

Sullivan County Delegation

Type of Meeting: Sullivan County Full Delegation

Date/Time: September 27, 2004 / 9:30 a.m.

Place: Newport Remington Woodhull County Complex
Jury Assembly Room

Members Present: Reps. Jay Phinizy, Dick Leone, Brenda Ferland, Connie Jones, John Cloutier, Peter Franklin, Dave Allison, Beverly Rodeschin, Gordon Flint

Members Absent: Reps. Peter Burling, Joe and Sandy Harris

Commissioners Present: Don Clarke, Ben Nelson, and Rudy Adler

Other Elected Officials and County Employees Present: Ed Gil de Rubio, Peter Farrand, Dodi Violette, and Mike Prozzo

Meeting was called to order at 9:52 a.m. by the *Chair*, Rep. Phinizy.

Pledge of Allegiance was led by Rep. Rodeschin.

Rep. Phinizy then introduced some special guests including several candidates for county offices state senate, and state rep. They included Unity's Ethel Jarvis, Claremont's Larry Converse, Cornish's Stuart Hodgeman Goshen's Art Gillette, and Langdon's Dave French.

Rep. Ferland moved, Rep. Jones seconded motion to accept the minutes of the July 2, 2003, meeting Motion was approved unanimously by voice vote.

Rep. Ferland moved, Rep. Flint seconded a motion to accept the minutes of the June 29, 2004 meeting.

Discussion ensued on minutes after Rep. Franklin questioned various absent motion in the minutes.

Delegation agreed to recess for 10 minutes at 10:06 a.m. to discuss how to amend June 29, 2004 meeting minutes to resolve Rep. Franklin's concerns Rep. Franklin, Rodeschin, and Leone left the meeting to work out a compromise amendment.

The three Rep. discovered some omissions and suggested some insertions to the June 29, meeting minutes.

Rep. Franklin moved, Rep Leone seconded an amendment to the original motion proposed. Reps. Ferland and Flint motion approved unanimously by voice vote.

Delegation then approved June 29 meeting minutes with the just-approved amendment. Unanimously by voice vote.

Mrs. Jarvis then questioned why a lot of the county delegation meeting minutes for the FY 2003 Annual Report were abbreviated.

Rep. Phinizy responded that complete written and audio records of all county delegation and finance committee minutes are available for public to review said some minutes were abbreviated so as to save printing costs.

Mrs. Jarvis said that if previewing Registry of Deeds records of 150 years ago is important than preserving county delegation meeting minutes of recent years is just as important.

Mr. Gil de Rubio said that including the full versions of delegation meeting minutes would drive up the cost of printing the annual report a lot.

Rep. Phinizy asked Mr. Gil de Rubio and Sharon Johnson-Callum to research the cost of including the entire version of minutes in county reports.

Rep. Ferland, *Finance Committee Chair*, reported that the committee reviewed the year-end financial figures but unanimously agreed not to accept them because they had not been fully reviewed.

The delegation then reviewed the proposed agreement between county management and nursing home employees that has just been approved by Commissioners.

Mr. Gil de Rubio reviewed the proposed agreement, which if approved by the union and delegation, would increase the county budget by \$66,423.

Human Resources Director Peter Farrand also answered questions about the agreement from delegation members.

Mr. Gil de Rubio stated that the current nursing home budget would absorb the \$66,423 increase resulting from the agreement without additional appropriation.

Rep. Ferland then discussed the just-completed audit of county finances from Melanson Heath and Company. Said finance committee didn't accept audit report because it had just received report this morning.

Mr. Gil de Rubio reported that the county tax rate has just been set by N.H. Dept. of Revenue Administration.

Mr. Gil de Rubio then answered question from Rep. Franklin about the amount of the surplus, and how much should be returned to taxpayers.

Rep. Franklin said another \$300,000 be returned to taxpayers from surpluses. But Mr. Gil de Rubio and Rep. Ferland said tax rate has already been set by Dept. of Revenue and it would be very difficult to re-open budget process so as to return surplus.

Rep. Ferland and Comm. Adler said we shouldn't budget on a "whim". Said budget decision were based on what they thought on reliable info at the time what the state should be giving the county for aid.

Comm. Adler said Commissioners had just received audit early this morning upon questioning by Rep. Franklin. Stated that Commissioners hadn't even done exit interview with auditors.

