

Regular Meeting of the  
Hillsborough County Board of Commissioners

March 1, 2006  
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. R. Charbonneau, Comm. C. Holden, Comm. T. Pappas, Rep. J. Gibson, A. Durette, J. O'Mara, B. Moorehead, C. Kirby, D. Reidy, G. Wenger, and R. Pomroy

1. **91-A:2 I(b)**

The Board met with Chief Negotiator T. Flygare.

2. **Pledge to the Flag**

Comm. R. Charbonneau convened the meeting at 11:05 A.M. Rep. J. Gibson led those present in the Pledge to the Flag.

3. **Minutes**

February 16, 2006

**Motion:** Move approval of the minutes of February 16, 2006. By Comm. Holden, seconded by Comm. Pappas. Motion carried unanimously.

4. **Business Office**

Approval of Payroll and Accounts Payable Vouchers

**Motion:** To approve Payroll Register dated 2/23/2006 in the amount of \$1,013,732.63 subject to review and audit. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

**Motion:** To approve Accounts Payable Register dated 2/14/2006 in the amount of \$3,379,928.24 subject to review and audit. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

5. **Department of Corrections**

Census

J. O'Mara was recognized. He advised the Board that the census at the facility as of February 23<sup>rd</sup> was 530 including, on the men's side, 305 pre-trial, 173 sentenced, and 1 being held for the State for a total of 479. He noted that on the women's side of the house there were 21 Hillsborough County sentenced, and 30 pretrial for a total of 51. Mr. O'Mara requested that the Board review the second page of the census. Mr. O'Mara called the Board's attention to the fact that on February 19<sup>th</sup> there were a total of 560 inmates at the facility including those serving weekend sentences.

## Bid # FY06-96 Supervisory Systems Upgrade for the County Complex

Mr. O'Mara presented Bid # FY06-96 informing the Board that the lowest bidder meeting the specifications was East Coast Security of Salem, NH in the amount of \$2,595.00. He noted that the bid represents an opportunity to move away from an outside vendor for monitoring and responding to issues involving matters at the Complex including such items as the boiler room, sewer pipes, and out buildings. He noted that the systems upgrade would allow the on-duty dispatcher within the Sheriff's Office to read the enunciator panel which would then trigger a phone call to Captain Cusson and M. Hunt to respond to the needs of the facility. He noted that the Dispatch Center is occupied and manned 24 hours a day. He expressed his appreciation to Sheriff Hardy and Chief Deputy Durette for their willingness to accept this responsibility.

**Motion:** To approve bid # FY06-96 for the Supervisory Systems Upgrade for the County Complex to the lowest responsible bidder, East Coast Security of Salem, NH in the amount of \$2,595.00. By Comm. Pappas, second by Comm. Holden.

Comm. Charbonneau noted that there was a \$5.00 difference between the bidders from Salem, NH and Manchester, NH. She inquired if it would be more feasible to have a vendor from Manchester, NH rather than Salem, NH considering there was such a slight difference in price. Comm. Holden noted that this bid would enable the Complex to move away from a vendor providing the service. Mr. O'Mara informed the Board that this bid was for the software only and after it is installed the Sheriff would be able to respond to any issues. He noted that if the Board would like he could contact the Manchester vendor to determine if they would be willing to be more competitive. A brief discussion followed and the Board agreed to move forward.

Motion carried unanimously.

## 6. Nursing Home

### Census

B. Moorehead was recognized. He informed the Board that the census was over budget regarding mix, but was down on the total numbers. He noted that he was informed the number of people in the hospitals were down as well. He informed the Board that as of February 26, 2006 the census was 273, of which 230 were Medicaid, 24 were Private Pay, and 19 were Medicare A. He noted that the current census up with an increase in Medicare A residents from 19 residents to 21.

