

Regular Meeting of the
Hillsborough County Board of Commissioners
May 18, 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. Holden, D. Hogan, M. Castonguay, D. Dionne, C. Kirby, M. Montminy, B. Moorehead, D. Reidy, E. Robinson, G. Wenger, and L. Stonner.

1. Call to Order

Comm. Ziehm called the meeting to order at 9:05 a.m. Comm. Pappas was out of State and unable to attend.

2. Pledge to the Flag

D. Hogan led the Pledge of Allegiance.

3. Administrative Business

Approval of Payroll Registers

Motion: To approve the Payroll Registers on the following dates, and in the following amounts:

➤ 5/4/11	\$ 320.00
➤ 5/5/11	6,096.08
➤ 5/12/11	69.64
➤ 5/16/11	340.34
➤ 5/17/11	606.40

for a total miscellaneous payroll of \$7,432.46, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To approve the Payroll Register dated 5/12/2011 in the amount of \$1,133,460.69 subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated May 17, 2011 in the amount of \$2,770,515.18, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Bid # CIS 23-2011

Motion: To approve CIS Bid # 23-2011 for Cisco Switch to Insight Public Sector, Tempe, AZ in the amount of \$5,602.05, noting that it is the lowest responsible bidder. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Transfer # 2011-35 – DOC Fuel Oil to Gasoline/Auto Repair/Bldg. Repair

Motion: To approve Transfer # 2011-35 for the DOC to transfer from Fuel Oil, line 4230-7650 the amount of \$7,500, and to transfer to:

- Gasoline, line 4230-7720 the amount of \$3,000, and to
- Auto Repairs, line 4230-7730 the amount of \$1,500, and to
- Building Repairs, line 4230-7810, the amount of \$3,000

for a total amount of \$7,500. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Transfer # 2011-36 – Contingency to Misc. Health Insurance lines

Motion: To approve Transfer # 2011-36 for the Nursing Home to transfer from Contingency, line 4199-7010 the amount of \$34,000, and to transfer to:

- Nursing Home Administration, line 4411-7120 the amount of \$10,000, and to
- Nursing Home Dietary, line 4413-7120 the amount of \$12,000, and to
- Nursing Home Activities, line 4417-7120 the amount of \$12,000,

for a total amount of \$34,000. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Transfer # 2011-37 – Contingency to Corrections New Equipment

Motion: To approve Transfer # 2011-37 for the DOC to transfer from Contingency Energy Grants, line 4199-7741 the amount of \$99,100, and then to transfer a similar amount to Corrections New Equipment, line 4230-7970, noting that under the Energy Efficiency and Conservation Block Grant received from the American Recovery and Reinvestment Act, monies are requested for the transfer to fund the heating plant replacement project at the Department of Corrections. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Mr. Wenger explained that these funds need to be committed by the following month; he noted that remaining funds from that line will be used for energy-related expense at the Nursing Home.

Transfer # 2011-38 – Contingency to Nursing Home Administration-New Equipment

Motion: To approve Transfer # 2011-38 for the Nursing Home to transfer from Contingency Energy Grants, line 4199-7741 the amount of \$229,688, and to transfer a like amount to Nursing Home Administration-New Equipment, line 4411-7970, noting that under the Energy Efficiency and Conservation Block Grant received from the American Recovery and Reinvestment Act, monies are requested for the transfer to fund the remainder of the project at the Nursing Home and to include the upgrade of the central heating and ventilation units serving the residence areas, dining rooms and the function rooms at the facility. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

There was a discussion of a potential increase in the mileage rate; it is typically reviewed in July and January; in the past, the County has followed the Federal Mileage Reimbursement Rate.

4. Public Comment on Agenda Items

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

5. Department of Corrections

Bid # FY11-106 – Air Control Replacement Valve Assemblies

Assistant Superintendent Dionne requested that action on Bid FY 11-106 be delayed; he noted that Supt. O'Mara will address the bid at the next Board Meeting after further research has been completed.

Census

Assistant Superintendent Dionne presented the DOC Census. He noted that as of May 11, 2011, the Census was 526, which included 14 inmates serving in the community; there were 466 men of whom 350 were being held pre-trial and 116 that have been sentenced. There were 52 women of whom 38 were being held pre-trial and 14 that have been sentenced.

