

## **BELKNAP COUNTY (NH) DELEGATION MEETING**

October 25, 2021

Location: Belknap County Center, 34 County Drive, Laconia NH 03246

### **MINUTES of MEETING**

**Call to Order** – The meeting was called to order by Representative (Rep.) and Delegation Chair Mike Sylvia at 7:00 p.m.

**Pledge of Allegiance** – The Pledge of Allegiance to the flag of the United States of America was led by Rep. Raymond Howard.

**Attendance** – The following Representatives were present: Aldrich, Bean (remote access due to health), Bordes, Comtois (remote access due to health), Harvey-Bolia, Hough, Howard (Vice Chair), Johnson, Lang, Littlefield, O'Hara, Ploszaj, Silber, Sylvia (Chair), Terry, Trottier. Representatives absent: Mackie, Varney. This being a public meeting and hearing, there were a number of Belknap County employees, one Belknap County Commissioner and members of the general public present.

**Quorum** – A sufficient number of Representatives being present, a quorum was declared by Chair Rep. Sylvia.

**Requests for Remote Access** – On motion by Rep. Lang and seconded by Rep. Aldrich, unanimous **approval** was voted by all Representatives present for Reps. Bean and Comtois to attend and fully participate in this meeting via remote access (14-0-0).

**Secretary *Pro Tem*** – Chair Rep. Sylvia appointed Rep. Terry as Secretary *pro tem*, without objection.

**Minutes of Prior Meetings** – On motion by Rep. Terry and seconded by Rep. Bordes, the Draft Minutes of the **September 7, 2021** Delegation Meeting were approved unanimously by all Representatives, except Reps. O'Hara and Trottier abstaining, (14-0-2). On motion by Rep. Terry and seconded by Rep. Littlefield, the Draft Minutes of the **September 9, 2021** Delegation Meeting were approved unanimously by all Representatives, except Reps. Lang and O'Hara abstaining (14-0-2).

**Presentation of Request for Disqualification** – Chair Rep. Sylvia announced that immediately preceding the convening of the meeting Attorney Thomas

Quarles had presented him with a document ("document") to the "Belknap County Delegation" (the Delegation") from Chair Gary Kiedaisch, Vice Chair Brian Gallagher and Commissioners Russell Dumais and Rusty Mc Clear of the Gunstock Area Commission ("GAC"), dated October 25, 2021, subject: "Requests for Disqualifications – Removal of Peter Ness as Gunstock Area Commissioner." Copies were distributed to all Representatives physically present at the meeting.

Chair Rep. Sylvia expressed his view that this document and its demand were presented in an untimely manner by Attorney Quarles and the GAC Commissioners he represents.

Discussion ensued on the contents of the document, particularly and especially:

- that "GAC respectfully requests that these members [see page 2 for the names of the eleven Representatives named] disqualify themselves from any consideration of the procedures for, or vote regarding the removal of Peter Ness based on Rep. Silber's statement that the issue is 'dead on arrival' because 'he has the votes.'"
- its demand that "the remaining qualified members of the Delegation appoint an Investigative Committee to investigate this matter pursuant to RSA 24:27, that the Committee cannot include any disqualified member of the Delegation for the same reasons described in detail above."

Rep. Terry indicated his astonishment that the preceding request and demand was being made based on a "[belief] Rep. Silber thinks he controls the following members..." (document, p. 2). He said that he believed individual disqualifications could be made only on actual cited evidence of an inappropriate nature, per person. No such evidence was produced with respect to any of the Representatives Rep. Silber was thought by the document's signers to control ("thinks he controls," document, p.2).

Chair Rep. Sylvia ruled that the request and demand of the GAC Commissioners who signed the document to the Delegation was without merit, and so dismissed it from any further consideration and action by the Delegation.

Attorney Quarles rose and began to attempt to appeal the Chair's ruling. Although the Chair repeatedly told him that he was not recognized and so out of order, Attorney Quarles persisted until he had concluded his statement.

**GAC Majority Request for Removal of GAC Member Peter Ness – Chair**

Rep. Sylvia proceeded to remind the Delegation that under RSA 399:4 it (we) has the power to act upon the received request (reference: GAC Meeting Minutes, August 25, 2021) from the GAC to remove Commissioner Ness.

Prior to the meeting all members of the Delegation had been emailed access to the following two documents (reference Mike Sylvia email of October 20, 2021 @ 6:15 p.m.):

- The public “Minutes of the Gunstock Area Commission,” dated August 25, 2021; and
- “Memorandum” from Peter Ness, Esq., dated September 29, 2021, re: “Response to Allegations Against Commissioner Ness”

Chair Rep. Sylvia indicated that he intends to have the Delegation consider the aforementioned two documents as the only and sufficient evidence in deciding the question of whether or not GAC Commissioner Ness shall be removed from office, as per the request of the other four Commissioners.

Chair Rep. Sylvia recognized Rep. Silber for a motion. Rep. Silber moved that the Delegation dismiss the charges brought against GAC Commissioner Ness, and the GAC majority’s request that GAC Commissioner be dismissed. Rep. Aldrich seconded this motion.

