

Regular Meeting of the  
**Hillsborough County Board of Commissioners**  
**March 11, 2015**

Department of Corrections, Manchester, 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. Coughlin, J. Hardy, D. Hogan, G. Fisher, C. Kirby, M. Montminy, B. Moorehead, D. Reidy, E. Robinson, G. Wenger, and L. Stonner.

**1. CALL TO ORDER**

The meeting convened at 10:05 a.m. Sheriff Hardy led the pledge to the flag.

**2. ADMINISTRATIVE BUSINESS**

**Approval of Minutes**

**Motion:**

To approve the minutes of the Board of Commissioner's regular meeting held on February 17, 2015. Motion by Comm. Pappas, second by Comm. Ziehm.

Comm. Holden requested a change to Paragraph 5 on page 4 so that the last sentence would end with the following: "*The Board agreed that Commissioners Holden and Pappas would split the \$1,000 in that line for Out of State Travel.*"

Motion carried to approve the minutes with the change requested by Comm. Holden.

**Payroll Registers**

**Motion:**

To approve Miscellaneous Payrolls in the following amounts on the following dates:

- 02/13/15           \$ 410.50
- 02/19/15           1,088.08
- 02/26/15           312.84
- 02/27/15           360.95
- 03/06/15           2,770.48

The total for Miscellaneous Payrolls is \$4,942.85, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

**Motion:**

To approve Regular Payroll dated February 28, 2015 in the amount of \$1,126,023.26, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

**Accounts Payable Register**

**Motion:**

To approve Accounts Payable Registers in the following amounts on the following dates, subject to review and audit:

- 02/19/15           \$ 961.00
- 03/03/15           4,042,807.25
- 03/10/15           2,077,877.78

The total for Accounts Payable is \$6,121,646.03, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

### **Budget Transfer # 2015-09**

**Motion:**

To approve Budget Transfer # 2015-09 for Department of Corrections to transfer the amount of \$35,750 from Contingency, Grant Expenses, line 4199-7740 and to transfer the following amounts to the following lines:

- \$15,589 to Salaries & Wages, line 4230-7010
- \$735 to Social Security/Medicare, line 4230-7100
- \$7,158 to Health & Accident, line 4230-7120
- \$1,868 to Retirement, line 4230-7130
- \$10,400 to Other Fees & Services, line 4230-7290

The total amount to be transferred is \$35,750. Motion by Comm. Holden, second by Comm. Pappas. Motion carried to approve Budget Transfer # 2015-09.

Mr. Wenger noted that subsequent to the discussion at the last Executive Committee Meeting, going forward, he will attach the Appropriation Control Report to show that the funds are available as of the day that he reviews the Transfer.

### **Budget Transfer # 2015-10**

**Motion:**

To approve Budget Transfer # 2015-10 for the County Complex to transfer the amount of \$3,000 from Other Fees & Services, line 4198-7290 and to transfer a like amount to Sewer Expense, line 4197-7640. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

### **Budget Transfer # 2015-11**

**Motion:**

To approve Budget Transfer # 2015-11 to transfer the amount of \$1,000 from Temple Street Courthouse Trash Disposal, line 4197-7830 and to transfer a like amount to Water, line 4197-7630. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

### **Budget Transfer # 2015-12**

**Motion:**

To approve Budget Transfer # 2015-12 for the Nursing Home to transfer the amount of \$80,000 from Nursing Salaries & Wages, line 4414-7010 and to transfer a like amount to Nursing Overtime, line 4414-7011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

### **Budget Transfer # 2015-13**

**Motion:**

To approve Budget Transfer # 2015-13 for the County Complex to transfer the amount of \$600 from Building Repairs, line 4197-7810, and to transfer \$300 to Salaries & Wages, line 4198-7010 and \$300 to Overtime, line 4198-7011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Wenger explained that he provided the Board with a copy of Transfer # 2015-08 for the Department of Corrections that was snow-related; it was addressed by the Board at the Executive Committee Meeting on February 27<sup>th</sup>. He added that the amount was below the threshold of \$2,500 that would require Executive Committee approval, but it was not clear how the Executive Committee would handle the \$2,500 and the Board needed to determine whether they had eliminated that threshold. He noted that Executive Committee did not eliminate the

rule, so since the amount was under \$2,500, it was not required to go to them for their approval. Mr. Wenger recommended that the Board ratify its action related to Transfer # 2015-08.