Ass't. Supt. Dionne requested that the Board authorize Supt. O'Mara to accept up to 15 inmates from other Counties for the months of May and June.

Motion: To authorize Supt. O'Mara at the Department of Corrections to accept up to 15 inmates for the months of May and June, noting that the Board will review the transfers. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Certificate of Authority (Adult Basic. Education)

There was discussion regarding Comm. Holden signing the application for the Adult Basic Education Grant and to authorize Supt. O'Mara to apply for the funds. Mr. Wenger explained that the Board approved the action at its last meeting; the application requires a certificate from the Clerk of the Board of Commissioners that certifies that action was taken and approved, and that a copy of the minutes be attached.

5. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of May 12, 2011, the census for the Nursing Home was 281 total patients/residents; there were 199 Medicaid residents, 46 self pay residents, and 36 Medicare Part A/Managed Care residents. He noted that census numbers continue to be excellent as does the patient mix.

April Revenue

Mr. Moorehead presented an overview of the April revenue. He noted that the budgeted revenue for the month for Room and Board and ancillaries was \$1,683,196 while the actual was \$1,753,634, which is a positive variance of \$70,438.

Comm. Holden congratulated Mr. Moorehead for the positive news articles that were included in the Board's packet.

6. County Attorney

Case Management System

County Attorney Hogan informed the Board that the County Attorney's Office files are currently managed by a computer system; he explained that the technology for managing files has improved significantly and added

that the State put out an RFP for software and the County Attorneys had an opportunity to look at the software that was offered by the vendors who submitted bids. He explained that his office is very impressed with one software program (CARPAL) that is very simple to use; it combines features from other software and it performs all the functions that the office would wish to have. He explained that the State pays the initial cost and there is an annual cost that is \$8,000 less than they are paying now for a system that is not comparable.

Att'y Hogan explained that the Federal Government covers the initial cost; the annual licensing will be a significant savings for software that is far superior to what is being used currently. In response to a question from Comm. Holden regarding the involvement of the CIS Department, Attorney Hogan responded that they have not shown an interest in being involved in the committee that is looking at this although his office has sent them emails.

Mr. Wenger indicated that he would take exception to the comments that were just made; he noted that he has only received one telephone call on this issue and no further involvement has followed. He is aware that some emails have gone back and forth. Mr. Wenger explained that CIS is his responsibility, and that until such time as he has had the opportunity to be brought into the discussion, he cannot comment on the proposal. Attorney Hogan apologized and noted that it was not his intent to step on Mr. Wenger's authority. He explained that this is a terrific opportunity and he realizes that if he does not have everyone involved, it will not work out.

Comm. Holden explained that funding would come through the CIS Department and this is something additional that would add to the cost, and it is a new program. Attorney Hogan explained that the initial cost of \$108,900 will be paid for by a grant that will come from the State.

Comm. Ziehm inquired about this program and asked if the program were approved what would happen to the savings of \$8,000. Mr. Wenger explained that if there is a \$108,900 expense for the County for a grant, it has to be funded in the budget with offsetting revenue, as directed in the Board's budget instructions. He explained that the funding is not currently in the budget, so the Board would not be able to take any action to go forward with this request unless the budget were to be amended to include the grant. He added that there would be a need to look at other expenses including servers, connections and any other related requirements. In answer to Comm. Ziehm's question, he explained that any funds saved would lapse back into the Surplus at the end of the year. He noted that yesterday the State Capital Budget was given initial approval; it includes a paperless project for all the Court systems; he expressed his hope that if this is a State project, it will tie in with the paperless project. He indicated that a discussion needs to occur to address this in the next week. Att'y Hogan explained that that is why he is here. He added that in addition to the cost savings, the software would save a great deal of time.

In response to a question from Comm. Ziehm, Att'y Hogan explained that he was directed by the Sub Committee to cut his budget by 6%. Mr. Wenger explained that the action taken by the Sub Committee was to cut the Salaries & Wages line by approximately \$230,000, or 6%; the monies will be taken out of Salaries and related roll-up lines. He explained that the approach that is being taken is that the funds are being taken generally at this time, but when reaching the end of the budget process, the Departments will be asked to come back with a reorganization plan; new Salary Sheets will be created; if there are new positions created they will need to be approved by the Executive Committee; if there are no new positions, then the Salary Sheets will be given to the Executive Committee.

