

BOC

Regular Meeting of the  
Hillsborough County Board of Commissioners

December 13, 2006  
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. R. Charbonneau, Comm. C. Holden, Comm. T. Pappas, B. Moorehead, D. Boutin, H. Bernier, B. Mercer, J. MacDonald, E. Robinson, A. Durette, M. Rusch, D. Reidy, G. Wenger, and R. Pomroy.

Also Present: S. Lyons, R. Holtz, M. Goulet, and members of the public.

**1. Pledge to the Flag**

Comm. R. Charbonneau called the meeting to order at 9:01 A.M. R. Montgomery led those present in the Pledge to the Flag.

**2. Grievances**

Comm. R. Charbonneau called the grievance matters to order and inquired of Mr. Lyons regarding the preference for public or non-public proceedings. Mr. Lyons advised the Board that all grievants requested the matters proceed in public session. Comm. Charbonneau acknowledged the request and the matters proceeded.

AFSME Grievance # MG-0522, Rachael Breough

Mr. Lyons was recognized. He presented AFSME Grievance # MG 0522 for Rachael Breough arguing that she was disciplined without just cause under paragraphs 16 and 16.8 (a) and (c) of the collective bargaining agreement. He argued that the discipline was not consistent with the infraction and that management failed to review her personnel file and that if they had reviewed it they would have notice that the accusation was not consistent with past performance and reviews. He argued that R. Breough received a review on 4/4/06, which rated her as commendable, and a review in 03/04 stated that she was always willing to help. He noted that the Union believes that due process was not given to Ms. Breough because she was not interviewed on the issue, which was a violation of 16.8 (c). Mr. Lyons also noted that with this grievance, as well as with others, the Union requested information regarding all related information, allegations and investigations, but management did not provide that information.

D. Reidy joined the meeting at this time.

Ms. Breough informed the Board that at the time she did not know why she was being disciplined. She stated that she was asked to be a preceptor and repeatedly explained to the new employees what their jobs entailed. She suggested that because she explained their jobs, she was suspended. She stated that she was looking out for the wellbeing of the residents.

Mr. Moorehead was recognized. He informed the Board that it was reported that R. Breough was not being receptive of the training of the new LNA's on the unit and that she had a history of this behavior in the past as well. He stated that it was documented that she would use demeaning and harsh tones when speaking to new staff, i.e. LNA's. He stated that it is critical for the facility in hiring new LNA's, that when they are orienting that they are treated well to insure the future employment of that LNA. He noted that as stated at step two of the grievance process, it had been reported to H. Bernier, by LNA's, that Rachael had not been receptive to new LNA's on the unit and used demeaning and harsh tones, and that the record includes the statements of three employees supporting this. He offered that in addition, it was reported by staff that Rachael was very rude and that she has threatened the LNAs that they would be reported if they were found with bed rails down. He stated that this is an inappropriate approach to orientation, creating an antagonistic atmosphere between veteran employees and new orientees and does not improve the orientees' chance of work longevity at the Nursing Home, which can be very costly to the facility and could affect the continuity of care that results from increased rates of turnover, etc.

Mr. Moorehead informed the Board that the response to Mr. Lyons' request for information was provided on November 27<sup>th</sup>.

In response to the Union's statement that no meeting or communication had occurred explaining what was being done Mr. Moorehead introduced Diane Boutin, Director of Nursing, to discuss the process followed. D. Boutin informed the Board that a variety of complaints had been received from staff and residents. She noted that she called Ms. Breaugh at home to inform her that she was suspended per policy pending investigation of verbal abuse. She noted that on August 11<sup>th</sup> she contacted Rachael at home again to inform her that the charge of verbal abuse against residents was unfounded, that she was no longer suspended, and she would be reimbursed the pay for the days she missed due to the suspension. She noted that she had an extensive discussion with Ms. Breaugh regarding her harsh behavior towards the new LNA's, during which they discussed that it was due to frustration with the new employees' inability to perform their duties sufficiently. D. Boutin noted that she informed Ms. Breaugh that, when she returned to work, she would receive a warning for her behavior towards the LNA's and that at that point she could give her written statement.

Comm. Charbonneau inquired of R. Breaugh if she received the phone call as discussed, to which Ms. Breaugh replied that she received a phone call on Friday telling her that D. Boutin was pulling the suspension and that she could go back into work on Friday. Comm. Charbonneau inquired if the conversation went into detail, to which she replied that no, they were on the phone for only 10 minutes. D. Boutin reiterated that she did spend time on the phone with Rachael. She noted that during the conversation Rachael expressed the frustration she had with new staff. She noted that she told Rachael that she could not speak to people in a rude manner especially when dealing with new LNAs to improve the quality of patient care at the Nursing Home. She noted that she tried to help Rachael learn from the reprimand. She also noted that since the conversation she felt that the situation was still unsettled and Rachael chose to transfer to another unit. Comm. Holden noted that on the grievance form it was noted that the grievant was not aware of the incident and she inquired if during the phone call the grievant was notified of the written warning she would receive upon arriving to work. D. Boutin replied that yes, she was informed, and she did have a Union Representative with her at the time of the warning.

S. Lyons informed the Board that he did not feel that due process was given because the grievant was contacted by phone for the suspension and then contacted again by phone for the written warning and was only allowed to write a statement after the warning was issued. He noted that she was suspended for a reason different from the discipline. He noted that she had no knowledge that there was another investigation other than the patient abuse and that he disagreed that she was given due process. He noted that the Union does not feel that a phone call is appropriate for a notice of suspension.

Mr. Moorehead informed the Board that he disagreed with Mr. Lyons. He argued that due process was afforded. He stated that the procedure that is followed in the event of receiving reports of patient abuse is that the employee is suspended pending an investigation. He noted that at that point it is not discipline because if the investigation finds that the allegations were unfounded the employee is brought back and is paid for any day they were scheduled and missed due to the suspension. He noted that regulations state that the Nursing Home must conclude the investigation within 5 working days. He also noted that during the course of the investigation into the claims made against Rachael, it was found that the claim of verbal abuse against residents was not founded. He noted that through interviews with staff it was found that she had not been treating the LNA orientees with the respect that they deserve particularly when they are at a sensitive time during orientation. He stated that message was communicated to her via Diane.

