

**TOWN OF NEWFIELDS SELECT BOARD
MEETING MINUTES
MAY 7, 2024**

Select Board Present: Chairman Michael Sununu, Hoby Harmon & Mark Kasper

Others Include: Lynette Batt from Trust for Public Land, the Conservation Commission and Sgt. LaValley

The Select Board reviewed and approved the following items:

Checks Dated	4/01/24:	School Tax Manifest	\$458,142.00
Checks Dated	4/19/24:	Accounts Payable Manifest	\$ 15,323.08
Checks Dated	4/26/24:	Accounts Payable Manifest	\$ 4,992.31
Checks Dated	4/26/24:	Payroll Manifest	\$ 47,043.04
Checks Dated	5/10/24:	Accounts Payable Manifest	\$214,526.69
Checks Dated	5/10/24:	Payroll Manifest	\$ 38,847.29

Michael called the meeting to order at 7:02pm.

Michael informed the Conservation Commission that whoever used the camera during the Friday meeting reset the encoder preventing it from live streaming this meeting. The video will be uploaded once the encoder is fixed by Town Hall Streams.

Conservation

Chris Griffith read the email the Conservation Commission (CC) addressed to the board in response to the complaints they heard from several residents and Select Board members at the 4/23/24 Select Board meeting. (See Attachment)

Michael articulated that yes, advocating on a warrant article is allowed but just because it is allowed does not mean one should do it. Some examples: The Select Board could hold their meetings at 1:00pm but that would prohibit most residents from attending the meetings. It is also allowed at Select Board meetings to not allow public comments. If one wishes to advocate for something outside of public meetings, they absolutely should be able to do so but, in his opinion, public boards should not use their position and use the Board to organize for a warrant article.

Chris responded that their support was done in the months prior to the warrant article. He did not feel it was right to hold up Jeff's appointment for this and that one could look at their minutes to see nothing was discussed. Michael indicated that their minutes were not as comprehensive as they should be for a public meeting. Michael added that when Mike Kessler mentioned the CC were discussing various avenues to engage the public in support of the Rugg property acquisition, no one from the CC spoke to counter Mike's accusations.

Chris said that holding off someone's appointment based on Michael's opinion does not seem right.

Hoby said there are two separate issues regarding the appointment. The other issue is the offensive comments made by Jeff regarding the Girards which were corroborated by two other individuals. He had no reason to believe they were lying.

Chris asked to address the Rugg issues first. He referenced the State's Conservation Commission's handbook. He stated the CC's role is to identify valuable pieces of property, prioritize which properties to go after, come up with a plan to do so, advocate to the public and get it on the ballot. If the Select Board says they cannot do this then what is the point of the CC.

Michael said that the Board is not saying they cannot put something on the ballot only to not use a public board to advocate for a warrant article.

Chris told the Board that everything the CC did – the Word Barn, QR codes, website etc. was done prior to the Warrant Article.

Michael told Chris that this was not the information they were told at the last meeting. The Select Board was under the impression that these activities were taking place in January through March. Chris said this information was wrong.

Michael said that no one from the CC refuted this information at the last meeting.

Chris said they did not have time to plan for this topic to be discussed.

Michael responded that the Select Board and the CC discussed this matter for 45 minutes at the last meeting. Micheal emphasized that no one at that time said these activities took place prior to the warrant article. Michael continued to say that if Chris was now saying that it took place prior to the warrant article, then he would believe him.

Chris asked if the Board would take back the public shaming of Jeff and the CC. Michael replied that he still has an issue with a member of a Board denigrating a resident. As far as the advocacy matter, Micheal said that yes, he was under the assumption that it was illegal, and he was wrong about it. He has no problem acknowledging it.

The Board moved on to the second issue.

Hoby remarked that he does not feel it was an alleged comment about the Girards. Two individuals approached Hoby and confirmed it. He gave an example of other comments made about himself and his decision regarding the Rugg property warrant article and reiterated that it's about the temperament of Jeff in his position that he has an issue with.

Alison Watts from the CC said that speaking offensively is inappropriate for a board and if it happened, she personally apologized. The meetings will be recorded going forward and suggested they all move forward.

Lynn Girard reminded the Board that Jeff had yet to apologize for the things he said about her family. She said she does not know if he feels remorse or whether he will do it again to another family. She spent two and a half years trying to get the CC to support her family and only then went to the Select Board who immediately set up a mediation with SELT. This is something the CC should have done but instead became upset with the Select Board members for trying to assist.

