

Regular Meeting of the
Hillsborough County Board of Commissioners

August 29, 2007
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, B. Moorehead, C. Kirby, D. Thivierge, E. Robinson, J. O'Mara, G. Wenger, M. Rusch, R. Mercier

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 3:42 p.m. Comm. Holden led those present in the Pledge to the Flag.

2. Personnel Commission

Motion: To convene the Personnel Commission in a Non-Public session under RSA 91-A:3 1(a). By Comm. Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

The Personnel Commission convened at 3:44 p.m. and met with E. Robinson, D. Thivierge, C. Kirby and G. Wenger. The Commissioners reviewed a personnel matter presented to the Commission's for consideration and were advised regarding procedural matters including the grievance process, notice process and termination process. The Board did not take action at this time.

The Board came out of Non-Public session at 4:00 p.m.

Motion: To come out of Non-Public session. By Comm. Holden, second by Comm. Clemons. Pappas-yes, Holden-yes, Clemons-yes. Motion carried.

Motion: To recess the Personnel Commission. By Comm. Holden, second by Comm. Clemons. Motion carried.

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

The Board recessed the regular meeting to consult with Counsel at approximately 4:02 p.m.

Motion: To come out of recess. By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board came out of recess and returned to the regular meeting at 4:20 p.m.

3. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 8/23/07 in the amount of \$1,051,349.07 subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 8/28/07 (FY08) in the amount of \$449,250.81 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Telephone Polls

Comm. Holden presented the details of the 8/16/2007 Telephone Poll, noting that on Friday August 17, 2007 a Telephone Poll was conducted at the Department of Corrections request, seeking to approve the transfer of a male inmate from Merrimack County to Hillsborough County. The Telephone Poll was to authorize the Superintendent to accept the transfer of a male inmate from Merrimack County. Comm. Holden presented the motion for approval and informed the Board that the motion was made and seconded and the motion passed unanimously.

Motion: To accept the August 16, 2007 Telephone Poll. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden presented the details of the 8/23/2007 Telephone Poll in which Mr. Moorehead was seeking approval to extend the Nursing Home's agreement with Harmony Health Care under the same terms and conditions through June 30, 2008. Comm. Clemons noted that the Telephone Poll was conducted and approved unanimously.

Motion: To accept the August 23, 2007 Telephone Poll. By Comm. Holden, second by Comm. Clemons. Motion carried.

4. Department of Corrections

Census

Superintendent J. O'Mara was not present. Comm. Holden read the Department of Corrections census, noting that the census at the facility on August 22, 2007 was 538. She noted that 485 were men, of whom 170 were sentenced and 315 were being held pre-trial, and further noted that there were 53 women, which included 16 that were sentenced, and 37 who were being held pre-trial.

Bid #FY08-18 – Complex Boilers (2) – Tune and close

Motion: To approve Bid #FY08-18 for 2 Complex Boilers to Tune and Close, to Northeast Mechanical, 78 Londonderry Turnpike, Hooksett, NH for \$2,623, noting it is the lowest responsible bidder. By Comm Clemons, second by Comm. Holden. Motion carried.

Bid #FY08-19 – Hobart Dishwasher Service Contract

Motion: To approve Bid #FY08-19 for a Hobart Dishwasher Service Contract, to Hobart Corporation, Industrial Park Drive, Hooksett, NH for \$2,677, noting that under RSA 28:8-e.V, this is a request to waive competitive bidding since this is the only authorized dealer to provide the service contract on the equipment. By Comm. Holden, second by Comm. Clemons. Motion carried.

Bid #FY08-20 – Blodgett Oven (Model 961)

Motion: To approve Bid #FY08-20 for a Blodgett Oven (Model 961), to Federal Supply, 117 Washington Street, Waukegan, IL for \$11,348.29, noting it is the lowest responsible bidder. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid #FY08-21– 2 Lexan Sliding Doors

Motion: To approve Bid #FY08-21, Department of Corrections, for 2 Lexan Sliding Doors to Willow Products of Decatur, AL for \$4,654 with a request to waive competitive bidding pursuant to RSA 28:8-e.V, noting that it is the manufacturer of the existing doors and it will fabricate the new doors to match. By Comm. Holden, second by Comm. Clemons. Motion carried.

