

Regular Meeting of the  
Hillsborough County Board of Commissioners  
February 4, 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. T. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Boardman, P. Coughlin, A. Durette, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, M. Rioux, E. A. Robinson, J. M. Wageling, G. Wenger, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:06 a.m., followed by the Pledge to the Flag led by Comm. Clemons.

**2. C. Pappas - Treasurer**

Chris Pappas, the Hillsborough County Treasurer was not able to make today's meeting.

**3. County Attorney**

Comm. Pappas welcomed County Attorney, M. Wageling. Ms. Wageling informed the Board that she would like to update the Board relative to the issues her office may face should the Hillsborough County Superior Court North relocate temporarily to Nashua. She introduced Mary Rioux, who has done research on the County Attorney's office space needs. Ms. Rioux referred the Board to a packet each Commissioner was given and directed them to the first page, noting that it outlines the square footage of the County Attorney's current space, and a breakdown of each space currently utilized. Ms. Rioux noted that the total current space is approximately 5,945 square feet. She informed the Board that she conducted online research at officefinder.com to determine what is generally recommended for appropriate office space for a staff of 31, which is the number of employees involved. From the research, she learned that usable square footage requirements would be approximately 6,820 square feet. She noted that the next part of the packet provides a breakdown of the existing staff, their positions, and the equipment such as desks, chairs, phones, computers, file cabinets, and bookcases that would have to be moved with them. She further explained that the next page provides a breakdown of the remainder of the office, which includes computer terminals, tables, printers, copy machines, fax machine, file storage, bookcases, and more.

Ms. Rioux referred the Board to the last page of her packet, which outlines current space being utilized in Nashua that includes 3,084 square feet at Temple Street, and 612 square feet at Hillsborough County Superior Court South on Spring Street. There is approximately 1,023 square feet available on the second floor of Temple Street that could be utilized for staff.

M. Wageling informed the Board that last week, she met with S. Lorenzon, L. Kiernan, J. Safford, M. Buttrick, Judge Groff, Judge Mangones, a representative from Probate and a support person from each of the Federal Clerk's offices. She noted that all the stakeholders were represented. A discussion occurred relative to moving the Court. She noted that the State is looking at spaces for a courtroom, including the Spring Street location, and there is the potential that the State would need to take back the space presently occupied by her staff at Spring Street. She noted that she has learned that the County has no lease agreement at the Hillsborough County South location in the Courthouse. Ms. Wageling noted that the State needs at least approximately 800 to 850 square feet, so it does not

appear that this space will fit its needs. She noted that dialogue occurred relative to available space in the basement area of the building, which might meet the State's needs.

Ms. Wageling informed the Board that the Probate Court has historical files dating back to the 1800's in the basement space that it intended to move to the State Archives in Concord, but has not managed to get that done. They indicated that space might be available if the files were moved out. Ms. Wageling has communicated her Department's needs to the State, and the State has included her in the discussions. She noted that there was discussion relative to outfitting the space in the basement, and suggested that the space might be used by the County as a permanent space.

Comm. Holden noted that this raises issues with confidentiality of records, safety and security, and access to Temple Street, and noted that the Board will have to look at the Temple Street layout. Ms. Wageling addressed parking issues in the area and noted that she is willing to help facilitate the transition process in any way that she can.

Comm. Clemons asked if the State has made a definite decision to move the Court, to which Ms. Wageling replied that, as she understands it from her meeting in December, Administrative Services has budgeted its critical projects for the next fiscal year in tiered levels, and that the renovation of Hillsborough County Superior Court North is number one priority in tier one. The Court move is top priority in the request for capital expenditures. She noted that the meetings and planning are continuing.

Comm. Clemons asked if Ms. Wageling has met with Mayor Lozeau to establish parking areas in Nashua. Ms. Wageling indicated that Mayor Lozeau has been consulted and has indicated willingness to dialogue with those involved. Attorney Wageling agreed to keep the Commissioners informed as the discussions continue.

