

Regular Meeting of the
Hillsborough County Board of Commissioners
June 1, 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. C. Holden, Comm. T. Pappas, J. O'Mara, M. Castonguay, C. Kirby, M. Lencki, B. Moorehead, D. Reidy, E. Robinson, G. Wenger, and L. Stonner.

1. Call to Order

Comm. Ziehm called the meeting to order at 9:04 a.m.

2. Pledge to the Flag

E. Robinson led the Pledge of Allegiance.

3. Administrative Business

Approval of Payroll Registers

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

➤ 5/17/11	\$ 503.10
➤ 5/18/11	317.00
➤ 5/19/11	2.88
➤ 5/25/11	2,915.80
➤ 5/26/11	661.92
➤ 5/26/11	8,559.24
➤ 5/27/11	471.56

for a total miscellaneous Payroll of \$13,431.50, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To approve the Payroll dated 5/26/11 in the amount of \$ 1,127,344.46, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 5/26/11 in the amount of \$934.20, and to approve Accounts Payable Register dated 5/31/11 in the amount of \$3,053,087.11, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Extradition Vouchers

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

➤ 3/1/11	\$ 173.01
➤ 1/23/11	1,276.36
➤ 3/18/11	7.50
➤ 4/28/11	7.50

for at total Extradition Voucher expense of \$1,464.37. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

4. Public Comment on Agenda Items

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

6. Nursing Home

Census

M. Lencki presented the Nursing Home Census and explained that as of May 19, 2011, the census for the Nursing Home was 275 total patients/residents; there were 197 Medicaid residents, 48 self pay residents, and 30 Medicare Part A/Managed Care residents.

Bid # 13-2011 – H & V Upgrade

Motion: To approve Bid # 13-2011 for H & V Upgrade at the Nursing Home to Honeywell Building Solutions, Manchester, NH, at a price of \$226,980, noting it is the lowest responsible bidder. This bid is subject to Department of Energy approval. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # 18-2011 – Dental Services

Motion: To approve Bid # 18-2011 for Dental Services to William J. Horgan, Hampstead, NH, the lowest qualified bidder at a price of \$38,836 annually. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Lencki explained that this bid is for Dental Services for the Nursing Home; he noted that the cost breaks down to \$.38 per day, per resident. This is the first year of a three-year contract.

Bid # 19-2011 – Ambulance Services

Mr. Lencki explained that this bid provides for Ambulance Service to the Nursing Home; it provides Basic Life Support and transportation at a charge of \$5 per mile.

Motion: To approve Bid # 19-2011 for Ambulance Services to Careplus Ambulance Service, Merrimack, NH at a cost of \$150 Base Rate and \$5 per mile, noting that it is the lowest responsible bidder. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Bid # 20-2011 – Optometry Services

Motion: To approve Bid # 20-2011 for Optometry Services to Healthdrive Eye Care Group, Newton MA; this is a three-year contract and it is the only bidder; the contractor bills the resident and/or their Health Insurance Carrier. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Lencki explained that approximately 90% of the residents use this service.

Bid # 21-2011 – X-ray Services

Motion: To approve Bid # 21-2011 for X-ray Services to Mobilex, USA, Brockton, MA, at a cost of \$70.00 per test, noting that it is the lowest responsible bidder, and the only bidder. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Year to Date Revenue

Mr. Lencki reviewed the Year to Date Revenue; he explained that this reflects a ten-month period that includes April. The budgeted revenue for the period was \$21,248,625 while the actual was \$21,130,100 for a negative variance of \$118,525. He explained that that this is a good number because the Nursing Home will soon receive a check from ProShare for over one million dollars.

7. Old/New Business

Due to Mr. O' Mara being delayed, Comm. Ziehm moved to entertain other business.

Mr. Wenger asked who might wish to address the Capital Reserve Account at the following day's Executive Committee meeting. A discussion followed relative to the Capital Reserve Account.

The Board discussed the previous day's discussion at the Executive Committee meeting regarding the 1% increase and the bargaining agreements that were approved by the Board. Mr. Wenger informed the Board that Mr. Flygare presented the best possible case for approval of bargaining agreements; he noted that approving the bargaining agreements was in the best interest of the County, but the Executive Committee did not approve them. There was a general consensus that there was no interest in listening to details of the bargaining agreements or whether they were in the best interest of the County; he offered that it is his belief that it will end up costing the County more in the long run. He added that consideration was not given to what the County employees already give with respect to the contributions for insurance, and the significance of personal and sick days.

There was discussion regarding the step increases that the Representatives are giving to employees on the State level, and the fact that many of the new Representatives don't understand this, nor do they realize that the step increases are being given; the consensus was that on the County level, they are simply looking at a goal.

Comm. Pappas noted that she received her personal tax bill and her taxes have gone down; Comm. Ziehm indicated that her taxes have also gone down. Comm. Holden noted that her taxes have increased slightly.

