



## COMMISSIONERS MEETING MINUTES

Wednesday, June 21, 2023

This meeting will be conducted in person  
and electronically (via Zoom) at the

Maplewood Nursing Home  
201 River Road  
Westmoreland, NH 03467

### **Start Time 08:30 AM**

**Present:** Commissioners Jack Wozmak, Bob Englund, and Terry Clark

**Staff:** County Administrator Coates, Finance Director Trombly, Human Resources Director May, County Attorney McLaughlin, Superintendent Iosue, Maplewood Administrator Kindopp, County Project Manager Bouchard, and Executive Assistant Gouger

**Guest(s):**

At 8:31 AM, all Commissioners responded as “present.”

### **Public Comments**

Upon recognition from the Chair, a Public Comment on topics of interest may be made, at most three (3) minutes in length.

### **I. Elected Officials & Department Head Updates**

To receive, as informational, departmental updates requiring Commissioner review, participation, approval, and impactful departmental and operational issues.

### **II. Scheduled Items**

Master Agenda Item #1093: Capital Purchase for Replacement Bed Frames – K. Kindopp

**Action Expected: Vote to support the purchase of new bedframes for Maplewood Nursing Home, as presented by Maplewood Administrator Kathryn Kindopp.**

Administrator Kindopp gives a short back history of the current bedframes, noting that the bed manufacturer is no longer making and supporting the current beds with parts and pieces. She said that she would like to buy ten frames and recommended that they purchase this bed frame for replacements in the future.

In response to a question from Commissioner England, she said the Joerns company products she recommends could manage a 600-pound weight limit, meeting their needs.

Kindopp is asking for future support to continue purchasing these bed frames as they need to replace the current beds.

Commissioner Englund asked how long a bed usually lasts. Kindopp says they typically last 10-15 years; however, with residents of size, they tend not to last as long.

He asked how long the mattress last, and Kindopp said that they try to get 10-15 years, but with bariatric patients, they have a much shorter useful life.

**Commissioner Wozmak moved to support the purchase of new bedframes for Maplewood Nursing Home, as presented by Maplewood Administrator Kathryn Kindopp.**

**Commissioner Clark seconded the motion, and upon roll call vote, the motion passed unanimously.**

Master Agenda Item #1094: County Attorney Semi-Annual Report – C. McLaughlin  
**Action Expected: To serve as a six-month informational report from County Attorney Chris McLaughlin.**

McLaughlin said that the census in Drug Court is low. Commissioner Wozmak asked why he thinks that was. McLaughlin said he thinks it is hard to get participants into the program.

McLaughlin said that in the spring of 2023, they filled the third victim witness coordinator position. Erin Gebo will leave the DOC and transfer to the County Attorney's office in July.

McLaughlin said that the Felony First program is going away effective January 1, 2024. All felonies will start in circuit court. He adds that he thinks that the circuit court is overwhelmed, and there could be issues in the future adding those cases back in.

McLaughlin said a proposed bill would make it a misdemeanor for a first-time possession charge of a controlled substance. He said if that goes through, that would change many court cases. McLaughlin says he does not know the bill's status and does not think it will pass.

Coates asks how many cases are in the regional program, and McLaughlin says there are 15 towns and 16 if you consider the Sheriff's department.

McLaughlin then discussed the details of the 2022 Annual Report:

*The primary responsibility of the Office of the Cheshire County Attorney is the prosecution of felony level crimes in the Cheshire County Superior Court. When a felony arrest is made or a felony investigation is completed and referred to our office, the prosecutors/attorneys review the cases, consult with police departments and make a determination as to what criminal charges will be brought. This process can include filing complaints in the Cheshire County Superior Court and making presentations before a Grand Jury. The attorneys handle all pre-trial procedures and hearings, and if a case is not resolved by a plea or other non-trial resolution, it proceeds to a jury trial.*

*The case load at the Office of the Cheshire County Attorney continues to be heavy. During 2022, approximately 345 felony level case files and 68 probation violations were handled by this office. Attorneys formally presented approximately 451 charges to the Grand Jury for indictment consideration, and approximately 203 individuals were indicted. Additionally, attorneys from this office evaluated 378 DCYF reports, issued 13 "one party" authorizations, and handled 197 unattended death calls in Cheshire County.*

