

Regular Meeting of the  
Hillsborough County Board of Commissioners  
February 18, 2009  
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. Boardman, P. Coughlin, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, , E. A. Robinson, J. M. Wageling, G. Wenger, and L. Stonner.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 10:06 a.m., followed by the Pledge to the Flag led by Comm. Clemons.

**2. Minutes**

February 4, 2009

**Motion:** To approve the minutes of February 4, 2009. By Comm Clemons, second by Comm. Holden. Motion carried.

February 12, 2009

**Motion:** To approve the minutes of February 12, 2009. By Comm. Holden, second by Comm. Clemons. Motion carried.

**3. Business Office**

Approval of Payroll Registers

**Motion:** To approve the Payroll Register dated 2/5/09 in the amount of \$1,110,449.78, 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 2/13/09 in the amount of \$ 1,770,034.06 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Transfer # 2009-05

**Motion:** To approve Transfer # 2009-05-Temple Street, Nashua, to transfer \$1,000 from 4197-7297, Cleaning Supplies to 4197-7630, water. This transfer is needed due to a rate increase by Pennichuck Water. By Comm Clemons, second by Comm. Holden. Motion carried.

Transfer # 2009-06

**Motion:** To approve Transfer # 2009-06 for the Department of Corrections to transfer from Salaries and Wages, the amount of \$339,200 to the following accounts: \$185,000 for Overtime

Wages, \$60,000 for Pharmacy, \$45,000 for Food, \$42,000 for Fuel Oil and \$7,200 for Auto Repairs. By Comm Clemons, second by Comm. Holden.

Comm. Holden asked a question relative to Auto Repairs. She noted that the Fleet consists of ten vehicles, and asked Supt. O'Mara if there was any consideration given to reducing the number of vehicles or eliminating the older vehicles. Supt. O'Mara responded that the DOC typically gets vehicles rotated out from the Sheriff's Department that have in excess of 100,000 miles on them, which are used as back-ups. He noted a recent example when the DOC was transporting an emotionally unstable inmate to a scheduled appointment at Dartmouth Hitchcock Hospital in W. Lebanon, when the transmission let go on Route 89. He went on to explain that State Police and local police stood by until the DOC sent a replacement vehicle. The Superintendent offered to review the vehicles during the next budget process and to consider eliminating the worst of the vehicles. Comm. Holden suggested that one of the best cars be driven to Dartmouth Hitchcock, to which Mr. O'Mara explained that his Department thought this was one of the better vehicles. He explained that the cost of the new transmission is included in this request. Comm. Holden asked Mr. O'Mara for the cost of the transmission, to which he responded that he did not have that information with him, but he would provide it to Comm. Holden.

Comm. Clemons inquired how vehicle repairs are handled. Supt. O'Mara responded that the DOC has a good relationship with D & L Automotive in Manchester. He explained that D & L considers DOC vehicle repairs a priority. He further explained that the competitive bidding process is used for anything over \$1,000. Comm. Clemons then asked how the Sheriff's Office maintains its vehicles. Mr. Wenger responded that, to his knowledge, some are covered under warranty and past practice has been that any repair over \$1,000 would be subject to the competitive bidding process. He explained that the Chevrolets are frequently taken to Wyman Chevrolet where they have a relationship, and he is not sure who is repairing their Ford vehicles.

Motion carried.

#### **4. Department of Corrections**

##### Census

Comm. Pappas recognized Supt. O'Mara who presented the Census, noting that as of February 12, the Census was 608, and explained that this included 542 men of whom 202 have been sentenced and 340 are pre-trial. There were 66 women of whom 28 have been sentenced and 38 are pre-trial.

Supt. O'Mara noted that the number of sentenced men is up almost 60 men, and explained that the reason is that the DOC is able to do more with sentenced inmates than pre-trial inmates in terms of getting them re-integrated into the community in a supervised capacity. He noted that as of today, there will be five inmates that have been integrated into the community. In response to a question from Comm. Pappas relative to long-term inmates, Mr. O'Mara mentioned that he did send a report to Betsey Miller.

