

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
**August 7, 2018**

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room of Conway Town Hall with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Steven Porter, Town Manager, Thomas Holmes, and Executive Secretary, Krista Day.

PLEDGE OF ALLEGIANCE

Mr. Weathers led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

**Mr. Colbath moved, seconded by Ms. Seavey, to approve the agenda as written. The motion carried unanimously.**

DISCUSSION OF CENTER CONWAY BOUNDARY LINE EXPANSION

Chairman Weathers explained that Ms. Seavey has requested to revisit the issue of expanding the Center Conway precinct boundary line. He noted that the motion to expand the Center Conway boundary line to include the following properties by Map/Lot: 261-35.1, 261-36, 261-37, 261-38, 261-39, 261-40, 261-42, 261-43, 261-44, 261-45, 261-45.1, 261-52, failed (2-2-1) With Mr. Porter and Mr. Colbath in the affirmative, Ms. Seavey and Mr. Thibodeau in the negative, and Mr. Weathers abstaining.

Ms. Seavey explained that she had received a lot of phone calls regarding her vote on the prior motion. She stated that she went out to look at the property in question. She noted that she should have gone and done the research prior to the first discussion and vote.

Ms. Seavey stated that she now feels that it would be best to eliminate confusion regarding dispatch to the area by expanding the Center Conway boundary line.

Mr. Thibodeau stated that he did not feel the expansion would alleviate any confusion regarding dispatch.

Mr. Thibodeau noted that would have rather had the two precincts come together on this issue instead of coming to the Selectmen to make the decision for them.

Steve Bamsey, Commissioner of the Conway Village Fire District, stated that his issue with this request to expand the boundary line has more to do with process. He noted that they had just negotiated a 5-year agreement and now they were going back to change things. He stated that he felt this could be something to discuss during future negotiations.

Ray Leavitt gave the Board a quick history, going back to 1993. He stated that he believes this expansion would make it easier for dispatch. He noted that it all comes down to a difference in opinion between Conway and Center Conway.

Russ McLauchlan, Center Conway Commissioner, stated that he had not heard anyone discuss the issue of public safety. He noted that expanding the boundary line would make it clearer for dispatch.

Daymond Steer from the Conway Daily Sun inquired as to if there was a tax revenue aspect to this issue.

Town Manager Tom Holmes stated that the tax impact seems to be minimal. He noted that Fire Contracts are based on assessments. With this boundary line expansion, Conway Fire Precinct stands to lose approximately \$542.60 and Center Conway would gain approximately \$569.20 per year. He added that it would only increase the total taxes for the individual property owners a combined \$34.79.

Ms. Seavey stated that it is time that we stop going back to 1993. She added that the issue is here today and it needs to be addressed.

Mr. Weathers stated that he would not be voting on this issue as he has been a member of the Conway Fire Department for over 40 years. He did note that he agreed with Commissioner Bamsey that this issue could be addressed during negotiations at the end of the current contract.

Mr. Porter noted that even if this expansion passes, they are not obligated to renegotiate the current contract.

**Mr. Porter moved, seconded by Ms. Seavey, to expand the Center Conway boundary line to include the following properties by Map/Lot: 261-35.1, 261-36, 261-37, 261-38, 261-39, 261-40, 261-42, 261-43, 261-44, 261-45, 261-45.1, 261-52. The motion carried (3-1-1) With Mr. Porter, Mr. Colbath, and Ms. Seavey in the affirmative, Mr. Thibodeau in the negative, and Mr. Weathers abstaining.**

#### DISCUSSION OF OPIOID LAWSUIT

Attorney David Slawsky from a Law Firm in Manchester was present at the request of the Selectmen to field questions from the Board to help the Town to decide whether it is worthwhile to enter into a lawsuit regarding the costs associated to the Town from the opioid epidemic.

Attorney Slawsky explained that there are already roughly 1000 cases that have been filed on behalf of municipalities. He noted that the State of New Hampshire has filed their own suit against Purdue Pharma.

Attorney Slawsky stated that the complaints that each Town file are specific to their municipality. He noted that it is uncertain whether these cases will go to trial or be resolved prior.

Attorney Slawsky reiterated that there would be no cost to the Town to join the lawsuit outside of the man hours to collect data regarding the costs that the Town has incurred as a result of the opioid crisis. If an award is given at the end of the suit, the lawyers would receive a percentage of that amount.

It was determined that if the Town decides to join the lawsuit, they could provide good faith estimates regarding costs to the Town. Attorney Slawsky was uncertain if more detailed information will be needed.

Attorney Slawsky stated that other than the time needed to compile this information, there is no downside to the Town and the potential benefit is fairly substantial.