Attorney Wageling informed the Board that the Law Library at Hillsborough North has a large number of books that are no longer used because everyone is computerized now. Attorneys now use an online law library service. She noted that the books take up a good deal of space. She indicated that she had advertized them for sale in the past, but there was no interest. She asked for direction from the Board. Discussion ensued relative to the use and disposal of the books; the general feeling was that she should advertize once again. Possibly interior decorators might use some of them. Mr. Wenger noted that these are books that will never be used again, but he suggested one more try at advertising, and if that is not successful, then they should be disposed of. Supt. O'Mara offered to make arrangements with the County Attorney to start boxing them, and Mr. Wenger suggested that he will ask the Departments to save boxes. There was discussion about using the bookcases, once they are empty.

#### **4. Minutes**

Minutes of January 21, 2009

**Motion:** To approve the minutes of January 21, 2009. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### **5. Business Office**

Approval of Payroll Registers

**Motion:** To approve the Payroll Register dated 1/21/09 in the amount of \$35,000.00, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To approve the Payroll Register dated 1/22/09 in the amount of \$1,125,869.67, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To approve the Payroll Register dated 1/23/09 in the amount of \$ 577,531.24, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger explained that the Payroll Register dated 1/23/09 is the Sick Leave Re-imbursement that the Board approved to be distributed at its prior meeting. He explained that the manifest was not signed at that time, so it is back on the agenda to confirm the Board's action and to obtain signatures.

#### Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 2/2/09 in the amount of \$ 4,088,875.14 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Telephone Polls

**Motion:** To approve a Telephone Poll conducted on January 29, 2009 at the request of the Department of Corrections to authorize the Superintendent to accept the transfer of a male inmate from the Merrimack County Department of Corrections. The Motion passed unanimously. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To approve a Telephone Poll conducted on February 3, 2009 to authorize the Superintendent to accept the transfer of a male inmate from the Sullivan County Department of Corrections. The Motion passed unanimously. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Transfer # 2009-04

**Motion:** To approve Transfer # 2009-04 for the Department of Corrections to transfer \$11,000 from Contingency Grant Expenses to the Department of Corrections, Other Fees & Services, noting that this is for continuation of a residential substance abuse treatment program that began in 2005. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

## 6. Department of Corrections

### Census

Comm. Pappas recognized Supt. O'Mara who presented the Census, noting that as of January 28, the Census was 599, and noted that this included 533 men of whom 195 have been sentenced and 338 are pre-trial. There were 66 women of whom 25 have been sentenced and 41 are pre-trial.

Comm. Clemons asked the Superintendent to share with the Board information relative to why there are some prisoners who have been waiting for trial for a very long period of time. Supt. O'Mara noted that a number of factors can result in delaying trial, such as the inmate changing public defenders because of not being satisfied with the Attorney he/she has been assigned, they fire the public defender, and a new defender steps in and the process has to start over again. He noted that there could also be continuations that have been mutually agreed upon. Mr. O'Mara noted that the person Comm. Clemons may be referring to has been at the DOC for 1,165 days; and that there are six inmates who have been at the DOC 550 days or more. Comm. Clemons expressed his concern for the growing expense when an inmate fires their Attorney or asks for a continuation and asked if there

was a way to prevent this from happening. He further noted that it seems as if the person has found a home and he doesn't want to leave. Mr. O'Mara noted that could be the case when a person is destined to go to the State prison, but that other factors come into play, such as waiting for certain pieces of evidence to come back from a lab. He further noted that all continuations are approved by a Judge, so the Judge has the final say. Mr. O'Mara also noted that there is a shortage of Judges to hear cases. Mr. O'Mara offered to get more information if the Board wished him to do so.

Comm. Clemons noted that he does not know where the answer lies, but that he wished the issue to be included in the record, because he feels that it is wrong. He asked Attorney Wageling if she had any input, to which she responded that she was stunned and that she would be happy to help and to look into whether there was anything her Department could address. She asked the Superintendent to work with her to get a process in place so that she would be notified when an inmate reaches a certain number of days. The Superintendent noted that by State statute, he is required to send a pre-trial report monthly to both Superior Courts and Judge Lynn; he offered to share it with Ms. Wageling, which in turn will keep her informed of the status of pre-trial cases.

Comm. Clemons noted that perhaps this awareness and knowledge is something that Attorney Wageling could use to improve the situation, or could use if she ever has an opportunity to lobby relative to the judicial system. She noted that these are the very issues that Justice Broderick and others have been discussing, and that she would hope that the Representatives are listening and understand how it impacts the State budget. She noted that she works to keep her staff moving cases along, and will do everything to facilitate the process.

