

Regular Meeting of the
Hillsborough County Board of Commissioners
June 4, 2008
Bouchard Building, Goffstown, NH

Minutes of the Public and Non- Public Session-Amended
(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, J. O'Mara, J. Hardy, J. MacDonald, M. Rusch, C. Kirby, E. Robinson, J. Dimick, and L. Stonner

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 3:40 p.m. followed by the Pledge to the Flag led by J. Hardy.

2. Minutes

Minutes, January 11, 2008

Motion: To approve the minutes of January 11, 2008. By Comm. Clemons, second by Comm. Holden. Motion carried.

3. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 5/29/08 in the amount of \$1,104,328.39 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 6/03/08 in the amount of \$3,226,690.61 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Telephone Polls

Motion: To approve a Telephone Poll that was conducted on Wednesday, May 29, 2008, relative to joining the appeal to the Supreme Court of the in HNAC et. al. v. State of New Hampshire et. al., noting that all three Commissioners were in favor. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve a Telephone Poll conducted on Monday, June 2, 2008 in relation to the authorization for the Superintendent at the Department of Corrections to accept a male inmate from Sullivan County Department of Corrections, noting that all three Commissioners expressed support the action. By Comm. Clemons, second by Comm. Holden. Motion carried.

Transfer Requests

Motion: To approve Budget Transfer # 2008-33, Registry of Deeds, a transfer from 4193-7820-Equipment Repairs & Maintenance to 4193-7880 Equipment Rental, the amount of \$350, due to the need for a Software upgrade. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve Budget Transfer # 2008-34, Nursing Home, from 4411-7299, Administration Bed Assessment to 4411-7010 the amount of \$8,000, to 4412-7010 the amount of \$4,000, to 4413-7010 the amount of \$9,000 and to 4417-7010 the amount of \$14,000, for a total transfer of \$35,000. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve Budget Transfer # 2008-35, from 4199-7960-Contingency-Buildings, to 4198-7960 County Complex-Buildings, the amount of \$838,230, noting that the transfer will support costs associated with the second floor of the Bouchard Building for renovations to accommodate the Goffstown District Court. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve Budget Transfer # 2008-36, from 4215-7010-Superior Court Bailiff to 4211-7380-Postage, the amount of \$2,000. By Comm. Clemons, second by Comm. Holden. Motion carried.

4. Department of Corrections

Supt. O'Mara presented the Department of Corrections' Census. He informed the Board that as of June 2, the census was 572. There were 501 men, which included 158 that were sentenced and 343 who were being held pre-trial. There were 71 women, which included 17 that were sentenced and 54 that were being held pre-trial. He informed the Board that there are 70 beds on the Women's unit. The DOC women's unit had inmates on cots in the hallway this past weekend because of crowding and their growing numbers. He noted that this included 6 weekend inmates. Mr. O'Mara informed the Board that the DOC is trying to re-structure its space so it can have a 96-bed Women's unit by re-configuring their locations. He is hoping this is a temporary phenomenon because of recent enforcement activity in Manchester.

Bid # FY08-83 Institutional Dishwasher – Installed

Supt. O'Mara presented Bid # FY08-83. The lowest bidder meeting the specifications is Northeast Food Service Equipment, Bow, NH, in the amount of \$49,184. It includes installation.

Motion: To approve Bid # FY08-83 for an Institutional Dishwasher at the Department of Corrections, to Northeast Food Service Equipment, Bow, NH, in the amount of \$49,184, noting that it is the lowest responsible bidder. By Comm. Holden, second by Comm. Clemons. Motion carried.

Bid # FY08-84 YMCKOK – ID Printer Ribbons

Supt. O'Mara presented Bid # FY08-84 for ID Printer Ribbons. The lowest bidder meeting the specifications is Higgins Corporation, Portland, ME, in the amount of \$44.03 per unit.

Motion: To approve Bid # FY08-84 YMCKOK for ID Printer Ribbons to Higgins Corporation, at a unit price of \$44.03, noting that it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried.

Supt. O'Mara requested the Board's signature to authorize the transfer, which was approved earlier in the meeting.

Supt. O'Mara requested a Non-Public session under RSA 91-A:3 II (e) to discuss litigation with Counsel and Mr. Wenger.

5. Nursing Home

Mr. Moorehead was recognized. He presented the Nursing Home Census, noting that as of May 29, the Census was 270, which included 200 Medicaid residents, 42 private pay residents, and 28 Medicare Part A residents. He estimated that the Census would be back up to 276 by tomorrow. He noted that within the last five weeks they had 30 admissions and 37 discharges. He noted that this is a high number, but is typical at this time of year.

