

Regular Meeting of the
Hillsborough County Board of Commissioners
November 20, 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, L. Movsesian, S. Jasper, G. Wenger, J. O'Mara, B. Moorehead, J. Hardy, P. Flood, M. Rusch, C. Kirby, R. Mercer, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 3:44 p.m. J. O'Mara led those present in the Pledge to the Flag.

2. Non-Public Session

Motion: To move into Non-Public Session under RSA 91-A: 3 II, Lease of real property. By Comm. Holden, second by Comm. Clemons. Clemons-yes; Holden-yes; Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 3:48 p.m.

The Board met, with S. Jasper Executive Committee representative, to begin preliminary discussion of the requirements for a lease agreement with the State for the use of the second floor of the Bouchard Building. Legal Counsel, C. Kirby, J. O'Mara, and G. Wenger joined the general discussion.

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

The Board returned to public session at 4:20 p.m.

3. Minutes

The Board considered the minutes of its November 8, 2007 meeting. Commissioner Holden requested that the minutes be amended to reflect more thoroughly the discussion regarding the HB 02. Comm. Holden requested the following be added 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-imbursements, 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-imbursements, 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.”

In response to a question, L. Stonner indicated that she had reviewed the tape of the meeting and that the amendment as requested accurately reflected the discussion. Following a brief discussion, a motion to approve as amended was presented.

Motion: To approve the minutes of the meeting of November 8, 2007 as amended. By Comm. Clemons, second by Comm. Holden. Motion carried.

4. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 11/15/2007 in the amount of \$1,041,422.95, 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 11/19/2007 in the amount of \$4,452,295.79 subject to review and audit. By Comm. Clemons, second by Comm. Holden: Motion carried.

Bid # CIS 8-2008 – Barracuda Spam Firewall Annual Support Service

Motion: To approve Bid # CIS 8-2008 for Barracuda Spam Firewall Annual Support Service to GovConnection, Inc. 706 Milford Road, Merrimack, NH in the amount of \$1,099, noting that it is the lowest responsible bidder meeting the specifications. By Comm. Holden, second by Comm. Clemons. Motion carried.

6. Nursing Home

Mr. Moorehead presented the Nursing Home census, noting that as of November 1, there were 274 Residents, which includes 211 Medicaid residents, 39 private pay and 24 Medicare residents. He noted that the Medicare census has dipped during the last couple of weeks, which is usual at this time of year with many Medicare residents being discharged for the holiday.

Mr. Moorehead referred the Commissioners to the October Revenue sheet that he had distributed, noting that the budgeted income of \$1,538,060, versus the actual revenue total for the month of \$1,731,970, resulted in the Nursing Home being \$193,910 over budget and to the good. Mr. Moorehead noted three reasons for this, including that the census for the month was almost 284 residents, the average Medicare rate was \$423 per day, and the self-pay census was 39 to a budget of 25.

Request for Resident Christmas Gifts.

Mr. Moorehead requested that the Board approve the annual request for Christmas gifts for the residents, noting that if each resident is provided with a \$10 gift, the County would pay \$8.00 and the Resident Council would cover the remaining \$2.00. Mr. Moorehead recommended the Commissioners approve the request noting that based on an average census of 280 residents the cost would be approximately \$2,240.

Motion: To approve the recommendation of Mr. Moorehead. By Comm. Holden, second by Comm. Clemons. Motion carried.

Request for position change

Mr. Moorehead requested that the Board approve a change of the part-time Clinical Behavior Therapist position at 19 hours a week, to a part-time Social Worker position, noting the facility has not been able to fill the Clinical Behavior Therapist position with a qualified applicant at the hours needed. Mr. Moorehead commented that he believes that changing the position to a part-time Social Worker will meet the needs, noting that the Social Worker position requires a BS in Social Work as opposed to a Masters Degree in Psychology for a Clinical Behavior Therapist. He further noted that with training in Behavioral Care Planning, a Social Worker could meet their needs, and the position would meet both the requirements of the AFSCME contract and the State.

