

Regular Meeting of the  
**Hillsborough County Board of Commissioners**  
**Friday, August 10, 2012**  
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. S. Ziehm, Comm. Holden, Comm. Pappas, P. Coughlin, Rep. G. Barry, B. Moorehead, E. Robinson, M. Lencki, and G. Wenger

**1. Call to Order**

Comm. Ziehm called the meeting to order at 9:02 a.m.

**2. Pledge to the Flag**

Register Coughlin led the Pledge of Allegiance.

**3. Administrative Business**

Approval of Minutes

**Motion:** To approve the minutes of the Board of Commissioner's meeting held on June 27, 2012. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Approval of Payroll Registers

**Motion:** To approve the following Miscellaneous Payrolls in the following amounts:

- July 25, 2012 \$762.48
- July 27, 2012 \$2,848.18
- August 3, 2012 \$1,621.94

for a total of \$5,232.60, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

**Motion:** To approve a Regular Payroll dated August 2, 2012, in the amount of \$1,099,384.86 subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated August 7, 2012 in the amount of \$3,360,216.98, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2013-01 – Contingency to Capital Building (Nursing Home)

**Motion:** To approve Transfer # 2013-01 to transfer from Workers Compensation/Liability line 4199-7970 the amount of \$81,500, and to transfer from New Equipment-Contingency line 4199-7970 the amount of \$300,000, and then to transfer to Capital Building-Nursing Home line 3441-7960 the amount of \$381,500, noting that the transfer is necessary for funding the Nursing Home Conversion project to convert the boiler from #4 fuel oil to natural gas and to convert three Cleaverbrooks boilers from #4 fuel oil to dual fuel source boilers. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Holden noted that she has concern regarding taking money from Insurance line as it was not a part of the proposal discussed during the budget process. Mr. Moorehead explained that the difference of \$81,500 relates to discoveries during the planning process, including:

- a requirement to line a chimney that is not currently lined,
- the conversion of the boilers will allow conversion to a different type of fuel,
- additional consideration of having the ability to use a second alternate source of fuel.

Comm. Holden added that the project was approved at an Executive Committee meeting, which was when the Board learned of the project; she added that she has issues with the money being taken out of the Contingency and Insurance lines because the project was not fully vetted during the budget discussions. Discussion ensued relative to the process and Comm. Holden added that her concern is because the money was not appropriated as it should have been during the budget process and added that at this juncture, she would likely vote against the transfer.

Mr. Moorehead added that the project will save money and he cannot see why it would not be approved; he added that postponing the project for a year would add approximately 10% to the cost. He added that this type of work is reimbursable as depreciation through Medicaid and Medicare over the life of the project, which is likely to be 15 to 20 years. Comm. Holden noted that additional ProShare money came in higher than expected so Mr. Moorehead should have the funds to do the project and added that it is her belief that this transfer at the beginning of August is not appropriate. Mr. Moorehead explained that when the project was approved, the budget was adjusted to give the facility the capability to pay for the more expensive fuel through October 1<sup>st</sup> with the understanding that the Nursing Home would be converted to natural gas after that time. He explained that is why he is trying to move quickly to get the project done because otherwise, he will not have the funds to pay for the more expensive #4 fuel oil through the end of fiscal year 2013. Discussion ensued relative to the project. Comm. Holden added that if a project was to be done, it would have been better to run the natural gas line all the way to the Complex and the Women's Prison. Comm. Pappas offered that perhaps the Board may wish to present its issues to the Executive Committee and make them aware of the Board's issues. Ms. Robinson noted that the Executive Committee is holding a special meeting today to act on this transfer, and they cannot do that unless the Board approves it and forwards it to the Executive Committee. Comm. Ziehm noted that it is her understanding that this project is going to save the County money over time and she would support it; she added that it is not uncommon to not fully determine the details of a project "until you get into it." Comm. Pappas asked Attorney Kirby for clarification regarding action relative to forwarding the transfer to the Executive Committee for discussion without Board approval; Attorney Kirby responded that the Executive Committee Chair could hold the meeting in any event. Comm. Holden added that she would be willing to consider alternatives and reiterated that her concern is that the money was not appropriated in the budget and the Board is being asked to use all the Contingency-New Equipment funds in August. Mr. Moorehead noted that there will be approximately \$30,000 left in the Contingency-New Equipment line unless there is additional added cost.

