

Regular Meeting of the
Hillsborough County Board of Commissioners
December 23, 2014
Bouchard Building, Goffstown, NH
Minutes of the Public Session
(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Pappas, Comm. Holden, Comm. Ziehm, J. Hardy, D. Dionne, G. Fisher, C. Kirby, M. Lencki, G. Wenger, M. Castonguay, and L. Stonner.

1. **Call to Order**

Comm. Pappas called the meeting to order at 9:01 a.m. Supt. Dionne led the Pledge of Allegiance.

2. **Administrative Business**

Minutes

Motion: To approve the minutes of the Board of Commissioner's meeting held on December 12, 2014. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Payroll Registers

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

- December 12, 2014 in the amount of \$13,333.34
- December 15, 2014 in the amount of \$310.00
- December 17, 2014 in the amount of \$1,038.02
- December 18, 2014 in the amount of \$794.44

The total Miscellaneous Payroll is \$15,475.80, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Motion: To approve a Regular Payroll dated December 18, 2014 in the amount of \$1,079,202.70, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Accounts Payable Register

Motion: To approve Accounts Payable Registers in the following amounts on the following dates:

- December 16, 2014 in the amount of \$16,660.78
- December 18, 2014 in the amount of \$12,800.97
- December 19, 2014 in the amount \$1,444.00
- December 22, 2014 in the amount of \$362,596.25

The total Accounts Payable is \$393,502.00. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Sheriff's Extraditions

Comm. Ziehm presented the Extradition Vouchers and noted that they had been previously approved by the County Attorney.

Motion: To approve Extradition Vouchers for the following dates in the following amounts:

- 10/09/14 \$183.13
- 10/15/14 356.48
- 10/24/15 251.81
- 10/29/14 183.13
- 10/29-10/30/14 844.35
- 10/29-10/30/14 523.76
- 10/30/14 228.92

The total for the Extradition Vouchers presented is \$2,571.58. Motion to approve offered by Comm. Ziehm, second by Comm. Holden. Motion carried.

3. Public Comment on Agenda Items

There was no one present from the public who wishes to speak.

4. Department of Corrections

Census

Supt. Dionne presented the Department of Correction's Census. He noted as of December 16, 2014, the total in-house was 461 and there were 20 in the community for a total custody of 481; he explained that there were 376 men including 133 that had been sentenced and 243 that were being held pre-trial; there were 105 women; 52 of the women had been sentenced and 53 that were being held pre-trial. He informed the Board that there were 145 individuals who were diverted through the Mental Health Courts; 74 were from Manchester and 71 from Nashua. He added that the DOC was holding 39 female inmates from Rockingham County.

Supt. Dionne reported that he will be approving approximately 12 furloughs for the Christmas holiday.

Overtime Impact Report

The Overtime Impact Report was included in the Board's packet.

Supt. Dionne informed the Board that the Department of Corrections (DOC) has 8 vacant positions; He lost 3 Officers the previous week and will be losing 2 more to Police Departments; he added that by mid-January, he anticipates having 10 staff vacancies. He further added that he is planning to have another Academy after the first of the year.

Supt. Dionne noted that a DOC bid to IC Solutions for the phone contract for the inmates was approved approximately 2 months ago pending Legal Counsel reviewing and approving the contract. He added that has been done and asked the Board to authorize him to sign the contract.

Motion: To authorize Supt. Dionne to sign the telephone contract bid. Motion by Comm. Holden, second by Comm. Ziehm Motion carried.

Supt. Dionne explained that this is a big step for the DOC; it brings in the new phone system and eliminates paper when working with the computers that will go on all the units.

5. Nursing Home

Census

Mr. Lencki presented the Nursing Home Census. He indicated that the Census as of December 18, 2014 was 280; it included 208 Medicaid residents, 35 Private Pay residents and 37 Medicare residents; he added that there were also 11 Hospice residents and 19 on the ELU unit.

Mr. Lencki explained that there are 2 Nursing Home bids before the Board, the first being #09-2015 for Podiatry services and the second is a re-bid for disposable briefs.

Bid # 09-2015 – Podiatry Services

Motion: To approve Bid # 09-2015 for Podiatry Services at the Nursing Home. The lowest responsible bidder meeting the specifications is Dr. Christopher Bush, North Hampton, NH, noting that the vendor will bill Medicare Part B directly and there is no cost to the Nursing Home for this service. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Bid # 04-2015 (Re-bid)

Motion: To approve Bid # 04-2015, which is a re-bid. It is a 3-year contract; the lowest responsible bidder meeting the specifications is Geriatric Medical, Woburn, MA at a price of \$260,027.19. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

In response to a question from Comm. Pappas, Mr. Lencki noted that the original bidder did not bid; it was not able to meet the specifications.

