

Regular Meeting of the
Hillsborough County Board of Commissioners
April 3, 2013

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, D. Fredette, P. Coughlin, P. LaFrance, C. Connelly, D. Dionne, J. Hardy, C. Kirby, B. Moorehead, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner

Call to Order

Comm. Pappas called the meeting to order at 10:00 a.m.

Pledge to the Flag

Comm. Holden led the Pledge of Allegiance.

Administrative Business

Approval of Payroll Registers

Motion: To approve the following Miscellaneous Payrolls in the following amounts:

3/14/13 \$	955.00
3/19/13	436.40
3/19/13	3,430.90
3/19/13	1,632.44
3/28/13	1,500.00
3/28/13	397.92

for a total of \$8,352.66, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Motion: To approve a Regular Payroll dated March 14, 2013, in the amount of \$1,074,066.89, and a Regular Payroll dated March 28, 2013 in the amount of \$1,071,503.26 for a total of \$2,145,570.15 subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Accounts Payable Register

Motion: To approve the Accounts Payable register dated April 2, 2013, in the amount of \$2,770,220.43 and an Accounts Payable register dated April 2, 2013, in the amount of \$ 518,612.79 for a total of \$3,288,833.22, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Extradition Vouchers

Motion: To approve the following Extradition Vouchers for the following dates and the following amounts, noting that they have been approved previously by the County Attorney:

- Feb. 4, 2013 \$ 188.88
- Feb. 12, 2013 3,405.03
- Feb. 14, 2013 666.72

for a total Extradition Expense of \$4,260.63. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

CIS Bid # 11-2013 – Microsoft Office Software Licensing

Motion: To approve CIS Bid # 11-2013 for Microsoft Office Software licensing at a cost of \$7,200, and to award the bid to CDW-G, Vernon Hills, IL, noting it is the lowest responsible bidder at a price of \$7,200. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Budget Transfer # 2013-16 – County Complex

Motion: To approve Budget Transfer # 2013-16 for the County Complex to transfer the amount of \$1,500 from Fuel, line 4198-7650, and to transfer a like amount to Auto Repair line 4198-7730; funds are available in the fuel line as savings have occurred due to the new boiler and ceasing to heat the barn. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Budget Transfer # 2013-17 – Nursing Home

Mr. Moorehead requested that Budget Transfer # 2013-17 be tabled until the next meeting.

Motion: To table Budget Transfer # 2013-17. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Budget Transfer # 2013-18 – Nursing Home.

Motion: To approve Budget Transfer # 2013-18 for the Nursing Home to transfer the amount of \$10,000 from Rehab Salaries, line 4421-7010 and to transfer a like amount to Other Fees & Outside Services, line 4421-7290; the transfer is necessary to cover the resignation of 1 full-time Speech Therapist who resigned in November and was not replaced until late February, 2013; the increased hours of the speech language pathologist were necessary in order to cover the Medicare Part A & B caseload. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Public Comment on Agenda Items

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

Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted as of March 26, 2013, the total in custody was 545; he explained that there were 434 men, including 161 that had been sentenced and 273 that were being held pre-trial; there were 111 women; 51 of the women had been sentenced and 60 that were being held pre-trial. He informed the Board that there are 25 individuals in the community and there are 157 individuals that have been diverted through the Mental Health Courts, 71 of whom were from Manchester and 86 from Nashua. Supt. Dionne added that the facility is holding 29 female inmates from Rockingham County.

Overtime Impact Report

Supt. Dionne noted that he had provided an Overtime Impact Report for the Board for the permanent record.

Supt. Dionne presented a request for an Administrative Transfer of a male inmate from Rockingham County. He added that the inmate is being transferred because of a staff/inmate conflict at the Rockingham County facility.

Motion: To approve a request for an Administrative Transfer from Rockingham County. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Supt. Dionne presented the Commissioners with an invitation to attend a graduation of Officers from the recent Officer Training Academy. He noted that the graduation will be held on April 26th at 1:00 at the DOC facility.

