

Special Meeting of the  
Hillsborough County Board of Commissioners  
December 8, 2009  
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. Pappas, Comm. C. Holden, Comm. M. Clemons, J. Hardy, J. O'Mara, B. Moorehead, E. Robinson, G. Wenger.

**1. Pledge to the Flag**

Comm. Pappas called the meeting to order at 1:00 p.m., followed by the Pledge to the Flag led by J. Hardy.

**2. Department of Corrections**

Census

Supt. O'Mara presented the DOC Census, noting that as of December 4th, the Census was 625, which included 559 men of whom 390 are being held pre-trial, and 169 have been sentenced. There were 66 women of whom 45 are being held pre-trial and 21 have been sentenced.

Transfer # 2010-09 Complex Line 7290 to Corrections Lines 7390, 7500, and 7011

Supt. O'Mara presented Transfers # 2009-09 and # 2009-10 and explained that both transfers relate to the recent Design Charrette. He explained that Transfer # 2009-09, is a request to transfer \$3,101 from Line 7290, Other Fees/Services to the following lines, in the following amounts:

- \$978 to Line 7390, Office Supplies,
- \$1,483 to Line 7500, Food,
- \$640 to Line 7011, Salaries & Wages.

**Motion:** To approve transfer # 2010-09 to transfer from Other Fees/Services in the Complex Budget to Corrections: Other Supplies-\$978, Food-\$1,483, and to Overtime Wages-\$640 for a total transfer of \$3,101. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Transfer # 2010-10 Complex 7290 to Complex 7011

Supt O'Mara explained that this transfer probably could have been absorbed within the Department budget because this is a very small amount to transfer; however, in light of the experience during the Budget process when the Executive Committee became intimately involved in the operations, he wanted to make sure that they understood that every dollar requested is needed, and that every dollar that the DOC did not anticipate, the DOC needs to be reimbursed for.

**Motion:** To approve transfer # 2010-10, to transfer from the Complex-Fees & Services line the amount of \$364 to Overtime Wages due to expenses that occurred during for staff overtime during the Design Charrette. Motion by C. Holden, second by M. Clemons. Motion carried.

Bid # FY10-64 – Ice & Snow Panels (approximately 316 feet)

Supt. O'Mara added that he had a last minute bid that he would like to present to the Commissioners under Old/New Business with the Board's permission, noting that it is time-sensitive bid related to a bid previously awarded to Moe Duhaime Roofing, who has since indicated that it was "wrapping it up for the season." Supt O'Mara explained that the project he was most concerned about is the ice and snow panels for the Bouchard Building so that dangerous icicles will not form at the roof edges above the entrances. Supt O'Mara distributed the bid information to the Board and the Board agreed to address the bid at this time. Supt. O'Mara explained that this was recently re-bid, and the last response came in as late as the previous day. He noted that the lowest responsible bidder is Ideal Consolidated Services, who has agreed to start work immediately. He noted that the second bidder in the original bid process was Therrien Roofing, who is currently doing a wonderful job of roof replacement at the Department of Corrections; however, it is not the lowest bidder on the current bid, therefore Ideal Consolidated Services is the recommended bidder in the amount of \$14,500 for the installation of 316 feet of Ice & Snow Panels on the Bouchard Building.

**Motion:** To approve Bid # FY10-64 as recommended by Supt. O'Mara. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Supt. O'Mara informed the Board that he will be back to the Board with the bid for the three flat roofs that Moe Duhaime bid on; he will ask the Board to rescind that bid based on the fact that Moe Duhaime withdrew his bid after it was approved.

Supt O'Mara referred the Board to a Telephone Poll conducted on December 1<sup>st</sup> at his request by Mr. Wenger relative to the transfer of a male inmate from Sullivan to Hillsborough County. He explained that the Commissioners were polled and the transfer took place on December 1<sup>st</sup>.

**Motion:** To confirm the Telephone Poll made on December 1<sup>st</sup> to transfer an inmate from Sullivan to Hillsborough County. Comm. Holden explained that the Commissioners were polled and the vote was unanimous. Motion by Comm. Holden, second by Comm. Clemons.

