

GRAFTON COUNTY COMMISSIONERS' MEETING  
3855 Dartmouth College Hwy  
North Haverhill, NH 03774  
May 13<sup>th</sup> 2014

PRESENT: Commissioners Michael Cryans and Linda Lauer, Executive Director Julie Clough and Admin Assistant S. Norcross.

EXCUSED: Commissioner Martha Richards

Commissioner Cryans called the meeting to order at 9:08AM and began with the Pledge of Allegiance.

Commissioner Cryans asked for a moment of silence for Officer Stephen Arkell of the Brentwood Police Department who was killed in the line of duty.

FM Kimball arrived and gave the following report:

- 1) We are currently milking seventy five head of cattle. We are shipping 12,000 pounds averaging eighty pounds of milk.
- 2) We have cleaned walls and ceilings in the barn getting ready for Farm Day
- 3) We planted some sweet corn and seeded down twelve acres of Alfalfa grass.
- 4) We have been planting potatoes. We have five ton in the ground and three ton left to plant.
- 5) This is a busy time of year and based on the late spring it will only get busier from now on.

Commissioner Cryans asked for an update on Open Barn Day. FM Kimball stated he rented a steam cleaner to clean walls and ceilings in the barns. He spoke with one of the vendors and they are donating hotdog and hamburger buns.

Commissioner Cryans asked how many people FM Kimball is expecting. FM Kimball stated that he's expecting 800-1000 people if they have nice weather.

ED Clough asked what the price of milk was. FM Kimball stated they are currently at about \$25.10 per hundredweight.

Commissioner Cryans asked if everyone had a chance to read the minutes. Commissioner Lauer moved to accept the minutes of May 6<sup>th</sup>. Commissioner Cryans seconded the motion and all were in favor.

The Commissioners signed the check registers.

ED Clough stated Monday May 19<sup>th</sup> the Executive Committee is meeting at 3:00pm then the Delegation is meeting at 4:00 to set elected officials salaries. She stated she hopes to give them a summary of what is going on at the Nursing Home.

Commissioner Cryans suggested meeting once more before the Executive Committee meeting on Monday to discuss the Nursing Home project. ED Clough stated that Supt. Oakes will be back on Thursday and she will be talking with him about the project. They agreed to meet on Friday, May 16<sup>th</sup> at 9:30. ED Clough stated that she would get in touch with Commissioner Richards to inform her about the meeting.

Atty. Saffo arrived and gave the following report:

Office of the Grafton County Attorney  
Lara Saffo, County Attorney  
May 13, 2014  
Report to the Commissioners

The Mission of the Office of the Grafton County Attorney is to pursue justice and promote the safety and security of the County's citizens, thereby enhancing the quality of life in Grafton County. We will seek to achieve these goals by:

- Striving for just disposition of criminal cases through timely, efficient and effective prosecution.
- Ensuring that victims and witnesses of crimes are treated with respect, courtesy, and sensitivity as they cooperate with criminal prosecutions.
- Improving the criminal justice system by identifying areas of need and working collaboratively with other criminal justice agencies and the community to improve the criminal justice system.
- Encouraging and promoting crime prevention and early intervention initiatives.
- Identifying, promoting and implementing new and innovative approaches to solving crime problems.

- (1) Our thoughts, prayers and condolences go out to the family and friends of Officer Stephen Arkell of the Brentwood Police Department. Governor Maggie Hassan ordered that flags be flown at half-staff in his honor. In Governor Hassan's words: "Officer Arkell bravely answered the call of duty and made the ultimate sacrifice, a heroic demonstration of his commitment to the safety of his fellow citizens," . . . "Like so many of our first responders do on a daily basis, Officer Arkell courageously put his life on the line to protect others, and in doing so, was tragically taken far too soon." May he rest in peace.

(2) Statistics

January 1, 2010 – May 12, 2010	177 cases
January 1, 2011 – May 12, 2011	269 cases
January 1, 2012 – May 12, 2012	278 cases
January 1, 2013 – May 12, 2013	331 cases
January 1, 2014 – May 12, 2014	292 cases

(3) New Prosecutor

I am asking that you approve Paul Fitzgerald as the new Deputy County Attorney. We have extended an offer to Mariana Pastore to be the new Assistant County Attorney. The New Hampshire State Police, Detective Sergeant Sheldon Belanger, Chief Richard Crate of the Enfield Police Department and Investigator Wayne Fortier assisted me on the hiring committee. I greatly appreciated their assistance and expertise. She will be starting in July.

