

GRAFTON COUNTY COMMISSIONERS' MEETING
3855 Dartmouth College Hwy.
North Haverhill, NH 03774
Tuesday August 14, 2012

PRESENT: Commissioners Cryans, Omer C. Ahern, Jr. and Ray Burton. Executive Director Clough and Secretary Martino

OTHERS: Harold Brown (intermittently)

9:06 AM Commissioner Cryans called the meeting to order and the Pledge of Allegiance was recited.

Nursing Home Administrator Craig Labore arrived.

*9:07 AM Commissioner Ahern moved to enter into Executive Session as per RSA 91-A:3, II, Section (b). The hiring of any person as a public employee. Commissioner Burton seconded the motion. This motion requires a roll call vote, Commissioner Cryans called the roll. Commissioner Ahern "yes"; Commissioner Burton "yes" Commissioner Cryans "yes"; Commissioner Cryans stated that a majority of the board voted yes and would now go into non-public session.

*9:33 AM– Commissioner Cryans declared the meeting back in public session.

Commissioner Ahern moved to seal the minutes of the non-public session which was seconded by Commissioner Burton. All were in favor.

Commissioner Burton asked NHA Labore where residents went if they needed dialysis and he replied that they were transported to Lebanon.

Register of Deeds Kelley Monahan arrived with her report for the Commissioners. She began by giving the Commissioners the financial report for the month of July which showed revenues had exceeded those from past years and noted that sales continue to look positive.

RD Monahan continued with her report *(see attached). Commissioner Ahern asked about the changes in the new software and how it will affect the users. RD Monahan explained some of the changes and said that once the users familiarize themselves with the software they will begin to see the benefits. She credited her staff in Deeds for helping to make this a smooth transition and for their knowledge and professionalism.

RD Monahan also presented the Commissioners with a Consumer Alert notice *(attached).

Commissioner Cryans asked if everyone had read the minutes from August 7th and had any edits or corrections. Commissioner Ahern made some edits.

Commissioner Burton moved to approve the minutes of August 7, 2012 as amended which was seconded by Commissioner Ahern. All were in favor.

The Commissioners signed the check registers.

Director Clough presented the Commissioners with a form to sign from the Dept. of Revenue which was an application for reimbursement for forest land in the unincorporated town of Livermore.

Director Clough presented a request from Communications Director Andross to approve an existing grant's end date as the project dateline has been moved. The actual project and the funding will not change. Commissioner Cryans signed the revised grant paperwork.

Maintenance Superintendent Jim Oakes arrived for the opening of the bids for the biomass heating system. Four bids were received as follows:

- Engleberth Construction \$1,650,000
- Trumbell Nelson \$1,858,876
- McMillan \$1,635,000
- Meridian \$1,757,700

Supt. Oakes will take the bids for review and have a recommendation for next week. He said he still has to do some reference checks as well.

Commissioner Burton asked whether a bond will be held and Supt. Oakes said there is a bid bond and the company that is selected will have to provide a performance bond. He said there are also different insurances that are required.

Commissioner Ahern asked to see the contract the winning company will be required to sign.

Commissioner Ahern asked about a couple of bills that were approved for payment last week. He asked Supt. Oakes about the Kubota vehicle that the Maintenance Dept. now has. He wanted to know if the vehicle was in the budget for purchase as he didn't recall it coming before the Board of Commissioners. Supt. Oakes said it was a vehicle that was purchased by HP Cummings for use on the Jail project and the decision was made to purchase it for the remaining balance rather than have it go with HP Cummings.

Commissioner Ahern said he was concerned as to how it was paid for suggesting that the County paid twice for it. He said he was also concerned that this was an off budget item. Supt. Oakes said the vehicle will primarily be used by the Maintenance Dept. to transport items and it has a plow so sidewalks can be cleaned. The Jail can also use the vehicle if they need to.

Commissioner Ahern said the decision to purchase the vehicle should have come through the Board of Commissioners and could be construed as a violation of the statutes. He said he was concerned about an audit trail.

Commissioner Cryans asked if the vehicle cost less than \$5,000 when purchased from HP Cummings and Supt. Oakes said he thought so.

