

Regular Meeting of the  
**Hillsborough County Board of Commissioners**  
**October 19, 2011**  
Bouchard Building, Goffstown, NH  
Minutes of the Public and Non-Public Session  
(Not Official until Approved by the Board and signed by the Clerk.)

**Present:** Comm. S. Ziehm, Comm. C. Holden, Comm. Pappas, P. Coughlin, D. Dionne, C. Kirby, M. Montminy, B. Moorehead, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner

**Also Present:** D. Pierce-Rail Trail

**1. Call to Order**

Comm. Holden called the meeting to order 9:03 a.m.

**2. Pledge to the Flag**

Interim Superintendent D. Dionne led the Pledge of Allegiance.

**3. Administrative Business**

Minutes

**Motion:** To approve the following Board of Commissioner's Meeting minutes:

- August 24, 2011 Regular Meeting
- October 5, 2011 Regular Meeting

Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Approval of Payroll Registers

The Board reviewed and approved the Payroll Registers.

**Motion:** Comm. Pappas moved to approve Payroll Registers for the following dates and amounts:

- October 13, 2011 in the amount of \$258.56
- October 14, 2011 in the amount of \$80.00

for a total miscellaneous payroll of \$338.56, subject to review and audit. Comm. Holden seconded the motion. Motion adopted.

**Motion:** Comm. Pappas moved to approve a regular Payroll Register dated October 13, 2011, in the amount of \$1,038,211.24 subject to review and audit. Comm. Holden seconded the motion. Motion carried.

Approval of Accounts Payable Registers

The Board reviewed and approved Accounts Payable Registers.

**Motion:** Comm. Pappas moved to approve Accounts Payable Registers for the following dates and amounts:

- October 18, 2011 in the amount of \$386,296.44
- October 7, 2011 in the amount of \$50.00
- October 13, 2011 in the amount of \$857.00

for a total Accounts Payable of \$387,203.44, subject to review and audit. Second by Comm. Holden. Motion carried.

#### Transfers

Int. Supt. Dionne presented the transfers and explained the reasons for the requests.

#### Transfer # 2012- 05

**Motion:** To approve Transfer # 2012- 05 for the Department of Corrections to transfer \$100,000 from Salaries/Wages, line 4230-7010 and to transfer a like amount to Overtime Wages, line 4230-7011. Motion by Comm. Holden, second by Comm. Pappas.

Comm. Holden requested that Mr. Dionne provide detail for the record. Mr. Dionne explained the reason for this transfer; he noted that at the Executive Committee level of the budget process, it was determined that \$125,000 would keep the Community Service Program running; in an effort to do this, the Executive Committee determined that \$125,000 would be taken from the Overtime Wages, line 7011 and transferred to Salaries, line 7010 with related roll-ups to fund the two positions. Mr. Dionne added that this is a request to put the funds back into the Overtime line due to staff vacancies and overtime that has been necessary.

Motion carried.

#### Transfer # 2012- 06

**Motion:** To approve Transfer # 2012-06 for the Department of Corrections to transfer the amount of \$25,449 from Contingency Salaries/Wages, line 4199-7010 and to transfer the following amount to the following lines:

- \$19,210 to Salaries/Wages, line 4230-7010
- \$3,143 to Social Security, line 4230-7100
- \$3,096 to Retirement, line 4230-7130

for a total transfer of \$25,449. Motion by Comm. Pappas, second by Comm. Holden.

Comm. Holden noted that at the 6/23/11 Hillsborough County Delegation Meeting, a motion passed to increase Contingency Salaries & Wages by \$25,449 to cover the cost of the Collective Bargaining agreement between the Hillsborough County DOC and AFSCME Local # 3657. This budget transfer moves the appropriated funds to the department for which it was intended.

Motion carried

#### Transfer # 2012- 07

**Motion:** To approve Transfer # 2012- 07 for the Department of Corrections to transfer the amount of \$145,000 from Fuel Oil, line 4230-7650 to Gas Heat & Cooking, line 4230-7620. Motion by Comm. Pappas, second by Comm. Holden.