Chief Solomon from the Conway Fire Department stated that in order to extract the information regarding cases related to opioids, it would have to be done manually. He also noted that as the Fire Departments and Ambulance Services are a separate entity not governed by the Town, they would have to join the lawsuits themselves.

Town Manager Tom Holmes gave Attorney Slawsky a brief overview of Conway's unique governmental structure.

Chief Solomon stated that he would be able to estimate the costs of opioid related responses by his department. He noted that most routine overdoses incur costs of \$400-\$600 while more severe overdoses cost closer to \$1,100-\$1,200.

Attorney Slawsky stated that all that would be required at the beginning of the lawsuit would be the estimates. He also noted that they would be willing to provide staff to help go through the data. There was a brief discussion of the legalities as this information is confidential medical information.

Mr. Holmes stated that if the Town decides to join the lawsuit, it would be wise to form a sub-committee.

Mr. Colbath explained that Attorney Slawsky was here to help answer questions that still remained after the first presentation by another Attorney.

Mr. Porter stated that he felt it would make the most sense for Mr. Holmes to have conversations with the Police Chief, Fire Chiefs, ambulance companies, and Town Counsel.

Mr. Weathers inquired as to whether there is a deadline for filing suit. Attorney Slawsky stated that there was not at this time.

Mr. Thibodeau inquired as to whether the Town can file suit if the Fire Departments choose not to. Attorney Slawsky stated that they would issue subpoenas and they would redact identifying information on the data collected.

When asked how he feels about the lawsuit, Chief Wagner stated he would do what the Town Manager instructs him to do.

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$10,000/RSA 31:95-B III (b)

- a. \$50.00 from Victim's Family to Police Department
- b. \$2,000.00 Donation from the Conway Area Lions Club
- c. \$2,501.27 from State of NH for Opioid Abuse Initiative Grant
- d. \$500.00 Donation from Ted Philips

Chief Wagner stated that a family of a victim in a domestic violence case sent the Department a donation of \$50.00. He noted that he was not comfortable accepting the donation, however, the Commissioners had accepted the funds and would like to send it as a donation to Starting Point in the name of the victim.

Mr. Colbath asked if the Police had a benevolent fund. Chief Wagner stated that they do not.

**Mr. Thibodeau moved, seconded by Ms. Seavey, that they accept the \$50.00 on the condition that it is to be donated to Starting Point. The motion carried unanimously.**

Lieutenant Mattei explained that he wishes the \$2,000.00 to be put into the Police Department's Grant Account to be spent on equipment.

**Mr. Colbath moved, seconded by Ms. Seavey, to accept the \$2,000.00 and place it into the Police Department's Grant Account. The motion carried unanimously.**

Lieutenant Mattei stated that he requested the \$2,501.27 be accepted and placed in the Police Department's Overtime Fund.

**Mr. Thibodeau moved, seconded by Mr. Colbath, to accept the \$2,501.27 and place it into the Police Department's Overtime Fund. The motion carried unanimously.**

Lieutenant Mattei requested that the Selectmen accept the \$500.00 and place it into the Grant Account.

**Mr. Thibodeau moved, seconded by Mr. Colbath, to accept the \$500.00 and place it into the Police Department's Grant Account. The motion carried unanimously.**

#### PRESENTATION FROM GROUPS RECOVER TOGETHER

Mr. Holmes stated that Evan Stuart, Regional Manager from Groups Recover Together was present to discuss his business that was planning to open operations here in Town.

Mr. Stuart gave a brief background on the organization that originated in Claremont, New Hampshire four and a half years ago. He noted that organization was started by a physician who saw a massive need for helping those addicted to opioids in rural areas. He explained that their for-profit organization treats addiction in an evidence-based fashion which includes group therapy, drug testing, and suboxone prescriptions.

As the organization is planning to occupy a portion of the building currently occupied by MWV Support Recovery, Mr. Weathers inquired as to if it will be problematic to have both current drug users and those in recovery in the same area. Mr. Stuart answered in the negative.

Mr. Colbath inquired as to how the organization enrolls patients. Mr. Stuart stated that it was through self-referral or doctor referral.

Mr. Colbath asked if there was a maximum number of clients that they could have in the program. Mr. Stuart replied in the negative but added that they do limit the group therapy size to 12 people.

Mr. Thibodeau asked if the Police had any opinion on this matter. Chief Wagner stated that he and Mr. Stuart had had a conversation regarding their organization. While he knows the program has the potential to bring individuals to the area who are looking for suboxone for different reasons other than recovery, the Police are always looking for help.

