

Regular Meeting of the  
Hillsborough County Board of Commissioners  
September 24, 2008  
Department of Corrections, Manchester, 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, D. Dionne, C. Kirby, B. Moorehead, E. Robinson, M. Rusch, G. Wenger, and L. Stonner

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 9:07 a.m. followed by the Pledge to the Flag led by G. Wenger.

**2. Minutes**

The Board voted to approve the minutes of September 10, 2008.

**Motion:** To approve the minutes of September 10, 2008. Motion by Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

**3. Business Office**

Approval of Payroll Registers

**Motion:** To approve the Payroll Register dated 09/18/08 in the amount of \$1,142,469.64 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Motion:** To approve the Payroll Register dated 09/24/08 in the amount of \$43,283.90 subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Approval of Accounts Payable Registers

**Motion:** To approve the Accounts Payable Register dated 09/22/08, in the amount of \$435,752.02 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Ratification of Sheriff's Extraditions

The Board moved to ratify the following Sheriff's Extraditions, noting that each extradition has already been approved by the County Attorney.

**Motion:** To approve the Sheriff's Extradition of 7/1/08 for \$494.36. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

**Motion:** To approve the Sheriff's Extradition of 7/7/08 for \$4.70. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

**Motion:** To approve the Sheriff's Extradition of 7/8/08 for \$20.00. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Motion:** To approve the Sheriff's Extradition of 7/21/08 for \$485.84. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**Motion:** To approve the Sheriff's Extradition of 7/24/08 for \$4.70. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

**Motion:** To approve the Sheriff's Extradition of 7/28/08 for \$30.00. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

#### 4. Department of Corrections

##### Census

Assistant Superintendent Dionne presented the Department of Corrections' Census dated September 23, 2008. He reported that the DOC is holding 606 Inmates in custody. There are 542 men, which includes 175 that have been sentenced and 367 that are being held pre-trial. There are 64 women, which includes 15 that have been sentenced and 49 that are being held pre-trial.

Comm. Clemons noted that this is the first time he has observed that the Census has exceeded 600 and inquired if the Department of Corrections is overcrowded. Mr. Dionne replied that it is not overcrowded and noted that there have been many arrests in Manchester because of a recent action, further noting that 23 Inmates entered the facility last Thursday and 18 the following day.

##### Bid # FY09-20 – Facility Copier & Printer Paper

Mr. Dionne presented Bid # FY09-20 for Facility Copier & Printer Paper, noting that the lowest responsible bidder is Central Paper, for \$29.86 per case.

**Motion:** To approve Bid # FY09-20 for Copy & Printer Paper to Central Paper, for \$29.86 per case, noting that it is the lowest responsible bidder. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Assistant Superintendent Dionne requested a Non-Public session later in the meeting.

#### 5. Nursing Home

##### Census

Mr. Moorehead was recognized. He presented the Nursing Home Census, noting that as of September 11, the Census was 275, which included 201 Medicaid residents, 43 private pay residents, and 30 Medicare Part A residents. He noted that these numbers did not add up; he will verify the numbers and inform the Board of any correction(s). He also presented the Census through September 18, and informed the Board that there were 277 Residents, which includes 201 Medicaid residents, 44 private pay residents, and 32 Medicare Part A residents.

##### Bid # 09-2009 - Stacker/Conveyor

Mr. Moorehead presented Bid # 09-2009 for a Stacker/Conveyor for the Board's consideration. It is for a folding machine, which was approved in the Budget. It will increase the efficiency of the Laundry. The

expense will be depreciable under Medicaid and Medicare. The lowest responsible bidder is Yankee Equipment, Barrington, NH for \$12,870.

**Motion:** To approve Bid # 09-2009, as stated by Mr. Moorehead. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

#### Oxygen Services Contract Extension

Mr. Moorehead presented his request to extend the Oxygen and Respirator Services Contract. He explained that the Nursing Home is converting to liquid oxygen, which is less expensive than that which is currently in use; there are requirements that must be met for housing the equipment, which involve some minor construction by the Nursing Home Maintenance crew. He estimates that the process will take 14 days, but is asking for a one-month extension for maximum flexibility.

Comm. Clemons inquired if this type of oxygen is more dangerous than what is currently in use and if it is used in other Nursing Homes and hospitals. Mr. Moorehead replied that it is not more dangerous, and is used in other facilities. He noted that the building requirements include a certain thickness for walls and type of fire suppression system. The fire suppression system required is the same as that which is in the building now.

**Motion:** To approve the bid extension of the Oxygen and Respirator Services contract to October 31, as stated by Mr. Moorehead. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously

Mr. Moorehead also requested a Non-Public session later in the meeting under RSA 91-A:3 II (a) and asked to have E. Robinson included in the session.

Mr. Moorehead indicated that he will have the August Revenue Report for the next meeting and he also hopes to have the consolidated number for the 2008 Revenue as well.

