

Regular Meeting of the  
Hillsborough County Board of Commissioners  
August 12, 2010  
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. Pappas, Comm. C. Holden, Comm. M. Clemons, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, E. Robinson, M. Rusch, G. Wenger, and L. Stonner.

**Also Present:** L. Bistany, D. Lane and C. Gabay

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 8:36 a.m., followed by the Pledge to the Flag led by G. Wenger.

Comm. Pappas explained that the Board would address the CDBG Public Hearings and invited L. Bistany, D. Lane and C. Gabay to join the Board at the table. Ms. Bistany explained that each year there is approximately \$4,000,000 available for economic development and noted that her organization, Rockingham Economic Development Corporation (REDC) is working with Resonetics, a company in Nashua, that can use assistance with Community Development Block Grant (CDBG) funds; she explained that the funds typically come in through a municipality and are sub-granted to her company, which then loans the funds to a company. She noted that as the funds are repaid to her company, they are available for other companies for a similar use, typically for the creation of jobs for those with low to moderate income.

Ms. Bistany explained that normally the application for funds would be submitted through a Town or City, but in this instance, the City of Nashua is an entitlement community that receives its own HUD funds, so an application cannot be placed through the City; she noted that this is the reason the Board is being asked at this meeting to approve that an application for funding be submitted through the County on behalf of Resonetics, the company seeking the CDBG funds.

Ms. Bistany explained that Mr. Gabay, CEO of Resonetics, is here today to answer any questions relative to the company or its products, and that Ms. Lane can answer questions relative to the hearings. Comm. Pappas observed that the Board was impressed with Resonetics; she opened the floor to questions.

Comm. Holden explained that she had conversation with Rockingham County and noted that its Board has set aside money in contingency each year for grants; she explained that Hillsborough County has not set aside money for grants; there is no vehicle for receiving and expensing these funds, even in a situation such as this where the funds would simply pass through the budget. Comm. Holden explained that she has real concerns relative to exceeding appropriations, particularly regarding RSA 24:15 - Exceeding Appropriations; she read Section I of that statute: *"I. No county commissioner, or elected or appointed county officer, shall pay, or agree to pay, or incur any liability for the payment of, any sum of money for which the county convention has made no appropriation, or in excess of any appropriation so made except for the payment of judgments rendered against the county."*

Comm. Holden noted that she has legal concerns with the annual audit, further noting that the County has GASB audit requirements; she noted that the Board recommended approval of the funding to meet the GASB audit requirements; however, the Delegation did not appropriate those funds in the budget; therefore the County is in violation of the GASB requirements. Comm. Holden explained that she does not want to further create a perception that County is exceeding the appropriations.

In response to a question from Comm. Pappas, Mr. Wenger noted that Comm. Holden is correct; the County does

not have \$500,000 that has been appropriated for this purpose; he went on to explain that there is \$300,000 in the Contingency line for unanticipated grants, but that needs to cover the County's unanticipated issues as it has done in past years. He explained that this is not something that the County prepared for during its budget process. He offered that there are two options: one would be a transfer of funds; the second option would be a supplemental appropriation. Mr. Wenger communicated that he does not see where \$500,000 could be found for a transfer at this early stage in the current budget.

Comm. Clemons inquired if Ms. Bistany has any recommendations; she responded that perhaps Rockingham County would be willing to split the amount requested with Hillsborough County; she noted that Rockingham County has experience with the CDBG grants and does put money in its budget for that purpose; she offered to approach Rockingham County to join with Hillsborough County in a joint application, and asked if the Board wished her to move forward with that. Mr. Wenger noted that he has spoken with Rockingham County and it is possible that they might agree to such a request. He explained that the one downside for the County is that if it uses \$250,000 for this grant, there will only be \$50,000 remaining for the County's unanticipated grants; he noted that he is not aware of any at this point, but as the year goes on, there may be a better understanding relative to where other funds might come from to cover any unanticipated grants. There was discussion relative to an additional disbursement, and whether it was advisable to proceed in that direction. For purposes of clarification, Mr. Wenger explained that while the money only passes through the County coffers, there still needs to be an appropriation of any funds that are to be expended; the County cannot spend any funds that have not been appropriated by the Delegation. He further explained that the \$300,000 that was put in Contingency was done at the advice of the auditors so that these issues could be addressed, and in this instance even though the County would receive \$300,000 in grant funds from the State, the money would be considered an expense once Hillsborough County issued a check.