**Motion:**

To ratify the action taken by 2 Commissioners taken at the Executive Committee when the Commissioners approved Transfer # 2015-08. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**3. PUBLIC COMMENT ON AGENDA ITEMS**

Comm. Ziehm welcomed Rep. G. Hopper who wished to address the Board. Mr. Hopper explained that he was elected to the District 12 AA group to be liaison with the Department of Corrections to try to coordinate getting AA members into the DOC to run AA meetings. He explained that any person conducting an AA meeting is required to go through an orientation and added that there hasn't been an orientation at the DOC for a long time. He noted that several volunteers have been trying to get into the DOC to conduct meetings for years without success. He indicated that the number of individuals qualified to run a program has dwindled from month to month and added that a number of people from AA, Al-Anon, and from churches have tried to get into the DOC; they have sent in their applications and have had no response. He noted that a fellow church member has been trying since January to get in; the gentleman has contacted the chaplain and Capt. Scurry and has had no response. Rep. Hopper added that he has contacted Mr. Goldman who indicated that there are 30 people waiting to get into the DOC and go through the orientation. Rep. Hopper indicated that he has also left a message with Capt. Scurry a couple weeks ago, and has not heard back. He noted that several people are ready and willing to come in and run meetings to address the serious drug-related issues facing many inmates. He indicated that this is important and it is not being facilitated. Rep. Hopper noted that the State runs orientations on a regular basis and suggested that perhaps these could meet the certification requirements. He added that there have been many attempts to contact someone. Ms. Montminy noted that Supt. Dionne has become involved with the issue, but is away today; she will ask Supt. Dionne to follow up with Rep. Hopper when he returns. Mr. Wenger suggested that the Board may wish to hear from Supt. Dionne to determine what might be underlying issues; the Board concurred.

**4. DEPARTMENT OF CORRECTIONS**

**Census**

Ms. Montminy presented the Department of Correction's Census. She noted as of February 24, 2015, the total in custody was 432 that included 28 in the community for a total custody of 450; she explained that there were 343 men including 131 that had been sentenced and 212 that were being held pre-trial; there were 107 women; 44 of the women had been sentenced and 63 were being held pre-trial.

Ms. Montminy informed the Board that 145 individuals were diverted through the Mental Health Courts; 76 were from Manchester and 69 from Nashua. She added that the DOC was holding 39 female inmates from Rockingham County.

**Overtime Impact Report**

The Overtime Impact Report was included in the Board's packet.

**New Position Requests – Post-Sentencing Supervision Program**

Ms. Montminy noted that consistent with the Transfer approved earlier, the DOC is submitting 2 requests for approval of positions; they include a full-time salaried position for a Post-Sentencing Program Officer and a part-time Post-Sentencing Program Coordinator.

Ms. Montminy explained that these are similar to the grant-related positions approved for the Pre-Trial Supervision Program and noted that these positions will provide monitoring of inmates after they are sentenced.

In response to a question from Commissioner Holden as to whether these need to be approved now or can they wait until the budget process, Mr. Wenger explained that it is his understanding that the Pre-Trial Supervision Program is ending and the Post-Sentencing Program grant has been implemented and the County has received the Grant funds.

**Motion:**

To approve the 2 new position requests related to a grant for a Post-Sentencing Program Officer and a Post-Sentencing Program Coordinator. She added that these positions will end when the Grant ends. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Ms. Montminy informed the Board that it is once again time to sign the annual Female Prisoner Housing Agreement between Rockingham and Hillsborough Counties; she noted that it has already been signed by the Rockingham County Commissioners.

