

Regular Meeting of the
Hillsborough County Board of Commissioners
December 29, 2010
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, Rep. C. Seidel, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, M. Castonguay, G. Wenger, and L. Stonner.

Also Present:

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 10:04 a.m., followed by the Pledge to the Flag led by E. Robinson.

2. Administrative Business

Commissioner Pappas noted that the Board would address administrative business at this time.

Minutes

December 15, 2010 Board of Commissioner's Meeting

Motion: To approve the minutes of the Hillsborough County Board of Commissioners held on December 15, 2010. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Payroll Register

Motion: To approve the Payroll Register dated December 23, 2010 in the amount of \$1,158,996.68 subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated December 23, 2010 in the amount of \$7,367.54, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Motion: To approve the Accounts Payable Register dated December 28, 2010 in the amount of \$866,476.99, subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried

Bid # CIS-14-2011 – FY 2011 Annual Software Support - Sheriff's Office

Motion: To approve Bid # CIS-14-2011 for the Sheriff's Department IMC Annual Software Support from Information Management Corporation, North Grafton, MA at the price of \$11,095, further noting that this is a single source bid and is the annual contractual support cost; the bid is consistent with RSA 28:8-e V. By Comm. Clemons, second by Comm. Holden. Motion carried.

3. Public Comment on Agenda Items

There was no one from the Public present who wished to speak to Agenda items.

4. Department of Corrections

Census

Supt. O'Mara presented the DOC Census, noting that as of December 23, 2010, the Census was 559, which included 505 men of whom 351 were being held pre-trial and 154 that had been sentenced. There were 54 women of whom 36 were being held pre-trial and 18 that had been sentenced; there were 18 in the community.

Mr. O'Mara noted that he has two items to address under Old/New Business.

5. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of December 23, 2010, the census for the Nursing Home was 280 total patients/residents, which included 209 Medicaid residents, 48 self pay residents, and 22 Medicare Part A residents.

Mr. Moorehead indicated that the total Census is good, the mix of private pay is favorable, and the Medicare mix is down by 8 residents.

Mr. Moorehead observed that the Board has a copy of a newspaper article that features a Nursing Home resident who turned "102 years young." He noted that she lived through the Great Depression, 2 world wars, and 19 Presidents.

Mr. Moorehead provided an update regarding the flu-like symptoms that many Nursing Home Residents and Staff have experienced. He explained that the symptoms included nausea, vomiting, and loose stools; he noted that this is not like the Norwalk virus that includes having a temperature, which those involved have not been experiencing. The symptoms have typically lasted for 24 hours; with the Norwalk virus, symptoms typically last for 72 hours. Mr. Moorehead explained that the symptoms started with one case on A-2 on December 14th and continued through the present. He noted that 55 residents and 24 staff were infected; currently there are 4 residents and 5 staff infected. He explained that he was in contact with the CDC on December 23rd; since that time, the Nursing Home placed a "hold" on admissions on all but the Skilled Unit, the only unit that was not affected.

Mr. Moorehead informed the Board that the rooms of infected residents were given a "terminal cleaning" once the resident was free of symptoms for 72 hours. Once an additional 24 hours passed and there were no infected residents, a transfer was allowed. He explained that during the 2-week period, the Nursing Home limited float staff from unit-to-unit; family members were notified and were encouraged not to visit, and if they did, they were requested to minimize the visit to the resident room and to limit children coming in. He noted that employees with flu-like symptoms were encouraged to remain out of work for a period of 48 hours after the last symptom was experienced. He explained that proper hand washing is always encouraged, but during this time, the importance of hand washing is especially stressed. Mr. Moorehead noted that lab samples were sent out the previous week; it will take 10-15 days for the analysis to be completed. He noted that he has heard of other Nursing Homes and school systems having similar issues. He anticipates that it will be totally out of the building within the next 2 weeks.