Mr. Dionne explained that the facility has used oil for its heat in the past but has completed a new heating plant that will be using gas for its heat going forward; the transfer will move the funds to the Gas Heat line. He added that the generator will still use oil so \$5,000 is being left in the Fuel Oil line for that purpose.

Motion carried

#### 4. Public Comment on Agenda Items

There were no members of the public present who wished to comment on agenda items.

#### 5. Department of Corrections

Census

Int. Supt Dionne presented the DOC Census. He noted that as of October 11, 2011, the Census was 520, which included 463 men of whom 330 were being held pre-trial and 133 that had been sentenced. There were 57 women of whom 37 were being held pre-trial and 20 that had been sentenced.

Administrative Transfer

Mr. Dionne reported that the Department of Corrections accepted the transfer of one inmate from Rockingham County; additionally, Hillsborough County transferred an inmate to Rockingham County; both transfers related to family issues.

**Motion:** To acknowledge the transfer on an inmate from Rockingham County to Hillsborough County and a reciprocal transfer from Hillsborough County to Rockingham County. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Council of State Governments Justice Center - Hillsborough County Mental Illness Diversion Program

Mr. Dionne directed the Board to the article he provided relative to the Mental Health Court that illustrates the effectiveness of the program in New Hampshire, particularly Hillsborough County.

Int. Supt. Dionne reported on the recent Correctional Officer Graduation Ceremony and thanked Comm. Holden for attending the graduation. Comm. Holden read the certificate for the record. She noted that the DOC did a great job; it was a good presentation and there were an impressive number of relatives that attended. Mr. Dionne added that 132 people attended.

Comm. Holden read the certificate and moved to approve the Certification and to have the Commissioners sign it.

**Motion:** To approve the Certification of the following Correctional Officers, noting that they have successfully completed the requirements pursuant to the Hillsborough County Department of Corrections, Correctional Officer Certification Policy (A-129), as set forth by the Hillsborough County Board of Commissioner's Certification Board, this Certification Affirms the following graduates of the 44<sup>th</sup> Hillsborough County Department of Corrections' Training Academy as Certified Correctional Officers:

David Ainsworth  
Rene Bordeleau  
Brian Cloutier

Kurtis Haberman  
Cody Healy  
Justin Mann

Christopher Condon  
Cameron Coulombe  
Jeremy Davis  
Anthony Griffin

Nicholas Rosa  
Brice Spaulding  
Anthony Vissa  
Spencer Vrouhas

Comm. Pappas seconded the motion. Motion carried.

## 7. Nursing Home

Mr. Moorehead presented the Nursing Home Census; he reported that the Census as of October 13<sup>th</sup> was 279, which included 192 Medicaid residents, 55 Private Pay residents, and 32 Medicare-Part A residents.

Mr. Moorehead provided information regarding September's Revenue. He explained that the budgeted revenue for Room & Board for the month was \$1,821,129 while the actual was \$1,761,753 adjusted and unaudited, which resulted in a negative variance of \$59,376. He added that the difference is due primarily to September being a 30-day month. He added that the census for the month was good; the average was 278.55; the budget was 280.

Mr. Moorehead reported that he was asked to put together an update for the upcoming Executive Committee meeting relative to the Nursing Home revenue year-to-date. He explained that the actual Room & Board for the first three months is \$5,427,853; total ancillary revenue is \$139,170, and after adjustments of \$32,564, the net revenue is \$5,534,459. He explained that the budget for the period for Room & Board and ancillaries is \$5,463,388, thus for the first quarter, the Nursing Home is ahead of budget by \$71,071.

Mr. Moorehead informed the Board that MDS 3.0 remains a concern with respect to payment. He added that the anticipated effect of the change in Medicare reimbursement is that Medicare revenue will drop approximately 11.2%. Mr. Moorehead added that Bed Tax revenue was received in early October; the estimated rate of Bed Tax is 3.1 million dollars for the year, or \$782,722 per quarter, but they have received only \$587,688, which is a negative variance of \$195,034. He explained that the reason that the Bed Tax is low is that the State converted 25% of Bed Tax revenues; it will come back through Human Services as a credit, but it is no longer on the Nursing Home's books.

