

Regular Meeting of the
Hillsborough County Board of Commissioners
December 15, 2010
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, C. Kirby, B. Moorehead, J. O'Mara, M. Castonguay, G. Wenger, and L. Stonner.

Also Present: H. Bernier, S. Lyons, P. Martel, S. Naughton, and S. Dionne

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 G. Wenger.

Comm. Pappas asked for a moment of silence in honor of Comm. Clemons' mother, who passed away recently at the age of 91.

2. Grievances

NH AFSCME: PM0594

Comm. Pappas recognized those who were here to address the Grievance before the Board, and asked if the Grievant wished to be heard in Public or Non-Public Session. The Grievant chose to proceed in Non-Public Session.

Motion: To move into Non Public Session to address Grievance # NH AFSCME: PM0594, consistent with RSA 91-A:3 II (a), relative to a personnel issue. Motion by Comm. Holden, second by Comm. Clemons. Holden-yes; Pappas-yes; Clemons-yes. Motion carried.

The Board moved into Non-Public Session at 10:02 a.m.

The Board met with Bruce Moorehead, Heidi Bernier, Steve Lyons, Paula Martel, Susan Naughton, and Sarah Dionne relative to the aforementioned grievance. No action was taken during Non-Public session.

The Board moved out of Non-Public Session at 10:30 a.m.

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

3. Southwest Region Planning Commission

Eastern Monadnock Region Lead Agency

Mr. Wenger introduced T. Germond, who represents the Southwest Regional Planning Commission relative to the Board's request that someone from the Planning Commission attend a Board meeting to provide further information regarding its request that the County act as lead agency for the purpose of a grant funding opportunity.

Ms. Germond informed the Board that she represents the Southwest Regional Planning Commission in Keene; she noted that her agency works with 35 municipalities in the southwestern part of the State, 10 of which are located in Hillsborough County. She explained that she is at today's meeting to provide information relative to the Southwest Regional Planning Commission's request that Hillsborough County consider serving as the lead agency for the Eastern Monadnock Regional Coordinated Council for community transportation, and for the purpose of administering and managing a grant opportunity available through NH Department of Transportation. She explained that the grant opportunity is Federal Transit Administration 5310 funds; which is funding for transportation services for elderly individuals age 60 and over and for people with disabilities.

Ms. Germond informed the Board that the Eastern Monadnock Regional Coordinating Council is composed of 13 communities in the eastern half of the southwest region within her planning jurisdiction, and noted that 10 of those communities are in Hillsborough County; they are Antrim, Bennington, Frankestown, Greenfield, Greenville, Hancock, Sharon, Temple, New Ipswich, and Peterborough. The other three communities in her jurisdiction are in Cheshire County; they are Jaffrey, Dublin and Rindge. She explained that there are ten regional coordinating councils in New Hampshire that are working to improve community transportation services for residents of those regions. Ms. Germond informed those present that there is a joint effort between the Department of Human Services and the Department of Transportation as well as a number of other State agencies. She explained that she has been working with transportation providers, purchasers, and users to see what resources are available to improve access to transportation for residents of those regions, particularly those who are transportation-dependent, namely those who do not have a car or cannot use a car; this includes youth who do not have a driver's license, the elderly, and people with disabilities.

Ms. Germond noted that in the eastern region there are not many transportation services, most people rely on volunteer drivers who bring people to medical appointments or grocery shopping. She noted that there is a great demand for those services. She explained that there are two main providers of volunteer driving services; American Red Cross provides volunteer driver services for most of the communities in that region; they offer over 7,000 rides per year throughout the Southwest Region to individuals; the average is 16 miles per trip. Additionally, Contoocook Valley Transportation Company serves all the communities and provides rides to medical trips and grocery shopping in the Eastern Monadnock Region.

