

COÖS COUNTY
QUARTERLY DELEGATION MEETING
Monday, February 10, 2014 - 10:00 a.m.
North Country Resource Center - Lancaster, NH

Present: Representatives Robert Théberge-Chair; Larry Rappaport-Vice Chair; Yvonne Thomas-Clerk; Larry Enman, William Hatch (*arrived at 10:15*), Wayne Moynihan, Leon Rideout and Herb Richardson. Also present: County Administrator Jennifer Fish; Director of Finance Carrie Klebe; Superintendent Craig Hamelin; Nursing Home Administrator Louise Belanger; Nursing Hospital Administrator Laura Mills; Administrative Assistant Kara Sweatt; County Treasurer Fred King; and members of the press.

Chairman Théberge called the meeting to order at 10:05 a.m. and requested all to stand for the Pledge of Allegiance. The roll was called by the clerk, Representative Yvonne Thomas. There were 7 members present at the time of roll call; with Representative Hatch's arrival there were 8 for the remainder of the meeting.

Hearing of the Public:

County Treasurer Fred King asked to speak regarding his concerns about HB1574, sponsored by Neil Kurk. This bill will reverse action taken back in 2008-2009 whereby it stopped the County from supporting programs such as APTD, OAA, HCBC and other child service programs. He explained that a formula would produce a weighted average growth rate based on a three-year rolling average of the total cost of nursing home services, aid to the permanently and totally disabled (APTD), old age assistance (OAA), home and community-based care (HCBC) and children's services. This will fall back onto the county taxpayers to support these programs. The bill does keep the CAP on nursing home costs, but in the past when the State doesn't have money to meet the CAPs, they have used budget neutrality, shifting millions of dollars back to the county taxpayers.

Chairman Théberge inquired if this bill was in front of Municipal/County, which it should be if it involves taxes, and Treasurer King explained that it was actually Health and Human Services/Elderly Affairs. It was clarified that it was a two-committee bill, Finance and Health and Human Services. Chairman Théberge asked what the financial note was, and Representative Rideout read from the bill itself, obtained online: "...this bill, as introduced, will increase state expenditures and decrease county expenditures by \$1,290,000 in FY2015. The Department states this bill will have an indeterminable fiscal impact on state and county expenditures in FY2016 and in each year thereafter."

Treasurer King explained that he has seen more and more things get shifted from the state to the local and county governments, which end up on the property tax bill. He went on to state that the fiscal note would apply if the CAP process were to be carried out, rather than using budget neutrality. Treasurer King emphatically stated that it would make no sense for the counties to be involved in old age assistance or in children's programs since there is no administrative oversight at the local level. He urged the Delegation to keep an eye on this bill.

Representative Rideout informed the group that there was also a note on the bill stating, "The Association of Counties states the bill establishes a calculation for determining the annual cap on the counties' liability for the Medicaid cost of individuals receiving nursing home and home and community-based care services. The Association does not have access to the expenditure data for the services for which the counties are not currently liable and cannot estimate the fiscal impact on county

expenditures. The Association assumes, because the cap in future years will never be lower than the cap for FY2014, county expenditures will increase.”

Chairman Théberge thanked Representative Rideout for providing the information and Treasurer King for bringing it to the Delegation, and that he would follow this bill especially if it has a negative impact on the county.

Representative Moynihan asked Treasurer King, with the Chair’s permission, why he felt this will have a negative impact on the county costs, when the fiscal impact according to the legislative budget office says that it will not. Treasurer King responded that in 2008-2009 when the counties were no longer financially responsible for these programs, the CAP process came in for nursing homes and also an obligation of the state to match that. Representative Moynihan confirmed that the “CAP” meant the amount they had to pay. Treasurer King continued his explanation that the state comes into the nursing homes goes through and sets a reimbursable cost. Representative Moynihan asked if the state applies a formula to obtain the reimbursable cost. Treasurer King explained that they develop a cost per day. In the case of the Berlin Nursing Home, in 2010, the daily cost the state established for that nursing home was \$249.06 per day; however, they only paid \$198.66 because of budget neutrality. He further explained that budget neutrality simply means that when the state budget is passed and every line item in the budget is given a certain amount of money, if the state doesn’t have the money to pay the nursing homes that the regulations require, they simply don’t pay it. This cost Berlin \$63.95 per day and \$66.10 in West Stewartstown in 2010 because the state didn’t have the money to meet its obligation. The state, over the years, has not been a very reliable partner. There was a time when the county taxpayers, paid OAA, APTD, children’s programs. That was changed and we concentrated on the nursing homes and a fair distribution of costs between the state and the counties and now they want to go back to the way it was. Treasurer King gave his opinion that that was the wrong thing to do and, again, asked the members of the Delegation to look into it.