Comm. Clemons noted that it is an unfortunate situation and there seems to be no way to cut through the red tape. Mr. Wenger noted that in another year, the County could prepare for such a situation by creating offsetting amounts in the revenue and contingency expense lines so that there is no impact on the budget but the Board will have the flexibility through appropriate transfers to support similar requests. He referred to the Energy Grant funds that were received the previous December and explained that the County was not able to expend any of those monies until the budget was approved because there was not a sufficient amount in the previous year's budget to support a transfer. He suggested that the line be increased in the next year's budget to prevent any such situations in the future.

There was discussion relative to speaking with the Auditor and the Treasurer; Mr. Wenger noted that he does not believe that there are any options that have not been discussed. Ms. Bistany inquired if the Board would be willing to approve the application up to \$500,000 at this meeting subsequent to any new information from the Auditor or Treasurer. Comm. Holden offered that it could be tabled; Comm. Pappas suggested that the Board does not need to make any motion at this time. Mr. Wenger offered that the Board could agree to complete the Public Hearings at this meeting, and then make a determination whether it moves forward today, tables the issue, or puts the options off until another time.

The Board agreed to complete the Public Hearings today. D. Lane offered to lead the Public Hearing.

## **2. Public Hearing – Proposed Application**

Comm. Pappas opened the Public Hearing and invited D. Lane to provide an overview of the process and proposed applications. Ms. Lane provided the following information:

Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects, and feasibility studies that primarily benefit low and moderate income persons. Hillsborough County is eligible for up to \$500,000 a year for public facility/housing rehabilitation, up to

\$500,000 a year for economic development projects, as well as up to \$500,000 a year in emergency funds. Feasibility Study funds are available for up to \$12,000 per year.

This is a proposed economic development application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant Economic Development funds. Of the funds, up to \$475,000 will be sub granted to Rockingham Economic Development Corp. (REDC). REDC will retain up to \$5,000 for loan servicing expenses and loan the remaining up to \$475,000 to Resonetics, of Nashua. Resonetics is a laser micro machinery manufacturer. The loan proceeds will be used for working capital to expand production and help with costs associated with a move to a new Nashua facility. Resonetics Nashua will create up to twenty-five jobs of which at least 60% will be filled by persons of low or moderate income, or will be available to persons of low or moderate income.

This project conforms with Hillsborough County's Housing and Community Development Plan's Goal of encouraging economic development activities to increase quality industrial and commercial development and encourage the expansion and retention of employment opportunity for residents, noting that those are Short-term and Long-term goals.

Ms. Lane inquired if the Board had questions, to which Comm. Pappas explained that the business was described well at the Board's last meeting.

Comm. Pappas asked if there were any members of the Public who wished to comment. There were no members of the Public who wished to comment.

There being no further questions or comments, Comm. Pappas officially closed the first Public Hearing.

### **3. Public Hearing – Housing & Development Plan**

Comm. Pappas opened the second Public Hearing regarding the Housing & Development Plan. D, Lane explained for those present that every community requesting a Community Development Block Grant is required to have a Housing Community Development Plan she explained that the Board has before it a plan addressing basic needs of the County. She suggested that the plan that the Board is considering is a generic plan similar to one that communities utilize as they initiate the planning process. The plan reads as follows:

The Hillsborough County Board of Commissioners commits to the following goals to meet the housing and Community Development needs of the County:

**Goal:** Encourage a varied stock of safe, sanitary, decent and affordable housing for persons of all age and income groups. (Short-term and Long-term goals).

**Goal:** Encourage economic development activities to increase quality industrial and commercial development. Encourage the expansion and retention of employment opportunities for residents. (Short-term and Long-term goal).

**Goal:** Encourage municipal and private water and wastewater systems that are safe, sanitary and that meet DES regulations. (Short-term and Long-term goal).

**Goal:** Preserve and promote the county's historically and culturally significant structures. (Short-term and Long-term goal).

**Goal:** Promote activities that protect the health and safety of residents and visitors. (Short-term and Long-term goal).

As a matter of policy, The Hillsborough County Board of Commissioners will minimize the involuntary displacement of households from their neighborhoods.

Any Federal CDBG grant funds awarded to address any of these goals shall be expended consistent with national objectives and shall, at a minimum, provide improved housing in accordance with Section 8 standards, be used for public facility projects, employment opportunities, or feasibility studies. All CDBG funded projects, shall primarily benefit low and moderate income persons or households, and shall not benefit moderate income persons to the exclusion of low income persons.

