

**TOWN OF NEWFIELDS SELECT BOARD  
MEETING MINUTES  
TUESDAY JUNE 16, 2020**

**Select Board Present:** *Chris Hutchins & Michael Sununu & Jamie Thompson*  
**Others Include:** *Sam Burchill, Dwight Davis, Bobby Kelly, Brian Knipstein, Jacqui Silvani and Lynne Sweet.*

**Call to order at 7:00 pm.**

The Select Board reviewed and approved the following items:

Checks Dated	06/05/20:	Accounts Payable Manifest	\$159,885.49
		Accounts Payable Manifest	\$ 14,363.69
School Tax	06/10/20:	Accounts Payable Manifest	\$183,257.40
Checks Dated	06/12/20:	Accounts Payable Manifest	\$ 19,458.96
		Payroll Manifest	\$ 30,382.52
Checks Dated	06/19/20:	Accounts Payable Manifest	\$ 31,207.41

Lynne Sweet attended to discuss the status of the Bald Hill Cemetery's rock wall and the cemetery debris on Don Wilson's property. Lynne informed the Board that a Newmarket resident, Jeff Durell, reached out to her volunteering his services to repair the rock wall. The work has been started, but not completed. Jeff advised Lynne that the wall may need mortar at some point to help hold the stones in place. Lynne also informed the Board of her conversation with the contractor who maintains the lawn for the cemetery near Don Wilson's property. The contractor was unaware of his employees blowing the debris over the fence. He will address the issue with them to ensure that it does not happen again. Lynne offered to have the contractor clean Don's property, but Don declined.

Sam Burchill advised the board of debris on foundation near the Hilton Cemetery, as well as moss on the statues. Michael asked him to get a quote to clean up the cemetery. If it is beyond the annual budget, they may need to do a Warrant Article. Michael indicated his support of maintaining the Town property especially as it is a historic site. Lynne suggested reaching out to the person who has done restoration in the past for the cemeteries. Michael agreed, and added that he and Ray Buxton are in the process of adding a historical marker, and therefore, it would make sense to clean up the property as well. Lynne also recommended looking into signage for each of the cemeteries. Michael indicated that he would be in favor and asked her to look into pricing for the signage.

Brian asked if the Town has insurance in case the volunteer gets hurt while fixing the rock wall. Michael responded that he believes the Town has insurance but was unaware of the exact details of the coverage and would review the policy and get back to Lynne.

The Board spoke with Brian regarding reconditioning the pathway that connects Main Street and Hemlock Ct., located beside the Newfields' Country Store. Marty Champagne had recently contacted the Town Office advocating the need for the sidewalk repair. Roots have grown up through the existing asphalt creating issues with his wheelchair. Currently, there is approximately \$20-21k in the sidewalk fund that they can utilize. This fund requires the money be appropriated within a certain number of years, or the Town will lose it. Brian gave an estimate of \$9,000 to repair 630 feet of the 5ft wide sidewalk. Sixty feet of which will need to be cut out and repaved. Brian believes the agents of the Sidewalk Fund would be the Select Board. If there are no agents of this fund, then it would require a Town vote to use the funds. Jamie motioned, seconded by Chris, to repair the sidewalk. Michael abstained from voting until he learns whether a Town vote is required.

Chris asked Brian if the flood issue with the Pleasant Street property was resolved. Brian replied that they are just waiting on the fencing. Since the resident had just redone his lawn last year, Brian chose to sod the area for them instead of seeding. The resident's yard was dug up from April 21<sup>st</sup> - June 17th to find and resolve the water leakage problem. The water runs under the road and into their yard. Brian found that the concrete drainage under their property failed. They also found granite slabs 2 ft. by 8-10 inches thick. Brian believes these were obviously put in when the street was first developed, 150 years ago.

