

Regular Meeting of the
Hillsborough County Board of Commissioners
November 8, 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, J. MacDonald, G. Wenger, J. O'Mara, B. Moorehead,
M. Rusch, E. A. Robinson, C. Kirby, S. Chidavaenzi, L. Movsesian, R. Mercer, and L. Stonner.

Also Present: C. Benner, R. Hults, S. Lyons, and members of the public

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 3:43 p.m. J. O'Mara led those present in the Pledge to the Flag.

1. Minutes

The Board considered the minutes of its October 25, 2007 meeting.

Motion: To approve the minutes of the meeting of October 25, 2007. By Comm. Clemons, second by Comm. Holden. Motion Carried.

2. Grievance Hearing #PM-0536

Commissioner Pappas recognized S. Lyons, Staff Representative for AFSCME, Council 93, R. Hults, Vice-President of Local #2715, and C. Benner, the Grievant. Comm. Pappas asked if they preferred the hearing to be held in Public Session or Non-Public Session. The Grievant requested that the hearing to be held in Public Session. R. Hults spoke on behalf of the Grievant, opining that the position in question should have been awarded to C. Benner, based on seniority, yet a person with less seniority was given the position. She noted that Ms. Benner had held the position in a back-up role for approximately ten years. S. Lyons noted that the grievance before the Board is a promotional by-pass and stated that the Grievant has equal qualifications to the successful candidate. He stated that the applicant who received the position has been out of school for eight months. S. Lyons expressed his belief that both have equal educations, and that consideration should be given to the fact that the Grievant had filled the position over the course of her employment. He expressed the position that Ms. Benner should have been awarded the job.

B. Moorehead was recognized. He referred the Board to Article 7.2, of the applicable collective bargaining agreement, which sets out the standard the facility followed in making the appointment. Mr. Moorehead noted that in evaluating the candidates for the position the hours worked in the position by the two top candidates were compared and it was found that, in that role, on a temporary basis, the candidate who received the job had more hours than did Ms. Benner. He further noted that when all interested candidates were compared, the employee selected scored the highest and therefore, because the person who was hired for this job was more qualified "seniority" was not applicable, consistent with the Article 7.2.

S. Lyons expressed the Grievant's position that the decision was made on an arbitrary basis, noting this was the first time they heard that the person who was hired had worked more hours. Comm. Clemons asked Mr. Lyons how he would address the comparative typing speeds. Mr. Lyons asked what the two candidates had scored for typing speed. Mr. Moorehead informed the Board that the typing scores were 68 wpm for the candidate that was selected, and 33 wpm for the Grievant. Comm. Clemons asked Mr. Moorehead about the applicant testing, and the results. Mr. Moorehead noted that the overall scores were 100% for the selected candidate and 88% for the Grievant. Mr. Lyons asked what criteria was used. Mr. Moorehead indicated that it included typing, alphabetical filing and the interview process for a total of six candidates. Mr. Moorehead responded that the selected candidate had worked 2,225.24 hours while the Grievant had worked 1,820.93 hours in that role prior to the current director being hired. Mr. Lyons suggested that he sees a significant discrepancy in his understanding of actual hours worked.

Comm. Clemons asked if there was any difference between the two candidates in the quality of their work. S. Chidavaenzi responded that both were competent and clarified the number of hours the employee had worked. Mr. Moorehead added that the candidate selected had a better work record. Mr. Lyons noted that the Board would be hearing more about that, and performance evaluations after the outcome of a pending hearing on Thursday at the Public Employee Labor Relations Board regarding labor practices relative to what has been included in an evaluation.

There being nothing further offered by the parties, Commissioner Pappas thanked the parties and noted that the Board would take the matter under consideration. The Grievant and her representatives left at this point in the meeting.

HB 02 discussion was moved to later in the meeting.

5. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 11/01/2007 in the amount of \$1,033,760.57, subject to review and audit. By Comm. Holden, second by Comm. Clemons: Motion carried.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 11/06/2007 in the amount of \$3,908,593.98, subject to review and audit. By Comm. Clemons, second by Comm. Holden: Motion carried.

Bid # CIS 7-2008 – DOC Kronos Annual Support

Motion: To approve Bid # CIS 7-2008 for Kronos Annual Support at the DOC, to Kronos, Chelmsford, MA, in the unit price of \$2,142.33, noting that it is a single source bid, and it is an annual contract for support costs under RSA 28:8-e V. By Comm. Holden, second by Comm. Clemons. Motion carried.