Supt O'Mara informed the Board that a recent Senate Bill from Sen. D'Allesandro sought to undo legislation that passed two years ago, which allows the County to bill the State for any inmate serving more than 365 days in a County Correctional facility. He noted that a recent vote failed, and the statute remains in tact. He further noted that the DOC has been billing the State for these situations, with assistance from Legal Counsel; however, the DOC has not received even one dollar. He indicated that he would be continuing to work on that, and that it is a significant amount, it is over six figures. He asked for the Board's permission to discuss this at its next meeting, along with Counsel, and noted that if the issue were discussed, it would provide him with some guidance relative to how to proceed.

## 5. Nursing Home

### Census

Mr. Lencki from the Nursing Home was recognized. He presented the Nursing Home Census, noting that as of February 12, the Census was 280, which included 200 Medicaid residents, 39 private pay residents, and 41 Medicare Part A residents.

### Bid # 28-2009 – All Body Ergometer

Mr. Lencki explained that this bid is for an All Body Ergometer for the Nursing Home's Rehabilitation Department, and recommended Ali-Med, Dedham, MA, as the lowest responsible bidder at a total price of \$3,996.29.

**Motion:** To approve Bid # 28-2009 as stated, noting that it is the lowest responsible supplier and bidder. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

### Skilled Unit Private Rate Recommendation

Mr. Lencki presented the Board with a request to approve an increase in the Hillsborough County Nursing Home's private room and board rate on the Curran Rehabilitation skilled unit (CRU) from \$240 per day to \$300 per day, effective April 1, 2009. He explained that Medicare pays for 100 days. The goal is to encourage those residents who do not need to remain on the unit to move to a long term unit. A rate increase would help facilitate the process of moving residents from the CRU who do not need that level of care once their Medicare benefit ends and the cost has to be paid personally. Mr. Lencki explained that the beds in the Rehab unit are frequently not available to residents who need that level of care, and that it is not uncommon for residents to prefer to remain in this unit, and even though they do not need that level of care. He explained that it is frequently difficult to get residents to move out of this unit because they become comfortable with it, and because they don't want to leave. He noted that the unit can only hold 26 residents, and currently there are 41 residents needing that level of care; some are housed on different units. The goal is to keep only those residents needing critical care on that unit. Further discussion occurred, and the Board considered a motion. Comm. Clemons asked for clarification relative to when a resident will be charged that rate, to which Mr. Lencki explained that residents coming in to the unit are covered by Medicaid for the first 100 days, and then the room rate kicks in. The \$240 room rate will still apply to a long-term care unit. Mr. Wenger noted that the letter to the Board suggests that there will be no projected increase in revenue; he asked if this is because it is anticipated that residents will move off the unit before the higher room rate applies, to which Mr. Lencki responded that that is correct.

**Motion:** To approve an increase in the Hillsborough County Nursing Home's private room and board rate on the Curran Rehabilitation Unit (CRU) from \$240 per day to \$300 per day, effective April 1, 2009. Motion by Comm. Clemons, second by Comm. Holden. Motion carried

## 6. Register of Deeds

Ms. Coughlin provided the Commissioners with a packet of information and photos. She updated the Board relative to the roof leak at the Registry of Deeds. She addressed leaks in the larger vault, directing the Board to the photos, and noted that another leak was discovered, at which time the staff removed the books in the area of the leak, and within an hour, the ceiling fell. All bookcases are now covered with tarps, and in one area the tarp is rolled up during the day, and rolled down at night. Ms. Coughlin expressed her concern about mold and mildew. Her assistant is looking into having a qualified person come in to determine if there has been any damage to the books. She also noted that she has concerns about injuries because there is more lifting involved in working under these circumstances. She noted

that yesterday, water was discovered in the basement. Ms. Coughlin indicated that she is anxious for the roof and the ceilings to be repaired.

