

**TOWN OF NEWFIELDS SELECT BOARD
MEETING MINUTES
TUESDAY 23, 2024**

Select Board Present: Chairman Michael Sununu, Hoby Harmon & Mark Kasper
Others Include: Fire Chief Buxton, Jeff Couture, Lynn & Mark Girard, Forrest Hayden, John Hayden, Kent Lawrence, Ruth Patterson & Police Chief Young,

The Select Board reviewed and approved the following items:

Checks Dated	4/24:	Accounts Payable Manifest	\$4,992.31
Checks Dated	4/24:	Payroll Manifest	\$47,043.04

Non-Public 6:45

At 6:44pm, The Select Board, by motion of Select Board Member Sununu, seconded by Select Board Member Harmon and in accordance with RSA91-A:3, to enter into a non-public session for purpose of personnel matter [RSA91-A3(II)(a)]. By roll call vote the Board passed the motion: Harmon-Affirmative; Kasper-Affirmative; Sununu-Affirmative

A motion to leave the non-public session was made Select Board Member Sununu and seconded by Select Board Member Harmon. The motion was passed and at 6:55pm a public session convened.

Michael called the meeting to order at 7:01.

Vernon Family Farm

Fire Chief Buxton and the Board discussed the Certificate of Occupancy for the Vernon Family Farm which is scheduled for May 4th. Michael said the Town Council suggested they move forward with the certification. The other outstanding issues - septic, inspection, and driveway - will be addressed through the Planning Board and Notice of Decision.

Conservation Email

Forrest Hayden made a request to have town email addresses available for the Conservation Commission. The Conservation Commission currently has one email address for all members to access. Adding seven more email addresses will cost \$500 extra a year. Michael informed Forrest that this matter was brought up during the budget and concluded to be very costly to all board members when not all choose to use a town email. Michael asked Forrest to make a list of all members interested in a town email and the Select Board will address it during the fall budget.

Rail Trail Beaver Pond

Michael referred to the prior meeting's discussion on the rail trail beaver dams and the letter the Conservation Commission (CC) sent to Rails and Trails (R &T) and Fish & Game. The Board had requested a site visit to get CC, Fish & Game, R&T, landowners, and the Select Board all together to walk the area to address the beaver pond issue and its impact on the rail trail. Michael will reach out to the private landowners to select a convenient time that works with everyone.

Hoby was able to determine through phone calls that Craig Rennie from Rails and Trails was responsible for the destruction of the beaver dams.

Mr. Partikian Correspondence

Hoby informed the fellow board members that Mr. Partikian declined Hoby's invitation to come in to further address the Mr. Partikian's most recent complaint letter suggesting other businesses' signage throughout the Town are in violation of town ordinances and that the Town is targeting the Vernons. Hoby explained to the audience that he wrote an eleven-page letter with support documentation stating that the Board had done their due diligence and the signs in question were not in violation. He further explained that Vernon's issue was different because it was in violation of the Department of Transportation driveway permits. The Vernon's are now in compliance.

Michael said that unless Mr. Partikian wants to come in, they will consider the matter closed.

Town Hall

Michael motioned, seconded by Hoby, to approve the Town Hall rental for 5/15/24. All were in favor and the motion carried.

Michael motioned, seconded by Mark, to approve the Town Hall rental for 6/19/24 & 8/21/24. All were in favor and the motion carried.

Veteran's Exemption

Michael motioned, seconded by Hoby, to approve the veteran's exemption for map 208/4. All in favor and the motion carried.

Rugg Property Acquisition Designee

Mark was designated at the prior meeting to be the representative for the Rugg Property acquisition. Michael motioned to formally approve Mark as the appointee. All were in favor and the motion carried.

Stipends

Michael motioned, seconded by Hoby, to approve the 4/24/24 quarterly payroll for the Election and yearly stipends. All were in favor and the motion carried.

Town Landing Quotes

Michael referenced his conversation with Win Fream who oversees the Town Landing. Win's preference is to go with Seacoast Tree Care who will also perform other tasks for the tree. Michael motioned, seconded by Hoby, to accept Seacoast Tree Care's contract bid. All were in favor and the motion carried.

