

Regular Meeting of the
Hillsborough County Board of Commissioners
March 6, 2014
Bouchard Building, Goffstown, NH
Minutes of the Public Session
(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Pappas, Comm. Holden, Comm. Ziehm, P. LaFrance, C. Beaulac, D. Dionne, L. Gero, M. Lencki, M. Montminy, B. Moorehead, C. Kirby, D. Reidy, M. Rioux, E. Robinson, M. Castonguay, G. Wenger and L. Stonner

Also Present: Joe Maccarone and Paula Martel, AFSACME

Call to Order

Comm. Pappas called the meeting to order at 10:00 a.m. D. Dionne led the Pledge of Allegiance.

NH AFSCME CBA Execution

Mr. Wenger explained that the NH AFSCME CBA contract is ready for execution and noted that J. Maccarone and P. Martel are here representing the bargaining unit.

Motion: To execute the NH AFSCME CBA contract and to authorize the County Administrator to sign. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

The contract was executed by J. Maccarone, P. Martel, Commissioners Pappas, Holden and Ziehm and County Administrator, G. Wenger.

Mr. Maccarone and Ms. Martel excused themselves and left the meeting.

Administrative Business

Minutes

Motion: To approve the minutes of the Hillsborough County Board of Commissioners meeting held on February 19, 2014. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Approval of Payroll Registers

Motion: To approve Miscellaneous Payroll registers for the following amounts on the following dates:

- February 27, 2014 \$993.76
- March 3, 2014 54.60
- March 4, 2014 115.00
- March 5, 2014 1,019.56

for a total of \$2,182.92, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To approve a Regular Payroll register dated February 27, 2014 in the amount of \$1,128,221.71, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Accounts Payable Register

Motion: To approve an Accounts Payable register dated March 5, 2014, in the amount of \$4,003,156.33, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Transfer # 2014-10 – County Attorney’s Office

Motion: To approve Transfer # 2014-10 for the County Attorney’s Office to transfer the amount of \$250 from Travel In State, line 4123-7700, and to transfer a like amount to Travel Out of State, line 4123-7710. Comm. Holden noted that this is to cover out of State travel related to a case. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

CIS Bid # 13-2014 – Corrections Video Storage

Motion: Comm. Holden moved to approve CIS Bid # 13-2014 for line item 4151-7296 at the Department of Corrections for video storage; the bid is dated March 6, 2014. The lowest responsible bidder is Pelmac Industries, Auburn, NH, at a price of \$76,969; she added that there is a request to waive competitive bidding consistent with RSA 28:8-3 V. Motion by Comm. Holden, second by Comm. Ziehm.

It was noted that Pelmac is the local authorized dealer for the Pelmac cameras throughout the facility; purchasing the data storage through Pelmac will reduce the cost of maintaining additional parts. Immediate purchase is recommended as the system is in failure and extraordinary steps are being taken daily to maintain the system in order to avoid a catastrophic failure. The system is an intricate component of the facility’s risk management program.

Mr. Wenger explained that the aforementioned CIS bid is being done in conjunction with the Department of Corrections to address ongoing failures with the camera monitoring system at the DOC and the funds are available within the CIS budget to be appropriately applied to this bid for the Video Arraignments because of the savings the County has realized in its time management system for the DOC and the Nursing Home. He added the he will be returning with additional purchases associated with the time clock program to move to biometric time clocks as well as adding an additional time clock at the Nursing Home. He explained that the purchase of the time clock equipment is still significantly below the anticipated price and there will be funds remaining in that line beyond this purchase. He added that it is in the best interest of the County to approve the bid.

Motion carried.

Public Comment on Agenda items

There was no one present who wished to comment on Agenda items.

Department of Corrections

Census

Supt. Dionne presented the Department of Correction's census. He noted that as of February 25th, the total in custody was 563. It included 440 men and 123 women; 173 of the men had been sentenced and 267 were awaiting trial; 54 of the women had been sentenced and 69 were awaiting trial. The DOC had 3 inmates in the Pre-Trial Supervision Program and 21 in the Community in the day-reporting programs.

