

Regular Meeting of the
Hillsborough County Board of Commissioners
October 17, 2012
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. Holden, Comm. Pappas, P. Coughlin, D. Hogan, D. Dionne, C. Kirby, B. Moorehead, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner.

1. Call to Order

Comm. Ziehm called the meeting to order at 9:00 a.m.

2. Pledge to the Flag

Supt. Dionne led the Pledge of Allegiance.

3. Administrative Business

Approval of Payroll Registers

Motion: To approve the following Miscellaneous Payrolls in the following amounts:

- Oct. 3, 2012 \$400.00
- Oct. 11, 2012 \$327.63

for a total of \$723.63, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To approve a Regular Payroll Dated October 11, 2012, in the amount of \$1,079,392.76, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Accounts Payable Registers

Motion: To approve an Accounts Payable registers dated October 17, 2012 in the amount of \$2,738,710.76, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Transfer # FY 2013-02 Department of Corrections

Motion: To approve Transfer # FY 2013-02 for the Department of Corrections to transfer the amount of \$100,000 from the DOC Salaries/Wages line 4230-7010, and to transfer a like amount to DOC Overtime line 4230-7011. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Supt. Dionne explained that that vacations and vacancies have made overtime necessary; inmate population is higher than budgeted, and despite diligent efforts to recruit Correctional Officers, staffing is below desired levels and the use of overtime is unavoidable to ensure a safe environment for inmates and staff.

4. Public Comment on Agenda Items

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

5. Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted as of October 9, 2012, the Census was 556; he explained that the Census included 456 men, including 140 that had been sentenced and 316 that were being held pre-trial; there were 100 women, of whom 67 had been sentenced and 33 that were being held pre-trial. He added that 36 of the female inmates are from Rockingham County. Supt. Dionne added that there are also 15 serving their sentence in the community. He informed the Board that there are a total 129 individuals that were diverted through the Mental Health Courts; 50 of those diverted were from Manchester and 79 were from Nashua.

Mr. Wenger asked a clarifying question for the record relative to whether the 129 individuals that were diverted are included in the census. Supt. Dionne explained that the diverted individuals are not included in the census, and would be additional inmates had they not been a part of the Mental Health Court diversion program. Supt. Dionne noted that the number of inmates has increased because of the economy and further noted that there are more women inmates. He informed the Board that there are 3 pregnant women at the DOC who are receiving pre-natal care and added that many arrive drug-dependent; but the treatment they receive at the facility creates a healthier environment for the babies.

Bid # FY12-97 –Commissary Service – Request to Rescind

Supt. Dionne requested that the Board rescind Bid # FY12-97 for Commissary Services and explained that this bid was awarded Sept 7, 2011, and added that it has taken time for Oasis Inmate Commissary Services to get their equipment installed at the DOC to replace the equipment owned by the former vendor, Keefe Commissary. He added that Oasis was awarded the bid because they offered a higher commission than Keefe, but there have been many issues with the services they provide; timely deliveries have been a problem. Supt. Dionne added that the DOC even changed staff hours to coincide with delivery times, but delivery schedules were not met and the product has not been delivered as promised. He explained that there are 3 things that inmates look forward to, namely meals, visits and commissary services. Supt. Dionne requested the Board's approval to rescind the bid, and stated that it is his intention to send out another RFP only to see what the commission would be. He added that Keefe has returned its equipment to the facility and they have matched the 40% commission that was offered by Oasis. In response to a question from Comm. Ziehm relative to the use of the commissary funds, Supt. Dionne explained that the commission goes into an inmate fund that provides things for the inmates such as televisions, basketballs, Foosball tables and other items for the inmate's recreation.

Motion: To approve rescinding Bid # FY12-97 for Commissary Services. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Bid # FY13-20 Copy Paper

Motion: To approve Bid # FY13-20 for Copy Paper at the DOC at a price of \$24.66/case and a total price of \$5,132, to Central Paper, Manchester, NH, noting that it is the lowest responsible bidder. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Bid # FY13-40 – Orange Canvas Step-in Shoes (2500 Pairs)

Motion: To approve Bid # FY13-40 for 2500 pairs of Orange Canvas Step-in Shoes for the DOC, noting that Charm-Tex, Brooklyn, NY, is the lowest responsible bidder at a price of \$2.72/pair and a total of \$6,800. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # FY13-46 – Powder Free Vinyl Gloves (250 cases)

