

**TOWN OF NEWFIELDS SELECT BOARD
MEETING MINUTES
TUESDAY JANUARY 06, 2026**

Select Board Present: Chairman Hoby Harmon, Mark Kasper & Catherine (Cat) Tarnowski
Others Include: Sue McKinnon, Mike Mackey, Michael Sununu and Police Chief Young

Chair Hoby Harmon called the meeting to order at 7:00pm and the Board introduced themselves.

Hoby expressed gratitude to the Town's volunteers for filling vital needs and gaps, and for dedicating their time, energy and knowledge to making the Town what it is today.

EX Officio - Conservation Commission

Mark provided a summary of last night's Conservation Commission meeting, which focused on the commission's bylaws. The first discussion concerned the Select Board representative's role on the commission, followed by discussion of the alternate position. The language of the bylaws is still under review. Hoby confirmed with Mark that the commission is aware that the alternate position will not be filled until the bylaws are updated.

Planning Board

Cat noted that changes to the Accessory Dwelling Unit ordinance will be discussed at the upcoming Planning Board meeting on Thursday the 8th at 7:00 p.m.

Budget and Warrant Articles

Sue McKinnon and Board members discussed updates to the \$2,454,637 operating budget, reviewed warrant articles, including capital reserves, trust funds, and citizen petitions, and confirmed funding sources and amounts for each item. The Board made decisions to adjust certain allocations and the use of funds from the unassigned fund balance.

Hoby noted that, with the final \$50,000 warrant article and the proceeds from the sale of the old fire truck, the Town will have sufficient funding to purchase the new fire truck this year.

Final figures will be discussed at next week's Budget Hearing on Tuesday, January 13th, at 7:00 p.m.

Town Counsel

Hoby informed the audience that the Board voted to change Town Counsel from Attorney Derek Durbin to Attorney Chris Boldt of DTC Lawyers, LLC. Attorney Boldt's rate is \$100 per

hour less than Attorney Durbin's \$350 hourly rate. In addition, his firm offers greater resources and a tiered billing structure, allowing for lower rates when work is performed by associates and paralegals.

The Board held an in-depth discussion with Attorney Boldt and determined that the approximately \$14,000 in attorney fees incurred in October and November with Attorney Durbin would have been about \$10,000 under Attorney Boldt's billing structure. As a result, the Board reduced the warrant article for expendable legal fees from \$25,000 to \$20,000.

Per discussions with Attorney Boldt, all Town Counsel correspondence will go through the Chair of the Select Board. This will not limit access to legal counsel but is intended to reduce duplicate inquiries and provide better control over legal expenses.

Citizen's Petition – Library Maintenance Trust Fund

Sue noted that a citizen's petition was received today to establish a Library Expendable Maintenance Trust Fund in the amount of \$5,000. The funds will come from the unassigned fund balance and not from taxation.

Conservation Commission's Monitoring fees

The Board discussed reducing the Conservation Commission budget line by \$1,000 in monitoring fees that the Commission will be covering. Michael Sununu, former Select Board Chair, noted that the Conservation Commission is required to obtain Select Board approval for expenditures; therefore, the \$1,000 should remain in the budget to reflect all expenditures regardless of the funding source. The Board subsequently adjusted the budget line to \$7,000.

Library Budget

Last year's Library budget was \$76,348. The Select Board agreed to increase the budget by \$8,000 to support the HVAC system, with the Friends of the Library contributing the remaining \$10,000. Hoby noted that the \$8,000 increase is a one-time allocation and will not be included in the baseline for the 2027 budget. He also stated that funds were reallocated to cover this \$8,000, eliminating the need to raise the amount through taxation. The resulting 2026 Library budget will be \$79,000.

Win Fream advised the Board that the process will require greater oversight in the future. He added that the Friends of the Library will make the payment directly to the Library rather than the Town, so the Friends are not viewed as responsible for funding capital improvements going forward.

Michael advised Win that the Town must issue the deposit for the HVAC system so the expense remains in the 2025 budget, after which the Library will issue a check for the remaining balance.

Win stated that he would like a clear understanding going forward of which costs are the responsibility of the Town and which are the responsibility of the Library.

Newmarket Transfer Station Contract

Hoby motioned, seconded by Mark, to approve and sign the five-year contract with Newmarket Transfer Station for the period January 2026 through December 31, 2030, in the amount of \$8,592 annually. All were in favor and the motion carried.

Annual Pole License

Hoby motioned, seconded by Mark, to sign the 2026 Pole License. All were in favor and the motion carried.

Meeting Minutes

Hoby motioned, seconded by Mark, to approve the 12/16/25 meeting minutes as drafted. All were in favor and the motion carried.

Hoby motioned, seconded by Mark, to approve the 12/22/25 meeting minutes as amended. All were in favor and the motion carried.

