

Regular Meeting of the  
Hillsborough County Board of Commissioners  
January 13, 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. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, C. Kirby, B. Moorehead, J. O'Mara, E. Robinson, G. Wenger, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:07 a.m., followed by the Pledge to the Flag led by E. Robinson.

**2. Administrative Business**

Minutes

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

**Motion:** To approve the minutes of the Regular Board of Commissioner's meeting dated December 23, 2009. By Comm. Clemons, second by Comm. Holden.

Comm. Holden asked that the minutes be corrected to reflect the votes of the Commissioners relative to the motion on Page 3 for Bid # 10-2010. She asked to have the last line on Page 3 changed. It reads: "The Board voted in the majority against the motion. The motion did not carry."

Comm. Holden noted that she did vote in favor of the motion and would like to have that action on the record. The Board agreed to change that portion of the minutes to read: "The motion failed with the majority of the Board voting against it. Commissioner Pappas and Clemons voted against the motion. Comm. Holden voted in the affirmative.

The motion carried to approve the minutes of December 23, 2010 with the change requested by Comm. Holden.

Comm. Pappas entertained a motion relative to the sealed minutes of the Non-Public portion of the Commissioner's meeting dated December 23, 2009

**Motion:** To approve the minutes of the Non-Public portion of the Commissioner's meeting dated December 23, 2009, noting that the Board voted to seal those minutes at its last meeting. By Comm. Clemons, second by Comm. Holden.

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated December 24, 2009, in the amount of \$1,333,352.75, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To approve the Payroll Register dated January 7, 2010, in the amount of \$1,202,285.57, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

#### Approval of Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated January 13, 2010, in the amount of \$94,746.96, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

#### Telephone Polls

Comm. Pappas entertained a motion for the Telephone Polls conducted since the last Board meeting; she noted that there are two Telephone Polls for the Board's approval.

**Motion:** To approve the Telephone Poll conducted on Wednesday, January 6, 2010 seeking approval of two outstanding Accounts Payable Registers. The Poll was to approve Accounts Payable Registers dated December 30, 2009 in the amount of \$1,521,890.49, and January 6, 2010 in the amount of \$5,827,303.29, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To affirm a Telephone Poll conducted on Wednesday, January 6, 2010 seeking approval of the transfer of a male inmate from the Sullivan County Department of Corrections to the Hillsborough County Department of Corrections. All three Commissioners were reached and expressed support for the motion. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

#### Bid # CIS-7-2010 – Sheriff's Office – IMC Annual Software Support

**Motion:** To approve Bid # CIS-7-2010 for the Sheriff's Office for the IMC Annual Software Support in the amount of \$10,690, noting that it is a single source bidder consistent with RSA 28:8-e V for annual contractual support costs. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

#### Bid # CIS 8-2010 – FY2010 Computer Hardware Purchase

**Motion:** To approve Bid # CIS-8-2010 for Computer Hardware Purchase to Gov Connection, Inc., 732 Milford Road, Merrimack, NH, in the amount of \$ 8,971.93, noting that it is the lowest responsible of three bidders. Motion by Comm. Clemons, second by Comm. Holden.

In response to a question from Comm. Clemons, Mr. Wenger explained that this is part of the annual purchase of hardware for various Departments that were approved during the budget process; it includes printers, computers, and related support. It does not include the servers that were also budgeted; those purchases are being held off until the end of the year.

Motion carried.

### 3. Public Comment on Agenda Items

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

Comm. Pappas noted that there are transfers to be considered.

**Motion:** Comm. Holden moved to approve Budget Transfer No. 2010-11, to transfer from the Business Office Health & Accident line the amount of \$4,200, and to transfer the same amount to the Business Office line 7110, Unemployment Tax. She noted that the reason for the transfer is identified on the form. Second by Comm. Clemons.

Mr. Wenger explained that subsequent to the budgeting process, there was an emergency change by the Legislature with respect to both the rate and the amount of money that is charged for the Unemployment Tax; he explained that there is now \$8,000 charged against the first \$10,000; the County had not budgeted for it, and this transfer is to clarify that action. He explained that each Department has a line for this tax, but for simplicity, he is requesting a transfer to the Business Office line from which the expense will be paid. He further explained that the money is available in the Business Office budget because of a change in the staff in that Department. Comm. Holden offered that if the Business Office needs money later on, it could go to the other Departments. Mr. Wenger noted that there is not much money in this budget and it was difficult to find the necessary funds.

