

Regular Meeting of the  
**Hillsborough County Board of Commissioners**  
**October 14, 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, G. Fisher, C. Kirby, B. Moorehead, M. Montminy, D. Reidy, M. Castonguay, G. Wenger, and L. Stonner.

**1. CALL TO ORDER**

The meeting convened at 9:01 a.m.

**Pledge of Allegiance**

Mr. Moorehead 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 30, 2015.  
Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Miscellaneous Payroll**

**Motion:**

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

- September 30, 2015      \$12,219.03
- October 5, 2015              2,653.85
- October 9, 2015              97.21

for a total Supplemental Payroll of \$14,970.09, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Regular Payroll**

**Motion:**

To approve a Regular Payroll dated for September 8, 2015 for the amount of \$1,104,864.95, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

**Accounts Payable**

**Motion:**

To approve Accounts Payable dated October 13, 2015 in the amount of \$4,312,190.70, subject to review and audit. 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 October 6, 2015, the total in custody was 464, of whom 454 were in-house and 10 were in the community. The Census included 366 men; 119 had been sentenced and 247 were being held pre-trial. There were 98 women; 30 of the women had been sentenced and 68 were being held pre-trial. Mrs. Montminy added that the DOC was holding 26 female inmates from Rockingham County; there were 4 Active Weekenders and 1 on a Pre-Trial Services Program.

Mrs. Montminy informed the Board that 141 individuals were diverted through the Mental Health Courts; 76 were from Manchester and 65 from Nashua.

#### **Overtime Impact Report**

Ms. Montminy observed that the Overtime Impact Report for the Fiscal Year was included in the Board's packet

### **5. NURSING HOME**

#### **Census**

Mr. Moorehead reported that the Census at the Nursing Home as of October 8<sup>th</sup> was 285; it included 216 Medicaid residents, 38 Private or self-pay residents and 29 Medicare or Part A residents. He added that the census today is closer to the budgeted census of 31.

#### **September Revenue**

Mr. Moorehead presented the unaudited Revenue for September, 2015. He explained that the budgeted Revenue for Room & Board and ancillaries for September was \$1,978,031 while the actual was \$1,912,673, which resulted in a negative variance of \$65,358. He noted that September was a 30-day month and the revenue averages about \$65,000 a day. He added that the Medicare rate and the census are still a bit below budget. Mr. Moorehead also noted that Bed Tax revenue for the first quarter of Fiscal 2016 is due the end of October and is anticipated to be between \$850,000 and \$930,000.

#### **Year to Date Revenue**

Mr. Moorehead noted that the budgeted year-to-date Revenue for Room & Board and ancillaries is \$5,934,093 while the actual is \$5,719,596, which resulted in a negative variance of \$214,497. He added that he is hopeful that the census and the mix will continue to grow.

#### **Survey Update**

Mr. Moorehead reported on the recent survey conducted at the Nursing Home completed on October 9<sup>th</sup> and is a part of the annual certification process. He noted that the Nursing Home was not cited for any deficiencies related to life safety; there were minor tags on the health side, three of which related to one med pass; a nurse attempted to lock the med cart, but the lock did not engage, so while the nurse thought the cart was locked, the lock did not properly engage and was considered to be unlocked. Additionally, a disinfectant was left in one of

the tub rooms that should have been locked away, and there was an issue with black box compliance, which relates to having the correct form for patients who are taking anti-psychotics.

Mr. Moorehead indicated that the facility will be doing a Plan of Correction very soon. Additionally, there will be in-service re-training for the nurses. Mr. Moorehead noted that the Nursing Home dispenses approximately 4,000 to 5,000 meds each day. He added that it can be unnerving to have a surveyor standing over one's shoulder when performing any tasks.

Mr. Moorehead explained that there are Federal follow up surveys; in some cases a percentage are conducted at various Nursing Homes. There is also a second survey called an MDS Survey; it is a separate and distinct survey that the Nursing Home will now be subject to.

There was discussion about the State/County Finance Committee. Mr. Moorehead noted that the focus was related to doing a study to determine how many people would require Nursing Home placement in the future; he noted that it is his understanding that a presentation will be made at the Annual Conference. He added that there is an effort to work with the NH Dept. of Health & Human Services to postpone Phase II from July 1, 2016 to July 1, 2017; he noted that he does not see how Phase II can be implemented in Nursing Homes by July, 2016 and explained that the MCO's, the Nursing Homes, and the State will not be ready for that to happen by July 1, 2016.