Mr. Moorehead informed the Board the Medicaid rate that the Nursing Home will be receiving has increased \$1.83 over the amount budgeted. The budgeted Medicaid rate went from \$150.13 to \$151.96 per day. This rate will be effective July 1 and will change again in January. He summarized by saying that because of the increase, his projected revenue under Medicaid will go up \$130,250. He noted that the change was added to the budget by the Executive Committee on Monday.

Comm. Clemons inquired about the line on the Census Report titled "Residents on Waiting List." Mr. Moorehead explained that this number represents people who have come in to apply and who are put on a waiting list if there is not an available bed, or an appropriate bed. Mr. Moorehead noted that when a bed becomes available, people who are on the waiting list are called. He noted that even when there is availability within a couple of weeks, typically those on the list have found space elsewhere.

Mr. Moorehead noted that while the Nursing Home is licensed for 300 beds, its capacity at this time is 286 because 14 beds were taken out of service over the years for various reasons. He noted, for example, a dining room was added in place of rooms on the skilled unit, and three quad rooms on the dementia unit were changed to semi-private rooms so the residents would be more comfortable.

6. Public Comments

No members of the public were present at the time.

7. Old/New Business

E. Robinson distributed copies of a 6/04/08 Draft of the Memorandum of Agreement by and between the NH Counties and the NH Dept. of Health and Human Services. She noted that the MOA relates to the financial relationship between the State and the Counties regarding the County liability under HB 2. Ms. Robinson raised the issue that is of greatest concern to her, a section of Paragraph III, County Payments, which reads: *"Thereafter, the Counties shall pay subsequent bills in full up to the projected total liability or may make equal monthly payments to the State..."*

Ms. Robinson noted that her concern relates to Hillsborough County's share of all costs, which is currently an average of 31.32% for the last three fiscal years (2005, 2006, & 2007). She noted that the County has always paid a larger share of DCYF costs and a smaller share of the Long Term Care cost. She noted that if the County takes all expenses going forward and pays 31.32%, it would be paying for more than Hillsborough County's own citizens. When she reviewed Nursing Home costs and HCBC for the same period, the last 3 fiscal years, the County's average is actually 29.893%. If the County pays the proposed share, it would be paying close to a 2% higher rate over the life of this Agreement. She expressed her belief that this could be a way of dividing the cost over all the counties, but Hillsborough County would pay more than the cost related to its own people. She noted her belief that it is critical to act to make sure that the following language is incorporated into the Agreement: *"Thereafter, the Counties shall pay subsequent bills in full up to the projected total liability or may..."*

Comm. Clemons asked how the Board could support Ms. Robinson's efforts. She responded that the Board should support the additional language and not allow it to be removed at the Commissioners' Council meeting level. Without the language, Ms. Robinson noted that she would have recommended that the Board not sign the agreement.

Ms. Robinson distributed copies of "*Agreement for Extension of the Authority of Hillsborough County to Continue to Establish and Collect Parental Reimbursement on Behalf of the Department.*" She noted that it addresses reporting issues with DCYF and does not believe the County will have difficulty meeting the obligations under the agreement. She did note that unless the County makes an effort to collect, to establish new re-imbusement orders from new cases, then the State would not pay the County its 10%. She informed the Board that the County will not be getting Court Orders any longer, and will not be getting all of the information that was received in the past; however, but the State is required to forward the necessary information for the County to meet parental reimbursement requirements. She further noted that the agreement requires the departments to do certain things and provide information; her Department is required to report on a monthly basis, by the 10th of each month, with a simple spreadsheet indicating the current cases and the resolution of those cases. Additionally, her department will have to provide the State with backup documents when the State takes over.

Ms. Robinson distributed copies of the Human Services report, which outlines projections for different services her Department provides. She noted that there is a total projection of \$29,430,000 with expenditures of \$29,384,615.

Following discussion, the Board agreed to move forward with consideration of the execution of the Parental Re-imbusement Agreement.

Motion: To authorize the Chairman to execute the Parental Re-imbusement Agreement. By Comm. Clemons, second by Comm. Pappas.

Comm. Holden asked to go on record as opposing the motion, noting that she is opposed to the County being a collection agency for the State.

The motion carried with two in favor and one opposed.

Comm. Pappas signed the Parental Re-imbusement Agreement.

Supt. O'Mara presented the Board with a request from Belknap County, which asks if Hillsborough County would consider accepting up to 15 medium-security male inmates at \$25/day during Motorcycle Weekend, noting that the DOC has available bed.

Motion: To approve the Superintendent's request to house Belknap County inmates at the Department of Corrections at the rate of \$25 per day during Motorcycle week. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. O'Mara reported that he received notification from the Highway Department that it does not object to inmates doing cleanup along the roadways and referred the Board to a newspaper article that appeared in the Union Leader. He indicated that he had not brought it to the Board earlier because he was awaiting approval from the Highway Department and did not expect the information to be published this soon.

