

Regular Meeting of the
Hillsborough County Board of Commissioners
December 2, 2008
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. O'Mara, B. Moorehead, M. Wageling, L. Movsesian, M. Rusch, G. Wenger, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 1:33 p.m., followed by the Pledge to the Flag led by Comm. Clemons.

2. Minutes

Minutes of November 19, 2008

Motion: To approve the minutes of November 19, 2008. By Comm. Clemons, second by Comm. Holden. Motion carried.

4. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 11/26/08 in the amount of \$1,163,046.50, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 12/01/08 in the amount of \$3,736,117.07, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Telephone Poll

Motion: To approve a Telephone Poll conducted on November 20, 2008 to authorize a settlement amount for a pending case involving the Department of Corrections. Comm. Holden noted that all three Commissioners were reached and each expressed support for the action. By Comm. Holden, second by Comm. Clemons. Motion carried.

6. Nursing Home

Census

Mr. Moorehead, Nursing Home Administrator, was recognized. He presented a revised Nursing Home Census, noting that as of November 27, the Census was 269, which included 208 Medicaid residents, 40 private pay residents, and 21 Medicare Part A residents. Mr. Moorehead noted that today's numbers were approximately 272 and explained that a few skilled residents were able to go home for the holidays. He further noted that during the month there were 22 admissions and 30 discharges/expirations; he observed that this is typical at this time of year.

Bid # 13-2009 - Transportation & Incineration of Biohazardous Waste

Mr. Moorehead presented Bid # 13-2009 which is for the transportation & incineration of hazardous waste and its destruction. He informed the Board that the lowest responsible bidder is Northeast Medical Waste Service, Shelburne, VT; he noted that this is a three-year contract.

Motion: To approve Bid # 13-2009, which is for the transportation & incineration of biohazardous waste to Northeast Medical Waste Service, Shelburne, VT, noting that it is the lowest responsible bidder; this is the first year of a three-year contract. By Comm. Holden, second by Comm. Clemons. Motion carried.

Bid # 14-2009 – Podiatry Services

Mr. Moorehead presented Bid # 13-2009, informing the Board that this bid is for the Podiatry Services Contract and the lowest bid was from Christopher Bush, Hampton, NH, noting that he is the current provider. Mr. Moorehead informed the Board that Dr. Bush accepts assignment from Medicare and Medicaid as his payment in full; therefore, there is no cost to the County. He further noted that the other bidder would add an administrative fee of \$240 a month.

Motion: To accept Bid # 13-2009 for Podiatry Services from Christopher Bush, DPM, PLLC of Hampton, as the recommended service provider. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Holden noted that the record should include that this bid is part of a third party billing arrangement, and it is at no cost to the County.

Bid # 15-2009 – Kronos Time Clocks

Mr. Moorehead presented Bid # 15-2009 for two Kronos time clocks, noting that this is budgeted under line 7970. He noted that the software for the current time clocks could not be updated because of the age of the hardware. He indicated that the lowest responsible bidder and sole source provider is Kronos, Inc., Chelmsford, MA, at the price of \$8,550.

Motion: To approve Bid # 15-2009 for Kronos Time Clocks (two each), to Kronos, Inc., Chelmsford, MA, at the price of \$8,550, noting it is the sole source supplier and the software needs to be updated. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Moorehead noted that the software is due to be updated in FY2010, and that it cannot be done now with the existing hardware.

Mr. Moorehead referred the Board to a discussion at the last meeting, at which time Mr. Moorehead indicated that he believed that the per diem rate would drop. He had indicated that he would be attending a TAC meeting and he would update the Board relative to the new per diem rates effective this coming July. Mr. Moorehead explained that to his surprise, the rate recommended included a \$7.99 increase due to a drop in a three-year utilization of the Medicaid days in that period; it dropped to 4,272 days per month average. He further noted that they also dropped the budget neutrality down from 23% to a little under 18%. He explained that in simple terms, as the days drop, the rates go up, and he noted that happened even though the Nursing Home's case mix index decreased. Mr. Moorehead summarized by explaining that he received an email from Betsy Miller indicating that the State has cut the budget by pulling out the estimated reduction of HB721 money by that HB721 money that was not collected. Mr. Moorehead explained that HB721 monies were not in the budget, as had been shared with TAC on 11/20/08, and that the State Nursing Home budget line was reduced by \$4,000,000.

