

Regular Meeting of the
Hillsborough County Board of Commissioners
October 22, 2008
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, L. Movsesian, J. O'Mara, C. Kirby, B. Moorehead, G. Wenger, P. Flood, and L. Stonner

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:32 a.m. followed by the Pledge to the Flag led by Supt. O'Mara.

2. Minutes

October 9, 2008

Motion: To approve the minutes of October 9, 2008. By Comm. Holden, second by Comm. Clemons. Motion carried.

3. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 10/16/08 in the amount of \$1,140,353.29, subject to review and audit. Motion by Comm. Clemons, second by Comm. Pappas. Motion carried.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 10/21/08 in the amount of \$435,338.60 subject to review and audit. By Comm. Clemons, second by Comm. Pappas. Motion carried.

4. Department of Corrections

Census

Superintendent O'Mara presented the Department of Corrections' Census dated October 16, 2008. He reported that the DOC is holding 607 Inmates in custody. There are 540 men, which includes 171 that have been sentenced and 369 that are being held pre-trial. There are 67 women, which includes 22 that have been sentenced and 45 that are being held pre-trial.

Bid # FY09-21 – Inmate Access for Online Law Library

Supt. O'Mara presented Bid # FY09-21 and explained that this bid is for contract renewal with LexisNexis and asked to waive competitive bidding under RSA 28:8-e, II (b), noting that this bidder is the current provider of the online Law Library service and is able to provide service without delay or disruption of service. The cost is \$349/month for the first year, \$362/month for the second year and \$377/month for the third year.

Motion: To approve Bid # FY09-21 for Inmate Access for Online Law Library, as recommended by Supt. O'Mara. By Comm. Clemons, second by Comm. Pappas. Motion carried.

Bid # FY09-22 – 10,000 Evidence/Property Bags

Supt. O'Mara presented Bid # FY09-22, which is for 10,000 Evidence Bags for the Inmates, noting that the lowest bidder meeting the specifications is EMSCO Packaging, Bessemer, AL, in the amount of \$1,307.80.

Motion: To approve Bid # FY09-22 for Evidence/Property Bags. By Comm. Clemons, second by Comm. Pappas.

Comm. Clemons asked for information about the bags. Supt. O'Mara explained that these bags are used to hold Inmate personal belongings while they are incarcerated, noting that it is a secure, durable product with a seal.

Motion carried.

Supt. O'Mara informed the Board that he has two requests for Non-Public Session under RSA 91-A:3 II (g) relative to security-related issues at the Department of Correction.

There was no one present from the Nursing Home at this time. Comm. Pappas addressed the bid from the Sheriff's Office.

6. Sheriff's Office

Bid # 2009-12 – Lease Postage Meter

P. Flood presented Bid # 2009-12 for the Lease of a Postage Meter for the Nashua Superior Court office. He noted that he could find only two companies to provide the service the Department wanted. He recommended Secap Digital Mailing System as the lowest responsible bidder, noting that the Sheriff's Department has done business with them in the past. The price of \$53.92 per month is for a 39-month lease on a postage meter with a five-pound scale,

Motion: To approve Bid # 2009-12 for the lease of a Postage Meter to Secap Digital Mailing System as the lowest responsible bidder, for a total 39-month cost of \$2,102.88. Motion by Comm. Clemons, second by Comm. Pappas.

Mr. Flood informed the Board that he would be back with a request to transfer funds relative to this bid. Comm. Pappas asked if other departments have postage machines. Discussion ensued with an understanding that many departments share postage meters.

Motion carried.

Mr. Moorehead joined the meeting at this time.

5. Nursing Home

Census

Mr. Moorehead, Nursing Home Administrator, was recognized. He presented the Nursing Home Census, noting that as of October 16, the Census was 281, which included 202 Medicaid residents, 43 private pay residents, and 36 Medicare Part A residents. Mr. Moorehead noted that the resident numbers continue to be strong.

Bid # 08-2009 – Oxygen and Respiratory Services

Mr. Moorehead presented Bid # 08-2009 for liquid oxygen, noting that Technical Gas Products, North Haven, CT, is the lowest responsible bidder, and the only bidder. He referred the Board to the Cost Analysis sheet in the bid packet, which demonstrates the cost of the oxygen currently used against the proposed cost of the liquid oxygen product. He explained that using the current product, the anticipated annual cost would be \$9,120 per year versus a proposed cost of \$5,698 for using liquid oxygen, a projected savings of almost 50%. Mr. Moorehead informed the Board that the new area that will house the tanks has been approved by the State and he anticipates it will be ready by the end of this month.

Motion: To approve Bid # 08-2009 at the Nursing Home for liquid oxygen, noting that Technical Gas Products, North Haven, CT, is the lowest responsible supplier, and the only bidder. The anticipated cost will be \$5,698 per year. By Comm. Clemons, second by Comm Pappas. Motion carried.

September 2008 Revenue

Mr. Moorehead presented the August revenue report, and informed the Board that the budget for August was \$1,655,673, while the actual was \$1,628,786 resulting in a negative difference of \$26,887 and conveyed the reasons for this; September census was a little low, running about five patients less per day, and it was a 30 day month. Mr. Moorehead mentioned that he is hopeful about making this up as the year progresses and noted that the October Census is looking positive.

Resident Christmas Gifts Approval

Mr. Moorehead presented a request to the Board for resident Christmas gifts, noting that the proposed gift amount is \$10.00. In the past, \$8.00 of that gift has come from the Commissioner's budget and \$2.00 has been provided by the Resident Council. His request is based on 280 residents, which at the \$8.00 County contribution, will come to \$2,240. He noted that the funds come from the funds earmarked as R & R in the budget income, and have offsetting revenue derived from vending sales at the Nursing Home.

