

Regular Meeting of the
Hillsborough County Board of Commissioners
March 2, 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. Pappas, P. Coughlin, D. Hogan, J. Hardy, C. Beaulac, D. Dionne, G. Fisher, C. Kirby, M. Montminy, B. Moorehead, L. Vallee, G. Wenger, C. Monier, M. Castonguay, and L. Stonner.

CALL TO ORDER

Comm. Ziehm called the meeting to order at 9:07 a.m. Supt. Dionne led those present in the Pledge of Allegiance.

ADMINISTRATIVE BUSINESS

Supplemental Payroll

Motion:

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

- 02/25/16 \$ 873.37
- 02/26/16 \$ 114.53
- 02/29/16 \$ 113.46
- 03/01/16 \$ 8,313.02

The total Supplemental Payroll is \$9,414.38, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Regular Payroll

Motion:

To approve a Regular Payroll Register dated February 25, 2016 for the amount of \$1,103,704.99, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Accounts Payable

Motion:

To approve Accounts Payable Registers on the following dates for the following amounts:

- 02/18/16 \$ 1,012.00
- 03/01/16 \$ 377,991.11

The total for the Accounts Payable is \$379,003.11, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Bid # CIS-13-02016 – FY 2016 Microsoft Office Purchase – 15 Licenses

Motion:

To approve Bid # CIS-13-02016 for an FY 2016 Microsoft Office Purchase that is for 15 Licenses; the lowest responsible bidder meeting the specifications is CDW-G, Vernon Hills, IL at a total price of \$5,400, and a unit price of \$360. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Mr. Wenger noted that the County purchases new Microsoft Licenses each year and is compliant with all its licenses.

Transfer # 2016-06 – County Attorney

Motion:

To approve Transfer # 2016-06 for the County Attorney's Office to transfer the amount of \$2,000 from Consulting, line 4123-7230 and to transfer a like amount to Education & Conference, line 4123-7170. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

In response to a question from Comm. Ziehm, County Attorney Hogan explained that the transfer will cover the anticipated costs of the upcoming AG Conference to include attorneys, investigators and victim witness advocates as well as the required Practice Skills CLE training for 2 recently hired attorneys.

Transfer # 2016-07 – County Attorney

Motion:

To approve Transfer # 2016-07 for the County Attorney's Office to transfer the amount of \$2,000 from Consulting, line 4123-7230 and to transfer a like amount to Office Supplies, line 4123-7360. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Attorney Hogan explained that the increased expense is required due to an increased amount of new cases and the electronic transfers of cases to disc.

Transfer # 2016-08 – Sheriff's Department

Motion:

To approve Transfer # 2016-08 for the Sheriff's Department to transfer the amount of \$12,500 from Sheriff's Part-time Wages, line 4219-7010, and to transfer the amount of \$10,000 to Sheriff's Overtime line 4211-7011 and then to transfer the amount of \$2,500 to Sheriff's Retirement, line 4211-7130. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Sheriff Hardy explained that the additional expense in the Sheriff's Overtime line is related to vacancies within the department; he added that there are 3 individuals in the Full-time Academy that will graduate in April and there are 2 additional openings that the department anticipates filling.

Transfer # 2016-09 – Sheriff's Department

Motion:

To approve Transfer # 2016-09 for the Sheriff's Department to transfer the amount of \$12,500 from Gas & Oil, line 4211-7720 and to transfer a like amount to Sheriff's Clothing, line 4211-7520. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Comm. Pappas noted that the transfer is required to outfit new Deputy Sheriffs.

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 23, 2016, the Census included 465 inmates; there were also 10 in the community for a total of 475 in custody. The Census

included 376 men; 125 of the men had been sentenced and 251 were being held pre-trial. There were 99 women; 33 of the women had been sentenced and 66 were being held pre-trial. Supt. Dionne noted that the Department of Corrections was holding 29 female inmates from Rockingham County. He informed the Board that 156 individuals were diverted through the Mental Health Courts including 84 from Manchester and 72 from Nashua.

Overtime Impact Report

It was noted that the DOC's Overtime Impact Report for the current Fiscal Year was included in the Board's packet.

Employee Retention

Supt. Dionne and the Board discussed the Draft Letter related to employee retention at the Department of Corrections (DOC) that was provided to the Board at its last meeting. Supt. Dionne made the following observations:

- Every County and the State have an issue with the retention of Correctional Officers (CO's)
- the State Corrections facility has 68 open positions
- the Sheriff's Departments and Nursing Homes also have retention issues
- Police and Corrections careers are not attractive in the current environment
- Most CO's that leave give lack of money as the reason for leaving

Supt. Dionne explained that new CO's often find that after working for a couple of months, the net pay does not provide enough for themselves or their families to meet living expenses.

Mr. Moorehead noted that there are 22 LNA vacant positions at the Nursing Home.