Ms. Robinson suggested that it is important to look at the history behind the establishment of the merit system in the County; the Board took this action so that the County could get every bargaining unit on this system. Comm. Ziehm offered that it was her belief that the Executive Committee had pre-determined that it was not going to give any raises. The Board addressed possible discussion with the Representatives in support of the 1% Merit Increase for those making less than \$54,000, and in support of the bargaining agreements, as approved by the Board. Each of the Commissioners agreed that they will work in their Districts in support of the Merit Increase and the bargaining agreements.

Discussion ensued relative to the Board gaining understanding regarding how the Representatives voted on the State level as well as on the County level. Mr. Wenger explained that he will be making the presentation relative to the bargaining agreements in place of Mr. Flygare at the Delegation Public Hearing; Mr. Flygare is unavailable that evening. Comm. Holden suggested that the Board decide how each Commissioner will speak in support of the Board's budget at the Public Hearing.

Mr. Wenger informed the Board that the budget, as it now stands, has the amount to be raised by taxes reduced by \$51,833; he added that if all the bargaining agreements and the 1% Merit Increase for those under \$54,000 were added, that would represent a cost of \$66,799, which would leave the Executive Committee trying to find \$14,916 to have no increase in taxes. There was discussion and agreement that Mr. Wenger will develop a draft letter for the Board to use in attempting to gain support of the Merit Increase and bargaining agreements.

Comm. Holden informed the Board that Strafford County has no fund balance (Surplus); she added that they cut funding for Meals on Wheels. There was discussion relative to the County being in the same position as Strafford County within four to five years if the current approach is used by the Executive Committee.

Mr. Wenger indicated that the approach to budgeting has been changed by the Executive Committee; they are budgeting what was expended the prior year as opposed to what is needed; this is a significant change in the way budgeting is done and it is a tug of war that has been going on for several years but the problem is that the direction has been changed mid-way through the process this year. Mr. Wenger noted that in the past the Salary Sheets have gone to the Board and then to the Sub Committees where a discussion would be held and recommendations for changes would be made to the Executive Committee, but this year, that is not happening; the Departments are being given a total amount to work with based on the previous year's expense. Mr. Wenger noted that the process started one way, and half way through the process, it changed and it is a total deviation away from that which the County has used for the past ten years.

Attorney Kirby indicated that new positions are usually approved during the budget process, but that is not happening this year; the Sub Committees are not getting the Salary Sheets.

Mr. Wenger explained that with the approach being taken, once the budget is approved, every Department whose Salary line is impacted is going to have to do a new Salary Sheet; once they are re-done, they will need to be presented to the Board for approval and if there are new positions, they will also have to be approved by the Executive Committee.

Comm. Ziehm asked if there was a way to get the Executive Committee in sync with the Board; Mr. Wenger responded that it probably cannot be done at this point, but could be addressed in the following year. Comm. Pappas indicated that this is a clumsy, cumbersome way to do business.

Mr. Moorehead explained that if a current position is reduced to \$0 or \$1, at the Delegation level, there is little time to notify affected employees before the end of the budget year. Mr. Moorehead indicated that if the Executive Committee or Delegation does not approve the seven new therapist positions that he is proposing, they are also saying "no" to the revenue that those positions would generate.

Following discussion, the Board agreed to approve 7 new positions at the Nursing Home subject to funding.

Motion: To approve the seven positions described by Mr. Moorehead. Motion by Comm. Pappas.
Motion failed for lack of a second.

The motion will be re-addressed later in the meeting when the specifics of the positions are available.

The Chair recognized Mr. O' Mara. He explained that initially, the Board reduced his budget by \$500,000; he added that the Board granted his request to wait until the end of the budget process to return to the Board with a plan to re-work the DOC resources and to make the facility run. He added that the Sub Committee further reduced his budget by \$738,000 for a total of \$1,238,000 in reductions. He added that there was not even one question about where the cuts would be made or any inquiry as to how the Superintendent could make this work. Mr. O' Mara explained that the evening the Delegation meets and approves the final budget will be the night that he goes back and calculates what he can do with the approved funding. He went on to explain that adding positions would be difficult; he would have to eliminate a position to create another, then get Board approval and wait for Executive Committee approval. He added that in previous years, the adding of positions was always done during the budget process. Mr. O' Mara noted that when Rep. Vaillancourt made his motion to reduce his Salary and related lines by \$738,000, he was unaware of the Board's earlier action. There was a general agreement that the Sub Committees have no idea what is in the budget.

Mr. Moorehead presented the information relative to creating the new positions previously discussed.

Motion: To create seven positions at the Nursing Home, subject to funding:

- 1 Full-time Therapy Liaison
- 1 Full-time Therapy Liaison
- 1 Full-time Physical Therapist
- 1 Full-time Physical Therapy Assistant
- 1 Full-time Occupational Therapist
- 1 Full-time Certified Occupational Therapy Assistant
- 1 Full-time Rehab Tech

Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Mr. O' Mara informed the Board that he received a call from a very concerned Representative relative to the fact that Mr. O' Mara had offered the members of the Executive Committee the opportunity to tour the Department of Corrections and yet only one member of the Sub Committee came.

