

Regular Meeting of the  
Hillsborough County Board of Commissioners  
September 30, 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, P. Coughlin, L. Movsesian, E. Casey, C. Kirby, B. Moorehead, J. O'Mara, D Reidy, E. Robinson, M. Rusch, G. Wenger, and L. Stonner.

**Also present:** S. Lyons and Union representatives

**1. Pledge to the Flag**

Comm Pappas called the meeting to order at 10:00 a.m., followed by the Pledge to the Flag led by B. Moorehead.

**2. Administrative Business**

Minutes

The Board received Draft minutes today from the September 16, 2009 Board meeting. The Board agreed to address approval of those minutes at its next Board meeting.

Approval of Payroll Registers

**Motion:** To approve the Payroll Register 9/17/2009 in the amount of \$1,187,545.71, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Accounts Payable

There was no Accounts Payable to approve at this time.

Telephone Poll

**Motion:** To approve the Telephone Poll conducted on September 23, 2009 at the request of the Nursing Home. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Wenger noted that the Telephone Poll was conducted at the request of the Nursing Home following up on Bid Number 03-2010, Hospice Care. The Board had originally considered and tabled the bid at its September 16<sup>th</sup> meeting. The poll conducted on behalf of the Nursing Home, asks for approval to remove consideration of Bid Number 03-2010 from the table, to approve Bid Number 03-2010 for Hospice Care service, and to award the bid to Home Health & Hospice Care of Manchester, NH. The County will be receiving money as a result of that. Tabling the motion at the last meeting gave Mr. Moorehead time to speak with Legal Counsel regarding the bid process for this action. Mr. Wenger further noted that the minutes from the last meeting reflect that the County is not purchasing anything as a result of Bid # 03-2010; in this instance, selecting the highest bidder is to the County's benefit. He further noted that Counsel and Mr. Moorehead had the opportunity to discuss this and Counsel's understanding was correct in that the County is not purchasing anything with this bid; it is simply a bid where a service is being provided and the County is receiving an amount of money as a result of this, and that is why the highest responsible bidder is an advantage to the County.

Mr. Moorehead noted that the Nursing Home will be able to get payment from Hospice in only certain cases; these cases are dependent on the acuity of that patient.

Transfer # FY 2010-02

**Motion:** To approve Transfer # FY 2010-02 to transfer from Contingency to Human Services the amount of \$426,247, noting it will be used for Salaries & Wages, Social Security, Health & Accident, Retirement, Education & Conference, Printing & Binding, Postage, Telephone, and In-state Travel. Motion by Comm. Clemons; second by Comm. Holden for the purpose of discussion.

Comm. Holden read the following statement:

*“Fellow Commissioners, we have an opportunity to return monies to the county this morning. During the FY/10 budget process, the Human Services Director recommended the continuance of a Family Intervention Program begun in 1993 and the institution of a new Alcohol, Drug Diversion and Education Program (ADDE). The cost of these two programs as proposed would be \$477,750 less revenues that were not guaranteed.*

*The Board of Commissioners by a 2-1 vote approved the continuance of one program as well as the new program; the Budget Subcommittee approved both by a one vote margin; the Executive Committee voted 10-7, 10-5 and 10-4 to remove the Family Intervention Program, the LADAC new position and the ADDE program. The delegation put the two programs back in the budget on June 18, 2009; the discussion at the delegation meeting focused on the reasons the programs were taken out, and I quote from the minutes: “Rep. Jasper stated that part of the reason was this program is no longer a County responsibility.’ He stated that the State has taken over the responsibility over youth programs and all the related expenses. Rep. Jasper stated that the County now has the responsibility for the elderly, noting that the majority of the Executive Committee thinks the focus should be on the elderly population.”*

Comm. Holden quoted the Delegation minutes:

*“Rep. Winters spoke against the motion noting that at the Executive Committee it was a 10-5 vote (against funding). He stated that he wanted to reiterate that this motion is doing two things, restoring funding for 5 positions in the Family Intervention Program, and the second is to approve an entirely new program. Rep Vaillancourt moved and it was seconded by Rep. Graham to divide the question. Rep. Bergin (District 6) indicated that he would like to know the cost of each program and what is the impact on County taxes. The motion was divided and the Family Intervention was addressed first. Rep. Ober (District 27) spoke against the motion noting that she sits on the Finance Committee and there are millions of dollars appropriated in a bill that was passed by the House for Health and Human Services committee. She also noted that the State is taking action to support these programs for juveniles.*