Bid #FY08-22 – Security Camera Equipment and Installation – Hallways

Motion: To approve Bid #FY08-22 – Security Camera Equipment and Installation in the Hallways at the Department of Corrections, to Pelmac, 12 Commercial Street, Auburn, NH for \$28,569, under the terms of under RSA 28:8-e.V, noting this is a request to waive competitive bidding for an on-going project and it is the vendor for all previous equipment purchases and installations. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid #FY08-23 – Parking Lot Repair and Sealing

Motion: To approve Bid #FY08-23 for Parking Lot Repair and Sealing, to Bedford Sealcoating, Bedford, NH for \$5,100, noting it is the lowest responsible bidder meeting the specifications. By Comm. Holden, second by Comm. Clemons. Motion carried.

Bid #FY08-24 – Fire Prevention System Maintenance Agreement

Motion: To approve Bid #FY08-24 for Fire Prevention System Maintenance Agreement to BK Systems, 4 Cote Avenue, Goffstown, NH for \$3,595, noting that while another vendor bid the same amount, BK Systems installed the current system and it has a good history with previous agreements at the Complex. By Comm. Clemons, second by Comm. Holden. Motion carried.

Bid #FY08-26 – Kitchen chemicals

Motion: To approve Bid #FY08-26 for Kitchen chemicals for the Department of Corrections, to Accu-chem of Holbrook, MA, the lowest responsible bidder for all products listed in the RFP, noting that the enclosed fact sheet has all the prices. By Comm. Holden, second by Comm. Clemons. Motion carried.

Bids #FY08-27 through Bid #FY08-44

Bid #FY07-27, Bid #FY07-28, Bid #FY07-29, Bid #FY07-30, Bid #FY07-31, Bid #FY07-32, Bid #FY07-33, Bid #FY07-34, Bid #FY07-35, Bid #FY07-36, Bid #FY07-37, Bid #FY07-38, Bid #FY07-39, Bid #FY07-40, Bid #FY07-41, Bid #FY07-42, Bid #FY07-43, and Bid #FY07-44.

Motion: To approve Bids #FY07-27 through Bid #FY07-44, for kitchen paper, plastics and disposables for the amount listed on the RFP, to Central Paper Products Co., Manchester, NH. Comm. Holden noted that the items for bid included aluminum foil, seal wrap, wax sandwich bags, soufflé cups, hair nets, bun rack covers, medium weight plastic spoons, sandwich bags, large plastic food service gloves, heavy duty plastic spoons, heavy duty plastic forks, heavy duty plastic knives, spork kits, foam cups, foam plates, foam bowls, foam hinged containers and quarter fold napkins; the quantity ranges from 50 rolls to 1,000 cases. She also noted there are two bidders; Corporate Express was the lowest bidder on 7 items and Central Paper, with a 7% discount, was the lowest bidder on 11 items. By Comm. Clemons, second by Comm. Holden, with detail added. Motion carried.

J. O'Mara joined the meeting.

4. Nursing Home

Census

Mr. Moorehead was recognized. He presented the Nursing Home Census, noting that as of August 30, the Census was 273, which included 207 Medicaid residents, 36 private pay residents, and 30 Medicare Part A residents.

Mr. Moorehead referred the Commissioners to the July Revenue sheet in their packet, noting that the budgeted income of \$1,538,060, versus the actual revenue total for the month of \$1,565,796, resulted in the revenue being \$27,736 over budget to the good; the positive revenue is primarily due to higher private-pay days, and the Medicare average rate increasing.

