



**Belknap County Delegation Meeting  
August 12, 2013**

Chair Worsman called meeting to order at 5:31 pm.

Present: Reps. Arsenault, Burchell, Comtois, Cormier, DiMartino, Fields, Fink, Flanders, Greemore, Gulick, Holmes, Huot, Luther, Raymond, Sylvia, Tilton, Vadney, Worsman, Administrator Deb Shackett, Administrative Assistant, Angela Bovill, Commissioner Thomas, Gunstock General Manager, Greg Goddard, and Gunstock Commissioners: Morgenstern, Durfee, Sullivan, and Lowth.

**Pledge of Allegiance**

**Acceptance of Minutes:**

Executive Committee 6/24/2013. **M**/Greemore **S**/Comtois Unanimous vote to approve.

**Motion passed.**

Delegation Minutes 6/24/2013 **M**/Gulick. **S**/Greemore. Yea: 17 Abstention 1- Arsenault

**Motion passed.**

**Revenue Anticipation Note presentation.** **M**/Huot to open public Hearing. **S**/Fields. Unanimous vote. Mr. Goddard presented on behalf of Gunstock area commissioners. Even though he has been here many times, he sent information prior to all delegates as there are new delegates on the convention. A RAN is a short term cash flow loan. These RANs have always been repaid. This year RAN is for \$750,000.00. This is a fairly common amount for the past 18 years. Approved RAN is put to bid to area banks. Bond Counsel certifies proceedings and bid is awarded and RAN is paid back. RAN is expected to be repaid at the end of February.

Delegation questions: **Is Gunstock viable as a going concern? If Gunstock was private would it be profitable.** The answer to both is yes. Profit in last five of six years. Clean audits. Seasoned team at the resort which offers ability to respond to situations as they may arise.

**Are you still competitive? Can Gunstock compete with other ski areas?** Yes, Gunstock is a day trip ski area in a region where there are 2<sup>nd</sup> home owners. Loyal pass base. Solid outreach/lessons programs help keep business reliable. First big ski area north of Boston. Great reputation. Adventure Park has exceeded estimates. Expect full payment by Summer 2014. Hopes that someday requesting a RAN note will no longer be necessary.

Public Input on RAN: **Number for tourist/residence using Gunstock?** No exact number. **The amount of money returned?** It is a flat fee between county and Gunstock through 2015 of \$175,000. **How successful is the night skiing?** Night skiing is very successful for Gunstock. **Who authorizes the Moose Plate grant?** Paid by surcharge of plates.

2

Rep. Sylvia mentioned the Sheriff needing to go to Gunstock? Mr. Goddard: has not had any dialogue with Sheriff. Apparently, Sheriff believes there has been more calls to Gunstock on nights and weekends. Gilford Police wants the Sheriff's office to respond. Goddard wants to go through logs and look at plan to address going forward.

**M/Huot** to close the Public Hearing **S/Greemore**. Unanimous vote.

**M/Fields** to approve the RAN for Gunstock. Motion by Fields is attached to minutes. **S/Arsenault**. Roll Call vote. 16 Yea: Reps Arsenault, Burchell, Cormier, DiMartino, Flanders, Fields, Fink, Greemore, Gulick, Holmes, Huot, Luther, Raymond, Tilton, Vadney, Worsman. 2 Nays: Comtois, Sylvia. **2/3 vote is approved.**

### **Budget Discussion**

Chair Worsman has received constituents' questions about budgets and what is happening with the budgets. Discussed how the line authority voted by the majority of this delegation is not being followed and there are 92 line items moved around in this budget. Rep. Cormier read: from March 4 minutes: on March 4, 2013, the majority of this delegation voted to adopt the 2013 Belknap County budget authorizing the amount of \$26,184,616 (about 600,000 less than request by Commissioners). Also, this motion was made by Rep. Tilton, "...and that all funds appropriated for all line items in 2013 shall be nontransferable without prior approval of the Executive Committee or full delegation per RSA 24:14. The vote was 11 yea – 6 nay – and 1 absent.

Chair Worsman: Delegation approved Master Budget on page 12 Registry of Deeds - Legal Services was to pay the Registry of Deeds fee \$5,200. When you go to Commissioner's Budget there is NO LINE for Legal Services. Funds were moved in budget and the line item was eliminated. Delegation voted that money should be placed in separate line to pay the Registry of Deeds. But, that line item has disappeared. Shackett: Line doesn't show up because it was not an existing account. Putting the line there was not deemed appropriate by the Commissioners.

Nursing Home – Activities Dept. page 25. A concern that arose was that we cut salaries in Activities Dept. In Delegation budget, we fully funded. The Commissioners budget did indeed cut the NH Activities budget, around \$50,000. Clearly, there are two budgets being used in this process. Shackett: Delegation came up with appropriations. Commissioners decided they could not run the county with the Delegation voted budget. Rep. Greemore: How can we arbitrarily decide this budget if Commissioners just move dollars around in the budget. Rep. Fields: We know where the departments are going. We had subcommittees budget. Rep. Burchell: Spoke with DRA – they have no interest in how we formulate our budget. MS42 is a form which gives basic financial information. DRA does not set the county budget. Rep. Huot: There is some problem with page 34. Suggested we should vote on APPROVED budget and if transfer requests don't match, vote it down.

Chair Worsman: discussed 24:14a and read to delegation. Rep. Huot brought up 24:22 which discusses "statement". Rep. Tilton: read 24:21-A which deals with "itemized in detail and a record shall be kept." Rep. Vadney commented Commissioners are not present for this meeting.

Asks Deb what she thinks about us not using any Commissioner budget, ONLY the voted and approved delegation budget.