Chris said that it is dangerous to set a precedent to allow a complaint from a year ago to determine whether Jeff can be reappointed.

Michael said it was a point well taken.

Mark said the methods of anyone who is on the Board should be questioned instead of the members' comments.

Forrest commented that this meeting and the last has been stressful and makes it difficult for him and others to want to volunteer. He would like to find a way to mitigate this issue going forward.

Michael said that Forrest was preaching to the choir. He has had more nasty comments written about him on web pages in this town than anyone in the past fifty years. Finding volunteers for these positions is not easy especially when you go online and read what is written – a lot of which are outright lies. But it is part of the job. They have two choices when issues/complaints come up. They can ignore it or address it. At the last meeting, they addressed it. When one is in a public forum and everyone weighs in, it will sometimes be the environment that Forrest is concerned about. No one likes conflict but there will always be differences of opinion, but one should focus on the issues at hand and not take it personally.

Mike Mackey asked why the Board waited until now to address the issue. Michael said the complaint came up at the time of the appointment and he prefers to do public business in public and is also required by State statute to do everything in public. You can sign documents in between meetings but cannot have a back-and-forth discussion out of the public eye.

Chris was upset that Mike Kessler did not address the issue at the time instead of waiting until the last meeting to discuss it.

Lynn Girard said she addressed these issues with the Select Board about a month ago and it was not until more comments were made about her family that they came forward. The comments made were unjustified. They tried to work with SELT for two years. The CC's

comment that they were just throwing money at the easement was completely unjustified. She offered to place two acres in conservation in return for some courtesy by SELT to give them a 24hr notice. Lynn said the Newfields Conservation Commission did not support us in that but in the same minutes they supported the Vernon Family Farm's requests. She had no idea Jeff Couture was going to be re-appointed, it was purely coincidental.

Some residents felt one comment should not hold up an appointment. Others commented on having civility during all meetings to decrease the divisiveness in the Town.

Mark felt they cannot have it both ways and that all boards should be held accountable and not just one.

Michael said that this Board has addressed every complaint that has come before it – whether signage, lights, traffic, individuals, and personnel. If someone wants to file a complaint, they will address it.

The Board moved on to other issues.

Beaver Dam

Michael thanked Alison Watts and Dave Mason from the CC who came out to address the beaver dam situation on the rail trails in the Piscassic Greenway. Members from the Newmarket Conservation Commission, Fish and Game, Rails & Trails and landowners also came out to discuss possible solutions that will be implemented.

Hoby said an email was sent to the abutters, the CC and the State which discussed the upcoming plan to clean out the blocked culverts and pull down the beaver lodge and dam. They will also install beaver deceivers.

Michael said the dam/ lodge between Halls Mill and Rt. 87 will be more complex. This will be a work in progress for some time.

McGowan Email/Trust for Public Land (TPL) Email and Rugg Property Purchase

Mark introduced Lynnette Batt from Trust for Public Land who attended via facetime. Mark said that after speaking with Lynnette, they wanted to mention a few concerns. One is the Request for Quote (RFQ) that was issued for the Rugg acquisition consultant services and the second is TPL's role in the process. Mark said that during the last meeting the Board discussed the RFQ, but he never received a copy of it.

Michael referenced the April 9th minutes which stated that Michael presented a draft of the RFQ to each of the Board members to review and discuss any changes or edits at the next meeting. Mark said he had never seen it. Michael told him that he handed a hard copy to both members at that meeting.

Mark said that he also received a letter from TPL expressing their concern with this RFQ and a potential overlap of roles, particularly due diligence. TPL is an independent third party and offers to provide due diligence to the Town at no cost. This aligns with the spirit of the warrant article which calls for facilitation by conservation organization. The RFQ is talking about a developer providing due diligence.

Michael said that was incorrect. The RFQ is for people with experience with land acquisition transactions like engineers and surveyors. This is a land acquisition.

Mark said TPL's concerns are the following: the RFQ deviates from the Boards discussions and Article 1 in several ways. The scope proposes the Town contract all due diligence exceeding the previously discussed scope. This approach is expensive, exceeds our budget and prevents meeting deadlines and requirements. There is a lack of clarity on the funding of this expanded scope. The qualifications do not emphasize land acquisition expertise, knowledge of grant and fundraising programs. Therefore, Mark would like to table the RFQ and sign a memorandum of understanding for the purchase agreement with TPL. Mark asked the Board members if they would agree to sign it.