Motion: To approve the Nursing Home Administrator's request for resident gifts for \$2,240. By Comm. Clemons, second by Comm. Pappas. Motion carried.

7. Delegation

Bid # 08-01 – Legal Services – RSA 28:10-a Hearing

C. Kirby presented Bid # 08-01 and explained that it is a bid to provide the officers of the Executive Committee/Delegation legal assistance with an RSA 28:10-a hearing, noting that the two bids were from individuals with experience in these types of hearings. She recommended Daniel Schwartz as the lowest bidder, noting that both individuals were equally qualified and responsible bidders.

Motion: To approve Bid # 08-01 for Legal Services, to Daniel Schwartz, Esq. at a price of \$160/hour, noting he is the lowest bidder. By Comm. Clemons, second by Comm. Pappas. Motion carried.

C. Kirby requested an opportunity to meet with the Board in Non-Public session under RSA 91-A:3 II (d) relative to pending cases.

8. Public Comments

There was no one present from the Public who requested the opportunity to speak at this time.

Delegation

L. Movsesian informed the Board that the Executive Committee will meet at 9:00 a.m. on November 21st.

9. Old/New Business

Mr. O'Mara presented a Certificate from thirty-ninth Hillsborough County Corrections Academy graduation, and requested that the Board sign the Certificate, which will serve to certify the Academy. Supt. O'Mara read the names of the graduates. They are: Joshua C. Caisse, Clayton Davis, David M. Gele, Kristen C. Hubbard, Ashley E. LeBel, Richard J. Meurin, Max D. Munyanya, Kalyn L. O'Brien, Justin G. Pfeiffer, Donald B. Ross, Daisy Teixeira, and Brian J. Thompson. Comm. Clemons noted that he had attended the graduation and was very impressed with the ceremony.

Comm. Holden joined the meeting at this time and apologized for being late noting that she did have important business.

Motion: To certify the thirty-ninth Hillsborough County Corrections Academy graduates. By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board signed the Certificate and returned it to the Superintendent.

Superintendent O'Mara requested the Board's approval on two policies, which were previously presented to the Board, noting that there are housekeeping changes that will be made this afternoon. He asked the Board to adopt Policy I-169, which is Administrative Home Confinement, and Policy I-119, which is Day Reporting, noting that both are consistent with NH State law. He will forward them to the Board for its next meeting.

Motion: To approve Policy I-169 and Policy I-119, as recommended by Mr. O'Mara. By Comm. Clemons, second by Comm. Holden.

Comm. Clemmons noted his awareness relative to over-crowding at the prison, and asked the Superintendent, if given a choice, would he prefer to see Inmates enrolled in one of the aforementioned programs, or remain incarcerated. Supt. O'Mara responded that programs were preferential, and qualified that by noting that they are very appropriate for a number of individuals incarcerated at the facility whose term is ending to help them integrate back into the community as quickly as possible, and to include employment, education, and community-based programming to support them as they move into the community. He expressed his belief that the County should move in that direction

The Superintendent informed the Board that there are defined beds and specialized units including the women's unit, and the restricted housing unit where only inmates with disciplinary issues are placed; these units limit available bed space. Mr. O'Mara explained that many inmates with minor crimes could be

supervised just as effectively in the community, in their homes, versus placing them in the prison setting in a \$74,000 maximum-security cell.

Motion carried.

Mr. Wenger informed the Board that the second floor project is continuing as planned, and noted that trees have been planted around the building.

Comm. Pappas requested that the Board move into Non-Public sessions to address earlier requests.

Motion: To move into Non-Public Session with Supt. O'Mara, Department of Corrections, under RSA 91-A:3 II (g) relative to a security-related issue, followed by a Non-Public session with Attorney Kirby under RSA 91-A:3 II (e), relative to pending litigation, and with Mr. Moorehead and Attorney Kirby relative to pending litigation. Motion made by Comm. Clemons, second by Comm. Holden. Holden, yes; Clemons, yes; Pappas, yes. Motion carried.

The Board entered Non-Public Session at 9:24 a.m. The Board met with Supt. O'Mara relative to a security-related issue at the Department of Corrections, and to consult with Counsel relative to litigation, and lastly, the Board then met with Legal Counsel and Mr. Moorehead to discuss litigation.

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 10:43 a.m.

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

The Board considered the following motions:

Motion: To indemnify James M. O'Mara, Jr., pursuant to NH RSA 29-A, in the matter of Louri Boilard v. James M. O'Mara, Jr. and Dr. Charles Ward. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To authorize Supt. O'Mara, pursuant to RSA 30-B:21, to accept two (2) prisoners from the Sullivan County Department of Corrections. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve the negotiated settlement proposed by Attorney Kirby and discussed with the Board of Commissioners relative to the Nursing Home. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To take under advisement, pending further information, the matter of the proposal for settlement received relative to pending litigation. By Comm. Holden, second by Comm. Clemons.

Comm. Holden explained that the Board is in receipt of a letter dated October 17, 2008, with an attachment. She asked for a breakdown from the Sheriff relative to the sequence of events, and requested that the Board receive that information by noon on Friday of this week, October 24.

Motion carried.

Motion: To change the November 5th Board of Commissioners meeting to Thursday, November 6th at 9:00 a.m. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To schedule a meeting on Monday, October 27th at 9:00 a.m. for the purpose of meeting with the Administrators for their annual performance review and to discuss any other business that may come before the Board. By Comm. Holden, second by Comm. Clemons. Motion carried.

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 10:47 a.m.

(SIGNED 11/6/08)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date