

Regular Meeting of the
Hillsborough County Board of Commissioners
October 31, 2012

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. Holden, Comm. Pappas, P. Coughlin, J. Hardy, D. Dionne, C. Kirby, B. Moorehead, G. Wenger, and L. Stonner.

Also Present: Mayor Lozeau, T. Galligani, and L. Bistany

1. Call to Order

Comm. Ziehm called the meeting to order at 901 a.m.

2. Pledge to the Flag

Supt. D. Dionne led the Pledge of Allegiance.

3. Nashua CDBG Request

Chairman Ziehm recognized Mayor Lozeau, who in turn introduced T. Galligani from her office and L. Bistany who represents the Regional Economic Development Corporation (REDC) that is a partner agency with the City of Nashua. Mayor Lozeau indicated that they would like to speak to the Board relative to an opportunity to work with the County to support economic development and encourage businesses to move into Nashua. She indicated that there was a previous situation where funds were needed to keep a business in Nashua, and they were able to work with the Town of Merrimack to utilize its CDBG funds to successfully retain the business for the City. She explained that she would like to discuss how the County and the City of Nashua could potentially work together to promote economic development, keep businesses in Nashua, and grow jobs. The Mayor noted that the City is looking to explore the possibility for the County to provide CDBG funds as a pass-through to the City at no cost to the County; she added that she has been told that such a request would need Delegation approval; however, she does not see why that would be necessary since there is no additional cost to the County; it is a simple pass-through.

Mr. Galligani explained that the Mayor's office works collaboratively with REDC to help businesses grow or expand. and noted that the goal is to cultivate a relationship with the Board to position the City so that it is prepared to assist future company's efforts to expand their business and to bring businesses into Nashua from Massachusetts. He added that in 2010, they worked with Resonetics, a company with a 30-year history that was looking to grow and to find a new location. He explained that CDBG is program where the state allocates half of its funding for economic development projects utilizing a local government sponsor and the REDC as a conduit for the funds; the city was able to utilize this program with the help of CDFA, and the the Town of Merrimack. They were able to complete a loan to the company that allowed it to stay in Nashua; it has moved into its new space, it is expanding and it is hiring new employees. He remarked that the goal at this meeting is to cultivate a relationship with the Board relative to CDBG funds that are allocated to the County so that the City of Nashua is prepared to assist future company's efforts to expand their business and to attract new businesses to the area.

Ms. Bistany explained that REDC funds are loaned to businesses through municipal partners, interest is paid and when the loan is repaid, the proceeds go into a restricted loan fund that is continually growing; which, in turn, provides funding for future projects and increases REDC's power to lend and to create jobs. She added that there are very rigorous requirements on the types of jobs that are created, the benefits that are paid to those

employees, and the tracking that it done. The loans are made to companies that pay a living wage, good benefits and are going to grow over a time period of eighteen months to three years. She added that each Town in the County gets a maximum allocation and it is unfair for the City to expect other Towns to give up their share of CDBG funds in the future, as the Town of Merrimack did previously when it was at the end of the year and it did not have a project pending. She observed that Hillsborough County is the only County that is not participating in CDBG funding, and explained that each County is allocated \$500,000 each year in economic development funds with the possibility of another \$500,000 in emergency funds; she noted that the CDBG funds are between \$4,000,000 and \$4,500,000 State-wide and added that she works with the Rockingham County Commissioners on a regular basis and typically does an average of one project every year or two and has done so with great success for the last fifteen years.

Comm. Holden added that looking at the big picture, Manchester and other Towns in the county are also eligible for some of the CDBG funds and added that it is her opinion that while the Board would likely be open to a partnership, it would not likely consider an exclusive partnership. She added the Board had planned to allocate \$250,000 to a project in Amherst and \$250,000 to a project in Manchester the previous year, noting that the Amherst project did not go forward but the Manchester project went forward.

Ms. Bistany explained that they are not seeking a unique arrangement for Nashua and added that while she partners very closely with Nashua, Manchester is not within her lending region; there are counterparts that cover Manchester and other regions that may approach the Board representing their communities. She explained that she represents five communities in Hillsborough County and added that CDBG funds are typically allocated on a "first come-first served basis" because there is such a limited allocation State-wide.

Mayor Lozeau explained that she sees this as an opportunity and would like to think that this kind of economic development would be most likely used in Nashua and she does not believe it is competitive with public housing funds.