Michael replied that he had not seen anything in terms of the conditions of this. Hoby concurred that they had not and that it was an issue prior to the March vote. Michael said they were provided verbal information on what it looks like, but they have yet to see a Purchase of Sale, or an Option Agreement. We have seen none of this. He told Mark that this was his point, Mark is asking the Board to sign something without having it and running it through legal counsel. Michael continued to say that Lynnette knows this as she was on the call with the Department of Environmental Services (DES) regarding the Clean Water Loan and the fact that Newfields is required under that loan agreement to have someone engaged to go out and competitively do it and not just hand over that responsibility to an individual party. We are required to solicit another loan agreement.

Lynnette disagreed. Michael reminded her that she was on that call, and that she asked DES if the Town could just assign this and DES said no, TPL would need to competitively bid for it. Michael added that he would be more than happy to contact DES tomorrow. DES said that it is a State loan and therefore a requirement. It is also Town policy that anything over \$5,000 must be competitively bid. This will be the single largest expenditure for this Town and feels the Town should be soliciting professional advice to ensure the "t's" are crossed and the "i's" are dotted. There are many issues that need to be addressed. TPL can submit a bid and it will be under consideration just like any other organization.

Lynnette emphasized that TPL needs to remain an independent third-party facilitator. They cannot be contracted by the Town. Typically, the way this works is there's a conservation organization that completes the due diligence on behalf of the Town and provides ample funding opportunities through Federal grants. The State acknowledges this is an unusual project and that it could be directed to TPL to manage the contracts and due diligence. She said TPL has been working on this project for over a year now and has laid out the plan for

the Town. Lynnette said that she sent an email to the Town on March 25th but has not received a response. She said in that email is an action for TPL and the Town to enter into a Purchase and Sale Agreement.

Hoby referred to the 3/25 email and said that he did not respond to it because there was nothing in the email requiring a response.

A resident asked if the RFQ's intent was to secure professional services to evaluate the work that's being done. Michael said no. There are a lot of things that are required to get done – survey, title and environmental. This is to get professional assistance for the Town because the Town is the one buying the land, so the Town needs to ensure that everything is getting done correctly and on time. This would solicit professional assistance due to the nature and scope of this purchase. We are not taking solicitors from developers. These would be companies that consult on land transactions. At the end of the day, this is a land purchase. The Town needs to know what they are getting.

Shawn McGowan said he is the treasurer for a non-profit organization in Maine called Inland Woods and Trails who worked with TPL before. The process was challenging but TPL was helpful. He mentioned that anyone who is eligible for the grants must meet the criteria in the Federal yellow book of assessment. If we follow the TPL process, an assessment will be done in accordance with the yellow book standard to determine whether the Town is paying fair market value. If the Town wants to spend a little more money and we want to get two appraisals, we should do that. Shawn added that he has a unique experience as a board member in conserving thousands of acres with TPL's assistance and voiced his confidence with TPL.

Hoby affirmed that the Town voted to purchase the property and conserve it. That is the will of the Town and that is what they will pursue as a Board. There have been a lot of insinuations and slanderous accusations about the Select Board trying to undermine the purchase and that is absolutely false. He stated that the most important thing in this country is to vote. There is nothing more sacred. He will abide by the Town's wishes, but he will not spend any of the Town's money until he is sure every "t" has been crossed and "i" has been dotted. He believes getting another person's eyes on the project will preclude any unforeseen problems in the future.

Fred Rosa asked why the Board did not respond to the 3/25/24 email. Hobo responded that the Board has been asking for the Purchase and Sales Agreement since December. The 3/25 email from Lynnette is a timeline of when items will be coming due. The timeline in the email shows the Purchase and Sales coming up in April/May. Lynnette was the driver of the email and nothing in the email required a response by the Board.

