

Regular Meeting of the
Hillsborough County Board of Commissioners
September 8, 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. T. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Flood, C. Kirby, B. Moorehead, J. O'Mara, J. Nute, M. Castonguay, 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 G. Wenger.

2. Administrative Business

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

Minutes

August 12, 2010 Board of Commissioner's Meeting

Motion: To approve the minutes of the August 12, 2010 Board of Commissioner's Meeting. By Comm. Clemons, second by Comm. Holden. Motion carried.

August 25, 2010 Board of Commissioner's Meeting

Motion: To approve the minutes of the August 25, 2010 Board of Commissioner's Meeting. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Payroll Register

Motion: To approve the Payroll Register dated September 2, 2010 in the amount of \$1,180,771.03, 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 August 30, 2010 in the amount of \$752,961.95, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve the Accounts Payable Register dated September 7, 2010 in the amount of \$3,303,201.36, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

3. Public Comment on Agenda Items

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

4. Department of Corrections

Census

Supt. O'Mara presented the DOC Census, noting that as of August 20, 2010, the Census was 566, which included 519 men of whom 358 were being held pre-trial and 161 that had been sentenced. There were 47 women of whom 33 were being held pre-trial and 14 that had been sentenced.

Supt. O'Mara requested that the Board authorize the transfer of an inmate from Rockingham County.

Motion: To authorize the Superintendent to accept the transfer of a male inmate from Rockingham County. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

5. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of September 2, 2010, the census for the Nursing Home was 281, which included 210 Medicaid residents, 47 private pay residents, and 24 Medicare Part A residents.

Mr. Moorehead noted that he has two requests for Non-Public sessions later in the meeting; one relates to RSA 91-A:3 II (e), and the second is consistent with RSA 91-A:3 II (c).

6. Sheriff's Office

Bid # 2011-003 – Equipment change over, new vehicles

Mr. Flood presented Bid # 2011-003 which is for equipment change over from the old cruisers to the new cruisers and to add equipment. He noted that there were four bidders and recommended Kustom Creations, Manchester, NH at a price of \$12,000, noting that it is the lowest responsible bidder. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve Bid # 2011-003 for the Hillsborough County Sheriff's Office for equipment change over to new vehicles to Kustom Creations, Manchester, NH at a price of \$12,000, noting that it is the lowest responsible bidder. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Pappas informed those present that the Board's packet contained a Revenue Update from the Register of Deeds. Comm. Holden noted that the numbers are down overall.

7. Old/New Business

Comm. Clemons requested that the first Board meeting in November be moved from Wednesday, November 3rd to Thursday, November 4th. Following discussion the Board agreed to hold the meeting at 10:00 a.m., Thursday, November 4th.

The Commissioners discussed potential times to meet with the Incentive Funds Committee and agreed that it could set aside the mornings of Thursday, October 7th, and Friday, October 8th. At the Board's request, it will be recommended to the Committee that the meetings start at 9:00 a.m. on both mornings. Ms. Robinson will attempt to coordinate those times.

Mr. Wenger informed the Board that the following times have been set for initial negotiation meetings; he noted that he anticipates that the meeting will be to set the ground rules and schedules. The proposed dates/times are:

- Department of Corrections AFSCME Sept. 16th 2:00 p.m. at DOC
- Department of Corrections Teamsters Sept. 23rd, 9:00 a.m. at DOC
- County Attorney Teamsters Sept. 23rd, 11:00 a.m. at DOC (tentative)

Mr. Wenger informed the Board that we still anticipate hearing from the Nursing Home Chemical Workers.

Follow discussions relative to other Board commitments, Comm. Clemons indicated that he will be able to attend the aforementioned meetings. Mr. Wenger noted that he is working to set a date to meet with Mr. Flygare.

Complex Land Planning

Timber Harvesting

Mr. Wenger referred to the County Forrester's previous timbering plan. Mr. Nute, County Forester, joined the meeting to review a prospective timbering plan. Mr. Wenger suggested that the Board give consideration to whether it would like to proceed with a timbering plan as well as when and how it sees the process moving forward. He referred to the comprehensive report and noted that it seemed to make sense to proceed with timbering as a step in revitalizing and preserving the County's land.

Comm. Holden inquired if Mr. Nute would still recommend the same harvesting schedule. Mr. Nute recommended that the timbering begin in Unit 3, which has 167 acres of forest; he recommended starting with approximately 70 acres of forest. Mr. Nute mentioned that this is the first time that the County has considered timbering since 1973; he noted that with the many neighbors, it might be wise to start with a smaller area, such as the 70 acres. Mr. Nute explained that a sustainable practice would be to not go back to the same area more frequently than every 20 years. He noted that with 387 acres that the County owns, a harvest could easily be done every 5 years.

