

Regular Meeting of the  
Hillsborough County Board of Commissioners

October 25, 2007  
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, J. O'Mara, M. Lencki, M. Rusch, M. Wageling, D. Reidy, and L. Stonner.

Also Present: T. Flygare, Esq.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 3:43 p.m. M. Wageling led those present in the Pledge to the Flag.

**2. NH AFSCME Tentative Agreement – T. Flygare**

Mr. Flygare was recognized. He advised the Board that a tentative agreement had been reached on September 14<sup>th</sup> with AFSCME Local #2715 representing employees of the Nursing Home. He reviewed the terms of the tentative agreement and provided the Board with a copy of the draft agreement, estimated costs and a status of the collective bargaining agreements across the County. He explained that the tentative agreement is a four-year agreement going back to 2004-2005 through June 30, 2008 noting that this unit has not had an agreement since the 2004 timeframe when it had rejected a previous tentative agreement. He informed the Board that there are no cost factors that are retroactive prior to the current fiscal year and that the terms, upon signing the agreement, will be effective as of September 14<sup>th</sup>, the date of the tentative agreement. He noted that the agreement settles all previous years and advised the Board that the bargaining unit has ratified the agreement.

Mr. Flygare outlined the negotiated terms including the wage adjustment, which include a one grade level adjustment for all positions, representing approximately a 5% increase and a 3.5% across the board adjustment. He informed the Board that this agreement does not include the merit component; it also does not include a step increase. Mr. Flygare explained that while the increase represents a total increase of 8½%, the cost for the current fiscal year will not be that high as the raises do not take effect until September 14, 2007, the date of the tentative agreement. Additionally he noted that some of the expense would be offset by changes in the Health Insurance, explaining that the employee contribution will increase to 22.5%, and there will be a change in the prescription plan to a \$10/20/30 co-pay for 30-day Retail or 90-day mail order prescriptions. He informed the Board that the weekend differentials will increase from \$1.00 to \$2.00, consistent with management's objectives, and noted that it is anticipated that this will result in improved staffing of the Nursing Home on weekends. He noted that there would be a modest \$.20 increase for 2<sup>nd</sup> and 3<sup>rd</sup> shifts, which should be helpful in terms of staffing those shifts. Mr. Flygare explained that the total increase represents approximately a 5%, change taking into consideration the costs and savings, and that if the increase were to be averaged over the four-year term the increase represents an adjustment of approximately 1¼%.

Mr. Flygare went on to explain that the agreement also provides that the Administrator may hire individuals into the positions of Nurse I, Nurse II, Charge Nurse (LPN), Charge Nurse (RN), COTA, and PTA at up to the mid-point of the wage range, provided that if a new employee is paid more than a current employee with similar qualifications, the current employee may request an adjustment from the Administrator. He expressed his belief that this is a significant provision, which will give the Administrator more flexibility and the opportunity to be more competitive in hiring people for the Nursing Home. He explained that the agreement also provides that employees who agree to work an overtime shift, but fail to show up, shall not be eligible for overtime for one month, or for a period of two months in the case of a second incident within a six-month period.

Mr. Flygare thanked the Board, Mr. Moorehead, Mr. Wenger and those who have served as a part of the team during the negotiation process, stating that he was pleased to be able to bring this settlement to the table after the extensive

negotiations. Commissioner Pappas thanked Mr. Flygare for his effort. A discussion followed after which the Board moved ratification of the agreement.

**Motion:** To ratify the agreement reached with Local # 2715 of the American Federation of State, County and Municipal Employees, AFL/CIO, representing the employees of the Hillsborough County Nursing Home, and to forward the agreement to the Executive Committee and the Delegation with a request for review and approval of the cost items. By Commissioner Holden, second by Commissioner Clemons: Motion carried.

Mr. Flygare mentioned that there has been communications and discussions with representatives of the AFSCME unit in the Sheriff's Department concerning returning to the bargaining table, and he is hoping for a meeting date in the near future.

### 3. Minutes

September 27, 2007

**Motion:** To approve the minutes of the meeting of September 27, 2007. By Comm. Holden, second by Comm. Clemons: Motion carried.

October 11, 2007

**Motion:** To approve the minutes of the meeting of October 11, 2007. By Comm. Clemons, second by Comm. Holden: Motion carried.

