

Regular Meeting of the
Hillsborough County Board of Commissioners
September 17, 2014

Bouchard Building, Goffstown, NH

Minutes of the Public Session

(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Pappas, Comm. Holden, J. Hardy, P. LaFrance, C. Beaulac, D. Dionne, C. Kirby, B. Moorehead, G. Wenger and L. Stonner

Call to Order

Comm. Pappas called the meeting to order at 9:04 a.m. Mrs. Stonner led the Pledge of Allegiance.

Administrative Business

Minutes

Comm. Pappas requested an addition to the end of the first paragraph on Page 4 of the minutes dated September 3, 2014; her request was to add: "*Comm. Pappas asked if there was anything else on that issue; there was no further discussion.*" The subject was deferred pending Comm. Holden's arrival.

Mr. Wenger noted that the motion on Page 4 relative to Ms. Robinson spending up to \$1,000 for a gift from Hillsborough County should note that the expenditure will be paid by the stipend that the County receives as the Conference host from the NHAC funds; it is not County funds.

Comm. Holden joined the meeting and explained that she had been delayed by a conference call with the Northeast Region.

Motion: To approve adding that the expenditure comes from the NH Association of Counties' Conference budget. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

Comm. Pappas noted that she requested the addition of the sentence: "*Comm. Pappas asked if there was anything else on that issue; there was no further discussion,*" to the minutes that were distributed after the last meeting. Comm. Holden asked if the change was incorporated into the minutes before the Board today. Comm. Pappas responded in the affirmative. Comm. Holden suggested that the minutes be left as presented in the Board's packet.

The paragraph, as presented, reads:

"Awards Committee

Comm. Pappas noted that she has received 2 or 3 nominees for County Awards and reminded those present that Award Nominations are due by the Friday, Sept. 5th. She added that she will come in and pick them up on Friday, September 5th. Commissioner Holden added that she will bring her nominations in on Friday. Comm. Pappas asked if there was anything else on that issue; there was no further discussion."

Motion: To approve the minutes of September 3, 2014, as presented. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

Comm. Holden offered that the Board should vote on who would serve on the Awards Committee in future years, and stated that Comm. Pappas would serve this year.

Motion: To have Comm. Pappas serve on the Awards Committee for this year. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Payroll Registers

Motion: To approve a Miscellaneous Payroll register dated September 11, 2014 in the amount of \$990.42. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To approve a Regular Payroll register dated September 11, 2014 in the amount of \$1,157,669.86, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

Approval of Accounts Payable Register

Motion: To approve an Accounts Payable register dated September 16, 2014 in the amount of \$3,793,826, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

Public Comment on Agenda items

There was no one present who wished to comment on Agenda items.

Department of Corrections

Census

Supt. Dionne presented the Department of Correction's census. He noted that as of September 9, 2014, the total in custody was 505. It included 394 men; 139 had been sentenced and 225 were awaiting trial. There were 111 women; 56 had been sentenced and 55 were awaiting trial.

Supt. Dionne reported that the Department of Corrections was also holding 32 female inmates from Rockingham County, and there were 133 individuals in the diversionary Mental Health program; 69 were from Manchester and 64 were from Nashua. He added that the DOC also had 21 in the Community in day-reporting programs.

Overtime Impact Report

Comm. Pappas noted that the Overtime Impact Report is included in the Board's packet.

Supt. Dionne reported that the Correctional Officer Training Academy is in its second week and has lost one of its participants.

Nursing Home

Census

Mr. Moorehead reported that the Census at the Nursing Home as of September 11, 2014 was 280 residents; there were 207 Medicaid residents, 34 Private Pay residents and 39 Medicare Part A or managed care residents.

August Revenue

Mr. Moorehead presented the unaudited August Revenue. He explained that the budgeted Revenue for Room & Board and ancillaries for August was \$1,930,454 while the actual was \$2,001,178, which resulted in positive Revenue of \$70,724. He added that it was a 31-day month.

Year-to-Date Revenue

Mr. Moorehead presented the unaudited Year-to-Date Revenue; he informed the Board that the budgeted Revenue for Year-to-Date is \$3,860,908 while the actual is \$3,987,875, which resulted in a positive Revenue variance of \$126,967. He noted that the report does not include Revenue from ProShare or Bed Tax, which will be coming later.

Survey Update

Mr. Moorehead reported that the recent Certification & Licensure survey was conducted between September 9th and September 11th and was very favorable for the Nursing Home. There were no tags or issues on the Health Survey for the second year in a row. He added that there was 1 minor tag on Life Safety, which was related to 10 of the hundreds of doors in the building having a gap that exceeded the minimum gap allowed; the doors are in the process of being brought into compliance. He added that some of the comments made by the surveyors at the exit conference were:

- “The residents were very happy”.
- “The building has complex cases in which there is a peaceful environment”.
- “Interactions between the staff and patients are good.”
- Families stopped surveyors to say, “This is the place to go.”
- “The Nursing Home is in good shape regarding its electronic health record and its computers.”
- “It is a great facility and the high level of staff training shows.”

