

**TOWN OF NEWFIELDS SELECT BOARD  
MEETING MINUTES  
TUESDAY MAY 30, 2023**

**Select Board Present:** Chairman Michael Sununu, Hoby Harmon & Mike Kessler  
**Others Include:** Mark Girard, Conservation Commission Members - Jeff Couture, Chris Griffith, Forest Hayden, Trustees of the Trust Fund Members – Tara Whitney and Steve Yevich

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

The Select Board reviewed and approved the following items:

Checks Dated	05/31/23:	Accounts Payable Manifest	\$678.64
Checks Dated	05/26/23:	Accounts Payable Manifest	\$4,680.47
Checks Dated	05/26/23:	Payroll Manifest	\$46,167.88

**SELT Letter/Girards Easement**

Michael thanked the Conservation Commission for coming in and initiated a discussion about a letter that the Select Board would like to send to Southeast Land Trust (SELT) indicating the Board’s preference to move the Piscassic Greenway access road from the Girard’s property to the access road off Bald Hill Road. The Conservation Commission expressed concerns with the letter to Mike K. at their last meeting, so they were invited to tonight’s meeting to address those concerns.

Mike K. stated that there needs to be better communication between the Conservation Commission and the Select Board. He expressed his commitment to both Boards to be the liaison. He will give the Select Board updates of the monthly Conservation Commission meetings and requests they reciprocate.

Michael referenced a recent letter the Select Board received from SELT which gave a history of the easement across the Girards and the use of it. It did not address the critical issues the Board and Girards had raised.

Jeff said the SELT letter is a better summary than they could provide of how the Conservation Commission were approaching the issue. There were a couple of main things in the letter that need attention, the largest being that this is not a town issue. It is between SELT and the Girards and the Conservation Commission is having a hard time putting together why this has become a Select Board issue. The Conservation Commission was in conversation with the Girards for a better part of six months and when they last discussed changing access in September 2021, they left thinking there was a solution on the table that was agreed upon. SELT was going to agree to a new access on the Girards property which is outlined as the 50ft access way and laid out that way in the original

easement. This was not a lack of communication between them and the Select Board, the Conservation Commission believed this matter to be settled.

Michael responded that the Girard's situation is a Town issue. Trucks entering/exiting the property on a blind corner on Piscassic Rd. is a public safety issue. The Vernons, who live across the street, have the same visibility issue and they are required to move their driveway. There is also a public safety aspect to people utilizing the rail trail: walkers, bikers, and dogs. If someone were to come before the Board and say that they have a problem and asked the Board for assistance, it would be incumbent upon the Board to act on it. The Board would not be doing their job if they did not take concerns like this seriously. The Girards requested that SELT give a 24-hour notice before coming through the property which SELT repeatedly denied them. Michael does not understand why SELT would not concede to this request. He said that if someone was coming through his property, even though it was a valid easement; showing up at any time of day with no notification and not required to show an ID, he would be very concerned, especially having children. He can understand why the Girards see this as a problem and ask the Town to come up with a better solution.

Michael believes moving the access road to Bald Hill, from a traffic standpoint, is a better choice. He understands there may be more issues involved with the new access road such as conservation easements and costs but in his opinion, he would be very supportive of moving the access road to Bald Hill Road as it is a better, safer, access point. He understands the easement language is what it is and SELT can basically tell the Girards no, they will not give a 24-hour notice, but Michael finds this abhorrent as someone who represents the community is acting in this manner and refusing to acquiesce to the Girard's request. To him, this is a public safety concern, and the Town needs to consider it.

Jeff said that he understands what they are saying but they cannot ignore that there was a solution that dealt directly with the issue. If safety was the main concern and the new 50ft access was their safer option, why did it not happen.

Forrest said that the relocation was a DOT approved permit which would have addressed the Piscassic Rd safety concerns.

Michael responded that the access is still going through the Girard's property, past their driveway and horse paddocks at any time of the day with no notice to the homeowners.

Mark Girard stated that nothing was agreed upon. He offered to give SELT the access road, putting that portion of land into conservation and only requested a 24hr notice prior to coming on his property. SELT refused to agree. SELT literally said they would do everything but that. Mark added that he does not understand, in this day and age, why SELT cannot give a notice.

The Girards feel it is unacceptable to not know who is coming onto their property. Upon purchase of the property, the Girards were given a two-page summary of SELT's access to their property that detailed the amount of access to their land SELT would require. It would entail foot traffic, but sometimes vehicles – mostly through Bald Hill Rd. It said that in times of an emergency, SELT would access the Girard property. SELT had never accessed the property in the entire eleven years prior to the Girard's purchase. The summary also stated logging would occur every 11-12

years. Once the Girards took ownership, SELT accessed the property 3-4 times a day for two summers. This was never the intention of the access to their property. The Girards were willing to give up a portion of their land and provide financial support to reconcile this issue. SELT has been unresponsive to their offer. Mark also said that he offered to pay for a survey of the Bald Hill Rd but since it is owned by SELT he cannot do so without SELT permission.