Public Input: Question: **Where are our Commissioners? If I am unhappy, how can we unseat the Commissioners?** Rep. Burchell: RSA's on line will define how to remove a Commissioner. Question: **Are we keeping our eye on what is going on?** Lots of people are hurting. Asks delegation to look out for the taxpayers. Says he cannot afford to pay any more in taxes.

Rep. Vadney: This delegation tried to bring sanity to budget process. Commissioners have stonewalled this entire process. Shackett: The Commissioners do not know about what is happening here tonight. Rep. Sylvia, Meredith: There is a disconnect between public servants and regular folks. Public servants have to look at what is going on. Rep. Worsman: We tried to level fund this budget. The process has been circumvented.

#### **Jail Discussion and Public Input:**

Chair Worsman brought up jail as delegation received tour of Corrections facility prior to this delegation meeting. Questions by public: **Age of Jail?** Different sections: 100 yrs – 40 yrs – 30 yrs. Rep. Fields: Nothing has been done yet. We need to find out how to spend the money. Rep. Burchell: The figure for \$42 million was arrived at by a company we paid \$160,000 to put the proposal together. Noted parole violators are the largest percentage of people in Jail. Rep. Tilton: We need to appropriate money as necessary for repairs. Ricci Greene may be the best of the country, but they cost the most as well. They came up with plan, but no final design.

Comment from public input: **The jail has been left in serious disrepair to force us to build a new jail.** Rep. Greemore: Lots of stuff that needs correction. From tour today, there are two parts to jail Housing & Programs. Space is an issue with programs and with Woman's jail. Upgrade & maintenance. Rep. Vadney: Population was about 100 people. Less than approx. 10 are dangerous. Others are drug related crime. Public comment regarding any additions: **If you want to repair over 15% of building the rest may need to get up to code.** Rep. DiMartino: What do we do next? We need to do something. Rep. Burchell: Disagree about waiting for Commissioners to come up with plan. Need a subcommittee to look into this. Rep. Tilton: There are plans from past commissioners. This is being totally dismissed.

Rep. Cormier asked if we can put together a subcommittee? Rep. Holmes: A citizen can put together a committee. Rep. Tilton: This delegation cannot and should not start a subcommittee as it is not our responsibility. Shackett: Commissioners are actively looking at other options. Question/comment from public: **If Commissioners are so concerned about jail, why did we spend \$500,000 remodeling offices three years ago? They should have used that money for the jail and**

**repair.** Several comments from citizens to thank delegation for keeping taxpayer in mind with this process. 4

**M/Greemore** to temporarily adjourn meeting to consult with legal counsel (non meeting).  
**S/Vadney.** Roll Call Vote: 13 Yea: Reps: Burchell, Comtois, Cormier, Fields, Fink, Flanders, Greemore, Holmes, Luther, Sylvia, Tilton, Vadney, Worsman. 4 Nay: DiMartino, Gulick, Huot, Raymond. 1 absent: Arsenault. **Motion passes.**

**M/Greemore** to reconvene this meeting and move back into session at 8:45 pm. **S/Vadney.** Unanimous vote.

**M/Burchell** to authorize and direct David Horan to file a petition for declaratory judgment and injunctive relief with the Belknap County Superior Court with the goal towards obtaining the courts guidance concerning the budget dispute between the County Delegation and the County Commissioners. **S/Greemore.** Rep. Huot discusses that the public needs to know about this possible litigation. Right to know issues have been raised. Rep. Burchell – Point of Order -replies Rep. Huot comments have nothing to do with vote. Rep. Huot: “We are trying to get the court to say we are right. Are we seeking a declaratory injunction and prove irreparable harm.” Rep. Gulick comments this is a bad idea and we may not like what we get. More discussion on litigation.

Roll Call vote. 8 Yea: Burchell, Comtois, Cormier, Fink, Greemore, Holmes, Sylvia, Worsman  
Nay 9: DiMartino, Fields, Flanders, Gulick, Huot, Luther, Raymond, Tilton, Vadney. Absent: Arsenault . **Motion does not pass.**

Further discussion about putting off litigation to see if something can be worked out. Rep. Holmes: What happens if Commissioners continue misusing the RSA’s. Chair read RSA 24:15 and 24:16. Discussion from delegates that perhaps we can wait 60 days or so and see what happens with Commissioners abiding by the line item approved budget.

**M/Huot** to adjourn meeting at 9:18 am. **S/Luther.** Unanimous vote.

*Respectfully submitted,  
Rep. Joe Carmin, Clerk*

Belknap County Delegation

Motion: Burchell

Second: Greenman

Motion to: authorize and direct David Horan to file a  
Horan petition for declaratory judgement +  
injunctive relief w/ the Belknap County Superior Court  
w/ goal towards obtaining the Court's guidance →

Representative:	YES	NO
Beth Arsenault	<u>A</u>	_____
Richard Burchell	<u>✓</u>	_____
Guy Comtois	<u>✓</u>	_____
Jane Cormier	<u>✓</u>	_____
Lisa DiMartino	_____	<u>✓</u>
Dennis Fields	_____	<u>✓</u>
Charles Fink	<u>✓</u>	_____
Don Flanders	_____	<u>✓</u>
Robert Greemore	<u>✓</u>	_____
Ruth Gulick	_____	<u>✓</u>
Stephen Holmes	<u>✓</u>	_____
David Hout	_____	<u>✓</u>
Robert Luther	_____	<u>✓</u>
Ian Raymond	_____	<u>✓</u>
Michael Sylvia	<u>✓</u>	_____
Franklin Tilton	_____	<u>✓</u>
Herb Vadney	_____	<u>✓</u>
Colette Worsman	<u>✓</u>	_____
TOTAL:	Yes: <u>8</u>	No: <u>9</u>

DATE: August 12, 2013

Signature: Jane C