

**Hillsborough County Executive Committee  
Hillsborough County Complex, Bouchard Building  
Goffstown NH**

**November 16, 2007 9:00 AM**

**Present:** Representatives D. Essex, M. Pilotte, L. Movsesian, M. Farley, B. Francoeur, P. Hinkle, S. Jasper, N. Kurk, P. Manney, C. Rosenwald, R. Rowe, G. Shattuck, B. Shaw, A. Simon, S. Spratt, S. Stepanek, S. Vaillancourt. Also present: Comm. Holden, Pappas, C. Kirby, R. Mercer, B. Moorehead, M. Rusch, G. Wenger.

Excused absences: Rep. Cote, Rep. Reuschel, Rep. Shaw

Unexcused absences: Rep. Rochette, Rep. Ulery

Chairman Essex called the meeting to order at 9:10 AM and requested Rep. Jasper to lead the pledge to the flag.

Chairman Essex stated that Rep. Cote had major surgery and requested Ms. Rusch to give an update. Ms. Rusch stated that she spoke with his wife last night and Peter had the aorta valve replaced along with triple bypass. She noted that he was in ICU for a long period of time. Once discharged from the hospital he will be in Rehab for a period of time. He is currently in the Lahey Medical Center in Burlington MA and he is accepting visitors.

**Presentation by Attorney Flygare**

Chairman Essex stated that Attorney Flygare, Chief Negotiator for Hillsborough County is here to discuss the Proposed Collective Bargaining Agreement between Hillsborough County Nursing Home and AFSCME Local 2715. Attorney Flygare thanked the members of the negotiating team. He stated that this is a four year agreement covering the period of July 1, 2003 to June 30, 2008, noting that this agreement will come up for negotiation again in 2008. He addressed cost items as follows: The date of the Agreement is September 14, 2007 and the wage increases for 2007 -08 are one grade level adjustment effective September 14, 2007; 3.5% base wage adjustment effective September 14, 2007; and no step increases in 2007-08. Attorney Flygare stated that the employee contribution to HMO and POS health insurance plan will increase from 20% to 22.5% effective September 14, 2007, including a change to the \$10/\$20/\$30 prescription co-pay. The weekend differential will increase from \$1.00 to \$2.00 per hour; The differential for the 2<sup>nd</sup> and 3<sup>rd</sup> shifts will increase from \$0.65 to \$0.85. This new contract also allows the Administrator to hire in the positions of Nurse I, Nurse II, and Charge Nurse (LPN), Charge Nurse (RN) COTA and PTA up to the mid-point of the wage range, provided that if a new employee is paid more than a current employee with similar qualifications, the current employee may request and adjustment from the Administrator. Employees who agree to work an overtime shift but fail to show up shall not be eligible for overtime for one month or two months in the case of a second incident with 6 months. The vacation schedule was corrected to provide 25 work days of vacation after 20 years of continuous service. The County will comply with federal law with respect to employees ordered to extend active duty for the United States. The total cost is \$316,219.

In response to a question regarding the funding for the contract, Mr. Wenger stated that he has spoken to Mr. Moorehead and there is no specific account that the \$316,219 will come from at this time. He stated that at this time there is no money needed however, it will be monitored closely for the balance of the fiscal year. He noted that it is anticipated that the money will come from within the Nursing Home budget and it will require some significant transfers. Also, if needed, the money will be pulled from other budgets countywide. In response to a question by Rep. Kurk, Mr. Wenger stated that he is not guaranteeing anyone that a supplemental appropriation will be needed. He stated that at this time he is comfortable that the money for this contract can be found within the F/Y 08 budget. A discussion

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regarding a supplemental appropriation took place, if one is needed it can be taken up at the June Delegation meeting. Discussion ensued regarding the timing of the contract and it was noted that the performance merit system is what held up this contract. Rep. Jasper stated that the County worked hard over the years to give deadlines for the contracts to be settled during the budget process. This avoids taking up contracts mid year and it ultimately saves the County money. Rep. Jasper voiced his concerns regarding the timing of the contract, noting that in the past contracts were settled mid year and supplemental appropriations were needed, he does not want to go back to those days we could be setting a precedent within the County. He does not expect to do business this way and he is very unhappy about the money not being discussed up front and where it will be coming from.

