

Regular Meeting of the
Hillsborough County Board of Commissioners
February 17, 2016

Bouchard Building, Goffstown, NH

Minutes of the Public Session

(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Ziehm, Comm. Holden, Comm. Pappas, J. Hardy, C. Beaulac, D. Dionne, L. Gero, C. Kirby, M. Montminy, B. Moorehead, G. Wenger, C. Monier, M. Castonguay, and L. Stonner.

Also Present: Chief Justice T. Nadeau, Hon. K. Brown, Lt. K. Rourke, Chief N. Willard, and Assistant Chief C. Capano

CALL TO ORDER

Comm. Ziehm called the meeting to order at 9:00 a.m. Mr. Wenger led those present in the Pledge of Allegiance.

SUPERIOR COURT DISCUSSION

Supt. Dionne noted that representatives of the State Administrative Office of the Courts (AOC) and Manchester and Nashua Police Departments were invited to meet with the Board to discuss Drug Courts; he added that he will be happy to answer any questions related to the "*Substance Abuse Treatment Community for Offenders (SATCO)*" program proposed for the Department of Corrections.

Supt. Dionne noted that, for the record, he does support Drug Courts, but he also believes that the State should pay for them. He asked about the cost of operating a Drug Court. Chief Justice Nadeau indicated that Rockingham and Strafford Counties spend approximately \$350,000 a year to run their Drug Courts and added that with the proposed State matching funds, the cost will drop to approximately 50% but could likely go down because of the State's Medicaid expansion and because a lot of the offenders are covered by Medicaid. She noted that there would be funding for a Drug Court at Hillsborough County South and Hillsborough County North and added that if Hillsborough County had two fully funded Drug Courts, there could be approximately fifty people at a time in the Nashua Drug Court and up to eighty people at a time in a Manchester Drug Court. She explained that it takes about one and one-half years for the offenders to complete Drug Court, and over a period of time there are people rotating in and out of Drug Court.

Chief Justice Nadeau noted that when there is not a unified Corrections system, there is always going to be the question of who pays for the program. She added that it is her belief that a good approach is for the cost to be shared 50/50 between the State and the County. She explained that the target offender is one who has felonies on his/her record and has a deep addiction; she noted that the intent is not to spend the resources of Drug Court on someone who could stop using on their own and added that approximately 50% of the people that are arrested could likely stop with quick sanctions and responses. She explained that the target population for the Drug Courts is the deeply addicted whose treatment costs the most money; it includes those who continue to recycle through the jails and prisons. She observed that from her experience in looking at Strafford County's Drug Court over the years and the one implemented at Rockingham County, the deeply addicted offender is one who would otherwise be facing a sentence of perhaps twelve months in the House of Corrections or one and one-half years at the State Prison.

Chief Justice Nadeau added that Rockingham and Strafford Counties have decided to fully fund the Drug Courts and Grafton County fully funds its Drug Court; Cheshire County has expressed a desire to continue the Court when the grants run out. She expressed her belief that the State-wide effort with a 50/50 contribution is a good first step to making sure it works. She added that without the Drug Court, the offender spends an average of forty days in jail waiting for their violation of probation; however, a Drug Court participant can get into Drug Court more quickly and they have sanctions that are two, three, or four days, and occasionally, for a more serious offense, the offender may serve thirty days. She noted that none of the forty-five individuals in the Nashua Drug Court serve anywhere near forty days in the jail. She added that while the Drug Court is using bed space in the

County Jails when they do sanctions, the use is a lot less than if they were on probation. She noted that the use of jail bed space has gone down since using Drug Courts and the New Hope programs in Rockingham, Strafford and Grafton Counties. She explained that when looking at the model of Drug Court and the studies that have been done around the country, Drug Courts, over time, reduce the cost of dealing with offenders because they are being treated in the community; treatment is part of solving the problems of deep addiction and related crimes by also suggesting a program in the jail. She added that it is her belief that Drug Court and programs in the jails can work in conjunction with each other as they do in Strafford County. She explained that both programs need to be designed around evidence-based practices that have been studied.

Chief Justice Nadeau explained that successful models for a Drug Court allow for treatment of the addiction first plus an Intensive Outpatient Program (IOP). She added that we are all looking for the same result, which is to reduce crime, addiction, and costs in a way that makes sense. She explained that it is done by assessing each offender based on their needs and stressed that Drug Court is not an option for the drug trafficker, the profiteer, and the dangerous offender; those individuals all belong in prison. She noted that it is her belief that a jail program can work well with a Drug Court, but added that some lower-risk offenders can be treated in the community. She added that any jail program would require intensive follow up in the community to make it successful. She stressed the importance of an aftercare plan and a safety net that would allow offenders to continue receiving support, if needed. She ended by adding that she sees the County and the State being able to work together.

