

Regular Meeting of the
Hillsborough County Board of Commissioners
January 26, 2011
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. S. Ziehm, Comm. C. Holden, Comm. M. Pappas, P. Coughlin, D. Hogan C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner.

Also Present: S. Stearns, Greater Nashua Mental Health Center
S. Mead, Greater Nashua Mental Health Center
P. Costa, Mental Health Center of Greater Manchester
B. Rider, Mental Health Center of Greater Manchester
K. Ellsworth, Mental Health Center of Greater Manchester
S. Brennan, Mental Health Center of Greater Manchester
K. Snow, Mental Health Center of Greater Manchester
Lt. B. Cunha, Manchester Police Department
Capt. D. Sparks, Nashua Police Department
Judge P. Lawrence, Goffstown District Court
K. Matro, Center for Life Management, Derry, NH
E. Kirby, Nashua NAMI Affiliate

1. Call to Order

Comm. Ziehm called the meeting to order at 10:02 a.m.

2. Pledge to the Flag

Comm. Pappas led the Pledge of Allegiance.

3. Community Connections

Comm. Ziehm recognized Susan Stearns from Community Connections. Ms. Stearns expressed her appreciation for the Board's willingness to allow those present the opportunity to address the Board and provide information. She explained that she and others present will speak about the Community Connections Mental Health Court Program. She provided a history of the program, explaining that it dates back to November, 2008 when Chief Justice Broderick's Task Force on the Mental Health & Criminal Justice System along with the NH Association of Counties sponsored a two-day statewide conference looking at the issue of individuals with mental illness in the criminal justice system. She noted that Hillsborough County is the largest County and it has the largest House of Corrections in New Hampshire as well as the greatest need. A work plan was developed and in February, 2009 the related agencies met and an application was made for a Justice Mental Health Collaboration Program Grant. She noted that it was a highly competitive process and the Community Connections program was selected to receive a grant. The funding started October 1st 2009. She explained that they quickly implemented the program in the Milford and Merrimack District Courts; Manchester District was involved beginning February, 2010. She offered the following data, noting that the figures are very conservative; that it is their belief that the figures are a good deal higher.

There was an estimated:

- 12,178 Jail Days Saved
- 33 Average # Beds Saved/Day
- \$60,890 Savings for Jail Days Saved in 2010

She further explained that nearly 100% of those in the program require psychiatric medications and are on them while in the program. She explained that psychotropic medications can be extremely expensive, sometimes costing as much as \$15 per day and gave an example of an individual she works with whose medications cost \$2,500 per month.

Ms. Stearns explained that by using a very low estimated cost of only \$1 a day, the savings for medications would be a minimum of \$6,089, and a total savings for jail days and medications of \$66,979 for 2010 before the program was fully operational. Ms. Stearns informed the Board that the program was expanded to include Goffstown and Manchester in the latter part of 2010.

Ms. Stearns explained that the program is funded through the end of the Federal fiscal year, September 30, 2011; she noted that Community Connections is requesting that the County continue to fund the program for \$75,000 in FY 2012, and suggested that they will likely be requesting \$100,000 for FY 2013. She remarked that the money is used to pay for the 2 Court Liaisons in the connection with the Criminal Justice System, the Courts, and the Mental Health Centers.

Ms. Stearns went on to note that the Mental Health Centers do not make money from this program; 35% of those who come into this program via the Mental Health Center of Greater Manchester have no insurance. She noted that in Nashua, the last 6 months have resulted in \$30,000 of non-compensated care; she explained that while the agencies are able to work with eligible persons on Medicaid and to access insurance, there is a cap that can be billed to Medicaid in NH. She noted that the State has cut the rates twice in the last year. She explained that it is important to note that this is not a money-maker for the Mental Health Centers in any way, which is why they are at this meeting to ask that the partnership with the County be continued.

Ms. Stearns referred the Board to the packet that was provided and noted that it contains case examples that Judge Lawrence helped develop as well as a client story and a story of a father who struggled in 2001 with his son's experiences going through the County and State Corrections system; it also speaks to the changes as a result of this program. She noted that the packet also contains a news article relative to Hillsborough County being selected as one of only two sites in the country to participate in a pilot program that will examine those in the Department of Corrections with mental health problems and those without in an effort to improve criminal justice for mentally ill people. Ms. Stearns noted that the pilot program data showed that individuals with mental health issues stayed in the Department of Corrections twice as long as those without those issues, if not longer.