He noted, that based the above information, he estimated a \$40,000 decrease in revenues for a full year and a \$20,000 in this Fiscal year.

Comm. Pappas invited Attorney Wageling to provide an update on the Chestnut Street move. Ms. Wageling informed the Board that she has been invited to attend a meeting on December 12th at 2:30 p.m. with the Court in Nashua, and to a second meeting on December 30th at 11:00 to address the renovation and the move. She noted that a meeting was held with the Court two months ago that she was unable to attend, but her staff was in attendance, including her two first Assistants who asked that the County Attorney's office be allowed to participate in any dialogues and discussions that took place as well as asking that Attorney Wageling be included in email discussions. Attorney Wageling informed the Board that Judge Groff is the person setting up the task force for the transition and inclusion of the Hillsborough Court North staff, further noting that several meetings have been held without including the County's staff. Attorney Wageling explained that she had a discussion about a month ago with Laura Kiernan, the spokesperson for the Court, who agreed to voice Attorney Wageling's concerns. She noted that she has also met with her staff to keep them informed and to address rumors, and further noted the importance of moving out of the building because of abatement issues. Attorney Wageling informed the Board that she approached Sen. D'Allesandro and Rep. Pilotte regarding sponsorship of legislation to get a waiver for her program to remain in the Manchester District Court, and noted that the State Administrative Office is aware and has the pertinent information.

Comm. Clemons opined that the move would probably not happen this year with the current State budget concerns; however, it is his belief that the Governor is aware that the Courthouse abatement project is a priority.

Superintendent O'Mara arrived and was recognized by Comm. Pappas.

5. Department of Corrections

Census

Superintendent O'Mara presented the Department of Corrections' Census dated December 1, 2008. He reported that the DOC is holding 617 Inmates in custody. There are 543 men, which includes 168 that have been sentenced and 375 that are being held pre-trial. There are 74 women, which includes 19 that have been sentenced and 55 that are being held pre-trial.

Rescind and Re-bid, Bid #FY09-84 – Roof Replacement – Building # 21

Supt. O'Mara explained that Bid #FY09-84 was awarded to Reeds Ferry Lumber at the Board meeting on November 6, 2008. When Reeds Ferry Lumber was notified that it won the bid, it responded that it had misquoted the price of shingles and that it wished to continue the bid at a higher price. Mr. O'Mara explained to the Vendor that that was not possible because the Board of Commissioners had approved the bid at a specified amount, and added that Capt. Cusson put it out for a re-bid. Supt. O'Mara requested that the Board rescind the original bid and award the bid to Home Depot, the current lowest bidder. He explained that all the companies that had originally bid were contacted again to verify their bid amount.

Motion: To rescind Bid # FY09-84 for Complex-Bldg. # 21, Roof Replacement, Reeds Ferry Lumber, Merrimack, NH, at a price of \$8,609.87, the original winner of the bid that later changed the price. By. Comm. Holden, second by Comm. Clemons.

Mr. O'Mara asked the Board to approve a new Bid # FY09-84 for Complex-Bldg. # 21, Roof Replacement, to Home Depot, at a price of \$9,234.20, noting that all other bidders held their price.

Motion: To approve a new Bid # FY09-84 for Complex-Bldg. # 21, Roof Replacement, to Home Depot, 19 March Avenue, Manchester, NH, at a price of \$9,234.20, noting that it is the lowest

responsible bidder and the quote is good until December 18, 2008. By Comm. Clemons, second by Comm. Holden. Motion carried.

9. Old/New Business

Supt. O'Mara informed the Board that Rockingham County has sought to enter into a housing agreement each year with Hillsborough County for the housing of female prisoners. Strafford County is typically their first choice, but if Strafford County is unable to accommodate them, then Hillsborough County will be asked to accommodate their request. Mr. O'Mara noted that the agreement is renewed annually and requested that the Board sign the agreement.

Motion: To renew the agreement with Rockingham County for the housing of female prisoners as requested by the Superintendent. By Comm. Clemons, second by Comm. Holden. Motion carried.

Mr. O'Mara requested a Non-Public session under RSA 91-A:3 II (g) relative to a security-related issue at the Department of Corrections.

Comm. Clemons asked Mr. O'Mara if a date had been set for the meeting with the Mental Health stakeholders. Discussion ensued relative to each Commissioner's schedule and Wednesday, December 17th was considered as a tentative date. Mr. O'Mara suggested that the Board consider authorizing Comm. Clemons to sign the letter inviting all the stakeholders to that meeting.