Representative Moynihan asked Treasurer King if his conclusion was that this bill would hurt the counties, even though the legislative budget office says it will not. Treasurer King affirmed this. Representative Moynihan also questioned where this bill adds the costs of children’s programs back onto the counties. Treasurer King directed him to page 3 of HB1574; (A) specifies long-term care services and (B) specifies children’s services under provisions RSA 169-B.

Representative Moynihan explained that he was asking Treasurer King these questions because of his vast knowledge; whereas he was trying to understand it all. Chairman Théberge thanked everyone for their input and stated that he was having lunch with Representative Kurk this week, and he will ask what his rationale was in sponsoring this bill.

Representative Rideout pointed out that the Fiscal Impact on this bill states in one area that both Department of Health and Human and Services and Association of Counties state that expenditures are indeterminable and the last line states “there will be no fiscal impact on state, county or local revenue, or local expenditures” which is completely opposite of what the rest of the note says.

Treasurer King also informed the Delegation that Betsey Miller, Executive Director of Association of Counties is very ill and has not had much time on this.

Chairman Théberge asked for any other comments on this bill, stating he had other legislation to discuss later. Hearing no other public comments, he moved to item four on the agenda.

Review & Approval of Minutes:

Chairman Th  berge asked if any changes or corrections needed to be made to the minutes of the December 9, 2013 meeting. A motion was made by Representative Rideout, seconded by Representative Rappaport to approve the minutes of the December 9, 2013 meeting. The minutes were unanimously approved by a voice vote.

Representative Moynihan inquired as to the subject matter of the December 9th meeting. County Administrator Jennifer Fish stated that it was the public budget hearing, held in Berlin.

Review & Approval of the Fourth Quarter Financial Statements:

The Co  s County expenditures for the fourth quarter were reviewed as follows: Chairman Th  berge began with the West Stewartstown Nursing Hospital expenditures. There was no discussion.

He continued on to the Berlin Nursing Home. Representative Richardson asked what had not been expended on the specials since there was almost \$100,000 not used. Director of Finance Carrie Klebe responded that it was the front entrance project, which will be worked on this year. Representative Richardson confirmed that the money had been encumbered.

Next reviewed was County Government. There was no discussion.

Chairman Th  berge moved to Federal Funds. Representative Moynihan asked for details as to why the numbers are so out of sync, with only 7.72% being expended. Carrie explained that a CDBG project had not begun. County Administrator Jennifer Fish expanded, stating that the Brookside Apartment Building project is ongoing and has not been funded yet so it will go onto the next year's budget. Representative Moynihan verified that the County had authorized this project and further questioned whether the grant was for an indeterminable period of time or if it was limited and needed to be expended by a certain date. Jennifer explained that it is for 18 months and the deadline for this project is September 2014 in order to qualify for receiving the CDBG funds. Representative Moynihan asked if this would be accomplished. Jennifer responded in the affirmative. Chairman Th  berge added that there are guidelines that have to be met and this was provided for in the budget this last March, but will need to be done again this year. Representative Richardson stated that there are also extensions that can be obtained. For example, the trailer park grant took almost 3 years to complete.

With no more discussion on Federal Funds, Chairman Th  berge moved on to the Recycling Center, which brought no discussion.

Next reviewed was Transfer Station. Representative Richardson asked why, when comparing the revenues to the expenses, there was \$449 more expended as this is supposed to be at no cost to the taxpayers of the county. Chairman Th  berge concurred that there was a discrepancy between the revenues and the expenditures. Corrections Superintendent Craig Hamelin spoke to this. He explained that there is a 3-year \$26,000 contract with the towns that are members; however, that does not take into account any employee costs such as health insurance or other benefits that may change unexpectedly during that contract. The towns were charged only the \$26,000.

