

Regular Meeting of the  
Hillsborough County Board of Commissioners  
May 13, 2009  
19 Temple Street, Nashua, 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, L. Movsesian, P. Coughlin, J. Hardy, C. Kirby, B. Moorehead, J. O'Mara, E. Robinson, M. Rusch, M. Wageling, G. Wenger, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 9:00 a.m., followed by the Pledge to the Flag led by P. Coughlin.

**2. Administrative Business**

Minutes

**Motion:** To approve the minutes of April 1, 2009. By Comm Clemons, second by Comm. Holden. Motion carried.

**Motion:** To approve the minutes of April 15, 2009. By Comm Clemons, second by Comm. Holden. Motion carried.

Approval of Payroll Registers

**Motion:** To approve the Payroll Register dated 4/30/09 in the amount of \$1,115,384.20, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion:** To approve the Payroll Register dated 5/11/09 in the amount of \$5,860, 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 5/11/09 in the amount of \$150,146.44, subject to review and audit. By Comm. Holden, second by Comm. Clemons.

**Motion:** To approve the Accounts Payable Register dated 5/13/09 in the amount of \$4,864,714.07, subject to review and audit. Motion carried. By Comm. Clemons, second by Comm. Holden. Motion carried.

Sheriff's Extraditions

**Motion:** To approve the Sheriff's Office extradition voucher, dated 4/9/09, in the amount of \$3,121.65, noting that it was previously approved by the County Attorney. By Comm. Holden, second by Comm. Clemons. Motion carried.

### 3. Public Comment on Agenda Items

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

### 4. Business Office

#### Bid – Sale of Surplus Vehicle

Mr. Wenger noted that this was a bid for the sale of a Sheriff's Department van that has been replaced and taken out of service. He thanked P. Flood for his efforts in securing the best price for the vehicle.

**Motion:** To approve the sale of the Ford E-350, which has been used by the Sheriff's Office, to NHCARS.Net, noting that this is the highest bid for the vehicle at a price of \$1,000. By Comm. Holden, second by Comm. Clemons. Motion carried.

#### Transfer # 2009-27

To approve Transfer # 2009-27 to transfer \$18,000 from the Sheriff's Health & Accident line 4211-7120 to Sheriff's Full time Salary line 7010 the amount of \$16,000, and to the Sheriff's Retirement line 7130 the amount of \$2,000. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Transfer # 2009-28

To approve Transfer # 2009-28 to transfer \$2,815 from Contingency Grant Expense line 7740 to Sheriff's Part Time line 7010 the amount of \$2,615 and to Part Time Social Security line 7100 the amount of \$200, noting that this is for part time personnel for a capital murder trial that is reimbursed by the State. By Comm. Holden, second by Comm. Clemons. Motion carried.

#### Transfer # 2009-29

To approve Transfer # 2009-29 to transfer \$6,358 from Contingency Grant Expense line 7740 to Sheriff's Overtime line 7011 the amount of \$6,284, and to Sheriff's Retirement line 7130 the amount of \$74, noting that this is for overtime wages for a full time Deputy assigned to the Drug Task Force, and the funds will be reimbursed by the State. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Transfer # 2009-30

To approve Transfer # 2009-30 to transfer from the Business Office Retirement line 7130 the amount of \$5,300, and to transfer to Business Office Salary & Wages line 7010 the amount of \$5,000, and to Business Office Social Security line 7100 the amount of \$300. By Comm. Holden, second by Comm. Clemons. Motion carried.

#### JAG Grant Application

Mr. Wenger explained that the grant under discussion is a grant that has no direct benefit for the County but does benefit several municipalities; the requirements are that the County signs off on the application. He requested that the Commissioners sign the agreement so that it can be forwarded to the municipalities. Sheriff Hardy explained that the majority of the grant funds will go to the city of Manchester, but an additional pool of money will be available to other towns.

Comm Holden noted that JAG Grant Interlocal Agreement is between the cities and towns of Manchester, Nashua, Amherst, Antrim, Bedford, Goffstown, Hillsboro, Hudson, Litchfield, Milford, Pelham, Peterborough, Wilton and Hillsborough County.

