

Regular Meeting of the
Hillsborough County Board of Commissioners
January 16, 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, E. Robinson, G. Wenger, J. O'Mara, B. Moorehead, C. Kirby, M. Rusch, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 3:42 p.m. G. Wenger led those present in the Pledge to the Flag.

2. Minutes

The Board considered the minutes of its January 2, 2008 meeting.

Motion: To approve the minutes of the meeting of January 2, 2008. By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board considered the minutes of its January 11, 2008 meeting.

Motion: To approve the minutes of the meeting of January 11, 2008. By Comm. Clemons, second by Comm. Holden. A friendly amendment was offered as follows: referring to the paragraph after the words: "*The Board moved into Non-Public session at 3:46 p.m.*", the first sentence of the paragraph should read: "*The Board met with J. Hardy, A. Durette, C. Kirby, and G. Wenger to discuss the Fact Finder process associated with the Sheriff's Office AFSCME negotiations and receipt of the report.*"

Motion, as amended, carried.

3. Business Office

Approval of Payroll Registers

Motion: To approve the Payroll Register dated 01/10/2008 for \$1,146,718.30, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve the Payroll Register dated 01/14/2008 for \$153,516.62, 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 01/15/2008 for \$6,695,978.85, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Telephone Polls

Motion: To approve Telephone Poll of 1/4/2008 to authorize the Superintendent to accept the transfer of a pre-trial male inmate from the Merrimack County Department of Corrections. By Comm Clemons, second by Comm. Holden. Motion carried.

Motion: To approve Telephone Poll of 1/7/2008 at the request of the Department of Corrections to seek approval to accept a transfer of a male inmate. The poll was to authorize the Superintendent to accept the transfer of a male inmate from Sullivan County Department of Corrections. All three Commissioners were contacted and the motion passed unanimously. By Comm. Holden, second by Comm. Clemons. Motion carried.

Budget Transfers

Motion: To accept and approve Transfer 2008-06, a transfer from Nursing Department Salaries/Wages to the Laundry Department Overtime in the amount of \$3,000. By Comm Clemons, second by Comm. Holden. Motion carried.

Motion: To approve Budget Transfer 2008-07, a transfer from Nursing Education & Conference to Maintenance Department-Water, in the amount of \$15,000, noting it is for a meter serving the County facilities that was not working properly and was under-registering water consumption from July 2005 through September 2006. By Comm Clemons, second by Comm. Holden. Motion carried

Bid #CIS-12-2008 - Sheriff's Office – IMC Annual Software Support

Mr. Wenger informed the Board that the bid before it was for the annual maintenance contract for the Sheriff's Office IMC software, noting it is a sole source bidder and it is the company currently maintaining the software.

Motion: To approve Bid #CIS-12-2008 - Sheriff's Office for Annual Software Support to Info Management Corporation, North Grafton, MA for a total of \$9,450, noting that it is a single source bid and is an annual contract for support costs. By Comm Clemons, second by Comm. Holden. Motion carried.

4. Department of Corrections

Census

Mr. O'Mara presented the Census, noting that the census as of January 10 was 532, which included 474 men, 133 of whom were sentenced and 341 were pre-trial; there were 58 women, which included 11 that were sentenced, 46 that were being held pre-trial, and 1 being held for Rockingham County.

Mr. O'Mara requested a Non-Public Session later in the meeting under RSA 91-A:3 II(a) to discuss a Personnel issue as well as three items under Old/New business.

5. Nursing Home

Census

Mr. Moorehead was recognized. He presented the Nursing Home Census, noting that as of January 10, the Census was 276, which included 210 Medicaid residents, 41 private pay residents, and 25 Medicate Part A residents.

Bid #17-2008 – Pharmacy Service

Mr. Moorehead presented Bid #17-2008 for Pharmaceutical Services, including over-the-counter drugs, as well as a consultant services, noting that the lowest responsible bidder and the only bidder was Uni-Care Health Services from Londonderry, NH; the monthly consult fee is \$2.00 per resident, per month.