### 4. Business Office

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated 10/18/2007 in the amount of \$1,073,944.38, subject to review and audit. By Comm. Holden, second by Comm. Clemons: Motion carried.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 10/23/2007 in the amount of \$532,401.64, subject to review and audit. By Comm. Clemons, second by Comm. Holden: Motion carried

Telephone Polls

**Motion:** To confirm the Telephone Poll dated 10/16/2007 at the request of the Department of Corrections to authorize the Superintendent to accept the transfer of a male inmate from Rockingham County. By Comm. Holden, second by Comm. Clemons: Motion carried.

**Motion:** To confirm the Telephone Poll dated 10/24/2007 to authorize the Superintendent to accept the transfer of a male inmate from Merrimack County Department of Corrections. By Comm. Clemons, second by Comm. Holden: Motion carried.

### 5. Nursing Home

M. Lencki presented the Nursing Home census, noting that today's census is 283, which includes 212 Medicaid residents, 39 private pay and 32 Medicare residents. Included in this group are 6 in-house Hospice residents, and

18 ELU residents.

#### Bid # 8-2008 Electronic Filing System

M. Lencki referred the Board to Bid # 8-2008 for an Electronic Filing System and explained that PIF Technologies, Londonderry, NH is the lowest responsible bidder at a price of \$31,945. Mr. Lencki noted that this bid is for software and hardware, and the second bidder, PIF Technologies, did not comply because it could not provide the hardware.

**Motion:** To approve Bid # 8-2008 Electronic Filing System, as stated. By Comm. Clemons, second by Comm. Holden: Motion carried.

#### Bid # 11-2008 Fuel Oil

M. Lencki presented Bid # 11-2008 for Fuel Oil. He noted that the market is very volatile presently, yet Sprague Energy is holding to its bid price of \$2.138 per gallon for #4 Fuel Oil for the Nursing Home and \$2.30 per gallon for #2 Fuel Oil for the DOC and the Complex. He noted that last year's price was \$1.69 and \$1.94 per gallon.

**Motion:** To approve Bid # 11-2008 for Fuel Oil for the Nursing Home as well as for DOC and the Complex: This bid includes Item 1 for #4 Fuel Oil for the Nursing Home, at a price of \$2.138 per gallon, to Sprague Energy, the lowest responsible supplier, and to approve Items 2 and 3, for #2 Fuel Oil for the DOC and the Complex, noting that the lowest responsible supplier is Hanscom Truck Stop at \$2.30 per gallon. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons asked why the bid was for two different types of fuel oil. M. Lencki explained that the boilers function differently and use different grades of oil.

Motion carried.

#### Bid # 12-2008 Propane Gas

M. Lencki presented Bid # 12-2008 for Propane Gas, for the Nursing Home laundry and cooking line, at a price of \$1.79 per gallon, noting that the propane market is also volatile, and that last year's price was \$1.48.

**Motion:** To approve Bid # 12-2008 for Propane Gas for the Nursing Home to Eastern Propane, Rochester, NH at a price of \$1.79 per gallon, noting that it is the lowest responsible bidder. By Comm. Holden, second by Comm Clemons: Motion carried

## 6. Department of Corrections

### Census

J. O'Mara was recognized. He informed the Board that the census at the facility as of October 18, 2007 was 508. He noted that 450 were men, of whom 143 were sentenced, and 307 were being held pre-trial. On the women's side of the house, there were 58 female inmates; 19 were sentenced, and 38 were being held pre-trial, as well as one being held for the NH State Prison.

J. O'Mara informed the Board that an individual arrested by the Milford Police Department some time ago remains at his facility, noting that she has refused to participate in the judicial process. Mr. O'Mara indicated that what had

started as a modest management issue has turned into a significant challenge for the DOC. He reported that the individual is eating, and drinking, and that as many as eight of her supporters continue to visit on the outside daily. He indicated that local law enforcement has been a big help with the situation. He indicated that he anticipates that the inmate will probably continue to remain at the facility as long as she does not recognize the process.

#### Graduation of Correctional Officers

Mr. O'Mara requested that the Board certify the graduates of the 37<sup>th</sup> Corrections' Training Academy.