2. House Bill 02

Commissioner Pappas led a discussion regarding HB 02. She noted that a legislative committee has been meeting and had set up work groups, which E. Robinson and G. Wenger have attended. E. Robinson explained that it is a very complex situation, and if House Bill 02 goes into effect, it would make a substantial change in the functions of her department and the County, with accompanying potential lay-offs, depending on the decisions of the Commissioners. She noted that part of the issue involves the pending declaratory judgment litigation. She explained that a request to continue the hearing was filed and that it was her understanding that the hearing had been rescheduled to February 13, 2007 at 1:30. She noted that she met last week to discuss numbers with Brian Gottlieb, who was hired as a Consultant in this matter, as well as meeting with Attorney Dunn and Betsey Miller, and representatives of the State. Miss Robinson explained that while the State has put in place a cap for 2009 and 2010, it has also put in place a credit that continues on to 2013 when the law sunsets. She suggested that having the cap in place for only 2009 and 2010 is significant because the 2009 system would have the County under the old system spending a total of \$97 million and under the new scenario, just paying for Nursing Home and HCBC, it would be \$117 million but with the cap of \$105 million. She explained that this in effect requires the State to absorb \$20 million, which includes a credit of \$5 million and a “hold-harmless” that would cost the state about \$2.5 million. She further noted that it is significant to know that without a Cap and the “hold-harmless,” the County would pay significantly more – at least \$15 million more than under the existing scenario. E. Robinson explained that under HB 02, the budgeted amount for Nursing Home care for 2009 is only \$500,000 more than what the County was billed in 2007 and that she estimates that unless the County has a significant reduction in case load, there will be a significantly higher budget neutrality factor because the budgeted amount is far too low for 2009, impacting the County and the Nursing Home, even though the County may receive more Pro Share funds.

E. Robinson asked the Commissioners to consider a proposal that involves handling Parental Re-imbusement for Hillsborough County and noted that it would also be possible to look at sub-contracting the collections for other Counties as well, resulting in additional income to the County. Commissioner Holden noted that if the County considered performing the task for other Counties we would incur additional liability, and be expanding our employees. E. Robinson replied that the County realized a profit of \$20,000 last year from the program, and if the decision is to approve having Hillsborough County perform the collections for other Counties, costs such as liability insurance, mileage, payroll, and other costs would need to be included in the administration expense. Comm. Holden indicated that she had requested at the last Board meeting that discussion for HB 02 occur separate from a Board meeting and referred to Page 16 in the handout, which outlined the new schedule for requirements for the Board.

Comm. Holden requested the following addendum to the minutes:

Comm. Holden asked if E. Robinson was proposing that the County become a Collection Agency for the state. E. Robinson replied that in fact, the County is a Collection Agency for the state now. Comm. Holden inquired if the state takes over all of the Juvenile Services, why would the County then become involved with the collection of those services, no matter what one County, or two Counties want to do. Ms. Robinson noted that there are three reasons the County should be interested in doing that:

1. We have been doing it for a long time and we are really good at it, we've increased our collections over a period of time, more than covering costs last year, and we can make money for the County and offset some of the Costs of running her Department.
2. she feels the Board should be concerned about potential lay-offs, and by continuing to do Re-imburements, it will reduce the number of lay-offs they will need to make, and,
3. if we contract with other Counties to do their Re-imburements, we can cover our costs and make money.

Comm. Holden noted that the laws change and tell us that we are no longer in that (collection) business. Ms. Robinson indicated that we have been in the collections business since 1986. Comm. Holden indicated that she is not convinced.

Ms. Robinson spoke about the system in other Counties and the possibility of sub-contracting the service to other Counties.

E. Robinson explained that the proposal she presented to the Commissioners includes 2007 income, as well as Fiscal Year 2008 projected costs and income, based on anticipated collections for FY 08. The proposal also shows the comparison in re-imbusement levels for FY 04, FY 05, FY 06 and FY 07 and includes recommendations from the Parental Re-imbusement work groups.

Discussion ensued with E. Robinson noting other issues including: that the state would make all the decisions, yet there is a need to have County control over the system on some level. Commissioner Pappas noted that there would be another report and discussion at the next committee meeting. G. Wenger noted that he has attended two workgroups with nothing coming out of them because they are looking for input back from the Counties. He noted that the workgroups would need to have input in order to make recommendations.

