

Regular Meeting of the  
Hillsborough County Board of Commissioners  
November 6, 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, J. O'Mara, C. Kirby, B. Moorehead, G. Wenger and L. Stonner.

Also present from the town of Goffstown: Town Administrator Sue Desruisseaux, Selectman Scott Gross, and Fire Chief Richard O'Brien.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 9:05 a.m., followed by the Pledge to the Flag led by G. Wenger.

**2. Town of Goffstown Re: Land**

Comm. Pappas welcomed the representatives from the Town of Goffstown. S. Gross indicated that there is a new Board of Selectmen in Goffstown that welcomes an opportunity to open up dialogue and create a positive relationship with the County regarding a discussion relative to County land and the Town's needs for land for a central Fire Station as well as recreation fields. He indicated a desire to establish a working group to facilitate discussion relative to the needs of the Town and the County and to discuss the possibility of acquiring County land.

Comm. Holden explained that the County did sell land at the Henry Bridge Road intersection to alleviate a traffic hazard as well as land for the Police Station; she noted that the County is a guest in the Town and further noted that the Board has enjoyed a good relationship with the Town.

Mr. Gross explained that he is interested in understanding the procedure that applies to any dialogue relative to acquiring County land, to meeting and talking with people at the appropriate level of County government, and in initiating a two-way process to include discussion relative to services that are needed from the Town or that the Town currently provides.

Comm. Pappas noted that Mr. Gross' initial approach to the Board was appropriate.

Ms. Desruisseaux noted her understanding that the County is in the midst of developing a County Master Plan, and inquired if it would be appropriate to involve the Town in that process.

Comm. Holden explained that the Master Planning was hung up in the budgeting process, and that it is her hope to begin the process again. She noted that the Master Plan committee has nine members that include two representatives from each of the three districts, one State Representative, one Commissioner, and Fred Plett from the Town of Goffstown; additionally, interested members from the Town and other communities also attend, and Dan Reidy has served as facilitator.

Comm. Clemons inquired about the timeline for a new Central Station and recreational fields. Mr. Gross informed the Board that the Central Fire Station is the bigger issue, and the Town would like to acquire land within the next year or so, for that purpose.

Chief O'Brien informed the Board that the Fire Department has considered many details in its recommendation for a location for a Central Fire Station, and indicated that considerations include: response times, where calls occur, road structure, growth of the Town, traffic, signal lights, and geographically what best meets the Department's needs. He explained that the County land is in the center and is ideal for a central Fire Station because it places it within a four to eight minute response time, whether it is to East Goffstown, Pinardville, or toward the village. He noted that Kennedy Hill Road might grow in the future so they will also have access to that end of Town. A good option for the Town would be the garden property across from the intersection of Henry Bridge Road and Mast Road, noting that there is already a traffic signal present at that location. He noted that they have looked at other locations, but this intersection and in-town Goffstown provide the only river crossings. He further noted that they have also looked at the land abutting Henry Bridge Road near where the Rail Trail comes through.

Mr. Gross explained that having the station located on the garden property would allow a Safety Complex to include the Fire and Police Departments, to which Comm. Holden indicated that when the land was sold for the Police Station, it was with the Board's understanding that the area would later house a Safety Complex. The Board was not happy when the auto dealer acquired a portion of the land.

Discussion ensued regarding limitations to the land use. Mr. Gross noted that he was aware of the land sale to the auto dealer and recognized that it is a sore spot with the County. He noted that any land deal could have restrictions such as "this property is solely for a stated use, and if not, it will revert back to the County."

Chief O'Brien informed the Board that the Fire Department has considered the property across from the Irving Station at the Mast Road and Henry Bridge Road intersection as well as property near the Goffstown Transfer Station, but noted that power lines present a problem near the Transfer Station.

Comm. Holden noted that during the transfer of the property near the Irving station, there was opposition from the abutters. Mr. Gross informed the Board that that should no longer be a problem because a developer has locked up all but one of those properties.

