

Regular Meeting of the
Hillsborough County Board of Commissioners
December 31, 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, A. Durette, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, E. A. Robinson, M. Rusch, G. Wenger, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 10:07 a.m., followed by the Pledge to the Flag led by Dan Reidy.

2. Minutes

Minutes of December 17, 2008

Motion: To approve the minutes of December 17, 2008. By Comm. Holden, second by Comm. Clemons. Motion carried.

3. Business Office

Approval of Payroll Register

Motion: To approve the Payroll Register dated 12/24/08 in the amount of \$1,151,927.56, subject to review and audit. Motion by Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Register

Motion: To approve the Accounts Payable Register dated 12/30/08 in the amount of \$933,699.87 subject to review and audit. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

5. Nursing Home

Census

B. Moorehead was recognized. He presented the Nursing Home Census, noting that as of December 25, the Census was 278, which included 199 Medicaid residents, 40 private pay residents, and 30 Medicare Part A residents.

Comm. Clemons asked Mr. Moorehead to provide the Board with a review of how the Nursing Home and its Staff was affected by the Ice Storm. Mr. Moorehead responded that during the first day of the storm and power outage; fourteen staff persons were unable to make it in to work. The Nursing Home handled this by mixing up some of the activities, by using aides on duty in place of those who "called out," and by call-in overtime staff to make up some of the loss on Friday of the storm. The second day, Saturday, the power had been restored. Mr. Moorehead noted that the emergency generator functioned properly and handled many of the services, but he did note that the emergency generator does not handle the dietary department and the laundry, and this would be a problem if the power is out long term because clean laundry and sanitized dishes become an issue. He further noted that a new and larger generator is in the budget, which will be capable of handling the dietary department and the laundry.

Comm. Clemons inquired if PSNH has the Nursing Home as a priority when the power goes out. Mr. Moorehead responded that it was his belief that the Nursing Home is considered a priority. He informed the Board that in the storm's aftermath, he received a request to take 17 people from a group home and was making arrangements to do so; however, the power to the group home was restored and it was not necessary to accommodate them.

Comm. Clemons congratulated Mr. Moorehead and the Nursing Home Staff for their handling of the emergency.

Mr. Moorehead informed the Board that the Nursing Home maintains a list of employees that have four-wheel drive vehicles who can go get employees who are unable to get in, should it become necessary to bring in more staff. Comm. Pappas congratulated Mr. Moorehead on a job well done.

Mr. Moorehead presented the November revenue report, and informed the Board that the budget for August was \$1,655,673, while the actual was \$1,636,354 resulting in a negative difference of \$19,319 and conveyed the reasons for this; November census was a little low, and it was a 30 day month. Mr. Moorehead referred the Board to the year-to-date figures and directed them to the lower section of the report. He indicated that the total is \$8,419,771 while the Budget amount is \$8,278,365 resulting in a positive variance of \$141,406, excluding the bed tax and the Pro Share amount.

Arcadian Health Plan Agreement

Mr. Moorehead presented information relative to the Arcadian Health Plan Agreement, and his negotiations with that company. He recommended that the County enter into an agreement with Arcadian, noting that it is for a Managed Care-Medicare Advantage product available to Medicare-eligible seniors who choose to participate. It offers payment equal to, or greater than, what Medicare pays. Mr. Moorehead noted that C. Kirby has reviewed the contract. Comm. Clemons asked if Mr. Moorehead could prepare a packet for the Board. Comm. Pappas expressed her belief that the Board should see the contract before approving it. Comm. Holden asked if copies could be made so the Board could come back to it later in the meeting. Copies will be made for the Board's review prior to the end of today's meeting.

Bid # 19-2009 – Re-built Transmission

Mr. Moorehead presented Bid # 19-2009, noting that this is for re-building the transmission on the F-350 Dump Truck, their primary plow truck, noting it has already been sent out for repair. He referred the Board to a memo sent to the Board which noted that pursuant to RSA 28:8-eIX, he deemed the situation to be an emergency and authorized Mike Lencki, Purchasing Director, to obtain at least three quotes for the repairs, and then authorized Lee Lowell, Maintenance Director, to have the transmission rebuilt immediately by the lowest bidder, that being Tisdell Transmissions of Londonderry, NH.

Motion: To approve Bid #19-2009. By Comm. Clemons, second by Comm. Holden.