### Bid #19-2006 for Elevator Modernization

B. Moorehead advised the Board that Bid #19-2006 was for the elevator upgrade in the east side of the building. He noted that in this phase there are two elevators requiring renovation. He noted that the lowest and only responsible bidder was Stanley Elevator Company of Nashua, NH at a price of \$92,500.00. He informed the Board that this project will be expected to take approximately twenty-eight weeks, renovating one elevator at a time. He noted that the renovation will address the leveling problem the facility has been experiencing. He explained that the renovation would include both elevators and all 4 floors and result in the elevators being in full ADA compliance. He informed the Board that the project will replace the control panels, electronics, tracking, doors, and new phone lines will be installed as well as other improvements.

He advised the Board that this bid represents the first of three phases to modernize the elevators, and that the facility will be seeking to complete the second phase in 2007.

**Motion:** To approve bid # 19-2006 for elevator modernization, part 1 of a 3 step process, to Stanley Elevator Company of Nashua, NH in the amount of \$92,500.00 noting that it is the lowest responsible bidder and the only responsible bidder. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

B. Moorehead informed the Board that the renovations would be eligible for depreciation and that part of the modifications will be reimbursed by Medicaid.

#### Bid # 23-2006 for Boiler Cleaning Kit

B. Moorehead introduced Bid #23-2006, informing the Board that this bid was for a boiler cleaning kit. He noted that there were two bidders and the lowest responsible bidder was Goodway of Stamford, CT for \$3,674.00. He noted that this would allow the maintenance crew to clean the three boilers. He noted that it takes on average two days to clean each boiler, and a total of six days to clean them all. He noted that to rent the equipment would cost \$1,000.00 per year, and in a little under four years this equipment would pay for itself. He noted that this equipment should last the remaining life of the boilers, which could be approximately 20-25 years.

**Motion:** To approve bid # 23-2006 for a Boiler Cleaning Kit to the lowest responsible bidder, Goodway of Stamford, CT for a total price of \$3,674.00. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

#### Comcast Update

Mr. Moorehead informed the Board that he spoke recently with S. Porcelli of Comcast and the company will be at his facility over the next day or so to review the cable infrastructure looking to a possible upgrade. He noted that Mr. Porcelli informed him that any upgrades needed could possibly be done at minimal or no cost. Mr. Moorehead noted that he expects to receive a quote for prices within the week. He noted that he is estimating the costs for the first year to be around \$13,000.00, which was lower than the anticipated \$34,000.00. He informed the Board that costs were being discussed.

Comm. Holden inquired how the payments would be calculated. B. Moorehead informed the Board that most if not all of the cost would be charged back to the residents. It was estimated that the cost could be approximately \$10 per month. Mr. Moorehead informed the Board that it depends on the actual quote he will receive from Comcast. He noted that according to the estimate the average cost for the first 6 months versus the last 6 months would average about \$5.00 per month. He noted that a three-year agreement effective July 1, 2006 was being looked at. He noted that he would have to give the residents 30 days written notice before any changes could be made. Comm. Charbonneau noted that she would like the Board to be made aware in advance what the expected costs would be. B. Moorehead noted that he expects to have a figure within the week and he will give the information to the Board as soon as possible and ample notice to residents.

Martin's Point Update.

B. Moorehead informed the Board that Martin's Point is a Manage Care Company that works through the Veteran's Administration, noting that this is different from the VA contract. He noted that C. Kirby reviewed the contract that was provided and there were questions that were brought back to the company. He noted that they will re-work some of the language and review it again with him within a week or two and that a proposal would be presented to the Board at that time.

He updated the Board on discussions with the VA. He informed the Board that the Nursing Home passed the survey and that the review is proceeding. He indicated that he anticipated that he would have a proposal for the Board to consider shortly.

## **7. Human Services**

Comm. Charbonneau noted that E. Robinson was away on vacation.

C. Kirby joined that meeting at this time.

## **8. Delegation**

J. Gibson was recognized. He informed the Board that the next Executive Committee meeting would be on Friday, March 24<sup>th</sup> at 9:00 A.M. He noted that it is anticipated that the assignment of the Subcommittee Chairmen, Vice Chairmen, and the Budgetary Subcommittees will be completed by that meeting.