Supt. Dionne reported that the Department of Corrections also is holding 35 female inmates from Rockingham County, and there are 134 individuals in the diversionary Mental Health program; 55 are from Manchester and 79 are from Nashua.

Overtime Impact Report

Supt. Dionne noted that the Overtime Impact Report is included in the Board's packet.

Supt. Dionne requested approval of the transfer of an Inmate from Rockingham County due to a staff/inmate conflict.

Motion: To approve the transfer of an Inmate from Rockingham County to Hillsborough County. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Supt. Dionne requested a Non-Public Session later in the meeting.

Nursing Home

Census

Mr. Moorehead reported that the Census at the Nursing Home as of February 27, 2014 was 283 residents; there were 216 Medicaid residents, 35 Private Pay residents and 32 Medicare or managed care residents. Mr. Moorehead indicated that the census numbers continue to be strong.

Bid # 13-2014 – Over Bed Lights

Mr. Moorehead presented Bid # 13-2014 for resident room Over-Bed Lights for Unit C-4.

Motion: To approve Bid # 13-2014 for 60 resident room Over-Bed Lights; the lowest responsible bidder is Direct Supply, Milwaukee, WI, at a price of \$166.58 each for a total of \$9,995, noting that it is the lowest responsible supplier. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Bid # 14-2014 – Privacy Curtains

Mr. Moorehead presented Bid # 14-2014 for Privacy Curtains for Unit C-4; he noted that Direct Supply, Milwaukee, WI, is the lowest responsible bidder.

Motion: To approve Bid # 14-2014 for Privacy Curtains for the Nursing Home; Direct Supply, Milwaukee, WI, is the lowest responsible bidder at a price of \$4,200. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Bid # 15-2014 – Vinyl Exam Gloves

Mr. Moorehead presented Bid # 15-2014 for disposable vinyl gloves; Central Paper Products, Manchester, NH, is the lowest responsible bidder.

Motion: To approve Bid # 14-2014 for disposable vinyl gloves; noting that Central Paper Products, Manchester, NH, is the lowest responsible supplier meeting the specifications at a price of \$1.986 per box and \$19.86 per case. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Registry of Deeds

Revenue Update

Comm. Pappas acknowledged Ms. Gero and noted that the Registry had provided a Revenue Update.

Bid # Auto Sale 14-01

Mr. Wenger presented Sheriff's Bid # Auto Sale 14-01; he explained that this bid is for the sale of 5 vehicles; he added that the County received four bids for one lot of the five vehicles; they include: a 2006 Ford Van, two 2006 Chevrolet Impalas, a 2003 Chevrolet Impala and the 1999 Ford Taurus van from the Nursing Home. He added that Jon's Rt. 114 Auto Sales is the highest responsible bidder.

Motion: To approve Sheriff's Bid # Auto Sale 14-01 for the sale of 5 vehicles and to award the bid to the highest bidder, Jon's Rt. 114 Auto Sales, New Boston, NH, who is the highest responsible bidder at a price of \$3,500. The vehicles include 2006 Ford Van, two 2006 Chevrolet Impalas, a 2003 Chevrolet Impala and the 1999 Ford Taurus Van. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

In response to a question from Comm. Ziehm, Mr. Wenger explained that the funds will go into 2014 Miscellaneous Revenue.

Motion carried.

Old/New Business

Mr. Moorehead informed the Board that Hillsborough County was recognized by U.S. News & World Reports-2014 in the best Nursing Home issue as one of the top facilities in New Hampshire and the nation. Congratulations were expressed to the facility. Mr. Moorehead noted that the Nursing Home's 5-Star rating was part of the criteria used for the rating.

Mr. Moorehead informed the Board that with Phase II of the Medicaid Managed Care kicking in December, 2014, along with the fact that each facility in the State will be negotiating rates separately with each of the three Managed Care Organizations (MCO's); it is unsure how he will be able to budget revenue, particularly in the last six months of Fiscal 2015. He added that it is unclear when the rates will be finalized. Mr. Moorehead informed the Board that he attended the long term care Subcommittee meeting the previous week; there was a great deal of discussion regarding the MCO's; the State indicated that after Phase II kicks in, it will no longer be calculating rates for Nursing Home; he added that his concern is that it is unsure who will calculate the MQUIP or ProShare rates because Medicaid rates along with the patient days are the components of the calculation used for budget purposes; he added that no one at the meeting had knowledge of who would be doing the calculations.

