

Sullivan County NH

Type of meeting: Board of Commissioners Public Meeting

Date / Time: July 19, 2005, Tuesday; 1:30 PM

Place: Unity Sullivan County Complex, Nursing Home, 1st Floor
Recreation Room

ATTENDEES: Commissioners Donald S. Clarke - *Chair*, Bennie Nelson - *Vice Chair*, and Ethel Jarvis - *Clerk*; Ed Gil de Rubio - *County Manager*; Courtney Marshall - *Nursing Home Administrator*; Scott Hagar - *DOC Superintendent*; Ken Swain - *DOC Correctional Officer*; Sharon Johnson-Callum (minute taker). Other County employees that arrived later and left during meeting: Peter Farrand - *Human Resource Director*; Sam Fletcher - *Human Resource Assistant*; Ron McPhall - *Dietary Director*; Greg Chanis - *Facilities & Operations Director*.

OTHERS IN ATTENDANCE: Representative Charlotte Houde-Quimby; Representative Peter Franklin; Barbara O'Keefe (resident daughter).

1:30 Commissioner Clarke brought the meeting to order. Commissioner Jarvis led the *Pledge of Allegiance*.

AGENDA ITEM 1 MEETING MINUTES

AGENDA ITEM NO. 1.A. JUNE 27, 2005 PUBLIC SECTION

1:31 A motion was made by Commissioner Nelson to accept the June 27, 2005 public meeting minutes as printed. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 1.A. JUNE 27, 2005 EXECUTIVE SESSION MEETING MINUTES

1:32 A motion was made by Commissioner Nelson to accept the June 27, 2005 Executive Session meeting minutes as printed. Commissioner Jarvis seconded the motion. Discussion: Commissioner Jarvis noted she did not approve of going in to executive session for a personnel issue during the June 27th meeting. Commissioner Nelson and Clarke disagreed with Commissioner Jarvis. Commissioner Clarke noted that the issue involved county employees and a member of public and to avoid embarrassment for either they went into an executive session. He also noted that the meeting minutes were a fair characteristic of that meeting, which was what they were voting on. Commissioner Jarvis indicated she wanted the minutes to reflect that she agreed the minutes were fair, but that she still protested the reason they used to go in to executive session. A voice vote was taken. Commissioner Jarvis voted no. Commissioner Nelson and Clarke voted for the motion. The motion carried with the majority.

AGENDA ITEM NO. 1.A. JUNE 27, 2005 EXECUTIVE SESSION MEETING MINUTES: TO UNSEAL OR KEEP SEALED

Commissioner Nelson questioned if the Board required the Executive Finance Committee to approve the minutes. It was decided no.

1:33 A motion was made by Commissioner Nelson to release the minutes of June 27, 2005

Executive Session. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 1.B. JULY 7, 2005 PUBLIC MEETING MINUTES

It was noted the agenda indicated "July 8th" meeting minutes, in error, but the actual draft meeting minutes reflected the correct date of July 7th.

1:35 A motion was made by Commissioner Jarvis to approve the July 7, 2005 public meeting minutes as printed. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Representative Franklin indicated he had a question. Commissioner Clarke requested he wait for the public participation portion of the agenda.

AGENDA ITEM NO. 2 DOC REPORT

DOC Superintendent Scott Hagar provided a verbal DOC report.

FACILITIES

Mr Hagar discussed the Commissioners tour / inspection. He provided a review of recent remodeling of rooms – that included removal of two concrete block walls and rerouting of plumbing, the labor resources they used within the county that saved vs. outside contracting, the high security locks purchased and installed which have the capability of tracking traffic through the door by finger prints. The County Manager indicated he reviewed the work and that they did a "fantastic job".

CERT TEAM UPDATE

Mr. Hagar reminded the Board of the eight members selected for the C.E.R.T. (Correctional Emergency Response Team). The first meeting was held and a team leader was appointed. The team leader is in charge of organizing, taking commands from the incident leader and carrying out the objective. Hagar introduced Ken Swain, a DOC Correctional Officer and the new CERT Leader. Mr. Hagar asked Mr. Swain to provide an update. Mr. Swain indicated he'd been four years in corrections with 2 ½ years at Cheshire County, and twenty-two years in the U.S. Marines. He talked about the first CERT meeting - how they broke it down into two teams: 1) administrative and 2) tactical, with their goal to be proactive instead of reactive. They will be attaining equipment to provide hands on training. He noted that CERT is an enhancement of the their primary mission, which is as a Correctional Officer. Mr. Swain noted the correctional officers involved in CERT have given countless hours off the clock and are a good group. He invited the Commissioners and County Manager to visit CERT in a month. Commissioner Clarke noted the Board would be as supportive as they could. The County Manager thanked Officer Swain for volunteering as the team leader of CERT.

