

Regular Meeting of the  
Hillsborough County Board of Commissioners  
November 24, 2009  
Bouchard Building, Goffstown, NH  
Minutes of the Public and Non-Public Session  
**(Not Official Until Approved by the Board and signed by the Clerk.)**

**Present:** Comm. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, J. Hardy, L. Movsesian, R. Walsh, S. Chidavaenzi, M. Lencki, J. O'Mara, E. Robinson, M. Rusch, G. Wenger.

Also Present: Rep. S. Vaillancourt

**1. Pledge to the Flag**

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

**2. Administrative Business**

Minutes

The Board considered the minutes of recent Executive Committee and Delegation Meetings for adoption. The Board agreed to take the matter under advisement. The Board agreed to consider how it would address maintaining minutes for meetings of other bodies that the Commissioners attend.

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated November 12, 2009, in the amount of \$1,119,211.03, 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 November 24, 2009, in the amount of \$360,698.36, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Telephone Polls

**Motion:** To approve a Telephone Poll of the Board conducted on November 19, 2009 at the request of the Department of Corrections seeking approval to accept the transfer of a male inmate from the Merrimack County Department of Corrections, noting that all three Commissioners were reached and voted in the affirmative. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To approve a Telephone Poll of the Board conducted on November 19, 2009 at the request of the Nursing Home, seeking authority to fill the following three positions that are currently budgeted at one dollar in the Nursing Home budget: one (1) part time RN position #303712007, one (1) part time LPN position # 302012006, and one (1) part time LNA position # 301212033. All three Commissioners were reached and voted in the affirmative. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Clemons asked a clarifying question relative to the date. Mr. Wenger responded that the Telephone Poll was conducted on November 19, 2009.

Motion carried.

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

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

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

Census

Supt. O'Mara presented the DOC Census, noting that as of November 18<sup>th</sup>, the Census was 642, which included 572 men of whom 398 are being held pre-trial, and 174 have been sentenced. There were 70 women of whom 43 are being held pre-trial and 27 have been sentenced.

Supt. O'Mara' noted that the only other item of business pending for him was to obtain the Board's signatures on the prisoner transfer request just confirmed by the Telephone Poll. The Board executed the document.

### **5. Nursing Home**

Census

Mr. Lencki presented the Nursing Home Census. He explained that as of November 19<sup>th</sup>, the Census was 286, which included 210 Medicaid residents, 43 private pay residents, and 33 Medicare Part A residents. He explained that there are also 15 Hospice residents and 20 residents in the ELU unit.

Resident Christmas Gifts

Mr. Lencki explained that he is presenting a request for Christmas gifts for the residents, noting that it has been done in past years. He offered that the cost will be \$2,280, which represents an \$8 gift for 285 residents, and asked the Board for its approval.

**Motion:** To approve the request of the Administrator for the resident Christmas gifts for the 285 residents for a total of \$2,280. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Lencki directed the Board's attention to a Union Leader article about a Nursing Home resident who celebrated her 102<sup>nd</sup> birthday. He further noted that there was another party the former week for another resident who celebrated her 100<sup>th</sup> birthday; he explained that the news was also featured in the Union Leader the previous day.

Comm. Pappas inquired about a discussion that took place during an earlier Board meeting, at which time it was noted that the Delegation or the Executive Committee had requested that the Board send a letter relative to religious services at the Nursing Home; she explained that the Board let that matter rest for awhile, and asked Mr. Lencki to explain the procedure for Clergy. Mr. Lencki explained that he has had conversations with Father Thompson at the Diocese of Manchester who assigns positions throughout the State; he noted that Father Thompson indicated that every Nursing Home has to pay for the religious services, and it is a service that the Nursing Home provides. He indicated that it is up to the County to decide if it wants to provide the service because the Diocese will not provide the service on a pro bono

basis. He added that the newly assigned priest, Father Adrien Longchamps, is excellent; he comes in for anointing the sick whenever he is called, and he is there for Mass once a week; he noted that this is a low-cost service that goes a long way with the residents. Comm. Holden noted that it was Rep. Pilotte who asked the Board to be in touch with the Diocese relative to them providing service for the Nursing Home gratis. Mr. Lencki noted that he keeps asking, but he does not see a willingness on the part of the Diocese to provide the service at no cost, and explained that they feel they should be paid for their service. Mr. Lencki explained that Father Longchamps puts in a good deal of time and many services, and in looking at the big picture, while the cost issue is a small thing, it means a great deal to the residents.

