

Regular Meeting of the  
Hillsborough County Board of Commissioners  
November 30, 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. Coughlin, C. Kirby, J. O'Mara, D. Reidy, E. Robinson, G. Wenger, M. Rusch, and L. Stonner.

**Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:04 a.m., followed by the Pledge to the Flag led by P. Coughlin.

**Administrative Business**

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

Minutes

November 17, 2010 Board of Commissioner's Meeting

Comm. Holden informed the Chair that she had not had an opportunity to review the minutes and requested that they be deferred to the end of the meeting or until the next meeting. Commissioners Clemons and Pappas agreed to defer approval.

Approval of Payroll Register

**Motion:** To approve the Payroll Register dated November 29, 2010 in the amount of \$365,185.10 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Register

**Motion:** To approve the Accounts Payable Register dated November 24, 2010 in the amount of \$1,205,295.88, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden requested an opportunity to recognize M. Rusch, noting that she is glad that she has returned and that her husband, Gene, is on the road to recovery and back in New Hampshire. Comm. Pappas also welcomed her back.

**Public Comment on Agenda Items**

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

## **Department of Corrections**

### Census

Supt. J. O' Mara presented the DOC Census, noting that as of November 22, 2010, the Census was 589, which included 535 men of whom 373 were being held pre-trial and 162 that had been sentenced. There were 54 women of whom 35 were being held pre-trial and 19 that had been sentenced. Mr. O' Mara informed the Board that the Department of Corrections currently has 22 inmates in the community under home confinement or day reporting.

Mr. O'Mara requested an opportunity to meet with the Board in Non-Public Session and noted that he has one item to address under Old/New Business.

Comm. Holden presented Mr. O' Mara with 2 pamphlets; one pamphlet was titled, "Transition from Jail to Community;" the other was titled, "Transition from Jail to Community Initiatives."

### **Nursing Home**

Mr. Wenger informed the Board that Mr. Moorehead offered his apologies that he was unable to make today's meeting. Mr. Wenger noted that the only order of business relative to the Nursing Home is the census.

### Census

Mr. Wenger presented the Nursing Home census and explained that as of November 29, 2010, the census for the Nursing Home was 279, which included 210 Medicaid residents, 47 private pay residents, and 22 Medicare Part A residents.

Mr. Wenger referred the Board to an article, which the Board has in its packet that appeared in the Union Leader regarding the Nursing Home. He also noted that an article that included an interview of a Nursing Home resident had appeared in the prior day's edition of the Union Leader.

Comm. Holden noted that the article about Julien "Skip" Marchand was interesting; he dressed as a female Polynesian dancer for the facility's Halloween party. She shared the article with those present.

### Registry of Deeds Revenue Update

Register Coughlin distributed a Revenue update. She informed the Board that as of October 31<sup>st</sup>, the document count is increasing; there has been a lot of activity associated with refinancing or people getting adjustments to their mortgages. She reported that Tax Stamps are still down, and that the Registry is involved with in-house projects related to preserving original documents in older volumes. Comm. Pappas noted that it was great that the Registry was preserving documents.

### **Old/New**

Supt. J. O' Mara reported that Thanksgiving dinner was enjoyed by the inmates who were given turkey and all the fixings that were baked in-house. Twelve inmates were allowed to go home for the day on furlough to have Thanksgiving with their families, and all returned by 8:00 p.m., as required. He reported that Hillsborough County's Department of Corrections (DOC) is the only jail in the State to furlough inmates at Thanksgiving and Christmas for people who are very close to their release date. He noted that the furloughs help toward transitioning the inmates back into the community and reported that in the 20

years that the DOC has been allowing furloughs to selected inmates, there has never been an incident.

Mr. O' Mara reported that the DOC is holding 3 inmates with HIV, two of whom need expensive medications; there are 2 pregnant inmates who are receiving prenatal care. He informed the Board that the facility just received a man who has been on nocturnal dialysis; the DOC is going to try to put him on the same schedule as another dialysis patient at the facility who receives daily dialysis.

