

Town of Middleton
Board of Selectmen Meeting
November 22nd, 2021

Approved By
Board of Selectmen


Called to order at 6:30pm.

BOS Members Present: Joseph Varga, Michael Boisvert, Lee Britton

Pledge Recited.

Signature Action:

Selectman Varga states looking for minutes from November 8th, 2021 to be approved. Selectman Boisvert makes a motion to accept minutes as written from November 8th, 2021. Selectman Britton seconds. All in favor. Selectman Varga states minutes from November 15th, 2021, if anyone is not aware November 15th, we had a meeting with Brian Eaton from the department of hazard mitigation to discuss possible grants to try to basically pay for the parking lot at the Old Town Hall. States we went over what we want to do and he thinks we have a possible way to get this paid through a grant, so we are going to start going after that. States that the minutes are very short since we had just a quick meeting over that in a virtual meeting. C. Moody speaks out asking to restate the gentlemen's name and his employer. Selectman Varga answers Brian Eaton, Hazard Mitigation for the State of New Hampshire. Selectman Boisvert makes a motion to accept minutes from November 15th, 2021 virtual hazard mitigation meeting. Selectman Britton seconds. All in favor. Selectman Varga states now we have meeting minutes from that afternoon for November 15th, 2021 for the budget meeting with department heads. Selectman Boisvert makes a motion to accept minutes from November 15th, 2021 budget and BOS meeting. Selectman Britton seconds. Selectman Varga abstains for not being present at the meeting. All in favor 2-0-1.

Public comment:

Selectman Varga states public comment for 10 minutes is for anyone that is not planning on staying for the entire meeting.

No comment.

Old Business:

None

New Business:

Officer Saltzman states good evening everybody, my name is Officer Saltzman I'm your full time patrolman in town. The reason why I am addressing the board tonight is because of an issue from the last Board of Selectmen meeting and what I like to do here folks is just try to not accuse or anything like that, there is two sides to every story and somewhere in the middle is the truth. States on the last minutes it was talking about M. Laviolette states that most of the time the PD does not respond to calls, I.E. medical calls, if they do it is only one of them and I'm assuming its me, but I'm not sure, he doesn't ever respond to the calls on his own and they do not transport. States there is a couple of issues with that, I have a great working relationship with my EMS and fire in this town, I enjoy working with them quite a bit, but we do show up to calls for medical. States as for the Chief and the Sergeant I heard that was some of the issues they were having, I have been on calls with Chief and on calls with Sergeant Swift, I went on one last week with Chief. States one day we had 4 medical calls during the day. The issue with during the day we have no ambulance response and I don't know who would show up or not. States there has been plenty of times when we have called EMS and there has been no response especially during the day. States at night time it is a little bit different, there are people that show up usually and they helped me out with an accident just last week. States with that being said as for transport I have offered to transport and have a report here dates on August 2nd, 2021 where I looked at Fire Fighter Laviolette and offered to help transport and said no Milton is on its way, so I have no problems transporting, asks Chief Cooper if he has any problems with him transporting. Chief Cooper states no. Officer Saltzman states I can do it, its not an issue for me. States he just hasn't heard anything about it and have offered, have this report that I have to redact information on it if you would like a copy of it, it has a patients address on it. Also have the call log from when I was dispatched and when I was signed out and when I cleared. States as for me pulling shifts- no problems doing that, but the problem is ladies and gentlemen I live in Freemont that's about an hour away from here. States no problem traveling for the great community of Middleton, but to drive an hour away to come to a medical that's unreasonable. States he doesn't know what the expectation is for him to come and sit around for a couple of hours, he doesn't think he can, stating he works two other jobs and 4 kids, and these are some of the issues that he sees or has been brought up. States he is more than happy to come and with his brethren and sisters on the EM side, but have a comment like that he just feels its not quite true. States he serves this town proudly and will continue to serve this town proudly and says if there is any input and what your expectations of me as EMS provider I have no problem doing that. States thank you for your time he hopes this was helpful. Selectman Varga states thank you officer. Selectman Varga asks Selectman Boisvert what the context of the minutes were from last meeting. Selectman Boisvert states the context is there and lead on about transport. T. Donovan-Laviolette speaks out asking can you speak up we can't hear you at all. Selectman Boisvert states we are having a discussion. T. Donovan-Laviolette states you are hear at a public meeting. Selectman Boisvert responds to Selectman Varga that was all. Selectman Varga states alright, basically we need to look at the transport between fire and pd and we will do that.