Comm. Clemons inquired if in a situation like as this, would Mr. Moorehead secure quotes over the phone, to which Mr. Moorehead responded that M. Lencki would indeed do that.

Motion carried.

Mr. Moorehead requested a Non-Public session later in the meeting.

4. Department of Corrections

Census

Superintendent O'Mara presented the Department of Corrections' Census dated December 24, 2008. He reported that the DOC is holding 599 inmates in custody. There are 540 men, which includes 175 that have been sentenced and 365 that are being held pre-trial. There are 59 women, which includes 21 that have been sentenced and 38 that are being held pre-trial.

The Board discussed with Mr. O'Mara the upcoming subcommittee meetings of the Mental Health stakeholders as well as the general session of the entire group which will be held at 2:00 p.m. on February 19, at the Bouchard Building.

Comm. Clemons inquired about a related federal grant and if there was anyone who could write the grant. Mr. O'Mara responded that the Farnham Center indicated that it has grant writers on staff that could assist with writing the grant in question.

6. Public Comments on Agenda Items

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

5. Old/New Business

Board Organizational Meeting

Comm. Pappas noted that the Board's organizational meeting will take place on January 7th. The Board will be sworn in upstairs in the new Court, and will then proceed downstairs for its regular meeting of the Board. Comm. Pappas noted that Board officers will be elected at that Board meeting. The State statute requires the Board to elect a Chairman and a Clerk; Hillsborough County's Board typically elects a Chair, a Vice-Chair and a Clerk. Comm. Holden noted that she believed it could be the Town's turn this time to Chair the Board, to which Comm. Pappas noted that the Board has taken that request under advisement. Comm. Holden noted that she wished to have it on record that there had been a previous request at the last election that it was Manchester's turn, and she went along with that. Comm. Holden noted that after the last election, she had a conversation with Comm. Pappas, at which time Comm. Pappas had told her that it was Manchester's turn. Comm. Pappas asked about where that was said. Comm. Holden responded that it was not said in a public meeting, it was discussed in a hallway. Comm. Pappas noted that she did not recall that conversation, and noted that because of the Right To Know Law, the Board tries not to discuss things outside the meeting. Comm. Holden responded that a comment was made to her outside the meeting, and she was making her request in the meeting today.

Board Planning

Comm. Holden noted that she feels that the Budget process should be discussed.

Comm. Holden requested a Non-Public session under RSA 91-A:3 II (c).

NACo Report – Economic Outlook

Comm. Holden referred the Board to the NACo information in its packet, which comes from the NACo December board meeting. She specifically referred to information that will be available relative to the foreclosure crisis and the economic downturn through webinars and email, to enhance the peer-to-peer network to address the issues. Other items discussed were: Discount Dental Card Program, New Supplier Directory, County Leadership Handbook, Labor and Employment Steering Committee, and the Membership Report.

Comm. Holden informed the Board that NACo now has 2,359 member Counties, and 20 States have 100% membership. She referred the Board to other information in her report relative to California's

Counties coping with the Economic downturn as well as the NACo Go Green Get Healthy Campaign, and a most interesting report: IBM's Government Report with Nine Predictions for NACo.

Comm. Holden reported that there was an article in the paper relative to Strafford County's consideration of reducing its support of the Cooperative Extension, and noted that it is her understanding that Belknap County is considering doing the same.

Comm. Holden noted that NH Finance Authority has a report relative to what is going on in NH that she shared with many that are present at today's meeting.

Nursing Home News Releases

Comm. Pappas congratulated Mr. Moorehead for the positive Nursing Home news releases that are included in the packet and for the success of the recent Tea held at the Nursing Home during the Ice Storm. Mr. Moorehead referred to the News Releases, and noted that for the first time, Santa Claus visited the Nursing Home, and it was very successful. He also paid tribute to Girl Scout Troop 800 for their contribution of a Wii Sport that was donated to the Nursing Home as a result of their fund-raising efforts.

Supt. O'Mara informed the Board that Manchester Health Department conducted an unscheduled kitchen inspection on Christmas Eve, and the DOC's score was 99. Mr. O'Mara reported that the DOC is not required to be inspected, but it uses the Manchester Health Department inspection as a tool to monitor its progress, and to remain in compliance with community standards.

Discussion ensued relative to inspection of jails. Mr. O'Mara responded that government entities are not required to have their kitchens inspected.