Mr. Moorehead referred the Board to the listed Medicare Fee Service Charge outlined on the bid form. He informed the Board that Medicaid fees are billed directly to the State, and private pay fees are billed directly to the private pay patient.

Motion: To approve Bid #17-2008 for Pharmacy Services – Nursing Home to Uni-Care Health Services from Londonderry, NH the monthly consult fee is \$2.00 per resident, per month, and the Medicare fee service charge is as outlined, noting it is the lowest responsible provider and the only bidder. By Comm. Holden, second by Comm. Clemons. Motion carried.

February 1, 2008 Medicare Rates

Mr. Moorehead informed the Board that the Medicare rates, effective February 1, 2008 will drop \$12.14 a day. He noted that the Association of Counties was given the information in December. Mr. Moorehead explained that he is a member of TAC (Technical Advisory Committee) which asked for several pieces of information when they met with the State, and until it has that information, it cannot make recommendations. He indicated that the State rates as of 8/01/07 were up 4%, on average, compared to its Nursing Home budget increase of 2%; additionally, the resident responsible income, used to offset the Medicaid cost by the State, came in lower than the State estimated. The State re-based to the '06 cost report and projected budget increases for FY08. Basically, the State has re-calculated the rates and increased the budget neutrality. Taking these rates and looking at the effect on this year's budget, we will only be affected from February 1st through June 30, 2008, to the end of the current fiscal year; he anticipates the impact will be approximately \$372,891, based on the facility's budgeted Medicaid days. If annualized, the NH Healthcare Association anticipates that the impact for a full year will be approximately \$929,000 due to the lower days. Mr. Moorhead's projection is closer to \$895,000. He notes that Room & Board and Ancillary revenues, year-to-date, are running \$538,000 over budget, if that trend continues, the increased cost will hopefully be covered.

E. Robinson explained that while the TAC is an advisory committee, the State that sets the rates and is not considering the TAC's advice; she noted that this is a real issue as we look ahead, considering the Counties and federal government will be paying 100% of the costs.

December Revenue

Mr. Moorehead reported that the December revenue is \$1,648,733 with a budget of \$1,538,060 and a variance of \$110,673 over budget to the good, noting this is primarily due to higher Medicare and Medicaid rates as well as a higher census of both Medicare and self-pay residents.

Septic Update

Mr. Moorehead informed the Board that the maintenance crew, working with the Roto-Rooter crew will be scoping and filming of the problematic sewer line tomorrow at 5:00 a.m., at which time the water will be shut down. This will allow them to scope and film without a heavy water flow, which was a problem with the last attempt. He noted that repairs could be costly if this line is fractured or worn. If there is a major problem, it will most likely have to be addressed quickly.

Human Services

E. Robinson presented her request to convert a Full-time Human Services Assistant position to two Part-time positions, noting that she is hoping to recruit one person with some legal skills to handle parental reimbursement, and the other will be more clerical with duties to include filing, mail and answering the phone. She explained that it has been difficult to fill the Full-time position because it is presented as a temporary position because of HB 02. Ms. Robinson expressed her belief that Part-time positions will be more cost-

effective for her department and the County because benefits will not have to be provided and noted that the Full-time position has been vacant and they are having a difficult time keeping up with the workload.

Comm. Holden noted that the County will be moving out of the parental re-imbusement area on July 1, based on information from NH Health & Human Services. E. Robinson responded that depending on the States decision, the job may change, but even then, there may be a need to copy all the files and they will need the staff to do that. She said that depending on HB 02, there may be lay-offs in her department, and noted that this is why they lost the previous employee in that job. Comm. Holden noted that some of the employees currently doing re-imburements may have an opportunity to transfer to the State in the same role.

Comm. Holden indicated that she was comfortable filling the position with the understanding that it will be a temporary position, to which E. Robinson concurred.

Motion: To approve the conversion of a Full-time position to two Part-time positions in Human Services, as outlined in the memo to the Commissioners from E. Robinson dated January 10, 2008. By Comm Clemons, second by Comm. Holden, with the caveat that these positions may end on June 30th. Motion carried.