Comm. Holden noted that she has issues with some of the language in the Housing & Development Plan, and asked if adopted today, would it be possible to make changes in the plan later. Ms. Lane responded that this is a very generic plan, and changes in the goals could be made to make it more appropriate to the County. Ms. Lane noted that for the purposes of CDBG the plan is valid for three years from the date of adoption. She noted that to her knowledge most communities in the County have a plan, particularly those who participate in CDBG grants.

Comm. Pappas asked if there were any members of the Public who wished to comment on the Housing and Development Plan. There being no additional questions or comments, Comm. Pappas closed the Public Hearing.

#### **4. Public Hearing – Residential Anti-displacement and Relocation Plan**

Comm. Pappas opened the third Public Hearing. D. Lane explained that this hearing is related to the Residential Anti-displacement and Relocation Plan noting that a Displacement and Relocation Certification has to be adopted every time CDBG funds are involved. She explained further that the Board has before it the Residential Anti-displacement and Relocation Plan certification and reviewed it in detail. The Certification is attached to these minutes.

*“Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project undertaken by the Hillsborough County Board of Commissioners.”* Ms. Lane explained that it is very rare that a household or business is displaced, but when asking for CDBG funds, there has to be a promise that if any household or business is displaced, the Uniform Relocation Act would be followed, which basically means that if a business or household is displaced, it would be relocated to comparable neighborhood at a comparable price. She explained that this does not apply in this situation, but the agreement must be executed as a CDBG requirement.

Comm. Pappas asked if there were any members of the Public who wished to comment on the Displacement and Relocation Certification. There being none, Comm. Pappas closed the Public Hearing.

Comm. Pappas noted that the Board will take the matter under advisement; the Board discussed the issue and agreed that Rockingham County would be contacted. Ms. Bistany noted that Rockingham County has \$500,000 available funds and noted that as fall approaches, she believes it is safe to say that any potential projects would have already been identified; she noted that she is comfortable discussing this with them. Comm. Holden noted that this may be premature and suggested that the Board consult with Counsel later in the meeting, and noted that the Board may be wise to look to the Department Heads relative to prospective grants that may be coming in, further noting, that if \$250,000 of the \$300,000 is committed to this project, it leaves only \$50,000 in the Contingency line for any grants that the County may receive.

Mr. Gabay asked for information relative to the Board’s timeline. Comm. Holden explained that she is hesitant to commit at this time; she indicated that the Board’s hands are tied in this situation. Comm. Clemons expressed his belief that if this grant is before the Board, the Board should give it consideration; he noted that other grants may, or may not be available, and indicated that he would favor supporting this grant application. Comm. Pappas asked Ms. Bistany about deadlines; she responded that there are time constraints and that she will need to have the grant application to present to the CDFA by August 19<sup>th</sup>, and noted that if she waits until September; she is

concerned that the CDBG funds will be used up. Mr. Gabay informed the Board that he is not trying to place pressure on the Board, but noted that he has to decide whether to sign the new lease by September 3<sup>rd</sup>.

Ms. Lane suggested that the Board may wish to prepare for CDBG grants in its next budget because it is a good resource of funds and an opportunity for the County and its businesses. There was discussion about other Counties; Ms. Lane noted that Hillsborough County is the only County that has not been involved in CDBG grants. Ms. Lane and Ms. Bistany thanked the Board for its time and support and noted that they will await the Board's decision. Ms. Lane, Ms. Bistany, and Mr. Gabay excused themselves from the meeting.

Mr. Wenger suggested that he will follow up to see that contact is made with Rockingham County and noted that perhaps they will provide insight into the process which could be advantageous to Hillsborough County as this is our first experience with CDBG. The Board agreed to consult with Counsel later in the meeting.

#### **4. Administrative Business**

Commissioner Pappas noted that the Board would address administrative business at this time.

##### Minutes

July 28, 2010 Board Meeting

**Motion:** To approve the minutes of the July 28, 2010, Board of Commissioner's Meeting. By Comm. Clemons, second by Comm. Holden. Motion carried.

##### Approval of Payroll Register

Motion: To approve the Payroll Register dated August 5, 2010, in the amount of \$1,174,671.53, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

##### Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated July 30, 2010 in the amount of \$1,628,695.26, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve the Accounts Payable Register dated August 12, 2010 in the amount of \$2,379,316.18, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

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

There was no one present who wished to comment on Agenda Items.