Ms. Germond informed the Board that the purchase of service opportunity before the Board today arose in September from the Department of Transportation; they have indicated that a certain amount of funding is available to each of the regions that are interested in applying; \$36,000 is available for Region 6. Ms. Germond referred the Board to the flow chart in the packet that she provided; she explained that the Department of Transportation requires that any region interested in applying for funding must identify a lead agency. The lead agency must be a non-profit entity or government entity capable of overseeing a Federal Grant; the lead agency must allow for funds to be passed through the agency as well as manage the reporting requirements of this grant opportunity.

Ms. Germond explained that a similar process is happening in the western region where Cheshire County will be serving as lead agency for the same grant opportunity for those communities in Cheshire County. She explained that 5% or \$1,800 of the grant amount is available to the entity that agrees to administer the grant, and indicated that while 5% is not a lot of money, it is the maximum allowed by the State for grant administration. Ms. Germond noted that the remaining funds would be divided between driver programs, wheelchair transportation, and a contingency fund for any yet identified excessive demands that might arise for wheelchair transportation or volunteer driver transportation. She explained that there is a 20% match requirement; the \$7,200 in match money has been identified and will be coming from American Red Cross; it receives \$90,000 from the Monadnock United Way Funds each year dedicated for transportation, and that funding is eligible for the required match funds for this opportunity. The American Red Cross is willing to set aside those funds.

Ms. Germond explained that there is a need to identify a lead agency as soon as possible; there was an agency identified a few weeks ago, but that agency backed out as it was not able to serve as lead agency; other agencies that have been approached have been unable to serve as lead agency, which is what brings her to Hillsborough County with the request that it serve as the lead agency. She explained that December 31st is the deadline to submit a letter of intent to the Department of Transportation that would indicate who will serve as the lead agency for the region as well as how much of the \$36,000 that is allotted to the region would be used, and who that money would be going to. She informed the Board that the application would be due in mid-March. She explained that in her role as staff for the Regional Coordinating Councils, she has been preparing the grant applications for both the western and eastern regions and is working with the providers to establish the flow of funds. She noted that the missing piece for the eastern region is the lead agency that will administer the funds and have the oversight capacity required for a Federal Grant.

Mr. Wenger addressed the concerns of the County; he explained that two concerns are the timing and the County's ability to fund the grant; the County does have money in its Contingency budget line for unanticipated grants, and he would think that if the Board chose to approve the request, it would be appropriate; he noted that any approval would be contingent on the Board and the Executive Committee approving a Transfer if the intent is to have the money in this fiscal year. He went on to explain that it could be addressed during the County's next Budget process if the intent is to receive and expend the funds after July 1st. He explained that the difficulty for the County is the understanding that Ms. Germond is looking for a degree of certainty that her agency can rely on the County to administer the grant; he explained that in terms of administration, he does not anticipate that there would be any difficulties because it is likely similar to other grants that the County has administered. Mr. Wenger noted that he has spoken with J. Wozmak in Cheshire County relative to this grant; he noted that Cheshire County has hired a Grants Manager; this individual is pursuing and administering grants; the administrative fees will pay for the individual's wage. Mr. Wenger noted that Mr. Wozmak is a resource that can help the County through the process. Mr. Wenger explained that he does not see the grant administration being an issue; it is more a concern for the funding and the transfer that would need to be approved, and the Board's consideration as to whether it wishes to use Contingency funds for this purpose. Discussion ensued relative to when the Board would choose to consider approving the grant.

Ms. Germond indicated that while the contract would be done mid-March, the funding would not start until July 1, 2011. She explained that confirmation is needed by December 31st in order to secure the funds for a mid-March application. In response to a question from Comm. Clemons relative to a transfer, Mr. Wenger explained that the Board may wish to consider presenting the issue prior to mid-March so that it can gain understanding relative to support going forward. Mr. Wenger explained that a transfer would not be required if the money were not be expended until after July 1st, but a discussion with the Executive Committee would be worthwhile and would lead to an understanding of whether it would be willing to support adding the grant to the budget. Comm. Clemons noted that the Board could give Ms. Germond permission to apply. Mr. Wenger noted that from a budget standpoint, it is money in and money out, so there is no impact on the taxpayer; it provides \$1,800 for administering the grant and it would provide a significant benefit for a number of our communities. Comm. Pappas added that transportation is so important and necessary to our citizens. Comm. Holden noted that in the eastern part of the County, the Towns of Amherst, Milford, Hollis and Brookline have their own transportation system; the four Towns contribute and they are getting some money from the State. She explained that they have a bus service that is capable of accommodating wheelchairs; currently it is operating three days a week; it has worked well for two years and the amount of riders has doubled. She further explained that the service is not restricted to the elderly; it can be used by students and anyone who needs the service.