Brian and the Board discussed the current issues with Winkler Way. Brian confirmed with the Board that he received the quotes for the cistern. He pointed out on the map the area Dave Garvey was supposed to have paved. The Garvey legal matter concerns the paving of Winkler Way and the hammer head. Brian then went on to show the Board the 'paper road' off of Winkler Way on the map. Brian had thought the paper road was a right of way for the property. Brian owns three of the properties with Garvey owning the other. Garvey was originally planning on developing multiple properties in this area. The paper road was put in originally for Garvey. He had two 15k sq. foot buildings and a 6k sq. foot on a plan for which the paper road would allow him to access the backside of the property for loading and tracker trailers. Which has yet to happen. Brian added that Garvey has only 2 acres and 600 ft. of road frontage. In Brian's opinion, he is the only one who would benefit from road frontage. Brian needs 50 feet of road frontage for his commercial lot if he were to ever develop it. The paper road is a road that goes nowhere. It opens into a huge wetlands gully with a drop off. The State shed owns the wetlands area. The Town owns the paper road.

Brian had an agreement with Garvey that specified when Garvey developed lot 2, Brian would give Garvey \$10k to upgrade the road. Garvey had originally taken \$10k off Brian's purchase price for the property with the condition that he would give Garvey the \$10k when the road was developed. At this point in time, the Town owns the paper road. Michael asked Brian if the Town has any obligation regarding the paper road going forward. Brian said that he was not sure as he does not believe the Town can take the deed until the road is paved. Brian always assumed this road was a right of way with Garvey and Brian each owning half down the middle. If the Town owns it then they will have to grant permission for someone to develop it or sell it. Brian then added that the area is not large enough for anyone to develop it and basically the only one who would benefit would be him. Michael stated that they will need to ascertain how the road was taken by the Town. Brian informed him that he does not believe the Town has taken the road as

it has not been top coated. The Town has taken some of the obligations but does not have a deed. The Board was then apprised of the Town paying for the plowing of this road even though they do not own it. Michael expressed that they then need charge for the plowing. Jamie said that it was most likely never formally accepted because the developer never petitioned the Town to take it over because Garvey never paid to complete the road.

Michael informed Brian that the verbal deal is what was originally provided to Garvey; all the paving, work and fines associated with the junk yard that Garvey has accumulated over the years. Adding that Garvey has since countered, agreeing to pay all the costs and some additional fees, but no formal agreement has been offered to the Town. In Michael's opinion, Garvey needs to put something formal on the table. Michael then asked Brian, prior to the Town taking over the road and the paper road, if there is anything the Town is missing and needs to incorporate into this agreement besides the costs, some penalty or fees. Brian suggested the snowplowing costs.

Michael then suggested the option of refusing to take the road and instead require Garvey to maintain it up until he finishes the road in the manner he was supposed to. Brian informed the Board that the financial bond did not require Garvey to finish the road, only the hammerhead. The agreement was for Garvey to finish the road when he completed lot 2. Michael asked Brian, if the Town should take the road, or not. Brian believes they should take at least some of it as he needs 50 feet of frontage which he does not really have right now.

Bobby asked the Board who would be responsible if someone was injured on the road. Michael advised him that it would be the owner of the property or the driver. It would not be the Town's responsibility as of right now.

The Board asked to invite Ray Buxton to the next meeting to discuss his interest in renting the Main Street Art building.

While Marty Champagne was originally on the agenda to discuss the sidewalk but unable to attend, Chris informed the Board of Marty's interest in forming a Newfield's Historical Society. Michael commented that they will need to decide if it will be an element of the Town or independent. Michael will reach out to NH Historical Society who advise towns of the initial process.

Chris motioned, seconded by Michael, to nominate Kenyon Schick and Karen Nieman to fill the vacate seats on the Curbside Collection Advisory Committee. All were in favor and the motion passed.

The Board acknowledged Attorney Durbin's correspondence regarding Winkler Way. Michael, who had also communicated with Durbin, referenced the June 2 correspondence from Attorney Durbin who discussed his communication with Kyle Griffin, the attorney for Garvey. Michael believes the Board now knows the costs involved for which Attorney Durbin can now convey to Attorney Griffin. Michael suggested they not provide anything else until a formal counteroffer is received from Garvey. After which time, the Board may attach additional fees prior to settling.

The Board discussed correspondence from the DOT representative, Steve Johnson, regarding the Rt. 108 bridge lights. DOT will remove the poles and set the best conditioned post base and mast

arms aside to be used by the Town and will put temporary caps on to protect the wiring. Jamie asked if the light poles could be utilized in Town. Michael suggested placing them in the Town shed to store them until a use is determined. The Board feels they would look nice in Town. Michael will reach out to Steve to confirm the salvage process.

