

Special Meeting of the  
Hillsborough County Board of Commissioners  
October 27, 2008  
Bouchard Building, Goffstown, NH

Minutes of the Public and Non- Public Session  
(Not Official Until Approved by the Board and signed by the Clerk.)

**Present:** Comm. T. Pappas, Comm. C. Holden, Comm. M. Clemons, J. Hardy, A. Durette, T. Connell, J. O'Mara, C. Kirby, B. Moorehead, and G. Wenger.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 9:00a.m., followed by the Pledge to the Flag led by Comm. M. Clemons.

**2. Performance Reviews with Administrators**

The Board entered non-public session to conduct annual reviews of its administrative staff.

**Motion:** To move into Non-Public session to discuss performance reviews with our administrators noting that Ms. Robinson has previously completed her evaluation and we will be meeting with Mr. O'Mara, Mr. Moorehead and Mr. Wenger today. Motion made by Comm. Holden, second by Comm. Clemons. Holden, yes; Clemons, yes; Pappas, yes. Motion carried.

The Board entered non-public session at 9:03 a.m.

The Board met initially with Mr. O'Mara to discuss his annual performance evaluation. The Board continued with Mr. Moorehead following which it returned to public session. The Board took no action during its non-public session.

The Board moved out of Non-Public session at 10:45 a.m.

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

Sheriff J. Hardy, Chief Deputy A. Durette, Deputy T. Connell, and C. Kirby. Esq. joined the meeting at this time.

Comm. Pappas inquired of Sheriff Hardy regarding the sequence of events surrounding the training and use of a canine by his office as recently addressed in response to a 91-A request. The Sheriff deferred to Chief Deputy Durette who reviewed the sequence of events. He explained that in January 2006, T. Connell and his canine were sent to a training program in North Carolina. He noted that shortly thereafter, a joint grant opportunity with Manchester and Nashua presented itself, and initially included funding for canine training in an explosive detection program. He explained that upon presenting the request to the Board of Commissioners he was advised that the grant would not be approved if it included a canine component. In response, he amended the grant request deleting the canine component.

Comm. Holden referred the Board to the meeting minutes of February 16, 2006 reading the following excerpt into the record:

“A. Durette informed the Board that he received a phone call late the previous day from the Manchester Police Department regarding the renewal of a joint grant with Manchester and

Nashua. He noted that the grant was unintentionally delayed in getting it approved. He noted that the original grant stated that Hillsborough County was ineligible to participate but that it still was required to sign off on the paperwork. He noted that after inquiring, it was discovered to be a mistake and Hillsborough County continues to be eligible for the grant. He noted that the grant was re-typed with Hillsborough County's allocation based on the allocation from the previous year. He apologized to the Board for the late notice of the grant. He requested that the Board review and sign the grant noting that upon its approval the grant will have to be signed by the Mayors of Manchester and Nashua prior to being sent to Washington. Comm. Charbonneau inquired if the Mayors of Manchester and Nashua approve of the grant. A. Durette informed the Board that, to his knowledge, the Mayors approve of the grant but have not yet signed it.

A. Durette informed the Board that this is the 2006 Byrne Justice Assistance Grant, which will be administered by Manchester this year and was administered by the City of Nashua the previous year. He noted that the portion of the grant pertaining to the Hillsborough County Sheriff's Office would enhance the work that will be done with Home Land Security and the NH Department of Safety in responding to hazardous material incidents relating to radiological and terrorist response training.

Comm. Holden noted that section 2 of the grant referenced a canine program and inquired how this would affect Hillsborough County since there currently is no canine program. A. Durette informed the Board that he probably overlooked that section and he would remove it from the document prior to the Board's approval. Comm. Holden inquired if the Sheriff's Office intends to begin a canine program. A. Durette informed the Board that it was not his intention to obligate the Board to accept a canine program at this time. A brief discussion followed regarding the costs relating to a canine program. He noted that he does have a goal to have a canine program in the future, and will look into options to have the program with the least impact to the taxpayers by finding outside sponsors. A brief discussion followed regarding the impact on the County the canine program would have. A. Durette requested the Board to excuse him so he could retype the section of the grant that refers to the canine training for the Board's approval.

The Board excused A. Durette from the meeting at this time."

Sheriff Hardy explained that he viewed the training and use of the canine as an operational issue within his discretion and authority and that the approach taken by his office was the most efficient and cost effective way to have a canine capability available to assist him in carrying out his role and responsibilities. He explained that he subsequently approved retraining for Deputy Connell and the canine in order to preserve the prior investment and to continue to have the canine available to the office. Sheriff Hardy referred the Board to a number of jurisdictions across the country that have taken similar approaches to the canine program. The Sheriff went on to suggest that the ongoing discussion is politically driven and that when his actions are put in context they will withstand scrutiny.