### **Registry of Deeds**

P. Coughlin reported that the e-filing is increasing; the Registry did over 134 filings last week, which is the highest number to date. Ms. Coughlin noted that the registry is in the process of getting a new subscriber, so hopefully that will bring in more. She noted that e-filing makes for greater efficiency because the Registry receives filings as the month goes on rather than receiving a big pile at month-end, which creates pressure at the end of the month.

Ms. Coughlin reported that she still has concerns about repairs because of the short time constraints and the need for the work to be done by December 15<sup>th</sup>. She also noted that she has met with Mr. Wenger and the CIS people to plan moving back into the spaces that were damaged as a result of roof leaks; she noted that it will be necessary to coordinate the move with the DOC so that some of the inmates can help move books back into their appropriate areas; there are many things that need to be coordinated. She stated that her concern relates to having the work done quickly enough to move her people out of some of the rooms so that others can move in, and have it all done by the December 15<sup>th</sup> deadline.

Comm. Pappas recognized Attorney Robert Walsh, the new Hillsborough County Attorney, and offered congratulations on his election. He asked for permission to update the Board relative to activities at the County Attorney's office during the last exciting and fast-moving two weeks. He informed the Board that on his first day in office, he held meetings in both the Manchester and Nashua offices with the two separate staffs in an attempt to assure staff that the County Attorney's office would conduct business as usual, and he addressed rumors that were of concern to staff. He noted that he told the staff that he expected their loyalty, and in turn, he would be loyal to them, and back them up when necessary. His plan is to have an open-door policy; all staff is welcome to come to his office. Attorney Walsh noted that his goal is to deal with problems up front so that there is more control of the outcome; he further noted that it is his intention to meet with each employee so that he can get to know them as people and learn about their career goals and job satisfaction.

Attorney Walsh informed the Board that he has met with the Network of Legal and Mental Health Practitioners that is working on the Mental Health Court Project and expressed his belief that there is great potential for those repeat offenders in need of Mental Health care, noting that he will be an eager participant in that project. Attorney Walsh communicated that he had an opportunity to meet with Manchester Police Chief Mara; he also attended a meeting relative to a federally funded grant. He explained that he has met with Mr. Wenger on several occasions regarding the Court's move; and noted that he attended the Executive Committee of the Delegation and mentioned that he has met with other officials to introduce himself and learn about their departments/programs. He summarized by saying that he would welcome any input from the Commissioners as well as their opinions and any history they might wish to share.

Attorney Walsh requested an opportunity to meet with the Board in Non-Public Session.

Comm. Pappas recognized Sheriff Hardy; he indicated that he did not have any agenda items for the Board.

M. Rusch reported that the annual Delegation Christmas Party is scheduled for December 18<sup>th</sup> following the Executive Committee meeting; she requested that those attending bring a dish to share or a cash donation; the meeting will begin at 10:00, followed by the party.

### **Old/New Business**

#### **Bid # 5-2010 Healthcare Information Systems Consulting Services**

Comm. Pappas noted that the Board has before it a Nursing Home bid that was previously tabled, noting that it can now go forward.

**Motion:** To remove Bid # 5-2010 from the table. By Comm. Holden, second by Comm. Clemons.  
Motion carried.

Comm. Holden explained that there was a meeting the previous Monday with representatives of the low bidder. Ms. Chidavaenzi was present as well as Mr. Lencki, Mr. Moorehead, two of the CIS Staff, Mr. Wenger and herself. She explained that they began with an introduction and answered a number of questions to her satisfaction. She noted that Mr. Wenger had questions relative to the interpretation of some of the bid language; the meeting gave them an understanding of the project. The decision comes down to hiring a consultant or doing it ourselves; she explained that with the past history that it is better to use the consultant who will keep the Nursing Home and the County on track using their expertise to move forward. She offered that some of the other Counties are further along in the process than Hillsborough County is; Sullivan, Merrimack, and Grafton Counties have a contract with American Health; they went out to bid together. She noted that Cheshire County is also farther along than Hillsborough County. Comm. Holden suggested that with this County's history of having a company that could not deliver what it promised, it seemed wise to have all the questions answered in advance.