## **9. Sheriff's Office**

A. Durette was recognized. He advised the Board regarding a recent case where due to the excellent work of Lieutenant Barry an individual on the FBI's most wanted list was apprehended. He informed the Board that following a recent contact from a volunteer at the International Center for Missing and Exploited Children regarding a cold case, Lieutenant Barry had initiated investigation which lead to new leads and with the assistance of the Nashville Police Department lead to the location of the wanted individual in Mexico. He noted that two individuals, one on the most wanted list, have been arrested as a result of the Lieutenant's work. The Board joined the Chief Deputy in recognizing Lieutenant Barry for his efforts.

A. Durette informed the Board that he has been following HB1660. He noted this bill would require companies with computer databases to notify consumers when the database is broken into and public information stolen. He explained that a note on the bill indicated that the NHAC determined there would be no fiscal impact on the Counties apparently because the Counties were exempt. He explained that he questioned this position and discussed the bill with Rep. Kurk, a sponsor for the bill. He explained that it would not be possible to not have a financial impact on the County in the case of a breach of security because there would be a cost to notify the consumers and also if there was a violation to the bill the County would be involved in prosecuting the case.

## **10. County Attorney**

Comm. Charbonneau noted that there was no one present from the County Attorney's Office.

## 11. Legal Counsel

C. Kirby was recognized. She informed the Board that she had 2 matters for discussion, revision of the job description for the support staff person in her office and a bid for outside legal counsel.

She reviewed the proposed revised job description for the paralegal/legal secretary who currently supports her office. She noted that the change in the position included revising the responsibilities and the job title for the position and that there would be no change in the current wage and benefits for the position. She noted that the employee who currently holds the job is a member of the NH Bar and has courtroom experience, and is able to occasionally sit in on some hearings and file pleadings. She noted that this has been a great advantage to her since there have been times that she was in Federal Court and could rely on the employee filing the motions that needed to be made. She requested that the Board consider the revised job description. She noted that most of the functions that are being performed currently were a part of the original job description, and that 3 or 4 of the new functions would enable the position to provide representation on legal issues of minor to moderate level of difficulty. She noted that if the Board approves of this change she would then present it to the Executive Committee. She also noted that if there were any changes the Board would like to make to the revised job description that she would accommodate its wishes. The Board agreed to take the matter under advisement.

Ms. Kirby informed the Board that the second item to discuss was for a bid for outside counsel. She noted this bid would allow the County to obtain counsel in a case where no insurance coverage was available. She noted this was regarding the case of Dana Vath vs. Hillsborough County, J. O'Mara, and a former corrections officer. She informed the Board that she had sought bids and received two bids from reputable law firms. She noted that it has been a difficult issue determining if there would be insurance coverage in this matter and since it appears at this time that there will be no coverage, hiring outside counsel in a timely fashion would be important. She requested the Board consider the bids and if it does not take action at this meeting she requested that it consider a telephone poll so that she could move ahead as soon as possible. She reviewed the bids for the Board and the associated costs. Comm. Holden inquired if the attorneys listed under Ransmeier and Spellman would be at the same level of experience as Attorneys Bauer and Duggan. C. Kirby noted that those attorneys are partners in the firm and would have the level same experience. She informed the Board that both firms are offering discounted rates. The Board agreed to review the bids and would give its decision as soon as it is possible.

C. Kirby informed the Board that litigations are going forward and there will be a trial coming up in March regarding the Christopher Beltrain case.

C. Kirby informed the Board that regarding the revised job description that N. Morse has experience working with the County Attorney's Office, she has prosecuted for the town of New Ipswich and she won awards in law school regarding labor. She noted that N. Morse has assisted her in training on various issues, the most recent training involved sexual harassment, and she offered this training to the Department heads if they were interested. C. Kirby noted that N. Morse chooses to work part time and will continue to work part time even if her job description changes. Comm. Holden requested to get a copy of the old job description and inquired if N. Morse chooses not to stay in this position if another attorney would be hired in her place. C. Kirby informed the Board that the intention of the revision of the job description would be that N. Morse would stay

for several years. She noted that if N. Morse decides in the future not to stay in this position that she may propose to the Board to have the job description changed back to its original form.