The Board acknowledged receipt of correspondence from Mr. Clifford regarding the purchase of the Conner property by the Conservation Committee. Chris asked to have the correspondence forwarded to Steve Shope, Conservation Chair.

The Board acknowledge correspondence from several Newfields' residents expressing their appreciation for all the work the Celebration Committee did for the seniors and Veterans on Memorial Day weekend. Chris asked to have the correspondence forwarded to the Celebration Committee to see that their efforts were well received and appreciated.

The Board acknowledged June 11th correspondence from NH Public Radio regarding a 91A request that was specifically related to payouts from the Town for police misconducts. On June 16<sup>th</sup> Chief Nate responded to NHPR and provided the information. Chris informed the Board that no incidences have taking place.

The Board received the current Procurement Policy which the auditors have asked to revise. The current policy states a minimum of three bids should be obtained. Michael addressed the issue stating that Newfields is a small town and as such we mostly receive 1 or 2 bids. Michael suggests editing the policy that requires the Town to get quotes recognizing that for such a small town it may not get as many quotes. Michael recommended striking the requirement for the verbal/written quotations on page three of the policy requiring three quotes from qualified vendors as it may not be possible. The Town will continue to solicit and do open bids. Michael will draft the updated policy. The Board will table this issue until the language is revised.

Michael motioned, seconded by Jamie, to approve the calculations on the Statement of Liabilities for the auditors. This is a calculation of the Town's pension liability. It is based upon information in terms of insurance premiums and discount rates generated from State documents. All were in favor and the motion carried.

Michael motioned, seconded by Chris, to approve and sign the Hoyle and Tanner contract for professional services for the engineering report phase for the Stormwater System. This is the final paperwork needed for the \$28k loan which will be forgiven that is required to file with the State so they can release the funds. All were in favor and the motion carried.

Michael motioned, seconded by Jamie, to approve and sign the Newmarket/Newfields Dispatch & Ambulance Letter of Understanding/Contract and the Newmarket Transfer Station Agreement. The ambulance contract is effective June 1, 2020 to December 31, 2022, the Dispatch is from January 1, 2020 to December 2020 and the Transfer Station is from January 1, 2020 to December 31, 2020. All were in favor and the motion carried.

Bobby mentioned that the personnel at the Transfer Station are very pleasant. Michael responded that he has heard only good things; no one has mentioned having issues.

The Board received an email from Dunkin Donuts requesting permission to install a temporary sign. Michael requesting forwarding it back to the Planning Board as the Board is unfamiliar with signage ordinances. Bobby advised the Board that the owner had reached out to him from a health perspective for the facility's grand reopening.

The Board acknowledged receipt of the Dragon Mosquito Permit.

The Board reviewed the May expenditures.

Chris motioned, seconded by Michael, to reimburse Josh Lent for his out of pocket \$118.44 payment to Northeast Recovery Association as it was related to a Curbside Collection Advisory Committee expense.

Michael motioned, seconded by Jamie, to approve the May 26<sup>th</sup> Select Board Meeting Minutes as amended. All were in favor and the motion carried.

Jamie informed the Board of a few resident emails regarding the current political environment and requesting the Town make a formal statement on its position on racism. Jamie asked the Board their position on this and whether Chief Liebenow should attend a meeting to speak of the rules in place for the Police Department to make sure the Town is in compliance. Jamie also mentioned Chief's post on the Newfields Police Department Facebook page to address the issue. Chris then asked if the Town should make official statements as it relates to taking a policy position on racism as it pertains to our Police Department.

Michael replied that he is unaware of any complaints, comments, statements or actions by any official employee of this Town that has been described as a racist action or anything to that affect. If someone believes a Town Official or employee has acted in an inappropriate manner, he will be the first to say the Board needs to address it. He does not believe that a matter like this or any other political matter that comes before the Town that the Town should be making formal statements that are taken as being indicative opinion of everyone in this Town. He has said this before in a variety of issues and will continue to say it, regardless of whether it is a 2<sup>nd</sup> amendment issue, firearms compliance issue or this issue. Our Town is a non-partisan government system and the fastest way to turn this into a full rise and toxic environment is to have officials make statements like this. He does not believe this ends up helping people have confidence in the Town government. It makes people less likely to participate in activities around this Town. He does not believe it is appropriate.