CEO pay frequency- Selectman Varga states originally he was thinking he would be getting paid weekly and it is monthly, since we put this on the agenda it has been resolved and talked with him and he is ok with it and basically changed is mind. R. Tufts-Keegan asks so he is ok with being paid monthly. Selectman Varga answers yes.

Selectman Varga states there are a few items that need to be added to new business that came up after the agenda was put out. States one was received an email from FEMA, there is a fire fighter grant out

there that we can apply for, we have just a very short amount of time to apply for it. States sent an email to the Chief of the Fire Department in hopes that he can help us with the FEMA grant there is a lot of paperwork that needs to go with it. States also sent email to one of the Assistant Chiefs hoping that one them will be able to help assist us getting the paperwork filled and hopefully try and get some of the things the fire department is looking for, for next years budget under grant and not out of the budget. Selectman Boisvert states that he believes the deadline for the grant is December 12th, 2021 if he remembers correctly. Selectman Varga states that we do not have a lot of time to get that work done and he is extremely busy for the next couple of weeks, so we are looking for assistance from the fire department to get that paperwork.

Selectman Varga states cell phones, knows it was talked about last meeting during the budget meeting. States he is looking for a motion to go ahead and supply the town employees with cell phones and the policy that goes with that. Selectman Boisvert makes a motion to move forward with replacing cell phone stipends with town issued cell phones. Selectman Britton seconds. Selectman Varga states just a note on that the policies will be put in place and will get a copy of the policy in the meeting minutes so that the public is aware. All in favor. Selectman Varga states that will go into effect January 1st, 2022.

Selectman Varga states also on a budget item he knows that they have asked the three major departments to find \$10,000 to cut from their budgets. States his personal opinion is that it includes the Board of Selectmen and our budget as well not just the fire department, police department, and highway department. States from the boards lines they need to find that money as well, so he has a proposal to talk about. States he has done research and it appears that if you are a New Hampshire state representative that pay for state reps is \$100 a year. States he feels that this position is to serve your community not yourself and thinks we can do the same for our town. States cut the BOS pay for 2022 to \$100 a year, that is what his thought is and thinks it should be put on the budget and it would have to take place starting on January 1st, 2022 in order for the budget to work. States he is looking for discussion to talk about it. Selectman Britton asks if state legislators get per diem. Selectman Varga answers he believes they get mileage, states if we are asking other departments to cut then we need to do it to. States we don't have to make a decision this week. Selectman Boisvert states my only issue is he doesn't know how long he will be in this position and wouldn't want to take that away from the person that is going to fill my seat. States he will forgo being paid from January 1st, 2022 moving forward, but does not want to personally take that away from the person coming in. Selectman Britton states that he agrees with that. Selectman Varga states that is another option we can all forgo our pay since he is up in March, Lee's position is up in March, and your tentative on if you will fill your three years or not. Selectman Boisvert states and he does not know how long he will be in this position that is the towns decision. Selectman Varga states he understands that and is just looking at if we are going to budget and knows this is something to consider it is about \$7,000 worth of a cut, if we just decrease the pay but just a heads up someone will either spend it om something or it will go back into the general fund. C. Moody speaks out asking he would like some input vote from a towns payer. Selectman Varga states the next on agenda is public input for 10 minutes, so you can start that.

Public Input:

C. Moody states on the issue that was just addressed he thinks it would be nice if the BOS would take the money collectively and put it towards the videoing taping for a way to transpond this over the

internet so that it can be viewed by the public like Tamworth does it and look at their setup from the youtube or what not. States not to have that transparency for people who can't make it for one reason or another, thinks that will be money well spent.

