

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

May 20, 2008

The Selectmen's Meeting convened at 4:07 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen Larry Martin Chair), C. David Weathers, Mark Hounsell, Howard C. Dickinson, and Bob Drinkhall; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

Chairman Martin led the Board in the Pledge of Allegiance to the Flag.

SIGNING OF DOCUMENTS

The Board reviewed and signed various documents contained in the signature folder.

CONSIDERATION OF BILLS

The Board reviewed and signed the manifest dated May 22, 2008.

APPROVAL OF MINUTES

Mr. Weathers moved to hold consideration of the minutes of 4/15/08, 4/29/08 & 5/6/08 until the next meeting. The motion carried unanimously.

APPROVAL OF AGENDA

Mr. Martin advised that Agenda Item Number 9, Request to cut trees on Dandiview Road by homeowner residing at 9 Willow Road/Arthur Cholewa, has been removed from the agenda.

Mr. Martin questioned if any motions were ready to be taken off the table. There were none.

Mr. Martin asked if there were any other revisions or corrections to the agenda. There were none.

PUBLIC HEARING: TO HEAR PUBLIC COMMENT ON THE PROGRESS
OF THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROJECT KNOWN AS "TECHNOLOGY VILLAGE"

Pat Garvin of North Country Council and Jac Cuddy of the Mount Washington Valley Economic Council joined the meeting.

The public hearing was opened at 4:10 p.m.

Mr. Cuddy advised that he was before the Board today to report on the progress of the CDBG project and the closeout of the project. Mr. Cuddy reported that 46 jobs

were created and we needed to have 43 for the project. The companies are growing and one is outgrowing its incubator space. Mr. Cuddy invited the Board to take a tour of the facility and also advised the school is also doing well. Mr. Cuddy further advised that overall the first phase of the project is doing well. Mr. Cuddy next advised they will be going to the Planning Board in June for future development.

Mr. Martin asked for questions and comments from the public. Theresa Kennett commented "good job". There were no further comments or questions from the public.

Mr. Cuddy thanked the Board for their help with this project.

Ms. Garvin stated the closeout of this project should bode well for the Town for future projects.

The Public Hearing was closed at 4:16 p.m.

DISCUSSION REGARDING PROPOSED METHADONE CLINIC

Robert E. Potter, Vice President of Planning and Development of Community Health Care, Inc., Community Substance Abuse Centers, Merrimack River Medical Services, was present for discussion.

Mr. Dickinson questioned if this Board would still like all motions in the positive. Chairman Martin advised that has been the practice of this Board and the preference of this Chair.

Mr. Dickinson moved, seconded by Mr. Drinkhall, that the Board of Selectmen approve the siting of a methadone clinic in the Town of Conway. Mr. Hounsell first spoke about his reasons for not being in support. Mr. Hounsell stated that without medical support staff a clinic would be hardpressed to succeed in Conway. Mr. Hounsell next stated that he also asked that they speak to the hospital and they have not communicated with the hospital and further the hospital is not interested. Mr. Hounsell further added that if a person is indigent and qualifies for assistance the Town of Conway would have to pay for someone's treatment. Mr. Hounsell stated that these revelations have lead him to determine that it is not a good fit for Conway. Mr. Hounsell next added that Mr. Potter had stated that if it is not a good fit he would look elsewhere and he would hope that this Board would wish them well in looking elsewhere. Mr. Weathers clarified that he was misquoted in the newspaper. He is not in favor of bringing people into the valley for treatment but if there is a problem already in the valley he believes we should have treatment available to them. Mr. Martin stated he understands the "not in my backyard" feeling and also understands we may have thirty clients from this area and it would make their lives easier if there were a clinic here, but you have to also look a the rest of the residents and the burden to them. Further, Mr. Martin commented on the hospital not being responsive to the proposed clinic.