D. Boutin informed the Board that during the initial phone conversation she was informed that she was being suspended due to alleged verbal abuse of staff and residents. She reiterated that she was informed of both. She also noted that when she called Rachael on August 11<sup>th</sup> she got her view of the situation before deciding on the written warning due to how she was treating the LNA's. Ms. Boutin also informed the Board that Rachael has a prior history of frustration and harshness that was documented back in July of 2005.

Comm. Holden noted that when Rachael went in on August 12<sup>th</sup> she did have a union steward with her, and that when she was asked on August 16<sup>th</sup> if she had anything to add to give her side of the story she did not offer anything further. D. Boutin noted that at the time she was to receive her reprimand from her supervisor she was asked for her written statement.

Comm. Charbonneau inquired how long Rachael had been working for the Nursing Home, to which she replied 6 years. Comm. Pappas inquired if Rachael had always done this type of work (training/orientation), to which she replied, that no.

Mr. Lyons informed the Board that the administration had referenced a communication on November 27<sup>th</sup>, which he did not receive, and that he would like the documents if available. He noted that it would be helpful to know who the complaint was from, what information was considered relative to phone calls or interviews. Mr. Moorehead noted that he believed the communication was sent out with return receipt, and he offered to make it available for review.

Where the parties had nothing further to offer the matter was taken under advisement.

#### AFSME Grievance # MG-0525, Celina Foster

Mr. Lyons informed the Board that the Union feels that this was an inappropriate discipline without just cause.

R. Holtz was recognized. She informed the Board that on September 2, 2006, Labor Day weekend, Celina Foster called in sick. She noted that policy states if an employee is absent on a holiday weekend, it is required that the time be made up. She noted that Celina was off on Monday and Tuesday, and returned to work on Wednesday. She noted that the schedule that came out had her assigned to work that weekend. She stated that when the paychecks came out Celina did not receive pay for Sunday or Monday, which shorted her 16 hours of pay.

Mr. Moorehead informed the Board that the short in pay was not part of the grievance. He noted that the grievance pertained to weekend-makeup. Mr. Lyons informed the Board that these were the facts relative to the grievance. He noted that he believed this information to be relevant and that the Union had a right to present the case. Mr. Moorehead noted that he did not believe that to be applicable in this case. Comm. Holden noted that the County has policies regarding absences, which she understood are separate from the actual grievance itself. She noted that she understood that the grievance was regarding the absence weekend makeup. Mr. Moorehead argued that this matter does not rise to the level of a grievance. He explained that the Union is grieving a policy and that, as per the contract, grievance section 16.1, "grievance is defined as a complaint or claim by an employee, or group of employees, then the bargaining unit specifying the names of the bargaining unit, the employees involved, the date of the alleged offence, and the specific contract division involved." He noted that the issue before the Board relates to a policy and therefore does not rise to the level of a grievance. Comm. Holden noted that it is her understanding that a new policy regarding makeup time is under consideration, in part due to these facts.

Mr. Lyons informed the Board that the Union has a right to present the grievance. He noted that the grievance requests any related articles, agreements, practices, rules, regulations and laws. He noted the Union's position that the grievance has merit.

R. Holtz informed the Board that there was a meeting between M. Goulet, President of the Union, herself, Chris Benner a Stewart, B. Moorehead, and D. Boutin, Director of Nursing. She noted that during the meeting there was a discussion of what initially happen. She noted that it was agreed to pay missed hours if she would provide a statement from the grievant that she called in sick on Sunday and if the grievance would be dropped. She noted that at that point she delivered the message to Celina who wrote a statement, which was delivered to Mr. Moorehead. She noted that it is her understanding that at that point Mr. Goulet was called in by Mr. Moorehead, asked to sign a waiver that the Union would not hold this precedence. She noted that the day the waiver was to be signed the Union was told to discontinue the grievance. Mr. Lyons noted that Mr. Moorehead signed a speedy letter signed by Mrs.

Foster on 9/27/06, which stated, "on September 2, 2006 I called in sick stating that I was in the ER with my son." He noted that the employee, based upon those discussions, provided this statement.

Celina Foster was recognized. She noted that on Saturday night her son had fallen and broken his nose and cheek. She stated that she was in the ER and in the hospital, the entire night and thought it would not be wise to go into work on Sunday without any sleep and with physical and mental exhaustion. She noted that when she went in on Wednesday she was told that she would have to make up the weekend. She stated that she perceived that others had sympathy for what happened and assumed that she would be paid, but was not. She noted that she was not sure what she could have done because she could not use an emergency vacation day and considering the situation, she did not feel that she could do anything else but call out. She noted that in the policy, there are no exceptions for emergencies and she feels that with the situation she was in, it was not fair to be reprimanded for missing a day of work for a family emergency. Mr. Lyons noted that the last time Celina was out on a weekend was in 2005. He noted that her absence on a scheduled weekend was not a frequent issue. Comm. Holden verified that Celina was in the ER with her son on the 2<sup>nd</sup> but she did not call in to work until the 3<sup>rd</sup>. Comm. Charbonneau inquired how long Celina has been employed with the Nursing Home, to which she stated approximately 9 non-consecutive years noting that she took a leave of absence following the birth of her son.

Mr. Moorhead informed the Board that this was not a disciplinary issue. He noted that it is an employee obligation to make up weekends when they call out or do not work a full shift on that weekend. He noted that this is clearly stated in the policy that Mark, Randy, Adel, and Diane worked out, and even in the modified version, the difference in the policy is that a 3 or more day absence with a doctors note, the weekend makeup requirement would be waived. He noted that this was agreed to by the Union and Management on October 20<sup>th</sup>. He also noted that the old policy stated that the weekend that an employee called out on would be made up on a weekend that is convenient for management, and the revised policy states that if an employee calls out on a weekend they would be required to make it up on their next scheduled weekend off. He reiterated that this was not discipline; it was an obligation of that employee. He noted that there was an issue with dropping the grievance if a statement was received from Celina regarding her being out on sick time because the Union wanted holiday pay for that weekend, which was denied and therefore the grievance was not dropped.