CENSUS

They currently have 109 split between the THU, house confinement and at the main DOC facility. Of that population, 18 are females with a few pregnant. They still have a volatile group of inmates. They continue to gather and track information daily, watching and monitoring for possible suicides while inmates are in the judication process.

STAFFING

Mr. Hagar noted they hired a new correctional officer last week. Commissioner Clarke noted it was obvious Mr. Hagar was doing a good job at recruitment.

AGENDA ITEM NO. 3 NURSING HOME REPORT

Courtney Marshall, Nursing Home Administrator, handed out two items:

1. *Census As of July 19, 2005* and
2. *Summary admission/ discharge list totals* - a response to previous request of the Board.

CENSUS

Mr. Marshall noted the census format now includes the new budget numbers. 128 out of 156 filled. Medicare census increased to eight today and they have 2-3 more in the works in area hospitals. The marketing plan is in action, based on Ms. Koscielniak going out and making contact with all hospitals and inside person to take care of inside nursing home tours. They are holding Admissions Committee meetings twice a week. The barriers earlier discussed are being broken down and they are receiving more referrals. They've discovered the last minute choices to go elsewhere for a nursing home is due to location, family choices and resident doctor preference. They encounter surprise responses to Sullivan County providing skilled care, so they working on that aspect - to get the message out regarding the skilled care. Commissioner Jarvis questioned the difference between the census noted on the sheet and the list of names on the wall in the lobby. She indicated she counted 124 on the wall, but the paper census showed 128. It was noted prior approval is required from a resident for their name to be listed on the wall, a few residents did not approve. Accordingly, Mr. Marshall noted the true census is on the paper sheet.

STAFFING

A new Director of Nursing begins August 8th, Heidi Smith from Charlestown. Ms. Smith has been in long term and acute care for 20 years, and was the Long Term Care Coordinator for Cheshire County that P. Koscielniak had referred to the County. They have continued to not use agency nursing, since July 25th. They continue to recruit LNA's. Hired one LNA and one laundry worker in past week. They have openings for a number of positions and are looking for the appropriate people to fill the positions. They've encountered previous workers applying for these positions and address those applicants with Human Resources and the Nurse Managers to make sure those people are acceptable.

1:58 Greg Chanis joined meeting.

County Manager noted the executive sessions pertained to personnel and suggested they place this at the end of the meeting.

AGENDA ITEM NO. 4.B. SMOKING POLICY

It was noted the County No Smoking policy would be effective August 1, 2005 and was implemented by the Board on July 20, 2004. County Manager indicated Courtney Marshall approached him regarding this issue, as it pertains to the nursing home residents. There is approximately five residents that smoke and Mr. Marshall feels they should not be turning away a potential resident due to smoking issues and recommends lifting the ban on smoking with

nursing home residents. County Manager concurred. He recommended going ahead with the Non Smoking policy for staff / employees. Commissioner Jarvis noted she knows LNA's who have been diagnosed with cancer from second hand smoking as they were required to escort residents outside to smoke she does not approve of accepting resident smokers. Mr. Marshall suggested they accept smokers but indicate to the potential clients if they need to smoke a family member or friend will have to assist them outside. Mr. Marshall noted the hospitals in area are aware Sullivan County is not accepting resident smokers, so they are avoiding referrals of those clients to the facility. He also added that staff has volunteered, up to this point, to take the residents outside. Mr. Marshall noted Cheshire County put in to place a non-smoking policy, then revoked it. Genesis facilities have smoking. Marshall suggests accepting residents with the caveat that nursing home staff is not here to assist the resident in smoking. Barbara O'Keefe questioned if it could be construed as discrimination denying a potential resident healthcare if they smoke. Commissioner Clarke indicated the Board might not be able to act on the issue today, so as to look at the legal implications and what other facilities are doing. The County Manager noted county staff has been offered assistance to stop smoking and have had a year advisement of the non-smoking policy. He indicated the Board could either make provisions with residents or wait to receive legal advice regarding the non-smoking policy. Clarke suggested extending the policy for one month until additional information can be gathered. The County Manager distributed a draft memo to extend current non-smoker policy one month. Sam Fletcher, Human Resource Assistant, spoke, noting the policy in question today, the one to be effective August 1st, pertains to only the County Employee Policy, and that the resident non-smoking policy has been in effect for a year. Mr. Marshall concurred the resident non-smoking policy has been enforced with new applicants and is written in to the Nursing Home brochure. Ms. Fletcher noted they have several county employees who smoke and that those employees are well aware of the non-smoking policy to take effect August 1st. She pointed out notifications were sent out by letter, posted and placed in Chit Chat. The County Manager recommended they revisit the resident non-smoking policy and leave the employee non smoking policy to go into effect August 1st as planned. The County Manager confirmed he would place the resident non-smoking policy on August 16th Commissioners Agenda and would have the County Attorney available for questions.