#### Update of State Survey Visit

Mr. Moorehead reported that the Nursing Home is approximately 90% complete with the Plan of Correction relating to the State Survey. He noted that he did the Life Safety piece yesterday with Mr. Lowell, and will be finalizing the Health piece with K. Covert today. The corrections are due by Saturday, September 27. He will be faxing the corrections and sending the hard copy tomorrow.

Mr. Moorehead noted that the Nursing Home is conducting different forms of recognition for the Staff relating to the successful State Survey. These include raffles, free lunches, banners, and a sign reflecting that an excellent survey equals a great staff.

## 6. Human Services

#### Bid # HS09-1 – Carpet Replacement

E. Robinson presented Bid # HS09-1 for Carpet Replacement at the Temple Street Courthouse. She informed the Board that the carpeting is for the second floor and middle floor, noting that she requested that the Vendors quote both 26 oz. and 28 oz. weight carpet. She recommended Nashua Wallpaper for \$5,465 and noted that while the bid was for 28 oz. carpet, the actual carpet will be a 30 oz. carpet at the same price. The bid specifications required that installation be scheduled for Friday and over the weekend so as to minimize disruption within the Registry of Deeds.

**Motion:** To approve Bid # HS09-1 for Carpet Replacement to Nashua Wallpaper at a total price of \$5,465, noting that it is the lowest responsible bidder for the 28 oz. carpet, even though they will be substituting a better quality carpet that is 30 oz. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired about the second bidder, asking if it was informed of the change, to which E. Robinson replied that the second vendor's quote is not comparable because it is for the 26 oz., and added that particular vendor's quote for the 28 oz. was \$6135, a bid which is higher than the recommended vendor.

Motion carried unanimously.

Ms. Robinson requested a Non-Public Session later in the meeting.

## 7. Public Comments on Agenda Items

No members of the Public addressed the Board.

## 8. Old/New Business

Mr. Wenger presented a request for additional paving at the County Complex, referencing an earlier informal telephone call placed to the Commissioners and their agreement with the project. He noted that the contractor is in the process of preparing the site for paving relative to the Goffstown District Court project. That includes the front drive, the large east parking lot and the back alley. He informed the Board that the County Complex budget includes additional funding for paving, so Capt. Cusson solicited and received four bids for that project, noting that the objective was to complete the project all at once. Mr. Wenger recommended CSSI, noting that while its bid is \$100 more, CSSI is already on site doing the paving for the Goffstown District Court and is prepared to go. He recommended this bidder under RSA 28:8-e (a) and RSA 28:8-e (b) because CSSI is there and can do the job now resulting in one consistent paving job.

Comm. Clemons informed the Board that asphalt differs in color, depending on which plant it comes from and how much oil is in the asphalt, therefore it makes sense to have one company do the entire parking lot from an appearance point of view, therefore there will be no seams and it will all be the same color. He further noted that the extra \$100 is money well spent.

**Motion:** To approve Bid # FY09-83 for the Complex Asphalt Continuation Project to CSSI, Bedford, NH, under RSA 28:8-e (a), (b), and (g) because the contractor is on site and for the reasons stated during the Board's discussion. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Mr. Wenger presented a request for an Account Clerk III position change in the Business Office from Full time to Part time, 32 hours per week, based on a formal request to make the change. Because the reduction impacts the Retirement System, he noted that he must go through the change process and requested that the position be amended to reflect this change, noting that hourly rate will remain the same but there will be savings with respect to the retirement contribution.

**Motion:** To approve the new position request for the Business Office for an existing job to be changed from 40 hours and that it be listed as 32 hours. Motion by Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Mr. Wenger informed the Board that the County Attorney and the Sheriff have received two requests relating to the Addison trial. The first is from the Attorney General's office, requesting the use of the Commissioner's Conference room as a staging area; arrangements have been made with the County Attorney to facilitate this.

Additionally, the Sheriff was approached with a request that involves allowing the Jurors, once selected, to park their vehicles at the County Complex from where they will be bused by the Sheriff to the County Courthouse each day during the trial. He noted that there is room behind the barn for the parking once the paving is complete.

Mr. Wenger informed the Board that the Goffstown Selectmen have sent the County a letter, which he will forward to the Board. The Selectmen would like to meet with the Board to explore land issues relative a survey conducted to determine their need for a new fire department. They have identified potential sites, two of which are on County property. The Board agreed to schedule a meeting and a discussion ensued regarding a potential meeting date.

The Board discussed a conflict with its next meeting. The NHAC Conference ends the morning of October 8, the date of the next scheduled Board of Commissioners meeting. The Board agreed to re-schedule its next meeting to October 9, 2008 at 9:00 a.m. Additionally, the Mental Health Conference conflicts with the Board's November 6 meeting; the Board decided to re-schedule its November 6 meeting to Wednesday, November 5 at 10:00 a.m.

