

# Gilsum, AIDS Services reach deal

**Selectmen back changes to variance; agency to pay town's legal fees**

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GILSUM — After more than a year in court, two sides in a dispute over a residential program in Gilsum have come to an agreement.

AIDS Services for the Monadnock Region, a Keene-based organization that runs the Cleve Jones Wellness House in Gilsum, will pay \$8,000 to the town of Gilsum for legal fees relating to the town's lawsuit filed last year, according to a settlement filed in Cheshire County Superior Court.

The town filed suit claiming AIDS Services had violated the conditions of its variance.

The house is for people living with AIDS, HIV or chronic illness such hepatitis C.

The board of selectmen will also support proposed changes to some of the 28 conditions imposed on the house by the town's zoning board when it granted a variance in 2005. AIDS Services had filed suit charging that some conditions were illegal.

The town's zoning and planning boards will have to approve the proposed revisions before they are final, and the organization has 60 days to file a petition with the boards formally requesting those changes.

Some of the proposed revisions to the conditions include a change in the restrictions on who can live at the house and the way criminal background checks on residents will be conducted.

Gilsum Selectmen Chairman William G. Hasbrouck said the board has drafted a letter of support for the changes, but it has not been submitted because AIDS Services has not yet filed a petition for the revision.

He referred further questions to Town Attorney James R. Davis, who did not return a message this morning.

The organization's board of directors is satisfied with the outcome, said Susan MacNeil, the board treasurer and former executive director who has returned to the job on an interim basis.

"Certainly, we are delighted that this matter has been settled out of court and we look forward to going forward with our work here by creating a partnership with the Gilsum select board and serving our clients in the Monadnock Region," MacNeil said of the settlement.

Under the current conditions imposed by the zoning and planning boards, residents with a history of drug or alcohol abuse have to be drug- or alcohol-free for a year before they're allowed to live in the

house.

But the proposed revision would loosen restrictions, meaning residents would have to have three months of self-reported sobriety, or successful completion of a licensed drug or alcohol treatment, or be on probation or parole and drug- and alcohol-free for at least 30 days.

Under the settlement, these residents would also be required to attend Alcoholics Anonymous or Narcotics Anonymous meetings.

If approved, the changes will allow AIDS Services to better serve those most in need of its services, without jeopardizing public safety, said Bennett H. Klein, a senior attorney with the New England-based legal organization Gay & Lesbian Advocates & Defenders, who represented AIDS Services. Klein said the previous restrictions were too broad.

“One of the things about a place like Wellness House is that there are people who have had criminal convictions in their past, mostly while they were using drugs,” he said. “And now they’re no longer using drugs and they deserve a second chance to pick their lives back up.”

The proposed revisions would also change the house’s restrictions on former inmates.

Currently, residents must have been out of jail at least one year before they are eligible to live in the house.

But the proposed revision means people released from jail can move into the house immediately, as long as they are on probation or parole for least six months.

Finally, the proposed revisions specify the types of convictions that would restrict residents from living at the house.

Registered sex offenders, anyone convicted of sexual assault and anyone convicted of manufacturing controlled substances will still not be allowed to live at the house.

The current conditions say anyone convicted within the last five years of “violent crimes (more serious than simple assault) or for theft crimes involving trespass or unlawful entry” cannot live in the house.

But the proposed revisions outline that anyone convicted within the last five years of homicide, first-degree assault, kidnapping, criminal restraint, felony arson, Class A burglary, Class A robbery or any offense with the use of a gun is restricted from the house. Class B robbery and Class B burglary convictions have a two-year limit at the house.

The proposed revisions would also change who does the criminal background checks for potential residents at the house. They were previously done by AIDS Services, but would now be done by the Cheshire County Sheriff’s Department since Gilsum doesn’t have its own police department.

The proposal also adds a condition that organization officials will inform selectmen within five days after a resident has left the house.

The matter has been in court since spring 2008, when the selectmen claimed in a lawsuit that the organization broken several of the conditions, including allowing a convicted sex offender to stay at the

house for several months.

In June 2008, a Cheshire County Superior Court judge ruled that the house had to meet the conditions or face fines and closure.

Then last September, the organization filed its own lawsuit, claiming that the conditions were discriminatory and had been illegally imposed on the house.

There are currently two residents living in the house and two more are expected to move in next month, according to MacNeil.

The house can hold up to seven residents at a time.

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