Ms. Robinson added that an additional concern is related to how the State will calculate the Cap for FY 2015 and FY2016 and share the information to the Counties, adding that the Counties have not been able to obtain MMIS information.

Mr. Moorehead added that at a November TAC (Technical Advisory Committee) meeting, he learned that TAC would no longer exist; it would be blended in with the Long Term Care Subcommittee. He noted that this action dilutes the whole purpose of TAC; TAC was the Long-Term Care Rate Advisory Committee; it was made up of members representing various aspects of the Nursing Facility Industry, and it met four times a year to discuss when the rates were set, but that function and committee are now gone.

Supt. Dionne reported that he and staff were in U. S. District Court for the previous two days relative to Hillsborough County vs. Justin Goudling; there was a decision in favor of Hillsborough County. Supt. Dionne added that the staff, Attorney Curran, the Primex representative and Attorney Kirby all contributed to the favorable decision.

Supt. Dionne informed the Board that Judge Colburn has indicated his wish to meet with him and with Judge Brown to look at a Drug Court in Hillsborough County. He added that he spoke with Steve Church who is the Superintendent for Rockingham County Department of Corrections and added that he will be visiting their Drug Court to see how it is run. Supt. Dionne added that if there should be a Drug Court in Hillsborough County, it would be grant-funded so there would be no cost to the County.

Supt. Dionne added that Judge Leary attended the quarterly Mental Health meeting at the DOC the previous day; he looked at the video equipment and asked if the video arraignment could begin the following Tuesday. Supt. Dionne explained that while Judge Leary is anxious to begin, he still needs to coordinate details with the Sheriff, Att'y Kirby, Mr. Wenger, and to conduct a trial with the Nashua Court before bringing on the Manchester Court.

There was discussion relative to hiring a person with a felony, which was done in another County. Supt. Dionne noted that he was opposed to hiring such a person, but noted that an appropriate first action would be for the person to first secure an annulment and a pardon. He added that his concern is not related to a particular person, but to the process. He further added that it will be discussed again at the next Superintendent's meeting and he will keep the Board informed.

Mr. Wenger noted that consideration is being given to NHAC changing its Bylaws and to establish a new Certification Oversight Board that would be made up of ten Commissioners to function as the Review Board or the Appeal Board for waiver issues and de-certifications. Supt. Dionne noted that he does not favor waivers or exceptions. The Board agreed that it does not favor waivers or exceptions for felons.

Attorney LaFrance presented the County with a check for \$25,000 which came from fees related to the gambling case in Nashua. Mr. Wenger noted that the funds will go into 2014 Miscellaneous Revenue.

Attorney LaFrance indicated that she will be meeting Ann Rice from the Attorney General's office and Dr. Duval, Medical Examiner, relative to the Ornelas case. She informed the Board that Ms. Rice will take the lead on the case.

Mr. Wenger explained that he spoke with Betsy Miller relative to the NHAC convention; it was suggested that the Board meet with Ms. Miller, if available, and Ms. Danais following the NHAC meeting the following day.

Relative to a prior discussion, Mr. Wenger noted that Judge Brown would like to meet with the Board; he is scheduled to meet with the Board and Chief Judge Nadeau and other Judges at 11:00 a.m. on March 19th, it can

occur during or after the Board meeting scheduled for that date. The Board agreed to meet at 9:30 a.m. to tour the Women's Prison and with Chief Judge Nadeau and other Judges at 11:00 a.m. on March 19th

Mr. Wenger informed the Board that the protest petition relative to the zoning ordinance was filed with the Town of Goffstown.

Mr. Wenger communicated that the County completed the Fact-Finding with the Sheriff's Department the previous week and expects the record will close today and he anticipates a report from the Fact-Finder in approximately 30 to 45 days.

