

Regular Meeting of the
Hillsborough County Board of Commissioners
June 10, 2009 - **Amended**
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, M. Wageling, 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 9:04 a.m., followed by the Pledge to the Flag led by G. Wenger

2. Administrative Business

Minutes

Motion: To approve the minutes of April 2, 2009. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Motion: To approve the minutes of April 6, 2009. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Motion: To approve the minutes of April 7, 2009. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Motion: To approve the minutes of April 8, 2009. By Comm. Clemons, second by Comm. Holden.

E. Robinson requested that on page 3, at the paragraph that begins: "*Comm. Pappas asked if there was a fee for the Family Intervention Program, to which Ms. Robinson responded that there is a fee.*" Ms. Robinson noted that she believes that the term "Family Intervention Program" be changed to reflect the correct program she referred to, which is the "ADDE" program. Comm. Pappas asked, "Is everything else okay?" Comm. Pappas called for a vote on the motion.

The motion carried.

Motion: To approve the minutes of April 14, 2009. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Motion: To approve the minutes of April 27, 2009. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Motion: To approve the minutes of May 27, 2009. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Approval of Payroll Registers

Motion: To approve the Payroll Register dated 5/28/09 in the amount of \$1,101,587.59, 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 6/8/09 in the amount of \$4,918,273.36, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Telephone Polls

Motion: To approve a Telephone Poll conducted on May 29, 2009, which was conducted at the request of the Department of Corrections to seek approval to accept the transfer of a male inmate from the Merrimack County Department of Corrections. All Commissioners approved the action at the time the Telephone Poll was taken. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve a Telephone Poll conducted on June 3, 2009, which was conducted at the request of the Department of Corrections to seek approval to accept the transfer of a male inmate from the Sullivan County Department of Corrections. All Commissioners approved the action at the time the Telephone Poll was taken. By Comm. Clemons, second by Comm. Holden. Motion carried.

3. Public Comment on Agenda Items

No one from the public was present at this time.

4. Department of Corrections

Census

Comm. Pappas recognized Supt. O'Mara, who presented the Department of Corrections' Census, noting that as of June 8, the Census was 559; he explained that this included 488 men of whom 328 are being held pre-trial, and 160 have been sentenced. There were 71 women of whom 39 are being held pre-trial and 32 have been sentenced.

Supt. O'Mara requested a Non-Public session relative to compensation of an employee, and asked if Mr. Wenger could be present.

Supt. O'Mara provided the Board with a revised cover sheet for Bid # FY09-92 presented at the last meeting that listed an incorrect budget line; he provided a corrected copy for the permanent record; the underlying action has not changed.

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 276, which included 210 Medicaid residents, 35 private pay residents, and 31 Medicare Part A residents; he noted that there was a significant increase in Medicare Part A.

May Revenue

Mr. Moorehead presented a summary of the May revenue. He explained that the Budget for the month was \$1,655,673 and the actual revenue was \$1,660,229, a positive variance of \$4,446, and noted that while the census was low, the average Medicare rate was \$437, while the budget rate was \$430 for 2010.

New Position Request

Mr. Moorehead requested a position change that included the elimination of a full time Certified Therapeutic Recreation Specialist (CTRS), as well as the creation of one full time Activity Aide and one per diem Activity Aide. He noted that there will be a savings of \$524 a year to the County yet there will be a 14% increase in the activity staff coverage on weekends. He explained that Activity Aides are easier to recruit than a CRTS, and the CTRS rate that the Nursing Home offers is not competitive.

Motion: To approve the position changes, as described by Mr. Moorehead. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons inquired if not having a certified person in that position would hurt the Nursing Home's accreditation in any way, to which Mr. Moorehead responded that it would not have any effect as long as the Nursing Home has a certified director of the Activities; the Director in that position is certified.

Motion carried.

7. Old/New Business

Mr. Wenger presented a transfer on behalf of Human Services.

Motion: To approve the request of the Human Services Director to approve Budget Transfer # 2009-37, to transfer \$3,500 from Human Services Health & Accident line 7120 to Human Services In State Travel line 7700, in the amount of \$3,500. By Comm. Clemons, second by Comm. Holden.
Motion carried.