Motion: To authorize Comm. Clemons to sign the letter inviting the stakeholders to a December 17th meeting. By Comm. Holden, second by Comm. Pappas. Motion carried.

8. Public comments on Agenda items

There was no one present from the public to speak today.

M. Rusch reported that the Delegation will hold its organizational meeting on December 9th, and the Executive Committee will meet on December 19th, with the Christmas Party following the meeting.

Mr. Moorehead directed the Board to the letters and public relations articles in their packets today and specifically referred the Board to the letter from the NH Department of Health and Human Services that mentioned that the Nursing Home is in "substantial compliance with the requirements for Long Term Care Facilities on the Health issues, and also based on the Life Safety Recertification follow-up survey." Mr. Moorehead also referred the Board to a letter of thanks from a family member and the attached newspaper articles that included Craft Fair information, and a story about resident, Angelina Loyiades, who has knitted more than 1,000 hats that she has donated to charity, and lastly to an interesting article featuring Larry Lamy, an 87 year-old resident, as he looked at a B-17 bomber similar to one in which flew, and served as turret gunner in during World War II.

10. Non-Public Session

Motion: To enter Non-Public Session under RSA 91-A:3 II(g) with Supt. O'Mara relative to a security-related issue at the Department of Corrections. By Comm. Holden, second by Comm. Clemons. Pappas-yes; Clemons-yes; Holden-yes. Motion carried.

The Board entered Non-Public Session with Mr. O'Mara at 2:10 p.m.

The Board met with Mr. O'Mara who addressed an inmate security issue with the Commissioners. No action was taken at this time.

Motion: To return to Public Session. By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board returned to Public Session at 2:20 p.m.

Comm. Pappas informed the Board that it has other items to consider under Old/New Business.

The Board discussed a date and the process for its swearing in. The Board agreed that it would be appropriate to contact Judge Lawrence of the Goffstown Court to inquire if the proceeding could be held at the new Court in the Bouchard Building on January 7, 2009 at 8:30 a.m. Mr. Wenger will make the arrangements.

The Board discussed an adjustment to the mileage rate and agreed to follow the rate as approved by the Internal Revenue Service.

Motion: To adjust the approved mileage rate to 55 cents per mile effective January 1, 2009, as approved by the IRS. By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board reviewed the proposed schedule of its meetings, and asked that the proposed dates be moved forward one week earlier. January 7th would be its first meeting with future meetings to follow every two weeks.

Mr. Wenger provided the Board with a proposed list of approved annual holidays for the calendar year 2009, noting that it follows procedure of past years, and it is consistent with County policy and the union contracts.

Motion: To adopt the proposed 2009 Holiday Schedule as presented by Mr. Wenger. By Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that he has forwarded an email to all departments with respect to year-end planning which notifies them that the schedule for the last payroll for the calendar year 2008 will be the check dated December 24, 2008; he noted that personal and un-used sick time will be calculated as of December 20th, which is that last day that people will receive pay for which they will be paid in 2008. He explained that anytime after that would be considered 2009; the first paycheck for 2009 will be issued January 8, 2009. He noted that this is the same process that is followed every year, and it is consistent with County policy and the union contracts. The Board concurred with the schedule.

Mr. Wenger noted that he had spoken with each Commissioner individually relative to Harvard Pilgrim's First Seniority Freedom plan. He provided a proposed motion for the Board's consideration to confirm the discussions with them individually, and explained that he needs to send confirmation to Primex.

Motion: To confirm that the County will continue to offer its Retirees the Harvard Pilgrim Health Care of New England First Seniority Freedom Plan administered through Primex, and that the County will discontinue offering the Medicare Enhance Plan for new retirees effective immediately, and for current subscribers at the close of the current plan year, June 30, 2009. By Comm. Holden, second by Comm. Holden. Motion carried.

Mr. Wenger informed the Board that the First Seniority Freedom Plan is already being offered and approximately half of the County's retirees are on the plan; it is a less expensive plan, which is totally covered by the retirement subsidy for those who receive it. He noted that there are different co-pays that are more consistent with the County's employee plan; a more important consideration is that the County is currently subsidizing the retirees at approximately 1% of the annual increase. The change will help by moving the retirees out of the County pool into their own program so they will be rated on their own.