Conservation Commission Appointment

Michael opened the meeting up for a public discussion on the Conservation Commission (CC) appointments.

Mark Kasper said that based on his discussions with members at the CC meetings, he is not aware of anyone saying anything derogatory during the meetings and does not understand the holdup of the appointments.

Michael said that it is based on the comments from the public at the last meeting.

Jeff Couture acknowledged that the comments last week were directed at him and that the Board should approve the appointment for Dave Mason.

Michael responded that he was agreeable with doing so. He added that they are having a conversation tonight because the Board cannot disregard the comments made at the last meeting and needs to be responsive to things that come up. This is to determine if there are any issues the Board needs to address.

Jeff said that he did not have any issues. He said there was an open email with Hoby asking for dates, but they did not get a response. Jeff said he does not know what statements the allegations are referring to.

Ruth Patterson informed the Board that she was at the May 15, 2023, meeting. She stated that the comments made regarding the Girards who were not in attendance were unprofessional and disrespectful. She recalled a board member saying that people with money cannot buy property with easements thinking they are able to throw money at these easements and change the intent of the use. It was specifically towards the Girards and a lot more was said regarding the Girards, who were unaware such things were being discussed about them. At the time, she was unaware of the Girard property situation, but she did feel what was said was very biased. She added that in two Select Board meetings discussing media options she had spoken up about the need for recordings due to unprofessional statements being made in other committee meetings.

Jeff referenced Ruth's comment that he was biased and said that it should not come as a surprise that he, a conservation member, would be pro conservation easements. Adding, the word bias is being used when by the very nature of their position that is what they are doing.

Ruth countered by saying her property abuts the Vernon Family Farm (VFF) and originally went to the meeting on May 15th because VFF was on the agenda. When the Girards were

discussed, it was very clear that the Conservation board was very upset that the Select Board stepped in to support the Girards over their concern for safety of their family with the trucks going very fast up their driveway to access the rail trail. The Girards just wanted a resolution even if it was just a 24h notice. After this discussion, the Conservation board pivoted to the Anderson easement that is on the Vernon's property. The Vernon's were seeking approval of a driveway, removing a historical stone wall/marker and parking for up to 300 cars on a conservation easement. She said that it was very confusing when she read how this was approved but the Girards' safety concerns were not even taken into consideration. She remarked that the several years earlier SELT refused parking on the Roosevelt's property when it was a winery as it would not be good stewardship of the land to allow parking. She walked away from the meeting extremely confused since three out of the seven steps to be met for making an amendment are questionable. The three are 1) cannot be a beneficial event for the homeowner 2) cannot change the intent of the easement 3) cannot be a negative impact on the property. Allowing 300 cars on the land is not a positive impact. She reiterated that it was not hard to not see the bias from the Conservation Commission in the handling of these two properties.

Mark asked if someone should not be appointed just because they have an opinion that does not agree with others. He said he did not know the full background but if Jeff was being rude, it has been brought out in the open and he knows better now, and we can move on.

Jeff said that nothing was said that he had not said to each of them before.

Lynn Girard asked Jeff if he said when they moved in that they have no right to throw money at an easement.

Jeff replied that they purchased the property knowing exactly what the stipulations that the easements were and that it is not just a Newfields easement but also a SELT easement.

Lynn responded that they spent four years working with SELT to come up with a solution.

Jeff said SELT has nothing to do with the Conservation Commission.

Lynn interjected that it absolutely does! They have a two-acre buildable lot that would negatively impact the land opposite the rail trail. Instead of having a house built with a driveway, they were willing to put it into conservation which thus involves the Conservation Commission. And the fact that you cannot support it matters.

Mark mentioned the appointment being held up.

Lynn contended that she was disrespected in the May meeting and now feels as if she is again. She does not understand how the Board can allow someone who is being disrespectful on a board.

Mark replied that he did not see Jeff as being disrespectful. He saw him as disagreeing with Lynn.

Lynn told Mark that she finds him disrespectful because she has been in many meetings explaining the situation that would benefit SELT and Newfields.

Mark said he understands her frustration. 24hrs seems reasonable but it is not for him to decide. But just because Jeff disagrees with you does not mean we should not appoint him. You can't just appoint someone who will give you a better answer. That's not the way it works.