Motion carried.

Mr. Wenger informed the Board that there is another transfer; it is a transfer with respect to moving money from Contingency so that the DOC's salary lines are properly budgeted. Mr. Wenger asked for the opportunity to handle this transfer by Telephone Poll so that he has the time to do more research relative to different lines so that they are accurate, noting that this is a complicated transfer and it involves Social Security and Retirement, which involve formulas. He noted that he will get it to the Board so that it can be completed by Telephone Poll prior to the next Executive Committee meeting, at the request of Supt O'Mara. The Board agreed to this action.

Supt. O'Mara informed the Board that the Delegation approved the cost items associated with the AFSCME agreement at its meeting on June 16, 2009; he further noted that whether or not the DOC will need or spend this money, that is not the primary issue; the more important issue is having the budget reflect the increase so that there is not a big jump between budget years; and it provides good financial tracing, and avoids questions during the next budget process.

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

##### **Census**

Supt. O'Mara presented the DOC Census, noting that as of January 6, 2010; the Census is 631; there are 16 in the community. He explained that there are 615 In-House, which included 570 men of whom 393 are being held pre-trial, and 177 have been sentenced. There were 61 women of whom 34 are being held pre-trial and 27 have been sentenced.

Supt O'Mara informed the Board that a female inmate delivered a baby in the local hospital; he explained that the mother, who is an addict, was kept on methadone for the health and safety of the fetus. He further explained that the mother will be weaned off the methadone; however, the infant will not be given any such meds and the effect will be "cold turkey" withdrawal.

Supt O'Mara informed the Board that there is a new craft program that initially includes women who are allowed to glue wood parts together to make small items. He noted that it was a big success for the holidays when the women were able to give their children handmade gifts. Supt O'Mara explained that the DOC is planning to have that program grow to include a program for men. He explained that about \$9,000 worth of wood products and paints were donated to the DOC.

As a part of an effort to show that the DOC manages many different types of inmates, Supt O'Mara distributed a photo of a heavily tattooed man's chest that included the letters "GD", which was but one among many tattoos. He explained that "GD" stands for the gang, "Gangster Disciples."

Bid # FY10-45 – Facility Elevator Service Contract, February to June

Supt. O'Mara presented Bid # FY10-45; the bid is for a Service Contract for the Facility Elevator from February through June.

**Motion:** To approve Bid # FY10-45 – Facility Elevator Service Contract, which is for February to June? He noted that Otis Elevator is the company that installed the elevators, and explained that the DOC has continued to do business with Otis. He further explained that they also sought a bid and information from Stanley Elevator, but they have learned that Stanley would have to purchase its parts from Otis, and typically in that situation, Otis is always on backorder anytime a competitor needs an Otis part; this would be problematic for the Department of Corrections because the three (3) elevators are essential for inmate movement and safety in the facility; there is an urgency associated with getting elevators up and running. Supt O'Mara noted that he does not like the situation and would prefer being able to go to other vendors for bids; however, it is not possible in this situation. He recommended Otis Elevator and requested that the Board waive competitive bidding consistent with RSA 28:8-e (V), and that the bid be awarded to Otis as a single source bidder.

**Motion:** Comm. Clemons moved to accept the recommendation for approval of Bid # FY10-45 as presented by Supt. O'Mara. Comm. Holden seconded the motion. Motion carried.

## 5. Nursing Home

### Census

Mr. Moorehead presented the Nursing Home Census. He explained that as of January 7, the Census was 280, which included 206 Medicaid residents, 48 private pay residents, and 26 Medicare Part A residents. He noted that the private pay number is very strong, and the Medicare number is below budget.

### December 2009 Revenue

Mr. Moorehead presented the preliminary December 2009 Revenue and noted that the budget for the month was \$1,712,651; the actual December revenue was \$1,759,064 resulting in a positive variance of \$46,413.

Mr. Moorehead referred the Board to the newspaper article that features the 100<sup>th</sup> birthday of Nursing Home resident, Lillian Miller. He noted that she was a welder during World War II; she was born when William Howard Taft was President. He went on to explain that the average worker in her working years earned \$675 a year, and there were 76 million people in the United States at that time. Lillian has 24 grandchildren, 52 great-grandchildren, 11 great-great-grandchildren, and she is still doing well at the Nursing Home. Comm. Clemons noted that she was born under the Teddy Roosevelt administration.

