

Regular Meeting of the
Hillsborough County Board of Commissioners
March 19, 2014

Bouchard Building, Goffstown, NH
Minutes of the Public Session

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

Present: Comm. Pappas, Comm. Holden, Comm. Ziehm, P. LaFrance, J. Hardy, D. Dionne, L. Gero, B. Moorehead, C. Kirby, G. Wenger and L. Stonner

Also Present: Hon. K. Brown, Hon. D. Nicolosi, Hon. T. Nadeau, Hon. J. Colburn and J. Bishop from the Administrative Office of the Courts.

Call to Order

Comm. Pappas called the meeting to order at 9:30 a.m. D. Dionne led the Pledge of Allegiance. Comm. Pappas entertained a motion to recess.

Women's Prison – Visit

Motion: To recess the meeting. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

The Board moved into recess at 9:30 a.m.

Comm. Pappas, Comm. Ziehm, Sheriff Hardy, Supt. Dionne, L. Gero, and Mr. Wenger and left the meeting to visit the Women's Prison at 9:31 a.m.

The Board returned to the Commissioner's Conference room at and the meeting reconvened at 10:45 a.m.

Motion: To come out of recess. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Administrative Business

Approval of Payroll Registers

Motion: To approve Miscellaneous Payroll registers for the following amounts on the following dates:

- March 13, 2014 \$1,200.67
- March 14, 2014 1,098.50

for a total of \$2,299.17, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: To approve a Regular Payroll register dated March 13, 2014 in the amount of \$1,106,806.50 subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Accounts Payable Register

Motion: To approve an Accounts Payable register dated March 18, 2014, in the amount of \$2,214,422.82, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

CIS Bid # 14-2014 - Time and Attendance Terminal Upgrades

Motion: To approve CIS Bid # 14-2014 for Time and Attendance Terminal Upgrades in the amount of \$10,888.37 and to award the bid to Data Management, Inc., San Angelo, TX, noting that it is a single source bid consistent with RSA 28:8-e V. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

CIS Bid # 15-2015 – Nursing Home – Kronos Annual Software Support

Motion: To approve CIS Bid # 15-2015 for Kronos Annual Software Support for the Nursing Home, and to award the bid to Kronos, Boston, Ma, at a price of \$7,613.78; it is a single source bid consistent with RSA 28:8-e V. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

CIS Bid # 16-2016 – FY 2014 Computer Purchase – Laptops

Motion: To approve CIS Bid # 16-2016 for Laptops and to award the bid to CDW-G, Vernon Hills, WI, noting that it is the lowest responsible bidder at a price of \$6,623.30, further noting that while there had been a lower bidder, the vendor withdrew the bid because the product was no longer available. Motion by Comm. Holden, second by Comm. Ziehm.

Mr. Wenger explained that a lower bidder rescinded the bid because its computer stock was depleted. He explained that these laptops are loaded with Windows 7, which is limited in supply, and these will work well with our current version; the newest laptops are loaded with Windows 8.

Motion carried.

Transfer # 2014-11 – Temple Street

Motion: To approve Transfer # 2014-11 for the Temple Street to transfer the amount of \$3,000 from line 4197-7290, Other Fees and Services and to transfer \$5,000 from Building Repairs, line 4197-7810, and then to transfer a like amount to Fuel, line 4197-7650. Motion by Comm. Holden, second by Comm. Ziehm.

Comm. Holden noted that the reason for the transfer is because there is a very tight budget and there has been an increase in the cost of gas, and the building uses only natural gas; it is not certain that \$8,000 will be enough for the remainder of the heating season.

Motion carried.