Ms. Stearns informed the Board that Supt. O'Mara and she are working on a grant application for the Bureau of Justice System due the following week to help fund those costs that the Department of Corrections would see during a pre-trial situation; she noted that it is a \$250,000 grant for a period of two years. She noted that the Mental Health Court Program will be involved during that pre-trial program. She suggested that Supt. O'Mara could speak to this project and observed that he indicated to her that his census is about 50 beds per day lower on average in the last year. Ms. Stearns indicated that the program is providing supervision to approximately 20 persons that the DOC has in the community at this time. Additionally, there are individuals that they are providing supervision to that were prevented from serving time at the DOC.

Judge Lawrence indicated that in his opinion, this program provides a “win” for the taxpayers, the County, the Police, and the Judges. He noted that the Judges become so frustrated because they do not have the resources to properly handle a person with mental health issues and there are limits placed on their decision-making in terms of finding a place for “Joe” without the Mental Health Court. He explained that without the Mental Health Court, the only option is jail, and the judges know that is not the best place for this “Joe”; he will not likely get better in jail.

Judge Lawrence communicated that the judges know that they cannot enhance community safety by placing “Joe” in jail over the long run. He offered that in the end, it is truly the best option and is also a “win” for the “Joe” because he will likely get better. He summarized by saying that if “Joe” had tuberculosis or cancer, thinking about placing “Joe” in an incarcerated facility would be the last thing one would ever consider; he explained that mental illness is its own unique illness and when you deal with “Joe” in a positive, thoughtful, protective way with this program, as outlined in the case example, it will also keep him monitored safely throughout the process for better community safety.

Judge Lawrence remarked that he hoped the Board would support the program because it truly brings us to where we should be in the 21st century in terms of dealing with people who interface the criminal justice system and the mental health system. Judge Lawrence excused himself from the meeting, noting that he had to return to his duties at the Goffstown District Court.

Lt. Cunha, Manchester Police Department, addressed the Board; he noted that he is assigned to the legal division of the Manchester PD; part of his duties includes serving as arraignment prosecutor. He explained that the majority of referrals in Manchester come from the police arraignment prosecutors. He noted that the officers on the street will convey information to the arraignment prosecutors when there is an individual in need of the mental health program and the prosecutor will make the referral to the Mental Health Court, which in turn will work with the individual. He noted that a referral may also be made if an individual’s condition deteriorates between the time they were arrested on the street and the time of booking, at which time the Sheriff’s Office, who may be transporting the individual, will contact the prosecutor.

Lt. Cunha explained that in order to understand that the police in general have an interest in seeing this program continue, it is necessary to go back before the program. He noted that previously when they received a redundant call relating to a person who potentially suffers from mental illness and who is creating a situation of mild violence, nuisance, harassment, trespassing, public urination and defecation, etc., the officer would be limited, particularly when a person is not willing to accept the help that is offered, such as mental health assistance. He explained that when an individual did not fit the criteria of an “involuntary emergency admission” (IEA), the only option open to the police if the individual refuses to stop the behavior is to arrest the individual. He explained that persons with mental illness do not perceive the police as a deterrent and frequently return to the same situation, even though being previously warned that they will be arrested if the behavior continues.

Lt. Cunha informed the Board that once many of these individuals have been arrested and arrived at the booking area, they could have been bailed out on personal recognizance (PR), but they did not understand that bail is an option and did not know to ask for the form so they were deemed as a “refusal.” Another situation may have been that these crimes were redundantly happening and the Bail Commissioner saw a history of arrests and placed a cash bail on the person or held off bail for violating conditions; then that person became the Department of Correction’s problem and the person was held at the facility until they went to Court, then they became Sheriff Hardy’s problem; the Sheriff had to transport the inmate from the jail to the Court, and potentially back to the jail. Lt. Cunha further explained that once the individual went to Court, they frequently did not have the money to pay the fines or they received a jail sentence and would be housed at the DOC until their sentence had been served.

Lt. Cunha explained that what the police were seeing was a cycle where they were treating the symptom, but not addressing the problem, and at the end of the prison term the person's condition had not improved and, in fact, it may have deteriorated in spite of the best efforts of the staff at the DOC, and the cycle just kept repeating itself, over and over again.