E. Robinson reported that the roof itself is dry; the drain cleaning company was able to get the drains open. The base of the drains was cleaned, and the water is flowing. The roof water does flow to the drains, and the leaking has slowed considerably. Ms. Robinson reported that she asked the roofer to repair the roof where there are any visible roof leaks. She noted that she spoke to Mr. Wenger and Capt. Cusson about borrowing some humidifiers as well as purchasing additional humidifiers, if needed. She has asked the Maintenance Supervisor to do humidity testing in the different spaces that are affected. She noted that emptying the humidifiers is an issue, because the maintenance staff is only there in the evening. She indicated that she told the roofing person that the County will want to bid the work as two separate jobs—one for the roof replacement, and the other to do the interior building repair. Ms. Robinson is hopeful that the bids will go out relatively quickly so that she can bring the Board the bids for its approval and be ready to go ahead with the work once the weather breaks in the spring. She further noted that the replacement of the roof is the County's responsibility; insurance will cover the repair to the interior, and if there is damage to the books, the County needs to know that because it too, will be a part of the insurance claim. Comm. Clemons asked if the insurance adjuster had looked at the damage, to which Ms. Robinson replied that the adjuster has seen the damage and will need to return again before any repair is made. E. Robinson noted that the snow will be removed from the roof early in the morning whenever there is a significant snowfall.

## **7. Old/New Business Office**

Mr. Wenger informed the Board that an email was received from Betsy Miller requesting assistance tomorrow at the House Labor Committee, at which time the repeal of the Evergreen provision is being heard. She is looking for people to testify from the County. Comm. Holden noted that it will be held at 10:00 a.m. in Room 307 of the LOB; it is HB 231. There was discussion about Ms. Miller's request. Mr. O'Mara noted that he could attend as he will be in Concord for another meeting; he asked the Board about its position relative to the bill.

Comm. Clemons asked if this repeals the clause for everyone, including municipal employees. Comm. Holden noted that it affects public employees and municipal employees. She noted that the municipal associations, school boards, the Association of Counties, and Mayor Lozeau in Nashua support this. She noted that the Board has not taken a position relative to this, but should consider its position prior to the end of this meeting in the event that anyone is going to attend tomorrow's hearing.

There was discussion about the bill, and Supt. O'Mara noted that as it now stands, it gives collective bargaining units' contracts negotiated after July 1<sup>st</sup> of last year an Evergreen provision that allows any step equation to continue in perpetuity; and only cost of living adjustments would be negotiated. He noted that this bill is an attempt to undo that action by repealing the section that relates to this issue.

Comm. Clemons expressed his opinion that philosophically, he cannot support repeal of this bill personally, but that it does not mean that the Board cannot support the action. He noted that his belief is based on his experience in the school system.

Mr. O'Mara suggested that he would be willing to fill out a card stating the County's position. Comm. Holden noted that she favors supporting this and would try to attend to represent the County. She will prepare testimony. Comm. Pappas noted that she would support the position of NHAC, and support the effort as well. Mr. O'Mara agreed to submit a card in support of the Board's position.

Comm. Clemons expressed his belief that this bill will, if changed, affect people from his profession (teachers), in a negative way. He noted that sometimes teachers are held captive by the management as

far as collective bargaining is concerned because they include their step increase in their raise, and when they signed their contracts, it says that they will receive a step increase every year according to their seniority, which is a reward for gaining wisdom as they have taught for a year or two, or more. He does not feel this should be part of a collective bargaining agreement for teachers, and therefore he cannot support this bill personally; however, he noted that he does see the sense of it as far as the County is concerned because it is his understanding that the County does not have any more employees on steps, so it would not negatively affect Hillsborough County in the same way.