Motion: To approve the request of the Nursing Home Administrator to change the part-time Clinical Behavior Therapist position in the Social Services Department to a part-time Social Worker position for the reasons stated by Mr. Moorehead. By Comm. Holden, second by Comm. Holden. Motion carried.

7. Sheriff

Bid #08-014 for 8 Portable Kenwood Portable Radios

Sheriff Hardy presented Bid #08-014 for 8 Portable Kenwood Portable Radios. P. Flood explained that the request before the Board is based on the State bid for portable radios at a cost of \$562.39 each, noting they would like to purchase 8 radios at a total cost of \$4,499.15, and that the State bid was awarded to Wright Communications, Pembroke.

Comm. Holden inquired if these radios would be reimbursed by the State. Sheriff Hardy responded that no, these would not be reimbursed.

Motion: To approve awarding Bid #08-014 for 8 Portable Kenwood Portable Radios to Wright Communications, for a total price of \$4,499.15. By Comm. Clemons, second by Comm. Holden. Motion carried.

Sheriff Hardy informed the Board that if the provisions of SB 79 are adopted and funded, the equipment would be covered by the State for the court security officers. Comm. Holden noted she is aware of the House Bill, and suggested that is a "big if."

Bid #08-006 Havis Shield Prisoner Container and Emergency equipment for the new extended van.

Sheriff Hardy presented Bid #08-006 for the Havis Shield Prisoner Container and Emergency equipment for the new extended van; he noted that Northeast Kustom Kreations is a single-source provider.

Motion: To approve Bid #08-006 for the Havis Shield Prisoner Container and Emergency equipment for the new extended van to Northeast Kustom Kreations at a cost of \$23,097, noting that it is a single source provider. By Comm. Holden, second by Comm. Clemons. Motion carried.

5. Department of Corrections

Census

J. O'Mara was recognized. He informed the Board that the census at the facility as of November 14, 2007 was 528. He noted that 476 were men, of whom 140 were sentenced, and 336 were being held pre-trial. On the women's side of the house, there were 52 female inmates; 16 were sentenced, and 35 were being held pre-trial, as well as one being held for Rockingham County.

8. Public comments on agenda items

No members of the public were present at the time.

9. Old/New Business

Schedule for Board of Commissioners future meetings

The Commissioners reviewed their schedules and decided to continue meetings at 3:40 p.m. on the following dates:

Monday, December 3
Thursday, December 20
Wednesday, Jan 2
Wednesday, Jan 16

2008 Holiday Schedule

Mr. Wenger presented a proposed Holiday Schedule noting that the proposal was consistent with previous years, County Policy, and the County's collective bargaining agreements. The Board accepted the proposal and moved its approval.

Motion: To approve the 2008 Holiday Schedule as presented. By Comm. Holden, second by Comm. Clemons.
Motion carried.

Primex³Health Dependent Eligibility Election

G. Wenger summarized the issue regarding the dependent eligibility. He noted that upon passage of HB 790, insurance companies were required to provide dependent coverage, extending coverage from age 19 up to age 26; however, it was subsequently learned that because the County belongs to an pool which provides its health insurance coverage, the statute does not require the County to provide the extended coverage. He noted that there are a couple employees who are receiving this benefit and the County's pool, Primex, has asked us to make an election: either, Option 1 - the County will not be offering the enhanced coverage, or Option 2 - we provide the coverage, and extend it from ages 19 through 26. Mr. Wenger noted that the County could re-visit this again during the open enrollment period in June in anticipation of the new policy year, July 1, 2008. Comm. Pappas commented that the County does have employees who fall into this category. Mr. Wenger affirmed her comment. Mr. Wenger further noted that the County will be required to offer extended coverage for its vision and dental programs as those are provided through insurance companies covered by the new law.

Motion: To vote Option 1 under the statute, noting that it does not apply to the County. By Comm. Holden.

Following a discussion, the motion failed for lack of a second.