Lynn expressed that it was not what they were after.

Hoby said that it is not a matter of a difference of opinion that is the issue here. It is the matter in which it was addressed and the tone and attitude in which it was said. And being one on the receiving end of some of the Conservation's comments, he can attest to it. The most recent one on January 15, 2024, there was an attack on Hoby when he said he had issues with the way the Rugg property was being discussed. It was not a matter of disagreeing with Hoby, it was a personal attack against him. The way Jeff handled Hoby's situation and the Girards' was unacceptable. Hoby said he has no issues with disagreeing with someone but does expect the taxpayers in town to be able to voice their opinion and be treated respectfully. No one on this board, Planning, Conservation or ZBA has the right to attack someone. It's unacceptable.

Mark brought up the ZBA meeting when a member referred to Jeremiah as a farm boy.

Ruth advised Mark that when that she was in that meeting and when the comment was made it was specifically referencing anyone who was using the platform. It was a general term referencing anyone who was using the freezer. Granted, a better term should have been used but it was *not* directed at Jeremiah Vernon. This comment has been used many times out of context.

Lynn said she spent four years in meetings and never felt supported by Jeff. In some, she felt they were being accused of doing things that were illegal. Such as providing a safer driveway for their family when they asked SELT to work with DOT. For six months they waited and then took it upon themselves so their 16yr old would have better visibility when entering/exiting their property. She asked Jeff how he would feel if someone was injured when he hadn't supported them at all with their safety concerns. But in the same meeting, the Conservation Commission supported the removal of the Vernon's historic rock wall and a parking lot, but they would not support their efforts to move the access driveway even when offered a donation of two acres of land to the community. She told Jeff she did not understand this nor how the Conservation Commission spoke negatively about the Girards without them present in the meeting. She asked Jeff how he thinks it is okay.

Jeff said she's presenting a misconception that the meeting is with just him, she was meeting with the entire board.

Lynn replied that the negative impressions of support in the meetings came primarily from Jeff. She added that they have never denied SELT access to their property. The only issue she has is the lack of respect for their safety concerns.

Mike Mackey asked what she is looking for from the Conservation Commission if it is SELT who is not addressing her issues.

Lynn explained that she just wants a solution for everyone. They were willing to put the buildable lot into conservation and pay a portion towards the road going out to Cole farm so that SELT could access via Bald Hill Road instead of between their house and garage. The Girards had asked the Conservation Commission for their support but were denied. At this same meeting the Conservation Commission gave their support to Vernon's for the road and a 300-car parking lot. She does not feel the standards are the same and they should be.

Forrest told the Board that the last thing he knew about the situation was that the Girards were asking SELT for 24hr notice. All the Conservation Commission members feel that it is unfortunate that SELT will not give the Girards a 24hr notice but they cannot speak for SELT as to what they can and won't do for their easements. In reference to the Cole farm access, he thinks the Conservation Commission was upset about the letter the Select Board wrote to SELT in support of the Girards because the Select Board did not ask them to participate in the discussion since they had many discussions with the Girards over the years. This brought a lot of tension to the May meeting because the Conservation Commission had this issue going on for years.

Hoby mentioned all boards are being recorded as of March 15th.

Forest expressed his opinion that the Conservation Commission has the best interest in all easements. He did not believe he said anything disrespectfully but apologized to the Girards if he had and could understand their frustration.

Michael said the critical issue here is that people volunteer to serve on boards. They must make decisions and deal with Town business, and we need to treat it as a business. He has been on the board for nine years and has had questions and differences of opinions but does not believe he has ever said anything personal about someone. You cannot make things personal. With that being said issues come up, things get heated, and people say things they should or do not mean. This is a good example for all the Boards to take to heart. There will be issues you'll disagree with. You can argue, talk about the issues, and the solutions. As long as you keep it professional, it is okay to disagree with someone. The issue here is that there was the impression that things became personal, and comments were made that were personal in nature.