Supt. Dionne informed the Board that there was a recent settlement in the case of Casanova vs. Weatherby and Hillsborough County. He noted that there was a quick verdict; there was a finding of no fault on behalf of the County and Officer Weatherby. He added those who testified did a good job and the video that the DOC provided showed that there was no excessive force used by any staff at the DOC.

County Attorney LaFrance informed the Board that the man involved as convicted of sexual assault; she added that she convicted him the previous year of luring a little girl into the bike path; he will spend 10 to 20 years at the State Prison.

Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census. He indicated that the Census as of March 28, 2013 was 280; it included 203 Medicaid residents, 39 Private Pay residents and 38 Medicare, Part A residents.

February 2013 Revenue

Mr. Moorehead provided the Board with the unaudited Revenue for February, 2013. He explained that budgeted revenue for February was \$1,872,995 while the actual was \$1,724,453 resulting in a negative variance of \$148,542; he added that this is primarily due to February being a short month; \$67,000 is the typical revenue on a daily basis; that revenue for 2 additional days would have likely made up for the negative variance. He added that year-to-date Room and Board is down approximately \$592,000, but that excludes the Bed Tax and the ProShare payment which is anticipated in June. ProShare was budgeted at \$2,000,000 but with the changes in the past 2 years, he expects the ProShare payment to be approximately \$3,000,000, which will hopefully make up for any variances.

Registry of Deeds

Register Coughlin provided the Board with an updated Revenue report, adding that the Registry has been busy.

Comm. Pappas raised the issue of the bid to Fidlar Technologies that was tabled at the last meeting and asked the Board if it wished to address the bid.

Bid # 2013-01 Imaging-Indexing Website

Motion: To remove from the table the bid from the Register of Deeds. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To award Bid # 2013-01 for an Imaging-Indexing Website at the Registry and to award the bid to Fidlar Technologies, Exeter, NH, at an annual price of \$270,000, noting that it is a four-year contract and that it is a single source bid consistent with NH RSA 28:8e. The contract reflects a reduction of \$30,000 over the prior contract. Motion by Comm. Holden, second by Comm. Ziehm.

Comm. Ziehm stressed her belief that research should be done relative to other providers. Discussion ensued with an agreement to approve the bid subject to the Register researching information relative to other providers of compatible software and/or equipment by July 1st of 2014. Comm. Holden noted that there is no other vendor that could provide the service by July 1st of the current fiscal year. Further Discussion ensued relative to resources at NACO, including a blog for sharing information; also discussed was the “30-day out clause” that is contained in all County contracts.

Register Coughlin indicated that she will get information over the next year and added that she has started an RFP, but explained that it is a cumbersome process that involves banks, the Office of Administration & Finance, Legal Counsel, CIS and Primex; she noted that Fidlar Technologies responds quickly to service issues and its security has prevented access to Registry information that has been a problem with other vendors in other Counties.

Discussion ensued relative to the process behind the bid and the fact that this is a single source bid being awarded for 4 years as well as the need to continue to deliver the service without interruption.

Comm. Holden offered to withdraw the motion and present an amended motion.

Motion: To withdraw the previous motion and to submit a new motion. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To award Bid # 2013-01 for an Imaging-Indexing Website at the Registry to Fidlar Technologies of Exeter, NH, an annual price of \$270,000, noting that it is a four-year contract and is a single source bid consistent with NH RSA 28:8e conditioned on the Registry reporting back to the Board prior to the first anniversary of the contract that the Registry has pursued opportunities to meet its technology needs as addressed in the bid through a competitive bidding process. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Comm. Holden suggested that this issue be revisited in the fall.

Sheriff's Office

Bid # 2013-14 – New Equipment-2013 Dodge Caravan SE

Motion: To approve Bid # 2013-14 for a 2013 Dodge Caravan for the Sheriff's Office noting that the lowest responsible bidder is Central Chrysler, Jeep, Dodge, Raynham, MA 02767 at a price of \$21,169; it is a State bid with a request to waive competitive bidding consistent with RSA 28:8-e V. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Sheriff Hardy noted that his department did explore options for purchasing the vehicle from a NH dealer, but did not find one that met the requirements. The vendor is on the NH State bid list.

