

Regular Meeting of the
Hillsborough County Board of Commissioners
December 12, 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, J. Hardy, D. Dionne, C. Kirby, M. Montminy
B. Moorehead, E. Robinson, G. Wenger, and L. Stonner.

1. Call to Order

Comm. Ziehm called the meeting to order at 3:02 p.m.

2. Pledge to the Flag

Mr. Wenger led the Pledge of Allegiance.

3. Administrative Business

Approval of Payroll Registers

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

- Dec. 7, 2012 \$ 7,772.66
- Dec. 7, 2012 80.00
- Dec. 10, 2012 111.12

for a total of \$7,963.78, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm.
Motion carried.

Motion: To approve a Regular Payroll dated December 6, 2012, in the amount of \$1,170,663.48, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Accounts Payable Register

Motion: To approve Accounts Payable registers dated December 12, 2012, in the amount of \$5,424,810.83 subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Bid # CIS-9-13 – FY 2013 Cisco SmartNet Support Renewal

Motion: To approve Bid # CIS-9-13 for FY 2013 Cisco SmartNet Support Renewal to Insight Public Sector, Tempe, AZ, at the price of \$48,577.26, noting that it is the lowest qualified bidder. Motion by Comm. Holden, second by Comm. Ziehm.

Comm Ziehm asked why the local bidder was not able to submit a lower bid. Mr. Wenger responded that it relates to the agreement that the Vendor has with Cisco, who is our provider.

Motion carried.

Transfer # 2013-4 – Department of Corrections

Motion: To approve Transfer # 2013-4 for the Department of Corrections to transfer the amount of \$200,000 from line 4230-7010, Salaries & Wages, and to transfer a like amount to line 4230-7011, Overtime. Motion by Comm. Holden, second by Comm. Ziehm

Comm. Holden noted that the transfer will cover overtime through the end of the fiscal year. In response to a question from Comm. Ziehm, Supt. Dionne responded that he anticipates having the money in his budget to cover the overtime expense and explained that there has been a savings as a result of the vacant positions that have created the issue.

Motion carried.

Transfer # 2013-5 – Nursing Home

Motion: To approve Transfer # 2013-5 for the Nursing Home to transfer the amount of \$15,000 from Rehab Salaries/Wages, line 4421-7010 and to transfer a like amount to Rehab-Other Fees & Services, line 4421-7290. Motion by Comm. Holden, second by Comm. Ziehm

Comm. Holden explained that Transfer # 2013-5 is requested by the Nursing Home is necessary to cover the Maternity LOA of (2) therapists, plus the resignation of 1 full-time speech therapist in early November and in order to maintain or increase the current Medicare Part A & B caseloads.

Motion carried.

4. Public Comment on Agenda Items

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

5. Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted as of December 4, 2012, the total in custody was 538; he explained that there were 435 men, including 148 that had been sentenced and 287 that were being held pre-trial; there were 85 women; 34 of the women had been sentenced and 51 were being held pre-trial. He informed the Board that there was a total 157 individuals that were diverted through the Mental Health Courts; 77 are from Manchester and 80 are from Nashua. He added the DOC is holding 33 females from Rockingham County. Supt. Dionne further added that there are also 18 inmates serving their sentence in the community on work release and day reporting.

Mr. Moorehead and Attorney Kirby joined the meeting.

Supt. Dionne referred the Board to the update on DOC overtime impact report, which is included in the Commissioner's packet. He added that overtime is fairly consistent; there are 14 employees in the FTO (Field Training Officer) program that cannot work alone, but will be on their own in a couple more weeks. He added that there are 11 in an Academy class that is running currently; they will graduate the following week, and will be able to work on line in 2 ½ to 3 months. He added that he is hopeful that the DOC can retain its employees but noted that 2 staff were lost to the Manchester Police Department the previous week.

Supt. Dionne requested that the Board sign the DOC Policies & Procedures that has been provided for the Board in its packet. The Board will sign the document after being sworn in on January 2nd.

Supt. Dionne informed the Board that the Law Enforcement Liability Claim Deductible has been reduced to \$5,000 for lawsuits served after January 1, 2013 and added that with continued improvement, Primex is hopeful that it can eliminate the deductible in July, 2014. He added that the DOC will continue to strive to get the deductible down to zero. Comm. Holden thanked the Superintendent for his excellent work in reducing the number of claims; Supt. Dionne noted that the reduction also reflects on the work done by the DOC staff. Mr. Wenger added that from discussions with Mr. Gagne at Primex, this action is the result of positive steps that have been taken at the Department of Corrections to address and correct issues; he noted that this is a very positive occurrence. Comm. Ziehm thanked Supt. Dionne for the work he has done.

In response to a question from Comm. Ziehm regarding those involved in the Mental Health Court, Supt. Dionne replied that those individuals will stay in program until they are sentenced or until the end of their sentence. Comm. Ziehm asked what happens if the individuals are non-compliant with their medications; Supt. Dionne responded that Scott Brown from Nashua Mental Health reported that he has good success in working with non-compliant individuals; if a problem arises he tries to handle it before it gets to the Police station; in fact, if an individual stops coming to the program, Mr. Brown goes to their home and attempts to intervene to get them back on their meds and/or back for counseling.