## 6. Public Comments

There was no one present from the public who wished to comment

## 7. Old/New Business

### Update - Temple Street

Ms. Robinson reported that there continues to be a couple of issues with heat that are being worked on; the plumber was there yesterday and consideration has been given to bringing in the company that installed the boiler.

Ms. Robinson informed that Board that carpet will be installed on the third floor in areas where the carpet was not replaced previously and where the County Attorney is now utilizing space; the work will be started the following Friday afternoon and continue through Saturday so that most of the installation will be done when the office is not busy. There is also carpeting that will be replaced in the Sheriff's area where it is most travelled.

Ms. Robinson explained that she is still working with Honeywell (Stanley) relative to Security to try to finish up the security issue and to reach a point where it can be brought online.

Ms. Robinson noted that there are a couple of leaks that need to be looked at and noted that she believes the leaks are relative to plumbing issues rather than roof issues. She also noted that there is a crack in the ceiling which she will have fixed.

Comm. Holden noted that some of the problems occurred when Ms. Robinson was out sick, and could not be reached; she asked if perhaps it would be advisable to have someone else designated if she were not reachable. Ms. Robinson said that she was reachable by phone, and in this case, only an email was sent. She further explained that her staff could reach her, if necessary, and staff also knows the appropriate person(s) to call in the event of a problem. Comm. Holden responded that anyone with a problem should both call and email.

P. Coughlin added that the crack is probably related to the banging upstairs, and the area has been designated with a cone to prevent people from walking under it.

### Consideration of Approval of Executive Committee & Delegation Minutes

Comm. Pappas noted that the Board is still discussing how it will handle this issue. Comm. Holden noted that if there is only one Commissioner present, there is no need to take any action; however, when two or more attend, the minutes can be approved after the Executive Committee or Delegation has approved them.

### Commissioner's Board Meeting Schedule

The Board discussed the schedule and the Meeting Schedule for 2010. The Board agreed to continue having the meetings commence at 10:00 a.m.; this will allow Department Heads to continue meeting at 8:40 prior to the Board Meetings. Comm. Pappas noted that she has a conflict with two dates, and asked the other Commissioners if it would be possible to change those dates. The Board agreed to change the follow dates: from Wednesday, March 10 to Thursday, March 11, and to change the meeting scheduled for Wednesday, May 5 to Thursday, May 6.

**Motion:** To approve the Board of Commissioners Meeting Schedule for 2010 with the changes requested by Comm. Pappas. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden informed the Board that there are two bills that are being heard this afternoon in Concord in the Judiciary Committee; one is Senate Bill 329, which is an act relative to the bonds of County

Officers. Comm. Holden noted that this bill will transfer the approvals and procedures for bonds for County Officers from Superior Court to the County Commissioners; she asked if the Board wishes to discuss the issue. Mr. Wenger noted that as he presently understands it, this should be a simple procedure, and he does not see this as a significant expense.

Comm. Holden noted that the second bill being addressed this afternoon is Senate Bill 346, which relates to Sheriff's fees for the service of civil process; it increases the civil process fee and also establishes a new Sheriff's fee to be charged to the defendant on any civil order of arrest. She explained that the current fee for the service of every writ is \$15; the new rate would be \$25; every service or writ of possession would increase from \$15 to \$25; and any service for demand of rent or eviction notice would increase from \$15 to \$25, as well as service of every subpoena, which would increase from \$15 to \$25. Comm. Clemons inquired when the fees were last changed. Commissioners Pappas and Holden responded that it had been years since there was an increase.

Comm. Holden noted that she went to JACAR committee meeting the previous Friday relative to the how the Incentive Funds would be distributed. She noted that the State has taken the responsibility for children and youth programs. The vote of the committee was to have the State distribute the incentive funds. Comm. Pappas noted that she had some people call her relative to this issue.

Comm. Holden noted that she distributed the NACo E-News to all department heads and elected officials; she noted that it can be viewed on the website every week to ten days. Comm. Pappas suggested that it would be wise to see that everyone gets it. Comm. Holden noted that there is much information including items relative to grants and other issues of interest.

Comm. Holden thanked Ms. Robinson for her report from the NACo Conference. Comm. Holden noted that she was interested in anything Ms. Robinson learned about elders; Ms. Robinson responded that there wasn't much information on that subject, but she did attend the long term care session. Comm. Holden noted that it was helpful. Ms. Robinson noted that she distributed the report. Comm. Pappas complimented Ms. Robinson on the report.

