

Regular Meeting of the
Hillsborough County Board of Commissioners
August 24, 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. Pappas, P. Coughlin, P. Boardman, C. Kirby, J. O'Mara, B. Moorehead, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner

1. Call to Order

Comm. Ziehm called the meeting to order 9:03 a.m.

2. Pledge to the Flag

Ms. Robinson led the Pledge of Allegiance.

3. Administrative Business

Minutes

Motion: To approve the minutes of the Board of Commissioners meeting held on August 10, 2011. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Approval of Payroll Registers

The Board reviewed and approved the Payroll Registers.

Motion: Comm. Holden moved to approve Payroll Registers for the following dates and amounts:

- August 11, 2011 in the amount of \$360.00
- August 18, 2011 in the amount of \$777.20
- August 19, 2011 in the amount of \$160.00

for a total miscellaneous payroll of \$1,297.20, subject to review and audit. Comm. Pappas seconded the motion. Motion adopted.

Motion: Comm. Pappas moved to approve a regular payroll dated August 18, 2011, in the amount of \$1,123,229.79, subject to review and audit. Comm. Holden seconded the motion. Motion carried

Approval of Accounts Payable Registers

The Board reviewed and approved the Accounts Payable Registers.

Motion: Comm. Pappas moved to approve Accounts Payable Registers for the following dates and amounts:

- August 16, 2011 in the amount of \$594.00
- August 23, 2011 in the amount of \$1,027,749.65

for a total Accounts Payable of \$1,028,343.65, subject to review and audit. Comm. Holden seconded the motion. Motion adopted.

Transfer # 2012-01 Corrections

Motion: To approve Transfer # 2012-01 to transfer the amount of \$125,000 from line 4230-7011, Overtime Wages, and to transfer to:

- Line 4230-7010, Salaries & Wages, the amount of \$88,700,
- Line 4230-7100, Social Security, the amount of \$1,300,
- Line 4230-7120, Health/Accident, the amount of \$20,250,
- Line 4230-7130, Retirement, the amount of \$14,750

For a total transfer of \$125,000. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Transfer 2012-02 Corrections

Motion: To approve Transfer # 2012-02, to transfer the amount of \$1,200 from line 4198-7650, Fuel Oil, and to transfer a like amount to line 4198-7850, Real Estate Taxes. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

4. Public Comment on Agenda Items

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

5. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of August 18, 2011, the census for the Nursing Home was 275 total patients/residents; there were 195 Medicaid residents, 54 self pay residents, and 26 Medicare Part A residents; he noted that the Census is typically lower this time of year; it has increased this week.

Bid # 02-12 Parking Lot Seal-Coating & Restriping

Mr. Moorehead presented Bid # 02-12 and explained that this bid is for Parking Lot Seal-Coating & Restriping.

Motion: To approve Bid # 02-12 for Parking Lot Seal-Coating & Restriping with a recommendation that the bid be awarded to Hooksett Paving, Hooksett, NH at a price of \$15,765, noting that this is the lowest responsible bidder. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # 07-2012 – Spiritual Counseling (Two year contract)

Motion: To approve Bid # 07-2012 for Spiritual Counseling at the Nursing Home at a price of \$4,752 annually, noting that this is a two year contract, and that Fr. Adrien Longchamps is a sole source vendor. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Moorehead explained that this is for Catholic services at the Nursing Home; he added that approximately 75 to 80% of the residents are Catholic.

July Revenue

Mr. Moorehead presented revenue information for the month of July. He explained that Room & Board for July was \$1,899,982; the budgeted amount is \$1,742,327, which results in a positive variance of \$157,655.

Mr. Moorehead requested that the Board approve and execute the annual Nursing Home license.

Motion: To authorize the Chair to execute the annual license for the Nursing Home. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Moorehead reviewed the Medicare final rule on MDS 3.0 and noted that it is estimated that Medicare rates under the new 66 RUGS group rates will likely drop by 11.2% as compared to the rates received last year. He stated that he is hopeful that the facility can make up the difference through a higher than budgeted Medicare census and noted that Nursing Home will not know the impact of the change until it experiences several months of the new data subsequent to October 1, 2011.