Commissioner Ahern then asked about a purchase for some lever locks that were invoiced to the old Jail and asked why items were being purchased for the old Jail. Supt. Oakes said they were locks that were purchased for the Community Corrections building. Commissioner Ahern thought then that the invoice was improperly labeled. Director Clough said that would be the account the items would be purchased from. Supt. Oakes said he will be more specific when noting items on invoices.

Commissioner Burton asked what was going to happen to all the old excess items that are left in the old Jail and Supt. Oakes said that will be up to Supt. Libby.

Supt. Oakes said he received a voice message from someone at the Haverhill PD who asked if they could use the old Jail for training. He said that the building is not in any shape for anyone to be using it for any reason right now and Director Clough said she didn't think it should be made available to anyone at this time. There was a discussion about liability and Commissioner Burton said he would want to have something in writing specifying dates and times before any kind of decision was to be made in the future.

County Attorney Lara Saffo arrived with her report *(see attached). After reviewing information on the Child Advocacy Center (CAC). Commissioner Ahern asked if this was a duplication of services with DCYF and if so, would that put more children at risk of falling through the cracks? Atty. Saffo said that this is not a duplication of services and explained that the CAC has trained individuals who interview children while DCYF observes the interview. This means that the child only has to provide the information once which removes that added stress. She said that interviews are conducted with either a parent or a guardian close by and the child can go to them any time he/she wishes to. Follow up care is tracked and it is all coordinated closely so no child slips through the cracks.

Atty. Saffo presented an out of state travel request for the Victim Witness Assistant to attend a conference in Vermont on September 24-25 for advanced training. Cost is minimal with one overnight stay and dinners.

Commissioner Burton moved to approve the out of state travel which was seconded by Commissioner Cryans.

DISCUSSION:

Commissioner Cryans asked if the information that is gained will be shared with other office staff and Atty. Saffo said it would be shared with the appropriate members.

Commissioner Ahern said that Atty. Saffo has an exceptional staff who are quite knowledgeable and adept at handling what they do. He said that he is opposed to the travel because he feels that times are still tough, particularly in the Plymouth area and

money is tight. He said just because there is money in the budget doesn't mean it has to be spent.

When the vote was taken Commissioners Burton and Cryans were in favor while Commissioner Ahern was opposed.

Atty. Saffo said she will be doing some training at the DoC covering the constitution and liabilities. She explained some of the things she would be going over. Commissioner Burton said he could get her copies of the NH Constitution and Commissioner Ahern said he could get her copies of the US Constitution, which she said would be of great help.

Farm Manager Kimball arrived to give his report to the Commissioners. The Farm is milking 74 cows; shipping 9,100#'s of milk for an average of 65#'s. Price of milk is \$17.04 per hundred weight.

FM Kimball said that the Farm is now fully staffed with a Herdsman and a part time helper. Both have been trained for DoC inmate supervision and first aid/CPR although at present they are not being allowed to supervise inmates. Commissioner Cryans asked why that is and FM Kimball said that Cpt. Lafond has not allowed this to happen but he expects to speak with Supt. Libby upon his return and get it all straightened out.

FM Kimball said that the Farmstand is doing very well, the potato crop is good and the Nursing Home is buying eggs from the Farm. 6,250.5 pounds of produce has gone to the new Jail for processing.

Commissioner Burton said he wanted to be sure that the inmate situation was looked into because he feels they need to be out working with the help. FM Kimball said they are allowed to work, they just can't be taken out by the new Farm staff. FM Kimball believes it will all get worked out.

Commissioner Ahern asked what the status of the winter squash was and FM Kimball said it didn't germinate well and then weeds were allowed to take over. He said he can't really estimate what the crop will be like.

Commissioner Cryans asked about sweet corn and FM Kimball said they were on their third batch. He then asked about the status of the rutabagas and FM Kimball said that at the request of Commissioner Ahern, they have two rows planted, but he doesn't have a lot of familiarity with rutabagas.

FM Kimball noted that although milk prices have risen, so has the cost of grain, to \$60 a ton.

Commissioner Burton mentioned that Commissioners Merrill and Wrenn will be here next week to visit the Farmstand at 11:00 AM.