Mr. O' Mara explained that he has great concern relative to liability for claims against the DOC; it is capped at \$100,000. Attorney Kirby confirmed that insurance for punitive damages does exist; she offered that if the staffs at the DOC and Sheriff's Office are reduced significantly, there is a greater potential for lawsuits; she noted that in this event, the County may wish to look at increasing its liability insurance. Mr. Wenger noted that a change in the way the County operates, and an increase in insurance will increase insurance costs even more than the 24% increase that is expected for the following year.

Discussion ensued relative to addressing the issue of regionalizing the UNH Cooperative Extension Offices throughout the State and the need to be prepared for the potential change in FY 2013.

Mr. O' Mara noted that the County was able to achieve three DOC bargaining agreements that were approved by the Board; they were done in three meetings resulting in a savings in Attorney's fees. He indicated that the bargaining agreements were model contracts. There was discussion relative to his speaking at the Public Hearing and how to best inform the Delegation of the details and help them understand the value of approving the bargaining agreements. At the Board's request, Mr. Wenger will draft an informational letter that the Commissioners will use to contact the Representatives in their respective Districts.

Mr. O' Mara asked the Board for suggestions or guidelines relative to his presentation at the Public Hearing; he noted that he could speak wearing the Superintendent hat, as a Selectman, or as an individual. Comm. Ziehm suggested that he not mix up his "hats." Mr. O' Mara informed the Board that as a result of the large cuts to his budget, the Community Service Program will have to be cut; he won't have adequate staff to monitor a group outside of the facility.

Mr. Moorehead and Mr. O' Mara will post notices notifying the staff that the Executive Committee did not approve the bargaining agreements.

Mr. Wenger noted that the Board may wish to have a discussion at its June 15th meeting relative to how notices will be given to those employees who will be impacted should the budget be approved in its current state, and to provide Department Heads with direction regarding how to proceed. He noted that he will contact the State regarding any requirements; he added that Primex has information relative to lay offs should the Board wish to utilize that resource. The Board favored involving Primex.

The Board held a discussion relative to defending its budget and the possibility of combining functions within the County in some Departments.

5. Department of Corrections

Census

Supt. O'Mara presented the DOC Census. He noted that as of May 24, 2011, the Census was 560, which included 13 inmates serving in the community; there were 489 men of whom 363 were being held pre-trial and 126 that have been sentenced. There were 60 women of whom 45 were being held pre-trial and 15 that have been sentenced.

Mr. O' Mara informed the Board that the budget is based on an average daily population of 530 and, as noted in the current census, the population is at 560.

Bid # FY 11-99 – Complex Sprinkler System Repairs (Request to rescind earlier bid)

Mr. O' Mara requested that the Board rescind Bid # FY 11-99, noting the vendor that was awarded the bid, Rem-C Fire Protection, has indicated that it cannot do the work at the price it quoted so it is requesting that this bid was rescinded.

Motion: To rescind Bid # FY 11-99. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Bid # FY 11-99A – Complex-Sprinkler System Repairs

Motion: To approve Bid # FY 11-99A for Sprinkler System Repairs to Hampshire Fire Protection, Londonderry, NH in the amount of \$23,650, noting that it is the lowest responsible bidder able to provide the services as originally bid (FY11-99). Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # FY 11-106 – DOC Air Control Replacement Valve Assembly

Mr. O'Mara explained that Bid # FY 11-106 is for 75 Air Control Replacement Valve Assemblies; the lowest responsible bidder meeting the specifications is Grainger, Alpharetta, GA, in the amount of \$18,165.

Motion: To approve Bid # FY 11-106 as described by Supt. O'Mara. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

M. Castonguay inquired if the Board received the email regarding the revenue discussion that was held the previous day. She noted that she will be sending out a new Agenda for the next Executive Committee meeting.

9. Public Comment

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

Non-Public Session

Attorney Kirby requested an opportunity to meet with the Board in Non-Public Session relative to litigation.

Motion: To move into Non-Public session with Attorney Kirby and Mr. Moorehead relative to litigation consistent with RSA 91-A II 3 (e). Motion by Comm. Holden, second by Comm. Pappas. Holden-yes, Ziehm-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public session at 10:47 a.m.

The Board met with Attorney Kirby and Mr. Moorehead relative to litigation.

The Board moved out of Non-Public session at 10:47 a.m.

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

Comm. Ziehm asked if there was any further business before the Board.

Motion: To Authorize the Release of the Lien on property recorded in the Rockingham County Registry of Deeds at Book 5199, Page 681, in exchange for payment of funds due and payable to Hillsborough County in the Sullivan matter. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To authorize Counsel to enter into an agreement on behalf of Hillsborough County for the payment of a portion of a debt due and payable in the Courtois matter, noting the agreement would allow for payment over a period of time with restrictions and limitations discussed. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

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. Pappas, second by Comm. Holden. Motion carried

The meeting adjourned at 11:10 a.m.

Signed 6/29/11

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

Date