Following further discussion regarding the wage issue and the draft letter, the following motion was presented and approved:

Motion:

To direct Supt. Dionne's response regarding employee retention be forwarded to the Executive Committee on behalf of the Board of Commissioners. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Supt. Dionne reported that Dr. Masewic will no longer provide physician services at the DOC as of the end of the current fiscal year; he added that many physicians are attracted to correctional medicine, but the down side is that there is a big possibility that the physician will be named in many lawsuits, and while the insurance cost is significant, the bigger problem is that any inmate can file a complaint with the State Medical Board; every complaint to the Board requires a response and there is no appeal process so the physician is not able to defend himself as he can in a Court of law. He added that he will be putting out a bid for physician services but is certain that the cost will increase significantly.

NURSING HOME

Census

Mr. Moorehead noted that the Census at the Nursing Home for the period ending February 25, 2016 was 280; it included 205 Medicaid residents, 41 private pay residents and 34 Medicare residents

Re-Bid # 11-2016 for a Negative Pressure Wound Therapy System

Motion:

To approve Re-Bid # 11-2016 for a Negative Pressure Wound Therapy System for the Nursing Home; the lowest responsible bidder meeting the specifications is KCI USA, Inc. at a price of \$15,010. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

In response to a question from Comm. Ziehm relative to bidders, Mr. Moorehead responded that 5 bid requests were mailed out, but only the recommended bidder could meet the specifications. He added that use of the wound therapy system is a billable service and it is a piece of equipment that can be depreciated.

GI Update

Mr. Moorehead updated the Board regarding the GI bug at the Nursing Home. He noted that staff thought that the facility was clear, but Unit A-2 discovered cases during the previous week. He added that that unit will be terminally cleaned today and if there are no new cases, the unit will be able to be opened the following day, which, in turn, would clear the facility.

SHERIFF'S DEPARTMENT

Bid # SO-2016-07GF – Microwave Link

Motion:

To approve Bid # SO-2016-07GF for a Microwave Link for the Sheriff's Department; the lowest responsible bidder meeting the specifications is 2-Way Communications, Newington, NH at a price of \$8,830. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Chief Deputy Fisher explained that the aforementioned bid is to replace a failed microwave link that receives a radio signal, increases wattages, and sends it out again; the Microwave Link facilitates the distribution of radio messages throughout the County in the best possible manner.

OLD/NEW BUSINESS

Mr. Moorehead informed those present that Senate Bill 553 has been published; the intent of the bill is to delay the implementation of Phase II of Medicaid Managed Care to no earlier than July, 1, 2017. He added that it will likely go to Committee the following week and more information will be available after that occurs.

SATCO

Mr. Wenger addressed the draft SATCO program letter and asked the Board if it was prepared to authorize sending the letter forward. Discussion ensued relative to how it wished to proceed regarding the SATCO Program at the Executive Committee meeting the following Friday. He also noted that Chief Justice Nadeau is meeting with the NH Association of Counties Executive Committee the same morning.

Motion:

To send the SATCO letter to the Executive Committee, Delegation and other stakeholders. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Following discussion, it was agreed that the following individuals would attend the Executive Committee Meeting:

- Supt. Dionne
- Capt. Scurry
- T. Shrine, Medical Director at the Jail

- A LADC who is qualified to answer questions
- Comm. Ziehm
- Comm. Pappas (who will leave early to go to the NHAC meeting, if necessary)
- Sheriff Hardy
- County Attorney Hogan
- Mr. Wenger

Supt. Dionne observed that he was upset with the way some of the stakeholders responded at the Board's last meeting and added that he felt that it was an attack on the Board. He noted that he believes that there is a perception that Hillsborough County has a big pot of money that can be split up. He stressed that he supports a Drug Court in Manchester and believes that the SATCO Program should be moved forward as well and added that he sees the two working together. He remarked that "it is not about who gets what, but who gets treatment, and who gets saved." He noted that he believes that a greater number of individuals will be getting treatment, medication, housing assistance, and benefits in the SATCO program at the DOC. He added that while the program is for sixty days in-house, the inmate will not be released until he/she is compliant – up to his/her maximum sentence at the facility.

The benefit of the SATCO program is that the inmate will be out and receiving treatment and medication, housing assistance and medical benefits that the individual would not receive if serving a traditional jail sentence. He stressed that while 465 people have died in New Hampshire, it is important to note that they did not die while in the correctional facility or the Drug Court; they died on the street and that is where treatment needs to be done. He observed that he sees the Drug Court as serving the high-risk, high-need offenders as stated by Chief Justice Nadeau, and emphasized that it is important that the other offenders who need help have treatment and other services before they reach that stage. He stressed that while he does support the efforts of the Drug Courts, it is his belief that they are a State responsibility and have been for the last 5-7 years during which time the State has not funded those programs.

Comm. Ziehm asked about the typical sentence for a drug offender; Supt. Dionne responded that the sentence is typically for 6 months and with the SATCO program, he would have the authority to release an offender with a bracelet in 4 months for "good behavior" under the early release program, and he would still have the inmate under DOC control for another 2 months of outside treatment.