Mr. Wenger reported that the 30 Temple Street lease agreement includes an obligation that when the property is being sold, the County needs to execute a Tenant's Estoppel Certificate, which represents that the County is a tenant, has paid all its bills, and that it has no right to stay there beyond the terms of the lease. He noted that this is a standard agreement, and it needs to be executed within ten days. He added that it appears that 30 Temple Street is selling, which would result in Transfer Stamps for the Registry and the County.

Motion: To authorize the Chair to sign the Tenant's Estoppel Certificate for Temple Street. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Further discussion occurred relative to 30 Temple Street regarding the space leased by the County.

Mr. Wenger informed the Board that the County Attorney, Comm. Pappas and he took a tour of 300 Chestnut Street; the renovation is moving along rapidly; the State is anticipating that "move-in" will occur during the last week in August, but Mr. Wenger anticipates that it may be delayed. He noted that the new lease has been reviewed with Counsel; the State has made the change recommended by the County so the County is ready to go forward with approval of the lease; it is a three-year lease. There was discussion regarding the County Attorney's staff remaining in that space long term and whether the space would be adequate. Mr. Wenger responded that there is currently adequate space, but nothing extra. He noted that the Court has a vested interest in the County Attorney's staff remaining there to be accessible to the Court.

Mr. Wenger informed the Board that the letters going to the agencies participating in the ADDE and FIP programs notifying them of the termination of the programs have been done and are ready for the Board's signature.

Mr. Wenger requested an opportunity to meet with the Board and Counsel in Non-Public session relative to a lease discussion and negotiations.

M. Montminy addressed the Board on behalf of Supt. O'Mara. She indicated that she has two letters for the Commissioners from Supt. O'Mara.

7. Old/New Business

Budget

Mr. Wenger requested that the Board provide direction relative to the budget prior to meeting with the Executive Committee the following Friday when Departments under his control will be addressed. He indicated that he would appreciate insight from the Board relative to how it would like him to address those budgets. He noted that he has concerns with the approach being taken. Comm. Ziehm suggested a discussion of the budget issues. The Board agreed to meet with the Departments the following week to review actions taken by the Sub Committees. There was a general feeling among the Board that the majority of the Representatives sitting on Sub Committees are new and have little knowledge of what is in the budget, and how it affects County operations.

Comm. Ziehm indicated that it did not appear that the Sub Committees even considered the reductions the Board had already made and there was no discussion of the impact those cuts would have on County operations. Comm. Holden noted that there seems to be a disparity in the amount of reduction expected. Mr. Moorehead indicated that his budget is based on the needs of the facility. Comm. Ziehm suggested that in another year, it might be helpful to show the beginning budget and the cuts that were made before it gets to the Sub Committee. Discussion ensued relative to the large number of new Representatives who do not yet have an understanding of County Government, and have not visited the Department of Corrections or the Nursing Home, even though invitations have been extended. Mr. Moorehead indicated that he spent four hours with four members of his Sub Committee the week before he met with them, and found that to be very beneficial.

Ms. Robinson explained that she had met with Rep. Cebrowski from her Sub Committee to review the operations of her Department. Once he had an understanding of the Department, they worked together to develop a letter to the members of the Sub Committee to arrive four days prior to their meeting. She indicated that Rep. Cebrowski requested that the letter be formatted for clearer understanding with supporting

information relative to her budget and staff. She noted that it is her understanding that a message was sent to every Sub Committee Chair to ask for a 6% cut. Further discussion ensued.