Ms. Wageling informed the Board that another issue that will be faced, should the Court relocate to Nashua, is limited holding cell space in the Spring Street building. Ms. Robinson noted that there are three holding cells at Temple Street.

#### Bid FY09-86 – Classification Wrist Bands

Mr. O'Mara presented Bid FY09-86, which is for Classification Wrist Bands, noting that they are Clincher IV and V used by the inmates with their picture and identification. They are color-coded to match their uniforms. He informed the Board that the lowest responsible bidder is Precision Dynamics, San Fernando, CA, at a price of \$151.43 up to \$167.43 per box, based on size.

**Motion:** To approve FY09-86 for Classification Wrist Bands, as stated by the Superintendent.  
By Comm. Holden, second by Comm. Clemons. Motion carried.

## 7. Nursing Home

### Census

Mr. Moorehead, Nursing Home Administrator, was recognized. He presented the Nursing Home Census, noting that as of January 29 the Census was 273, which included 197 Medicaid residents, 39 private pay residents, and 37 Medicare Part A residents. He noted that the last two numbers are awesome and the staff is working hard to meet the resident's needs.

### Bid # 21-2009 – Fully Electric Beds

Mr. Moorehead explained that this bid is for 15 fully electric beds and recommended NOA Medical Industries, Sunapee, NH as the lowest responsible bidder. He noted that this will conclude replacement of all the beds in the facility, which started seven years ago.

**Motion:** To approve Bid # 21-2009 for 15 fully electric beds at a cost of \$ 1,245.37 each for a total of \$18,680.55 to NOA Medical Industries, Sunapee, NH, noting that it is the lowest responsible supplier and bidder. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Moorehead informed the Board that all the bids he was presenting today, with the exception of the gloves, are Capital items which can be depreciated with Medicaid and Medicare.

**Bid # 22-2009 – Touchfree Ice Machine Maker/Dispenser**

Mr. Moorehead explained that this bid is for a Touchfree Ice Machine Maker/Dispenser for the Staff cafeteria at a price of \$3,722.07; he recommended Direct Supply, Milwaukee, WI as the lowest responsible bidder.

**Motion:** To approve Bid # 22-2009 for the Nursing Home for a Touchfree Ice Machine Maker/Dispenser as stated. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Bid # 23-2009 – Thera-Glide Rockers**

Mr. Moorehead explained that this bid is for 4 Thera-Glide Rockers and recommended Future Med, Peabody, MA, as the lowest responsible bidder. The cost is \$838 each for a total of \$3,352.

**Motion:** To approve Bid # 23-2009 for four Thera-Glide Rockers at a unit price \$838 for a total of \$3,352 to Future Med, Peabody, MA, as the lowest responsible bidder and supplier that met the specifications. Motion by Comm. Clemons, second by Comm. Holden. Motion carried

Mr. Moorehead noted that the second vendor listed is actually located in Milwaukee, WI; he further noted that the third bidder did not meet the specifications because the chair they bid did not have a locking mechanism required for falls prevention.

**Bid # 24-2009 – Vinyl Examination Gloves**

Mr. Moorehead explained that this bid is for Vinyl Examination Gloves, and recommended Central Paper Products, Manchester, NH, as the lowest responsible bidder. He noted their box price is \$2.58 and their case price is \$25.80. He explained that the facility purchases roughly 1400 cases of this product per year, and the cost of vinyl gloves has increased significantly over FY08 primarily due to it being an oil-based product.

**Motion:** To approve Bid # 24-2009 for Vinyl Examination Gloves as stated. Motion by Comm. Holden, second by Comm. Clemons. Motion carried

**Bid # 25-2009 – 2 Digital Portable Chair Scales**

Mr. Moorehead explained that this bid is for 2 Portable Chair Scales and recommended Direct Supply, Milwaukee, WI, as the lowest responsible bidder. The cost is \$967.62 each for a total of 1,935.24.

**Motion:** To approve Bid # 25-2009 for the Nursing Home for 2 Digital Portable Chair Scales to Direct Supply, Milwaukee, WI. The unit price is \$967.62 for a total of 1,935.24; it is the lowest responsible supplier and bidder. Motion by Comm. Clemons, second by Comm. Holden. Motion carried

Mr. Moorehead noted that this type of scale is safer for residents and employees because the resident is not standing while being weighed, and this reduces resident falls and employee injuries that result from an employee trying to hold and stabilize a resident who is falling.

