

Regular Meeting of the
Hillsborough County Board of Commissioners

March 22, 2007
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, G. Wenger, B. Moorehead, E. Robinson, J. O'Mara, M. Rusch, C. Kirby, and R. Pomroy.

Also present: T. Bowen and R. Beaurivage of the Manchester Water Works

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 3:43 P.M. E. Robinson led those present in the Pledge to the Flag.

2. Manchester Water Works

G. Wenger provided Comm. Clemons with an overview of the Water Tower project as proposed by Manchester Water Works. Comm. Clemons inquired if Manchester Water Works is a regional water works, to which T. Bowen stated that yes, Manchester Water Works is a regional water works that services approximately 160,000 people. G. Wenger noted that the County currently has a steel water tank behind the Nursing Home. He stated that the County purchases its water from Manchester Waterworks and pumps it in nightly to be used the following day by the Nursing Home, the County Complex, and the Women's Prison. T. Bowen noted that the County's current 300,000-gallon steel tank is approximately 100 years old and maintaining the pumps and other regular maintenance are the responsibilities of the County. He stated that with the construction of the new 1 million gallon concrete tank, the maintenance and equipment would be the responsibility of the Water Works. Comm. Holden inquired what the County's responsibility would be with the decommissioning of the old water tank, to which Mr. Bowen stated that he did not believe that matter has been addressed at this point. R. Beaurivage stated that the old water tank would have to be decommissioned, which could be as simple as to valve it off. T. Bowen stated that several sites were reviewed for this project to locate the best possible location to accommodate future development. G. Wenger noted that a proposal was put forward by the Manchester Water Works at the end of last year and that it had not yet been reviewed by the Board. T. Bowen distributed a copy of the proposal to the Board.

R. Beaurivage referred to the proposal noting that the figures were calculated based on an appraisal put together by J. Pratt. He noted that J. Pratt calculated two appraisals, one of which calculated the value on the purchase of the land, and the other calculated the value of the land if it were to be leased. He noted that the property at the present time is zoned rural/agricultural and the appraisal is based on the current zoning. He stated that the current price calculated by J. Pratt was \$10,000 per acre for an outright purchase of the land noting that that price was then calculated using standard business factors to consider the easement of the land between 25% - 50% of the \$10,000 per acre. He noted that J. Pratt calculated that the easement of the land would be valued at \$3,500 per acre for a total of 1.3 acres at \$4,500. He stated that the lease for the site of the tank, a 1-acre parcel, J. Pratt assessed 9%-10% of the assessed value for the lease, which would be approximately \$950. He stated that the County mentioned potentially developing the land around the proposed site for a commercial/industrial park in the future. He noted that Manchester Water Works would be willing to work with the County, in that at the time that the County decides to develop the property and obtains leases from the tenants, Manchester Water Works would agree to pay an equal cost per acre as the other tenants. He noted that he looked at three industrial properties in Manchester and the average cost per acre for just the land was \$67,000 per acre, which is a higher value because the land had already been developed as industrial. He noted that the average lease amount for these properties would be about \$6,500 per acre. He also noted that he looked at parcels of land in an undeveloped industrial park in Hooksett, which is comparable to what the County is offering, and the average value of the land there was \$5,700 per acre. He noted this would make the

average lease approximately \$500 per acre. He stated that Manchester Water Works feels its offer is fair and reasonable.

Comm. Holden noted that the Board would have to produce a lease prior to this process moving onto the next step. R. Beaurivage stated that he believes the County Attorney's Office and T. Clark have reviewed a draft lease, and he does not believe there were any major issues with it. Comm. Holden read aloud the section of the draft lease dealing with the change in lease value as the land is developed. Comm. Clemons inquired where there would be a road to access the water tower, to which Mr. Beaurivage stated that the road would be located within the easement. Comm. Clemons inquired if Manchester Water Works would be responsible for maintaining the road, to which Mr. Beaurivage stated that yes, it would be responsible for maintaining the road as stipulated in the terms of the lease. A discussion followed. T. Bowen noted that the reason for the project is for water storage. He noted that it is not just for drinking water, but also for fire protection. A discussion followed.

