

Regular Meeting of the  
Hillsborough County Board of Commissioners  
August 13, 2008  
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, G. Wenger, B. Moorehead, J. O'Mara, E. Robinson, M. Wageling, C. Kirby, M. Rusch, and L. Stonner

Also Present: S. Lyons, and members of the public.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 9:03 a.m. followed by the Pledge to the Flag led by J. O'Mara.

Comm. Pappas indicated that today's business would be taken out of order with the grievance matters heard at following the other agenda matters.

**3. Minutes**

**Motion:** To approve the Board meeting minutes of July 31, 2008. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that he had neglected to forward the Budget Meeting minutes for their approval and would have them for the next meeting.

**4. Business Office**

Approval of Payroll Registers

**Motion:** To approve the Payroll Register dated 08/07/08 in the amount of \$1,127,273.30, 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 08/12/08, in the amount of \$5,988,587.57, subject to review and audit, noting that it is for FY08. By Comm. Clemons, second by Comm. Holden. Motion carried.

**5. Department of Corrections**

Census

Supt. O'Mara presented the Department of Corrections' Census dated August 12, 2008. He reported that the DOC is holding 573 Inmates in custody. There are 509 men, which includes 167 that have been sentenced and 342 that are being held pre-trial. There are 64 women, which includes 14 that have been sentenced and 50 that are being held pre-trial.

Comm. Holden informed the Board that she has received many compliments about the DOC's Community Service program.

**Bid # FY09-77 – Parking Lot Asphalt**

Supt. O'Mara informed the Board that this is a confirmation of a Telephone Poll conducted on Thursday, August 7, to award Bid # FY09-77 for Parking Lot Asphalt to Bedford Seal Coating, the lowest responsible bidder, in the amount of \$2,525. He noted that he reached two members of the Board and asked for the Board's approval of the action taken.

**Motion:** To approve Bid # FY09-77 for Parking Lot Asphalt to Bedford Seal Coating, the lowest responsible bidder, in the amount of \$2,525, and to ratify a Telephone Poll of the Board that was conducted last week seeking approval of this action. Two Commissioners were reached and expressed support for the proposed action. By Comm. Holden, second by Comm. Clemons.

Comm. Holden noted that she was out of town when the Telephone Poll was conducted and she received a telephone message, but the message did not indicate that there was a Telephone Poll. She was unaware of the Telephone Poll, and if the message had clarified that information, she would have called in. She noted her belief that the Board is trying to get away from Telephone Polls and that it is better to accept bids through the course of a meeting and not by contacting the Commissioners individually. She expressed her opinion that the Business Office should conduct Telephone Polls, and she acknowledged that there are times when a Telephone Poll is necessary.

Comm. Clemons asked the Superintendent to explain what happened in this instance. Supt. O'Mara explained that the bid work had already been done, with the bid submissions received; the documents were prepared for the Board to be presented at today's meeting. However, he received a call from Bedford Sealcoating who had just finished another job. They had approximately \$1,000 worth of asphalt left over from that job. They offered to give the asphalt to the DOC at no cost, but could only do so if they would be getting the bid. In an effort to obtain this asphalt at no cost, he did go outside the normal practice of contacting the Business Office because Mr. Wenger was away. Comm. Pappas noted that she requested that Mr. O'Mara check with Attorney Kirby to be certain it be done properly.

Comm. Holden expressed her concern about the perception this may create because the Board did not see the bid and noted that in the future, she would like to see things done in the proper manner.

There being no further discussion, the Board voted the motion. Motion carried unanimously.

M. Wageling joined the meeting at 9:10 a.m.

Mr. Wenger updated the Board about the upcoming Symposium on Mental Health, Substance Abuse and the Criminal Justice System. Judge Nadeau has received contributions from a number of entities including the State Department of Health & Human Services, and State Department of Corrections. They are asking the Counties to contribute. It will be a free seminar and open to all. The Superintendent indicated that he will be sending a number of people and suggested that the County contribute through the Education & Training expense. Supt. O'Mara informed the Board that this is a very important issue since the prisons become the "dumping ground" for people who are not able to function in society. He noted that a person can be in the community if they take their medication, but if they do not, they go to jail. He further noted

that this creates punishment for people who should be in a facility where medication can be administered; there are two such facilities in the State currently. Supt. O'Mara noted that this is a very important issue, and that in a correctional facility the staff cannot force people to take their medications; however, that can be addressed in a specialized facility. Comm. Pappas noted that at last count five counties would be involved.

Comm. Clemons expressed his hope that issues regarding the care of those with Mental Health issues would be addressed, including changing the law if necessary. Mr. Wenger noted that legislators are being encouraged to attend the symposium.

