

Draft Meeting Minutes for the Delegation – April 12, 2022, at 7:00 p.m.

Rep. Sylvia called the Belknap County Delegation meeting to order at 7:00 p.m. on the above date at 34 County Drive, Laconia, NH.

In attendance: Rep. Aldrich, Rep. Bean, Rep. Bordes, Rep. Comtois, Rep. Harvey-Bolia, Rep. Hough, Rep. Johnson, Rep. Lang, Rep. Littlefield, Rep. Mackie, Rep. O’Hara, Rep. Ploszaj, Rep. Silber, Rep. Sylvia, Rep. Terry, Rep. Trottier, Rep. Varney

Zoom: Rep. Howard

Absent:

Pledge: Rep. Littlefield

M/Rep. Harvey-Bolia S/Rep. Terry to approve minutes of February 22nd & 23rd 2022 – unanimous

Supplemental Appropriation

Commissioner Spanos – would like to purchase two vehicles for the Sheriff using ARPA funds – other request is for a cleaning machine for the County Jail, due to inflation they need \$700 in additional funding

M/Rep. Lang S/Rep. Littlefield – motion to approve \$111,300 using ARPA funds - \$110,600 for two vehicles and \$700 for the cleaning machine purchase for County Jail

M/Rep. Terry S/Rep. Aldrich to table motion – unanimous

M/Rep. Lang S/Rep. Terry to allow Rep. Howard to participate via zoom – unanimous

M/Rep. Terry S/Rep. Lang -motion to remove from the table the appropriation

M/Rep. Lang S/Rep. Littlefield – motion to approve \$111,300 using ARPA funds - \$110,600 for two vehicles and \$700 for the cleaning machine purchase for County Jail – unanimous

LEGAL MATTERS UPDATE

Rep. Silber – see attached

M/Rep. Silber S/Rep. Sylvia – motion to allow unredacted copies of invoices from Law Firm to the delegation only, to be kept in confidence and not be shared with the public – motion passes 16-2

Public Comment

Skip Murphy – under right to know request the public would be denied regarding above motion

Ruth Larson – received unredacted bills given to County Commissioners

LEGAL MATTERS

M/Rep. Bean S/Rep. Lang - to make unredacted legal bills available to the public – unanimous

M/Rep. O’Hara S/Rep. Trottier – to remove Rep. Sylvia and Rep. Silber due to financial malfeasance from positions of leadership

M/Rep. Comtois S/Rep. O’Hara – motion to table – motion passes 11-7

PUBLIC COMMENTS ON GUNSTOCK

Ruth Larson – please make known why you voted for the person you chose

Kevin Leandro – GAC is the board of directors, and it is the County taxpayers who own the mountain – Tom Day is the highest paid county employee. I am concerned about 91-A and would like to see someone on the board who understands it and looks out for the taxpayer

Senator Guida – the GAC is producing over \$10 million

Skip Murphy – I take great umbrage to the comment that the GAC is being dismantled – you are voting to put in a person regarding the law, we do not need another manager. You have the expertise on the ground and the GAC needs to be an oversight and not be too chummy with those on the ground. Gunstock sees itself as a business and not owned by the county taxpayers

Commissioner Kiedaisch – sustainability of Gunstock – I assured that Gunstock could stand on its own. Redefining the role of GM to President. Tom Day has worked brilliantly. The best testament to the taxpayer is when we do not come to the delegation. Strongly recommend that you put a business manager

Alex DeLuca – when picking a person tonight – maintenance – snow making – ski area background

Commissioner Strang – this is a night for the candidates – We should be talking about the candidates and not taking shots at the delegation. Gunstock is a public asset, and these are public dollars. I do not think it is proper for any Commissioner to advocate for any candidate.

Senator Guida – I did not say taxpayer dollars, I said public dollars

Closing Public Comments

INTERVIEW OF CANDIDATES

Cindy Creteau-Miller – NH native – lives in Meredith

Doug Lambert – 3rd generation of enjoying Gunstock – resides in Gilford since 1988

John Lowell – resident of Center Harbor

Mr. Doug Lambert was elected as the Commissioner of Gunstock with 11 votes

SALARIES

County Attorney, Sherriff, and Register of Deeds requesting a pay raise

M/Rep. O’Hara S/Rep. Trottier – motion to increase the pay of the Register of Deed, Sheriff, and County Attorney by 10% - motion passes 12 to 6

M/Rep. Terry S/Rep. Silber – adopt Roberts Rules of Order for the conduct of its, and each of the committees it may appoint, meetings; except, that it and any of its committees may waive its applicability by majority vote with the respect to matter(s) specified by such vote(s). Recognizing the complexity of the Rules, the Delegation and its committees shall 1) make a good faith effort to abide by its provisions, and 2) not be in consequential error if due to lacking in awareness of a provision(s) of the Rules. – unanimous

Adjourn 10:27 p.m.