(4) Prosecutor Workload

To explain the workload, and why simple restructuring is not enough to provide assistance to our towns and effectively prosecute, I am further explaining the workload, by region. Each year, prosecutors carry over their workload from the prior year, meaning cases that were received by our office, but have not yet been resolved. In addition to the cases on our caseload as of December 31, 2012, in 2013 each prosecutor received new cases in 2013. Below is a summary of the new cases received in 2013:

In 2013, from the City of Lebanon and Fish and Game, we received 202 referrals (cases sent up to our office for review, mostly felonies with just a few exceptions). The result was 409 charges. This included:

- 11 aggravated felonious sexual assault cases, resulting in 39 charges
- 7 assault cases, resulting in 20 charges
- 3 attempted armed robberies, resulting in 6 charges
- 8 burglaries, resulting in 13 charges
- 10 criminal threatening cases, resulting in thirty charges
- 42 theft or receiving stolen property cases, resulting in 111 charges
- 5 tampering with witnesses, resulting in thirty one charges

These statistics are clear that more than one prosecutor is needed to cover the City of Lebanon.

For the Plymouth area prosecutor, who covers the towns of Plymouth, Ashland, Bridgewater, Bristol, Campton, Groton, Hebron, Holderness, NH State Police for these towns, Plymouth State University, Thornton and Waterville Valley, we had 175 cases referrals and 290 charges in calendar year 2013. This included:

- 5 aggravated felonious sexual assault cases, resulting in 18 charges
- 20 assault cases, resulting in 30 charges
- 2 attempted armed robberies, resulting in 7 charges
- 24 burglaries, resulting in 47 charges
- 1 criminal threatening case, resulting in 11 charges
- 1 negligent homicide charge, resulting in 1 charge
- 24 theft or receiving stolen property cases, resulting in 43 charges
- 9 tampering with witnesses cases, resulting in 15 charges

The prosecutors each are also on call (24/7) one week a month, as we have additional responsibilities by statute including reviewing untimely deaths for autopsies.

As noted in the next paragraph, I remain optimistic that Early Case Resolution will not only relieve a portion of workload, but also result in more effective prosecution. However, it will be more work intensive at first, for at least two years.

(5) Early Case Resolution

Strafford and Cheshire are starting the pilot project on Early Case Resolution. Under the pilot project, after a defendant is arrested, the probable cause hearing still occurs in Circuit Court. A bindover from Circuit Court is still, as now, received in Superior Court. The new process occurs after the bindover is received. Within thirty days of a bindover being received in superior court, regardless of whether the defendant has yet been indicted, the case is scheduled for a new hearing, known as an "Initial Appearance." The State will have had to have provided discovery and a plea offer ten days before the Initial Appearance, basically within twenty days of the bindover being received in Superior Court.

This involves a significant amount more work, and all agree that the county attorney offices will need more assistance. The hope is that that increased workload is only temporary. However, neither myself nor some of the other county attorney offices are so optimistic. I remain dedicated to Early Case Resolution principals, however, provided we can do so and comply with the Victim's Bill of Rights.

As noted earlier, we are moving along implementing ECR principles in the office. We selected three different sized police departments to focus on as a mini pilot project. I have added a fourth police department, the Enfield Police Department. We will continue our efforts with the other departments to resolve cases earlier in the process as well.

To keep statistics, we have added a feature to Karpel. When a case potentially can be resolved as ECR, we so note in Karpel.

(6) Felony Case Flow Management

I wrote my follow up letter, again noting that if this is still on the table, we need to discuss probable cause hearings.

(7) Shoplifting

We have purchased five shoplifting training courses to offer as part of sentencing. They cost the county \$75.00 each. If a defendant is ordered to complete this course, we will require the defendant to reimburse the county for the course. As they are used, we will purchase more courses to offer as a sentencing option in both circuit and superior court. We will provide them at our cost. Colleen Strout will be the contact person. These are the same courses used by the Adult Diversion program in Merrimack County, except for an additional \$10.00 the company provides monitoring and reports on potential risk to reoffend.

(8) Grant

The grant submitted for the drug court is still pending.

(9) Training

Our next webinar training is on May 19<sup>th</sup>, and the topic is Child Abuse Investigations in Meth Lab cases, a free one and a half long webinar. The workshop provides insight in conducting concurrent investigations with multiple disciplines covering team work. The training was initially conducted under the Arizona Attorney General's Meth and Kids Initiative, established in 2000.

