

Sullivan County NH

Type of meeting: Board of Commissioners - Public Meeting Minutes

Date / Time: Tuesday, August 2, 2005; 1:30 p.m.

Place: Newport 14 Main Street, County Complex, 3rd Floor Probate Court Room

ATTENDEES: Commissioners Donald S. Clarke - *Chair*, Bennie C. Nelson - *Vice Chair* and Ethel Jarvis - *Clerk*; Ed Gil de Rubio - *County Manager*; Sharon Johnson-Callum (minute taker)

PUBLIC ATTENDEES: Representative Larry Converse; Representative Peter Franklin, Rebecca Miller | Eagle Times and James Lowe | Argus Champion reporter.

1:35 The meeting was brought to order by Commissioner Clarke. Representative Converse led all in the Pledge of Allegiance.

AGENDA ITEM NO. 1 MEETING MINUTES

JULY 19, 2005 PUBLIC MEETING MINUTES

1:38 A motion was made by Commissioner Jarvis to accept the July 19, 2005 public meeting minutes. Commissioner Clarke seconded the motion. Discussion: Commissioner Jarvis pointed out that on page 6, the word "secession" should be "session". Voice vote was taken. The motion, with spelling correction, carried with both in favor. Commissioner Nelson was not present.

JULY 19, 2005 EXECUTIVE SESSION AGENDA NO. 3.C. 3:10

The County Manager recommended keeping the minutes sealed until October.

1:37 A motion made by Commissioner Jarvis to approve the minutes as typed, but not to unseal them at this time. Commissioner Clarke seconded the motion. There was no discussion. A voice vote was taken. The motion carried with both in favor. Commissioner Nelson was not present.

JULY 19, 2005 EXECUTIVE SESSION RSA 91-A:3.E.

The County Manager recommended approving the minutes, but keeping them sealed, as it was a possible litigation issue.

1:38 A motion was made by Commissioner Jarvis to approve the July 19, 2005 Executive Session RSA 91-A:3.e. meeting minutes, and to keep them sealed, at this time. There was no discussion. A voice vote was taken. The motion carried with both in favor. Commissioner Nelson was not present.

JULY 21, 2005 SPECIAL MEETING

Feasibility Study Review with Clough Harbour Associates LLP regarding facility study

Aug 2, 2005 Public Meeting Minutes

Aug 2, 2005 Public Meeting Minutes approved @ Aug 16, 2005 meeting

1:39 A motion was made by Commissioner Jarvis to table the minutes until Commissioner Nelson arrived - as the minutes pertained to a motion he did not participate in, but she felt would be appropriate to review with him in public. Commissioner Clarke seconded the motion. There was no discussion.

1:40 Commissioner Nelson arrived.

1:41 A motion was made by Commissioner Clarke and seconded by Commissioner Nelson to remove the motion from the table.

The Commissioners explained to Commissioner Nelson the formal motion to appoint Courtney Marshall as administrator. Commissioner Nelson confirmed he received notice of this, and approved of the motion in the July 21st minutes.

1:42 A motion was made by Commissioner Jarvis to approve the July 21, 2005 Special Meeting minutes as typed. Commissioner Clarke seconded the motion. There was no discussion. A voice vote was taken. The motion carried with all in favor.

AGENDA ITEM NO. 2 FACILITIES & OPERATIONS REPORT

Greg Chanis handed the Commissioners and County Manager a written report regarding capital projects and timeline. He discussed each page, with verbal notes on:

- o 1st page capital purchase vs. capital project,
- o 2nd page proposal on who would do the capital projects as it pertains to the work itself,
- o 3rd page timeline - takes all capital projects - lays out timeline for July 05 to July 06. Some may go beyond. Larger projects are broken down into phases. Commissioner Clarke asked if the paving was shown in the charts. Chanis reminded them paving was taken out as all had agreed, due to demolition projects, it was better not to pave in that area until all work was complete. Commissioner Jarvis asked questions about the shower renovations. Mr. Chanis explained each floor on the Stearns Building housed two identical shower rooms with two showers and tub in each room. The project is to renovate three of the shower rooms. He further explained they were renovating the shower rooms from linen storage. These storage rooms were originally shower rooms; accordingly, plumbing would be in place. Chanis spoke briefly about the company contracted to create the design. The renovation work entails stripping existing wall cover and adding a new tub. Chanis will be meeting with the Director of Nursing and Nursing Home Administrator to discuss the tub design. Chanis will share the design with the commissioners once finalized. Commissioner Clarke requested Mr. Chanis add a page to reflect the cost amount. Mr. Chanis indicated he would do so. Commissioner Nelson suggested staying away from the Hoya lift tub system and, instead, consider one that accommodates a wheel chair.

