

**Regular Meeting of the
Hillsborough County Board of Commissioners
February 23, 2011
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. S. Ziehm, Comm. C. Holden, Comm. M. Pappas, P. Coughlin, C. Kirby, M. Lencki, J. O'Mara, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner.

Also Present: Jack Dugan from Monadnock Economic Development Corporation, & Carol Ogilvie representing the Town of Peterborough, and K. Covert, H. Bernier, J. Sperry, S. Lyons, & P. Martel relative to the grievance.

1. Call to Order

Comm. Ziehm called the meeting to order at 10:02 a.m.

2. Pledge to the Flag

Comm. Holden led the Pledge of Allegiance.

3. Town of Peterborough – CDBG Grant

Ms. Ogilvie representing the Town of Peterborough and Mr. Dugan, representing the Monadnock Economic Development Corporation (MEDC) provided information relative to their request for Hillsborough County to serve as the applicant for a CDBG grant on their behalf. The purpose of the grant is to renovate an existing vacant gas station located in Peterborough, NH that will house a business named *Magic Flute*, a Children's specialty store that will offer clothing, educational materials and classes as well as provide new jobs. Mr. Dugan explained that the State provides \$500,000 of grant funding each year through the Community Development Finance Authority for housing and public facilities and another \$500,000 for economic development. He explained that five of the larger Cities in NH have their own CDBG funds; the remainder is available for the smaller communities in the State. Mr. Dugan noted that MEDC is requesting that the County apply for \$380,000 for this project on its behalf and explained the money will flow through the County, but will not add additional expense to the County. He explained the requirements that must be met along, including the application process, required matching funding and a potential timeline.

Comm. Holden explained that the County still is required to have the funds in its budget expense and offsetting income lines even though it does not create an impact on the taxpayer. In response to a question from Comm. Holden, Mr. Dugan offered that the administrative costs that would be available to the County are typically between \$20,000 and \$25,000.

Comm. Ziehm inquired about additional employees that the grant would provide. Mr. Dugan explained that the grant would provide approximately 19 new jobs over a three year period and that there are requirements regarding low to moderate income employees that need to be met as well as reporting requirements; for every \$20,000 that is requested, a new job has to be created.

Mr. Dugan explained that MEDC could have the application ready within two weeks, and explained that if all the requirements are met along the way, the earliest the funds would likely be available would be September.

Comm. Holden explained that while MEDC serves the Milford area, if the application request were to be approved by the Board, there would be very little funding available for the remainder of the County. The Board agreed to take the grant request under advisement.

4. Administrative Business

Minutes

February 9, 2011 Board of Commissioner's Meeting

Motion: Comm. Holden moved to adopt the minutes of the February 9, 2011, as corrected. Comm. Pappas seconded the motion.

Comm. Holden referred to an error on page 4 of 5 in the minutes of the last meeting. The sentence read: "*Comm. Holden noted that she believes that NACO...*"

Comm. Holden explained that the sentence should be changed to read: "*Comm. Holden noted that she believes that NECC will be changing its bylaws.*"

The motion was adopted with the requested change.

Approval of Payroll Register

Motion: Comm. Pappas moved to approve the Payroll Register dated February 9, 2011, in the amount of \$3,538.41, subject to review and audit. Comm. Holden seconded the motion. Motion adopted.

Motion: Comm. Pappas moved to approve the following Payroll Registers, subject to review and audit:

- dated February 2, 2011 in the amount of \$ 1,500.00,
- dated February 10, 2011 in the amount of \$ 240.00,
- dated February 11, 2011 in the amount of \$ 79.80
- dated February 16, 2011 in the amount of \$ 23,216.13,
- dated February 17, 2011 in the amount of \$ 370.69,
- dated February 17, 2011 in the amount of \$ 1,121,494.27, and
- dated February 22, 2011 in the amount of \$ 160.00

Second by Comm. Holden. Motion adopted.

Approval of Accounts Payable Registers

Motion: Comm. Holden moved to approve the Accounts Payable Register dated February 22, 2011 in the amount of \$400,736.06, subject to review and audit. Comm. Pappas seconded the motion. Motion adopted.

Transfer # 2011-10 – Corrections Gas-Htg/Cooking to Fuel Oil

Motion: Comm. Holden moved to approve Transfer # 2011-10 noting that this is a request to transfer from Corrections, Line 4230-7620, Gas Heating & Cooking, the amount of \$20,000, and to transfer a like amount to Line 4230-7650, Fuel Oil. The total transfer is \$20,000. Second by Comm. Pappas. Motion adopted.

