

Regular Meeting of the
Hillsborough County Board of Commissioners
May 27, 2009
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, L. Movsesian, P. Coughlin, J. Hardy, C. Beaulac, J. Dimick, A. Durette, C. Kirby, B. Moorehead, J. O'Mara, E. Robinson, M. Rusch, G. Wenger, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:10 a.m., followed by the Pledge to the Flag led by J. O' Mara

2. Administrative Business

Minutes

Motion: To approve the minutes of May 13, 2009. By Comm Holden, second by Comm. Clemons. Motion carried.

Approval of Payroll Registers

Motion: To approve the Payroll Register dated 5/14/09 in the amount of \$1,166,245.23, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated 5/22/09 in the amount of \$234,575.88, subject to review and audit. By Comm. Holden, second by Comm. Clemons.

Transfer # 2009-31 – Sheriff's Department - Gas/Oil to Sheriff's Department - Part Time Salaries & Wages/Part Time Social Security

Motion: To approve Budget Transfer # 2009-31 Sheriff's Department, from Gas and Oil to Sheriff's Department, Part Time Salaries & Wages and Sheriff's Department Part Time Social Security. By Comm. Clemons; second by Comm. Holden. Motion carried.

A. Durette noted that the transfers presented today are to make sure there is enough funding through the end of the year.

Transfer # 2009-32 – Sheriff's Department - Gas/Oil to Sheriff's Department – Overtime and Retirement

Motion: To approve Budget Transfer # 2009-32 - Sheriff's Department, from Gas and Oil to Sheriff's Department, Overtime and Sheriff's Department Retirement. By Comm. Clemons; second by Comm. Holden. Motion carried.

Transfer # 2009-33 – Contingency Grant to District Court Bailiff Sal/Wages & Social Security

Motion: To approve Budget Transfer # 2009-33, to transfer from the Contingency Grant Expense the amount of \$16,900 to District Court Bailiff's Salaries & Wages in the amount of \$15,698, and to Social Security the amount of \$1,202.

Comm. Holden noted that the County contributes \$10 per day for the per diem paid to the Bailiffs and the State pays the remainder. This transfer is to cover the County's portion. A. Durette noted that it also is because the Sheriff's Department took over the security function at the front door of the Bouchard Building for the Goffstown District Court.

Motion carried.

Sheriff Hardy referred to Transfer # 2009-27, which was approved at the May 13 meeting; he noted that he wished to clarify the narrative part of the transfer which indicated that the transfer was a payoff for a full time employee's retirement. Sheriff Hardy noted that the transfer also relates to the salary line that was affected when the collective bargaining agreement was implemented and \$158,728 was transferred from contingency, additionally at that time, non-affiliated salaries were adjusted consistent with CBA members at \$23,096, which involved a grade adjustment. Additionally a decision was rendered by the PELRB regarding the classification of an employee at a cost of \$4,992, and two long term employees retired with an unbudgeted Retirement payout of \$12,631.

Comm. Holden noted that the Board had given the non-affiliated employees a raise, both the COLA and the performance-based increased. She suggested that perhaps in the future, the Board should not consider giving the Sheriff's Department non-affiliated employees an increase if the Sheriff will also be giving them an increase because it is not fair to the other non-affiliated employees of the County. Sheriff Hardy noted that that was a valid point, but went on to explain that not every non-affiliated employee got a grade increase as a result of the collective bargaining agreement. He further noted that had he not adjusted the grades, some of the non-affiliated employees, such as Sergeants would have been at the same grade as Lieutenants, or Lieutenants at the same grade as Captain, or Captain at the same grade as Chief Deputy as well as the Budget Assistant and the Sheriff's Assistant; based on that, he made the grade adjustment. Comm. Holden noted that there are great discrepancies in the Departments under the Board's supervision, and if the Board were to make things equal in its Departments, the Board would have to make certain the money was appropriated, and the \$23,000 the Sheriff has referred to was not appropriated for that purpose. Sheriff Hardy noted that he did not necessarily agree with Comm. Holden; however, he would agree that there are great discrepancies for appointed Department Heads, elected officials, and non-affiliated employees.