**Motion:**

To authorize the Commissioners to sign, on behalf of Hillsborough County, the annual Female Prisoner Housing Agreement between Rockingham and Hillsborough Counties and to execute the agreement. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**5. NURSING HOME**

Census

Mr. Moorehead presented the Nursing Home Census. He indicated that the Census as of March 5, 2015 was 278; it included 202 Medicaid residents, 36 Private Pay residents and 40 Medicare-Part A residents. He observed that the Census remains relatively strong.

Mr. Moorehead requested that the Board authorize the Nursing Home to convert 1 per diem Physical Therapy position to 1 per diem Occupational Therapy position. He noted that both classes are budgeted at \$40/hour and all positions that are currently in the budget are funded identically. He added that the current budget was set up with 4 per diem Occupational Therapy positions and 8 per diem Physical Therapy positions, which leaves them light on OT's and heavy on PT's. He summed up by saying that this change will not have an impact on the budget.

**Motion:**

To authorize the Nursing Home to move 1 Physical Therapy position to an Occupational Therapy position. Motion by Comm. Holden, second by Comm. Pappas.

Comm. Holden noted that there is money in the budget for this move. Discussion ensued relative to sending emails to the Board and a procedure for addressing changes that need Board approval. There was a general agreement that going forward, the Board would receive information and take the items under advisement prior to the meeting when approval would be given; this would include items such as new positions or changes/additions to the budget. Mr. Wenger added that the issue will be addressed in the budget instructions going forward. The Board agreed to move forward on this issue since it did not affect the budget.

Motion carried.

**Bid # 14-2015**

**Motion:**

To approve Bid # 14-2015 for the Nursing Home for 60 Privacy Curtains and to award the bid to Direct Supply, Milwaukee, WI, noting that it is the lowest responsible bidder at a cost of \$4,400. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Bid # 11-2015**

**Motion:**

To approve Bid # 11-2015 for the Nursing Home for 2 Blanket Warmers and to award the bid to Direct Supply, Milwaukee, WI, noting that it is the lowest responsible bidder at a total cost of \$8,324.24. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

**Bid # 12-2015**

**Motion:**

To approve Bid # 12-2015 for the Nursing Home for 4 Electric Beds and to award the bid to Direct Supply, Milwaukee, WI, noting that it is the lowest responsible bidder at a total of \$5,484.88. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

**Bid # 13-2015**

**Motion:**

To approve Bid # 13-2015 for the Nursing Home for 60 Resident Room Overbed Lights and to award the bid to Direct Supply, Milwaukee, WI, noting that it is the lowest responsible bidder at a total price of \$9,995. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Bid # 18-2015**

**Motion:**

To approve Bid # 18-2015 for the Nursing Home for Lint Collector Removal and duct work and to award the bid to Granite State Plumbing & Heating, Weare, NH, at a price of \$7,240, noting that it is the lowest responsible bidder meeting the specifications. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**6. REGISTRY OF DEEDS**

Register Coughlin presented an update of the Registry of Deed's Revenue for the year to date and noted that the Registry is on target for Revenue for the fiscal year. She explained that February was much better than the previous February and added that the document count has increased for each of the last 3 months, which is a good sign.

Register Coughlin informed the Board that she received an email from the NHAC Deed's affiliate informing the Registry that the Department of Revenue is reinstating their practice of auditing the Transfer Tax and the LCHIP Tax. She added that she will share more information as it becomes available.

## **7. OLD/NEW BUSINESS**

### **Sam's Club Authorization**

Mr. Wenger informed the Board that the County has a Line of Credit with Sam's Club that is used by a number of Departments. He noted that he cannot find any documentation for this Line of Credit. It is his understanding that the local Sam's Club is no longer allowing individuals who have cards to use them because apparently they say that Hillsborough County owes money, yet when talking to their corporate office, they indicated that the County does not owe any money. He added that there is no record of authorizations and there is no one authorized to make changes to the account, therefore, he recommended that the Board rescind all authorizations with the original account that had a limit of \$25,000, and that the Board authorize the issuance of a new account with a limit of \$4,999. He added that if the Departments find that limit to be too low, the Board could re-visit the issue.

#### **Motion:**

To authorize Mr. Wenger to terminate the old Sam's club account on behalf of the County and to authorize a new account with a credit limit of \$4,999. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Wenger noted that he will come back to the Board with a list of authorized users.