Supt O'Mara explained that the reason for the transfer is to separate multiple accomplices, and it is difficult to do that in Sullivan County. There was discussion about a Sullivan County inmate escaping; Supt. O'Mara noted that there has not been an escape at the Hillsborough County Department of Corrections in nineteen years.

Comm. Holden informed Supt O'Mara that she had information relative to Effective County Practices-Jail Community Transition Planning for offenders with mental health and substance abuse disorders; she passed the information along to Supt O'Mara.

Supt O'Mara informed the Board that there has been a fifth arrest in the Mont Vernon case; he explained that the individual was originally sent to Merrimack County; they called the previous Wednesday and indicated that they could no longer manage two inmates from this case. The inmate is now in Rockingham County. Rockingham County is now managing one of the five multiple accomplices, Hillsborough County is managing three, and Merrimack County is managing one.

Comm. Clemons indicated that he attended the NH Association of Counties meeting the previous Friday and sat in on a presentation relative to Justice Re-invention in New Hampshire. He explained that it addressed many problems facing the Counties such as recidivism. Supt O'Mara explained that County Corrections did not have a seat on Justice Broderick's group; he explained that Betsey Miller worked very hard to get Russ Cunningham, the Chairman of the Certification Board, a seat. He noted that the reason that the Superintendents felt so strongly is that when they deal with Corrections and Law Enforcement, some of the results have been to change legislation relative to where inmates are placed. He noted that a concern is, for

example, that the PEW group could recommend that rather than sentence an inmate to a year or less in the County House of Correction, there might be a house sentence of three years or less, thereby reducing the State's population but pushing the cost onto the County House of Corrections. He explained that this is being followed quite closely; the PEW group is actually looking at Sullivan County and Hillsborough County to supply more details.

Comm. Clemons noted that the issue was discussed at the NHAC meeting and the Counties want to prevent that change. Comm. Pappas noted that the County should have a seat at that table.

## 5. Nursing Home

### Census

Mr. Moorehead presented the Nursing Home Census. He explained that as of December 3rd, the Census was 281, which included 208 Medicaid residents, 45 private pay residents, and 28 Medicare Part A residents. He explained that the 45 private pay residents is a very positive number.

### Medicaid Rate Update

Mr. Moorehead informed the Board that the Medicaid rate for Nursing Homes was distributed about two weeks ago. The rate will become effective on January 1<sup>st</sup>; the rates represent an average rate decrease of approximately 6.8%; the main reason for the rate drop is due to the fact that utilization has increased significantly since the rates were set in July, 2009. He explained that when utilization is up, the States provide more care to more people; that statistic is used as a component to build the rates for the next rate period, which in this case is January. He noted that the Nursing Home did not budget at the higher rate for the full fiscal year; he indicated that the budget was a couple dollars below the current rate so the impact on the budget of what will happen in January will not be that severe. Mr. Moorehead noted that this rate will change again in July, 2010, and explained that with the 2011 State budget being reduced; one might assume that the rate will be less in January, 2010. He explained that the impact would have been \$426,000 for six months, but because he had budgeted the lower amount, the impact will be about \$340,000 for six months; however, in considering the revenue, he is anticipating that revenue will be over budget by 1.4 million dollars assuming the mix and the census remain the same. He further explained that this does not include Pro Share and supplemental Nursing Home AARA payments (related to bed tax), which will further affect the budget positively.

E. Robinson noted that there is a supplement payment related to AARA funds that will come in through her Department that is further revenue to the County, and she anticipates that it will be 1 million above budgeted revenue.

### Bid # 09-2010 – Physician Services/Medical Director

Mr. Moorehead presented Bid # 09-2010, which is for a Medical Director and Physician Services. He explained that the lowest responsible bidder and the only bidder was Dr. Batlivala, who is the Medical Director currently on staff; he explained that this bid went out approximately November 23<sup>rd</sup>. Requests for bids were sent to seven Doctors/practices that included two or three in the immediate vicinity, and physicians from Catholic Medical Center, and Amoskeag Primary Care in Manchester, and another physician in Manchester who had indicated some past interest, a Doctor from Elliot Hospital, and a Doctor from the Medical Group of Manchester. He recommended that the bid be awarded to Dr. Batlivala from Bedford; his monthly fee is \$4,583 or \$55,000 for the year.