Comm. Holden indicated that, with this additional information, she would not support the prior approval of the transfer to include the grade adjustment for the non-affiliated employees; Commissioners Pappas and Clemons supported the action.

Transfer # 2009-34 - Nursing Home - Nursing to Depart of Corrections – Health

Motion: To approve Transfer # 2009-34, to transfer from the Nursing Home, Nursing line the amount of \$70,000 to the to the Depart of Corrections, Health line. By Comm. Clemons, second by Comm. Holden.

Mr. Wenger explained that the Health insurance line is a line that is always an estimate, and significant changes at the Department of Corrections left the County with a deficit in this line; likewise, there were changes at the Nursing Home that make funds available, so this motion transfers the funds within the insurance line with the consent of Mr. Moorehead and Mr. O'Mara.

Motion carried.

Transfer # 2009-35 – Depart of Corrections Salaries/Wages to several lines

Motion: To approve Transfer # 2009-35 from the Depart of Corrections Salaries/Wages, the amount of \$201,000, and to transfer to the following lines:

Medical supplies	\$ 4,000
Pharmacy	30,000
Food	10,000
Clothing & Related	3,000
Medical/Dental Women	30,000
Medical/Dental Men	110,000
Linen	2,000
Auto Repairs	2,000
Building Repairs	10,000

Motion by Comm. Clemons, second by Comm. Holden.

Comm. Holden inquired relative to the wisdom of sending this transfer forward, and wondered if the Board should consider breaking up this transfer so that if the Sub Committee has an issue with one item, there is the opportunity to consider the items individually. The Board discussed possible action and decided to assign a letter to each of the items, the number/letters would be 2009-35 A through 2009-35 I, with the premise that the Sub Committee could address any line it has issue with, and these transfers are needed before the end of the fiscal year. Supt. O'Mara noted that these amounts are within the DOC budget. He suggested that the items be divided.

Motion: To amend the previous motion to approve Transfer # 2009-35, to use letters to designate individual items, so the motion will be to approve Transfer # 2009-35 A to 35-I:

35-A	Medical supplies	\$ 4,000
35-B	Pharmacy	30,000
35-C	Food	10,000
35-D	Clothing & Related	3,000
35-E	Medical/Dental Women	30,000
35-F	Medical/Dental Men	110,000
35-G	Linen	2,000
35-H	Auto Repairs	2,000
35-I	Building Repairs	10,000

The total transfer is \$210,000. Amendment to main motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas asked for a vote on the main motion on the floor.

Motion carried.

Transfer # 2009-36 – Registry of Deeds-Travel - Out of State to Printing & Binding

Motion: To approve Transfer # 2009-36 for the Registry of Deeds, to transfer \$1,464 from Travel Out of State to Printing & Binding. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

3. Public Comment on Agenda Items

No one from the public was available at this time.

4. Department of Corrections

Comm. Pappas recognized Supt. O'Mara, who presented the Department of Corrections' Census, noting that as of May 21, the Census was 578; he explained that this included 501 men of whom 314 are being held pre-trial, and 187 have been sentenced. There were 77 women of whom 40 are being held pre-trial and 37 have been sentenced.

Comm. Clemons informed those present that the Nashua Telegraph recently printed a very favorable news story relating to the inmates working in the community and the work done at the Nashua Fire Station. He noted that it was a good, positive article, and he thanked Supt. O'Mara for his involvement in organizing this beneficial program.

5. Nursing Home

Census

Comm. Pappas recognized Mr. Moorehead who presented the Nursing Home Census. He explained that as of May 21, the Census was 273, which included 211 Medicaid residents, 33 private pay residents, and 29 Medicare Part A residents; he noted that numbers are down, and that is consistent with other Nursing Homes at this time of year.

Bid # 37-2009 – Vanity Sinks

Mr. Moorehead presented Bid # 37-2009, which is for resident room vanity sinks. He noted that this is for the final phase of sink replacement, and recommended Fixtures, Etc. as the preferred provider and lowest responsible bidder at a price of \$10,249..

Motion: To approve Bid # 37-2009 for the Nursing Home as stated, noting that Fixtures, Inc. is the lowest responsible supplier. Comm. Holden, second by Comm. Clemons. Motion carried.