Transfer # 2014-12 – Department of Corrections

Motion: To approve Transfer # 2014-12 for the Department of Corrections to transfer the amount of \$2,000 from Auto Repairs, line 4230-7730, and to transfer the amount of \$4,000 from Building Repairs, line 4230-7810, and then to transfer the amount of \$6,000 to Equipment Repairs, line 4230-7820; this transfer is necessary to cover unanticipated repairs to the HVAC system to ensure it was operational for the summer months. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Transfer # 2014-13 - Nursing Home

Motion: To approve Transfer # 2014-13 for the Nursing Home to transfer the amount of \$51,500 from Nursing Home, Nursing Health & Accident, line 4414-7120 and then to transfer the following amounts to the following Nursing Home accounts:

- \$41,000 to Housekeeping Health and Accident, line 4416-7120
- \$7,000 to Social Services Health and Accident, line 4418-7120
- \$2,500 to Administration Health and Accident, line 4411-7120
- \$1,000 to Laundry Health & Accident, line 4415-7120

Motion by Comm. Holden, second by Comm. Ziehm. Comm. Holden noted that this transfer is necessary to meet the estimated obligation. Motion carried.

Drug Courts

Comm. Pappas welcomed the Hon. Diane Nicolosi, Hillsborough County Superior Court North; Hon. Kenneth Brown, Hillsborough County Superior Court North; Hon. Tina Nadeau, Chief Justice of the Superior Court; and J. Bishop from the Administrative Office of the Court (AOC) who works with the Superior Court Judges on the Drug Program. Judge Brown noted that the Judge Jacalyn Colburn from Hillsborough County Superior Court North will arrive shortly.

Judge Brown presented information relative to the proposed Drug Courts for Hillsborough County and other Counties. He noted that the AOC has just submitted a grant application for three years in the amount of \$350,000 for Drug Court grants for both Hillsborough County Superior Court South and Hillsborough County Superior Court North. He added that the Judges have participated in training and will be going to visit another Drug Court in St. Paul in two weeks for the last portion of the training. The majority of the money from the grant would cover the cost of treatment and drug testing. He added that the AOC will be administering the grant for three years, but is hoping to convince the County that it is a worthy program and it will be hoping to have the County and State fund the Drug Court from that point forward. He added that they are looking at it as one County Drug Court including both Court locations in Hillsborough County with the hope of having about 40 participants in each of the Drug Courts.

Judge Nadeau explained that all Judges see people cycle through the jails over and over again; the idea is to target those people who are doing a high end house sentence or low end State Prison sentence because of their addiction. She added that potential participants will be assessed to determine if they are high risk for reoffending and/or are they are high-need because they are deeply addicted. She added that they will not take the pot-smoking shoplifter/first time offender and have those individuals use all the resources of the Drug Court. That person might do days in jail, get a LADEC evaluation and then be on probation. She added that Drug Court would require at least 18 – 24 months of intensive supervision; the person would come to Court every Monday; they would tell the Judge and the team how they are doing.

Judge Nadeau explained that there are three phases of treatment; the first phase is 3 days of 3 hours a day of group treatment as well as individual treatment; they must attend AA every day; they will have job training and have to report to probation at least three times a week. She added that they will get random drug testing; when they relapse; the Courts respond with more treatment and if they are lying there is a consequence and they are held accountable regularly and promptly as opposed to the current system where they get 1 or 2 predictable drug tests a month that they can easily “use” around, and then they get arrested for probation violation and a hearing might be 4 or 5 weeks later.

Judge Nadeau added that another factor is that there will be a team approach; the individual will have the same prosecutor, same defense attorney, same treatment provider, same jail representative and the same Judge. She added that the team will work together to decide who should be in Drug Court based on an evidence-based

assessment and what response the person should get for their behavior the prior week. She explained that the assessment is a consensus-based approach versus an adversarial-based approach, and the goal is to keep these people from reoffending, to reduce the number of times they reoffend, to save the costs of jail and prison, and to treat their addiction so they become law abiding, taxpaying members. She added that because they target such a tough group, sometimes there is a 40% failure rate, but it would be reducing recidivism at a greater rate if you were successful with the other 60%. Judge Nadeau noted that casual or first-time offenders probably won't reoffend anyway, and individual punishment/probation/treatment options should be used with the more traditional cases. Drug Courts will be targeted for the individual who has done jail or State prison time, has had failed treatment, and has continued to steal to support their habit because the Drug Court will be more likely to reduce their level of reoffending, to save money for the community, and to get them to get their addiction under control. Drug Court is not for the more severe addicted criminals or profiteers who have been selling drugs and also happen to be addicted.

