

Regular Meeting of the  
Hillsborough County Board of Commissioners  
February 10, 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, D. Reidy, E. Robinson, M. Rusch, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:05 a.m., followed by the Pledge to the Flag led by Comm. Clemons.

**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 January 27, 2010. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Payroll Register

Comm. Holden moved to approve the Unused Sick Time reimbursement listed on the register.

Ms. Stonner explained that the Unused Sick time Re-imburement that is listed on today's Payroll and Accounts Payable Register was approved at the last meeting and only needs a signature at today's meeting.

Comm. Holden withdrew her motion.

**Motion:** To approve the Payroll Register dated February 4, 2010 in the amount of \$1,135,016.77, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated January 29, 2010, in the amount of \$90,542.22, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

**Motion:** To approve the Accounts Payable Register dated February 9, 2010, in the amount of \$4,839,957.03, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

## Telephone Poll

Comm. Pappas entertained a motion relative to the Telephone Poll conducted since the last Board meeting; she noted that there is one Telephone Poll for the Board's approval.

**Motion:** To approve a Telephone Poll conducted on January 28, 2010 at the request of the Department of Corrections; the motion was to authorize the Superintendent to accept the transfer of a male inmate from the Merrimack County Department of Corrections; all three Commissioners voted in the affirmative, and the motion passed. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

## CIS Bid # 9-2010 – FY2010 Computer Software Purchase

**Motion:** To approve CIS Bid # 9-2010 for FY2010 a Computer Software Purchase to GovConnection, Inc., Merrimack, NH, in the amount of \$14,264.87, noting that it is the lowest responsible bidder. By Comm. Holden, second by Comm. Clemons. Motion carried.

### 3. Public Comment on Agenda Items

There was no one present who wished to address agenda items.

### 4. Department of Corrections

Comm. Pappas asked Supt O'Mara if he would be willing to yield to Mr. Moorehead so that he might make an important meeting. Supt O'Mara agreed to yield to Mr. Moorehead and to the Sheriff so that his guest, the Police Chief from Hancock, can return to duty in his community.

### 5. Nursing Home

#### Census

Mr. Moorehead was recognized. He presented the Nursing Home Census and explained that as of February 6, the Census was 276, which included 202 Medicaid residents, 44 private pay residents, and 30 Medicare Part A residents. The Medicare Part A was at budget with 30, the private pay exceeded budget by 9.

#### Bid # 13-2010 – Chair Rails & Wall Guards

Mr. Moorehead presented Bid # 13-2010, which is for Chair Rails & Wall Guards for Unit A-1; he recommended Direct Supply as the lowest responsible bidder at a cost of \$3,316.47.

**Motion:** To approve Bid # 13-2010, which is for Chair Rails & Wall Guards for Unit A-1 to Direct Supply, Milwaukee, WI; as the lowest responsible bidder at a cost of \$3,316.47. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

#### Bid # 14-2010 – Privacy Curtains

Mr. Moorehead presented Bid # 14-2010, which is for Privacy Curtains for Units A-1 and A-2; he noted that the privacy curtains would cover the total number of beds on these two units, which would be 100 curtains that would be used to replace curtains that are nine years old, and are not in good shape. He recommended Harbor Linen, Cherry Hill, NJ, as the lowest responsible bidder at a total price of \$8,588; he added that the products in both of these bids are depreciable with the third parties.

**Motion:** To approve Bid # 14-2010 as stated by Mr. Moorehead. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden complimented the Nursing Home regarding the Union Leader article about the Bake Sale held to benefit the victims of the Haitian earthquake. Comm. Pappas noted that there was also a positive article relative to the five-star quality rating at the Nursing Home.

Comm. Pappas recognized Sheriff Hardy. The Sheriff introduced Police Chief Andy Wood from the Town of Hancock and asked Chief Deputy Durette to present information relative to dispatch fees. Chief Deputy Durette informed the Board that Chief Wood had requested several weeks ago that the Sheriff's Office look into the possibility of providing dispatch service for his Town; Hancock has an issue relative to the geography in the Town, which results in poor radio waves for the Town and its current dispatch center. Chief Deputy Durette noted that two years ago the Sheriff's Department was able to install a repeater in Deering that Chief Wood has been testing and has discovered that it works out well for his Town where the County can hear his Town and his Town can hear the County.

