

Regular Meeting of the
Hillsborough County Board of Commissioners
September 30, 2015

Bouchard Building, Goffstown, NH

Minutes of the Public Session

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

Present: Comm. Ziehm, Comm. Holden, Comm. Pappas, P. Coughlin, C. Kirby, M. Montminy, M. Castonguay, G. Wenger, and L. Stonner.

1. CALL TO ORDER

The meeting convened at 9:08 a.m.

Pledge of Allegiance

Register Coughlin led the Pledge of Allegiance.

2. ADMINISTRATIVE BUSINESS

Approval of Minutes

Motion:

To approve the minutes for the Board of Commissioner's Regular Meeting held on September 16, 2015.
Motion by Comm. Pappas, second by Comm. Ziehm.

A discussion followed. Comm. Holden referred to the page 8, paragraph 7; she indicated that this statement was not correct. The sentence in question read: "*The Board agreed to review the proposed changes for discussion at its next meeting.*" She indicated that that was not accurate; no motion relative to this was made during the meeting and she would like the sentence removed because it implies that she concurred with the statement and she did not, and it was an assumption made by the scrivener. Comm. Pappas noted that that does not preclude the Commissioners from discussing these changes. Comm. Ziehm indicated that she specifically said that she did want to discuss these changes and she remembers Comm. Pappas wanting to as well. She suggested that the sentence read: "Comm. Ziehm and Comm. Pappas agreed to review the proposed changes for discussion at its next meeting."

Motion:

To remove the seventh paragraph on page 8 and replace it with: "*Comm. Pappas and Comm. Ziehm agreed to review the proposed changes for discussion at its next meeting.*" Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried with Commissioners Pappas and Ziehm voted in favor of the motion; Comm. Holden voted against the motion.

Comm. Holden noted that she would like to listen to the tape.

Mrs. Stonner presented two changes requested by Mr. Moorehead. The first is the last word of the last sentence on page 2. It reads:

"He noted that the Medicare patient days for the month was 802 and the average daily Medicare census was 26.5 with a budget at 28."

He requested that the last part of the sentence be changed to:

"with a budget at 38."

Mrs. Stonner also noted that Mr. Moorehead requested the addition of a sentence in the last paragraph on page 4. He would like it to be changed to add:

“Mr. Moorehead responded that the posting question is a conversation for another day and is not relevant to the Grievance.”

Mrs. Stonner noted that she had reviewed the recording and that the request does accurately reflect what was said at the meeting. The paragraph, with the requested addition, would read:

“Ms. Hulst asked about the possibility of posting every opening. Mr. Moorehead responded that the posting question is a conversation for another day and is not relevant to the Grievance. Mr. Moorehead emphasized that the facility cannot move a person from one shift to another if it is going to jeopardize care. Ms. Dubois noted that it could create a predicament if all the senior nurses were on one shift.”

Motion:

To approve the changes as requested by Mr. Moorehead. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Comm. Ziehm noted that the Board would need to revisit Comm. Pappas’ initial motion to approve the minutes. The motion was re-stated and voted as follows:

Motion

To approve the minutes for the Board of Commissioner’s Regular Meeting held on September 16, 2015 to include the requested changes. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried with Commissioners Pappas and Ziehm voted in favor of the motion; Comm. Holden voted against the motion.

Miscellaneous Payroll

Motion:

To approve Supplemental Payroll Registers for the following dates in the following amounts:

- September 21, 2015 \$3,963.64
- September 24, 2015 584.52
- September 29, 2015 2,901.80

for a total Supplemental Payroll of \$7,449.96, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Regular Payroll

Motion:

To approve a Regular Payroll dated for September 24, 2015 for the amount of \$1,148,442.67. The total for Regular Payroll is \$1,148,442.67, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Accounts Payable

Motion:

To approve Accounts Payable on the following dates for the following amounts:

- September 18, 2015 \$ 686.00
- September 29, 2015 3,336,434.95

The total for Accounts Payable is \$3,337,120.95, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Extradition Vouchers

Motion:

To approve Extradition Vouchers in the following amounts on the following dates:

<i>Date</i>	<i>Amount of Claim</i>
07/13/15	\$ 79.70
07/13/15	92.99
07/26/15	252.52
07/27/15	206.61
07/29/15	46.49
07/29/15	46.49
08/18/15	675.84
08/19/15	68.87
08/19/15	91.83
08/19/15	91.83
08/26/15	73.06
09/04/15	45.91

The total Extradition Vouchers is \$1,772.14, noting that they have previously been approved by the County Attorney. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid CIS-5-2016-FY 2016 Laptop Purchases

Motion:

To approve Bid CIS-5-2016-FY 2016 for new equipment; the lowest responsible bidder meeting the specifications is GovConnection, Inc., Merrimack, NH; this bid is for 18 Laptops; Model # 1 is \$1,213.20 each, and Model # 2 is \$1,219.21 each; the total of this bid is \$21,897.70. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

3. PUBLIC COMMENT ON AGENDA ITEMS

There was no one from the Public who wished to comment on Agenda Items.