Judge Nadeau observed that they are seeing that supervision needs to be there consistently and if the Department of Corrections and the Probation Departments are doing the supervision, their resources are stretched very thin. She added that Commissioner Wren has been very supportive and has encouraged all the Chief Justices to use the any Drug Court Probation officers to be serving on Drug Court. She explained that there are Drug Courts in Rockingham, Grafton, Belknap, Cheshire and Strafford Counties. She added that she will be meeting with Commissioner to suggest that funding needs to be a part of the State budget and not all fall on the County once the grants have concluded. She remarked that it is her hope that once the grants run out, the AOC will be able to get a commitment for funding from both the County and State levels. She noted that they have submitted applications for both Courts, but it is possible that only one of the County's Courts will qualify.

The Hon. Jacalyn Colburn joined the meeting and noted that she had a hearing that ran over.

County Attorney LaFrance asked if individuals with dual diagnoses are being steered toward Mental Health Court. Judge Nadeau responded that probably 65 to 80% of people with substance abuse also have a mental health issue and the question is whether the mental health issue caused them to start using the drugs and they would self-medicate, or do they present as having mental illness because of their drug addiction. She added that both can happen so what they try to do is contract with a mental health agency to be the Drug Court treatment provider; mental health providers have the ability to recognize if an individual has a severe mental illness or a manageable mental illness that is exacerbated by drug use that the Drug Court can deal with. She further added that with the assessment up front, they can determine if a person is more appropriate for a Mental Health Court, in which case they would be directed there. She added that the Drug Court will accept people with issues such as severe depression, anxiety or bipolar, if they are being treated and are manageable.

In response to a question from Comm. Ziehm, Judge Brown responded that the drug problem in Manchester and Nashua is severe. Judge Nadeau added that nationally, 65% of people that are incarcerated have substance abuse issues. She added that evidence-based Drug Court studies are conducted for people with risk and need versus those that aren't in Drug Court to compare how they do. She added that when an inmate with a drug abuse issue who received treatment in jail is released into the community without any other aftercare, it will be as if he/she never had treatment in jail; they will reoffend at the same level as an individual who was never given drug treatment in jail. She added that other studies show that these individuals have criminal thinking going on as well as having a drug addiction, and if you just treat them it is not as successful as the Drug Court program where there is treatment and immediate consequences for not following the rules; there are long term goals, such as getting one's addiction under control, getting a job, getting a GED, and that will take time; there may be relapses and they will be treated along the way. The participants are also told there are things they can do immediately such as tell the truth, show up at everything, and come to Court on time; if those things are not done, there will be short, but certain consequences such as jail time, a work program, sitting in Court and watching proceedings for a day or writing an essay. She added that people who have served a couple years in

jail really hate the work programs or doing community service; thus they respond to it because they hate the work program. Other studies have indicated that it is the certainty and immediacy of consequences that change behavior, not the severity, adding that many eventually recognize that they are the ones that have to change if they want the consequences to stop.

Comm. Holden asked if the Judges anticipate that they would be partnering with Manchester Mental Health and Nashua Mental Health. Judge Brown responded that in Hillsborough County North, the Farnum Center will be the treatment provider and in Nashua, it will be Greater Nashua Mental Health; they are equipped to handle the individuals from the Drug Courts; they are fully committed, have done the training and are going to St. Paul with the Judges for further training.

Judge Nadeau expressed her thanks that Supt. Dionne has stepped forward and offered to do the testing.

Comm. Ziehm inquired about how those using marijuana would fit into the program. Judge Nadeau responded that the Drug Court's population will be those using heroin and cocaine, and prescription abuse; she added that regarding marijuana, it has been proven that those who become chemically addicted to marijuana as a teenager are much more likely to become addicted to cocaine and heroin later.

Judge Brown noted that they will likely come back to the Board in a year or two and provide the results of the Drug Courts in Hillsborough County. He added that there may be additional funding after the three year grant, but it is not known if AOC can access it or what the options might be; he noted that they are hopeful they can save the County money both short and long term once the Drug Courts are fully operational.