The County Manager explained the concept of the capital expenditure plan was to get all ideas together, to have a schedule – placing the more expensive expenditures towards the end of year. The County Manager indicated he and the Facilities Director have had several finance discussions, and have placed a freeze on expenditures in that department until Ms. Violette closes out the FY '05 County books. It was noted that some beds are drastically in need of replacement, along with the shower renovations. Mr. Chanis noted the generator was another high priority and

that they would be beginning the design phase with the heating project.

AGENDA ITEM NO. 2.B TRACTOR PURCHASE

Mr. Chanis noted he had prices from several vendors for a new tractor and implements. He reminded them of the two other tractors the County owns: a Ford and John Deere. He noted the Ford was in terrible condition and that the John Deere was more suitable for pulling implements. Bids received included municipal rate and were in the low \$40,000's. Quotes were within about \$500 of each other. He's leaning towards the Kubota L48, with a 42" brush hog, quick attachment loader and a backhoe – he received prices on a quick attachment snowplow unit with hydraulic angling and hard cap. He discussed the vendors that submitted quotes – and may try to negotiate another deal with one. Only one of the vendors was interested in taking one of the tractors in trade. Commissioner Nelson noted pallet forks were a good item to have also. General discussion commenced on the bids, the different equipment and vendor customer service. Commissioner Jarvis asked about tractor maintenance. Mr. Chanis discussed the tractor barn renovations and the maintenance employees charged to take care of the equipment. Commissioner Nelson asked for justification of the need for the equipment now, rather than in the spring. Mr. Chanis spoke briefly about the need for backhoe projects, and need to replace the John Deere for the snow plowing that is done by tractor. Commissioner Clarke discussed need to improve of the "curb appeal" and that this equipment would help to improve on that now.

2:07 A motion was made by Commissioner Nelson to authorize Greg to dispose of the two tractors as part of the transaction for the new tractor. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

**AGENDA ITEM NO. 3 COUNTY MANAGER'S REPORT
EXECUTIVE SESSIONS**

The County Manager indicated he had two items to discuss in executive session and recommended doing those at the end of the meeting.

VACATION

The County Manager noted he would be on vacation August 8th - 15th.

AGENDA ITEM ON. 4 COUNTY COMMISSIONERS REPORT

CLAREMONT SAVINGS BANK RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION

Commissioner Clarke indicated there was a form brought to his attention prior to start of meeting, which required the Board to formerly approve and sign. The form is a Claremont Savings Bank signature resolution authorizing five people as signees for the following accounts: Activities, Hospice Room, Vending and Resident Trust Fund. The people who can sign are: Julie Woodman, Commissioner Clarke, Sarah Noble, Courtney Marshall and Mark Pitkin. It was asked if two signatures were required. Minute taker believes only one, but will check with Julie Woodman.

2:12 A motion was made by Commissioner Nelson to authorize the signatures and to sign

the form. Commissioner Jarvis seconded the motion. There was no discussion. The motion carried, unanimously.

Commissioner Jarvis questioned the reason for a formal appointment, during their last meeting, to appoint Courtney Marshall as Administrator, when he worked for Genesis. The County Manager indicated it was a State requirement.

Commissioner Clarke noted there would be an Executive Finance Committee meeting August 5th in Concord to discuss strategic planning and the change in relationship with Jim Monahan (Dupont Group).

It was noted August 4th was the deadline for NHAC officer awards.

It was noted August 10th was deadline for Annual County Government Awards. County Manager indicated all department heads had been e-mailed but that he had not heard from anyone. The County Manager will be submitting a few applications.

Commissioner Clarke spoke of the DHHS meeting with Mr. McCosh regarding the rate setting, which brought to his attention items he was unaware of the calculations on the cost report for direct care - those costs are not necessarily what is put into our rate. He discussed the calculations they use and pointed out how Sullivan County gets hurt worse from those factors. Jarvis concurred there is not much that could be changed. The County Manager noted they were talking about the Medicaid rate - with the prognosis that the State would be cutting back on cost and cutting back on Medicaid residents to nursing homes. They discussed ProShare, when it was derived and by whom, and noted Sullivan County had to pay back the FY 03 and '04 ProShare but that the county benefits from MQIP: The County Manager noted they need better communication between the state and county and when the state talks with the federal government, the County should be sitting in at the table. Commissioner Clarke requested a spreadsheet illustrating the gain with MQIP vs. loss with ProShare. The County Manager will create a five-year spreadsheet. Commissioner Nelson noted, to the public, that at the last Federal meeting, the counties were uninvited to the meeting.