Mr. O'Mara inquired regarding the cost of the extended coverage and suggested that as some employees have taken advantage of the opportunity, and hopes the benefit extend through the end of the policy year. Commissioner Holden suggested that the decision be tabled for now, and emphasized the importance of fairness. Following a brief discussion, the matter was tabled.

Bidding on Holding Female Prisoners

Board Discussion ensued regarding Hillsborough County not receiving information or the opportunity to bid on housing female State prisoners. Comm. Clemons reported that he had spoken with Councilor Pignatelli, and noted that she reported that all counties were given the opportunity to bid. Comm. Holden informed the Board that she had a copy of a letter from Councilor Shea that originated at the State Department of Corrections, which indicated that the notice went out to all ten counties. J. O'Mara noted that he now has a copy of the memo, and stated that it was never received in his office. He informed the Board that he attended a high school graduation at the Women's Prison at approximately the time when the bids were sent out, and noted that he spoke to Joanne Fortier at length and that the bidding process was never brought up.

Comm. Clemons inquired whether Mr. O'Mara would have been able to outbid Strafford County. Mr. O'Mara responded that because of the uniqueness of the management needs, the Board historically has taken the position that the per diem rate is \$65 per day. Comm. Holden indicated that the winning bid was \$55, and that two other counties requested an extension, and she noted the Board will certainly re-visit the issue in the future. She noted that according to the state records, the bids went out to all counties, but of course, Hillsborough County did not receive notice, and only became aware of the bid through a newspaper article. Mr. O'Mara noted that the census for women was 52, and they have 96 beds for women, so the County could have accommodated 30 until its needs grow. He indicated that he was disappointed that Hillsborough County did not receive a bid opportunity, and thanked the Commissioners for following up on the situation.

Comm Holden distributed a copy of the Draft Final Report of the Subcommittee on Corrections, SB 319 for the Commissioners information.

Supt. O'Mara noted that each year the Sheriff's Department transfers out vehicles from their department to the Department of Corrections. He requested that the Commissioners approve the transfer of a vehicle to the Department of Corrections, noting that the vehicle is one of the older, ones still registered to the Department of Corrections, and the Vehicle Identification Number (VIN) is 2G1WF55K739210629.

Motion: To authorize the Sheriff to transfer a vehicle to the Department of Corrections with the VIN number as stated by Mr. O'Mara. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. O'Mara informed the Board that on November 28 at 3:00 p.m., at Hillsborough County Superior Court North, there would be four graduates from the Hillsborough County Community Corrections program. The Commissioners were invited to attend.

Mr. O'Mara indicated that he received information today that the County will be receiving \$16,438 from the Bureau of Justice Assistance to the Hillsborough County General Fund, under the State Criminal Alien Assistance Program (SCAAP), which reimburses the County annually for holding people who ultimately become identified as criminal aliens, even though they are charged and detained locally.

Mr. O'Mara informed the Board that Manchester Police arrested an inmate the previous day after only three days on the street, having been released from the DOC November 16th. Mr. O'Mara noted that the individual had received head injuries prior to his arrest and is at the Dartmouth Hitchcock Hospital where he will be arraigned. He noted that the Manchester Police Department is watching him currently, but once arraigned, the DOC will accept custody, and will go to W. Lebanon to sit with him until he is returned to Manchester. Mr. O'Mara explained that this is one of those situations that cannot be budgeted or projected in advance. Comm. Clemons asked what charges the inmate had served time for prior to his release. Mr. O'Mara noted that the charges included robbery, changing the markings on a firearm, and unauthorized possession of a firearm.

Mr. O'Mara requested a Non-Public session under RSA 91-A:3 II (g) to discuss security-related issues.