Discussion ensued relative to CDBG funding. In response to a question from Comm. Ziehm, Ms. Bistany explained that REDC is a private non-profit organization; their funds are permanently restricted so they can only be used for lending; they operate from the interest earned on their loan funds, several of which are not CDBG related; they also have programs with the US Department of Agriculture and the Environmental Protection Agency, and can be described as a local conduit to invest Federal dollars for economic development. She added that they try to do \$500,000 projects because the projects are very involved, they take a long time and are closely scrutinized. She explained that there are ten Regional Development Corporations in New Hampshire, noting that she covers much of Rockingham County and five communities in Hillsborough County; they are Nashua, Merrimack, Hudson, Pelham and Litchfield. She added that in addition to lending, they work with Towns on Public Works projects, demographics, business attraction and retention, and environmental clean-ups through the Environmental Protection Agency. Ms. Bistany noted that her agency has grown during the recession as it has helped companies with alternative lending through programs like CDBG. She added that they have been very successful because of the close connection they have held with their clients through technical assistance and counseling. She noted that over the last ten years, her agency has created approximately 1,250 higher wage, manufacturing-type jobs that provide good benefits.

Comm. Pappas asked about the County's responsibility. Ms. Bistany explained that CDBG loans come with an administrative budget that is generally around \$20,000 that would pay for a grant writer and cover any extra auditing requirements. She added that short of signing the paperwork, the County's only responsibility is limited to giving the funds to REDC, once received; she added that generally it involves only a matter of a few hours, namely, it is only the time involved in cutting a couple checks. The person who administers the grant bears the burden of making sure the jobs are created, the paperwork is filed, making sure the Public Hearing is posted correctly in the newspaper, and seeing that there is an appropriate time for environmental review, etc. In response to a question, Ms. Bistany explained that an experienced, qualified grant writer would be hired out of the funds available; that responsibility would not fall on County staff.

Mayor Lozeau asked if the Board would let the City know whether it would move forward with today's request and added that she is not sure it would require a full Delegation meeting to talk about it.

Comm. Holden added that the County is open for proposals but is not sure it can make a blanket decision. Ms. Bistany noted that the last time she came to the Board with a project, the barrier was that there was not money in the budget to accept the grant and pass it through and the Board did not wish to call for a Delegation meeting to approve a change to the budget. Mayor Lozeau questioned whether the Board believes that such a request would not have been approved if the Delegation understood that there was a \$500,000 grant available through CDBG for economic development project and all the County would have to do is be the sponsor of that. Comm. Holden responded that with the position of the Executive Committee at that time, it is not likely that it would have been approved; their primary focus was to cut the budget. Comm. Ziehm added that she concurred, but has no problem with the Mayor's wish to present their request at an Executive Committee meeting. Comm. Pappas added that she would favor moving forward with the request.

Mayor Lozeau observed that Hillsborough County, the largest County with the most economic need and the ability to provide the services is the County going without right now. She added that her concern is that if the Board waits until a project is brought forward, it could likely be too late to do anything. She added that she has no objection with the Board looking at each individual project, but she is asking that the Board put the administrative mechanisms in place so that is not a hurdle that has to be crossed later and the timing does not hinder the process.

In response to a question from Comm. Ziehm, Mr. Wenger explained that the Manchester project was in the budget. Ms. Bistany added that other Counties have an individual line item in their budgets for CDBG funds. She explained that Rockingham County maximizes it in their budgets; other Counties include the funds in their budgets so timing is not an issue. She requested that the Board consider doing what other Counties have done.

Comm. Holden added that the Board does not have the money in the budget in the current fiscal year and has tried for the past three years, as an example, to have a Capital Reserve fund of \$1,000,000 established but the Executive Committee did not approve it because they are afraid that the Board would use the money on a project that they did not support. Mayor Lozeau noted that there is a difference between a Capital Reserve that includes taxpayer dollars and CDBG funds that are grant funds, not taxpayer funds, and all that she is asking is that the Board to accept the CDBG money as it relates to economic development and not just public housing and facilities; she added that she does not believe it has been explained to the Executive Committee in that manner. Comm. Holden added that in order to accept CDBG funds, it has to be in the budget, and there are no funds in the current budget for that purpose. Mayor Lozeau added that this was the same discussion the Board had with Ms. Bistany two years ago and the Board indicated that it would consider putting it in the next budget.