Hoby asked if the Conservation Commission is rejecting the Select Boards letter, and if, so why?

Jeff responded that the easement is SELT's easement. This is between SELT, Girards and the Department of Agriculture. He has no objections other than to honor the language of the easement and to honor the alternatives provided by the easement which was the 50ft buffer access.

Michael informed Jeff that the letter the Board drafted only says the Board thinks it's a good idea. It does not make any requirements of anyone. The Board just encourages SELT to provide a proposal for Bald Hill Road because the Board believes it to be a better option. Michael understands Jeff's point, that formally the Town cannot change the easement, but at the same time, you have bodies of Government weighing in on issues they do not have jurisdiction on because at the end of the day people request them to for a variety of reasons because those bodies represent those citizens. To him, the change of access makes sense. He understands Jeff's point that formally they do not have a role, but as a Town, they do.

Jeff said it may have been a misinterpretation on the Conservation Commission's part, they believed the Select Board was submitting a letter in support of moving the access.

Michael read part of the letter – "As representatives of the Town of Newfields, we would like to encourage SELT to provide the Town a proposal for a driveway from Bald Hill Rd."

Jeff said that it sounds premature to say that the Town supports it without any due diligence to the environmental impacts.

Michael said that the Board recognizes that it is a process. SELT could send a response saying no, it cannot be done because of X, Y & Z. But at the same time, he is astounded at SELT dragging their heels on trying to resolve this issue. He finds this very simple to resolve and SELT is refusing to do so. If they choose to treat the people in this Town, who bought that land and provided SELT an easement for it, in this manner, then he feels it's entirely appropriate for this Town to say they want SELT to come up with a better solution. The body of this Board is to represent the people of this Town when residents feel they have been wronged.

Hoby added that he sees a benefit for the Greenway as the Girards are going to give up 1.88 acres and not develop a house on it. The area will be protected. It is a fiscal swap that benefits the Town, SELT and the Greenway.

Chris Griffith said that it is not just SELT access, it is the Newfield's Conservation stewardship's access. He is concerned and asked if the Board considered bringing the Conservation Commission into the conversation when the Board says the Town supports it.

Michael replied that the Select Board has had discussions about this issue for well over a year. He added that he is surprised that the Select Board representation at the Conservation Commission did relay pertinent information to the two Boards.

Jeff's response was that one of the issues for not conveying the information from the Conservation Commission is that it has not been viewed as a town matter.

Michael said that he understood. He reiterated that the Select Board has had a half dozen meetings on this subject, and he views the Select Board as representing the citizens of the Town and in his opinion the way SELT refused to address the concerns of its residents is problematic.

Chris asked if the Conservation Commission should check the Select Board's agendas going forward.

Michael replied that it will be incumbent on the Select Board representative to convey pertinent information to the Conservation Commission in a timely manner.

Forrest told the Board that his reason to attend the meeting was to understand the intent of the letter and that this conversation helped him understand it better. In the letter, there was a note about the upcoming Greenway Management Committee and their review of potential access alternatives. He thinks it is a good note to the discussion. The Letter at least mentions that SELT is exploring those options. Forrest added that it is written in the easement that they will need to readdress the management plan every ten years. The purpose of this is to get input from various affected parties such as towns and try to form management decisions on the land.

Michael asked if any of this was stimulated by the Rugg property. The Committee members said they did not believe so.

Jeff said that this raises a good point that there is tremendous value in Newfields maintaining an amical relationship with SELT.

Michael agreed and added that the discussions with the Trust for Public Land is very different from the Piscassic Greenway in terms of ownership and management.

Forrest informed the Board that in the Cole easement one of the primary purposes for the easement is to protect prime farmland soils and another is to limit the impervious surfaces such as packed driveways/roads. There is also other language in reference to constructing roads and granting third party access but ultimately the intent of easements is to preserve the property as intact as possible. When the Conservation Commission became aware of what was going on, they raised some concerns. These are important notes about the property in its conservation, the purpose of it and the purpose of Cole easement when it was created. He cannot speak to the specifics of why SELT is behaving the way they are but speaking from conservation point of view of the situation, the whole easement is to save the farm the way that it is and based on the language it was written to act as an access to the Greenway. He added that he feels the Town has every right to send a letter to SELT.

Michael said that he found it interesting that SELT's letter did not address the proposal for 24-hour notice, nor the land that was offered. While SELT can do it, he does not find it very satisfying that someone administering this easement does not seem to care about the other parties involved in this process and it bothers him.

Chris asked what the 24-hour notice relates to.

Mark responded that SELT was originally bringing materials & trucks onto his property. He just wanted to know so that he could ensure his children and animals were not out on the lawn or in the driveway when they came. SELT was building the bridge on the Otis Trail. Many people started cutting through their property. The Girards assumed they were all part of SELT only to later find out they were not. People were walking their dogs through the property, and it became a whole ordeal. They tried to be patient with SELT. They went through a year of this before having enough.