Mike Kessler spoke of his time on the Conservation Commission's board as the Select Board representative. He spent the past year trying to figure out what the Conservation Commission did. The prior Select Board representative did not attend most of the meetings, so the Conservation Commission did not understand the role of the representative should be. Mike thought it was the Conservation Commission's responsibility to look out for conservation land. When the Town had an issue with 29 Runaway, the Select Board made a request to the Conservation Commission to investigate the situation. They declined. But in November when the Rugg acquisition started being discussed those conversations turned into a grassroots campaign. They were discussing Fort Rock, signs going up on the Rugg web page...

Michael interrupted and asked him to clarify that the public meetings were being used to advocate for the support or defeat of a specific Warrant Article. Mike answered that the Warrant Article had not yet been put up, there was discussion about getting a petition. Then in February, there were discussions about meeting at the Word Barn. Mike said that it did not make sense to him that they would be in support of one property but not another. If the job is to get as much land as possible for the Town, then why not get the Girard's two acres. As for the comments that were made, they were made to him and were unprofessional.

Hoby added that he perceived strong advocacy for the Rugg acquisition when he read the past year of Conservation Commission minutes. He feels they have stepped out of line from what he read.

Ruth expressed her opinion that professionalism is one aspect of the position, but they also need to be approachable and when there are perceived inconsistencies or comments being made it becomes very hard to be approachable.

Michael motioned, seconded by Hoby, to reappoint David Mason as a Conservation Commission member. All were in favor and the motion carried.

With respect to Jeff's, Michael said he was taken aback by advocacy going on a Board meeting for the support or defeat of a Warrant Article.

Mark asked if it was really true.

Mike Kessler said he just told him that it was.

Michael asked if anyone on the Conservation Commission was disputing it.

Jeff said it is a project that was in front of the Conservation Commission. It is appropriate to provide updates as to where they stand.

Michael said that it sounded like they were going on web pages in support or defeat of a specific warrant article. If they want to talk about the Rugg property and the management of

the Rugg property, he understands and then asked Jeff if he thought it would be acceptable for the Select Board to hold a meeting to discuss what they should do to support or defeat a warrant article.

Mark asked what the minutes said. Michael responded that he is asking the members of the commission whether this took place, and it sounds like it did.

Hoby informed them that the minutes discussed the meeting at the Word Barn to gather signatures for a petition in support of the Rugg property.

Michael said to be clear, coming close to that line is wrong. The Commission should not be delving into the politics of these issues and should not be advocating in the support or defeat of a warrant article. The Select Board is required to actually say whether they support or not support an issue because the statute requires them to do it. Michael added that Jeff, as a chair of the commission, should know their actions were wrong.

Mark said that everyone has an agenda on the Rugg property and asked Michael if during a meeting Jeff gave his opinion on how to get the warrant approved, is that something that he is doing wrong.

Michael replied that it is wrong. He should not be advocating for the support or defeat of a particular warrant article on a ballot from his position as a Town official. He can say and do whatever he wants outside of the meeting. But as a member of a board, one takes an oath of office upholding the statutes of the Town, the State, and the Federal government. Politicizing from a seat is not allowed.

Michael acknowledged Jeff as serving on the Planning Board as well. He volunteers his time, and it is incredibly hard to find people who do that. Michael recommended holding the appointment over until the next meeting to see if anyone else would like to serve on the Board. If no one comes forward, Michael has no issue with Jeff serving on the Board. Michael added that Jeff is a smart guy and is hopeful it is a learning experience.

Mark said that Jeff is passionate and feels he will learn from this discussion. Mark added that he will be at the meetings as the Select Board representative and has no problem letting Jeff know if he is not professional and asked the Board to give Jeff another chance.

Michael said that given the discussion tonight, he would like to hold the appointment over until the next meeting. He left it up to the other Board members to decide.

A resident noted the lack of oversight on the board. Michael recognized that more issues came before the Conservation Commission in the past few years than any other years. He felt Mike did his due diligence when he was the representative and believes Mark will do so as well.

Mark motioned to appoint Jeff. There was not a second. The motion failed.

Hoby suggested the Select Board create a protocol and code of ethics for the Boards. Michael advised everyone that the NH Municipal Association has extensive amount of publicly available information about how meetings should be run, how they should be address and what issues to stay away from, how to deal with 91-a and non-public meetings and he highly recommended everyone who serves on a board to utilize the resource. Everything is driven by State Statute not Town policy.

Mark suggested each board have a policy and procedures booklet.