Chris concurred with everything Michael stated.

Michael responded to Bobby's question of whether they were not going to make a statement. Michael stated that anything like this will be taken as a political statement. It is being brought to us because of the environment has become so political around this issue.

Bobby replied, with all due respect, that there is probably a way to make a statement that acknowledges that the Select Board rejects racist policies and is actively anti-racist. Like the Town

did for Covid-19 which has become a political conversation, as well. He applauds the Town for making a statement about keeping the Town safe and healthy from that standpoint. He acknowledges that it may be difficult for Board to decide on a way to do it but believes it would be a good idea for the Board to do it.

Michael responded that for the same reason the Board does not think it is appropriate for the Town to declare the 2<sup>nd</sup> amendment is a good thing. To declare whether they think pro-life or pro-life activities are beneficial or that they support other organizations. It is not appropriate. He believes that if the goal is to turn the government into an organ to make political statements, and maybe Bobby does not believe it is political, but it's naïve to think other people in Town will not see it that way. This would be inviting our Town to have the worst kind of view of what is a non-partisan in what he believes has been an apolitical town when it comes to our Town organization and Town government. He does not see how making a formal statement like this on a particular topic makes any sense.

Jacqui responded, with all due respect, racism isn't political.

Michael then asked her if the 2<sup>nd</sup> amendment is political. He could make the same arguments. It is not political; it's written in our constitution.

Jacqui stated that people make 2<sup>nd</sup> amendment political. Michael responded that people make this political. People view the current environment and statements about this as a political statement. And like he said earlier, maybe she doesn't view it that way, but he guarantees her, there are a lot of people out there who would view it that way.

Bobby then asked if the Board would consider making a joint statement with Chief Liebenow since he didn't have an issue putting a statement out.

Jamie explained that it was different. The Police is a department of the Town and might be another mechanism where we can at least ensure that racism has no part on how we operate the Police department in a direct way.

Bobby expressed that the Town making an anti-racism statement would mean a lot to him.

Chris thinks that the Town has come out and acknowledged Chief's post and the work that the Police department has done. For him, discrimination in of itself is unfathomable. The Board's position is that we treat everyone with respect and civility. That was echoed when Nate expressed the same sentiment. Chris personally agrees with it. There is no place for discrimination, period.

Bobby addressed Michael saying that his words disturbs him a little bit. To know that a member of our Select Board is not willing to say that...

Jamie spoke up saying that he has known Michael a long time.

Michael retorted by asking if Bobby was implying that Michael had discriminated against anyone or that he was racist in any such form because that's certainly what he was inferring from the way Bobby was laying this at his feet.

Bobby apologized and stated that he was not inferring in anything; that he is simply surprised to hear that in response for a request for an anti-racist statement.

Michael reiterated what he said earlier and what he has said for years that dragging what people perceive as political issues into this Town government is an incredibly bad idea. He then asked Bobby if he believed no one would view this as a political statement on behalf of the Town.

Bobby responded that he believes any statement the Select Board makes is political by means that you are involved in politics. Michael disagreed with him. Bobby then asked are they not all politicians.

Michael stated that they are government officials. The ballot is a non-partisan ballot and he would argue that in his twenty years in this Town, he doesn't think anyone who has served on this Board has acted in a political manner on almost any issue in this Town.

Bobby said that they will just have different opinions. He believes politics is our governing body.

Michael stated that he believes there is a large distinction between politics and government. Many people in government understand that. If anything, Town government embodies that distinction.

Bobby then asked if all the statements that the Town has made by which Michael was describing, were a-political.

Michael challenged him to find a political statement that this Town has made, short of the petition warrant articles that were put on the ballot. Things that he has consistently said should not go on the ballot.

Jacqui then asked what Michael saw as a detriment to putting out a statement. Michael replied that they would be creating a precedent of having this no-partisan Board take positions on political issues so the next time someone wants the Board to make a formal statement on gun control, climate change or a formal statement about pro-life, pro-choice or who can adopt children, you will be opening a Pandora's box that will alienate probably each and every person in Town over time. They will be viewing this body, as three Select Board members who have now have the ability to go out, make a formal statement prematurely of the entire Town taking a position.