Chris Griffith Correspondence

Hoby responded to a letter from Chris Griffith, a former Conservation Commission member. He stated that the letter will be available at the Town Office for anyone who wishes to read it. He also noted that the letter contains several allegations and a few comments that warrant a response.

The point that was made on December 9, 2025, at 49:40 minutes relates to significant legal expenses incurred due to missed opportunities by the Newfields Conservation Commission (NCC). This was taken as a total slam on the Conservation Commission by Mr. Griffith, which was not the point at all. Hoby said the point he was making was that when the Charitable Trust Unit (CTU) sent their memo out on August 4, 2025, they referenced that there were numerous opportunities that had been missed and that, had the actions been taken back in 2021 and 2022, the Town would not have gone through everything that it did in October and November of this year, nor would it have incurred the legal expenses. The CTU stated that the NCC, as the easement holder, must articulate why the activity of parking cars on the easement is not prohibited, in particular providing answers to questions 1 and 2 on page 8 of the CTU letter. It was referenced that this wasn't an issue; however, in January 2022, the minutes of the Conservation Commission referenced that parking was discussed by the Board and continued to be discussed.

Hoby said he went through all the minutes from 2022 forward and noted numerous discussions regarding parking on the conservation easement. The CTU also stated that they were unaware of any public hearing held by the Newfields Conservation Commission to hear the abutters' concerns or any vote by the full Commission that the activity is permitted. The CTU believes this action should have been taken.

Hoby explained that because these issues were not addressed at the time, the Town had to expend a lot of funds and energy in October and November 2025, and there was considerable angst in the Town dealing with the situation. One question raised on June 6, 2025, during a site visit walkthrough, the question was whether the NCC had ever sought guidance from an agency such as the Natural Resources Conservation Service (NRCS) regarding soil impact from vehicles parking on the easement. The answer at that time was no. The follow-up question was whether the NCC would be amenable to having the NRCS or another entity perform soil testing, particularly in light of this being an area of dispute and high visibility. Town counsel indicated the Town might be willing to consider it; however, to date, Hoby has seen no record of such action being taken by the Conservation Commission.

Hoby clarified that the “missed opportunity” referenced on December 9, 2025, was the NCC not addressing these CTU points in a timely manner. Parking issues were raised as far back as January 2022, and there was an opportunity to prevent the 2025 mandated legal expenses that were incurred had those concerns been addressed. There are plenty of precedents that exist, as cited by the CTU. The Windyhurst Farm case, which transpired in May 2020, and the Lamprey Field conservation easement in July 2015, provide a long track record on how to deal with these issues, yet they were not followed. The bottom line is the Town lacked a prophylactic approach to the issues raised by the CTU.

Hoby expanded on the public hearing issue, one of the concerns raised in Mr. Griffith’s letter. Mr. Griffith stated that “the public hearing and significant consultation with Town counsel would not have been needed if it weren’t for complaints to the CTU submitted by former Select Board Chair Michael Sununu, the Vernons, abutters, and others”. Had the CTU issues raised in their August memo been addressed in a timely manner, the fall 2025 events would not have transpired. Hoby noted that the allegation that “these complaints were unnecessary” implies a willingness to deny citizens the right to petition the government and have their grievances heard, which he stated is absolutely unacceptable.

The October, November, and December 2025 legal expenses totaled \$14,530. Hoby emphasized that these expenses resulted from not seeking the necessary knowledge or taking action in 2021 and 2022. He summarized that casting blame on those exercising their constitutional rights while holding accountable those in positions of authority is disingenuous and contrary to how the Town, State, and country operate.

Another point raised was regarding “Select Board Harmon’s missed opportunity” comments, referring to a parking memo referenced in recent meetings. “Planning Board members believed they were misled about parking on the easement during an unofficial conversation.” Conservation easement monitor, Sara Callaghan’s memo, dated December 5, 2022, was referenced. The Planning Board Notice of Decision was dated December 8, 2022. Jeff Couture was the Conservation Chair on December 5, 2022, and a member of the Planning Board, having become its Chair on July 14, 2022. He was serving in both capacities simultaneously.

Hoby referred to Sara Callaghan's December 2022 email, which stated: "Unfortunately, the primary product sold and advertised for the summer community music events is not, in fact, chicken dinners, but a live music venue; for an additional fee, drinks and meals may be purchased. There is a difference between paying for a ticket to see a live music event and having the option to purchase food at the event, which is more consistent with a concert venue than attending a community chicken dinner where you pay for the meal and music is provided as an incentive. The former is a commercial music event that takes place on a farm, and the latter is a value-added agritourism event."