R. Beaurivage informed the Board that part of the cost of the water tank project was to install the water line from Mast Road to the tank site, and to do improvements to the water main in Mast Road. Comm. Holden noted that each Commissioner represents a different district within the County and the Board of Commissioners is not only looking for the benefit to the County's property and the neighboring communities, but it would also have to justify what is done to the tax payers of the entire County. She noted that the figure that was proposed by the Board, took into consideration the benefit of the County's taxpayers and that it is negotiable. Comm. Pappas inquired if Manchester Water Works has looked at alternate locations, to which Mr. Beaurivage stated that yes, it has. He noted that there are other locations that the tank could be placed. Following a discussion the Board took the matter under advisement.

3. Minutes

March 8, 2007

Motion: To approve the minutes of March 8, 2007. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

4. Business Office

Approval of Payroll Register

Motion: To accept the Payroll Register dated 3/8/2007 in the amount of \$1,025,262.40 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Approval of Accounts Payable Register

Motion: To accept the Accounts Payable Register dated 3/16/2007 in the amount of \$3,465,245.61 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Transfer # 2007-09: Complex Health/Accident to Complex Trash Disposal

Motion: To approve account 4198-7120 in the amount of \$500 transferred to account 4198-7830. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Transfer # 2007-10: Human Services Health/Accident to Human Services Office Supplies

Motion: To accept transfer of 14441-7120, Health/Accident of \$1,000 to account 14441-7360, Office Supplies. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Transfer # 2007-11: Corrections Multiple Lines to Corrections Multiple Lines

Motion: To approve budget transfer 2007-11, the total amount of the transfer is \$281,000. By Comm. Clemons, second by Comm. Holden for discussion.

Mr. O'Mara informed the Board that there was a change to the transfer form referencing transfers #2007-09 and 2007-10, noting that to his understanding the Business Office's role with the transfers is to review and not to approve the transfer. He noted that the Health/Accident insurance line has been paid out year to date and \$150,000 would be a comfortable amount to move out of that line. He noted that the Pharmacy line is significantly under budget, and based on the monthly expenditure \$71,000 could be moved from that line. He noted that \$60,000 could be moved from the Medical/Dental Male line. He noted that the lines that funds are being transferred to are lines that are anticipated to be short before the end of the year. He noted that the transfer to the New Equipment line would be to cover the facility chillers. Comm. Holden noted that her only question was regarding the transfer to the New Equipment Line. G. Wenger informed the Board that the Business Office has never been responsible for approving the transfers and the forms should reflect that the office reviews the requests as opposed to approving them.

Motion carried unanimously.

5. Nursing Home

Census

B. Moorehead was recognized. He informed the Board that the census at the facility on March 8th was 278 of which 213 were Medicaid residents, 39 were Private Pay, 26 were Medicare Part A residents. He noted that the census as of today was 281 and of that, 25 were Medicare part A. He stated that there have been quite a few expirations.

Bid # 24-2007: Elevator Modernization (Phase 2 of 3)

B. Moorehead presented bid # 24-2007 for the 2nd phase of the Elevator Modernization project. He noted that the lowest responsible bidder was Stanley Elevator for \$79,955.00. He noted that part of the upgrade would include a microprocessor control panel, ADA controls, firefighter's key switches, etc. He stated that this is the second phase of the three-part project.

Motion: To approve bid #24-2007 for phase 2 of 3 of the elevator modernization to Stanley Elevator of Nashua, NH for a total cost of \$79,955 noting that they are the lowest responsible supplier and bidder. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Mr. Moorehead provided the Board with the Nursing Home's February Revenue. He noted that the budgeted Revenue/Room and Board and Ancillary was \$1,429,209 and the actual was \$1,438,545, a difference of \$5,736. He stated that the reason for the positive variance was the census did well and February was a 28 day month.

6. Department of Corrections

Census

J. O'Mara was recognized. He informed the Board that the census at the facility on March 15th was 561. He noted that of the 561, 504 were men, of which 183 were sentenced and 321 were being held pre-trial. He noted that on the women's side of the house, 20 were sentenced, and 37 were pre-trial for a total of 57 female inmates.