*The Cheshire County Circuit Court Prosecutor Program (“CCCCPP”), under the direct supervision of the County Attorney, continues to be successful. The program consists of the Regional Prosecutor Program (“RPP”), which prosecutes cases for fifteen (15) towns in Cheshire County, and the City of Keene Prosecutor, who prosecutes cases for the Keene Police Department. The prosecutors in the CCCCCPP are both Assistant Cheshire County Attorneys. The attorneys in the CCCCCPP handle all misdemeanor and violation level offenses that arise in the sixteen (16) participating towns/city, and also handle Administrative License Suspension hearings associated with DWI cases. Additionally, the RPP handles many of the fifteen (15) towns’ serious juvenile matters. During 2022, approximately 497 case files were handled and processed from the fifteen (15) towns served by the RPP. The Keene Police Department Prosecutor’s Office handled and processed approximately 1,050 cases during 2022. The cases handled by the CCCCCPP account for the large majority of all cases coming before the 8th Circuit Court – Keene District Division. The CCCCCPP has increased efficiency, improved officer training, and provided more uniform prosecution policies among participating police departments in Cheshire County. The towns and the City of Keene both benefit from the expertise and resources of the County Attorney’s Office. Conversely, the County Attorney’s Office benefits from increased communication between its Circuit Court and Superior Court prosecutors, who often encounter the same defendants, victims, and legal issues in the two different Courts.*

*The prosecutors for the RPP throughout late 2021 and 2022 were David Jenkins and Emma Rouse. David came to the RPP in February 2021 from the Hillsborough County Attorney’s Office, where he had worked as an Assistant County Attorney prosecuting felony level offenses in the Special Victims Unit since 2019. David is a 2014 graduate of the University of Oklahoma College of Law. David left his position with the RPP in August 2021 to fill the felony domestic violence prosecutor position in this office, which opened up when Jean Kilham left that position to go to work for the Administrative Office of the Courts. Owing to David filling Jean’s former position, a position with the RPP opened up and it was filled by Emma Rouse. Emma interned with this office in the summers of 2017 and 2018 while she was attending law school. She graduated from the University of New Hampshire School of Law in 2019, and worked as a prosecutor for the Rockingham County Attorney’s Office from November 2020 until September 2021 when she started with this office as the prosecutor for the RPP.*

*The prosecutor for the Keene Police Department throughout 2022 was Shanna O’Rorke. Shanna started with this office as the prosecutor for the RPP in March 2019 and left that position in January 2021 to go to work as the prosecutor for the Keene Police Department, which had an opening owing to Alex Gatzoulis leaving that position to go to work for the Hillsborough County Attorney’s Office. Shanna is a 2012 graduate of the University of New Hampshire School of Law, and, prior to becoming the RPP prosecutor, she worked as the Assistant Director of the Monadnock Center for Violence Prevention (“MCVP”) for four (4) years. Many of the cases prosecuted in Circuit Court are charges involving domestic violence, and Shanna’s prior experience working at MCVP has proven to be invaluable.*

*In addition to the attorneys in the CCCCCPP, retired Police Officer John Dudek assists as a part-time prosecutor for the RPP, handling mostly arraignments and review hearings in the Circuit Court.*

*In 2022, in addition to Shanna and Emma, the County had six experienced prosecutors (plus me) handling felony prosecutions in the Cheshire County Superior Court – Kathleen O’Reilly, John Webb, Keith Clouatre, Ellie Moran, Kerry O’Neill and David Jenkins.*

*Kathleen O'Reilly is now in her 27th year with the office. Kathleen is extremely hard working and shoulders a heavy caseload. Based on the size of this office, its growth over the years and the number of cases we handle at both the circuit and superior court levels, in late 2015, I created the position of Deputy Cheshire County Attorney and named Kathleen Deputy Cheshire County Attorney, and she continued in that role throughout 2022. Assistant County Attorney John Webb is one of our more experienced trial attorneys, having joined the office in 2007. John is formerly of the Merrimack County Attorney's Office, where he was a veteran prosecutor. Prior to that, John served as a Law Clerk to the Superior Court. John's experience and expertise are highly valued and relied upon by all members of this office. Joining our staff in late 2009 was Attorney Keith Clouatre. Keith is a very talented and experienced trial attorney who handles many of our difficult child sexual assault cases. Keith previously served as both an Assistant County Attorney and the County Attorney in Coos County. Eleanor Moran started as a prosecutor in this office as the Keene Police Department Prosecutor in 2016, and began prosecuting felony cases in this office in March 2019. Her work ethic and attention to detail have served her well in her position as a felony prosecutor. In October 2018, this office hired Attorney Kerry O'Neill. Kerry has been an attorney since 2005 and is a very experienced litigator, having worked for the NH Public Defender Program in the Keene Office from 2005 to 2015. After leaving the public defender office in 2015 Kerry worked as an associate in the Keene firm of Bradley & Faulkner, where her practice focused on criminal defense and family law matters. Kerry is well known and highly respected by the criminal law practitioners, court staff and judges in Cheshire County. Lastly, as indicated above David Jenkins originally started with this office as the prosecutor for the RPP in February 2021. David took over the position of the felony domestic violence prosecutor in August 2021, and continued in that role through 2022.*