Motion To approve Bid # FY13-46 for 250 cases Powder Free Vinyl Gloves for the DOC to Central Paper, Manchester, NH, at a price of \$25.40/case and a total of \$6,350.00. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Bid # FY13-51 – 2-Ply Toilet Paper (1200 cases)

Motion: To approve Bid # FY13-51 for 200 cases 2-Ply Toilet Paper for the DOC to Xpedx, Wilmington, MA, at a unite price of \$33.93/case and a total price of \$40,716, noting that it is the lowest responsible bidder. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # FY13-53 – Clear Trash Liners (750 cases)

Motion: To approve Bid # FY13-53 for 750 cases Clear Trash Liners to Central Paper, Manchester, NH at a price of \$12.45/case and a total price of \$9,337.50, noting that it is lowest responsible bidder. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Supt. Dionne requested that he be able to continue with his reports so that he may leave to join other current and former DOC employees at the Veteran's Cemetery in Boscawen for a 6th anniversary service to honor Officer Michael Briggs who was killed in the line of duty. He added that Officer Briggs worked at the DOC for six years. Comm. Ziehm granted his request.

Supt. Dionne informed the Board that while an inmate was being watched by a Corrections Officer at St. Joseph's Hospital in Nashua, he asked to go to the bathroom. He explained that the inmate was shackled and when he came out of the bathroom, he went to a window and jumped out, landing on a small section of roof about 3 feet away; the Correction's Officer went after him, breaking the window. He sustained a cut on his hand that required 5 sutures, but he successfully re-captured the inmate who was later charged with escape and a \$25,000 cash bail was set by Nashua District Court.

Supt. Dionne presented a request for 2 Administrative Transfers, one is from Rockingham County and the other is from Sullivan County. He added that 1 of those being transferred was running his own store of commissary items, leading to fights and other difficulties, so this action will remove him from that environment.

Motion: To approve a request for 2 Administrative Transfers, one from Rockingham County and the other from Sullivan County. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Supt. Dionne informed the Board that the Bureau of Justice Assistance has informed the DOC that it was awarded the SCAAP grant for \$24,472, which is less than the \$32,000 that was budgeted for this grant.

Supt. Dionne requested that the County add its support to the Mental Health Court and the PSP program that the grant comes from. He added that a recent email to Comm. Ziehm and Mr. Wenger requested support for the Mentally Ill Offender & Crime Reduction Act; which expires this year and requested that the County show its support; the deadline is November 12th. Mr. Wenger indicated that he will forward the email to the Board.

Supt. Dionne submitted his weekly Overtime Report to Ms. Stonner with a request that copies be provided to the Commissioners. Supt. Dionne excused himself from the meeting.

6. Nursing Home

Mr. Moorehead presented the Nursing Home Census, reporting that the Census as of October 11th is 282, which includes 211 Medicaid residents, 43 Private Pay residents and 27 Medicare Part A and/or managed care residents.

Year to Date Revenue

Mr. Moorehead distributed revenue information relative to the quarter that includes July, August, and September. He explained that the budgeted revenue for the quarter was \$5,618,985 while the actual revenue was \$5,471,862; which resulted in a negative variance of \$147,123. He informed the Board that the Medicare Census has averaged 30.4 residents against a budget of 34 residents. He explained that this does not include ProShare or the Bed Tax revenue. He added that Bed Tax has been received, but will not be booked until October. ProShare is anticipated to be about 3 million against a budget of 2.4 million, thus he anticipates a \$500,000 to \$600,000 cushion by the following June.

Mr. Moorehead requested contract approval of VNA Home Health & Hospice as a second hospice provider for the Nursing Home, adding that it was a secondary provider from 2007 through 2009. He noted that a patient was admitted that requested VNA Home Health, but because the facility did not have a contract with them, the Nursing Home was not able to accommodate the patient. He explained that Attorney Kirby has reviewed the contract and noted that he is requesting approval for one year, adding that there is no cost to the County for hospice services, in fact, if a patient is admitted who is on hospice care and the patient becomes a "General In-patient", there is a payment back to the Nursing Home for that level of care.