Mr. Clemons asked if the Board wished to discuss the Temple Street building issues. Comm. Holden noted that the

report provided by E. Robinson was simply a status report for their information. Mr. Clemons expressed his opinion that the Board should make decisions on the repairs as soon as possible. Comm. Holden noted that the Status Report would be helpful since the Board has not received Incident Reports, and from the Status Report, a plan of action could be implemented. Comm. Clemons asked who would be responsible for developing that plan of action. The general consensus was that E. Robinson would be responsible for developing the plan of action, hopefully with input from J. MacDonald at the Registrar of Deeds office. Mr. Wenger noted that there is communication going back and forth between E. Robinson and J. MacDonald regarding the issues and suggested that he anticipated that a plan of action would be forthcoming. J. Hardy noted that his department has previously made security recommendations for that building, which are available. The Board agreed to revisit the matter.

Delegation

M. Rusch informed the Board that the next Delegation meeting is Tuesday, November 27 at 6:00 p.m., for the Public Hearing, with the Delegation meeting at 6:30 p.m. to consider the Nursing Home AFSCME contract. She also noted that Executive Committee would meet again on Friday, December 21, in conjunction with the building Christmas party.

Mr. Wenger informed the Board that an employee in Human Services would again be coordinating donations (throughout the building) of gifts and clothing for some of individuals they serve.

Mr. Wenger noted that he has been working with the Business Office staff as well as Mr. O'Mara and his staff over a period of several months to address the ability to do Direct Deposit for the DOC employees. He explained that the AFSME contract at DOC provides that Direct Deposit may be elected by the Commissioners and that his office and the Department have been working to assure that payroll would be processed in a timely manner each week so that a recommendation can be made to the Board to make the election. Mr. Wenger informed the Board that the issues previously preventing the recommendation have been resolved and he would request at this time that the Board consider taking action to implement direct deposit for the DOC staff. He thanked Mr. O'Mara and his office, noting that they have done significant work, including changing procedures at the Department to make this possible and after a number of weeks of dry runs have convinced the Business Office that the process will be completed each week and that direct deposit is feasible.

Mr. Wenger informed the Board that direct deposit for the Nursing Home is more complicated, with more people and issues involved, and noted that though significant efforts have been made to facilitate direct deposit for the facility they have been unable to resolve all of the outstanding issues.

Mr. Wenger also noted that in order for Direct Deposit to be implemented at DOC, the employees must submit an election authorization form and that once submitted it takes a payroll or two for the request to be implemented. Following a brief discussion the Board agreed to make the required election.

Motion: To elect to offer direct deposit for those members of the DOC AFSCME group authorizing the same, noting that the departments will work to implement this for the first payroll of the new tax year. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. O'Mara informed the Board that his department had received 21 applications from Inmates for temporary release for Thanksgiving, and following a detailed review, 19 of the 21 were approved. He explained that the approved inmates would be leaving for 12-hour temporary releases from the DOC facility, noting that it is usually 8:00 a.m. to 8:00 p.m. He explained that this is an annual program the Department has offered at Thanksgiving and Christmas for over 15 years and helps the Inmates re-establish connections at home. He noted that the Inmates would be up for release in the next month anyway. He went on to explain that his facility is the only one in the state with this program and that only one minor incident as occurred in the 15 years. Mr. O'Mara noted that the success of the program is due to the commitment of his staff.

10. Non-Public Session

The Board moved to go into Non-Public session with the Superintendent and C. Kirby under RSA 91-A:3 II (g) to discuss security-related issues.

Motion: To go into Non-Public session with the Mr. O'Mara, representing the Department of Corrections, Mr. Wenger and C. Kirby under RSA 91-A:3 II (g) to discuss security-related issues. By Comm. Holden, second by Comm. Clemons. Holden-yes, Clemons-yes, Pappas-yes. Motion Carried.

The Board moved into Non-Public session at 5:08 p.m.

The Board met with Mr. O'Mara who updated the Commissioners regarding a security issue at the facility. Following a brief discussion, no action was taken.

In consultation with Legal Counsel, C. Kirby, Esq. updated the Commissioners regarding the status of an ongoing legal matter involving the Department of Corrections.”

The Board returned to public session at 5:31 p.m.

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

11. 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. Clemons, second by Comm. Holden. Motion carried.

The meeting adjourned at 5:32 p.m.

(SIGNED 12/20/07)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date