**Motion:** To certify the members of the 37<sup>th</sup> DOC Officer Candidate Academy pursuant to Department of Correction's Policy A-129, having completed the course of study approved by the N.H. Association of Counties Correction Officer Candidate Board. Graduates were Courtney Faucher, Nikki Feindel, Shawna Gosselin, Shawn Hartman, David Higgins, Andrew Holmes, Andrew Khoury, Michael Manning, John Mason, Hector Mateo, Richard Rheume, Erica Rogers, Russell Sloan, Justin Swift, Stephen Thomas, and Woodrow Weatherby. By Comm Holden, second by Comm. Clemons: Motion carried.

Mr. O'Mara requested a short Non-Public Session under RSA 91-A: 3 II (a).

**Motion:** To go into nonpublic Session under RSA 91-A: 3 II (a) to discuss a Department of Corrections personnel issue. By Comm. Holden, second by Comm. Clemons – Holden, yes, Clemons, yes; Pappas, yes: Motion carried.

The Board entered non-public session at 4:12 P.M

The Board met with the Mr. O'Mara who reviewed the vacant lieutenant position and his recommendation to promote Mr. William Scurry. The Board reserved action until it returned to public session.

The Board came out of non-public session at 4:18 P.M.

**Motion:** To come out of non-public session. By Comm. Holden, second by Comm. Clemons – Comm. Pappas, yes; Comm. Holden, yes; Comm. Clemons, yes: Motion carried.

**Motion:** To approve Superintendent O'Mara's nomination and promotion of Lieutenant William Scurry to Director of Programs at the Department of Corrections. By Comm. Holden, second by Comm. Clemons. Motion carried.

## 7. County Attorney

Bid # CA2007-02

Attorney Wageling asked to Board to consider Bid # CA2007-02. She explained that her assistant, Pam Boardman, became aware of a non-profit organization, U.S. Communities, which offers a substantial discount if you participate in the program, and she noted that other NH counties that participate include Merrimack and Rockingham Counties, as well as the NH Department of Corrections, many towns, cities, schools and other non-profits. Comm. Holden noted that she is familiar with the U.S. Communities program through the Association of Counties and is happy that Hillsborough County will be participating. M. Wageling informed the Board that she had requested that C. Kirby review the program agreement, and that it was her understanding that Mrs. Kirby saw no problem with the agreement.

M. Wageling noted that a "lead public agency" must sign the agreement, and suggested that she would be willing to do so as the County Attorney; however, she recommended that the Board of Commissioners sign the agreement so

that all the County agencies could participate under this program in terms of the bidding process. She noted that

U.S. Communities would assist in finding the lowest bidder that would qualify for our purchasing, and there is a substantial discount. She went on to explain that in the case of the bid before the Board, through participation in the U.S. Communities program, results in a discount and savings of \$3,304. M. Wageling requested that prior to considering the bid before it; the Board first consider acting as the lead agency on behalf of the County.

Comm. Holden inquired if there was a need to do additional research before joining. G. Wenger informed the Board that the County Attorney's Office solicited bids for a File Storage Unit for Nashua. During discussion, and in response to the solicitation, the low bidder explained that it could give the County a lower price if it participated in the U.S. Communities program. At that point, Mr. Wenger had recommended that the County Attorney's Office request that Attorney Kirby review the program to determine if it complies with the County's bidding statute. He informed the Board that he had been advised that Attorney Kirby had reviewed it, and had indicated that it would meet the requirements of our bidding statute, though he had not had the opportunity to confirm this with her. He explained that it was his understanding that U.S. Communities goes out to bid on a very large scale, awards the bids, then offers the available items to the groups involved.

Mr. Wenger suggested if the Board wished to become involved, it should move to enter the program and enter into the U. S. Communities "*Master Intergovernmental Cooperative Purchasing Agreement*" on behalf of Hillsborough County, and authorize one of the Commissioners, presumably the Chair, to sign on behalf of the County. Comm. Holden noted that it has been promoted through NACo.

**Motion:** To authorize the County to enter into an agreement with U.S. Communities "*Master Intergovernmental Cooperative Purchasing Agreement*," and to authorize the Chairman to sign on behalf of the County.

By Comm. Holden, second by Comm. Clemons: Motion carried.

Mr. Wenger explained that the County's bidding process still needs to be complied with, and any purchases still need to be approved by the Commissioners, however, we can purchase through U.S. Communities as the bidder. M. Wageling noted that there is a (purchasing agreement) document that needs to be signed and that the County Attorney's office would utilize this discount going forward.

