

Minority Report- Dillon Gallagher

At Town Meeting 2021, under Other Business, Library Trustee Laura Cousineau introduced Caroline Storrs to read a letter from Colleen O'Neill (Salinger) proposing the gift of the Cornish General Store building to the Town as a Library building. Ms. O'Neill (Salinger) was not in attendance.

Following this surprise announcement, the Cornish Board of Selectmen created an information gathering committee known as the Library Exploratory Committee (LEC) to study the proposal. The LEC was provided an official charge in July and met initially on July 21, 2021.

The charge for the LEC stated that, **"As part of an appointed Town committee, members shall represent the citizens of Cornish to the best of their abilities. The committee shall consider all relevant factors including, but not limited to: financial and operational impacts, practicality, other impacts to the Town, timeframe, and expected benefits or liabilities to the Cornish community."**

The LEC met 27 times following its appointment.

The LEC's final meeting was on November 1, 2022. At this meeting the LEC voted 4-3 to approve a recommendation and the LEC's Final Report.

The Report was presented to the Cornish Board of Selectmen on November 7, 2022.

On December 1, 2022 the Cornish Board of Selectmen voted to request a Minority Report from the three LEC members who voted "Nay" on the LEC's recommendation and Final Report.

This is my report.

Why I voted no.

Planning and Zoning impacts to the Town.

Potential taxpayer liability from underground gasoline tanks at Powers Country Store.

Incomplete information from the LEC.

The mechanics of the transaction from Colleen O'Neill (Salinger).

Timeframe

Planning and Zoning Impacts

If the Cornish General Store building becomes a library the only viable retail location in the Cornish Flat Village District would be obsolete. There would never again be a location to house a Country Store or other large retail venture. In years past this building has housed a store, a branch of the Claremont Savings Bank, and other small retailers.

This is an important factor as traditionally a country store offers a town a plethora of resources. It is not uncommon for a local store to be open between 70 and 90 hours per week. A store not only offers convenient sundries it also offers a communal gathering space and a village hub. If elder housing was developed in the Cornish Flat Village District a store would offer our older citizens many of the resources and conveniences that would simplify and improve their quality of life without the need to find transportation to other towns. Under previous management the Cornish General Store has offered takeout food that provided quality fare, convenience, and fostered a sense of connection.

The Cornish General Store building can provide more than one retail location as the hub of the Village. It currently houses a woodstove shop and a chocolatier.

The Cornish General Store building also provides two affordable housing units in the Village.

If converted into a Library and Community Center these village assets would disappear.

Potential taxpayer liability from underground gasoline tanks at Powers Country Store

At the pen-ultimate LEC meeting consideration was given to appendix 14, Environmental Considerations. A section of appendix 14 was The New Hampshire Department of Environmental Services (DES) Groundwater Management Permit (#GWP-199606022-C-001) to the Cornish General Store Property, Tax Map 18, Lot 6, on May 26, 2004. This permit was recorded at the Sullivan County Registry of Deeds in accordance with DES regulations. The issuance of a Groundwater Management Permit establishes a Groundwater Management Zone, which is "an area within which groundwater use must be restricted and monitored due to the presence of groundwater contaminants that exceed the State's Ambient Groundwater Quality Standards (AGQS)." This permit was issued after the removal of the gasoline pumps and underground storage tanks from the general store property.

In 2006 the NH DES ended water testing at the site as it was deemed no longer contaminated.

This does not mean that the Town would assume no liability from owning the site. If harm had occurred during the contamination the owner of the property could be liable. This is an ongoing possibility. The Town's Insurance provider, Primex, does not cover claims relating to pollution. If the Town were sued it would be responsible for its defense and any judgement or settlement.

This risk warrants serious consideration.

Incomplete information from the LEC

The final report from the LEC is lacking in important information.

In the LEC final report soft costs are estimated to be \$206,717.94. These costs, estimated, cover only furniture. Ingrid Nichols, of Banwell Architects noted at the forum that these costs would include "soft

costs, furniture, fixtures, legal, moving, temp, all of that." Soft costs other than furniture are not provided.

Expected maintenance costs are also not provided. Using the most recent estimate from Trumbull-Nelson and Life Cycle Analysis schedule provided by MA+KE Architects the Town would need to appropriate more than \$17,000 per year into a Capital Reserve Account. (See appendix 1) This number is in today's dollars and does not factor in inflation.