T. Donovan-Laviolette asks if this meeting is being audio recorded. Selectman Varga states no. T. Donovan-Laviolette asks why. Selectman Boisvert states because the minutes are being taken. T. Donovan-Laviolette asks so was the Monday night meeting audio recorded. Selectman Boisvert states no. T. Donovan-Laviolette asks why. Selectman Boisvert states because the minutes we being taken. T. Donovan-Laviolette states I can tell you the minutes are very inaccurate he have many people in this room that were in, for one I asked Chief Cooper if the cruisers were being filled up next door and the answer in the written minutes that you just voted on said yes, that is not what was said. States understands not doing word for word, but there is an awful lot missing in and need to have some sort of backup for people. States she would love to see the cameras up and running, but to not even have audio tonight I cant 91-A tonight because there wasn't even one taken, but not to mention you have a spouse of a Selectman taking minutes, I would just do it to cover your tush. Selectman Britton states he thinks it was Janelle that was taking the minutes. R. Tufts-Keegan states that was at the planning board. Selectman Britton states mistaken. Selectman Varga states talking about last Monday. K. Boisvert states it was not her who took the meeting minutes last Monday. Selectman Varga confirms it was not K. Boisvert who took the minutes last Monday it was S. Pawnsell. T. Donovan-Laviolette states even tonight. Selectman Varga states noted.

R. Tufts-Keegan states she has a couple of questions, with FEMA do we have an amount limit that we can get for a grant? Was wondering if it is capped at a certain amount. Selectman Varga states no. R. Tufts-Keegan states that is good. Selectman Boisvert states they submit the actual amounts of what they want to purchase and then they can come back and say we have to chip in a certain portion, but typically its not a match. R. Tufts-Keegan asks so there is no cap. Selectman Boisvert states there is no cap on it. R. Tufts-Keegan asks with the cell phone stipends, do we know what the cost savings is on that. Selectman Varga states the cell phones would be \$40 a month. R-Tufts-Keegan asks so it's a \$10 bump up if we have to get more phones, asks and we pay that cell phone stipend directly in pay right now? Selectman Varga states it's a separate paycheck. R. Tufts-Keegan restates it's a separate paycheck, asks if that will stop as of December 31st, 2021. Selectman Varga answers yes. R. Tufts-Keegan asks if in some point in time regarding the budget if she could meet with you regarding some of the lines and go through them so she can understand why that's coming through certain lines. Selectman Varga states ok, we will talk after the meeting because we do not have the time right now.

B. Gagnon states at the meeting between the budget committee and the selectmen getting the budgets in it was mentioned that some people in town did not get the 1.6% raises given this year that was voted in, in March what positions are those. Selectman Varga answers he went over the whole thing in a meeting. B. Gagnon responds you weren't here for that meeting. Selectman Varga answers there was a meeting that we voted on pay raises and everybody got a pay raises mentioned by name in that meeting. B. Gagnon states she doesn't know if she was at that meeting or not, she is asking that question now. Selectman Varga states he understands, but he does not know each person off the top of his head who did not get them. B. Gagnon states she would like that. Selectman Varga asks to who did not get a pay raises. B. Gagnon answers yes, one person was mentioned at that meeting. Selectman Varga asks what person. B. Gagnon answers the Fire Chief. Selectman Varga states he got it. B. Gagnon states they said that he did not. Selectman Boisvert states what was budgeted this year there was no

pay increase. States he must of miss understood. A. Bowden states his salary is a separate item. Selectman Varga states the salary is a separate item that had a larger pay increase than 1.6% that he did not get a larger pay increase, he got the 1.6%. A. Bowden asks so you did not give what was voted on in town meeting. Selectman Varga states he was not voted a pay raise he was voted budget line, states we disagree with that budget line in the end. A. Bowden asks even though the towns people approved. Selectman Varga states the towns people approved the budget, not that line separately the towns people approved the bottom line budget for the fire department, not pay raises for everybody. B. Gagnon states she would still like a list of who did not get raises.

A. Bowden states a few meetings ago I had mention pursuing bring up the ambulance up to a medic level and I was told to go get a PO for the IV pump and was told to bring in three bids, that is not exactly how it works when you have the same medical supplies to put things out to bid. States that is the best price that we got so I am looking for approval. Selectman Varga states that he is ok with it. A. Bowden states roughly it will be about \$3,000 to equip the ambulance at the medic level. Selectman Varga asks if this is the only thing that is over the \$500 and the rest is under \$500. A. Bowden responds correct all the rest is under \$500. States it was also brought up at the last meeting that I was not at last Monday, my name was brought up by mention about the person we have that is a medic about their increase in pay and was asked at the meeting and there was some confusion with that, first of all my name was mentioned in a public meeting which I didn't think was allowed, but whatever I don't care. States I just think there was some confusion because our chart never had a medic in the chart that we have and that's where the confusion came in. Selectman Varga states he understands that the medic we are talking about and understands that at the meeting the individuals that were representing fire and EMS last Monday misunderstood what our current individual makes and do understand he is not at that level. A. Bowden states he is being paid at the advanced level because we have never had a medic and have never had a level for a medic. Selectman Boisvert responds they had stated that he was already being paid at the highest rate and moving up to a medic level is rate would not be increasing, which is false. A. Bowden states she just wants to clarify. Selectman Varga states hes ok with that.