Chief Deputy Durette informed that Board that the Town of Hancock is requesting that the County take on the dispatching duties for the Town based on the fee structure that was developed in 2004. Chief Deputy Durette explained that he has projected the fee structure out from 2009, when it currently ends; the new structure is projected out to 2014 and is based on re-analyzing all the Towns and their call volumes. He noted that the current rates were based on the Towns that the Sheriff's Department was dispatching for back in 2004; he explained that the Towns' call volumes have changed over the years; he averaged them out and split the cost amongst the Towns, and then added 5% per year for the County's cost of operation.

Comm. Holden noted that the explanation was sufficient, and if the Sheriff's Department is able to do this, she is in favor of the extending this service to Hancock. Sheriff Hardy explained that Hancock's dispatch requirements will not require adding additional personnel on staff; he noted that if it were one of the larger Towns, more consideration would be required. Comm. Holden observed that the cost sharing is fair for all the Towns; Chief Deputy Durette noted that Hancock will be sharing a portion of the whole cost and this will benefit the other Towns. He further noted that the fee for a couple of Towns increased because their Departments went from part-time in 2004 to full-time presently; most, however, experienced a reduction in cost, even though the total fees have increased. Comm. Holden noted that it is helpful for her to have this information because most of the Towns are in District 3, which is her District. She explained that it is helpful for her to be able to say to Selectmen that their Town is getting services and we are trying to work together.

Comm. Clemons inquired if the County has a dispatcher on duty at night; Chief Deputy Sheriff A. Durette responded in the affirmative. Sheriff Hardy noted that there is staff in dispatch 24/7. Comm. Clemons inquired if all the Towns take advantage of it; to which Sheriff Hardy responded that with some Towns, the service is provided around the clock while with others, it is only utilized for third shift, or for second and third shifts. Sheriff Hardy noted that with some of the smaller Towns, the service is provided twenty-four hours a day. Chief Deputy Durette explained that some small Towns will use their own staff during the day, but if they have to run something through the State Police computer, they would still have to call County dispatch. Commissioner Holden explained that for Souhegan Valley Ambulance Service (for the Towns of Greenville & New Ipswich) calls would go through the County dispatch.

Comm. Clemons offered that this is a service that may perhaps be too expensive for some of the Towns to offer; he expressed his support for this service and noted that he is happy that the County can provide it. There was discussion about proceeding and the Board did not feel that it needed a motion to offer this service to the Town of Hancock, but agreed that it should adopt the fee schedule.

**Motion:** To adopt the Hillsborough County Sheriff's 2010 dispatch fee schedule that will extend out to 2014, as it was proposed at this meeting by Chief Deputy Sheriff A. Durette. By Comm. Holden, second by Comm. Clemons. Motion carried.

Chief Deputy Durette introduced Gail Fox from the Goffstown Police Department; she is a Victim Advocate for Goffstown. He explained that there has been a great deal of information in the press relating to domestic violence over the past six months and noted that his Department would like to work in conjunction with the Goffstown District Court in developing a program that will serve the four communities of Goffstown, New Boston, Weare, and Frankestown that would be financed with grant funds. He explained that the plan is to start out small with a program that focuses on the domestic violence issue so that a victim coming in the building can find her/his needs met while their life is in danger rather than being "bounced around the system." The goal of the project would be to address all legal and counseling needs in one location so that when an individual leaves, he/she can feel they are going to a safe place and tragedy can be avoided. Chief Deputy Durette asked the Board if it would approve the Sheriff's Department proceeding with the grant application. Comm. Clemons asked if counseling could be provided as well as a safe haven for the victims. G. Fox explained that part of the service would be to provide access to a crisis center that provides the resources a victim would need. Comm. Clemons inquired as to whether this help would be publicized through the Police Departments, to which Chief Deputy Durette noted that it would be very well publicized that the services would be available. Sheriff Hardy explained that this program would also provide resources and training opportunities for his staff as well as the four Towns that are covered by the Goffstown District Court.