6. Human Services

Ms. Robinson informed the Board that she received a letter from Jim Harrington, the Chief Community Liaison from the Bureau of Community and Family Support and DCYF relative to the Incentive Funds. In the letter Mr. Harrington requests that all inquiries regarding applications for the Incentive Fund program be referred to him. Ms. Robinson noted that it appears that the State is taking over distribution of the Incentive Funds, yet there are no new rules; she has requested additional information from Mr. Harrington. She has heard from another administrator that the applications are due June 15, and explained that the County's grant applicants do not have that information; she would like to send them a letter explaining the new process along with a copy of Mr. Harrington's letter and a copy of the application. Ms. Robinson expressed her belief that this is very unfair to the Counties and no one knows about the process of making a determination relative to the grants. The Board discussed this; all were in agreement that the County has a good relationship with the local agencies. Comm. Clemons noted that he always felt that the process was very fair, and very efficient, and he believes that taking it to a higher level is not the right thing to do, but since the state provides the funding, it has the right to do this. Ms. Robinson commented that she believes that this is inappropriate because the County Commissioners were assured that this would not happen. Comm. Holden noted that the State is looking for money anywhere it can find it. The Board agreed that Ms. Robinson should go forward with sending a letter to all County agencies/ service providers that might apply for a grant. She agreed to scan Mr. Harrington's letter and forward it to all three Commissioners so that they could distribute the information to the selectmen in the towns that each serves. Comm. Pappas noted that the Commissioners have a good connection with the all of these local organizations, and noted that this action is unfortunate. Ms. Robinson agreed that the Board has very successfully determined what local needs have

been, and suggested that making the decision at a State-wide level will be very different, and the rules have expired; the new rules haven't been submitted yet. Ms. Robinson informed the Board that the Stimulus money was targeted to the Family Resource Centers, the Child Advocacy Centers and specific types of agencies as well as only going to certain Counties.

Supt. O'Mara asked if the minutes could reflect the amount of money the Board of Commissioners dispersed last year. Comm. Pappas indicated that the amount was \$330,000 per Commissioner for the agencies located in the towns in their Districts.

7. Old/New Business

Board of Commissioners' Meeting Schedule

The Board discussed meeting dates for the remainder of the calendar year and the beginning of January, and set the following dates for its meetings:

Wednesday, July 8
Tuesday, July 21
Wednesday, August 5
Wednesday, August 19
Wednesday, September 2
Wednesday, September 16
Wednesday, September 30
Wednesday, October 14
Thursday, October 29
Tuesday, November 10
Tuesday, November 24
Wednesday, December 9
Wednesday, December 23
Wednesday, January 6

All meetings are scheduled to begin at 9:00 a.m. All meeting dates and times are subject to change by the Board.

Mr. O'Mara informed the Board that he received a request from Belknap County asking the Department of Corrections to house 15 medium-security inmates from June 18 through June 22 during Motorcycle Week. He suggested that the same per diem rate be charged as was charged last year.

Motion: To honor the same arrangements that the County has in prior years with Belknap County to take a number of medium-security inmates during Motorcycle week. By Comm. Holden, second by Comm. Clemons. Motion carried.

Supt. O'Mara informed the Board that he recently received a letter from a woman who visited an inmate; he noted that the letter was a heartfelt description of her visit. The woman indicated that she received excellent treatment by the staff and that the staff was helpful and kind to her and to children.

Supt. O'Mara informed the Board that officers from the Two Bridges Regional Jail in Wiscasset, Maine recently visited the Department of Corrections. Lieutenant Thompson from that facility sent a follow-up letter in which he noted that officers from their facility have toured other facilities throughout New England. He said, "Of all the facilities I have been to, yours was the best overall. Many institutions over ten years old tend to show signs of age. I did not see this at your facility. Your building and grounds were well maintained. The inmate areas were neat, clean, and quiet. The thing that impressed me most about your facility was your staff. In Maine we preach 'Firm, Fair, and Consistent,' you practice it."

Supt. O'Mara noted that it was a nice letter and speaks well of the staff at the facility.

Supt. O'Mara informed the Board that Easter Seals sought out the DOC to participant in a grant with them that, if approved, will provide drug treatment for inmates that will continue once an inmate is released.