### **FY 2014 Audit**

Mr. Wenger noted that he provided the Board for the FY 2014 Audit and added that he will ask the Board to approve the Audit at its next meeting. The Board agreed to take it under advisement until the next meeting.

### **NHAC Update**

The last meeting of the NHAC was cancelled; the next meeting is scheduled for April 3<sup>rd</sup>, however, there has been discussion about changing the date. He added that at the last meeting of the NHAC Executive Committee, the Officers received authority to hire an interim Executive Director for up to 6 months. Cathy Stacy and Laurie Shibinette's names were submitted, however, Ms. Shibinette withdrew her name. The Board had lengthy discussions about the position and the Officers agreed that one of the Officers should be in there to find out exactly what the Association is doing and where it is going in the future. Comm. Maglaras has agreed to do that and has been in the office for approximately 3 weeks. A great deal has been learned and the Officers are still exploring what the recommendations will be going forward.

Ms. Robinson referred to the spread sheet from Comm. Maglaras relative to the Governor's budget and its impact on the Cap. She explained that the Governor's budget eliminates the \$5,000,000 "credit" in House Bill 2, which increases the County's cost by approximately \$700,000. She added that at this point, it is only an estimate; she further explained that there will be an additional increase in Fiscal Year 2017 of nearly \$1,000,000. Ms. Robinson offered to draft a letter to the House Finance Committee expressing the County's concern relative to the increase and the elimination of the \$5,000,000 "credit." Following discussion, the Board favored sending a letter from the Board and sharing it with the Commissioners in other Counties. A draft will be addressed at the Board's next meeting.

Mr. Wenger referred to 2 Grievances (# 800 and # 801) from the Nursing Home. He indicated that he received notice from the Union that those matters have been resolved.

Mr. Wenger informed the Board that he has received a request from Goffstown TV indicating that they are interested in televising the Board's meetings. He added that it is his understanding that Goffstown TV is looking to put together a consortium of local participants and is interested in meeting to see the room. Following a favorable Board discussion, Mr. Wenger agreed to continue discussion with Goffstown TV.

Mr. Wenger updated the Board relative to the lease with the Women's Prison; the current lease is set to expire on June 30 of this year. He noted that he has spoken with Mr. Mullen at the State Department of Corrections and has learned that the State's budget includes an additional \$13,000,000 for "Cost Overruns related to the new Women's Prison project." The State budget also has funding to extend the lease through the end of 2017. Mr. Wenger learned that they will be coming to the Board with a request to extend the current lease agreement an additional 16 months, which would run from December 2015 through 2016. In addition, they will be requesting the opportunity to extend the lease for 2 additional 1-year extensions. He asked the Board to give consideration to this lease.

Mr. Wenger explained that he has had discussion with Mr. DiStefano, a commercial realtor, who has a client who is looking for a facility; it is a school program. Mr. DiStefano will be having further discussion regarding opportunities and whether utilizing the Women's Prison would fit into their timeframe.

Mr. Wenger referred to the Commissioner's Operation and Budget Manual FY 2016 and reviewed the details with the Board. He noted that a section has been added relative to new or changed positions or wages that outlines the Policy the Board has indicated that Departments should follow. He reviewed the Schedule, noting that it closely follows that of previous years. The Board discussed its message relative to new programs and the criteria for any such programs.

Mr. Wenger noted that there will be 27 pay periods in FY 2017 and added that this will significantly affect budgets. He added that the Salary Sheets will not reflect the 27 pay periods, but his office will make the information available in a separate line on the spread sheets for the additional funding that will be needed for the 27<sup>th</sup> pay period so that Departments can appropriately reflect the expense in their budgets.

Mr. Wenger noted that the County Attorney's office is the only County Department still using step increases and asked the Board if it wished to include the step increases in its budget. Following discussion, the Board favored including the step increases in the budget.

Mr. Wenger noted that documentation supporting the individual's Department's programs and budget request should be provided in advance so that it can be included in the budget books to allow the Board time to review the requests before meeting with the Departments.