Mr. Wenger explained that the County has received its initial “not-to-exceed” rate from Primex with respect to the Harvard Pilgrim health plan, should the County choose to stay with that plan; the “not-to-exceed” rate is 8%. Mr. Wenger expressed his pleasure with this rate. He also informed the Board that Primex is offering an additional discount if the County were to commit prior to January 5th and commit to participate in Primex’ new proactive Health Extra program. Mr. Wenger noted that he would be meeting with Primex in the coming weeks to obtain more information on the new program.

Mr. Wenger referred the Board to a copy of a letter he provided from Mr. Ricker of Primex, advising that the Primex Board of Trustees has re-instated punitive damage coverage with no gap in coverage; he noted that the limit is \$100,000 per occurrence and \$200,000 aggregate, with a couple of conditions consistent with what the County had suggested.

Comm. Holden informed the Board that Supt. O’Mara had shared that there were 17 successful furloughs over Thanksgiving, and that the program is continuing successfully.

Comm. Holden communicated that NACo has formed a Governance and Structure Task Force, to which she was appointed; she reported that the Task Force would be making its recommendations at the fall Board meeting this week. Comm. Holden indicated that NACo would be considering the size of its Executive Committee and adding 5 regional members from different geographic locations. She informed the Board that the first Northeast Counties’ meeting will occur at the Kansas City for a caucus, and indicated that she and Comm. Pappas will be attending the board meeting in Tempe, Arizona. Comm. Holden explained that she also serves on the Member and Program Service Committee, and the committee will discuss foreclosures around the country, and how NACo might be able to help.

Comm. Holden spoke about the PLT (Payment in Lieu of Taxes) program and noted that there are three towns in Hillsborough County that received money that is payment in lieu of taxes for government lands. They are: Hancock, \$115; Peterborough, \$1,676; and the town of Weare received \$3,833.

Comm. Holden informed the Board that the NACo newsletter has been published, further noting that if anyone wants to get on the email distribution list there is information available relative to that, and the newsletter is also available online.

Comm. Holden then requested that the Board return to a discussion of the Board’s goals and objectives and inquired if the Board wished to consider a special work session for developing goals and objectives; she expressed her belief that it is important to prioritize.

Comm. Pappas agreed that it was important to begin discussion relative to 2009 goals and objectives. Comm. Holden noted that she would like to see each Department have its own goals and objectives. She mentioned that there is money in the budget for the CIS Department to develop a new website design, and noted that she would like to discuss continuing work on the planning process.

Comm. Pappas noted that the Board has discussed possibly creating a newsletter online as well as possible distribution by e-mail. Comm. Holden noted that she had received an e-mail newsletter from an Executive Council member with a synopsis of the meetings of the Executive Council; she mentioned that it would be nice to have a one-page newsletter that could be mailed or sent electronically to the Boards of Selectmen and noted that she had been working on one that she hopes will be ready the first of January. Comm. Holden explained that she could do it on her own, or there are other options. She envisions it being something that could also be sent out to the newspapers and to interested citizens. Comm. Pappas asked if the Business Office might want to help with that and indicated that she understood that the secretary would be interested in being involved in that project. Mr. Wenger responded that he awaits the Board’s direction relative to this.

Comm. Holden opined that there are things happening at the Commissioner’s Board meeting that should be out in the public, either by e-mail or on the website. Comm. Clemons explained that the Nashua school system came out with a similar newsletter that was e-mailed to approximately 5,000 people in the

Nashua area; he noted that it was an effective form of communication; it announced upcoming meetings and detailed the different committee's agenda and accomplishments. He explained that he received nothing but positive feedback from the newsletter.

Comm. Pappas asked if there was an e-mail list available. Mr. Wenger noted that he would like to understand the Board's goal, and further noted that it is not something that "could be done tomorrow." Mr. Wenger explained that the CIS department is in the process of updating the County's e-mail server. Comm. Pappas indicated that she very much favored the idea of a newsletter and noted that adding the meeting minutes to the website has been a big step forward. Mr. Wenger added that putting this on the website is not a problem, but developing the e-mail distribution will take some investment in the beginning, but should not be difficult, once it is set up.

Comm. Holden offered to design something or work with the secretary. Mr. Wenger asked the Board to direct its goals to him because the technology department will have to be involved, and they are heavily involved in the telephone upgrade until at least January, so the website will not be upgraded until after that time.