**Motion:** To approve grant application for the 2009 Recovery Act Byrne Justice Assistance Grant (JAG) Program Award. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that he received an email the previous day indicating that there is new grant money that the Attorney General has available, and that he will share information with the County Attorney and the Sheriff.

## 5. Department of Corrections

Comm. Pappas recognized Supt. O'Mara, who presented the Department of Corrections' Census, noting that as of May 12, the Census was 594; he explained that this included 498 men of whom 314 are being held pre-trial, and 184 have been sentenced. There were 81 women of whom 47 are being held pre-trial and 34 have been sentenced.

### Requests for Use of County

Supt. O'Mara explained that the first request is from the Goffstown Youth Football League to use the field behind the salt shed.

**Motion:** To approve use of the County land by the Goffstown Screaming Eagles, noting that the County has been provided with a Certificate of Insurance. By Comm. Clemons, second by Comm. Holden. Motion carried.

Supt. O'Mara explained that the next request for use of County land comes from the Goffstown Police Department. He noted that they are having an Open House on Saturday, June 6, from noon to 5:00 p.m. and have requested that they be allowed to use the parking lot at the County Complex. Supt. O'Mara noted that he will notify the Sheriff's Office Dispatchers so that they will be aware that there will be Police Department visitor vehicles using the lot.

**Motion:** To approve use of the County Complex parking lot by the Goffstown Police Department for their Open House on Saturday, June 6, from noon to 5:00 p.m. By Comm. Holden, second by Comm. Clemons. Motion carried.

Supt. O'Mara informed the Board that he will be presenting a bid for prescription drugs from a local pharmacy that has committed to matching the lowest price of any vendor that the County obtains a bid from. He further noted that the Department of Corrections will be sending out bid proposals for three-year agreements for all of its medical services beginning July 1 as well as sending out comprehensive medical service proposals.

## 6. Nursing Home

### Census

Comm. Pappas recognized Mr. Moorehead who presented the Nursing Home Census. He explained that as of May 7, the Census was 274, which included 212 Medicaid residents, 33 private pay residents, and 29 Medicare Part A residents; he noted that numbers are down, and that is consistent with other Nursing Homes at this time of year.

#### Bid # 34-2009 – Duct & Vent Cleaning

Mr. Moorehead presented Bid # 34-2009 – Duct & Vent Cleaning, noting that the lowest responsible bidder is Northeast Ventilation Services, Pembroke, NH at a price of \$9,650. He noted that this will be for cleaning half the vents; the remaining half will be done in FY 2010.

**Motion:** To approve Bid # 34-2009 for the Nursing Home for Duct & Vent Cleaning noting that the lowest responsible bidder is Northeast Ventilation Services, Pembroke, NH at a price of \$9,650, noting this is the first stage of the cleaning. By Comm. Holden, second by Comm. Clemons. Motion carried.

#### Bid # 38-2009 – Forty (40) Resident Rooms, Doors & Hardware

Mr. Moorehead presented Bid # 38-2009, noting that it is for forty (40) Resident Room Doors & Hardware, and is a life safety as well as an aesthetic issue. He explained that the lowest responsible bidder is Merrimack Building Supply in Merrimack, NH for \$13,225.

**Motion:** To approve Bid # 38-2009, for the Nursing Home for the replacement of forty (40) Resident Room Doors & Hardware, noting that the lowest responsible bidder is Merrimack Building Supply in Merrimack, NH for \$13,225. By Comm. Clemons, second by Comm. Holden. Motion carried.

#### Bid # 39-2009 – Energy Supplies

Mr. Moorehead presented Bid # 39-2009; he explained that this bid is for an alternative energy supplier, noting that PSNH is still the provider of service, but the electricity will be purchased through another company. This price is guaranteed for a period of one year; the price from the recommended vendor, Constellation Energy is .07865 cents per kwh. Mr. Moorehead explained that Attorney Kirby has reviewed the contract.

**Motion:** To approve Bid # 39-2009 for the Nursing Home for Energy Supplies to Constellation Energy, Boston, MA, the lowest responsible supplier at a price of .07865 cents per kwh. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired relative to how large an entity would have to be before it qualifies for a lower price for energy, to which Mr. Moorehead responded that he would provide relative information. There was discussion whether other County facilities might benefit.