Bid # 2013-15 – 2013 Ford Police Interceptor Utility

Motion: To approve Bid # 2013-15 for a 2013 Ford Police Interceptor Utility vehicle for the Sheriff's Office with a request to waive competitive bidding consistent with RSA 28:8-e V, noting that it is a State bid; the lowest responsible bidder is Irwin Motors, Laconia, NH at the price of \$26,455. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Comm. Ziehm inquired if the vehicles would be purchased with Drug Asset Forfeiture funds; Sheriff Hardy responded in the affirmative. It was noted that vehicles purchased with Drug Asset Forfeiture funds cannot be passed along to another County department.

Comm. Pappas recognized County Treasurer, David Fredette. Mr. Fredette informed the Board that he has been working with Claire French, Staff Accountant, relative to the budget and noted that he is planning to attend the next meeting. He reported that the interest revenue for this year was unrealistically over budgeted, and noted that he will explained details at the next meeting along with recommendations for the next year's budget. He commented that he was on the committee when Mrs. French was hired, but his term ended soon thereafter. He remarked that she is really fantastic and is very qualified for that position and is a great fit for the County. Mr. Wenger observed that he would agree with Mr. Fredette's comments and added that in large part, the budget documents given to the Board today were driven by Mrs. French's assistance. Comm. Holden suggested that Treasurer Fredette's comments appear in the public record.

8. Old/New Business

NHAC – Governor's & Council Breakfast

Mr. Wenger explained that the Governor's & Council Breakfast is scheduled for the morning of May 1st, it conflicts with the Board's scheduled Public Hearing. Comm. Pappas noted that the breakfast is scheduled for 8:00 a.m. Following discussion, the Board agreed to change its Public Hearing to 3:00 p.m. The Board will meet following the Public Hearing.

Administrative Reviews

Comm. Holden agreed to put together the Commissioner's comments; the Board will set up dates to meet with the Administrators at its next meeting.

Budget

Mr. Wenger provided information relative to the budget; he noted that:

- Expenses are up 3.6 million (4.4%)
- Taxes are up 8.3 million (18.99%)
- Non-tax revenues are up 4.7 million (3.5 of which is Surplus)
- Non-tax revenues are down 1.2 million over the previous year

He added that completing the next budget will be a big challenge.

Ms. Castonguay distributed a list of dates that the Subcommittees will meet along with the members of each Subcommittee.

Comm. Ziehm inquired about the progress relative to security at 19 Temple Street; Ms. Robinson responded that she checked the duress alarms the previous week and all were operating. She added that she is awaiting a response from Stanley Elevator relative to information regarding a card reader; additionally door numbers will be added to every office rather than identifying the offices by name. Ms. Robinson added that she will be looking at whether any shrubbery should be trimmed to prevent anyone from hiding behind the shrubbery.

Comm. Ziehm noted that 4 legislators spoke with her at the last Executive Committee meeting relative to Police Officer salaries; she added that seemed to be challenging Supt. Dionne's figures; one of the Representatives commented that Police Officers in Nashua make \$32,500. Comm. Ziehm added that she called the Nashua Police Chief who sent her information that shows that the starting salary for a Police Officer in Nashua is \$48,000. She searched further and obtained information from the Local Government Center that supports Supt. Dionne's information. She stated that it is her belief that it is important to get the correct information to the 4 Representative and suggested that the document from the Local Government Center be provided to them. Supt. Dionne indicated that he gave the Executive Committee copies of actual ads taken from the newspaper. Comm. Ziehm will forward

the Local Government Center information to the Supt. Dionne. Supt Dionne added he will always take calls and will provide accurate information.