CIS Bid # 16-2011 – Nursing Home-Kronos Annual Software Support

Motion: Comm. Holden moved to approve CIS Bid 16-2011 for the Nursing Home Kronos annual software support at the price of \$6,787.16, noting that this is a single source bid for the annual contractual support costs consistent with RSA 28:8-e V. Second by Comm. Pappas. Motion adopted.

5. Public Comment on Agenda Items

There was no one from the Public present who wished to speak to Agenda items.

6. Department of Corrections

Census

Supt. O'Mara presented the DOC Census. He noted that as of February 18, 2011, the Census was 531, which included 473 men of whom 337 were being held pre-trial and 136 that have been sentenced. There were 58 women of whom 39 were being held pre-trial and 19 that have been sentenced. Mr. O' Mara added that there are 18 inmates who are being managed in the community. He explained that these inmates are either on administrative home confinement at their own expense, or on day reporting.

Bid # FY11-98 – Complex-Boilers-Demolition & Removal

Motion: Comm. Pappas moved to approve Bid # FY11-98 for Demolition and Removal of Boilers at the Complex; the lowest responsible bidder is Dempro in Nashua, NH at an amount of \$22,400. Second by Comm. Holden. Motion adopted.

7. Nursing Home

Census

Mr. Lencki presented the Nursing Home Census and explained that as of February 18, 2011, the census for the Nursing Home was 282 total patients/residents, which included 202 Medicaid residents, 46 self pay residents, and 34 Medicare Part A residents.

Vacant Position Funded at \$1.00

Mr. Wenger explained that Mr. Moorehead is requesting that the Board authorize the filling of two positions that were funded at \$1 during the budget process. He explained that the first is an RN PT, position No. 303712006; the second is a COTA Per Diem position No. 304048003. Following discussion and questions, Mr. Wenger explained that it is his understanding that there is money in the budget from various lapses, positions that were not filled and vacancies that have occurred.

Motion: Comm. Holden moved to fill two vacant positions currently budgeted at \$1. She noted that the first is an RN Part Time, position No. 303712006 with an FTE of 0.200 at a rate of \$22.50; the purpose is to minimize Overtime and provide more consistent staff; the second is a COTA Per Diem position No. 304048003; the purpose is to provide coverage due to the increased case load and it will help decrease OTR hours that are at a higher hourly rate. She noted that the position is revenue producing, and is likely to generate charges in excess of cost. Second by Comm. Pappas. Motion adopted.

Bid # 09-2011 – Laptop Carts (18)

Motion: Comm. Pappas moved to adopt Bid # 09-2011 for 18 Laptop Carts; she noted that the lowest responsible bidder is Brite Computers, Victor, NY at a price of \$18,936. Second by Comm. Holden. Motion adopted.

Mr. Lencki noted that today's Nursing Home bids are related to the facility's paperless electronic medical records project that will allow entry to be done at the bedside.

Mr. Wenger remarked that the money has been appropriated in the Capital Reserve fund and it is appropriate to move that the funds be expended from the Capital Reserve Fund to cover these bids.

Motion: Comm. Holden moved to authorize the Nursing Home Administrator to expend up to \$18,936 from the Capital Reserve Fund for the Purchase and Implementation of an Electronic Data System for the Hillsborough County Nursing Home to fund Bid # 09-2011, Laptop Carts. Second by Comm. Pappas. Motion adopted.

Bid # 11-2011 – Point of Care Touch Screen Kiosk

Motion: Comm Pappas moved to approve Bid # 11-2011 for Point of Care Touch Screen Kiosks, noting that there are 32 Kiosks; the lowest responsible bidder is Careworx, Orangeville, Ontario; the amount of the bid is \$54,085.72. Comm. Holden seconded the motion. Motion adopted.

Motion: Comm. Holden moved to authorize the Nursing Home Administrator to expend up to \$54,085.72 from the Capital Reserve Fund for the Purchase and Implementation of an Electronic Data System for the Hillsborough County Nursing Home to fund Bid # 11-2011, Laptops & Desktops PC'S. Second by Comm. Pappas. Motion adopted

Bid # 12-2011 – Laptops & Desktop PC's

Motion: Comm Pappas moved to approve Bid # 12-2011 for Laptops & Desktop PC's, noting that the lowest qualified supplier is GovConnection, Merrimack, NH at a price of \$32,787.22. Comm. Holden seconded the motion. Motion adopted.