Comm. Clemons inquired about the number of Fire Department employees, whether they would be stationed at the Central Station, and how large the station would be. Chief O'Brien noted that the Department has 50 paid on-call Firefighters, and 16 paid staff persons and himself, noting that these employees and staff would work out of the Central Station. He informed the Board that the Central Station would be the headquarters for administration, paid staff and training. He noted that there would probably be three or four bay doors and two ambulances, a ladder truck, an engine and possibly a tanker at the new location. The Chief indicated that the Fire Department would take care of a design for control of the light at Henry Bridge Road.

Mr. Gross noted that the Selectmen are very happy to hear about the Master Planning because there will be many connectivity issues and if it is done right, from an economic development perspective for Goffstown, that is "huge." He further noted that Dan Reidy is on the Town's Economic Development Council.

Comm. Holden further noted that the County is very interested in protecting open space and utilizing the land for the benefit of the County. She explained that the County previously sold land to the Town, and a portion of that land was sold to a car dealership; she noted that the County was not happy with that development, and it was not a part of the plan. Comm. Holden noted that any recent discussions relative to land use resulted in a Board opinion that it would prefer to lease land in the

future rather than selling it. She noted that the Master Plan Committee has indicated interest in saving the approaches to the land and to save the fields for future generations, and it is not interested in having a Wal-Mart, Home Depot, etc. in this area.

Mr. Gross indicated that he is aware of sports groups that are interested in using the fields that would sign a lease tomorrow. This would protect the land and still allow these groups to recreate.

Comm Holden indicated that while we know who was elected as State Representatives, the Executive Committee is not elected until December 9. Discussion ensued regarding a timeline and a suggestion that going forward, a Committee could be established to include a Commissioner, a couple of representatives from the Executive Committee and the representatives who will represent the Town Boards/Departments. Comm. Holden expressed her appreciation for the Goffstown representatives coming to the Board today. The Board recommended that the County Administrator be the contact point for any such effort relative to land use.

Mr. Wenger asked about a timeline. Mr. Gross indicated that it would be an appropriate goal to have something in place by this time next year, which would allow several months for the community to become aware of the project prior to it going on the 2010 ballot.

Mr. Wenger informed those present that there are statutory requirements that must be met with respect to the sale or lease of County land, including a required competitive bidding process. It was noted that once any proposal was approved by the Board of Commissioners, it would be forwarded to the Executive Committee for review and ultimately to the County Delegation, which can be a time consuming process.

There being no further discussion, the parties acknowledged their appreciation for the opportunity to meet and discuss their respective interests and the representatives from the Town of Goffstown excused themselves from the meeting.

### **3. Minutes**

Minutes of October 22, 2008

**Motion:** To approve the minutes of Minutes of October 22, 2008. By Comm. Clemons, second by Comm. Holden. Motion carried

Minutes of October 27, 2008

**Motion:** To approve the minutes of Minutes of October 27, 2008. By Comm. Holden, second by Comm. Clemons. Motion carried

### **4. Business Office**

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated 10/30/08 in the amount of \$1,171,448.10, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

#### Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated 11/4/08 in the amount of \$4,296,063.72, subject to review and audit. By Comm. Holden, second by Comm. Clemons.  
Motion carried

#### Sheriff's Extraditions

**Motion:** To approve the Sheriff's Extraditions dated 9/25/08 in the amount of \$733.13, and 10/3/08 in the amount of \$4.20 for a total of \$737.33, noting these have previously been approved by the County Attorney. Motion by Comm. Clemons, second by Comm. Pappas.  
Motion carried.

#### Transfer # 2009-01-Registry of Deeds

J. MacDonald presented request for Transfer # 2009-01 for the Registry of Deeds, noting this is a transfer from Salaries and Wages to Optical Disk. She explained that the Department of Revenue Administration sent each County \$5,000 for the implementation of LCHIP. The LCHIP funds were sent to, and were deposited by, the Business Office and the purpose of this transfer is to make the funds available to the Registry for the implementation. The amount of the Transfer request is \$3,750. Mr. Wenger noted that this is a bookkeeping procedure to make the money available in the Registry of Deed's budget.