6. Public comments

No members of the public were present to speak at the time.

Delegation

Mr. Rusch informed that Board that the next meeting of the Executive Committee is January 25th at 9:00 a.m.

C. Kirby requested a Non-Public session to discuss a few matters.

7. Old/New Business

Chestnut Street

G. Wenger informed the Board that the State had received information from its consultants regarding the basement of the building and the need to clean the basement storage area. The basement has exposed asbestos ceilings; there were boxes in that area belonging to both the State and the County that have been there for years. The report to the State suggested that there were some asbestos fibers sitting in the dust, so they took almost immediate action to clean those areas in an enclosed environment, using appropriate standards. Mr. Wenger noted that County materials are now upstairs in the old Sheriff's Office, and the State's material is in the old Business Office, thus eliminating any future need to go into the old basement.

In the course of that process, and as a result of Judge Lynn's request, there was a meeting about a week ago with individuals from the State as well as any employees from the building that wished to attend. The State explained where they stand and what was going on. As a result of that meeting, the individuals that were there (Administrative Services, the office of the Court, and the local people) were informed that the recommendation was to close the building down, move everyone out of the building, and remove the asbestos, resulting in a total renovation. It has not been determined whether the building will be torn down or the project will be a major renovation, requiring gutting the building.

Mr. Wenger informed the Board that the State has been looking at various facilities for the different divisions of the Court. It is his understanding that the Family Division will be moving to the Manchester District Court. Judge Lynn and Steve Lorenzon toured the Bankruptcy Court space that will be vacated. It is located in the Hampshire Towers building. The space is very nice but not large enough to meet their

needs. They are also looking at space in Nashua. Mr. Wenger noted that they have agreed to keep the County in the loop as they move forward. The State does not have the money to do the entire project; they only have funds for what they thought would be half of the asbestos abatement budget, but the funds are insufficient, and this is a financial issue that will have to be resolved.

Mr. Wenger explained that the State continues to test the building; the tests received to date have shown that they meet appropriate standards and they continue to update us at a meeting every Thursday. Mr. Wenger noted that it is difficult to determine how to plan because it is not known where the Court will end up being located. All information at this point indicates that the building will have to be closed down during abatement; the asbestos is in the plaster, the walls, ceilings, flooring, and sprayed on beams. Currently the building can only be used as it now stands; they cannot do any renovation or repairs that involve disturbing asbestos material while the building is occupied. He informed the Board that the State is developing a plan that would address any emergency repairs, and the training that is involved.

Mr. Wenger suggested that it may be appropriate to give this update to the Executive Committee because there is a significant expense involved which is not in the budget. The State is studying whether to go with a new building or relocating staff while gutting and renovating the existing building. The decision made by the State will impact on the decisions and direction of the County. Mr. Wenger noted that the County is a tenant-at-will. Comm. Holden noted that she had discussed the situation with Judge Barry last week. She also noted that there is space at Temple Street in Nashua if the decision was made to move the Court there.

Mileage Reimbursement

Mr. Wenger informed the board that the IRS has increased the mileage rate, beginning on January 1, 2008, from 48.5 cents to 50.5 cents per mile and noted that the Delegation tracks the Federal mileage rate. He indicated that he does not believe that the Board has ever acted to adopt a motion that follows the Delegation's decision. Comm. Pappas commented on the high price of gas and asked if the Budget has adequate funds to increase the mileage, to which Mr. Wenger replied that he would have to review the individual Departments' budgets. E. Robinson noted that her department and the Co-op Extension would be impacted the most. She noted that the hiring of an employee last year that lives in the middle of her territory has saved her department quite a bit of money. Mr. Wenger noted that he anticipates that an increase would be covered in the existing budget, but added that some departments may need to do a transfer to cover an increase in the mileage.

Motion: To increase the mileage reimbursement from 48.5 to 50.5 cents per mile. Motion made by Comm. Clemons, second by Comm. Holden

Comm. Holden indicated that she would like to review the budgets. She reviewed the department budgets and noted that as of 01/16/08, the Delegation has only spent 23% of their budget and has \$37,278 remaining, so they are all set.

