

Regular Meeting of the  
Hillsborough County Board of Commissioners

January 10, 2007  
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. C. Holden, Comm. T. Pappas, Comm. M. Clemons, J. O'Mara, B. Moorehead, J. Hardy, E. Robinson, J. MacDonald, C. Kirby, R. Mercer, M. Rusch, D. Reidy, M. Wageling, G. Wenger, and R. Pomroy.

Also present: Chief M. French of the Goffstown Police Department

**1. Pledge to the Flag**

Comm. Holden called the meeting to order at 4:00 P.M. She welcomed Comm. M. Clemons to the Board and invited him to lead those present in the Pledge to the Flag.

Comm. Holden opened the meeting with introductions of those present.

**2. Board Organization**

Election of Officers

**Motion:** To nominate Comm. T. Pappas as Chairman of the Board of Commissioners. By Comm. Clemons, second by Comm. Pappas.

Comm. Holden noted that as acting Chair, she would exercise the prerogative of the Chair and did not vote upon the motion.

Motion carried.

Comm. T. Pappas assumed the Chairmanship of the Board.

**Motion:** To nominate Comm. C. Holden as Vice Chairman of the Board of Commissioners. By Comm. Clemons, second by Comm. Pappas. Motion carried.

**Motion:** To nominate Comm. M. Clemons as Clerk of the Hillsborough County Board of Commissioners. By Comm. Holden, second by Comm. Pappas. Motion carried

Comm. Pappas suggested discussing the remaining matters regarding the Board's reorganization following consideration of the departments' items before the Board. The Board agreed to take the department agenda items out of order and to excuse the department heads following their presentations.

**3. Minutes**

December 13, 2006

**Motion:** Move adoption of the minutes of the meeting of December 13, 2006. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

December 15, 2006

**Motion:** Move adoption of the minutes of the meeting of December 15, 2006. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

December 27, 2006

**Motion:** Move adoption of the minutes of the meeting of December 27, 2006. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

January 2, 2007

**Motion:** Move adoption of the minutes of the meeting of January 2, 2007. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

#### 4. Business Office

Approval of Payroll Register

**Motion:** To approve Payroll Register dated 12/28/2006 in the amount of \$999,311.24 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Approval Accounts Payable Vouchers

**Motion:** To approve Accounts Payable Register dated 12/29/2006 in the amount of \$2,085,203.78 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Approval Accounts Payable Vouchers

**Motion:** To approve Accounts Payable Register dated 1/9/2007 in the amount of \$3,770,104.24 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

#### 5. Nursing Home

Census

B. Moorehead was recognized. He informed the Board that the census at the facility as of January 7, 2007 was 277, of which 214 were Medicaid, 34 were Private Pay, and 29 were Medicare Part A. He noted that the total census was down, but the quality mix is in good shape. He stated that the quality mix refers to the combination of private paying and Medicare Part A residents. He noted that the 24-ELU patients refers to the Behavioral Unit, which is currently full. He noted that those residents are paid an Atypical rate, which is higher than the Medicaid Rate.

November Revenue

Mr. Moorehead informed the Board that the revenue total for the month of November was \$1,412,705.00, which was slightly under budget. He noted that the budgeted revenue was \$1,429,209.00, a difference of \$16,000. He noted that year-to-date, the facility is still in good shape.

Draft/Proposed Medicaid Rates – 2/1/2007

Mr. Moorehead informed the Board that the preliminary Medicaid Rates are proposed by the State and are based on the picture date of September 30, 2006. He noted that a picture date is taken twice a year in order to calculate the rates for the next 6 months. He stated that the picture date assesses the amount of residents in house on September 30<sup>th</sup> and according to the transmission of the online MDS's the State makes calculations for the Medicaid Rate, which is subject to their budget neutrality factor. He noted that the proposed rate, \$146.32, is estimated at this time subject to a public hearing next week. He also noted that the current rate is \$142.10, a difference of \$4.22 per Medicaid patient day. He stated that this rate excludes the Atypical rate. He noted that based on a budget of 78,000 patient days in a year the increase would equate to about \$329,000.00 for a full year; however, since the rate would be effective on 2/1/07 the increase would only be about \$137,000 for five months if the census is maintained at budget levels. He noted that that amount would also carry over into the first couple of months in the 2008 budget. He noted that the next picture date of 3/31/07 would then change the rates from September.