Mr. Wenger added that the discussion took place at the Board level, and it was not put in the budget. Mayor Lozeau asked if the best approach would be to talk to the Executive Committee because they don't seem to understand grant funding. The Board concurred there was not an understanding at that level. The Mayor added that she would like to ask to be on the agenda at an upcoming Executive Committee meeting. Ms. Bistany added that it is her opinion that the Mayor is being proactive because there could be a year delay if waiting to get this approved next summer, for example. Comm. Ziehm added that she believes the Board supports grant funding in the budget and it is a timely request.

Mr. Wenger noted that if the County is moving toward a supplemental appropriation, he would have grave concerns that a supplemental appropriation to facilitate a CDBG Grant would be pursued prior to addressing the operations of the County and the budget issues the County is confronting with the \$900,000 cut in the budget. He urged caution regarding supplemental appropriations noting that they typically don't happen in the County; however, if discussing putting a grant in the next year's budget starting after July 1st, he would support the action, subject to review of the contract documents; he added that the original contract with CDFR

for the Manchester project contained significant liability to the County. Mr. Wenger remarked that he has concern that when reaching the point of the bottom line in the budget, we could face cutting employees once again because we want to have grant money in the budget to fund some other project. He added that currently the County is funding a project on the back of the County employees in one department and it is important to look at the big picture. He explained that to approve the acceptance of grant funds, the County is required to have both revenue and expense line items in the budget for that purpose. Mr. Wenger explained that if the Mayor is looking for fund prior to July 1st next year, that would require a supplemental appropriation within the budget. He re-iterated that whether it is a pass-through or not, any revenue or expense has to be in the budget but added that the departments still have issues with respect to meeting their current budget and obligations.

Comm. Ziehm added that the Delegation has left the County with \$900,000 in cuts to the budget. The Board discussed whether it supported the Mayor's proceeding to the Executive Committee. Ms. Bistany asked what happened that prevented grant funding being included in the last budget. Mr. Wenger added that it was discussed but did not get approved in the budget. Mayor Lozeau suggested that having someone explain it to the Executive Committee so that it understands that it is a pass-through is a different discussion and she is looking to learn if the Committee that was dealing with that understood it so they could make a conscious decision about putting it in; she added that it does not sound like that happened. Mayor Lozeau asked if the Board objected to them going before the Executive Committee to present Nashua's request and to make sure they understand the process.

There was discussion relative to the request and whether the County wishes to pursue this as well the need for a commitment by the Board should it wish to move forward. Comm. Ziehm added that it would make sense to her to have the Mayor and those with her make a presentation to the Executive Committee.

The Mayor added that she would like to have the discussion with them to set the ground work for something now or for the next budget that includes explains and identifies the pass-through of funds, strings attached, commitments, and the costs associated with a grant.

Mr. Wenger explained that our budget process starts in another month and there will be a new Delegation of elected Representatives so it would make sense to wait until December when there is a new Executive Committee in place.

Comm. Ziehm asked the Mayor for time to discuss this at the Board level and noted that the Board will get back to the City of Nashua fairly quickly. The Mayor expressed her appreciation for the Board's time.

Mayor Lozeau mentioned that she would like an opportunity to meet with the board at another time to discuss its Nashua property. Mr. Wenger suggested that she have her secretary contact the County with a request to be added to the agenda for that discussion at a future Board meeting.

The Mayor's contingent excused themselves and left the meeting.

The Board will take the Mayor's request under advisement.

4. Administrative Business

Minutes

Motion: To approve the minutes of the Board of Commissioner's meeting held on October 3, 2012. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Approval of Payroll Registers

Motion: To approve the following Miscellaneous Payrolls in the following amounts:

- Oct. 25, 2012 \$ 769.24
- Oct. 26, 2012 \$ 464.09

for a total of \$1,233.33, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To approve a Regular Payroll Dated October 25, 2012, in the amount of \$1,129,784.20, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Accounts Payable Registers

Motion: To approve Accounts Payable registers dated October 29, 2012 in the amount of \$1,415,873.74 and another dated October 30, 2012 in the amount of \$110,827.54 for a total of \$1,526,701.28, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

5. Public Comment on Agenda Items

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

6. Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted that the Census as of October 23, 2012 was 561; he explained that the Census included 449 men, including 137 that had been sentenced and 312 that were being held pre-trial; there were 112 women, of whom 43 had been sentenced and 69 that were being held pre-trial. He added that 41 of the female inmates are from Rockingham County. There are also 16 inmates serving their sentence in the community. Supt. Dionne informed the Board that there are a total 154 individuals that were diverted through the Mental Health Courts who have not been incarcerated because of that program.

