

Regular Meeting of the
Hillsborough County Board of Commissioners
November 14, 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, J. Hardy, D. Hogan, D. Dionne, T. Dubois, C. Kirby, D. Reidy, M. Rioux, M. Castonguay, G. Wenger, and L. Stonner.

Also Present: J. Maccarone, P. Martel, S. Naughton, C. Luksza, C. Harrington

1. Call to Order

Comm. Ziehm called the meeting to order at 9:00 a.m. She asked for a moment of silence for the loss of the Kathy Covert, the Director of Nurses at the Nursing Home.

2. Pledge to the Flag

Mr. Wenger led the Pledge of Allegiance.

3. Nursing Home Grievances - PM 609 & PM 610

Mr. Wenger reported that Grievance PM 609 will be heard today; he added that it is his understanding that there is an agreement pending regarding PM 610; Mr. Maccarone, Union Steward, confirmed and noted that the individual is undergoing a physical to obtain a doctor's note to return to work.

Comm. Ziehm asked Mr. Maccarone if the Grievant wished the grievance to be held in Non-Public or Public session; he requested that it be held in Non-Public session.

Motion: To move into Non-Public session to hear Grievance PM 609. Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 9:08 a.m.

The Board met with C. Kirby, T. Dubois, J. Maccarone, P. Martel, S. Naughton, C. Luksza, and C. Harrington.

The Board returned to Public session at 9:30 a.m.

Mr. J. Maccarone thanked the Board for its time; Mr. Maccarone, P. Martel, S. Naughton, C. Luksza, and C. Harrington excused themselves and left the meeting.

Motion: To return to Public session. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

4. Administrative Business

Minutes

Motion: To approve the minutes of October 17, 2012. Motion by Comm. Pappas, second by Comm. Holden.

Comm. Holden referred to page 5 of 8 in the minutes and to the line that read: "Comm. Holden withheld her support of the motion." She added that she would like to clarify that she was not in favor of the motion and voted no, which was the intent. She added that it was relative to the contract with Fitz Vogt. Comm. Pappas asked if Comm. Holden voted no. Comm. Holden responded that according to the minutes, she withheld her support; that means no. Comm. Ziehm added that she remembers Comm. Holden saying that she withheld her support; she does not remember Commissioner Holden voting no. Comm. Ziehm asked Attorney Kirby if that was a concern legally. Attorney Kirby added that it is her opinion that one has to defer to the person who wrote the minutes and what her understanding of the action was. Ms. Stonner responded that she did listen to the recording again and Comm. Holden said that she withheld her support on this; she added that it is her understanding that Comm. Holden did not wish to support the motion. Comm. Ziehm asked if it should be in the form of a "No" vote. Attorney Kirby responded that it should be in the form of a no vote and in the future, if there is a statement that one is withholding her support, there has to be a clear understanding of the parties what the vote is. Comm. Holden added that at that particular time, Comm. Ziehm had stepped down from the Chair; both Commissioners Ziehm and Pappas voted in favor of it.

Comm. Holden added that she would like the minutes of this meeting to reflect that the action of the motion was to make a favorable decision on a contract for Fitz Vogt; she explained that it is her belief that a contract is a contract and she doesn't think it can be amended. She also asked that Comm. Pappas' comments be included that Fitz Vogt was a good company to deal with and she did not have a problem with approving the motion. Comm. Pappas commented that she would like her comments added to the current minutes. Comm. Ziehm added that she would not favor changing the minutes to indicate that there was a "no" vote from Comm. Holden.

(The Scrivener referred to the meeting tape of October 17, 2012 and added Comm. Pappas' comments for the record, as requested): *Comm. Pappas observed that "this is a very good company, and I would like to help them out."* Comm. Ziehm responded that would be fine if they can be helped without hurting the County; Comm. Pappas concurred, noting that she would like to see them survive. Comm. Holden added that she is waiting for someone to help Hillsborough County.

Comm. Ziehm added that it is her belief that the minutes should not be changed. Comm. Holden reiterated that she did not favor the action that was requested by the Nursing Home Administrator. Comm. Ziehm noted that it is her belief that those persons who are part of the dialogue should have an opportunity to review the minutes before they are approved. She asked if Mr. Moorehead has seen the minutes and asked whether Department Heads review the minutes. Mr. Wenger responded that the Draft minutes are completed; Ms. Robinson reviews them, they are run by the Clerk and then the Drafts are distributed. He added that they can also be sent to all Department Heads when they are distributed, and noted that it is up to the Board; it is the Board's minutes. Comm. Ziehm added that she believes that especially those who are involved in the meeting should have an opportunity to review the minutes. Mr. Wenger added that it is his understanding that minutes are the Scrivener's recollection of what went on during the course of the meeting; he added that it is his opinion that the most important part of the Board's minutes are the motions. He asked if the Board wished to have amendments made at the Board meeting or prior to the meeting and suggested that changes be made at the Board meeting. The Board concurred that changes should be made at the meeting.

