

Library Trustees

In my opinion the current board of elected Library Trustees are not acting in accordance with their job description.

The Trustees of the G.H. Stowell Library are elected to manage the administrative affairs of the G.H. Stowell Library as well as hire and oversee the job done by the librarian.

Over the last 2 years, the Trustees have been actively engaged in the desire to create another library in town which the natural conclusion of that if successful would be the dissolution of the G.H. Stowell Library as a legal entity. At least one of the trustees has publicly proposed that the property could be sold to finance the new library.

In my opinion their job is to not take action that is detrimental to the current library which was created by vote of the town over 100 years ago. To the contrary their job is to ensure that the G.H. Stowell Library is able to serve the needs of the town for the next 100 years.

Town Meeting 2019 Article 17:

This article was brought before the town on the request of the Library Trustees and state as follows;

To use \$12,500.00 from Fund Balance 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."

These designs proposals were completed in September of 2019 and never presented at Town Meeting despite the fact that they had chosen the A2 design as the preferred option.

They had however met with the Historical Society and as reported in their minutes "received favorable comments" from the Historical Society members.

They certainly did not take any action at the time to expand that design if they thought more floorspace was necessary. However, they did authorize spending \$2,500.00 to get Tom Dombroski to survey a parcel of land for purchase from the Newtons to include a potential septic design with well location. These funds came from a \$30,000.00 donation from Peg Meyeette toward the "Handicapped Access/Bathroom Building Fund" – 2020 Town Report from Library Trustees Report. For some reason it wasn't until the 2022 Town Meeting that the purchase of this parcel of land was brought before the town for a vote. That purchase has since been completed and the previous two separate parcels of town owned land have had this new parcel added to it and all three formally merged into one town owned lot.

Despite all of this work and money spent, the Library Trustees voted on January 17, 2022 to step away from doing anything to fine tune or enlarge the G.H. Stowell Library using that A2 design as a starting point. Instead on February 17, 2022, the Library Trustees adapted a resolution to not recommend any renovations to the GHS Library.

I feel the need to comment on their findings. They are listed in the following order.

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

My reply: The voters for the past twenty-two (22) years have been aware that the funds voted into the Library Capital Reserve fund would someday be used to bring the building into compliance with ADA guidelines.

2. Whereas ADA renovations would reduce collection space and seating space,

My reply: Hence the need for an additional space to increase collections and seating areas.

3. Where as the building would currently has inadequate collection space and seating space,

My reply: So why did R. Scheuer speak at the 2019 Town Meeting on Article – to design an addition, approximate 625 sq. feet in order to provide for more space to meet the needs for more space and ADA upgrades.

What we now know is that a modest connector between the two town buildings using the 2019 A2 design as a starting point can easily be constructed to meet the needs as stated by the Library Trustees at that time.

4. Whereas there would continue to be inadequate parking.

My reply: There is no evidence that the right of way on School Street is not adequate for on street parking on both sides. If those parking spaces need to be more defined and constructed, it is within the authority of the Board of Selectmen to act on it. Their minutes show that the issue of "lack of parking space" never came up prior to the discussion of moving the library to the store building. Whenever that issue arose it should have been relayed to the Selectmen as it is clearly within their authority to address it. Those of us that have been involved with the goings on in Cornish Flat on a daily basis, or like myself having spent 25 years living on Leavitt Hill and still a landowner there know full well that regardless of what events are happening at either the Library or the old Town Office when it was there never was so congested in front of those properties so as to now allow safe passage of any vehicles or fire apparatus if required. It is important to note that the public libraries, in both Windsor and Claremont, depend on on-street parking only and their populations and library usages exceed that in Cornish.

In my opinion the records seem to indicate that this parking issue came about after the direction of the Library Trustees had moved to the store building and was brought up as just one other reason to justify that move. I am not surprised that the Library Trustees are not aware of what the State laws are governing parking on any right-of-way and in this case even if they did know it was not convenient to the narrative that they wanted to create.

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

My reply: *Clearly a false statement again. A small meeting space showing 8 people with 4 tables was shown on the A2 design and in accordance with NFPA by removing some or all of the tables that number can easily be doubled. That room could easily be bigger going forward. It is important to mention that the Town currently has other larger meeting spaces that can be utilized for library programs.*

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

My reply: *The Trustees are clearly incorrect on this one a \$388,000 cost estimate for the A2 design was submitted by the architect which included \$50,000 for land acquisitions costs which were funded through a private donation that would have left a cost to renovate last year at \$338,000. While the Trustees may think this is significant it is easily within the ability of the Town to finance a project of this size at no additional cost to the taxpayer. All it would have taken is some interest on the part of the Trustees to pursue it.*

It is my opinion that the G.H.S. Trustees should revisit their decision on this resolution.

