



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## Board of Selectmen Meeting Minutes

December 28, 2022

Approved By  
Board of Selectmen

**Call to Order** at 6:30 PM

**Pledge of Allegiance**

**BOS Members Present:** Roxanne Tufts-Keegan-Chair;  
Christine Maynard-Vice-Chair;  
Laura Parker-Member

Roxanne Tufts-Keegan  
Christine Maynard  
Laura Parker

### Approval of Minutes:

- 12/12/2022: C. Maynard made a motion to accept minutes as submitted, L. Parker seconded, motion passed.

### Signature Action:

- Tax Recommittal Final Representation Letter: Signed

### Old Business:

- Verizon Account: C. Maynard made a motion to buyout existing Verizon Contract, sell the unused phones to offset the cost and implement a monthly cell phone stipend, L. Parker seconded, the motion passed unanimously.
- FirstNet Account (Police): C. Maynard received an email from Sgt. Swift with update. APN has been setup, he has sent an email to the county IT requesting they do their part. C. Maynard will follow-up with Sgt. Swift for an update in a week.
- Fuel: Fobs #41 & #42 previously assigned to PD have been misplaced. Dan Phillips to disabled the misplaced fobs.  
PD requested (8) fobs, Dan Phillips assigned (6) due to shortage of fobs (#43-#48). Irving cards to be sent to finance office and kept active for emergency purposes. It was discussed and decided that moving forward, fobs will be assigned to vehicles instead of individuals (similar to how the Irving cards were used previously).  
Dan Phillips to get fobs back and assign (1) per vehicle for both FD and PD.
- Aquatic Birds Ordinance: It was discussed who is responsible for enforcing the ordinance, general consensus is that it would be the Health Officer. However, since the birds have migrated south, the issue is tabled until spring.
- Road Obstruction Ordinance: Discussion regarding the multiple versions and it was determined that the correct version of all Town Ordinances are on the common server at the Town Hall.

**New Business:**

- Resignation of Town Clerk/Tax Collector: Attached
- DRA Letter Re: Audit Status: Letter from Auditor to be sent to DRA regarding the 2021 Audit Status.
- New Highway Truck Purchase: Highway Department would like to use the double block grant money received in 2022 (\$109,500) to purchase a 2024 International Plow Truck with 300 HP Cummings Diesel Engine and a 6 speed Allison Automatic Transmission. There will be a warrant article for \$87,450 to outfit the truck with a dump body, wing and plow. If the warrant article fails, the 2023 block grant money could cover that expense. C. Maynard made a motion to write a Letter of Commitment to DiPrizio's for the purchase of the new truck, L. Parker seconded, motion carried.
- Treasurer Position: Correspondence from legal regarding changing Treasurer position from elected to appointed (attached).
- Town Clerk/Tax Collector Compensation: Correspondence from legal regarding changing the Town Clerk/Tax Collector compensation from a weekly salary to an hourly rate (attached).
- Bi-Weekly Pay (Fire Dept. Request): Fire Dept. requested a waiver from bi-weekly payroll, wishing to stay monthly (request attached). Discussion regarding if the hardship for the Department outweighed the intent of moving to a consistent payroll process across all departments. C. Maynard made a motion to keep the Fire Dept. at a bi-weekly payroll cycle consistent with the rest of the Town, L. Parker seconded, motion carried.

**Public Comment:**

Dan Saliga: Update on new website? We should be transitioned to the new site by the end of January.

Dave Deufresne: What can be done about the Town Clerk/Tax Collector position? This is an elected position that is out of the Board of Selectmen's control.

R. Tufts-Keegan: Asked Tracy Donovan-Laviolette when the Budget Committee needs the Warrant? Will be decided at their next meeting.

Jim Keegan: Is there an update on the Intent to Excavate for the New Durham Pit? We have submitted to New Durham, now we are waiting for them to process.

**Non-Public**: L. Parker made a motion to go into non-public session per RSA 91A:, II(a), C. Maynard seconded, motion carried at 7:52 PM.

L. Parker made a motion to leave non-public session per RSA 91A:, II(a), C. Maynard seconded, motion carried at 7:55 PM.

There was no motion to seal the minutes. (Non-Public Session minutes attached)

**Adjourn**: L. Parker made a motion to adjourn, C. Maynard seconded, motion carried at 7:55 PM.

## Board of Selectmen

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**From:** Diana Dodier <diana.dodier@gmail.com>  
**Sent:** Monday, December 26, 2022 5:54 PM  
**To:** Board of Selectmen  
**Subject:** Resignation

Good afternoon,

After much thought, I've decided to resign from the Middleton Town Clerk / Tax Collector position. My last day with the town will be January 6th 2023.

Thank you  
Diana Bourdeau

## Carol Long

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**From:** Legal Inquiries <legalinquiries@nhmunicipal.org>  
**Sent:** Thursday, December 22, 2022 8:37 AM  
**To:** Carol Long  
**Subject:** Middleton: Treasurer Appointed vs. Elected

Good Morning Carol:

The decision to change the position of treasurer from elected to appointed under RSA 41:26-e is accomplished by approval of a warrant article on the floor of the business meeting of the annual meeting, and is not voted on the official ballot. Furthermore, that change is effected subject to RSA 669:17-d which provides that “when a town votes to discontinue an elected treasurer office, the person holding the elected office of treasurer at the time of the vote to discontinue it shall continue to hold office until the annual town election first following the discontinuance of the office, at which time the elected office of treasurer shall terminate irrespective of the length of that officer's term.” Thus a vote at the business meeting of your annual meeting in 2023 would not go into effect until March of 2024.