Comm. Holden noted that with the increase of the Medicaid rate, the County would be paying out more in the Human Service lines. E. Robinson noted that 25% of that would be an expense through Human Services. Mr. Moorehead noted that depending how the new rate impacts the other nursing homes in the County, it could increase the County's responsibility, noting that those numbers are not known at this time. He also stated that he should know the final rates next week and he will forward that information onto E. Robinson.

Recent Facility P.R.

Mr. Moorehead shared recent positive P.R. regarding the facility. He noted that the Senior Beacon ran an article on the front page regarding the facility's Adopt a Grandparent program, and the Union Leader ran an article on January 3<sup>rd</sup> regarding the Adopt a Grandparent program and a recent visit by a group of 4<sup>th</sup>-graders from Dunbarton.

B. Moorehead informed the Board that there has been a flu going around some of the nursing homes in the area, as reported in the newspapers. He noted that the virus affected 26 residents and 20 staff members of a Bedford nursing home. He noted that the Hillsborough County Nursing Home had not be affected and is taking preliminary precautions on a voluntary level requesting that any visitors or employees who exhibit the following symptoms: nausea, vomiting, diarrhea, or temperature, remain out of the facility for 48 hours. He noted that the previous year a similar virus went through the facility and was very difficult to get rid of.

**6. Department of Corrections**

Census

J. O'Mara was recognized. He informed the Board that the census at the facility as of January 5, 2007 was 527. He noted that at the facility there were 474 men, of which 166 sentenced, 307 pre-trial, and 1 inmate was being held for the State. He noted that there were 16 sentenced and 37 pre-trial female inmates, for a total of 53.

Mr. O'Mara informed the Board that at the previous meeting the Board discussed a matter regarding a private citizen's request to trap on County land. He noted that since that meeting, he inquired if the individual would be trapping the animals for commercial purposes, to which the individual informed him that he would be trapping as a hobby and not to make a profit. Following a discussion the Board noted that it would not object to the trapping.

Mr. O'Mara requested a non-public session under RSA 91-A 3:II (g) to discuss a security related issue at the facility.

## 7. Human Services

E. Robinson was recognized. She informed the Board that she spoke with the House Finance Ways and Means Committee and the Senate Finance Committee recently to give the new members an overview of the County's share of State Costs. She noted that in the discussion she outlined the categories of grants and programs the County operates and pays for. She provided the Board with a copy of the information that she had distributed that outlined the County share of State Costs. She read aloud the information provided in the documents, which included descriptions of OAA, APTD, Medicaid, HCBC, Provider Payments, Clawback, DCYF/DJJS, Incentive Fund Program, costs relating to YDC, Nursing Home's Allowable Costs, and issues related to litigation with the State.

Comm. Holden noted that the Board has been concerned with how much time Ms. Robinson spends preparing and presenting such matters for various Committees, and recommended that she maintain a log of the time that is put into these efforts. E. Robinson noted that she feels that her work building a reputation with the Legislation for being knowledgeable regarding these issues is beneficial to the County. She informed the Board that the next Finance Commission meeting is on Thursday, January 11, 2007. She noted that in the past Comm. Charbonneau requested her attendance at all Finance Commission meeting and inquired if the Board would like her continued attendance at the meetings. Following a discussion the Board expressed its approval for E. Robinson's continued presence at the State/County Finance Commission Meetings.