Michael said that the role of the Conservation Commission is to oversee the easements. They are given the responsibility to work with the bodies that are in charge of all the conservation easements in the Town.

Michael motioned, seconded by Hoby, to send the letter to SELT in support of encouraging the evaluation of an alternative access to the Piscassic Greenway. All were in favor and the motion carried.

### **Maureen Hackett Fund**

The Trustees of the Trust Fund and Board discussed changes made to the language of the Maureen Hackett Fund. This fund was established in 2004, to be administered by the Town to provide Shakespeare funding to the Newfields Elementary School (NES). The Board received notification that the Trustees of the Trust Fund and the NES Board changed the Trust's language. The Trust required the funds be used during one week in March each year. The new language would allow the school to utilize the funding at their discretion throughout the month of March. Michael contacted the Hackett family to see if they were aware of the change; they were not.

Trustees of the Trust Fund, Tara, and Steve were not aware the Town was still in contact with the family. They had reached out to Lynne Sweet for additional information, as well as the Town attorney to be sure the change would be ok.

Michael said that he was okay with the language change but would like the Trustees to contact the family of any Trust for approval and notify the Select Board prior to any changes made to a fund.

Mike K. suggested making a list of the descendants for each fund and Hoby suggested making a checklist.

Steve said that they are in the process of doing so already.

### **Other items**

Hoby reached out to Carol Miller from National Collaborative for Digital Equity (NCDE) regarding her request for the Select Board to send a letter to the NH Dept of Safety to use town wide E911 data to support Broadband Mapping of the town which will be conducted by the NH GRANIT project at the University of NH. This study would establish data points on the roads in town and then broken down into zones. She assured Hoby there would not be any privacy issues.

Michael motioned to request that E911 data be released to NH Granit, per their request for the broadband initiative. Hoby seconded. Michael opposed and the motion carried.

Michael motioned, seconded by Mike K. to sign the Fire and Rescue Letter of Understanding executed by the Newmarket Town Manager, effective January 1, 2023, through December 31, 2024. All were in favor and the motion carried.

The Board tabled the Frysalis abatement until the next meeting.

Michael motioned, seconded by Hoby, to sign the two Clean Water State Revolving Fund loan applications. One is for the Town Hall, Police Station and Library roof run-off reduction and treatment in the amount of \$8,700 and the other is for the Summer St. and Pleasant St. stormwater collection and treatment system in the amount of \$155,900. All were in favor and the motion carried.

Michael informed the other Board members that the Sellers granted the Town permission to remove the dead tree in the Hilton field.

The Board reviewed May and revenues and expenditures.

Michael said Fire Chief Buxton will provide the board with a fireworks policy to consider at a later date and that it will be subjected to the ordinance change notice.

Trust for Public Land reached out to Michael earlier in the week advising him of possible funding for the Rugg acquisition from the Clean Water Revolving Fund. Michael asked the Board's permission to sign the pre-application once it is sent to him as it has a June 1<sup>st</sup> deadline. It will not commit the Town to anything.

The Board discussed State Funds to be utilized for the Town Landing. A possible flagpole and shed were suggested. The Board asked the public to reach out with any suggestions.

Michael mentioned the great turn out for Memorial Day celebration and expressed the Boards' appreciation to everyone for their assistance, especially the celebration committee.

Michael acknowledged and thanked the Wilson family for donating the book "The Constitution of the US and Writings From Founding Fathers."

The Board deferred the health and human services donation discussions until the next meeting.

Hoby proposed that all town meetings be recorded and live streamed. Since the current contract only allows for a couple of streams a month, Hoby will reach out to Town Hall Streams for a quote. Michael said it may have to wait until next year as the budget may not allow any additional expenditures.

Hoby also requested that each of them set up a protocol to relay information to and from the Select Board any pertinent information from the other Town Board meetings they attend. They were all in agreement.

The Board discussed what correspondence is public record. Non-public records that fall under the RSA91A exclusion would include employee matters, contracts, real estate, police/fire procedures, etc.

Michael motioned, seconded by Hoby, to approve the 4/25/23 meeting minutes as drafted. All were in favor and the motion carried.

The minutes for 5/16/23 were deferred until the next meeting.

The Board decided on the following future meeting dates:

June 13<sup>th</sup>  
July 11<sup>th</sup>  
August 1<sup>st</sup>

Michael motioned at 8:28, seconded by Mike. K to adjourn the public meeting. All were in favor and the motion carried.

At 8:28 pm, The Select Board, by motion of Select Board Member Sununu, seconded by Select Board Member Kessler and in accordance with RSA91-A:3 (II) (e), to enter into a non-public session for purpose of a legal matter [RSA91-A3(II)(e)]. By roll call vote the Board passed the motion: Harmon-Affirmative; Kessler-Affirmative; Sununu-Affirmative

A motion to leave non-public session was made Select Board Member Sununu and seconded by Select Board Member Kessler. The motion was passed and at 8:18 the meeting adjourned.

Respectfully submitted,

Kisha Therrien