Comm. Clemons asked Mr. O' Mara to clarify the census relative to the terms "other census files" and to "SPU" that appear on the report. Mr. O' Mara reported that "other census files" relates to the number of inmates, in this case 13, who are incarcerated for the weekend or are in the hospital. He noted that "SPU" is the Secure Psychiatric Unit, and was at one time a resource that County jails were able to use for individuals that were so severely ill mentally that there was a risk that they would harm themselves or others. He explained that while he doesn't know about the other jails, he is comfortable saying that for the last 2 to 2 ½ years, the jail has not been able to get a person into a bed in the SPU unit at the State Hospital. Mr. O' Mara expressed his belief that this is a function of budgets because historically, the DOC has not been billed for care that was provided. He noted that there have been 2 occasions where the SPU unit has called the DOC informing it that it has a bed for a particular person who has already been evaluated, but as far as the DOC initiating the transfer, that has not been an option for some time.

Comm. Clemons asked Mr. O' Mara what would be done if the DOC were to receive an inmate with psychiatric issues that indicated that he/she is at risk of harming himself/herself or others. Mr. O' Mara responded that the DOC Staff Psychiatrist, Psychologist, and/or Nursing Staff will work with the inmate. He noted that most frequently, the problem is one of being non-compliant with medications or where a person has combined recreational drugs and alcohol with medications prior to arriving at the facility; the staff will frequently spend many hours encouraging the inmate to take his/her medications. Mr. O' Mara explained that staff has been very successful, but in some cases, there is little that they can do. He noted that he has spoken with the County's legal counsel, and shared that, under State law, a Judge can declare a person insane; however, when/if this is done, it has the potential of compromising the prosecution's ability to go forward with a particular matter once there has been a determination of insanity. Mr. O' Mara informed the Board that there have been cases where they have done an Involuntary Emergency Admission (IED) to the hospital and when the DOC may have needed to go to the Court to facilitate emergency care.

Comm. Clemons inquired about the procedure that the DOC would follow should it have an inmate who is in danger of hurting himself/herself, and if the DOC has a padded cell for that situation. Mr. O' Mara noted that the DOC has a cell that has nothing in it; there is padding on the floor and a lexan door. In such a situation, the inmate would be placed in that room and a Correctional Officer would be assigned to sit in front of that door 24 hours a day until the person's episode subsides. Relative to restraints, Mr. O' Mara explained that there is a restraint chair with straps that is similar to a seat in a race car that could be used that would keep a person immobile should there be no other choice; an example would be if the inmate is repeatedly banging his/her head against the wall. Mr. O' Mara informed the Board that when such a situation occurs, there are strict protocols that are followed that involve medical staff, and include evaluation and documentation. He noted that restraint is never used as a punishment but as a precaution to prevent a person from injuring himself/herself.

Comm. Clemons asked Mr. O' Mara, for the record, if he would recommend that the State accept more of the inmates with psychiatric issues; Mr. O' Mara responded in the affirmative and explained that the situation is so bad that the 10 County Superintendents are looking at alternative options; he noted that when a person exhibits this kind of harmful behavior while at court, they are frequently brought to the jail rather than being admitted to a hospital psychiatric unit. He noted that the facility would like to see a special psychiatric unit, but acknowledged that it would be a significant expense.

On a more positive note, Mr. O' Mara informed the Board that inmates on the women's unit are folding and sealing 14,000 envelopes for the Special Olympics; he noted that as part of that function, they are being recognized with a special type of meal as an expression of gratitude; the project is keeping the inmates busy while providing a much-appreciated service. Special Olympics staff is very grateful for the service.

Mr. O' Mara described an unusual situation where an inmate was recently released in Court; the inmate re-appeared at the facility at 11:00 p.m.; he was highly intoxicated and stated that he wasn't going away; he wanted to stay at the facility. He eventually left, returning at 2:00 a.m. the following morning; he demanded that the DOC turn over his car, which he had driven to the facility and parked in a parking lot; he walked around the building and alleged that the staff was withholding his car from him. Mr. O' Mara noted that the facility called the Manchester Police Department; before they arrived, the man got back into his car and drove away; he was arrested for DUI, bailed himself out, and then was placed in protective custody and returned to the DOC for a period of 24 hours. He noted that this situation was very frustrating for the third shift command, and is an example of some of the situations that staff has to deal with.