M. Goulet, the president of the Union, was recognized. He informed the Board that Mr. Moorehead's dilemma was because he does not want to make decisions that do not have to do with policy. He noted that Mr. Moorehead was sympathetic to the situation and in verbal discussions inquired if a resolution could be made. He stated that he suggested to Mr. Moorehead that this situation could be held without precedence, to make a one-time exception and further offered that if he would like C. Kirby to draft a document with this information it could be considered. Mr. Goulet noted that it was his understanding that Mr. Moorehead discussed it with C. Kirby and that the following day Mr. Moorehead and he had a discussion wherein Mr. Moorehead informed him for his reasons to deny making an exception. He noted that Mr. Moorehead's reason was that he felt that if an exception were made then it would be unfair to other past employees who saw a similar situation. He noted that Mr. Moorehead and he have worked on being specific with this policy and leeway was given in various situations with proper documentations such as doctor notes, etc. He noted that he understood Mr. Moorehead's position on this matter and that he felt both sides had a valid argument. He noted that there is a problem with the policy and both the Union and Management are working towards a resolution. Mr. Moorehead reiterated his position on this matter, noting that he does not want to determine whether the policy is waived in one case and not another. He noted that he believes that after the third time making a decision to waive the policy, if a case is denied on the forth request it would be grieved. He again noted that this was not a disciplinary action.

Where the parties had nothing further to offer the matter was taken under advisement.

AFSME Grievance # MG-052, Jill Labonville

Mr. Lyons argued to the Board that this matter was processed without just cause and policy 16.8 (a) & (c) were indicated on the grievance. He noted that a written warning was given without just cause because the employee allegedly made a statement of "enjoying your job?" He stated that the employee indicated that this was not what occurred and beyond that, there are witnesses who were present to speak with the Board. He noted that it was his understanding this individual witnessed the event and there has been no weight given to it. He noted that the extent of the evaluation and full investigation was unknown to the Union. He also noted that the Union only has the grievant's and witness's position and based on those positions, the Union feels, the disciplinary action was unfounded. He noted that the witness indicated that they went into the room and there were no comments, no bad comments, no derogatory comments made and that is what was being alleged.

Patricia Perkins, the witness, was recognized. She informed the Board that she went with Jill Labonville to help her with a resident and when entering the room they announced they were there. Mr. Lyons noted that J. Labonville and P. Perkins are not LNA's, they are Restorative Aids. P. Perkins noted they asked the LNA if she had the resident in question in the bathroom, which she replied that yes, she did. She stated that they then asked the LNA if she was almost done with the resident's hair, which she replied that she would be done in a few minutes. She noted that they decided to wait and spoke with another resident in the room while they waited and when the LNA finished with the residents care, she dressed him, and then they took him for a walk. She reiterated that there were no inappropriate statements made. Comm. Charbonneau inquired how long had Ms. Labonville been employed with the Nursing Home, to which she stated 20 years. Comm. Charbonneau inquired if she had ever been in trouble before, to which she stated, no. Mr. Lyons noted that part of the evaluation of the situation should have taken into consideration her employment history and he reiterated that he did not receive the communication from Management on the 27<sup>th</sup> noting that with a good employment record the Union does not feel the discipline was justified.

Mr. Moorehead informed the Board that the issue was improper and unprofessional behavior, which resulted in a written warning to Jill Labonville. He noted that the report to Administration indicated that the two women walked into the gentlemen's bedroom and then proceeded to walk into the bathroom without knocking, that when they saw that personal care being given the inappropriate comment, "you must really be enjoying your job," was made in front of the resident. He noted that the reported conduct precipitated the written warning. He noted that he also solicited statements from all of the employees involved. He noted that P. Perkins' statement does not refer to any comments being made at all, he asked for clarification on August 30<sup>th</sup> regarding her statement on the August 24<sup>th</sup>, and she did not want to meet with him without a union representative. He noted that he told her that at the time, it was not a disciplinary action and he wanted to get clarification on a statement. He stated that the statement by Jill Labonville dated August 24<sup>th</sup> stating, "Pat and I went into the ward late in the morning to walk a resident. The LNA had resident in the bathroom, I do not remember knocking or not knocking. Told LNA we would walk resident from bathroom, I do not remember any off color comment I made. I could have."

Jill Labonville was recognized. She informed the Board that when she was called down to her immediate supervisor the next day, he looked at her and asked her if she said anything. She noted that she told him that she did not remember if she said anything. She noted that he prompted her for an answer to clarify and that is why she wrote what she did. Mr. Lyons inquired if her supervisor asked her what kind of remark, off color or not, to which she replied "he asked me did you say anything that would make her think you were referring to the resident, and I said oh heavens no." She noted he then asked her if she was sure and she replied, "ask Pat", to which, he responded "do you mean there was someone else with you?" She stated that she believed that initially no one had indicated that there was a witness. P. Perkins noted that the person who made the complaint against Jill no longer works at the Nursing Home because she quit. She noted that the LNA that quit caused a lot of trouble in the past. Mr. Moorehead noted that he felt that statement was irrelevant. P. Perkins noted that she felt the LNA should have been present for the consideration of the grievance. Mr. Moorehead informed the Board that he had a written statement from the employee, but noted that it was a confidential document. Mr. Lyons noted that during the initial discussions for disciplinary actions the Union recommends the employee have a representative with them. He noted that he did not

understand the need for clarification. Mr. Lyons noted that there was a statement regarding the clarification of Patricia's statement and it was not that she did not want to provide clarification; it was that she wanted a representative present and Administration did not. He noted that the Union does not feel it is unreasonable to request a representative present, based upon the individual position and concerns. Mr. Moorehead noted that the statement from the employee who alleged the offense, statement from the accused employee stating that she might have made the statement, and a statement from the witness stating that she does not mention anything about anything being said. Mr. Lyons noted that it was reasonable for her to have asked for a representative because she might have felt that discipline could have been determined by a clarifying statement. Mr. Moorehead reiterated that it was not a disciplinary action.

Where the parties had nothing further to offer the matter was taken under advisement.

#### AFSME Grievance # MG-0527, Pamela Hunt

Mr. Lyons informed the Board that Pamela Hunt could not be present to discuss the grievance with the Board. He again reiterated that he did not receive the communication sent out by Management on November 27<sup>th</sup>. He noted that in this situation the employee was terminated following the investigation and that the Union was not privy to the contents of the investigation. He argued that the grievance was regarding resident abuse and that it was the Union's position that the allegation was unfounded based upon the employment history of the grievant. He noted that at this time the Union had no further information regarding this grievance. Comm. Holden noted that on the forms she had, there was not a request for further information, to which Mr. Lyons noted on the 21<sup>st</sup> he had delivered a request for further information. He noted that he could provide the Board a copy of the request, to which Comm. Holden noted that it was not required at that time.