4. DEPARTMENT OF CORRECTIONS

Census

Mrs. Montminy presented the Department of Correction's (DOC's) Census as of September 22, 2015, the total in custody was 492, of whom 482 were in-house and 10 were in the community. The Census included 393 men; 114 had been sentenced and 279 were being held pre-trial. There were 99 women; 30 of the women had been sentenced and 69 were being held pre-trial. Mrs. Montminy added that the DOC was holding 27 female inmates from Rockingham County; there is 1 Active Weekender and 1 at the State Hospital.

Mrs. Montminy informed the Board that 151 individuals were diverted through the Mental Health Courts; 85 were from Manchester and 66 from Nashua.

Overtime Impact Report

Ms. Montminy observed that the Overtime Impact Report for the Fiscal Year was included in the Board's packet, and noted that the Overtime Hours expense is approximately 50 percent expended due to staffing.

Ms. Montminy added that there is an Academy going on currently with graduation scheduled for October 9th at 1:00 P.M. Ms. Montminy invited the Commissioners to attend the graduation. She added that once these officers are on line, it should positively help reduce the Overtime expense, but noted that she anticipates the need to submit a Transfer for the Board's approval before the end of December.

Mrs. Montminy informed the Board that Comm. Pappas signed off on a couple grants at the recent Board meeting held at Temple Street, and added that one of the Grant Applications needs to be corrected; she requested that Comm. Pappas sign the corrected application.

Mrs. Montminy requested a Non-Public Session with the Board consistent with RSA 91-A:3 II (c).

5. NURSING HOME

Census

Mr. Wenger explained that Mr. Moorehead would not be present today; he is actively involved in the State Survey at the Nursing Home.

Mr. Wenger reported that the Census at the Nursing Home as of September 24th was 286; it included 212 Medicaid residents, 38 Private or self-pay residents and 36 Medicare or Part A residents.

6. REGISTRY OF DEEDS

Register Coughlin distributed a Revenue Summary and explained that it illustrates the Registry's Revenue for the last 10 years. She added that the Registry experienced a great July and August and added that September is moving along slowly but she noted that this is the last day of the month and she is hopeful that today will be a good day. She added that the Registry has been busy.

Comm. Holden inquired the security updates at Temple Street. Mr. Wenger noted that the Board took action at prior meeting weeks ago; nothing has changed as a result of that action. He explained that he has to re-bid the glass wall that was approved for the second floor and added that he met with the Registrar and members of her staff the previous week; they discussed issues, and several of those issues are being addressed. Mr. Wenger added that the Registry still has employees on the bottom floor that we are continuing to explore. He added that as a result of the previous week's meeting, a way to address that issue may have been found; however, before bringing an additional proposal to the Board, the feasibility and costs must be explored.

The Board moved on to address Old/New Business.

7. OLD/NEW BUSINESS

RFQ – Real Estate Services

Mr. Wenger advised the Board that in response to its Request for Qualifications for Real Estate Services, one response that has been received. He provided the response for the Board's consideration. He observed that based on the statute and the way the RFQ was drafted, the Board has a response to consider that falls within the qualification and the Board has an opportunity to consider it and to decide if it would like to meet with the entity and enter into negotiations to see if an agreement can be reached that would allow the County to work with the bidder. He observed that the response provides a significant opportunity for the Board and the County if the County is willing to look outside the box with respect to its property and how it addresses the use of the property for the long term.

Discussion ensued relative to the County property and how the Board wished to move forward. The Board decided that it would like to move forward and meet with the Realtor and to include members of the Executive Committee or the Building Committee. The Board also discussed options including: investing or not investing in the property, thinking outside of the box, the possibility of “fitting out” a building or even tearing down buildings. Based on the Board’s interest, Mr. Wenger will make arrangements for the Board to meet with the Norwood Group and have a discussion with the Chairman of the Executive Committee to see who he would like to have represent it at that meeting.

NHAC County/State Finance

Comm. Ziehm noted that as a result of attending the County/State Finance meeting held the previous week, she had questions about possible action and noted that she would need more input from Mr. Moorehead before being comfortable voting. She added that she would like to postpone the discussion until Mr. Moorehead can attend.