Commissioner Clarke noted Governor Lynch had visited Newport July 27th, with breakfast at the Old Court House Restaurant and toured the town. It was noted the Governor would be visiting St. Gaudens in Cornish, the morning of August 3rd.

AGENDA ITEM NO. 5 PUBLIC PARTICIPATION

Commissioner Clarke opened the floor for public participation.

Rep. Franklin indicated he noticed a discrepancy in the values shown on the MS42, which he noted he received a copy of a few days ago - signed by Rep. John Cloutier (Delegation Chair) and Rep. Jillette (Delegation Clerk), when compared to the Annual Convention meeting minutes. He was concerned the Department of Revenue Administration would not accept the MS42. He noted the "revenues" and "appropriations" were not quite the same, and that the "Budgeted Summary" was not completed at the end of the form. The County Manager requested Representative Franklin to place his questions in writing, and to address them to him (County

Manager) or Commissioner Clarke. Rep. Franklin indicated he would address letters only to the Commissioners, but then noted the response required a speedier response. Franklin indicated the DRA cannot set a tax rate when there is a discrepancy between the County Convention minutes and the MS42 form. Commissioner Clarke noted he was unaware of the discrepancy. Rep. Franklin continued, indicating there was a motion made during the convention that any reconsideration of the budget would be foreclosed, and was concerned this motion would not allow them to correct anything. He suggested they consult with the County Attorney because of that motion. Commissioner Nelson pointed out that Rep. Franklin said the minutes were in draft format and questioned if they required corrections could be done later. Rep. Franklin asked if the '03 & '04 ProShare funds were repaid to the State and if they were part of the FY '05 or '06. Commissioner Clarke confirmed it was FY '05. Rep. Franklin asked if the County had a final FY '05 figure? The County Manager indicated the un-audited figure was \$500,000. Rep. Franklin asked if any of the FY '04 surplus, including CD funds, were being returned to the tax payers. At this point Commissioner Clarke requested Representative Franklin place his questions in writing and they would respond.

Rep. Converse indicated he noticed there was a buildings meeting on July 21st and asked why he was not invited as a member of the County Buildings Committee.. The County Manager and Commissioners explained it was not a Building Committee meeting, but a special meeting with Clough Harbour Associates LLP (CHA) to review their draft buildings and feasibility report, and also gave CHA an opportunity to ask the Commissioners and County Manager if they had other expectations from their report.

Mr. Lowe asked what MQIP stood for. Commissioner Jarvis noted it stood for: Medicaid, Quality Incentive Payments. It was further explained that MQIP is a bed tax on Medicaid beds in the facility, computed by 6% of the gross revenues, submitted as a tax, shown to the federal government, then matched and returned to the facility.

Mr. Lowe asked if the meeting August 3rd was for the Genesis administrator contract and how long the contract would be for. It was confirmed tomorrow's meeting was for negotiations between Genesis and Sullivan County, but the contract and length of contract was to be determined.

Rep. Converse noted he was at the Nursing Home and "they were all in a tizzy about the smoking ban". He noted residents were concerned they could not have their cigarettes. Commissioner Jarvis pointed out they had a discussion about this at the last meeting. It was noted the resident policy was already in place and that it had been confirmed to them, by Courtney Marshall, that employees who brought residents out to smoke were doing so voluntarily. She noted they should put policy in place regarding that to avoid a future lawsuit. Commissioner Jarvis indicated she was giving the employee a copy of the meeting minutes, which confirmed that information. The County Manager briefly discussed the two smoking policies, one for residents that took effect last year and the county employee manual smoking policy that took effect August 1st. The County Manager explained Courtney Marshall's request for the County to reconsider the resident smoking policy.

AGENDA ITEM NO. 3.B. EXECUTIVE SESSION PER RSA 91-A:3.II.C

2:46 A motion was made by Commissioner Nelson to go in to Executive Session Per RSA

91-A.3.II.c, for a personnel issue. Commissioner Jarvis seconded the motion. There was no discussion. A roll call vote was taken. The motion carried, with all in favor, unanimously.

2:48 Rebecca Miller, James Lowe, Representative Converse and Franklin left the room.

3:07 A motion was made by Commissioner Nelson to come out of Executive Session. Commissioner Jarvis seconded the motion. There was no discussion. The motion carried, unanimously.

No formal action was taken.

3:09 A motion was made by Commissioner Nelson to go back in to Executive Session per RSA 91-A:3.II.e. – regarding a litigation issue. Commissioner Jarvis seconded the motion. There was no discussion. A roll call vote was taken and carried with all in favor.

3:15 A motion was made by Commissioner Nelson to come out of Executive Session. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried unanimously.

There was no formal action taken.

3:16 A motion was made by Commissioner Jarvis to adjourn the meeting. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Respectfully submitted,



*Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.