Motion: To approve a contract for VNA Home Health & Hospice as a secondary hospice provider for the term specified by the Nursing Home Administrator. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Moorehead informed the Board that Fitz Vogt has requested an addendum to its current contract to address its concerns relative to inflation of food costs and increased fuel. He explained that Fitz Vogt's food cost for 2012 ran more than \$90,000 over budget. He added that he met with the principals and they asked the Nursing Home for assistance in reducing their costs in an effort to not only cut costs but to avoid a "cost shock" when the contract is renewed in June of 2013. Mr. Moorehead explained that there are 5 people in the contract, but the 3 key people include the Dietary Manager, the Dietary Supervisor, and a Laundry/Housekeeping Supervisor. He proposed giving them the ability to eliminate one of the 3 position and to bring in an additional person in to fill the Laundry/Housekeeping position and call that person a full-time Environmental Services Director who would also be required to have experience in Dietary. The proposed change would have the 2 remaining persons covering the weekends that the 3 are currently covering. He added that it would not change the fee structure of the contract, but would give Fitz Vogt the opportunity to not have a third position in the agreement.

Comm. Holden asked if the provider found that costs were to be reduced in the contract, would we then be able to go back to them, noting that the costs have gone down. She asked about the contract. Mr. Moorehead responded that he would assume that it would be the budgeted amount. He added that if the costs hit \$90,000 and the contract was for \$100,000, he would assume that the County would pay the \$100,000. Comm. Holden added that they want the County to make up for what the economy is doing; however, she noted that if the Board does grant the request, the vendor may not hit the County as hard the next time, but it is her opinion that a contract is a contract unless we can work out something. Mr. Moorehead added that they want to have two people pick up the responsibility of 3 current staff. Comm. Pappas asked if they would take care of everything; Mr. Moorehead that they would do it with 2 people instead of 3. Comm. Ziehm asked if this would cost the County any more money; Mr. Moorehead responded that the cost would be the same. Comm. Holden asked how this might affect future surveys. Mr. Moorehead responded that is the reason for having a

person who has more than just housekeeping and laundry experience; the person's concentration would be housekeeping and laundry, but he/she would also be required to have dietary experience. He added that food costs have gone up significantly; the contract expires in June, 2013. Mr. Wenger asked if this might not give the County time to try this to see if it works for the Nursing Home so that when we prepare for the next bid, we would have information as to whether or not we would be looking for 2 or 3 people when preparing that bid. Discussion ensued relative to costs and the contract going forward. Mr. Moorehead observed that the County does have another option, which would be the possibility of bringing those position in-house, but noted that while that can be done, he is not prepared to recommend it at this time.

Comm. Holden asked if the Nursing Home could try this as of January 1st, so there will be only half one- year contract year remaining. Mr. Wenger responded that it will probably take that long to find a person for the position. Mr. Moorehead informed the Board that one position has been vacant for about 40 days and he has not seen a decline in services, 2 people are currently covering all 3 of those disciplines.

In response to a question from Comm. Holden relative to the vacant position; Mr. Moorehead noted that it is the laundry/housekeeping position that is vacant. In response to a question from Comm. Ziehm, he noted that the only downside would be if there is a decline in services and added that he has very closely monitored the situation since the person left and he has not seen a decline in services, in fact it seems that services are a bit better currently. He remarked that he is speaking with them almost every day regarding things that need to be done.

Comm Pappas offered a motion that the Board approves the Fitz Vogt contract addendum.

Motion: To approve the Fitz Vogt contract addendum as described by Mr. Moorehead. Motion by Comm. Pappas. The motion did not receive a second.

Comm. Holden noted that she would like to see the addendum before voting on it. Mr. Moorehead distributed copies of the addendum for the Board to review. In response to questions from Comm. Ziehm and Comm. Holden, Attorney Kirby explained that it is an addendum and a modification that provides that Mr. Moorehead is satisfied that he is receiving the same level of services. In response to a question from Comm. Holden, Attorney Kirby explained that the Nursing Home has the same option to opt out of the contract and has the same terms and conditions as the original contract. There was discussion relative to approving the addendum.

Comm. Ziehm asked Comm. Holden if she was not comfortable with seconding the motion. Comm. Holden added that it is her belief that the Board is moving too quickly when the position won't be filled right away.

Comm. Pappas offered to withdraw her motion for lack of a second.

Comm. Ziehm asked Mr. Moorehead if he has a problem with the proposed action. He responded that he is comfortable with it as long as there is no decline in service and added that it is his opinion that Fitz Vogt will have to pay a bit more to hire a person with more than one additional discipline, and he still has the option to terminate the agreement without cause if Fitz Vogt does not provide satisfactory service.

Comm. Ziehm stepped down from the Chair to second the motion. Comm. Holden assumed the Chair and called for a vote.

Commissioners Ziehm and Pappas voted in favor of the motion. Comm. Holden withheld her support of the motion. The motion carried.