Mr. Wenger asked for information relative to what the AOC will be asking the County to do regarding funding 2 or 3 years from now. Judge Nadeau indicated that her hope is to convince the Counties so fund the program, adding that her goal is to also get the State to contribute. She explained that the program does not mean additional positions for the County; it is contracting with the treatment provider and drug testing.

She added that another possibility is similar to one in Grafton County where they created "Friends of Grafton County;" it is a 501c3 non-profit organization of local leaders that are volunteers who raise approximately \$3,000 to \$5,000 a year to help offset the cost of healthcare if the Drug Court participants don't have funds, or to buy incentives for someone who does well such as chips and then if they continue to do well, they might get a gas card. Evidence has shown that those incentives are successful at changing behavior. She added that they are in the process of creating a similar 501c3 on a State-wide level.

In response to a question from Comm. Pappas regarding health insurance coverage for participants, Judge Nadeau responded that the expansion of the Medicare program will help a great deal and noted that in Massachusetts, for example, Medicaid insurance is available for certain medically assisted treatment.

Mr. Wenger noted that before the County would consider funding the Drug Court, it would be important to get information to support continuing the program and illustrate the potential savings to the County such as reduced jail time.

Judge Nicolosi explained that an individual getting into the Drug Court would do so quickly rather than spending time in the Department of Corrections waiting for trial. She added that one of the team members will be setting up a tracking program that will provide data relative to how long a person has been in the program, how well they have done, what the demographic characteristics are and hopefully that will provide a sense of where these people would have gone had they not gone to the Drug Court.

In response to a question from Supt. Dionne relative to whether the grant limited the number to 40 individuals; Ms. Bishop responded that it was set by AOC, based on what they think they can handle with the limited

amount of resources; she added that if there was more money, they could likely place 80 in both locations, but they don't have the treatment people to handle that number.

In response to a question from Mr. Wenger, Judge Nadeau explained that 2 separate grants were submitted for Hillsborough County, one for each of the two Courts with the hope they will get both.

Discussion ensued relative to the gravity of the addiction problem, the timing of the grant, when the Drug Courts might start in Hillsborough County as well as the County's budget process.

Ms. Bishop distributed material that outline the national model for Drug Courts, which they follow.

The Board offered to provide a letter of support for the grant application and thanked the Judges for their efforts and for coming to the meeting to provide the information. The Judges excused themselves and left the meeting.

Motion: To move into recess. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

The meeting recessed at 11:45 a.m.

The meeting reconvened at 11:57 a.m.

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

Department of Corrections

Census

Supt. Dionne reported that the census at the Department of Corrections as of March 14th included 563 inmates; there were 447 male inmates, 179 had been sentenced and 268 were pre-trial. There were 116 female inmates; 47 had been sentenced and 69 were pre-trial. There were also 20 inmates in the community, 4 inmates in the Pre-Trial Supervision program and 37 female Rockingham inmates.

Supt. Dionne informed the Board that there were 122 individuals in the Mental Health Court; 67 are from Manchester and 55 are from Nashua.

Overtime Impact Report

Supt. Dionne reported that the Overtime Impact report is included in the Board's packet.

Supt. Dionne informed the Board that he has 2 Rockingham female Prisoner Housing Agreements and requested that the Commissioners sign the agreements.

Supt. Dionne reported that Susan Stearns left the Mental Health program and went to NAMI (National Alliance on Mental Illness), but added that she will continue to help with the Mental Health Grant application. He added that he was notified the previous day that the DOC did not get the grant for 2014, but that the application will be reconsidered for 2014 because of the high number of qualified individuals. Supt. Dionne added that the grant will not be available for 2015, but noted that the DOC may get a Pre-Trial Supervision Program Grant in the amount of \$200,000. He requested Board support for him to continue the application process for the Mental Health Grant.

Motion: To support continuing the application process for the Mental Health Grant and to have the Board sign the application. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried

Commissioners Pappas and Holden will be available to sign the application.

Nursing Home

Census

Mr. Moorehead reported that the Census at the Nursing Home as of March 13, 2014 was 279 residents; there were 218 Medicaid residents, 33 Private Pay residents and 28 Medicare or managed care residents. Mr. Moorehead indicated that the census numbers are low due to the GI Bug and February being a short month; the skilled unit was closed for admissions during the GI bug.