*Rep. Kurk spoke against the motion on the floor noting two years ago in HB2, the Senate was successful against opposition by the Counties to rearrange how we pay for a variety of children and adult services. As a result, the Counties assumed responsibility for the non-federal share of expenses dealing with the elderly, and the State took over 100% of the responsibility of the non-federal share of all children’s programs. He continued by giving reasons that the County should not financially support children’s programs. He noted that if the motion is passed we would be accepting the state’s responsibility. No one wants to harm children, but this is the States responsibility, not the Counties. Chairman Pilotte reiterated the motion regarding approval of the Family Intervention Program, and on a roll call vote, the motion was adopted 55-36. In response to a question*

*regarding the amount of money in surplus, Rep. Pilotte noted that there is approximately \$20,000,000 and up to \$22,000,000 in surplus and he mentioned this was unconfirmed; he noted that there will be a motion later to adjust the County taxes to reduce the County tax rate by 2%. On a roll call vote the ADDE Program was accepted by a 47-42 vote.”*

Comm. Holden continued her statement:

*“The Delegation appropriates the money and the Board of Commissioners has the discretion to expend or to withhold the funds. The Board has a responsibility to the taxpayers and the Citizens to provide a full explanation of what went on. County Government has been compared by many to a feudal system; it is our responsibility as Commissioners to look at the full spectrum.*

*The County is no longer involved with children’s related programs, and yet the director is looking to continue one, and look to another. These programs are not essential services as defined by the Statutes. There has been no need demonstrated for the ADDE Program. It is not necessary for the operation of Hillsborough County. Under current law, the number of positions required in Hillsborough County is two: a Directors position (at 80 thousand plus, and a Human Services Assistant position (at 50 thousand plus plus, of course, the 40 % roll up costs.”*

Comm. Holden remarked:

*“Madame Chairman, I will be voting against this motion; it is an opportunity for the Board to not spend the funds this year; this is a Department under the Board’s direct control.”*

Comm. Holden noted that she did try to contract the Human Services Administrator during her regular hours, further noting that she has a question relative to the LADEC position and when it was approved by the Executive Committee. She communicated that there were three motions taken at the Executive Committee, one relative to the Family Intervention program, one relative to the ADDE, and one relative to the LADEC program, and it is confusing when one reads the minutes...they include putting both programs in, but the new position doesn’t fit in either one of the two programs...it is shared by the two.

Comm. Pappas asked if Ms. Robinson would care to respond. Ms. Robinson explained that during the budget process, the LADEC position was actually budgeted under the Human Services Department budget, and not separate in the ADDE program. She explained that she expects that there may be some sharing of that position, but the primary need that was expressed at the time was for the Family Intervention program. Ms. Robinson further explained that when she came to the Executive Committee’s last meeting, she provided the job descriptions for all three positions; the LADEC position and the two case managers. She indicated that she was told that it did not have to be approved again by the Executive Committee as the Delegation had approved it. Comm. Holden noted that must have happened when she stepped out of the room, to which Ms. Robinson responded in the affirmative. Comm. Holden inquired if there were any materials that Ms. Robinson had handed out in the packet to the Executive Committee the previous Friday. Ms. Robinson responded: “Yes, it was all the same material that she had given to the Board originally when she budgeted the positions...it was the annualized costs...exactly the same position with the job descriptions attached. Comm. Holden inquired about the Executive Committee’s decision, and Ms. Robinson responded that the determination was to go through the approval process again as the Delegation had approved the positions and the Executive Committee acts as a sub committee of the Delegation.

Comm. Holden inquired if Ms. Robinson had consulted with Legal Counsel, to which Ms. Robinson responded that she did consult Legal Counsel on this, and Legal Counsel did speak to the Executive Committee relative to the issue. Ms. Robinson explained that she left the previous day at 4:00 p.m. and it was her understanding that Comm. Holden came to her office at about 4:00 p.m., and she had left shortly before she came into the office. She noted that she had a Doctor’s appointment in Nashua at 4:30 p.m. She

went on to note that it was her understanding the Comm. Holden expressed some concern about the fact that she had “changed her hours;” but obviously that did not occur. Ms. Robinson explained that she typically works from 8:30 to 4:30 and typically gets in between 8:15 and 8:30 and leaves at 4:30. Comm. Holden expressed her belief that there was some miscommunication because she did not question Ms. Robinson’s hours, to which Ms. Robinson responded that perhaps that was the case but that came from staff and she does not believe that she would have said anything that had not been expressed. Ms. Robinson explained that the staff person called her immediately, very concerned regarding the issue

Comm. Pappas commented that she is certain that the Delegation minutes reflect motions that were made relative to the two programs, and it is important for the public to note that the pros and cons were considered.