C. Maynard states it's a run on question and a couple that go with it, states she was at that meeting that Saltzman was referring to and did read the minutes and if you only read the minutes and weren't at the meeting everything that Saltzman spoke about it was easy to be taken out of context, the conversations, with that I have a couple of questions. Asks are all three of you guys nationally registered now because the last time looked online only Saltzman was. Selectman Varga states address the board. C. Maynard asks the board are all three of the police officers who have gone through training nationally registered. Selectman Varga states only two of our police officers actually went to the training, the other one was already nationally registered, he did not have to do the training. C. Maynard asks are the two that went to the training pass the national registry, because if you go online to look their information up they are not on there as national registered. Chief Cooper states I can tell you that I am nationally registered so he does not know where you are looking and I have it in hand. C. Maynard states just curiosity because it is public information. Chief Cooper states he has been hearing a lot about this, people stating false information and have had enough of it honestly. States if you looked at some site and that didn't have one of us listed he doesn't know how to explain that. C. Maynard states and that is why I am asking because when she looks online she was able to find Saltzman, but was not able to find you or Swift so she doesn't know if since she looked it has happened and that's why she is asking because in all honesty as a taxpayer we are paying for the services and if you are not national registered legally you really cant

practice so she is just questioning because it's a liability for the patient and liability for the officer and also we are paying for it, so it was just a question that she had and just wanted to clarify it because she has heard multiple things. Chief Cooper states he doesn't think we have a liability because any officer is trained in first aid and AED and can do that on a scene and that doesn't encompass any extra liability to go into it more trained as the average officer is a benefit. C. Maynard states her next question is when we had spoken when she was on the EMS committee the reason, couple reasons why police were not running on the ambulance because they were not signed off on by the emergency room doctor at Frisbie, are they now signed off, because even if the police may want to and are not signed off by Frisbie they can't. States so its not against the police. Selectman Varga states he doesn't believe that's the truth. A. Bowen speaks out you have to be signed off by the department and Officer Saltzman is. B. Francis speaks out stating on top of that too if you are just driving the ambulance you could be Joe Shomoe EMT that literally just flashes their card and just happens to be on the scene and you can drive the ambulance. States the ambulance only needs two that are licensed. A. Bowden speaks out stating only if you are signed off. Selectman Varga states it is really down to the fire department on getting together with police and allowing them to transport that's what it comes down to right now. A. Bowden states ok we are there every Tuesday night. C. Maynard states and her last question was about him taking a call for the EMS. Chief Cooper speaks out asking who she is referring to. C. Maynard states so for Saltzman because you live an hour away you say you don't take call, which that's not why the whole pd becoming EMS, do you take call for the police department. Chief Cooper answers no he does not take call.

T. Donovan-Laviolette states she would like to give you a kudos for looking outside of the box, she thinks \$100 is we all do the budget committee for nothing and she thinks it is a great thing to even suggest it honestly. States she would just like to make a comment if we get cameras I would love to have a microphone at the desk because there is an awful lot of side conversation when this is a public meeting, we are allowed to hear everything you are saying in this room.

Chief Cooper states he had his October stats from the PD. Selectman Varga states you can blast through them and then we are done with comment. Chief Cooper states in October the PD had 36 incident investigations. 1- Alarm, 2- Animal complaints, 3- Assist citizens, 1- Assist Fire/EMS Dept, 1- Assist Other Agency (Mutual Aid), 1- Civil, 1- Civil standby, 1- Conduct After an accident, 1- criminal trespassing, 1- littering, 2- medical, 2- motor vehicle related, 9- paperwork service, 1- shots fired, 1- suspicious person, 1- SOR, 1- Unauthorized use of a motor vehicle, 2 VIN verification, 1- 9-1-1 hang up call. States for arrests we had 2 for that month. 1- Driving while intoxicated (DWI) and a warrant for arrest for drugs in a drug free zone. States for Motor vehicle we had 72 incidents. 2- Failure to display plates, 13- front lights required, 2- hands free electronics, 1- improper turn, which is the one I had for a u-turn right in the middle of Kings Highway, 1- operating after revocations/suspension, 20- for speeding, 3- stop lamps/tail lights, 2- turn signal required, 23- uninspected vehicle, 4- unregistered vehicle, 1- yellow line. States and for motor vehicle accidents there was 1 and that was down somewhere in the area of Middleton Building Supply. States that sums up the monthly stats.