Commissioner Ahern asked if there was a system of accounting being made so that the Farm is credited with produce that is going to the DoC. Director Clough said that there is nothing on the books that notes that but there is an internal record kept.

Director Clough presented an educational assistance application from a Sheriff's Deputy who is going for a criminal justice degree. This Juvenile Justice class begins on Sept. 4th.

Commissioner Burton moved to approve the educational assistance which was seconded by Commissioner Ahern. All were in favor.

Director Clough then presented an educational assistance application from a staff member in the Commissioners office who is going for a bachelor's degree. This Contemporary Math class begins on Sept. 10th.

Commissioner Burton moved to approve the educational assistance which was seconded by Commissioner Ahern. All were in favor

Commissioner Cryans signed the monthly Drug Court Case Manager report.

Nominations for the NHACo awards at the October 22-23 conference are due on the 31st of August.

Director Clough informed the Board that a Right -to-Know request had come from Linda Luhtala from Rumney requesting all reimbursement expenses for Commissioner Burton for the last two years. The request came in while Director Clough was on vacation and Sec. Martino called Ms. Luhtala to let her know the information would be forthcoming upon Director Clough's return. Documents will be sent out today.

A follow up letter was received from the Rumney Board of Selectmen, regarding issues that Rumney has had with the Dispatch center. Copies of the letter were given to the Board. Director Clough, after just receiving the letter yesterday, forwarded copies to Sheriff Dutile and Communications Director Andross, who will be available for discussion with the Commissioners on the 28th. The Commissioners will wait until both are present to discuss the letter.

Director Clough said that a supplemental ProShare payment in the amount of \$1.060M will be coming to the County to be credited to FY13. \$600K was budgeted. \$813K was received in June and credited to FY12.

Commissioner Ahern attended the Nursing Home Affiliates meeting and said ProShare payments were brought up. He said it was suggested that the federal government may ask for that money back from Counties for up to three years. Commissioner Cryans said that is something that is always considered and asked Director Clough if they have ever asked for it back in the past and she said not that she could recall.

The annual North County Council meeting will be held on the 23rd of October.

Director Clough gave the Commissioners the revised evaluation form for the Dept. Heads. She said she is still waiting on four Dept. Head self evaluations.

*11:45 AM - Commissioner Ahern then 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 Burton seconded the motion. This motion requires a roll call vote, Commissioner Cryans called the roll. Commissioner Ahern "yes"; Commissioner Burton "yes" Commissioner Cryans "yes"; Commissioner Cryans stated that a majority of the board voted yes and would now go into non-public session.

*11:53 AM– Commissioner Cryans declared the meeting back in public session.

Commissioner Ahern moved to seal the minutes of the non-public session which was seconded by Commissioner Burton. All were in favor.

COMMISSIONER ISSUES

Commissioner Burton brought the Board up to date on the meeting that was held for the disposition of the old Jail. Commissioner Ahern had been in attendance at the meeting and notes were taken. At the suggestion of one of the members, Bob Tortorice was contacted to see if he was interested in going through the old Jail and giving an overview. He has experience in that field and Commissioner Burton said he spoke with the gentleman who said he would volunteer to do this for the County. He also contacted J. Wolter of the Beckett school and left a message regarding the possibility of a public/private partnership of the building for students.

After the meeting concluded, Supt. Oakes gave everyone a tour of the old Jail.

Commissioner Ahern said he might give a call to Mark Scarano and see if he might have some ideas as to what should be done with the building.

Commissioner Cryans said that he did not attend the meeting because he is still strongly in favor of demolishing the building and he just can't see putting any money into it. He knew that attending the meeting would not alter his decision.

The next meeting for the group will be on the 30th of November at 2:00 in the UNH conference room.

Commissioner Burton said that he would like to be sure that the Nursing Home and its staff is aware that the 2012 election is underway and absentee ballots are now available in the event that any resident would like to take advantage.

There will be no Commissioner meeting on September 11th which is primary day in the state.

Commissioner Ahern attended the Nursing Home Affiliates meeting on managed health care and what he heard was that the companies were not getting the answers they needed from HHS in order to take over. Commissioner Burton said he would follow up on this with Commissioner Toumpas.