Appendix 14: Environmental Considerations was reduced from 35 pages to four pages by a 4-3 vote. The pages removed were a compilation of information from the NH DES regarding Groundwater Management Permit (#GWP-199606022-C-001). "Caroline moved and Kathi seconded that pages five to thirty-five of the Environmental Considerations document be deleted from the report for this appendix and put in a link or a footnote included in the appendix. Larry was against deleting the pages, but the motion was passed on a 4 yeas (Laura, Susan, Kathi, Caroline) to 3 nays (Dillon, Heidi, Larry) vote". This vote eliminated the entire DES report from the LEC's appendices, thus depriving the public of important information. There was no link published.

Information proposed for appendices at the final meeting were ultimately not included. Heidi's final three proposed appendices were challenged by Laura reading from a prepared statement, "Laura then spoke to her reasoning for why several documents had not been included in the appendices with this motion, " *Regrettably, the statements in the remaining documents forwarded from Heidi are problematic. They either speak to information not requested, information not in evidence, conflict with other facts in evidence, or are statements that would be challenged for accuracy. I therefore move that these documents not be accepted as appendices or included as documents on the Committee's website.*" Caroline seconded. During the discussion, Heidi stated that, since the Interim Report had been added, things have changed from that document. She wanted to emphasize that a Cy Pres for the store building would have no chance of success. She then withdrew her documents so there was no vote on the motion."

The Community Facilities Report, as part of the LEC Final Report, lists Town owned buildings with meeting space. Though it mentions the two Fire Stations it fails to point out that the Cornish Flat Station has an accessible 600 square foot meeting area with 2 bathrooms, a shower, and a full kitchen. The Town has proposed adding backup power and mini-splits (cooling) as part of the latest Hazard Mitigation Plan.

The LEC Final Report does not thoroughly study the "green space" associated with Cornish General Store building. The triangle is separated from the building by NH Route 120, a busy commuter corridor. There was no traffic study as to how many, and when, vehicles use the road. If children's programs are to be held on the triangle consideration must be given to safe crossing and preventing individuals from wandering into any of the three roads that surround it. If fencing is considered to increase safety it should be known that the actual usable space of the triangle is reduced by rights of way of Route 120, School Street, and East Road. There are also utilities whose right of way impacts have not been studied.

The mechanics of the transaction from Colleen O'Neil (Salinger).

Colleen O'Neil (Salinger) has provided three different NON BINDING LETTER(s) OF INTENT (September 7, 2021; February 15, 2022; November 1, 2022) describing her plan to transfer the property.

The latest (November 1, 2022) contains seven (7) conditions that the Town must adhere to.

1. The name of the building shall be the Cornish Library and Community Center
2. The town will accept the future gift of the Property, converted for use as a public library and community center from the Cornish Community Initiative (CCI).
3. The library will be open to the public a minimum of 15 hours/week, and more as needed, based on community interests and needs, as determined by the Cornish Library Trustees, with the possible exception of weeks including federal holidays, and during emergencies.
4. In keeping with the current philosophy and policies of other public libraries, community space will be available for meetings, events and gatherings, for community groups, civic groups, educational groups and others, and available without bias to race, creed, ethnicity, sexual orientation, disabilities, and/or political party affiliation, with specific policies formed by the Cornish Library Trustees, per their responsibilities under NH law.
5. Cornish Aging in Place will be given consideration for basement storage of their handicap equipment community loan program.
6. It is understood that the town will be responsible for all costs associated with operating the public library and community center, including salaries etc, and maintenance of the property going forward.
7. Furnishings for the new library are not included in this gift.

In this scenario the donor pledges property to a private group, the Cornish Community Initiative (CCI) she founded. As of the LEC Final Report the CCI had not received a letter of determination from the IRS as a registered 501(c)3. The group (CCI) proposes to raise the money to remodel the CGS building. It selects plans and construction details of building. If successful Town must accept. There are no hard facts or data available to the Town or the taxpayers as to what the building will actually be. There is a preliminary schematic that was presented at the Banwell Forum.

A vote at Town Meeting to accept the Cornish General Store building would bind the Town to accept the building but no formal, binding document has been provided by the CCI or Ms. O'Neil (Salinger). How can the Town make such a decision without knowing what it is binding itself to?

Timeframe

Under the last NON BINDING LETTER OF INTENT the CCI would have five years to raise the funds and a timeframe for construction is estimated to be a year or two. This would potentially mean that the Town could accept the renovated building in 2030. The LEC Final Report included no guidance for the operation of the G.H. Stowell Free Library for this timeframe.

If the CCI failed to reach its goals the Town would be in the same position it is in now. The process would have to start over, but at 2028 costs.

