

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

**July 20, 2007 10:00 AM**

**Present:** Representatives D. Essex, M. Pilotte, L. Movsesian, P. Cote, M. Farley, P. Hinkle, S. Jasper, N. Kurk, P. Manney, M. Reuschal, C. Rosenwald, R. Rowe, G. Shattuck, B. Shaw, A. Simon, S. Spratt, S. Stepanek, J. Ulery, S. Vaillancourt. Also present: J. MacDonald, Register Deeds, M. Wageling, County Attorney, P. Boardman, M. Cusson, Chief Deputy Durette, C. Kirby, B. Moorehead, D. Reidy, E. Robinson, M. Rusch, G. Wenger.

Excused absences: Rep. Rochette

Unexcused absences: Rep. Francoeur.

Chairman Essex called the meeting to order at 10:05 AM and requested Rep. Manney to lead the pledge to the flag.

**Minutes:**

Motion by Rep. Cote, second by Rep. Rosenwald to approve the minutes from June 21, 2007 County Convention with one correction the word purview on page 2, 3<sup>rd</sup> paragraph. On a voice vote motion adopted unanimously.

**Appropriation Control Report**

Chairman Essex stated that there are copies of the appropriation control reports if any member of the Executive Committee would like a copy. The purpose of the report is to see where all departments are with their appropriations for F/Y 07. These are beneficial especially to the Subcommittee Chairman.

**Transfers**

Motion by Rep. Pilotte, second by Rep. Kurk, to approve Budget Transfer #2007-27 in the amount of \$600 from County Complex Health & Accident to Salaries/Wages. Funds are needed to supplement the Salaries/Wages for the Complex due to insufficient funding. On a voice vote motion adopted - unanimously.

Motion by Rep. Jasper, second by Rep. Pilotte to approve Budget Transfer #2007-28 in the amount of \$3,108 from Cooperative Extension Out of State Travel \$417, Ed/Conf \$1,241, and New Equipment \$1,450 to In-State Travel. Mr. Reidy explained that the mileage rate increased during F/Y 07. On a voice vote motion adopted unanimously.

Motion by Rep. Movsesian, second by Rep. Kurk to approve Budget Transfer #2007-29 in the amount of \$2,300 from Human Services Administration Health Insurance to Human Services Postage in the amount of \$1,000 and In-State Travel in the amount of \$1, 300. On a voice vote motion adopted unanimously.

Motion by Rep. Shaw, second by Rep. Simon to approve Budget Transfer #2007-30 in the amount of \$300,000 from Public Assistance Board and Care of Children to Old Age Assistance in the amount of \$110,000 and APTD in the amount of \$190,000. Ms. Robinson has projected for most of the year that both OAA and APTD accounts would be over budget. The increase is primarily due to an increase in the medical surcharge passed on to the counties in the State Budget. She also stated that when the F/Y 07 budget was written the County anticipated the roll back of the Medical Surcharge increase. There is a growth in the caseload with an average growth in OAA of 35 cases per month and growth in APTD of 30 cases per month. Brief discussion ensued. On a voice vote motion adopted unanimously.

Motion by Rep. Jasper, second by Rep. Farley to approve Budget Transfer #2007-31 in the amount of \$250 from Temple St. Cleaning Services to Water. On a voice vote motion adopted unanimously.