Motion by Rep. Manney, second by Rep. Farley to recommend approval for the cost items for Collective Bargaining Agreement between the Hillsborough County Nursing Home and Local AFSCME 2715. Rep. Manney stated that she encourages everyone to support this motion noting that the employees have been working without a contract for almost four years while still caring for the patients. She stated that this contract is a win-win for both sides, more so for management because it allows administration to hire people at a higher rate of pay and concessions were made for health insurance, and money was left on the table. It was noted that 2 ½% was left on the table.

Rep. Kurk stated that he will not vote for this contract for the same reasons as stated by Rep. Jasper, noting that this agreement could have been reached during the budget cycle and there is nothing to say this contract is exceptional. In response to a question it was noted that there is a performance evaluation process, however, it is not tied to merit increases. Rep. Stepanek stated that he will be backing up Rep. Jasper and Rep. Kurk's concerns, however he will vote for the contract, noting that a very strong message needs to be sent to the Union and Union employees stating that this is the only time the Delegation will go out of sequence for the approval of a contract, if a new contract comes in it will have to be during the next budget process. Rep. Vaillancourt stated "I am not sure what the subsequent motion will be and I cannot comment on that but we do know that one legislative body cannot tie the hands of future legislative bodies, so I am not sure that the motion will be effective. However, it will send a message that this particular group will be here next November."

Rep. Jasper stated that he is very concerned about the timing of the contract and holding a Delegation meeting outside of the budget process and for one specific item only. The meeting could have been held off until January or February when another meeting might be called for the approval of a lease agreement with the State of NH. Chairman Essex stated that he does not know for sure if a meeting will be happening in January or February.

Chairman Essex reiterated the motion. On a voice vote motion adopted, 10-5. A roll call vote was requested.

**AYES:**

Rep. Pilotte, Movsesian, Farley, Manney, Rosenwald, Shattuck, Simon, Spratt, Stepanek, Vaillancourt.

**NAYS:**

Rep. Francoeur, Hinkle, Jasper, Kurk, Rowe.

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Motion by Rep. Jasper, second by Rep. Stepanek to note that it is the stated policy of the Executive Committee that all Contracts shall be submitted to the Executive Committee prior to the approval of the County Budget. Rep. Rowe responded by noting that "we demean the authority of this body by putting in motions that have no force or effect and for that reason I will vote no". Rep. Pilotte stated that "I intend to vote no on this motion however, I would like the minutes to reflect that the fact that the question has been discussed. I am acting more on Rep. Vaillancourt's suggestion that we cannot tie the hands of the next Executive Committee." In response, Rep. Jasper stated "it is the duty and responsibility of every body that has certain authority to have policies and procedures in place, recognizing that even that particular body can change those policies and procedures at a later date." He noted that this is not an attempt to tie anybody's hands, it is an attempt to have a stated policy in place. Rep. Kurk will vote in favor of this motion because a statement needs to be made and to reaffirm the principal. In response to a question Rep. Pilotte stated he supports the principal but will vote against the motion.

Chairman Essex reiterated the motion. On a voice vote motion adopted. Nays Rep. Manney, Pilotte, Rowe.