Supt. Dionne informed the Board that the inmate who "walked away" from the program in Nashua on August 22nd was captured last night in Nashua by the Hillsborough County Sheriff's Office, and the Nashua P.D. He is back in jail and being arraigned this morning for escape charges.

7. Nursing Home

Mr. Moorehead informed the Board that the Census at the Nursing Home as of October 25th was 281 which included 211 Medicaid residents, 45 Private Pay residents, and 24 Medicare Part A residents; he added that the Medicare Census has increased to 29 today, which is good.

Mr. Moorehead informed the Board that Liberty Gas is in the process of digging the trenches and laying the pipes for the natural gas line; that part of the project is expected to be complete next week with the project to be entirely completed by November 16th.

8. Nursing Home Grievance

Mr. Moorehead informed the Board that it is his understanding that the union wishes to continue one grievance until it hears back from a third party and it is reviewing the settlement documents for the other grievance. The Board agreed to continue the grievances until October 31st.

Motion: To continue Nursing Home Grievances PM 609 and PM 610. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To amend the previous motion so that it reads: "To continue Nursing Home Grievances PM 609 and PM 610 until no later than the next Board meeting." Motion by Comm. Holden, second by Comm. Pappas. The amended motion carried.

9. Old/New Business

Cooperative Extension

Mr. Reidy presented the updated Memorandum of Understanding between the University System of New Hampshire and Hillsborough County. Discussion ensued relative to changes in the document. Attorney Kirby highlighted changes to the document and noted that the changes more accurately reflect the relationship between UNH and the County. She noted that the changes reflect the County's issues and the fiduciary role of the Commissioners as well as the relationship between the Commissioners, the Delegation, the State, and Cooperative Extension; it also includes an opportunity to opt out of the agreement with six months notice. She added that the contract is contingent upon funding in the County's budget.

Motion: To adopt the MOU between the University of New Hampshire and Hillsborough County, subject to Delegation approval. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Ziehm thanked Attorney Kirby and Mr. Reidy for their efforts on behalf of UNH Cooperative Extension.

Temple Street

Mr. Wenger shared with the Board a letter from the County Attorney with an enclosed letter from the Nashua Police Department; he added that this raises concern regarding the County Attorney's department relative to the Nashua Police Department visiting the office at the request of an employee in the County Attorney's office. He added that the Commissioners are responsible for the property and it is surprising that an individual would take this action. He added that there is a bid under consideration and some actions that were previously discussed as well as funding regarding renovations at the building; which could be undertaken, but during the bidding process, the investment of those funds was questioned. Mr. Wenger suggested that the Board discuss how it wishes to address the issues addressed in the letter; he added that most of the issues have been discussed and either funds have been requested and not appropriated or are in discussion at this time. Mr. Wenger observed that in order to proceed, the Board would need to provide direction relative to any action it wishes to move forward. He added that there are 12 employees housed in that building and there is space in other County buildings that the individuals could be moved to.

In response to a question from Comm. Holden regarding the timeliness of the letter, Mr. Wenger added that while the letter was received the morning of the previous Board meeting, those involved did not have an opportunity to prepare for discussion until this meeting. Comm. Holden addressed her concern that a County employee could bring in someone without notifying the Board of Commissioners.

There was discussion regarding whether the Board wishes to invest money in the building if it is going to sell the building. Ms. Robinson added that there are funds available, and noted that she did bring in an Architect (at no cost) to look at how to close off the second floor. She added that it would be difficult to do and would be expensive, adding that she did not feel that it was not appropriate to spend money if the use of the building is going to change. Ms. Robinson explained that they were looking at the ability to block access to the second floor. She added that there has been discussion in past years and Board approval for a Security person in the building, but the Executive Committee voted it down. She added that there are limitations relative to accessibility to the building because it is a public building. She added that while there has been discussion relative to changing one door that leads into the large office in the County Attorney's offices on the second floor that still leaves other offices that would be difficult to secure because they open onto the corridor and it is difficult to limit public access on the second floor.