Comm. Pappas recognized Representative Carl Siedel; she welcomed him to the meeting and congratulated him on his successful election; she informed those present that he is the newly elected Chairman of the Executive Committee and the County Delegation.

M. Castonguay informed the Board that the Executive Committee will be meeting on Friday, January 28, at 9:00 a.m.

6. Old/New Business

Ratification

Mr. Wenger noted that the Board had an opportunity discuss the pending contracts with Mr. Flygare at its last meeting, but no action was taken. He explained that he provided the Board with a packet of materials for its perusal, as well as motions that it may consider if it wishes to move forward with ratification of the contracts at this meeting.

Mr. Wenger noted that the County has received written notification from the DOC Teamsters and the DOC AFSCME bargaining units that the groups have met and ratified the contracts. He noted that in the past, the Board may have interchanged words such as “ratify,” “approve,” or “accept,” and requested that for the sake of clarity and consistency, the Board use the term “ratify” relative to the contracts versus approve, accept or other verbiage.

Comm. Holden noted that it was her understanding that the Board had not received written notice at its last meeting that the Teamsters had ratified the agreement. Mr. Wenger noted that a letter stating so was in his mailbox when he returned from the last Board meeting. Comm. Pappas entertained the appropriate motions relative to the Teamsters and AFSCME contracts.

Motion: To ratify the collective bargaining agreement between Hillsborough County, NH and Teamster’s Local #633, Supervisory Employees of the Hillsborough County Department of Corrections for July 1, 2011 to June 30, 2012, noting that the Board has been advised that the bargaining unit members have previously met and ratified the agreement. By Comm. Holden, second by Comm. Clemons. Motion carried unanimously.

Motion: To ratify the collective bargaining agreement between the Hillsborough County Commissioners and Hillsborough County Department of Corrections Local #3657 American Federation of State, County and Municipal Employees AFL/CIO for July 1, 20011 to June 30, 2012 noting that the Board has been advised that the bargaining unit members have previously met and ratified the agreement. By Comm. Clemons, second by Comm. Holden. Motion carried unanimously.

Mr. Wenger advised the Board that, consistent with past practice, he will put together the package and forward it to the Delegation Office for consideration during the Budget process.

Administrative Transfer

Supt. O’Mara requested that the Board authorize him to accept the transfer of a male inmate.

Motion: To accept the transfer of a male inmate from Sullivan County. By Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Holden suggested that the Board consider a process that would authorize the Superintendent to accept inmate transfers since it no longer does Telephone Polls. She suggested that once a transfer has

taken place, the Superintendent could then bring the transfer documentation to the Board for its ratification of the action. Supt. O'Mara explained that this process would be very helpful because many transfers are of an emergency nature; additionally he noted the importance of being able to accommodate other Counties requests in a reciprocal manner.

Comm. Clemons asked how it is done in other Counties. Supt. O'Mara responded that other Counties allow their Superintendents to authorize the transfers, and noted that the statute is very clear in stating that the Board needs to be involved in the acceptance side of transfers. He asked if the Board would consider a motion allowing him to accept prisoners for the month of January, for example, provided that the appropriate documentation is presented to the Board at its subsequent meeting. Attorney Kirby expressed her belief that this action would be appropriate and suggested that some parameters be associated with the action. She noted that, seemingly, the intent of the statute is to keep the Board informed and let it know of any potential liabilities. She noted that it could be a number, such as no more than 10; she noted that it is unlikely that the DOC would exceed that number except perhaps during Motorcycle Week.

Comm. Clemons asked why Supt. O'Mara limited the request to January, as an example. Supt. O'Mara noted that the intent was to keep the Board informed in a timely manner. He suggested that there are at least 2 bills that will be considered by the Legislature addressing a change in the statute to give the Superintendent the authority to not only transfer inmates out, but to receive them as well.