Comm. Pappas inquired where the grant is coming from, to which Chief Deputy Durette responded that this grant is through the Office for Violence Against Women through the Department of Justice. He noted that they are seeking other funding as well, but the grant that has been presented at this meeting has a tight application process. Comm. Pappas inquired if perhaps the YWCA and other non-profits would be coming in with other grants; Chief Deputy Durette responded that they would likely apply along with the Sheriff's Department; he noted they are trying to get the cost covered by some other source than the County taxpayer. Comm. Holden observed that the letter of intent to apply is due by February 3<sup>rd</sup> and the next deadline is February 17<sup>th</sup>. Comm. Holden asked how much they were applying for in grant funding; Chief Deputy Durette responded that he does not believe they will reach the cap, which is a "not-to-exceed" figure of \$500,000, but it is unlikely that it will be even close to that amount. She also asked what would happen when the grant expires, and whether there was a plan to make this sustainable in some other way. Chief Deputy Durette explained that, as his Department has done with other grants, there would be language in the approval that ties it to the grant; however, the goal is for this program to continue, so attempts would be made to secure additional funding and try to avoid impacting the Hillsborough County taxpayers in the process. Comm. Holden noted that the Sheriff's Department would need to return to the Board with a funding proposal each time this grant expires. Chief Deputy Durette explained that this program would probably work the best if the Department had a dedicated investigator, and that person would work for the Sheriff's Department so there would not be jurisdictional issues. There was discussion that this employee could come from another Department or it could be funded by the grant. There was agreement that the continuation of the program would have to be reviewed if grant funds expire.

Chief Deputy Durette explained that they don't have a specific amount yet; he asked to continue the process and email the Board the available data, so that should an agreement be reached before February 17<sup>th</sup>, the Board would authorize the Chair to sign the agreement and a Telephone Poll be conducted. Comm. Holden suggested that the Board take this under advisement, and wait to see what the figure is, and then a Telephone Poll can be done. The Board was in agreement with Comm. Holden.

Sheriff Hardy requested the Board's permission to continue to pursue the grant and come to the Board with more information prior to February 17<sup>th</sup>. The Board agreed with the Sheriff's continuing to pursue the grant. Comm. Clemons suggested that if the Board approves the grant application that the Board authorize Comm.

Pappas to sign the application on behalf of the Board. Comm. Holden noted that she wants to see the dollar amount before approval is given, but has no problem authorizing the Chair to sign once financial information is made available.

#### Department of Corrections Census

Supt. O'Mara presented the DOC Census, noting that as of February 8, 2010; the Census was 635. He explained that there were 635 in-house, which included 569 men of whom 399 were being held pre-trial, and 170 that had been sentenced. There were 66 women of whom 44 were being held pre-trial and 22 that had been sentenced. He noted that there were 17 in the community.

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

### **6. Old/New Business**

#### Request to Indemnify

Supt O'Mara explained that he is requesting the Board to indemnify the employees cited in the matter of McEvoy, et. al. vs. Hillsborough County, et. al., a recent case that was filed in US District Court pursuant to NH RSA-29-A. He provided the Board with a list of the employees mentioned. The Board held a brief discussion relative to handling this matter; Legal Counsel C. Kirby suggested that this discussion be held in Non-Public Session.

### **7. County Attorney.**

Comm. Pappas explained that the County Attorney wanted to request a new hire, but he was not present.

### **8. Registry of Deeds**

Register Coughlin presented a revenue update; she explained that the revenue is very similar to last year at the same time. Ms. Coughlin noted that the revenue is coming from foreclosures, which have increased as well as the document count and copy fees. Comm. Clemons inquired about how the County Registry was doing in relation to projections. Ms. Coughlin explained that the Registry is slightly higher than projected for the most part, the revenue is being generated by mortgages, discharges, and renovation.