Lt. Cunha explained that by referring and seeing these people early on, and getting them to the people that can provide help, there is a process in place that can address the problem. He noted that police want to see the program continue; treatment is the best option as opposed to just warehousing them in the criminal justice system, which is not realistic. He noted that addressing the problem is the goal. He distributed information relative to individuals that have been enrolled in the Manchester Mental Health Court program for at least six months that have remained arrest-free since their referrals. He explained that in the past 6 months there have been 26 less arrests related to the Mental Health Court program to deal with as opposed to 52 for the previous 6 month period. He explained that this represents:

- 26 less arraignments to deal with
- 26 less people for the Sheriff's Office to Transport
- 26 less people that had to be housed in the Hillsborough County DOC

Lt. Cunha explained that this program is working and is solving problems for people suffering from mental illness. He explained that a high percentage of the people who are being referred were clearly in need of mental health services but have never been clients of Manchester Mental Health in the past; he summarized by saying that it is a source of pride for the Manchester Police Department that it can now refer a person to where they need to be and get them the help they need. He noted that he would encourage the Board to continue support for this program so that we don't go back to recycling these folks through the criminal justice system, He offered that it is not a solution, it is not in the interest of the taxpayers, it is not in the interest of public safety, and it is not in the interest of the people to go back to warehousing them at the DOC and pretending that these problems don't exist.

The Chair recognized Capt. Sparks from the Nashua Police Department. He observed that Judge Lawrence and Lt. Cunha did a good job of providing examples of how the system works. He explained that while the Mental Health Court is relatively new for the Manchester PD, it is not new for the Nashua PD; it has been operating for three years and the PD has a track record of working with Community Connections and the Mental Health Court. Capt. Sparks mentioned that the officers recognized early on the opportunity presented when arresting a person who has mental health issues and having the opportunity to get them into the mental health system, particularly for people who were not prepared to reach out for help. He noted that the PD can very quickly get these individuals on the right track. He explained that it is rare to have a program that can show savings and improvement and noted that it is his experience that this is a valuable program in itself with the added benefit of saving costs to the County.

The Chair recognized Supt. O'Mara; he explained that the overall purpose of this presentation is to educate and prepare the Board for the inclusion of funds for this program in the DOC's proposed FY2012 operating budget, which will continue the funding of this program. He reported that statistically, the data is still being gathered; he noted that the previous year, the DOC budgeted for 610 inmates per day, but has not hit that number; the DOC is averaging 580 inmates per day. He explained that it is difficult to know if a judge would have sent someone to the facility if the program had not been in place; he noted that the best data will come from the Courts and the liaisons for that information. Supt. O'Mara explained that as the program grows, the DOC and County will be able to determine the efficacy of the program. He explained that it is his belief that the program will work, if for no other reason, it will delay the need for a new jail in Hillsborough County because the need will become reduced over time.

Supt. O'Mara explained that the Mental Health Court provides an inmate the opportunity to serve his term in the community; this means that it is one less person to house and one less person to medicate.

He explained that people with mental illness in a County Corrections setting are a significant management challenge; he noted that the DOC cannot “force medicate,” which means that if a person has not taken his/her medication and is starting to de-compensate, there is nothing that staff can do to but watch them more closely. He explained that when an inmate decompensates the situation may become a challenge to manage; he noted that there might be an increased risk of assault; the inmate may be uncooperative, refuse to eat, or create significant challenges for both for the Correctional Staff and the Medical Staff.

Supt. O’Mara noted that with the Mental Health Court program, it may be possible to close a housing unit at some point in the future; if this were to happen, it would also be possible to reduce staff. He referred to the pre-trial supervision grant that Ms. Stearns mentioned previously and explained that this, too, will have an impact because two-thirds of the pre-trial population at the Hillsborough County Department of Corrections cannot make bail; he explained that if there were a program that includes a threat assessment and if it finds that a person can be managed safely in the community along with the continuation of the Mental Health Court, that population could also drop significantly. He explained that there could be a continuity of care that would allow the individual to continue with his/her mental health professional, remain employed, and possibly remain in the residence under certain conditions. He summarized by saying that since the 1980’s, jails across the nation have become the dumping ground for people with mental illness; he offered that this is an opportunity to turn that trend in Hillsborough County and to provide appropriate treatment for these individuals.