*The responsibilities of the attorneys in our office are many. All Assistant County Attorneys, the Deputy County attorney and I are available to assist local law enforcement with case investigations and one-party authorizations. Additionally, an attorney must be available to consult on fatal accident scenes where potential criminal charges may be brought, as well as to consult on unattended deaths, and related investigations. Furthermore, I continue to meet monthly with investigators from the Keene Police Department and, upon request, with other law enforcement agencies. I also attend the monthly meetings of the Cheshire County Chiefs of Police Association, the Cheshire County SART (Sexual Assault Resource Team), and the Cheshire County Behavioral Health Court Program. Moreover, throughout most of 2022, I also attended the weekly team meetings of the Cheshire County Drug Court ("CCDC"), and was responsible for overseeing all the cases that are resolved with a plea and sentence that involve participation in the CCDC. However, in late 2022, after 9 1/2 years of being the primary prosecutor for the CCDC, I turned that responsibility over to Kerry O'Neill. Lastly, I, and all the prosecutors in the office, prosecute the numerous violations of probation that are brought by the NH Department of Corrections.*

*In addition, the attorneys in our office meet regularly with members of law enforcement, social services, crisis workers, victim/witness coordinators, mental health professionals, and medical specialists in order to ensure the continued success of the Child Advocacy Center ("CAC") in Cheshire County. The ideology behind the center is the institution of multidisciplinary teams trained in the investigation and prosecution of physical and sexual abuse against children. They work together as a unified team from the inception of any report of child abuse that occurs anywhere in Cheshire County. The CAC is having a significant and positive impact on the investigation and prosecution of perpetrators of physical and/or sexual abuse on children. In 2022, attorneys attended 126 CAC interviews.*

*Another important service provided by this office is that of liaison between victims/witnesses and the court system. The success of any prosecution hinges on victims and witnesses being informed of, and feeling comfortable with, the intricacies and nuances of the court system. Throughout 2022, this office had two (2) victim/witness coordinator positions that were filled by Sarah Hoskins and Aunaliese Swanson. Sarah is a victim/witness coordinator of vast experience, originally starting with this office in August of 2000 as part of an AmeriCorps program focusing on victims of domestic violence. Auna has been working as a victim/witness coordinator since July 2017. Prior to taking on that position, Auna worked in this office as an Administrative Assistant. Auna's transition to the victim/witness coordinator position has been seamless and her prior experience working as a Deputy Clerk in the Cheshire County Superior Court has served her well in the transition to her new position. Because Sarah and Auna are involved with the cases being handled by the nine (9) attorneys in this office, their caseloads are extremely high. For the year 2022, Sarah handled approximately 181 cases, and Auna handled approximately 216 cases. In addition, in 2020, the County approved my request for a new position – Director of Restorative Justice and Victim/Witness Services, and that position was filled by Patrick Heneghan. Patrick started in this new position in October 2020 and continued in the position throughout 2022. Patrick's background is in education, the analysis of and implementation of new systems, and restorative justice practices and principles. Patrick has been tasked with developing a plan for educating victims and others involved in the criminal justice system on restorative practices and implementing those practices in appropriate cases when victims are interested. In addition, Patrick is the direct supervisor of Sarah and Auna and in 2022 he handled 58 cases.*

*In 2019, the County approved my request for a part-time investigator to help attorneys with issues that inevitably arise with the prosecution of cases. Those issues include: tracking down witnesses; conducting follow up interviews of victims and witnesses; obtaining medical and court records and various other documents; and listening to jail calls from incarcerated defendants. This office was incredibly fortunate to be able to hire retired Keene Police Lieutenant James McLaughlin as our investigator. Jim retired after 40 years with the Keene Police Department, where he led the detective bureau and was a nationally recognized expert in cases involving the investigation of sexual offenders. Jim's wealth of knowledge, both legal and investigative, is invaluable, he has been a great addition to this office, and throughout 2022 Jim's work on various cases has proven to be incredibly helpful.*