Ms. Robinson explained that Comm. Holden had asked for an update relative to what is happening in the Human Services Department programs. She distributed reports to the Board and a new brochure developed by the Human Services Department; it will be printed by the NH State Prison Correctional Industries and will be relatively inexpensive. She noted that the reports include revenue projections and expenses and explained that her office is in the process of updating the website and will be giving the brochure to Mr. Roach for posting on the website, and consideration is being given to posting an intake form for the new ADDE program on the website. Ms. Robinson reviewed the reports in greater detail as well as the different programs within the Department, and described the revenue her department has realized and the spending to date. Comm. Clemons inquired about whether the Courts are aware of the ADDE programs; to which Ms. Robinson responded that her Department is meeting with people who would refer to the program and explained that the focus is on prosecutors.

Ms. Robinson requested that the Board approve Out-of-State training for two staff related to the ADDE program. She noted that one of the components of the program is educational; there is nothing in NH until the summer and the Department wants to begin operating soon; there is training in Warwick, RI in mid-February and she would like to have approval to send staff to that training. Ms. Robinson noted that the cost would be approximately \$2,530...some of the costs are estimated, but the most significant cost is registration at a price of \$895 per person. She noted that she is planning to send one LADC person and one of the case managers; the other case manager will attend the training in Portsmouth in June. Comm. Clemons inquired about the date; Ms. Robinson noted that it is scheduled for February 15<sup>th</sup> or 16<sup>th</sup>.

**Motion:** To approve a cost of \$2,530 for an out-of-state educational conference and Out of State Travel for the Human Services Department so that two staff can attend the Prime for Life Training in Warwick, RI, on or about February 16<sup>th</sup>. By Comm. Clemons, second by Comm. Holden.

Comm. Holden inquired about the budget amount, noting that the budget for Out of State Travel for the Family Intervention is \$1500. Ms. Robinson noted that the registration would come out of the Education and Conference line; the travel and hotel would come out of the Out of State Travel line. Comm. Holden noted that this would represent a significant draw-down on the allocated funds. Ms. Robinson indicated that she did budget for this purpose. Comm. Holden noted that her question had been answered.

Motion carried.

P. Coughlin asked if Human Services was working with school guidance counselors. Ms. Robinson responded that staffs from both programs are working together at times to share information and identify people/places to contact.

Ms. Robinson inquired about how frequently the Board wished to have an update. The Board recommended a quarterly report.

Mr. Moorehead noted that there was a recent article in the Union Leader relative to the Guild at the Nursing Home disbanding. He noted that Rita Goulet has been the President of the Guild for more than ten years. In answer to a question from Comm. Clemons, Mr. Moorehead noted that the Guild is a volunteer organization that does a lot of sewing and embroidery; he explained that the group was very active and took trips, had parties, picnics, and various other things, but because of the decline in membership and the age of the existing members, they decided to disband.

Mr. Moorehead noted that he wanted to personally thank Rita Goulet and the Guild for all their excellent service to the Nursing Home over the years.

Mr. Moorehead notified the Board that the flooring project for the Dementia Unit A-1 will commence on January 18<sup>th</sup>; it is anticipated to take about eight weeks to complete. Patients will need to be moved out of the unit during that time. There will be no new admissions to that unit during the eight or nine weeks of the project. He noted that the project may result in a short term drop in the Census. Comm. Holden agreed that it could be disruptive to bring people into a unit and then have to move them again. Mr. Moorehead explained that residents with dementia or Alzheimer's do not take well to being moved to a different unit or a different room; he noted that they might walk out of their room and go in a different direction because of confusion, and the goal is to minimize that as much as possible. He further explained that some are confused by a change in color or pattern and could perceive a change as a ledge and try to jump over it. He indicated that a consistent pattern, color, and tone will be much better for the patients and will hopefully reduce falls.

Ms. Robinson explained that an issue in her Department is that the ADDE program requires urine testing and there are only public bathrooms in the building; if a public bathroom is used, the bathroom will have to be closed off for a period of time because of the need to monitor the person. She suggested that a more appropriate solution would be to add a bathroom in the Human Services Department, and noted that it appears that it would be relatively easy to do. Ms. Robinson asked for the Board's approval to research the cost of adding the bathroom.

Ms. Robinson noted that she has worked out a good price for a testing company to pick up the urine samples for testing, and explained that the samples need to be frozen while awaiting pickup, so a freezer is needed. She noted that there is money in the budget for the freezer and she will check on prices.