Commissioner Clemons asked if there had been any sense that this bill might be an attempt to get rid of County government. E. Robinson replied that she had not heard that, but there had been discussion that this attempt to force costs on the County government "may be an attempt bring in some form of a broad-based tax in order to offset what would potentially be killing costs of County government in the next ten years." Commission Holden replied that she also had heard the same thinking.

Mr. Wenger inquired if there was any additional information that the Board required to assist in the review of the

issue. Commissioner Holden responded that she did not believe there was any other available information.

6. Department of Corrections

Mr. Wenger noted that the National Datacare Corporation Agreement, which was listed under the Department of Corrections on the meeting agenda, should correctly be addressed under the Nursing Home.

Census

J. O'Mara was recognized. He informed the Board that the census at the facility as of November 1, 2007 was 527. He noted that 473 were men, of whom 140 were sentenced, and 333 were being held pre-trial. On the women's side of the house, there were 54 female inmates; 20 were sentenced, and 32 were being held pre-trial, as well as one being held for the NH State Prison, and one for Rockingham County.

Bid # FY08-71 Trash Disposal

Mr. O'Mara presented Bid # FY08-71 for a six-yard Dumpster fee for nine months, noting it is a Complex bid. Mr. O'Mara recommended that Casella Waste Services, Salem, NH be awarded the bid at a cost of \$177.40 per month, totaling \$1,596.50 for the balance of the fiscal year.

Motion: To approve Bid # FY08-71 for a 6-yd. Dumpster fee for nine months, to Casella Waste Services, the lowest responsible bidder – the current vendor, at a cost of \$177.40 per month, for a total of \$1,596.50, noting the price includes a 6% fuel fee. By Comm. Holden, second by Comm. Clemons. Motion Carried.

7. Nursing Home

Mr. Moorehead presented the Nursing Home census, noting that as of November 1, there were 280 Residents, which includes 211 Medicaid residents, 39 private pay and 30 Medicare residents.

National Datacare Corporation Agreement

Mr. Moorehead referred the Commissioners to the proposed National Datacare Corporation agreement that M. Lencki had presented at the last meeting, but which contained an unresolved issue regarding jurisdiction. He explained that after consultation with Counsel and discussion between the parties, both have agreed to exclude the reference to jurisdiction. C. Kirby noted that Mr. Moorehead was aware of the situation and has reviewed her suggestions, and furthermore noted that if the Nursing Home were comfortable with the contract being signed without naming a jurisdiction, then she would not oppose the action.

Comm. Holden noted that at the last meeting, the Board has requested the opportunity to review to entire contract, and since it was being presented today, the Board is ready to move forward.

Motion: To authorize the Chair to sign the contract with the National Datacare Corporation on behalf of the Board. By Comm. Holden, second by Comm. Clemons. Motion carried.

8. Public Comments on agenda items

No members of the public were present at the time.

Registrar of Deeds

Comm. Pappas recognized J. Mac Donald, Registrar of Deeds. J. Mac Donald spoke of the problems in her office

that resulted from a cracked toilet. She noted that there was flooding, ceiling leaks, furniture destroyed, tiles that had fallen, and mold present. Mrs. Mac Donald indicated that there has been a lack of communication, which has resulted in a bad situation continuing for two months, and asked that it be addressed as soon as possible. She also noted that the insurance adjuster told her "the County had signed off" on the claim and that the County would finish the repairs. Comm. Holden asked who, in the County, had signed off, and Mrs. Mac Donald indicated that she did not know. E. Robinson indicated that the County had not, in fact, signed off, and that the ceiling tiles were in the process of being replaced. Additionally Miss Robinson indicated that there is money in her budget for carpet and floor replacement, and that her thought was to hold off, and do the molding and sheetrock work at the same time they repair the floor. She noted that she would visit Temple Street to evaluate the scope of the work that is required. Discussion ensued with E. Robinson and J. Mac Donald not agreeing on the past communication between the departments. Miss Robinson noted that she is confident that her department can handle the repairs. Comm. Holden inquired regarding security issues at Temple Street. Mrs. Mac Donald stressed that security in the building is an issue in the offices and at the back door. Comm. Holden noted the need to keep the County's employees safe. Ms. Robinson suggested that she would follow-up with the Sheriff's Office regarding the security issues, and she that she will address the other issues. Comm. Clemons asked what security issues might face the Deeds Department. J. Mac Donald noted several dangerous situations that have occurred, including dangerous persons being in the building, one of whom was armed with a knife, and noting that the panic button in the office does not work. Miss Robinson noted that many Registry's in other counties are located in the same building as the County Court and explained that the intent of the security system for Temple Street is not only to have panic buttons, but also the ability to have video that can be monitored in the Sheriff's dispatch center at the County Complex. She further explained that the intent of the back door monitor is to allow for locking the back door with keycard access for employees. The back door would also be used for handicap access. She went on to explain that the Security system is sophisticated. Mrs. Mac Donald noted that the location of the building adds to the risk.