Representative Richardson also asked about the variance between the revenues and expenditures of the recycling center, asking if the funds remaining (approximately \$74,000) will go to reduce taxes? Craig explained that because the recycling center brings in some revenue in addition to the municipalities that

pay into the system, those revenues will go on to reduce the next year's budget and decrease what the towns have to pay.

Before moving on to the revenues, Representative Moynihan pointed out that the title of the expenditure page states "4th Quarter", but the revenue page references "3rd Quarter". Carrie stated that it is in fact 4th Quarter revenues. It was an error and will be corrected. (*Corrected Financial Statement attached*).

The Coös County revenues for the fourth quarter were then reviewed as follows: Chairman Théberge began with the West Stewartstown Nursing Hospital revenues. There was no discussion.

He continued on to the Berlin Nursing Home. Representative Moynihan asked if the gain in receipts was the result of more residents, where the residents steady, or did they decrease and the money came in some other way? Nursing Home Administrator Louise Belanger explained that the room rate the state uses is sometimes higher than what was expected and budgeted for, and also there may be more private pay residents which is at a higher rate. Representative Moynihan asked again if the number of residents increased, decreased or stayed the same. Louise reported that the numbers fluctuate - right now the number is low at 90 residents, where usually the average is 98-100, but the room rate is much higher than it has been in a while. Representative Moynihan asked who determines the room rate. Louise stated the room rate is set by the state depending on what is happening in the nursing homes throughout the state, as well as the acuity level within individual nursing homes. Representative Moynihan questioned whether this room rate ties in at all with what Treasurer King reported on earlier. In other words, is there a link between what is happening in this bill and how these rates are determined? Louise responded that it probably does not currently, but possibly in the future.

Chairman Théberge reminded members of the Delegation that they are provided with the minutes of the Commissioners' meetings during which each department reports the status of everything happening in those departments. The information is there regarding the nursing homes, corrections, etc.

Chairman Théberge moved on to County Government. There was no discussion.

Next reviewed was Federal Funds. There was no discussion.

Recycling Center was then reviewed. There was no discussion.

Transfer Station was reviewed, beginning with a question from Chairman Théberge. He asked Craig if the contract with the surrounding municipalities was negotiated every year and he responded that it is a 3-year contract. Representative Richardson asked if the surplus to reduce taxes was this year's or last year's. Jennifer stated that it was last year's. He then asked if there was anything held aside for major expenses in the future, such as a new roof. Jennifer stated there is a facility fund that does have some money in it, but none has been added to it in quite a while.

Treasurer King stated that traditionally when there is a year with an extra payroll period, the money for that is reserved out of the surplus for this year. That will be happening this year and he recommended that money be set aside for the 53rd payroll. Jennifer commented that had been done last year.

Barbara Tetreault, *The Berlin Daily Sun*, asked the Delegation to confirm that with a \$3 million surplus in expenses and a \$1.8 million surplus in revenues that the County ended the budget year with a \$4.8 million surplus. Chairman Théberge confirmed that to be true.

Representative Richardson commented that he would like to see some held over for major expenses, and Chairman Théberge agreed, stating that he has always advocated for a contingency fund. Representative Thomas stated that there is the option to encumber funds as well. Representative Rideout stated that in order to be encumbered, it has to be an expense that has already been identified and put in the budget. Chairman Théberge added that it is for an expense that you know you will have, but have not yet received the invoice.

Representative Richardson inquired if the County has a 5- or 10-year plan. He commented that he had been on the Delegation for 12 years and does not recall any expenses for a roof, nor does he know what shape they are in, or any of the facilities. Based on his work with the schools, he questioned whether there are major expenses like that coming up in the near future, and maybe there should be some funds kept to the side. Chairman Théberge clarified that he was referring to a capital reserve fund, and it was something to discuss.

Having no further questions or discussion, Chairman Théberge moved on to review the expenditures of the Unincorporated Places. He brought to the members attention that Millsfield was at 721%. He informed the members that there have been several discussions with Mr. Urso. He is under the impression that the monies coming from the committal of taxes is going to the County, and it has been explained to him the process in which it does goes to Millsfield, but because they are not incorporated, the County has to handle it.