REPORT ON LEGAL MATTERS PENDING BEFORE THE BELKNAP COUNTY CONVENTION

Committee of Investigations

In early summer of last year, the Convention appointed a Committee of Investigations pursuant to RSA 24:17 & 21:18.

Although initially composed of 5 representatives, after careful review of the applicable laws, it was determined that the committee could not be composed of more than 3 members, so the membership was adjusted. The current members of that committee are representatives Comtois, O'Hara & Silber.

The committee met on July 7, 2021 & August 23, 2021. The only business conducted was the unanimous vote on August 23 to engage counsel to represent the committee, and that engagement was effectuated.

Since then, the committee has been dormant.

Total legal fees and expenses incurred to date was \$120.00.

Gunstock Area Commission Litigation

On November 11, 2021, the law firm of Devine Millimet & Branch filed a suit in Belknap County Superiors Court, naming as the plaintiff the Gunstock Area Commission (the "GAC") and as the Defendant the Belknap County Convention.

The suit sought injunctions against the Convention in the nature of a temporary restraining order, a preliminary injunction and a permanent injunction, all of which sought to enjoin the Convention from removing from the GAC Commissioners Kiedaisch, McLearn & Gallagher, notwithstanding that the enabling statute for Gunstock, passed in 1959, expressly grants to the Convention the power to appoint and remove commissioners.

Although brought in the name of the GAC, the suit actually sought to protect the status of three individual commissioners at the expense of the GAC.

As a result of the filing of that suit, the Convention voted to retain counsel to defend it at its meeting of November 16, 2021.

As an initial matter, the Court denied the request for a temporary restraining order without waiting for a response from counsel to the Convention.

Thereafter, and after the filing of various and sundry legal papers and briefs and the conduct of extensive oral argument, the Court denied the request for a preliminary injunction, noting that the removal power was expressly granted to the Convention by the enabling statute.

Further briefs and motions and replies to motions were filed, but ultimately after the composition of the GAC changed and it voted to discontinue and withdraw the suit, on March 1, 2022, Commissioner Ness sent an email to an individual believed to be the managing partner of the Devine Millimet firm advising and directing that firm to discontinue the lawsuit.

But the suit continued in active status until Commissioner Ness, newly elected as the chair of the GAC, sent a further notice to the Devine Millimet firm on March 24, 2022, directing it to discontinue the suit.

Finally, the Devine Millimet firm filed a motion for a voluntary nonsuit dismissing the case with prejudice on March 25, 2022, which was approved and ordered by the Court on March 28, 2022.

Legal Fees

Although copies of the Devine Millimet bills to the GAC were requested under RSA 91A, production of them was refused by its counsel on the grounds of a claim of privilege. But proof of payment by the GAC to that firm of

\$94,150,62 through the payment dated January 27, 2022 was provided.

It is reasonably assumed that the January 27 payment covered a bill for the month of December, so it is also reasonably assumed that additional bills and payments for the months of January, February and March will ultimately be discovered, with the estimated total legal fees of the GAC estimated to be in excess of \$100,000.

Legal fees and expenses incurred by the Convention in defense of the suit totaled \$40,827.50 for time charges incurred through February 28, 2022, with additional charges for the month of March to be determined. Of those sums, the County Commissioners have paid \$20,000, being the amount initially authorized and appropriated by the Convention in authorizing the engagement of counsel. Thus, the present balance due is \$20,827.50.

Motions

#1- In order for the members of the Convention to understand more fully the activities of counsel to the Convention in defense of the lawsuit, I hereby move that the Convention waive, on a strictly limited basis, whatever privilege that may attach to the billing statements of the Cleveland, Waters and Bass, P.A. law firm to the Convention for the sole purpose of providing unredacted copies of that firm's bills to the members of the Convention to allow members of the Convention to have pertinent information pertaining to possible further payments to that law firm, with the unredacted copies of such bills to be held in confidence and not to be disclosed by any member of the Convention without further action by the Convention.

Motion	Rep. Terry	
Second	Rep. Lang	
	remove from table	
	YES	NO
Rep.Howard	1	
Rep. Aldrich	1	
Rep. Bordes	1	
Rep. Bean	1	
Rep. Harvey-Bolia	1	
Rep. Hough	1	
Rep. Johnson	1	
Rep. Lang	1	
Rep. Littlefield	1	
Rep. Mackie	1	
Rep. O'Hara	1	
Rep. Ploszaj	1	
Rep. Silber	1	
Rep. Terry	1	
Rep. Trottier	1	
Rep. Varney	1	
Rep. Comtois	1	
Rep. Sylvia	1	
TOTALS	18	0