Bid # CA2007-2 Storage Unit (Temple St. Office)

M. Wageling presented Bid # CA2007-2 for a Storage Unit for their Nashua Temple Street office to obtain a filing system storage unit similar to the ones used by the Nursing Home and DOC. She noted this expense was presented to the Board during the Budget Process.

**Motion:** To accept Bid # CA2007-2 for the Hillsborough County Attorney's office for a Storage Unit for the Temple Street office in Nashua, submitted by Systematics, Inc, Westborough, MA, for \$29,800 with the U.S. Communities discount, noting that it is a state vendor.

By Comm. Clemons, second by Comm. Holden: Motion carried.

Office Space

M. Wageling updated the Board regarding office space at Chestnut Street. She informed the Board that she and Mr. Wenger have participated in a number of meetings regarding the planning for the upcoming asbestos abatement project. She noted that the Governor and legislature have approved money for the project, and planning has begun to define the scope and approach to the project. She noted that the available funding will only address a yet to be

defined portion of the building. She explained that the initial planning has been looking to abate the south end of the building first, starting from the basement and working up. She noted that the expectation is that the building will remain open during the abatement process. She explained that she is interested in continuing to have her office located in the building, and is interested in exploring alternative spaces with the State including the space previously vacated by the County. Comm. Holden inquired if M. Wageling was referring to the entire space on the south side of the building. M. Wageling replied that it was the south side, except for the Probate Court space. A discussion followed. Mr. Wenger offered that it is his understanding through informal discussions that the space that is presently vacant may be available following the abatement, which is anticipated during the initial phase of the asbestos project. In response to a question M. Wageling indicated that she would like to remain in the building for a number of reasons, some of which include security, proximity, and financial efficiencies, provided appropriate space is available. Discussion ensued about how to proceed at this time. The Board agreed that as the discussion was entering into matters involving the consideration of the lease of real property it would be appropriate to move into non-public session.

**Motion:** To move into Non-Public Session under RSA 91-A: 3 II (d) –Lease of real property. By Comm. Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Commissioners moved into Non-Public session at 4:35 p.m.

The Board met with M. Wageling and G. Wenger to discuss lease arrangements that the Board would be open to consider in order to meet the County's needs.

The Commissioners returned to public session at 5:53 p.m.

**Motion:** To return to public session: By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board directed the County Administrator to advise the State that the County is interested in discussing available space in the Manchester Superior Courthouse to meet the County's needs.

Mr. Wenger provided the Board with a copy of the lease agreement that the State has proposed to address the County's current occupation of the building. He noted that the lease under which the County was occupying the space had expired earlier in the year, and that the County has been paying month-to-month consistent with the terms of the expired lease. He advised the Board that the State is seeking to have a new one-year agreement executed, at the existing rate, but noted that new language has been added addressing the anticipated asbestos abatement project. Following a brief discussion the Board directed Mr. Wenger to forward the proposed lease agreement to Legal Counsel for review.

## **8. Public comments on agenda items**

No members of the public were present.

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

M. Rusch reported that the Executive Committee would be meeting the following day at 9:00 a.m., and that the Building Sub-committee will be meeting on Tuesday, October 30, 2007 at 2:00 p.m. She noted that the November Executive Committee meeting is scheduled for November 30, 2007.

### **Change-A-Light Campaign**

Comm. Holden expressed her belief that the County does not have the resources or time to continue its participation in the Change-A-Light Campaign this year. She noted that it was an interesting program that we might consider in the

future, but we would need to do many things to manage the program; including adding the information to the County website and having someone stay on top of the program. She recommended that Hillsborough County withdraw from the program for this year. A discussion ensued with all in agreement that it is a good project, and should be revisited next year. The Board agreed to withdraw from the program at this time.

#### HB 02 Follow-up Discussion

HB 02 discussion was postponed until later in the meeting.

D. Reidy was recognized and he informed the Board that the Cooperative Extension staff has been contacted by the NH Food Bank regarding a possible food drive and that his office is interested in spearheading the effort. He explained the parameters of the effort, and requested the Commissioners approval to conduct the drive, and to approve the involvement of all departments if approved by the department heads. A discussion followed. Mr. Reidy indicated that the drive would take place between November 5 and November 13, and that the Food Bank will pick up at each site once the food is collected. The Commissioners expressed their support for the drive and encouraged all departments to participate.