Discussion ensued relative to the security in the building and the concerns of the County Attorney's space as well as that of the Registry of Deeds. Mr. Wenger added that there are numerous issues that come into play and there are issues raised in the letter that the Board may wish to address; however, the letter does not contain a comprehensive study of the problem and solutions. The Board discussed the presence of a Security Officer; Ms. Robinson observed that the position has been included in at least three budgets, but it has been shot down by the Executive Committee and Delegation. Following a comment from Comm. Ziehm relative to a security officer or other security barrier at the door, Mr. Wenger added that any solution will cost money. Comm. Ziehm inquired about options that are less expensive than other options.

Attorney Hogan explained that he is not concerned that a person went to the Police Department; he added that it speaks to the fact of how concerned the staff is that something be done. Comm. Ziehm asked if the staff requested the Police Department inspection, or if it came to Attorney Hogan's attention and he requested it. Attorney Hogan responded that they went out on their own and did it; he added that he does not have an issue with it; he wants everyone on his staff to take leadership when they see something wrong. He does not want them to wait for him to tell them to go. Comm. Ziehm indicated that it is her belief that Attorney Hogan should have been included.

Attorney Hogan offered that one option would be securing the entire building, locking the front door, moving people through the back door safely; he noted that this would be the more expensive proposition. Attorney Hogan noted that he and Ms. Robinson discussed a more limited approach, which he thought was moving forward. It would be to secure 8 of the 12 people who work there by changing a door so that an employee could look through a portion of the door and see who wished to enter. He added that he would like to see that happen so that at least the 8 employees behind that door would feel some sense of security. Comm. Ziehm added that she has an issue with not making everyone safe. Attorney Hogan explained that making the entire floor secure would make the solution more extensive and more expensive. He added that he can understand why there has been a hesitancy to spend money when the County has not decided what it will do with the building. Comm. Ziehm indicated that the real issue is having the funds for a solution. Ms. Robinson added that an RFP relative to the building was pending; she added that she was hesitant to proceed and spend money on the building until there was some resolution of the RFP. Ms. Robinson added that the County has a contract with a company that monitors the panic alarms in the building. She added that she will check with the company to make certain the fire and duress alarms are being tested periodically and added that the batteries have been recently replaced in the panic alarms.

Comm. Ziehm noted that it is her belief that the issue should be taken seriously and she would like to see the County investigate the least expensive way to secure that building; she referred to the police officer's comment relative to locking the front door. Ms. Robinson added that locking the front door also involves having a security officer at the back door and the County has no funds to do that although it has been proposed in the past. She added that there is no advantage to locking the front door without something being done at the back door relative to security.

Ms. Coughlin remarked that if there are going to be changes in the building that affect the Registry, she would request that she be kept in the loop. She added that she tells her staff to dial 911 if the Sheriff's Officer is not present and there is an emergency. Discussion ensued relative to having a metal detector and/or officer at the door. Ms. Robinson explained that a person with a weapon could not be denied access to the building because of NH law as it relates to a public building. Ms. Robinson added that the Board's attempts to provide security in the building date back to 1997.

Attorney Kirby added that while a person has the right to carry a gun, there is nothing that precludes someone from the County saying, "Would you like to put that away?" It is not a requirement, but could be a deterrent. She added that the Board has worked with the Sheriff and other agencies to attempt to provide security in the building going back to 1996; she added that there is a part-time Deputy Sheriff who is also a Clerk who is frequently downstairs that can be called, but the person may not be there during lunchtime.

Register Coughlin added that the stairs to the third floor could also be accessed by those entering through the back door and that could be an issue. Comm. Ziehm noted that she would like to hear from Sheriff Hardy regarding this concern.

Register Coughlin informed the Board that there are a group of citizens that are not very nice that have been very active in other Counties in New Hampshire that are headed this way. She added that Grafton County has been having difficulties with this group.

It was decided that the stakeholders would meet to address options; Ms. Robinson will coordinate the meeting. Mr. Wenger added that as the overseers of the property with the concerns that have been expressed, serious consideration should be given to relocating the office. He asked for clarification and focus relative to the Board's goals. Comm. Holden added that any change would likely have to be a part of the next budget. Comm. Ziehm added that the safety and security of people's lives is a top priority. Mr. Wenger added that a consideration, in light of the concerns that have been discussed, would be to consider if it is time to take action and close the County Attorney's office and relocate the employees to more secure Court facilities. It was noted that consideration of other space could be the first step of the discussion of the constituents. There was an agreement that there will be two concerns: a short-term proposal that could include relocating the employees and a long term plan that could include moving the Registry to the Complex. Ms. Coughlin added that only three other Counties in New Hampshire do not have their Registry of Deeds in a Courthouse. Attorney Hogan added that moving the employees to the Manchester area would add 40 minutes drive time each way and would change the dynamics of their job; it is very convenient currently for them to walk 3 blocks to the Courthouse to do their job. The Board agreed to address the short term and long term goals.