(10) Victim-Witness Program

We are still hoping to receive a resume for the AmeriCorp volunteer to provide victim witness services in our Circuit Courts. It would be a Criminal Justice System Advocate, who would work with the Circuit Court prosecutors in domestic violence and

misdemeanor level sexual abuse cases. The period of time the person would be hired is September 2014 – September 2015. I hope to receive resumes to review and consider.

(11)The Child Advocacy Center



In April, the CAC provided 16 forensic interviews of Children in Grafton County. The CAC has moved to its new location on Court Street in Lebanon, and open house is anticipated shortly. The CAC continues to have a space in Littleton. A goal for me for 2014 is to find space in the Plymouth area. The CAC’s budget cannot accommodate this commitment.

On April 8, 2014 was the Shield Our Children from Harm Conference. It was extremely well attended, and they had to turn people away.

(12)Grafton County Mental Health Court



Halls of Hope  
Second Circuit Court, Lebanon Division



“A.S.S.E.R.T.” Alternative Sentencing Solutions for Education, Recovery and  
Treatment  
Second Circuit Court, Littleton Division

The Plymouth Mental Health Court  
Second Circuit Court, Plymouth Division

Halls of Hope celebrated a commencement greatly appreciated Commissioner Michael Cryans being able to attend. The participant invited now retired Judge Cirone to attend and he couldn't because he had to be at a family member's graduation, but he sent along a powerful letter to CH that was read by Judge Tenney at her graduation. Kim's Story is attached, with her permission. Her name has been changed. We anticipate at least Halls of Hope celebrating at least two other graduations this summer. The HOH Advisory Council met with Michael Owens a few months back to talk about the potential for a Veterans Track, integrated into MHC, and this month he's meeting with the HOH Team members and the Judge.

Matt Isham and Shelly Golden presented to the Lebanon Rotary about Halls of Hope and the mentally ill in the criminal justice system.

Rosemary Affeldt and Annette Carbonneau from the Advocates are coming to meet the Plymouth MHC Advisory Council this month, to help this team integrate with the other two programs and work with the Advocates.

Kayla McKinley and Steph Richter are graduating from PSU/Social Work soon and have completed their internships with us. They got a great send-off from all MHC programs! They worked together and completed over 900 hours of important work to Grafton County! We greatly appreciated their enthusiasm and dedication.

(13) Restorative Justice

Grafton County is now a member of the NH Juvenile Court Diversion Network, which represents 18 programs in NH, of which 16 are accredited under the Administrative Office of the Courts. Both Valley Court Diversion and CADY are accredited under the Administrative Office of the Courts. These programs lay in direct line with many of the State's priorities and commitment areas to promote implementation of effective policies, practices and programs.

The NH Juvenile Court Diversion Network is having its annual meeting on May 21, 2014 at Plymouth's High School. The notice reports: "After more than 12 months working with consultants through the Community Health Institute, we have established key Network priorities and strategic goals for the arenas of prevention and intervention services. We would like to take this opportunity to share these priorities with the Network and our diversion 'Champions'."

Our office recently participated in a three day mock driving under the influence crash arranged for by the S.A.D.D. group at the Woodsville High School, the students and their advisors could not have done a better job. It was an honor to be a part of this presentation.

All towns in Grafton County are officially covered by Restorative Justice. Referrals are coming in quickly. We had a meeting with the diversion programs in Vermont to confirm the best manner to service juveniles who commit crimes in the Haverhill catchment area, that are Vermont residents.

Jay Appecelli from Cady, Inc, is holding office hours in the White Building for Restorative Justice one a week to increase the program's presence in this area.

Colleen Strout, the new administrative assistant, tracking the Restorative Justice contracts and assisting with Mental Health Court.

(14)The White Building

The two interns have been assisting our alternative sentencing programs, including assisting our program chairs in organizing the information contained in the White Building, so it is more accessible to participants, stakeholders and the general public. The maintenance department is kindly assisting with shelving. Next time you go over there, I think you will see a change, and we are working on adding more features. (A lending library of movies and books for participants in the drug and mental health court, magazines, a section on cooking). Colleen has established some guidelines for use of the common space at the white building, which both Bob Gasser and Shelly Golden reviewed and approved.

(15)Justice Involved Veterans

Our drug court and mental health court continue to networking directly with Mike Owens, the Justice Involved Veterans Outreach Worker for White River Junction's VA. We feel strongly that this is improving how we serve veterans.