Representative Richardson noted that under the Received Revenues, Millsfield received \$427, 504 so that shows what Mr. Urso is saying about the money going to the County is not actually true. Chairman Théberge agreed, and reiterated that it has been explained to him, and added that all 25 residents have protested, thinking they are not getting the money.

Representative Moynihan asked someone to speak to the situation in Millsfield that led to the percent expended being so high. Treasurer King explained that state reassessed the wind park and when they did, they raised it dramatically. County tax went up because of the increased value of Millsfield. Because of the good revenue the County received from the wind park in the past, Millsfield had a pretty substantial fund balance, so individual taxes in Millsfield did not go up because they had sufficient savings. There was also a real estate transfer tax that took place because the land on where those towers sit changed the category of use, and a tax that had to be paid by the developer which added to the fund balance. This year, the fund balance won't be there, and taxes will need to be paid by the landowners.

Representative Moynihan clarified that on 12/31/13 the reserves of Millsfield and Dixville had been tapped to pay the full amount and asked what was left in those reserves after that payment. Jennifer stated that Millsfield has \$0 and Dixville has around \$2,000. Representative Moynihan questioned if there was anything else to drive those numbers up other than the dispute over the assessments. Treasurer King stated that the legislature has the way to deal with this, referring to Chairman Théberge's bill, which will be discussed later.

Chairman Théberge moved on to the Revenues. Treasurer King noted that a very substantial portion of that surplus (\$1.6 M) was increased nursing home revenue from ProShare. He explained that is a program where the federal government tries to make up for some deficits by creating a correlation between Medicare and Medicaid costs; basically a balancing issue in the federal legislation. It was very good this year, but warned not to anticipate it next year, at least to that extent.

Representative Richardson commented that it still cost about \$7 million to operate both nursing homes. Chairman Théberge pointed out that Coös County has two nursing homes to operate and consists of 1/5 of the geographical area, which has a big impact on the budget. Representative Richardson added that it would be nice if the legislation would make Coös County equal with the other counties, it would be easier on the budget. Representative Moynihan questioned this comment, asking how Coös County was different than other counties. It was confirmed that Coös County is treated the same way as any other counties with regard to figuring formulas. Representative Hatch suggested that it was meant proportionately; other counties have one nursing home, Coös County has two and so should get more funding. He added that Coös County is not that bad compared to other counties regarding losses. Considering the logistical challenges, the demographics and other factors, the nursing homes do okay.

Representative Moynihan asked if Coös County pays more (or less) per year per resident to some significant degree than other counties pay for their residents. Treasurer King answered, stating that the same formula is used and that the deficits are the about the same in each county. Coös County has a much higher percentage of elderly population. Representative Moynihan asked if Coös County pays more to maintain its nursing homes than other counties because its population is elderly. Treasurer King responded that if looking at cost per capita in Hillsborough County as opposed to Coös County there would be a big difference because there are so many more people living there. Representative Thomas added that percentage-wise, we do spend more per capita. The tax burden here is higher because of the population and taxpayers here contribute more to help the elderly population and people who need assistance than any other county. Representative Richardson recognized that it has been proven the elderly also get better care in Coös County. Representative Moynihan summarized that it is the same cost but spread out over a lot more people in Hillsborough than it is in Coös, so it is more burdensome on taxpayers here.

Chairman Théberge asked for a motion to approve the 4th Quarter financial statements for the County and Unincorporated Places, revenues and expenditures, all funds totaling \$35,062,921 and \$30,897,282, respectively. A motion was made by Representative Hatch, seconded by Representative Rideout to approve the 4th Quarter 2013 financial statements of Coös County and Unincorporated Places. The financial statements were approved by a roll call vote 8-0.