At the 2022 Town Meeting, "the sum of \$12,000 was appropriated for the purpose of the Cornish Library Exploratory Committee's feasibility study including, but not limited to, completion of the planning of improvements at the current library authorized at the 2019 Town Meeting and any other such studies 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. Set amount to come from the unassigned fund balance". This amount was amended on the floor of the meeting to \$25,000.

A portion of those funds was used to contract with the MA/KE Architects to revisit the 2019 designs in an effort to incorporate as many features as possible that the Library Committee had incorporated into the store building. That work was done and presented at a Public Forum on October 4, 2022. The projected cost at the time was 1.8 million dollars.

Even though the Exploratory Committee requested the \$\$ with the stated purpose of doing exactly what was contracted for, the majority voted to not present it as an alternative solution for our library needs.

In my opinion that needed to be done if for no other reason than to show that the group working to move to the Cornish General Store site, which includes the G.H. Stowell Trustees, are not interested in doing anything that would improve an historic library for future generations. There was no discussion held as to possible ways to finance that project other than the CCI being contacted and telling the committee their fundraising efforts were only for the store building and for nothing on School Street. A reasonable discussion should have been had as to what avenues are available to the town to finance a project of this magnitude which certainly could be accomplished with little to know cost to the town considering the same 5-6 year time frame envisioned for the completion of the General Store renovation.

It seems clear to me that the group of people pushing to move the library are not willing to provide the opportunity for open discussion by the entire town.

The net result is that a division of the town has been created mainly by the actions of the 3 G.H. Stowell Library Trustees when they adopted a "Our way or the highway and we are the ones that know what is best" attitude. The Trustees could have better served the town by taking a neutral stance in all of the discussions in the last year and a half and not felt as though it is within their authority to pick "winners and losers".

WORK IN THE RIGHT OF WAY:

The current Banwell Design, as presented to the Town at the forum, shows trees planted along Route 120 and a designated entrance and exit to the front of the store building, with traffic flow entering the property at the north end and exiting at the south with cars pulled up diagonally to the building. The design also shows plantings between that driveway and the current state road.

If you review a copy of the limits of the State's Right of Way on route 120 you will see that on the west side the line is shown approximately halfway between the current ditch line and the front of the existing building and on the east side it is set back from the edge of the current road bed a similar amount.

DOT engineers have not been contacted as to what would be required for this work in the State's Right of Way. In addition, a lot of talk about using the triangular piece of land across from the store for activities and playground space with no DOT input as to what would be required for a SAFE pedestrian crossing on the busy road with the heaviest traffic occurring in the afternoon when the library is open.

No costs associated with the work involved in these two (2) issues are included in the estimated cost of the project done by Trumbell Nelson and submitted by the Banwell group. It would seem as though the costs would be borne by the town.

As with all town properties snow removal and maintenance including lawn mowing becomes the responsibility of the town Highway Department. None of these expenses have been taken into consideration.

This is just another case of lack of "due diligence" with some potential for ongoing costs needing to be budgeted for annually.

FIRE CHIEF'S AND FIRE MARSHALL'S OFFICE INPUT:

Whenever the town is contemplating taking on and then backing a major renovation of an existing Town building, the proposed plan should always be evaluated by the fire chief and State of NH Fire Marshall's office to assume compliance with current fire safety requirements.

In this case a legitimate question that kept coming up during the work done by the Exploratory Committee was whether the use and size of this building would require the installation of a sprinkler system. That along with any other requirements that we are not aware of would be addressed during a proper review.

This would be another example of "due diligence" being done.

For some reason the majority of the Exploratory Committee was unwilling to get this done.

In my opinion it is not advisable for the Town to go forward with any plan without this review.

LOSS OF AFFORDABLE HOUSING:

Should the decision be to move the library to the site of the Cornish General Store, one of the results of that would be that the current two units of affordable housing would be lost and any potential to expand for the third unit which had been there in the past would also not be possible.

As long as the ownership of that parcel of land stays in private hands the possibility of retaining housing space remains.

In my opinion it is not in the best interest of the Town to be involved in any action to cause available housing to be eliminated. We need more affordable places for people live, not fewer.

LOSS OF COMMERCIAL/RETAIL SPACE – NOW AND IN THE FUTURE:

As with most small towns in Northern New England, a general store is an essential business for a stopping place in the daily lives of its residents. The actions taken in regards to the location of the library will dictate whether a small store would even be possible in Cornish Flat until long after all of us are gone.

In recent years without having gas sales to help attract stopping the CGS has not proven to be a financially viable business.

With the push of electric vehicles and the goal of the Town to gradually step away from the internal combustion engine we will probably see in the future where the need to have gas sales available will not be needed for a small country store to succeed. As stated by the landowner of the course of the last couple of years that property in its present model while not being a great money maker at least breaks even and pays its own way. With a new energized owner that property could well be even more financially successful.

