

Regular Meeting of the
Hillsborough County Board of Commissioners
December 9, 2015

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, G. Fisher, D. Dionne, C. Kirby, M. Montminy, B. Moorehead, M. Castonguay, G. Wenger, and L. Stonner.

CALL TO ORDER

Comm. Ziehm called the meeting to order at 9:06 a.m.

Pledge of Allegiance

Sheriff Hardy led the Pledge of Allegiance.

ADMINISTRATIVE BUSINESS

Approval of Minutes

Motion:

To approve the minutes of the Board of Commissioner's Regular Meeting held on November 25, 2015. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Supplemental Payroll

Motion:

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

- November 25, 2015 \$ 179.56
- December 2, 2015 19,703.30
- December 3, 2015 214.85
- December 4, 2015 1,122.37
- December 4, 2015 166.74

The total Supplemental Payroll is \$21,386.82, 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 December 3, 2015 for the amount of \$1,186,381.83, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Accounts Payable

Motion:

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

- November 30, 2015 \$ 708.00
- December 8, 2015 4,198,006.05

The total Accounts Payable is \$4,198,714.05, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Transfer # 2016-01 – Sheriff’s Department

Motion:

To approve Transfer # 2016-01 for the Sheriff’s Department to transfer the amount of \$60,000 from Salaries & Wages, line 4211-7010 and to transfer a like amount to Sheriff’s Overtime, line 4211-7011. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

In answer to a question from Comm. Holden, Sheriff Hardy indicated that the need for the transfer relates to full-time vacancies; he added that he is hopeful that the transfer of funds will take the Department through the end of the fiscal year. He noted that his department has two candidates who are starting the Police Academy in January and explained that there is a very competitive environment for certified and non-certified police officers from agency to agency. He also noted that the County’s starting wage is lower than many other agencies.

Transfer # 2016-02 – Sheriff’s Department

Motion:

To approve Transfer # 2016-02 for the Sheriff’s Department to transfer the amount of \$11,684 from Drug Asset Forfeiture, line 4212-7232 and to transfer a like amount to Sheriff’s Overtime, line 4211-7011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Sheriff Hardy explained that this transfer will use Asset Forfeiture funds that will be specifically directed toward drug interdiction efforts and investigations related to drug-related property crimes and undercover efforts.

Comm. Holden asked for an update relative to the status of the Sheriff’s Drug Asset Forfeiture funds and the related programs and the Sheriff indicated that he would provide an update.

Transfer # 2016-03 – Nursing Home

Motion:

To approve Transfer # 2016-03 for the Nursing Home to transfer the amount of \$230,000 from Nursing Salaries & Wages, line 4414-7010 and to transfer a like amount to Nursing Overtime, line 4414-7011. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Mr. Moorehead noted that the Nursing Home has either been unable to fill positions or, once hired, many are leaving before the end of the 120 day probationary period. He added that it is difficult to retain quality people at this time and noted that during exit interviews many have indicated that they are going to hospitals where they can earn \$15 to \$16 per hour or to a small Nursing Home that has a starting wage of \$14 per hour; the starting wage at the County’s Nursing Home for similar positions is \$11.50 per hour (with no experience).

Transfer # 2016-04 – Department of Corrections

Motion:

To approve Transfer # 2016-04 for the Department of Corrections to transfer the amount of \$300,000 from Salaries & Wages, line 4230-7010 and to transfer a like amount to Overtime, line 4230-7011. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Transfer # 2016-05 – Department of Corrections

Motion:

To approve Transfer # 2016-05 for the Department of Corrections to transfer the amount of \$2,000 from Gas, Oil, line 4230-7720 and to transfer a like amount to Auto Repairs, line 4230-7730. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

CIS Bid # 7-2016 – FY 2016 Desktop Computer Purchase

Motion:

To approve CIS Bid # 7-2016 for an FY 2016 Desktop Computer Purchase; the bid is for 28 desktop computers; the lowest responsible bidder meeting the specifications is Insight Public Sector at a price of \$494.61 per unit and a total of \$13,849.08. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Bid # CC 2015-06 – 2016 Ford F-350 Pickup & Plow Package

Motion:

To approve Bid # CC 2015-06 for a white 2016 Ford F-350 Pickup with plow package for the County Complex; the State bid price is \$29,927 from Colonial Ford, Plymouth, MA; there is a request to waive competitive bidding consistent with NH RSA 28:8-e. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Supt. Dionne noted that it is an excellent price for an F-350 pickup. The Board agreed and noted that the pickup is necessary to meet the needs and responsibilities of the County to care for its property.

PUBLIC COMMENT ON AGENDA ITEMS

There was no one from the Public who wished to comment on Agenda Items.

DEPARTMENT OF CORRECTIONS

Census

Supt. Dionne presented the Department of Correction's (DOC's) Census; he noted that as of December 1, 2015; the total in custody was 459; the Census included 378 men; 130 of the men had been sentenced and 248 were being held pre-trial. There were 81 women; 38 of the women had been sentenced and 43 were being held pre-trial. Supt. Dionne added that the facility was holding 24 female inmates from Rockingham County. He informed the Board that 148 individuals were diverted through the Mental Health Courts; 82 were from Manchester and 66 were from Nashua, and there were also 10 in the community.