Mr. Moorehead added that it is his belief that the survey will positively impact the facility’s 5 Star rating, and added that it is currently rated at 5 Stars overall with 4 Stars for staffing and 5 Stars for QA. He added that a 5 Star rating two years in a row is a remarkable accomplishment. Mr. Moorehead noted that the chance of error is huge when one considers that the building is so large, that there are so many staff, and that there are so many residents,

Mr. Moorehead noted that he has a Licensure Renewal that the Nursing Home does annually and requested that it be signed by the Chair.

Motion: To authorize Comm. Pappas sign the Licensure Renewal for the Nursing Home. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Mr. Moorehead informed the Board that Dee Stevens, a long-term 11-7 Supervisor is retiring after 46 years of service. He added that he has a Draft Resolution of a Certificate that will be presented to her on the evening of her Retirement Banquet, and requested that it be signed by the Board. The Commissioners agreed to sign the Certificate and express their appreciation for her many years of service. Mr. Moorehead read the Certificate; a copy will be maintained with the permanent record.

Mr. Moorehead noted that he has completed the Draft of the letter for the affiliate that would go to the Delegations relative to postponing Phase II of the Managed Care Program. He noted that Mr. Wenger helped draft the letter and it is ready for the Board’s signature, further noting that it is critical because the deadline is April 1st and the goal is to influence the Governor to extend the implementation of the program. Further discussion ensued. Mr. Moorehead noted that Commissioner Toumpas, NH Health & Human Services, has indicated that “they would not start the program until they were ready.”

County Attorney's Department

County Attorney LaFrance informed the Board that the previous Friday when meeting with the Attorney General's office, she learned that there is a case being heard before the Supreme Court that deals with the database of potentially exculpatory information contained in the files of police officers. She added that State v. Rand was heard out of Merrimack County and involves a defense attorney who feels that the change in the law that happened two years ago requires the prosecutors in every single case to review the personnel file of any police officer who is a potential witness in the case. She noted that were that to be required, it would involve a significant amount of additional time on the part of the County's attorneys to review the additional files; last year there were 2500 cases and there is an average of 2-3 officers who might be required to testify in every case. She added that a major felony may involve 10-20 police officers, so if this case is won, the results would drastically impact the prosecutors ability to do their job and would require additional time and expense and additional prosecutors for the County's attorneys and significantly increase the County Attorney's budget. She noted that she does not believe the Superior Court will require that; the Statute basically says that the County's Attorneys have an ongoing duty to notify a defendant of exculpatory information; at this time, the Police Chiefs notify the County Attorney's office if there may be a potential issue; the Assistant County Attorneys have access to the database and they check it in every case to make certain that none of their witnesses are on this list.

Appointment of Assistant County

Attorney LaFrance requested the Board's approval to hire an Assistant County Attorney. The request will be discussed in Non-Public session.

Old/New Business

Retirement Contribution Rates

Mr. Wenger noted that the Board has information in its packet relative to Retirement System contributions and added that the July 1, 2015 through July 1, 2016 employer contributions will increase; Group 1 will increase by .4% and Group II will increase by 1.08%. He further added that Group I has increased 2.37% and Group II has increased 6.43% over the past 4 years.

Superior Court Conference

Superior Court Conference

Comm. Pappas noted that the Superior Court Conference is scheduled to convene at 8:30 a.m. at the Holiday Inn on the following Friday. The Commissioners noted that each plans to attend the Conference; Attorney LaFrance indicated that she will attend along with 2 First Assistant County Attorneys. Supt. Dionne noted that he will also attend the Conference.

Attorney LaFrance explained that there was a consensus at the County Attorney's affiliate meeting that if the felony Case Fow pushes through, they will have to do away with probable cause hearings. She noted that her office could not handle the 2500 additional hearings each year.

Mr. Wenger added that it was important to give consideration to the expenses related to 2500 potential additional hearings; there would be additional prosecutors, additional photocopy machines, additional paper, additional mailings and other additional expenses. Discussion ensued relative to the issues. Attorney LaFrance noted that an argument is being made by Judge Nadeau that it will save time,

however, she does not believe that is true for all cases because investigation still needs to be done for the serious crimes, and that takes time. Supt. Dionne indicated that he will also attend.