Motion: To authorize the Superintendent of the Department of Corrections to accept inmate transfers for the month of January, not to exceed 10 inmates, provided that the appropriate documentation is presented to the Board at its subsequent meeting for the Board's confirmation. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Clemons addressed a concern related to the transfer of a high profile inmate; he noted that a Commissioner might be placed in a situation where he/she receives a call from a constituent relative to the transfer, but not be in a position to respond because of not knowing about the transfer. Supt. O'Mara suggested that in such a situation, it would be appropriate for him to call the Board to keep it informed.

Motion carried.

Incentive Fund Minutes

Comm. Pappas noted that minutes were received from John Harrington relative to the Incentive Funds and asked if there were any questions relative to the distribution of funds.

Comm. Holden noted that she did the minutes and explained that there were 2 agencies that did not show up for the meeting, and there were 2 programs that were not listed by the State and therefore were not discussed. She noted that the Incentive Funds for Hillsborough County were not completed until November 29th. She explained that the Committee consisted of P. McAvoy-Catholic Charities, M. O'Connor-Dept. of Juvenile Justice, Rep. Movsesian-Hillsborough County Delegation, A. Bowes-Grant Writer, Hillsborough County Commissioners Clemons, Holden and Pappas, J. Ross-Manchester District Court-DCYF, and J. Harrington-Facilitator. Comm. Holden moved for acceptance of the minutes.

Motion: To accept the minutes of Hillsborough County Incentive Fund Meeting held on October 7, 2010. Motion by Comm. Holden, second by Comm. Clemons.

Comm. Pappas thanked Comm. Holden for taking the minutes and noted that it is a long process and it is hard to take minutes and be involved in the meeting.

Motion carried.

Comm. Holden informed those present that she had notes from the NACo Fall meeting. She explained that she served on the NACo Audit Committee and chaired the Legislative Priorities Committee meeting, and went on to explain she participated in the Labor & Employment Steering Committee. She noted that she was also providing information on Strategic Planning. Comm. Holden noted that she had emailed the notes to the office and they have been sent to the Department Heads. Comm. Pappas explained that she emailed them to Betsy Miller, NHAC. Comm. Holden noted that she will provide the Delegation with a copy.

Mrs. Castonguay noted that she had sent out requests for updates for the Delegation Handbook and requested that they be returned to her as soon as possible.

Supt. O'Mara informed the Board that an hospitalized inmate gave birth to a baby girl the previous day, and noted that another baby is due on January 24th. He explained that this will be the 10th inmate birth since he has been at the DOC.

Supt. O'Mara informed the Board that the DOC has a male inmate that is being held on \$15,000 cash bail who is currently in a hospital; he requires dialysis; it was necessary for a shunt to be put in for the dialysis. He explained that the inmate had used the shunt to shoot narcotics while he was on the street, and it became infected so that a new shunt was put into the right side of his chest, and the inmate again used that to inject narcotics and it too became infected. He explained that the inmate's charge is such that a negotiated sentence is not an option; he will be held for some time. Mr. O' Mara explained that because of the medical problem, he is monitored by a Correctional Officer 24 hours a day at an overtime rate.

Supt. O'Mara explained that while the previous fiscal year's medical expense was low; he believes that it is important that the County be aware of the current fiscal year's medical issues and related expense because it significantly exceeds the previous year's expense, and because it will need to be a point of consideration during the next Budget process.

Supt. O'Mara observed that on Christmas Day there were 9 inmates who are nearing the end of their sentences that were given furloughs from 9:00 a.m. to 8:00 p.m. He reported that all nine returned on time and everyone was "clean and sober." He noted that the reason the number is down from previous years is that there are more inmates serving sentences in the community.

In response to a question from Comm. Clemons who asked what happens to babies that are born to mothers who are incarcerated; Supt. O'Mara responded that in some cases, a family member will take custody; there are also people who provide foster care for newborns, and in some cases, they become a ward of the State and the Department of Health & Human Services gets involved. Supt. O'Mara reported that in the current case, an aunt came forward to assume care of the infant. He went on to note that the mother will be released in one month, but there will be a significant loss of bonding time. Discussion ensued about how unfortunate a situation such as this would be for a child.

