

Regular Meeting of the
Hillsborough County Board of Commissioners
July 11, 2012
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. Pappas, P. Coughlin, D. Hogan, C. Conley, M. Montminy, B. Moorehead, D. Dionne, M. Rioux, E. Robinson, G. Wenger, and L. Stonner

1. Call to Order

Comm. Ziehm called the meeting to order at 9:03 a.m. Comm. Holden notified the Board that she was unable to attend the meeting due to a medical issue.

2. Pledge to the Flag

P. Coughlin led the Pledge of Allegiance.

3. Administrative Business

Approval of Payroll Registers

Motion: To approve the following Miscellaneous Payrolls in the following amounts:

- June 29, 2012 \$5,319.57
- July 6, 2012 \$129.12

for a total of \$5,448.69, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Motion: To approve a Regular Payroll Dated July 5, 2012, in the amount of \$1,089,923.53, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Accounts Payable Registers

Motion: To approve the following Accounts Payable Registers in the following amounts:

- June 28, 2012 in the amount of \$3,110,381.15
- June 29, 2012 in the amount of \$2,703,206.86
- July 10, 2012 in the amount of \$619,779.84

for a total of \$6,433,367.85, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

CIS Bid # 2-2013 – CA-Damion Database Annual Software Maintenance

Motion: To approve CIS Bid # 2-2013 for Damion Database Annual Software Maintenance at a price of \$26,894, the vendor is Constellation Justice, Dallas, TX, it is a single source bid consistent with RSA 28:8-e V for annual contractual support. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

In response to an inquiry from Comm. Ziehm, Mr. Wenger explained that this bid is for the annual maintenance agreement for computer software used by the County Attorney's office.

4. Public Comment on Agenda Items

There were no members of the public present who wished to comment on Agenda items.

5. Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted that the Census as of July 3, 2012 was 554; he explained that the Census included 475 men, of whom 309 were pre-trial and 166 that were sentenced; there were 79 women, of whom 53 were pre-trial and 26 that had been sentenced. He added that there are approximately 20 females from Rockingham County, and there are a total 137 individuals that were diverted through the Mental Health Courts; 54 are from Manchester and 83 from Nashua. There were 5 in the Pre-Trial Services Program and 12 in the community.

7. Registry of Deeds

Revenue Report

Register Coughlin distributed a Revenue Update, explaining that June was the Registry's best month in the current fiscal year. She noted that the Registry budget was 3.4 million dollars and the unaudited revenue for the fiscal year is \$3,370,967. She reported the following increases:

- Other Fees increased by 28%
- Commissions increased in June by 35%
- LChip was up 22%, but it is down for the year
- Copy Fees were up by 17% for June
- Document Count for June was up 22%, but for the year it is up 1%

Sheriff's Office

Bid #2013-01 – Vehicle

Motion: To approve Bid #2013-01 for a Vehicle for the Sheriff's Office, it is a State bid with a request to waive competitive bidding consistent with RSA 28:8-e V; the vendor is Mac Mulkin Chevrolet, Nashua, NH at a price of \$20,654. Motion by Comm. Pappas, second by Comm. Ziehm.

Chief Deputy Connelly reported that the Sheriff's Department was fortunate to obtain the vehicle at the 2011 State bid price, and it is a part of the fiscal year budget.

Motion carried.

6. Old/New Business

Permit to Trap

Ms. Robinson informed the Board that it has received a request to trap beaver from County land adjacent to the Piscataquog River. She noted that it helps keep the beaver population under control so there is no damage from beaver dams. Ms. Robison reported that the permit has been approved in the

past and noted that the fur is used.

Motion: To approve the request for a permit to trap beaver on Hillsborough County's property based on it not being for commercial purposes. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

7. County Attorney

Revenue

Attorney Hogan reported that the County Attorney's Office has received a settlement related to gambling and added that the NH Statute says that when the prosecuting department receives money for a fine from a corporation involved in gambling, that prosecuting department is the one that keeps the funds. He added that the goal would be to use the funds to pay the bar dues for the prosecutors, which has been paid by the County prior to this budget year, and noted that he would hope that this would cover what taken from them to solve budget problems. He added that since it goes to the prosecuting department, it is his understanding that his department can decide how the funds are spent. Attorney Hogan reported that the settlement is \$5,000, and the agreement is that the fine will be paid in installments.