Comm. Pappas asked if there were further questions or comments. Lacking any further comments, she called for a vote.

Commissioners Clemons and Pappas voted in favor of approving Transfer # FY 2010-02, and Comm. Holden voted against the motion. The motion carried.

Comm. Holden asked the Chair if she could speak to a point of personal privilege, to which Comm. Pappas responded in the affirmative. Comm. Holden offered that she was rather distressed about the allegation that she was questioning the hours of the Director of Human Services, noting that she never said that, and that there was a very brief conversation with the staff person who was hostile. Comm. Holden noted that she told the staff person that she had questions about the transfer, and noted that Ms. Robinson called the Business Office immediately afterwards, and perhaps if Ms. Robinson could have called her directly, and some of this could have been cleared up. Ms. Robinson indicated that she called the Business Office to learn what information Comm. Holden needed. Comm. Holden noted that she had left it with the staff person that she would discuss her question with Ms. Robinson during normal business hours.

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

No one from the public indicated a desire to speak relative to the agenda.

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

Census

Supt. O'Mara presented the DOC Census, noting that as of September 29<sup>th</sup>, the Census was 563, which included 510 men of whom 365 are being held pre-trial, and 145 have been sentenced. There were 53 women of whom 35 are being held pre-trial and 18 have been sentenced.

Supt. O'Mara informed the Board that he has two items that he wished to address under Old/New Business.

### **5. Nursing Home**

Comm. Pappas recognized Mr. Moorehead who presented the Nursing Home Census. He explained that as of September 24<sup>th</sup>, the Census was 282, which included 205 Medicaid residents, 39 private pay residents, and 38 Medicare Part A residents. He explained that the number of Medicare residents has increased, which is very positive, and that the current census is 278 with one bed-hold and 41 Part A residents.

Mr. Moorehead informed the Board that he has one item that he wished to discuss with the Board in Non-Public session relative to RSA 91-A:3 II (a).

Comm. Pappas congratulated Mr. Moorehead on behalf of the Nursing Home for the many positive articles that have appeared in the in various publications, noting that the County Nursing Home has been receiving some very good press.

## **7. Old/New Business**

### Security at Temple Street

Ms. Robinson noted that she has the contract rider and the service contract that was signed relative to a service agreement back in 2004 for the monitoring of fire alarms. She explained that she worked with Legal Counsel the previous day to come up with some different language, noting that she will do that by email today. She expressed her belief that “we should have enough to do an agreement.” Ms. Robinson explained that this monitoring of the security system, which also includes all the maintenance and parts, will cost the County approximately \$402 per month, resulting in an amount is a little less than the \$5,000 bid requirement amount. She noted that she will be proposing that contract to Stanley for a twelve month agreement. She further noted that there will be a number of other changes to the language in their rider, and that upon inspection; this will bring the security system online. She anticipates getting the changes from Stanley and be able to move forward.

Ms. Robinson explained that there is another change order; it is fairly substantial. The change order is for all the metal cornice work that is being done. There was a need to bring in a 135-foot aerial lift in order to be able to reach all sides of the building, and to go around the corners along the roof line to repair the cornice work and to replace the rotting wood that was discovered under the metal cornices in many areas. She explained that this change order is for a total of \$115,939, and there is also an encumbrance of \$12,000 for the cornice work; the expenditures will be \$296,614 total for the roof less the encumbered amount, so the total expense will be \$284,614. She further explained that this will leave adequate budgeted funds to cover the cost of the interior repairs, plus there is anticipated offsetting insurance revenue in the amount of approximately \$25,000 to \$30,000.

Register P. Coughlin asked when the bid requests would be sent out for the interior repairs, to which Ms. Robinson responded that she is still working on the bid documents, and is not sure when they will go out. She noted that there is a plan to do one room at a time. Ms. Coughlin noted that many of the books have been moved, so both rooms can be done at the same time.

Comm. Holden inquired if Ms. Robinson has a report from the NACo Annual Conference, particularly information relating to the elderly, to whom Ms. Robinson responded that she did take copious notes and it is in progress, and she will complete the report for the Board.

Mr. Wenger reported that he is scheduled to meet with DOC and Counsel and anticipates presenting information relative to the EEOP plan at the Board’s next meeting.