Ms. Coughlin informed the Board that the heat failed on February 1<sup>st</sup>; she called the appropriate people, but by 9:45 a.m., it was still at 50 degrees in the building; people were working in coats and gloves, and at that point, Register Coughlin contacted a Commissioner and the Business Office regarding protocol for sending the employees home. Based on the responses she received, and the fact that employees were very cold, she sent everyone home. She noted that all critical work was finished before the employees left. Ms. Coughlin noted that she informed the County Attorney's and Sheriff's Office and locked the doors before she left. Ms. Coughlin noted that she returned to the building at 1:00 p.m.; at that time it was sixty degrees and conditions were still too cold for productive work to take place. Register Coughlin noted that when the employees were dismissed, she told them that they would still get their regular eight hours of pay.

Comm. Clemons inquired if Ms. Coughlin had the authority to dismiss employees; she responded that she spoke with the Business Office and with Comm. Holden trying to get a sense of what to do. She explained that she was told that since she is an elected official, she could do whatever she wanted. Ms. Coughlin explained that, in her opinion, she did have that authority, particularly with regard to safety and health issues. Ms. Coughlin requested a Non-Public session later in the meeting to consult with legal Counsel regarding some other issues that came up relative to this.

Comm. Clemons noted that in his experience in working with construction companies in the summers while he was a teacher, when it rained, employees were given the option to go home, but if they did leave work, they were not paid. Ms. Coughlin noted that the employees did not get to make the decision; she told them to leave because it was just too cold for them to remain.

E. Robinson explained that the problem with the boiler was due to a gasket leak. She noted that Smith Plumbing has been going in every morning. Other repairs have been made and the boiler has not turned off since that time. Ms. Robinson further explained that the original installer, Philbrick, Inc. has also been out and has provided an estimate to replace the gaskets between the chambers, but because the process will take several days, the work will have to be done when warm weather arrives; the cost will be approximately \$4,500 just to replace the gaskets; if a cracked chamber is discovered or if there are other issues, the cost will be considerably more. She noted that 60% of the building funds budget has been expended; \$6,189 is still available, and if repairs exceed that, then a transfer will be required.

Comm. Holden inquired if Ms. Robinson anticipated any problems with the upcoming three-day weekend. Ms. Robinson responded that she does not anticipate any problems, but she will go to Temple Street over the weekend, and if necessary, she can restart the boiler.

Ms. Robinson reported that the duress alarm buttons are operating at the Registry; there have been two false alarms, but that should not happen as people become familiar with them, and how they operate.

## **9. Old/New Business**

Supt. O'Mara reported that he received the report from the Justice Reinvestment Committee the previous Friday, which includes legislative changes. He noted that it has occurred to him that there is nothing currently to prevent the Commissioner of Corrections from issuing an order to all parole and probation officers indicating that no one should be violated unless they commit a felony; he noted that if that is the case, the DOC will not be gaining anything. He noted that he is not sure how this will go, but it will be discussed more at the Committee level, and he will keep the Board updated. Comm. Holden offered her support, if needed. Supt. O'Mara noted that it was interesting that Sullivan County was recorded as having a 98% recidivism rate for parolees and probationers. He noted that the committee focus is that there not to be cost shifting, which the State has the power to do.

Supt. O'Mara presented information relative to a television show, "New England Job Show;" it is staffed by volunteers for the benefit of job seekers. He explained that it is sponsored by the Merrimack Valley Rotary Club, and noted that some inmates will be interviewed, and may possibly be televised.

Supt. O'Mara presented a situation that he would like the Board to review. He noted that under the current guidelines, Department Heads cannot fill \$1 positions without permission of the Board. He explained that in a situation where there are inactive employees, his Department would like to be able move the inactive person(s) to \$1 position and fill the vacant position with "a live body." Supt. O'Mara explained that the situation at hand occurs, for example, when a staff person has been deployed; the request is to fill the position on a temporary basis, and then when the inactive person returns, he/she will get the job back, as required by law. He explained that it was not really clear if he needed Board approval in this situation because he would only be filling the \$1 position with inactive employees, not hiring a new person and adding a salary, but he wanted to present the information and keep the Board informed. Comm. Holden suggested that it is good for the Board to be aware of the situation, and the Board could now address the issue during discussion of budget parameters and instructions.