During meeting Sept. 7 letter from Dept. of Revenue Administration Barbara Robinson about county tax rates and how is the individual communities are incorporated was distributed to delegation.

Questions about auditors' report date being completed Aug. 3, 2004.

Rep. Rodeschin moved, Rep Flint seconded a motion to accept the proposed nursing home employees contract between the union and county management. Motion approved on a 9-1 voice vote with Rep. Cloutier in opposition.

Rep. Franklin moved, Rep. Leone seconded a motion that the County Delegation instruct the County Treasurer to close the certificate of deposit in the amount of \$220,000 held in the Sugar River Savings Bank and return the money to the county commissioners to be applied to the amount that is to be raised by taxes for the Fiscal Year 2005 Budget.

Rep. Rodeschin spoke in opposition to the motion.

Rep. Jones expressed concern that the delegation had set aside \$220,000 to be used for capital improvements. But the delegation didn't specifically agree to a list on which capital items would make up the \$220,000 list. Said \$220,000 is tied up in a Certificate of Deposit.

Rep. Ferland said passing of the motion wouldn't result in much property tax savings, and could cause headaches for many of the county's communities.

Rep. Rodeschin complained that the delegation didn't receive a list of which capital items the \$220,000 would be spent as proposed by a special delegation committee at the June 29, 2004 meeting.

Rep. Ferland moved that the question be called. Motion died for a lack of second.

Rep. Franklin and Donovan spoke in high support of the motion.

Rep. Flint moved, Rep. Cloutier seconded a motion to table Rep. Franklin's original motion. Motion failed on a 5-5 tie on a roll call vote.

Rep. Flint moved, Rep. Cloutier seconded a motion to call the question. Motion failed on a 5-5 tie with three absences on a roll call.

County Attorney Mark Hathaway entered meeting at 12:15 p.m. and was questioned by delegation about the legality of returning the \$220,000 to taxpayers.

Rep. Phinizy recessed the meeting at 12:22 p.m. and said the delegation should return at 1:00 p.m.

RECESS

Delegation reconvened at 1:10 p.m. with all members from earlier session in attendance.

Attorney Hathaway said that returning the \$220,000 so as to reduce the tax rate no matter how desirable is not feasible. The \$220,000 in a Non-Capital Reserve Fund Authorized by RSA 351:C. Again repeated his opinion that before \$220,000 can be spent, any expenditure has to be approved by delegation at a duly warned, public meeting.

Rep. Jones reported that Dept. of Revenue Administration staff employee Barbara Robinson had told her that while the delegation could legally take \$220,000 out of the budget and refund it to taxpayers, said such a refund could be awkward to implement and poses a logistic problem to the county's communities. Ms. Robinson suggested \$220,000 could be refunded in the FY 2005 Budget.

Rep. Ferland repeated her opposition to Rep. Franklin's motion to take \$220,000 out of budget and refund money.

Rep. Franklin repeated his support for his motion.

Mr. Gil de Rubio and Comm. Adler expressed support for Atty. Hathaway's opinion. Mr. Gil de Rubio said there is a penalty for early withdrawal of \$220,000, which is in a Certificate of Deposit.

Rep. Rodeschin moved, Rep. Ferland seconded a motion to call the question motion approved by a 9-1-voice vote with Rep. Franklin in opposition.

Rep. Franklin, motion Rep. Leone seconded that the delegation vote to allow the certificate of deposit to mature and in the meantime to research and carry thru the method to return the money including principal and interest to the taxpayers as soon as possible.

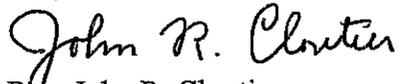
Rep. Donovan moved, Rep. Ferland seconded a motion to table Rep. Franklin's earlier motion. Motion carried on an 8-2 voice vote with Reps. Franklin and Leone in opposition.

Mr. Gil de Rubio distributed a letter from Claremont's Goodwin Community Center Facilities Comm. inviting delegation to attend either one of Sept. 30 meetings of the committee to discuss fundraising probabilities for a new community center.

Comm. Adler updated delegation on county funding of Western Regional Development Corporation.

Rep Donovan moved, Rep. Jones seconded a motion to adjourn at 1:37 p.m.

Respectfully submitted,



Rep. John R. Cloutier
Clerk

JC/lg