D. Reidy provided the Board with an update regarding the Design Charrette that is scheduled for the coming Friday and Saturday. He informed the Board that S. Griffin from the Town has provided maps for the Charrette Design Team; one map in particular shows transportation corridors into the Town as it relates to the County property and gives a good perspective on how large the County land is in relation to the Town of Goffstown. Mr. Reidy and Comm. Holden spoke about their efforts in sending news releases to the media. Mr. Reidy further explained that the DOC inmates have done a great job in readying the barn for the event; the portable toilets were delivered and set up.

Mr. Wenger offered that this event could not happen if it were not for the help and support of Mr. Reidy and his staff, and the Superintendent and his staff who have done yeomen’s work converting a storage barn into a habitable place for the event. Mr. Wenger noted that it is a challenge to reach out and get

people to attend and give their input. He also offered his thanks to the Charrette Committee that put this together, and to the Design Team that is going to be working on this project. Mr. Wenger informed the Board that tables, chairs, and other supplies will be delivered tomorrow. He noted that there may be a need for vans on Friday morning when the Design Team tours the property.

Mr. Reidy noted that the Town Department of Public Works will deliver digital reader Board signs today; the message will include directions for calling the Cooperative Extension for registration for the Design Charrette. There was discussion about a poster that was being distributed as well as email reminders to the Delegation and Town officials.

Mr. Wenger reviewed the Design Charrette agenda and shared with the Board the ideas and issues for consideration that developed at the Department Head meeting. They included:

- traffic patterns
- infrastructure, including phones and a need for a radio communication tower and other communications and energy issues
- becoming energy independent, possibly through high-speed transmission between the buildings,
- green energy such as wind or solar energy
- having the ability to have scenario training as well as shooting qualifications and an indoor range for the Sheriff's Department, and possibly the DOC
- a vehicle garage for the County fleet
- consideration of the water use and storage
- storage for the County Attorney's records
- becoming a regional site to address issues such as drug programs, psychiatric issues, juvenile issues, and regional education such as Special Ed.
- a Nursing Home campus to include: Independent Living, Assisted Living, Rehabilitation, and Nursing Home.
- a campground, golf course, or sports arena

Mr. Wenger encouraged the Board to have a discussion relative to the message it wants to send to the Charrette Team. The Board discussed a Nursing Home campus, recreational opportunities, a vehicle garage and the desire to preserve the rural environment along Rte. 114. Comm. Holden suggested that the real challenge is to have County facilities that the two cities and twenty-nine towns can feel that they are a part of. Mr. Wenger noted that while there may be something such as a campground developed as a source of revenue, the County may not be interested in managing it, but may consider allowing it on a lease basis so the County is not providing a service because as soon as the County is providing a new service, there is a tax impact. He noted that he believes that the County's goal is to look at the potential uses of the land, and where those uses would be, as well as whether there is a way that income can be generated that can work within the County's goals. He suggested, for example, that if there is consideration given to a Nursing Home campus, there should be thought given to whether the present Nursing Home will be a part of that campus, or whether a totally new Nursing Home will be needed, and if there is a better location to consider; the result may be that certain land is needed and reserved for County services.

Comm. Clemons mentioned that there is a County in New Jersey that owns three golf courses, and they are a financial boon for the County; he also mentioned that the State owns two ski resorts, one of which is managed by the State, and the other is managed by a private company.

Comm. Holden noted that she has information with proposed routes that Goffstown has approved as additional transportation corridors.

The Board discussed the role of the Commissioners at the Charrette.

## 7. Old/New Business

Supt O'Mara informed the Board that the roofing project at the DOC is scheduled for October. The work will be done by Therrien Roofing, which has submitted 26 names of potential workers for approval by the DOC. Supt. O'Mara noted that while the workers will not really be in the building, the structural integrity of the building will be compromised during the project, so the DOC prefers that none of the workers have a history with the criminal justice system.

Supt O'Mara informed the Board that the DOC has learned that some hand sanitizers have as much as 62% alcohol content. As a result, school children, for example, have been mixing the sanitizer with fruit juices and drinking it for the high, but it has resulted in alcohol poisoning. He noted that the DOC has not had any issues, but as a precaution, the sanitizers at the jail will be replaced with an alcohol-free product.