As noted earlier, there is no doubt in my mind that the Criminal Justice System needs to collaborate effectively with the VA. The VHAs offer medical treatment (including counseling), prescriptions, residential treatment for substance abuse, and specialized PTSD treatment, the VBA offers educational assistance, housing, job training and other related programs. They can assign properly trained "peer mentors" to justice involved veterans, as well as a Veterans Justice Outreach Worker. These resources are vital to improve public safety. More importantly, we need to support our soldiers as they transition back into our communities after service to our country. You can learn more about Veterans Courts at <http://www.justiceforvets.org/>.

(16)Circuit Court Prosecution

We have continued to work hard to coordinate and support the circuit court prosecutors in Grafton County. We have started a webpage entitled the NH Prosecutors Network, with a section for Circuit Court prosecutors. The Plymouth area is in the process of arranging



for regular meetings among their prosecutors, and the Office of the Grafton County Attorney will be a part of this process.

(17) Drop Box / Webpage

An enormous Thank You to Samantha Norcross and the IT Department for their efforts on developing and maintaining the new webpage. It is an excellent resource for the public. At the delegation meeting, it was recommended that I develop a drop box for the information I would like the commissioners and delegation to access. We will continue to share drop box resources with the commissioners and delegation members who find this resource of assistance. We are still more than happy to provide the information in other manners (hard copy, e-mail, etc). We have begun a NH Prosecutor's Network so we can share legal research among prosecutors merely by logging onto the Network.

(18) Nonpublic session

I am recommending a brief nonpublic session to discuss an employee issue.

Commissioner Lauer moved to approve Paul Fitzgerald as the new Deputy County Attorney. Commissioner Cryans seconded the motion and all were in favor.

Atty. Saffo requested to go into a brief nonpublic session.

\*9:49 AM - Commissioner Lauer moved to enter into non-public session for the purposes of discussing the dismissal, promotion, or compensation of any public employee or the disciplining of such employee according to RSA 91-A:3, II (a). Commissioner Cryans seconded the motion. This motion requires a roll call vote, Commissioner Cryans called the roll. Commissioner Cryans "yes"; Commissioner Lauer "yes"; Commissioner Cryans stated that a majority of the board voted yes and would now go into non-public session.

\*10:00 AM– Commissioner Cryans declared the meeting back in public session.

Commissioner Lauer moved to permanently seal the minutes from the just completed non-public session in the event they could affect the reputation of someone other than those of the Board of Commissioners. Commissioner Cryans seconded the motion and all were in favor.

Michelle Moren-Grey from North Country Council and Mark Scarano from GCEDC arrived for the public hearing.

10:05 AM – Commissioner Cryans opened the Public hearing for the CDBG Project overview.

Commissioner Cryans asked Michelle Moren-Grey from North Country Council to introduce the project and stated that there are handouts about the two (2) public hearings available to the public

Michelle Moren-Grey stated the Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and planning grants that primarily benefit low and moderate income persons. Grafton County is eligible for up to \$500,000 a year for public facility/housing rehabilitation, up to \$500,000 a year for economic development projects (including capacity building projects), as well as up to \$500,000 a year in emergency funds. Planning Grant funds are available for up to \$12,000 per year. Municipalities are eligible to apply for a Microenterprise Assistance grant without having it count against the town's cap for any other CDBG projects.

This proposed Economic Development application to the Community Development Finance Authority is for \$184,000 in Community Development Block Grant funds for the 2014 program year. \$164,000 of these funds will be sub granted to the Grafton County Economic Development Council (GCEDC), who will in turn lend \$160,000 to the business known as Polly's Pancake Parlor for the purpose of expanding their business and thereby creating least 13 jobs, of which at least 11 jobs will be available to persons of low and moderate income. GCEDC will retain \$4,000 to cover their costs associated with preparing and collection of the loan.

The remaining \$20,000 would be used by the County to pay for costs associated with the application and administration of the grant.

If the County approves of the NCC writing the grant, the County would only have to pay for the grant writing if the application was approved. The grant administration may also be assigned to NCC.

This project conforms to the County's current Housing and Community Development Plan's goal of supporting economic and community development projects of regional, and statewide, impact through application of CDBG funds through CDFA.

Commissioner Cryans asked for questions or comments from the public.

Mark Scarano from the Grafton County Economic Development Council stated they are very pleased and are looking forward to having the grand reopening celebration once the project is complete. He stated that Polly's Pancake Parlor is a business that has been around in Grafton County for a long time and they have a good business plan going forward. He stated that the GCEDC's loan committee which is made up of six (6) commercial lenders throughout Grafton County has recommended that this loan be approved by the board of directors of which they are meeting on Thursday to consider this and stated he expects them to approve this as well. He said that everything looks like it is going in good order. The company is solid and has good plans for the future. Their debt coverage ratio will be good and they feel comfortable making this loan.