Mr. O'Mara informed the Board that the Greater Nashua Humane Society sent the DOC a gift certificate as an appreciation for Community Service work done by the DOC. He noted that he would provide the Board with a calendar of Community Service work that is scheduled for this summer for the Board's

information.

Mr. Wenger referred the Board to the proposed meeting schedule for the next six months. The Board agreed to the schedule, as proposed, with the exception of adding a meeting on July 30, if needed, and moving the November 5 meeting to Nov. 6.

Mr. Wenger referred the Board to resolutions that he had provided to them (see attached), and noted that he has two lease agreements, one for the Women's Prison and the other for Goffstown District Court project. He noted that the two resolutions refer to requirements that there be a Certificate of Municipalities.

Mr. Wenger informed the Board that he has the two lease agreements for the Board's approval. He will hand deliver them tomorrow so they can be processed and get on the Agenda for the Governor and Council Meeting on June 25th, and the Goffstown Planning Board meeting on June 12.

Mr. Wenger noted that the Contractor doing the second floor renovation has agreed to use the same contract form that was used with the first floor, so he is hoping that the contract can be finalized and ready for the next Board of Commissioners meeting.

Comm. Holden moved that the following resolutions be approved by the Hillsborough Board of Commissioners:

Resolved: That this County shall enter into a contract with the State of New Hampshire, acting by and through its Commissioner of Administrative Services, providing for the performance by Hillsborough County of certain services as documented within the foregoing Lease, and that the officials listed, the Hillsborough County Board of Commissioners, Toni H. Pappas, Chairman, Carol H. Holden, Vice-Chairman, and Michael R. Clemons, Clerk, on behalf of the County are authorized and directed to enter into the said lease contract with the State of New Hampshire and that they are to take any and all such actions that may be deemed necessary, desirable or appropriate in order to execute, seal, acknowledge and deliver any and all documents, agreements and other instruments on behalf of the County in order to accomplish the same. By Comm. Holden, second by Comm. Clemons. Motion carried.

Resolved: That the signature of the above authorized Commissioners of this County, when affixed to any instrument or document described in, or contemplated by, these resolutions, shall be conclusive evidence of the authority of said parties to bind this County. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Clemons moved that the following resolutions be approved by the Hillsborough Board of Commissioners:

Resolved: That this County shall enter into a contract with the State of New Hampshire, acting by and through its Commissioner of the Department of Corrections, providing for the performance by Hillsborough County of certain services as documented within the foregoing Lease, and that the officials listed, the Hillsborough County Board of Commissioners, Toni H. Pappas, Chairman, Carol H. Holden, Vice-Chairman, and Michael R. Clemons, Clerk, on behalf of the County are authorized and directed to enter into the said lease contract with the State of New Hampshire and that they are to take any and all such actions that may be deemed necessary, desirable or appropriate in order to execute, seal, acknowledge and deliver any and all documents, agreements and other instruments on behalf of the County in order to accomplish the same. By Comm. Clemons, second by Comm. Holden. Motion carried.

Resolved: That the signature of the above authorized Commissioners of this County, when affixed to any instrument or document described in, or contemplated by, these resolutions, shall be conclusive evidence of the authority of said parties to bind this County. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Wenger noted that he will be sending a cover letter with the contract for the Goffstown District Court which will include language that the Board of Commissioners has executed and forwarded the contract with the understanding that it will be presented to the Governor and Council during the month of June, and that should final approval be delayed beyond June 30, there will be substantial price increases which will preclude the County from proceeding forward.

Mr. Wenger noted that he has a request for a Non-Public session regarding negotiations.

Comm. Pappas asked if every each of the Board members received a copy of the notice regarding Rule 7, Notice of Mandatory Appeal, from Devine, Millimet and Branch. She asked Ms. Stonner to make a copy for each Board member.

8. Non-Public Session

The Board agreed to enter Non-Public Session pursuant to RSA 91-A:3 II (e) to discuss litigation with Counsel, Mr. O'Mara and Mr. Wenger, and then into a second Non-Public Session under RSA 91-A:3 (e) to discuss negotiations with Mr. Wenger and Mr. Moorehead.

Motion: To go into Non-Public sessions pursuant to RSA 91-A:3 II (e). By Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

The Board entered Non-Public Session at 4:30 p.m.

The Board reviewed the status of Union negotiations at the Nursing Home with the AFSME unit.

The Board reviewed a pending suit involving the Department of Corrections and its Staff.

The Board did not take action.

The Board returned to public session at 4:49 p.m.

Motion: To return to public session. By Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

The Board entered recess at 4:49 p.m.

Motion: To go into recess. By Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

The Board returned to regular session at 5:50 p.m.

Motion: To come out of recess and return to regular session. By Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

8. Adjourn

There being no further business for the Board's consideration at this time, a motion to adjourn was accepted.

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

The meeting adjourned at 5:51 p.m.

(SIGNED 6/18/08)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date