Comm. Clemons inquired regarding the authority of the Sheriff to direct the training within his department and noted that the facts appear to support that the Sheriff acted within that authority in authorizing this training. A discussion followed regarding the approval of training opportunities through the budget process and after.

Further discussion followed regarding the timing of the canine training and the presentation of the grant for the Board's approval. The Sheriff again explained his position that the training was an operational

issue within his scope of authority. In response to an inquiry regarding use of the canine, it was explained that when the dog is deployed, it is under the authority of the Sheriff, and when not, it is the responsibility of the owner. Comm. Holden explained her concern that the Board had not been informed that training had taken place when the grant was originally presented. She proceeded to review the various training certifications that had been received and the dates of the programs noting that she first became aware of them in relation to the recent request for information. She suggested that there are liability concerns and that additional information may be necessary. The Sheriff again noted that it was an operational issue and the approach taken was the most cost effective way to deliver the services. Following a brief discussion the Board was offered a demonstration of the canine's function. The Board thanked the Sheriff but deferred the demonstration to a future date.

There being no further questions Sheriff Hardy, A. Durette, and T. Connell excused themselves from the meeting.

### **3. Old/New Business**

C. Kirby, Esq. requested the Board's consideration of Delegation Office Bid Number 08-02, Legal Services - 28:10-a Hearing. She explained that the request is in support of the retention of outside legal services for the Board concerning an upcoming 28:10-a hearing, noting the Nancy Oliver, Esq. has been involved in this matter and has represented the Board on other issues regarding this incident. She requested that the Board consider waiving competitive bidding, and to award the bid to Attorney Oliver at a cost of \$210/hour.

**Motion:** To approve bid number 08-02 as presented by Legal Counsel. Motion by Comm. Clemons, second by Comm. Pappas. Motion carried, Comm. Holden opposed.

Mr. Wenger was recognized. He informed the Board that all outstanding issues concerning the County's lease with the State for 300 Chestnut Street have been resolved, and the agreement is available for the Board's review and signature. He noted that the lease is for the term July 1, 2007 through June 30, 2009 and is consistent with the previously expired agreement. He presented the lease and Certificate for Municipalities for the Board's review. Following review the Board took the following action.

**Motion:** To adopt the Resolutions, as written, in the Certificate For Municipalities related to the lease of space at the Hillsborough County Superior Court North Building, 300 Chestnut Street, Manchester, NH, and to authorize Commissioner Clemons as Clerk of the Board to execute the Certificate. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Following the motion, the Board executed the lease agreement, which will be forwarded to the State for presentation to Governor and Council.

Mr. Wenger presented the Board with a letter for its signature requesting Primex to reinstate punitive damage coverage. Following review of the letter the Board agreed to execute it and to forward it to Primex.

Comm. Pappas inquired of Mr. Wenger regarding the status of an issue involving the computer server supporting the newly purchased software for the Nursing Home. Mr. Wenger explained that the CIS department has put a great deal of work into this matter and recently conducted several tests on the network connecting the server, which have all indicated that the network is functioning as designed and that the issue does not appear to be network-related. He also explained that the CIS Department was

actively engaged in finalizing the implementation of the County's new MPLS network, which is expected to enhance the speed of the network overall including the Nursing Home's new software. He offered that in light of the recent test results and the status of the MPLS network project, the request to relocate the server to the Nursing Home was not an efficient approach to resolving the complaints that the Nursing Home staff has nor did he anticipate that it would be effective. He suggested that at this point the findings appear to indicate that the continuing issues are software-related but that the implementation of the MPLS, anticipated in the next week or so will be very helpful in resolving or identifying the cause of the issues.

The Board agreed to return to non-public session to continue its annual administrator reviews and to meet with Mr. Wenger.

**Motion:** To move into Non-Public session to continue the performance reviews with Mr. Wenger. Motion made by Comm. Holden, second by Comm. Clemons. Holden, yes; Clemons, yes; Pappas, yes. Motion carried.

The Board returned to non-public session at 11:35 a.m.

The Board met with Mr. Wenger to discuss his annual performance evaluation. The Board did not take any action.

The Board moved out of Non-Public session at 12:38 p.m.

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

Mr. Wenger requested the Board's authority to explore relocating the storage area for the Goffstown District Court from the basement of the Bouchard Building to the front section of the middle wing of the second floor of the building. He explained that he would like to look into the location to resolve several issues that arise by locating tenant storage in the basement of the building. After a brief discussion, the Board agreed that the matter should be explored and pursued if appropriate.

#### 4. Adjourn

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

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

The meeting adjourned at 12:43 p.m.

*(SIGNED 11/6/08)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date