Bid # 29-2009 – Broda Recliners (4)

Mr. Moorehead presented Bid # 29-2009 for 4 Broda reclining chairs for a total price of \$6,470, noting this is a sole source provider consistent with RSA 28:8-3 V, and no other vendor sells these. He noted that the chair is for positioning and pressure-relieving; there are two different types. The lowest responsible bidder and the only bidder is Renmar Healthcare, Concord, NH.

**Motion:** To approve Bid # 29-2009 for 4 Broda Recliners noting that Renmar Healthcare is a sole source supplier consistent with RSA 28:8-3 V. Motion by Comm. Holden, second by Comm. Clemons. Motion carried

Position Change Request

Mr. Moorehead presented a request for a position change. He noted that there are currently two full-time Staff Development Coordinators in the budget; part of the Staff Development Coordinator's responsibility for a number of years has been to conduct the Nurse Aide class; however, with the amount of LNA's that are coming in off the street, and from the company's that the Nursing Home has contracts with for clinical on-site work, the need for the Nurse Aide class is no longer there. He asked the Board to approve changing the second position of Staff Development Coordinator to part-time, at 24 hours per week.

**Motion:** To approve the Nursing Home's request to reduce the Staff Development Coordinator from full-time to part-time. Motion by Comm. Clemons, second by Comm. Holden. Motion carried

New Position Request

Mr. Moorehead noted that this request has already been taken care of.

Skilled Unit Private Rate Recommendation

Mr. Moorehead asked to continue this item to the next Board Meeting since he is waiting for a response from the software supplier relative to this issue.

Mr. Moorehead requested a Non-Public session under RSA 91-A:3 II (a), relative to compensation.

## **8. Old/New Business Office**

Public Comments

There was no one present from the public who wished to address the Board.

E. Robinson informed the Board that she has consulted Mr. Cote, a roof expert who has done work on the Bouchard Building relative to the Temple Street roof; he is someone that she has confidence in. Mr. Cote looked at the Temple Street roof. The snow has been removed from the roof. After viewing the roof, he recommended that the ice not be removed because of the possibility of creating more problems. He will remove snow if we get more. The price is not inexpensive. He is working on bid specifications for the replacement of the roof. He believes that the two layers need to be removed to get down to the deck of the roof. He also noted that any rotted decking or timber should be replaced. Ms. Robinson noted that she does not believe that the roof replacement can wait until the County has a new budget; she suggested that the Board consider replacement in the spring as soon as the weather breaks.

Ms. Robinson has plans for dealing with water leaks over the weekend, and if the anticipated two-day warm spell arrives, it may be possible to get the blocked drain open again. She re-iterated that the roof is leaking, but the situation is worsened by having water pooling on the roof because of the blocked drain. She further noted that she has discussed the possibility of finding funds from Contingency with Mr. Wenger and recommended that the County not delay the roof replacement because every time it rains, there will be leaking into the building.

Comm. Clemons expressed his opinion that this should be done at the first break in the weather in the spring, and noted that waiting only increases the damage to the beams. There was discussion and a question as to whether the beams were steel or wood. Ms. Robinson explained that she has encouraged Mr. Cote to move forward so bid specifications can be obtained and the County can get the project out to bid. Mr. Wenger noted that from a budget standpoint, the longer we go along in the current budget, the clearer the picture will be relative to funds.

E. Robinson informed the Board of the Grass Roots Alert from NACo and the RAC relative to cost legislation being introduced by Representative Hastings of Florida. She explained that this legislation, if passed, would remove the inmate exception in Federal law as it relates to Medicaid, Medicare, SSI, and SCHIP benefits in County Jails. It would be a huge impact on medical costs in our County Jails. She asked for others to support this legislation, which is very important to the Counties.

Mr. Wenger informed the Board that he has provided, for their consideration, revised motions relative to competitive bidding for its consideration, as requested at the last meeting.

#### Board Policy Re: Competitive Bids

There was discussion about the process, and a suggestion offered by Mr. O'Mara. Mr. Wenger noted that it was his understanding that the Board was looking to continue its present practice, and at the present time the Board does review every purchase in the County as evidenced by its consideration of the Accounts Payable Register at each meeting. He noted that he drafted the motions as they are because it was his understanding that the Board still wished to review all purchases. Comm. Holden noted that she would continue to review purchases although a bid would not need to be presented. Following discussion, the Board agreed to proceed.