Old Business:

- a. PILT: Chairman Théberge offered a legislative update, explaining that many members of the Science & Technology Committee, as well as the Chairman, have never dealt with Unincorporated Places and were confused as to why this bill went to them. Because of that confusion, there was a joint meeting between Municipal & County and Science & Tech Committees. As a result, two things happened. They worked together for an amendment which stipulates that DRA has to acknowledge the agreement made between the County and the wind farm regarding the PILT until it expires. They cannot do the reval when there is a PILT payment in place, and that is only for the Unincorporated Places. As a result of a number of issues, there are also 4 other issues throughout the state, the Municipal & County Committee will be looking at all the PILTs together and recommending one large bill combining them, including his which will not change. There are problems with non-profit

organizations, schools, etc., so they will be combining all of them moving forward. Chairman Théberge expressed his appreciation that the County Administrator as well as the Chair of the Commissioners, and the attorney were there to help with questions.

At this point, Chairman Théberge turned the floor over to Representative Rappaport, who emphasized that this bill has to go through the 2 committees, the senate and be signed by the Governor prior to the first of April for it to work because on that day, DRA does assessments. He urged anyone with pull to speak up. Chairman Théberge added that worst case scenario and the bill that comes out of Municipal is not looked upon as being favorable, it can be subdivided. Coös County can be pulled and treated separately from the rest of the bill. There is a process involved and it will be watched to see how it develops.

Representative Hatch confirmed that this would need to be divided on the floor, in which case it would be incumbent to have a campaign to make our peers understand what is going on, and make them aware of it because it is very difficult to take substantive action to change a bill from the floor. Chairman Théberge added that he has been having conversations with various legislators and bringing them up to speed. Part of the problem is that they do not understand how an unincorporated place works. So far they have been very supportive, and he is in hopes that others are having similar conversations with other legislators.

Representative Rappaport also emphasized that people have to realize that taxes are not a punishment; they are payment for services and too many people are saying that they do not believe anyone should be free of taxes. However, if a community doesn't have any services, then their payments are going to be less. Representative Moynihan understood that argument but felt it may alienate some people. By saying that taxes are a payment for services would imply that every person who does not have a child in school should not have to pay anything toward the education tax. Our taxes are a duty that we have as members of a community, of a state and of a county to support each other in this compact that we have created. The notion that taxes should be tied to services is a bad argument.

Chairman Théberge stated that he has been informing the committees that the PILT is usually a payment given by an organization, such as a non-profit entity, which is not obligated to pay taxes, but is a gift to the municipalities knowing that there are services that are provided. He does not like regarding what is called a payment in lieu of taxes for the wind farm because they do have to pay taxes. It is more of a negotiated alternative tax which to him is illegal because taxes are to be fair and equitable for all throughout.

Representative Hatch responded that he was not getting entirely positive feedback. People are not that concerned about the owners of the entities payment in lieu of taxes, what they are concerned about is how that money is utilized and question why that should benefit the whole as to the few. There is definitely a lack of understanding of what an unincorporated area is, how it works and what happens, but even with that, there is still a pretty strong undertow against this.

Representative Rappaport addressed this by stating that what has been missed is the granularity of the issue. The granularity is the town, the organization, not the individual. Even though one person may not have a child in school, he still needs to pay school tax because the town has a school.

Representative Hatch clarified that it is not his lack of understanding regarding the issue, he was simply stating what he has been hearing, and that there are things that will need to be done to get broader support.

Representative Rideout stated he has had people question the same thing and he has responded to them that if their town had a source of revenue that took care of its expenses without collecting property taxes, they wouldn't object. That is the case in Millsfield – they have a source of revenue that usually covers their expenses. When it is explained like that, it seems to gain more attraction.

Treasurer King explained that the unincorporated places are geographic areas where very few people live. The services that towns provide are for the people, and so these are areas where there are very few people living, services are very few, and therefore their taxes are small. What has happened is all of a sudden some new facility is put there at the state's recommended value and the state people change the value of when they did that, it drove up the value of the community which drove up the county tax and that is where the people are being hurt. The people in Millsfield will pay more county tax than the people in Colebrook if this is not corrected. The other thing that is unique about Millsfield is the severance tax for timber. That is a substantial source of their normal revenue.

Chairman Th  berge added that several representatives have had discussions with Mr. Urso, and told him that if he doesn't like the situation, then they can incorporate.