ED Clough asked what the total budget for the project is. M. Scarano stated the total budget is \$1.3 million.

Commissioner Cryans asked what the timeline was for the project. M. Scarano stated they are looking to have the project complete within a year if not much sooner than that. They will continue to be open this season then close down after the season to start the construction then re-open next spring.

10:10 AM – Commissioner Cryans closed the Public hearing.

10:10 AM – Commissioner Cryans opened the Public hearing on the Residential Anti-displacement and Relocation Assistance Plan.

Commissioner Cryans asked Michelle Moren-Grey from North Country Council to introduce the Residential Anti-displacement and Relocation Assistance Plan Draft

Michelle Moren-Grey stated this residential anti-displacement and relocation plan is standard language which provides a procedure in cases where there is residential or business displacement due to a project using CDBG funds. It must be adopted for each CDBG project. For this project, no displacement or relocation is anticipated but the plan must be adopted in the unlikely event that displacement takes place.

Commissioner Cryans ask for questions or comments from the public. There were none.

10:11 AM - Commissioner Cryans closed the Public hearing.

Commissioner Lauer moved to approve the submittal of the CDBG application on behalf of Grafton County Economic Development Council. Commissioner Cryans seconded the motion and all were in favor.

Commissioner Lauer moved to adopt the Residential Anti-Displacement and Relocation Assistance Plan for the project. Commissioner Cryans seconded the motion and all were in favor.

Commissioner Lauer moved to authorize the Chair of County Commissioners to submit the application and execute any and all document necessary to effectuate the potential CDBG contract. Commissioner Cryans seconded the motion and all were in favor.

Commissioner Lauer moved to have North Country Council write and administer the CDBG grant on behalf of the County. Commissioner Cryans seconded the motion and all were in favor.

ED Clough did a final review of the fiscal year 2015 proposed budget. She stated that the estimated revenue from the Nursing Home includes a reduction in census of six (6) residents for a six (6) month time period as a buffer for when the facility undergoes its corrections. This

resulted in a \$183K reduction over the original estimates. She has spoken with NHA Labore and Finance Manager Dawn Jurentkuff and they agreed to increase bed tax revenue from \$500,000 to \$600,000. In fiscal year 2014 through three (3) quarters we are quite a bit ahead on bed tax revenue and Director Clough thinks increasing it will be okay. The bottom line of the proposed budget is \$ 38,989,485.00 which is a 2.73% increase over last year. The amount to be raised by taxes is \$21,780,510 which is a 3.35% from last year.

HRD Cramer arrived and requested to go into nonpublic session.

\*10:30 AM - Commissioner Lauer moved to enter into non-public session for the purposes of discussing the dismissal, promotion, or compensation of any public employee or the disciplining of such employee according to RSA 91-A:3, II (a). Commissioner Cryans seconded the motion. This motion requires a roll call vote, Commissioner Cryans called the roll. Commissioner Cryans "yes"; Commissioner Lauer "yes"; Commissioner Cryans stated that a majority of the board voted yes and would now go into non-public session.

\*10:44 AM- Commissioner Cryans declared the meeting back in public session.

Commissioner Lauer moved to permanently seal the minutes from the just completed non-public session in the event they could affect the reputation of someone other than those of the Board of Commissioners. Commissioner Cryans seconded the motion and all were in favor.

Commissioner Lauer moved to approve the budget as presented with a bottom line of \$38,989,485 which is a 2.73% increase with \$21,780,510 or 3.35% increase, to be raised in taxes. Commissioner Cryans seconded the motion.

Discussion:

Commissioner Cryans commended ED Clough on all of her hard work preparing the budget.

The Commissioners voted on the motion and all were in favor.

Commissioner Lauer stated that on Wednesday she attended the 100<sup>th</sup> Anniversary of Cooperative Extension. She stated that she also attended a meeting at the Horsemeadow Senior Center on Thursday. She stated that Tri County Cap has operating the Woodsville food bank and no longer wants to do so. They are looking for a group to take over but will continue to do the pantry until the issue is resolved.

She stated she toured the Farm Friday with FM Kimball and attended Family Day at the Nursing Home on Saturday.

Commissioner Cryans stated that he attended Family Day at the Nursing Home as well and also attended the Halls of Hope Graduation.

10:53 AM With no further business the meeting adjourned.

Respectfully submitted,

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Linda D. Lauer, Clerk