Comm. Clemons inquired which party filed the declaratory judgment, to which E. Robinson noted that it was the Counties that filed the declaratory judgment against the State. He inquired if the County expended the monies in question, to which Ms. Robinson stated that no, the monies are encumbered for any potential cost. He then inquired if the County would win the suit would it be a windfall or a deficit, to which E. Robinson responded that it would not be a deficit, it could potentially be a windfall. She noted that included in the suit is the issue of some of the bills the were repaid in error and the Superior Court Judge felt that the County would deserve that money back as a credit on future bills. She noted that not only does the County have money set aside should it loose, but additional credits could also be awarded to the County should it win.

### Public Assistance Report

E. Robinson informed the Board that the County is currently running in deficit for OAA. She noted that it was budgeted \$640,000.00 but is currently projected to be \$723,026.00. She noted that the Board raised the budget for the line based on similar circumstances the previous year. She speculated that there had to have been an increase in the amount of the grant. She stated that APTD is also running in deficit noting that it was budgeted for \$2,950,000 with a current projection of \$3,105,665.

E. Robinson informed the Board that the Medicaid section includes HCBC, Provider Payments, and Nursing Homes, which she broke out by the cities and towns. She noted that in the column labeled June the budget was \$20,000,000 for those categories and the projection is \$19,431,351. She noted that the amount for Medicaid is closer to the budgeted amount than the County is normally this time of year. She noted that future rent increases will also impact the budget. She informed the Board that the billing cycle is such that the bills the County receives are actually 2 months behind billings for the State of New Hampshire. She noted that Human Services recently received the November bill from the State, which shows services provided in October. She concluded that the County is in good standing, but she feels that the finances are tighter now than they normally are this time of the year. She stated that with DCYF/DJJS, the County budgeted for \$4,880,000 and the projected expenditure is currently \$4,305,706, noting that it does not include the new rates for YDC for \$370 per day. She noted that the total budget is \$28,470,000 with a projected expenditure of \$27,565,748.00.

Comm. Clemons noted that he is aware that the Governor is pushing an 18-year-old drop out age and inquired if it would have an impact on the County regarding CHINS petitions and other issues. E. Robinson noted that it

would have a negative impact on the Counties if no programs were offered as alternatives for disruptive behavior.

## **8. Old/New Business**

### Sheriff's Office – Interagency Radio Agreement

The Board recognized Sheriff J. Hardy and Chief M. French of the Goffstown Police Department. J. Hardy informed the Board that this matter was proposed to the Board on July 26, 2006, noting that the draft agreement has been revised several times for wording. He noted that the agreement would enhance law enforcement services for the Goffstown Police Department and for the Hillsborough County Sheriff's Department. He noted that the town of Goffstown would give the Sheriff's Office some room on their tower for the Sheriff's radio repeater reducing costs by \$1,700 per year, in exchange for the use of a vacant space on the Sheriff's wireless data link. He noted the draft agreement had been reviewed a final time and any issues discussed previously had been dealt with.

Comm. Holden noted that there were some problems with wording and the Board wanted to make sure that all of the wording was consistent in section one and two, which addressed the definitions. She noted that a further Scribner's error was found and corrected. She thanked the Departments for the expeditious response. Comm. Pappas also thanked Mr. Wenger for his efforts in bringing this document to fruition.

**Motion:** To execute the Interagency Radio Agreement. By Comm. Holden, second by Comm. Clemons.  
Motion carried unanimously.

### NHAC Executive Committee Meeting

G. Wenger informed the Board that E. Robinson covered this topic with her review of the pending litigation between the counties and the State.

Comm. Clemons inquired how often the NHAC Executive Committee meets, to which Comm. Pappas noted that it customarily meets the first Friday of the month in Concord with the exception of the summer months.

### Tax Receipt Investment

G. Wenger informed the Board that the information pertaining to the investment of the recently received tax receipts was included in its packet for review.

