

GUNSTOCK AREA COMMISSION MEETING
May 27, 2020
Gunstock Mountain Resort, Main Hall
Public Access via Zoom Audio Conference
APPROVED MINUTES

Notice of the meeting was posted at the County Commissioners Office, Gunstock Mountain Resort Administration Office, and online at GUNSTOCK.COM. Due to the COVID-19 crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to provide public access to the meeting electronically and will be limited to no more than 10 people in accordance with Emergency Order #16. In-person attendance was restricted to Gunstock Area Commissioners and select members of the Belknap County Delegation and Gunstock Mountain Resort management team.

GAC: Russell Dumais, Brian Gallagher, Gary Kiedaisch, Peter Ness

Gunstock Personnel: Tom Day, Becky LaPense, Cathy White, Robin Rowe (phone), Patrick McGonagle (phone), Iwan Fuchs (phone)

BDC: Rep. Sylvia (BCD Chair), Rep. Howard

Public: Six members of the public joined the Zoom audio conference but were not identified.

Chairman Kiedaisch called the meeting to order at 6:00PM with the pledge of allegiance. He opened the meeting by explaining how members of the public can participate during the audio conference call and introduced all members of GAC, BCD and GMR management team who were present for the meeting.

Minutes

The minutes of the April 29, 2020 Gunstock Area Commission public meeting were reviewed. Under the discussion of the timber revenue, Chairman Kiedaisch clarified that he would support the timber revenue to be used for the purposes to improve the asset, not just the replacement of infrastructure.

ACTION

Motion: Commissioner Ness made a motion to approve the minutes as presented.
Second: Commissioner Gallagher
Vote: **Roll Call** Commissioner Ness - Yes
Commissioner Gallagher - Yes
Commissioner Dumais - Yes
Chairman Kiedaisch - Yes

Public Presentations - None

Financial MD&A

Cathy White, Chief Financial Officer, provided a summary of the monthly financial reports, noting that there has been little activity aside from the management of expenses. Over the next 2-4 weeks, senior management will be working with department managers to fine tune the operating budget that was approved in February. The year-end audit is scheduled for June and will be held on-site at the resort. Chairman Kiedaisch asked for a summary report in the

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June meeting of the approved summer work projects, including management's deliverables. Cathy noted that season pass sales and campground revenue is pacing further ahead than they had expected but still behind budget. Chairman Kiedaisch suggested it may be helpful to provide an accounting summary of the COVID-19 adjustments to revenue and expenses which Cathy agreed to share with Commissioners.

Action Items None.

New Business

President and General Manager, Tom Day, reported that opening weekend bookings for the campground were healthy and that guests were extremely cooperative with the resort's COVID-19 protocols. All guests received pre-arrival communication about the new check-in procedures and everyone was respectful of the rules throughout the property and were ecstatic to be out of the house. Tom noted that there were originally 127 reservations for Memorial Day, and 53 were cancelled because of out of state residency restrictions. However, with new bookings the reservations grew to 89 for opening weekend. The new Clean Team reported most guests stayed out of the bath houses but that those who did use them, complied with the single-family restrictions. He is optimistic for the rest of the summer camping season as more people look for ways to get outside in a safe and healthy way.

Chairman Kiedaisch asked for discussion about the logistics for the RAN hearing that is scheduled for June 1st. Gunstock is prepared to host the meeting for 10 people in accordance with Executive Order #16 and have posted the Zoom call information in the public notice. BCD Chairman Sylvia said it is hard to track everything that is in the Executive Orders unless you are an attorney but noted that the General Court is exempted from the 10-person meeting limitations. He wondered if that exemption applied to the Delegation since they are a subset of the General Court. He said he believed it was better to have Delegates present at the meeting and that the severity and mystery of COVID-19 is resolving itself so there is more knowledge of how to conduct the meeting safely. The prime motivator for hosting the meeting in person is for the selection of the Gunstock Commissioner. Their preference is to hold the interviews in person and that most delegation members want to be present. He added that those individuals who prefer not to be present can attend remotely and vote by phone. He is aware that Gunstock's bond counsel advised that it may not be a legal meeting if they exceed the 10-person minimum, which causes issues for both parties. Chairman Kiedaisch asked if it would be worthwhile to reach out to the Governor because he owns a ski resort and understands how important this meeting will be, especially since Gunstock does not qualify for any of the PPP funds. He suspects Governor Sununu may be helpful in getting clarification on EO #16 as it relates to municipal governing bodies. Commissioner Ness believes there is another interpretation and offered to meet with Chairman Sylvia to see if they can steer bond counsel to away from their current stance. Chairman Kiedaisch said the situation is unprecedented and believes the GAC and BCD should get a pass. Commissioner Gallagher referred to EO #16, which was extended in EO #40, but there was a gap before that extension took place. In his opinion, if the current EO expires on May 31 and nothing happens by June 1, then there would be legal standing to hold the meeting in person. Chairman Kiedaisch asked Chairman Sylvia how many delegates plan to physically attend the meeting, and he believes

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there are two who are definitely not going to attend but he estimates 12-14 will be in attendance, plus 4 Commissioners and 2 candidates plus 2 members of Gunstock management and 1 videographer for LRPA. Chairman Kiedaisch agreed to reach out to Governor Sununu for clarification and exemption from EO #16.