A. Bowden asks Joe can I just ask one follow up question. Asks if she should ask Chief Cooper directly since she just needs to know if he is state licensed. States because if we go on scene as it has been

indicated she has not seen his name on the state licensing, so if we are on scene she is thinking he is licensed and its an emergency situation and she needs him for a license she needs to ensure that he is state licensed. C. Moody states don't you have an ID and CPR certified, if you are CPR certified they give you an ID, if you get a paramedic level an ID. Selectman Varga states you are asking for a State of New Hampshire EMT certification. A. Bowden states in order to be a transport license you have to be. Chief Cooper states yes he has a certificate and am at the state level and the national level. States yes he has passed the state test and the national test. A. Bowden asks so have you filled out a state application. Selectman Varga states this is something that can be discussed afterwards. A. Bowden states she just wanted to know. Selectman Varga states we can look into the state and talk see if he has all the papers, because there can be something we are missing because we have to get you two together to talk, states he will make sure that its done and we have everything we need and then talk with what we need to do as department heads. Selectman Boisvert asks who else would need to be present to do that meeting. Selectman Varga states he would think the EMS Captain, the police Chief, probably the Fire Chief if he wants to join in, but its really EMS and PD at this point. Selectman Boisvert asks if we add them into tonight's meeting to hash some of that out. Selectman Varga states he thinks it's a hash out between department heads before it comes to us, unless you want to sit here for hours to hash this out, states he doesn't think it's the right time to hash it out. A. Bowden states and on a side note we have been wanting to hash this out for months. Selectman Varga states so you need to hash it out and then bring it to the board with the bottom line to get it done. A. Bowden states she agrees. Selectman Boisvert states December 13th, 2021. Selectman Varga states December 13th, 2021 sounds like a perfect date. Selectman Boisvert states it will be added to the agenda for December 13th, 2021. Selectman Varga states and we will talk right after this meeting to set a time.

Selectman Britton makes a motion to adjourn, Selectman Varga states that Selectman Britton makes a motion to adjourn.

Chief Cooper speaks out asking to get one more item in. Selectman Varga states to be quick. Chief Cooper states we are potentially going to be down one officer so he is going to need to cast a net for a full time officer, full time certified officer. States in line with everything else that is going on he would like to use the investigative funds to use that as a sign on bonus for potential full time applicant. Selectman Boisvert asks what is in that fund. R. Turfts-Keegan speaks out stating \$6,500. Chief Cooper states \$2,000 because that is what is capped at every year. Selectman Boisvert asks if that would be the full amount of the sign on bonus. Chief Cooper answers he is trying to work that out right now to see what other funds that would be available. C. Moody speaks out stating we have cops coming from Freemont because of what we have to offer, do we really need a sign on bonus. Chief Cooper states maybe Officer Saltzman would like to speak as to why he travels that distance to work for me here, it surely isn't pay. Officer Saltzman states actually he could go down to Rockingham County and make a high paying job, states he enjoys working here, enjoys being in the school talking to your kids, doing the stuff I do being a full time cop. States it offers a lot of challenges when he does investigations, he helps out with the EMS, he helps out going to the school. States it's the small town stuff that he enjoys and its not technically the pay, he enjoys the people he talks with, enjoys the other officers that he works with from Farmington, New Durham, from Wakefield, and from Milton. States that he has a great repour with

those people. States he doesn't have that with other agencies down south. C. Moody speaks out stating oh Mr. Saltzman your going to open a pandora's box at the end of things today so let's close it for now. Officer Saltzman states you asked sir so I answered. C. Moody responds. Selectman Varga states no that's it.