Comm. Pappas informed the Board that she met with Primex along with Legal Counsel, and Supt. O'Mara. Comm. Pappas noted that Primex is moving things through their committees. Mr. Wenger reported Primex is waiting for the County to take the next step. He is waiting for a letter from Supt. O'Mara, and once received, he will run it by Legal Counsel for her input, then Mr. Wenger will forward it to Primex. The goal is to get the information to Primex by mid October, prior to its November board meeting.

Comm. Clemons informed the Board that he attended a recent meeting of the UNH Cooperative Extension. An issue raised was that many people who come to the Bouchard Building are not aware of the Coop Extension location. There was a request for signage to better direct those looking for the UNH Cooperative Extension.

Mr. Wenger responded that he sat with Dan Reidy to discuss that very issue relative to his needs. He noted that at the construction meeting the following day, signs would be discussed. He indicated that other signs would be needed for the Goffstown Court, possibly the Sheriff's Office, and others. He noted that there will be no driving through the front to access the front door; there will be two entrances.

Mr. Wenger noted that the project is continuing on schedule. The plan is to pave the parking area on Friday. CSSI is doing the site prep now. Originally, the paving was scheduled for two days, but the plan is to come in Friday and do the job in one day. If there is rain, the paving will be postponed until Monday. Mr. Wenger noted that he has met with the Warden at the Women's Prison to inform her of the paving schedule and is communicating with the departments in regard to coordinating the parking of employee vehicles. He noted that the pad for the front entry was done yesterday and as soon as the paving is done, there will be accessibility from the front. He reported that the Complex and Staff from the County will be doing the brick pavers in the front, so while that may take longer, it will be possible to work around them.

Mr. Wenger reported that he spoke with the Director of Programs for the Family Court recently. He reported that this will be a big change for the legal community; family matters within the jurisdiction of the Goffstown Court, such as divorces, were previously filed in Manchester and Nashua; they will be filed in Goffstown in the Family Court in the future. The Director would like to have an introductory meeting in November.

Mr. Wenger anticipates that the project will be completed by the end of November. The Court has not given a projected date of occupancy, but Mr. Wenger opined that he anticipates them moving in during January. Many details must be coordinated before the Court moves in, including the State building the Judge's bench.

Comm. Clemons inquired if there is a Statute that the Board is required to meet regarding completion of the minutes. Mr. Wenger replied that a draft must be available within 72 hours. Comm. Clemons inquired if the County is close to getting the minutes on its website. Mr. Wenger responded that Ms. Stonner has been working over the last couple of weeks to prepare old minutes to be posted on the web site. He noted that the budget includes funds to redesign the web site and the minutes will be part of that project. Mr. Wenger informed the Board that he anticipates completion of that project by the end of the year, if not sooner.

M. Rusch noted that the Executive Committee will meet Friday, September 26 at 9:00 a.m. at the Nursing Home.

Comm. Holden expressed her thanks to the staff at the Department of Corrections for its hospitality in hosting this morning's meeting.

Ms. Robinson inquired relative to the status of the Postage Meter. Mr. Wenger informed the Board that the Business Office is working to resolve this issue; it has received the third (different) lease.

Attorney Kirby requested an opportunity to meet with the Board in Non-Public session relative to several pending litigations, one to include Mr. Wenger, one to include Ms. Robinson and others relating to the Department of Corrections. Comm. Pappas responded affirmatively.

## **9. Non-Public Session**

Comm. Pappas noted that the Board has requests for Non-Public Sessions with the Nursing Home.

**Motion:** To move into Non-Public session under RSA 91-A:3 II (a) to meet with E. Robinson and B. Moorehead, and under RSA 91-A:3 II (e), pending litigation. By Comm. Holden, second by Clemons. Clemons-yes, Holden-yes, Pappas-yes. Motion carried.

The Board entered Non-Public session at 9:48 a.m. The Board met with E. Robinson and B. Moorehead, followed by a meeting with the Attorney Kirby, and lastly with Attorney Kirby and Assistant Superintendent D. Dionne. The Board took no action during Non-Public Session and agreed to address any requests for action in Public Session.

The Board moved out of Non-Public session at 11:35 a.m.

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

**Motion:** To approve settlement for the two cases discussed, in the amounts discussed. By Comm. Holden, second by Clemons. Motion carried.

**Motion:** To indemnify, pursuant to NH RSA 29-A, in the matter of Cherry v. Hillsborough County, et al., the additional defendants: George Antilus, Carl Brown, Todd Gordon, Nicholas Granville, Michael Martioski, Jason Riley and James M. O'Mara, Jr. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

In another civil action, Hillsborough County Department of Corrections was served a civil complaint, which was filed in U. S. District Court. The allegations are improper medical care.

**Motion:** To indemnify, pursuant to NH RSA 29-A, in the matter of Raymond Rheault v. Hillsborough County. Defendant: James M. O'Mara. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

## 10. 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 11:38 a.m.

*(SIGNED 10/9/08)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date