#### **7. Department of Corrections**

##### Census

Supt. O'Mara presented the DOC Census, noting that as of August 5, 2010, the Census was 588, which included 528 men of whom 360 were being held pre-trial and 168 that had been sentenced. There were 60 women of whom 37 were being held pre-trial and 23 that had been sentenced.

Supt. O'Mara indicated that he has one item that he wishes to address under Old/New Business.

## **8. Nursing Home**

### Census

Mr. Moorehead informed the Board that there was an error in the census form provided to the Board and noted that he will provide a corrected copy.

### 2101 Survey Update

Mr. Moorehead presented information relative to the State Survey; he noted that the State was at the Nursing Home from August 3<sup>rd</sup> through August 5<sup>th</sup>. Mr. Moorehead informed the Board that comments made on the positive side were: *“that the Nursing Home provides the highest quality of care they have seen, staff is very attentive to residents, there is positive interaction with staff and residents, and that the Nursing Home has excellent physician coverage.”* He noted that 14 concerns, comments and recommendations were listed, but the Nursing Home will not know the official result of those until the Form 2567 report is received back. He noted that there will likely be a “hit” relative to the 100 beds that the Nursing Home purchased; 50 were purchased in 2004 and 50 were purchased in 2005; the side rails on those beds were initially considered to be “an enabler” because they enable one to get in and out of bed, but are now considered to be a restraint. He noted that other administrators are having similar issues. Mr. Moorehead noted that of the 14 issues, 6 have already been corrected; one of the issues related to the temperature being too hot in the med room; another involved a kitchen cooler with a temperature issue on that particular day, which had recorded readings for months before that that were perfect.

## **9. Human Services**

### Incentive Fund Hearings Schedule

Ms. Robinson addressed the Board and noted that she has provided the Board with information regarding the Incentive Funds; she requested that the Board consider potential meeting dates for the Committee meetings. The Incentive Funds Selection Committee for Hillsborough County will include three County Commissioners or their designees, an elected official of the House of Representatives from the County appointed by the Chair of the Delegation, a member of the United Way or similar organization with expertise in grant writing appointed by the Chair of the Delegation, a member of a faith-based organization appointed by the Chair of the Delegation, and two representatives appointed by the Department of Health & Human Services, a youth representative appointed by the Department, a Supervisor or designee representing the Department’s Division of Juvenile Justice, a Supervisor or designee representing the Department’s Division of Children, Youth, and Families, and an individual assigned by the DCYF central office. Ms. Robinson noted that the allocation has not been determined, but it is expected to be down this year. Following discussion, Board members agreed that October 4<sup>th</sup>, 5<sup>th</sup>, or 7<sup>th</sup> would be dates for consideration.

## **10. Registry of Deeds**

### July 2010 Revenue

Register Coughlin provided a copy of the July 2010 Revenue but was unable to attend the meeting.

## **11. Old/New Business**

### Wellness Program

Mr. Wenger informed the Board that a Wellness Walking Program will be initiated in conjunction with Primex and the County’s efforts to promote wellness. It will be rolled out by the Human Resources Departments over the

next month starting with staff at the Bouchard Building. He provided a notice of the initial meeting. The Board noted its support for the program and encouraged all departments to participate.

Supt. O'Mara informed the Board that the DOC has three more positions funded at \$1 that it wishes to fill and asked for Board approval to do so. He explained that the three positions in question are currently filled by Correctional Officers who are being deployed; he is requesting permission to move these three employees into the \$1 positions so that he can fill the positions that are being vacated.

**Motion:** To approve filling the three positions that will be vacated by the three Correctional Officers, that are being deployed and to move those officers into the \$1 positions. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

At the request of Mr. Wenger, Supt O'Mara agreed to provide position numbers for the Business Office.

Supt O'Mara informed the Board that 18 to 20 Corrections Officers will be participating in formation and will be singing in cadence in that evening's Road Race in Manchester.

Mr. Wenger informed the Board that the County has received notice of an opportunity from the Bureau of Justice Assistance that ties into the Mental Health grant that the Department of Corrections is involved in. He explained that BJA, in conjunction with the Council of State Government Justice Center is looking for up to five learning sites to pilot a new performance measure. Mr. Wenger informed the Board that Supt O'Mara is interested in participating and the Greater Nashua Mental Health Center has expressed interest; the application is due the end of this week; he noted that if there is no objection Greater Nashua Mental Health Center will submit the application for participation in the program. The Board favored participation by the DOC.