Supt. O'Mara noted that he has a temporary bid, Bid # FY09-92, for Pharmacy services to cover the purchase of drugs until the DOC has an opportunity to re-bid this service. He noted that the respondents to the original bid were not consistent in what they provided for products and prices, so the DOC is seeking bids again, this time just for generic drugs so they can do an apples-to-apples comparison. He noted that in some cases, brand name drugs will have to be provided, but for bid purposes, it is important to do a fair comparison. Supt. O'Mara noted that Omnicare is the lowest bidder.

Motion: To approve Bid # FY09-92 for Pharmacy services at the Department of Corrections to Omnicare, 23 South Perimeter Road, Londonderry, NH, as the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried.

In response to a question from Comm. Clemons relative to Pharmacy deliveries to the Nursing Home, Mr. Moorehead responded that Omnicare delivers to the Nursing Home twice a day, seven days a week, and in an emergency, they can deliver within an hour or two.

Ms. Robinson informed the Board that she wished to update it on billings for the Nursing Home and HCBC, she noted that the County is close to reaching the cap and it will not have to pay the full May bill. Ms. Robinson indicated that the monthly average is approximately 2.8 million dollars and there is approximately 1.586 million left before reaching the cap. She noted that the County will only pay a partial bill in May, and nothing in June. She further noted that there will be a significant surplus in this line and explained that the State's July bill will be paid by the County in June because it will reflect services provided in June.

M. Rusch informed the Board that the Executive Committee will meet the following day at 8:30 a.m. at the Bouchard Building, at the Department of Corrections at 9:00 a.m. on Friday, and at the Nursing Home on Monday at 9:00 a.m.

Comm. Holden reported on the April 21st meeting of the Charrette Steering Committee. She informed the Board that the next meeting will be July 2nd at 8:30 a.m. at the Bouchard Building. The meetings are open to anyone who wishes to attend; the Wiki, once completed, will have all the documents relative to the Charrette, including the minutes. Comm. Holden noted that the Charrette is scheduled for Friday, October 2nd and Saturday, October 3rd; the first step will be to have the Board first meet with the Department Heads and elected officials relative to what the County's needs are, the next step will be to bring that information to regional meetings, and lastly to the whole group. She noted that the budget has been developed. Mr. Wenger explained that the meeting with the Department Heads and elected officials will be for them to envision what the potential needs will be; the information from that meeting will be taken to the Friday session of the Charrette where all the elected officials, including the Representatives, will have a broader discussion.

Comm. Pappas reported that she attended a NACo meeting in Oregon and noted that the Bylaws were approved and there will be regional representation. The message that came out at the end of the conference was that they feel that the present White House administration is working hard on a Federal/County partnership throughout the country.

Comm. Holden reported that she was in Washington, DC in April for three days; she was with a group of 20 people that went to the Hill and made 52 congressional visits; she saw Senator Shaheen as well as staff members of the two congressional people and Senator Gregg, sending a message of cooperation and awareness of County needs. Comm. Holden reported that she served on the Governor's Task this year; this

group is now the Bylaws Review Committee, which met by telephone and will be moving forward with the changes to the Bylaws that were presented, and that will be adopted in Tennessee.

Mr. Wenger reported that the County finished the last cutover of telephones at the Nursing Home last week; he indicated that the CIS Department is addressing issues, and requested that anyone who has a telephone issue report it as soon as possible to Mr. Roach via email. He noted that once it is all working, he envisions meeting with Department Heads to review how it is working.