In response to a request from Comm. Pappas for input, Mr. Wenger offered that the Board may wish to look at the scope of what has occurred over the past several months with respect to the County's budget; the Delegation, as it last action, took over \$900,000 out of the employee-related lines in the budget and the Board is still in the process of trying to reconcile that action with staffing requirements. He added that the total amount of funding was not appropriated for the project under discussion; the project was not ready to go forward but was pushed forward so that Mr. Lencki, Mr. Moorehead and the Nursing Home are now trying to do the best they can to meet the budget they have; however, the bigger issue for consideration is how the Board is going to approach the \$900,000 that was reduced from the budget. He added that the Board might appropriately wish to focus on how it is going to deliver services in the County versus a project that was brought forward by the Executive Committee and has been foisted on the Commissioners without the appropriate appropriation. Mr. Wenger further added that Mr. Moorehead is doing what he was directed to do

to get the project completed; he noted that Mr. Moorehead is in a difficult situation because he does not have the money in the budget to continue using the current fuel.

**Motion:** Comm. Pappas moved to table the action. Comm. Holden seconded the motion. The motion passed with Commissioners Pappas and Holden voting in support of the motion, and Comm. Ziehm voting against the motion. Motion carried.

Comm. Pappas noted that the Board is in a situation that is almost impossible to deal with because of the Budget and the votes taken at the Delegation meeting; she added that the Board's issues need to be brought into open discussion with the Executive Committee.

Mr. Wenger added that there is a special meeting of the Executive Committee that afternoon and Mr. Moorehead is now in a position where he has nothing to present; he offered that it is his belief that Mr. Moorehead needs some direction relative to where he can go with the project. He added that \$300,000 was appropriated; the problem is the additional \$81,500 needed to deliver the project; he added that if the project is tabled; the problem will be put off for another day. Comm. Pappas added that was not her intention; her intention was that Mr. Moorehead and the three Commissioners should attend the meeting that afternoon and discuss this as a serious problem that the Board can't solve because of the action taken by the Delegation relative to the budget; she added that perhaps the Executive Committee can come up with a solution. The Board discussed the option of recessing at the end of the meeting so that it can reconvene following the Executive Committee meeting later in the day.

Mr. Wenger added that his issue lies with the fact that there is a couple million dollar hole in the budget including \$900,000 that was taken out at the end of the process; he added that the challenge with this transfer is reflective of the fact that there is nothing in this budget where the money could be found for a transfer for this project other than the fortuitous circumstances that occurred in the Worker's Compensation Insurance line. He added that it brings the focus back to people and an issue of employees; it relates to the County's ability to deliver the services that it needs such as having the staffing at the Nursing Home to be able to provide services for the residents as well as having Correctional Officers at the Department of Corrections and other County department's staff.

Mr. Wenger added that money is available in the Insurance line because the County received a "holiday" with respect to its Unemployment Insurance from Primex that was not anticipated in the budget because it was not known at that time. He explained that the "holiday" makes available approximately \$250,000 that could be used to address the issue of the budget gap. He added that it was expressed by the Board, the Executive Committee and the Delegation that the intent of the budget cuts was not to eliminate positions; he offered that the Board may wish to consider whether this money should now be directed toward a project that was put in the budget based on a good faith estimate at the Executive Committee's directive because of a potential to save money. He added that the Board of Commissioner's asked for one million dollars in a Capital Reserve Fund to address property issues, such as this project, but that its request was not considered by the Executive Committee. He offered that this is a policy decision that the Board could address with the Executive Committee. Comm. Pappas again suggested that the Board recess after its business has been conducted and reconvene later in the day following the Executive Committee meeting; the other Commissioners agreed.

Comm. Kirby offered that the appropriate action would be to recess at the end of the business meeting and reconvene at the Executive Committee meeting so that Mr. Moorehead can present the project information, it can be discussed, and the Commissioners can address the matter with the Executive Committee, at which time notes and minutes would be taken.

#### **4. Public Comment on Agenda Items**

Rep. G. Barry noted that she concurs with the Board's proposed action relative to the project presentation.

#### **5. Department of Corrections**

Census

Mr. Wenger noted that Supt. Dionne sent his apologies and added that the Superintendent was at an Affiliates meeting that prevented him from attending the Board meeting. Mr. Wenger presented the Department of Correction's Census. He noted that the Census as of July 31, 2012 was 565 in-house and 12 in the community; he explained that the Census included 482 men, of whom 313 were pre-trial and 169 that were sentenced; there were 95 women, of whom 60 were pre-trial and 30 that had been sentenced.