M. Lencki was recognized and spoke regarding a bid approved in August, awarded to National Data Care, for a Resident Fund Management System. He noted that they have been working out the wording of the contract with the assistance of Legal Council but have been unable to resolve an issue regarding jurisdiction should a dispute arise. He indicated that in an effort to overcome the impasse, C. Kirby has recommended that there be no reference to jurisdiction in the agreement. He requested the Board approve this approach. Following a brief discussion during which the Commissioners indicated that they would be open to this approach, it was agreed that they would wait to review the entire contract prior to taking a formal vote. Comm. Clemons requested that when the final proposed agreement is presented for the Board's approval and signature that C. Kirby also be present to discuss the jurisdiction issue.

#### Bid # CIS 6-2008

Mr. Wenger was recognized. He advised the Board that subsequent to completion of the agenda for the meeting, he and the CIS department have finalized review of the bids received in response to the County's RFP for New MPLS Network, Internet Access & POTS Lines (Network lines, Internet & Telephone lines). He explained that this bid is part of the ongoing telephone project funded during the budget process and is for, in part, the replacement of the telephone lines presently in use. He presented Bid # CIS 6-2008, and inquired if the Board wished to consider it at that time or at a future meeting. He noted that the bid is an upgrade for the County and represents a substantial saving over the existing contract. He also indicated that once the bid was approved and contracts executed, it would take approximately eight weeks for the implementation project to start. The Board agreed to proceed. Mr. Wenger informed the Board that One Communications of Waltham, MA, was the lowest responsible bidder meeting the specifications for all services. Mr. Wenger referred the Commissioners to a table in their packet that summarizes the costs and shows the savings. He noted that the next part of the project is the hardware, and he is anticipating going out to bid for that phase soon. Brief discussion ensued - the Board favoring the approval of this bid.

**Motion:** To approve Bid # CIS 6-2008, for Computer Information Systems, for Network Lines, Internet, and Telephone lines, to One Communications, Bear Hill Road, Waltham, MA, for a total of \$71,586.72, noting that it is the lowest responsible bidder meeting the specifications, and that it is the first year of a three-year agreement. By Comm. Holden, second by Comm. Clemons: Motion carried.

Commissioner Holden reported that she attended the All Hazards meeting Friday, October 19. She noted that there had been discussion about the county regional structure changing to 10 regions however; she noted that the current setup of 19 regions would remain at least through the end of the year. She advised the Board that the next meeting would be in February 2008.

Commissioner Holden also reported that she attended a meeting at YDC on Tuesday for the rate setting. She informed the Board that the rate for YDC would remain at \$370, the same rate as the current year. She noted that the next meeting is January 22.

HB 02

The Commissioners held a general discussion about the Cap Issues, and that payments would be shifting to the state on July 1. Comm. Holden suggested that the Commissioners would need to decide how to proceed; she suggested they have a discussion with E.A. Robinson present to decide what they, as a Board, want to do. She further noted that she certainly does not want to make decisions without Ms. Robinson's input. Mr. Wenger noted that he had provided each Commissioner with a complete copy of House Bill 0002, and indicated that the provisions pertinent to the question at hand are primarily found at pages 9 through 16. Commissioner Holden suggested that the Commissioners study the information prior to their next meeting.

Mr. Wenger informed that Board that he would be meeting with the Building Committee to discuss the plans for the second floor of the Bouchard Building. He indicated that the plans, which are designed to incorporate the State's requirements into the building, are in the final phase of completion with one adjustment being made to accommodate accessibility requirements for the judge's bench. He noted that this project, contrary to previous, which was under the County's control, is being designed to meet the State's requirements. He reviewed the discussion of the security provisions in the plans that were the subject of scrutiny at the last Executive Committee meeting, and advised that Board that following that discussion the provisions were reviewed, and that all the professionals involved agree that Security should be at the front door in order to have a secured building. He indicated that the expectation is that once the plans are final, the job will go out to bid, and a price for the work will be determined. He went on to indicate that with that information in hand, discussions of the terms and conditions of the lease could proceed noting that Rep. Jasper was appointed to work with the Board on the agreement. He also indicated that the plan would be presented to the Town of Goffstown Planning Board for review.

**10. Non-Public Session**

The Board did not enter non-public session at this time. Non-public sessions during this meeting have been reported above.

**11. Adjourn**

There being nothing further to come before the Board, a motion to adjourn was considered.

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

The meeting adjourned at 6.15 p.m.

*(SIGNED 11/8/07)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date