Attorney LaFrance indicated that Judge Nadeau has already started a Pilot Program in Strafford and Cheshire Counties; Strafford County does what is called “vertical prosecution:” the County Attorneys start out with the case in Circuit Court (formerly called District Court), so it was a natural place to begin the process and see how it would work. She emphasized that it is very different for Hillsborough County, and it would affect the Towns as well as the County. She noted that the Grafton County Attorney has Officers that have to travel an hour to reach Superior Court to testify for a Probable Cause Hearing, and then an hour back...and that could be from a 2-Officer Town. Attorney LaFrance concluded by saying that she wants to make sure everyone looks at the big picture when giving this issue consideration. Attorney LaFrance explained examples of Probable Cause hearings.

NHAC Awards Committee

The subject was covered during the discussion of the minutes.

NHAC Conference Planning

Mr. Wenger updated those present regarding the NHAC Conference details. He provided the following information:

- The Agenda should be distributed by the end of the week.
- Al Getler has been engaged as speaker/comedian; he will provide entertainment on Sunday night and provide the keynote speech on Monday morning; he has agreed to do both for \$1,750, plus meals and room. Mr. Wenger requested Board approval to engage Mr. Getler, and noted that the stipend that the County receives for the Conference includes 4 rooms.

Motion: To engage Al Getler for the NHAC Conference, noting that the expense will be paid through the NH Association of Counties. Motion by Comm. Ziehm, second by Comm. Holden.
Motion carried.

Addition Conference details include:

- Mr. Wenger explained that the County was able to secure the gift glasses discussed at the last meeting for significantly less than anticipated. Comm. Ziehm added that she would like to purchase 6 of the glasses.
- Awards for employees were discussed; there will be discussion at the affiliate meeting of Commissioners with the recommendation that the number of awards will be reduced. The awards for Elected Officials and Citizen’s awards will be presented at lunch on Monday. Awards for employees will be presented at the evening banquet.
- There will be a recommendation for an “Above & Beyond” award for an individual who has given a great deal of time to the Association.
- Of the 4 rooms, 2 have will likely can be used by speakers; considered can be given to who might utilize the additional 2 rooms.

Mr. Wenger noted that the NH Association of Counties’ Officers met the previous week and has posted the job position that was previously held by Betsy Miller. He explained that the duties are based on the Job Description and responsibilities previously provided by Betsy Miller, and added that there is an interest in obtaining a lobbyist or attorney that can focus on the issues facing the Counties. Mr. Wenger said that a goal is to hold a moderated meeting at the Conference to address the direction of the Association and make it better for everyone. He noted that they are looking for an independent moderator for that session.

Mr. Moorehead offered that consideration might be given to consolidating the NH Association of Counties and the NH Healthcare Association. Discussion ensued regarding the shared and individual interests of the two organizations.

Mr. Wenger informed that Board that there was a large sale of property in the County that should positively affect the Registry budget.

Planning Discussion

Mr. Wenger asked to defer the discussion until he has an opportunity to meet with Comm. Ziehm and address it at the next meeting.

Sheriff Hardy requested that the Chair sign the Annual Certification Report; the report provides an accounting of the Drug Asset Forfeiture funds, and is due Sept. 30th. The Board agreed to sign the report, contingent upon the Staff Accountant verifying the numbers.

Motion: To authorize the Chair to sign the Annual Certification Report subject to review by the Commissioner's Office of Administration & Finance. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Sheriff Hardy reported that his office is developing a new fee schedule and is working to identify the expenses related to the Communications Center for those communities that utilize it.

The next meeting NHAC meeting will be held on Friday, October 3rd.

Public Comment

There was no one present who wished to comment

Non-Public Session

Mr. Wenger requested an opportunity to meet with the Board and any interested Department Heads consistent with RSA 91-A:2 I (b) relative to collective bargaining, and Attorney LaFrance requested an opportunity to meet consistent with RSA 91-A:3 II (a) relative to the hiring of an employee.

Motion: To move into Non-Public Session consistent with RSA 91-A:2 I (b) relative to collective bargaining, and to meet in Non-Public Session consistent with RSA 91-A:3 II (a) relative to the hiring of an employee. Motion by Comm. Ziehm, second by Comm. Holden. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

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

The Board met with Attorney LaFrance.

The Board met with Mr. Wenger, Mr. Moorehead, and Supt. Dionne.

The Board returned to its regular meeting at 11:02 a.m.

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

Comm. Pappas asked if the Board had further business to discuss. Comm. Ziehm offered the following motion:

Motion: To approve the hiring of Lexie Rojas as an Assistant County Attorney for the County Attorney's Department, noting that the appointment has been submitted to the Attorney General's office. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To seal the documents shared in Mon-Public Session. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

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

Adjourn

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

The meeting recessed at 11:03 a.m.

Approved on 10/1/2014

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date