Supt. O'Mara reported that Supervisor, Thomas Dalton, is being deployed to Haiti for a minimum of six months. During his absence, the work supervisor is going to step up and fill that void and do double duty.

Supt O'Mara that today is day three of the in-house academy; there are nine new correctional officers. He invited the Commissioners to attend the graduation, which will take place in three weeks and two days.

Supt. O'Mara reported that the NH State Prison relocation project has been tabled.

Supt O'Mara reported that the third Annual Wiffle Ball Tournament is going on at the DOC in the gym; eighty-one employees have signed up; it is a great team-building exercise for everyone from maintenance staff to nurses, clerks, and correctional offices. He reported from personal experience that Wiffle Ball "is tough!"

Comm. Holden reported that she attended a meeting related to County insurance with Mr. Wenger and Mr. Lunsford; she noted that they are working on the rates and a report is forthcoming.

Comm. Holden reported that she participated in a Legislative Conference for All on February 1<sup>st</sup>; the committee drew up a proposed amendment for HB 1355, the finance bill on budget neutrality, the purpose of which is to prevent the transfer of funds out of the Nursing Home line.

Comm. Holden noted that the Registrars of Deeds are watching the LCHIP surcharge, and the general fund manipulations.

Comm. Holden noted that on February 2<sup>nd</sup>, the Board was invited to go see President Obama; she attended representing the County.

Comm. Holden reported that there was a Design Charrette Committee follow-up meeting; the committee reviewed and prioritized the results. She noted that the steering committee is working on its report based on input from those who participated and the invited group of experts.

M. Rusch reported that the next Delegation meeting is scheduled for March 5<sup>th</sup> at 9:00 a.m.

Comm. Pappas reported that the month of April has been designated as County Government month; Betsey Miller at the NH Association of Counties has inquired to see if any County is interested in hosting a Governor's Council Meeting during that month; she noted that the County hosted a similar meeting several years ago at the Department of Corrections. Supt. O'Mara noted that Hillsborough County is home to three Executive Councilors; he noted that he would be happy to host the meeting at the DOC, and offered to conduct a tour. There was a general consensus among Board members that it would be happy to host the meeting.

Comm. Holden suggested scheduling a meeting to address budget parameters. The Board agreed to meet for this purpose on February 16 at 10 a.m., and get back to the Board with confirmation.

## 10. Public Comments

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

Comm. Pappas asked Board members if they wished to address the requested Non-Public sessions.

**Motion:** To move into Non-Public Session with Register Coughlin consistent with RSA 91-A: 3 II (c), and to meet with Supt O'Mara consistent with RSA 91-A: 3 II (e) relative to pending litigation. Motion by Comm Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public session at 11:06 a.m..

The Board met with Register Coughlin and Attorney Kirby relative to a personnel issue. The Board met with Supt O'Mara & Attorney Kirby relative to potential litigation.

The Board moved out of Non-Public session at 11:40 a.m. No action was taken during Non-Public session.

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

Comm. Pappas asked the Board if it wished to address any other business.

**Motion:** To indemnify County Defendants: Supt. James M. O'Mara, Jr., Capt. Willie Scurry, Capt. Marc Cusson, Denise Ryan, LPN/Medical Services Administrator, William Fuller, RN/Supervisor, Sgt. Walter Brooks, Work Project Supervisor Tony Sawyer, Caseworker Robert Bourgeois, Correctional Officer Courtney Faucher, Kristi Gray, LPN, and Bambi Cummings, LPN, pursuant to NH RSA 29-A, in the matter of *McEvoy, et. al. v. Hillsborough County, et. al.* Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

## 10. Adjourn

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

The meeting adjourned at 11:40 a.m.

(Signed 2/24/2010)

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date