*The Cheshire County Attorney's Office administrative staff is responsible for the day to day operations of the office. In 2022, there was one personnel change within the administrative staff. In June, the assistant to the Circuit Court Prosecutor Program, Christina LaMears left our office and we were very fortunate to hire Administrative Assistant Karynne Douai to fill that role. Karynne is professional and efficient, and has proven to be a wonderful addition to our administrative team. Making up the rest of the administrative staff were Office Manager Chloe Bosquet, and Administrative Assistants Amanda Crocker, Natalie Haley and Pam Patnode. Chloe joined the staff in 2009. Amanda was hired in March 2018, Natalie was hired in 2019 and Pam was hired in 2020. The Cheshire County Attorney's Office is fortunate to have resourceful, dedicated and competent staff who work as a team to find creative solutions to time-sensitive problems, support one another and bring a positive attitude to an often challenging environment.*

*Since 2013, this office has been required to adapt to changes brought about by the criminal justice/court system in New Hampshire; namely, the implementation of the Cheshire County Drug Court in 2013 and the Felonies First Program in 2016. For the most part, the implementation of both programs went fairly smoothly; and, ultimately, the programs have resulted in an improvement*

*in the operation of the criminal justice system – including making improvements in efficiencies within the system and providing an alternative to lengthy periods of incarceration for those criminal defendants struggling with an addiction.*

*Another effort this office focused on beginning in 2018 was developing and implementing a system to resolve those felony cases that can (and should) be resolved quickly and early on in the process. Early Case Resolution (“ECR”) consists of dedicating an experienced prosecutor and experienced public defender to cull out those felony cases that are not complicated, generally do not involve citizen victims, and which lend themselves to being resolved fairly and early on in the process, e.g. possession of drugs, driving offenses, merchant thefts, etc. The process involves the dedicated prosecutor (who, for most of 2022, continued to be Kerry O’Neill; however in late 2022 I took over this responsibility) identifying ECR cases and making a fair and very reasonable plea offer to defense counsel at the time of arraignment (within 10 to 20 days of arrest), and requiring defense counsel to respond to that offer within 10 days. Depending on the defendant’s criminal history, the dedicated prosecutor’s offer will oftentimes include reducing a felony to a misdemeanor. If the plea offer is accepted, the case will be scheduled for a plea and sentencing hearing and the entire process from the time of arrest to resolution will take 45 to 60 days. If the plea offer is rejected, the case is re-assigned to a different prosecutor and goes forward the same as any other case; however, what is made clear is that the original plea offer will not be made again. The goal of ECR is to resolve those cases which should be resolved fairly and quickly, which, in turn, allows prosecutors more time to focus on those complex and serious cases that will likely go to trial. In 2018, 42 felony cases were referred for ECR resolution, which comprises approximately 10% of the felony cases referred to this office for prosecution. In 2019, 30 felony cases were referred for ECR resolution. In 2020, 29 felony cases were referred for ECR resolution. In 2021 33 felony cases were referred for ECR resolution. Lastly, in 2022 24 felony cases were referred for ECR resolution. In the future, it is hoped that a greater percentage of our cases will be resolved through the ECR process; however, for reasons beyond this office’s control, I am not convinced that will be the case.*

*Unlike 2015 through 2019, where the biggest challenge for this office was responding to the continued influx of inexpensive and potent fentanyl to the region and the attendant crime associated with it, this office’s biggest challenge for 2020 and 2021 – like most offices – was responding to how to continue to perform our jobs in the midst of a pandemic. Based on the nature of our work, most of the personnel in this office were able to work remotely during the initial surge and second surge of the pandemic. Through the efforts and cooperation of the County Administration and IT Department, this office was able to make a smooth transition to working remotely, which enabled us to effectively perform our jobs. This office appreciates and is thankful for the guidance and support throughout these trying times provided by the various County Departments we depend on. Not surprisingly, our case numbers were down for 2020 owing to a number of factors, including, most significantly: i) law enforcements’ conscious (and appropriate) decision to minimize contact with the public except as absolutely necessary; and ii) the public’s being homebound for the most part. Nevertheless, despite the lower case numbers, a number of significant and important cases still needed to be dealt with, which the court system and participants in the criminal justice system were able to do by conducting the vast majority of court business and hearings via WebEx (the Court’s version of Zoom). As an example of how this pandemic affected our ability to conduct in-person court proceedings, in 2020 we had one jury trial (in August, which was one of a few held in the entire State throughout 2020), and we did not have grand jury (which we usually have monthly) during the months of March, April, May, June, July, November and December 2020. Thankfully, with the rollout of vaccines and a better understanding of COVID-19, in 2021 this office was able to resume some sense of normalcy – i.e., staff returned to working full-time in the office, we had*