Bid # FY07-70: Chillers Replacement/Installation

J. O'Mara presented bid # FY07-70 for Chillers Replacement/Installation. He noted that this project was not anticipated in the budget and the transfer of the necessary funds has been previously approved. He noted that the lowest responsible vendor meeting specifications was Denron Plumbing and HVAC of Manchester, NH for a total cost of \$169,500.

Motion: To approve bid # FY07-70 to Denron Plumbing and HVAC at \$169,500, the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Bid # FY07-71: AHU Chilled Water Coils Replacement

J. O'Mara presented bid # FY07-71 for AHU Chilled Water Coils Replacements, noting that it is separate from the previously approved bid. He noted that this bid would be contingent upon the approval of the Executive Committee. He recommended that the bid be awarded to Denron Plumbing and HVAC of Manchester, NH.

Motion: To approve bid # FY07-71 for AHU Chilled Water Coils Replacements to Denron Plumbing and HVAC, Front Street in Manchester in the amount of \$12,000 noting that it is the lowest responsible bidder and is contingent on the budget transfer approval by the Executive Committee. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

7. County Attorney

M. Wageling was recognized. She requested to meet with the Board in a non-public session under RSA 91-A: 3 II (a).

10. Non-Public Session

Motion: To go into non-public session under RSA 91-A: 3 II (a), personnel. By Comm. Holden, second by Comm. Clemons. Comm. Holden, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

The Board went into non-public session at 4:30 P.M.

The Board discussed the appointment of staff with the County Attorney.

Motion: To come out of non-public session. By Comm. Holden, second by Comm. Clemons. Comm. Holden, yes; Comm. Pappas, yes; Comm. Clemons, yes. Motion carried.

The Board came out of non-public session at 4:37 P.M.

Motion: To bring forward the appointment of an Assistant County Attorney, Michelle Battaglia as brought forth by the County Attorney, noting that she will be approved by the Attorney General. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Telephone Poll

Motion: To approve a Telephone Poll to support the recommendation of the Working Group reviewing the New Hampshire Retirement System; the poll was conducted on Monday, March 12th upon receiving a request from Cathy Stacey on behalf of the Association of Counties that they wanted to have closure on this and wanted to be able to go before the Legislature with the Board's approval, noting the poll was approved two in favor and one abstention: T. Pappas, yes; C. Holden, yes; M. Clemons, abstained. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

8. Old/New Business

E. Robinson was recognized. She informed the Board that in the previous year HB 638 failed to be approved and HB 2 is being brought forward in its place. She noted that the State provided spreadsheets of the breakdowns of costs proposed in this bill. She noted that the spreadsheets would either have the Counties paying 100% of the non-Federal Share of Nursing Home costs for Medicaid eligible recipients or it would have the Counties being responsible for about 37% of the costs of Nursing Homes and 50% of the costs for DCYF Children Services. She noted that the Counties with this bill would lose responsibility for Home and Community Based Care, Provider Payments, Skilled Care, Old Age Assistance, and Aid to the Permanently and Totally Disabled. She stated that upon reviewing the spreadsheets the State provided she noticed a \$5 million discrepancy. She noted that in her opinion it would be best for the Counties to take on a larger portion of the costs rather than paying the costs entirely. She stated that the Federal Government has been favoring the HCBC aspect of care. She noted that children's services have been stable for years and that regardless of the solution going forward and that everything has a risk. She advised the Board that she would be compiling information into spreadsheets to try to find a feasible solution. A discussion followed.

E. Robinson informed the Board that included in HB 2 there are changes to the Incentive Funds, noting that the changes are not going to pose a large problem for Hillsborough County. She noted that the bill is proposing to add that for each fiscal year, \$20,000 of the County's allotment of diversion funds should be designated to the creation or support of a family support center in the County. She noted that the County is already supporting family support centers. A discussion followed.

M. Wageling informed the Board that she is on the Board of directors of the Child Advocacy Center and advised the Board that the Center applies for grants and any available revenue source to cover its expenses. She noted that during recent discussions funding availability for each County was discussed. She stated that because Hillsborough County has a southern and a northern district, which is different from all of the other Counties, that it should be able to receive funding for two Child Advocacy Centers. A discussion ensued.