Supt. O’Mara addressed the issue of medical expense at the DOC, noting that this year’s medical expenses have been unusually high. Medical expenses for the current fiscal year are running 1 ½ times those of the previous year.

Comm. Pappas inquired if the County DOC has staff that is qualified to work with individuals with mental health issues; Supt. O’Mara responded that the facility has a psychiatrist, a psychologist, and two mental health clinicians. He explained that not all inmates are eligible for the Mental Health Court program; if a person who is mentally ill has committed a significant crime and safety is an issue, the person would not be eligible for the program and will be treated by staff professionals.

In response to a question from Comm. Holden, Supt. O’Mara indicated that those who are present today will also be making the presentation at the Executive Committee meeting on January 28th. Discussion ensued with an understanding that the costs for the aforementioned program will be in the DOC budget request for the coming fiscal year.

Mr. Wenger clarified that the amount to fund the program for one year would be \$100,000 and explained that the grant runs until the following September. He remarked that because of accounting procedures, it is important to understand that the budget that comes before the Board may be \$100,000. He noted that in the current budget the County has appropriated funds for the entire grant, so if it is not possible to encumber the last quarter, it may be necessary to appropriate the total amount and show offsetting revenue. Supt. O’Mara explained that if it is possible to encumber the \$25,000 for the last quarter, then it will be possible to reduce the budget amount to \$75,000. .

Mr. E. Kirby requested an opportunity to speak, both as a family member and as a member of NAMI (National Alliance on Mental Illness). He noted his profound appreciation for those present and for what they have done for people with mental illness. He explained that if this program had been in existence ten years ago, his son would not have gone through the difficult experiences that he had while at the DOC. He explained that he is has been very critical of the Manchester Police Department and the Superintendent in the past.

He went on to explain that the prosecutor who prosecuted his son told him that they would have to deal with criminal activity first, and then he could deal with the mental activity afterwards. He remarked that

this program has resulted in many good changes and urged the Board to continue its support. Mr. Kirby

gave an example of another man who was more recently sentenced to thirty days in jail; when the judge was informed of the man's mental illness, he arranged the sentence so that it could be served on 15 weekends and the parents were able to call and speak personally with the DOC Medical Staff and make arrangements for him to arrive at the jail on Friday evening, and bring his own medications. Mr. Kirby explained that the man was able to serve his jail time and not lose his treatment or medications; he explained that ten years ago the situation was different; he noted that this is a program that allows people to get the treatment they need and urged the Board to continue it.

There being no further discussion, Comm. Ziehm thanked those who attended to show support of the Mental Health Court. The guests excused themselves and left the meeting.

4. Administrative Business

Commissioner Ziehm noted that the Board would address administrative business at this time and entertained a motion to approve the meeting minutes.

Minutes

January 14, 2011 Board of Commissioner's Meeting

Comm. Holden noted that she would like to defer the approval of the minutes and observed that they are 18 pages long and she did not have time to read them all. She suggested that the minutes do not need this level of detail; she indicated that the minutes typically run 7 or 8 pages unless there is a grievance. Comm. Pappas noted that she had read them; Comm. Ziehm indicated that she had not had the opportunity to read them. Approval of the minutes was tabled until the next Board meeting.

Motion: To table the minutes of the January 14, 2011 until the next meeting. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Approval of Payroll Register

Motion: To approve the Payroll Register dated January 20, 2011, in the amount of \$1,158,378.98, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To approve the Payroll Register dated January 20, 2011, in the amount of \$1,671.09, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion: To approve the Payroll Register dated January 21, 2011, in the amount of \$449.12, subject to review and audit. By Comm. Pappas, second by Comm. Holden. Motion carried.

Motion: To approve the Payroll Register dated January 26, 2011, in the amount of \$614,733.12, noting that it is for Sick Pay and is subject to review and audit. By Comm. Pappas, second by Comm. Holden.

Motion: To approve the Payroll Register dated January 25, 2011, in the amount of \$80.00, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated January 25, 2011 in the amount of \$387,111.56, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried

Transfer 2011-06 – Nursing Home

Motion: To transfer from the Contingency Salaries & Wages line the amount of \$150,000, and to transfer to the Nursing Home Overtime line a like amount. Motion by Comm. Holden, second by Comm. Pappas.