Comm. Holden informed the Board that she is comfortable moving forward with the bid for the Healthcare Information Systems Consulting Services. Comm. Clemons inquired of Mr. Wenger if he saw any problems with the recommended bidder for Consulting Services in regard to the Business Office, to which Mr. Wenger reported that he foresees many challenges ahead, but noted that the previous day's meeting was very fruitful and informative, and, if in fact the process is delivered as clarified at the meeting, and if it follows that everyone is involved, he expressed his belief that to go forward is in the best interests of the County, and he would agree with Comm. Holden. Mr. Wenger noted that his questions have been addressed, and he is comfortable with the information received through that meeting and through Mr. Moorehead's prior response to him. He further noted that there is no question that there will be challenges and problems ahead for the County, but he believes that it is very important that the County have this service; it will help to overcome the challenges and difficulties much more readily. Mr. Wenger explained that from his perspective; the project will change the entire culture of the Nursing Home, its operation, and it is a huge undertaking. No one at the meeting had the knowledge of the whole process, but all of those present have an understanding of the many pieces, and the goal is to have everyone working together to move in the right direction going forward. He noted that in discussion the previous day, there was a comment made that indicated that the County should be looking ten or fifteen years down the road before having to replace the system; he further noted his belief that in order to achieve that goal, it is important to get it right at the very beginning.

Comm. Clemons inquired of M. Lencki when the Consultants would be coming in, to which Mr. Lencki noted that the date is not known; there will be several meetings ahead of time. He noted that the 2011 timeline is tight, but he does not want to push it; he wants to see it done correctly. Comm. Holden informed those present that there are no incentives currently for Nursing Homes to get it done by 2011; however, if it has not been implemented, there could be penalties.

**Motion:** To approve Bid # 5-2010 for the Nursing Home for the Healthcare Information Systems Consulting Services. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden noted that the Steering Committee will include one of the Commissioners, a member from the Delegation or Executive Committee appointed by the Chair, the CIS Department, and Mr. Wenger; she noted that with this Committee in place, everyone will know what it going on.

#### NHAC Appointments

There was Board discussion relative to the NHAC appointments. Comm. Pappas suggested that unless anyone objects, the appointees remain the same. Comm. Clemons noted that if there was anyone who was extremely interested, he would be willing to step aside, but he would accept the nomination. The Board agreed to leave the appointees the same; they include Comm. Holden, Comm. Clemons, E. Robinson, B. Moorehead, and Mr. Wenger.

**Motion:** To appoint those five persons, as stated. By Comm. Holden, second by Comm. Clemons. Motion carried.

Ms. Robinson presented Bid # HS10-01, which is for the repair of the Temple Street Courthouse. She noted that it includes deadlines for finishing certain rooms. She noted that the bid includes a request that one vault be finished by December 15<sup>th</sup>, and the second vault to be finished by December 31<sup>st</sup>. She noted that the other small repairs in the copy room and underneath the stairway can be completed up to January 15<sup>th</sup>. Ms. Robinson recommended that the bid be awarded to P. M. McKay, a well-known builder in Nashua; she explained that their bid of \$8,875 is the lowest qualified bidder.

**Motion:** To approve Bid # HS10-01 for work to be done at the Registry of Deeds' office, to P. M. McKay, Nashua, NH. for the total amount of \$8,875. By Comm. Clemons, second by Comm. Holden.

Comm. Holden suggested that since there is such an urgency to get the repairs finished as contracted, perhaps the contact person should be the County Administrator who can be reached at all times. Ms. Robinson responded that it is up to the Board, but she can be reached at all times, and she is more knowledgeable about the building. Comm. Holden noted that she has a list of things that have not been addressed immediately. Ms. Robinson responded that situations are responded to quickly if she gets the information. Comm. Holden noted that she called Ms. Robinson the previous day because of the concern that this bid was not on the agenda and that it would not be addressed at this meeting. Ms. Robinson explained that she and Mr. Wenger are working cooperatively on the plan because there is a move pending, and we have to work together to get the project done in a timely fashion; that includes working with the Department of Corrections.