Comm. Holden discussed some of the options that are being explored by the Committee, including ProShare & Bed Tax issues and noted that a couple of Counties may be doing a Pilot Program; the next step will to see how the MCO’s will pay the Counties for Nursing Home care.

Mr. Wenger added that Merrimack County has indicated that it is planning a Pilot Program where a team is set up to work with elders before they enter into the system, basically a diversion program. The goal, as he understands it, is to connect with elders and divert them from the system by providing support to keep the elders in their homes. It does not, however, address the implementation of Phase II or Phase III that will happen next year.

Comm. Ziehm noted that it seemed that everyone has their own agenda. Mr. Wenger noted that DHHS favors the direction toward a diversion program but acknowledged that he is not aware of what discussion had occurred at prior meetings addressing problems that exist today.

Mr. Wenger noted that he understands that there is legislation being introduced by Cheshire County that would take away the authority of the NH Association of Counties to certify Correctional Officers. Their goal is to not need NHAC for certifying its officers and to be in a position to leave the Association and conduct their own Correctional Officer Academy. He added that it is important to attend the meetings so the County can make informed decisions.

Comm. Pappas added that there are many non-profit organizations that provide programs to help keep people in their home such as Easter Seals and Seniors Count. She asked why the County would have to do this work, and added that it can never depend on funding so how could it ever take on more responsibilities. She added that she would never favor the County taking on more responsibility that would depend on funding from the State legislature.

Further discussion ensued relative to the County/State Finance committee and the unanswered questions and concerns that face the Counties going forward.

NHAC Proposed Amendments to the By-Laws 2015

In response to an inquiry from the Chair, Mr. Wenger noted that it is his understanding that on October 16 there will be an NHAC Officers meeting at 8:30, if necessary; at 9:00 a.m. the Commissioner’s Council will meet followed by a General Meeting to vote on the proposed amendments to the NHAC By-Laws at 10:00 a.m., and the Executive Committee may meet at 11:00 a.m. There is no meeting on October 2nd. He added that the meetings will be in Merrimack County, most likely at the Nursing Home; there is an Academy graduation that morning also. He added that those attending the Officer’s meeting were told that the By-Laws had been discussed

at the last Executive Committee and they were discussed enough. Comm. Pappas noted that she does not remember much discussion about the By-Law changes; she added that she has gone through them several times.

Comm. Holden noted that there is a General Membership meeting regarding the By-Laws on October 16th at which time a full and frank discussion will occur. She added that the Executive Committee of the Association has received the proper notice of the meeting; however, Attorney Kirby was overlooked. She indicated that she will call Peggy Danis to add Attorney Kirby's email to the distribution list. It has been posted by the Administrative Director and emailed to all members of the Executive Committee. She added that it is her understanding that the By-Laws will be voted up or down at the November Conference.

Comm. Pappas indicated that she heard at the recent meeting in Boscawen that they would be voting on the By-Laws on October 16th, and that there will be a General Membership meeting called. She noted that there are no minutes to verify that. She noted that waiting until November is too late.

Comm. Holden noted that she is not sure the Executive Committee will be ready to move forward with a recommendation at that time. Mr. Wenger noted that the Executive Committee made a motion at its last meeting to move the By-Laws forward to the General Membership.

Comm. Pappas indicated that her major concern is whether Hillsborough County loses votes with the By-Law changes. She referred to the first Amendment being considered. She said that Article 3, Section 3.1 General Membership reads: "the General Membership of the New Hampshire Association of Counties (NHAC) shall consist of NH County's currently elected County Officials, currently appointed County Officials/Department Heads..." She added that this is a change and asked for clarification as to whether employees have been disenfranchised of their vote, because in the past, employees had voting privileges.

Mr. Wenger added that he asked for the definition of a Department Head and was told that it was what the County determined. He added that Hillsborough County has eliminated several Department Heads as a result of consolidating departments.

Mr. Wenger added that among the issues relative to the membership, he sees the following:

- Who makes up the membership?
- Who has a right to vote?
- Who determines who has the right to vote?
- The appointed Affiliates no longer have input into the leadership and they are the ones attuned to doing the business of the Counties.
- Do the elected Affiliates exist under the By-Laws?

Mr. Wenger said that he does not know what the objective of the By-Law changes is, or what the goals are; there has been no discussion with respect to that. He added that it is his belief that they can get to where they want to go by having an open discussion.