Comm. Holden noted that the reason for the transfer is to provide adequate supervision, noting that the Nursing Home has implemented five (5) 24-hour, one-to-ones daily, further noting that the Nursing Home has approximately twenty residents who are on 15-minute checks per day/per shift.

Motion carried.

Transfer # 2011-07 – Contingency to Deeds-Salary

Motion: Comm. Pappas explained that this is a request to transfer from the Contingency Salaries & Wages the amount of \$60,465, and to transfer \$51,763 to Deeds-Salary & Wages, \$3,960 to Deeds-Social Security, and to transfer \$4,742 to Deeds-Retirement for a total of \$60,465. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-08 – Corrections-Salaries/Wages to Overtime

Motion: Comm. Pappas explained that this is a request to transfer from the Corrections- Salaries & Wages the amount of \$200,000, and to transfer the amount of \$200,000 to Corrections-Overtime. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2011-09 – Corrections-Food/Other Suppl. to Med. Suppl. /Postage

Motion: Comm. Pappas explained that this is a request to transfer the amount of \$10,000 from Corrections-Food, and to transfer the amount of \$7,000 from Corrections-Other Supplies, and to transfer the amount of \$15,000 to Corrections-Medical Supplies, and to transfer the amount of \$2,000 to Corrections-Postage for a total transfer of \$17,000. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

CIS Bid # 15-2011 – Computer Purchase

Comm. Pappas explained that CIS Bid # 15-2011 has been submitted by the CIS Department.

Motion: To approve CIS Bid # 15-2011, to be awarded to GovConnection, Merrimack, NH at a price of \$5,199.84. Motion by Comm. Pappas, second by Comm. Holden.

Comm. Holden asked if this is for only one computer; Mr. Wenger explained that this bid is for the purchase of eight desktop PC computers; they were discussed and appropriated during the budget process.

Motion carried.

5. Public Comment on Agenda Items

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

Comm. Holden remarked that there will be a meeting of the County/State Finance Committee at 1:00 p.m. today and suggested that it would be good if the Board meeting were to wrap up by 12:15 p.m.

6. Department of Corrections

Census

Supt. O'Mara presented the DOC Census, noting that as of January 20, 2011, the Census was 558, which included 501 men of whom 358 were being held pre-trial and 143 that have been sentenced. There were 57 women of whom 37 were being held pre-trial and 20 that have been sentenced.

In response to a question from Comm. Ziehm relative to Pods at the DOC, Supt. O'Mara responded that there are nine housing units at the facility; all are designated for specific purposes, i.e. women's unit, men's unit, special needs unit, disciplinary unit, etc; there are four general housing units that comprise 96 of the beds that are contained in 48 cells.

7. Nursing Home

Census

Mr. Moorehead presented the Nursing Home Census and explained that as of January 20, 2011, the census for the Nursing Home was 279 total patients/residents, which included 199 Medicaid residents, 47 self pay residents, and 33 Medicare Part A residents; he noted that the Medicare census is a very positive number.

Bid # 15-2011 – Pharmacy Services-Three Year Contract

Mr. Moorehead presented Bid # 15-2011 noting that this is a bid for Pharmacy Services and is a three year contract. He explained that he was very pleased with the response to this bid request; the lowest responsible bidder is Omnicare of NH, Londonderry; the second bid was from Pharmerica. He noted that the Omnicare bid is composed of a few elements, but the main item is the quote of \$2.00 per resident/per month for the monthly consult fee; this represents approximately \$6,720 per annum. He noted that this covers a consulting pharmacist who comes in two days a month to do drug reviews. Mr. Moorehead noted that the competition's bid for the same service is \$6.00 per resident/per month which represents approximately \$20,160 per annum. Discussion ensued. Mr. Moorehead noted that Omnicare serves all but one of the eleven County homes as well as a great deal of pharmacy work in NH in the private sector. He informed the Board that a significant part of this bid relates to Omnicare's billing and explained that typically, in the relationship between pharmacies and Nursing Homes, the pharmacy will typically bill private pay residents directly, bill Medicaid patients to the Medicaid program, and then all Medicare patient's drugs are typically the responsibility of the facility; however, the Nursing Home through its Medicare rate gets a piece of that rate for drug costs. He explained that in most cases, the Medicare rate typically does not come close to the drug cost. He noted that the Medicare patient's drug costs represent about 90% of the drug costs to the County. He went on to explain the rates between the vendors and suggested that it is his belief that awarding the bid to Omnicare will save the County about \$90,000/year, over the second bid, but noted that if the Medicare rate rises, the savings will be less. Discussion ensued, and for further clarification, Mr. Moorehead explained how bids were sought and the limited number of vendors for pharmacy products. Mr. Moorehead recommended that the bid be awarded to Omnicare.