Ms. Germond noted that the goal is to start with this program, and as it develops, be able to provide more services to the general public. Following discussion, the Board supported moving forward with the grant

application. Comm. Pappas entertained a motion to that effect.

Motion: To approve Hillsborough County serving as the Eastern Monadnock Region lead agency for the identified grant for 5310 Purchase of Service Funds for Rural Transportation for Fiscal Year 2011 subject to appropriation of necessary funding. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Ms. Germond thanked the Board for its time and willingness to consider the grant application and excused herself from the meeting.

4. Administrative Business

Commissioner Pappas noted that the Board would address administrative business at this time.

Minutes

November 17, 2010 Board of Commissioner's Meeting

Motion: To approve the minutes of the Hillsborough County Board of Commissioners held on November 17, 2010. By Comm. Clemons, second by Comm. Holden. Motion carried.

November 30, 2010 Board of Commissioner's Meeting

Motion: To approve the minutes of the Hillsborough County Board of Commissioners held on November 30, 2010. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Payroll Register

Motion: To approve the Payroll Register dated December 9, 2010 in the amount of \$1,311,915.70, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated December 1, 2010 in the amount of \$2,955,948.37, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve the Accounts Payable Register dated December 14, 2010 in the amount of \$2,188,169.72, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid # CIS-12-2011 – FY 2011 Server Purchase

Mr. Wenger presented Bid # CIS-12-2011; he explained that this is for the purchase of 3 new servers for the County, noting that it was anticipated and funded during the budget process, and is being brought to the Board at this time.

Motion: To approve Bid # CIS-12-2011 for the server purchase, noting that GovConnection, Merrimack, NH was the only bidder at a price of \$16,864.37; no other bids were received. Motion by Comm. Holden, second by Comm. Clemons.

Mr. Wenger explained that it is becoming more difficult to receive competitive bidding related to technology; he explained that the County has tried to reach other vendors. Comm. Clemons expressed his support of a vendor located in Hillsborough County.

Motion carried.

Bid # BO-01-2011 – Actuarial Services – GASB 45

Mr. Wenger presented Bid # BO-01-2011 for Actuarial Services that are necessary to meet GASB 45 requirements. He explained that this bid and the transfer are related, and noted that if they are approved, they will provide Actuarial Services that are necessary for the County to comply with GASB 45 requirements that relate to identifying the cost of post-retirement benefits other than pensions. He referred to the most recent Audit, that of FY 2009, which included a notation that the County has chosen to not comply with that requirement, and as a result of that, the Auditors could not express an opinion that the County's financial statements accurately reflect the condition of the County. Mr. Wenger noted that the statutes relative to audits state that audits shall be done in compliance with acceptable accounting standards; he explained that the accounting standards applicable to the County are the Government Auditing Standards (GASB).

Mr. Wenger mentioned that the Commissioners had requested funding in the current year's budget; however, it was taken out at the Sub Committee or Executive Committee level. He explained that a discussion was held at a previous Board meeting, at which time the Commissioners had directed him to go out with a request for bids to obtain a price and present it to the Board. He explained that the bid was sent out to at least ten entities following discussions with the County's Auditors and surrounding communities relative to their experience. He noted that there were two responses to the bid request and recommended Nyhart, a consulting firm from Indianapolis, IN as the lowest responsible bidder. He noted that both bidders have done this type of work with communities in New Hampshire. He requested that the Board approve the bid and the corresponding transfer. Relative to Transfer # 2011-05, he noted that he cannot identify where he could take \$6,500 from the budgets that are under his control; he recommended that the Board approve transferring funds from the Contingency Grant line and explained that he is not aware of grants for Fiscal FY 2011 that would consume the funds in the Contingency line; however, it is for unanticipated events, so it could change.