Hoby noted that the Callaghan memo was not shared with the Planning Board when they made their decision on December 8, 2022. A point was raised as to why the Planning Board did not ask for the memo. Hoby responded that the memo was unknown to them, yet the Planning Board Chair was aware of it but chose not to share it with the rest of the Board. Hoby emphasized that it is implausible that someone serving on both Boards would not know the memo's significance. Two Planning Board members later publicly stated that the memo's nondisclosure was a serious failure in the governance of the Town.

"The Planning Board never sought an official position on parking within the bounds of the easement, which they should have done." Hoby stated this was the point Mr. Griffith made in his letter; "they (Planning Board) should have asked." Mr. Griffith also stated that parking was never seriously discussed. Hoby clarified that Planning Board members considered parking a serious issue due to the Vernon Family Farm event topographical footprint, and it was discussed in depth. In summary, the Callaghan memo had significant value, and the person serving as Chair of both the Conservation Commission and the Planning Board did not share it.

Hoby noted that it was stated in the Griffith letter that the Conservation Commission generally only acted on issues identified in monitoring reports. He referenced a memo from April 1, 2024, stating, "If you'd like a definitive answer to whether their current practices (Vernon Family Farm) are commonly necessary to minimize overall impact, you'd seek advice from an agent from NRCS." To date, this has not occurred. Hoby concluded that the compaction issues and the Callaghan memo are separate, but both demonstrate missed opportunities. He reaffirmed that timely action could have prevented the \$14,000 in legal fees.

The lessons learned, Hoby said, are that when dealing with new issues or new ground, Town Counsel should be consulted before a problem arises. He thanked all Town volunteers and noted that while their service is invaluable, some matters exceed volunteer expertise and professional advice should be sought to prevent similar situations in the future.

Cat added that there was a perception that the bulk of the legal expenses could have been avoided, which left certain individuals and entities feeling blamed. She noted that, regardless of timing, legal expenses would have been incurred. Those expenses may have

occurred sooner, may have been handled in a more efficient manner, and may have cost less in the long run.

Cat clarified that this was not the intention and emphasized that legal expenses still would have occurred, potentially at significant levels, even if actions had been taken sooner in a more proactive or preventative manner. She stated that while legal costs likely would not have been eliminated, there is a greater likelihood they would not have been as unwieldy

Hoby responded that he went back and watched the December 9, 2025, meeting. He stated that he was very clear in his language that he was referring to the period from October through December 2025. He said that the points Mr. Griffith raised regarding FOIA requests from the abutters' attorneys related to events that occurred months and years prior to the timeframe he was referencing. Hoby reiterated that the point he raised on December 9, 2025, concerned what the Town had to go through in the Fall of 2025 and the resulting cost of approximately \$14,000.

Mark added that these types of situations are not unique to this Town. He stated that when someone is seeking permission or a permit, the request should be submitted to the Town in writing and that there should be no verbal approvals. He noted that informal verbal assurances, such as approving small additions, are what often lead to problems. Mark suggested developing a formal protocol requiring all requests, such as adding a unit to a property, to be submitted in writing, formally reviewed, and responded to in writing. He emphasized that this issue is not limited to Newfields and occurs in many municipalities across the country. He concluded that maintaining a strict, written process could help mitigate these problems. Hoby responded that in his time on the Board he has not seen verbal approval for the hypotheticals Mark raised.

Hoby responded that he believed the process in this situation was very thorough, noting that it went through the Planning Board and the ZBA, and that all Town boards were involved. He added that the Town has further tightened procedures through new State ADU regulations and coordination with the Building Inspector, addressing the concerns Mark raised. Hoby stated that he was not aware of any verbal approvals during his time on the Board. He concluded by stating that he now considers this matter closed.

Friends of the Library

The Board signed the drafted thank-you letter, which will be mailed to the Friends of the Library tomorrow to acknowledge the Town's appreciation for their financial contribution toward the Library's HVAC system.

Investment Policy

Cat provided the Board with several other town investment policies for review, to be discussed at a later date and potentially incorporated into the Town's policies.

School and Town Moderator

Michael Sununu stated that he was asked by the Town Moderator, John Hayden, to fill in for him at this year's School and Town Deliberative Sessions. He noted that he will still need approval from the Supervisors of the Checklist and requested to be placed on the next Board meeting agenda to discuss the Deliberative Session process.

The Town Deliberative Session is scheduled for February 3rd, and the Newfields School Deliberative Session is scheduled for February 5th.

Mike Mackey requested that Planning or Zoning Board warrant articles include a description explaining the impact of any proposed language changes.

Michael Sununu added that if the new ADU changes fail, they will default to State law, which aligns with the direction of the proposed Town ordinance changes.

At 7:56pm, Cat motioned, seconded by Mark, to adjourn. All were in favor and the motion carried.

Respectfully submitted,

Kisha Therrien