Representative Rappaport asked for an update on the Supreme Court. Jennifer responded that there are oral arguments on February 20. Treasurer King added that there was an extensive presentation to the court from the people in Millsfield. They have intervened in the court, unsure if they have counsel. Representative Moynihan asked if there was a source to go to view the presentations. Once the court has it, it becomes public record. Although briefs at the Supreme Court level are not put on the internet, someone could go to look at the physical document. He believes they should have filed copies with whatever they provided to the Supreme Court with the County's counsel. He also suggested having everything the County has on file (brief to the Supreme Court as well as any of the opponents brief) on this issue put up on the County website so citizens could view it. Treasurer King stated he had read the 3-page document and felt it contained a lot of misstatements. Jennifer stated she could contact Attorney Frizzell and ask if he has been made aware of this. Chairman Th  berge stated it would be nice to have some transparency and provide it to the media as well. It was his understanding that the briefs from Co  s County and DRA are available online. Representative Moynihan corrected him stating that only NH Courts put their briefs online, not the Supreme Court.

A motion was made by Representative Moynihan, seconded by Representative Hatch, that the briefs of the County and the briefs of the opponent and any other information that has been filed with the Supreme Court be published on the Co  s County website, subject to attorney approval. Chairman Th  berge commented that the briefs are very voluminous yet he would welcome posting the summaries found at the beginning of each. Representative Moynihan stated that he did not want them reproduced in any physical form, only posted on the internet, subject to counsel approval. Jennifer clarified that she had been referring to the Millsfield issue, and this was the first she had heard about the Millsfield presentation. She is not sure if Attorney Frizzell has a copy of it but she can ask. Representative Moynihan stated that the attorney needs to know if he does not yet. Chairman Th  berge commented that each brief's summary should be provided to the media, in an effort to be transparent, and if there is a 3-page document from Mr. Urso or Millsfield, it needs to be

provided. If it is anything like the emails received from Millsfield, then the information is incorrect. Representative Moynihan added that if proper procedures were not followed when it was filed, then the court will not accept it.

Representative Moynihan repeated his motion which had been seconded by Representative Hatch: that the briefs of the County and the briefs of the opponent and any other information that has been filed with the Supreme Court be published on the Coös County website, electronically only, subject to attorney approval. The motion passed unanimously by voice vote. Chairman Théberge asked Jennifer to contact Attorney Frizzell on this matter.

New Business:

Chairman Théberge reported an attempt had been made by an individual to repeal the Timber Tax. This would have a detrimental effect on the entire county. Fortunately, the bill has been killed. The basic premise was that if we can do away with taxes, then we should.

Representative Thomas added that even the Society of Forests spoke against it. There was no one in favor of that bill, except Representative Lambert who came in to present it.

Subcommittee Reports:

Chairman Théberge stated that his intention is to send out an email to everyone in an effort to get the delegation members together with subcommittees in hopes of streamlining the budget process. He spoke with Mr. Lyons from Department of Corrections, and touched base with Warden Riley who welcomes tours of the State Prison in Berlin. He had suggested next Monday, but that may be too soon. Chairman Théberge suggested the following agenda: tour the state prison, have lunch at the nursing home, tour the nursing home and finally have a couple of updates on subcommittee reports. At the next meeting, he hopes to finalize subcommittees, tour the correctional facility in West Stewartstown, followed by lunch and a tour of the nursing hospital. Several Delegates have never been to the State Prison, the Nursing Home or the Nursing Hospital. Chairman Théberge will organize that after seeing what is amenable to most everyone. Representative Hatch requested doing it on a Friday as opposed to Monday based on his schedule.

Barbara Tetreault, *The Berlin Daily Sun*, asked if these tours would be posted, as the Commissioners did when they toured the Forest, so the press will know about it. Chairman Théberge stated he could post it; however, he needs to provide names of individuals touring the prison.

Chairman Théberge stated the date for the final budget meeting will be Monday, March 17 at the Nursing Hospital in West Stewartstown. He explained that he no longer wanted meetings on weekends.