Mr. Moorehead informed the Board that on October 2<sup>nd</sup> Diane Boutin questioned a resident who complained that she was hit two or three times in the head. He offered that Diane noted that she could not determine if it was an open or closed hand and that she inquired in the resident told the LNA anything when she hit her. He offered that in response the resident stated, "I told her it's not right for you to hit me, and the LNA stated 'It's not right for you to look for attention.'" He noted that Diane spoke to the Head Nurse on the unit and determined that behavior of this nature, reporting such incidents was not normal for that resident. He noted that in another statement it was communicated by a resident to an employee that she had "met a bad nurse but it was being taken care of".

D. Boutin informed the Board that on 9/30/06, a weekend, the resident reported to an LNA when she got up from lunch that "a big girl hit me." She noted that at that point, the LNA continued to walk the resident to the dining room and in that dining room, the resident pointed the grievant out. She noted that at that point, per policy, Pam was sent home for alleged resident abuse under investigation. She stated that she came in on that Monday and went upstairs to speak with the resident. She noted that the resident stated, "She hit me two or three times in the head," to which she asked the resident what she said when she hit her and the resident replied "I told her she didn't have a right to hit me and she told me I didn't have a right to look for attention." Ms. Boutin informed the Board that the resident was on a chair with an alarm and frequently gets up, frequently wants to go to bed, frequently wants to go to the bathroom, and that was what was happening prior to this incident. She noted that the resident was in a chair in the hallway frequently activating that and the Nurse asked Pam to help this resident get into bed because she usually wants to take a nap which is the time that Pam brought the resident to her room. D. Boutin noted that the resident was looking for attention at that point. She noted that she went through the resident's records and found no history of accusatory behavior. She noted that the resident had in the past accused her roommate of hitting her and leaving an open scratch on her arm, which was found to be true. She noted that she investigated thoroughly and found that the abuse was founded. She stated that she met with Pam and obtained her statement on October 5<sup>th</sup>. She noted that Pam denied any accusations and at that point the investigation continued by interviewing other people. She also noted that enough evidence was found to terminate Pam on October 6<sup>th</sup> for resident abuse. She informed the Board that on 10/10/06, Adult Elderly Services were in to investigate, and the resident's statements remained consistent. Mr. Lyons inquired if this was reported to the Department of Health and Human Services, to which D. Boutin noted that it was reported

to DHHS. Mr. Lyons also inquired if there has been a finding made, to which she noted that to her knowledge the facility has not received the results of the investigation. Mr. Lyons requested that the grievant and the Union receive a copy of the findings.

Where the parties had nothing further to offer the matter was taken under advisement.

AFSME Grievance # MG-0523, Sandy Mackey

Mr. Lyons informed the Board that this grievance was filed under policy 16.8 for discipline without just cause. He noted that the Union feels that the discipline does not meet the need of the allegation. He noted that the Union feels that there should not have been any discipline administered. He noted that the statement that was requested from Management was not specific, and Management asked for a statement of facts from the grievant. He noted that it was vague and ambiguous. He noted that a general statement was given. He noted that this process was very difficult to understand and there were two disciplines administered, one a suspension and the other a termination. He noted that the Union agreed that this could have been a double jeopardy and reiterated that the Union had not yet seen the allegation. He noted that the Union was claiming a double jeopardy issue under just cause because due process was aborted. He stated that he has requested information and argued that this case does not justify termination. He referred to the grievance form specifically to the incidence that was discussed or questioned regarding a suspension regarding a fall and a termination regarding verbal abuse. He noted that the Union feels the allegations should be expunged, and the employee's wages returned. He also noted that it was determined that the report was unfounded and that information should have been a part of Management's package.

S. Mackey was recognized. She informed the Board that when she got a phone call at home they said it was verbal abuse and that they talked to the employees on the floor and it was founded. She noted that they did not call in until after her shift was done. She noted that she did not do anything wrong and when she was questioned about this Diane asked her if there was anyone who could make a statement on her behavior, and with every suggestion Diane would tell her that the person that she suggested had not worked with her long enough. She noted that she worked for the facility for 9 years and knows just about everyone and she had letters from others to verify how well she was known. She noted that because the allegation was founded the State Board had advised her who made the allegations and indicated that this was an individual that she had had difficulty with. She expressed that the LNA that made the accusation had left residents, she would walk off the floor, she would leave behind dishes, she would leave the side rails down, would leave people in a bed tender unattended, and she walked by a chair tender and said "aren't you going to get that?". S. Mackey noted that she walked into a room responding to an assistance light and found the LNA sitting on a resident's bed watching TV while the resident was in a chair tender by herself in the bathroom and that the LNA did not do last rounds. She noted that she and Rachael had to do last rounds at 11 PM when they are to be done at 9:30 PM. She stated that when she told this to her supervisor, she inquired if she had told the LNA's what they were doing wrong, which she argued that it was not up to her to tell them when they have to do their last rounds. She noted that she felt the one who should have been fined and suspended was that LNA who had caused trouble for other employees in the past.

Mr. Moorehead informed the Board that this was irrelevant because the grievance is regarding resident abuse and Sandi was talking about an Aid who does or does not do her job in her opinion.

Mr. Lyons informed the Board that the Union had not seen the investigation, and the allegations were made by someone who claimed Sandy had made allegations against her. He noted that the roles were swapped and it should be considered. S. Mackey noted that she was in charge of the LNA's on the floor and no one called her in Rachael's case and she went to her immediate supervisor. She noted that many times she would have to inform the LNA of things like the televisions being on at night and the LNA responded with "well other people do it." She noted that she snuck off the floor to talk on her cell phone in the dining room, and she was caught sleeping. She stated that when she mentioned this to Heidi the next day, the following day she was suspended.