**Motion:** To approve Bid # # 09-2010 for the Nursing Home for Physician Services/Medical Director to Zubin Batlivala. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons inquired relative to compliance with the State statute since there was only one bidder. Mr. Moorehead explained that two responded; one indicated no interest in bidding. There was discussion and an agreement that the bid requirements have been met. Mr. Moorehead explained that the Nursing Home did everything that was required, and explained that physicians just don't want to leave their offices, and that having Medical Directors in Nursing Homes is becoming more of a rarity. After learning that the position was advertised in the Union Leader newspaper, further discussion took place relative to the requirements of the Medical Director position and the fact that two other Doctors still see Nursing Home residents as well as another that is coming on board; the residents can see the Doctor they choose. Mr. Wenger noted that it is his understand that the Nursing Home is compliant with the bid requirements. Comm. Clemons was satisfied that the requirements had been met.

Motion carried.

### Survey

Mr. Moorehead noted that a survey was conducted about a week ago based on a complaint relative to staff. The results of the survey were that the complaint was unfounded. Comm. Holden noted that it was a positive thing to get this result this quickly.

### Old/New Business

Mr. Wenger explained that he had a time-sensitive bid that is contingent upon executing a lease at 30 Temple Street; it relates to the telephone system being moved for the County Attorney's office. He explained that it is a single source bid because the County is in the middle of a contract with One Communication; the bid is to add a PRI as well as maintaining the Manchester numbers and transferring them to 30 Temple Street. He requested authorization to waive competitive bidding consistent with RSA 28:8-e V, and to award the bid contingent upon execution of the lease.

**Motion:** To approve Courthouse Bid # 02-2010 to One Communications with a request for the Board to waive competitive bidding consistent with RSA 28:8-e V, noting it is a single source bidder; there is a contract with One Communications for telephone services; there is a \$649 installation charge, and a monthly charge of \$839.97, noting that this bid is contingent upon execution of the lease for 30 Temple Street. By Comm. Holden, second by Comm. Clemons.  
Motion carried.

Mr. Wenger advised the Board that this expense will ultimately come out of the telephone line; currently he is putting all of the expenses under the Courthouse line because that is where the money is; however, as the year progresses, there may be a transfer into the telephone line.

Mr. Wenger updated the Board relative to the Courthouse move and related issues. He noted that changes are being made in the Business Office to facilitate the Sheriff's Department staff. A bid is out for moving services; there is a walk-through at the Courthouse the following day at 2:30; bids will be due back by the 15<sup>th</sup>; there may be a need for a Telephone Poll to expedite that bid. He further noted that all the space is laid out at 30 Temple Street; the Department of Corrections Community Service group is lined up to help with preparations for the move the following week. He explained that the County is just waiting for a clean copy of the lease, and it is his understanding that it is expected today.

Mr. Wenger directed the Commissioners to a letter from the Attorney General, noting that it is in their packet. He suggested that it be addressed at tomorrow's meeting; this will give Legal Council and Ms. Robinson an opportunity to review it before discussing it.

## **Non-Public Session**

Annual Administrative Review Process - RSA 93-A: II (c)

**Motion:** To go into Non-Public Session for the Annual Administrative reviews process under RSA 91-A: 3 II (c) relative to personnel. Motion by Comm. Holden, second by Comm. Clemons. Pappas-yes, Clemons-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 1:38 p.m.

The Board met individually with J. O'Mara, B. Moorehead, E. Robinson, and G. Wenger for Annual Administrative reviews.

The Board moved out of Non-Public Session at 3:00 p.m.

**Motion:** To move out of Non-Public Session and return to the regular meeting. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

## **10. Adjourn**

There was no further business for consideration; Comm. Pappas entertained a motion to adjourn.

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

The meeting adjourned at 3:01 p.m.

*Signed 12/23/2009*

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Comm. Michael Clemons, Clerk  
Hillsborough County Board of Commissioners

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Date