Mr. Moorehead, in response to a question from Comm. Ziehm, explained that the additional employees were hired as proposed in the budget for the purpose of generating more services. He added that the therapy component was added with the hope that it will generate increased revenue by enhancing the Medicare Part A rate and Part B reimbursement. He added that he is still concerned because of the change in the Medicare rate effective October 1<sup>st</sup> when MDS 3.0 goes into effect.

## 7. Registry of Deeds

### Revenue Update

Register Coughlin provided an update of the Registry of Deed's revenue. She explained that Tax Stamps are up for the quarter, primarily due to large commercial sales. She added that the document count has been going down and noted that copy fees are down state wide 30 to 50%; it is a topic of concern that will be discussed at the NHAC Conference by the Registers of Deeds from across the State. Ms. Coughlin added that she would like to investigate what will happen after July 1<sup>st</sup> regarding operating systems that the Registries use so that she can come back with information regarding options going forward. Comm. Holden asked about the current contract; Ms. Coughlin responded that it ends June 30<sup>th</sup> of this year. Further discussion ensued relative to the possibility of extending the current contract, if necessary, as well

as the need to look for savings and options. Comm. Holden added that it might be wise to have a consultant look at the issue, and to discuss what can, and cannot be done.

## **9. Old/New Business**

David Pierce was recognized; he is representing the Goffstown Rail Trail Development Committee at this meeting, and he is also a Goffstown Selectman. Mr. Pierce presented information and a request regarding changes he is asking the County to make behind its Complex Buildings to accommodate access to the Rail Trail by the public. He provided a handout and a map of the Complex buildings. He explained that his committee looks at grant opportunities for construction work on the Rail Trail, looks at various problems, offers solutions and makes recommendations to the Selectmen, who then would make an appropriate decision. He referred to a problem with shared use of areas behind the County Complex buildings that encroach on what was formerly railroad land that was purchased by the Town in 2004. He added that the Rail Trail has been there for over 100 years, formerly as a railroad property, and over the years, the abutters of that parcel of land have erected shed, fences, driveways, and septic systems that encroach a bit into the parcel that was formerly railroad land. He added that in every case thus far, the encroachments have not been detrimental to where the Rail Trail wants to build the pedestrian and bicycle path, so a revocable license was provided to the property owners indicating that they may maintain their driveway, fence line or shed where it is because it is not detrimental to Rail Trail use. He went on to explain that that is not the case with the property behind the County's Complex buildings; he added that historically, the County has had a need to put a vehicle behind the buildings to access the structures. Mr. Pierce added that the buildings were put up in the days when zero setbacks from the property line were allowed. He explained that as one opens the door to the back of a County building, one is stepping on someone else's property. He added that there is a historic use that needs to be recognized as well as the need to develop solutions for its use. Mr. Pierce noted that if there was no issue with use, the Rail Trail would be built down the center of the old railroad tracks, but that is where the County's maintenance staff has accessed the buildings.

Mr. Pierce offered a solution that would have the Town of Goffstown providing a revocable license dedicating 18 feet of land that is closest to the building to be the County's access lane for maintenance access to the rear of the buildings; there would also be another 5 feet of land before reaching a fence, which would allow for snow removal. In the development of the Rail Trail, the 10 foot path would be moved further towards the river, displacing it off the center line on the other side of an attractive split rail fence. He summarized by saying that the proposal he offered would provide a long term solution to the County and the Town's shared access with that 43 foot wide parcel of land.