Mr. Martin next invited Mr. Potter to share his comments. Mr. Potter reviewed he is the Vice President for Development for Merrimack River Services. Mr. Potter commented that he hoped the Board had a chance to review the information he had provided and also hoped they would take him up on an invitation to visit a clinic. Mr. Potter next explained that he has not had a chance to visit the hospital yet as suggested by the Board. Attorney Melendy sits on the Board at the hospital and was going to

discuss this matter at the next board meeting at the hospital. Mr. Potter further explained that he was also going to speak with other facilities in town but has not had a chance to do so. Mr. Potter further explained that he has spoken with patients from Conway, licensing agents, DEA, Conway Police Department, Judge Albee, narcotics officers, probation officers, and diversion officers and, up until the Selectmen's meeting, he did not have a feeling there was not a need for the clinic. Mr. Potter stated his hope was he could work with the Selectmen in identifying a building for a site for the clinic. Mr. Hounsell pointed out that several weeks ago there was a list of things this Board asked for and based on what he is hearing today, Mr. Potter is reporting he hasn't had time to do any of them. Mr. Potter explained he did find out information regarding health insurance and if any other towns pay for the clinic fees, which they don't. Mr. Potter further explained he thought he would be meeting with this Board in June and as such Fay Melendy had not had a chance to meet with the hospital board.

Mr. Drinkhall stated that with all the information we have received he hasn't seen anything that says the locations are a problem; however, the public here has spoken overwhelmingly that they do not want a clinic in town and he has only spoken to two people who were undecided about the issue.

Chairman Martin opened the meeting to public comments. Martin Novea of Chatham, New Hampshire, stated that Mr. Potter spoke with the Police Department but questioned if any of the police had any experience in policing a community with a methadone clinic. Mr. Potter advised that he spoke with the Lieutenant and asked him about the needs for the community and the Lieutenant stated there was certainly a need and there are problems here and would take it back to the Chief. Mr. Novea stated he felt then that the answer to his question was no. Mr. Novea explained that he was a retired police officer from Bedford, Massachusetts and he does have experience with methadone clinics. Mr. Novea gave brief explanation of his experiences as an officer with clinics regarding arrests, outstanding warrants, etc. Mr. Novea went on to state that if you build the clinic they will come and also stated that you are judged by the company you keep.

Laurie Savoy discussed the numbers needed for the clinic to make a profit. Ms. Savoy stated that at the last meeting Mr. Potter discussed the minimum need to break even and pointed out that he will need more to make a profit. Ms. Savoy went on to state that Mr. Potter is opening a small clinic but feels they are only opening under the guise of a small clinic and when more people come they will then need to make it a bigger clinic. Ms. Savoy further pointed out that if the police are saying there is a pill problem in the valley then we need to talk to the doctors.

Tom Holmes stated he was speaking as a homeowner in the Town of Conway. Mr. Holmes stated numbers show one in three will be back on the street and back on street drugs in Conway. The clinic will not take responsibility for this as they only follow successful clients. There are no crime studies for failure rates. Mr. Holmes next pointed out that he understands there is limited commercial space available and most is close to schools and residential areas. Mr. Holmes further stated that he also agrees with Ms. Savoy's statements and we need to attack the other end of the garden hose (doctors) with regard to the pill problem.

Mr. Novea next spoke about speaking with street cops as opposed to the chief of police in towns where clinics are located as you will hear different information regarding the clinics.

Dr. Cunningham spoke stating that there are many opiate addicts in town and stated the numbers are underestimated. The number is higher than 30.

The public comment period was closed at 4:45 p.m.

Mr. Dickinson questioned Dr. Cunningham as to how you would canvass the public on finding who is an addict. Dr. Cunningham suggested doing a random survey and based on the survey you could get a number. Mr. Martin pointed out that the number 30 was given to the town by Mr. Potter as being the number of patients from town being treated elsewhere. It is not that this Board believes that is how many addicts are in town and this Board is keenly aware of a problem in the valley.