The Board discussed a newspaper article relative to Drug Courts. Mr. Wenger informed the Board that Judge Brown contacted him and requested an opportunity to meet with the Commissioners to discuss the Drug Courts at some point in the future.

#### **6. Nursing Home**

Census

Mr. Moorehead presented the Nursing Home Census; he reported that the Census as of August 2<sup>nd</sup> was 287, which included 206 Medicaid residents, 44 Private Pay residents, and 36 Medicare residents. He added that the Census today is at 282; which is still above budget.

June 2012 Revenue

Mr. Moorehead presented a revised unaudited revenue update for June 2012. He explained that the Room and Board and ancillary budget for the month was \$1,742,327 while the actual was \$1,731,101 for a negative variance of \$11,226.

Permit Authorization Letter

Mr. Moorehead requested that the Board sign a letter addressed to the Town of Goffstown to authorize Leroy Lowell, director of Maintenance to apply and sign for a building permit from the Town of Goffstown that may be required for renovations to the Rehabilitation Department at Nursing Home. The work involves the relocation of some of the kitchen area, and work in the Therapy area where the Activities office is located currently. Comm. Holden added it is her understanding that an earlier permit request was attempted but was denied by the Fire Department; she asked why the Board did not know about the earlier request and noted that the Board has a good working relationship with the Town of Goffstown. Mr. Moorehead and Mr. Lencki added that they were not aware of an earlier permit request. Comm. Holden responded that she was in Goffstown at a meeting and was told that the Fire Department denied it. Further discussion ensued; Mr. Lencki added that Mr. Lowell pulls permits all the time at no cost and he has a good reputation with the Town; the Town has always approved permits in the past. Mr. Lencki indicated that in this instance, Mr. Lowell was not considered to be authorized to sign the permit; and going forward, the Town will be charging for permits.

**Motion:** To authorize Leroy Lowell, Director of Maintenance for Hillsborough County Nursing Home, to apply to the Town of Goffstown for buildings permit that may be required for renovations to the Rehabilitation Department at Hillsborough County Nursing Home. Motion by Comm. Pappas; Comm. Ziehm stepped down from the Chair to second. The motion carried with Commissioners Pappas and Ziehm voting in support of the motion and Comm. Holden voting against the motion.

**Motion:** That the Board signs a letter directed to the Goffstown Planning Department confirming the authorization outlined in the preceding motion. Motion by Comm. Pappas, second by Comm. Ziehm. The motion carried with Commissioners Pappas and Ziehm voting in support of the motion and Comm. Holden voting against the motion.

Comm. Holden added that since there was a majority vote, she will sign the letter.

#### Bid # 01-2013-Fuel Oil Boiler Conversion

Mr. Moorehead addressed Bid # 01-2013 which is for Fuel Oil Boiler Conversion. He added that the lowest responsible bidder at a cost of \$189,500 is G H Philbrick & Sons, Inc., Manchester, NH. He noted that 9 bid requests were sent out by Mr. Lencki; 6 of those companies were interviewed and a mandatory tour was held for any of the companies that wanted to bid.

#### Bid # 02-2013 – Natural Gas Line

Mr. Moorehead addressed Bid # 02-2013 which is for running the gas line to the Nursing Home; he recommended Liberty Utilities from Waltham, MA was a sole source provider consistent with RSA 28:8-e with a bid of \$192,000.

Comm. Holden noted that the combined total of the 2 bids comes to \$381,500.

The Board deferred action on the bids pending resolution of issues around Transfer 2013-01 discussed earlier this meeting.

#### Survey Update

Mr. Moorehead informed the Board that the Department of Health & Human Services (DHHS) conducted its annual certification and licensure survey on July 19<sup>th</sup>; there were 6 surveyors in the building for less than 3 days. The 3 deficiencies that were listed were relatively minor; one related to oxygen tubing; one of the oxygen concentrators was late in being changed; another issue related to the infection control surveillance program and items that they would like to have staff do as a part of their rounds; additionally, there was a minor issue related to comprehensive pain assessment; he explained that while pain assessments were done by hospice, the State did not consider that to be adequate. He explained that a plan of correction was submitted the previous day and he expects to hear in a day or two whether it is accepted.