Mr. Pierce added that the immediate short term issue is a metal barrier that is located behind the buildings that prevents access to the prison heating plant; in the winter, there is a plowed lane down the center of the Rail Trail to access the heating plant from Henry Bridge Road that is detrimental to the use of the Rail Trail for cross country skiing. He suggested that a solution to the short-term problem would be to remove the metal barrier, either permanently, or it could be moved 100 yards to the far side of the heating plant so that the maintenance staff would be able to access the prison heating plant from the direction of the main parking lot. He added that he is hopeful that the Board would be able to resolve the immediate problem by authorizing removal of the metal barrier with a long term goal of having the Town provide a revocable license that would outline the shared use of the land. Mr. Pierce offered to answer questions and provided written maps and material for the Board's use.

Comm. Holden added that it is the State Prison that accesses its heating plant from Henry Bridge Road. Mr. Pierce noted that if the metal barrier was removed, the prison could have access from the main parking lot side of the building. Discussion ensued relative to the metal barrier, and why it was installed.

Mr. Pierce added that the Rail Trail Development Committee is funded to proceed with development of the Rail Trail up to edge of the State Prison fence line that would include split rail fences on both sides of the foot path that would be on Town land as well as vehicle bollards at the street that would prevent vehicles from entering the Rail Trail. Mr. Pierce added that today's presentation was intended to start the discussion toward a solution for the shared use of land. He added that he met with the Warden at the State Prison and a gentleman from Concord relative to this issue; they agreed that they would be favorable to consideration of changing the access from Henry Bridge Road to the direction of the parking lot. They also agreed that walking access around the fence line could be accomplished with a snow blower instead of a vehicle plowing a 14-foot lane.

The Board discussed the need to coordinate any proposal with the State Prison, the County, and the Town. Mr. Wenger offered that if the Board wished to pursue the issue that it may want to consider appointing someone to work with Mr. Pierce and the Town going forward. The Board agreed to take the issue under advisement and address it at its next meeting. Comm. Ziehm thanked Mr. Pierce on behalf of the Board for his presentation.

#### U. S. Board on Geographic Names Request

The Board addressed the Names Request that was discussed at its previous meeting. The Board agreed to leave the issue for the Town to address and agreed to take no action, as none was required unless it wished to weigh in on the proposed name change. Comm. Holden noted that she spoke with people at the Town level and learned that there were mixed opinions relative to the name change.

#### Wilton Heritage Commission letter.

Mr. Wenger referred to the copy of the letter from the Wilton Heritage Commission that was sent to the owners of the land that surrounds the County owned Wilton Cemetery relative to its request to allow Heritage Committee members, qualified professionals and equipment access to the cemetery for the purposes of maintaining the cemetery on an "as needed" basis and for other purposes. Following discussion relative to problems with access in the past, the Board agreed to have Legal Counsel speak with the owners; she will coordinate with Mr. Wenger and Mr. Dionne and report back to the Board.

#### Study Groups Update

Comm. Ziehm asked for an update regarding the Study Groups. Comm. Pappas explained that the Revenue Study Group has met three times and has reviewed each revenue line so that everyone would understand where the revenue comes from. At the last meeting, there was a lengthy discussion relative to the Women's Prison and the revenue potential of the building; discussion was also held relative to the County property and land that could be developed as well as the possibility of moving the Registry of Deeds to the Complex property. Also under discussion was the Human Services Department and case management. Mr. Wenger added that he recalls discussion relative an opportunity of increasing revenue by developing an alcohol awareness program. He added that there are no numbers available relative to such a program and urged caution regarding speculation on potential revenue moving forward. Comm. Pappas indicated that she and Ms. Robinson will be visiting Life Coping and will spend half a day with them. Comm. Pappas added that the group also discussed assisted living and continuum of care. Mr. Wenger noted that the group plans to further address potential for what the County has presently that could generate revenue as well as continued care and opportunities at the Nursing Home going forward.

Comm. Ziehm added that Chairman Seidel has inquired relative to possibilities for the building that is leased by the State for Women's Prison.

Ms. Robinson added that it was her understanding that those attending the meetings were supposed to come prepared to brainstorm creative ideas for increasing or generating new revenue; and it was her opinion that everything that was discussed would require significant further investigation. She noted that she is hopeful that new ideas for generating revenue will be discussed. Mr. Wenger added that the consensus seems to be that any significant help on the revenue side of the budget is going to be long term; the majority of ideas that were discussed will require a good deal of time and investigation.