Comm. Ziehm expressed her concern over the safety of the Correctional Officers, the inmates and the general public if the Department of Correction's budget is cut too severely. She asked what the Board could do if it the budget is cut too severely and it has real issues regarding safety at the facility. Mr. Wenger responded that the Board has an obligation to carry out its responsibilities for the County; the Executive Committee has simply appropriated the funds, but it is his belief that the Commissioners cannot place themselves or Supt. O'Mara in a position where the Board cannot do what it is legally responsible to do. He indicated that if the funds run out, the Board could then go to the Executive Committee, notifying it that the Board is carrying out its legal responsibility, but without funding the Delegation is not allowing the Board to do that, and action has to be taken. He noted that there are times when it may be necessary for the County Commissioners to say, "That is our job, and we have to bring action to make you do that; otherwise, you are jeopardizing the safety of our employees, the public, and the inmates that we have a responsibility to protect.

Comm. Ziehm asked if an option would be to take funds from other funds appropriated within the budget; Mr. Wenger noted that a transfer could be done, but it still needs the cooperation of the Executive Committee; this action would buy some time, but the issue would come at the end of the year when running out of funds. Mr. Wenger added that at the end of the budget process, it would be important for the Board to sit with Mr. O' Mara and to look at the impact of the cuts made to the DOC budget and then to decide how funds will be used.

Comm. Holden noted that she is hearing comments from Representatives relative to the County's membership in the NH Association of Counties (NHAC) and the concern of the Representatives that, "They could turn around and sue us," referring to the State. She expressed her concern over this issue and the importance of this membership for the County and the support it provides. E. Robinson explained that in many cases, it is not action taken by the State that has brought forth a lawsuit, but action of a State Department such as the DHHS, for example, when it raised a rate that was unreasonable. Further discussion ensued relative to the advantages of membership in the NH Association of Counties (NHAC) as well as the National Association of Counties (NACo), which offers programs such as the Prescription and Dental Discounts. Mr. Wenger noted that there are a number of statutes where NHAC appoints a person to a committee, and if Hillsborough County were not a member of NHAC, it would lose its voice on those committees. Comm. Holden indicated that if she was not an informed Commissioner through her participation in NHAC and NACo, and if she was not able to do her job appropriately, then she would resign as Commissioner.

In response to an inquiry from Comm. Ziehm regarding options open to the Board, Attorney Kirby offered that initially there could be an attempt to speak with the Executive Committee; next, the Board could send a letter, and there is always an opportunity to speak at the Public Hearing; finally, the Board could call a Delegation meeting, and then if no resolution, litigation is a last resort. She added that she does have liability concerns on behalf of the County with respect to some of the cuts, particularly if they are done blindly without any recognition or understanding as to the impact, and in particular with respect to the Department of Corrections and the Sheriff's Office and the up-shifting and down-shifting that is going on. She noted that it does not mean that cuts are not affecting other Departments, but the effect it is very obvious to her with respect to the cuts on the DOC budget and its operations. She added that Rep. Seidel has been very kind about allowing others to speak at the meetings; she added that if the Commissioners indicated that they wanted to be heard on an issue, it is her belief that he would likely allow them to be heard. Att'y Kirby added that another option would be to send a letter advocating its positions on the issues; there is also the Public Hearing. She explained that if there is a point where the County starts to run short of funds, the Board has the right to call a Delegation meeting together and request a supplemental appropriation. Att'y Kirby indicated that the issues that she sees relate to the safety and security of not only the public, but the staff and the inmates themselves; she noted that the County Corrections facility carries a tremendous amount of liability, more so than any other entity in Hillsborough County; she added that there are statutory obligations and constitutional obligations.

There was a discussion relative to getting the message to the Delegation, particularly the new Representatives. Att’y Kirby explained that staffing at the DOC is critical, there are three shifts, seven days a week, 365 days a year; there is also sick time, benefit time, leaves of absence. The cuts don’t take into account that the inmates have medical appointments, court hearings, custodial hearings and the resulting impacts these events have on the inmates. She added that even a pen is a weapon that an inmate could use to penetrate a carotid artery; it is necessary to have adequate staff to protect the individuals who have to respond and transport the inmates on a daily basis to and from the facility as well as the medical staff, and the kitchen staff who interact with inmates daily. There needs to be an understanding and acceptance of the liability and the level of danger that occurs on a day-to-day basis, and if the facility is understaffed, not only could the County be seeing increased financial liability, but it could be seeing serious harm. She advised that it be addressed at the Board level, and that the message be communicated to the Executive Committee.