Mr. Moorehead informed the Board that in his summary report, it indicates that residents reported the following about Sandy: "she (Sandy) threatens me," she is "fresh to me and others too," "I ask her a simple question and she hollers," and an employee stated "I've seen Sandy scream multiple times in residents face, demanding improvement in the residents' attitude and life-style," and "the residents are fearful of her." He noted that it was not just an employee; it was several residents making that claim. D. Boutin informed the Board that on August 9<sup>th</sup> she had the alleged removed from staff and residents and per policy she called Sandy at home and advised her that she was suspended pending investigation. She noted that on 8/9/06, when she should have come into work, she was going to receive a written reprimand for poor documentation already in affect. She noted that when she did come in she received statements from Sandy concerning the allegation. She stated that she continued the investigation and she met with Sandy again on 8/16/06. She noted that at that time with residents telling her that they feel threatened by a nurse in the facility, they found it was just cause to terminate at that point for the verbal abuse of residents.

Mr. Moorehead noted that Mr. Lyons had indicated that he requested information and did not receive it, and yet he has a report from the State, which he mentioned and copied him on it on his memo dated November 7<sup>th</sup>. Mr. Moorehead noted that additionally he had a statement given to a nurse on the unit talking about some of the allegations that were made on behalf of a resident towards Sandy and the residents position stated that he feels "the resident is an accurate reporter of recent /prior events, she is not currently psychotic and does not have history of being vindictive with caregivers." He noted that in addition Sandy has a long list of issues involving what the wording entails as far as documentation and he offered to share this information with the Board. Mr. Lyons informed the Board that he received a copy of the document from Sandra and not from Management. He requested to view the summary provided to the Board from Management. He noted that the Union has a right to information regarding a grievance. Mr. Moorehead noted that on his letter to Mr. Lyons dated 11/27, Union request #4 it states, "see copy of state finding dated 9/26, exhibit 2, please note that the Union should have the above since the Grievant, Sandra Mackey, was copied on the letter." Comm. Charbonneau requested that the parties stick to the grievances and avoid outside issues.

Comm. Holden noted that going back to the grievance form referencing 16.8, there was no reference to a specific section. Mr. Lyons noted that he was referencing the entire article unless there is a specific section mentioned because that is the discipline part of the contract. He noted that the Union feels that the discipline based upon that article was unjust.

Mr. Lyons noted that he had a letter provided by the grievant but did not receive a copy of the summary to the Commissioners as mentioned by the NH Administrator. M. Goulet informed the Board that he and D. Boutin started their positions around the same time and he has handled many discipline grievances. He noted that for example they would usually say "Mr. Goulet on October 2<sup>nd</sup> a resident alleges you did something, provide a statement," to which at that time he would ask Management which resident, which shift, which floor. He noted that Management expects the employees to give a statement when they have no information. He noted that most employees do not know what to write. Mr. Moorehead noted that the regulation requires that the facility needs to protect the resident who is making the complaint against an employee and this prevents certain information from being shared at this level. He noted that the fear is that retaliation would be a consequence of sharing the information. Comm. Charbonneau questioned if the issue is with HIPPA confidentiality, to which Mr. Moorehead noted it is a State regulation. He noted that this is why, when there is an accusation of abuse, founded or unfounded, a suspension typically comes first because the employee must be removed from the facility so that the patient can be protected.

S. Mackey informed the Board that she is being accused of yelling in resident's faces, and the resident that she was accused of verbally abusing wears a hearing aid and still cannot hear. She noted that she does not yell in their faces but instead speaks so they can hear her. She stated that the same resident was yelling in the halls that day and pushing them off beds and all she said to the resident was that she could not do that. She noted that the floor she was working was a behavioral floor and all of the residents she was working with had behavioral problems. She noted that this particular resident liked attention, would pit employees against each other, and would antagonize other residents. She noted that on this day the resident took her wheel chair into her room and stayed there, which she is not supposed to

do. She noted that she said kindly to the resident that she cannot sit there, which was repeated by another LNA later. She reiterated that she never yells or screams at the residents and it was just her perception of the event because she knew she was wrong. She noted that residents always scream at her with their behavior problems and she just refers them to her supervisor. She also noted that Diane had come to the floor many times for similar issues. She noted that she had never even told her own children to shut up and go to bed so why would she say such a thing to a resident. She noted that she worked at the facility to work with the residents and not to make friends with other employees, and yet she still has friendships with other employees. She noted that she worked with Rachael many times and was accused by the resident to have turned Rachael against her. She also noted that she was not at the facility to baby-sit the other employees. She stated that after a while she became frustrated with the quality of staff at the facility who did not know how to do basic functions of their positions. She informed the Board that she does not understand how people could accuse her of being a "bad nurse." She noted that she was an advocate and an asset to Hillsborough County because she did not push things under the table. Comm. Charbonneau inquired how long she had been employed at the facility, to which she responded 12 years. Comm. Charbonneau inquired if she had ever been accused of abuse, to which she stated that she had been accused one time for abuse that was not founded by the State.

Mr. Lyons informed the Board that one evaluation dated 2/3/06 she scored a 26 out of possible 30, which was commendable and the highest possible average. He noted that a remark in public relations stated that she was an advocate for the residents, showed good support and good listening skills and was respectful. He noted that the Board has heard from the grievant and suggested that it review the grievant's evaluation. Mr. Moorehead noted that there is also an evaluation in the file from 7/21/05 in which the grievant received a review of further growth expected, and there is also a file dated 2/10/04 in which it was noted that she needs to have more of a calm tone and manner and not to react to residents' behaviors. He noted that there was a memo to the file dated 4/21/05 in which the resident reported that she is rude and abrupt and they felt that they complain and complain and nothing is done. S. Mackey noted that she never saw that in her file. D. Boutin noted that there was another incident with a resident on October 25, 2004 where a resident went to the head nurse crying about an interaction with Sandra Mackey. She said, "she hollers at me, she gets on her high horse and gets angry, she makes me feel like I'm not even a person." She noted that some of these things have been reported again this year.

S. Mackey noted that she received the evaluation, which was a 25, and that her supervisor had to come to her home to take the evaluation back because B. Jelley and Mr. Moorehead suggested that it could not be possible because she was involved in a case review regarding a broken hip. She explained that she was not found accountable for that because the resident should have been transferred out long before she got there. She noted that this was used in the evaluation when it should not have been. She noted that in the evaluation his statement said even with this evaluation he did not know how she could have gotten that score. She noted that all of this stems from one night in 12 years of employment where she helped out on the Skilled floor when they were understaffed

Mr. Lyons noted that the evaluation from 2/2/2005 to 2/3/2006 states that she needs improvement. He noted that there has had to have been improvements made because there was another evaluations since. He reiterated his suggestion that the Board read her employment record.