Mr. Moorehead directed the Board's attention to a news item that appeared in the Union Leader focused on local Girl Scouts working in the Rehab Department to encourage physical fitness.

Department of Corrections

Census

Supt. O'Mara presented the DOC Census. He noted that as of August 16, 2011, the Census was 549, which included 467 men of whom 352 were being held pre-trial and 115 that have been sentenced. There were 70 women of whom 47 were being held pre-trial and 23 that have been sentenced.

Bid # FY12-94 – Inmate Telephone System

Mr. O' Mara presented Bid # FY12-94, noting that it is for an Inmate Telephone System and the highest bidder meeting the specifications is Securus Technologies at a rate of 74.5%; the current vendor is currently paying 56%. He explained that in this case, the desired bidder is the highest bidder because it represents the rate of commission that the facility will receive for inmate placed calls. He added that the DOC has always been concerned about what people on the outside are paying and the requirement is that the cost to the person receiving the call must be reasonable.

Motion: To approve Bid # FY12-94 for the Inmate Telephone service, and to award the bid to Securus Technologies, Dallas, TX with a commission of 74.5%; the cost to the person receiving the call is reasonable. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # FY12 – Omnicare Agreement

Mr. O' Mara explained that the DOC and the Nursing Home currently have agreements with Omnicare for pharmaceuticals; he noted that Mr. Moorehead presented a bid with Omnicare three months ago that was very favorable to the Nursing Home but when he approached them to secure a similar agreement, Omnicare was unable to provide similar pricing because the population at the DOC is unpredictable. He added that the facility continued looking for a vendor with better pricing. Mr. O' Mara recommended that the bid for pharmaceuticals be awarded to Westwood Pharmacy, Richmond, VA. They have submitted a proposal that will save the DOC 36.8%, or roughly \$80,000. He informed the Board that currently Omnicare is the filling pharmacy and recommended that the Board authorize the DOC to exercise the County's "30-day out" clause, and that it accept Westwood Pharmacy as the filling pharmacy at the end of the 30-day period through the end of the year. He added that Omnicare's bid is in the third year of a three-year contract, but consistent with all County agreements, there is a 30-day out clause. He added that Omnicare has done a good job, but the facility has become more aggressive in seeking revenues or reducing expenditures. Mr. O' Mara noted that a new three-year contract will be up for bid next year.

Motion: To execute the 30-day out clause with the Omnicare agreement with the Department of Corrections and then at the end of the 30-day period after the notice is given, to award a bid to Westwood Associates, Richmond, VA, for the balance of the year for a significant savings, noting that they are servicing Sullivan and Strafford Counties. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Holden offered her congratulations to Mr. O' Mara in his new role as Administrator for the town of Amherst, NH.

In response to a question from Comm. Holden, Mr. O' Mara responded that the dedication plaque for the Bouchard Building is being handled by Assistant Superintendent Dionne; it has been ordered and will be delivered to the Board.

Mr. O' Mara requested an opportunity to meet with the Board in Non-Public Session consistent with RSA 91-A:3 II (b) along with Attorney Kirby and Mr. Wenger.