John Hayden advised them that every board has procedures that have been adopted by each Board and rules that they adhere to. He does not know about the Conservation Commission but the Planning and ZBA Select Boards all had procedures in place. He concurred with Michael's points regarding the NH Municipal Association and went further to say that town officials can connect with the NH Municipal Association to receive information on training etc.

Rugg Property Acquisition

Mark provided the Board with a 3/5/24 memo from Trust for Public Land (TPL). He was asked by TPL to let them know if the Board has any questions or concerns that need to be addressed. TPL was also inquiring if there is any new information or communication on the project and if the Town counsel and bond counsel reviewed the warrant article as amended that passed and if the Town can provide any input on the process moving forward.

Michael addressed his questions. Town counsel saw the warrant article before the election. He is unsure about the bond counsel. Michael told Mark that he had not had any correspondence. The overall timeline, he believes, is unchanged. As a follow up to keep things on time, he mentioned the RFQ that he drafted and asked if the other members had time to review it. The RFQ will be sent out to engineering and consulting companies. Michael motioned, seconded by Mark, to approve the RFQ with the edits as suggested. All were in favor and the motion carried.

Audit Questionnaire

Michael completed his section of the audit questionnaire and gave the form to Mark to take home and complete his portion of it. He will return it to Sue McKinnon for Hobo to finalize. Michael told them to let him know if finds any issues with what Michael entered.

Correspondence regarding the Vernon Family Farm

The Boad deferred the discussion on the received emails until the next meeting.

Mr. Booth's Property

Hoby was contacted by Mr. Booth who has had an ongoing problem with the railroad culverts that abut his property. A culvert that was replaced several years ago has collapsed and has created a pond in his backyard. Hobo reached out to the railroad and was informed that they would resolve the issue.

4/02 and 4/9 Minutes

Michael motioned, seconded by Hoby, to approve both minutes as edited. All were in favor and the motion carried.

Quinn Court

Kent mentioned his concerns with the lot lines on Quinn Ct. He voiced his concerns at the Planning Board, but they were disregarded. The utilities are proposed to be placed in the right of way. This is a concern as it may be taking from deeded land from the back of lots 27, 27.1, 25 & 26. He formally requests no expansion of the roadway as it exists and utilities until due respect for deeded lots 23, 24, 25, 26 & 27 have been accounted for in regard to the Railroad Ave dimensions. The UNH minutes defines a bound along lot 27 and is registered as book 1579 page 376 and a deed with the book 1579 page 277. This defines one line in the right of way the Town received in 1961. The whole right of way and how it is defined has never been verified. He spoke with a Don Wilson who lives in Town who may have worked on the roads, deeds and right of ways with Fran Lane the previous Town counsel and on the Select Board at one time. It would be due diligence to understand what the right of way is. Property deeds and this space do not exactly match up and some right of way may be overlay. He feels this is taking some of his property and Lisa's property. Lots 27 & 28 have been recently surveyed. There may be differences in right of way for each lot as they were sold by different individuals. Town right of way and individuals may be different.

Michael explained that the deed language for the right of way is poorly defined. The right of way could be 30,36 or 38 feet. It is not clear. Quinn Ct was an access to the field and the river. When the Town took the road, it took it blindly. With the work going on at the winery, this is now an issue. The Town needs to do a formal deed and survey and make a recommendation to the Town as to properly define and deed the right of way.

Kent said that Don Wilson may have done the work, but it was not recorded at the Registry of Deeds. Michael will reach out to Mr. Wilson to see what information he may have in his possession. Micheal said that it is a long-standing issue and feels the residents of Quinn Ct would want it addressed and formalized.

Kent also added his concern about the 40x70 building going in at the winery that has a capacity to hold up to 300 people and feels it would be a lot for the street.

Upcoming Select Board Meetings:

May 7th & 28th

Town Roadside Cleanup

Phyllis Mackey reminded everyone of the scheduled roadside cleanup to be held on May 4th with a rain date of May 5th. Those interested in helping should meet at the Town Hall at 9:00am.

At 8:49, Michael motioned, seconded by Hoby, to adjourn the meeting. All were in favor and the motion carried.

Respectfully submitted,

Kisha Therrien

DRAFT