Comm. Pappas recognized Sheriff Hardy and Chief Deputy Sheriff Fisher. Sheriff Hardy explained that his department is seeking to obtain 2 vehicles for undercover work; he noted that they will be older models that are regular sedans. He added that his intent is to utilize existing Asset Forfeiture funds to pay for the vehicles and explained that these will be used for the proposed Drug Task Force that was presented to the Board at an earlier meeting. He noted that he wanted the Board to be aware of the proposed purchase.

Comm. Holden noted that she has questions about the Drug Task Force and explained that the Board does not have the related job descriptions. The Sheriff added that it is his understanding that if there is a position adjustment or upgrade that goes exclusively to the Executive Committee for its approval. He added that the Executive Committee approved a position upgrade for a Lieutenant within his existing budget. He further added that there was no intent to keep the Commissioners out of the loop and noted that his office provided the same Power Point presentation to the Executive Committee.

Sheriff Hardy agreed to provide the Board with a copy of the Power Point presentation.

The Board discussed reorganizations and position changes as well as the authority of the Board of Commissioners and the Executive Committee. Attorney Kirby offered information about the position upgrade and why it was appropriate to go to the Executive Committee.

Comm. Ziehm expressed her thoughts relative to the reorganization approved at the last Board meeting and the position change in the Sheriff's Office.

Sheriff Hardy noted that following discussion with Legal Counsel, the position under discussion is considered a new position, however, within his office, it will not mean hiring an additional staff person, and it will involve upgrading a current member of the Sheriff's staff.

Sheriff Hardy returned to the subject of the vehicles and emphasized that it is his intent is to utilize Asset Forfeiture funds for the vehicle expense; he added that the only related expense that would fall under the Board's purview is

perhaps the liability insurance expense. He further added that if there are additional costs regarding the Umbrella Policy and with liability insurance, then it could be absorbed through the Asset Forfeiture funds. In response to a question from Comm. Ziehm, Sheriff Hardy explained that the cars would be used for the Drug Task Force undercover work with drug interdiction and property crime investigations related to the Task Force activities.

Comm. Holden asked for an update relative to the status of the Drug Task Force and noted that she has spoken to Police chiefs who have concerns about liability and having their officers out of service when doing this work. Sheriff Hardy responded that one of the advantages of having the Sheriff's Office running and guiding and directing the Task Force is that they have State-wide authority and it is nothing different than what they currently do when they provide assistance on an as-needed basis for drug and illegal weapons investigations, and property crimes. He added that the program will provide guidelines and additional protocols and a level of experience that members of the Sheriff's Office staff can bring. He urged the Board to encourage any Chiefs that have concerns to speak with him; he noted that he would be happy to discuss law enforcement functions. He explained that he met with several of the Chiefs about 3 weeks ago at the Merrimack Police Department that were unable to make the previous meeting and noted that they are "on board" with the concept. He informed the Board that currently his office has MOU's in place with some of the local Police Departments regarding the authority and the liability issues that have been reviewed by Primex. He explained that the goal is to begin the operations by the end of January or the beginning of February. Sheriff Hardy remarked that his office has experienced officers that have done this work before; they have worked with other agencies and are quite familiar with how to direct and guide this program.

Sheriff Hardy noted that he recognizes that most of the smaller Towns will not be able to provide a full-time person; it will be done on a part-time capacity to begin with; it is inherently dangerous work and they will make sure that protocols and guidelines are in place to minimize the risk and they will also have deconfliction procedures in place in the event that there is another existing investigation being conducted by one of the cities or the State Task Force.

Sheriff Hardy offered to provide more information, whether it is in public session or in Non-Public session where there might be confidentiality issues or risk assessment/risk management issues regarding operations.

In answer to a question from Comm. Pappas, Sheriff Hardy explained that there are 28 Chiefs in the County and there are 19 involved at this point.

Comm. Ziehm asked if there was anyone from the HIDTA Task Force will be involved. Sheriff Hardy responded that he has a Deputy assigned to the HIDTA Task Force but there is no one from their Task Force that will be involved in the Sheriff's Department's Task Force Advisory Board, but there be could be. He added that the Advisory Board will include those Police Departments that are contributing personnel to the Task Force. He noted that his office will certainly remain in contact with the State Task Force. In response to a question from Comm. Holden regarding who would pay for the members of the Drug Task Force from the Towns, Sheriff Hardy responded that currently, the Towns would be responsible for the cost of their personnel. He added that they are exploring whether they can use some of the Drug Asset Forfeiture funds to cover related overtime costs for the local departments.

