

**Hillsborough County Executive Committee
Hillsborough County Complex, Bouchard Building
Goffstown NH
September 28, 2007 9:00 AM**

Present: Representatives D. Essex, M. Pilotte, L. Movsesian, B. Francoeur, S. Jasper, P. Manney, M. Reuschal, C. Rosenwald, R. Rowe, G. Shattuck, B. Shaw, A. Simon, S. Spratt, J. Ulery, S. Vaillancourt. Also present: Comm. Pappas, Holden, J. MacDonald, Register Deeds, S. Desruisseaux, Administrator Town of Goffstown, C. Kirby, B. Moorehead, D. Reidy, E. Robinson, M. Rusch, G. Wenger.

Excused absences: Rep. Hinkle, Stepanek,

Unexcused absences: Rep. Cote, Kurk, Rochette, Farley

Chairman Essex called the meeting to order at 9:05 AM and requested Rep. Rosenwald to lead the pledge to the flag.

Minutes:

Motion by Rep. Movsesian, second by Rep. Pilotte to approve the minutes from April 27, 2007 Hillsborough County Executive Committee. On a voice vote motion adopted unanimously.

Motion by Rep. Shaw, second by Rep. Vaillancourt to approve the minutes from May 24, 2007 Hillsborough County Executive Committee with one change, page 1, under CBA, 2nd paragraph, change copped to capped. On a voice vote motion adopted as amended unanimously.

Motion by Rep. Rosenwald, second by Rep. Reuschel to approve the minutes from May 24, 2007, Hillsborough County Executive Committee Budget Review. On a voice vote motion adopted unanimously.

Motion by Rep. Rosenwald, second by Rep. Shaw to approve the minutes from June 19, 2007 Public Hearing with one change page 3, paragraph 1, changes copped to capped. On a voice vote motion adopted as amended unanimously.

Motion by Rep. Shaw, second by Rep. Pilotte to approve the minutes from the July 20, 2007 Executive Committee meeting. On a voice vote motion adopted.

Old/New Business

a. Bidding Process within Hillsborough County

Chairman Essex stated that Rep. Reuschel has had some questions and concerns regarding the Hillsborough County Bidding Process and Rep. Reuschel is looking for suggestions regarding the way we choose our vendors he also noted that in the mailing there was a copy of the statute pertaining to the bidding process within Hillsborough County. Rep. Reuschel is interested in giving preferences to vendors within Hillsborough County or within the State of New Hampshire. He stated it would be nice to award bids to vendors relatively close versus out of state vendors. Chairman Essex stated that Attorney Kirby has a good grasp on the bidding process within Hillsborough County and noted that she has information relative to the current statute and has some thoughts regarding what can be done with the statute through legislation. Ms. Kirby stated that she has done a little research on this issue and she noted that the statute could be flexible but it would have to be done statutorily. She stated the Hillsborough County would have to be somewhat guarded and reserved with regards to the cap on the differential that you would allow before awarding the bid. She proceeded to give a few examples. She did reiterate that

Hillsborough County has their own statute pertaining to the bidding process (RSA 28:8-e). She also added it would be a great opportunity to make changes that would be helpful to everyone. Attorney Kirby stated that she would assist in this matter if needed. Rep. Vaillancourt stated that he thought this would be more appropriately discussed in Concord where the Legislatures change the law. Rep. Pilotte stated that he disagrees with Rep. Vaillancourt noting that this is an issue pertaining to Hillsborough County and members of this committee need more information before bringing it to Concord.

Motion by Rep. Simon, second by Rep. Reuschel to form a small 3 person subcommittee, including Rep. Reuschel, and also have the committee work with Attorney Kirby to study this issue. A brief discussion ensued regarding the timing of this issue with relation to filing legislation. Commissioner Pappas added that when the Board of Commissioners look at bids that they to have concerns, however, sometimes there is leeway and they can award the bid to the local vendor. On a voice vote motion fails.

b. Goffstown District Court Update 2nd floor Bouchard Building.