## 7. Registry of Deeds

#### Revenue Report

Register Coughlin distributed a Revenue Update, explaining that July was a great month for the Registry. She reported that:

- revenues are up; the document count increased by 31%;
- tax stamps are down a bit because the cost of homes that are selling has decreased;
- recording fees are going up because there have been many loan modifications and refinancing.

Register Coughlin referred the Board to the FY12 unaudited report and explained that the Registry revenue is \$2,500 over budget for the year.

## 8. Old/New Business

### Primex Election of Trustee

Mr. Wenger informed the Board that he has received correspondence from Primex relative to the election of a Trustee. He noted that as part of the agreement Primex reached with the Secretary of State, the Board of Trustees is now asking for members to vote for a member of that Board. He explained that Stephen Bartlett has been nominated; the correspondence includes a Ballot that provides an opportunity for the Board to vote for the nominee or submit a Write-in Candidate. A brief discussion followed.

**Motion:** To authorize the County Administrator to submit a unanimous vote for Mr. Bartlett. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Moorehead asked to be excused and left the meeting.

Mr. Wenger directed the Board to the letter in its packet relative to the Community Service Program.

Mr. Wenger informed the Board that he has a request from NHAC regarding County awards; he added that it is time for awards. The Board agreed to have Comm. Ziehm represent the County on the awards committee.

**Motion:** To appoint Comm. Ziehm as the Hillsborough County representative to serve on the NHAC Awards committee. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Comm. Pappas addressed the Travel-In State budget line; she added that anyone who receives the Hillsborough County award should have his/her travel expenses covered; she noted that there is only \$4,500 in that line and asked the Board to consider how the funds will be expensed. Discussion ensued relative to having a process relative to expending the funds in the Education & Conference and Travel lines for everyone in the Commissioner's Office of Administration & Finance.

Mr. Wenger addressed the Video Conferencing, noting that he anticipates a phone call regarding Hillsborough County's participation in Video Conferencing. He added that no formal action has been taken and the Board may want to consider how it wishes to proceed with the project at a future meeting.

Mr. Wenger informed the Board that he received an email earlier in the morning regarding unemployment compensation; he noted that David Bullock, from Primex, has filed a request on behalf of the County for forgiveness for unemployment charges in the amount of \$1,866 and has advised that the Department of Employment Security has accepted the request. Mr. Wenger added that Mr. Bullock will be forwarding the compromise agreements that the County will be required to sign to receive the credit.

**Motion:** To authorize the County Administrator to execute, on behalf of the County, the compromise agreements related to a request for forgiveness accepted by the Department of Employment Security. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger referred the Board to a Draft Letter of Termination regarding the termination of the full time Human Services position and then creating the part-time position. He added that he also has revised letters for the Board's signature to replace those Letters of Termination, two at the Nursing Home and one at the DOC, that were executed at the last meeting because of incorrect dates. The Board agreed to execute the revised corrected agreements.

Mr. Wenger informed the Board that Ms. Chandler will be retiring as Human Resources Director effective as of the end of the August. He added that he would like to have a discussion with the Board about that portion of Administration & Finance Department and the role of Human Services. Discussion ensued relative to proceeding with a replacement and options that could/should be considered. Comm. Pappas offered that it is her belief that the County's employees deserve a full time person in that position.

Mr. Wenger spoke about a CDBG grant between the County and the City of Manchester and noted that there has been continuing discussion regarding the responsibility and liability. He added that the City is anxious to move forward and noted that he has spoken with Attorney Kirby who suggested some modifications; a Draft copy was sent back to the City and late the previous evening he received notification from Mr. LaFreniere that the City agreed to the Draft. He added that the Indemnification Agreement would be subject to approval by the Board of Mayor and Aldermen. Mr. Wenger presented the Board with a copy of the agreement and noted that the City of Manchester is looking to get an indication from the Board that it is prepared to sign and go forward with the grant so they can advise CDFA. Comm. Pappas offered a motion.

**Motion:** To authorize the Chair to execute the MOA between the County and the City of Manchester pertaining to the CDBG grant and contract to support construction activities related to the redevelopment of a City of Manchester owned property at 434 Lake Ave, subject to and conditioned upon the City of Manchester Board of Mayor and Alderman approving the indemnification provisions therein and the CDFA's acceptance of the agreement. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Comm. Holden informed the Board that she received a communication from Wright State University that is conducting a study of Urban & Public Affairs. She added that they are located in Dayton, OH in Montgomery County; it is a County that is similar to Hillsborough County; the study will focus on possible methods of restructuring and shaping the future of their County. She added that she was contacted and they have selected nine Counties for the study; Hillsborough County has been selected as one of the nine because of its success with social and economic challenges over the past decade. She added that Hillsborough County has performed better than expected since the year 2000. She added that they will be contacting her the following day and she is hopeful of learning more information. Comm. Pappas noted that she also received the letter and she will be interested to see what is discovered. Comm. Ziehm added that she will be contacted the following week.