Comm. Holden noted that she respectfully disagreed, and noted that she was also a teacher. She further noted that the County step increases were different, they were not automatic. She noted that the County had the ability to freeze the steps, and it has done that many times, at least for the non-affiliates. She noted that the unions would not really have a reason to re-negotiate if you are going to automatically get the steps, only the cost of living would be negotiable. She explained that the County has gone to the performance based increases, and expressed her belief that increases should be performance-based in the County, the increase can be up to 2.75 currently; and she noted that she believes that it should be a part of the negotiations. The COLA's are not included. She noted that this could force the County to go back to just giving a COLA, and not bother with a performance-based increase, and noted that she felt that would be a shame. She explained that she did testify against this bill when it was introduced. Comm. Clemons noted that he would support this repeal if it separated the counties from the municipalities, but it does not do that. Comm. Holden noted that she understood Comm. Clemon's position.

Commissioners Pappas and Clemons noted that they have not received emails from the NACo Northeast Caucus. Comm. Holden will send the link to Mr. Wenger for him to forward.

Comm. Holden mentioned the NACo bulletin and the Federal Medical Assistance Percentages (FMAPs), and asked Ms. Robinson is she is working with that. Ms. Robinson responded that she has spoken with Diane Gill and Betsy Miller relative to what they think the Cap should be, based on the information on the increased FMAP participation from the Feds. She noted that it is her opinion that there is a need to make the cap reflective of that. Ms. Robinson noted that she observed, in reviewing the State budget, that it shows an increased Pro Share payment in 2010 and 2011 of 25 million and 26 million, respectively; it also shows a slight increase in medical quarterly fund incentive payments from 25 million and 26 million. She noted that the State budget includes a reduction in Nursing Home payments, but an increase in the private/local funds. This makes the Cap very critical.

Comm. Holden noted that the other bill, which was going to shift the cost back from the 100% Nursing Home care, was retained so it can be used as a stick. Comm. Holden noted that she was pleased that Hillsborough County was so well represented at the committee meeting with all three Commissioners and Ms. Robinson attending. She noted that she contacted all eight committee members to enlist their support.

M. Rusch informed the Board that the next Executive Committee meeting will be held this coming Friday at 9:00 a.m. She noted that on March 27, there will be a budget orientation meeting immediately following the regular Executive Committee meeting.

Supt. O'Mara shared a copy of the Milford Fire Department's January newsletter in which they describe renovations to the Chief's office and other areas that describes work done by the DOC's inmates, and which gives good press for the Hillsborough County Department of Corrections Community Service Program.

Supt. O'Mara brought to the Board's attention a couple items that were a part of the Governor's speech last week that would impact the Department of Corrections. First, the closing of the Lakes Region prison, and converting a gym in Berlin into prisoner space creates issues. Essentially, this will result in stuffing people into Berlin and Concord prisons. He further noted a pre-sentencing investigation (PSI) is required

by law, which is designed to get as much background as possible so the judge can make a good sentencing decision relative to time served. This process is done by the Division of Field Services, which is Parole and Probation. He noted that the speed with which the PSI's are completed really dictates the flow from the County to the State prison, and what might have taken 60 days previously, might take 90 to 120 days in the future, and it would increase the inmates in the County jails that are described as "convicted, but un-sentenced."

Mr. O'Mara noted that the second issue is the closure of the eight District Courts throughout the state. He explained that there are two in Hillsborough County and went on to note that while the judges will be transferred, the Court's support staff in those Courts will be lost; he noted that he expects, that with fewer support staff, there will be a longer waiting period for trials.

Supt. O'Mara updated the Board relative to the eight inmates at the DOC who have been there the longest. He noted that three of them have a practice of firing Attorneys; the two with the longest time served currently have trial dates of March and April. Two of the eight inmates have competency issues and are going through outside evaluations at this time. Once the evaluations are complete, the Court will review the recommendations and make a decision about competency. Another inmate is intending to plea, and the other two have so many different charges that the prosecution and defense have not been able to decide how to bundle the charges and agree upon a sentence.