In my opinion it is not advisable for the Town to take any action which would result in the loss of any retail space in Cornish Flat.

GROUND WATER CONTAMINATION:

During the middle 1990's it came to light that there was a potential that ground water was contaminated under that property as a result of the prior installation of inground gas tanks and the Selectmen were made aware of that possibility at the time.

Early in 2000, when the ownership of the property changed to the Claremont Savings Bank they initiated taking any steps required by DES to evaluate that condition. Over the course of the next 8 years or so monitoring wells were installed and inspected on an annual basis with the results being forwarded to DES. Following those tests the landowner was given the OK to not do anything further however, following state law a permanent record of that event was placed in the deed of that property as well as the abutters that were affected.

It is important to note that there is absolutely no way of determining what the long term exposure to any liability surrounding that groundwater contamination could be and in this case should the town take ownership of this property the liability would fall to the town 100% and not the town's insurance carrier. (Please see attached emails from Primex to the Town Treasurer). You can also see in the emails that at least one of the Library Trustees does not realize what the ramifications of this could be in the future.

In my opinion the Town should not be accepting any property with history of ground water contamination. We as private citizens would probably not be willing to take on that liability in our private lives. We are currently dealing with a groundwater contamination issue at the Elementary School which could result in a great cost to remedy should grant funds not be forthcoming. At the very least the Library Trustees and Exploratory Committee should have insisted on a very comprehensive testing analysis of the groundwater as part of doing their "due diligence". However, the majority of the committee were of the opinion this was no big deal.

cornishtreasurer@comcast.net

From: Laura Cousineau <lauracousineau@gmail.com>
Sent: Monday, October 31, 2022 11:29 AM
To: cornishtreasurer@comcast.net
Subject: Re: FW: Cornish RE: Follow up on the donated building

Sorry, Heidi. Not understanding why you are sending this. Is it not the case that the most recent surveys done at time of purchase showed the groundwater to be OK? And that whatever is usual and customary would be done when the property is transferred again?

Laura

Laura Cousineau
(she, her, hers)
70 Harlakenden Drive
Cornish NH 03745
603-675-2575 (home)
603-727-6744 (cell)

On Mon, Oct 31, 2022 at 11:23 AM <cornishtreasurer@comcast.net> wrote:

Hi Laura –

I contacted Primex about the town's liability coverage as part of our due diligence. Please see the answer, below.

Heidi

From: Carl Weber <cweber@nhprimex.org>
Sent: Wednesday, October 26, 2022 3:05 PM
To: cornishtreasurer@comcast.net
Subject: Re: Cornish RE: Follow up on the donated building

Heidi,

Thank you again for bringing this to our attention. We want to make sure the Town is aware that we would not cover any claims regarding this property or the pollution, and the Town would be taking on any current or future liability on its own.

Below is our exclusion on pollutants. There are other exclusions related to pollution as well. We do not provide coverage, including defense costs, associated with any claims related to pollution/pollutants.

I hope this answers the question, and we appreciate your due diligence in this matter.

Carl Weber

EXCLUDED CAUSES OF LOSS

We will not pay for loss or damage caused directly, indirectly, wholly or partially by any of the following. However, subsequent to the excluded loss, we will pay for separate-ensuing loss or damage from causes not otherwise excluded.

(U) Pollution

1. Any loss, cost, expense or damage to property arising out of the actual, alleged or threatened presence, existence, discharge, dispersal, release, seepage, migration, escape, travel, movement, relocation, deposit, decay, deterioration, dissolution, degradation, or absorption, of pollutants, whether sudden, gradual, indoor or outdoor;
2. Any loss, cost, expense or damage arising out of any governmental direction or request that you investigate, test for, monitor, clean up, remove, contain, treat, detoxify or neutralize pollutants.

"Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including without limitation, smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic radiation, fiberglass, lead, lead paint, lead pigment, lead in water, lead products or materials containing lead, asbestos, silica, dioxin, polychlorinated biphenyls, or any other hazardous or toxic substance or waste of whatever kind and in whatever form, regardless of whether it is wholly or partially intact, degraded or decayed. Waste material includes materials that are intended to be or have been recycled, reconditioned or reclaimed.

"Pollutants" shall also mean fungal pathogens or bacteria, including any fungus or mycota or any byproduct or type of infestation produced by such fungus or mycota, including but not limited to mold, mildew, mycotoxins, spores, or any biogenic aerosols, whether indoors or outdoors.

USAGE

One common way to gauge the need for larger facilities for any use is how much the usage has grown over time. In this case the reported numbers by the librarians have gone down in the last 20 years. 1,592 shown for 2021 down from 2,949 – 20 years previous. That would seem to coincide what we see in our daily lives where the availability of gathering information from many different sources grows every day.