Comm. Holden noted that the NH Retirement System is holding a second round of retirement talks and forwarded the meeting schedule to Mr. Wenger for distribution.

## **9. Public Comment**

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

## **10. Non-Public Session**

Attorney Kirby requested an opportunity for the Board to consult with Counsel consistent with RSA 91-A:2 I (b) to discuss pending litigation. Comm. Ziehm added that she would also like to meet in Non-Public relative to a discussion of real estate.

Comm. Ziehm entertained a motion relative to Non-Public Session.

**Motion:** To move into Non-Public Session with G. Wenger, C. Kirby and E. Robinson consistent with RSA 91-A:3 II (d) relative to the sale or lease of property. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried. Motion carried.

The Board took a brief break.

The Board moved into Non-Public Session at 10:22 a.m.

The Board met with Ms. Robinson, Ms. Kirby, and Mr. Wenger to discuss pending land use issues.

The Board moved out of Non-Public session at 10:33 a.m.

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

The Board moved into recess at 10:34 a.m.

**Motion:** To go into recess to consult with Counsel. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:** To come out of recess. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

The Board moved out of Recess at 10:41.

The Board moved to go into Recess at 10:42 a.m. to reconvene at the Executive Meeting scheduled to begin at 1:30 p.m. later in the day.

**Motion:** To go into recess at 10:42 A.M. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

The Board reconvened immediately prior to the commencement of the afternoon Executive Committee meeting. The recording of the Board proceedings was suspended due to the ongoing Executive Committee meeting. Comm. Ziehm called the Board to order at 1:30 P.M.

**Motion:** To come out of recess. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Members of the Board attended and participated in the Executive Committee meeting. During a recess in the Executive Committee meeting the Board discussed the status of Transfer 2013-01. Concerns regarding project funding and the lack of specific appropriations within the budget to support the entire project, the use of funds from line 7140, Insurance Workers Comp/Liability at this early stage of the budget year, and with the ongoing budget issues being addressed by the Board; and the readiness of the project were all expressed by the Commissioners. Following a lengthy discussion the Board agreed that despite reservation it would proceed with approval of the transfer.

The Board agreed to address action that was tabled earlier in its meeting.

**Motion:** To remove consideration of Transfer #2013-01 from the Table. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

**Motion:** To approve Transfer number 2013-01 to transfer \$300,000 from Contingency, New Equipment and \$81,500 from Nursing Administration, Insurance Workers Comp/Liability to Nursing Administration line 7960, Building for a total transfer of \$381,500. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

The Board revisited the bids that are associated with the transfer request and agreed to proceed with approval of the bids subject to the approval of transfer 2013-01 by the Executive Committee.

**Motion:** To approve bid number 01-2013, Boiler Fuel Conversion, to GH Philbrick Sons, Inc., of Manchester, NH in the amount of \$189,500 noting that it is the lowest responsible bidder and is conditioned on the Executive Committee's approval of Transfer 2013-01. By Comm. Pappas, second by Comm. Holden. Motion carried.

**Motion:** To approve bid number 02-2013, Natural Gas Line, to Liberty Utilities of Waltham, MA in the amount of \$192,000 and to waive competitive bidding pursuant to RSA 28:8-e V as Liberty Utilities is the sole source provider for the gas line. The award will be conditioned on the Executive Committee's approval of Transfer 2013-01. By Comm. Pappas, second by Comm. Holden. Motion carried.

Having taken action the Board again discussed its concerns with the process that directed the implementation of the project and the necessity for the transfer.

## 6. Adjourn

The Board rejoined the Executive Committee meeting. Comm. Holden excused herself from the meeting. No further business was conducted and at 2:15 a motion to adjourn was entertained.

**Motion:** To adjourn the meeting. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

The Meeting adjourned at 2:15 p.m.

*Approved 9/19/2012*

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Comm. Carol H. Holden  
Vice Chairman/Clerk  
Hillsborough County Board of Commissioners

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Date