Mr. Wenger explained that if the County does not do the Actuarial Study, he fully anticipates that the FY '10 audit will reflect the same statements relative to non-compliance. He observed that this is a requirement that needs to be met every three years.

Comm. Pappas asked the Board how it wished to proceed relative to the GASB Audit.

Motion: To approve Bid # BO-01-2011 for Actuarial Services to Nyhart, Indianapolis, IN at the price of \$6,500, noting that it is the lowest responsible bidder meeting the specifications, also noting that it is subject to the approval of Transfer # 2011-05. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons inquired if the work will be done online, to which Mr. Wenger responded that there will be initial meetings where Nyhart will define the parameters related to what they need. He explained that some of the work can be handled online.

Comm. Holden addressed the matter of timing; the retiring Executive Committee did not approve the funding for the Audit; there is a new Executive Committee in place; she noted that this has to be done within 45 days, and she wondered if there will be issues with a new Executive Committee. Mr. Wenger explained that this is not a typical Transfer such as one when the DOC has to move funds from the Salary

line to the Overtime line because there are no remaining funds in the line. He offered that this is more a philosophical or political discussion. He went on to explain that the Commissioners have the responsibility to do the audit; the Statute requires the Board to do it in accordance with accepted accounting practices; however the Executive Committee has to approve the expense. He noted that when the Board's prior action was not approved by the Executive Committee, the Board could not meet the requirements of the Statute; the Executive Committee was willing to put the Board in that situation. Mr. Wenger discussed the fact that the bids are good for 45 days; the intent is to get the Transfer to the Executive Committee following Friday.

Motion carried.

Transfer # 2011-05 – Business Office Audit Expenses

Motion: To approve Budget Transfer # 2011-05 to transfer \$6,500 from Contingency Grant Expenses, line 4199-7740, and to transfer a like amount to the Business Office-Audit Expenses, line 4150-7210, noting that this is within the range of the projected year-end expenses. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

5. Public Comment on Agenda Items

Comm. Pappas asked if there were any members of the Public who wished to speak. Commissioner Pappas recognized newly elected Representative David Robbins, who in turn, thanked the Board for the opportunity to speak. He noted that on a personal note he has had the opportunity to meet with people at the County who have been tremendously gracious and knowledgeable and who have answered every question that he had; he thanked them for helping to school him in his new role.

Rep. Robbins commented that the grant application before the Board appears to be tremendously worthy and important; he noted that he has no doubt that there is a need for the services. He commented that a question for him would relate to what the unstated costs are to the County; he noted that it seems that \$1,800 is a very low administrative fee when one considers that the County would be filling out applications and it may involve a significant amount of time providing information. He also commented that unseen costs to the County may not be reimbursed, i.e. if there any legal issues or if the County had to justify the processes that were involved. He noted that if he were sitting on the Executive Committee and was asked questions about this, those are some of the questions he would ask. Lastly, he noted, that in these times of tremendously constrained financial times, he would ask to what extent this application aligns itself with the absolute core mission of the County. Rep. Robbins thanked the Board for the opportunity to address the Board.

7. Department of Corrections

Census

Supt. O'Mara presented the DOC Census, noting that as of December 10, 2010, the Census was 581, which included 524 men of whom 361 were being held pre-trial and 163 that had been sentenced. There were 57 women of whom 37 were being held pre-trial and 20 that had been sentenced, and 21 in the community.

Mr. O'Mara noted that he has one item to address under Old/New Business.

6. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of December 9, 2010, the census for the Nursing Home was 279, which included 209 Medicaid residents, 46 self pay residents, and 24 Medicare Part A residents.

Bid # 07-2011 – Mental Health Services (3-year contract)

Mr. Moorehead informed the Board that Bid # 07-2011 is for Mental Health Services; he recommended Generations Geriatric Mental Health, Manchester, NH, as the lowest qualified bidder, and the only bidder at a price of \$800 monthly and \$9,600 for the year. He explained that this vendor is the current provider; it is a three-year agreement. He informed the Board that with the exception of the fees listed in this bid, all other fees are billed through Medicare Part B.

Motion: To approve Bid # 07-2011 for Mental Health Services, noting that this is a 3-year contract to Generations Geriatric Mental Health, Manchester, NH, at a price of \$800 monthly and \$9,600 annually, noting it is the lowest qualified vendor. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Moorehead noted that the bid provides a very important service; the Nursing Home has a behavioral unit and a dementia/Alzheimer's unit.

November, 2010 Revenue

Mr. Moorehead presented revenue information and explained that the budgeted Room & Board revenue for November was \$1,683,196 and the actual revenue for the month was \$1,636,255, which resulted in a negative variance of \$46,941. He explained that this was due to:

- a lower than usual Medicare census of 281
- the mix being off for the month; the Medicare census was 23 while the budget for the month is 30
- November was a 30-day month
- there were Medicaid approvals that went back 2 months (this shows up under "Adjusted to Revenue").

Mr. Moorehead informed the Board that the Nursing Home received notification from the State relative to the Medicaid Rate that will become effective January 1, 2011. He explained that the new rate will increase \$2.30/day, and noted that the Nursing Home budgets 70,445 Medicaid days/year; or 35,223 for half the year. Under those circumstances if the Nursing Home is able to maintain the budgeted census, there will be an additional \$81,364 for the last half of the fiscal year.

Mr. Moorehead referred the Board to a letter in its packet from Robert Ehlers from the Health Facilities Administration of the Department of Health and Human Services relative to compliance requirements and a survey that was conducted the previous August. He noted that the letter indicates that the Nursing Home is in compliance for Long Term Care facilities as of November 1, 2010.

Mr. Moorehead referred the Board to an article in its packet that appeared in the Union Leader on November 22nd that features the Holiday Craft Fair/Bake Sale and the Veteran's Day observance held at the Nursing Home.

Mr. Moorehead referred the Board to another article in its packet that appeared in the Union Leader; this story features Lillian Miller, who turned 101 on November 15th.

Mr. Moorehead requested an opportunity to meet with the Board in Non-Public session consistent with RSA 91-A:3 II (a), the dismissal, promotion, compensation of any employee.

8. Old/New Business

Discussion ensued and the Board agreed to address the last two Agenda items prior to meeting with Thomas Flygare, Esq. relative to Collective Bargaining.

NHAC Energy Buying

Mr. Wenger noted that he received an email indicating that the NHAC Officer's and Commissioner's Council have agreed to move forward with an energy buying group; he inquired about the County's interest relative to being involved, noting that there are statutory bidding requirements that the County must meet. He explained that the County could join in at any point. He explained that he attended one of their meetings and noted that it is uncertain whether this will benefit the County. Following discussion, there was a general agreement to follow the program and see how it develops.

January 1, 2011 Mileage Rate

Mr. Wenger informed the Board that the Federal mileage rate will increase to \$.51/mile, effective January 1, 2011, and asked the Board if it wished to address the mileage reimbursement rate for County employees. He noted that in past years, the Board and the Delegation have adopted the Federal rate.

