only of Johnsonite Floor Tile; he explained the bid details.

**Motion:** To approve Bid # Bid FY10-35 for the DOC for the installation only of Johnsonite Floor Tile to A & E Flooring, Hooksett, NH at the price of \$25,931, noting that this is the lowest responsible bidder. Motion by Comm. Holden, second by Comm. Clemons

Comm. Clemons inquired about the purchase of the floor tile, to which Supt. O'Mara explained that the purchase was handled as a separate item. Supt. O'Mara informed the Board that the inmates will be removing the old tile, but none of the bidders was interested in using inmates for the installation because of

warranties. Comm. Clemons asked if there was any asbestos involved, to which Supt. O'Mara responded that there was no asbestos.

Motion carried.

#### Bid FY10-36 – Facility Roof Replacement

Supt. O'Mara presented Bid FY10-36 and explained that this bid is for replacement of the roof at the Department of Corrections facility, noting that the lowest bidder meeting the specifications is AW Therrien, Hooksett, NH in the amount of \$195,180.

**Motion:** To approve Bid # FY10-36 for the DOC for replacement of the roof at the Department of Corrections facility, to AW Therrien Roofing at a price of \$195,180, noting it is the lowest responsible bidder. Motion by Comm. Clemons, second by Comm. Holden.

Comm. Holden asked if the vendor would consider using inmate labor, to which Supt. O'Mara responded that because of insurance, there is no interest in putting an inmate on the roof, and the vendors have indicated that they do not want to work with inmates, not even in unloading stock and putting it on a conveyor to go up to the roof. The vendors want complete control, particularly since they are going to warranty the roof for ten or twenty years.

Motion carried.

Supt O'Mara requested a consultation with Counsel and asked that Mr. Wenger be present.

Mr. Wenger informed the Board that he filed the EECBGP appeal, which is the appeal to the denial for the Energy grant. He noted that he has received a response and has provided additional information. There was a discussion and no one could identify any such improvements. Mr. Wenger noted that the ten New Hampshire Counties were notified that they did not qualify for this grant; there is approximately \$600,000 available for Hillsborough County if it can qualify, the appeal is an attempt to establish that it does qualify. All ten Counties have their appeals in and Sen. Shaheen is working to support this effort; the County is waiting to hear if it qualifies; if it should qualify, then a grant application will have to be submitted.

Mr. Wenger informed the Board that that in preparation for the Design Charrette, the County will be doing e-mail and other correspondence to specific groups or individuals that may be interested parties; he asked for input relative to any interested groups, entities, or individuals that may be interested in receiving information. He noted that the list includes all the State Representatives, So. NH Services, all the utilities and other organizations.

Mr. Wenger noted that he has asked all Department Heads for a time for a Department Head meeting to discuss many issues and the policies; it appears that the best time will be August 25<sup>th</sup>; he will confirm the date.

Mr. Wenger noted that he has a request for a Non-Public under RSA 91-A:3 II (d) to discuss a terms of lease with the Board with respect to space in Nashua.

Mr. Wenger updated the Board relative to planning for future space at Chestnut Street, and noted that he recently met with the Architect for the County Attorney's space and reported that that space is pretty much "locked in." He expressed his hope to have a plan at the next meeting for the Board's approval.

Mr. Wenger noted that there remains an issue to discuss with the Sheriff's Department space; he noted that the State's architect has been extremely helpful in trying to address all issues. He reported that the renovation for the Manchester District Court-Family Court is moving forward. The Court's move is

anticipated to occur from mid-December to mid-January.

M. Rusch informed the Board that the next Executive Committee meeting will be September 25<sup>th</sup> at 9:00 a.m.

There being no further old or new business, Comm. Pappas entertained a motion for Non-Public session

## 7. Non-Public Session

**Motion:** To go into Non-Public Session under RSA 91-A:3 II (c) relative to the hiring of a person; then under RSA 91-A:2 I (b) relative to consult with Counsel. Motion by Comm. Clemons, second by Comm. Holden. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public session at 2:20 p.m.

The Board met with Mr. Moorehead and discussed a personnel issue at the Nursing Home.

Mr. Wenger informed the Board that after speaking with Supt. O'Mara, there was no a longer a need to consult with the Board and Counsel at this time.

The Board met with Mr. Wenger to discuss parameters for exploring the opportunity to rent space for the temporary relocation of the County Attorney to Nashua.

The Board took no action during Non-Public Session.

The Board moved out of Non-Public Session at 2:55 p.m.

**Motion:** To come out of Non-Public Session. By Comm. Holden, second by Comm. Clemons. Motion carried.

## 8. Adjourn

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

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

The meeting adjourned at 2:56 p.m.

*(SIGNED 8/19/2009)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date