Comm. Holden informed the Board that a contract for the Dental Discount Program has been received; the number of participating Dentists has increased and it also includes the Aetna network. Invitation to join will be sent to all Hillsborough County Dentists. The program should be available to the public by mid-October. Temporary cards will be available and then permanent cards will be available on line. She indicated that the program is currently working well in ten Counties. Comm. Holden offered to answer questions about the program.

Comm. Holden noted that while the Audit Report was approved at the last meeting, she is concerned that the County does not have the funds for the GASB 45 Audit because funding was not approved. She explained that she would like to find the money and do a transfer from within the budget so that the County can move forward with the GASB 45 Audit requirements as recommended by the County's Auditor so that the County will not be out of compliance with the audit requirements/recommendations.

Mr. Wenger informed the Board that the County would have to go out to bid for actuarial services; the actuaries will have to do the calculations on behalf of the County for the Auditors. He offered that the Board could choose to go out to bid for the service and learn what the cost will be with the understanding that bids are contingent upon appropriation, and if a transfer is not approved, it will not go forward. Comm. Holden noted that it also creates a record that the Board has included the GASB 45 audit in the budget for the last two budget years, but it has been taken out twice, and the record would indicate that the Board is making another attempt to get the job done.

In response to a question from Comm. Clemons about the GASB 45 audit not being approved in the budget, Mr. Wenger explained that he believes that the money was taken out of the budget at the Executive Committee level. Comm. Clemons noted that the Executive Committee could again decide to not approve the bid or the transfer, but at least the Board would be on record as supporting the Auditor's recommendation for the GASB 45 audit. The Board agreed to proceed with going out for bid for the actuarial services.

Comm. Holden explained that she has concerns relative to a July 28 letter that the Board received from Supt O'Mara that, *"serves to advise the Board that pursuant to the Hillsborough County Board of Commissioner's instructions regarding bids less than \$5,000, I recently awarded several bids for goods and services to be provided to the Department of Corrections; additionally there were multi-year contracts approved by you, so I merely approved the continuation of the same, for example, the second year of a three-year contract for FY2011 that had been awarded by the Board in FY2010 for Medical and Dental services. Giving the considerable number of bids I awarded, I am enclosing a copy of each bid tally in lieu of listing each. If you have any questions regarding these, please do not hesitate to contact me."* Comm. Holden noted that she did call Supt. O'Mara and indicated to him that she thought this was a matter more appropriately discussed by the entire Board. She indicated that she has a problem with the process; she noted that while the Board has approved three-year contracts, she believes that the intent is that the Board approved the funding for the first year of the contract, and more appropriately expected that the Department would come back to the Board for subsequent years.

Comm. Holden referred to a bid that was approved on July 28 but there was no discussion relative to the bid at the Board level. She noted that she has questions about the process.

Supt O'Mara thanked Comm. Holden for bringing this to his attention and noted that this presents an opportunity for discussion and clarification. He presented the Board with a packet for the record that provides a history of bids that were approved. Mr. Moorehead referred the Board to the Board minutes from July 8, 2009, (page 6, paragraph 4) noting that the minutes reflect: *"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 30-day out clause. He explained that Bid FY01 is for Pharmacy services; the lowest responsible bidder meeting the specifications is Omnicare, and then the next five reflect that they are also three-year agreements."* He went on to note that because the minutes are not official until they are approved, the next section in the packet contains the minutes of July 21, 2009, which reflect the approval of the minutes of the prior meeting. Supt O'Mara noted that the third item is a sample of a letter that he sent in July, 2009 that was sent to all Commissioners. In the letter he states, *"Pursuant to the Hillsborough County Board of Commissioner's instructions regarding bids less than \$5,000, I have recently awarded several bids for goods and services to be provided to the Department of Corrections."* He noted that along with the referenced letter, he also provided all the bid documents and noted that these should reflect that he is following instructions regarding competitive bidding for items under \$5,000. Supt O'Mara noted that the next item in the packet is a letter to the Board relative to Compressor Installation; he explained that this is another bid under \$5,000, and that the Board gets a letter from him every time a bid is awarded so that the Board has assurances throughout the fiscal year that the DOC is complying with the Board's instructions; he noted that typically there is an explanation of why the bid is necessary.