He noted that the Union would rather the grievances not go to arbitration, and would ask the Board thoroughly review each case and the additional information that had been provided. He again requested the additional information provided to the Board by Management. Mr. Lyons noted that he is at a disadvantage because he does not have the documents. Comm. Holden noted that under the Right to Know Law if documents are confidential, they are confidential. He noted that documents are made public by being presented to the Board and nothing has been received in this public meeting. Mr. Lyons noted that there were documents received prior to the meeting and that he believed that there would be a legal issue that neither party would resolve. He then inquired if he could make a request, to which Comm. Holden noted he would need a written request.

Mr. Lyons noted that he had nothing further to present on any of the grievances and the Board thanked him for his presentation. The Board noted that it would be meeting further to discuss the grievances and make a decision.

Mr. Lyons, Mr. Goulet, Ms. Holtz, Ms. Boutin, Ms. Bernier, and the Grievants excused themselves at this time.

**Motion:** To go into recess. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board went into a brief recess at 10:45 A.M.

**Motion:** To come out of recess. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board came out of recess at 10:47 A.M.

Comm. Holden noted that the Board would take the grievances under advisements and would recess at the end of the meeting to resume on Friday the 15<sup>th</sup> at 1:30 P.M.

**Motion:** To take the 5 grievances under advisement and reconvene the Board of Commissioners meeting following the recess of this meeting, to reconvene on Friday at 1:30 P.M. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

Comm. Holden noted that as these grievances were held in public session the continued meeting on the 15<sup>th</sup> should also be a public session. A discussion followed. Comm. Holden noted that to her knowledge the meeting to hear the grievances had not been delayed due to Legal Counsel being unavailable.

### 3. **David Fredette, Treasurer**

#### Banking Services

Mr. Fredette was recognized. He informed the Board that the County utilizes Citizens Bank for transaction and account services. He noted that this summer he and Claire French met with representatives of Citizens Bank with the goal to conduct more electronic transactions to save time and money. He noted that in the past the County's Policy on banking services was not formalized and that it was his goal to make those policies finalized. He noted that some of the services the County has through Citizens Bank were negotiated, which has saved the County money over the years. Comm. Charbonneau noted that the County is in good financial standing.

#### Investment Policy Update

Mr. Fredette informed the Board that there are accounts in the Nursing Home, Sheriff's Office and the Department of Corrections that the Treasurer does not have custody over. Comm. Charbonneau inquired which accounts would the Treasurer not have custody of, to which Mr. Fredette stated that they are funds raised by patients or inmates and would not be considered tax dollars. Mr. Wenger noted that the funds in question would be held those held for residents or inmates that are not the County's property and thus not the responsibility of the Treasurer. The Board recognized Chief Deputy Durette. He informed the Board that the Sheriff's Office at times is requested by the Courts to seize money out of an individual account to deposit where ordered. He also noted that there are times the funds are held at the Sheriff's Office for fund raising for the Deputy Sheriff's Association. Comm. Holden noted that the private fundraiser should not use a County facility for its address. Following a discussion the Board agreed to look into the matter further.

Mr. Fredette noted that on page three he included a diversification paragraph that would be a more practical application for a smaller County using smaller banks. He noted that he felt that even though Hillsborough County uses much larger banks, the section regarding diversification should still be included in the policy. He noted that on page four he added a section under ethics for conflicts of interest. He noted that he re-worded the internal controls paragraph to make it easier to understand, and that on the fifth page he added a new paragraph for excess fund investments. Comm. Holden thanked Mr. Fredette for his work on updating the investment policies finances.

**Motion:** To approve the Treasurer of Hillsborough County's Investment Policy. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

## 2006 Audit Report

G. Wenger requested to discuss with the Board the Audit Report prior to Mr. Fredette leaving. The Board noted that it had no objection to reviewing the Audit Report early. Mr. Fredette noted that he had not had the chance to thoroughly review the report but noticed several improvements over the last few reports. He thanked the Board for allowing him the opportunity to participate in the interviews for the new staff accountant. He noted that he felt C. French had made a tremendous change in the office especially with the audit. Mr. Wenger noted that he agreed with Mr. Fredette and that this year's audit had been the smoothest one yet. He noted that the auditors were in the office for approximately one week, over at the Nursing Home for a day, and the Registry of Deeds for a half of a day. He expressed his appreciation to those departments, C. French, L. Croteau, S. Faucher, and R. Pomroy for their efforts. He noted that following the auditors' visit they did not come back for further information, which to his knowledge is the first time this has happened. He noted that it was a good audit and that there were two comments in the management letter, which addressed the continuing issue regarding the old accounts receivable in the Sheriff's Office, and the second addressed the account in the Department of Corrections that was previously discussed. He noted that on June 30<sup>th</sup> there was over \$100,000 in that account at St. Mary's Bank. He noted that the issue had already been clarified with Mr. O'Mara and that internal controls would be put in place to prevent the account from exceeding the insured amount in the future. He informed the Board that the inmate fund holds the inmates' money until the time they claim it after their release and that if they do not claim the money upon their release it is transferred into the former-inmate fund account. A discussion followed.

Mr. Wenger informed the Board that this would be the first year that the Liabilities Specifically Compensated are being recorded in the audit. He noted that this would reflect the outstanding comp-time issue, which is an obligation of approximately \$64,000. He noted that this had not been included in the past and will be reported as a liability for tracking purposes. A discussion followed.

G. Wenger informed the Board that the Unreserved Fund Balance has increased to \$21.9 million this year. He requested that the Board make a motion to accept the audit. He again expressed his appreciation to Mr. Fredette for his help and guidance in enhancing the office's internal controls over the year. He noted that all reconciliations have been completed and all of the accounts are being completed on a timely bases. Mr. Fredette suggested that projections have indicated that the interest rates could go down in the near future and that it would be wise to lock in rates before January. Mr. Wenger also noted that as of December 13<sup>th</sup> the County received \$9.3 million in tax revenues or 21% of the funds due.