Ms. Robinson informed the Board that she met with John Wallace the previous day relative to old DCYF/DJJS billing that the State is still trying to collect. She reviewed the history of this issue, noting that the County declined to pay the \$530,000 that the State wanted to collect. Ms. Robinson explained that the State is now willing to write off \$71,000 and asks the County to pay \$432,532.81. She noted that while the State expects payment, there are reasons for not paying the bills that include that it belonged to another County, that information was never received relative to an adoption, and that Counties did not get a Court Order for the service and couldn't get one. She noted that other issues relate to the fact that the County never received the bills, or bills were received with no information related to the bill. In these instances, Ms. Robinson said that the amount of the undocumented bill would be deducted from the amount due. She suggested that the County's Legal Counsel review this issue for the County. The Board was in agreement with the recommendation to ask Counsel to investigate the issue. Comm. Holden noted that she thought that the Board should review it as well, and not have Ms. Robinson and Legal Counsel do it without the Board being involved. There was discussion about submitting 91-A requests to other Counties to learn what they were billed, and what they paid. Ms. Robinson will pursue the requests.

Mr. Moorehead thanked Mr. Wenger for his assistance in resolving telephone issues with Cisco and/or Presidio. The Nursing Home has completed the switch over to the new phone system, and the majority of issues have been resolved. Mr. Wenger noted that he is still working toward resolving one issue.

Mr. Moorehead commented that the National Guard band played the previous Monday evening at the Nursing Home to an audience of more than 200 people. He noted that the event was a big hit with the residents.

Mr. Moorehead informed the Board that he received an email from Betsy Miller that indicated that the Federal government wants to cut Medicare by 18 billion dollars over the next few years; he explained that this will make a huge impact on the Nursing Home.

He further explained that he had a discussion with E. Robinson relative to a spreadsheet that the Nursing Home received from the State that calculates what it thinks Pro Share payment would be. It reflects \$2,041,000, on a budget of \$1,200,000, so there is a conflict in the numbers. He noted that Ms. Robinson is in agreement that something is wrong with the calculation, and he is not sure of the effect on the budget; it is unknown at this point.

E. Robinson informed the Board that when meeting with John Wallace, he raised two other issues. Relative to the Stimulus-the ARAA funding, he inquired when the County would pay the part it had deducted. Ms. Robinson responded that Betsey Miller had been notified that the County would pay no sooner than a week before the State would be prepared to send the County its payment. Mr. Wallace responded that would be in a couple of weeks, to which Ms. Robinson commented that she would hope that the State would send the funds before the end of the fiscal year, and Mr. Wallace explained that the County would receive the check before the end of the fiscal year; he indicated that the State is in dispute with CMS about the unemployment rate. The rate has increased, but there is dispute between the Federal Government and the State as to when it goes into effect. Ms. Robinson noted that the County should be receiving the funds (which the State received in February) for the first two quarters-October through December, and January through March, but will probably not see the fourth quarter until after the beginning of the new fiscal year. The State has indicated that since the Counties lost the lawsuit, it will bill the County for the underpayment, based on the cap in the next State bill. Ms. Robinson noted that the money for that bill is encumbered.

Mr. Wenger updated the Board relative to Architectural plans for Chestnut Street; he met with the Architect, reviewed the first set of drawings, and discussed the needs of the County Attorney and her staff. He noted that he has had a discussion with Mr. Lorenzon about parameters, and he would like the opportunity to discuss that with the Board in Non-Public session.

M. Rusch informed the Board that the full Delegation will meet for its Public Hearing on Tuesday, June 16 at 6:00 p.m. The Executive Committee will meet Wednesday, June 17th at 9:00 a.m., and the Delegation will meet Thursday, June 18th. Comm. Clemons inquired if there would be a problem meeting a quorum, as has been the case on some occasions, to which Ms. Rusch responded that all Representatives are given the schedule, and she sends each an e-mail prior to the Public Hearing. She noted that turnout at meetings has been very good this year, and she does not anticipate that to be an issue.