Motion: To adopt the Federal mileage rate of \$.51/mile for Hillsborough County employees, as of January 1, 2011. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that the previous Thursday, he joined Comm. Holden and her husband, Attorney Kirby, and Mr. O' Mara to meet with Mr. and Mrs. Griffiths, who allowed them to cross their property to reach the landlocked old County Cemetery in Wilton. He explained that it is his belief that the Griffiths will allow the County, namely Mr. O'Mara and his staff, access to the property by crossing their property to revitalize the cemetery. He noted that there is a headstone that was placed in 1938 when the Commissioners at that time re-dedicated the cemetery. He indicated that he did not observe any other headstones, but there could be as there is a hundred years of debris covering the ground. He explained that the County will do the work that is necessary to put it into a condition that shows respect to those buried there.

Mr. O'Mara informed the Board that initially, the Griffiths seemed very concerned about allowing access through their land because of past issues of trespassing and abuse. He noted that the area is pristine and beautiful. Comm. Holden noted that the Griffiths have had damage to the property so it is natural for them to protect themselves and their liability concerns. Attorney Kirby noted that they are lovely people who have acknowledged the County's implied easement to access the property so the County, through Mr. O' Mara, will coordinate any work with the Griffiths. She further noted that from the County's perspective, it is County property and there has been an indication on the part of the Board that it should be maintained.

Comm. Clemons inquired about other alternatives. Comm. Holden responded that based on telephone calls that she has received, it is her belief that the Heritage Commission in Wilton is interested taking the property over. She noted that if this were done, with the implied easement, it would open it up to members of the public. She went on to note that it is her belief that it is the County's best interest to maintain the cemetery. Attorney Kirby explained that she is not convinced that the implied easement would be transferred to any new owners. She went on to explain, that from the County's perspective, it is her belief that the County has an implied easement as the ongoing property owners since the date of the deed.

Mr. O' Mara explained that the Heritage Commission's ideas are very different than what the adjoining property owners envision. He noted that in terms of the County's role, he sees it as one of acknowledging and appreciating access to the cemetery, and of maintaining it in a manner that is consistent with the surrounding property owners. Comm. Clemons concurred that this action would be less intrusive.

Mr. Wenger explained that initially, the County will address the tree growth within the cemetery, repair the fence, and then it is anticipated that only minimal annual maintenance will be required going forward. Mr. O' Mara suggested that his staff will likely set up a schedule with the property owners so that each year they will know when to expect a telephone call to coordinate that year's maintenance.

Comm. Clemons inquired about how a cemetery would be retired or sold, and what the County's responsibility would be should it go in that direction. Attorney Kirby responded that there are many rules and laws that apply, and it is not an easy undertaking. Mr. Wenger noted that it could be a significant undertaking because there are no identifying markers and it is unknown what is there. Attorney Kirby noted that in all likelihood, there is very little there at this point. People that were buried would have been placed in pine boxes, and it would be necessary to do soundings to establish if there were bodies there. Following discussion, there was a unanimous agreement that the County should retain ownership of the cemetery and set up a maintenance plan.

Mr. O' Mara informed the Board that he was recently advised that the Federal Government has a grant available for application for a pre-trial supervision program. He noted that Comm. Holden has been providing him with information relative to this grant, and asked the Board if it wished him to move forward with the application. He noted that if this grant allows the DOC to develop a pilot program, and it is successful, the DOC could realize tangible, physical advantages that would reduce the cost of running the jail by having people in the community, and by having it up and running before the grant runs out. In that situation, the DOC might be in a position to realize a reduction in the prison population by having more people in the community. He summarized by suggesting that this is a great opportunity. Following discussion, the Board agreed unanimously that Mr. O' Mara proceed with the grant application.

Mr. O' Mara noted that the DOC realized a significant surplus in the last fiscal year's Male-Medical line; he informed the Board that the current year is not going as well and explained that the DOC recently had a man fall off a top bunk. Mr. O' Mara explained that the man is subject to seizures, but he did not tell his primary care physician, nor did he tell the DOC Medical Staff. Mr. O' Mara noted that after the fall, the man was transported to the hospital, later returning. Mr. O' Mara explained that he continued to be unsteady on his feet; Medical Staff was concerned so they sent him back to the hospital where he remained for 7 days. The man was diagnosed with fluid on the brain; the hospital staff tapped the brain to remove the fluid.

