

GUNSTOCK AREA COMMISSION MEETING
July 31, 2022 at 1:30pm
Gunstock Mountain Resort: Historic Lodge
APPROVED MINUTES

GAC: David Strang (Vice Chairman) remote, Doug Lambert (Secretary), Jade Wood

Chairman Pro-tem Strang called the meeting to order at 1:35pm. Commissioner Lambert led the Pledge of Allegiance.

ACTION

Motion: Chairman Pro-tem Strang made a motion to amend the agenda to the following:

1. Vote to seal the non-public minutes from 7/29/22 according to RSA 91-A:3, II (c) and (j).
2. Hiring of legal services
3. Vote to rehire GMR staff
4. Vote to approval legal invoice

Second: Secretary Lambert

Vote: Secretary Lambert- yes
Commissioner Wood- yes
Chairman Pro-temp Strang- yes
Motion passes.

ACTION

Motion: Secretary Lambert made a motion to seal the minutes of the non-public meeting July 29, 2022 per RSA 91-A:3, III, in that the divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself.

Second: Chairman Pro-tem Strang

Discussion: Point of order made by Skip Murphy. He submitted a 91A request for those minutes and recording. He asked if that request was going to be honored. Secretary Lambert replied that the point is heard and other requests were made but will not be made public due to RSA 91-A:3,II (j) and III.

Vote: Secretary Lambert- yes
Commissioner Wood- yes
Chairman Pro-temp Strang- yes
Motion passes.

ACTION

Motion: Secretary Lambert made a motion to retain legal services by Timothy W. Tapply, Esq. of Brand & Tapply, LLC in all matters pertaining to the contract between Gunstock and New Sounds Concerts, Inc. (Soulfest).

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Second: Commissioner Wood

Discussion: Chairman Pro-tem Strang asked for confirmation that it is the same law firm representing New Sounds Concerts, Inc., or to clarify the relationships and what services Attorney Tappley will provide. Secretary Lambert replied that Attorney Tappley has represented Gunstock in past with legal matters with Soulfest and offered intermediary services. He is not on retainer with New Sounds Concerts, Inc. but acting as an independent agent.

Vote: Secretary Lambert- yes
Commissioner Wood- yes
Chairman Pro-temp Strang- yes
Motion passes.

Chairman Pro-tem Strang made a statement that he would welcome the return of Tom Day and Patrick McGonagle to assist with Soulfest and that Secretary Lambert had secured verbal confirmation of their return but then Chairman Pro-tem Strang heard that they backed out. He continued to state that he is extending an olive branch to make sure that Soulfest is a successful event this week. Secretary Lambert stated that this was not in his recollection.

ACTION

Motion: Secretary Lambert made a motion to restore and process onboarding of any one or of all of the former senior management team according to the documents that they signed and submitted.

Second: Commissioner Wood.

Discussion: Commissioner Wood read the documents into record for the meeting minutes. The document reads as follows, dated July 28, 2022.

“The members of the Gunstock Senior Management team who tendered their notice of resignation during the July 20th GAC meeting would be amenable to a reinstatement of their employment, contingent upon the immediate removal of Peter Ness and David Strang from the Gunstock Area Commission.”

Vote: Secretary Lambert- yes
Commissioner Wood- yes
Chairman Pro-temp Strang- yes
Motion passes.

Secretary Lambert stated that the senior management team would be onboarded contingent on the removal of Chairman Pro-tem Strang. Chairman Pro-tem Strang replied that is not what the motion was and that he was not aware of the document that was being read. He restated that none of the three remaining commissioners

can resign because they will cease to exist as a governing body. Chairman Pro-tem Strang rescinded his vote.

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Secretary Lambert stated that the motion passes 2-1 and brought Rep. Harry Bean and other state representatives to the front of the room to present a scenario to foster how the Belknap County Delegation can help solve this problem.

Rep. Gregg Hough thanked Commissioners Lambert and Wood for all their work and understands it has been a difficult time for all and the need to work towards reopening the mountain.

Rep. Harry Bean stated “David Strang is a friend, and it is with deep regrets that I am asking for his resignation, but the votes are there for his removal. We have the votes ready to hold an emergency meeting of the county delegation to vote for dismissal and get the mountain reopen”.

Secretary Lambert added that if the senior management team is not back in place for Soulfest the attorney for Soulfest has indicated that they will still move forward with suits due to the lack of activities and the chairlift which directly impacts their ticket sales and Belknap County taxpayers could be held responsible.

Chairman Pro-tem Strang replied that if he were to resign the commission wouldn't be able to adjourn the meeting or conduct any other business. If the county delegation can hold an emergency meeting and appoint commissioners so that the commission can function as a governing body then I will be happy to tender my resignation at that time.

Rep. Harry Bean stated that he spoke with the county attorney and with 24-hour notice and proper number of votes a meeting can be held to appoint an interim commissioner for so that there is a quorum and there is time to let the public know there are vacancies on the commission.

ACTION

Motion: Chairman Pro-tem Strang made a motion to approve the June 22, 2022 invoice from Preti Flaherty Law.

Second: Secretary Lambert.

Vote: Secretary Lambert- no
Commissioner Wood- no
Chairman Pro-temp Strang- yes
Motion fails.

Chairman Pro-tem Strang encouraged Commissioner Wood and Secretary Lambert to change their vote as to not default on the payment for agreed work and potentially face a lawsuit. Secretary Lambert replied that given the amount of the invoice versus the enormity of the lawsuit from New Sounds Concert, Inc. he is willing to take that risk. Chairman Pro-tem Strang reminded Secretary Lambert that the invoice was at 30 days and urged the other two commissioners to pay the invoice.

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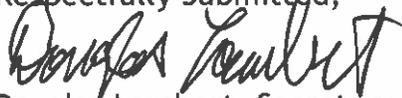
ACTION

Motion: Secretary Lamber made a motion to adjourn at 2:10pm

Second: Commissioner Wood.

Vote: Secretary Lambert- yes
Commissioner Wood- yes
Chairman Pro-temp Strang- yes
Motion passes.

Respectfully Submitted,



Douglas Lambert, Secretary
Gunstock Area Commission