Comm. Clemons explained that he read an article in the Nashua Telegraph with interest this morning; it was about NH officials looking into prison deaths; he indicated that this is not representative of the Hillsborough County DOC, it referred to prisons in New Hampshire. Also, there was an excellent piece on National Public Radio this morning; Elaine Grant was discussing drug deaths across the board in New Hampshire. He noted that he was amazed to realize that more people die of drug overdoses in the State of New Hampshire than are killed on our highways. The greatest numbers of people who die from drug overdoses are in Hillsborough County. He congratulated Ms. Robinson and Attorney Wageling for having the foresight to believe in, and endorse drug intervention programs, and the drug and alcohol programs that they propose. Comm. Clemons continued, noting that there was a poignant story about a young lady who started using drugs at the age of fourteen who is now clean; she has been clean for two years with the help of government agencies, but she was addicted at the age fourteen; she dropped out of school; she never got in contact with the agencies until she was twenty. Comm. Clemons noted that in his opinion, it is quite obvious that the earlier we intervene as far as drugs and alcohol are concerned, the better off our population will be. He continued, explaining that when a problem like this surfaces, and it has been around for years, this is a problem that is easily ignored by people who are not affected by it, but as a government official, he must say, that to ignore a problem of this magnitude would be not doing his duty as an elected official. Comm. Clemons congratulated Ms. Robinson and Attorney Wageling for advocating for these two programs, noting that he is aware that their program was not approved by the Executive Committee, noting that the decision can be overturned at the Delegation meeting. He went on to say that if they really believe in these programs, they will do everything you can from now and in the future to get them restored. He thanked the Board for allowing him the opportunity to speak on this issue.

Comm. Holden asked, "Do we have equal time? I won't bore you with the equal time; I will let Comm. Clemons continue with his...he said he had several other things." Comm. Clemons responded, "I am all set."

Comm. Holden provided the Board with information relative to a new NACo Dental Discount Program, which is available as a Pilot Program for 30 to 35 Counties. She explained that there is a cost of \$59 for an individual and \$69 for a family; the savings averages 38%. Comm. Holden explained that the break even point would be after spending \$170. Comm. Pappas noted that the County could offer the program.

Comm. Holden presented information relative to a change in governance on the NACo board; it has changed from 5 officers to 4, and 4 regional reps have been added; she noted that this step gives NH and other New England states a voice.

Comm. Holden suggested that since the Board is at the end of its budget process, the next step would be to work on County Policies and Procedures.

Mr. Wenger raised a concern relative to the requested funding for actuary work associated with the annual audit, noting that the funding was removed from the budget by the Executive Committee. He expressed concern that without funding for the actuary, the County will not meet the government's GASB accounting requirements, which requires that the County engage an actuary and that the County places a value on the post-retirement benefits that the County provides. He explained that the Board is required to obtain an audit each year, and noted that if the County does not have an actuary for the audit, the County will receive a qualified audit, which is not a good position to be in, particularly if the County needed to borrow money in the future. He asked the Board how it wished to address this issue, and offered that an option would be to do a transfer from the current fiscal year's budget to get it done now. Comm. Pappas responded that she would favor a transfer. Comm. Holden noted that she would prefer to speak at the Delegation's Public Hearing with a request to reinstate the funding in the budget, but also consider a transfer, so it is covered in either case.

The Board signed a Get Well card for former Commissioner, Rhona Charbonneau, who is recovering from an automobile accident.

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 two requests for Non-Public session, and entertained a motion.

Motion: To move into Non-Public Session with under RSA 91-A:3 II (d) relative to the lease and renovations regarding the Chestnut Street Courthouse, and to meet with Supt O'Mara, B. Moorehead, and C. Kirby under RSA 91-A:3 II (a) relative to compensation of employees. Motion by Comm. Clemons, second by Comm. Holden. Clemons-yes, Pappas-yes, Holden-yes. Motion carried.

The Board entered Non-Public session at 9:47 a.m. and met first with M. Wageling, L. Movsesian and Mr. Wenger to consider parameters for the lease following the renovation of the Chestnut Street Courthouse, followed by a meeting with Supt O'Mara, Mr. Moorehead, Mr. Wenger, and C. Kirby relative to compensation for non-affiliated employees.

No action was taken during Non-Public session.

The Board moved out of Non-Public Session and returned to its regular meeting at 10:37 a.m.

Motion: To return to Public session. By Comm. Holden, second by Comm. Clemons. 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 10:38 a.m.

(SIGNED 7/21/2009)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date