February Revenue

Mr. Moorehead reported that the budgeted revenue for Room & Board and ancillaries for the month of February is \$1,843,742 while the actual was \$1,777,656, which resulted in a negative variance of \$66,086. He explained that the average daily revenue is \$60,616, and with February being a 28-day month, revenue is down; he added that in a longer month, 2 additional days revenue equates to approximately \$120,000.

Year to date Revenue

Mr. Moorehead explained that the Year-to-Date Room & Board and Ancillary budget was \$14,749,936 while the actual was \$15,059,711; which resulted in a positive variance of \$309,775 through the month of February. He added that the Bed Tax for the two quarters was budgeted at \$1,600,000 while the actual was \$1,828,265; which resulted in a positive variance of \$228,265 the result of the 2 equals the total variance year-to-date of \$538,040 over budget.

GI Update

Mr. Moorehead updated the Board relative to the status of the GI bug and its effect on admissions. He explained that ELU, CRU, B-2, C-4 and A-1 units are clear and are accepting admissions. There continue to be respiratory issues on A-2, and a few GI issues on C; those 2 long-term units are not accepting admissions.

Bid # 16-2014 – Medicaid/Medicare Cost Report

Mr. Moorehead recommended that Bid 16-2014 be tabled because he needs to clarify a few items with the vendors.

Motion: To table Bid # 16-2014. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Comm. Pappas recognized L. Gero from the Registry of Deeds. Ms. Gero indicated that she had nothing to report.

Mr. Wenger noted that in looking at the financials, one can observe that the Registry of Deeds was at 52.5% of budget by the end of February, however, it should have been at 67% at the end of February; he added that the negative variance is approximately \$600,000 and noted that the Nursing Home has helped cover this shortfall. He further added that the DOC is at 66.8% of budget, so it is on track.

Old/New Business

NHAC Conference

Mr. Wenger explained that Peggy Danis has put out a number of inquiries to the facilities that were discussed at a recent meeting, but as of this morning, there has been no response; there is no information regarding cost. A discussion followed regarding a theme for the conference and the Board's wish to put together a group to help with the details. The Board agreed to continue its discussion and preparations for hosting the event.

Mr. Wenger distributed copies of the Appropriation Control Report to the Commissioners for their review of the departmental lines regarding what has been spent in relation to departmental budgets.

Mr Wenger noted that it is the time of the year when union contracts are re-negotiated, further noting that a date has been set for the initial meeting for the Nursing Home AFSCME group; it will be March 27th at 10:00 a.m.; Comm. Ziehm will attend to represent the Board.

Mr. Wenger added that he anticipates that the DOC Teamster's group and the County Attorney Teamsters groups will also be involved in deliberations in the near future. The Sheriff's group will likely begin negotiations soon.

Comm. Ziehm informed the Board that she contacted a commercial realtor relative to County property. She added that his recommendation for determining the highest and best use would be to involve a commercial contractor, commercial architect, commercial lender and a commercial realtor in the planning. Discussion ensued relative to addressing any potential lease or use of the Admin Building in the front of the complex; the long term prospects are not favorable.

Mr. Wenger noted that Rockingham County's DOC has space issues that Hillsborough County is capitalizing on at this point; however when/if that changes and they address the issue, the revenue from Rockingham County could go away. Another issue for consideration is the Drug Court; he added that if the Rockingham County supports the Drug Court, the number coming from Rockingham County's inmates transfers could drop significantly. He added that there are many things that could change going forward.

Public Comment

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

Non-Public Session

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

The Board moved into Non-Public Session at 12:30 p.m.

The Board met with Mr. Moorehead.

The Board returned to its regular meeting at 12:53 p.m.

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

Adjourn

There being no further business to come before the Board, Comm. Pappas entertained a motion to adjourn.

Motion: To adjourn. Motion by Comm. Ziehm, second by Comm. Pappas. Motion carried.

The meeting adjourned at 12:54 p.m.

Approved April 4, 2014

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date