Mr. Wenger reported that this year, he has observed the most disparate budget committee meetings in his experience. He noted that this makes it very difficult for Departments because there does not seem to be a message relative to the goal that is to be reached; and, it was his observation that some Departments were treated significantly different from others during the process. He noted that he wished to make the Board aware that at last Friday's Nursing Home Sub Committee meeting, it was suggested that a motion with respect to all salaries would be forthcoming. Mr. Wenger noted that he has provided Rep. Kurk with additional salary information that he had requested. Mr. Wenger noted that these issues coming up at the last Sub Committee meeting just before the final three-day budget review process is of concern. He further noted that if the Board had been given a message, it might have been able to come forward with proposals that would work within the operations of what the County has to do, rather than having an ax coming down, which will not serve the County well in the long run. Mr. Wenger reported that it has been a very different and difficult budget process for the Chairs of the Sub Committees who faced significant challenges, noting that the issues were all different. He summed up his concerns by saying that he has significant concerns, in particular, relative to the Nursing Home contracts and what will happen with those, noting that there are issues in those contracts that aren't just wage-driven; there are other issues and accomplishments that the County is presenting that could be at risk because of wage issues, which is a step backwards. Mr. Wenger complimented Mr. Moorehead for his demeanor in sitting through last Friday's meeting when the guts of his compensation and reward package were torn out. Mr. Wenger suggested that when you take out any ability that you have to give subtle recognition to your employees, that is disheartening. He noted that in the Sub Committee process, only a narrow window is considered, not the whole picture, and noted that he anticipates that there will be lively discussion during the three-day Executive Committee meetings. Comm. Holden expressed that it was her observation that the Representatives were acting as they do in Concord, and there is a difference between the role they play in the County and the role they play in the State; she noted that policy making was discussed periodically, but policy making is done at the Commissioner level in the County, and the Delegation and the Convention appropriate the funds. Comm. Clemons expressed his belief that the Board needs to make a statement that the Board is the policy maker, and the Delegation is the holder of the purse. He went on to say that it is the Delegation's right to vote down the budget presented by the Board, but it is up to the Board to determine how the money is spent in the Departments under its control.

Mr. Moorehead addressed his concern, not only with the R & R line, but the line that is for the Catholic priest and the Protestant minister, which was zeroed out, noting that he mentioned to them specifically that if the clergy is eliminated, he will have a war on his hands. He explained that both the chapel and foyer are packed, spilling over into the hallway for Catholic services on Sunday. He explained to the Committee that not only will he have a war on his hands, but there will be a very bad survey at the Nursing Home because that is definitely a resident rights violation. He noted that the Activities Director and M. Lencki have worked diligently with the Diocese as well as the Presbyterian Minister to get both programs provided on a pro-bono basis but have not been successful. Mr. Moorehead explained that unless it changes, the Nursing Home will be without a minister and a priest beginning July 1st.

8. Public Comments

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

9. Non-Public Session

Comm. Pappas noted the Board has received four requests for Non-Public session, and entertained a motion.

Motion:

1. To meet with Supt. O'Mara from the Department of Corrections relative to a personnel issue under RSA 91-A:3 II (a),
2. to meet with Mr. Moorehead and Attorney Kirby in Non-Public session relative to a personnel issue under RSA 91-A:3 II (a),
3. to meet with Mr. Moorehead and Attorney Kirby relative to litigation under RSA 91: A-3 II (e),
4. to meet with Mr. Moorehead and Attorney Kirby to consult with Counsel under RSA 91-A:2 I (b), and
5. to meet with Mr. Wenger relative to a personnel issue under RSA 91-A:3 II (a).

Motion by Comm. Holden, second by Comm. Clemons. Clemons-yes, Pappas-yes, Holden-yes.
Motion carried.

The Board moved into Non-Public session at 9:56 a.m.

The Board met with Supt. O'Mara from the Department of Corrections relative to a personnel issue. The Board met with Mr. Moorehead and Attorney Kirby relative to a personnel issue at the Nursing Home, then with Mr. Moorehead and Attorney Kirby relative to litigation, and again with Mr. Moorehead and Attorney Kirby regarding a pending legal matter. Lastly, the Board met with Mr. Wenger relative to a personnel issue in the CIS Department.

No action was taken during Non-Public session.

The Board moved out of Non-Public Session and returned to its regular meeting at 10:50 a.m.

Motion: To come out of Non-Public Session. By Comm. Holden, second by Comm. Clemons.
Motion carried. By Comm. Clemons, second by Comm. Holden. Motion carried.

There was no further business for consideration; the Chair entertained a motion to adjourn.

Motion: To adjourn the regular Board meeting. By Comm. Clemons, second by Comm. Holden.
Motion carried.

The meeting adjourned at 10:51 a.m.

(SIGNED 6/10/2009)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date