Jacqui responded that what he listed is a belief system. She said racism is not a belief system. She doesn't believe one can call a Select Board statement on racism something that is political because our politics are based on beliefs. Either, they can make a statement as a Town based on that or you can't but she doesn't think it's fair to base it on a belief system.

Michael reiterated that a large portion of people will view this statement in a political form. In his opinion, it is not what this body should do.

Jacqui then went on to say that anything they put out can be misinterpreted or interpreted differently by the people in the Town; that's not on you, it's their own interpretation. The issues that Michael raised – prochoice, gun rights – all are based on a belief system. Racism is not a belief system, and therefore, the Board should be able to make a statement about it and if people in Town are upset about it, I don't know what to tell you, but other Towns in the Seacoast have made statements. Chris asked her to name some, to which she replied with Exeter. Chris said that he had not seen it.

Bobby stated that although he did not bring this issue up, it was distressing for him to hear this response from the Board and believes others will be as well.

Michael said yes, people can view anything as politicized but personally, he has a hard time believing the approval or disapproval of the cemetery budget can be politicized. That's the kind of things the Board does. They try to keep the Town civically involved and he finds that if one runs down this road, it will destroy what he believes, a very amicable community in this Town. People volunteering to rebuild the cemetery. If there is any way to make it less attractive for people to want to serve in the Town, give them the impression that it's all about what they believe and the politics of the people who sit on the Board. That is a very bad thing for a small town such as this.

Bobby mentioned the Town Hall was rehabilitated by volunteers who came collectively in town on Martin Luther King Day to help bring about positive change for the town. He went on to say he is very familiar with volunteering and how to make statements that express pretty clear and non-position based but essentially sound like a statement would resound with all three of you beliefs regarding equality and equal treatment also in line of what Nate said. To him, it is an unclear argument from where you're standing.

Jamie expressed that it is important enough for him, personally, to draft a small statement and bring it to the next Select Board to see if he can get some consensus to say something that would be important to say on this particular subject. He doesn't think it is an immune topic, it is a different type of topic that pertains to the Bill of Rights and what we believe in. He certainly understands Michael's position on this as his position has been consistent the whole time in the Town. Jamie went on to say he certainly respects the whole concept of New Hampshire politics where less is more which is very refreshing because the more you layer on, the more complex it is to do something. But he also thinks that this is one of those moments in time where we need to reaffirm from where we are.

Bobby said that he does not feel that it is a straightforward thing and respectfully request the Board write something and have the Board discuss it.

Jamie said it may be the Board or maybe having the Police Department to speak more on the matter. It is worth having a discussion over, it is something that is not going away. It is evolving nationally.

Bobby then asked, barring potentially a statement that does not satisfy certain residents, is there a way for the residents of the Town to sign a petition to put it to a special vote?

Michael responded that it could go on the ballot, like any other issue. It will go through the same process as any other Warrant Article on the Town Ballot. It will come up at the Deliberative Session. The Warrant Article making a statement on behalf of the Town.

Bobby asked if it could go as a special vote, to which Jamie replied, there are rules for a Special Meeting and for this it would be particularly challenging to meet those rules.

Bobby then asked why the Town Marquee was taken off the agenda. Michael explained that the Town received a quote for \$1,300 to replace boards and the lettering track. Upon hearing the price, Michael informed Sue McKinnon that he could repair it for approximately \$100 in material. Therefore, it was taken off the agenda since the quote approval was no longer necessary.

Chris thanked Bobby and others for the constructive criticism and feedback regarding the Town's transition to WebEx. He also informed Bobby that the Board is looking at a more permanent solution. They are currently speaking with Municode who manages the website and to install cameras & microphones which will be more suitable for meetings. Michael added that most audio issues will go away once we move to the small room.

Jacqui thanked the Board for reimbursing Josh for the CCAC expense. Chris notified her, as she is on the Curbside Collection Advisory Committee and joined after the meeting started, of Kenyon and Karen's nomination to the committee.

At 8:45 pm, Chris motioned, seconded by Michael, to adjourn the meeting. All were in favor and the motion carried.

Respectfully submitted,

Kisha Therrien