Comm. Holden inquired relative to the furnace at Temple Street. Ms. Robinson responded that as far as she knows at this point, there is no further problem with the furnace; a part was replaced, but there may still be problems with the water when the furnace is not run continuously. There was discussion about the type of system, and the problems that occur.

Ms. Coughlin addressed a situation where there is a wait for heat for a period of two hours. Ms. Robinson noted that she will address the problem once she knows what it is. There was discussion about the need for better communication, particularly when there are specific issues or when a repair person will be in the building.

Motion carried to approved Bid # HS10-01.

Mr. Wenger commented to the Board that it could require that all non-public access doors be closed and he would urge the Registrar and the County Attorney to close any doors that don't require public access; that action will avoid the issue of having a workman walk into an office without warning.

Ms. Robinson reported that the Security Agreement has been signed; she is waiting for a timeline from the vendor.

Ms. Coughlin invited the Commissioners and Department Heads to the Registry's Christmas Brunch to be held on December 10<sup>th</sup>, at 11:00 a.m.; she noted that the Registry is sponsoring Toys for Tots, so anyone who wishes may contribute a toy.

Ms. Robinson notified the Board that she attended the County/State Finance Commission meeting the previous day as well as Comm. Holden, who is a member of the Commission. Ms. Robinson noted that they were given updated FMAP or ARRA distribution information. She noted that that information was key to her because it appears that Hillsborough County will have additional revenue from ARRA of approximately \$800,000 to \$1,000,000, in addition to what was estimated in the budget. She noted that there may be some additional revenue to the Nursing Home with their ARRA payments beginning in November. She added that the unemployment rate, when it increased again, caused the County's payment level to go from 10.19% to at least 11.59%, and this is the reason the County is seeing an increase in revenue.

Mr. Wenger noted that Nursing Home grievance hearings are scheduled for the next Board meeting, scheduled for December 9<sup>th</sup>. There was discussion about the timing of the grievance hearings and the possibility of moving the meeting to 9:00 a.m.

Mr. Wenger noted that he has received a request for a cell phone from the new County Attorney, and requested the Board's approval to add an additional cell phone to the County's program.

**Motion:** To approve the new County Attorney's request for a cell phone. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that the County has received the first "not-to-exceed" number for its Health Insurance Program; currently the County is as at a 12.12% increase; last year at this time, the County was at 8%. He noted that the County will be working on the rate with Primex, but he can confidently say that it will not increase more than 12.12%. He noted that across the State, the numbers are coming in at up to 18 to 20% increase.

Mr. Wenger referred the Board to an earlier discussion relative to his authorization to submit an Energy Efficiency & Conservation Block Grant application with the Department of Energy. He informed them that the previous week, he received a follow-up call with regard to that; there was what he believes to be a positive request that the County supplement a number of the items that were submitted. Along with the Department of Corrections and the Nursing Home, three programs were put together that the County is looking to address. He noted that the first is to agree to retain technical consulting services to assist with developing an Energy Efficiency & Conservation strategy for the County, noting that this is a requirement of the grant and must be in place before going forward. The second project is \$330,300, which is to look at replacing the boiler plant at the DOC. There was an appropriation in this year's budget to address some of the air-handling components of the system to be done before the County addressed the boiler. The third aspect that will be impacted is the Nursing Home – it involves a series of five different programs that the Nursing Home had been looking into prior to the grant opportunity coming about. The programs include the installation of a solar energy component to the County's hot water tank, retrofitting the parking lot lamps with an induction lighting, retrofitting the boilers with certain controls, retrofitting the coolers and freezers with new motors, and retrofitting the dryers and HV units with electromagnetic controls.