8. Old/New Business

Mr. Wenger informed the Board that he was approached approximately a week earlier by Southern NH Planning Commission relative to the Sustainable Communities Initiative Grant and to see if the County had interest in discussing a grant opportunity. He added that Mr. Reidy and Comm. Holden joined him in meeting with individuals from Southern NH Planning as well as representatives from the Town of Goffstown. He explained that there is a competitive bid that the Planning Commission is working on; they are putting together an application in conjunction with Manchester, Bedford, and Londonderry; they are looking at zoning regulations for a zoning overlay district to address the airport corridor in an attempt to have unified zoning so that economic development going forward would be unified across the communities adjacent to the airport corridor. Mr. Wenger added that \$20,000 was budgeted for the County to investigate further zoning amendments relative to its property at the County Complex. He noted that the Planning Commission contacted the County to see if the County would be interested in joining with this grant and having one competitive grant going forward. He offered that it makes good sense to be involved with this and noted that Goffstown took a similar position. Mr. Wenger explained that the Grant Application is due before the Board's next meeting; So. NH Planning Commission would be administering the grant and conducting all the studies and hiring the necessary consultants; it would probably be a 2 to 3-year project and would likely be approximately \$200,000; he added that there is a matching component that could include soft grant expenses such as support and/or time as well as money. The County would be a part of that process. He added that when more information is available, he will return to the Board with a request that the County authorize involvement and support of the application in some manner, whether it is as a co-applicant or in support of the grant application with either a financial commitment and/or soft costs. He suggested that the Board is in a position to do both; there is money in the budget to begin the process of addressing zoning this year.

Comm. Holden explained that it is positive to be considered as a part of the Airport Corridor Project so the County land on Route 114 has advantages for possible increased revenues and lowering the burden on the taxpayers; she added that the Board and the Executive Committee would be in control of the County parcel of land.

Mr. Wenger added that the only impact on the County would be that it would be an overlay district with respect to the zoning for non-governmental uses. He added that currently the County's hands are tied, and this would open up alternatives and encourage consistent zoning ordinances between the Towns.

Mr. Reidy explained that the County's connection is not because of being a County, but is because the County has a significant piece of property that is on the 114 corridor; it makes the County a "real player" in the process. He noted that the Hillsborough County Charrette document will likely become a part of this.

Mr. Wenger added that it is his belief that this would give the County a seat at the table as Goffstown is considering what to do with its zoning. He summarized by noting that So. NH Planning would be the grant administrator.

Mr. Wenger informed the Board that he received communication from the NACo relative to Senator Frank Lautenberg of New Jersey and a resolution he sponsored that is receiving unanimous support; it is for a resolution for a National Moment of Remembrance at 1:00 p.m. on Sunday, September 11, Eastern Standard Time. They are asking for Counties, Cities, and Towns across America to support this and to sound sirens and ring bells at that time.

Motion: To participate in a National Moment of Remembrance and support the NACo initiative at 1:00 p.m. on Sunday, September 11, Eastern Standard Time. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Holden informed the Board that the previous Friday she attended the Rail Trail Steering Committee meeting. She added that she will be meeting with David Pearce after this meeting relative to the Henry Bridge Road Crossing; she added that their plan will have to go through the necessary steps on the County level for any necessary approvals.

Comm. Holden informed the Board that she has been appointed Chairman of the NACo Labor & Employment Steering Committee.

Mr. O' Mara informed the Board that the inmate horticultural project has been very successful; they have ended their harvest of zucchini and summer squash; they are still picking beans from the 2nd and 3rd plantings; cucumbers, tomatoes, and butternut squash will also be harvested. The DOC is estimating that it is saving approximately \$1,500 in frozen vegetables, and \$2,200 on the open market for purchasing vegetables. Mr. O' Mara explained that the Hillsborough County Department of Corrections purchases all its potatoes from Grafton County at a very reasonable price. He added that John Duncan, who oversees the DOC Food Service, has secured oats, flour, vegetable oil, and sun butter from Government Surplus with a value of \$7,292 for a price of \$1,166.

Mr. O' Mara reminded those present that the following Monday, agents from the Federal Justice Department will be doing their national survey relative to the Prisoner Rape Elimination Act that the DOC has been randomly been selected for.

Mr. O' Mara informed the Board that he has learned that the female inmate who is pregnant will not require methadone, as reported at the last Board meeting. She is due on approximately September 18th, and is being held on a cash bail of \$500. Comm. Ziehm asked about the status of the baby, once it is born. Mr. O' Mara responded that the inmate is pre-trial and the baby will be placed with a family member if there is one who will accept responsibility; otherwise the child will be placed in protective custody by the State.