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Motion by Rep. Rosenwald, second by Rep. Simon to approve Budget Transfer #2008-2 in the amount of \$20,000 from Public Assistance Medicaid to Board of Commissioners Legal Services Line. It was noted the wording needs to be amended to change "the Division category" for Public Assistance to Board of Commissioners Legal Services. Ms. Robinson explained that this transfer is requested to provide for payment of the legal fees associated with pending litigation against the State of New Hampshire relative to the passage of HB2. It appropriately is taken from the Medicaid line as that is the area of the budget most impacted by the passage of this legislation. She also noted that this is 1/10 of the total cost for the declaratory judgment proposed litigation by all 10 counties. Ms. Robinson stated that this was discussed with the Board of Commissioners and a draft of the Transfer was drawn up, she noted that this has not been signed by the Board as of yet because they are at a conference and were unable to sign the transfer, there was a telephone poll to approve this transfer. In response to a question she stated that this pending litigation is related to the change in Home and Community Based Care (HCBC), this would cause the counties to pick up 100% of the non-federal share of HCBC as well as Nursing Home Care. She also noted that the proposed litigation has not been filed; however, the New Hampshire Association of Counties has consulted with an Attorney regarding the case. Ms. Robinson also noted that they have had another case in litigation for the past two years which is currently awaiting a decision from the Supreme Court and the Association had allocated \$20,000 from each County. Rep. Kurk asked how was it appropriate to request funds for litigation that probably will not happen until 2009 and he stated isn't it premature to file suit until the law goes into effect or that the legislature might modify the law. Ms. Robinson stated that this is probably a strategy decision on the part of the Counties as to when this gets filed. She stated she could not get into particulars regarding the proposed litigation. She did also note there are some questions relative to the 2008 budget regarding the extension of sunset. Rep. Farley asked whether there are minutes showing the discussion of this with the Board of Commissioners and their motion to approve the transfer. Ms. Robinson stated that the minutes are in process. Chairman Essex stated he consulted with Attorney Kirby and it would be appropriate for the Executive Committee to approve this transfer with an amendment noting it would be conditional upon formal approval by the Board of Commissioners at their next meeting. Rep. Jasper noted that in the "Total Transferred" Line it should read, \$20,000 not \$20,001. He followed with a comment regarding the vote at the Legislative session regarding HB2, he stated that this is hypocritical and bi-polar of us on one hand to change the law and then to come back to the County level and approve money from the taxpayers to sue ourselves. He continued briefly with his comments stating that this would be the wrong decision and it should be fixed legislatively and face the consequences of what has been done by the House and Senate. Discussion ensued. Rep. Rowe agreed with a comment made earlier by Rep. Kurk in which he stated that you cannot bring suit until there are damages noting that this litigation has not come to fruition at this point. In response to a question Attorney Kirby stated that the Board of Commissioners have the authority to proceed with this type of action. Rep. Kurk stated that in order to do this the Commissioners have to have the funds in their Legal Services line. He also noted that he is not convinced that the County has to act now on this particular Transfer. After a brief discussion Rep. Kurk stated the Legislature needs a chance to correct their wrong, he also noted that a bad decision was made with relation to HB2 and the Counties noting that it is a bad deal for the Counties. Ms. Robinson disagrees for various reasons, one is the sunset clause and she could not go any further for confidential reasons. Rep. Kurk gave his explanation of what is going on with relation to the Counties and the State. It was suggested that the Executive Committee go into non-public with Ms. Robinson, she declined stating she is not legal counsel for the Counties.

Motion by Rep. Vaillancourt, second by Rep. Jasper to table the motion to transfer 2008-02. On a voice vote motion adopted.

It was suggested that the Executive Committee set up a meeting with the Attorney for the New Hampshire Association of Counties in order to have a full understanding of the matter. Ms. Robinson stated that this could put the Attorney in a very awkward position. Rep. Stepanek agreed with the

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suggestion to set up a meeting in a non-public session with the Attorney before the Executive Committee commits to budgeting \$20,000 of County money on a case that we should know more about, he added that this would give members a chance to objectively look at the situation. Many members agreed with Rep. Stepanek regarding a non-public session at the next meeting in September or one could be set up before that time.

**County Attorney Re-Entry Program**

Attorney Wageling introduced Mr. Tim Brackett, Grant Manager from the Attorney General Office along with Marty Nickerson from the Attorney General Office and Mike MacAllister, Director of Field Services from the State Department of Corrections, Ms. Ellie Therrien, who would be the Director of the proposed re-entry program and Ms. Pam Boardman from the County Attorney Office. Attorney Wageling reviewed the various aspects of the program in detail noting that the program sunsets in March of 2009 and the individuals targeted for this program will be from Manchester and between the ages of 17 through 35. This program was spearheaded by the Federal Government around the country in 2002. The money for this program will be fully funded by a Federal Grant which will be administered through the NH Department of Justice, Office of the Attorney General. County Attorney Wageling did note that the Department of Corrections originally started a program in 2004, however, for a variety of reasons the program was not successful in New Hampshire. She did note that there would be a process, and individuals would have to meet the eligibility requirements and there would be a referral process along with an assessment process. There would be a case management system and a project management system which will be very important in the very beginning. She proceeded with a lengthy review of the program.

County Attorney Wageling stated that if the program is successful by 2009 her expectation is that the Department of Corrections will take it over and it should continue functioning in a positive, effective manner. There was a lengthy discussion regarding the program and also the lengthy screening program that would take place before someone is accepted into the program. Rep. Vaillancourt stated that he would be voting against the program, noting that this would probably add to the crime rate within the city of Manchester. Rep. Vaillancourt stated that he is very disturbed that the County is playing a role in this program. Rep. Pilotte stated that it is important to realize that these individuals who participate in the program have to be from Manchester and if they did not participate in the program they still would be returning to Manchester noting that the Department of Corrections does not have resources to handle these individuals in such areas as behavior modification noting that this is a much needed aspect for rehabilitation and the reentry program would have these resources available to the individuals. Discussion ensued.