Mentally Ill Defender Treatment Crime Reduction Act – Reauthorization

Mr. Wenger discussed the Mentally Ill Defender Treatment Crime Reduction Act – Reauthorization agreement that was provided to the Board for its consideration at its last meeting and asked the Board if it wished to take action to join in signing the letter in support of re-authorizing the Mentally Ill Defender Treatment Crime Reduction Act; which is the funding source for the 2 grants that address the Mental Health issues that the Department of Corrections is benefitting from.

Motion: To authorize the Chair to sign, on behalf of the Board, the Mentally Ill Defender Treatment Crime Reduction Act-Reauthorization. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

BOC Calendar for December

The Board discussed its schedule for meetings in December and agreed to hold a Commissioner meeting on December 12th and possibly December 26th.

Mr. Wenger explained that the new terms of office will start on the first Wednesday that follows the first Monday; which is Wednesday, January 2, 2013. The Board will re-visit its schedule at the next meeting.

The Executive Committee will meet on Friday, November 16th.

Holiday Schedule for 2013

Mr. Wenger presented a Draft Holiday Schedule for 2013 for the Board's Consideration.

Motion: To approve the 2013 Hillsborough County Holiday Schedule, as presented. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger noted that he had provided the Board with a draft of the Human Services Director Job Description at its last meeting and inquired if the Board wished to act on it.

Motion: To approve the Human Services Director Job Description as presented. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger informed the Board that the Sheriff's Department has been cleaning out items from storage in basement that are no longer used, none of which have a value of over \$300; in fact, many were previously stored at Chestnut Street basement before being moved here.

Mr. Wenger updated the Board with respect to the CDBG Grant for Manchester; the contracts have been filed and will be going to the Governor and Council for approval. He added that as a part of that process, a notice will be posted relative to disbursement of the funds; there has been an environmental impact study and there has been no significant environmental impact. He noted that the standard form will be going out with Comm. Ziehm's signature.

Mr. Wenger informed the Board that the Department of Corrections' Teamster's group will be meeting on Thursday, November 8th, at 8:30 a.m. at the DOC; the Nursing Home AFSCME group will meet later that day at 1:30, and the DOC AFSCME group will be meeting on Monday, December 3rd at 10:00 a.m. He added that he has received no response from the Sheriff's Department group relative to meeting, and he will also be contacting the Chemical Worker's group. Comm. Pappas will attend the DOC Teamster's meeting; Comm. Holden will attend the DOC AFSCME meeting, and Comm. Ziehm will attend the Nursing Home AFSCME meeting.

Mr. Wenger informed the Board that he attended the NH Interlocal Trust Annual Meeting and rate-setting meeting the previous week and noted that trends relative to health insurance increases will likely be between 8 to 10%; which is based on inflation and utilization. He added that he expects to have the County's initial "not-to-exceed rate" from the Trust by the next Board meeting. Mr. Wenger reported that a discussion was held regarding the Affordable Care Act and noted that the County will need to look at who is entitled to insurance, specifically with respect to FTE's; any individual that has an average of 30 hours or more must be offered health insurance. He added that current policy is that a 30-hour employee is not entitled to health insurance and noted that there will also have to be a determination relative to the look-back period of between 3 and 12 months. Mr. Wenger observed that the County will need to be very cautious with respect to its part-time and per diem employees to ensure that they are not working more than an average of 30 or more hours per week. He added that the County will have to identify the costs of health insurance on employee's W-2 forms for informational purposes even though the employees will not be taxed on it. Attorney Kirby noted that it was her understanding that some of the bargaining agreements had a look-back period for most benefits for the prior 12 months from January to December 30th. Mr. Wenger responded that it is his recollection that there is a definition relative to which individuals are eligible, but it is 12 months. Attorney Kirby added that it might

be easier for the Departments if there was some similar language. Further discussion ensued; the details will be reviewed.