Supt. O'Mara informed the Board that the DOC has an inmate who has served as in-house Santa in the past and did so again this year, his fourth consecutive year. He explained that small bags of goodies are provided for the inmates, and Santa delivered a bag to all the inmates. He explained that Christmas is a quiet, somber time at the DOC; most of the inmates are unhappy at being in the jail at Christmas time. He explained that it is traditionally a quiet day for staff and noted that there is a good deal of caroling that occurs; the acoustics are great at the jail and the songs carry throughout the facility.

Supt. O'Mara requested an opportunity to meet with the Board in a consultation with Counsel. The Board agreed to grant his request.

Mr. Wenger updated the Board relative to Transfer # 2011-5 and the corresponding bid for actuarial services, explaining that the Board approved this transfer at its last meeting; however, the Executive Committee considered it and tabled any action. He offered that their action, for all intents and purposes, voids the bid process because the 45-day period that the bid was open has expired. He mentioned that he has spoken with Nyhart, the successful bidder, and it has indicated that it is interested if the County goes out to bid again for services. He requested that the Board provide him with direction as to how it wishes him to proceed; options include addressing it through the Budget process, or trying to re-bid the process. He explained that questions arose at the Executive Committee meeting with respect to issues that he does not believe can be answered until the work is done; however, the Executive Committee wants the answers before the work is done. He explained that he will try to find answers, but noted that he does not see how the answers can be obtained without expert assistance. He summarized by saying that having the actuaries come in and do the audit will identify the issues are and the County's exposure is.

Mr. Wenger noted that in light of the Executive Committee's action, it has terminated what the Board of Commissioners is trying to do; he noted that he is not sure the bid will come in at the same price if it were to be re-bid. Comm. Holden noted that the Executive Committee's action troubles her, but she noted that tabling the action might be a step in the right direction; it was not voted down. She noted that a concern for this Board, and the next Board, is that the County will not be complying with the standards that it is required by law to adhere to. She expressed her belief that it is important to have a discussion at this meeting so that the concerns are in the meeting minutes. She further expressed her concern that for the third year in a row, the County would receive an audit letter that would reflect once again that the County is not in compliance with generally approved accounting standards. She suggested that the Board may wish to consider notifying the Auditors that the County will once again be out of compliance. Mr. Wenger noted that would be a direction the Board could take; he noted; however, that the Auditors are aware of the Boards efforts because they review all the meeting minutes. Comm. Holden noted that her concern is that the Auditors are aware that the Board favors approval of the actuarial services, and that she is hopeful that it will be funded in FY2011.

Mr. Wenger offered that at some point, the Executive Committee's failure to approve the GASB Audit will have negative ramifications; the Audit states that the County's books and records do not accurately reflect the position of the County. He noted that this might negatively impact a County application for a Federal Grant or its attempt to borrow money.

Comm. Pappas asked if it were possible for Mr. Wenger to answer any of the Executive Committee's questions. Mr. Wenger responded that he is willing to try to do that, but he is not sure that he will be able to do that for their next meeting. He explained that he continues to search for more information and noted that he networks with other Counties to see what they are doing, and what they have learned. He summarized by saying that it is an issue that the Commissioners have direct responsibility for, but they continue to be told that they cannot comply with the law. Discussion ensued and Comm. Clemons offered that he would think that any legislative body would see that it needs to do this audit; he noted that information from the audit could help the County make plans for the future. He expressed his hope that the action will be taken from the table and voted on. Mr. Wenger suggested that part of the issue relates to the fact that this is for post-employee benefits; it is for benefits associated with the retiree benefit package and how it applies. He expressed his belief that part of the focus of the questioning was related to how the retirement system can be changed or what is in the retirement system that is requiring the County to do this audit, as well as why is the County should be doing the audit and what, in the retiree benefits, the County might change.