Motion: To award Bid # 15-2100 for Pharmacy Services to Omnicare, Londonderry, NH, noting that it is a three year contract, and it is the lowest responsible bidder. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Moorehead requested that the Board approve extending the Laboratory services contract with Elliot Hospital, which expires at the end of January, for sixty days, through March 31st. He explained that a new bid will be forthcoming, and it is his opinion that the cost for Lab services is likely to increase. Discussion ensued relative to the Nursing Home. Mr. Moorehead's request was to extend the contract for 60 days under the same terms and conditions.

Motion: To approve extension of the of the Laboratory Services contract under the same terms and conditions for a period of two months. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

8. Human Services

State Bill Cap

E. Robinson provided the Board with a history relative to the law in New Hampshire, what the State pays for services provided by the County, and what the County is responsible for. She explained that when the law changed, it made the County responsible for 100% of the Non-Federal share of Medicaid expenses for long term care. She explained that there is a State Cap on spending; it has remained at 103 million with a 5 million dollar credit, or approximately 98 million. She explained that the County's share is based on the average number of billing days for the previous three fiscal years. Ms. Robinson referred the Board to the packet she provided, which illustrates current budget and cap. She explained that the differential between the Cap and what the State is billing the County is going down. She went on to explain how this affects other Counties, and what is anticipated for the coming year for Hillsborough County. Comm. Ziehm requested an opportunity to meet with Ms. Robinson to review this complex issue. Ms. Robinson agreed to meet with her.

9. Old/New Business

Mr. Wenger observed that the Board may wish to further discuss the meeting schedule, noting that there was discussion about changing the meeting day to Thursday. Comm. Holden noted that she could make a number of the Thursday's, but is not available for all Thursdays. She noted that the Board has a history of meeting on Wednesday and it has worked well. She suggested meeting earlier than 10:00 a.m. on Wednesdays. Comm. Pappas indicated that she could meet on Thursdays. Further discussion ensued. Comm. Ziehm added that it was unfortunate that the Board could not move its meeting day to a day that would allow greater participation from the Delegation members. Following discussion, it was decided that the Board would give this further consideration, but approved scheduling the meetings for Wednesday for February and March with the exception of March 9th, that meeting was re-scheduled to Thursday, March 10th.

Mr. Wenger referred the Board to the LexisNexis bid that was approved at the last meeting and noted that there is a related contract for the Chair's signature.

Motion: To authorize the Chair to execute the LexisNexis agreement. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger informed the Board that in the past, the County Attorney has been issued a credit card; he requested authority to remove Robert Walsh's name from the credit card and to add Dennis Hogan, the new County Attorney.

Mr. Wenger noted that the motion could read:

"To remove the name of Robert Walsh from the Citizen's Bank credit card issued to the County Attorney's office, and to authorize issuance of a new credit card in the name of County Attorney, Dennis Hogan, and to authorize Mr. Wenger or the Chair to sign the application."

Motion: To authorize approval as stated by Mr. Wenger. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger informed the Board that he has been authorized in the past to deal with Verizon Wireless to make changes to the approved cell phones; he noted that the process for replacement phones is being changed. He explained that in the past he has had to sign documents and fax them, but going forward he would be able to do that on line and asked the Board if it wished to authorize him to execute the Verizon Wireless authorization form.

Motion: To authorize approval as stated by Mr. Wenger. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

In response to a question from Comm. Ziehm regarding the number of cell phones in use, Mr. Wenger responded that the County has approximately 30 to 40 cell phones in use under one contract under a State bid that is handled by the Business Office; it includes those used by the Sheriff's Office, and other Departments. The Board agreed that he should continue handing cell phone replacements.

Mr. Wenger offered that the Board approved payment of the Sick Pay Reimbursement earlier in the meeting, noting that payment is required to be made by contract and by policy by the end of the month; he explained that the checks are ready to be distributed and asked for the Board's authorization to do so. The Board concurred that the Business Office should distribute the checks.