Non-Public Session

Motion: To move into Non-Public Session consistent with RSA 91-A 3 II (e) relative to litigation. Motion by Comm. Holden, second by Comm. Ziehm. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 11:00 a.m.

The Board met as with Supt. Dionne and Attorney Kirby.

The Board returned to its regular meeting at 11:14 a.m.

Motion: To move out of Non-Public Session. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: Pursuant to NH RSA 29 A:2, in the matter of Griffin v. Hillsborough County Department of Corrections, et al: I move to indemnify Hillsborough County Department of Corrections Superintendent David Dionne and Medical Administrator Denise Ryan. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

FY 2015 Budget

The Board approved the Draft Budget message and directed Mr. Wenger to distribute it to the Departments.

The Board discussed dates for its Budget meetings. The Board's Public Hearing will be held at 9:00 a.m. on April 30th followed by a regular Board of Commissioner's meeting.

Budget meetings will be scheduled for:

- 4/8 Budget Meeting 9:00 a.m.
- 4/9 Budget Meeting 9:00 a.m.
- 4/10 Budget Meeting 9:00 a.m.
- 4/15 Budget Meeting if necessary
- 4/16 Budget Meeting if necessary following 9:00 a.m. Regular Board meeting
- 4/17 Budget Meeting If necessary
- Additional meetings will be scheduled if necessary to conclude the budget process.

Mr. Wenger provided a brief overview of the current status of the budget and the financial condition of the County as the Board entered its budget process. He observed that in recent years the County had changed its approach to budgeting, which has had a significant impact on the financial condition of the County and the flexibility as had previously been available to control the amount to be raised by taxes. It was noted that the County no longer has the flexibility to use a significant amount of undesignated funds to balance the budget.

Mr. Wenger added that six million dollars was used for many years to balance the budget, but the County no longer has the ability to do that because of it's the change in the budget process and resulting change in the undesignated balance. He provided an overview of prior budget and noted that the undesignated fund balance, as budgeted for the current year, will most likely fall below suggested values. He added that this year's discussion is not likely to be how much surplus can be used, but whether surplus can be used at all.

The Board, Department Heads and elected Officials discussed challenges facing the County for the upcoming budget discussion and years to follow.

Discussion ensued relative to natural gas prices; Mr. Lencki remarked that gas prices have not increased at this point and added that he will be trying to lock in a rate in the near future.

Public Comment

There were no members of the public present who wished to comment.

Recess

Lacking further business, Comm. Pappas entertained a motion to recess.

Motion: To recess the meeting and reconvene following the NH Association of Counties meeting the following day. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

The meeting recessed at 12:02 p.m.

Continued Meeting @ Concord, NH

The Board reconvened at the Offices of the NH Association of Counties on Friday, March 7th.

Commissioner Pappas called the meeting back to order at 11:30 A.M.

Motion: To come out of recess. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

It was noted that Commissioner Holden had called to regretfully advise the Board that due to car issues she was unexpectedly stuck out-of-state and would be unable to make the meeting.

Present: T. Pappas, S. Ziehm, D. Dionne, E. Robinson, G. Wenger

Also Present: B. Miller & P. Danis of the NHAC

A discussion followed regarding the NHAC Annual Conference planning process and the expectations of Hillsborough County as the host. The initial need to determine the location for the conference was discussed. Facilities of a size to accommodate the need for hotel rooms, meeting room, banquet facilities and vendor stations within a reasonable cost structure were explored, initially in Hillsborough County and then across the state. It was agreed to look further at the Crowne Plaza, Nashua, Mountain View Grand in Whitefield, and Wentworth by the Sea in New Castle.

Further discussion followed regarding a theme for the conference which the Board agreed to explore further. P. Danis requested that the Board identify one point of contact for communications between her office and the County.

It was agreed that Mr. Wenger would serve as the contact person for the County. The activities immediately leading up to the conference and during the conference were explored including conference registration, photographer, bags and stuffers and general conference support functions. The Board agreed to continue its discussion and preparations to host the event.

There being no further business to come before the Board, Comm. Pappas entertained a motion to adjourn.

Motion: To adjourn. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

The meeting adjourned at 12:19 P.M.

Approved April 4, 2014

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date