*regular sessions of grand jury and jury trials, and court hearings via WebEx were greatly reduced. Moreover, the number of felony cases handled by this office in 2021 and 2022 is a reflection of a return to business as it was pre-pandemic.*

*In sum, I am proud to say that the County Attorney's Office was able to effectively conduct its business during the various surges of the pandemic in 2020 and 2021, and, in 2022, our caseloads and the conducting of the business of this office truly returned to pre-pandemic normalcy. As always, this Office is thankful and grateful for the support provided by the Cheshire County Delegation, Commissioners and Administration during the trying times of the pandemic and in our return to business as usual.*

### **III. County Administrator**

Weekly Operations Report - The County Administrator will update the Commissioners on activities that have taken place since the previous meeting.

Coates said they have a second meeting at Whitcomb Hall tonight, June 21, at 6:00 PM regarding the EMS contract for the Town of Swanzey.

Commissioner Clark asked about the conversations with the City of Keene and Rescue, Inc. Coates said that the County pulled out of the conversations with the City because the Chair of the Delegation, Dan Eaton, had concerns with the role that the City was playing and that the towns had no input or voice in choosing EMS services.

Coates said he talked with the President of the largest ambulance company in the state to start to strategize on interfacility transfer and 911 reimbursements for EMS. Coates also stated the Representative Hunt would be brought into conversations for his role as chair of Commerce and Consumer Affairs.

Coates said a Cheshire Medical Center meeting on July 11<sup>th</sup> at 11:00 AM regarding funding for interfacility transfers.

Coates said he was in Washington, DC, last week and said it went well. Luca Paris of Monadnock Collaborative and Cody Morrison of Monadnock Economic Development Corporation attended with him. He learned that there is the funding coming into the state that can potentially be used for the Southwestern Mutual Aid project and possibly other Mutual Aid agencies in the state of New Hampshire, and is working to set up meetings regarding that.

Coates said the Maplewood Grand Re-Opening Event is Monday, June 26<sup>th</sup>, at 1:00 PM.

Coates said that in regards to Drug Court, Cheshire Medical Center is looking at the future of the contract with the County through The Doorway. There is a meeting on Friday, June 23<sup>rd</sup>.

Coates said that several counties in New Hampshire utilize telehealth and will explore that option if needed.

Coates said that an inmate passed away at the DOC by his own hand. He was a federal inmate being held there while awaiting trial.

Coates said that the planning for the NHAC conference is going well. All speakers are lined up, as well as the keynote speaker.

**IV. Old Business**

**V. New Business**

**VI. Consent Agenda Items:**

Vote to accept the Weekly Manifests for June 21, 2023, and the meeting minutes of June 7, 2023, as presented.

**Commissioner Englund moved to accept the Weekly Manifests for June 21, 2023, and the meeting minutes of June 7, 2023, as presented. Commissioner Clark seconded the motion, and upon roll call vote, the motion passed unanimously.**

**VII. Calendar**

Action Expected: To accept the calendar as informational and to make necessary changes/additions.

No changes.

**VIII. General Discussion for Commissioners**

Master Agenda Item #673: Commissioners - State Cost Shifting Letter and Restorative Justice Program

**IX. Nonpublic Sessions:**

**At 8:41 AM, Commissioner Wozmak moved to enter a non-public session under RSA 91-A:3, II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.**

**As a result of deliberations in a non-public session, it was voted unanimously to withdraw a written warning given to employee J. W.**

**At 9:37 AM, the Commissioners voted unanimously to return to public session.**

**At 9:58 AM, Commissioner Englund moved to enter a non-public session under RSA 91-A:3, II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.**

**As a result of deliberations in a non-public session, it was voted unanimously to terminate the employment of M. H.**

**At 10:40 AM, the Commissioners voted unanimously to return to public session.**



**X. Adjournment**

At 11:25 AM, Commissioner Englund moved to adjourn the meeting. Commissioner Clark seconded the motion, and upon roll call vote, the motion passed unanimously.

Recorded and edited by:  
C. Gouger  
Executive Assistant

Reviewed and submitted by: Terry Clark  
Clerk, Board of Commissioners