

Regular Meeting of the
Hillsborough County Board of Commissioners
August 7, 2013

Bouchard Building, Goffstown, NH
Minutes of the Public Session

(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Pappas, Comm. Holden, Comm. Ziehm, P. Coughlin, P. LaFrance, D. Dionne, C. Kirby, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner

Call to Order

Comm. Pappas called the meeting to order at 9:00a.m. Comm. Holden led the Pledge of Allegiance.

Administrative Business

Minutes

Motion: To approve the minutes of the Board of Commissioner's meeting held on July 25, 2013. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Payroll Registers

Motion: To approve a Miscellaneous Payroll for August 1, 2013 in the amount of \$388.78, subject to review and audit. Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To approve a Regular Payroll dated August 1, 2013 in the amount of \$1,109,574.94, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

Approval of Accounts Payable Register:

Motion: To approve an Accounts Payable register for August 7, 2013 in the amount of \$5,925,839.96 subject to review and audit. Comm. Holden, second by Comm. Ziehm. Motion carried.

Sheriff's Extraditions

Motion: To approve the following Extraditions on the following dates:

- 5/29/13 to 5/29/13 \$ 200.97
- 6/5/13 to 6/5/13 289.93
- 6/24/13 to 6/27/13 4,593.23
- 6/25/13 to 6/25/13 115.00
- 6/26/13 to 6/26/13 160.88

The total Extradition expense is \$5,360.01; it has been previously approved by the County Attorney. Motion by Ziehm, second by Comm. Holden. Motion carried.

Bid # COAF 14-1-A – Complex and Temple Street Cleaning

The Board addressed Bid # COAF 14-1-A that was tabled at the last meeting.

Motion: To remove Bid # COAF 14-1-A from the table. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Comm. Holden withdrew Bid # COAF 14-1-A and Comm. Ziehm withdrew her second. The bid did not move forward.

Ms. Robinson presented two bids Cleaning Services, one for the County Complex and one for Temple Street.
Bid # COAF 14-1-B – County Complex Cleaning

Motion: To approve Bid # COAF 14-1-B for cleaning at the County Complex and to award the bid to R&W Cleaning Services, Inc., Manchester, NH, at the price of \$1,500 per month, noting that it is the lowest responsible bidder meeting the specifications, and it is the current vendor Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Bid # COAF 14-1-C – Temple Street Cleaning

Ms. Robinson explained that CCI Maintenance, Nashua, NH is the lowest responsible bidder and the current vendor. She noted that the Temple Street bid includes the cost of cleaning of \$2,643.13 per month, and an estimated total cost of \$3,368.13 that includes costs for maintenance and snow removal she added that maintenance and snow removal portion of the expense are estimates based on FY 13's actual cost. She further added that the bids have been reviewed by the County Legal Counsel

Motion: To approve Bid # COAF 14-1-C for cleaning at Temple Street and to award the bid to CCI Maintenance, Nashua, NH; it is the lowest responsible bidder at a price of \$2,643.13 per month for the cleaning and an estimated total cost of \$3,368.13, which includes maintenance and snow removal. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

Public Comment on Agenda items

There was no one present who wished to comment on Agenda items.

Department of Corrections

Supt. Dionne presented the Department of Correction's census. He noted that as of July 30th, the total in custody was 552; it included 439 men; 154 had been sentenced and 285 were awaiting trial; there were 113 women in custody; 38 had been sentenced and 75 were awaiting trial. Supt. Dionne added that there were 8 inmates in the Pre-Trial Supervision Program (PSP), 26 in the community, and 135 in the diversionary Mental Health program; 77 are from Nashua and 58 are from Manchester. He added that the DOC is also holding 45 females from Rockingham County.

Supt. Dionne informed the Board that he provided the Overtime Impact Report for the record; he noted that overtime has been higher related to vacations, resignations and those in the Armed Forces; there are 13 vacancies; the DOC will be conducting a Correctional Officer Academy that will start on August 26th.

Bid # FY14-40 – Orange Canvas Step-ins (2500 pairs)

Motion: To approve Bid # FY14-40 for 2500 pair of step-in shoes for the inmates, and to award the bid to Charm-Tex, Brooklyn, NY, at a price of \$2.94/pair and a total price of \$7,350, noting that it is the lowest responsible bidder meeting the specifications. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Bid # FY14-46 – Powder Free Vinyl Exam Gloves (300 cases)

Motion: To approve Bid # FY14-46 for 300 cases of powder free vinyl exam gloves, and to award the bid to Central Paper, Manchester, NH, noting that it is the lowest responsible bidder meeting the specifications at a price of \$23.40/case and a total price of \$7,020. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Bid # FY14-51 – 2-ply toilet paper (1200 cases)

Motion: To approve Bid # FY14-51 for 1200 cases of 2-ply toilet paper, and to award the bid to Noury Supply, Manchester, NH, noting that it is the lowest responsible bidder at a price of \$33.75/case and a total of \$40,500. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Bid # FY14-53 – Clear Trash Liners (450 cases)

Motion: To approve Bid # FY14-53 for 450 cases of clear trash liners, and to award the bid to Central Paper, Manchester, NH, noting that it is the lowest responsible bidder at a price of \$11.25/case and a total price of \$5,062.50. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Nursing Home

Census

Comm. Pappas noted that Mr. Moorehead is attending a seminar today and will be receiving credentials relative to his Administrator's license.