Comm. Clemons explained that he did not believe that the Board was planning immediate goals, but rather developing plans for 2009-2010.

Comm. Pappas noted that Mr. Wenger has suggested that a Board member might be interested in sitting in on the meetings with the insurance program review. Mr. Wenger noted that would be helpful; there is a lot of background information discussed, and having a Commissioner included in the meeting would be helpful, worthwhile, and very informative for the Board to help it understand the program. He noted that over the past two years the County has gained good understanding of where the costs are coming from and it has made significant steps in controlling those costs; an example would be the change in the insurance program for the retirees which results in a savings of over \$40,000. Comm. Holden volunteered to join Mr. Wenger in those discussions. Mr. Wenger noted that it might behoove the County to review the its entire insurance program (health & liability), noting that there are significant savings to be had if the County were to commit to a three-year program with Primex; the County has never been able to take advantage of this savings, but it could potentially represent a savings of approximately 5% per year.

Comm. Pappas also noted that the Chestnut Street move is an item for serious consideration; Mr. Wenger suggested that the Board address this issue soon, and that it should not be postponed. He noted that there should be more information available from the State after December 30th and explained that there will be a need for lead-time if the County moves its employees; he further noted there would also be a need for budget discussions relative to this issue in the near future. Mr. Wenger noted that he does not think the County can wait for the State's budget to be resolved before developing a plan of action. Comm. Pappas informed the Board that she would attend as many meetings as possible relative to the issue. Comm. Pappas informed the Board that she saw Laura Kiernan at a meeting and that she was anxious to have the County involved. Attorney Wageling expressed her belief that the County has not been dropped, but that Judge Groff is dealing with the minutia of where they are going to place personnel that is employed within the Court system within the building. She noted that there could be implications for the County, but she opined that they needed to make some initial decisions. Attorney Wageling mentioned that she would have preferred to have been included in the discussions from the beginning and expressed her belief that they sometimes forget that the prosecution is armed with the law day in and day out at the Courthouse. Attorney Wageling noted that she has informed her staff that it might have to live in discomfort for a year or so, and the Board needs to be aware of that. Mr. Wenger explained that there is a large piece of communications equipment in the building that will be difficult to move, and that issue has not been resolved yet. Mr. Wenger summarized by saying that the County has to be prepared to be responsive should an issue arise.

Attorney Wageling noted that there is not a lease on the Courthouse in Nashua, there have been a series of “gentlemen’s agreements.”

Comm. Holden mentioned the Safety program as another objective for January, 2009. Mr. Wenger noted that he would be meeting with Primex on Friday to gather information relative to the Safety program which is due by January 1st; he noted that he should have Safety program information to present to the Board at its next meeting.

Comm. Pappas inquired about proceeding with the Master Plan. Comm. Holden volunteered to continue chair the committee and to contact Dan Reidy, who served as facilitator at the previous Master Plan meetings, and arrange for future meetings of the committee. She noted that the next step could be to hold meetings with community stakeholders to see what might be done with the County land. Comm. Holden noted that it is time to move forward with the planning process to explore the potential and decide as a Board whether it will consider selling land, leasing land or working with the Town if adjacent land becomes available.

The Board indicated that it would support Comm. Holden working with D. Reidy and Mr. Wenger regarding the Master Planning effort.

Comm. Pappas mentioned that it would be appropriate to re-visit the status of the Human Services Department in light of positions that are funded only through various portions of FY09, and to follow up on the meetings with the Mental Health stakeholders.

Mr. Wenger noted that Mr. Flygare reported that he has not heard from Mr. Lyons with regards to the clarification from the Fact-Finders, so that is still pending. Once that information is available, Mr. Wenger has suggested that the Board discuss that with Mr. Flygare, and discuss parameters for negotiation going forward.

Comm. Pappas informed the Board that it would also be appropriate to review the benefit program as a part of County policy review if the Board chooses to do so.

Comm. Pappas summarized by reviewing the priority goals the Board had addressed that it wished to consider going forward. They included the Chestnut Street renovation and move, the Mentally Ill stakeholders’ meetings, development of the new website, and a newsletter.

11. Adjourn

There being no further business before the Board, the Chairman entertained a motion to adjourn.

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

The meeting adjourned at 3:02 p.m.

(SIGNED 12/17/08)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date