When going over the numbers I can easily believe that there were not 1,592 different people using the library in 2021 with a good percentage of that figure being the same person(s) with multiple visits. Our current librarian has done a good job organizing events for families and children's groups. The town currently owns and maintains other buildings in Cornish Flat in addition to the Town Hall that are available for larger groups. We have recently seen where the Mason Hall on School Street able to be utilized when requested.

YEAR	NUMBER OF VISITORS
2001	2,949
2002	2,581
2003	not in Annual Report
2004	not in Annual Report
2005	not in Annual Report
2006	2,584
2007	2,465
2008	2,587
2009	2,789
2010	2,620
2011	2,112
2012	2,261
2013	1,606
2014	1,528
2015	1,620
2016	1,443
2017	1,303
2018	1,537
2019	1,887
2020	1,089
2021	1,592

NON-BINDING AGREEMENT:

At the present time the Town is being asked to vote on accepting a non-binding agreement with Coleen O'Neill laying out the terms of accepting the property when renovations are complete. By studying this document some questions come to mind that should be of concern to the voters at Town Meeting.

Please refer to the Non-Binding Letter of Intent as currently posted on the Town's website and attached.

1. There is no guarantee that the plan, as currently under consideration, is what will be the final product. What if the fundraising goals of the Cornish Community initiative (CCI) cannot be met within the 5 year timeframe and in order to produce a final product the plan needs to be scaled down and/or changed significantly to achieve that?
2. At the present time the NBA does not include an escape clause for the Town's people should the conditions or design change enough to necessitate the purchase to be reconsidered. Most people would not knowingly get into a position like this with their own personal business. Yet we ask this with the Town's business.
3. The owner of the property at the time it is transferred to the Town will not be the current landowner. The CCI will be the owner of the parcel during the time of renovation and the Town will take title from the CCI, yet we have no formal commitment from the CCI on anything. This is what leads me to believe that this NBA is absolutely worthless.
4. My presumption is that the "Town" referred to in this document would be represented by the Selectmen and not the Library Trustees as the ability of the town to acquire real property lies totally within the Selectmen's authority. I would expect that a thorough review of this document by Town Counsel to determine any possible ramifications would be conducted.

It is my opinion, however well intentioned by the land owner, that this Non Binding Letter of Intent is of little to no value as it puts the obligation on the town to accept the property in any form without an "escape clause" should conditions change and no obligations on the Cornish Community Initiative to follow through as stated currently. In addition there does not seem to be any commitment from either the landowner or the CCI to incorporate any additional features into the renovation that may become necessary following review by all state agencies and those costs would seem to be borne by the town.

If for some reason the fundraising goals are not met in the 5-year timeframe the town is put right back in the position of where we are now knowing that something needs to be done to provide for handicapped accessibility, bathroom facilities and additional "research" space as determined by the Library Trustees in their funding request at the 2019 Town Meeting.

NON BINDING LETTER OF INTENT

from Colleen (O'Neill) Salinger to the Town of Cornish, NH

In appreciation and with respect for the town and community of Cornish, New Hampshire, it is my intent to pledge the property known as the Cornish General Store, located at 226 NH Route 120, Cornish, NH 03745, including the triangular green space across the road (.3 acres); the building itself and the .570 acres it stands on; Tax Map 000018-Lot 000006 and Map 000018-Lot 000038, hereinafter referred to as the "Property", to the Cornish Community Initiative (CCI), a 501(C)3 non-profit organization, contingent on successful fund raising by the CCI for the building renovation for a new Cornish Library and Community Center and the written acceptance by the Town of Cornish of the conditions set forth below.

Once the CCI reaches the fund raising goal, I will donate, or cause to be donated, the Property to the CCI. The CCI will manage the renovation of the Property to create the new home of the Cornish Library and Community Center. Upon completion of the renovation, the CCI will then donate the renovated Property to the Town of Cornish for use as the new Cornish Library and Community Center.

The CCI expects to achieve its fund raising goal within five years of the affirmative vote for acceptance of the completed library gift at the March 2023 Cornish Town Meeting. If the funds are not raised by March 18, 2028, the offer will be terminated.

The Town of Cornish will have:
No cost to acquire the real estate.
No cost to renovate the building.

I intend this ultimately to be a charitable donation to the Town of Cornish through the CCI, provided the Town of Cornish agrees in writing on or before 3/31/2023 that:

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 interest 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 during and after regular business hours 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.

This letter of intent is non-binding and will expire on March 31, 2023.

Colleen M. Salinger
301 Lang Road
Cornish, NH 03745

date

Note: The property is owned by Cornish Flat Enterprises, LLC,
Colleen M. Salinger, Sole Member
Cornish Flat Enterprises, LLC, is an entity of the Colleen M. Salinger Trust