Chairman Essex stated that a letter dated September 27, 2007 from Mr. Wenger was distributed today regarding the Goffstown District Court leasing the 2nd floor of the Bouchard Building. He requested that members take the time to read the letter. Chairman Essex stated that the key phrase in the letter is that "at this time the Board of Commissioners has directed Mr. Wenger to meet with the Building Subcommittee and the Executive Committee to review the revised plan and seek input. He requested that Mr. Wenger give a brief summary of what has been going on and what will the process be in the future with regards to the 2nd floor of the Bouchard Building.. Rep. Manney stated that she would like to introduce Goffstown Town Administrator, Ms. Sue Desruisseaux, Rep. Manney invited her to the meeting in order for her to be informed about the Goffstown District Court. Mr. Wenger stated that there is a long history to this process. He stated that we should have the final plans within the next week or two, at that time he would like the Building Subcommittee get involved with the process. Mr. Wenger distributed preliminary plans for the upstairs. He briefly reviewed what has taken place so far. He also requested that one member of the Building Subcommittee be assigned to sit on a committee to develop a long term lease. He also stated there will be many steps before the final lease is approved by the Hillsborough County Delegation. Mr. Wenger noted that there is money in Contingency (\$850,000) for this project. He briefly reviewed the plans that were distributed noting that the plans have gone through a preliminary review by the State Committee. There was substantial discussion regarding the security of the building. Mr. Wenger stated that Chief Deputy Durette has been involved in the security discussions. There were many questions regarding the fact that this is a public building and according to the security plans everyone entering the building would have to go through security. He did state that eventually the building would have access key cards similar to the Sheriff's Office for the employees of the building. After the lengthy security discussion Rep. Jasper stated that we should not be second guessing the experts in the field of security.

Chairman Essex appointed Rep. Jasper to the committee to help develop and negotiate the long term lease agreement between Hillsborough County and the State of NH as requested by the Board of Commissioners. Mr. Wenger is requesting that the Building Subcommittee meet in two weeks noting that by that time he should have the final plans for the 2nd floor. Rep. Manney inquired about the funding for the project. Mr. Wenger stated that the County will be spending capital funds up front and then the County will recoup the money through the term of the lease. Chairman Essex stated that this was his understanding also from the meeting he attended with

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Chief Justice Broderick, Mr. Wenger and a few more individuals from the State. Rep. Manney gave Ms. Rusch a copy of the lease agreement between Goffstown and the State of New Hampshire. This will be copied for Mr. Wenger and members of the Building Subcommittee. Rep. Manney stated that the Town of Goffstown is very much in favor of the Goffstown District Court being in the Bouchard Building.

- c. Chairman Essex stated that there is a tentative Agreement between the Nursing Home and AFSCME Local 3657. Chairman Essex stated that he appointed Rep. Manney to be the Executive Committee member who sits in on the negotiations. He noted that because there is only a tentative agreement this matter should not be discussed until the Union ratifies the contract. When that is done Attorney Flygare, Chief Negotiator for Hillsborough County will come before the Executive Committee to discuss the contract.
- d. Chairman Essex reported that at a previous Executive Committee Meeting the members of the Committee requested that a letter be sent to Attorney Dunn who represents the New Hampshire Association of Counties regarding the lawsuit that is being filed against the State of New Hampshire pertaining to HB2. Chairman Essex had requested that he come in to discuss this issue non-public before the Executive Committee could approve Transfer #2008-2, which would be to fund the money for the lawsuit. Chairman Essex stated that in the packet today there was correspondence from Mr. Dunn stating that in order to speak to the Executive Committee he would have to get permission from the Hillsborough County Board of Commissioners, whom he represents. He noted that Commissioner Pappas has requested that we hold off on this issue until next month. Commissioner Pappas commented that she spoke with Attorney Dunn and noted that any information that would be brought forward would be public information and she does not feel there is a problem with having it forwarded to the Hillsborough County Delegation Office for members review. Brief discussion ensued. Rep. Pilotte was concerned regarding the Board of Commissioners minutes of July 24, 2007 when the issue of Attorney Dunn was brought up at the meeting and quoted from the minutes concerns of Commission Holden, "*Comm. Holden expressed concern that the Board was without funds to retain counsel due to the recent action of the Executive committee and its action during the budget process wherein it removed the Board's request for \$5,000 in its Legal Expense line. Referring to the applicable statutes, she stated that it was within the Board's authority to retain counsel and compromise claims however, she was concerned that agreeing to take on the financial obligation without an appropriation could rise to a misdemeanor. She suggested that the checks and balances designed into the laws were being circumvented by the Executive committee action and that the Board's duties and responsibilities compromised*". He noted that the comment in the last sentence by Commissioner Holden is strong language but it gives you an idea of where the Board stands on this issue. Chairman Essex stated that the request to Attorney Dunn was simply a request and at this point in time he noted that the matter has been completed.