**Old/New Business**

**a. Performance Audits RSA 24:26**

Chairman Essex stated that this Statute gives the Delegation the authority to perform Performance Audits of any County Institution, Department or Office. Chairman Essex stated that during the budget process the money that was budgeted for Performance Audits was removed until research could be done on an approximate cost for this service. Once the research is done and money can be put back into the budget for this purpose. Chairman Essex invited a Representative from the Legislative Budget Assistant's Office, Mr. Stephen Fox and also Mr. Jutton from the Municipal Resources Inc. to give a briefing on Performance Audits and what is involved in one. He requested that Mr. Jutton and Mr. Fox to join the Executive Committee at the table to have an informal discussion. In response to a question Mr. Jutton stated that they are currently working with Belknap County, the cost for that County will be about \$15,000 and \$16,000 and the time limit would be approximately 90 days. Discussion ensued regarding the various audits that have been done, one being inmate health care costs. Discussion ensued regarding the some of the particulars that would be required during a performance audit. Chairman Essex stated that a lot of effort would have to be put forward regarding the scope of the project. Rep. Kurk stated that the County would have to pick out what it is that the County wants to know, noting that the performance audit is only as good as we are at figuring out what is needed in the performance audit. Brief discussion ensued. Mr. Jutton stated that his assumption is today, as delegation members you are looking for: 1.) what do we need to do, 2.) how do we do it, 3.) how do others do it, 4.) and could we do it better. Members of the Executive Committee need to decide if they want to structure everything or hone in on one specific issue. He also stated that decisions need to be made regarding the time spent on the project and the employee's time being spent on the project. He stated that each department is different when doing performance audits. Rep. Stepanek suggested that a very specific, small segment should be chosen and then an RFP for the performance audit should be generated to see how things go noting that there will be mistakes the first time around. He also stated that by doing a small area it would be focused and then the County can expand if needed.

Chairman Essex stated that at a previous meeting he discussed setting up a subcommittee to look at performance auditing. Discussion ensued regarding the objective of the subcommittee, Chairman Essex stated that before the next budget cycle this body needs to decide if an audit is needed noting that Hillsborough County is the largest County, and how much should be spent. He did note that Rep. Moran has gathered some information and he will be asked to sit on the Subcommittee. There was discussion regarding the performance audit looking at functions versus the departments. Mr. Jutton stated that the audit needs to look at measurable items and need to deal with the results. It was also suggested that all

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Departments have a performance audit at one time or another. Chairman Essex also stated that in conversations with Vachon/Clukay, the current financial auditors, they suggested contracting an auditor to sit as a consultant and work with the County on a temporary basis. A request was made of Mr. Fox, from the LBA Office to send copies of an audit that have been "well done". Chairman Essex thanked the two guests for coming and talking to the Executive Committee about Performance Audits.

Rep. Farley stated that if Performance Auditing is done and a subcommittee set up, the subcommittee should be specifically tasked and they should come out with a report making their recommendations. Rep. Jasper stated that the Board of Commissioners should be involved otherwise the involvement of this body will be extremely limited. Rep. Kurk stated that he disagrees with Rep. Jasper to some extent noting that there are ways the Executive Committee could lead the charge and could solve problems in a variety of ways without involving the Board of Commissioners. After a brief discussion Rep. Kurk suggested a motion to have the Chairman of the Executive Committee set up a subcommittee to look Performance Auditing and then come back to the Executive Committee with a recommendation. Chairman Essex called on former Rep. Robert Mercer to give some background into the statute that was brought forward when he was a Representative. Mr. Mercer gave a brief history as to why the statute was established, noting that he was one of the sponsors. He stated that this statute was originally set up for Hillsborough and Rockingham Counties as they are the largest Counties.

Motion by Rep. Farley, second by Rep. Francoeur to have the Chairman form a subcommittee and request the subcommittee to address the question of the efficacy of a Performance Audits and have formal records of the subcommittee meetings and report back to the Executive Committee in writing with recommendations concerning its own scope of work and thereafter its progress on that scope by the February meeting.

Rep. Jasper amended the motion, second by Rep. Kurk to invite the Board of Commissioners to send a representative from their office as a member of the committee. On a voice vote motion to adopt the amendment approved.

Rep. Vaillancourt stated that he disagrees with the original motion and feels there does not need voluminous minutes for this type of subcommittee.