Please find attached:

Appendix 1 Maintenance Cost Schedule for Cornish Library and Community Center

Appendix 2 Cornish Library Notable Dates

Respectfully Submitted,

Dillon Gallagher

1/30/2022

Appendix 1

Maintenance Cost Schedule for Cornish Library and Community Center

Timeframes are based in the average of the expected lifespans of components as described in letter dated October 4, 2022 from Christopher Kennedy of MA+KE Architects.

Prices are in today's dollars (no adjustment for inflation) provided by Trumbull-Nelson to Banwell Architects on September 28, 2022.

Component	Cost (\$)	Lifespan (Average)	Annual Appropriation
HVAC	301,590	25-30 (27.5)	10,967
Lighting	Not provided	25-30 (27.5)	
Exterior Paint	27,524	Year 15, 22, 29	1,835
Roof replacement	60,000	50	1,200
Septic System	25,000	25	1,000
Well	15,000	30	500
Interior Painting	18,218	10	1,821
Plumbing fixtures	5,000 est	25	200
			17,523

Not considered are door and window replacement and floor re-finishing as life cycle times were not included. Window and door costs were estimated at \$123,684 and wood floor finish was estimated at \$77,725.

Respectfully Submitted,

Dillon Gallagher

1/30/2022

Appendix 2

Cornish Library Notable Dates

The Library Capital Reserve Fund History

Town Meeting March 14th, 2000. Selectmen place Article 8 on the Warrant to establish a Library Capital Reserve Fund.

Article 14: Jim Strout moved that the Town establish a Library Capital Reserve Fund and to raise and appropriate the sum of \$2,000 to be placed in said fund. The Library Trustees would handle these funds and in order to expend said funds a warrant article would need to be acted upon at a Town Meeting. Concerns regarding making the Library handicap accessible was discussed as a future use of these funds. Kathy Patterson seconded the motion and it was voted on in the affirmative.

2001 Article 8 \$,2000.00

2002 Article 8 \$2,000.00

2003 Article 8 \$2,000.00

2004 Article 9 \$2,000.00 Article 9 was amended to \$12,000.00

Article 9: Bernice Johnson moved that the Town vote to raise and appropriate the sum of \$2,000 to be placed in the Library Capital Reserve Fund. Jim Strout seconded the motion. Larry Dingee moved to amend to \$12,000 in order to construct a handicap entrance for the Library. The motion to amend was seconded by Alan Penfold and voted on in the affirmative. The amended motion was then voted on in the affirmative.

2005 Article 8 \$12,000.00

2006 Article 15 \$12,000.00

2007 Article 16 \$12,000.00

2008 Article 8 \$12,000.00

2009 Article 8 \$2,000.00

2010 Article 11 \$2,000.00

2011 Article 11 \$2,000.00 Article 11 was amended to \$100.00

Article 11: | David Haseman moved that the Town raise and appropriate the sum of \$2,000 to be placed in the Library Capital Reserve Fund. The motion was seconded by Polly Rand. Kathy Patterson made a motion to eliminate \$1,900 from this appropriation

stating that the library does not need any improvements this year and could adjust the amount to be \$100. The amended motion was seconded by Bernice Johnson and voted in the affirmative.

2012 Article 10 \$2,000.00

2013 Article 9 \$2,000.00

2014 Article 9 \$2,000.00

2015 Article 10 \$2,000.00

2016 Article 8 \$2,000.00

2017 Article 8 \$2,000.00

2018 Article 8 \$2,000.00

2019 Article 9 \$2,000.00

2020 Article 9 \$2,000.00

2021 Article 8 \$2,000.00

2022 Article 9 \$2,000.00

Other notable dates

January 8, 2018 Trustees re-visit Handicap access

September 25th, 2018 Trustees hold public forum

Under Facility responses were ranked:

9.5 votes Create accessible entrance

9.5 votes Build addition to join library and historical society buildings to include research space, restrooms, book shelves

5.5 votes Bathroom with water

(A follow-up item) Look into better parking options -

An opinion from the NH Municipal Association states that the Selectboard regulates parking within the Town's right-of-way so it is a Selectboard decision.

March 12 2019 Town Meeting Article 17 Trustees continue planning for access

Article 17: Heidi Jaarsma moved that the Town raise and appropriate the sum of \$12,500 for an architectural study of an enclosed space that will provide handicapped accessible building entrances to both the George H. Stowell Free Library and the Cornish Historical Society which will contain restrooms and research space for both with said funds to come from the unassigned fund balance. Richard Scheuer seconded. Richard Scheuer talked about the study and how this can help the Library prioritize what needs to be done first. There are many items that different people stated were wrong with the Library and they didn't need a survey to tell them. Many would like to bring the building up to accessibility for everyone. Troy Simino called for a vote on the motion, and the vote was in the affirmative.