### **UNH Cooperative Extension**

D. Reidy was recognized. He expressed his personal gratitude to the Nursing Home staff for the very good care that his mother had received during a recent stay for rehabilitation services.

### **12. New / Old Business**

#### **Building #25**

G. Wenger was recognized. He advised the Board that following the Delegation's February 21<sup>st</sup> meeting he had received a letter from CSI advising that it was withdrawing its participation in the bid of building #25. He informed the Board that after speaking with Sherry Albert of CSI it was his understanding that though the company does not intent to participate further, were the County able to put together a package consistent with CSI's proposal it would be open to revisiting the opportunity. He noted that it has been make abundantly clear that CSI, as stated at the Delegation meeting, has put forth its best offer and has nothing further to add to the proposal. He noted that Mr. Pidgeon and Ms. Albert expressed their personal thanks to the Board for its foresight and efforts to move approval of the project. He noted that a copy of the motion made by the Executive Committee was included with its materials and that though the Committee noted its continued support for looking at the project only 13 members were present at that time. A discussion followed.

Comm. Holden noted that under RSA 24:13 under powers that specifically relate to the County Convention, that number 2-IV specifically states that the County Convention, in absence of special Legislative authority, has no power to appoint a committee to act for the County Commissioners in the performance of duties committed to them. She noted that she believes the Building Subcommittee of the Delegation is a building advisory committee and advises the Executive Committee and Delegation. She noted that this year a representative was appointed as a Chairman to the Committee and the purpose of that was so that someone could explain to the Delegation what actions the Advisory Subcommittee and the Executive Committee took. She referred to the minutes of the meeting of the Building Advisory Subcommittee on January 20, 2006 noting that she and Comm. Charbonneau were present at the meeting but not noted and that she will make a formal request to obtain copies of the audio tapes of that meeting, the audio tapes of the meeting of the Executive Committee, the audio tapes of the Public Hearing, and the audio tapes of the vote of the Delegation. Referring to page two of the Building Subcommittee minutes she noted that the issue of taxes were addressed and that the minutes do not reflect what she recalls was discussed, which is why she will request the copies of the tapes.

Comm. Holden reviewed discrepancies between the discussion at the Delegation meeting and the minutes of the prior meetings. She noted that the minutes reflect that Rep. Jasper questioned Mr. Wenger regarding the taxes and that it was indicated that they had not been looked into. She indicated tat this was not her recollection of the discussion and that taxes had been considered. She noted that Rep. Jasper stated that the proposal would be going to the Executive Committee and then onto the Delegation. She noted that he then stated that there would be 22 Federal Prisoners at the Halfway House and it will result in revenue for the County. She noted that a discussion ensued regarding the Goffstown Planning Board, and that the subcommittee had been informed that the

County would be going before the Planning Board. She noted that the County had been met with S. Griffin, the Planning and Economic Development Coordinator, talking about not only the Halfway House proposal but also the Manchester Waterworks proposal, and the Goffstown Court proposal. Comm. Holden noted that she has seen the correspondence to Mr. Griffin from Mr. Wenger in December. She noted that there was a motion in the body of the minutes. She noted that Rep. Jasper asked each of the Building Subcommittee members for their opinions. She stated: Rep. Golding, yes, Rep. Cody, yes, Rep. Jasper, yes, Rep. Wheeler stated that he's having a difficult time giving a response because he represents the town of Goffstown and was not sure of the perception and then commented on the County paying taxes because it will be a private entity. She noted that taxes were discussed and estimates were provided and she wanted to make sure that Hillsborough County's actions were reflected properly.