Supt. O'Mara informed the Board that the DOC received the State Criminal Alien Assistance Program grant, and the DOC has been able to draw \$9,967 in funds. He went on to explain that this program could be described as a re-imbusement for jurisdictions that hold people who are determined to be illegal aliens.

Mr. O'Mara requested that the Board sign the inmate transfers that were approved at the last Board meeting.

Comm. Holden informed the Board that one provision of the health section that was slipped into the stimulus bill without any real scrutiny is an issue that will affect each and every individual. She went on to explain that medical treatments will be tracked electronically by a federal system. She read, "Having electronic medical records at your fingertips, easily transferred to a hospital, is beneficial. It will help avoid duplicate tests and errors. But the bill goes further...the National Coordinator of Health Information Technology, will monitor treatments to make sure your doctor is doing what the federal government deems appropriate and cost effective. The goal is to reduce costs and 'guide' your doctor's decisions. These provisions in the stimulus bill are virtually identical to what Daschle prescribed in his 2008 book, "Critical: What We Can Do about the Health-Care Crisis." Comm. Holden went on to say that keeping doctors informed is important, and she noted that she cannot imagine the AMA going along with this.

## **8. Public Comments**

There was no one present from the public who wished to address the Board.

### **Non-Public Session**

Comm. Pappas noted that Ms. Coughlin has requested a Non-Public session relative to employment issues at the Registry of Deeds, and Comm. Holden requested to meet relative to negotiations, and asked that Mr. Wenger be involved.

**Motion:** To move into Non-Public session with RSA 91:A-3 II (a & c) with Ms. Coughlin relative to an employment issue at the Registry of Deeds, and to meet with Mr. Wenger under

RSA 91:A-2 I (c) relative to negotiations. By Comm. Clemons, second by Comm. Holden. Pappas-yes; Holden-yes; Clemons-yes. Motion carried.

The Board moved into Non-Public session at 10:55 a.m.

The Board met with Ms. Coughlin to discuss an employment issue at the Registry of Deeds. The Board met with Mr. Wenger relative to negotiations in the County Attorney's Department.

No action was taken during Non-Public session.

The Board moved out of Non-Public Session and returned to its regular meeting at 11:22 a.m.

**Motion:** To come out of Non-Public Session. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden informed the Board that she met with Mr. Wenger, Mr. Reidy, Rep. Day from Goffstown and Rep. Pilotte on Monday, February 16 to discuss the process to get a Design Charrette for the County. She noted that a presentation is being prepared for the March 27<sup>th</sup> Executive Committee meeting. Rep. Jasper and Rep. Movsesian were unable to meet with the group. Mr. Wenger noted that this will be discussed at the Executive Committee meeting on Friday. He further noted that it was a productive meeting and at this point, the recommendation is to put together a steering committee. Comm. Holden noted that one of the suggestions was to include more professionals and fewer politicians on the committee. She noted that there will perhaps be one person from the Executive Committee, and one from the Board of Commissioners; the plan is to let the professionals run the Charrette, and to get as many volunteers as possible. Comm. Pappas asked if a transfer was needed. Comm. Holden explained that the plan is to do this in small steps. Mr. Wenger noted that by putting together a steering committee and getting ideas from them, the hope is to get people to contribute work to the County, and to minimize the expense. He went on to note that after getting input from them, the Board could request a transfer before the end of the fiscal year to get the process moving. Mr. Reidy will be the spokesman and he will facilitate the process. Mr. Wenger noted that using the resources in Mr. Reidy's office will help significantly. Comm. Holden noted that the Master Plan minutes and Wetlands Study can be posted on the County's website as a reference for County residents. She further noted the plan to have a couple of notebooks available as a resource in the Delegation office for the Representatives' use.

## 12. Adjourn

There being no further business before the Board, the Chairman entertained a motion to adjourn.

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

The meeting adjourned at 11:27 a.m.

*(SIGNED 3/4/2009)*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date