Comm. Ziehm returned to the Chair.

7. County Attorney

Attorney Hogan requested that the Board appoint Nicole E. Thorspecken as an Assistant County Attorney. He explained she will fill a previously approved, temporary, 120-day position. He explained that the position inadvertently was removed from the budget, but money is available in his Salary line for the person, and he would like to see the position put back in the budget. He added that the Board approved a temporary Attorney position at an earlier meeting for a period of 120 days with a possibility of extending it for another 120 days. Mr. Wenger noted that this is not a budgetary issue; it is an approved position question. Following questions and discussion, it was determined that the request to the Board is not to create a position; it is not to change the status of the individual relative to compensation or the position, it is simply to change this individual's status as recognized by the Attorney General's Office now that she has passed the bar. Attorney Kirby added that the temporary position exists and it is her understanding that the County Attorney is requesting that the individual be named as an Assistant County Attorney to that temporary position; he is not creating a new position, he simply is looking for authorization for her to practice as an Assistant County Attorney on a temporary basis, based on the existence of a temporary position.

Motion: To approve the request by the County Attorney to appoint Nicole E. Thorspecken as an Assistant County Attorney and to sign the "*Appointment of Assistant County Attorney*" form. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

9. Nursing Home Grievance

Mr. Wenger reported that relative to Grievances PM 609 and PM 610, it is his understanding that Mr. Moorehead and the union are still working and expect to have these issues worked out. Mr. Moorehead added that they are working on an agreement with one Grievant and they are waiting for a report from the Board of Nursing relative to the other grievance. The Board agreed to continue the grievances until October 31st.

Motion: To continue the Grievances PM 609 and PM 610 until the October 31st Board meeting. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

9. Old/New Business

County Complex-Maintenance Worker

Ms. Robinson referred the Board to a Job Description for the vacant Maintenance Worker position. She reviewed the changes to the Job Description for the Board's benefit, and asked for approval of the Job Description.

Motion: To approve the Maintenance Worker Job Description to include the changes recommended by Ms. Robinson. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Wright University Study

Mr. Wenger provided copies of the Wright University Study for the Commissioners. Following discussion relative to errors in the study, there was a general agreement that the County should respond to the study to point out the errors and inconsistencies. Mr. Wenger agreed to provide the Board with a letter for the Board's consideration at its next meeting.

Mr. Wenger noted that Nashua Mayor Lozeau sent a letter requesting an opportunity to meet with the Board. Comm. Ziehm will speak with the Mayor relative to the request.

Mr. Wenger provided the Board with the position description for the Human Services Director position that was changed as a part of the re-organization of Administration & Finance to a part-time position and added that it is necessary to re-do that position description; the Board will address this at its next meeting.

Mr. Wenger reported that the Auditors were in the previous week; they left on Friday; they reported that the County "is in great shape." He added his appreciation to all the departments that responded with information on a timely basis, and noted that the County has addressed the issue with respect to grants.

Mr. Wenger reported that the County held negotiations with 3 of its union groups the previous week and is still waiting to hear whether the Sheriff's group wishes to meet.

Mr. Wenger explained that he would like to proceed forward with posting the Human Resources Manager position internally at this time. The Board agreed that he should move forward with the positing.

10. Public Comment

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

Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session.

Attorney Kirby requested an opportunity for the Board to consult with Counsel.

Motion: To move into Recess. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

The Board moved into Recess at 10:02 a.m.

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

The meeting reconvened at 10:17

11. Non-Public Session

Comm. Ziehm entertained a motion to move into Non-Public Session as requested earlier in the meeting.

Motion: To move into Non-Public Session with Attorney Kirby and Mr. Wenger consistent with RSA 91-A:3 II (a) relative to a personnel issue. Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public session at 10:18 a.m.

The Board met with Attorney Kirby and Mr. Wenger.

The Board moved out of Non-Public Session at 10:23 a.m.

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

Comm. Ziehm asked if there were any further actions the Board wished to address.

Motion: To direct the County Administrator to respond on a procedural basis to a letter received October 3, 2012. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

There was a discussion relative to employee nominations for awards at the NHAC Conference. Mr. Wenger explained that he is not hopeful about any of the nominations. The Board discussed sharing the NACO booth at the conference. Comm. Holden added that Mr. Andrew Goldstone is coming and will be at the booth most of the time.

13. Adjourn

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

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

The meeting adjourned at 10:27 a.m.

Approved on 11/14/2012

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

Date