Comm. Ziehm thanked Chief Justice Nadeau for her comments and added that she agrees that it is important to be working together, but noted that the County has limited funds.

Chief Justice Nadeau offered that the County may wish to start with a smaller Drug Court program to see if it will be successful.

Comm. Ziehm asked about “a unified Corrections system;” Chief Justice Nadeau explained that it would mean that the Corrections system would fall under the responsibility of the State, for example. She added that in the 1980’s, the Courts moved from County control to control by the State Administrative Office of the Courts (AOC).

Chief Justice Nadeau indicated that the City of Manchester has the highest level of opioid use in the State, and New Hampshire has the most significant problem in the Country.

In response to a question from Comm. Ziehm relative to necessary staffing, Chief Justice Nadeau replied that generally, the Drug Court money does not fund the Judge’s time, the Prosecutor’s time, the Defense Attorney’s time or the Probation Officer’s time; it does fund a Case Manager, a Drug Court Coordinator, some testing, training and some treatment. It is typical to contract with a treatment provider, and there is interest developing among providers in providing a Recovery Coach response.

Discussion ensued about the treatment programs and the importance of using a risk-need assessment tool in determining who would be eligible for Drug Court.

Chief Justice Nadeau explained that the Drug Courts target the high-risk, high-need offender that is not a safety risk and whose offense would not likely reoccur if the individual was given treatment at Drug Court. She added that the Judge has discretionary power and can decide that a person is too violent, is too much of a safety risk, or should be sent to jail or prison. Judge Brown explained that the exclusions come from the grant regulations, but it was noted that the requirements have changed.

Comm. Pappas asked if there were any Manchester residents participating in the Nashua Drug Court program. It was noted that there is one Manchester resident in that program whose offence was committed in Nashua. Comm. Pappas inquired about the possibility of expanding the Nashua Drug Court to encompass both Cities to which Chief Justice Nadeau responded that the County has 2 Superior Courts – Hillsborough County South in Nashua and Hillsborough County North in Manchester. She noted that they are in 2 different Judicial Districts and there

is a need for 2 Drug Courts; she added that the Constitution provides that a defendant has a right to be tried in the Judicial District where the crime was committed. Chief Justice Nadeau indicated that Hillsborough County would receive grant funding for 2 Drug Courts if it were to add a Drug Court at Hillsborough County North.

Judge Brown noted that most participants do not have a driving license and added that from a practical angle, it would not work because transportation to another city for Drug Court sessions and treatment would make it more difficult for many of the participants to meet requirements. He added that there are treatment providers in both localities.

Comm. Pappas asked if the Chief Justice was aware of any interest at the State level among Representatives relative to having the State pay for the entire cost of the Drug Courts and not impose the expense on the Counties. Chief Justice Nadeau explained that it is up to the County to decide if it wishes to have a Drug Court and added that she has heard discussion but is not aware of the sense of the majority and does not know how the Senate would feel about that, adding that the politics are very delicate.

Comm. Holden noted that she voted against breaking up the unified Court system in the 80's because the Counties were operating the Courts very efficiently. She added that with the unified Court system, the costs have gone up. She noted that she opposes any effort to shift operating expenses to our taxpayers, adding that a Drug Court is not a County responsibility.

Comm. Ziehm noted that it is difficult for her to vote on funding and support of any program in which the Board has had no input or control. Chief Justice Nadeau explained that the State-wide legislation does involve the Counties; a Commission is created that includes a member appointed by the NH Association of Counties, a County Attorney appointment, and possibly Jail Superintendents. That Commission would have the say over which County would receive the money and how that money is distributed. She added that the County has control in the development of its budget for Drug Court once it decides to approve a Drug Court; once that it done, it goes to the Commission and the Commission will determine which Counties will be awarded the 50% grant

Comm. Holden asked if there were any County Commissioners on the Commission; Chief Justice Nadeau responded that the Association of Counties makes the appointment and can decide who it wants to serve on the Commission. She added that she is sure that no one would have a problem with including more Commissioners in that group.

Comm. Ziehm added that Hillsborough County is fiscally sound and is a different position than the State. She added that typically smaller entities have more control. Chief Justice Nadeau noted that she favors whatever will work and added that it is her belief that the Drug Court will reduce crime in a significant manner, thereby saving the County money. She added that she anticipates that the savings will be significant.