Chairman Essex directed a question to Mr. Wenger regarding the previous lawsuit by the New Hampshire Association of Counties versus The State of New Hampshire Health and Human Services, noting this is a lawsuit that the Counties recently lost. He asked if our line of credit in relation to the Counties Tax Anticipation Notes would be affected in any way? Mr. Wenger stated that the County does not anticipate borrowing anytime soon. He also stated that with regards to the recent decision on another Declaratory Judgment that the County lost, the money for that was encumbered for pending litigation by Ms. Robinson, Health and Human Services Administrator. Mr. Wenger stated that he did not think this would affect our line of credit.

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- e. Chairman Essex stated that the F/Y 08 Tax Apportionment is in the packet today and it gives breakdowns of the taxes for each town and City.
- f. Chairman Essex stated that Ms. MacDonald, Register of Deeds, is here to give an update on the F/Y 08 Deeds Revenue. Ms. MacDonald distributed packets which showed where the revenue is currently today and stated that foreclosures have increased as of today there are 439 within Hillsborough County. In response to a question Ms. MacDonald stated that she is comfortable with the projected revenue figure for F/Y 08 at this time. Brief discussion ensued.

Rep. Vaillancourt stated that he has some additional questions regarding the latest financial statement that was in the packet this month regarding the overnight investment account. He stated that there is \$8,000,000 invested in this account at 2.25% and as previously noted last year he and Rep. Stepanek have repeatedly questioned the interest rate and currently at this rate the County is losing \$100,000 a year. Discussion ensued. Mr. Wenger concluded by noting that the County has an obligation to pay bills and they need accessibility to the funds. He did give a detailed explanation noting that the Treasurer has reduced the money in the account but the money is fluctuating all the time. Mr. Wenger stated that the County Treasurer is confident that we are getting the highest interest rate on these particular funds.

Rep. Vaillancourt stated that the Manchester Mayor and Alderman voted in opposition to the Re-entry Program.

- g. Chairman Essex stated that quite a few months ago a letter went to the Chairman of the Board of Commissioners regarding appointing someone from the Executive Committee to be a part of the Master Plan Committee of the Commissioners noting that he has talked to Chairman Pappas regarding this matter and stated that it is still pending. Commissioner Pappas stated that she spoke to Commissioner Holden, as Chairman of the Committer, earlier today and she stated that she is taking the request under advisement as there have not been any meetings for quite some time. Commissioner Pappas stated that they have been mapping the wetlands, she noted that until that work is done there will be no meetings. Rep. Manney is requesting minutes from the meetings that have been held. Chairman Essex stated he does have someone in mind to be a member of the Committee once the Commissioners respond to the letter. Rep. Pilotte asked when the Wetland study was due back to Hillsborough County, noting that this would give an idea of when the committee meetings would start back up. Mr. Wenger stated that the studies would be completed within the next couple of weeks.

There was another brief discussion regarding the bidding process.

Rep. Essex stated that the next meeting is on October 26, 2007 at 9:00 AM.

Motion by Rep. Jasper, second by Rep. Movsesian to adjourn at 10:40 PM.

Rep. Lori Movsesian, Clerk
Hillsborough County Executive Committee

Date _____