Mr. Moorehead recommended that Bid # 03-2013 be rejected; he explained that this is the Re-Bid for the Medical Director's position from a bid that was rejected at his request the previous December; he recommended continuing the current agreement with Medical Director, Dr. Zubin Batlivala on a month-to-month basis. He explained that this will give him time to review the specifications and to re-bid the position to take effect in July of 2014.

Motion: To remove Bid # 03-2013 from the table for the Medical Director, and to continue the current contract month-to-month with Dr. Zubin Batlivala. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Mr. Wenger noted that the Board has received the FY2012 Audit Report for its review and acceptance; he added that there continues to be a GASBY flag relative to post-retirement benefits, but in order to address it this year, it would have held up the audit. He noted that in light of Surplus issues relative to the budget, he felt it was important to have the audit prior to budget discussions. He added that the issue can be addressed retroactively or going forward.

Mr. Wenger informed the Board that Rick Jones from NH Interlocal Trust will be meeting with the Office of Administration staff and any department with respect to the Affordable Care Act on April 8th at 1:30 p.m. He will address the 30-hour limit and provide insight on the effect of the Affordable Care Act.

Mr. Wenger noted that there was an email sent out relative to the State budget and an amendment regarding the downshifting of costs to the Counties. The email made representations with respect to the County's position relative to the State budget. He requested that the Board confirm that action. The Board agreed that it supported the action.

Mr. Wenger requested an opportunity to meet with the Board under 91-A:2 I (b) to discuss negotiations strategy.

Discussion ensued regarding the email relative to the State budget. Mr. Wenger noted that it is his understanding that Rep. Kirk is basing his reasoning that the increase at the State level in the Cap is an appropriate inflationary increase; he added that the increase is 2% and encouraged the Board to keep that in mind. He offered that at the County level, there has not been "an appropriate inflationary increase" in over 3 years. Discussion ensued relative to the effect of the amendment.

Mr. Moorehead informed the Board he read an article immediately after he submitted his budget recommendation the previous week that addressed the Sequester; he noted that the article explained that the Office of Management & Budget (OMB) estimates that there will be a 2% cut in Medicare rates for physicians, hospitals and other providers that are targeted to take effect on March 1, 2013, but they don't know the date when they will be implemented. Mr. Moorehead added that he expects that when the cuts are implemented, they will likely be retroactive to March 1st. He added that he has not calculated the effect on his budget, further adding that he is concerned because it will also affect the physicians and hospitals, adding additional stress to their budgets.

County Attorney LaFrance informed the Board that April is Child Abuse Prevention & Awareness month; she added that she is Vice-President of the Board of Directors for the Granite State Children's Alliance that oversees all the child advocacy centers in the State. She explained that they work closely with her office, adding that they are having a rally at the State House on April 17th at 4:30. In response to a question from Comm. Ziehm relative to fundraisers, Attorney LaFrance noted that the Children's Alliance will be holding its major fundraiser on May 4th at the Crowne Plaza in Nashua; she added that expected guests include: Governor Hassan, Senator Ayotte, Senator Shaheen, and possibly Congressman Shea-Porter. Attorney LaFrance offered to forward ticket information to the Commissioners and noted that it is a Venetian masked ball. She added that they raised a quarter million dollars the previous year.

Public Comment

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

Non-Public Session

Comm. Pappas entertained a motion.

Motion: To move into Non-Public session consistent with RSA 91-A:2 I (b) relative to the relative to negotiation strategy. Motion by Comm. Ziehm, second by Comm. Holden. Pappas-yes, Holden-yes, Ziehm-yes. Motion carried.

The Board moved into Non-Public Session at 11:15 a.m.

The Board met with Attorney Kirby, Attorney LaFrance, Supt. Dionne, Mr. Wenger, and relative to negotiations.

The Board moved out of Non-Public Session at 11:29 a.m.

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

Comm. Pappas asked if there was any further business to address.

Adjourn

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

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

The meeting adjourned at 11:30 a.m.

Approved April 24, 2013

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date