Mr. Wenger explained that in Hillsborough County, any unbudgeted funds must come into the County as miscellaneous revenue and any expenditure that is made must first be approved by the Delegation; therefore, unless a supplemental appropriation is requested, it will have to be addressed during the next budget cycle as an expense. He added that the County departments are not allowed by Statute to receive and spend money as they choose. Mr. Wenger explained that any unanticipated revenue received by the County is considered miscellaneous revenue, and noted that this is similar to the money that the Sheriff's Department receives, but in that case, the expenditures have been facilitated by the budget process when the anticipated funds were added to the Revenue and Expense lines in the budget, but these fines was not contemplated in the budget, therefore the funds will go into miscellaneous revenue because the Delegation has not given authority to approve the expenditure of the funds. Mr. Wenger added that if Attorney Hogan indicates that his department, by Statute, should be the one spending the funds, then during the next budget process, there should be specific lines that state that the gambling funds will be expended by the County Attorney's office, and the Delegation would authorize it and there would be offsetting revenue added to the budget. Comm. Ziehm asked if there was a shorter process the County Attorney could address; Mr. Wenger added that it would have to be a supplemental appropriation. He added that there will be a Delegation meeting to reorganize in December when the new Legislators are sworn in, and they could take advantage of that, but if a special meeting is called earlier, there would be a related cost of approximately half the \$5,000.

Attorney Hogan added that the funds go to the prosecuting department and it is his understanding that the department can use it for expenses in the department and it has been done in the past. Mr. Wenger noted that it must have been many years ago, but a Statute was enacted for Hillsborough County that limits how the funds can be used. Comm. Ziehm suggested that she could not comfortably approve the County Attorney's request until the Board received an opinion from Legal Counsel.

Appointment – New Assistant County Attorney

Attorney Hogan requested approval to add an entry level Assistant County Attorney; he added that there adequate money in the budget to bring on an Attorney and it was his intent that the person would

replace a person that left earlier; he added that it was also his understanding that the position was still in the budget at \$1, but he learned that the position was not carried forward in the FY13 budget. Attorney Hogan requested that the position be put back in the budget and explained that the work load on the Attorneys is very high, there are less Attorneys and the average number of cases per Attorney has increased. In response to a question from Comm. Ziehm, Mr. Wenger explained that the County Attorney's budget was based on the salary spreadsheets that were provided and it is his understanding now that there was an expectation that there was an additional \$1 position, but there is no \$1 position and it was not discussed during the budget process, so the position would have to be approved and created. Discussion ensued about the process. Ms. Rioux explained that when the salary sheets were done, there were several vacant \$1 positions that were not put back in the budget. Ms. Rioux explained that the County Attorney's office has reviewed the positions and would like to create the position for the Attorney that was there all along that happened to be vacant during the budget process and was not carried forward to the new fiscal year. She explained that if the position were to be put back in the budget, the department would be willing to leave the vacant secretary position open...it would not be filled. In response to a question from Comm. Ziehm, Mr. Wenger explained that the Board and the Executive Committee would have to approve the request, but it would not require Delegation approval because they would be staying within the budget; it is simply the creation of a position.

Motion: To create a position for an Assistant County Attorney in the County Attorney's Office. Motion by Comm. Pappas, second by Comm. Ziehm.

Comm. Ziehm inquired about the difference in salaries between a Secretary's position and an Assistant County Attorney position. Ms. Rioux explained that the starting salary for an entry level Assistant County Attorney is significantly less than that of the Secretary, who has been with the office for over 20 years. The Secretary's position, including rollups, was costing the County approximately \$69,000, and to bring in an entry level Attorney, the cost with a similar benefit package would be approximately \$59,000 resulting in a savings of approximately \$10,000. Comm. Ziehm asked if this \$10,000 savings will absorb some of the loss from the cuts in the Salary lines. Ms. Rioux explained that it will be a part of the solution. Mr. Wenger added that he would like the record to reflect his extreme concern relative to this issue. He added that there is a process and there is paperwork that needs to be completed to do this so he would ask that any approval would be contingent upon that being received so that it is available for the Executive Committee the following Friday that will address all the issues.

Following discussion relative to the requirements of creating a new position, Comm. Pappas offered a motion to table the motion.

Motion: To table the previous motion relative to creating a new position until after the Non-Public Session. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

6. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census; he reported that the Census as of July 5th was 281, which included 204 Medicaid residents, 42 Private Pay residents, and 34 Medicare residents. He added that there is one person on bed-hold; when a patient is temporarily out of the facility, he/she has the option of paying for the bed so as to guarantee he/she can return to the same room.

June 2012 Revenue

Mr. Moorehead indicated that he is not quite ready to share June's revenue; he is waiting for the opportunity to review it based on receiving more information. He added that the average May Medicare rate of \$410 increased to approximately \$443 for June, an increase of almost 7%. He explained that he believes the increase can be attributed to concentrating on training relative to the ADL's (Activities of Daily Living) and having the kiosks with Point Click Care. He added that he believes that will also occur on the Medicaid side and with the acuity based illnesses. He is hopeful that the facility can sustain the higher Medicare rate and drive a higher Medicaid rate

Mr. Moorehead spoke about the ProShare payment that the County received as the first part of its payment towards the end of June; it was a partial payment of approximately 1.6 million dollars. He added that he just received an email from Betsy Miller regarding the ProShare supplement and learned that the expected amount of ProShare for Hillsborough County is expected to be about 2 million dollars; he noted that the State held back funds because of budget constraints until they could get approval of the amount that the County paid for the supplement that would be over their budget. He added that Ms. Miller's comment was that Governor & Council will not meet again until August 8th, and that is the earliest that the supplement will be approved.