Mr. Wenger informed the Board that he has prepared all the requested supplemental information for the Department of Energy. It is his understanding that that the County is progressing satisfactorily through the application process; now he needs two representations that the Board has to make; the first is that any funds used from this grant will be used in compliance with the Davis-Bacon act, which relates to prevailing wage rates in the area; the second is that one person must be authorized to apply for the grants, and to receive the monies. He noted that since the Board has previously authorized him to do that, he inserted his name in the letter, but it can be anyone the Board wished to appoint. He noted that there is one final document that must be signed by the Treasurer. He asked the Board if it wished to authorize execution of the letters and authorize him to file the application and receive the monies.

**Motion:** To authorize Mr. Wenger to file the applications and receive the monies. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger explained that if the monies are received, there could be some budget issues that may go over two budget years; the Board can address them as they arise.

Mr. Wenger informed the Board that the Departments involved with the Chestnut Street Courthouse move are working out the final aspects of the lease agreement; he noted that he met with Legal Counsel yesterday and there are a couple of issues that the County is trying to work out; he noted that he is hopeful that the issues will be resolved by the following week. He noted that once the lease has been reviewed and issues are resolved, there may be a need to conduct a Telephone Poll of the Board for its approval of the lease.

Comm. Holden noted that she has an update on the Dental Discount Card; NACO is getting closer to finalizing the card.

Comm. Holden reported that she attended the County Fair and 4-H Foundation Pig Roast at the New Boston School. She noted that it was a good event. She informed the Board that she also went to the Cooperative Extension meeting the previous Thursday and has provided the Board with a copy of the Evaluation Form that was done for almost 20 educators and staff.

### **Public Comments**

Comm. Pappas recognized Rep. Vaillancourt and congratulated him for becoming a columnist for the Manchester Express.

Rep. Vaillancourt spoke relative to the issue regarding the diocese's requirement that a priest must be paid for services performed at the Nursing Home. He noted that he did not feel that a discussion someone had with one priest provided enough information and referred to a request on the part of the Executive Committee to the Board, requesting that the Board write the diocese directly. He indicated that this has not been done, and the request was made so that information would be available prior to budget season.

Rep. Vaillancourt spoke relative to the September Financial Report. He expressed his opinion and concern relative to having only two collateralized certificates of \$14,000,000 while there is an additional \$10,000,000 that is not earning interest, and it is his opinion that the County should be able to anticipate what revenue is needed so that the excess can be earning interest, and it is a disservice to have money sitting there earning nothing.

Comm. Holden noted in response that she will do a survey of the Nursing Homes in the County as well as the private ones and see how they handle religious services. There was discussion relative to how to handle this. Mr. Lencki offered to get the information in writing from the diocese.

Comm. Clemons requested that the County Treasurer comment on Rep Vaillancourt's financial concerns. Mr. Wenger explained that the County will be receiving the tax payments from the Towns in mid-December,

and the Board might wish to have him address the Board after that investment has been made. He also noted that the report is written on a particular day, and if there is money there, for example the following day, then it might be invested...it is a fluctuating thing.

Comm. Clemons commented on the issue of Church vs. State relative to paying for religious services, and noted that there are other situations where Church and State are involved and a religious person is paid, such as in the armed services. He commented that there is certainly a controversy relative to paying for the service, but he would go on record as strongly supporting this service for the Nursing Home; it is very important.

#### Non-Public Session

The County Attorney requested to meet with the Board in Non-Public session.

**Motion:** To move into Non-Public Session to meet with the County Attorney and Supt. O'Mara consistent with RSA 91-A 3 II (g) relative to a security-related issues at the Department of Corrections, and for the Board under RSA 91-A:3 (a) for a personnel issue. Motion by Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 11:15 a.m.

The Board met with Supt O'Mara and County Attorney, R. Walsh to discuss a security issue at the Department of Corrections.

The Board met to continue its discussion of Administrative Reviews.

The Board moved out of Non-Public session at 11:42 a.m. No action was taken during the session.

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

**Motion:** To meet as a Board to do the Annual Performance Evaluations on December 8, 2009 at 1:00 p.m. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

There was discussion about also handling some of the regular Board business on that day so that there is time for all the grievances the following day.

#### 10. Adjourn

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

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

The meeting adjourned at 11:44.m.

*Signed 12/23/2009*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date