Delegation

M. Rusch was recognized. She informed the Board that the Executive Committee's next meeting is on Friday, March 23rd at 9:00 A.M. She stated that the Budget Orientation Session will be held at 10:30 A.M.

Legal Counsel

C. Kirby was recognized. She informed the Board that she has matters to discuss with it regarding pending litigation.

9. Public Comments on Agenda Items

There were no members of the public available for comment.

Comm. Pappas noted that the meeting scheduled with Southern New Hampshire Services was recently cancelled. She noted that D. Lozeau and her CFO would be attending the Board's next regularly scheduled meeting.

Comm. Pappas inquired how the initial meeting went with the Master Plan Committee. Comm. Holden informed the Board that the initial meeting went well and the Committee is in the process of gathering information necessary to begin the planning process. She noted that the next Master Plan Committee meeting will be on Friday, March 30th commencing at 8:15 A.M. A discussion followed.

Mr. O'Mara informed the Board that on Monday, 14 new employees will begin the orientation process. He noted that three of the trainees are female.

J. O'Mara advised the Board that at its next meeting he will be requesting the Board to reconsider a bid that was previously awarded. He noted that with the new staff coming on that staff uniforms will have to be considered. He noted that the communication with the approved vendor has been fragmented recently and that the bid may need to be reconsidered if the vendor can no longer meet the specifications.

Mr. O'Mara informed the Board that recently an inmate awaiting trial chose to cause himself bodily harm and was rushed to the emergency for treatment. A discussion followed.

J. O'Mara inquired if the Board had previously requested a budget update for the Complex, to which Comm. Holden stated that it could be handled through the budget process, noting that the intent of the discussion was to get an overview of current and prospective capital projects.

Mr. Moorehead informed the Board that one of the residents, C. Ouelette will be turning 108. A discussion followed.

Mr. Wenger requested that the Board consider a date to schedule a hearing for grievances. Following a discussion the Board agreed to meet on April 2nd at 3:40 P.M.

G. Wenger informed the Board that he attended the Pandemic Planning meeting on March 12th. He noted that 8 counties were represented and that there was a general discussion on what Counties are doing at this time. He noted that there is \$2,000 available for each County, and the consensus of the group was that there is a need to have a formal evaluation of what the Counties are doing and what assets are available, and to use the available funds for DHHS to retain a consultant for the analysis. He noted that a RFP will be produced to obtain the consultant services. He noted that the State is looking to have the Counties be the communication center for the towns and working with the local communities rather than taking over. He noted that Hillsborough County has yet to be fully involved in planning thus far. A discussion ensued.

Comm. Pappas noted that April 4th at 8:00 A.M., NHAC will be having a breakfast with the Governor and the Governor's Council at the Primex building. She noted that the UNH Cooperative Extension will be making a presentation.

G. Wenger presented the budget books to the Board. He requested that by its meeting on March 27th, the Board consider a date to set for the Public Hearing. He noted that considering the budget as a whole, the request at this stage is consistent with where it was at the same point the previous year regarding taxes. He gave an overview of the documents included in the Board's budget books.

Comm. Holden gave the Board an overview of several of the committees she is a member of. She noted that the NHAC Conference was successful. She noted that the County Government week is April 22nd-28th. A discussion followed.

E. Robinson presented the Board with the NHAC Prescription Drug Program poster. Comm. Holden noted that with this program, consumers nationwide have saved \$26 million on prescription drugs. She noted that the average savings is 21.7%. E. Robinson noted that Hillsborough County's average savings is around 30%. Comm. Holden noted that since the program's inception in 2004, there have been 2.3 million filled and 670 Counties are participating nationwide.

G. Wenger informed the Board that it has before it the Brief of the Petitioner, NHAC versus the Department of Health and Human Services. E. Robinson noted that this is regarding the Skilled Care cap issue.

There being nothing further to discuss, the Board entertained a motion to adjourn.

11. Adjourn

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

The meeting adjourned at 5:23 P.M.

(SIGNED 4/19/07)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Approved 4/19/07
Date