Old Business

- a. *Timber Revenue* - Tom Day reported that he spoke with one forester and that two more proposals were delivered to the GAC. There is one more forester who was recommended by Rep. Howard who he still needs to speak with. Cathy White confirmed through her research that past logging revenue went to GMR and that GMR paid a timber tax on that revenue. Commissioner Gallagher said they asked the Delegation if they could get a legal opinion. Commissioner Ness said he believed there are alternative interpretations and he would work with them to come to a consensus. He offered to draft an interpretation and ask the Delegation to review it. Commissioner Gallagher said there was no real need to hold up the timber harvest while this matter is being deliberated.

ACTION

Motion: Commissioner Gallagher made a motion to authorize Tom Day, President and General Manager, to expedite the forester selection for the logging operation on GMR property in the summer of 2020 and continue to pursue the proper disbursement of any revenues generated as a result of that work.

Second: Commissioner Dumais.

Discussion: Tom Day agreed that this was a reasonable plan so long as the expenses for the timber harvest are taken out of the logging revenue, instead of resort operating expenses. All agreed. Chairman Kiedaisch said he would be opposed to logging if the revenues did not go to the resort because of a potentially adverse impact to the area. He would prefer to postpone the cutting until the revenue question can be resolved. Tom Day noted the market for timber is not very strong at the moment so it may be beneficial to wait. However, the harvesting will be done in accordance with the Forest Management Plan so it should not have an adverse impact on the property. Rep. Howard said federal funds were used to develop the Forest Management Plan and these actions would be for the health of the forest. He was concerned that none of the actions recommended in the Forest Management Plan have been implemented yet. He did not take issue with using the revenue from a timber harvest to maintain the resort and believes it needs to be acted on regardless of who gets the revenue.

Motion: Commissioner Gallagher amended the above motion to add that it is subject to the resolution of getting the revenues sorted and must follow the guidance in the Forest Management Plan.

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Vote:	Roll Call	Commissioner Ness - Yes Commissioner Gallagher - Yes Commissioner Dumais - Yes Chairman Kiedaisch - Yes
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b. House Bills -

- i. Statute Amendments* - Rep. Howard said the June 11 session is to get new timelines in place but there is a standoff between House Republicans and Democrats right now. Chairman Sylvia said he does not believe they will meet again after June 11. Commissioner Gallagher clarified that the bill has already passed the NH House in consent but it is one of the bills that needs to cross over to the NH Senate.
- ii. Parking Lot* - Tom Day reported that the NRBC Grant deadline was extended to June 1 and they have been working with Donna Hepp from the BCCD to draft the grant application. They have also reached out to the Lakes Region Planning Commission for data regarding the economic impact of the project, if approved. He said most of the application is complete and they will be uploading supporting documents over the next few days. The grant application is for funding to rebuild and pave the main parking lot, as well as removal of sediment from the snowmaking pond. There appear to be benefits for the entire Poor Farm Brook watershed.
- c. Master Plan Committee* - Chairman Kiedaisch said they will schedule a master planning meeting after June 1st once the new Commissioner is in place.

Other Business

- a. BCD Subcommittee* - Chairman Kiedaisch said he would like to include the BCD subcommittee in the master planning session.
 - i. Business Model Update* - Nothing to report.

Miscellaneous

Chairman Kiedaisch reported that Gunstock is on a waiting list for next year for a billboard at Weirs Beach. He asked about the water lines permit from Gunstock to Ellacoya and asked Becky LaPense, HR Director, to research the permit expiration date to ensure it does not lapse. Rep. Howard added that permanent access was built into the revised statute. Commissioner Ness asked to have a discussion on snowsports added to the GAC agenda for next month. Commissioner Gallagher asked to make sure that the officer changes made to the GAC bylaws be updated online.

Public Comment

Chairman Kiedaisch opened it up for public comment but there was none.

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Non-Public Session

ACTION

Motion: Chairman Dumais made a motion to enter a non-public session in accordance with RSA 91-A 3 II (e) at 7:11 pm.
Second: Commissioner Ness.
Vote: **Roll Call** Commissioner Ness - Yes
Commissioner Gallagher - Yes
Commissioner Dumais - Yes
Chairman Kiedaisch - Yes

The GAC went into non-public session at 7:11 pm.

ACTION

Motion: Commissioner made a motion to come out of non-public session in accordance with RSA 91-A II(a) at 8:16 PM.
Second: Commissioner .
Vote: Roll call vote - all in favor.

Adjourn

ACTION

Motion: Commissioner made a motion to adjourn the GAC meeting at 8:31 PM.
Second: Commissioner .
Vote: All in favor.

Adjourn

Respectfully Submitted,

Peter Ness, Secretary
Gunstock Area Commission