Motion carried.

#### April Revenue

Mr. Moorehead presented the April revenue report, and informed the Board that the budget for January was \$1,655,673, while the actual revenue was \$1,623,360, resulting in a negative variance of \$32,313; he noted that the shortfall is primarily due to the average census being lower than expected and to April being a 30 day month. Mr. Moorehead explained that the encouraging item on the spreadsheet is that the average daily rate for that month from Medicare is \$417, noting that figure in the FY 2010 budget is \$420; therefore the Nursing Home is fairly close to that number.

## 7. Human Services

### Bid # HS 09-2 – Roof Replacements

E. Robinson reviewed Bid # HS 09-2, which is for Roof Replacements at Temple Street. She noted her pleasure with the low bid, and noted that it speaks to the economy. Ms. Robinson explained that she has received excellent recommendations for the lowest bidder.

**Motion:** To approve Bid # HS 09-2, Roof Replacement to Viking Roofing, Inc., Hollis, NH, noting that it is the lowest responsible bidder at a price of \$91,040, subject to funding by the Delegation. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons noted that this bid will not cover any additional work that is needed once the roof is uncovered and if additional damage is present. Ms. Robinson responded that there are contingencies for any issues/damage that requires replacement or additional work, but she noted that this price is lower than expected.

Motion carried.

Mr. Wenger discussed the FMAP payment with the Board and requested direction regarding when the payment will be made. E. Robinson noted that she made a recommendation to Betsy Miller that, with the approval of the Board of Commissioners, the County would pay its FMAP payment no sooner than one week prior to expecting a check back from the State so that the funds are not out of the County's accounts for more than a short period of time. She noted that it is her understanding that the State has agreed with that, and she suggests holding off as long as possible.

**Motion:** To make the FMAP payment, with the assurance that the State will reimburse the County within one week, but to hold off payment as long as possible. By Comm. Holden, second by Comm. Clemons. Motion carried.

## 8. Old/New Business

### Request for Issuance of new Credit Card

Mr. Wenger advised the Board that he has a request from the Department of Corrections seeking to have the ability to use a credit card to take advantage of lower prices online, and related cost saving opportunities. He noted that the request is similar to that done for the County Attorney's office, recommending that the Board authorize that use; the Bank requires that the Board authorize and sign off on the approval. It is his understanding that the intent, for practical purposes, is to have the card issues in the name of the Business Manager, Marlene Montminy, with one additional authorized user, Assistant Supt. David Dionne.

**Motion:** To approve the issuance of one Credit Card through Citizen's Bank for the use of the Department of Corrections, with a credit limit not to exceed \$5,000, the card will be issued to the Business Manager, Marlene Montminy, with one additional authorized user, Assistant Superintendent David Dionne, and to authorize the Chair to execute, on behalf of the Board, the application, Certificate of Authority, and other documents necessary to establish the account. By Comm. Holden, second by Comm. Clemons.

Mr. Wenger noted that he has worked with the DOC to make sure that the credit card is paid in a timely manner so the County does not incur interest costs and lose all the savings.

Motion carried.

Comm. Clemons inquired whether there was any progress relative to the grant for the Mental Health Board, to which Attorney Wageling responded that there is no progress yet, and it is not expected until September.

Supt. O'Mara informed the Board that customarily each year he would come to the Board with notification that the Department of Corrections (DOC) had received a Department of Education grant again; he noted that things have changed and now there is a requirement of receiving Board of Commissioner's meeting minutes that reflect acceptance of the grant; he further noted that it is time-sensitive and requested that the Board authorize the DOC to accept the grant from the Department of Education in the amount of \$29,462.15, and authorize the Superintendent to sign on behalf of the County.

**Motion:** To authorize the Department of Corrections to accept the grant from the Department of Education in the amount of \$29,462.15, and to authorize the Superintendent to sign the contract for the grant. By Comm. Holden, second by Comm. Clemons. Motion carried.

Supt. O'Mara informed the Board that on May 2<sup>nd</sup> an inmate fell down the stairs, and experienced significant head trauma; he was transported via ambulance to Elliot Hospital; thereafter he was taken by Medivac to Mass. General Hospital; thereafter he was transferred to Beth Israel Deaconess for further care. Supt. O'Mara indicated that the video revealed that there was no one around except for staff, and the inmate simply fell. He estimated that the cost of care will be from \$45,350 to \$58,400.