Mr. Martin next stated he has received many heated comments on this subject from the public. Mr. Martin questioned Mr. Potter if he would stand by his word that if met with negativity that he will not pursue Conway for the clinic. Mr. Potter stated that based on the need he thinks it is a good match and thinks it is a great opportunity for Conway. Mr. Potter went on to state there could be a MOU between the Town and Merrimack Services. Mr. Potter further stated if the opportunity doesn't exist with Merrimack they will move on.

Mr. Hounsell next offered the following amendment to the motion: **Mr. Hounsell moved, seconded by Mr. Dickinson that the Board of Selectmen convey in writing by signature of the chair to the Town Planner, Fire Chiefs, Health Officer, Police Chief, Dept of Health and Human Services, Governor John Lynch, Executive Councilor Burton, and the towns representatives and senators to the legislature, our opposition of the siting of a Methadone Clinic in the Town of Conway.** Mr. Hounsell briefly spoke to the amendment. Mr. Dickinson advised that this Board has done much research on this subject. **The Board voted 5-0-0 to amend the motion.** The Board next voted on the amended motion and the **motion carried 5-0-0 as amended.**

REQUEST FOR SECOND DRIVEWAY AT 77 HEATH ROAD

Property owner, Tim Kiesman, joined the meeting. Also, Public Works Director, Paul DegliAngeli, was present for discussion.

Mr. DegliAngeli advised that Mr. Kiesman is requesting a second driveway on his property and the Town only allows for this for horseshoe driveways to have a second driveway and this is not the case in this instance.

Mr. Kiesman stated he wants to build a garage and would like to add a second driveway for same. Mr. Kiesman distributed a copy of his tax map with markings of where he would like to put his garage and requested additional driveway to the Board and reviewed same.

Mr. DegliAngeli reviewed the reasons and requirements etc for limiting lots to one driveway. Mr. Kiesman next explained that he has been at this property for seven years and would like to leave the landscaping as is.

The Board asked about line of site issues and there was a brief discussion. Mr. DegliAngeli advised this is a low volume road. Mr. DegliAngeli reviewed the issue is the ordinance states one driveway for each lot unless continuance of a horseshoe. There was further discussion with the Board concerning the ordinance and site issues etc.

Mr. Hounsell moved, seconded by Mr. Drinkhall, that in this instance the request for a second driveway as indicated on drawing by Tim Kiesman be approved. There was brief discussion. **Mr. Hounsell amended the motion, seconded by Mr. Drinkhall, that in this instance the request for a second driveway as indicated on drawing by Tim Kiesman be approved following the normal driveway permitting process.** Mr. Weathers indicated he would like the view this property first. The Board agreed. **Mr. Hounsell moved, seconded by Mr. Dickinson, to table the motion.** Mr. DegliAngeli suggested since there will be a view of the property can Mr. Kiesman stake it out. Mr. Kiesman and the Board agreed to same. **The motion to table carried 5-0-0.**

REQUEST TO CUT TREES ON DANDIVIEW ROAD BY
HOMEOWNER RESIDING AT 9 WILLOW ROAD

Agenda item canceled.

REQUEST FOR EASEMENT ON CONWAY PUBLIC LIBRARY PROPERTY

Public Works Director, Paul DegliAngeli, distributed a map of the area around the library to the Board and reviewed same. Mr. DegliAngeli explained where a water pipe would be placed and that the water pipe would be 7' down in the ground.

Mr. Hounsell expressed concern with permanent easement and with opening and closing this area over and over. Mr. Hounsell questioned if this could be placed under the sidewalk. It was reviewed that this would then be in the states right of way. Mr. Martin suggested verbiage stating that any time this can be reclaimed to its original condition. Mr. DegliAngeli explained that this language is in all similar deeds. Mr. Hounsell questioned if the Trustees have reviewed this request. Mr. DegliAngeli reviewed they have reviewed but this Board makes the decision and signs the easement. Mr. Hounsell questioned the position of the Library Trustees on this matter. Mr. Sires advised haven't heard a position for or against. Mr. Hounsell stated he does not want to take any action on this until hearing from the Library Trustees. The Board agreed this matter would be put on a future agenda for discussion and consideration.