Discussion and debate ensued, with several members expressing their views that the documentary evidence was insufficient for them to make their decisions and requesting that the parties be heard and subject to questioning by the Delegation. Chair Rep. Sylvia reaffirmed his determination that the two documents presented to the Delegation were sufficient for a fair decision, adding that the way to prevail against his determination would be to defeat the motion before the body.

The Secretary *pro tem* was directed to call the roll for the vote on Rep. Silber’s motion. Representatives voting in the Affirmative: Howard, Aldrich, Bean, Harvey-Bolia, Hough, Johnson, Plosjaz, Silber, Terry, Comtois and Sylvia. Representatives voting in the Negative: Bordes, Lang, Littlefield, O’Hara and Trottier (11-5-0). Motion PASSED.

**Gunstock Area Commissioner Wood Term and Swearing-In – Chair Rep.** Sylvia explained that he been in error when he announced following the vote

for new GAC Commissioner on September 7, 2021 that Jade Wood Commissioner-elect's term would commence that night. On motion by Chair Rep. Sylvia, and seconded by Rep. Aldrich, the preceding statement regarding the commencement date of Commissioner-elect's term was RESCINDED unanimously, all Representatives voting in the Affirmative (16-0-0).

It was MOVED by Representative Lang, and seconded by Chair Rep. Sylvia, that the appointment of Jade Wood as GAC Commissioner is effective today, with her swearing-in to take place on Wednesday, October 27, during the meeting of the GAC. All Representatives voted in the Affirmative, except for Rep. Silber who voted in the Negative (15-1-0). Motion PASSED.

**Recess** - Chair Rep. Sylvia declared a ten minutes recess at 8:10 p.m.

**Reconvene** - Chair Rep. Sylvia reconvened the meeting at 8:21 p.m.

**Gunstock Mountain Resort** – Chair Rep. Sylvia recognized Rep. Silber for a MOTION. Rep. Silber moved, and Rep. Howard seconded, that the Belknap County Delegation reaffirms the status of the Gunstock Area in Gilford as a publicly-owned property, owned by Belknap County and thus its taxpayers, and that it must be operated as a publicly-owned property by the Gunstock Area Commission, as an agency of Belknap County pursuant to the enabling legislation, solely to further the public interest in the property, rather than being run as if it were a private business or company.

Citing as reason that this motion requested an action that was not listed on the agenda of this meeting, Rep. Ploszaj moved, and Rep. O'Hara seconded that the MOTION be TABLED. The Secretary *pro tem* was directed to call the roll, the results of which were: Representatives voting YES: Bordes, Harvey-Bolia, Ploszaj, Trottier, Comtois, O'Hara and Lang. Representatives voting NO: Howard, Aldrich, Bean, Hough, Johnson, Littlefield, Silber, Terry, Sylvia (7-9-0). Motion FAILED.

Representative Lang disputed the Chair's position that Rep. Silber's motion could be considered. Chair Rep. Sylvia ruled that the motion was in order. Rep. Lang CHALLENGED the ruling as incorrect. The Secretary *pro tem* was instructed to call the roll, with a YES vote sustaining the ruling of the Chair, with a NO vote indicating that the ruling of the Chair was incorrect and that the motion was out of order. Representatives voting to SUSTAIN the ruling of the chair: Howard, Aldrich, Bean, Hough, Johnson, Littlefield, Silber, Terry, Comtois, Sylvia. Representatives voting to OVERTURN the ruling of the Chair:

Bordes, Harvey-Bolia, Lang, O'Hara, Ploszaj, Trottier (10-6-0). The CHALLENGE to the ruling of the Chair was DEFEATED.

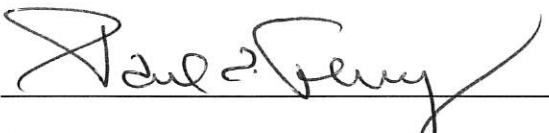
Chair Rep. Sylvia determined that the body would proceed to vote on the MOTION and instructed the Secretary *pro tem* to call the roll. Representatives voting YES: Howard, Aldrich, Bean, Hough, Johnson, Littlefield, Plosaj, Silber, Terry, Comtois, Sylvia. Representatives voting NO: Bordes, Lang, Trottier. Representatives ABSTAINING: Harvey-Bolia, O'Hara (11-3-2). Motion PASSED.

**Supplemental Appropriation request by Delegation re: Silver Lake –** Referencing both prior Delegation discussions and a letter to him as Chair of the Delegation from Wright-Pierce, dated October 21, 2021 re: W-P Project No. T16367, "Proposed Silver Lake Dam – A Feasibility Study Cost Option," Chair Rep. Sylvia MOVED, and Rep. Howard seconded, to request a supplemental appropriation of \$625,000 of ARP (American Rescue Plan) funds for the Silver Lake Dam feasibility study, as outlined in the letter from Wright-Pierce.

Questions and discussion among the Delegation ensued, and two members of the public were recognized by the Chair to address the Delegation, Mr. Paul O'Connell of Belmont, NH, and Mr. Jim Brown of Belmont, NH.

Following, Chair Rep. Sylvia (maker) and Rep. Howard (seconder) WITHDREW their motion from further consideration at this meeting.

**Adjournment** – There being no other business, the meeting was declared adjourned by Chair Rep. Sylvia at 9:28 p.m.

Attest:   
(Representative) Paul A. Terry  
Secretary *pro tem*