Supt. O'Mara informed the Board that many of his colleagues in other Counties are not happy with the State's requirement relative to Individualized Education Plans (IEP), and noted that some are refusing to follow the State requirement while others indicate that they will continue as they have done in the past, which is to make the inmates with IEP's available as well as making space available for specialized training. Mr. O'Mara informed the Board that in Hillsborough County, for any inmate that has an IEP, the County will continue to make the inmate and the space available, as they have done for the past ten years. Mr. O'Mara expressed his belief that it is up to the State to contact the district of origin to confirm IEP's.

Comm. Clemons asked if high school drop-outs were eligible for the IEP program. Mr. O'Mara responded that it was his understanding that when a student drops out of school, there is an associated waiver of rights that results in the drop-out not being eligible for the program.

Supt. O'Mara reported that on Christmas Day, 16 inmates were given temporary releases from custody to return to the community to be with their families for the holiday. All inmates returned in a timely manner, they were healthy and free of substances. These Inmates will be eligible for release within the next 30 days.

There was discussion of a recent attempted suicide. Mr. O'Mara reported that the inmate was nearly lost twice, and a Correction Office was in placed in serious danger as well. Mr. O'Mara informed the Board that the Inmate had no indication that there might be at risk, and he discussed the levels of watch that the DOC designates for specific situations/conditions. The levels range from constant watch, behavioral watch, fifteen-minute watch, and special watch; he noted that typically, the Medical Department assigns the level of watch that is appropriate. Comm. Clemons asked about watches. Mr. O'Mara explained the different levels.

Comm. Pappas reported on a recent meeting she attended relative to the planning for the Hillsborough County North Superior Court's move. She noted that those attending included Sen. D'Allesandro, M. Wageling, J. Hardy, G. Wenger and several of the Justices. Comm. Pappas reported that it appears this project is a high priority in the State's Capital Budget, and it appears that the move will occur in about a year from now, with a projected renovation period of 18 months to follow. She noted that there is a great deal of resistance from those working in the Court building, and the Committee is trying to deal with that. Mr. Wenger reported that he would expect the process to possibly take a couple of years. He also referred to the gossip that is out there, and noted that there is concern that employees do not recognize the risk or the need for the project. He further noted that the Supreme Court website has an information repository that will soon be available to the public for posting what is happening so that staff remains informed.

Mr. Wenger noted that the County is still a part of the discussion, and that while the County does not have control over the project, being at the table is important. The meeting scheduled for Nashua relative to the space there had to be cancelled due to the ice storm; it will be re-scheduled.

Mr. Wenger reported that many County employees have been hit with a great deal of Spam from a very sophisticated Spammer. The e-mails appear to be sent by the recipient to him/herself. CIS is very involved in tracking this, and to finding the source as well as a solution. Mr. Wenger noted Mr. Roach reported that he has spent a significant amount of time on this problem, and in order to go further in his research, he will need a big block of time; with the telephone project a priority, the time is not there currently. The Board suggested that the CIS Department monitor the time involved with the problem in the event of legal action at a later date. A. Durette noted that the Sheriff's Department has computer forensic examiners on staff available to address computer crime, if needed. Mr. O'Mara asked to have the CIS Department send a memo to all Departments informing them of the Spam activities.

Mr. Wenger informed the Board that Harvard Pilgrim Primex Health has extended the time period to join its newly crafted Primex Health Extra Program.

Mr. Wenger provided the Board with an update on the new phone project. He indicated that it is nearing completion; phones have been distributed; the Bouchard Building cutover is anticipated next week, including the Sheriff's Office. The next cutover will be Spring Street in Nashua, followed by Chestnut Street, Manchester and the Department of Corrections, then the Nursing Home by the end of January or the first week in February. By starting with the smaller Departments, most issues will be resolved before going to a larger Department such as the Nursing Home.

Mr. Wenger noted that he received the Safety Summary sheets from the Department of Corrections and the Nursing Home, which he will file today along with the last version from the Registry of Deeds-it is not required to file this year. He further noted his plan to file an updated Safety Summary from the Registry of Deeds next year when it is due to file. Mr. Wenger requested Comm. Pappas' signature on the report and explained that once it is signed, he will fax it in today, followed by a hard copy in the mail.