In response to a question from Comm. Ziehm regarding New Hope, Chief Justice Nadeau responded that it is not a new program, it is a different probation strategy that works well with Drug Court; it tries to target the offender that is not as deeply addicted as the Drug Court offenders; it costs less and does not have as much intensive treatment or supervision; it is designed for the individual who could likely stop using if they received a quick sanction every single time they test positive. She added that the Court's responsibility with the program is to see that an offender gets a hearing within 2 days, as opposed to 30, or 45, or 60 days; additionally, they get a short sanction such as 3 days in jail for using, 10 days in jail for using and lying about it, and 15 days in jail if the Court has to send a warrant out to bring in the individual. She added that they keep repeating the process and typically, after 3, or 4, or 5 months, the offenders are tired of the process; they stop using, and they shape up. She added that some offenders need a little bit of treatment and individuals that can't stop using can be self-screened for Drug Court. She noted that it is important to not spend money on individuals that don't need all the resources. It is another way of using a risk-need assessment tool and targeting people for the right responses. She observed that New Hope is basically a better way of doing probation; the offenders are randomly tested for drugs 2 or 3 times weekly as opposed to predictably twice a month. She added that Manchester's program has a Federal Grant that provides for Case Management, a Coordinator and a little bit of treatment.

Chief Willard expressed his concern that they are never going to realize a Drug Court because no one wants to pay for it. He added that we all agree that it is something we need, but no one is willing to put the equity into it so it is frustrating for one who is dealing with a serious public health issue. He added that there needs to be something done and noted that year-to-date there have been 91 overdoses, 11 fatalities, and 61 people that were brought back with Narcan.

Comm. Ziehm explained that while the County formerly had Surplus funds, that is no longer the case. Chief Willard responded that it is his hope that there is a need to come together as a community and find the money or find a way to pay for it as opposed to drawing a line in the sand and saying that the State should pay for it or the County should pay for it. He noted that Sen. Shaheen is sponsoring a bill that would provide \$660,000,000 to be dispensed across the country and some of that would support Drug Court, and Sen. Ayotte is supporting legislation that will be voted the following week; it would add \$153,000,000 at the Federal level. He explained that in conversation with Jeff Meyers, NH Health & Human Services, Mr. Meyers indicated that it appears that there will be a \$150,000,000 grant and Chief Willard is hopeful that some of that money will be dedicated to Drug Courts.

Mr. Wenger noted that he has a number of questions and concerns. He explained that he supports Drug Courts and it is his belief that the County is a part of the solution and added that one of his issues is who is going to pay for it. He added that the underlying issue is an addiction crisis; and if we look at the County's responsibilities, we might be able to address how we come up with a solution. Mr. Wenger explained that Strafford County is different than Hillsborough County, particularly with respect to how it is financed and what Hillsborough County is required to do. He added that Hillsborough County does not have the flexibility that Strafford County does. He explained that the Commissioners are not given a pool of money with a directive to spend it as the Board sees fit; every single line in Hillsborough County's budget is considered, and analyzed, and approved.

Mr. Wenger explained that Hillsborough County had a Drug & Alcohol Program from 2010 through 2012, but it was eliminated because it is not considered to be a County function in Hillsborough County by its Representatives. He added that one of his fundamental questions is: what is the County being asked to do and how would that be included in the budget process. He noted that relative to treatment providers, any service in Hillsborough County has to be put out to bid; the County does not have the ability to choose the providers it wants, it is done through an open bidding process. He explained that after the previous year's budget process, meetings were held and consideration was given to what the County is responsible for; as a result of those meetings, it was agreed that the responsibility falls with the individuals in County facilities, and the County's proposed SATCO program at the Doc would allow the County to address those individuals and to educate and help them with respect to their addiction so they never get to the Drug Court. Mr. Wenger noted that it is his belief that the stakeholders can work together, but added that he is currently seeing the 2 programs being at odds with each other and that has created antagonism between the 2 programs with concern about who is going to pay for Drug Court as opposed to an approach that looks at who has the responsibility. He added that currently, the County's responsibilities do not include behavioral health or social services. He noted that it is his understanding that Grafton County is spending over \$300,000 for approximately 16 inmates, and added that if Hillsborough County were to fund 2 Drug Courts, the cost would quickly increase to be over \$1,000,000 and he does not see the Hillsborough County Delegation increasing the budget by \$1,000,000 to fund the courts but will look to find the money by cutting funds for other, core County responsibilities.

Chief Justice Nadeau indicated that she sees the cost to the County to be \$350,000 per Drug Court and the State will pay for half of that. Mr. Wenger responded that the proposed legislation only commits the State to make the grant funding available 2 years. He added that once the State funding stops, the expectation is that the County would be in line to pay the full cost of two Drug Courts. Chief Justice Nadeau noted that if the State stops funding the program, the County has the option to stop funding the programs.