Bid # 1-2008 – Hospice Services

Mr. Moorehead presented Bid #1-2008 for Hospice Services, informing the Board that there were four bidders, and noted that the Nursing Home has decided to approve two bidders, the first being the primary vendor, and the second being the secondary vendor. Mr. Moorehead recommended that Allegiance Hospice Group be awarded the bid for \$425 as the primary vendor and that Manchester VNA be awarded the bid at \$400 as the secondary vendor. Mr. Moorehead noted that in most circumstances the lowest bidder is awarded the contract; however, in this case, none of these services cost the County any money. He also noted that in this case, a higher rate is better because when Hospice patients that are considered GIP (General In-Patients), the Medicare component is the rate that the hospice provider actual reimburses back to the Nursing Home; the higher rate is better because it generates a little cash for the County plus it gives hospice residents a choice to come into the Nursing Home.

Mr. Moorehead also asked for approval to continue the existing agreement with VNA for 30 days to allow time to finalize and draw up the two agreements for these bids with the proposed vendors.

Motion: To approve Bid # 1-2008 for Hospice Services, to Vendor number one: Allegiance Hospice Group, Manchester, NH, GIP rate of \$425 per day, HCNH Daily Rate for Private Pay Residents as the primary vendor, and Manchester VNA at the GIP Rate of \$400 per day, general respite rate of \$142.70 per day as the secondary vendor and to approve the extension of the current contract under its terms and conditions for a term of 30 days to allow Mr. Moorehead time to have the contracts drawn up and reviewed. By Comm. Holden, second by Comm. Clemons. Motion carried.

Facility License Renewal

Mr. Moorehead requested that the Chair sign an application for the Facility License renewal, which is expiring December 31, 2007 and needs to be submitted by the end of December, noting that this is done each year. The Board consented to the Chair executing the renewal application.

6. Old/New Business

Change a Light Campaign

Comm. Holden informed the Board that she has signed up for the Change a Light Campaign, so now the County has one person signed up; she explained that Strafford and Sullivan counties have signed up nine between them, noting it is a matter of going on to the NACo website and signing up; when you sign up, you receive a \$3 off coupon at Office Depot. She noted that it has not taken off in Hillsborough County and suggested that if the Board signed up along with the other Department Heads, perhaps they could reach double digits in enrollment. She informed the Board that a second portion of the campaign for the entire County

begins October 3.

Comm. Holden noted that she will be speaking in Peterboro in a couple of weeks and will be bringing Prescription Drug cards; she brings them to other communities when visiting. E. Robinson indicated that each month, more and more people are using the cards; she has been contacted by a Peterboro clinic who requested information.

Request for Credit Card

Mr. Wenger updated the Board regarding a previous discussion with respect to the County Attorney's Office requesting a Credit Card because they are paying additional charges when they book flights and incur other expenses, noting they could save if they had access to a Credit Card for these situations. Mr. Wenger explained that he has looked at the request and has been able to resolve some issues in order to obtain the Credit Card through Citizen's Bank. The application; however, requires that the people with authority execute the agreement. The bank has decided that authorization should come from the Board, therefore Mr. Wenger is requesting that the Board issue a motion to approve the issuance of one Credit Card through Citizen's Bank for use by the County Attorney with one additional authorized user, who will be Pam Boardman-the Business Administrator, and further to authorize the Chair to execute, on behalf of the Board, the application, Certificate of Authority, and other documents necessary to get the Credit Card.