Mr. Wenger reported that the County has received verbal notice that it has a Certificate of Occupancy with exceptions. There are two sprinkler heads in the holding cells that must be replaced with a different type, and there are some issues in the original stairwells, which are County issues. Additionally, there is conduit for exposed wires which go to the emergency lights that must be boxed in. Mr. Wenger noted that it was his understanding that these are simple things, and will not preclude the second floor from being occupied.

Mr. Wenger observed that the Court has been moving in boxes, and will be on site Monday, January 5th, and the Court will be opening officially on Tuesday, January 06, 2009. He noted that the security system is not complete, but it is Mr. Wenger's hope that it will be completed by next week, including card readers. In the interim, all employees will be asked to enter the building through the front. Once the

system is complete and the County is able to issue card readers and cards, the employees will be able to enter the building through the side doors.

Mr. Wenger informed the Board that the Court's hours for public access will be 8:00 a.m. to 4:00 p.m. during which time Security for the Court will be at the front door. He noted that the Commissioners in the past have set the public hours from 8:30 to 4:30; Mr. Wenger suggested that the County follow the Court's hours for access. He noted that temporary keys are being issued to the Court until the lock cores are changed, and then new keys will be issued. That is anticipated to be completed by next week.

Discussion ensued relative to the way keys are handled presently. Mr. Wenger noted that employees will be asked to return keys to the front door, which will be replaced by card keys. Security will be in effect as of Tuesday. Mr. Wenger noted that people will still need keys to their offices, but key cards will be issued to employees for building access at the side doors. He noted that there is not money in the budget for card readers for each office.

Mr. Wenger informed the Board that recommendations will be provided to Departments that will be holding meetings before or after public hours. Mr. Wenger noted that the upstairs project could not have happened without the involvement of Capt. Cusson and Chief Deputy Durette who have been invaluable in getting the project completed and addressing security issues. Mr. Wenger explained that it is his understanding that the Judge, the Staff, and the State are pleased with the new Court. Comm. Pappas thanked Mr. Wenger for spearheading the project. Mr. Wenger expressed his appreciation of the Staff's patience during the project.

Comm. Holden reviewed the past progress of the Master Plan Committee and suggested that it is time to move forward and determine if this Board wishes to approve holding a Charrette in the spring. A Charrette would bring the stakeholders and the professionals together, and come up with a plan for the County's land. She recommended disbanding the Master Plan Committee and having a Charrette Committee and to discuss the composition of the committee in January. She further noted that she has spoken with Mr. Wenger and Mr. Reidy relative to this.

M. Rusch informed the Board that the next Executive Committee meeting is scheduled for January 23rd at 9:00 a.m.

The Board was provided a copy of the Arcadian Health Plan Agreement previously discussed with Mr. Moorehead.

Comm. Pappas noted that the Board will meet with Counsel today to discuss three issues, two with the Department of Corrections, and one with the Nursing Home.

Motion: To recess to consult with Counsel. By Comm. Holden, second by Comm. Clemons.
Motion carried.

The Board recessed at 11:12 a.m.

The Board moved out of recess and resumed its regular meeting, moving to go into Non-Public Session to discuss a personnel item.

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

Motion: To go into Non-Public Session under RSA 91-A:3 (c) to discuss a personnel item. By Comm. Holden, second by Comm. Clemons. Motion carried.

The Board met with Mr. Wenger to continue discussion of the review and goals.

No action was taken during Non-Public session.

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

The Board moved out of Non-Public Session and returned to its regular meeting at 1:40 p.m.

Motion: To approve the Letter of Agreement with Arcadian Health Plan for the Nursing Home. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To authorize Mr. Moorehead to sign the Arcadian Health Plan agreement on behalf of the Chair and the Board. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To approve settlement in a Department of Corrections case in the amount discussed. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Holden mentioned that at the December 19th Executive Committee meeting, a discussion was held relative to when the Executive Committee would like contracts settled. She further noted that while she has not received written communication, it was clear it wanted the negotiations completed in line with the budget by Friday, May 10, 2009.

Mr. Wenger indicated that he believes there will be a meeting with the AFSME group from the Nursing Home next Wednesday afternoon after the Board's meeting although he has not yet received confirmation from Mr. Flygare. The meeting is to discuss the issues for clarification in the Fact-Finder report. Comm. Clemons indicated that he will attend.

Mr. Wenger reported that grievances will be addressed at the next meeting; there are probably five to be heard.

8. 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 1:49 p.m.

(SIGNED 1/21/09)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date