## **Delegation**

M. Rusch was recognized. She announced that the next Executive Committee meeting would be held on Friday, January 26<sup>th</sup> at 9:00 A.M.

## **Registry of Deeds**

J. MacDonald was recognized. She informed the Board that to date the Registry of Deeds has brought in \$2,645,495.00, which is down about 20% from the prior year. She indicated that the speculation is that as the number of new homes being started is going down there will be a housing shortage in the spring. She also noted that the builders and contractors do expect business to pick up by the spring. Comm. Clemons inquired if the Registry is impacted by the rise and fall of the economy and what would happen if it went into a recession, to which J. MacDonald noted that there would be less revenue coming into the County. She also noted that the County keeps 4% of the Transfer Tax with the remainder going to the State, but the County relies heavily on

the money received for copy fees and internet. Comm. Clemons inquired what the Registry charges per copy, to which J. MacDonald noted that the fee ranges between \$1-\$2 per copy.

### **Legal Counsel**

The Board recognized C. Kirby. She noted that she had one litigation matter to update the Board on.

Mr. Wenger noted, concerning the Registry of Deeds, that though the revenues are down as compared to last year as J. MacDonald informed the Board, as of November revenues for the Registry were on budget. He noted that the Registry's revenues at the end of November were at 46.2% compared to an anticipated percentage of 42%. He noted that in prior years revenues would be running significantly ahead of budget at this time.

### **9. Public Comment on Agenda Items**

There was no public available for comment.

### **10. Non-Public Session**

**Motion:** To go into non-public session with the DOC Superintendent under RSA 91-A: 3 II (g) to discuss security issues. Pappas, yes; Comm. Holden, yes; Comm. Clemmons, yes. Motion carried.

The Board went into non-public session at 5:45 P.M.

The Board met with Mr. O'Mara to discuss an inmate transfer.

The Board came out of non-public session at 5:55 P.M.

**Motion:** To come out of non-public session. Comm. Pappas, yes; Comm. Holden, yes; Comm. Clemmons, yes. Motion carried.

**Motion:** To go into recess to consult with Legal Counsel on pending litigation. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

The Board went into recess at 5:56 P.M.

The Board met in consultation with Legal Counsel

**Motion:** To come out of recess. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

The Board came out of recess at 6:05 P.M.

**Motion:** Pursuant to RSA 30B:21 to approve the administrative transfer of a prisoner as requested by Superintendent O'Mara. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Comm. Holden noted that the Milford's Middle School is attempting to raise funds through an E-bay auction for its after-school program, which is a County funded Incentive Funds program.

Comm. Holden noted that Service Link sent an invitation to the Board to a breakfast on January 22<sup>nd</sup> thanking the Commissioners for the valuable service that is provided to the seniors and adults in the community.

The Board returned to the discussion of the Board Organization.

Comm. Pappas noted that most of the Committee appointments had been made with the exception of the UNH Cooperative Extension Advisory Board. Comm. Holden noted that she had served on the Board for 10 years and that it customarily met once a month on Thursday nights at 7 P.M. She noted that attendance is not mandatory and the function of the appointment would be to represent and report back to the Board of Commissioners. Comm. Clemons noted that he would gladly accept the appointment to serve on the UNH Cooperative Extension Advisory Board. Comm. Holden noted that the next meeting of the UNH Cooperative Extension Advisory Board is on January 18, 2007.

**Motion:** To appoint Comm. M. Clemons to serve on the UNH Cooperative Extension Advisory Board.  
By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Comm. Pappas noted that she had agreed to be nominated to the NHAC Certification Board and that she was recently updated on the history of that Board and wished to continue in that position. Mr. Wenger provided a brief overview of the roll of the NHAC in the certification process and Certification Board.