Commissioner Ahern said that in going over invoices he had some questions. He asked about people using their own vehicles to travel noting that reimbursement for trips to Concord was around \$99. Director Clough said that there is no County vehicle although the Attorney's office has offered employees their vehicle when not in use. Commissioner Ahern asked for the updated list of County owned vehicles.

Commissioner Ahern then asked why the County pays for Drug Court Coordinator Bob Gasser's phone and internet at his home. Director Clough said that as far as she understood it was the agreement that was made when Mr. Gasser was hired on because he does some work from home. She said the County pays for his fax line, internet and cell phone. She said she didn't think there was anything in writing that stated this but she will do some checking.

Commissioner Ahern said he attended the Canadian Trade Council meeting in Concord and that it was well put on. He said there were discussions about the Northern Pass and it opened a lot of eyes in the state of New Hampshire. He said there were a number of Grafton County legislators there and others from the southern part of the state.

Commissioner Ahern did some announcing for the Belknap County fair 4-H and will be doing the same at the Cornish fair on the 18th of August.
The Bonnie Brae Red Deer Farm will have an Open Farm Day on the 19th of August

12:20 PM With no further business the meeting adjourned.

Respectfully,

Raymond S. Burton, Clerk

**Grafton County Registry of Deeds
Kelley J. Monahan Register
Report to Commissioners
August 14, 2012**

July Revenue

County Revenue 7/2009	\$95,760.75	State Revenue 7/2009	\$587,752.32
County Revenue 7/2010	\$78,183.24	State Revenue 7/2010	\$533,698.56
County Revenue 7/2011	\$73,874.18	State Revenue 7/2011	\$588,695.04
County Revenue 7/2012	\$97,870.27	State Revenue 7/2012	\$873,670.08.

Foreclosures

2009 100 year to date
2010 134 year to date
2011 128 year to date
2012 120 year to date

1. We continue to see a spike in higher end real estate sales in Grafton County as shown in the revenue numbers for July.
2. On August 1, 2012 The Grafton County Registry of Deeds successfully converted our internal recording software. This process was inevitable as Conner & Conner was purchased by Fidlar Technologies. Some cooperation on the part of the professionals that use this office is required, as there are some adjustments and changes to the work flow process. This is the first time in 25 years that there has been a change to this system. The team from Fidlar/Exeter, formerly C&C and the team from Rock Island IL, Corporate/Fidlar were impressive and extremely helpful.
3. I would like to acknowledge the team work and professional attitude of the Grafton County Registry of Deeds staff. This software conversion has required the staff to go above and beyond. We are very fortunate to have such a knowledgeable and experienced staff.
4. The NH DOJ Consumer Protection Division sent out a consumer alert to our NH Deeds President (see attached). Once forwarded on to the other counties, I sent out email alerts to our Grafton County town clerks, local papers, posted to NHDeeds.com, County Attorney (who copied the Chiefs of Police), and Sheriff. This scam came to my attention last year, when I read that OR and CA had experienced this type of fraud.
5. At the invitation of Gerald Winn, on 8/8/12 I met with Winn Associates Century 21 in Littleton to discuss the problems involved with MERS.
6. I will be attending a NH Register of Deeds Association meeting on 8/16/12. We have a very full agenda.
7. I will be attending the 8/16/12 Thornton Planning Board meeting and 8/20/12 Orford Planning Board meeting. The Plymouth Planning Board has a very important public hearing on 8/16/12 (see attached).

**Respectfully Submitted,
Kelley J. Monahan
August 14, 2012**

CONSUMER ALERT

Attorney General Michael A. Delaney issued the following consumer alert to all New Hampshire property owners:

Consumers should be aware of mailings being sent to property owners throughout the state from companies using the names:

SECURED DOCUMENT SERVICES, and

DEED RETRIEVAL SERVICES

The mailings appear to be official government notices recommending, "that all United States [or New Hampshire] homeowners obtain a copy of their current grant deed" and further indicate that, for a fee of \$86.00 or \$87.00, these companies will provide the property owner with a copy of their Grant Deed and a Property Profile.

The Attorney General advises that these companies are providing a service of questionable value and the information advertised in these solicitations can be obtained from any of the State's Registers of Deeds for significantly less money. With deeds so easily and inexpensively attainable, the existence of these companies depends greatly on the public's unfamiliarity with the county registers of deeds offices.