AGENDA ITEM NO. 4 COUNTY MANAGER REPORT

AGENDA ITEM 4.A. NHAC ANNUAL CONFERENCE DONATION REQUEST

The County Manager briefed the Commissioners on the letter received from the host of the NHAC Convention for donations for the welcome bags. He noted Ms. Johnson-Callum would be coordinating this effort, and if the Commissioners have local businesses that want to donate, to contact Sharon. Commissioner Clarke would like to see Sullivan County host one of the NHAC Annual Conventions. The County Manager will follow through with Kathi Fortin, NHAC Director on this issue.

AGENDA ITEM 4.B. NHAC AWARDS COMMITTEE

County Manager briefed Board on the NHAC County Employee / Officials awards. There is one representative from each county who sits on the awards committee, normally a Commissioner, but has been Human Recourse Director or County Administrator. County Manager will assist Commissioner Clarke with gathering Sullivan County information.

AGENDA ITEM NO. 4.D. GENESIS CONTRACT NEGOTIATIONS

County Manager sent memo today to Board, regarding August 3rd meeting with Genesis regarding contract negotiations. The full Delegation was copied and is invited to attend. The meeting takes place in Newport – 3rd Floor, Probate Court Room, 10 AM.

AGENDA ITEM NO. 4.C. FY 05 BUDGET UPDATE

County Manager indicated a software problem occurred while transferring info from FY 05 to FY 06. He noted the problems are being smoothed out with communications with Unifund. '05 budget reports will be sent within the next week. Auditors will be in soon. Anticipate auditor's draft report towards middle to end of August.

AGENDA ITEM NO. 5 COMMISSIONERS REPORT

Commissioner Clarke:

A state county finance meeting was held regarding ProShare issues. During that meeting, they discussed only general terms, at length. State does not want to open books in a public setting in order to keep in line with HIPAA regulations. NH State DHHS Commissioner volunteered to sit down with each county, individually, to review calculations. County Manager made appointment Thurs, July 28th 1 PM in Concord to review the Sullivan County calculations. Commissioner Clarke and County Manager will be there, and the other County Commissioners are welcome if they have time.

SIDE NOTE FROM COUNTY MANAGER

County surplus projection was \$400,000, but came in at \$600,00.

AGENDA ITEM NO. 5 INCENTIVE GRANTS

Per County Manager, Johnson-Callum handed the Commissioners a copy of a memo from Human Services Coordinator, Sherrie Curtis, pertaining to one of the Incentive Funds applicants.

Commissioner Clarke noted he thought it was decided at the last incentive funds meeting to not release funds until Ms. Curtis, Commissioners and the program director met. County Manager will have Ms. Curtis set up a meeting.

AGENDA ITEM NO. 6 PUBLIC PARTICIPATION

Representative Peter Franklin indicated he had items to discuss regarding the June 27, 2005 Commissioners / Executive Finance Committee Meeting Executive Session. Rep. Franklin indicated:

1. must list all names of non public Commissioner Clarke noted that was done.
2. the RSA number 91-A.3.II.e was used incorrectly.
3. if going in to an executive secession the person that it pertains to should be there
4. he feels there was no reason for this executive session.

Commissioner Clarke asked Representative Franklin what he would like for an end result out. Rep. Franklin indicated he wanted acknowledgement that it was improper for the Commissioners to go into non-public session and to bring some members of delegation to discuss another member of the delegation without giving that member notice or chance to speak. He stated it was improper to pit the Commissioners against the delegation. Commissioner Clarke noted the