Mr. Wenger explained that he reads Senate Bill 464 differently and added that the Counties had only 1 representative that serves on the committee that was referenced and it is a representative from NHAC not the County. He added that what is being proposed is a grant for Counties that have will have to conform to additional

State imposed requirements and State approval of its budget. He noted that at the most recent NHAC meeting all the counties expressed concern that this legislation is requiring the Counties to give up the control and none appeared to be interested in ceding control of their operations and budgets to the State.

Chief Justice Nadeau explained that a Drug Court team includes involvement of all the stakeholders, which includes a Jail representative, a law enforcement representative, a Judge, a Prosecutor, and a Defense Attorney. She noted that Grafton County has chosen to spend its money on 16 people who are not the high-risk, high-need individuals. She added that the evidence that she has seen indicates “that it is a myth to say we want to prevent people from becoming high-risk, high-need offenders.” She noted that once they are adult offenders, they have reached the risk that they will be and if they are low-risk, low-need, they should be diverted out of the system altogether; if they are moderate-risk, moderate-need, then they should be on probation with a LADC and respond to probation; if they are high-risk, high need, they can be treated in the community much more cheaply than in the jail. She suggested that it is a myth to think that you can educate an individual and prevent them from becoming a high-risk, high need individual.

Mr. Wenger noted that the County can choose to leave individuals that it has responsibility for in its facility for 30 days to a year and do nothing or it can provide the opportunity to participate in a program designed to provide participants with tools to address their addiction. He added that it is his belief that the County program would be one part of a much larger system addressing the challenges of the opioid crisis. He noted that the County’s program should be based on County responsibilities and funded within the Counties budget parameters and practices. He added that the County budget writers have previously determined that County tax dollars are intended to support core County functions, and a drug court is not currently one of those functions

Chief Justice Nadeau indicated that she sees it differently noting that the target offender is someone who would otherwise be spending time in the County’s jail for a lengthy period of time or at the State Prison. She added that they don’t want to arrest people and keep them in jail for a long period if they could be treated in the community.

Mr. Wenger explained that it is important for the Commissioners to understand the fundamentals of the Drug Court and what the County is being asked to fund noting that it falls on the Board of Commissioners to present the program and the justification for it to the Executive Committee and the Delegation. Chief Justice Nadeau responded that the County is being asked to come up with a budget to fund the Drug Courts in the County. Mr. Wenger indicated that he would need more practical information about what would be needed including the programs, the positions and other budget details. Chief Justice Nadeau agreed to assist in providing that information.

Comm. Ziehm indicated that at the previous Friday’s meeting of NHAC there seemed to be a different level of understanding, and it appears as if the County has no say in Drug Court, but will only be asked to make money available to fund it. She added that it is her belief the there has to be better communication, education and more inclusiveness because there are unintended consequences when there is an intent that is not clear to all involved and when there is not a clear understanding of what is expected. Chief Justice Nadeau added that she does not see a problem with including those individuals in the Counties who make the decisions about what Drug Court is. Comm. Ziehm added that she hopes that those present understand that the County is not being resistant.

Judge Brown suggested that Hillsborough County can be a leader and noted that it is the largest County with the largest problem and the County should be charging full-steam ahead. He expressed frustration with the discussions of responsibility and where funding should come from.

Comm. Ziehm added that she understands why Judge Brown feels the way he expressed, but added that she does not believe that is quite fair. She explained that she is an elected official representing the whole County and has made every effort to understand the situation. She added that she visits the Drug Court in Nashua on a regular basis to educate herself, but she is not a part of the conversation loop. Chief Justice Nadeau responded, “Let’s get you in the loop.” Comm. Ziehm noted that it is her belief that the Board has been given a trust and responsibility to lead and added that when she becomes convinced, she follows her conscience, but stressed that the Board has

to be included in the discussion. She noted that she does not believe that it is fair to compare Hillsborough County to other Counties whose operations are entirely different.

Chief Justice Nadeau explained that Rockingham County is much more like Hillsborough County; they don't get the infusion of Federal funds. She noted that Mr. Wenger makes a good point and added that this is not the County running the Court; it is an investment in the way we handle the offenders that would likely show up in the County's jail. She added that if an offender who is sentenced for 12 months becomes a part of the Drug Court, the result is that that frees up a bed at the jail that can be used for other inmates for 12 months. She added that it is not the County funding the Court system; it is funding an alternative way of managing offenders so that it reduces overall jail cost. Mr. Wenger noted that such an approach is different from prior discussions and is an approach that would make it much easier for the County to present a proposal to address the Drug Court issues.

Chief Justice Nadeau indicated that there is time to work with the Board as it approaches its budget process. Comm. Ziehm noted that she shares everyone's concern, particularly as it relates to the deaths of citizens. Chief Justice Nadeau noted that her belief is that the message is that we want to deal differently in sentencing the offenders that cost money at the County and at the State level. Comm. Ziehm added that she is hopeful that everyone can work together to be productive and instructive so that we can all go forward and be stronger.