Mr. Weathers asked Chief Wagner if he was concerned about this business operating in a highly residential area. Mr. Stuart stated that they have not had issues with their members in residential areas in any other location. Chief Wagner stated that there are always concerns with people who are recovering in any community, but he would be willing to call other police departments to find out about their experiences.

Mr. Thibodeau inquired as to whether there are any ordinances that would prohibit this organization from operating with or without the Board of Selectmen's blessing. Town Planner Tom Irving stated that the business would fall under permitted uses for the building. Town Assessor Dale Schofield stated that as the current owner of the property is non-profit, the portion of the building that Groups Recover Together is occupying and a portion of the land would then become taxable.

There was discussion on how the organization combats patients from selling their suboxone. Mr. Stuart stated that they do random pill counts.

Mr. Holmes inquired as to whether Mr. Stuart knew how many patients they would receive. Mr. Stuart stated that there is no way to tell.

There was discussion on pharmacy reporting and consequences of failed drug tests.

The Board thanked Mr. Stuart for his presentation.

REQUEST FROM MOUNTAIN GARDEN CLUB FOR NEW PLANTINGS AND REMOVAL OF OVERGROWN SHRUBS AT SCHOULER PARK

Ralph Lutjen, from the Mount Garden Club stated that the Garden Club would like to donate and plan new shrubs in Schouler Park. He noted that their only request would be for the Town to remove the old shrubs.

Mr. Lutjen noted that the planting would be done in September.

Mr. Colbath thanked Mr. Lutjen and the Garden Club for all they do.

Mr. Holmes stated that this would require that the Parks and Rec Department remove the old shrubs and that he had already discussed it with John Eastman.

**Ms. Seavey moved, seconded by Mr. Colbath, to accept the gift of the shrubs and agreed to remove the existing shrubs. The motion carried unanimously.**

Mr. Holmes suggested that Mr. Lutjen coordinate with John Eastman to identify which shrubs need to be removed.

REQUEST FROM VALLEY VISION FOR EQUIPMENT

Bill Edmunds from Valley Vision stated that he was before the Board to request that they approve the purchase of new video equipment. He explained that in 2010 as part of the negotiated agreement with Time Warner, they had provided \$100,000.00 in grant money for the Town to purchase equipment. He noted that the account currently holds \$21,715.00. He added that any equipment purchased is owned by the Town but maintained and operated by Valley Vision.

Mr. Edmunds stated that they were requesting the purchase of a basic set of walkie-talkies for \$412.66 and a video mixer for \$5898.00. He noted that this equipment is to replace the outdated equipment that they currently have.

Mr. Edmunds noted that the requests totaled \$6,310.66.

**Mr. Thibodeau moved, seconded by Ms. Seavey, to approve the purchase of new equipment for \$6,310.66. The motion carried unanimously.**

LETTER OF SUPPORT FOR UPPER SACO VALLEY LAND TRUST GRANT APPLICATION

Erika Rowland, Conservation Lands Manager for the Upper Saco Valley Land Trust, stated that they were seeking a letter of support for their application to the New Hampshire Department of Environmental

Services Land Conservation Grant. She noted that the purchase of this grant was to help financially support their mission to obtain a conservation easement on 45 acres of farm-land on Westside Road. She noted that this farm is currently owned and operated by the Gaudette family.

Ms. Rowland informed the Board that when land is granted a conservation easement, there are rules and limits regarding some things relating to subdividing, extractions, number of structures, etc.

Ms. Rowland explained to the Board that the money from this grant would go towards the acquisition costs to obtaining the conservation easement.

Ms. Rowland stated that they needed the letter of support by September 18, 2018.

**Ms. Seavey moved, seconded by Mr. Colbath, to authorize Chairman Weathers to sign a letter supporting the Upper Saco Valley Land Trust's application for the New Hampshire Department of Environmental Service's Land Conservation Grant. The motion carried unanimously.**

#### REVIEW OF RECEIPTS

The receipts were available for review.

#### SIGNING OF DOCUMENTS

- a. Permit to Sell Raffle Tickets for Vaughan Community Service (9/6/18)
- b. Permit to Sell Raffle Tickets for Center Conway Fire Department (9/3/18)
- c. Notice of Intent to Cut Wood or Timber Map/Lot 283-3
- d. Notice of Intent to Cut Wood or Timber Map/Lot 283-4
- e. Notice of Intent to Cut Wood or Timber Map/Lot 283-5
- f. Current Use Land Use Change Tax Collector's Warrant Map/Lot 226-3
- g. Current Use Land Use Change Tax Collector's Warrant Map/Lot 207-5
- h. Current Use Land Use Change Tax Collector's Warrant Map/Lot 273-18.2
- i. Land Use Change Tax Map/Lot 226-3
- j. Land Use Change Tax Map/Lot 207-5
- k. Land Use Change Tax Map/Lot 273-18.2
- l. Renewals and Appointments of Deputy Fire Wardens