Comm. Holden noted that it comes down to people versus penalties if the County does not provide the services at the level that it has in the past. She added that there is a concern about the jail as well as the Nursing Home.

Comm. Ziehm added that she believes that the Commissioners need to express their concerns. Mr. Moorehead added that he doesn’t see the urgency, and it has not been addressed. He noted that Grafton’s tax rate went up 13%. Mr. Moorehead added that State re-imbursement to Nursing Homes has changed very little since the late 90’s while the cost of doing business has increased significantly; he added that the State cost re-imbursement compared to percentage of revenues is one of the lowest in the country. He offered that because of the Representatives involvement at the State level relative to funding for Nursing Homes, he sees the Executive Committee of the Delegation telling the Nursing Home that it must cut 6% in addition to the ¾ million dollars that it has already cut as a conflict of interest.

M. Rusch noted that Rep. Seidel will be sharing concerns with individuals today while they are in session; she indicated that in the sixteen years that she has been with the County, she has never seen so many new Representatives.

Following further discussion, there was a decision that the Board will send a letter to the members of the Executive Committee addressing its concerns. Mr. Wenger agreed to have a draft for the Board at its next meeting.

The Board agreed to hold an additional special Budget Meeting on Wednesday, May 25th with the Departments to address budget concerns. Mr. Wenger added that the Board’s message should be included in the public record at the Public Hearing.

There was discussion regarding other issues including the impact of a significant budget cut in the County Attorney’s budget, for example, which in turn will mean less prosecution, less trials and more inmates sitting in the jail longer. Mr. Wenger offered that it is his understanding that the driving issue is that the Executive Committee does not want any tax increase, and they are looking to take the 2.7 million increase out of budget, and are not giving consideration to use of Surplus.

Further discussion ensued relating to the fact that the majority of the Board favors making cuts; however, it does not want to cut the services that it is required to support.

8. Public Comment

There was no one present who wished to comment.

The Board returned to a discussion of the upcoming Budget Hearing. There was discussion relative to the way the County does its banking. He noted that the Treasurer has recommended adding \$60,000 for banking services expense and a different approach to its investments. The County has been leaving funds in the Target Account to avoid bank charges. If the funds in the Target Account are taken out to be placed in investments,

there will be anticipated bank services charge of approximately \$60,000 for ten months. Following discussion of possible cuts in the Business Office, there was a consensus that any staff cuts could affect payroll processing time, result in late filing of required items, and cause the County to incur penalties. Mr. Wenger added that he has previously cut staff by reducing two full-time positions to part-time. He explained that any further cuts would not be in the best interest of the County.

The Board discussed the \$15,000 expense for the consultant for Health Insurance; there was a general agreement that he is very important to the County because he works on behalf of the County to obtain insurance at the lowest possible cost as well as offering ways to reduce the premium. Mr. Wenger noted that \$32,000 is budgeted for Audit Expense; he stressed the importance of approval of a GASB audit, noting that the Delegation has not approved the GASB Audit for the past two years, even though it has been recommended by the County's Auditing firm, and even though the Delegation's action has resulted in the County's Audit being flagged as not meeting generally accepted accounting standards.

Mr. Wenger informed the Board that there will be five negotiations during the coming year so it would not seem wise to cut the Board's Consulting Expense, noting; however, it could be done.

Comm. Holden asked if the Commissioners would each be willing to reduce their Travel line by \$600. Mr. Wenger noted he had discussed this with Comm. Pappas who agreed to do so. Following discussion, there was an understanding that the Board had cut its budget by 5.9%. Mr. Wenger noted that he will hold a discussion with the CIS Department to learn what it has for contractual obligations. There was a consensus to not add funds to the Contingency line for CDBG grants and the understanding that the Executive Committee or Delegation can fund that line. Mr. Wenger recommended funding the County Debt line at \$1.

In response to an earlier discussion, Attorney Kirby issued an opinion relative to the use of the Sheriff's Drug Forfeiture funds. She indicated that the funds cannot be transferred to another Department, such as the County Attorney at this time; those funds are restricted to use by the Sheriff's Department, with specific limitations.

10. Adjourn

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

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

The meeting adjourned at 12:38 p.m.

Signed 6/15/11

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

Date