Lastly, there is a need for water; persons who are being tested may have to have water if they are unable to produce a specimen. She noted that one consideration is to bring in a water company and include it in the budget. Comm. Holden suggested that it be addressed during the budget process; she noted that with the move of the Sheriff's Office staff and Business Office, the Board may want to suggest some upgrades to the Business Office such as a sink and some facilities in there. Ms. Robinson noted that she thought it would be better in the long run to add a bathroom, and there is a need for a water source, which is why she suggested buying a water machine and having water delivered as well as adding a freezer. Comm. Clemons agreed that the bathroom is a good idea, but as far as water is concerned, he does not see why the Human Services Department cannot simply buy a number of cases of water. Ms. Robinson agreed to purchase the bottled water. Comm. Pappas suggested that it would be appropriate to explore the cost of a bathroom. Ms. Robinson noted that she would include the expenses in the budget process.

Attorney Kirby informed that Board that she had good news; she noted that the County had a case dismissed out of the Federal District Court earlier this week; it was Wayne Bell v. Hillsborough County. She noted that she had four hearings with Mr. Bell in the Superior Court on habeas corpus petitions of various types including everything from his medical care, wanting to get out early, and his dates being incorrect relative to sentencing. She noted that there was a temporary restraining order in Federal Court, which was successful and ultimately summary judgment was granted. She noted that this is a victory, and is positive for Supt O'Mara and his staff. Attorney Kirby informed the Board that Mr. Bell has been released from the facility after a couple of years of being incarcerated. She noted that there is an interesting order out of the National District Court where the judge said that Mr. Bell was intending to stay in the facility for quite some time.

Mr. Wenger reported that the Business Office is working on the sick leave re-imburement; it will be presented at the next Board meeting for its approval.

Mr. Wenger informed those present that there is a Mental Health meeting the following day in Nashua at 3:00 p.m. at Nashua Mental Health. Comm. Clemons noted that he would be unable to attend that meeting; he informed the Board that an employee from the Department of Corrections will be sent to Washington to attend a conference relative to the same issue.

Mr. Wenger noted that the County has moved out of Chestnut Street with the exception of some of the Sheriff's communications equipment that is still operating; progress is being made to get that equipment and the service transferred to the Bouchard Building. He thanked the DOC, the County Attorney's Staff, Ms. Coughlin, Ms. Robinson, and everyone who worked together to make the move successful. Mr. Wenger noted that the County Attorney and staff are "up and running" in Nashua. The Board congratulated Mr. Wenger for a job well done. He noted that P. Boardman and M. Rioux did yeomen's work, and the Department of Correction's teams have helped a great deal at various times, particularly with the moving of many books in the Law Library.

Attorney Kirby noted that she has three requests to meet with the Board of Commissioners; one with Mr. Moorehead, one with Supt O'Mara, and one with Ms. Robinson.

Comm. Pappas entertained a motion to consult with Counsel and for Non-Public Sessions. Attorney Kirby noted that she does not need to meet in Non-Public session, but wished to meet with the Board for consultation with Counsel. Comm. Holden noted that she has a request to discuss two issues in Non-Public Session.

**Motion:** To meet in Non-Public session consistent with RSA 91-A:2 I (a) for a personnel issue, and to meet along with Attorney Kirby, Mr. Wenger, and Mr. Moorehead consistent with RSA 91-A:2 I (c) relative to an issue that could affect the reputation of a person. By Comm. Holden, second by Comm. Clemons. Holden-yes, Pappas-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public Session at 11:10 a.m.

The Board of Commissioners met relative to a personnel issue.

The Board met with Mr. Wenger, Attorney Kirby, and Mr. Moorehead relative to a contract.

The Board moved out of Non-Public Session at 11:43 a.m.

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

The Board moved into recess to consult with Counsel at 11:45.

**Motion:** To move into recess. By Comm. Holden, second by Comm. Clemons. Motion carried.

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

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

Comm. Pappas asked if there were motions to be made based on earlier discussions.

**Motion:** To authorize settlement relative to a Department of Corrections issue. By Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To authorize settlement relative to a Human Services issue. By Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To authorize the chair to execute the agreements on behalf of the Board. By Comm. Holden, second by Comm. Clemons. Motion carried.

Noting that there was no further business before the Board, Comm. Pappas entertained a motion to adjourn.

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

The meeting adjourned at 12:07 p.m.

(Signed 1/27/2010)

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date