Supt. O'Mara informed the Board that on May 6<sup>th</sup> a gentleman arrived at the facility with a broken toe, who in 2007 had a kidney and pancreas transplant. As a result of those transplants, he was on medications that were extremely expensive, and his condition required specialized monitoring, lab work and trips to the hospital. Supt. O'Mara indicated that the inmate also suffers from a psychiatric condition, a borderline personality; he is highly manipulative. He was seen by the psychiatrist the day following his arrival. The inmate become highly uncooperative and refused to take his medications; because they are immuno-suppressant meds, any non-compliance relating to those meds that exceeds 48 hours is likely to cause death. Supt. O'Mara further noted that the inmate was transported to Elliot Hospital where he remained for six days, and then he was transferred to the NH State Hospital. Supt. O'Mara explained that the DOC is likely to get the inmate back in its facility. Supt. O'Mara indicated that prior to his being sent to Elliot Hospital, there were five staff who tried to convince him to be compliant with his meds, but it became obvious that the inmate was punishing his mother for refusing to bail him out.

Supt. O'Mara informed the Board that the DOC 40th Academy for Corrections Officers held its graduation on April 24<sup>th</sup>. He noted that pursuant to County policy A:129, the Board of Commissioners is the certifying authority for County Correctional Officers.

**Motion:** To certify the following graduates from the Hillsborough County Department of Corrections, having successfully completed the requirements of the Correctional Officer certification: Colleen Craft, James Crow, Christopher Gebala, Lewis Holiday, Daniel Michaud, Matthew Moran, Patrick Osborne, Robert Pizarro, and Jason Sumowski. By Comm. Holden, second by Comm. Clemons. Motion carried.

Supt. O'Mara reported that the DOC participated in annual State Troopers Basketball Tournament and won first place for the fifth time. He noted that the DOC is now tied with the Massachusetts State Police with five first place wins. He further noted that the tournament began twelve years ago as a fund raiser for the families of the folks who were killed in the line of duty at the hands of Carl Drega.

Mr. Moorehead directed the Board's attention to the positive editorial that was run in the Nashua Telegraph. He also directed the Board to the schedule of events for "Love Boat," which shows that there is a different theme each day during the week of National Nursing Home week; employee service awards will be presented on Thursday of that week.

Comm. Clemons indicated his pleasure with the editorial in the Nashua Telegraph, and noted that it reflects very positively on the Nursing Home, particularly when it speaks of the longevity of the employees, and noted that this longevity is an indicator that the Nursing Home is a good place to work.

Mr. Moorehead requested two Non-Public sessions with the Board.

#### Chestnut Street Lease Certificate of Municipality

Mr. Wenger informed the Board that with respect to the Chestnut Street lease, there is a new requirement, a Certificate of Municipalities, which is the same document the Board has signed before that requires a rather lengthy resolution, and asked that the Board approve the resolution so the County can file the proper paper work for the Governor and Council to extend the lease, noting that the resolution needs to be in the minutes, and the minutes will need to be provided that reflect this action.

**Motion: Be it resolved** that this County shall enter into a contract with the State of New Hampshire, acting by and through its Commissioner of Administrative Services, providing for the performance by Hillsborough County of certain obligations as documented within the foregoing Lease, and that the official listed, the Hillsborough County Board of Commissioners Chairman, Toni H. Pappas, on behalf of the County is authorized and directed to enter into the said lease contract with the State of New Hampshire, and that she is to take any and all such actions that may be deemed necessary, desirable or appropriate in order to execute, seal, acknowledge and deliver any and all documents, agreements and other instruments on behalf of the County in order to accomplish the same. By Comm. Holden, second by Comm. Clemons. Motion carried.

**Motion: Be it resolved** that the signature of the above authorized Chairman of the Board of Commissioners of this County, when affixed to any instrument or document described in, or contemplated by, these resolutions, shall be conclusive evidence of the authority of said party to bind this County. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Clemons, Clerk, affirmed that the above actions occurred when he was asked to sign the Certificate.