Ms. Robinson explained that the ProShare payment was budgeted at 1.2 million for FY12; she noted that the County is anticipating 2 million in FY13, this represents \$400,000 over the amount budgeted for FY12.

Mr. Moorehead indicated that the differential, if it is received, will cover the loss of revenue on the Medicaid side because of the Medicaid rate being reduced in January.

Mr. Moorehead referred the Board to the very positive letter from a resident's daughter who lives in Fairbanks, Alaska. He noted that the letter was also published in the Union Leader; it spoke very well of the Nursing Home care. The Commissioners agreed that the County is fortunate and they expressed their pride in the quality care offered at our Nursing Home.

Mr. Wenger informed the Board that he has letters for the Board's signature for the UNH Cooperative Extension employees that are leaving the County's employ and will transfer to employment with the University of New Hampshire.

Mr. Wenger indicated that he has letters for the Board's signature regarding the discontinuance of the Community Service Program; the letters will be sent to the Towns and Cities in the County.

Mr. Wenger advised the Board that the County has received notice from Primex regarding the Premium Holiday that it will receive as a result of the agreement between Primex and the NH Secretary of State's office regarding the return of surplus. The County will receive a holiday of \$478,103.71. He noted that the holiday will be credited to the January 1, 2012 to January 1, 2013 bill which after the payments made to date will leave a credit for the 2013 bill of \$361,399.71. He went on to explain that the appropriation for this bill was included in the FY 2013 budget at line 7140.

Mr. Wenger noted that he has reviewed the recent bills, the County's payments, the 2013 budget and the actions taken at the Executive Committee and Delegation levels of the budget and believes that the holiday will result in \$233,805 being available in line 7140. Those funds should be accessible to the Commissioners for transfer to support other budget lines consistent with his understanding of the discussions at the Executive Committee and Delegation. He explained that this amount plus the reduced expense as a result of the Board's change to the non-affiliated insurance program leaves

approximately \$337,712 available. The available funds will reduce the impact of the cuts necessary to meet the Delegation's budget from \$920,692 to \$582,979. Mr. Wenger also explained that the movement to the County's new health insurance carrier resulted in an adjustment to the timing of bill payments that will have an additional positive impact on 2013 expenditures.

In response to a question from Comm. Ziehm, Mr. Wenger noted that transfers would be necessary to move any funds to cover budget cuts. Discussion ensued relative to direction the Board may wish to take.

8. Public Comment

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

9. Non-Public Session

Comm. Ziehm entertained a motion relative to Non-Public Sessions.

Motion: To move into Non-Public Session with the following individuals relative to the following issues:

- Mr. Moorehead and Mr. Wenger consistent with RSA 91-A:3 II (a) relative to a personnel matter.
- Supt. Dionne and M. Montminy consistent with RSA 91-A:3 II (a) relative to a personnel matter.
- Att'y Hogan, Mr. Wenger and Ms. Rioux consistent with RSA 91-A:2 I (a) relative to negotiations.

Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public session at 9:55 a.m.

The Board met with Mr. Moorehead and Mr. Wenger.

The Board met with Supt. Dionne and M. Montminy.

The Board met with Att'y Hogan, Mr. Wenger and M. Rioux.

The Board moved out of Non-Public Session at 10:53.

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

The Board took a brief break.

Motion: To reduce a laundry lead worker, Position # 905612001, at the Nursing Home, and to fund the position at \$1, effective September 1, 2012. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Motion: To reduce position # 906812001, Maintenance Worker II, to \$1, effective on August 18, 2012. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried

Motion: To create a full-time Laundry worker position at a starting rate of \$11.50 per hour. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Motion: To create a temporary position at the County Attorney's office, not to exceed 120 days, consistent with County Policy. Motion by Comm. Pappas, second by Comm. Ziehm.

Attorney Hogan explained that the creation of the temporary position will help his office during the time of one, and possibly two, leaves of absence.

Motion carried.

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

Motion: To reduce position # 401741001 at the Department of Corrections to \$1.00 effective September 3, 2012. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

10. Adjourn

Lacking further business, Comm. Ziehm entertained a motion to adjourn.

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

The meeting adjourned at 11:02 a.m.

Signed 8/22/2012

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

Date