In response Rep. Farley stated that the intent of his motion was not to propose voluminous notes but there should be a draft of a defined proposal on the question of Performance Audits which would incorporate a lot of the issues that have been brought up today. One of the first tasks of the committee should be how does the Subcommittee perceive their role so that the Executive Committee can look at that and have a discussion in order to come up with a proposal that could be voted on by the Executive Committee. He noted that this would limit the discussion at the Executive Committee level.

Chairman Essex reiterated the motion that the Chairman establish a Subcommittee, etc. On a voice vote motion adopted. Rep. Vaillancourt and Simon voted in the negative.

**Human Services**

Ms. Robinson gave a presentation on the Public Assistance budget. She also gave information regarding HB2 noting that a planning committee has been established to move forward regarding the substantial changes that could take place with the implementation of HB2 noting that this would effect the Human Services Department with the removal of Children's Services from the County and move it to the State. In return the County's would assume 100% of cost for Nursing Homes. She proceeded to explain as to how this would affect the Counties, noting the estimated cost to Hillsborough County.

**Building Subcommittee**

Chairman Essex requested Rep. Jasper give an update on the Building Subcommittee. Rep. Jasper chaired the meeting in the absence of Rep. Cote. Rep. Jasper stated that members of the Building

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Subcommittee and Rep. Rowe met and the architect, Alan Yeaton, along with Mr. Wenger, Comm. Holden, and Chief Deputy Durette. Rep. Jasper stated that at this time the Building Subcommittee role is undefined. The subcommittee met for informational gathering purposes only to have the ability to give some feedback to the Board of Commissioners and the Architect as this project moves forward. He added that there were no motions as there was nothing to recommend or vote against at this point. Rep. Jasper reported that the Board of Commissioners are moving forward with the project they have met with the State and agreed on the design, which has been done by an architect. In general the Subcommittee members were pleased with the design and layout of the upstairs, what was focused on was the security and mechanicals of the building and his opinion is policy decisions are under the prevue of the Board of Commissioners. The part that the Executive Committee and Delegation have control over are the finances and a long term lease with the State of New Hampshire. He then noted that there will be a great deal of discussion on how things will work mechanically. There is a concern as to how the employees will access the building and also the public. Rep. Jasper stated that employees will have access with key cards similar to what the Sheriff Office currently has. He continued with more information regarding the security of the Building. He proceeded to state that the biggest concern will be with the security issues of the building.

Rep Rowe responded stating that he thought the facility is complex and that this would be a great facility for Goffstown District Court and the Family Court noting that we have only one opportunity to do it right. He stated that he went to the subcommittee and he feels the entire east wing would be perfect for the District Court. He noted that he was told by the Business Office that the Court insists on the second floor for the Court. In the meantime Rep. Rowe had a conversation with the judicial branch, Judge Lawrence, noting that he has been a colleague and good friend for many years and has no reason to doubt his word. He stated that the judge was told that they could only have the second floor of the Bouchard Building. Rep. Rowe stated that if he is asked to vote he needs to have faith in what he is told, and noted that he is getting two different stories. He stated that he cannot vote in good conscience and because of this issue he is tendering his resignation to the Executive Committee. Chairman Essex stated that he hoped Rep. Rowe would reconsider however, he would take it under advisement. Rep. Farley stated that he echo's the comments of the previous two speakers stating that he has been struggling with this issue since the last Building Subcommittee meeting. After a brief statement he stated that he feels he was sandbagged by the Administrator and the Architect, noting that he requested certain information and has not received the information. Rep. Farley stated that he and members of the Executive Committee need questions addressed and we deserve the respect.