Mr. Moorehead asked if any unions in the County were waived for participation in the Affordable Care Act. Mr. Wenger responded that there were not any that he was aware of. Mr. Moorehead added that there were many unions across the country that was granted waivers.

Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session consistent with RSA 91-A:3 II (b) relative to the hiring of an employee.

Comm. Ziehm informed Attorney Kirby that she was served a notice relative to the Sheriff's Department and asked for direction. Attorney Kirby responded that it should be passed along to her so that the County can indicate that it has been properly sued; that helps the County and will help her get a copy of the pleading itself and be able to respond in a timely matter.

Comm. Ziehm asked the Board for input relative to Mayor Lozeau's request to speak to the Delegation. Comm. Pappas responded that she favors moving forward with the concept as long as the County is not burdened with a lot of work. She added that she does not see a need for the Mayor to visit the Executive Committee or Delegation until after the election and their organizational meeting in January. Comm. Holden added that she has reservations because all is not as it seems. Comm. Ziehm added that if the Delegation is not presented with the information and our State and Cities miss an opportunity because of the Delegation's remiss, then she would feel that she has done what she could do in the process to make it right. Comm. Pappas asked the Board if it supports the concept of doing these "pass-throughs," in general. Comm. Holden added that she has reservations.

Mr. Wenger added that the Mayor's letter makes reference to Rockingham County and added that he did have an opportunity to speak with T. Young; it is included in Rockingham County's budget; they do go out to bid for a Grant Administrator, and that expense is included in the budget. He added that it does affect the bottom line of the budget; there is revenue and there are expenses. Rockingham County engages a third party consultant who comes in to administer the grant, to prepare the paperwork, and to do all the filings on behalf of the County. Mr. Wenger explained that if a grant is issued, a certain percentage can be used to cover administrative expenses.

Mr. Wenger explained that grants should be in the budget; in the past, grants have been in the Commissioner's budget. He explained that when a grant is in the Commissioner's budget and then the Commissioners are told to cut their budget 16%, as during the last budget process, the grant is not cut by 16%, therefore something has to be cut.

He remarked that saying that it is pass-through that does not affect the budget is not accurate. He added that his role is to protect the County, and if there is an impact on any Department when it could be forced to cut its budget to get to a number so there is not an increase, if the budget contains a \$500,000 grant, then there is actually an increase in the remainder of the budget by \$500,000. He added that while the Delegation may approve a request such as the Mayor's, there was been another situation where a Department was given Delegation approval to go forward with a project on the backs of the employees such as this year when the Gas line was approved by the Delegation but the Nursing Home was then told to cut the employee costs by \$300,000. Comm. Ziehm added that she understands that there are unintended consequences related to a grant. Attorney Kirby inquired if it is possible to create a separate budget for items such as grant funds. Mr. Wenger responded that a good step would be to explore that option and added that a logical approach would be to take all the grants and put them in a separate budget. Further discussion ensued relative to the use of funds and how County employees are affected.

In response to a question from Comm. Ziehm, Mr. Wenger observed that it is his understanding that the Mayor wants approval of the grant funding now, and in order to do that, the County must either find the funds in its current budget or ask for a supplemental appropriation. He added his concern that if the Delegation should decide to use funds from savings in Worker's Compensation, for example, then those funds would be taken from the Departments who could utilize them to get through the year. He stressed it is important to look at the bigger picture of the County's budget and how it has been developed and approved, and the related issues.

10. Public Comment

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

11. Non-Public Session

Comm. Ziehm entertained a motion to move into Non-Public Session or Recess as appropriate.

Motion: To move into Non-Public Session with Mr. Moorehead, Supt. Dionne, Attorney Kirby and Mr. Wenger consistent with RSA 91-A:2 I (b) relative to negotiations, and then with Mr. Wenger consistent with RSA 91-A:3 II (b) relative to the hiring of a public employee. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public session at 11:26 a.m.

The Board met with Mr. Moorehead, Supt. Dionne, Attorney Kirby and Mr. Wenger.

The Board met with Mr. Wenger.

The Board moved out of Non-Public Session at 11:55 a.m.

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

Comm. Ziehm asked if there were any further actions the Board wished to address.

13. Adjourn

Lacking further business, Comm. Ziehm entertained a motion to adjourn.

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

The meeting adjourned at 11:56 a.m.

Approved on January 23, 2013

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

Date