Comm. Clemons inquired whether the County would make any money from timbering; Mr. Nute responded that it could realize approximately \$15,000 to \$20,000 from this first harvest; he explained that as he marks the trees that will be taken, he will be taking a tally of the volumes and values, and this is what will be put out to bid to the harvesters. Mr. Nute explained that he will return to the Board for direction once he has established the volumes and values. He noted that he would also recommend harvesting Sections 1, 2, and part of Section 4; in Section 4, the harvesting will begin the work of establishing a road toward the east to allow later access to Sections 5 and 6.

Comm. Pappas inquired if there were many harvesters that will bid for this project. Mr. Nute explained that because of the type of soils involved, he would recommend that the timbering be done mid-winter or mid-summer and noted that because of access issues, it will be difficult to do in mid-winter. Mr. Nute suggested that a time to consider would be June, July or August of next year and explained that it may take him that long to coordinate the preparations. He explained that the State of New Hampshire does about 30 harvests a year on State properties, and typically the Counties use the State bid list to send out requests for bids; this represents about 200 operators. Mr. Nute noted that the process will need to be transparent and the bid requests and bid opening procedures will be followed. Mr. Nute noted that post-harvest, the County will be able to look at the experience and evaluate the process.

Mr. Nute explained that there is a fair amount of hemlock, red oak, and white pine in the proposed area; some of the timber may be converted to biomass woodchips. He explained that whichever timber company buys the wood products, it is very rare for all the wood products to go to one mill.

Supt. O'Mara inquired about who would be responsible for oversight of the project. Mr. Nute explained that the responsibility falls within his purview. Comm. Clemons asked if Mr. Nute knows responsible foresters; to which he responded that he is familiar with harvesters and explained that the Board will be given an overview of the species, value and volume; there will be at least three bids; it will be the Board's responsibility to award the contract. Mr. Nute explained that the timber industry has also been hit by the recession, but is beginning to recover, and noted that this will not be lost time for the County; next summer should be a more advantageous time to do the timbering project.

Comm. Holden noted that she is happy that the County is moving forward with the timbering project and is appreciative of Mr. Nute's knowledge as a resource.

Mr. Wenger explained that he has a draft of a notice that indicates that the Board is willing to accept proposals for the vacant buildings on the property; it is intended to serve as a means to get the word out that the County has a number of vacant buildings that it is interested in doing something with. He explained that his expectation is that if someone is interested, they could send a letter to the Board indicating interest and outlining their purpose; at that point, the Board could consider if it wished to entertain the proposition and could then move forward to the bidding process. Following discussion, the Board agreed to give the draft its consideration. Mr. Wenger noted that the proposal included the Administration Building, the second floor of the Bouchard Building, Building 25-the former cow barn, Building 26-the 4-H Building (Piggery), and Building 27-the former kennel. He explained that there are pros and cons related to including all of them and suggested that the Board may wish to include only the Administration Building and/or the second floor of the Bouchard Building in the initial notice that it distributes.

Comm. Holden suggested that the notice could certainly include Building 25, the cow barn, because that building is ready to be developed. Mr. Wenger explained that the Building 25, Building 26, and Building 27 will require more of an investment; Building 25 still has a sloping cement floor that will require significant work, and noted that while the second floor of the Bouchard Building is basically ready to go, it will require some engineering.

Comm. Holden noted that starting with timbering is a good first step; she explained that she visited 20 of the 25 Towns in her District over the course of two days to distribute the Design Charrette report; she discussed the report with the Towns and noted that this may generate some interest relative to the Charrette recommendations. She noted that she distributed more Prescription Drug Cards while visiting the Towns.

Comm. Clemons inquired about the next steps that might be taken if the Board approves distributing the notice and how it would be distributed. Mr. Wenger responded that the information would be distributed as far and wide as possible. Comm. Clemons noted that contractors review the Legal Notices in newspapers very carefully. Mr. Wenger noted that there is an expense involved; another option would be to send it to the newspapers as a story to see if they would publish it. Comm. Pappas suggested that the information be put on the County website; Mr. Wenger noted that it could be put on the County website and any other related websites. Comm. Holden suggested that it be sent to the Charrette Committee so they see that the County is moving forward with its recommendations, and to some of the County publications. Mr. Wenger noted that an option would be to place a "For Lease" sign in front of the Administration Building; a notice could also be mailed to all the Towns and Cities. Comm. Holden noted that the Selectmen she recently spoke with indicated that they would favor the County getting another source of revenue that would reduce taxes. The Board agreed to review the draft.