Comm. Pappas noted that many Counties pay less in dues and noted that it may be important to look at what the County is getting for its dues. Mr. Wenger noted that there is a formula that determines how much each County pays for its dues. Register Coughlin added that other Counties are asking what they are getting for the dues they pay as well.

Primex – Statement of Loss

Mr. Wenger explained that it is his understanding that the ongoing claim relative to the dryer fire at the Department of Corrections has been resolved; Primex requires a "Sworn Statement in Proof of Loss" signed by the County. The statement certifies that the monies were used to repair the damage and a disclaimer that

everything has been done appropriately. Supt. Dionne and Legal Counsel have reviewed the statement; it now needs to be signed off by the County.

Motion:

To authorize the County Administrator to sign the “Sworn Statement in Proof of Loss” on behalf of the County relative to the Department of Correction’s fire. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Tax Apportionment

Mr. Wenger noted that the Tax Apportionment for 2015 came out last week and added that a copy was provided in the Board’s packet. He added he anticipates that tax bills will go out to the Towns & Cities in mid-to-late October.

Comm. Holden noted that she has been hearing that some constituents are aware that it was the Delegation that voted against using any of the Surplus to reduce taxes.

NH AFSCME # 807

Mr. Wenger noted that further to the Board’s request, he had approached Mr. Maccarone to request an extension relative to the Board’s action on Grievance # 807, and the Union agreed to allow an extension to the end of today’s meeting. The Board agreed that it was prepared to act.

Motion:

To deny the Nursing Home AFSCME Grievance #807. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger raised the subject of the Agenda and how it is structured relative to Public Comment. He suggested that the Board may wish to consider how it would like to address open public discussion.

Following discussion the Board moved to eliminate “Public Comment” at the end of the meeting but leave “Public Comment on Agenda Items.”

Motion:

To leave “Public Comment on Agenda Items” on the Board’s Meeting Agenda and to eliminate “Public Comment.” Motion by Comm. Holden, second by Comm. Pappas.

Comm. Ziehm expressed her concern about allowing people to meet with the Board for discussion

Discussion ensued relative to the Board’s desire to maintain access.

Attorney Kirby added that as an alternative, the Board could hold a Public Hearing for people who wish to come in and speak as opposed to making them a part of the Agenda; it would avoid Hatch Act issues, which is important because the County gets Federal Grants; a Public Hearing would also keep distinct County business versus general public input that would be provided to the Commissioners. In response to a question from Comm. Pappas, Attorney Kirby noted that a Public Hearing would be a separate meeting; the Board could adjourn its regular meeting and then hold a Public Hearing.

Comm. Holden added that a notation at the bottom of each Agenda also addresses that. It reads: *“Individuals wishing to make a presentation to the Board shall submit a written request to the Board of Commissioners Office*

seven (7) days prior to the meeting date. The Board reserves the right to limit the time for presentations. The Board reserves the right to amend this Agenda.”

Mr. Wenger noted that this motion would give the Board some control so it could allow a meeting to proceed as it wishes; it would also allow the Board to avoid detaining Department Heads and elected Officials once the business of the Board has been completed.

Motion carried unanimously.

Comm. Holden asked about incident response if there is a problem with the computers. She added that she is suggesting that the County look at the Multi-State Information Sharing and Analysis (MS ISAC); it is a voluntary and collaborative effort based on strong partnership with the Office of Cyber Security and the U.S. Department of Homeland Security (DHS). The MS ISAC has been designated by DHS as the key resource for cyber recovery and cyber threat prevention, protection, response and recovery of the nation’s local and tribal governments (SLTT). Through its state-of-the-art 24/7 security operation center, the MS ISAC, serves as a central resource for situational awareness and incident response for SLTT governments. She noted that there is no cost to the member and explained that she has a handout sheet for anyone who is interested; she proposed that this be added to the next Agenda for the Board’s discussion. She added that she serves on the NACO standing committee for Cyber Security and Technology.

8. PUBLIC COMMENT

There was no one from the Public who wished to comment.

9. NON-PUBLIC SESSION

The Board took a brief recess at 10:25 a.m.

Motion:

To enter Non-Public Session consistent with RSA 91-A-3: II (c) at the request of the Department of Corrections. Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 10:36 a.m.

The Board met M. Montminy, Attorney Kirby and Mr. Wenger

The Board moved out of Non-Public Session at 10:57 a.m.

10. ADJOURN

Motion:

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

The meeting adjourned at 10:58 a.m.

Approved October 14, 2015

Comm. Toni Pappas, Clerk
Hillsborough County Board of Commissioners

Date