Mr. O' Mara explained that the DOC was successful in having the individual released from custody because of his short sentence. The man was serving only 7 days for fines that he failed to pay, which was being paid off at \$50/day. Mr. O' Mara explained that the DOC is responsible for the hospital bill up to the time of the tapping of the brain. From that point forward, and once released, he or his parents became responsible for any medical bills. Mr. O' Mara explained that the cost to the County will likely be in the range of \$20,000. In answer to a question from Comm. Pappas, Mr. O' Mara responded that his fines were related to shoplifting that he did not pay as well as community service that he did not perform.

Comm. Holden informed the Board that she is working on a NACO report that she will provide at a future Board meeting. She chairs the NACo Labor and Employee Steering Committee, and informed those present that the House has introduced legislation mandating that state and local governments enter into public service agreements with their public safety employees. While the committee does not oppose collective bargaining, such a determination is best made at the state and local level. H.R.413/S.1611

would potentially be an unfunded mandate on states and counties with considerable fiscal implications. The committee worked and prevented final passage.

The Transportation Steering Committee is working with Congress to ensure that ample funding is available for transportation programs of importance to county governments

Comm. Pappas commented on the Strategic Planning Process.

Comm. Clemons thanked those who attended his mother's funeral and those who sent cards and letters. He noted that these acts were very kind, and he was very proud to say that he is a County Commissioner.

Collective Bargaining – Thomas Flygare, Esq.

Comm. Pappas indicated that the Board will now address collective bargaining with Attorney Flygare. The Board chose to move into recess.

Motion: To move into recess with Attorney Flygare, Mr. O' Mara, Mr. Moorehead, and Mr. Wenger. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

The Board moved into recess at 11:30 a.m.

The Board moved out of Recess at 12:04 p.m.

Motion: To move out of recess. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

10. Non-Public Session

Comm. Pappas indicated that the Board would move into Non-Public session, and entertained a motion.

Motion: To enter Non Public Session with:

- Mr. Moorehead, H. Bernier, S. Lyons, P. Martel, S. Naughton, S. Dionne, Mr. Wenger and Attorney Kirby consistent with RSA 91-A:3 II (a), relative to the aforementioned grievance, and
- with Mr. Moorehead, Mr. O'Mara, Ms. Robinson and Mr. Wenger consistent with RSA 91-A:3 II (a), relative to a compensation issue, and
- with Attorney Kirby RSA 91-A:3 II (a), relative to an employee issue. Motion by Comm. Holden, second by Comm. Clemons. Pappas-yes, Clemons-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 12:05 a.m.

The Board met with Mr. Moorehead, Mr. O'Mara, Ms. Robinson, and Mr. Wenger relative to compensation.

The Board met with Attorney Kirby to discuss the grievance presented earlier in the meeting. No action was taken during Non-Public session.

The Board moved out of Non-Public Session at 12:58 p.m.

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

Comm. Pappas asked if there were any other business before the Board. Comm. Holden offered the following motion:

Motion: To deny grievance # AFSCME PM0594. Motion by Comm. Holden, second by Comm. Clemons. The motion carried unanimously.

M. Castonguay asked the Chair if the Board recommended bringing Ms. Germond to the Executive Committee meeting the following Friday relative to the grant application. Following discussion, there was a general agreement that it was not necessary to ask her to attend that meeting and that the grant request would properly be addressed during the next budget process. Mr. Wenger concurred, noting that the motion approved at this meeting is contingent on funding and it is an issue for next year's budget.

11. Adjourn:

Comm. Pappas asked the Board if it wished to address any other business; there being none, a motion to adjourn was entertained.

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

The meeting adjourned at 12:24 p.m.

Following adjournment, Mr. Wenger informed those present that the newly elected County officials would be sworn in on January 5th at 9:00 a.m. in the Commissioner's Conference Room; Justice Galway will officiate.

Signed 12/29/10

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date