Supt. O'Mara offered that he provides this information so that if a Commissioner is ever questioned by a constituent with a complaint that he/she did not get a chance to bid on something, then the Commissioners have background information relative to the bid. Supt. O'Mara referred to a bid for Psychological services that was approved by the Board and awarded to Paul Harris; it was a three-year agreement that was referenced in the minutes; the contract includes pricing for three years and indicates that the bid is awarded for three years. Supt. O'Mara informed the Board that he typically has renewed the contracts, extending the agreements drafted by Attorney Kirby many years ago; he noted that the reason the bid runs year-to-year is to allow the DOC to change if a different type of service is required. He further noted that the price does not change from the bid price, but occasionally there are small adjustments that need to be made within the contract.

Supt. O'Mara noted that the last document in the packet is the letter that Comm. Holden is referring to, which is similar to the letter that he sent last year except for paragraph 2, in which he states that he has discontinued the second year of the three-year contract, as an example when a change needed to be made.

Supt. O'Mara informed the Board that bids have been handled in the same manner for several years; he offered to proceed in any manner that the Board wishes; however, he noted that the three-year agreement is an advantage in projecting expenses and maintaining costs. He again offered to follow any procedure that the Board requested.

Comm. Holden suggested that in order to be transparent, it makes sense for the Board to review three-year contracts that are renewed each year; the result is that the Board would be reviewing and accepting them even though three-year agreements are typically unchanged. She explained that while this practice may have been followed for many years, there were so many bids involved in the recent communication that it made an impact and created a desire for discussion at the Board level.

Supt. O'Mara asked if the Board wished him to come back each year for review multi-year agreements. He noted that he does not believe any other Department brings these multi-year agreements back to the Board until it is time for them to be re-bid.

Mr. Wenger noted that the process has changed and that all bid documents for Business Office bids under \$5,000 are maintained in the Department; he noted that all Departments are required to maintain a record should a question ever arise relative to the bid. He agreed that to his knowledge, other Departments are not coming to the Board with bid information for bids under \$5,000; he suggested that the Departments send a letter informing the Board of its bids; this would open it up to discussion, if desired, and would maintain a public record. He noted that there have been times when the Board has approved the first year of a three-year contract, the Board could require that multi-year contracts be brought back for approval the second year. He offered that the vendors need some security that the contract will be in effect for the three years; he noted that all contracts have a 30-day out and are subject to the supplemental year's funding, so the vendors are aware of the limitations. He offered that perhaps a letter such as the Superintendent sent in this case, could be sent to the Board indicating that he has to approve (or the Board has to approve) a portion of a contract before a certain date so that the Board has an opportunity to discuss it; if there are any issues with respect to the service, they can be raised at that time. He noted that he is not suggesting that the Superintendent change the process, but perhaps notification can be given to the Board in its packet, subject to any discussion, which will be a part of the public record at a meeting

Comm. Pappas suggested that all Departments should follow the same procedure and asked that Mr. Wenger send a notice to that effect. Mr. Wenger noted that he is only suggesting that the Departments send the Board a letter indicating the bids they have done. He noted that the Board can simply review them; further noting that he is not asking the Board to approve anything, but this will address any questions so that if the Board reaches a point where it is uncomfortable with what is being done, it can go back to the \$1,000 requirement; he explained that this will, at a minimum, provide information for the record. Following discussion, the Board agreed that all Departments should provide information relative to the bids that have been awarded that are under \$5,000.

Mr. Wenger suggested that there is not a need for the level of detail that was provided by the Superintendent at this meeting and offered that perhaps an appropriate action would be for the Departments to provide the Board with a letter that outlines, for example, the purchases that have been made over the past six months, four months, or whatever the Board decides. There was discussion about the detail involved.

Supt. O'Mara informed the Board that when the Board moved to allow the Departments to handle purchases under \$5,000, it was clear in his mind that everyone needed to follow the procedure Mr. Wenger described. In response to a question from Comm. Clemons in reference to the low end regarding purchases that should be reported, Mr. Wenger noted that he would speak with the various Departments, but would suggest that it apply to purchases over \$1,000. He noted that the goal is to see what can be done without the process becoming burdensome as it was when all bids over \$1,000 required Board approval. Comm. Holden noted that it might be appropriate to hold this discussion at a Department Head meeting; Mr. Wenger concurred.

Comm. Clemons noted that it is the Board's job to watch expenses, but the goal is to make the process less cumbersome and not scrutinize every detail. Mr. Wenger noted that the Board does approve every expense when the appropriations are approved.