Mr. Wenger inquired if there had ever been a meeting of representatives of the Judicial System, the Department of Health & Human Services, the State Department of Corrections, the County Departments of Corrections, the County Commissioners and other stake holders. He noted that it appears that from the Court's perspective it is a Drug Court and should be presented as such, but from a County perspective, it should be approached differently. He added that it would be important to have all the stakeholders come together to address the issue. Comm. Ziehm agreed that it is important for those involved to come together. Chief Justice Nadeau responded that she is willing to get all the players together and find a way to make this happen.

Supt. Dionne expressed his belief that the State Legislators have failed miserably in providing money for the Drug Courts in the past; he noted that last year they took \$28,000,000 out of Alcohol revenue to balance the State budget and those funds were originally set up to fund alcohol and drug treatment. He added that there was a surplus this year of over \$60,000,000, and not a single dollar has been put into the crisis to help these dying people. He added that the State has a revenue source and needs to step up and utilize revenue that is supposed to be dedicated to drug and alcohol treatment every year. He noted that last year, the State was 16.9 million dollars short, and every year prior to that, there have been millions of dollars that the State has not used from alcohol revenue toward these programs. He asked where Health and Human Services has been in regard to treatment in drug and alcohol programs. He asked how many of the 414 that have died in the State would have been eligible for a Drug Court or a program while they were incarcerated. He added that he understands that many of the stakeholders want to save people, but expressed his belief that working side-by-side is the best approach. Supt. Dionne informed those present that she understands that there have been approximately 645 sanction days at the Nashua Drug Court over the last 8 months and explained that while many of those offenders are serving a State Prison sentence, the County is bearing the cost of housing those individuals when there are sanctions. Chief Justice Nadeau noted that she would look at those reports.

Chief Willard asked about what the process would be to approve a Drug Court in the County. Comm. Ziehm explained that the Board develops its budget, which, when complete, is forwarded to the Delegation and it votes on the budget. She added that the Board has line item veto, but the Delegation controls the bottom line. Mr. Wenger added that it has been his experience that if one wants to obtain approval for a program within the County, a complete package detailing the program needs to be presented by the Board to the Executive Committee. The proposal will be reviewed budget line by budget line and the program has the best chance of approval if the detailed information is presented during the Board's budget process. Following the completion of the Board's budget process, the Commissioners make a budget recommendation to the Delegation prior to May 10th.

Chief Willard indicated that in respect to the discussion about leadership, he is going to take the lead on this

because he is not encouraged by what he is hearing today; everyone says they support Drug Court, but he is hearing a lot of blaming and comments about not being included, and the State should do this and that; and frankly, he does not have time for that. He noted that someone is going to have to pay for it and added that he can show some leadership and encourage the Delegation to do what it needs to do to fund a Drug Court in Manchester. An exchange regarding the best approach for successful approval ensued.

Chief Willard spoke about some of the programs and creative options being offered in Manchester in lieu of arrest or even during the arrest, but added that with all that, they are still seeing people die.

Comm. Pappas suggested that Chief Willard work with Mr. Wenger. Chief Willard suggested that Mr. Wenger has to work with the Chief because the vibe he gets is that he does not want to go back to why and how things are done; he wants to move forward and make this work but he is hearing a lot of finger pointing and he wants to work together going forward to make this thing happen.

Mr. Wenger noted that the Chief is addressing the crisis from a Manchester perspective within his duties and responsibilities as the Chief of Police, while the County is endeavoring to determine how, within its authority and responsibilities it can contribute. He added that the County's responsibility does not include Drug Courts, but incarceration certainly is a County issue and he suggested that all the entities get together. Chief Justice Nadeau asked about next steps and Mr. Wenger responded that it would be sitting down together and letting the County guide the development of a proposal that addresses County requirements. Mr. Wenger suggested that in Hillsborough County, it should be a separate budget, one that is not incorporated in the Department of Correction's budget.

Sheriff Hardy explained that we are all dealing with the drug crisis, but the issue is the funding. He noted that if there is going to be \$350,000 to \$500,000 added to the County's budget, the result is that something in the County's budget will have to be reduced, whether it is Correctional Officers or the Sheriff's budget or other lines; that is an issue that is going to impact Hillsborough County. He noted that a lot of thought has gone into the SATCO program that Supt. Dionne has developed through many meetings with all the County stakeholders. He added that today's discussion, while heated, has been a good discussion and added that everyone agrees that people are dying and the issue needs to be addressed, but we need to have a philosophical discussion about who is financially responsible. He added that the County is not sitting on a surplus at this time because over recent years a large part of that was used to balance the tax rate. He added that there are a lot of good programs that his department or the County could be involved with, but a major issue is how a program will continue to be funded once a grant goes away. Sheriff Hardy suggested that we need to look at who has the resources and who has the responsibility for a program and whether we can assist in partnership with a program through our Department of Corrections. He added that he sees the most appropriate place for such a discussion would be at the State House and Senate Finance Committees. He added that the history in Hillsborough County is that if a new program such as Drug Court was to be funded, there would likely be a reduction in staff at some level to offset the expense. He noted that he is not aware of anyone at the County level, including the County Attorney, who is opposed to Drug Court, but everyone recognizes the impact on the County's operations.