**Motion:** To end the Board's practice of requiring formal competitive bidding and Board approval of all bids for County purchase between \$1,000 and \$4,999, and to direct those departments and offices under the direction and control of the Board of Commissioners to implement internal controls for the oversight of purchases under \$5,000, the internal controls at a minimum should be designed to assure that purchases by the County continue to be competitively priced. Motion by Comm. Clemons, second by Comm. Holden. Motion carried

**Motion:** To confirm the Board's practice that County purchases are subject to the prior review and approval of the Board of Commissioners, that the Board encourages departments to purchase goods through a competitive bidding process, and that all purchases exceeding \$5,000 shall be made consistent with the terms and provisions of New Hampshire RSA 28:8-e, Competitive Bidding Hillsborough County. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas expressed her thanks to Mr. Wenger for his work relative to the change in the competitive bidding process.

Mr. Wenger requested that the Board consider the budget message that it wishes to give for FY 2010, noting that annually the Board sends out a memo to the Departments and the elected officials with respect to how the Board would like to see its budget recommendations. The message typically goes out with the Budget manuals.

Comm. Holden expressed her belief that taxes and spending are on the minds of everyone in the towns and cities as they go through deliberative sessions and have concerns over whether to raise taxes or cut spending. She noted that these are hard times and there needs to be clear compelling reasons for any spending as well as a need to determine what is worthwhile and what is a luxury. She suggested that it needs to start here with this Board; County budgets are different than the towns and cities in the sense that the County determines what it needs; it takes stock of its revenue, and the difference is made up by the cities and towns.

Comm. Holden noted that the Department of Revenue Administration sets the tax rate, so the County does not have to justify its budget with the public; the Board's job is much more difficult, and the only way the voters have a say is at the polling place every two years. She expressed her belief that the Board has to set an example and set budget parameters that are in line with the economic conditions.

Comm. Clemons agreed that the County has to be as frugal as possible without endangering the vital services that are provided to the citizens of the County, and observed that last year's message is appropriate to send again.

Comm. Pappas agreed with the Commissioners and with sending the letter again this year. Comm. Holden suggested that the Board should consider going more toward zero-based budgeting. Comm. Pappas noted that a zero tax increase would be very helpful to the County's taxpayers in these economic times. Comm. Clemons suggested that the Board try to keep taxes down as much as possible and noted that he would not want to be held to the a zero increase, but would suggest that this is something he would favor that the Board strive for. He would want to hear from the Departments and consider the vital services. Comm. Holden noted that a zero-based budget could be a goal, but it does not have to be a deal-breaker.

Mr. Wenger mentioned that the Board will be meeting with Mr. Flygare on Thursday, February 12; Mr. Flygare will be discussing the Fact-Finder's report with the Board. Mr. Wenger noted that it will be posted as a meeting in the event that any action is taken after discussion with Mr. Flygare. He noted that he will try to have a draft budget memo for the Board at that time because he hopes to get the budget manual out the next week, or very early the following week. He asked the Commissioners for any changes they might want to incorporate into this year's budget process. Supt. O'Mara asked if there would be an order to next week's meeting, to which Mr. Wenger noted that he will follow up with Mr. Flygare next Tuesday and get back to the Superintendent with that information.

Comm. Holden informed the Board that there are two meetings next Tuesday; Municipal and County Government will meet in Room 301 of the Legislative Office Building; the House Bill 646 group, which addresses the County/State chairs, will meet at 1:30 p.m., and the HB 468 group, co-sponsored by Neal Kurk, is meeting at 2:30. She noted that she will attend both. Comm. Pappas noted that she may attend, and that everyone is welcome to attend.

Comm. Holden informed the Board that there is a new blog out relative to the Right to Know law; it will have the agendas, information, minutes from the Commission meetings, and all the related bills that are coming up. The site is: [www.nhsunshine.blogspot.com](http://www.nhsunshine.blogspot.com)

Comm. Holden noted that the "2009 *Vital Signs*" is available online. It is an annual publication that reviews the New Hampshire economy in eighteen categories. Comm. Holden will send the online link to Department Heads.