Mr. Wenger referred the Board to the Association of Counties email regarding the Retirement legislation. The Commissioners spoke about their participation relative to the issue.

Comm. Pappas observed that the County has had two requests to support grant applications, and in both cases, the County has not been prepared with the regulatory requirements, which are fairly simple to put in place. She noted that as a part of the application process, there has been a need to have Housing and Community Development Plan and a Residential Anti-displacement and Relocation Plan. She asked if the Board could address this at its next meeting and have the requirements in place so that the County is prepared if another request is presented.

Comm. Holden offered that the Town of Peterborough has indicated an interest in coming to the Board. She added that it is her opinion that it would be good to have a grant writer on board to help with these applications; she added that it would be good to have a process in place so that the grant requests are presented in a timely manner that would allow the Board time to review the details without having to rush to meet a deadline. Following discussion, the Board agreed to have Mr. Wenger put together draft documents for the Board to review; Comm. Holden suggested that Mr. Reidy be involved in the process. The Board discussed the process; Mr. Wenger noted that the CDBG grants come out on a schedule, and if the County is aware of the schedule; the Board may wish to consider soliciting proposals from all of the communities indicating that the County has access to a particular amount of grant funds.

Comm. Holden noted that the County has been invited to join Applied Solutions; it has resources in several States and there is no fee to join. The Board agreed that it would review the information. Mr. Wenger will ask the Departments if they are interested in participating.

Supt. O'Mara noted that he has the annual Female Prisoner Housing Agreement with Rockingham County; he explained the Rockingham County primarily uses Strafford County because of its proximity, but there are occasions when Strafford County cannot accommodate them and the Board has historically requested an agreement that is typically signed by the Board of Commissioners Chair. He explained that the motion would be: "To authorize the Chair to execute the agreement between Hillsborough County and Rockingham County for the management of Rockingham County female prisoners."

Motion: To authorize approval as stated by Supt. O'Mara. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Supt. O'Mara informed the Board that the DOC received a call the previous Monday from another County relative a request to house up to 50 inmates due to a flood at its County Correctional facility. He explained that the facility rectified its problem, so there was not a need to honor that request. He noted that he understands that he could not have accepted the prisoners without approval of the Board. Supt. O'Mara requested an extension relative to his authority to accept prisoners from other Counties due to HB 150 being continued.

Motion: To authorize Supt. O'Mara to accept up to ten inmates from outside the County for the month of February. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Supt. O'Mara informed Comm. Ziehm that the next meeting of the NHAC Certification Board will be held on February 11, immediately following the 9:00 a.m. Superintendent's meeting; it will be held at the Primex building in Concord.

Mr. Reidy requested, on behalf of the Cooperative Extension Advisory Council, that it be authorized to meet in the Board of Commissioner's Conference Room for its February or March meeting; he noted that the meetings begin at 7:00 p.m. He explained that this would provide an opportunity to orient the new Council. The Board agreed to Mr. Reidy's request.

Attorney Hogan was recognized. He noted that he has no business to discuss, but that his primary concern is the execution of the LexisNexis contract as previously discussed.

Ms. Castonguay was recognized; she informed those present that the next meeting of the Executive Committee will be the following Friday at 9:00 p.m.

10. Public Comment.

There were no members of the public present who wished to comment.

11. Non-Public Session

Comm. Ziehm noted that there are two requests for Non-Public Session and entertained a motion to that effect.

Motion: To move into Non-Public Session consistent with 91-A:3 II (c) for the Lease of Real Property, and to meet consistent with 91-A:3 II (b) for a discussion relative to Collective Bargaining. Motion by Comm. Pappas, second by Comm. Holden. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 11:11 a.m.

The Board met with Mr. Wenger regarding Draft Lease terms for the County Attorney's return to 300 Chestnut Street.

The Board met with C. Kirby, P. Coughlin, and G. Wenger to discuss a pending union certification process.

The Board moved out of Non-Public Session at 12:11 p.m.

Motion: To move out of Non-Public Session. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

9. Adjourn:

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

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

The meeting adjourned at 12:12 p.m.

Signed 2/9/2011

Comm. Carol H. Holden
Vice Chairman/Clerk
Hillsborough County Board of Commissioners

Date