**Motion:** To accept the audit, with special thanks to the Treasurer and the Business Office for their assistance and good work this year. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

Comm. Holden inquired about the 2006 Annual Report, noting that a letter was sent out in October requesting the information be provided by a date certain. She inquired if it would be possible to exclude a section if the information was not received in a timely fashion. Following a discussion the Board concluded that if the reports from the departments were not received in a timely fashion that they would be excluded from the Annual Report. Mr. Wenger noted that it was his hope to have the draft prepared for the printer by the middle of next week.

Comm. Charbonneau stepped down as Chairman for the purpose of making the following motion. Comm. Holden assumed the Chair.

**Motion:** To establish a deadline for the written material for the Annual Report 2006 to be due by close of business, 4:30 P.M., and if all reports were not received, they would be omitted. By Comm. Charbonneau, seconded by Comm. Pappas. Motion carried unanimously.

Comm. Charbonneau resumed the Chair.

The Board thanked Mr. Fredette for his presentation

The Board welcomed the new County Treasurer, Christopher Pappas. He thanked the Board and noted that there has been good groundwork laid by the previous Treasurer. Comm. Holden noted that not having to borrow money in anticipation of taxes has kept the County taxes level. She noted that the Board looks forward to working with Mr. Pappas again, and noted that he was on the Executive Committee in the past.

#### 4. Minutes

November 29, 2006

**Motion:** Move adoption of the minutes of the meeting of November 29, 2006. By Comm. Holden, second by Comm. Pappas. Motion carried.

#### 5. Business Office

Approval of Payroll Register

**Motion:** To approve Payroll Register dated 11/30/2006 in the amount of \$1,095,930.29 subject to review and audit. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

Approval Accounts Payable Vouchers

**Motion:** To approve Accounts Payable Register dated 12/12/2006 in the amount of \$5,377,294.43 subject to review and audit. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

#### 6. Nursing Home

Census

B. Moorehead was recognized. He informed the Board that the census for the facility as of December 10<sup>th</sup> was 278, of which 219 were Medicaid, 33 were private pay, and 26 were Medicare Part A. He noted that he had no further information to bring before the Board at this time.

#### 7. Department of Corrections

The Board noted that Mr. O'Mara had not yet arrived, and Comm. Charbonneau requested his presence.

#### 8. Sheriff's Office

Bid # 02-2007 Radio Repeater

Mr. Durette was recognized. He noted that this was the next step of purchasing the radio repeater through the State Grant. He noted that the grant also included a surveillance system on the Water Tower, which was not included on the bid. He noted that this bid was contingent on the approval of the transfer by the Executive Committee.

**Motion:** To approve bid # SO-02-2007 two part bid, to Wright Communications of Pembroke, NH for a price of \$17,229.75 and \$10,467.00; for a total bid price of \$27,696.75, contingent upon Executive Committee approval of Transfer 2007-03. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

## Department of Safety Full-Time Officer Certification

He informed the Board that the Department of Safety Full-Time Officer Certification was a form that the Department of Safety sent out. He noted that when the Department of Safety originally sent out the portable radios there were funds leftover. He noted that the leftover funds must now be expended and the Department requested information regarding the number of full-time Deputies there were in the Sheriff's Departments throughout the State. He distributed the form to the Board and noted that there were 21 full-time Deputies in Hillsborough County. Mr. Wenger advised the Board that the County would have an obligation to maintain all of the radios including the new additions. He noted that the grant would only cover the purchase of the additional radios. Following a discussion the Board requested further information regarding the maintenance obligation of the radios and took this matter under advisement.

Comm. Holden noted that the Board had concerns with the Sheriff's Detail line. She noted that recently the line was more than \$8,000 in the negative. A. Durette informed the Board that the issue came about because the software does not show the amounts yet to be put into the software, that there were employees waiting to put the information into the computer. He noted that there has been more over-site put into place to prevent this from happening in the future. A discussion followed and A. Durette noted that the issues with comp-time were governed by three sources, one of which being the New Hampshire State Statutes. Mr. Wenger noted that the account was set up as a revolving account to resolve past issues and that there continue to be issues to address to keep the line out of the negative.

Mr. Durette and Mr. Moorehead excused themselves at this time.

## 9. Human Services

E. Robinson was recognized. She informed the Board that she recently sat down with her staff to discuss the actual cost of parental reimbursements. She noted that the staff concluded that 20% of their time is typically dedicated to parental reimbursements for a cost of \$43,800, which includes the staff's salary and benefits. She noted that the Assistant Director's time relating to parental reimbursements was 30%. She noted that she then estimated the costs of staff going to court, mileage, postage, and office supplies, which were approximately \$6,000. She noted that the total estimated cost for FY07 would be \$73,718. She noted last year \$536,859 was collected and of that amount the County would keep 40%; 15% was for administration and 25% was for costs. She noted that the County's savings between expenditure and savings was \$141,000. She stated that the weekly average for reimbursements is up to \$13,363 up from \$10,324 last year. Comm. Charbonneau inquired why the County is not receiving 50%, to which Ms. Robinson noted that the State pays 75% and the County pays 25%. E. Robinson noted that she has been working with her Assistant and the Human Service Affiliate to try to clean up some of the reimbursement statutes. She noted that together they are working on bringing in legislation to do some clean up and as part of that legislation there was a request to increase the County's share from 15% to 20%, which has not changed since 1986. She noted that the increase would bring the County's share to 40% total. A discussion followed.

E. Robinson noted that she feels the County is doing well increasing the reimbursement collections substantially. She noted that Hillsborough County makes the most money because it is the largest County but the share should go up to 25% to go against the actual cost. Mr. Wenger inquired if the \$500,000 collected last year was required to be paid by the court, to which E. Robinson noted that some of the reimbursements are paid automatically and only about 15% of the cases go to court. She noted that the reimbursements are assessed the same way in Hillsborough County as they are in the other counties. She also noted that if a case does go to court and the parent decides not to pay, then they could be sent to jail. A discussion followed.

E. Robinson informed the Board that the Human Services Affiliate had a meeting with M. Bishop, the Director of the Division for Children Youth and Families, regarding deductions made from 2001. She noted that the meeting was to correct some of the issues with deductions, which now total approximately \$446,000. She noted that in the past when her department has gone through the deductions they found some that were not paid and that requests were made that

they be re-billed, but others are showing in the system as already paid. She noted that the County is currently being billed for items that show as being already paid. She noted that in addition to that there are bills where the County did not receive the actual invoice. She stated that the County would not pay these invoices without backup documentation. She noted that she believes that her department will have to go through this exercise again to resolve what can be resolved and noted that there may be an outstanding that the State will attempt to collect, noting that she does not anticipate that the County will make the payment. She noted there is a significant sum of money in question as this has been ongoing since 2001. She informed the Board that the State began working on this issue in 2004 after ignoring the issue for a number of years.