**Motion:** To approve Transfer # 2009-01 for the Registry of Deeds, to move \$3,750 from Salaries and Wages to Optical Disk for the reasons stated by J. MacDonald and Mr. Wenger. By Comm. Holden, second by Comm. Clemons. Motion carried.

### 5. Department of Corrections

#### Census

Superintendent O'Mara presented the Department of Corrections' Census dated October 31, 2008. He reported that the DOC is holding 631 Inmates in custody. There are 563 men, which includes 180 that have been sentenced and 383 that are being held pre-trial. There are 68 women, which includes 16 that have been sentenced and 52 that are being held pre-trial. Mr. O'Mara informed the Board that last Saturday's census at the DOC was 654, which included 12 "weekenders." He further informed the Board that accommodating the weekend inmates can be problematic noting that once identified as "weekenders," other inmates put pressure on them to bring in contraband.

#### Bid # FY09-84 – Complex-Bldg. Roof Replacement

Mr. O'Mara explained that this bid is for materials only for Bldg. # 21-Roof Replacement, and explained that the lowest bidder meeting the specifications is Reeds Ferry Lumber, Merrimack, NH, at a price of \$8,609.87.

**Motion:** To approve Bid # FY09-84 for Complex-Bldg. # 21, Roof Replacement, Reeds Ferry Lumber, Merrimack, NH, at a price of \$8,609.87, noting it is the lowest responsible bidder. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired if the Inmates will be doing the work, and if there is a professional on the job to advise them. Mr. O'Mara responded that customarily, the professionals are the Inmates, noting

that often there are many trades people detained at the DOC. He assured the Board that the project would not be attempted unless there were professionals available to do the job. He noted that Mr. Hunt or Mr. Aster customarily provide oversight for security reasons.

Comm. Clemons inquired about meeting codes, to which Mr. O'Mara responded that it is a courtesy for the County to adhere to the Goffstown code, and that is usually done. He noted that Capt. Cusson would typically invite the building inspector to check various stages of the projects.

Motion Carried.

#### Bid # FY09-39 – Men's White Briefs

Supt. O'Mara presented Bid # FY09-39 and explained that this is for Men's white briefs and noted that the lowest responsible bidder meeting the specifications is Kivini, Ltd., New York, NY at a cost of \$10.00 per dozen.

**Motion:** To approve Bid # FY09-39 for Men's White Briefs Kivini, Ltd., New York, NY at a cost of \$10.00 per dozen, noting that this is for the best quality, it is the lowest responsible bidder, and there is one price for all sizes. By Comm. Clemons, second by Comm. Holden.  
Motion carried.

#### Bid # FY09-85 – Johnsonite Floor Tile

Supt. O'Mara presented Bid # FY09-85 and explained that this is for 300 sq. feet of Johnsonite Floor Tiles, noting that these match the tiles currently in place at the facility. He requested that the Board waive competitive bidding under RSA 28:8-e V, further noting that W J Grosvenor & Co. has previously supplied tiles and has the same color and texture available to continue the job, at a price of \$1,755.

**Motion:** To approve Bid # FY09-85, as stated by the Superintendent. By Comm. Holden, second by Comm. Clemons. Motion carried.

Supt. O'Mara informed the Board that he has two items to address under Old/New Business, one of which relates to correspondence that involves the elimination and creation of positions within the medical department at the facility.

## 6. Nursing Home

### Census

Mr. Moorehead presented the Nursing Home Census, noting that as of October 30, the Census was 280, which included 204 Medicaid residents, 44 private pay residents, and 32 Medicare Part A residents.

#### Bid # 08-2009 – Digital Imaging System

Mr. Moorehead explained that Bid # 08-2009 is for a copier with a one-year guarantee. He noted that purchasing the copier, as opposed to leasing it, allows it to be depreciated under Medicare and Medicaid guidelines.