Chief Justice Nadeau thanked the Board for its time and noted that she will follow up with Mr. Wenger and Chief Willard regarding next steps. Comm. Ziehm noted that while there was frustration expressed today, there was good, honest communication among those present.

Chief Justice T. Nadeau, Hon. K. Brown, Lt. K. Rourke, Chief N. Willard, and Assistant Chief C. Capano excused themselves and left the meeting.

The Board agreed to move into Recess.

Motion:

To move into Recess. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

The Board moved into Recess at 10:35 a.m.

The meeting reconvened at 10:573 a.m.

Motion:

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

ADMINISTRATIVE BUSINESS

Supplemental Payroll

Motion:

To approve Supplemental Payroll Registers on the following dates for the following amounts:

- 02/03/16 \$ 4,367.23
- 02/12/16 \$ 829.89

The total Supplemental Payroll is \$5,197.12, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Regular Payroll

Motion:

To approve a Regular Payroll Register dated February 11, 2016 for the amount of \$1,078,699.67, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Accounts Payable

Motion:

To approve an Accounts Payable Register on the following date for the following amount:

- 02/16/16 \$ \$5,955,018.99

The total for the Accounts Payable is \$5,955,018.99, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Extradition Vouchers

Motion:

To approve Extradition Vouchers on the following dates for the following amounts, noting that they have previously been approved by the County Attorney:

- | | |
|--------------------|------------|
| 12/2/16 to 12/4/16 | \$2,311.84 |
| 12/24/16 | \$ 184.04 |

The total for the Extradition Vouchers is \$2,495.88. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

FY 2017 BUDGET DISCUSSION

Mr. Wenger requested input from the Board regarding parameters for the Budget Instructions for the coming year. He added that in past years, the Board has indicated that is wished to address core County responsibilities and has required that all funding requests be based on those core County responsibilities; any new programs or positions have had to be fully justified. He noted that all departments have technology issues and needs. He added that any new programs such as Felonies First or the Drug Court will require additional staff.

Supt. Dionne indicated that he hasn't received information yet relative to Felonies First and its impact on the DOC.

Comm. Holden indicated that she wishes to be consistent and look at the core programs for the County and added that if there are any new programs, there should be comprehensive justification for the expenditures. She indicated that she would like to hear from the departments regarding their needs for the next budget. Comm. Ziehm indicated that she would be looking at any funds that were not spent in FY16. Mr. Wenger noted that the budgets are as tight as they have ever been, but in looking at the insurance lines, there was an insurance holiday after the budget was completed.

The Sheriff indicated that his department's budget is very tight.

PUBLIC COMMENT ON AGENDA ITEMS

There was no one from the Public Comment on Agenda Items.

DEPARTMENT OF CORRECTIONS

Census

Supt. Dionne presented the Department of Correction's (DOC's) Census; he noted that as of February 9, 2016, the total in custody was 485; there were also 9 in the community for a total of 494 in custody. The Census included 389 men; 136 of the men had been sentenced and 253 were being held pre-trial. There were 105 women; 35 of the women had been sentenced and 70 were being held pre-trial. Supt. Dionne noted that the Department of Corrections was holding 35 female inmates from Rockingham County. He informed the Board that 144 individuals were diverted through the Mental Health Courts including 79 from Manchester and 65 from Nashua.

Overtime Impact Report

The DOC's Overtime Impact Report for the current Fiscal Year has been included in the Board's packet.

Comm. Ziehm indicated that when she and Comm. Holden toured Harbor Homes, they were told that that Mental Health Centers in New Hampshire, including Nashua are in financial jeopardy. She was told that there could be a 60-90 day wait to get an appointment. Supt. Dionne noted that the Courts run that program and it is important to note that Harbor Home competes with other entities for the service it provides.

NURSING HOME

Census

Mr. Moorehead noted that the Census at the Nursing Home for the period ending February 11, 2016 was 282; it included 206 Medicaid residents, 41 private pay residents and 35 Medicare residents

February, 2016 Revenue

Mr. Moorehead reported that the budgeted Revenue for Room and Board and Ancillaries for the month of February was \$1,978,031 while the actual Revenue was \$2,060,668, which resulted in positive Revenue of \$82,637. He added that January was a good month with an average daily census of 283.