Mr. Wenger noted that the Board is asking the Departments to review all part-time positions that are anticipated to meet the standards of the Affordable Care Act 30-hour rule to budget for those employees. He added that if they are not budgeted for, the expectation will be that the employee(s) are below 59 hours bi-weekly and those positions will be budgeted without insurance, unless stated otherwise. The Departments will have to make certain that part-time employees do not accumulate an average of more than 30 hours/week during the look-back period of 1 one year.

Sheriff Hardy indicated that will be a challenge with the Court Officers and added that back-filling positions with part-time staff has always been the most cost effective to back-fill and minimize overtime. The Board discussed options for addressing the issue. A discussion ensued relative to the look-back period.

Mr. Wenger noted that the Computer Department is the central repository for all technology-related items and information and noted that whenever any computer-related items are brought in, the CIS Department should be made aware with the appropriate forms completed.

Departments are requested to include a vehicle repair history with their list of vehicles.

Mr. Wenger noted that it is critical that the County's EEOP filings are up to date and a section has been added with that outlines that: "All employee documentation shall be maintained by the Human Resources Department or made available to the Department through a written procedure." He added that the County is one employer and the County Human Resources Department either needs to have all employee documents or know where they are. Changes to E.I.S. Sheets need to be made available to the HR Department immediately when there are employee hires, terminations, retirements and changes to the position.

Mr. Wenger discussed the Draft Board of Commissioner's Meeting Schedule and the Budget Schedule. The Board's Budget meetings with Departments are scheduled for April 6, April 7 & April 9 at 9:00 a.m. An additional 3 days was scheduled for the Board to do its deliberations; it will meet on April 14, April 15, and April 16 at 9:00 a.m. The Public Hearing is scheduled for Monday, May 4, 2015 at 10:00 a.m. Comm. Pappas indicated that she will be on vacation the week of May 25<sup>th</sup>. Meetings are scheduled for every 2 weeks in June, and then the Board may be able to skip meetings. Comm. Holden cannot make the meeting on June 10<sup>th</sup>, that meeting was moved to Tuesday, June 9<sup>th</sup>.

Mr. Wenger will revise the schedule and get an updated schedule for the Board.

**Motion:**

To approve the Commissioner's Operation and Budget Manual FY 2016. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Comm. Ziehm entertained a motion for Non-Public Sessions.

**Motion:**

To move into Non-Public Session:

- consistent with RSA 91-A:3 II (d) relative to the acquisition of property,
- consistent with RSA 91-A:2 I (b) relative to negotiations,
- consistent with RSA 91-A:3 II (a) relative to a personnel issue,
- consistent with RSA 91-A:3 II (c) relative to matters which, if discussed in public, would affect the reputation of a person, and
- consistent with RSA 91-A:3 II (a) relative to a personnel issue.

Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Pappas-Yes, Holden-Yes. Motion carried.

The Board moved into Non-Public Session at 11:02 a.m.

The Board met with Sheriff Hardy, Chief Deputy Fisher, and Mr. Wenger.

The Board met with Sheriff Hardy, Chief Deputy Fisher, Mr. Moorehead, M. Montminy, Att'y Kirby and Mr. Wenger.

The Board met with Mr. Moorehead and Mr. Wenger.

The Board met with Attorney Kirby and M. Montminy.

The Board met with Mr. Wenger.

The Board moved out of Non-Public at 1:20 p.m.

**Motion:**

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

Comm. Ziehm asked if there was any other action before the Board.

**Motion:**

To approve the Nursing Home Administrator's proposal relative to per diem Therapy positions with the condition that it not be implemented before April 5, 2015. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:**

To authorize Legal Counsel to proceed with litigation against a former employee. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger noted that he will be coming forward with a Policy addressing Part-Time employees.

**ADJOURN**

Lacking further business, Comm. Ziehm entertained a motion to adjourn.

**Motion:**

To adjourn the meeting. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

The meeting adjourned at 1:22 p.m.

*Approved on April 15, 2015*

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Comm. Toni Pappas, Clerk  
Hillsborough County Board of Commissioners

\_\_\_\_\_  
Date