Comm. Pappas noted that Comm. Holden offered to serve on the State/County Finance Committee. Mr. Wenger noted that this is a statutory committee including representative of the Department of Health and Human Services on behalf of the State and the Association of Counties. He noted that there are representatives on both sides that generally meet on a monthly basis to discuss the financial issues and ramifications of legislation and rules related to Health and Human Services. Comm. Holden offered that all of the meetings are open to the public if Comm. Clemons would like to attend.

Comm. Pappas noted that the NHAC Legislative Committee is comprised of Commissioners and affiliates of the departments of County government for the purpose of monitoring legislation that affects the Counties, to work with the lobbyist, the Demers Group, and to testify on legislation that would impact the Counties. Comm. Holden noted that one would not have to be on the Legislative Committee to testify. Following a brief discussion it was noted that Comm. Pappas will continue in this position.

Comm. Holden noted that the NHAC-YDC Committee meets in the mornings. Mr. Wenger inquired if this was the Committee that sets the rates for YDC, to which Comm. Holden replied that yes, it is. It was noted that Comm. Holden has been nominated for this position.

Comm. Pappas noted that there are two positions for discussion and appointment. The first, through the NHAC is the contact person for the County for Pandemic Planning. She noted that Eileen Bolander is leading this for the Association and that it involves planning discussions between the State and Counties. Mr. Wenger noted that at this time the Committee is looking for a representative from the County to participate, and is in the process of establishing a schedule. He noted that Comm. Charbonneau had attended the prior meeting and expressed a concern with what the State is asking the Counties to do with its facilities. He noted that the Committee would most likely be looking into a distribution of responsibilities, which may have significant financial and personnel impact on the County. Comm. Holden noted that this may be an issue for discussion during the budget process as the responsibilities for this position and emergency management might require establishing a new position. A discussion followed. The Board agreed to make inquires of staff before making an appointment to the position.

Comm. Pappas noted that the second opening pertains to Emergency Management. She noted that this is governed by an RSA. Mr. Wenger noted that the statute governing this was adopted in July 2002 and it requires each political subdivision shall establish a local organization for emergency management in accordance with the State's Emergency Plan and Program. He stated that each local organization for emergency management shall have a local director who shall be appointed and removed by the County Commissioners of a County, who has direct responsibility for the organization, administration and operation of each local organization of

emergency management subject to the direction and control of such appointing Officials. He noted that the Board may appoint one of its own members or any other citizen or official to act as a local director and until a local director has been appointed the Chief Elected Official, the Chairman of the Board, shall be directly responsible for the organization, administration and operation. He suggested that this is a matter that the Board may wish to look into further. He indicated that to his knowledge, departments like the Nursing Home, Sheriff's Office, and the DOC have individual emergency management plans, but the County, as a whole has not completed one. Following a discussion the Board agreed to take look into this matter in greater detail.

Comm. Pappas noted that Comm. Holden was nominated for the Master Plan Committee. She noted that the County is working on a plan for the County's land and buildings. Comm. Holden noted that the Committee was recently appointed and a schedule is in the process of being made. A discussion followed regarding the individuals who were appointed to the Committee. Comm. Clemons inquired if the County is liable for property taxes, to which Mr. Wenger stated that the County presently does pay a minimal property tax. He noted that if the County was to use the property for a public purpose then it could anticipate an adjustment to its tax. Comm. Clemons inquired if the taxes would be paid to the town of Goffstown, to which Mr. Wenger stated; yes. Comm. Clemons then inquired if the County was responsible for paying taxes in Manchester or Nashua. Mr. Wenger noted that the County does not own the Courthouse in Manchester and though the County does own the Temple Street building, he was not aware of any tax assessment.

#### Board Communications

G. Wenger informed the Board that the Board of Commissioner's letterhead will be updated with the new information and new business cards will be ordered. He inquired what rules were in place regarding emails, to which Comm. Holden noted that there is nothing in the law specifically regarding emails. She noted that the precaution that she takes with her emails is that she would not email another Commissioner directly, but will communicate with Mr. Wenger by email and if necessary he can address issues with other members of the Board. Mr. Wenger discussed the practice followed by the prior Board regarding the use of telephone polls of matters that required immediate attention. The Board agreed to continue the existing practice. The Board also discussed communications with and contacts from the press. A discussion followed. The Board requested that all departments and officials keep them advised of activities within their departments, and to utilize Mr. Wenger to communicate information when appropriate.