E. Robinson informed the Board that in addition to that matter, the Director told her that the State is moving to Web Based billing. She noted that in-order for someone to be paid, DCYF would have workers enter in the invoices, and the web billing would permit the provider to pull the authorization and in turn bill for that amount of money, bypassing the County completely. She noted that this would not allow the County to check for accuracy. She noted that there are no statutes specifically stating that the counties are required to review the bills. She noted that the statutes state that if DCYF pays for it, and the county gets a court order for the service then the county pays. She informed the Board that she is advising the Board and the Executive Committee ahead of time that without the County checking there will be increased costs. She noted that there is a lot of sense to eliminate the paperwork and people's time and effort in reviewing the bills because there are costs associated with it. She noted that it may save the County money in eliminating a position under those conditions but with the expenses, going unchecked things could be overpaid. A discussion followed.

## **10. Old/New Business**

Comm. Holden noted that a letter was received from the Town of Peterborough informing the Board that it is considering a Tax Increment Finance District. She noted that the draft of the TIFD would be presented at the Board of Selectmen meeting on December 19<sup>th</sup> at 5:30 p.m., and should the Selectmen move it forward it would go to a public hearing on Saturday March 17<sup>th</sup>.

Comm. Holden noted that, as Mr. O'Mara was unavailable for the meeting he could present the census at the meeting on Friday.

Comm. Holden noted that Chris Maxwell of the Commissioner's Office in Rockingham County sent an email regarding Pandemic Planning. She noted that the email was regarding the necessity to designate one person who would represent their County regarding pandemic planning. Comm. Charbonneau noted that the State has been pushing more responsibilities onto the Counties, which will be costly. Comm. Holden noted that the representative does not have to be a commissioner, however in the absence of a designee the responsibility would be delegated to the Chairman of the Board of Commissioners. E. Robinson volunteered herself as a designee for Pandemic Planning. Comm. Holden noted that this could be further discussed on December 27<sup>th</sup>. Comm. Charbonneau noted that this could be very serious and it would need to happen.

### **Master Plan Committee Appointments**

G. Wenger noted that appointments to the Master Plan Committee remained outstanding. Following a brief discussion, the Board made the following nominations to the Master Plan Committee: for the available positions for the private citizens: Comm. Pappas nominated Karen White, the Town Planner of Bedford, and Mike Castagna of Manchester; Comm. Charbonneau nominated Paul LaFlamme of Nashua, and Andrew Renzullo of Hudson; Comm. Holden nominated Leon Calawa of Litchfield and Linda Kaizer of Amherst. Comm. Holden nominated Fredrick Plett as the representative from Goffstown. She noted that he had been a member of the Goffstown Charter Commission, the Solid Waste Commission, the Capital Improvement Committee, the Planning Board, the Zoning, the Update Committee, the Budget Committee, the Master Plan Committee twice, the Assistant Moderator, he is an electrical engineer, has an MSEE, and is a respected member of the community. Comm. Pappas inquired if Goffstown has an

economic development person, to which Comm. Holden noted that yes, Steven Griffin. Comm. Holden nominated Andrew Peterson for the position of State Representative on the Committee. She noted that he is serving his 4<sup>th</sup> term in the State House, and has served one term in the Senate. Comm. Pappas nominated Comm. Holden for the position of Commissioner on the Committee. Comm. Holden noted that she had not yet had the time to speak with A. Peterson, but would be contacting him shortly.

**Motion:** To move the slate of nominees for the Master Plan Committee. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

Comm. Holden noted that she would come forward with a proposed statement for the Committee for the Board's next meeting for the purpose of preparing for the next year's budget.

G. Wenger informed the Board that he received a letter from Comm. Stephen regarding the State FY 2005 ProShare. He noted that this is his third letter and is concerned because there was no formal response to his second letter. He requested direction from the Board.

**Motion:** To refuse the 2005 ProShare payment. By Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

Mr. Wenger inquired of the Board regarding the process for the Administrators' Annual Reviews. He advised the Board that the matter was before it. Comm. Holden noted that formal action could be taken during its next meeting on December 27<sup>th</sup>. She noted that she was unsure if it would require the Board to call a meeting of the Personnel Commission. Mr. Wenger noted that the Board would need a request to convene a meeting with the Personnel Commission only if it intended to amend County policy.

G. Wenger noted that grievances, the Administrative Reviews, the DOC, and the Sheriff's Office could be discussed when the Board reconvened the following Friday.

### **Delegation**

M. Rusch was recognized. She informed the Board that the Organizational Meeting would be that evening at 6 p.m. and the Executive Committee will meet next Friday at 9:00 a.m. with the Holiday Party following.

Comm. Holden noted that the building celebration would be held on the 27<sup>th</sup>. The Board discussed ideas regarding the ceremony. A discussion followed.

C. Kirby was recognized. She requested to discuss two matters with the Board in non-public session both to consult with Counsel regarding pending litigations. Comm. Holden noted for clarification purposes, that the grievances were not held up due to Legal Counsel being out on leave.

**Motion:** To go into recess to consult with Legal Counsel. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board went into recess at 12:32 P.M.<sup>1</sup>

The Board came out of recess at 12:50 P.M.

**Motion:** To come out of recess. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

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<sup>1</sup> The audio recording failed at this time.

**Motion:** To grant Settlement Authority and to move forward as discussed with Counsel.

**Motion:** To go into non-public session under RSA 91-A II: 3 (a) to discuss personnel. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board went into non-public session at 12:51 P.M. The Board discussed administrator job performance reviews.

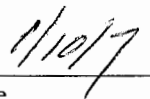
**Motion:** To come out of non-public session. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board came out of non-public session at 12:56 P.M.

**Motion:** To go into recess to reconvene on Friday December 15<sup>th</sup> at 1:30 P.M. By Comm. Holden, second by Comm. Pappas. Motion carried unanimously.

The Board went into recess at 12:56 P.M.

  
Clerk  
Hillsborough County Board of Commissioners

  
Date