**Mr. Thiboedau moved, seconded by Mr. Colbath to sign the documents listed about in a. through l. The motion carried unanimously.**

#### CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 8/9/18

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Accounts Payable Manifest dated 8/9/18. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 8/2/18
- b. Payroll dated 8/2/18
- c. Authorization for the Trustees of the Trust for \$26,684.16 from the Public Educational Government Cable Television Trust Fund

**Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the AP Manifest dated 8/2/18, Payroll dated 8/2/18, and the Authorization for the Trustees of the Trust for \$26,684.16. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Conway Area Humane Society Walk with the Animals (9/22/18)

**Ms. Seavey moved, seconded by Mr. Thibodeau, to approve the Special Event Application for the Conway Area Humane Society Walk with the Animals of 9/22/18. The motion carried unanimously.**

CONSIDERATION OF MINUTES

- a. Regular and Non-Public from 7/24/18

**Mr. Thibodeau moved, seconded by Mr. Colbath, to approve and adopt the Regular and Non-Public minutes from 7/24/18. The motion carried unanimously.**

TOWN MANAGER REPORT

Mr. Holmes stated that they had received 90% of the money that was to be donated by Mr. and Mrs. Marshall. He noted that the remainder was to be paid next quarter.

Mr. Holmes explained that Alba Architects have been tasked to prepare the bid documents and the architectural and engineering guidelines. He noted that he did not believe that construction would be able to start until close to Christmas.

Mr. Holmes stated that the Rec Center Summer Camp BBQ was on Friday and the Selectmen were invited to attend.

Mr. Holmes noted that the Town had received the Highway Block Grant that would be put into the road maintenance programs.

Mr. Holmes wanted to thank Doug Burnell for coming forward with information regarding the “Muddy Boot” property that the Selectmen had voted to accept as a gift. It was discovered that there is a PSNH powerline easement on the property. Mr. Holmes also noted that the bridge has been maintained by the Town for decades.

Mr. Holmes noted that there would be an Election Training put on by the Secretary of State on August 14, 2018 in Conway.

Mr. Holmes explained that he had spent some time over the last couple weeks looking for potential locations for taxi stands in North Conway. He noted that putting taxi stands on private property would be complicated. He recommended designating a couple of spaces in the Depot Road, Whitaker Woods, and HEB parking lots for on-duty taxis.

There was discussion regarding ordinances that may or may not prohibit private business owners from allowing taxis or other vehicles to park in their lots. It was suggested that the Selectmen take a look at these ordinances in the future. Mr. Colbath stated that they need to come up with a win-win solution.

Mr. Holmes stated that he had received both the taxi company and Police Chief's approval. He did note that he would like pursue the issue of signage more.

Ms. Seavey suggested inquiring with the taxi company to see if they would help pay for the cost of the taxi stand signs.

#### BOARD REPORTS AND COMMENTS

Mr. Porter noted that the Planning Board would be meeting on Thursday, August 9, 2018 at 7:00 p.m.

Mr. Colbath stated that on Tuesday, August 14, 2018, the Budget Committee would be touring Pine Tree School to see the work that has been done this summer. He also noted that they were going to tour the new Rec Center space.

Mr. Colbath noted that the ZBA would be meeting next week.

Mr. Thibodeau stated that the ESAA had submitted their grant application to help fund the construction of the hanger.

Mr. Weathers stated that the Conservation Commission would be meeting on Wednesday, August 8, 2018.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked if the Selectmen had talked to the Moose Tour Owner. He noted that he felt the Board was trying to solve a problem that does not exist. Mr. Holmes stated that the Moose Tour Owner's problem appears to be solved. He noted that the taxi cab company is appreciative of the Town trying to find places for them to park.

Mr. Steer asked if the Board had decided to create a task force for the Opioid lawsuit. Mr. Colbath stated that they needed to obtain further information regarding lawsuit before making any decisions.

There was brief discussion regarding the previous presentation from Attorney Bonsignore.

Mr. Colbath noted that it is hard to believe there is no electronic database for the information needed regarding the Opioid problem in Town.

#### NON-PUBLIC SESSION RSA 91-A:3 II (c) – TAX MATTER

**At 5:52 p.m. Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (c) to discuss a tax matter. The motion carried unanimously.**

**At 6:07 p.m. the Board returned to public session.**

**Mr. Porter moved, seconded by Mr. Colbath, to seal the minutes from this non-public session. The motion carried unanimously.**

ADJOURN



At 6:07 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day  
Executive Secretary