PROPOSAL TO INCREASE FEES FOR REFRIGERANT
DISPOSAL AT TRANSFER STATION

Mr. DegliAngeli reviewed price increases and advised if Board increasing fees for refrigerant disposal we will need to go through the public hearing process. Mr. DegliAngeli reviewed statistics with the Board from 2003 to present. There was next a discussion regarding items the town charges for at the transfer station.

Mr. Weathers left the meeting at 5:30 p.m.

Mr. Hounsell moved that this is a \$0 increase in fee for refrigerant and any container that is connected to it. There was no second to the motion.

Mr. Drinkhall moved, seconded by Mr. Dickinson, that we increase the fee to equal the cost. Mr. Sires explained that staff is looking for direction tonight and this needs to go through the public hearing process for the District. **Mr. Dickinson withdrew his second and Mr. Drinkhall withdrew his motion.**

Mr. Drinkhall moved, seconded by Mr. Dickinson, to go through the process to determine what the cost would be and what the process would be. There was further discussion on the public hearing process, etc. **The motion carried 4-0-0.**

DISCUSSION OF KEARSARGE METALLURGIC SITE REUSE AND BUILDING DEMOLITION

Mr. Sires reviewed the building on the Kearsarge Metallurgic Site (KMS) collapsed under snowload this winter and is dangerous. Mr. Sires next advised that the NH Department of Environmental Services (DES) now says that the site is in a condition that can be transitioned into reuse for the community. Mr. Sires next reviewed that the property has been liened for taxes years and could now be taken for back taxes. The recommendation now is since it is in cleaned condition that the Board take the KMS property for back taxes. Mr. Sires also states it is recommended the Board invite the DES representatives to a meeting to ask questions regarding the site and about their claims of the site being safe, etc.

Mr. Hounsell stated he has serious doubts about spot where barrels buried. Mr. Hounsell further stated he doesn't want to take the KMS property.

The Board agreed to invite DES in to discuss this matter.

TOWN MANAGER REPORT

Swift River Bridge Sign – Mr. Sires reported the Swift River Bridge Sign has been taken care of and painted.

Emergency Management – Mr. Sires reported and Emergency Management training and exercise will be held tomorrow at the Conway Village Fire Station.

Summer Schedule - Mr. Sires distributed a copy of the Board schedule of summer meetings. Mr. Sires clarified the schedule starts in June and there is no meeting June 3.

BOARD REPORTS AND COMMENTS

Budget Worksheets – Mr. Dickinson stated he would like the Board's blessing to have Earl work with him to redesign the budget worksheets. Mr. Sires advised that he is working on this already.

Bypass – Mr. Dickinson stated he would like to find out from the DOT how much was spent for the Bypass and could this be broken down by southern, middle and northern sections. He would also like the traffic counts.

Committee positions - Mr. Hounsell commented no one has responded to the ad placed for open committee positions. Mr. Hounsell stated he hopes just no one has seen the ad. Mr. Hounsell asked to please rerun the ad.

PUBLIC COMMENTS / MEDIA QUESTIONS

Mary Honeycutt questioned where items such as mattresses etc go at the dump. Mr. Martin advised they go in the landfill. Ms. Honeycutt next asked about people who get trash pick up and don't separate their trash. Ms. Honeycutt stated she saw this go to our transfer station. Mr. Martin advised this should not be dumped out our transfer station. The Board encouraged Ms. Honeycutt to tell an attendant if she sees this occur while at the transfer station.

NON PUBLIC SESSION: RSA 91-A,II(e) Litigation Matter

At 6:08 p.m., **Mr. Dickinson moved, seconded by Mr. Drinkhall, to go into non public session.** The non public session included Mary Honeycutt, Joann Honeycutt, Tax Assessor, Tom Holmes, Town Manager, Earl Sires and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 6:30 p.m. the Board returned to public session.

ADJOURN

At 6:31 p.m., **Mr. Hounsell moved, seconded by Mr. Dickinson, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J. Hallowell
Executive Secretary