Overtime Impact Report

Supt. Dionne noted that the Overtime Impact Report for the current Fiscal Year has been included in the Board's packet.

Supt. Dionne referred the Board to an article published by Pacific Standard titled; *“How America Overdosed on Drug Courts.”* He noted that the article covers a 25-year span of time and explained that in spending time researching the Drug Court issue, he has learned that in some cases there is evidence that the Drug Courts may not be helping but may actually be hurting those who participate. He noted that he learned at the Superintendent’s affiliate meeting the previous week that the State is going to divide the Courts by large, medium, and small for funding purposes, and the funding will be based on size; a large County would receive \$240,000. He added that while Hillsborough County has two Courts, he does not know if funding for both would be \$240,000, or if that amount would be doubled.

Supt. Dionne informed those present that there have been three deaths due to overdoses among Rockingham and Strafford County Drug Court participants; he added that two weeks ago there was also a death of an individual who participated in Hillsborough County’s Drug Court in Nashua. He explained that those who are participating in the Drug Court would otherwise be serving a sentence in the State Prison; they are not first time offenders. Supt. Dionne noted that while participants in the Drug Courts must show up and meet certain requirements, they still remain in the community where they can reoffend and overdose. He stressed the importance of making drug programs available early in the addiction process, such as the one he is proposing for the Department of Corrections (DOC); he thanked the Board for its foresight in approving his request to send out the RFP for a program. He added that he will be meeting with another Superintendent the following Friday for more information.

Sheriff Hardy noted that the Drug Courts are not a County obligation.

Comm. Ziehm expressed her belief that it is important to have people such as the Sheriff or Superintendent participating in the State Drug Task Force and she is hoping to have an opportunity to encourage Chairman Hinch of the Task Force to include people from the Counties who are dealing with the drug and alcohol issues on a continuing basis.

Mr. Wenger noted that a concern relates to the proposed grants from the State that would go to the County; the Counties would only be eligible after applying for Federal grants, which would place an obligation on the County. Additionally, it appears that the State would be giving money to the Counties to establish Drug Courts, but the Counties would not have the authority to run the Courts; it is the State that has the authority to run the Drug Courts. He noted that from a political standpoint, there is concern related to the obligations, responsibilities and financial commitments that would fall to the County Commissioners. He once again stressed his concern regarding the political agenda behind the direction the State is taking relative to the Drug Court issues.

Comm. Ziehm noted that she would not hesitate to share her concerns with Judge Coburn. Mr. Wenger added that there are two upcoming opportunities to share concerns at meetings with the County’s Executive Committee before the end of the year.

Supt. Dionne stressed that additional Drug Courts would add responsibility to the Commissioners and he added that while some Drug Courts have been operating for five years, there are no numbers available relative to whether the programs save money or what success they have experienced. He added that he would not propose supporting any program unless he has seen numbers that show a savings as well as positive results.

Mr. Wenger noted that the Administrative Office of the Courts has the responsibility for the Drug Courts and it wants the Counties to pay for them, and it is offering a way that would generate money that would return back to the State so that it could do its job. He noted that based on what he is hearing, it makes sense for the County to use its money to run its own programs at the DOC and let the State run programs at the Court level.

In response to a question from Comm. Pappas, Supt. Dionne responded that his intent is to create a 45 to 60 day drug program, working with the prosecutors who would have the option of offering defendants the opportunity to participate in a 60 day drug program at the DOC versus the alternative of a 12 month sentence. He added that the program would include Licensed Drug & Alcohol Counselors, program coordinators and there would be assistance for housing and finding a job at the completion of the program. He explained that a Consultant would develop a grant-funded program that would cover the cost of the Consultant position and some of related costs for the program.

In response to a request from Comm. Ziehm, Supt. Dionne offered to contact Sullivan County to gather statistics regarding its program.

Comm. Ziehm spoke of the importance of sharing information with the County's Representatives so that they are able to make informed decisions.

Supt. Dionne informed those present that a program called New Hope will be opening at the former Hoitt Furniture location on Wilson Street in Manchester. He added that representatives from the Probation Department, Mental Health Center, Prosecutors, Judges and those organizations with a vested interest are meeting there every Wednesday. He noted that he is not sure of where funding will be coming from and was told that the difference between the New Hope program and the Nashua Drug Court is that those at the Nashua Drug Court have suspended State Prison sentences while those participating in the New Hope program will be offenders who have been sentenced at the County level.