Motion: To approve the issuance of one Credit Card through Citizen's Bank to be used by the County Attorney, with one additional authorized user, Pam Boardman, and to authorize the Chair to execute, on behalf of the Board, the application, Certificate of Authority, and other documents necessary to establish the account. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas informed the Board that she attended an organizational meeting for HB 02. E. Robinson reported that she too attended the meeting and informed the Board of discussion, noting that rate-setting and case management continues to be in the hands of the State with the costs being borne by the Counties. There was discussion about the fact that there is not real good information about the numbers involved, but Ms. Robinson has done some projections for Hillsborough County. There was discussion at the meeting about the laws and payment of juvenile programs in the Counties, including whether the State might pay for the programs yet have them continue to be run by the Counties; there was also discussion about the portability of Medicaid from one Nursing Home to another. She noted that at today's meeting it was reported that as of August 1, 2007, the Nursing Home rates had a 19.1% budget neutrality factor, further noting that the budget neutrality factor is used to make the Nursing Home payments match the State budget, and the concern from the members of Legislature was that the current budget neutrality factor rate is high this early in the session. There will be many more discussions relating to rate setting, who should be setting rates, and how the Counties will be involved in rate setting. The next meeting is scheduled for September 12.

Mr. Wenger informed that Board that there is a request from the Association of Counties, specifically Strafford County, to assist with the Annual Conference Silent Auction and the Goody Bags. They are looking for help in stuffing the bags and have asked the Commissioners for a contribution. Registrations for the Annual Conference are due the beginning of September; he encouraged the Board to think of possibilities for the Awards.

Mr. Wenger reported that the County is continuing to work with the State regarding Code Compliance issues for the Goffstown District Court on the second floor so that the County can begin the bid process as soon as possible.

8. Non-Public Session

Mr. Wenger noted that he has received two requests for Non-Public sessions in addition to the Board's need for a Non-Public session, for a total of three. The Board issue falls under RSA 91-A:3 II (e), pending litigation, then another under RSA 91-A:3 II (d), with respect to lease for property, and the last under RSA 91-A:3 II (b), the hiring of a County employee.

Motion: To go into Non Public under RSA 91-A:3 II (e), pending litigation; RSA 91-A:3 II (d), with respect to lease for property; and RSA 91-A:3 II (b), the hiring of a County employee. By Comm. Holden, second by Comm. Clemons. Pappas yes, Holden yes, Clemons yes, motion carried.

The Board moved into Non-Public session at 4:55 p.m.

The Board discussed lease issues pertaining to the Goffstown District Court project and parameters for the same without taking action.

The Board discussed the hiring of the Board's Secretary.

The Board was brought up to date regarding pending litigation matters.

The Board came out of Non-Public session at 5:03 p.m.

Motion: To come out of Non Public session. By Comm. Holden, second by Comm. Clemons. Motion carried.

J. O'Mara discussed the investigation regarding the resignation of an officer.

Mr. Wenger discussed an issue with the Board with respect to litigation because of a previous reorganization, in which Primex is involved, and requested that the Board indemnify him personally, under the applicable statutory provisions.

Mr. Wenger noted that he is prepared to hire a part-time secretary for the Business Office; it is Linda Stonner. After a discussion with the Business Office staff, it is their belief, and his, that the position is better suited for a part-time person, so he would like to try it as a part-time position. He noted that Ms. Stonner has experience in business, but at this time in her life is looking to step back, have a part-time job with some flexibility. The Board noted its consent and looked forward to welcoming Ms. Stonner to the County.

Motion: Consistent with RSA 29-A:2, having reviewed the allegations against Mr. Wenger, the Board determines that the acts complained of were, if proven, committed while acting within the scope of his official duty for the County, were not wanton or reckless, and that the County will provide legal representation for him and that the County will defray all costs of such representation or defense and that the County protect, indemnify, and hold him harmless from any costs, damages, awards, judgments, or settlements arising from said claim or suit. By Comm. Holden, second by Comm. Clemons. Motion carried.

7. Public comments on Agenda Items

H. MacLenny of Nashua was recognized. He complimented the Board on the efficiency with which it carried out its business during the meeting.

9. Adjourn

There being no further business for the Board's consideration, the Board moved to Adjourn.

Motion: To Adjourn. By Comm. Holden, second by Comm. Clemons. Motion carried.

The meeting adjourned at 5:07 p.m.

(SIGNED 7/16/08)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date