Comm. Holden communicated that the Northeast Caucus of Counties (NCC) has been meeting via conference call; there will be two events at the NACo Conference, one a working meeting on Sunday, March 7<sup>th</sup>, from 7:30 to 9:30, and a reception on March 9<sup>th</sup> from 4:00 to 5:30. She noted that there will be another telephone conference call on February 19<sup>th</sup>. She noted that NCC is at the fledgling stage; it is working on Bylaws.

Comm. Holden presented information relative to the new *Network of Care* that is on the NACo website. It has launched an interactive, single information Internet network that consumers, community-based organizations, and local and state governments can use to access a wide variety of important information relating to social services. Comm. Holden will also send this information to the Department Heads.

Comm. Holden informed the Board that the Greater Nashua Mental Health Center is hosting a NAMI legislative breakfast on Friday, February 13<sup>th</sup>.

The Board discussed the Budget schedule and the times that each of the Commissioners will not be available. Comm. Clemons requested that the Board consider moving its meeting scheduled for 9:00 a.m., Monday, April 27<sup>th</sup> to 10:00 a.m. The Board agreed to this change. Commissioners Pappas and Holden will be attending a NACo Conference March 7<sup>th</sup> through March 10<sup>th</sup>.

Mr. Wenger mentioned that in light of the Board's schedule, he will provide a draft schedule that moves the schedule forward resulting in the Board's budget process potentially being completed earlier this year.

Supt. O'Mara noted that February school vacation is from February 23<sup>rd</sup> through February 27<sup>th</sup>.

Supt. O'Mara provided the Board with an update relative to a grant for Mental Health Courts; it is a grant written by the Attorney General for the entire State. M. Wageling indicated that she is continuing to work on that, and has shared information with the Administrative Office of the Courts (AOC) and Judge Nadeau with details about the County being ahead in its planning. She noted that the AOC and Judge Nadeau were very excited and very willing to include Hillsborough County, but that there is more work and input needed. She noted that she has great hopes that the County will receive grant funds. Supt. O'Mara inquired about having the Board draft a letter to Judges Lynn and Kelley inviting them to the meeting on Feb. 19. Ms. Wageling noted that Judges Groff and Barry want to get involved, and she will make sure they know about the Feb. 19<sup>th</sup> meeting. Supt. O'Mara will draft the letter for the Board's review.

Mr. O'Mara noted that this is a huge issue in Concord; there are pieces of legislation to fund Mental Health Courts, and there is a good deal of focus on the mentally ill and the criminal justice system.

M. Wageling informed the Board that she attended the Chiefs meeting last Thursday, at which time she was asked that the towns not be forgotten, also noting that the overlapping nature of agencies, sometimes over County lines, makes the funding issue difficult. She further noted that not all Judges are on board, some don't want to be involved; they won't engage at all, yet the Judges are the ones that make the final decision, and they need to be involved.

Ms. Wageling noted that the Interbranch Criminal and Juvenile Justice Council (ICJJC) have asked Ms. Wageling to participate in its meetings; the issue on the table currently is alternatives in sentencing. She noted that they want to try to initiate some statewide thinking.

## 11. Non-Public Session

Comm. Pappas noted that there have been three requests for consultation with Council, and a request for a Non-Public session.

**Motion:** To move into Non-Public session under RSA 91:A-3 II (a) relative to compensation. By Comm. Clemons, second by Comm. Holden. Holden-yes; Pappas-yes; Clemons-yes. Motion carried.

The Board moved into Non-Public session at 11:40 a.m.

The Board met with Mr. Moorehead, and discussed a compensation issue for staff at the Nursing Home.

No action was taken during Non-Public session.

The Board moved out of Non-Public Session and returned to its regular meeting at 11:49 a.m.

**Motion:** To return to Public Session. By Comm. Holden, second by Comm. Clemons. Motion carried.

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

The Board recessed to consult with Counsel at 11:50 a.m.

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

The Board returned to regular session at 12:37 p.m. The Board considered the following action:

**Motion:** To approve the settlement of potential litigation against the County regarding the Hillsborough County House of Correction as discussed during consultation with Counsel. By Comm. Clemons, second by Comm. Pappas. Commissioners Pappas and Clemons voted for the motion, Comm. Holden voted against the motion. Motion carried.

**12. Adjourn**

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

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

The meeting adjourned at 12:39 p.m.

*(SIGNED 2/4/2009)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date