**Motion:** To approve Bid # 08-2009 for the Nursing Home to Ikon Office Solutions, Manchester, NH, for a digital imaging system for \$10,285, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons inquired if the \$1,800 service contract is for one year, to which Mr. Moorehead responded in the affirmative.

Motion carried.

Comm. Holden informed the Board that she visited the Nursing Home on Halloween with her dog. Mr. Moorehead noted that animals and children are always appreciated by the residents.

## **7. County Attorney**

Approval of Assistant County Attorney

Mr. Wenger indicated that he will present the County Attorney's request on her behalf, but would first request a discussion in Non-Public session. Comm. Pappas agreed to a discussion in Non-Public session.

## **8. Public comments on Agenda items**

There was no one present from the public to speak today.

## **9. Old/New Business**

Safety Program

C. Kirby informed the Board that the Department of Labor has asked the County to provide an overall County Safety program, and that it be filed in January on the same schedule as that of the Nursing Home. Ms. Kirby noted that this needs to include all County Departments, further noting that there is a form online that can be completed. Discussion ensued regarding looking at this issue County wide, to which Ms. Kirby responded that this is what the Department of Labor is requesting. Ms. Kirby recommended that this be coordinated through Mr. Wenger's office with all information being brought together under one umbrella. The Commissioners discussed the January deadline. Mr. Wenger noted his belief that the Nursing Home and the Department of Corrections have a plan in place, but he is not sure about the other Departments/Locations. He noted his understanding that this can be a complex process to initiate and indicated his further understanding that the County may wish to look at a program for each of the County's facilities. Comm. Holden discussed bringing the Department Heads together as a group for discussion. The Board agreed to support Mr. Wenger in this effort. A discussion followed. Mr. Wenger expressed his belief that the County would be able to make a good faith effort to file a consolidated report with the Department of Labor for January 1<sup>st</sup>. He noted that one of his first steps would be to contact Primex for assistance that may be available.

Mr. Moorehead suggested a letter to the Departments, asking what they have in place now, as well as writing to the other Counties for possible information on their programs. He noted that in his experience, the Department of Labor has been reasonable to work with.

C. Kirby noted that she does not characterize this as a daunting task, and recommended using resources such as Primex. She noted that the County could mirror what is done in other Departments

and other agencies. She opined that it is important to get it done and noted the County has wonderful employees that could work together to get this done, if given the directive to do so.

Comm. Holden suggested that the Departments Heads, and whoever else would be involved should come together to discuss this task. The Board supports Mr. Wenger in whatever manner he wishes to handle this task.

Mr. O'Mara informed the Board that the DOC has been awarded the County Perkins and Technical Education Act 2006 Grant in the amount of \$12,150 and noted that the DOC is partnering with Pathways, a subsidiary of Southern NH Services, in an in-house pre-employment planning program. He noted that at a future meeting, he would be requesting a transfer so that the funds can be spent through the DOC's budget.

Mr. O'Mara requested a Non-Public session with legal Counsel. He also referred the Board to correspondence relative to position changes, noting the request involves the elimination of 2 per diem RN's, 2 full-time RN's, 1 fulltime LPN, 1 part-time LPN, and 1 ARNP, and then a request to authorize creating positions for 4 per diem LPN's, and 2 per diem MA's (medical assistants). He noted that he is in the process of preparing Job Descriptions for review and acceptance by Human Resources; once accepted and approved by the Board, the positions will need to go to the Executive Committee for its approval because positions are being created. The elimination piece of this is to show that positions will be eliminated, freeing up funds for the new positions.

Comm. Clemons asked for clarification of "per diem," to which the Supt. responded that these are employees who are able to give one, two or three shifts a week in the facility. There is a typical employer/employee relationship. Comm. Holden inquired regarding a cost comparison relative to the elimination and the creating of positions, and how it will impact. Mr. O'Mara offered to provide cost information relative to both and address the issue at the Board's meeting November 19<sup>th</sup>.