Supt O'Mara informed the Board that the DOC is preparing for the cold and flu season; he explained that the DOC has a climate controlled environment, and that everyone at the jail could be exposed to germs. He explained that the jail has 2 negative pressure cells that are designed to keep people in their own atmosphere, separate from the rest of the population. Supt O'Mara noted that the DOC is offering the standard flu shots to employees who are interested, but it unlikely that it will be offering the H1N1 shot because of the potential side effects, but will refer the employees to their own physicians for the H1N1 shot.

Comm. Clemons inquired if there were any plans to have the employees vaccinated, to which Supt O'Mara responded that the DOC offers its employees the hepatitis vaccine and a TB test. Mr. Moorehead noted that the flu vaccine is being offered County wide through Primex, but the H1N1 vaccine is not available at this time. He explained that the available H1N1 vaccine is primarily recommended for health care workers at this time; he will poll his staff to see who is interested in getting it, if available, but would rather not include families, particularly infants because of the potential side affects, also noting that because of the side effects, it is recommended that one consult his/her personal physician. Comm. Clemons asked if the Nursing Home has a contingency plan in place in the event that it is beset with a bad virus, to which Mr. Moorehead explained that the Nursing Home has a plan in the Draft stage that is similar to the Pandemic Plan that was developed two years ago that was reviewed with the Goffstown Police Department. He explained that if there are a large number affected, the concern is having enough beds for patients unless the hospitals come up with some sort of satellite plans, which a lot of them are currently working on.

Comm. Pappas noted that the Explorer Division of the Boy Scouts of America is inviting Board members to attend their Good Citizen Award Luncheon honoring New Hampshire's female Senate Senators scheduled for October 27. The Board discussed the luncheon and decided that it would not be able to attend.

Comm. Holden referred to a resolution for Silver Star 2010. The Board will review it and discuss it at its next meeting.

Comm. Holden noted that she will be receiving a sample contract for the Dental discount which she has spoken about at past meetings. The Board can decide if it wants to go with the program.

Comm. Holden spoke about "Network of Care," which is a trilogy with NACo and area Associations on Aging; there is a website offering community-based resources and tools for seniors and people with disabilities; mental health; and children. It is a network of care for seniors and people with disabilities, and there are a couple of pilot programs in California. She noted that it is a comprehensive portal for every service as well as links, support, advocacy, personal health records, and it is a creative way to reach out to the Senior Community with a state-of-the-art pre-qualified, non-commercial information and is

easy to use. It has a call center and is now being used throughout the country. She suggested that the site can be visited at: [www.networkofcare.org/](http://www.networkofcare.org/)

Comm. Holden informed the Board that she attended the last Rails to Trails meeting held on September 9<sup>th</sup>, and also attended the Hillsborough County Advisory Committee on Cooperative Extension and has a list of their upcoming events.

Comm. Clemons reported that the Mental Health Grant was awarded to Hillsborough County in the amount of \$200,000. There was discussion relative to the grant. Mr. Wenger noted that it is \$200,000 over the course of two years, and the next formal step will be to appoint a financial point of contact; first the County needs to accept the award, and then there are grant documents and special conditions that have to be met. He noted that he has spoken with Susan Stearns, who helped get this in on time; she had spoken with Dr. Hafiz and Judge Leary who would like to have a brief meeting with an individual from the Mental Health Center of Greater Manchester as well as someone from the County for an initial discussion relative to implementation and data tracking. Mr. Wenger informed the Board that there is a significant reporting requirement. Mr. Wenger suggested that the County authorize someone to accept the grant and to appoint a financial contact, if the Board wishes to go in that direction. Comm. Clemons suggested that Supt. O'Mara manage this grant since the Department of Corrections will derive the greatest benefit, and he offered to attend any meetings with the Superintendent to represent the Board relating to this grant. The Board granted Mr. Wenger the authority to be the financial contact; he noted that this can be changed.

**Motion:** To authorize Mr. Wenger as the financial contact for the Mental Health Grant. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Wenger communicated that he will keep the Board informed regarding the conditions of the grant. In response to a question from Comm. Clemons, Mr. Wenger noted that he would circulate further information as it becomes available. There was discussion relative to how the funds would be transferred from the Contingency line in the budget, and that there may be other funds needed for another grant that is pending. Mr. Wenger reported that he is waiting to hear back from Susan Stearns relative to dates for a meeting.