Mr. Moorehead informed the Board that M. Liakos passed away recently; he had worked for Fitz, Vogt at the Nursing Home as the Director in the Dietary Department and had been with the Nursing Home for 11 years.

Supt. O'Mara notified the Board that the access road to the river will be closed today.

Supt. O'Mara communicated that inmates, as a part of the Community Service crew, have been working with the Food Bank during its move from its old location to its new location on East Industrial Drive; they helped with moving and re-stocking the food shelves. Supt. O'Mara informed the Board that the crew has also helped with the opening of the Cynthia Day Family Center; it is an in patient, rehabilitation program for pregnant women who have substance abuse problems; the crew helped with moving furniture. Supt. O'Mara explained that the Family Center is a program and is important to the DOC because it is a resource for the DOC; it is a safe, clean place to refer people to.

Supt. O'Mara informed the Board that he attended a recent morning muster; he explained that this is a pre-shift information exchange time when information is shared with incoming staff before they go off to their assignments. He noted that he was very impressed as he listened to a Sergeant describe an inmate with Asperger's Syndrome. He noted that the DOC has addressed appropriate methods for dealing with developmental disabilities, mental illness and other challenges, and he was pleased to hear the Sergeant describe the individual and caution the Correctional Officers as he explained that this was a form of Autism.

Supt. O'Mara informed that Board that the flag at the Department of Corrections will be lowered to half-staff on Saturday, September 11th in honor of the attacks that took place on that day.

Mr. O' Mara informed the Board that the DOC facility has been experiencing significant settling issues because the building is built above an underground river. He referred to door frames shifting, brick facing falling off an exterior wall, and cracking of assault resistant cell windows. He explained that the cracking of the windows is of most concern, and while it is happening in lower security cells, it is still a security risk. He noted that there will be a request for engineering analysis to address the issues. Mr. O' Mara provided photos to document the damage. Comm. Clemons suggested that the County move quickly to address the issues and reduce any potential liability. Mr. O' Mara agreed that bringing in an expert will protect the County and provide recommendations for addressing the issues.

Mr. Wenger informed the Board that he has received notice from the US Department of Justice Drug Enforcement Administration that on Saturday, September 25th from 10:00 a.m. to 2:00 p.m., they are conducting a National Take Back Initiative, which provides an opportunity for people to turn in prescription medications, and old or unused drugs. He noted that as of last week, Merrimack, Derry, and Goffstown Police Departments are going to be involved, and more Towns and Cities may become involved.

Mr. Wenger addressed the Dental Discount program and explained that he is required to provide information relative to who will be the County's contact person. Following discussion, the Board agreed that the contact person should be E. Robinson, Human Services Director. He also inquired if the Board wished the cards to be similar to the Prescription Cards with the County Seal included; the Board agreed that the County Seal should be on the cards. Comm. Holden noted that the Dental program will require less work on the part of the County because the individuals with the Dental Card will deal directly with his/her own dentist. Mr. Wenger noted that, in reviewing the Dental Discount program, there are some significant savings that County employees may be able to take advantage of, even if they are already enrolled in the County Dental Insurance with Delta Dental.

Mr. Wenger informed the Board that he has spoken with Laurel Bistany relative to the CDBG grant and the Board's action at its last meeting; he noted that she requested that the Board take action with respect to the motions that were previously requested, which were related to the Public Hearings held prior to the last Board meeting so that her company can be prepared to move forward with the CDBG application once they have met the other requirements. He noted that there are three motions to address.

Comm. Pappas noted that the motions were tabled at the Board's previous meeting; she entertained a motion to remove the motions from the table. There was a discussion and difference of opinion relative to whether the motions needed to be addressed at this meeting. Comm. Holden asked about whether the City of Nashua has committed to approving a portion of funds; Mr. Wenger indicated that it is his understanding that Nashua is postponing its action until Merrimack has addressed the issue. Comm. Holden noted that the Town of Merrimack will be addressing their part of the application process and the CDBG funding at tomorrow evening's meeting; she plans to attend the meeting. Comm. Holden favored postponing a vote until the other requirements have been met; Comm. Pappas suggested that it would be wise to vote on the motions at this meeting, noting that if the other requirements are not met, it won't matter. Comm. Pappas entertained a motion. Comm. Clemons indicated that his son was going to look into the issue, but he has not heard anything; he noted that he does not think that the motions will have any meaning if the other requirements are not met. Comm. Holden noted that a motion, once made and passed, was good for three years. Comm. Clemons indicated that he would move to approve the motions. Mr. Wenger noted that the first step would be to remove the action from the table. Comm. Pappas entertained a motion to that effect.