Attorney Kirby explained that at a recent meeting of the Judges, Judge Abramson announced that the New Hope program is full. She noted that the move to have Counties pay for Drug Courts is shifting a financial burden and referenced a meeting of the County Legislators where it was pointed out that the Administrative Office of the Courts (AOC) never included a request for funding for the Hillsborough County North Drug Courts in its budget. Attorney Kirby explained that there is an issue of the reallocation of County resources by the State and by the Courts. She added that the Department of Corrections and Sheriff's Department are being required to do things through Court orders that they would not otherwise do, and the orders keep coming in. An example would be Court ordered transports of incarcerated individuals to the treatment centers, and only upon arrival do sentences get suspended or bail becomes personal recognizance. She noted that physicals needed for admittance in programs by defendants at the Jail are now being requested with little notice when 2 weeks had been a workable standard. Supt. Dionne noted that the physicals are required within 72 hours of an individual being admitted to a treatment program, which burdens staff. Attorney Kirby noted that no one disagrees with the concepts, the issue relates to how it is funded.

Supt. Dionne spoke about the use of Vivitrol, which costs \$1,500 for a 30-day supply; it is used to help addicts and alcoholics deal with their addiction, but there are cases where abusers have still overdosed while using Vivitrol. He added that it is important to note that the State's expansion for health insurance does not cover medical expenses for individuals while they are incarcerated; they are only covered if an individual is admitted to a hospital, and an inmate has to agree and sign authorization for any reimbursement to the DOC, which does not always happen.

Supt. Dionne reiterated that the State has the responsibility for all the Courts, including the Drug Courts, as is cited in NH RSA 490-G:2. He noted that the State does not want to pay for the Drug Courts because it realizes that the cost will be significant and it will not end.

Comm. Ziehm encouraged Supt. Dionne to share his information with the County Legislators.

Sheriff Hardy noted that he agreed that the funding for the Drug Courts is the responsibility of the State and added that if the Board were to send money to the State, the Board would have no control in managing the

money and would have no oversight of the program. He added that he favors the program proposed by the Superintendent where the County would have both oversight and control.

NURSING HOME

Census

Mr. Moorehead noted that the Census at the Nursing Home for the period ending December 3, 2015 was 286; it included 216 Medicaid residents, 34 private pay residents and 36 Medicare residents.

Mr. Moorehead reported that the Nursing Home should be reviewing the November MDS's later today. He explained that since MDS numbers relate to revenue, the November Monthly and Year-to-Date Revenue numbers won't be ready until the next Board meeting.

Mr. Moorehead informed the Board that the State paid the remaining Accounts Receivable balance for unspent Medicaid funds throughout the State but he has not received a spreadsheet that explains the calculations. The amount paid to the County was \$231,093.

OLD/NEW BUSINESS

NHAC

Mr. Wenger presented the Board with a draft letter, the intent of which was to address the election process at the recent NHAC Conference regarding the By-Laws and how changes were adopted but not followed as well as the lack of financial information that is available. He asked the Board how it wished to proceed. Following discussion, Comm. Pappas offered the following motion:

Motion:

To approve the draft letter to the NHAC to be signed by the three Commissioners. The motion was made by Comm. Pappas.

The motion failed for lack of a second.

Discussion ensued relative to the election process and the procedures followed.

Motion:

To approve the draft letter to the NHAC to be signed by two Commissioners. The motion was made by Comm. Pappas and seconded by Comm. Ziehm. Motion carried with Commissioners Ziehm and Pappas voting in favor of the motion and Comm. Holden abstaining.

The letter will be sent to Comm. Maglaras, Mr. White, all the Officers and the Chairs of the Boards.

NON-PUBLIC SESSION

Mr. Moorehead requested an opportunity to meet with the Board in Non-Public Session consistent with RSA 91-A:3 II (b) relative to hiring and employee, and Mr. Wenger asked to meet in Non-Public Session.

Motion:

To enter Non-Public Session consistent with RSA 91-A-3: II (a) relative to an employee issue, and then to meet consistent with RSA 91-A-3: II (b) relative to the hiring of an employee. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Holden-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 10:17 a.m.

The Board met with Mr. Moorehead, Attorney Kirby, and Mr. Wenger. No action was taken.

The Board met with Mr. Wenger. No action was taken.

The Board moved out of Non-Public Session.

Motion:

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

The Board offered the following motions:

Motion:

To create the position MDS/Restorative Nursing Coordinator at the Nursing Home. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Holden noted that she has had time to review an email related to the NHAC motion and is prepared to sign the letter approved earlier in the meeting.

Motion:

To reconsider the previous motion relative to the Board's letter to the NHAC. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Motion:

To approve the draft letter to the NHAC to be signed by all three Commissioners. Motion by Comm. Pappas, second by Comm. Holden. Motion carried unanimously.

Mr. Wenger noted that the Board will be meeting with the Building Committee and Mr. Norwood and his staff on the following Friday.

Motion:

To approve funding the \$490 registration fee for Commissioners Pappas and Holden to attend the NACo Legislative Conference from the Education & Conference line. Motion by Comm. Pappas, second by Comm. Holden. Motion carried with Commissioners Pappas and Holden voting in favor of the motion and Comm. Ziehm voting against it.

ADJOURN

Motion:

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

The meeting adjourned at approximately 11:15 a.m.

Approved 12/23/15

Comm. Toni Pappas, Clerk
Hillsborough County Board of Commissioners

Date