Representative Rideout reported that there was another bill that is important to the County and County businesses. It is HB1366, which is a modification to the seasonal weight restrictions, of which he is the prime sponsor. He attended the hearing and the committee meetings. The committee was very favorable to the maple producers, not so much to the trash haulers. The issue is route 16 and the condition of the road. He also attended the executive session with the committee and talked to the Transport Association, which gave him permission to pull the commercial hauling part of it out and center on the maple sugar producers to get it out of the committee. He has an amendment that will do that, but when he got to the hearing he found out that the Commissioners of Agriculture and DOT had been trying to work it out but had not connected yet. Representative Rideout asked all the reps from the County to get behind the bill and get it out of the House.

Chairman Th  berge clarified that this came about due to one maple sugar producer. Representative Rideout responded, stating that it did center around Fuller Sugar House because he was the one that DOT engineer tagged and was told not to haul sap over the roads. That would have ended half his production, but there are other maple producers in the state and in the county that would be affected. Chairman Th  berge also reported that he had been told by DOT that Mr. Fuller had been given a 1 year exemption in which time he had to look at alternative means and he did not do that, so who is at fault? Representative Rideout explained that that was a misnomer – Mr. Fuller had been given the exemption and told to look at alternative means. The alternative means were to close down that sugar bush and lose half of his production, or move his production to Vermont. He has to go over a state road to get to that orchard.

Representative Richardson suggested that another alternative would be to exempt him for those 4 miles. Before the exemption he traveled on 2 miles of state road but with the exemption, he has to travel 4 miles of state road.

Representative Moynihan asked if the issue was the weight of his load. Representative Richardson responded yes. It is the size of a tanker or an oil truck which travels on that road on a regular basis. This is about Lost Nation Road which is in terrible condition and has been for the last 30 years. It is not Mr. Fuller’s fault as he travels approximately 15 miles an hour. And, he was the only one there testifying for the sugar. Acworth has the largest maple syrup producer in the State of NH, and he was unaware of this because the state turns their head.

Representative Hatch asked for an explanation of “turning their head”, to which Representative Rideout explained that the DOT engineer in the district of Acworth had been letting him transport, just as district one engineers, prior history, had let our producers transport when they needed to. We now have a new district engineer, and he called him on it. The response was that they were an agricultural product. The district engineer said, rightfully so, that it is not within the RSA, which states heating oil and milk. He is applying the letter of the law where other district engineers would allow it.

Chairman Th  berge asked how the new bill was worded. Representative Rideout, stated “perishable agricultural products” which is broad, but it may be restricted to maple sugar products only. Representative Richardson stated that “perishable agricultural products” also contains pine, which was how the loggers got involved with it. The loggers have been watching it, and they’ve actually been told to back off so the bill can move forward. Representative Rideout stated he has looked up the definition and it states “3-5 days” for an item to be considered perishable.

Chairman Th  berge stated that he will keep an eye on this bill. Representative Moynihan asked where the bill was currently. Representative Rideout answered that it is with the Transportation Committee. Representative Hatch asked if it was going to Agriculture, a second committee, and Representative Rideout stated it should not.

Treasurer King suggested that there should be some way to allow district engineers to make special exceptions. Representative Enman stated that right now because there are two exits in Errol, in order to go to Mt. Carberry on Route 16, they are required to take their loads to Colebrook to Groveton, over Route 110 into Berlin and then cross the river to Mt. Carberry, which costs a lot of money per trip.

Chairman Théberge asked if this bill was being studied, and Representative Rideout responded that it had been held off on the Executive Session, and with the weather may be pushed off to next week. They wanted to give the Department of Agriculture and DOT Commissioners time to work it out.

Chairman Théberge spoke with Chairman and she is not looking favorably on this bill. Representative Richardson stated that Representative Rhodes, Nashua, is working on this, as well and there appeared to be good bi-partisan support during the committee hearing. Representative Hatch asked if this would be going to a second committee and Representative Rideout stated that it has no fiscal impact. Representative Hatch responded that that was not the only reason to go before a second committee.

Representative Richardson stated that if this bill comes out unfavorable in that committee, it will be fought on the floor and if it is restricted to maple syrup it can be beat. It is only 10 jobs in Coös County, but it's over 50 jobs down in Acworth.

Chairman Théberge asked for a motion to adjourn. A motion was made by Representative Hatch, seconded by Representative Richardson, to adjourn the meeting at 11:23 a.m. All approved by voice vote.

Respectfully submitted,

Representative Yvonne Thomas, Clerk