Attorney General Delaney stated, "The real lesson for an educated consumer is to know what you are paying for, which in the case of these deed retrieval companies is virtually nothing more than a homeowner can acquire for far less cost. Don't be fooled by a company whose name sounds 'official' or by an 'official' looking notice designed to confuse and mislead you. If you would like a copy of your deed, you can obtain it yourself for nominal cost and time, or contact your county's Register of Deeds, who would be glad to assist you."

Under New Hampshire's Consumer Protection Act, N.H. RSA 358-A, it is unlawful for any person to use any unfair or deceptive act or practice in the conduct of any trade or commerce within this state. Anyone who feels they have been the victim of any unfair or deceptive act should call the Attorney General's Consumer Protection Bureau hotline at (603) 271-3641 or 1-888-468-4454. For more information on consumer fraud you can also visit the Bureau's website at www.doj.nh.gov/consumer.

Office of the Grafton County Attorney
Lara Saffo, County Attorney
August 14, 2012
Report to the Commissioners

"Heroes don't quit. Heroes get off the mat. Heroes show the world that nothing can stop them. Heroes stand up and speak confidently and fight for what's right."

Reid Forgrave of Fox Sports on Olympic Judo Gold Medalist Kayla Harrison. Mr. Forgrave was referring to Kayla Harrison's courage in sharing that she was a child sexual assault victim.

(1) Congratulations to the Grafton and Sullivan County Child Advocacy Center at DHMC.

Last week our CAC was evaluated by the National Children's Alliance for Membership Accreditation. We are awaiting the formal results, however, the team of evaluators explained at the end of the day that it believes the Grafton and Sullivan County CAC met all the best standard competencies of a child advocacy center. This is truly an honor and a reflection of the hard work of Cathy Bean and Jocelyn Thompson, and the many members of the team.

In case you are not familiar with the National Children's Alliance, I will quote from their website:

"The National Children's Alliance is National Children's Alliance is a professional membership organization dedicated to helping local communities respond to allegations of child abuse in ways that are effective and efficient – and put the needs of child victims first.

National Children's Alliance provides training, support, technical assistance and leadership on a national level to local children's and child advocacy centers and communities responding to reports of child abuse and neglect. A children's advocacy center is a child-focused, facility-based program in which representatives from many disciplines, including law enforcement, child protection, prosecution, mental health, medical and victim advocacy, child advocacy, work together to conduct interviews and make team decisions about investigation, treatment, management and prosecution of child abuse cases.

National Children's Alliance strongly believes that the combined professional wisdom and skill of the multidisciplinary team approach results in a more complete understanding of case issues and the most effective child- and family-focused system response possible."

(2) Case management / Statistics on resolutions

I received a request from Commissioner Ahern to outline the dispositions of the 2011 referrals. As noted in the last meeting, obtaining accurate data on dispositions is a harder than referrals, due to limitations of our computer system. Referrals encompass one category in our computer system, and one time framework. Dispositions involve a number of overlapping categories. Also, sometimes a court event may be scheduled at the last minute, and thus is not entered into

our database. For example, on final pretrial conference day, a defendant may file a Notice of Intent to Plead Guilty. If possible, the court may schedule the plea or a plea and sentencing the same day, without sending a scheduling notice to our office. Thus, the plea and sentencing is not entering into our computer.

Moreover, older cases are getting resolved at the same time the 2011 cases are being resolved. Thus, in 2011 we not only resolved 2011 cases, we resolved 2010 cases, and earlier cases as well. Moreover, some 2011 cases remain open and awaiting trial in 2012.

Please also keep in mind that these statistics reflect cases, not number of indictments. When a case is resolved by a plea and sentencing, one plea and sentencing may resolve numerous indictments.

With those caveats, while I can't confirm 100% accuracy without pulling each individual file, I believe the following figures are valid estimates of what happened to cases that were received in 2011:

Cases resolved by a plea and sentencing in 2011: 469

Please note we resolved 282 "2011" cases by a plea and sentencing in 2011, and 167 "2010" cases by a plea and sentencing in 2011 for a total number of 449 cases resolved by a plea and sentencing in superior court. I have added an estimate of twenty additional cases for cases resolved on the final pretrial conference day without a scheduling notice. I believe that is low, but could only confirm by pulling every file.