Comm. Pappas and Comm. Clemons voted to approve the reimbursement increase. Comm. Holden abstained until she had further information. Motion carried.

7. Old/New Business

Mr. O'Mara presented to the Board a video presentation of a situation that occurred on December 28, 2007 at which time a distraught prisoner was threatening to jump from the second floor. Mr. O'Mara received a call with a request for assistance. He explained that the woman was upset about not being able to go home for the holiday and made claims that she was denied the right to make a phone call. In actuality, family members had been called, and they did not return her calls. An emergency situation developed. Officers engaged her in dialogue for several minutes. The situation resolved itself when a staff person was able to distract her, and Sgt. Dalton was able to come up behind her and restrain her. Normally in this situation, mattresses are placed

below the area where the person intends to jump, however, in this case, there was miscommunication about the cell number involved. Staff placed themselves at risk with the intention of breaking her fall; fortunately she was restrained without injury to the resident or the staff.

Mr. O'Mara reported that approval has been given to allow RSVP volunteers in Hillsborough County to come to the Department of Corrections as volunteers to work with the Inmates. He presented another video that highlighted the skills that these volunteers have to offer and programs that they have been involved with including schools and senior centers. Comm. Clemons and Comm. Holden spoke about their experience with senior volunteers in the schools, and how beneficial they had been.

Comm. Holden reported that the Master Plan Committee met on January 11 and has changed the meeting time to 4:00 for the near future, noting that the next meeting is scheduled for Thursday, January 24 from 4:00 to 6:00 p.m. with subsequent meetings on Monday, February 11, from 4:00 to 6:00 p.m., and if needed, Thursday, February 28 from 4:00 to 6:00 p.m. She noted that she has e-mailed the committee with the new dates and has changed the times in hopes of better attendance on the part of the State Representatives that are on the Committee. Comm. Clemons expressed an interest in attending, to which Comm. Holden responded that he could certainly attend as a member of the public, not as a part of the Committee that is making decisions.

Mr. Wenger informed the Board that the Business Office has done the calculations for annual sick leave reimbursement, explaining that the gross amount is \$596,226.86 and requested direction from the board as to how they would like that paid, noting that contracts and policies require that it be paid before the end of the January.

Motion: To authorize payment of the annual sick leave reimbursement. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger noted that he had received requests for Non-Public sessions. They are:

1. in respect to RSA 91-A:3 (a) – Personnel and compensation,
2. in respect to RSA 91-A:3 (d) – Women's Prison
3. in respect to RSA 91-A:3 (e) – Litigation

Mr. Wenger referenced a time conflict Comm. Pappas and Comm. Clemons have with their Jan. 23 meeting. Comm. Clemons indicated that he no longer has a conflict, and Comm. Pappas indicated that she would be able to attend, but needs to leave by 2:30; the Board agreed to meet at 1:00 p.m. on Jan. 23.

Mr. Wenger noted that he was copied on a letter sent to Comm. Pappas from Chairman Essex regarding the Performance Auditing Subcommittee, and inquired if Commissioners Holden and Clemons also received a copy, to which both responded that they had received a copy. Discussion ensued and the Board asked Mr. Wenger to represent them at the Subcommittee's meetings.

M. Wageling joined the meeting.

Comm. Clemons asked M. Wageling how fast the County might have to move out of the building, and if contingency plans are in place. M. Wageling responded that she has been working on this issue and is searching out solutions as information becomes available, noting that she has spoken with Judge Lynn requesting that her department be "at the table" and made it very clear that her department expects to be included in any plans; Judge Lynn agreed to do that. Today she was speaking with Rep. Emerton who recently had conversation with Comm. Hill in Concord, noting that Comm. Hill expressed his belief that he considers their facility an emergency. Comm. Clemons noted that it appears that M. Wageling has been communicating very clearly with those involved, to which M. Wageling responded that she has reached out

to S. Lorenzon and Judge Lynn and has indicated her willingness to do whatever will be helpful to this process as well as communicating with the Hillsborough County Delegation and having them be well informed about the impacts to our County, and whether or not that will be of assistance to them in Concord as this process continues. She indicates that she is working to make sure all are well-informed so that if it comes to a vote, those involved can make an informed decision. Judge Lynn had indicated that he has looked at several places and that security issues are a concern; he has indicated that once they find something that will be suitable, she will have a chance to look at it.