Motion: To remove the tabled items from the table. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: Move that the Commissioner's vote to adopt the Housing and Community Development Plan. Motion by Comm. Clemons, second by Comm. Pappas. The motion carried two to one with Comm. Holden voting against the motion.

Motion: Move that the Commissioner's vote to adopt the Residential Anti-displacement and Relocation Assistance Plan. Motion by Comm. Clemons, second by Comm. Pappas. The motion carried two to one with Comm. Holden voting against the motion.

Motion: Move that the Commissioner's vote to approve the submittal of the application, and vote to authorize the Chairman to sign and submit the application, and upon approval of the CDBG application, authorize the Chairman to execute any documents which may be necessary to effectuate the CDBG contract. Motion by Comm. Clemons, second by Comm. Pappas. The motion carried two to one with Comm. Holden voting against the motion.

Mr. Wenger noted that he will keep the Board advised regarding the CDBG grant application.

Mr. Wenger noted that Primex has partnered with Best Doctors for its Worker's Compensation program; the representative of Best Doctors would like to come in and speak to the Board and Department Heads to explain the program. He noted that it is his understanding that they have already been to the Nursing Home. The Board agreed to have Best Doctors come in to explain the program; Mr. Wenger will make the arrangements.

Comm. Holden inquired about the paperless project at the Nursing Home, noting that she was unable to attend the previous Friday's meeting. Mr. Moorehead explained that the project is close to being in a position to be presented to the Board; the Nursing Home is still waiting for information from PointClickCare and Omnicare. Mr. Wenger noted that there are two RFP's that will also be going out with respect to various pieces of hardware to support the software.

Mr. Moorehead informed the Board that Medical Director, S. Chidavaenzi recently gave birth to a baby girl.

Comm. Holden noted that at a recent Association of Counties, they discussed Marcus & Millichap, Real Estate Investment Services, which is looking at purchasing Nursing Homes. Comm. Pappas noted that it wanted to attend the NH Association Conference as a presenter; however the Association deemed that it was not appropriate, but noted that they could attend as a vendor. Comm. Holden explained that she has their information in her file. Comm. Clemons noted that he expects to see more and more efforts to privatize and suggested that the Nursing Home Administration do its research in support of why it would not be advantageous. The Board discussed similar situations in other States.

8. Public Comments

There was no one present who wished to address the Board at this time.

9. Non-Public Session

Comm. Pappas indicated that the Board would move into Non-Public session, and entertained a motion.

Motion: To enter Non Public Session with Mr. Moorehead and Attorney Kirby consistent with RSA 91-A:3 II (c), regarding a matter which, if discussed in public, would affect the reputation of a person, and to hold a second session consistent with RSA 91-A:3 II (e), potential litigation. Motion by Comm. Holden, second by Comm. Clemons. Pappas-yes, Clemons-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 11:05 a.m.

The Board met with Mr. Moorehead and Attorney Kirby and was apprised of two situations at the Nursing Home. No action was taken.

The Board moved out of Non-Public Session at 11:18 a.m.

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

Motion: To move into recess with Attorney Kirby to consult with Counsel. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

The Board moved into recess at 11:19 a.m.

The Board moved out of Recess at 11:42 a.m.

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

Comm. Pappas asked the Board if it wished to take any action. Comm. Holden moved to address an issue at the Nursing Home.

Motion: To indemnify and defend Heidi Bernier, RN, Assistant Director of Nursing, and Bruce Moorehead, Nursing Home Administrator in a pending legal matter. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden encouraged those present to submit County employee award nominations to her by September 14th. Comm. Pappas requested that Mr. Wenger send out a reminder.

The Board discussed Supt. O'Mara's request to approve travel expense for a conference; Comm Holden noted that she has a question she would like to ask, and Mr. O'Mara has left the meeting. The Board agreed to review the request and address it at its next meeting.

Adjourn:

Comm. Pappas asked the Board if it wished to address any other business; there being none, a motion to adjourn was entertained.

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

The meeting adjourned at 11:22 a.m.

Signed September 22, 2010

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date