Motion by Rep. Kurk, second by Rep. Stepanek to approve the creation of a separate account within the County budget for the Select Adult Felon Re-Entry Project, as set forth in the undated Hillsborough County Re-entry Project Description from the County Attorney, with separate line items established consistent with the Project's proposed expenses as set forth in Budget Transfer 2008-01 dated July 10, 2007; and further,

To approve budget transfer 2008-01, in the amount of \$680,000 from Contingency, Line 7290 to the Project account in the separate line items set forth on the budget transfer form, subject to receipt of full (\$680,000) grant funding for the project; and further

To approve the establishment of the following positions within the Project specifically contingent upon the positions being fully funded by the Grant and for a term not to exceed the available Grant funding:

1. Director Re-Entry: 37.5 hour position at a Grade 13
2. Assistant Director, less than 31 hour position at a Grade 12
3. Secretary, 37.5 hour position at a Grade 4

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4. 3 Case Managers, 37.5 hour positions at a Grade 10;

These positions are all contingent upon the formal approval of Budget Transfer 2008-01 by the Board of Commissioners.

Chairman Essex noted that there were some questions regarding the legality and appropriateness of the Executive Committee establishing a Department Account for the various budget line items, which was non-existent during the FY 08 budget cycle. Chairman Essex referred to Mr. Wenger the County Administrator noting he spoke with the DRA regarding this. Mr. Wenger stated that it is his understanding that the funding for this specific project was approved during the budget cycle by the Delegation and placed in Contingency as a placeholder. He stated that placing the money in a new Account is for tracking purposes. On a voice vote motion adopted. 1 Nay, Rep. Vaillancourt.

Chairman Essex stated that during the discussion of the Board of Commissioners budget by the Executive Committee a request was made to send a letter to the Board of Commissioners regarding having a member of the Executive Committee member sit on the Master Plan Committee and this individual would be appointed by the Executive Committee Chairman. He noted that the letter was sent on June 4, 2007 and of today's date we have not had a response from the Board of Commissioners. He stated that he would be in communication with them regarding this letter.

Rep. Essex stated that the next meeting is on September 28, 2007 at 9:00 AM.

Motion by Rep. Cote, second by Rep. Reuschel to adjourn at 12:10 PM.

**DRAFT**

\_\_\_\_\_  
Rep. Lori Movsesian, Clerk  
Hillsborough County Executive Committee

Date \_\_\_\_\_

The County of Hillsborough  
New Hampshire

County Delegation  
Officers

Chairman  
David Essex, Antrim

Vice Chairman  
Maurice Pilotte, Manchester

Clerk  
Lori Movsesian, Nashua

County Delegation  
Office

329 Mast Road, Suite 104  
Goffstown, New Hampshire 03045  
Tel: 627-5631  
Fax: 621-1462

Coordinator  
Marcia Rusch



August 22, 2007

Attorney Robert Dunn  
49 North Main St.  
Concord NH 03301

Dear Attorney Dunn:

At the Executive Committee Meeting on July 21, 2007, there was a budget transfer that was discussed at length regarding the Declaratory Judgment against the State of New Hampshire relative to HB2. The members of the Hillsborough County Executive Committee are requesting your presence at the next Executive Committee meeting to discuss the pending litigation in a non-public session which will help us understand the basis of the lawsuit. For a better understanding of the discussion at the July Meeting I am enclosing a draft copy of the minutes.

Please let me know your decision so I can plan the agenda for the September meeting.

Sincerely,

David Essex, Chairman  
Hillsborough County Delegation

Cc: Board of Commissioners  
G. Wenger, County Administrator  
Executive Committee

Peter Cote, Nashua  
Michael Farley, Manchester  
Armand Forest, Manchester  
Bea Francoeur, Nashua  
Peyton Hinkle, Merrimack  
Shawn Jasper, Hudson

Executive Committee  
Neal M. Kurk, Weare  
Pamela Manney, Goffstown  
Eric Rochette, Nashua  
Cindy Rosenwald, Nashua  
Robert Rowe, Amherst  
Gilman Shattuck, Hillsborough

Barbara Shaw, Manchester  
Anthony Simon, Manchester  
Steve Spratt, Greenville  
Stephen Stepanek, Amherst  
Jordon Ulery, Hudson  
Steve Vaillancourt, Manchester

August 31, 2007

ROBERT E. DUNN, JR.  
603.226.1000  
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RDUNN@DEVINEMILLIMET.COM

The Honorable David Essex, Chairman  
Hillsborough County Delegation  
329 Mast Road  
Suite 104  
Goffstown, NH 03045

Re: NH Association of Counties, et al, v. State

Dear Representative Essex:

Thank you for your letter of August 22, 2007. The letter arrived while I was on vacation, so I apologize for not responding sooner.

Because I have been retained by the Hillsborough County Commissioners, I believe that the attorney/client privilege requires that I must get approval from the Commissioners in order to appear at your September meeting to discuss the litigation.

I have run this request through Commissioner Pappas and I understand that the Commissioners will be discussing it at their next meeting.

Very truly yours,

*Robert E. Dunn, Jr.*

Robert E. Dunn, Jr.  
RED:tmp

*TP*

RECEIVED  
9/3/07  
mt HC Delegation