Mr. Wenger addressed Comm. Clemons concern in reference to an emergency, and noted that in the event of a situation such as a burst pipe, the County could be faced with the need to move quickly, otherwise, the situation will require a great deal of planning and money. Mr. Wenger explained that it is an old building with many issues. He noted that pipes have broken in the past and are likely to break again, and the ceiling cannot be opened up. He discussed the need for the County to be prepared for both an emergency situation as well as what the impact will be on the County Attorney's facility and the operation of the business of the Court. M. Wageling expressed her belief that in the event of an emergency, it is more than likely that the Court will move to Temple Street in Nashua, which would mean that her department would end up in Nashua...that would be her contingency plan in an emergency. She informed the Board that the Nashua facility has vast areas of empty space that the Court could use even though her Nashua Spring Street office is "filled to the brim."

Mr. Wenger informed the Board that they could find space now if they were directed to do that, further noting that all air-quality tests that have recently performed have been normal; however, he noted that if the Board chose to direct the County Attorney and Mr. Wenger to get the County employees out of that building, it would be possible to do that. He was not suggesting, nor was M. Wageling, that the County needs to move out now, however, he wanted to inform the Board that they could re-locate if the Board wished them to do so. M. Wageling expressed her belief that she feels confident that there are no safety issues at this time and indicated that she will certainly notify the Board immediately if she has any safety concerns. She thanked the Board for their interest and concern. Mr. Wenger suggested that the Executive Committee be updated and stay informed. M. Wageling offered to work with Mr. Wenger to communicate that information to the Executive Committee.

8. Non-Public Session

Motion: To go into Non-Public Session to address three issues under:

- RSA 91-A:3 (a) – Personnel and compensation (three separate issues)
- RSA 91-A:3 (d) – Women's Prison
- RSA 91-A:3 (e) – Litigation

Comm. Pappas noted that there are actually five requests for Non-Public. Motion was made by Comm. Clemons, seconded by Comm. Holden. Pappas-yes; Holden-yes; Clemons-yes. Motion carried.

The Board moved into Non-Public session at 4:55 p.m.

The Board met with Mr. Wenger to discuss negotiations and parameters for a lease agreement with the State Doc relative to the State Prison For Women property.

The Board met with Mr. O'Mara regarding staffing at the Department of Corrections and the recommendation to appoint an Assistant Superintendent.

The Board reviewed and discussed employee compensation issues.

The Board met with C. Kirby, Esq. to discuss the status of pending litigation and the opportunity to resolve an issue.

The Board did not take action during this session.

The Board returned to public session at 5:44 p.m.

Motion: To return to public session. By Comm. Holden, second by Comm. Clemons. Motion carried.
Motion carried.

The Board continued, taking the following action:

Motion: To support Mr. O'Mara's recommendation to promote Capt. David Dionne to Assistant Superintendent. Motion was made by Comm. Clemons, seconded by Comm. Holden. Motion carried.

Motion: To direct and be allowed to purchase insurance (Life and Accidental Death & Dismemberment Insurance), to cover all collective bargaining units that don't contain the cap and the non-affiliated employees. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To give Legal Counsel the authority to settle in the amount discussed with Counsel during Non-Public session in reference to the issue discussed. By Comm. Holden, second by Comm. Clemons. Motion carried. Motion carried.

9. Adjourn

There being no further business for the Board's consideration at this time, a motion to adjourn was accepted.

Motion: To adjourn the meeting. By Comm. Holden, second by Comm. Clemons. Motion carried.
Motion carried.

The meeting adjourned at 6:47 p.m.

(SIGNED 7/16/08)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date