Mr. Wenger informed the Board that the meeting with the State's architect relative to the return of the Court to Chestnut Street after the renovation project has been rescheduled to May 20<sup>th</sup> at 2:00 at Chestnut Street. Comm. Holden agreed to attend the meeting.

Mr. Wenger reported that he has had the opportunity to follow up with Mr. Yeaton, architect, regarding the initial work that he has done relative to available space at Temple Street. His initial review (preliminary & subject to change), is that the Temple Street building is a part of the Historic Registry; he is not sure if this applies only to the exterior or if it also applies to the interior as well; if this applies to the interior, it would limit the work that could be done in the interior. Mr. Yeaton has indicated that if he is limited in what he could do in the interior, he has doubts about getting the County Attorney's staff into that building, but if the County has the ability to renovate the inside, it might be possible. Mr. Yeaton's preliminary ""guesstimate"" is that the cost to renovate and move the County Attorney's operation in would be from \$100,000 to \$200,000 for HVAC upgrade, electrical, etc. If a larger project is considered that involves building out hallways, etc., the cost goes much higher.

Mr. Wenger noted that in light of the fact that there is a nearby building that could house the County Attorney and staff in the same area that is available on a lease basis, which will cost less or comparable to these estimates, he asked the Board if it wishes to consider its options: continue pursuing the renovation of the Temple Street building, consider leasing the other building that is available, or to focus elsewhere.

Comm. Clemons expressed his belief that the County should leave the Temple Street building as it is and avail itself of the alternative space that is available on a lease basis; the Board and the County Attorney were in full agreement. The consensus was that the Temple Street building is a wonderful, old, interesting building with tin ceilings and oak woodwork that should remain as it is.

Mr. Wenger discussed Betsy Miller's request for the County to consider the possibility of a two-day, condensed, NH Association of County's annual conference. He indicated that based on the input he has received, the County would participate at a level comparable to past years, and he will report that to Betsy Miller.

Mr. Wenger informed the Board, that following up on the Board's action to include the education portion of Primex' insurance to qualify for the 1% reduction, he can now report that the final rate for the FY 10 Health Insurance program will be 3.2%; he noted that this is very positive for the County because Medical Trend continues to run in the 11% range. Mr. Wenger requested, and the group agreed, that the group application be signed.

Mr. Wenger noted that the budget was given to the Delegation in a timely manner, and there have been two subcommittee meetings that have already taken place. He encouraged all Departments to attend the revenue subcommittee meeting, noting that he anticipates that there will be a healthy discussion.

### **Non-Public Session**

Comm. Pappas noted the Board has received four requests for Non-Public session, and entertained a motion.

#### **Motion:**

1. To meet with Supt. O'Mara from the Department of Corrections relative to a personnel issue under RSA 91-A:3 II (a),
2. to meet with Mr. Moorehead and Attorney Kirby in Non-Public session relative to a personnel issue under RSA 91-A:3 II (a),
3. to meet with Mr. Moorehead and Attorney Kirby relative to litigation under RSA 91: A-3 II (e),
4. to meet with Mr. Moorehead and Attorney Kirby to consult with Counsel under RSA 91-A:2 I (b), and
5. to meet with Mr. Wenger relative to a personnel issue under RSA 91-A:3 II (a).

Motion by Comm. Holden, second by Comm. Clemons. Clemons-yes, Pappas-yes, Holden-yes.  
Motion carried.

The Board moved into Non-Public session at 9:56 a.m.

The Board met with Supt. O'Mara from the Department of Corrections relative to a personnel issue. The Board met with Mr. Moorehead and Attorney Kirby relative to a personnel issue at the Nursing Home,

then with Mr. Moorehead and Attorney Kirby relative to litigation, and again with Mr. Moorehead and Attorney Kirby regarding a pending legal matter. Lastly, the Board met with Mr. Wenger relative to a personnel issue in the CIS Department.

No action was taken during Non-Public session.

The Board moved out of Non-Public Session and returned to its regular meeting at 10:50 a.m.

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

There was no further business for consideration; the Chair entertained a motion to adjourn.

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

The meeting adjourned at 10:51 a.m.

*(SIGNED 5/27/2009)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date