Lynnette indicated that the way the RFQ is written suggests the Town is replacing TPL's role with a private consultant to do the due diligence. TPL's understanding is that since they are facilitating the sale with the landowner that they will be contracting due diligence. They have already spent a large amount of money contracting the initial due diligence and

resources. They are already putting the final due diligence in motion. They are a very experienced third-party facilitator for the project. This is how the Piscassic Greenway was conducted. She asked why the Select Board is going against article 1 of the warrant article by looking for someone else instead of working with TPL. She needs to hear that the Town wants to work with TPL in order to put the Purchase and Sale Agreement together. TPL will be performing due diligence at no cost to the Town, and it will be reviewed by the Town.

Several residents articulated their support for TPL.

Michael reiterated that they are insisting the Town not seek professional help and that the Town engage with TPL who will be in charge of it all and move forward. Michael does not understand why everyone is against the Board seeking additional experience in this matter.

Lynnette advised the Board that TPL will be seeking an appraiser from last year. They will still need to select someone for the environmental services, the survey, and the appraisal review. They would then enter into an agreement with the Town to get clear on the roles and contracting TPL due diligence. TPL holds a real estate contract with the landowner and needs the due diligence spelled out in the contract. TPL wants to enter into a contract with the Town to transfer the property to the Town. If the Town would like to hire a contractor to review the due diligence that is an option. Typically, the Town attorney will advise the Town.

After some more resident comments, Michael said he just does not understand why everyone is reluctant for the Board to speak with anyone else who has experience to find out if there are other things the Town needs to consider. The RFQ was supplied two weeks prior to the Board approving it. This was a draft RFQ put out to solicit professional opinions about this matter so that the Town does not get caught doing things wrong. When we had the meeting to approve the RFQ, no one raised a question about the content or issues.

Mark said he did not mention anything about it because the meeting had been going on for two hours and he had only been here a month and did not know what he did not know. So now he is asking the Town to examine the RFQ and ask Michael the questions. It is not for him to ask but for the residents to ask.

Alison Watts asked what Michael needed to move forward. Michael said he needs some materials back from TPL to basically evaluate the critical issues surrounding what the purchase and sale would look like. He would prefer not to stop the RFQ process and then restart it. He had no intention of entering into a contract without extensive discussions and better understanding of what TPL is saying and what other third parties would give us advice on. It was never a question that the Town would continue to work with TPL.

Lynnette stated that she could not move forward without clarification of roles.

Mark motioned, seconded by Michael, to receive the purchase and sale agreement from Trust for Public Land. All were in favor and the motion carried.

Mark motioned, seconded by Michael, to table the RFQ. All were in favor and the motion carried.

Lynnette asked if the Town's counsel will be available to review the Purchase and Sale Agreement or if the Town will seek other counsel. Michael said it will be dictated by what materials the Town receives from TPL and the conversations the Town has with Town counsel.

Duane, the Director or SELT, said the order of business spoken of earlier would be helpful much like the Piscassic Greenway process. Having outside advisors reviewing the due diligence is very smart and if he was a resident of Newfields, he would want to do that. In the process of talking with TPL you will learn a lot in terms of shaping the RFQ to get good information back from the consultants. Looking at the RFQ, a lot of the contract work that must be done for due diligence has to be done to different standards and nowhere in the RFQ does it speak of the different funding programs that are being used and driving how the due diligence has to be done. He feels the Board will become more informed through this collaborative process so that the Board can put out the proper RFQ to get great information to help advise the Town.

Vernon Family Farm Complaint Letters

Deferred to next meeting.

Health and human resources

The board tabled the discussion until the next meeting.

Minutes

Deferred to next meeting.

April revenue and expenditures

The Board reviewed the revenue and expenditures.

Non-Profit Exemption

Michael motioned, seconded by Mark, to approve the non-profit exemption for the Newfields Church which was reviewed by the Town Assessor, Rod Wood. All were in favor and the motion carried.

Conservation Commission Appointment

Mark motioned, seconded by Michael, to re-appoint Jeff Couture to the Conservation Commission. Hobby opposed the motion indicating his issue was Jeff's reluctance to apologize. The motion carried.

175th Town Celebration

Michael mentioned the 175th celebration from May 19th -26th. Home tour tickets are on sale. He thanked all those who donated a tremendous number of hours in preparation for the celebration.

Town cleanup

Phyllis informed the Board that they had many volunteers for the Town cleanup, which went well. The garden club also did a wonderful job. Michael thanked Phyllis for doing this each year.

Michael motioned, seconded by Hoby, to adjourn the meeting at 9:13pm. All were in favor and the motion carried.

Respectfully submitted,

Kisha Therrien