Mr. Wenger added that the grant for the Mental Health program included a component that would track recidivism. Supt. Dionne noted that the program has just completed the first year and Ms. Stearns is compiling the data for the DOC so that it can meet grant requirements. Comm. Ziehm asked who would pay for medications for the individuals if the grant money ended. Supt. Dionne added that the Federal government pays for the meds; Ms. Robinson added that the funds come through Medicare or Medicaid. Supt. Dionne added that if an individual is jailed, he/she loses that benefit after 30 days, and the DOC would have to provide meds; which is a good reason to keep them in the Mental Health diversion program; additionally, these individuals with mental health issues belong in the community where they can get the professional help that they need.

Comm. Pappas joined the meeting.

Supt. Dionne informed the Board that the DOC received a notice of a Public Hearing relating to an abutter to the DOC that has a plan to remove an existing utility building and create a parking lot at 436 Willow Street. He added that this will not negatively impact the DOC. Supt. Dionne provided the document for the permanent file.

6. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census, reporting that the Census as of December 6, is 285, which includes 211 Medicaid residents, 38 Private Pay residents and 36 Medicare Part A and/or managed care residents; he added that the total census is above budget, the Private Pay residents are a bit low, and the Medicare Part A rate is higher than budget. He noted that the census has been strong for the last 30 days.

November Revenue

Mr. Moorehead provided an update of the unaudited November Revenue. He explained that the budget for Room and Board plus ancillaries for November was \$1,872,995, while the actual was \$1,797,607 resulting in a negative variance of \$75,388; he noted that the numbers do not include the ProShare payment and the bed tax, which have not come in yet. Mr. Moorehead added that November was a 30-day month and explained that the approximate revenue for 1 day is approximately \$65,000. He added that it is his belief that the ProShare funds should make up for any negative variances on the Room & Board and ancillaries portion of the budget.

Bid # 3-2013 – Medical Director

Mr. Moorehead requested that the Board not accept the bid for Medical Director and added that he would like authority to re-bid the Medical Director position because he would like he would like have more information and clarification regarding contract specs and references relating to the provider actively marketing the facility to outside referral sources. He added that it is his belief that this is an important component of the bid because each additional resident provides an estimated income of approximately \$400 per day or \$145,000 per year, so marketing is a critical component of the contract; he further added that it is important to have a physician who has a good network and referral basis in the area, particularly with both local hospitals. Mr. Moorehead requested that the Board approve placing the current physician on a month-to-month extension until this is resolved. Comm. Pappas noted that she has heard from people regarding that bid; she added that she did not communicate with them because she did not want to interfere in the bidding process; she asked for clarification regarding what Mr. Moorehead was asking relative to marketing and a referral process. Mr. Moorehead added that the 2 common ways that people are referred to the Nursing Home are through a doctor's private practice or the contacts a Nursing Home Medical Director would have through networking with hospitalists or social workers at a hospital; it is important that the Medical Director has a presence in the community and with those 2 referral sources so he/she can speak to the quality of care received at the Nursing Home. Comm. Pappas noted that it seems undefined and appears as if Mr. Moorehead is speaking of "word of mouth" referrals. Mr. Moorehead explained that a good deal of the referral process is "word of mouth." Mr. Moorehead added that a requirement of the bid is that the physician has privileges at both local hospitals, adding that one who has a significant presence at both hospitals can communicate and make more referrals than one who does not have that relationship.

Motion: To reject the bid for a Nursing Home Medical Director and to extend the current contract for 30 days on a month-to-month basis, and to authorize the Nursing Home Director to bid again once the requirements have been finalized. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Sheriff Hardy joined the meeting.

Bid # 4-2013 – Comcast

Mr. Moorehead requested approval of Bid # 4-2013 for Comcast service at the Nursing Home; he added that Comcast is the essentially a sole provider for the service they require and added that there have been back and forth contract revisions between Attorney Kirby for the County and Comcast. He explained that Comcast sent the contract back for a second time and has not accepted all of Attorney Kirby's recommendations; at this point he would request approval contingent upon acceptance of revisions as requested by Attorney Kirby.

Motion: To authorize Mr. Moorehead to sign the Comcast contract once issues have been resolved and it has been approved by Attorney Kirby. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Moorehead added that the contract will provide more channels for the residents.

7. Register of Deeds

Comm. Holden noted that Register Coughlin provided a revenue update and added that all lines are up; revenue is up by \$230,541, which is very positive.