Motion: Comm. Holden moved to authorize the Nursing Home Administrator to expend up to \$32,787.22 from the Capital Reserve Fund for the Purchase and Implementation of an Electronic Data System for the Hillsborough County Nursing Home to fund Bid # 12-2011, Point of Care Touch Screen Kiosk. Second by Comm. Pappas. Motion adopted

Mr. Wenger informed the Board that there will be incidentals that the Nursing Home may need such as keyboards, mice, and Microsoft software; in light of this, he requested that the Board authorize spending up to \$10,000 for such items. He explained that it is unlikely that any of those purchases will be over \$5,000; therefore, there will not be a necessity to bring related bids to the Board for approval, unless it wishes to review each item.

Motion: Comm. Holden moved to authorize the Nursing Home Administrator to expend up to \$10,000 from the Capital Reserve Fund for the Purchase of Incidental expenses associated with the Electronic Data System for the Hillsborough County Nursing Home. Comm. Pappas seconded the motion. Motion adopted.

8. Old/New Business

Mr. O'Mara referred to previous discussions regarding granting the Superintendent the authority to receive prisoners; he requested that the Board extend that authority for the month of March. Mr. O'Mara noted that House Bill 115, which is still pending, will, if passed, grant the Superintendents the authority to receive prisoners.

Motion: Comm. Holden moved to extend authority to allow Supt. O'Mara to accept up to ten inmates for the month of March, noting that he will notify the Board of such action, but will not be required to have prior Board approval. Comm. Pappas seconded the motion. Motion adopted.

Comm. Ziehm informed the Board that she attended the Certification Board with Supt. O'Mara; she noted that it is her opinion that Supt. O'Mara is the person who should be appointed to the Board; she requested that the Board accept her resignation from the Certification Board and that Supt. O'Mara be appointed in her place.

The Board accepted Comm. Ziehm's resignation and addressed her recommendation.

Motion: Comm. Pappas moved to appoint Supt. O'Mara to the Certification Board. Comm. Pappas seconded the motion. Motion adopted.

Comm. Holden suggested that without objection, the Board address the grievance at this time.

9. Grievance

Those involved in the grievance moved to the table. The Grievant requested that the grievance be heard in Public Session. S. Lyons, representing the bargaining unit, distributed information relative to the grievance and explained the documents.

He noted that assignments on the *Nurses Assignments Sheet* are not reflected properly. He explained that this is a case of discipline without just cause and suggests that the case revolves around vague and ambiguous allegations. He explained that the documents allege that the Grievant made inappropriate comments at the CRU Nurse's Station. Mr. Lyons argued that the Grievant was assigned as Med Nurse in Unit A-1 on that day, and was not working in the CRU Unit; he referred to an assignment document to reinforce the Grievant's position that the comments could not have been made on the CRU Unit because the Grievant was not there. He indicated that it is the bargaining unit's position that Ms. Covert had stated that disciplinary action would not be taken, therefore the Grievant did not seek representation. He asked that the grievance should be upheld and that an investigation was not held with the exception of a redacted and ambiguous statement. He noted that the Grievant did not leave Unit A-1 except for lunch. He further noted that it is the bargaining unit's position that this is discipline without just cause and requested that the discipline should be expunged and all related documents be removed from the Grievant's file, and the Grievant should be made whole in all ways. He explained that the Grievant has worked at the facility for 31 years and has never before received any discipline.

Ms. Covert stated that there were many inaccuracies in Mr. Lyons statement. She noted that on October 27, 2010, she met with the Grievant for an informal conversation related to disparaging remarks that the Grievant made at the CRU Unit at the facility. She indicated that she never said that the Grievant was working on the CRU Unit that day and concurred that she was working on Unit A-1; she noted that it is not uncommon for a nurse to leave a unit and go to the CRU (skilled unit) to get dressing supplies. She indicated that she is not sure why the Grievant was on the CRU unit, but noted that the person who reported the action is an employee who has been with the facility for 32 years. Discussion ensued relative

to the reason for redacting the person's name; she said it was done to maintain confidentiality. Ms. Covert explained that the facility is judged by what people hear and the Nursing Home does not want to have people hear disparaging statements about the facility, no matter how many years a person has worked there. Ms. Covert observed that the conversation was definitely unprofessional and the attitude inappropriate. She asked that the Grievance be upheld.