Year-to-Date Revenue

Mr. Moorehead reported that the budgeted Revenue for Room and Board and Ancillaries for the year-to-date was \$13,846,217 while the actual year-to-date Revenue was \$13,960,416, which resulted in positive Revenue of \$114,199 over budget. He explained that the MQIP budget for year-to-date was \$1,675,000 for the first 2 quarters while the actual MQIP Revenue was \$1,704,116, which resulted in positive Revenue of \$29,116. He added that the combined Room and Board and MQIP Revenues resulted in total positive Revenue of \$143,315 year-to-date.

Bid # 14-2016 – Battery Burnisher

Motion:

To approve Bid # 14-2016 for a 27” Battery Burnisher for the Nursing Home; the lowest responsible bidder meeting the specifications is Central Paper Products at a not-to-exceed price of \$5,189. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

GI Update

Mr. Moorehead updated the Board regarding the GI bug at the Nursing Home. He noted that as of that morning, there are still 2 units, B-2 and C-4, that are dealing with GI bug; he is hopeful that there will be no new symptoms and those units will be able to be opened, which, in turn, would clear the whole facility.

Mr. Moorehead indicated that he has several concerns regarding the upcoming budget, but his main concern, in addition to hardware, would be the implementation of Phase II in September, 2016. He noted that another concern is staffing; recruiting has been very difficult for the last couple of months and he currently has 38 vacancies in the Nursing Department, which has resulted in the Salary line in Nursing being below budget and the Overtime line being over budget; he added that has resulted in having to transfer funds into the Overtime line. Mr. Moorehead added that the Nursing Home is contemplating conducting a Nurse Aide training program at the facility that could attract new employees.

Mr. Moorehead noted that he has been in contact with 2 individuals relative to the implementation of Phase II; one gentleman is the CFO of a very large Nursing Home in Pennsylvania that is in the process of implementing managed care. He was told that that funds such as ProShare would be paid to the Managed Care Organizations (MCO's), and then the County would have to pull the money from the MCO's; however, the gentleman he spoke with did not anticipate success in getting the money from a “for-profit” MCO to a “non-profit” facility. The Bed Tax in that State will be paid to the State and will have to be drawn down by the Counties, which could create another issue.

Mr. Moorehead indicated that he also spoke to an individual in New Jersey who would be similar to our affiliate; New Jersey implemented managed care a couple years ago. Mr. Moorehead was told that the per diem rates for Medicaid went down from more than \$250 to less than \$100 a day. He added that the drop in the rates seems to correspond to the implementation of MCO's, which is very troublesome. He noted that the number of Nursing Homes in that State went from 27 County Homes down to 6 or 7 currently; they simply could not afford the cut so they folded and sold the buildings. Mr. Moorehead noted that he is hopeful that Phase II will not be implemented until July 2017.

Mr. Wenger noted that Comm. Maglaras indicated at the NHAC Commissioner's Council meeting the previous Friday that they are working with the MCO's on contracts.

Mr. Moorehead noted that several meetings ago, Comm. Maglaras mentioned that after the implementation of MCO's in Pennsylvania, 60 nursing homes “went under.” In response to a question from Mr. Wenger relative to who is working with the MCO's, Mr. Moorehead responded that he believes it is the NH Healthcare Association and Attorney Dunn.

Mr. Moorehead noted that he attended a meeting with Well Sense, one of the MCO's, and several representatives from the County Nursing Home affiliate. He added that Well Sense indicated that it would not broadly negotiate one contract but would negotiate with each facility separately. He added that such negotiation would involve rates, pharmacy, and ProShare and Bed Tax. Further discussion ensued relative to the concerns related to revenue under managed care.

Attorney Kirby explained that she has concerns that the County is so focused on the Drug Court issue that it may be missing the really big issue that is coming, which is related to the costs associated with the Nursing Home regarding Medicaid and the implementation of the MCO's. She added that Managed Care Organizations could have a huge financial impact on the Counties if it is not done right and expressed the importance of monitoring what it going on at the NH Association of Counties regarding that issue. She added that it would be unfortunate for the County to be in a position where it realizes in June, July, or August that there is not enough money in the budget and that the County will not reach its budgeted revenue; at that point it would be too late to change the Board's budget.

Mr. Moorehead noted that based on the conversations he has had at meetings with the MCO's, they are nowhere near to having answers to issues; one of the biggest holdups in the process is how Bed Tax and ProShare will be addressed. He added that if the MCO's can't determine how to get those 2 programs into the per diem rates, the effect on the Nursing Home could represent a loss in revenue of up to \$7,000,000.