Comm. Clemons addressed the issue raised by Mr. Moorehead at the last meeting that relates to the prior approval of hiring employees to fill positions budgeted at \$1. He noted that since the last meeting, he received an email from Mr. Moorehead in which he communicated that prior approval of these positions has not been past the practice, and he had always been able to hire employees without coming to the Commission. Comm. Clemons asked to re-open the subject for discussion. Comm. Holden noted that on Page 3 of the minutes that the Board received this morning (from the last Board meeting); there is a synopsis of the discussion. She noted that it was her belief that she stated at that time that it was the budget book that included budget rules; she further noted that she did not have the exact language with her at this time. Supt. O'Mara' communicated that the instructions were in the FY 2010 Budget Book, and that he thought that a lot of people may have missed it, noting that both he and Mr. Moorehead missed the instructions, and that it was a change of how they have historically proceeded with all positions relating to that issue. Comm. Holden explained that the rationale was that the Commissioners could be reached if there were an emergency situation, and the Board agreed to address the issue if it becomes a problem.

Mr. Wenger explained that it was his understanding that the Board was trying to address concerns that consistently come up when things get to the Subcommittee's Executive Committee, meaning that approving a \$1 position is for all intents and purposes, approving the position, further noting that it has always been an assumption that the position is going to be filled; also, there was concern about the impact on the budget going forward. Mr. Wenger noted that Human Resources won't take any action until it has the proper documentation to substantiate authorizing it to fill a position.

Comm. Clemons asked Mr. Moorehead if he anticipates any problems related to getting approval for the \$1 positions, to which Mr. Moorehead responded that he would imagine that there would be a time when he would experience delays that could cost him a hire, particularly if it goes beyond 5 days, noting that currently it takes him 5 days to get a criminal background check, and if he can't get approval with that 5 day period and the 6<sup>th</sup> day arrives, that person could be gone. Comm. Pappas responded that the Board could do a Telephone Poll within that amount of time. Comm. Holden noted that it is rare for a Telephone Poll to take more than 24 hours; in fact at least two Commissioners are usually available by cell phone or email. Mr. Moorehead responded that if the Nursing Home can get a response within 5 days, he is comfortable with that. Comm. Clemons suggested that the County review the process by the beginning of the next budget process, and change the requirement, if necessary. Comm. Holden noted that she was sure that the Board would address the issue if there were problems. Mr. Moorehead requested that the requirement be effective going forward as opposed to retroactive. The issue was discussed further, and Mr. Wenger noted that he believed that all previous issues have been resolved.

Comm. Pappas observed the time and noted that grievances were scheduled to begin at 11:15 a.m. Mr. Lyons, who represents the Union, was not in the room at this time. Mr. Wenger informed the Board that he received an email the previous day after 4:00 p.m. from Mr. Lyons requesting a continuance with respect to the Grandmaison grievance, and an indication that the other pending grievance had been settled. He explained that he forwarded the email to Mr. Moorehead and has had no further communication, noting that the decision to postpone is up to the Board. Legal Counsel, C. Kirby noted that she also received an email request to postpone yesterday, which she forwarded to Mr. Moorehead; she offered that it is the Board's decision relative to postponing and suggested that Mr. Moorehead's input is important. Attorney Kirby pointed out that Mr. Lyons has made a request of Mr. Wenger and of herself to postpone a grievance, and neither Mr. Wenger nor she has the authority to grant that continuance.

There was discussion about the number of grievances and possible dates to hear the grievances, and the fact that there are three grievances that Mr. Lyons wants to schedule for late November. Comm. Pappas asked how Mr. Moorehead felt about that, to which he responded that he feels that he is left out of the loop, and offered that he did not understand why Ms. Grandmaison could not be here today, unless there is some emergency that he is not aware of. He further noted that he would be more than happy to talk to the Union about the second grievance, in which case Mr. Lyons has outlined some requirements to Legal Counsel that she forwarded to him that he needs to review them and follow up.

Comm. Pappas asked if the Grandmaison grievance should be held today or postponed, to which Mr. Moorehead responded that he did not favor continuing the grievance unless there was some kind of emergency that he was not aware of. Counsel suggested that if Mr. Lyons wanted to make a request, he certainly could come before the Board to make a request, but it should be for a mutual agreement to extend the time frame as opposed to a unilateral decision, and it is the Board's right to decide to allow that.

Mr. Wenger informed the Board that he had also received an email from Mr. Lyons requesting an extension for arbitration on the grievances that were recently heard; he noted Mr. Lyons made reference to a comment that Comm. Clemons questioned whether or not the Union would review these before doing something, therefore he was asking for more time to review before they go forward. Mr. Wenger noted that once again, this is a situation over which he has no authority...it would have to be presented to the Board.