## **6. Nursing Home**

Census

Mr. Moorehead was recognized. He presented the Nursing Home Census, noting that as of August 7, the Census was 280, which included 203 Medicaid residents, 46 private pay residents, and 31 Medicare Part A residents.

## **8. Old/New Business**

M. Wageling, County Attorney, updated the Board in relation to the Courthouse on Chestnut Street. She informed the Board that the Hillsborough County Domestic Violence Unit has been housed at the Manchester District Court since 1996. Relating to the development of the Family Court and all the things going on at the Superior Courthouse with the asbestos abatement project and subsequent negotiations, a decision was made for the Family Court to be housed in the Manchester District Court. Judge Kelley and a variety of other State players have more recently crystallized their thoughts on what will happen in that Courthouse, and they have let it be known that the space that is utilized for the Domestic Violence Unit in the Manchester District Court will be taken over. She further noted that an agreement was made a year ago that this Unit would not be displaced, but what she is now being told is that they are "going to try" to keep the Unit in the Courthouse.

Ms. Wageling noted that she has started trying to get support and information. She has not found any documents that outline an agreement in relation how the Unit moved into the Court. The best information she has found is that it came about as the result of a "gentlemen's agreement" back in 1996 when the building was given to the District Court and there was space that was not being utilized so it was offered to the Hillsborough County Domestic Violence Unit. The space was never finished and has exposed plumbing and heating on the ceilings, it is less than ideal for office space. She further noted that they have never been charged rent for that space. If the Unit is allowed to remain in the Courthouse, there will have to be a different arrangement for rent. She noted that much of the program is grant-funded and there is not any money in the budget to pay for rent. She will try for a solution without asking for money from the County. It is critical to have this Unit in the community; it has made a significant contribution to keep Manchester homicide-free in regard to domestic violence since the Unit was formed.

Mr. Wenger noted that the plan for the Chestnut Street Courthouse is back to the relocate, abate, renovate and reoccupy with December 2009 the target date for vacating the building.

E. Robinson informed the Board about an issue with what should have been the June 2008 State bill that DHHS eliminated and billed for the July bill. If this is the June 08 bill, the cap may be exceeded by about 2.4 million dollars, most of which is Hillsborough County (1.5 million).

She noted that the expenses are for May and in this County, it typically treats the July billing as the May bill because expenses are from May; billing is two months behind. The County accounting is based on the accrual basis. She noted the State is saying that this is an FY09 expense and they have gone from a 50% share to a 100% of the non-federal share, so they are in effect, double billing us. There will be a meeting with the State in two weeks at which time she will address this issue. She further noted that supplemental Nursing Home payments have not been paid, and she is concerned that the State will try to bill these in the same manner at 100%.

M. Rusch had no information for the Board.

## **7. Public comments on Agenda items**

While R. Montgomery was present from the public, he declined to speak.

## **2. Grievance Hearings**

Nursing Home AFSCME Group Grievance Matter – PM0544

Nursing Home AFSCME Group Grievance Matter – PM-0552

Comm. Pappas addressed the Grievants and asked if they wished to have their grievances heard in public or Non-Public session. They responded that they wished them to be heard in Non-Public Session.

The Board agreed to move into Non-Public session at 9:30 a.m.

**Motion:** To move into Non-Public session under RSA 91-A:3 II (a) to addresses grievances. By Comm. Clemons, second by Comm. Holden. Clemons-yes, Holden-yes, Pappas-yes. Motion carried.

The Board entered non-public session being joined by the grievants, representatives of AFSCME Council 93, and members of the Nursing Home administration.

The Board considered presentations on behalf of the grievant and administrations in case number PM 0544. Following the presentations, the Board took the matter under advisement.

The Board considered presentations on behalf of the grievant and administrations in case number PM 0552. Following the presentations, the Board took the matter under advisement

The Board recessed at 10:15 a.m.

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

The Board came out of recess at 10:23 a.m.

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

The Board voted to move out of Non-Public Session at 10:24 a.m. No action was taken during Non-Public session.

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

Comm. Pappas entertained motions as follow:

**Motion:** To deny Grievance # 0554. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Motion:** To deny Grievance # 0552. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Comm. Holden noted that while the Annual Report has been done for some time, there has not been a decision in relation to the dedication of the report. The Board discussed dedicating the report to former Commissioner Charbonneau. Following a brief discussion a motion was offered.

**Motion:** To dedicate the Annual Report to former Commissioner Rhona Charbonneau. By Comm. Holden, second by Comm. Clemons. Motion carried.

## 12 . **Adjourn**

There being no further business for the Board's consideration at this time, a motion to adjourn was accepted.

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

The meeting adjourned at 10:29 a.m. The next meeting will be held at the Nursing Home on August 27.

(SIGNED 8/27/08)

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date