8. Old/New Business

Mr. Wenger noted that he received a request from the Town of Goffstown for access to the County's land for the purpose of repairing a historic box culvert located on the Town's property that is adjacent to County property; it is

located beyond the Piggery and the Kennel at the lower part of a previously existing steep farm road. The culvert is an old stone culvert that was built in the 1800's to handle water from a stream; it has deteriorated and becomes clogged during rainstorms, which in turn causes flooding. In order to access the culvert, the Town will need to cross the County's property and go down the steep road to an area near the culvert. The Town will clear the road, remove trees, and put in a staging area at the lower part of the road to do their repairs; once the work is done, the area will be returned to a grassy field. The Town needs authorization now so that they can go forward to gain approval from the Historic Commission and be ready to complete the work in the spring. Based on a consensus from the Board, Mr. Wenger will prepare a draft agreement for the Board to sign.

Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session relative to compensation consistent with RSA 91-A:3 II (a), and to meet with the Board in Non-Public Session consistent with RSA 91-A:2 I (b) relative to strategy or negotiations with respect to collective bargaining.

Comm. Ziehm informed the Board that she received an email from Shawn Jasper relative to the sale of County property. Comm. Holden noted that she would like to see what he is proposing; Comm. Pappas asked for clarification. Comm. Ziehm noted that the State has changed its way of marketing properties; it sends out bids to all real estate companies who in turn respond to the RFP with their offer and the State then selects a real estate company. She added that Rep. Jasper has indicated that he is working on it again. Ms. Robinson noted that at a recent NHAC meeting, she learned that Rep. Jasper has an LSR (Legislative Service Request) that appears to be related, but language has not been added yet, so it would be important for the County to watch for more information. Comm. Ziehm suggested that perhaps Rep. Jasper could be asked to include the Board in the proposal. Comm. Holden added that this may affect other Counties and noted that NHAC will watch this. Comm. Ziehm added that she hopes the Board will be given more information and asked if the Board wishes her to respond saying that the Board would like more information. Comm. Holden responded in the affirmative. Comm. Pappas added that the Board can also work with Betsey Miller at NHAC, further adding that there is a Legislative Committee that stays informed of this type of legislation.

Comm. Ziehm noted that there was a sign on the conference room commonly referred to as the Human Services conference room and explained that she noticed that the sign on that room today designates it as the UNH Cooperative Conference Room. She asked if the name of that room has been changed. Mr. Wenger responded that the name has not been changed; it was designated that way for tonight's Delegation meeting. Comm. Ziehm asked if the Board might consider changing the name of the conference rooms; she noted that she has been confused in the past about the names of the different rooms. Mr. Wenger responded that the name has not changed but the Board could certainly entertain a suggestion for changing the conference room names.

In response to a question from Comm. Pappas relative to the Annual Reports, Ms. Robinson indicated that the County has gone to print on some of the older Annual Reports and added that 2009 and 2010 are ready with the exception of a dedication for those years, noting that one could be added if the Board so desired. Comm. Pappas suggested Leo Pepino as a candidate for 2011, Ms. Robinson suggested Rep. Calawa for 2009 and 2010 and Commissioners Holden and Pappas concurred.

Mr. Moorehead updated the Board relative to the gas conversion project; he indicated that Liberty Construction is in the process of boring under Route 114; it should be completed today. He added that the entire project should be completed by December 19th or 20th. Discussion ensued relative to bringing the gas line to the County Complex. Mr. Wenger offered suggested that the County not spend any more money on the project and added that now that the gas line has been brought to the Nursing, he anticipates that it will be extended to the Complex within the Board's current term.

Comm. Holden indicated that she has received a letter addressed to Carol Pappas and added that it is a request for recognition to a Boy Scout who has attained the rank of Eagle Scout. Mr. Wenger noted that he has the form letter and he will prepare it for Comm. Holden. Comm. Holden added that she will attend the recognition ceremony.

9. Public Comment

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

10. Non-Public Session

Motion: To move into Non-Public Session relative to compensation consistent with RSA 91-A:3 II (a), and to meet with the Board in Non-Public Session consistent with RSA 91-A:2 I (b) relative to strategy or negotiations with respect to collective bargaining. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public session at 3:52 p.m.

The Board met with Ms. Robinson and Mr. Wenger relative to a discussion regarding compensation.

The Board met with Mr. Moorehead, Supt. Dionne, Sheriff Hardy, Attorney Kirby and Mr. Wenger relative to collective bargaining.

The Board moved out of Non-Public Session at 4:28 p.m.

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

Comm. Ziehm asked if there was any further business to address.

Motion: To authorize, in a non precedent-setting action, the payment of unused vacation time to an employee at his anniversary noting that due to unanticipated and unavoidable circumstances, the employee was required to work by the County and agreed to remain on the job and at work during the time that he would have used the vacation time. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger informed those present that the next Board of Commissioner's meeting will be held on January 2nd at 9:00 a.m. at the Courthouse at 300 Chestnut Street; there will be a brief reorganizational meeting following the swearing in of the elected officials. The next regular meeting will be held on January 9th at 10:00 a.m.

11. Adjourn

Lacking further business, Comm. Ziehm entertained a motion to adjourn.

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

The meeting adjourned at 4:30 p.m.

Approved on January 23, 2013

Comm. Carol H. Holden
Vice Chairman/Clerk

Date

Hillsborough County Board of Commissioners