Comm. Clemons requested Miss. Robinson to present a plan of action for the Board's consideration at its next meeting. She inquired if he was asking her to address all the issues. Comm. Clemons replied, asking Miss Robinson to address as many issues as possible. Miss Robinson agreed to provide a plan of action to address as many of the issues as possible.

Delegation

M. Rusch reported that the Executive Committee is meeting on November 16 at 9:00 a.m. in the Commissioners Conference Room, at which time Att'y. Flygare will present the proposed contract agreement with the Nursing Home. The Delegation is scheduled to meet Tuesday, November 27 to also review the proposed contract. The Public Hearing will be at 6:00 p.m.; the Delegation will meet at 6:30 p.m.

9. Old/New Business

Bouchard Building Second Floor

G. Wenger updated the Commissioners on the status of the plans for the second floor to the Bouchard Building. He informed the Board that the Executive Committee Building Subcommittee had met and that a lengthy discussion regarding the proposed security design had taken place. He noted that some members of the Committee expressed concern that security at the front door of the building was inappropriate. He explained that following review it is his understanding that those involved with the project design remain committed to the design in order to provide a secure building for all employees and the public. He also reported that he and Mr. Yeaton had met for a preliminary discussion with the Goffstown Planning Board noting that the project was well received. He requested the Board's authority to proceed with publishing a request for proposals as designed, noting that the security design at the front entrance may be adjusted in the future if necessary. He also noted that the bidding process would have several contingencies including the necessary County approvals, agreement on the terms and conditions of the lease, and funding. He noted that defining the cost of the project would facilitate discussion of

the lease terms and funding requirements.

Motion: To authorize Mr. Wenger to proceed with the second floor bid process and publication of a Request for Proposal. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. Wenger thanked the Board and noted that Rep. Jasper is available to sit with it at the beginning of the next meeting to begin preliminary discussion about terms for the lease agreement. Mr. Wenger will arrange the meeting.

Mr. O'Mara discussed an inmate correspondence with the Board. Comm. Holden indicated that she had agreed, on behalf of Mr. O'Mara, to move to authorize the Chair to acknowledge the receipt of the correspondence from the inmate and to reply.

Motion: To authorize the Chair to respond to all communication with this inmate. By Comm. Holden, second by Comm. Clemons. Motion carried.

E. Robinson requested a Non-Public session under RSA 91-A: 3 II (c).

Mr. O'Mara spoke about Hillsborough County not being able to bid on the housing of female State prisoners noting that his department did not receive notice of the bidding process or a copy of the RFP. Following a brief discussion, the Commissioners agreed to contact the Executive Council member from their district to inquiry regarding the process.

Mr. Wenger encouraged the Commissioners to bring their calendar to the next meeting so that future meetings can be scheduled, and noted that the next Board meeting will be on Tuesday, November 20.

Comm. Holden advised the Board that the next Master Plan Committee meeting would be held on Dec. 14.

Mr. Wenger reported that the first meeting with the Retirees to review the alternative health care program that the County is offering was held that morning with over 30 people attending. He noted that the response has been positive though skeptical.

Mr. Wenger noted that the Nursing Home AFSCME group has asked to get back to the table for the next subsequent contract; a tentative meeting is set for November 29 at 10:30 a.m., and it is his understanding that dates are being considered for a further negotiation session with the AFSCME unit in the Sheriff's Department.

Grievance Hearing

The Board revisited grievance #PM-0536. Following a brief discussion a motion to deny the grievance was offered.

Motion: To deny the Grievant's request. By Comm. Holden, second by Comm. Clemons. Motion carried.

10. Non-Public Session

Motion: To move to Non-Public Session under RSA 91-A: 3 II (c) to protect the reputation of a person. By Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 5:09 p.m.

The Board returned to public session at 5:19 p.m.

Motion: To return to public session. By Comm. Clemons, second by Comm. Holden. Holden-yes, Clemons-yes, Pappas-yes. Motion carried.

10. Adjourn

There being no further business for the Board's consideration at this time, a motion to adjourn was accepted.

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

The meeting adjourned at 5:20 p.m.

(SIGNED 11/20/07)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date