The Board discussed whether Mr. Moorehead should review the minutes prior to approval. A consensus was reached that Ms. Dubois would bring the minutes to Mr. Moorehead for his review and if desired, he could suggest changes at a future Board meeting. The Board agreed to approve the minutes of October 17th.

The motion carried to approve the Board of Commissioner's meeting minutes of October 17, 2012.

Approval of Payroll Registers

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

- Nov. 5, 2012 \$2,974.23
- Nov. 8, 2012 \$2,886.73

for a total of \$5,860.96, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To approve a Regular Payroll dated November 8, 2012, in the amount of \$1,091,611.08, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Accounts Payable Registers

Motion: To approve an Accounts Payable registers dated November 13, 2012, in the amount of \$2,963,948.67, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Sheriff's Extradition Vouchers

In reviewing the Extradition Vouchers, there appeared to be a duplicate entry or error; the Board agreed to table approval until later in the meeting.

Motion: To table the Extradition Vouchers. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Budget Transfer FY2013-03

Motion: To approve Budget Transfer FY2013-03 to transfer the amount of \$1,000 from Complex line 4198-7120, Health & Accident, and to transfer a like amount to Complex line 4198-7011, Overtime. Motion by Comm. Holden, second by Comm. Pappas.

Comm. Holden noted that this Transfer is necessary to cover additional overtime at the Complex due to the loss of one employee.

Motion carried.

5. Public Comment on Agenda Items

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

6. Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted as of November 6, 2012, the total in custody was 576; he explained that there were 470 men, including 153 that had been sentenced and 317 that were being held pre-trial; there were 106 women, of whom 47 had been sentenced and 59 that were being held pre-trial. Supt. Dionne added that there are also 21 inmates serving their sentence in the community. He informed the Board that there were a total 157 individuals that were diverted through the Mental Health Courts from Manchester and Nashua. He added that 34 of the female inmates are from Rockingham County.

Supt. Dionne referred the Board to the update on overtime at the DOC, which is included in the Commissioner's packet.

Supt. Dionne presented a request for an Administrative Transfer from Merrimack County. He added that the inmate is being transferred because he had issues with many people in the Merrimack County facility, and they could no longer keep him separate.

Motion: To approve a request for an Administrative Transfer from Merrimack County. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

7. Nursing Home

Ms. Dubois informed the Board that the Census is not available at this time because the person who does the Census is out sick.

7. County Attorney

Attorney Hogan requested that the Board approve a new position request. He explained that this would be to change a temporary position to a permanent position as an Assistant County Attorney. In response to questions from the Board, he explained that the wage of this employee will fall within his approved budget. He added that she will fill a previously approved, temporary, 120-day position, and noted that the position was inadvertently removed from the budget, but money is available in his Salary line for the employee and he would like to see the position put back in the budget. Attorney Hogan explained that this would bring the department's staff back to its previous level while staying within the budget constraints. He added that the case load has increased by 400 cases over the same time the previous year.

Comm. Ziehm asked how this would affect next year's bottom line. Attorney Hogan responded that it would not increase his budget and explained that there has been a savings as attorneys with higher salaries have left and have been replaced by attorneys starting at a lower wage. Comm. Holden inquired if the budget reductions were met.

M. Rioux offered to produce a document that shows the turnover and added that funding this position keeps the County Attorney's office within its current guidelines. She added that money has already been expended toward this position during the last 2 months while it has been a temporary position. Ms. Rioux explained that there has been a lot of change within the office and reported that the department is comfortably within its budget for the year. She noted that if benefits increase for the coming year, she cannot predict the impact on the next budget. She added that she could provide firm numbers if the Board so desires.

Mr. Wenger added that the Retirement expense will increase next year between 1 and 2%. Following further discussion, the Board addressed a motion.

Motion: To approve the New Position Request for the County Attorney's office. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

9. Registry of Deeds

Revenue Update

Register Coughlin distributed her report and informed the Board that the Registry continues to be busy and while October and November have been a bit slower, her revenue is greater than the previous year at the same time. She added that the document count is up 28%, and the Registry is slightly over budget.