Board works as hard as they can and that Representative Franklin has placed a good employee under a lot of stress and do not want to loose that employee. Representative Franklin wanted to know more about the person and the stress. County Manager recommended Representative Franklin place his inquiries in writing. Representative Franklin noted he did this already. Commissioner Nelson noted [during the June 27th meeting] they went in to executive session for only ten minutes and did not have a lengthy discussion and when objections were noted, they came out. Rep. Franklin indicated he asked and received a few days ago a response from Ms. Violette. He noted she informed him where the Genesis money is located in the budget. He discussed searching in the budget book (at this part of the meeting he pointed back to a large white binder on the seat behind him) which shows details up to March / April. Rep. Franklin quoted from Ms. Violette's memo of Genesis funds paid in FY 05. He noted "At least she has made an attempt" and he noted he would be reviewing the invoices she suggested in her memo he could review for more details. Rep. Franklin spoke about the \$25,000 contingency fund that went towards the boiler. He noted he had asked for all intra and inter-fund transfers but did not see anything given to him to cover what he indicates is 600% overspent. He noted in response to his request for all items in escrow, only \$223,000, the CD was listed. Mr. Franklin noted the June 2004 contract signed for the ProShare funds, by the Commissioners Adler, Clarke and Nelson, was to be put aside in escrow. Commissioner Clarke responded they did place the funds aside. Rep. Franklin requested the specific bank account number it was placed in. Commissioners and County Manager noted the funds were part of the account at Lake Sunapee Bank. County Manager asked for Franklin to put his inquiries in writing. Franklin then quoted from an Eagle Time newspaper Medicaid article noting the County Manager was quoted in the article as saying \$44,000 was set aside to cover legal fees. County Manager noted they have a short term borrowing normal savings account and do not spend the money. Rep. Franklin asked where the monies were. Commissioner Clarke noted the County goes through audits each year with no problem. Franklin noted he still had unanswered questions. Commissioner Clarke indicated the public session for Rep. Franklin's questions was concluded. He requested Franklin place all inquiries, itemized, in writing to the County Manager with a copy to the Commissioners. Rep. Franklin indicated he did not receive answers before and that the County Manager also asked him to leave his office, which Mr. Franklin feels was unacceptable.

Barbara O'Keefe, resident daughter, introduced herself. Her parent, now a Nursing Home resident, used to be a chef. Ms. O'Keefe voiced comments regarding:

1. Food quality – She felt it was deplorable and invited the Commissioners to visit the cafeteria unannounced. She indicated the macaroni and cheese was cold and mixed with broccoli. Her parent was refused a soft poached egg and offered instead hard cooked due to salmonella. Mr. McPhall noted to Ms. O'Keefe he had talked with her parent.
2. Beds not being made
3. Waiting since May for a dentist appointment
4. The new rate of \$195 for semi and private rooms effect August 1st was unfair. County Manager noted the cost is still lower than the competition by far.
5. Unicare, the Nursing Home pharmaceutical supplier, should be investigated. She's received only three bills and feels they charge twice for the same medication. County Manager requested Mr. Marshall to put Ms. O'Keefe in contact with the ombudsman regarding the medication purchases.
6. a recent news article listing the Nursing Home in Newport and not Unity.

Ms. O'Keefe thanked the Board and administration for their time. Commissioners thanked Ms. O'Keefe for voicing her comments.

Representative Charlotte Houde-Quimby requested the status of the NHAC vs. NH State DHHS civil suit, and what the goal was. Commissioner Clarke noted a declaratory judgment was filed. They have not received any recent updates. Commissioner Nelson briefed Rep. Houde-Quimby on the two issues, and the extra cost, which appeared on the bill to the counties. Their goal is to unite all counties, even though some counties have larger stakes than others.

Rep. Franklin asked if the Commissioners had a copy of the petition filed by the NHAC two to three weeks ago. Commissioners confirmed they did.

Commissioner Clarke noted there was a request to go into executive session (per RSA 91-A:3.II.b.) and that they would continue the meeting, once in executive session, in the Business Conference Room with Ron McPhall, Courtney Marshall, County Manager and Commissioners.

3:08 A motion was made by Commissioner Nelson to go into executive session per RSA 91-A:3.II.b. Commissioner Jarvis seconded the motion. There was no discussion. A roll call vote was taken. The motion carried unanimously.

3:46 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.

3:49 A motion was made by Commissioner Nelson to write a letter to Fitz Vogt Associates and say we are striking out on our own and would like the contract termination effective Oct 1st. Commissioner Jarvis seconded the motion. A voice vote was taken. The motion carried, unanimously.

3:51 Mr. McPhall left the room.

3:52 A motion was made by Commissioner Nelson to go back into executive session to hear a personnel issue, per RSA 91-A:3.e. Commissioner Jarvis seconded the motion. A roll call vote was taken. The motion carried, unanimously.

4:01 A motion was made by Commissioner Jarvis to come out of the executive session and 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.*