**Stephen C. Buckley**  
**Legal Services Counsel**  
**NH Municipal Association**  
25 Triangle Park Drive  
Concord, NH 03301  
Tel: (603) 224-7447  
Email: [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)

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**From:** Carol Long <[ssbk@middletonnh.gov](mailto:ssbk@middletonnh.gov)>  
**Sent:** Tuesday, December 20, 2022 6:21 PM  
**To:** Legal Inquiries <[legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)>  
**Subject:** Treasurer Appointed vs. Elected

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To change from Elected to Appointed for the Treasurer position, is it as simple as a warrant article?  
Can this be on the ballot or does it have to be on the Town Meeting floor?

*Carol Long*  
Selectmen Secretary/Bookkeeper  
Town of Middleton  
182 Kings Highway  
Middleton, NH 03887  
603-473-5202

## Carol Long

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**From:** Legal Inquiries <legalinquiries@nhmunicipal.org>  
**Sent:** Friday, December 23, 2022 12:50 PM  
**To:** Carol Long  
**Subject:** Middleton: Town Clerk/Tax Collector Salary vs. Hourly

Good Afternoon Carol:

RSA 41:25, the statute that governs the manner of compensation for a town clerk also governs the manner of compensation for a town clerk/tax collector. As set forth in that statute, the town meeting “may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his or her services.” This means that your town meeting can vote to pay the town clerk/tax collector on an hourly basis, on a daily basis, on a weekly basis or a monthly basis. So, yes, you can have the town meeting vote to pay your town clerk/tax collector at a rate of \$30/hour. The not to exceed part of the equation would be problematic to implement so I would not suggest capping the amount to be paid on a hourly basis. If you wanted to set a stipend to be paid the town clerk/tax collector, such as a flat \$750 per week regardless of hours worked you could do that for an elected official.

**Stephen C. Buckley**  
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**From:** Carol Long <[ssbk@middletonnh.gov](mailto:ssbk@middletonnh.gov)>  
**Sent:** Wednesday, December 21, 2022 6:49 PM  
**To:** Legal Inquiries <[legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)>  
**Subject:** Town Clerk/Tax Collector Salary vs. Hourly

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Is it possible to change the money for Town Clerk/Tax Collector to an hourly rate at Town Meeting?  
We were thinking of using a warrant article stating something to the effect of “Town Clerk/Tax Collector to be compensated at the rate of \$30/hr not to exceed 25 hours/week” or something to that effect.

*Carol Long*  
Selectmen Secretary/Bookkeeper  
Town of Middleton  
182 Kings Highway  
Middleton, NH 03887  
603-473-5202

# Middleton Fire and Rescue



Good Morning,

Middleton Board of Selectman I am sending you this email on behalf of Middleton Fire and Rescue to ask you to leave the departments pay to monthly. Here are several reasons as to why.

There are several potential arguments that could be made in favor of switching from a monthly to a Biweekly pay period.

1. Consistency and predictability: A monthly pay period may provide greater consistency and predictability for employees, as they would receive their pay on the same day each month. This can help with budgeting and financial planning.
2. Simplicity: A monthly pay period may be simpler and easier to understand for employees, as it aligns with the way many people think about their finances and bills.
3. Reduced administrative burden: Paying employees on a monthly basis may be less administratively burdensome for the employer, as it reduces the number of pay periods and paydays to manage.

The current members of the department are used to getting their paychecks monthly. Many members do not rely on the check as a source of income and it would definitely be more costly to have someone do the pay checks Biweekly. Either way it is your decision and I will honor your decision.

Chief Michael Laviolette

[Firechief@middletonnh.gov](mailto:Firechief@middletonnh.gov)

603-973-0670

**Nonpublic Session Minutes  
Middleton, NH**

Date: 12/28/22

Members Present:    Roxanne Tufts-Keegan    ✓  
                                 Christine Maynard        ✓  
                                 Laura Parker                ✓

**Motion to enter Nonpublic Session** made by C. Maynard seconded by L. Parker

**Specific Statutory Reason** cited as foundation for the nonpublic session:

RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

RSA 91-A:3, II(b) The hiring of any person as a public employee.

RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

RSA 91-A:3, II(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

RSA 91-A:3, II(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled

RSA 91-A:3, II(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

<b>Roll Call vote to enter nonpublic session:</b>	Roxanne Tufts-Keegan	<u>Y</u>	N
	Christine Maynard	<u>Y</u>	N
	Laura Parker	<u>Y</u>	N

**Remove public meeting tape** (if applicable)

Entered nonpublic session at 752 a.m./(p.m.)

Other persons present during nonpublic session: Carol Long, Secretary

Description of matters discussed and final decisions made: Board voted to give Carol Long a bonus in the amount of \$2200 on next payroll for going above & beyond, taking on responsibilities in other departments, covering vacancies and work outside the scope of her position. To be paid out of Selectmen Salary line.

**Note:** Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person **other than a member of this board**, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

**Motion to leave nonpublic session** and return to public session by C. Maynard, seconded by L. Parker.

Motion: PASSED / DID NOT PASS (circle one)

Nonpublic meeting tape removed, public meeting tape replaced (if applicable).

Public session reconvened at 755 a.m./(p.m.)

**Motion made to seal these minutes?** If so, motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, because it is determined that divulgence of this information likely would...  
\_\_\_ Affect adversely the reputation of any person other than a member of this board  
\_\_\_ Render a proposed action ineffective  
\_\_\_ Pertains to preparation or carrying out of actions regarding terrorism

<b>Roll Call Vote to seal minutes:</b>	Roxanne Tufts-Keegan	Y	N	<u>Not Sealed</u>
	Christine Maynard	Y	N	
	Laura Parker	Y	N	

Motion: PASSED / DID NOT PASS (circle one)

These minutes recorded by: Carol Long