Mr. Moorehead observed that the issue of addressing ProShare and Bed Tax payments still has not been addressed and the issue is that those payments cannot be combined and has to be reimbursed separately. Mr. Wenger added that he sees that the recent discussions have focused on a diversion type program and does not address the ProShare and Bed Tax issue which will impact our future budgets

Discussion ensued relative to issues facing the County as it relates to its membership in the N. H. Association of Counties.

Comm. Ziehm recognized Chief Deputy Fisher. He informed that Board that the Sheriff's Department has a candidate from the recent application process who will be starting on November 2<sup>nd</sup>. There were 6 applicants; 1 candidate is being hired, 1 was hired in Rye, 1 is waiting for a position with the State Police and 3 failed the criminal background checks. He added that they will begin a new application process, hoping to fill 3 vacancies.

Mr. Reidy was recognized. He reported that he will be doing a presentation at the Annual Conference related to the UNH Cooperative Extension's program areas.

The Board moved on to address Old/New Business.

## **6. OLD/NEW BUSINESS**

Mr. Wenger noted that the AFSCME mediation at the Nursing Home is scheduled for Wednesday, October 21<sup>st</sup>.

Mr. Wenger informed the Board that the grant related to the YMCA is moving forward; he noted that he is working with Leslee Stewart to put together some of the preliminary environmental documents; they will be available for Comm. Ziehm's signature this coming Friday. He added that the Commissioners should have received an invitation to the upcoming ground-breaking.

Mr. Wenger noted that the Auditors are working in-house conducting the annual audit. He added that he has learned that the County's Surplus will be impacted by the implementation of GASB 65, which is related to the County's retirement obligations.

Mr. Wenger reported that he received a recent inquiry about filming at the County's buildings. Mr. Wenger indicated that he requested a written proposal that could be brought to the Board. Mr. Wenger noted that he received a call the previous day from WMUR; Fritz Weatherbee will be part of a filming that will take place at the County's cemetery this evening at about 6:00 p.m.

Mr. Wenger reported that staff is at Temple Street today addressing issues that involve bringing the furnace on line for the season.

Mr. Wenger noted that during the budget process, the Board approved a 0.5% COLA effective on July 1<sup>st</sup> for non-affiliated employees and a 1% anniversary merit increase; he requested the Board's authority to amend the non-affiliated pay raises by the 0.5% at the low end and high end for coming year.

**Motion:**

To amend the non-affiliated salary ranges by the 0.5% COLA. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger requested 2 Non-Public Sessions; the first is consistent with RSA 91-A:3 II (a) relative to negotiations, and the second relates to 91-A:3 II (a) relative to compensation of an employee.

Comm. Holden referred to the Information Technology and Cyber Security packet that is included in the Board's packet. She noted that she is serving on the NACO Information Technology Standing Committee. She added that Mr. Wenger will be reviewing the contract. She distributed a list of questions that relate to who will be responsible, who will be the incident response manager, what law enforcement agencies will be contacted, and who will contact them. She added that the purpose of the incident response policy is to clarify the rules and responsibilities in the event of a cyber incident.

Commissioners Pappas and Ziehm addressed their concerns relative to the proposed NHAC By-Law changes. Comm. Pappas indicated her concern about the composition of officers, and whether they would be Commissioners or might be other elected officials. She added that it her sense that the changes will diminish the role of the County Commissioners.

Comm. Holden noted that the proposed By-Law changes were a compromise; those present at the meeting when the proposed changes were voted included E. Robinson, B. Asplund-Walsh and herself. She added that Ms. Robinson resigned from the By-Law committee; following her resignation, a non-meeting was held to send an email to the Executive Committee indicating that the committee needed a new member to replace Ms. Robinson. Another meeting was held on September 9<sup>th</sup>, at which time the new member was present; the committee reviewed the proposed By-Law changes, and they were accepted by the Executive Committee. Comm. Holden noted that the proposed changes will be voted on October 16<sup>th</sup>.

Discussion ensued relative to concerns with some of the NHAC committee meetings and the proposed changes.

Comm. Pappas asked if the changes might allow the Association to have officers who are not Commissioners and whether those change might take power away from the Commissioners. She added that there are 5 Affiliate Presidents, who are not Commissioners. Comm. Holden added that the intent was to broaden the Association and hopefully get the Sheriffs and County Attorneys to become involved again and do their training through the Association and so that the Counties work as a team. There was discussion about nominating Comm. Ziehm as Vice-Chairman.

Comm. Pappas asked Mr. Wenger for his impressions.