Mr. Lyons further discussed the bargaining unit's position, noting that due diligence investigation was not done, and stated that the Grievant has a right to know who reported her action. He offered to postpone the Board decision, should it wish to do so and explained that there will be another similar grievance.

Ms. Covert explained that the name of the person who reported the Grievant's action was redacted for confidentially reasons.

In response to a question from Comm. Ziehm, Mr. Lyons reported that the Grievant denies making the statement and had stated that she was never at the CRU Nursing Station

Ms Covert responded that while the two units in question are three floors apart, the nurses routinely go to other units for many different reasons, and many nurses are seen going to the CRU unit during the day because that is where the dressings are kept. She reiterated that the County's position is that the conversation was unprofessional and unacceptable and there was a real concern that others had overheard the conversation, and that it would reflect negatively on the facility to residents, students and other employees. She explained that it is the County's position that the grievance be denied.

The Grievant asked to speak; she explained that the other nurses on her floor on the day in question clearly remember her not taking a break; she noted that she left the floor for lunch. The Grievant explained that she asked M. Laval the evening that she was accused of making the statement if she recalled if there was any reason for a treatment that would have caused her to leave the floor and go to the CRU Unit. She indicated that M. Laval responded that she did not recall anything. The Grievant noted that she has worked at the Nursing Home for 31 years and has given excellent care to everyone that she has cared for; she explained that she is constantly reminded of why she does what she does, and she takes her reputation very seriously.

Ms. Covert remarked that the Grievant has been a fabulous nurse, and she does not question her care. She noted; however, that there are times when the Grievant is upset and her verbal communication skills "get out of hand."

Comm. Ziehm explained that the Board would take the grievance under advisement.

Mr. Lyons thanked the Board for its consideration and offered that if the Board needed additional time to render a decision, the Union would agree to an extension.

10. Non-Public Session

There were no requests for Non-Public Session. Attorney Kirby asked to meet with the Board in recess consistent with RSA 91-A 2 (b).

Motion: Comm. Holden moved that the Board move into Recess. Second by Comm. Pappas.
Motion adopted.

The Board moved into Recess at 11:38 a.m.

The Board moved out of Recess at 11:49 a.m.

Motion: Comm. Pappas moved that the Board move out of Recess. Comm. Holden seconded the motion. Motion adopted.

Comm. Ziehm asked the Board if it wished to take any action.

Motion: Comm. Pappas moved to authorize Legal Counsel to seek an extension of time relative to the Board's reply to grievance #PM0595. Second by Comm. Holden. Motion adopted.

Mr. Wenger noted that he will speak with Legal Counsel relative to the extension of time.

Commissioner Ziehm had another commitment and excused herself at 11:50 a.m.

Comm. Holden noted that the County Business Office has been receiving calls relative to the new Dental Discount program as a result of news releases that have appeared in the local media. She reported that she has delivered information relative to the program to 23 of her Towns.

Mr. Wenger reported that the Building Committee met the previous Friday; there was general discussion that served to provide the new members of the Committee with good information.

Comm. Holden reported that she attended the Cooperative Extension Advisory Committee on February 17th. She informed the Board that there is a 4-H Activities Day on March 19th.

Comm. Holden reported that she participated in a Webinar with Tara Germond from Southwest Regional Planning; there was information about what they are doing through the Eastern Monadnock Coordinating Council. She noted that she will also be participating in a Webinar later in the day related to Community Development Block Grants, and the 2011 funding levels and new information regarding 2012. She informed the Board that the following day she will be participating in another Webinar, the subject of which is: "*Tell Your County Story, Creating a County Media Communication Plan.*" She explained that the focus is to increase awareness relative to County Government.

Comm. Pappas informed those present that she attended the YMCA Youth Opportunities Luncheon on Thursday, February 17th, at which time she accepted a thank you plaque on behalf of the County for its support of the YMCA.

Mr. Wenger draft language relative to a CDBG Housing & Community Development Plan and a Displacement & Relocation Certification. He suggested that the Board review the language as a starting point for these required documents.

Discussion ensued relative to whether there will be CDBG funding going forward.

11. Adjourn:

Motion: Comm. Pappas moved to adjourn. Comm. Holden seconded the motion. Motion adopted.

The meeting adjourned at 12:15 p.m.

Signed 3/10/2011

Comm. Carol H. Holden
Vice Chairman/Clerk
Hillsborough County Board of Commissioners

Date