Comm. Holden noted that during the Executive Committee meeting on January 27<sup>th</sup> the Building Advisory Subcommittee again gave a report. She noted that the Chairman requested that the representative of the subcommittee, the Chairman, give an update. She noted that the individuals from Community Solutions were introduced. She noted that according to the minutes Rep. Jasper stated that the Building Subcommittee thought it would be a good fit for the County to lease Building #25 which is currently a dairy building, noting that the lease would be for 15 years, the first lease payment would be for \$61,000.00 per year and would escalate in 5 years. She stated that he noted that the County would not have any responsibilities for the costs of refurbishing the building, and that the only cost would be to have the building torn down. She expressed her confusion because the County had no intention on tearing down the building. She noted that Rep. Jasper further stated that the Building Subcommittee was ready to move forward on the recommendation, stating that the County could not get details of the lease agreement until the bid is awarded. She noted that a motion was made later on in the meeting by Rep. Jasper second by Rep. Cody to ratify the December 6, 2005 action of the Board of Commissioners to approve the bid for the Lease of the County facility building #25 to Community Solutions of Windsor, CT subject to final review and approval of construction plans, lease agreement language, and the ratification vote of the majority of the County Convention.

Comm. Holden requested that the records reflect those actions. She noted that it was good that the Board had the foresight to look into alternate ways of raising revenues. She noted that the County did not go out looking for this type of project but was approached by an outside source. She noted that a vendor approached the County to totally renovate the cow barn. She noted that it was unfortunate that at the Delegation meeting that the reports of the Building Subcommittee and the Executive Committee and the motions that were taken were not presented to the group.

Comm. Charbonneau expressed her concerns with this issue because the County was presented with a good opportunity to renovate the cow barn and bring in revenue. She noted that if this building must be torn down in the future that it could cost the County approximately \$100,000.00-\$200,000.00. She noted that the Town of Goffstown would also have received roughly \$18,000.00-\$20,000.00 from taxes from this project. Comm. Charbonneau noted that the County would have had the opportunity to know where the potential residents of the Halfway House would have been placed. She noted that she could not understand why the Executive Committee would be close-minded about this opportunity. Comm. Charbonneau noted that if the County chose not to extend the lease of the Women's Prison renovations could be made to bring the building into code standards. She noted that she did not understand, since CSI was willing to make all the renovations and pay for their own heat and air conditioning, why this project will not go forward.

Comm. Holden expressed her disappointment of the Public Hearing regarding Rep. Jasper noting that he could not support the project because there was a lack of communication. Comm. Holden noted that at the previous Board meeting the Board expressed that it felt the Public Hearing was premature because the lease was not finalized. She noted that the Board prepared a presentation attempting to include what the Executive Committee wanted. She then noted that after Rep. Kurk was recognized he asked questions, which she felt were inappropriate. Comm. Holden noted that at future Public Hearings the Board would be fully prepared to make complete presentations. She noted that she did not believe that any members of the public were available to speak.

Comm. Pappas noted that it would be unfortunate if the County could not attempt to move forward with this project one more time and inquired if it would not be possible to make another attempt. Comm. Holden suggested this matter could be further discussed in a non-public session. Comm. Pappas noted that she would like the County to attempt a halfway house project again if it would be possible since a motion was made by the Delegation that it was in approval of the concept of a halfway house. Comm. Holden noted that the Board received a letter from CSI withdrawing from the bidding process, and that they made statements at the Public Hearing recognizing difficulties Hillsborough County has had with the Federal Authorities in the Past. Comm. Holden noted that the Board should not be at fault for the lack of communication as all of the meetings regarding the project have been open to the public. Comm. Pappas noted that she felt G. Wenger and CSI gave good presentations, but that there were some State Representatives were confused. She noted that she felt it was a positive sign that they voted for the approval of the concept of a halfway house. A brief discussion followed regarding how the motion was voted on. Comm. Holden expressed her doubts on whether or not the outcome of the vote would change in the future.

G. Wenger advised the Board that CSI has made it clear that it would not be willing to participate in a future bidding process. He noted that their position was that they have withdrawn unless the County comes to them in the near future with a proposal that they could assist brining forward, but would not participate in a future bidding process. He noted that if the Board would like to look into a Federal Bureau of Prison's Halfway House for this facility that, to his knowledge, there are only two entities presently involved in the Bureau of Prison's bidding process neither of which are viable options for the County. He noted that both of those entities have been given an extension by the BOP to put something together in Hillsborough County and that the time to do that is ending. G. Wenger informed the Board that if it wished to go out with a new bid for a Federal halfway house its attempts would be fruitless based on the recent experience, the limited time available, and the lack of viable interested bidders. Comm. Pappas inquired if it was a possibility to make further negotiations regarding the lease. A discussion followed. Concerns were raised regarding the holding of a Public Hearing on the lease and the requirement that potential tenants must provide personal salary information to the Delegation before it votes. The Board agreed to explore options regarding to have the Delegation address the issue again with Legal Counsel.