Comm. Holden reported on the Expense Study Group Meetings. She added that any projected increase in revenue is likely to have a related expense, and in this economy, it is wise to proceed cautiously. She added that the group members agreed to present information relative to each Department's expenses for the second meeting. Ms. Robinson presented information at the second meeting; Sheriff Hardy and Register Coughlin presented expense information regarding their Departments at the third meeting. Comm. Holden added that the DOC and Cooperative Extension will present at the next meeting.

Comm. Holden added that there have been three Cooperative Extension Advisory Council meetings across the State regarding regionalization and re-extension of the Coops with a goal to "reinvent, reconnect, and reinvigorate;" Cooperative Extension regionalization will be a topic at the NHAC Conference. Mr. Wenger added that the Coop study group has been working for 90 days; recommendations will be brought forward and there will be an input-gathering period, and then a proposal will be prepared for the UNH President and the Provost for consideration. Further discussion ensued relative to the Cooperative Extension regionalization and the timing relative to the budget.

Comm. Ziehm commended Capt. Cusson and M. Montminy for their presentation at the Operations Study Group Meeting. She added that the group is considering shared buying and leasing as potential savings opportunities.

Mr. Dionne informed the Board that he received a request to change the date in the land use request for K-9 training submitted at the last meeting by Officer Chris Weeks of the Goffstown Police Department; he would like to change the date from October 26<sup>th</sup> to November 16<sup>th</sup> with the same stipulations. Comm. Holden asked that the Insurance date be changed to the new date.

**Motion:** To change the date of the Goffstown Police Department's K-9 training activities from October 26<sup>th</sup> to November 16<sup>th</sup> noting that the same conditions will apply. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Dionne informed the Board that he had a meeting with the Manchester Police and many other people the previous Friday relative to inmates assisting with clean up of the alleys in Manchester. The City's unions would not sign off on the task, so the City will have to make other arrangements.

Mr. Wenger addressed dates for the Superintendent search; he offered dates; the Board agreed that November 2<sup>nd</sup> in the afternoon would be the best date for the Commissioners. It was noted that other participants would not be available that date. Mr. Wenger will pursue alternative dates.

Mr. Wenger informed the Board that he has Mental Health Collaboration Program Planning and Implementation Grant documents for the Chair to sign; the Board has previously authorized this action, so it simply needs the signature of the Chair at the end of the meeting.

Mr. Wenger explained that the County Attorney's office has moved out of Nashua and is actively engaged in work at 300 Chestnut Street; he added that the Court held hearings the previous day, the Grand Jury meets the following day, and the County Attorney's space is in great shape with a few minor details to address. He reported that the move went very well; there were a couple minor glitches

regarding phones and fax lines that are being addressed. Mr. Wenger expressed his thanks to M. Rioux, Office Manager, for her incredible effort in organizing the move. He also thanked Mr. Dionne, Officer Sawyer, and the Community Service crew that did a great job the previous day to help clear out 30 Temple Street; that task is complete; the keys and cards have been turned in. He added that the Community Service crew saved the County as much as \$3,000 to \$5,000 in moving expenses.

#### **11. Public Comment**

There was no one present who wished to comment.

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

Mr. Wenger requested an opportunity to meet with the Board and Mr. Moorehead in Non-Public Session consistent with RSA 91-A:3 II ( a) relative to personnel.

The Board agreed to address the aforementioned issue in Non-Public Session.

**Motion:** To move into Non-Public Session to meet consistent with RSA 91-A:3 II (a) to discuss a personnel issue. Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public session at 10:22.

The Board met with Mr. Wenger and Mr. Moorehead relative to a personnel issue.

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

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

#### **11. Adjourn**

There being no further business, Comm. Ziehm entertained a motion to adjourn.

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

The meeting adjourned at 10:34 a.m.

*Signed 11/16/11*

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

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Date