Mr. Wenger informed the Board that the County is being asked to execute a contract for parking with the City of Nashua regarding parking for employees at the Registry of Deeds in Nashua. He noted that it is his understanding that the County does not provide parking, it simply facilitates the payment. He noted

that he would discuss the issue with Attorney Kirby and come back to the Board once he has more information.

Mr. Wenger noted that a Board of Commissioner reorganizational meeting is scheduled for the following Wednesday, January 5th following the 9:00 a.m. administration of oaths to the elected officials. He noted that this will be an organizational meeting unless the Board wishes other business to be scheduled. The Board agreed that it would be an organizational meeting. Comm. Pappas suggested that the three new Commissioners should certainly be able to set the schedule for the year ahead. Comm. Holden noted that it is important to meet on the opposite week from payroll weeks. Comm. Pappas inquired if there is a need to meet every 2 weeks and offered that it might be worthwhile to consider meeting every 3 weeks. Discussion ensued with agreement that the new Board will consider the issues and scheduling.

Comm. Holden noted that the Dental Discount Program will be launched in mid-January. She noted that she has materials from other Counties and she will put a PR package together and forward it to Mr. Wenger for the other Commissioners.

Comm. Holden noted that there was a recent NACo Webinar related to aligning Counties and Cooperative Extensions and their working together as a national system. She provided relative information to Mr. Reidy.

Comm. Holden noted that she has received from the Cooperative Extension a new list of the recently elected Representatives, Senators, Commissioners, and members of the Governor's Executive Council.

Comm. Holden noted that she had received an inquiry regarding County Government from the **Monadnock Ledger** and thanked Mr. O'Mara for his assistance with the response. The newspaper was looking for information regarding County services and the jail. She noted that if an article was published, she will share it.

Comm. Pappas recognized Comm. Clemons for his service as a Commissioner, noting that this was the last regular meeting scheduled for his term. He noted that he has truly enjoyed his tenure as a County Commissioner; he noted that he first went on the ballot in 2002. He observed that he thoroughly enjoyed working with the employees of Hillsborough County and suggested that the employees are the greatest strength that the County has. He went on to say that he is hopeful that the elected officials will realize the gems that they have in all of the people working at the County level. He shared his wishes for good luck for the future to all those present. Comm. Pappas presented Comm. Clemons with a platter on behalf of the Commissioners and the County. Comm. Clemons read the inscription: "Michael R. Clemons, in appreciation of your dedicated service to the citizens of Hillsborough County as County Commissioner from 2007 to 2010." He expressed his sincere thanks.

Comm. Clemons requested an opportunity to meet with the Board in Non-Public Session relative to a personnel issue.

Supt. O'Mara requested an opportunity to consult with Counsel.

7. Public Comment

Comm. Pappas asked if there was anyone from the public who wished to comment; hearing none, she entertained a motion to move into Non-Public Session.

8. Non-Public Session

Motion: To move into Non-Public Session consistent with RSA 91-A:3 II (a) relative to a personnel issue. Motion by Comm. Clemons, second by Comm. Holden. Comm. Pappas-yes, Comm. Holden-yes, Comm. Clemons-yes. Motion carried.

The Board moved into Non-Public Session at 10:50 a.m.

The Board met relative to a personnel issue.

The Board moved out of Non-Public Session at 11:04 a.m.

Motion: To move into recess. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

The Board moved into recess at 11:05 a.m.

The Board moved out of Recess at 11:09 a.m. No action was taken during recess.

Motion: To move out of recess. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

9. Adjourn:

Comm. Pappas asked the Board if it wished to address any other business; there being none, a motion to adjourn was entertained.

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

The meeting adjourned at 12:24 p.m.

Following adjournment, Mr. Wenger informed those present that the newly elected officials would be sworn in on January 5th at 9:00 a.m. in the Commissioner's Conference Room; Justice Galway will officiate.

Approved 1/14/2011

Comm. Carol Holden, Vice Chair/Clerk
Hillsborough County Board of Commissioners

Date