Mr. O' Mara shared that there are 14 qualified individuals who will be starting the Academy the following week; their graduation will be approximately October 7th. He added that most of those who are leaving are going to be Police Officers at twice the salary.

Mr. O' Mara informed the Board that the DOC has in its custody high profile inmates; they include:

- 11 inmates who have been charged with some degree of murder, 3 of whom are housed at the secure Psychiatric Unit at the State Prison in Concord at the request of the State,
- 12 who are on a no-bail status including the aforementioned 11 inmates, and 1 individual being held on one million dollars cash bail,
- 3 inmates awaiting trial whose bail is between \$500,000 and \$650,000, and
- 4 inmates awaiting trial whose bail is between \$300,000 and \$499,000.

Mr. O' Mara explained that the high profile inmates are kept in a secure unit. He added that this does not include the 4 who were arrested the previous night for rape and sexual assault whose bail is likely to exceed \$500,000.

Mr. Wenger provided an update with respect to the County Attorney's grant application for software that the Board authorized; he explained that the Governor and Council has approved that award. Additionally, Mr. Wenger explained that a discussion was held with the vendor the previous Monday exploring the reality of the implementation of the software. He noted that further discussion is necessary and offered that there is a significant cost associated with the software and the County is not in a position at this time for him to recommend that the Board accept the grant; further work will be done prior to such a recommendation. M. Rioux from the County Attorney's office and D. Kearsley will be attending a kick off meeting in Concord. The software vendor anticipates that it will take about a year to implement the software across all Counties. He noted that it can be addressed during the next budget process; however, there will be a deadline for the Board to accept the grant.

Mr. Wenger updated the Board relative to moving the County Attorney's office staff back to Chestnut Street. Many issues have been addressed; there are two bids before the Board today; one is for the work stations and the other for furniture; he noted that the funds were encumbered during the previous budget year.

Bid # CT 01-2011 - Work Stations

Mr. Wenger presented Bid # CT 01-2011 and explained that this is for work stations for the County Attorney's support staff in the middle office space adjacent to the Reception Area at the Superior Court building at 300 Chestnut Street in Manchester. He added that the bid is for \$24,484.96.

Motion: To award Bid # CT 01-2011 for work stations to Office Interiors, Ltd., Dover, NH at a price of \$24,484.96 with a request to waive competitive bidding consistent with RSA 28:8-e (VI); the purchase will be made through the State supplier at the State price. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # 02-2011 – Furniture

Mr. Wenger explained that this bid is for furniture in the County Attorney's office in the rented space on the first floor and the lower level at the Superior Court building at 300 Chestnut Street in Manchester.

Motion: To award Bid # CT 02-2011 for furniture to Office Interiors, Ltd., Dover, NH at a price of \$24,484.96 with a request to waive competitive bidding consistent with RSA 28:8-e (VI); the purchase will be made through the State supplier at the State price. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

In response to a question from Comm. Ziehm, Mr. Wenger explained that there are 10 work stations.

Mr. Wenger requested that the Board reconsider Bid # CT 01-2011, noting that the correct amount is \$24,410.20.

Motion: To reconsider Bid # CT 01-2011. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To award Bid # CT 01-2011 for work stations to Office Interiors, Ltd., Dover, NH at a price of \$24,410.20 with a request to waive competitive bidding consistent with RSA 28:8-e (VI); the purchase will be made through the State supplier at the State price. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger informed that Board that Nominations for NHAC Employee Awards are due by Sept. 21st. He will distribute the forms to the Departments later today.

Discussion ensued relative to reorganization. Mr. Wenger noted that the Sheriff will have his recommendations completed by early November.

Mr. Wenger reported that Comm. Ziehm and he had the opportunity to meet with Chairman Seidel to address a number of issues, particularly reorganization. He referred to a letter that Chairman Seidel sent to the Board that reiterates the Executive Committee's intent to maintain level taxes or better in the next budget cycle. He added that there was good discussion; he came away from the meeting with 3 points:

- The Chair expressed a strong willingness and desire of the Executive Committee to assist the Board in any way possible with respect to reorganization and next year's budget
- The Chair expressed the Executive Committee's concern with respect to the budget; there is a belief that the County has an effective operation but there is concern with sustainability and succession planning
- The Executive Committee has concerns with respect to the one-time four million dollars Stimulus funding.