Mr. Wenger informed the Board that he received a telephone call the previous day from David Goulet of the State Department of Administrative Services advising the County that the State is about to go out to bid for renovations at the Women's Prison to address issues in the fire suppression system. Mr. Wenger explained that on December 21, 2009, the State Fire Marshall and Lt. Connor from the Goffstown Fire Department toured the facility and identified a series of deficiencies with respect to the Fire Code, one of which requires that "automatic fire sprinkler protection shall be provided in the center core." Mr. Wenger noted that it is his understanding that the State is going out to bid to address the issue, and explained that after reviewing the lease, he observed that the State has the right to do that, and is responsible for the work. He explained that he has a copy of Mr. Ouellette's email, which illustrates their intent to do the work, and he has a copy of the Fire Marshall's report to the State should the Board wish to review them.

Mr. Wenger referred to the request presented to the Board at the last meeting from the Southwest Regional Planning Commission regarding the Eastern Monadnock Regional Planning Council grant, and their request for a lead agency to manage the grant. He asked the Board's pleasure relative to whether it would support using grant money from Contingency and taking on the responsibility of facilitating this grant. Following discussion, the Board agreed that it would like them to come to the next meeting. Mr. Wenger and the Board reviewed the procedure required should the Board approve the request. Mr. Wenger agreed to invite them to the next meeting.

Mr. Wenger offered Comm. Holden his congratulations on the President's Award that she received at the NH Association of Counties Annual Convention. He explained that this is a very special award and one that is not always given and was given to Comm. Holden in recognition of her efforts on behalf of New Hampshire and the NHAC. Comm. Holden noted that she was very surprised.

Comm. Holden informed the Board that she will be visiting the Wilton Cemetery on Thursday, December 9<sup>th</sup> along with Attorney Kirby and Superintendent O'Mara; Mr. Wenger was invited to join them. An adjoining landowner will allow access to the cemetery, which is landlocked. Comm. Holden shared an article that recently appeared in the Nashua Telegraph relative to the cemetery and noted that the article inferred that the Commissioners were busy with budget things and care of the cemetery was not a high priority. Comm. Holden informed those present that the Board did not know about the cemetery. She read from the article: "The commission is discussing the access problem with the County and the land owner." She also quoted: "Research found that County still owns the cemetery and is supposed to maintain the fence, but the site is not a high priority for the current Commissioners considering more

pressing budgetary problems.” Comm. Holden noted that the information in this article did not come from one of the Commissioners. She noted that Mr. Donovan said that the commission has been in contact with her; it is her belief that the Historical Commission would like to take it over. She suggested that the Board should address the care issue, but first they need to visit the cemetery and gather information.

Comm. Holden informed those present that Ms. Robinson has provided the information and materials relative to the Dental Discount Program and she will now begin to distribute them to the Towns in her District.

Comm. Holden remarked that in viewing a current Appropriation Control Report, she observed that line 7170-Education & Conference, in the County Commissioners budget is expended to date at 97%; she observed that each Commissioner should have \$1,200 to spend, but she has not expended that much; she suggested that the Board review this line. Comm. Holden noted that the Travel out of State line, which is expended at 74%, should be reviewed as well.

Comm. Pappas asked D. Reidy and Comm. Holden to come to the front of the room. Comm. Pappas recognized them on behalf of the County and noted that at the beginning of the current Commissioner’s term, an important goal was developed that involved doing a Charrette and completing a Master Plan for the County, a first step toward thinking of ways to use the County property. Comm. Pappas offered that the Design Charrette was a wonderful completion of the project and thanked Mr. Reidy and Comm. Holden for taking leadership in the project. She indicated that not only did they complete the job well, but they also brought in many people from the communities, which is extremely important, and they have created “a buzz” in the communities. She presented each with a framed collage of photos of County land relative to the project and thanked them on behalf of the Board.

Comm. Pappas entertained a motion to recess.

Recess

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

The Board moved into recess at 10:30 a.m.

The Board moved out of recess at 11:00 a.m.

### **Non-Public Session**

**Motion:** To move into Non-Public session consistent with RSA 91-A: 3 II (a) to address a personnel issue with Mr. O’Mara and Attorney Kirby, and administrator reviews. Motion by Comm. Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Board moved into Non-Public session at 11:01 a.m.

The Board discussed an employee issue with Mr. O’Mara.

The Board met with Mr. O’Mara and Mr. Wenger individually regarding their annual reviews.

No action was taken during Non-Public session.

The Board moved out of Non-Public session at 11:17 a.m.

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

Comm. Pappas asked if there were any other business before the Board.

**Motion:** To deny the grievance heard on November 4, 2010 relative to K. Hurley. Motion by Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

**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 11:18 a.m.

*Signed December 15, 2010*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date