Register Coughlin informed the Board that the Registry is having its Christmas Brunch December 20th at noon; everyone is invited.

10. Old/New Business

Sheriff Hardy requested an opportunity to meet with the Board in Non-Public Session regarding negotiation with the Sheriff's Office union membership.

Sheriff Hardy informed the Board that the issue of Video Conferencing was raised at a recent Administrative Council meeting with the Judges that he attended; he explained that he would like to address the subject again and added that he believes there can be some savings but noted that costs cannot be determined until the project is up and running for a period of time. He observed that this will not eliminate the need for transport, but it enhances safety, particularly with violent offenders that may not be compliant. Sheriff Hardy added that Hillsborough County is the largest County and he would like to see the County come up with a strategy and be as creative as possible to find the funding; he requested that this issue be on everyone's radar screen and added that he favors the project. He noted that he recognizes that there is an issue regarding the County's responsibility relative to funding during a time of reduced budgets.

Comm. Holden added that the problem is that there are no protocols for Video Conferencing and it has not been determined what the County's responsibilities will be and the County does not have the funding in the current fiscal year. She added that while the Sheriff favors the project, the Commissioner's have to look at the budget as a whole, and noted that the Board has not seen anything that shows that there will be a savings to the County. She added that the project has cost Rockingham County for staff as well as requiring space at the facility. She noted that while there may be "freebies" up front, they will be gone. Comm. Holden explained that it has been approached in the other 9 Counties differently, and while Hillsborough County is the largest County, it does not have the funding for the project.

Comm. Ziehm added that it was her impression that the County was waiting to determine what the costs and impacts will be in the hopes that some of those costs will be absorbed by another entity. Sheriff Hardy noted that after speaking with the Administrative Judges and the officials of the Judicial Branch, he does not believe that there will be any more funding coming to the County because the view of the Office of Administration is that other Counties provided some funding; in fact, some Counties bought their own video equipment, so they don't feel it would be fair to fund Hillsborough County's portion when it was not done for others. He added that he sees value in the project from a safety standpoint and explained that the subject is raised at meetings of the Court Accreditation Commission, of which he is a member, and at

meetings of the Administrative Council with the Judges. Sheriff Hardy mentioned that draft protocols have been developed and noted that that function is more a responsibility of the Court.

Supt. Dionne explained that the cost to staff Video Conferencing at the DOC will be approximately \$150,000 for 2 Correctional Officers. He added that he has spoken to Rockingham County who purchased their own equipment many years ago and noted that there are no protocols at any Department of Corrections provided by any State Office of the Courts. Supt. Dionne indicated that he was surprised that Sheriff Hardy attended another meeting, and once again, the Department of Corrections was not involved and have not been involved or invited to join the discussions even though the responsibility is taken from the Sheriffs and is placed on the Departments of Correction. He added that he is in agreement that with the project and noted that security will be better, but he explained that he can't add \$150,000 without having any protocols. Supt. Dionne observed that Rockingham County has a full-time Sergeant and a full-time Officer, and it is looking at hiring another full-time employee. He noted that he learned that in Rockingham County, the DOC employees have to discover what Court is going to hear a case because the Courts don't even know what Judge is sitting or where they are sitting for cases to be heard. Supt. Dionne added that when he was in Rockingham County; an individual Judge was not available; he was out that day, so the staff at Rockingham County DOC had to find the other Judge in Seabrook and had to utilize a computer and cell phone to reach the Judge live with a request that he return to the bench in Seabrook; a process that took staff about 10 minutes. He emphasized that it was not the Office of the Courts that located the Judge; it was the Department of Correction's staff. He offered that it is his belief that finding a Judge should not be the responsibility of DOC staff or to be setting up Court cases; it should be the Clerks, Judges and Office of Courts. Supt. Dionne added that Belknap County is suggesting that it will be reducing Court Security Officers and Bailiffs because most cases will be heard by Video Conferencing with the exception of trials and murder cases; Belknap County will also be requesting that the Office of the Courts send a Court Officer to run the 2 videos and supervise the inmates as opposed to using DOC staff. He noted that the decision to enter into this project rests with the Board and added that he has the room at the facility and is aware that the Office of the Courts will provide the initial equipment which will then cost the County approximately \$1,200/ year to run; he emphasized that the primary issue is the cost of the staff that will be required to run the Video Conferencing program.