October 9th, 2019 Trustees note that "Most comments were in favor of option A2- the entrance through the window area in the children's room." Plans from uk architects included four(4) options: A1,A2,B1,B2.

June 8 2021 Town Meeting Other Business

Laura Cousineau announced the Colleen O'Neil has offered to donate the Cornish General Store building to the town library. Ms. O'Neil had written a letter to that effect, which was read by Caroline Storrs. It was concluded that this was a very new development that requires more investigation before a plan can be put into place.

Colleen O'Neil (Colleen Salinger) did not attend the 2021 Town Meeting

July 9th, 2021

Selectmen Establish the Library Exploratory Committee as an advisory committee to research the offer from Colleen O'Neil (Colleen Salinger).

July 21, 2021 Library Exploratory Committee meets for the first time.

The Committee met 24 times not including forums.

The Committee had the following forums:

Public Forum July 23, 2022

Banwell Architects presentation September 29th, 2022

MA+KE Architects presentation October 4th, 2022

More notable dates

September 7th, 2021

Colleen O'Neil presents Draft Letter of Intent

January 25th, 2022

Library Exploratory Committee votes to ask the Board of Selectmen to continue the study. (four votes in the affirmative, one abstention)

Library Exploratory Committee votes to request the following Article be placed on the 2022 Town Meeting Warrant:

Warrant Article:

To see if the Town will vote to raise and appropriate the sum of \$12,000 for the purpose of the Cornish Library Exploratory Committee's feasibility study including, but not limited to, completion of the planning and design of improvements to the current library authorized at the 2019 Town Meeting and any other such studies or investigations of the current or proposed library that may be deemed necessary by the committee. Said amount to come from the unassigned fund balance. This appropriation will have no impact on the tax rate. The report of the committee will be due on or before the 2023 Town Meeting.

February 3rd, 2022

Colleen O'Neil arranges a meeting with the State Librarian, Michael York, to tour the Cornish General Store building and the G.H. Stowell Free Library. Several residents and the Library Trustees attended. The meeting was not warned and no minutes were taken. No Selectmen were invited. Only select Library Exploratory Committee members were

invited. (Trustees Minutes 1/27/2022: Colleen called the NH state librarian, Michael York, to invite him to Cornish and to learn about the current and possible future library. He will come at 11:00 February 3rd to the Stowell building, and Colleen will take him to the Cornish General store afterwards.)

February 15th, 2022

Colleen O'Neil presents revised NON BINDING LETTER OF INTENT

February 17th, 2022 (Trustees Minutes)

Motion: moved by Laura Cousineau, seconded by Richard Scheuer. Unanimous vote.

Whereas any renovation to the Stowell Building would trigger ADA interior and exterior compliance

Whereas ADA renovations would reduce collection space and seating space,

Whereas the building currently has inadequate collection space and seating space,

Whereas there would continue to be inadequate parking,

Where there would continue to be no space for programs or meetings,

Whereas the cost of the renovations would likely be significant to the taxpayers,

Therefore, the trustees do not recommend any renovation of the existing building.

February 18th, 2022

Library Exploratory Committee Presents Interim Report

March 8th, 2022 Town Meeting

Article 17: To see if the Town will vote to raise and appropriate the sum of \$12,000.00 for the purpose of the Cornish Library Exploratory Committee's feasibility study including, but not limited to, completion of the planning of improvements to the current library authorized at the 2019 Town Meeting and any other such studies or investigations of the current or proposed library that may be deemed necessary by the committee. The report of the committee will be due on or before the 2023 Town

Meeting. Said amount to come from the unassigned fund balance. (Majority vote required.)

The Article was amended upwards to \$25,000.00 and voted on in the affirmative.

March 14th, 2022

Board of Selectmen issue updated charge to the Committee. Changes are due to results of Town Meeting vote on Article 17 and a different composition of the Board of Selectmen.

October 30th, 2022 Trustees Meeting

6. Letter from counsel was reviewed. Issues relating to upcoming Exploratory Committee were discussed.

November 1st, 2022

Colleen O'Neil presents re-revised NON BINDING LETTER OF INTENT

November 1st, 2022

Library Exploratory Committee meets for the last time.

Three proposed appendices were contested and were withdrawn by the author, Heidi.

Committee votes 4-3 to accept the Recommendation section of the report created by Caroline and Kathi with input from Laura and Susan.

Committee votes 4-3 to accept the Final Report.

Respectfully Submitted,

Dillon Gallagher

1/30/2022