Selectman Britton makes a motion to adjourn the meeting at 7:00pm. Selectman Varga states motion to adjourn is on the table. Selectman Boisvert seconds. All in favor.

Respectfully Submitted,

Kara Boisvert, Administrative Assistant Deputy



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

Cellular Device Policy

Board of Selectmen

1.0 **PURPOSE:**

To establish the Policy and Procedures for appropriate use of town issued cellular devices to all department heads and/or their designee employees with Town issued cellular devices and to establish guidelines for the use of personal cellular devices in relation to Town of Middleton business by Town of Middleton employees and public body members. Cellular devices are issued to certain employees for non-compensatory business purposes as a working condition fringe benefit in order to better serve the town and citizens of Middleton.

2.0 **ORGANIZATIONS AFFECTED:**

All departments, department heads, and employees who are issued cellular devices due to their position within the Town. All employees or public body members who access Town email on their cellular devices.

3.0 **DEFINITIONS:**

- 3.1 Working Condition Fringe Benefit - Property and services provided to an employee so that the employee can perform his or her job. It applies to the extent the employee could **deduct the cost of the property or services as a business expense or depreciation expense** if he or she had paid for it.
- 3.2 Business use-Any use **while** performing specific job-related duties on behalf and for the benefit of the Town of Middleton.
- 3.3 Personal Use- Any cellular device use that does not benefit the Town of Middleton and/or is not made while performing specific job-related duties. According to Internal Revenue Service Code, any *personal use* of an employer-issued phone by the employee may be considered taxable income and subject to withholding taxes.
- 3.4 De Minimis (Minimal) Fringe Benefit -Any property or service provided to an employee that has so little value that accounting for it would be unreasonable or administratively **impracticable**.
- 3.5 User- A Town employee or public body member, chosen to carry a Town issued cellular device by their department head, responsible for the cellular device equipment and usage.
- 3.6 Cellular Device Equipment- The equipment purchased and provided by the Town for the use of cellular communication for Town business. Cellular Device Equipment may also be the personal property of an employee or public body member.
- 3.7 Essential- Necessary; extremely important.
- 3.8 Non-compensatory business purposes- **Substantial business reasons for supplying a cellular device to an employee which includes the need to always contact the employee for work-related emergencies. Personal use of an employer-provided cellular device, provided primarily for this reason, is excludable from an employee's income as a *de minimis* fringe benefit.**

4.0 **POLICY:**

- 4.1 Certain personnel are required to carry a Town of Middleton issued cellular device to be responsive to the Town while in the field during normal **business hours, during emergencies and, at times, outside of normal business hours. The** value of an employer-provided cellular device is excludable from an employee's income **as a working condition fringe-benefit. Personal use of Town-issued cellular devices is excludable from an employee's income as a de minimis fringe benefit** because Town issued cellphones are provided and used primarily for non-compensatory business use.
- 4.2 A Town of Middleton employee may configure their personal cellular device to synchronize with the Town of Middleton's messaging server if a Town of Middleton department head to whom the employee reports, directly or indirectly, deems the