Comm. Clemons noted his concern with one of the aforementioned grievances that involves a termination. He noted that if the Board grants the grievance, and is required to re-hire the person, any back pay required will be increased. He further noted that the longer the situation goes on, the more expensive that will be. Comm. Clemons suggested that the Board objectively give the issue consideration.

Mr. Moorehead informed the Board that Nursing Home administrative staff spent a good deal of time reviewing documentation yesterday in preparing for these grievances, and the Nursing Home staff is here today prepared to discuss them. He noted that he did not know anything about these issues until yesterday, and the second issue he learned about today. He recommended that the Board hear the Grandmaison grievance today unless there are mitigating circumstances.

Comm. Pappas suggested that Mr. Moorehead's suggestion was a good idea; however, Mr. Lyons is not here presently, and it is now 11:30. Mr. Lyons was located and joined the meeting. Comm. Pappas informed Mr. Lyons that the Board had an appointed time to meet with him at 11:15, to which he responded that he was in the room earlier, but stepped out in the hope of having a discussion with Mr. Wenger, further noting that Mr. Moorehead agreed to find him when the Board was ready to meet with him. Comm. Pappas informed Mr. Lyons that the Board just had a discussion, and it is her understanding that he wishes to postpone. She further stated that a request to postpone should be addressed to the Board of Commissioners, not other people. Mr. Lyons responded that he contacted Mr. Wenger with the understanding that he was the Commissioner's representative, in their absence.

He requested that the matter relative to Ms. Grandmaison be postponed as she is unable to make it, but she is interested in being part of the hearing, which he communicated the previous day by email. He further requested a postponement of Ms. Grygiel's grievance to allow the parties at the lowest level possible to resolve the matter prior to any hearings.

Comm. Clemons noted that since he made a statement in regard to one of these grievances, if approved for the record, that would be sufficient as far as he is concerned, therefore he supported granting the continuances.

**Motion:** To grant the Union's request for continuances. By Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Holden inquired if the Board should set a time limit, to which Mr. Lyons responded that it is scheduled for November 24, noting that there were four days offered in his email to Mr. Wenger. There was discussion that this would result in three grievances for that day. Mr. Wenger noted that the grievances will tentatively be scheduled for 10:00 a.m., this scheduling will allow for the majority of business to be conducted prior to the grievances and it will prevent Department Heads from having to wait around.

Mr. Moorehead inquired if the motion for continuance included both grievances, to which Comm. Pappas responded in the affirmative.

The Board discussed times of participation at the Charrette. Mr. Wenger offered that he will be meeting with Comm. Holden and Dan Reidy to finalize details.

Mr. Wenger noted that he had communication and email with Mr. Lyons regarding previously heard grievances, and the Union's filing with the PLRB for arbitration, further noting that the Union is asking for extension with respect to that, and that it is his understanding that it has to be done by today or tomorrow; they have done that; Mr. Lyons is willing to take those out to give them an opportunity to review it if the Board would grant an extension of time. Mr. Lyons explained that the Union has not received the Commissioners' responses, and that was part of that inquiry in that response as well. He noted that the Union did file, but the Union is willing to withdraw them from the PLRB, and re-file, if necessary, but he preferred to have the time to review the issues further prior to filing.

**Motion:** To grant the extension of time. By Comm. Clemons, second by Comm. Holden.

Mr. Moorehead indicated that he was not aware of what Mr. Lyons is talking about; he asked what the likelihood was that these grievances will be resolved, to which Mr. Lyons responded that at this point it is belief that they should be resolved.

Motion carried.

Mr. Lyons left the meeting at this time.

Comm. Pappas asked if there was any further business before moving into Non-Public session.

Mr. Wenger informed the Board that Jack Donovan of the NH Business Finance Authority is coming to speak to the Board at its next meeting relative to Recovery Zone Finance Bonds, and previous discussions regarding same. Comm. Holden suggested inviting representatives from Peterboro, Antrim, and Hillsborough so they can have the opportunity to hear the program. Commissioners Pappas and Holden suggested including the cities of Nashua and Manchester.

Mr. Wenger informed the Board of an issue with retiree insurance; he explained that all retirees converted to the new program, but there was one recent retiree whose paperwork was not done in a timely manner who was not transitioned to the new program as she should have been. He noted that the woman has recently passed away and her paperwork was in process when she passed. Mr. Wenger requested that the Board agree to leave her on the program she was on, further noting that Primex has agreed, and it has very little impact to the County. He explained that this is a special circumstance, and she has passed away, so it is not possible to go back and correct the deficiency in the paperwork she provided to the Business Office.