Comm. Pappas asked if the Administrative Office of the Courts (AOC) has ever put money in its budget for Drug Courts. Supt. Dionne responded in the negative. He observed that SB 464 has changed; originally that bill had the 10 key components that Chief Justice Nadeau highly recommended as guidelines to follow. He noted that those 10 key components have been removed from that bill, and added that the NH Department of Corrections no longer has that money in its budget; it has been moved to AOC, so the money for the grants is now in the AOC budget and is under the control of AOC. Mr. Wenger emphasized that that money is not for the State to run a Drug Court, it is for the State AOC to run a grant program to get the Counties involved and have them spend their money for Drug Court. He added that the bill requires that AOC develop the guidelines and parameters for the grant program.

Supt. Dionne reiterated that when the Drug Court has sanctions and those inmates are sent back to jail for a period of time, they serve that time at the County Department of Corrections, even though they are State Prison inmates. Supt. Dionne noted that Judge Coburn has asked to meet with him; he added that this is a positive step and he is hopeful that it will be a positive meeting because up to this point, the Department of Corrections has had no input.

It was noted that the SATCO program is a viable step to address the County's responsibility, and that is a key point that should be conveyed to the Executive Committee. Comm. Ziehm noted that Judge Coburn explained that approximately 75% of inmates nationally have committed crimes that are drug-related; Supt. Dionne added that it is his belief that the percentage at the DOC is even higher.

Sheriff Hardy noted that his department is involved in transports in cases where inmates are released on “Personal Recognizance” and there is a Court Order to transport an inmate for medical evaluation and then to another designated location. He gave an example of a transport the previous week that involved 6 hours and utilized 2 Deputies. He noted that he has concerns regarding this type of transport regarding liability and jurisdiction as well as the added expense to his department. Attorney Kirby noted that the County is not a taxi service and the assumption should be that if an individual can get a ride to get his/her drugs, then the individual can get a ride out to a Rehab. There has to be responsibility on the part of someone other than the Government to be a taxi service. She added that this can be addressed through the County Attorneys and the Court system.

It was agreed that Supt. Dionne and the Board would present information regarding the SATCO Program at the next Executive Committee Meeting and would be prepared to answer questions that involve the Drug Court if it is discussed. Sheriff Hardy will also attend and County Attorney Hogan will attend, but may be late due to another commitment.

The Board discussed the importance of having one Commissioner attend the NHAC Executive Committee meeting the following Friday. It was agreed that Hillsborough County will submit a request to continue the NHAC meeting and the Board agreed that if that were not continued, Comm. Pappas would attend the NHAC meeting on behalf of the Board.

Mr. Wenger noted that Mr. White will be attending the next Board of Commissioner’s meeting.

FY 2017 Budget Discussion

Mr. Wenger requested that the Board give consideration to several items so that he can finalize the Budget Instructions and distribute them the following Friday.

Motion:

To approve the Draft Budget Instructions as presented by the County Administrator. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Following discussion, the Board agreed to include the County Attorney’s step increases in the Salary Sheets. Raises for Non-Affiliated employees will not be included; they are typically discussed at the end of the Budget process.

Mr. Wenger asked the Board for its intent regarding the inclusion of a budget recommendation for the SATCO Program in FY 2017 budget if it is not approved by the Executive Committee the following Friday. The Board favored including the SATCO Program in the FY 2017 budget. Following discussion, the Board agreed to consider a St. Joseph’s meals program request for funding.

Mr. Wenger discussed the Worker’s Compensation Holiday for the current year as well as how such a Holiday might affect the FY 2017 and FY 2018 budgets if it is included in the budget. He also discussed the Health Insurance rebate for the coming year and the impacts for the following years.

Mr. Wenger suggested that any and all departments have an opportunity to speak at regular Board Meetings regarding their budgets, and the Board concurred. Mr. Wenger noted that all Departments need to pay attention to salary-exempt positions because the U.S. Department of Labor has recently developed preliminary rules that are allegedly going into effect in July of 2016; those rules change the standard with respect to salary-exempt employees and the changes need to be considered. He added that the Human Resources department has a list of those employees who may be affected by the rule change.

Mr. Wenger noted that he sent an email to all departments asking for the names of those who are considered to be department heads; he requested responses from those departments that have not responded.

Mr. Wenger informed the Board that the security issues in Nashua are nearing completion. He noted that the door has been installed on the 3rd floor, and the wall on the 2nd floor. He added that during construction, an issue was raised regarding the floor tile in the building and whether it may contain asbestos. He added that an asbestos abatement project was done in 1991 during a major renovation. Following discussion, it was agreed that the County would look into testing the tile.

NON-PUBLIC SESSION

Comm. Ziehm entertained a motion regarding the request for Non-Public Session.

Motion:

To enter Non-Public Session consistent with RSA 91-A:3 II (a) relative to a personnel issue. Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 10:40 a.m.

The Board took a brief Recess.

The Board met in Non-Public Session with Sheriff Hardy, Chief Deputy Fisher, Attorney Kirby, Mr. Monier and Mr. Wenger to discuss a personnel issue. No action was taken.

The Board moved out of Non-Public Session at 11:00 a.m.

Motion:

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

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. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

The meeting adjourned at 11:01 a.m.

Approved 3/16/16

Comm. Toni Pappas, Clerk
Hillsborough County Board of Commissioners

Date