Motion	Rep. Lang	
Second	Rep. Littlefield	
	motion to approve \$111,300 using ARPA funds - \$110,600 for two vehicles and \$700 for the cleaning machine purchase for County Jail	
	YES	NO
Rep.Howard	1	
Rep. Aldrich	1	
Rep. Bordes	1	
Rep. Bean	1	
Rep. Harvey-Bolia	1	
Rep. Hough	1	
Rep. Johnson	1	
Rep. Lang	1	
Rep. Littlefield	1	
Rep. Mackie	1	
Rep. O'Hara	1	
Rep. Ploszaj	1	
Rep. Silber	1	
Rep. Terry	1	
Rep. Trottier	1	
Rep. Varney	1	
Rep. Comtois	1	
Rep. Sylvia	1	
TOTALS	18	0

Motion	Rep. Bean	
Second	Rep. Lang	
	to make unredacted legal bills available to the public	
	YES	NO
Rep.Howard	1	
Rep. Aldrich	1	
Rep. Bordes	1	
Rep. Bean	1	
Rep. Harvey-Bolia	1	
Rep. Hough	1	
Rep. Johnson	1	
Rep. Lang	1	
Rep. Littlefield	1	
Rep. Mackie	1	
Rep. O'Hara	1	
Rep. Ploszaj	1	
Rep. Silber	1	
Rep. Terry	1	
Rep. Trottier	1	
Rep. Varney	1	
Rep. Comtois	1	
Rep. Sylvia	1	
TOTALS	18	0

Motion	Rep.O'Hara	
Second	Rep. Trottier	
	to remove Rep Sylvia as Chair of the Delegation and Rep Silber as Chair of the Investigative Committee	
	YES	NO
Rep.Howard		
Rep. Aldrich		
Rep. Bordes		
Rep. Bean		
Rep. Harvey-Bolia		
Rep. Hough		
Rep. Johnson		
Rep. Lang		
Rep. Littlefield		
Rep. Mackie		
Rep. O'Hara		
Rep. Ploszaj		
Rep. Silber		
Rep. Terry		
Rep. Trottier		
Rep. Varney		
Rep. Comtois		
Rep. Sylvia		
TOTALS	0	0

Motion	Rep. Comtois	
Second	Rep. O'Hara	
	motion to table to removal Rep Sylvia and Rep Silber from leadership positions	
	YES	NO
Rep.Howard	1	
Rep. Aldrich		1
Rep. Bordes	1	
Rep. Bean	1	
Rep. Harvey-Bolia	1	
Rep. Hough	1	
Rep. Johnson	1	
Rep. Lang		1
Rep. Littlefield		1
Rep. Mackie		1
Rep. O'Hara	1	
Rep. Ploszaj	1	
Rep. Silber		1
Rep. Terry	1	
Rep. Trottier		1
Rep. Varney	1	
Rep. Comtois	1	
Rep. Sylvia		1
TOTALS	11	7

election of Gunstock Commissioner			
	Cindy Creteau-Miller	Doug Lambert	John Lowell
Rep.Howard			1
Rep. Aldrich			1
Rep. Bordes			1
Rep. Bean			1
Rep. Harvey-Bolia			1
Rep. Hough			1
Rep. Johnson			1
Rep. Lang	1		
Rep. Littlefield	1		
Rep. Mackie	1		
Rep. O'Hara	1		
Rep. Ploszaj			1
Rep. Silber			1
Rep. Terry			1
Rep. Trottier	1		
Rep. Varney			1
Rep. Comtois	1		
Rep. Sylvia			1
TOTALS	6	11	1

Motion	Rep. Terry	
Second	Rep. Silber	
motion to increase the pay of the Register of Deed, Sheriff, and County Attorney by 10%		
	YES	NO
Rep. Howard		1
Rep. Aldrich		1
Rep. Bordes	1	
Rep. Bean	1	
Rep. Harvey-Bolia		1
Rep. Hough	1	
Rep. Johnson	1	
Rep. Lang	1	
Rep. Littlefield	1	
Rep. Mackie	1	
Rep. O'Hara	1	
Rep. Ploszaj		1
Rep. Silber	1	
Rep. Terry	1	
Rep. Trottier	1	
Rep. Varney	1	
Rep. Comtois		1
Rep. Sylvia		1
TOTALS	12	6

Motion	Rep. Terry	
Second	Rep. Silber	
adopt Roberts Rules		
	YES	NO
Rep. Howard		1
Rep. Aldrich		1
Rep. Bordes		1
Rep. Bean		1
Rep. Harvey-Bolia		1
Rep. Hough		1
Rep. Johnson		1
Rep. Lang		1
Rep. Littlefield		1
Rep. Mackie		1
Rep. O'Hara		1
Rep. Ploszaj		1
Rep. Silber		1
Rep. Terry		1
Rep. Trottier		1
Rep. Varney		1
Rep. Comtois		1
Rep. Sylvia		1
TOTALS	18	0