### **Non-Public**

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

- under RSA 91-A:2 I (b) to consult with Counsel at the request of Mr. O'Mara,
- under RSA 91-A:2 I (a) relative to Collective Bargaining Negotiations regarding the Nursing Home
- under RSA 91-A:3 II (a) with the Board relative to a Personnel issue at the request of Comm. Holden,
- under RSA 91-A:2 I (b) to consult with Counsel at the request of Comm. Clemons,
- under RSA 91-A:3 II (e) relative to litigation at the request of Mr. Wenger
- under RSA 91-A:3 II (b) to consult with Counsel relative to the hiring of an employee at the request of Mr. Wenger, on behalf of the County Attorney.

Comm. Holden presented information regarding Rail Trail planning and will forward it by email to the Secretary for her to distribute to the other Commissioners.

Mr. Wenger informed the Board that he has received a letter from Commissioner Wren relative to the storage tank at the Women's Prison, which he will provide to the Board. He noted that he is awaiting more information.

Mr. Wenger informed the Board that he had a discussion with Mr. Lorentzen regarding the County's use of space at the Manchester District Court. He suggested that there is a legal requirement that any

use of State property by a third party must be by lease agreement unless a formal legislative waiver is obtained. He indicated that he would follow up with the County Attorney to determine the status of the discussions regarding space in the District Court and report back to the Board and discuss how it wished to proceed.

**Motion:** To enter Non-Public Session for the following purposes:

- under RSA 91-A:2 I (b) to consult with Counsel.
- under RSA 91-A:2 I (a) relative to Collective Bargaining Negotiations,
- under RSA 91-A:3 II (a) with the Board relative to a Personnel issue,
- under RSA 91-A:2 I (b) to consult with Counsel,
- under RSA 91-A:3 II (e) relative to litigation,
- under RSA 91-A:3 II (b) to consult with Counsel.

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

The Board entered Non-Public Session at 10:16 a.m.

The Board initially met with Mr. O'Mara and C. Kirby, Esq. to discuss an ongoing matter at the DOC.

The Board met with Legal Counsel to review pending legal matters.

The Board met with Mr. Wenger, C. Kirby, Esq., and B. Moorehead to review the status of the fact-finding process with the AFSCME group at the Nursing Home. The Board agreed to schedule a meeting with Mr. Flygare to discuss the matter further.

The Board met with Mr. Wenger who presented a request on behalf of the County Attorney for the appointment of an Assistant County Attorney. Following a brief discussion the Board agreed to take the matter up upon returning to public session.

The Board met with Mr. Wenger to review a pending legal matter.

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 11:25 a.m.

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

The Board considered the following motions:

**Motion:** To approve the appointment of Ross A. MacLeod as Assistant County Attorney, noting that he has been recommended by M. Wageling. The Attorney General will approve the appointment. By Comm. Holden, second by Clemons. Motion carried.

**Motion:** To waive competitive bidding under RSA 28:8-e IX relative to specific Health Services at the Department of Corrections. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that the Primex administration would be bringing the issue of reinstating punitive damage coverage to its board. It is his understanding that the initial proposal will

include a limit of \$100,000 per claim, and \$200,000 aggregate, and there will be stipulations regarding the coverage.

Mr. Wenger noted that the choice of paint colors for the District Court has been an issue that has been going back and forth. He noted that the contract documents provide for three colors for its facility. He further noted that the lease agreement requires the County to repaint during the lease term. He indicated that the Court has asked that the paint for the small courtroom be a fourth color. Mr. Wenger indicated that he had advised the State that if the additional color is used it would be responsible for any repainting and that it has agreed. Following a discussion, the Commissioners agreed to allow the additional color provided the State assumed future responsibility.

#### **11. 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 11:30 a.m.

*(SIGNED 11/19/08)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date