Sheriff Hardy offered that any time a new program is started there will be issues that need to be resolved and added that he will meet with Supt. Dionne. Sheriff Hardy noted that he is not sitting in today's meeting as an advocate for the program; he added that he realizes that the State is famous for issuing unfunded mandates and directives. He noted that he raised the issue today because it has been brought up at meetings of the Judicial Council with the Administrative Judges at times and noted that perhaps there is a way to work collaboratively with Supt. Dionne to put some Court Officers in place. The Sheriff noted that the Sheriff's Office is responsible for custody and control of prisoners any time they are in court, so perhaps there is a way to work something out. He recommended that the County give consideration to this project and noted that it could be prepared for the FY14 budget that is rapidly approaching. Sheriff Hardy added that he realizes that there will be costs associated with the program. He added that at the State level, Administrative Services reimburses the County for custody and control function of prisoners at the Court House, and noted that Commissioner Hodgdon is quite adamant that she can find a savings once Video Conferencing is implemented; he noted that while he believes there will be some savings, he does not believe that it will be significant because as the Superintendent pointed out, there are proceedings of the Courts where the inmate has to be visibly present and available. Sheriff Hardy noted that with arraignments, status conferences, bail hearings, marital hearings, family court hearings, and like issues, the expense can be reduced through the use of Video Conferencing. Sheriff Hardy remarked that he supports the project, adding that it is an outstanding issue; he noted that he is hopeful that the County can implement the program.

Comm. Ziehm observed that she is hearing that Supt. Dionne was not invited to any of the meetings, and added that seems somehow remiss because “we are a team.” Sheriff Hardy added that the meeting he referred to was not a meeting specific to Video Conferencing, it was a meeting of the Administrative Council where Sheriffs periodically meet with other Sheriffs and it came up in conversation; he added that it also came up during a Court Accreditation Commission meeting during discussion of budgets and other items. He added that he is sure he can meet with the Supt. Dionne and come up with something feasible.

Comm. Pappas inquired relative to whether the Sheriff could provide any solid numbers regarding savings for his Department. Supt. Dionne explained that he wished to correct an earlier statement; the DOC cost for Video Conferencing is \$105,000, not \$150,000 as mentioned earlier in the meeting. Sheriff Hardy added that he has always cautioned the legislators that without having a trial period, it is difficult to project any costs.

Comm. Holden noted that the County Attorney and the Board of Commissioners were not involved yet the Office of Administrative Office of the Court came to the County with yet another unfunded mandate; she explained that the County does not have the money in the current budget. She added that the issue has, and is being considered; however, the County has been asking for protocols and once they are in place for all 10 Counties, Hillsborough County may wish to proceed. Sheriff Hardy pointed out that Judge Dalianis and the Director did come to the County to make a presentation relative to the project last year. He added that that one set of protocols will not fit the needs of all Counties. Comm. Ziehm noted that she sees the real problem as one where the Supt. Dionne has already had to lay off employees and the DOC can only carry so much, but added that perhaps the new Legislature will see things differently. Sheriff Hardy added that he has been criticized for a lack of activity and noted that he simply wants to be certain that the Video Conferencing project stays on the table. Comm. Ziehm added that she believes that while the Board sees the value of the project; the issue is funding.

Mr. Wenger remarked that the money the State has for Video Conferencing equipment is going to be gone very quickly if it is not already gone. He summarized by stating that this is the first time he has heard the Sheriff say that the project will save money in his budget; he added that his understanding has always been that until the County can address the deficit the Department of Corrections would experience, the County would not be participating; he noted that that is the message that has been sent to the Administrative Office of the Courts. In response to a question from Comm. Ziehm relative to when the State funds will be used up; Mr. Wenger indicated that it is in the current State budget and he is not sure if the funds are still available.

NACO Sequestration

Comm. Holden addressed the NACO Sequestration document that relates to the Federal “Cliff;” she added that it is a well written document that gives the facts. She offered a copy of the document to any who wished it and noted that she requested that Betsy Miller at NHAC send it out to County Administrators.

M. Castonguay informed the Board that that the Executive Committee will be meeting the following Friday at 9:00 a.m. She added that she is organizing a collection for Chairman Seidel for a thank you tribute.