Mr. Wenger presented the Nursing Home census; he informed the Board that the Nursing Home Census as of August 1, 2013 was 283 residents; it included 210 Medicaid residents, 33 Private Pay residents, and 40 Medicare, Part A.

Registry of Deeds

Revenue Update

Register Coughlin informed the Board that July has been a very busy month at the Registry and Revenue is up in all lines with the exception of copy fees. In response to a question from Comm. Ziehm, Register Coughlin responded that she anticipates that Revenue will be reasonably strong until later in the year.

County Attorney

County Attorney LaFrance noted that she wished to inform the Board that the Supreme Court has solicited amicus briefs related to whether or not a police officer owes a duty of care greater than probable cause before seeking an arrest warrant. She noted that this stems from a civil case that an individual brought against a police officer. She added that she is writing a letter of support on behalf of the County Attorneys and noted that it is her understanding that the Chiefs of Police and the Attorney General are also filing amicus briefs; the County Attorneys will be joining the AG's brief and the Chiefs are filing their own. Attorney LaFrance added that the potential impact related to County Government would involve the Sheriff's Department because they also have arrest powers. She added that "greater duty of care before seeking an arrest warrant" could be very detrimental to the investigation of crimes throughout the County if County staff were held to a higher standard than probable cause, explaining that probable cause applies to seeking an arrest warrant but in order to get a verdict of guilty, the standard is "beyond a reasonable doubt." She added that between an arrest and a trial, there are a number of steps that can be taken. As it now stands; before seeking an arrest or proceeding to trial, the standard is that "it is more probable than not that the individual committed his/her crime," but if it changes, police officers will limit arrests and any prosecutor will be hesitant to seek an indictment. In response to a question from Comm. Ziehm, Attorney LaFrance explained that an *amicus curiae* ("friend of the Court") may be solicited by the Court or it allows a person with information or an interest who is not the complainant or the respondent to file a brief.

Old/New Business

Comm. Holden distributed her report from the NACo Conference and explained that she had information to share relative to cyber security and added that a major concern is the Market Fairness Act that would impose a sales tax on internet sales, which she noted is really unfair to the five states that do not have a sales tax; those states are Alaska, Delaware, Montana, Oregon and New Hampshire. She added that even though these states do not have a sales tax, the Act would require that taxes be collected on internet sales from the remaining 45 states. She further added that she is working with the other states to prepare a resolution for the Legislative Conference that would propose that the 5 states be excluded from collecting sales taxes. She added that at the Federal level, the Senate has acted on this but the House of Representatives has not. She noted that it is important to carve out four of the five states, namely Delaware, Montana, Oregon and New Hampshire, which are 100% members of NACo states.

Mr. Wenger informed those present that he has received the Registration form for the Annual Conference that will be held in Whitefield at the Mountain View Grand from October 27th through October 29th. He asked that all registrations be forwarded to the Business Office where they will be processed.

Comm. Pappas noted that she wished to remind people of two upcoming meetings that are important; one is the Awards Committee meeting and the other is the Nominating Committee meeting; she added that there are one, possibly two openings on the Executive Board; one is Vice-President and the other is an At-Large position. She noted that having someone from Hillsborough County serving would be beneficial for the County. Comm. Ziehm indicated an interest in submitting her name as a candidate.

Comm. Holden noted that all nominations for employee awards need to be sent to the Business Office by Friday, August 30th.

Mr. Wenger noted that Hillsborough County will be next year's host for the NHAC Convention. Discussion ensued relative to the last convention that the County hosted and potential locations for next year.

Comm. Ziehm noted that she will be leaving for vacation August 17th and is not planning to attend the next Board meeting; however, she noted that if there are any important issues to be acted upon, she would be happy to return.

Ms. Robinson informed the Board that the interface with the Medicaid Management Information System (MMIS) bill at the State level and the County's database is significantly problematic; the bill comes in a very difficult format to process and the dating does not reflect dates of service. It is taking a great deal of time to review the rejections. The State is taking the position that they are not concerned with what the charges are on the bill, but only with the Counties paying 1/12th. The bills are including items for which the Counties are not liable and getting the State to make corrections to the system is difficult; there are not appropriate interfaces with the County system.

Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session consistent with RSA 91-A:3 II (a) and (b) to address personnel and compensation issues.

County Attorney LaFrance requested an opportunity to meet with the Board in Non-Public Session consistent with RSA 91-A:3 II (a) relative to personnel.

The Board agreed to briefly recess the meeting.

Motion: To move into Recess. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

The meeting reconvened at 10:06 a.m.

Motion: To reconvene the meeting. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Non-Public Session

Comm. Pappas entertained a motion to move into Non-Public Session.

Motion: To move into Non-Public session with County Attorney LaFrance consistent with RSA 91-A:3 II (a) relative to personnel, and then to meet in Non-Public Session with Mr. Wenger consistent with RSA 91-A:3 II (a) and (b) to address personnel and compensation issues. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

The Board moved into Non-Public Session at 10:07 a.m.

The Board met with County Attorney LaFrance.

The Board met with Mr. Wenger.

The Board moved out of Non-Public Session at 10:38 a.m.

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

Comm. Pappas asked if the Board had any further action to address.

Motion: To approve the appointment of Michael J. Zaino as Assistant County Attorney with the statutory powers of that office. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Adjourn

Lacking further business, Comm. Pappas adjourned the meeting.

The meeting adjourned at 10:40 a.m.

Approved August 21, 2013

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date