Mr. Wenger noted that Mr. White will be attending the next Board of Commissioner's meeting, and Nursing Home revenue can be one of the items to be discussed.

SHERIFF'S DEPARTMENT

The Sheriff indicated that he is prepared to discuss an employee issue, and requested that it be addressed in Non-Public Session consistent with 91-A: 2 III (a), compensation of employees.

OLD/NEW BUSINESS

Mr. Wenger explained that the renovations at the Registry are moving forward and are nearing completion.

Mr. Wenger addressed a procedural change relative to the SATCO Program and asked for a motion relative to that change. He added that a motion was made at the last meeting to approve the creation of 1 Job Development Specialist position within SATCO; he requested that the Board rescind that motion noting that the position had been re-named so a motion that reflects the correct title would be more appropriate.

Motion:

To rescind the motion made at the last Board meeting that approved the position of 1 Job Development Specialist. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Motion:

To approve the creation of one 1 Housing Employment Medical Specialist (HEMS) position within the SATCO program at a Grade 4 with an initial starting salary not-to-exceed \$31,000. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Mr. Wenger reiterated that Mr. R. White will be attending the next Board meeting and asked the Board if it had any issues that it would like to discuss with Mr. White in addition to managed care. Comm. Holden indicated that she would like to see NHAC Job Descriptions; Comm. Pappas added that she would like to see the Bylaws for the Commissioner's Council and to discuss the dues structure.

Discussion ensued relative to the dues and whether each County should pay an equal amount; also discussed was the fact that Hillsborough County pays for NHAC Correctional Officer Academies even though it conducts its own Academies. Comm. Holden noted that Hillsborough County's dues have increased by \$6,000 since 2013.

Mr. Wenger added that he would like to have a discussion relative to how proxy voting can be consistent with RSA 91-A, the Right to Know Law, and Comm. Ziehm commented that proxy voting could put Hillsborough County at a disadvantage.

Mr. Wenger noted that there was a motion made and approved at the NHAC Executive Committee relative to starting an affiliate of the Administrators; he added that he had not been a part of any related discussion. Sheriff Hardy spoke about the newly created Sheriff's affiliate officer positions and noted that he is not sure it is necessary; there appears to be mixed feelings among the Sheriffs.

Supt. Dionne presented approval of an Administrative Transfer for an inmate from Rockingham County. He explained that the inmate was transferred to Hillsborough County's facility because of issues with other inmates at Rockingham County's Correctional facility.

Motion:

To approve the Administrative Transfer of an inmate from Rockingham County. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Supt. Dionne referred to the letter he sent to the Board on February 4th regarding retention at the DOC; he noted that it was requested by Rep. Rowe. Mr. Wenger noted that the Draft memo has been provided to the Board for its review. The Draft was taken under advisement.

Comm. Ziehm informed those present that she will be away the following week.

Sheriff Hardy asked to defer the portion of the Non-Public Session that is related to an employee issue until the following Board Meeting so that Chief Deputy Fisher, who is in Court, can be present. The Board agreed.

NON-PUBLIC SESSION

Motion:

To enter Non-Public Session consistent with RSA 91-A:2 I (b) relative to collective bargaining. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 11:38 a.m.

The Board took a brief Recess.

The Board met in Non-Public Session with Sheriff Hardy, Mr. Moorehead, Supt. Dionne, Attorney Kirby, Mr. Monier and Mr. Wenger to discuss collective bargaining. No action was taken.

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

Motion:

To come out of Non-Public Session. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

There was discussion about the Draft letter to the Executive Committee that relates to the SATCO program. Mr. Wenger noted that the program at the DOC is a program that the County can do immediately, but addressing a drug court would likely include a long discussion going forward. He added that the Board may choose to include a drug court program in its budget as a separate budget line, whether it approves it or not and may consider funding it at \$1. He added that putting together a proposal and choosing whether to fund it would at least create the opportunity for discussion going forward. Comm. Ziehm noted that she has questions over control of a drug court type program and added that while she has mixed feelings, it may be better to be funded and controlled by Hillsborough County.

Mr. Wenger noted that it may be time to reach out to the stakeholders relative to the SATCO program and a possible additional drug court to gauge the support that is out there. Attorney Kirby observed that the County would benefit if the Board came together in addressing the opioid crisis because it is going to impact the way the

jail, the Sheriff's Department and the County Attorney's offices operate as well as that of the County's Legal Counsel and County Administrator in supporting all the related functions. The Board agreed to address the Draft letter again at its next meeting.

ADJOURN

There being no further business to come before the Board, 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 12:24 p.m.

Approved on March 16, 2016

Comm. Toni Pappas, Clerk
Hillsborough County Board of Commissioners

Date