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- 4.0 configuration is appropriate and necessary to assist the employee to perform the employee's job. An employee may call-forward phone calls or voice message alerts to their personal cellular device, with Department Head approval and under specific conditions identified under section 5.2, below. To utilize this option the employee must complete the Cellular device Policy Form A.
- 4.1 Town issued cellular devices are Town property and should be treated as such. There will be no loaning of the Town issued cellular devices, unless extenuating circumstances or **emergency situations are taking place, or a Department Head tells you otherwise**. The Town will replace lost or damaged Town owned cellular devices at the Department Heads' discretion and only within reason. The user is responsible for this equipment and should use **common sense when using the Town-owned cellular device**.
- 5.0 **PROCEDURES:**
- 5.1 **Town Issued Cellular Device Users:**
- 5.1.1 Each user designated by the department head must acknowledge and sign the Cellular Device Policy.
- 5.1.2 All users **shall** adhere to this and all Administrative Regulations including the Communications Policy, the Harassment Policy, the Sexual Harassment Policy, and the Workplace Violence Policy, and all state and federal rules and laws. Any user found in violation of these policies in any capacity and/or regarding cellular **device use will be subject to disciplinary action**.
- 5.1.2.1 The employee or public body member shall not use their cellular device while driving a moving motor vehicle upon a way or temporarily halted in traffic for a traffic control device or other momentary delay, **including but not limited to reading, composing, viewing, or posting any electronic message; or initiating, receiving, or conducting a conversation; or initiating a command or request to access the Internet; or inputting information into a global positioning system or navigation device; or manually typing data into any other portable electronic device**.
- 5.1.2.2 However, the employee may utilize the hands-free technology to engage in **receiving or conducting a conversation if they are hands-free and in compliance with the above section**.
- 5.1.3 Each month, every Town cellular device user is required to review the invoice for their cellular device number for accuracy.
- 5.1.4 Personal cellular device calls should be kept to a minimum. Users are to use the same discretion with personal use of cellular devices as they would any other Town technology; they are only to make/receive personal calls on the cellular **device if they are essential", do not interfere with work assignments, are kept to a minimum** and are not able to be scheduled during non-work hours.
- 5.1.5. Town cellular device user may choose to pay for any added feature (text or picture messaging, 411, data, GPS, etc.) that is compatible with their Town issued cellular device at the rate provided by the Town cellular device carrier. The user will be responsible for the full charges of these services, as well as any overage fees that they might incur. The added feature charges must be paid each month by the **user**.
- 5.1.6. The Town reserves the right to seek reimbursement from those employees whose personal use of the Town-issued cellular device is determined at the sole discretion of the Town to be above and beyond the minimums. The employee will be



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charged for personal usage, overages or data at the overage rate the Town pays per **minute, text, or data upon a determination of excessive personal use.**

5.0

Personal Cellular Device User Conditions

- 5.2.1. The Town of Middleton shall not pay expenses related to the employee's or public body member's personal cellular device use. It is understood that no stipend will be paid if an employee declines a Town issued cellular device and that if an employee elects to use a personal cellular device for town business it is subject to a 91A request or court order for inspection or records.
- 5.2.2. The employee shall maintain a professional greeting on their personal cellular device if they will be call-forwarding messages for short periods of time.
- 5.2.3. The cellular device shall be automatically password-protected after 15 minutes or less of inactivity.
- 5.2.4. The cellular device shall be configured to synchronize no greater than two weeks of messaging information.
- 5.2.5. The Town of Middleton technical staff shall not be available to support questions related to the employees' personal cellular device.
- 5.2.6. The employee shall notify the Town of Middleton BOS and file a police report ASAP if the personal cellular device is lost or stolen.
- 5.2.7. The employee or public body member shall erase all Town of Middleton credentials and data when discontinuing use of the device for Town of Middleton business purposes.
- 5.2.8. The employee or public body member shall be cognizant and careful when installing an application on their cellular device. Ideally, the employee or public body member may install an application to assist in mobile wipes, as needed.
- 5.2.9. The employee or public body member shall not use their cellular device while **driving a moving motor vehicle upon a way or temporarily halted in traffic for a traffic control device or other momentary delay, including but not limited to: reading, composing, or posting any electronic message; or initiating, receiving, or conducting a conversation; or initiating a command or request to access the Internet; or inputting information into a global positioning system or navigation device; or manually typing data into any other portable electronic device.** However, the employee may utilize the hands-free technology to engage in a conversation as long as they are hands-free in compliance with the above **section.**

- 5.1 Department Heads: Department heads will receive cellular device bill detail each month to **monitor call use and distribute to each Town cellular device user for review. Users may be required to reimburse at the town's overage rate if excessive personal usage occurs.**
- 5.2 Each Department head will be responsible for ensuring that each employee cellular device user is accountable. Department heads shall be responsible **for the enforcement of the provisions of this regulation.**
- 5.3 Cellular device users should be respectful of their cellular device usage in public places and in meetings. Employees should turn off the device or activate the silent alarm or vibration feature during meetings.



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

Cellular Device Policy


Board of Selectmen

- 5.0 Cellular device users are advised that calls made and received, photos taken, and text messages sent and received on Town owned or issued equipment is always subject to Town review and inspection. Furthermore, such calls, photos, and text messages may be subject to release under the Freedom of Information Act and the Right to Know Law, RSA 91-A.
- 5.1 Cellular device users are discouraged from operating a cellular device at all while driving.

Effective January 1st, 2022. Approved by:



Joseph Varga, Chair



Michael Bolsvert, Vice Chair



Lee Britton, Member