**Motion:** To leave the retired individual on the prior insurance program due to special circumstances and arrangements with Primex, noting that this is not a precedent-setting motion. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that he has the final plans for its review for the County Attorney's Chestnut Street office space. He explained that the first page outlines where the County Attorney's office will be, noting that it is basically where it is now, but the space is slightly expanded; the space utilizes offices around the outside with support staff through the middle of the space, further noting that every bit of space will be used. The library space will be designed so that it can be divided in two, so there can be the potential of one office, but not much more. In addition to the County Attorney's office, the Sheriff's Department will have a counter and office space. Mr. Wenger pointed out the Grand Jury space and noted that the second sheet shows the space that will be utilized by the Victim Witness program, which will be in the back of the building on the lower level. He explained that the County Attorney will be installing the sliding files that are currently being utilized by the Department of Corrections to maximize the storage space, and explained that unless there are objections, the project will move forward. Mr. Wenger informed the Board that he does not have the rental lease cost yet; it will be determined by the square footage that is utilized, and explained that the County has been given a formula that the State uses, which Administrative Services has communicated that it is the formula that the Governor and Executive Council has accepted in the past. Mr. Wenger noted that the County has not agreed to the formula; it has only acknowledged its understanding of the formula and a willingness to move forward. He explained that it is his understanding that this is the formula that is used with all State leases.

Mr. Wenger noted that he has two requests for Non-Public session; one request relates to RSA 91-A:3 II (a), a personnel issue, and the second relates to RSA 91-A:3 II (d), a lease matter. Mr. Wenger requested that the County Attorney and Rep. Movsesian join in the second Non-Public session.

Comm. Pappas noted that are two other requests for Non-Public session, and suggested that it would be appropriate for the Board to do the performance evaluations for which it is responsible. Legal Counsel, C. Kirby requested an opportunity to speak with the Board relative to pending litigation.

The Board discussed the minutes presented just prior to this meeting, and chose to wait to approve them at the next meeting.

## **9. Public Comments**

No one from the public indicated a desire to speak.

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

**Motion:** To go into Non-Public Session;

- under RSA 91-A:3 II (a) relative to personnel matters with Mr. Moorehead, Nursing Home Administrator,
- under RSA 91-A:3 II (d) with Mr. Wenger, Rep. Movsesian, C. Kirby, and two representatives from the County Attorney's office relative to a lease matter,
- under RSA 91-A:3 II (a) relative to performance evaluations, a personnel issue.

Motion made by Comm. Clemons, second by Comm. Holden. Pappas-yes, Clemons-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 11:52 a.m.

The Board met with Mr. Moorehead relative to a personnel matter; the Board met with Mr. Wenger, Rep. Movsesian, C. Kirby, and two representatives from the County Attorney's relative to ongoing lease negotiations regarding space for the County Attorney in Nashua.

The Board moved out of Non-Public Session at 12:39 p.m.

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

**Motion:** To recess to consult with Counsel.

The Board moved into Recess at 12:40 p.m.

The Board met with Attorney C. Kirby relative to two pending litigation issues.

The Board moved out of Recess at 12:52 p.m.

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

**Motion:** To go into Non-Public Session. Motion by Comm. Clemons, second by Comm. Holden. Pappas-yes, Clemons-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 12:59.

The Board met with Mr. Wenger relative to a personnel issue. Mr. Wenger advised the Board that an individual from the Business Office was currently out of work.

The Board moved out of Non-Public Session at 1:10 p.m.

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

Mr. Wenger informed the Board that there is an Accounts Payable Register ready for approval at this time. The Board agreed to sign the Accounts Payable Register at the conclusion of the meeting.

Comm. Holden noted that there are motions to approve.

**Motion:** To adjust the salary of the Business Office Manager at the Nursing Home as recommended by the Nursing Home Administrator. By Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To authorize Mr. Wenger to move forward with obtaining the lease proposal with regard to space for the County Attorney in Nashua. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To authorize settlement authority for the two litigation cases on behalf of Hillsborough County. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To approve the Accounts Payable Register dated 9/30/2009 in the amount of \$130,571.60, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

## 11. Adjourn

There was no further business for consideration; Comm. Holden entertained a motion to adjourn.

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

The meeting adjourned at 1:12 p.m.

*Approved 10/29/09*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date