Mr. Wenger noted that there was agreement to meet again in September prior to the Executive Committee's September meeting.

Mr. Wenger added that, personally, he walked away from the meeting with the understanding that education and communications are vital; there are significant challenges facing the County in addressing the next year's budget and the more educated everyone is, the better the County will be prepared to address the budget. He added that he understands that it is Chairman Seidel's intent to take the Executive Committee meetings to the different Department locations, starting with the Department of Corrections in September.

Mr. Wenger offered a suggestion for the Board's consideration that could include establishing three working/study groups:

a. Revenue

- Look at what the County has for revenue sources
- Address the one-time funding issue
- Consider potential sources for generating additional revenue, both short term and long term.

b. Expense

- Look at the necessary services that the County provides, and how they are delivered
- Meet with Department representatives to review their expenses

c. Operations

- Review overall County operations
- Consider consolidation of purchasing
- Consider how maintenance is delivered
- Review Accounts Payable and the budget processes

Mr. Wenger suggested that the working groups could be informal and could provide an opportunity to discuss the broader issues without the pressure of meeting a budget deadline; the groups could report back to the Board prior to it developing its budget recommendations for FY13. A goal would be to come up with a plan to address the one-time funding issue, and to use some of the Surplus to come up with a plan over the next few years.

The Board discussed who might sit on the groups. Mr. Wenger suggested that it would be meaningful to include individuals who have the related knowledge from each of the Departments, particularly those Departments that have significant contributions to revenue. There was discussion relative to including

members of the Executive Committee and the importance of determining the scope of the study groups as well as a clear understanding that the Board is responsible for the operations of the County and with setting policy.

There was an agreement that one Commissioner will sit with each of the study groups.

There was discussion and a consensus that the schedule of meetings would be set for the working groups and topics of discussion would be chosen by the Board. The individuals that would participate in the working groups would be identified; they would include department staff, Representatives and other individuals that have been recommended.

Mr. Wenger offered that working study groups could bring forward ideas and approaches to the Board; the Board could then set the policy. The groups would not have authority to set policy but could meet to develop ideas that the Board could carry forward in developing the budget instructions manual in January. Discussion ensued relative to the working groups with a consensus that the Board move forward.

Motion: To direct Mr. Wenger to move forward with developing working groups with specific objectives and recommendations for participants for each group. Motion by Comm. Pappas, second by Comm. Holden. Motion carried

Mr. Wenger noted that he will return to the Board with an outline for the working groups no later than the next Board Meeting.

9. Public Comment

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

10. Non-Public Session

Comm. Ziehm entertained a motion for Non-Public Session.

Motion: To move into Non-Public Session:

- to meet with Attorney Kirby, Mr. Wenger, and Mr. O' Mara consistent with RSA 91-A:3 II (b) relative to personnel, and then
- to meet with Attorney Kirby consistent with RSA 91-A:3 II (e) relative to litigation.

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

The Board moved into Non-Public Session at 10:20 a.m.

The Board met with Attorney Kirby relative to litigation.

The Board met with Attorney Kirby, Mr. Wenger, and Mr. O' Mara relative to personnel.

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

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

Mr. Wenger reviewed the requirements, procedure and processes related to the hiring of a new Superintendent including reviewing the current job description, Teamster Agreement, posting requirements, and recruitment. The Board agreed to meet again on August 31st to address the Superintendent search. Mr. Wenger added that there is a process for posting internally, externally and then advertising the position as well as the application

process and many other related policies. He added that it would be appropriate for the Board to act on Mr. O' Mara's resignation.

Motion: To accept Mr. O' Mara's resignation from the position of Superintendent, with regret.
Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

11. Adjourn

There being no further business, 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 11:09 a.m.

Approved 10/19/11

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

Date