#### NACo. Prescription Drug Program

Comm. Holden noted this topic could be discussed after the non-public session.

G. Wenger informed the Board that it received a notice from the Delegation advising that it had taken action concerning the mileage rate. He noted that he has received questions from the departments regarding the Board's intent. He advised the Board that there are two issues, the first being the mileage rate currently is 40.5 cents per mile and the second being that the budget instructions continue at the 40.5 cents per mile rate. He inquired if the Board would like to address

instructions continue at the 40.5 cents per mile rate. He inquired if the Board would like to address this issue for this fiscal year or for the future. He noted that he did not expect the Board to take any actions. A brief discussion followed regarding the Board's previous decision. Comm. Charbonneau expressed her frustration with the Delegation's failure to communicate with the Board regarding this matter prior to taking action. The Board took no action relative to the rate.

### 13. Public Comment

There was no public comment offered.

### 14. Non – Public Session

Comm. Holden inquired if the Board would like to discuss the options available for the Halfway House project.

**Motion:** To go enter non-public session under RSA 91A:3 II (d) to discuss the lease of County property. By Comm. Holden, seconded by Comm. Pappas. Comm. Holden, yes; Comm. Charbonneau, yes; Comm. Pappas, yes. Motion carried.

The Board entered non-public session at 12:05 P.M.

The Board discussed opportunities relative to reviving the potential lease of Building #25 for a half- way house.

The Board returned to public session at 12:40 P.M.

**Motion:** To come out of non-public session. By Comm. Pappas, second by Comm. Holden. The motion carried all three Commissioners expressing their support.

**Motion:** To go into recess. Comm. Holden, yes; Comm. Charbonneau, yes; Comm. Pappas, yes.

The Board entered recess at 12:42 P.M.

**Motion:** To come out of recess to go back into the regular meeting. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board came out of recess at 2:35 P.M.

**Motion:** To accept a bid for outside counsel to the lowest responsible bidder, Ransmeier and Spellman of Concord, NH. By Comm. Pappas, second by Comm. Holden.

Comm. Charbonneau inquired if mileage would be included in the rate. A discussion followed regarding the payment of cost and expenses under each bid and the impact on overall costs that these expenses may have. Following the discussion the Commissioners agreed that it would advisable to take the time to review the bid proposals prior to taking action. The Board agreed to pursue a telephone poll after reviewing the materials. Comm. Pappas withdrew her motion and Comm. Holden agreed.

Motion withdrawn.

Comm. Holden noted that the Board could take a telephone poll to vote on the change in job description as well. She noted that she would like to thoroughly review the information regarding the change in job description prior to voting on it.

Comm. Holden noted that a schedule would have to be made for performance evaluations for the four administrators. A brief discussion followed and the Board agreed to consider completing the evaluations within its previously scheduled budget meeting schedule. Comm. Holden noted that she would not be available March 24<sup>th</sup>. Comm. Pappas noted that she would not be available March 31<sup>st</sup> and was concerned with April 6<sup>th</sup>. G. Wenger noted that there may be a few more meetings booked than will actually be needed. A brief discussion followed regarding the availability of dates. G. Wenger noted that as he books the meetings for the departments he will try to avoid March 24<sup>th</sup>, March 31<sup>st</sup>, and April 6<sup>th</sup>. The Board agreed to revise the schedule to March 22, 29, 31, April 3 and 6.

A brief discussion followed regarding the dates set for negotiations. Mr. Wenger agreed to send out a revised negotiation schedule.

## 15. Adjourn

**Motion:** To adjourn. Comm. Holden, yes; Comm. Charbonneau, yes; Comm. Pappas, yes.

The meeting adjourned at 2:45 P.M.

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Toni Pappas, Clerk  
Hillsborough County Board of Commissioners

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Date