Comm. Ziehm added that one of her biggest concerns is having a good relationship with the Delegation and it concerns her when something is brought to the Delegation before going through the Board. The consensus was that some information was unavailable at the Board meeting and there was a communications issue. Comm. Ziehm added that if there is a scheduling conflict when there is something the Board needs to hear, she would prefer to hear a request to change the meeting time.

Sheriff Hardy returned to the subject of the vehicles and explained that his office has obtained 2 bids for the vehicles and is looking for advice; he asked if the Board would approve the purchase. The Board took the issue under advisement.

Mr. Wenger informed the Board that the swearing in of Elected Officials will take place on January 7, 2015

6. Old/New Business

Temple Street update: Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session consistent with RSA 91-A:3 II (i) related to the preparation for and carrying out of emergency functions.

Mr. Wenger brought holiday greetings from the Treasurer who extended an apology because he was not able to attend today's meeting. Treasurer Fredette asked Mr. Wenger to update the Board relative to the County taxes. Mr. Wenger explained that the County has tax receipts from all but one community, the Town of Bennington. He added that it anticipates being able to send the taxes by the end of the month. The Treasurer will consider what actions are appropriate relative to fees or penalties.

Mr. Wenger explained that the County has received its "not-to-exceed" figure for Health Insurance for the coming year from the Interlocal Trust; the rate increase will not exceed 8.2%. The rate will be for the period of July 1, 2015 through June 30, 2016.

Board Reorganization

Mr. Wenger noted that the swearing in of Elected Officials will be held upstairs in the Goffstown District Court on January 7, 2015. Judge Lawrence will likely administer the Oaths of Office. The Board's reorganization meeting will follow.

Mr. Wenger noted that it would be important to discuss any appointments to NHAC Committees on the 7th as well as establishing the Board's meeting schedule.

Mr. Wenger added that NHAC is interviewing for a replacement for Ms. Miller. Cheshire County has given notice to the National Association of Counties that they will not be participating this year. He added that he is not sure of Belknap County's participation. Discussion ensued relative to possible negative impacts; NH would not have 100% participation in NACO and the County would lose the Dental Discount and other similar programs.

Comm. Holden reported on the possible disruption of the proposed Kinder Morgan gas pipeline that is proposed to go through Towns in southern New Hampshire.

8. Non-Public Session

Motion: To meet with the Board in Non Public Session consistent with RSA 91-A:3 II (i) relative to the preparation for and carrying out of emergency functions. Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 9:51 a.m.

The Board met with Mr. Wenger.

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

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

Mr. Wenger discussed the possibility of holding the next meeting at Temple Street.

Mr. Wenger observed that the County will soon be facing a new budget season and noted that every year the Board has distributed a manual that covers how positions are dealt with in the budget as well as how positions should be handled as the departments proceed through the course of the year. He added that there is paperwork that is supposed to be provided to the Human Resources with each new position so that the next budget can be billed appropriately. Mr. Wenger noted that this should apply to situations such as those recently presented for the Nursing Home reorganization and the recent change/new position in the Sheriff's Department.

Mr. Wenger suggested developing an Operations Manual that includes the paperwork that has to be completed for the budget process as well as when changing positions, adding positions or making additional purchases throughout the year. He also recommended that any future changes that occur throughout the year that are not in the budget be presented at a Board meeting with the related paperwork and then, following discussion, the Board would take the proposal under advisement until the next meeting. Board discussion ensued and the Board concurred.

Comm. Pappas asked if the Task Force proposed by the County Attorney was any different than that of the Sheriff. Mr. Wenger responded that the Task Force proposed by the County Attorney would have been overseen and run by the County Attorney's office but the Sheriff's Task Force will be overseen and run by the Sheriff's staff. Comm. Ziehm noted that she spoke to the Hudson and Nashua Police Departments and added that they expressed concern about the Task Force that was recently proposed by the Sheriff.

Mr. Wenger noted that by RSA, positions in Hillsborough County are to be approved by the Board of Commissioners and the Executive Committee; however, that does not apply to the Sheriff. He explained that the Executive Committee is the only body that is required to approve any new position for the Sheriff's Department. Mr. Wenger further added that any additional expense, however, do have to be approved by the Board of Commissioners.

Discussion ensued relative to the Sheriff's Drug Asset Forfeiture fund and how it is used, what is available, and what it is the budget.

Comm. Ziehm noted that she favored having a process in place for future changes/new hires/additional purchases and reorganizations. The Board agreed to have a handbook that outlines the procedures the departments are required to follow. The Board also agreed to address future changes by looking at any request at one meeting and postponing a decision until the following meeting. The Board also discussed the amount required for approval of bids and will re-visit the issue at a future meeting.

9. 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 approximately 10:30 a.m.

Approved on February 4, 2015

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date