Mr. Wenger informed the Board that the previous Monday he met with the Department of Energy; he explained that their standard for bidding requirements for minor purchases is set at \$100,000.

Supt. O'Mara asked the Board if it wished for him to come back to the Board every year with multi-year agreements. Comm. Pappas indicated that she personally does not wish him to return every year; Comm. Holden noted that she does want to review multi-year contracts each year; she noted that in future bid motions that she makes, she will clarify that the approval is for the first year of the agreement. Comm. Pappas asked if that was not already understood, particularly with a 30-day out. Mr. Wenger expressed his concern with annual approval; he noted that if the Board is only approving the first year, it is not approving a three-year agreement; he offered that an action that the Board could take would be to approve the three-year agreement but only approve the funding for the first year, which technically is all the Board can do anyway.

Attorney Kirby informed the Board that the statutes encourage annual agreements, but it is often beneficial and efficient for the Departments and the County to have multi-year agreements because it frequently allows for a better price. She noted that the specific purpose of the 30-day out clause is to provide the County an opportunity to opt out of an agreement should it not be happy with the contract or if it does not have the funding. She noted that this also provides an opportunity for future Boards to review contracts and ask the Departments to renegotiate them and go back out to bid.

Comm. Clemons asked if the Executive Committee would have to approve a change in the process should the Board move in that direction. Mr. Wenger explained that during the budget process, the Board also has the opportunity to review all the contracts as they are itemized in the budget as the second or third year of a multi-year agreement in order to support the requested appropriation.

In response to an inquiry from Comm. Clemons, Supt. O'Mara responded that he does not have to meet with the vendor each year.

Mr. Wenger informed the Board the County has received notice from Mr. Noonan on behalf of the Teamster groups at the County Attorney's office and Department of Corrections on the intent to modify the collective bargaining agreements. He suggested that with the Board's consent he would forward the letters to Mr. Flygare. The Board noted its agreement with that course of action.

Mr. Wenger informed the Board that the New Hampshire Retirement System has copied all non-affiliated employees on a letter sent to the County relative to an over payment made by the County for which the System is reimbursing the County. He explained that the letter has caused much confusion which his office has been addressing with employees. He explained that the payment related to a payroll run in June 2009 that had been voided. The employees were not directly impacted in that no money was paid by them and they are not entitled to any credit but the County is entitled to reimbursement which it is receiving. Comm. Clemons inquired about how the information will be communicated to the employees. Mr. Wenger informed the Board that he will send a clarifying letter to the Departments.

Mr. Wenger informed the Board that he met with 5 Technical Assistants from the Department of Energy along with Capt, Cusson, Mr. Lencki, and Mr. Lowell. He noted that the County has received insight from three different Engineers relative to proposed projects; the County is awaiting reports back from the consulting engineers and if appropriate will proceed with the projects however if necessary adjustments can be made to the projects.

## **12. Public Comments**

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

Comm. Pappas thanked Mr. Reidy for providing the Design Charrette reports for the Towns and Cities. She noted that it has been suggested that a cover letter be included. Mr. Wenger noted that it could be done on Commissioner Letterhead, and agreed to email a copy to the Commissioners. Comm. Holden suggested that the report appear on the County and Cooperative Extension websites.

Comm. Pappas asked if there were other business before the Board. Comm. Holden noted that there is a request to consult with Counsel. Attorney Kirby asked for an opportunity to meet with Supt. O'Mara to meet in consultation with the Board. Comm. Pappas entertained a motion to recess.

**Motion:** To enter recess. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

The Board entered recess at 10:20 a.m.

The Board move out of recess at 11:03 a.m.

**Motion:** To move out of recess. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

### 13. Non-Public Session

There were no requests at this time for Non-Public Session.

Comm. Pappas asked the Board if there was any further business before the Board.

**Motion:** To table action regarding the CDBG proposal. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger noted that the Association of Counties Awards Committee is looking for people who will serve on the Committee. Comm. Holden offered to serve. Comm. Pappas suggested that the Departments be notified that it is the time of year to submit nominations. Mr. Wenger offered to send an email today encouraging the Department Heads to start thinking of nominations.

### 14. Adjourn

There being no further business before the Board, Comm. Pappas entertained a motion to adjourn.

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

The meeting adjourned at 11:07 a.m.

*Signed September 8, 2010*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date