Temple Street

Mr. Wenger updated the Board relative to security at Temple Street. He explained that Ms. Robinson and he met with representatives from the County Attorney's Office, Sheriff's Department and the Registry of Deeds to explore security issues at 19 Temple Street. A directive was developed for finding a temporary solution and a long-term solution. Through discussion, a consensus was reached for an approach that was consistent with a Board recommendation about 14 years ago; he added that ideally there should be an individual present, whether it be a security officer or security/maintenance person, but although the Commissioners have recommended it, it has not been approved in the budget. The short-term solution to address security needs includes:

- Closing off the 3rd floor to all public access; but have it accessible to employees
- Locking out 3rd floor access in the elevator, and making it accessible only by key or card access
- Locking off the back stairway to the 3rd floor making it accessible to employees by card access or other means
- Locking the main front entrance
- Accessing the building from the rear only and to exclude 3rd floor access

Mr. Wenger suggested that the County will also be reviewing the space needs of the Registry staff with the Register and looking at consolidating and better securing an area for employees. Mr. Wenger added that the proposed plan will provide a solution that would not impact the historical significance of the building. He explained that the next step will be to get prices and come back to the Board.

Comm. Ziehm asked about an earlier discussion relative to moving some of the staff to Manchester; Mr. Wenger responded that it is an option; however, there would be relocation costs, desks would have to be purchased, and there would be the cost of employees commuting daily to Nashua; he added that it is not an ideal solution. Comm. Ziehm added that she is not sure what is being gained if there is still one door without security.

Sheriff Hardy added that his department has done security analyses over the years that involved physical improvements, as well as burglar, fire and duress alarms. In response to a question from Comm. Ziehm, Sheriff Hardy explained that his department has an administrative support person who is there 8 hours per day as well as approximately 4 Deputies that are assigned to the southern tier who work out of that building. He added that deputies, as available, walk through the building when they are in the office for a brief time.

Register Coughlin explained that she is reviewing options with the software company for moving staff to a more secure location. Mr. Wenger added that the Board may wish to have a presence at meetings where discussion is being held relative to reorganizing a facility because that falls under the Board's responsibility; it would make sense to involve the Board from the beginning of a discussion.

Discussion ensued regarding the cost of a security person at the County Complex. Sheriff Hardy explained that there is one security person at the Bouchard Building; the remainder of the staff provides custody and control functions; they are paid a stipend of \$80/day with no benefits; Comm. Holden added that \$15 of the stipend is paid by the County. Mr. Wenger added that having a security officer would be the best way to approach security at Temple Street; the problem is that it has been proposed by the Board on numerous occasions and has failed at the next level. He added that the Board could choose to put the expense in the next budget. Mr. Wenger agreed to come back to the Board with a plan for the Board's consideration at its next meeting. Comm. Ziehm added that she feels that it should be added to the budget again so that if anything happens, she will at least feel that she has done her best to provide security. There was a consensus that it could be addressed again during the next budget process.

BOC Calendar

The Board reviewed a proposed 2013 Draft BOC Schedule as well as the remainder of the current calendar year. The Board agreed that it would meet on: November 28, 2012 and December 12, 2012. The Board agreed to cancel the meeting scheduled for December 26th since it falls on the day after Christmas. A special meeting has been scheduled for January 2, 2013; the new terms of office commence on Wednesday, January 2, 2013 and the Board will be sworn in on that day.

Comm. Holden requested that the November 28th meeting be changed to commence at 3:00 p.m. The other Commissioners agreed to the change.

The Board agreed to approve the 2013 Draft BOC Schedule; it will resume its regular schedule on January 9, 2013 and continue to meet every two weeks thereafter.

Extradition Expenses

Mr. Wenger addressed the Extradition Expenses that were tabled earlier in the meeting; he explained that the duplicate entries are correct; they represent the transport of 2 individuals from Essex County by 2 Sheriff's Department employees.

Motion: To remove the Sheriff's Extradition vouchers from the table. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To approve the Sheriff's Extradition vouchers on the following dates for the following amounts:

Sept. 28, 2012	\$ 57.13
Sept. 28, 2012	\$ 57.13
Oct. 3, 2013	\$ 556.33
Oct. 10, 2012	\$ 517.26
Oct. 12, 2012	\$ 76.17

for a total of \$1,264.02, noting that they have been previously approved by the County Attorney. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

11. Public Comment

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

11. Non-Public Session

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

Supt. Dionne withdrew his request to meet in Non-Public Session.

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

The Board moved into Non-Public session at 10:44 a.m.

The Board met with Attorney Kirby and Sheriff Hardy.

The Board moved out of Non-Public Session at 10:58 a.m.

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

The Board agreed to recess its meeting 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 10:59 a.m.

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

The meeting reconvened at 11:06 a.m.

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

Motion: To deny Grievance number PM 609. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

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 11:08 a.m.

Approved on January 9, 2013

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

Date