G. Wenger informed the Board that according to statutes the Board is responsible to convey information regarding the status of the budget at certain times during that year and explained that the Appropriation Control Report, which can be updated daily, is used to convey the information on a regular basis. He noted that the objective of the report is to provide up to date budget information and to keep departments informed so that no line will go into the negative. He noted that the Business Office also provides a monthly financial report to the Commissioners, which he finds more informative than the Appropriation Control Report alone, as it outlines the status of expenditures, revenues and investments. He noted some of the limitations of the reports in relation to the budget for the entire year.

#### Board's Meeting Schedule

Comm. Pappas noted that in the past the Board held its meetings every other Wednesday at 9:00 A.M., excluding meetings for the budget, special meetings, and Incentive Funds. Comm. Holden noted that there were approximately 46 public meetings last year. G. Wenger noted that he would appreciate direction from the Board regarding how it intended to address the budget process and what it was looking for from departments. He noted that he is preparing the new budget books, which in the past have been distributed with the Board's instruction around February 10<sup>th</sup>. He noted that according to statute the Board of Commissioners must deliver its budget recommendation to the Delegation prior to May 10<sup>th</sup>. He noted that the Delegation is always looking to have it in earlier and as this is the budget year in Concord, he anticipates that there will be a great deal of pressure to have the Board done early. Comm. Holden inquired that in order to facilitate the budget process,

should the Board meet next week. Following a discussion the Board agreed to meet on January 17<sup>th</sup>, January 24<sup>th</sup> and January 30<sup>th</sup> at 3:45A.M. Mr. Wenger inquired if the Board would like the Departments to attend the meeting if they do not have agenda items. Comm. Holden inquired if there would be an issue with the Board's assistant not being present for the meetings after a certain time, to which Comm. Pappas noted that there should not be a problem with her leaving at 4:30 P.M. as long as the tape is running. She also noted that Department Heads do not need to attend if they do not have items to discuss.

G. Wenger inquired if it would be the Board's intent to continue having the Departments participate in competitive bidding for purchases over \$1,000.00, to which Comm. Holden noted that it had worked well in the past and that she sees no need to change it.

**Motion:** To require all expenditures over \$1,000.00 in Hillsborough County be applicable for the competitive bidding process. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired if all of the bids would have to be approved by the Board and whether or not the process hampers the running of the County, to which Mr. Wenger stated that it makes the running of the County difficult at times. He noted that Hillsborough County is unique from other Counties because of its statue. He also noted that he does not feel that it hinders but protects the County when used properly. A discussion followed.

Motion carried unanimously

#### Mileage Rate

Mr. Wenger noted that the Federal mileage rate has increased as of January 1<sup>st</sup> to 48.5 cents per mile. He noted that in April the Board made a motion to increase the rate to 44.5% effective in February and that the current budget was established based on 44.5 cents.

**Motion:** To increase the Mileage Reimbursement Rate as of January 1, 2007 to 48.5 cents per mile to go along with the Federal requirements. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Mr. Wenger distributed the schedule for upcoming collective bargaining sessions. He noted that the County Attorney has received a request from the Teamsters to negotiate a new agreement for July 1<sup>st</sup>. He recommended scheduling a meeting with Mr. Flygare to review the status of negotiations. The Board agreed to schedule a meeting.

Mr. Wenger informed Comm. Clemons of the projects currently being worked on for the County property.

There being nothing further to discuss, the Board entertained a motion to adjourn.

#### 11. Adjourn

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

The meeting adjourned at 6:25 P.M.

*(SIGNED 1/17/07)*