Cases sentenced in 2011 (separate from a plea): 37

fifteen "2010" cases were sentenced in 2011, along with twenty two "2011" cases.

Cases accepted into the Grafton County Drug Court Sentencing Program in 2011: 16

In 2011, three "2010" cases entered drug court and thirteen "2011" cases entered drug court for a total of 16 cases entering drug court. There were additional referrals as well (for example, a defendant entering drug court after a probation violations would not be counted as a new case.)

"2011" cases indicted in 2011, that the defendant remains at large (capias pending): 28

"2011" cases indicted in 2011, that are pending in the court system: 87

"2011" misdemeanor appeal cases that are awaiting a trial: 2

"2011" misdemeanor appeal cases that were remanded back to circuit court: 1

"2011" cases that were indicted, sentenced and then re opened: 15

"2011" cases with an appeal pending before the NH Supreme Court: 2
"2011" cases reviewed and resolved as a misdemeanor in circuit court: estim 75
"2011" cases that are pending indictment (additional investigation etc): estim 70
"2011" cases that were reviewed and not indicted due to insufficient evidence: estim 85
"2011" cases that were reviewed and referred to a different agency for prosecution:
estim 10

I have estimated figures because these are not categories in our computer system, but data I gleamed pulling individual files. I did not have time to pull every file.

(3) Space

The maintenance department has been working hard on the new space. It looks great. We greatly appreciate their expertise and hard work.

(4) New positions. We have extended offers to two individuals. They have accepted and are going through the process of the final details of the hiring process. We hope to have both start work in the beginning of September.

(5) Mental Health Court

The Mental Health Court has moved to its new space in the White Building. We believe this is a timely move, as the drug court is focusing on mental health issues for drug court participants. The Mental Health Court has already conducted two lengthy trainings, open for free to our law enforcement agencies, both well attended and well reviewed.

The grant period ends in October, so we forwarded a letter requesting an extension of the project period. We should have the formal response shortly.

Strafford County Attorney Thomas Velardi, also a member of the Drug Treatment Court Team recently summed up drug courts in a quote I felt was worth repeating: "Drug treatment court, just as mental health court, is not a get out of jail free card. While it represents a real opportunity for the offender to rehabilitate and become a productive member of society, it also allows the system to treat offenders in an appropriate manner by allowing non-violent offenders to be treated in the community. In a time when there is less money for prison beds and services, it becomes ever more important to make sure limited incarceration resources are used for high risk and violent offenders first to keep our communities safe."

(6) Out of State Training

I am asking for permission for Sabra Carroll to attend the Tri State Advanced Victim Assistance Conference on September 24 and 25th, 2012. It is in Vermont. She will use the county vehicle. Due to our numbers, we are using Sabra more and more during trials and thus this advanced training is an excellent area of professional development.

I will be attending the National Sexual Assault Conference in Chicago, Illinois. I received a grant from the Alliance of Local Service Organizations (ALSO) that covers all costs associated with this event, so it will be no cost to the County. Topics I will be attending include the Campus Sexual Assault, Using Evidence to Improve Outcomes, Communicating the Reality of Sexual Violence, Enhancing Expert Testimony in Sexual Assault Cases and Meeting the Consent Defense in Sexual Assault cases. Part of the grant involves LINKing the information obtained, (LINK stands for Locally Implementing National Knowledge). Thus, there are follow up phone conferences with the grantors to provide assistance in effective manners to implement what I learn. I believe we are at the forefront of implementing knowledge obtained, for example using our SART in the Plymouth area, and look forward to learning about what others are doing nationally.

(7) Human Trafficking

We are part of an initiative to address Human Trafficking. While I think it is hard to imagine that this is occurring in New Hampshire, it is regrettably clear that Human Trafficking is an issue in New Hampshire.

(8) Training at the House of Corrections

I am honored to again be a part of the training team for the House of Corrections, covering constitution issues and liability.

As always, if you have any questions, please do not hesitate to contact me. I welcome the opportunity to answer any questions.