Chairman Essex asked Attorney Kirby, Hillsborough County Legal Counsel, if the Building Subcommittee has more than budgetary authority. Attorney Kirby stated that the statutory authority of the County Convention is to authorize the renovation and this should be a cooperative effort between all parties. The statute gives authority to the Board of Commissioners to renovate up to \$5,000. She stated the answer to the question is County Convention has the authority to authorize renovations and cited instances and precedents of cooperation involving the Department of Corrections and the Nursing Home.. Again, both parties (Board of Commissioners and Delegation) should be working together and in good faith. Rep. Jasper stated that he is sorry that Rep. Rowe is resigning and he does not know who Mr. Wenger spoke to, however, one of the two parties are not being honest. In other words one hand does not know what the other is doing and he thinks that this is the case. In response to a question regarding the role of the Executive Committee and Delegation Rep. Jasper stated that the Building Subcommittee is looking at the design and is it practical; does it mechanically work; is it good use of County resources; and what the cost will be. Chairman Essex inquired as to whether Rep. Farley could get what he has requested. Mr. Wenger stated that he spoke with Rep. Farley and let him know that the RFP will be ready the week after Thanksgiving and they will be presented to the Executive Committee as has been done in the past. Mr. Wenger stated with all due respect to Rep. Rowe, the statement that he made to Rep. Rowe was a truthful statement and he stands by that statement. He noted that there are a number of

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parties involved in the process and it has been going on for years, and there has been a number of compromises made by both sides and there was a clear message sent to the Board of Commissioners as to how this was to proceed and the Commissioners are trying to abide by that. He stated that he apologizes to the Representatives if they felt their comments were not respected during the Building Subcommittee meeting. Mr. Wenger disagrees with the statement made by Rep. Rowe. Mr. Wenger continued noting that the bottom line is economics for the State and the County and this project has been discussed for many years. Mr. Wenger gave a brief history of the renovation of this building. When the first floor of this building was being planned the Administrative office of Court (AOC) toured this building and specifically stated they wanted the Court to be on one floor at the other end of the building. Mr. Wenger stated that Judge Kelly's interest is different than Commissioner Hill's Office. During meetings for the planning of the Court the AOC, Commissioner Hill and Hillsborough County, along with the Architect, were present. At this meeting there were long discussions between the AOC and Commissioner Hill's Office. The design brought forward by the local judges was designed 15 years ago and it is not cost effective at this time. Mr. Wenger stated the information that was brought forward by Justice Kelley that was heard by Rep. Rowe was only a piece of the puzzle. Commissioner Hill's office has stated the State cannot afford the plan that was designed 15 years ago. Mr. Wenger stated that one entire package will be presented by the Board of Commissioners to the Executive Committee when it is ready.

Rep. Sprat commended the Building Subcommittee and should like to see the final plan along with the numbers noting that there is a practical solution to the problem.

Rep. Jasper stated that when the Building Subcommittee is notified that the Board of Commissioners are ready to make a recommendation the Delegation Office would be notified and then the Building Subcommittee would meet again. In response to a question Mr. Wenger stated that the RFP is expected to go out the week after Thanksgiving, however, there is one issue that needs to be resolved by the State before the RFP can go out. After a brief statement Rep. Simon would like to see a comparison of the two plans. Rep. Jasper noted that the Board of Commissioners and the State have no interest in having a comparison, and if this is the desire of the Executive Committee then the Executive Committee should have to pay the Architect to do a comparison. Rep. Jasper stated that the other plan would probably cost approximately \$250,000 additionally and the State will not reimburse the County for those expenses. The bottom line is that this is not what the client wants, the State wants a secure facility and does not care about the total building. In response to a question Rep. Jasper stated that the members of the Building Subcommittee were invited to go to the Architects office to view the large scale plans and then copies could be made according to what the individual wanted. Rep. Farley stated that he had familiarity with building and design projects and did not want the large book of specs, he asked for a specific document, not the entire spec book, he did not receive it. Brief discussion ensued. Rep. Jasper stated that there was never a cost plan for building the Court on two floors.

Chairman Essex reminded everyone that the Public Hearing and the Delegation Meeting will be held on November 27, 2007 at 6:00 PM to vote on the Nursing Home Contract.

Motion by Rep. Jasper, second by Rep. Manney at 12:10.

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Rep. Lori Movsesian, Clerk  
Hillsborough County Executive Committee

Date \_\_\_\_\_