Mr. Wenger noted that he works at the direction of the Board of Commissioners as do most of those present at this meeting. He noted that it is his understanding that the NH Association of Counties has always been a Commissioner's organization and that it has evolved to what it is today. He added that he understands that 2 of the objectives were to address "ballot stuffing" and to try to become more inclusive. He added that it is his belief that while he supports both approaches; and while the proposed changes get close to what they want, from a Commissioner's standpoint, they cause greater concern; and from Hillsborough County's perspective, these By-Law changes do nothing but diminish Hillsborough County's influence in the Association. He added that with the proposed membership changes, it is his understanding that the intent was to have all Counties on equal footing by tying it to elected officials, appointed individuals, and department heads, but this is not an organization where all Counties have ever been on equal footing. Dues for Hillsborough County, for example, are the highest, yet the structure is being changed so that smaller Counties will have the same influence as the larger Counties in the Association. He added that Hillsborough County, as the largest County, has different challenges than the smaller Counties, and he noted that he does not believe the membership changes are in the best interests of Hillsborough County because they favor the smaller Counties.

Mr. Wenger referred to the second group of amendments and noted that they look to change leadership of the organization and while he fully supports getting more people involved in the organization, it is his belief that the proposed changes are extremely confusing, are written improperly and contain contradictory statements/changes. He added that from a Commissioner's perspective, the changes in the By-Laws open an opportunity for the other elected officials to come in and take control of the organization and move it in the direction they want. He added that he would encourage the Association to assemble a group that includes an individual from each County to review the By-Laws and consider the goals of the Association going forward. He noted that it is his belief that the proposed changes would not bring the Association to where it wants to be, and the changes would create more issues.

There was discussion relating to eligibility to vote; Mr. Wenger explained that the County dues must be paid in order to vote. Comm. Pappas inquired about Mr. Wenger speaking at the Conference. He responded that he is comfortable with speaking if it seems appropriate.

Mr. Wenger explained the criteria for determining County dues assessment for the Association.

Mr. Wenger noted that County ID's will be required at the Conference.

Ms. Castonguay spoke about the need for an Executive Committee meeting. Mr. Wenger noted that he has 2 positions that need approval. Mrs. Castonguay indicated that she was not aware of that; the Executive Committee will meet as scheduled on Oct. 23<sup>rd</sup> at 9:00 a.m.

Deputy Chief Fished referred to an agreement with Crown Castle that was executed by the Board at a prior meeting regarding the radio tower on Mt. Uncanoonic; he noted that Crown Castle forgot to send a termination agreement and asked the Board to execute that agreement.

Mr. Moorehead informed the Board that the learning curve and the workload associated with his position on the Retirement Board is significant and noted that he was getting about 15 emails each day. He added that he attended a meeting the previous day and an agenda was sent out the previous Thursday that would fill a 3-ring binder of information. He noted that about half of that relates to employees that are applying for disability and there are many independent medical exams that are part of that agenda. He added that after attending 4 meetings, he is not an expert, but while he is learning, there is a great deal of information to be read and many emails to be addressed.

Mr. Moorehead noted that he looked at the trial balance and reviewed the Medicaid cost report that was submitted for the end of September and added that from past history, FY 2015 is the best year he has experienced in his time at the Nursing Home.

Mr. Moorehead noted that in light of all the proposed changes at NHAC, the Board still has the option to pull out of the Association if things did not go well for the County going forward.

Discussion ensued relative to who will decide which patients are admitted to Nursing Homes in the future, and how they are chosen. Mr. Moorehead noted that a concern relates to who would be deciding on the patient placement. Attorney Kirby noted that there was litigation several years ago relative to “cherry picking” residents and added that that is an issue to be watched; it was based on acuity levels and those with higher acuity levels received more revenue. Mr. Moorehead indicated that no one has discussed the issue.

## **7. NON-PUBLIC SESSION**

The Board took a brief break.

### **Motion:**

To enter Non-Public Session consistent with RSA 91-A-3: II (a) relative to negotiations, and then to meet consistent with 91-A:3 II (a) relative to compensation. Motion by Comm. Pappas, second by Comm. Holden. Comm. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at approximately 10:00 a.m.

The Board met B. Moorehead, Attorney Kirby and Mr. Wenger to discuss an employee compensation issue. No action was taken.

The Board met with Mr. Wenger and G. Fisher regarding the status of Union negotiations. No action was taken.

The Board moved out of Non-Public Session at 10:43 a.m.

## **8. ADJOURN**

### **Motion:**

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

The meeting adjourned at 10:45 a.m.

*Approved on October 26, 2015*

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Comm. Toni Pappas, Clerk  
Hillsborough County Board of Commissioners

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Date