

**Town of Milton**  
**BOARD OF SELECTMAN MEETING**  
**December 20, 2021**

**ATTENDANCE:**

**Members:** Claudine Burnham (Chair), Andrew Rawson, Matt Morrill was excused

**Staff:** Chris Jacobs, Town Administrator

**Public:** Chief Richard Krauss, Officer William Bachert, Paul Steer, Humphrey Williams, Joanne Gagnon, Anthony Gagnon, Donald Diamant Jr, Karen Diamant, Peg Hurd, John T. Boyd, Karen Golab, Kym Libby, Larry Brown

Claudine Burnham, Chair, opened the public session at 6:00PM.

**1.) Pledge of Allegiance:** Claudine Burnham, Chair, led the meeting in the Pledge of Allegiance.

**2.) Swearing in of Police Officer William Bachert:** Ms. Burnham swore in Police Officer William Bachert. Chief Krauss welcomed Officer Bachert to the Milton Police Department and to the town of Milton. He has been with the town since August and has graduated from the Police Academy. Congratulations Officer Bachert.

**3.) Public Comment:**

Mr. Humphrey Williams, Chair of the Budget Committee. The committee is working to finalize the budgets for the town and the school. He discussed upcoming dates including the first Deliberative Session which will be scheduled for either February 5<sup>th</sup> or 12<sup>th</sup>. In order to meet those dates, the Budget Committee must be ready by January 11<sup>th</sup> to post meeting notice of their hearing which must take place by January 18<sup>th</sup> (also the last day for their public hearing). The last date for petition Warrant Articles (both town and school) is also January 11<sup>th</sup>. Budget Committee must deliver budget & Warrant Articles to the town by January 27<sup>th</sup>; last day to post budgets/Warrant Articles is January 31<sup>st</sup>. The Budget Committee plans to finalize both the town and school budgets on December 28<sup>th</sup>. Mr. Williams stated his preference for the Deliberative Session of February 5<sup>th</sup>. This will give time to get everything published leading up to the March 8<sup>th</sup> vote.

Mr. Larry Brown: He used a current conspiracy theory to discuss vaccines and comments made by public official at recent school board meeting.

Mr. Don Diamant: In reference to later agenda item – he expressed his concern about the item recognizing everyone's right to voice and express their opinion. He believes every board should stress that. He is surprised this was an agenda item. He encouraged the BOS to condemn any attempts at free speech in the community.

Ms. Karen Diamant: She had not attended the recent school board meeting, however, she noticed at the swearing in ceremony which just occurred, the last few words of the oath referencing God and believes everyone should be able to talk about Christianity if they want.

### 3.) Announcements and Community Calendar:

- a.) The Transfer Station will be open the day before Christmas (7AM-3PM); closed Christmas Day; open day after Christmas (7AM-3PM). They will be closed Saturday, January 1<sup>st</sup>.

### 4.) NEW Business – Discussion and Possible Actions:

- a.) **Departmental Updates:** Mr. Jacobs reported Fire Chief Marique was currently quarantining due to possible COVID exposure and unable to attend the meeting.

**Public Works Report** (submitted by Pat Smith): The Public Works Department has graded dirt roads and compacted them. Roadside mowing has been finished. Plows have been installed for the upcoming winter season. Brush has been cut and chipped on Tenerife Road, Hydro Way, Sue Ellen Way, Evergreen Valley Road, Industrial Way. Cold patching has been done where needed. Repaired storm damaged sections of ditch line. Removed beaver dams in culverts. Held Plow Training with Primex. Cleaned up leaves from sides of roads in downtown areas. Cut dead trees at the Industrial Park and removed. Treated icy roads.

**Ground and Buildings:** Landfill cap, mowing and brush cutting has been completed. Painted windows at Town Hall. Scraped and painted trim at beach bathroom. Painted sign shed. Stripped and replaced shingles at beach buildings. Cut brush and mowed grass at town-owned building on Dawson Street. Winterized irrigation systems at beach, fire department and veteran's park. Helped highway clean leaves on sides of roads in downtown area.

**Solid Waste:** Completed annual maintenance on compactors. Replaced pump in a compactor. Received new stickers for 2022. All operations running normal.

**Police Department** – Chief Krauss: He reported on the crime front they have now received 7 reports of mail box phishing at the town post office. Mail has been stolen, usually checks which then have name & check amount altered. Some banks have caught this and have been cooperative. The PD is working with the post office – he indicated this is not just happening in Milton but all over New Hampshire and the country. He cautions residents to watch their bank accounts and pay attention.

The cruiser ordered in December of 2020, was delivered. Ford made a mistake in the order and delivered a Hybrid cruiser and should be on the road in January. The third message sign was received and will be out on the roads soon.

Newly sworn-in Officer Bachert is back from the academy; also hired Sgt Ebert back in early December. They are now up to 7 officers and will be looking to hire an 8<sup>th</sup> officer after the first of the year. His plan is to get back to full-staff to being proactive.

A reminder the Winter Parking Ban is now in effect. He reminded residents they need to move items (such as cars, other vehicles, basketball hoops, etc.) out of the right-of-way. If those items are in the right-of-way and get damaged by plows, residents are responsible for that damage. Jessica's Law is in place – they plan on enforcing this heavily. Motorists need to ensure their vehicles are completely cleared of snow and ice before getting out on the roads. Flying ice/snow is very dangerous hazard. If caught, this is considered negligent driving.

- b.) **Approval of the 2022 BOS meeting calendar:** Mr. Jacobs presented the 2022 BOS meeting schedule. He indicated meetings that fall on holidays will be moved to the following week. This may cause BOS meetings to be scheduled back-to-back.

Mr. Rawson made a motion to accept the BOS meeting schedule for 2022. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

- c.) **Approval of Stone Hill Municipal Solution contract:** Mr. Jacobs explained this is for the finance individual, Joanne Smith. There are no set number of hours in the contract. She is scheduled to work through 2022 offering one day per month at a rate of \$57.00 per hour. He indicated this is carried in his budget. Mr. Rawson – Joanne has been a huge asset and is really helpful.

Mr. Rawson made a motion to accept the on-call contract with Joanne Smith / Stone Hill Municipal Solution for 2022 for one day per month at a rate of \$57.00 per hour. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

- d.) **Approval of the Assessing Director job description:** Mr. Jacobs explained the job description for Assessing Director was previously approved on July 16, 2018. He is reviewing the job description in preparation for advertising the Assessing Director position. He did not add anything to it other renaming a category to And Other Administrative Duties. Mr. Rawson cautioned against having this position wear too many hats as this has caused mistakes to be made by others in this position. Mr. Jacobs stress he doesn't this will happen as some of the items have been taken over by other staff. However, with only a staff of five, it should be recognized that there are going to be areas where cross-training will be needed to ensure all responsibilities are covered.

Mr. Rawson made a motion to reaffirm the job description as written. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

- e.) **Paul Steer – regarding selectman comments at School Board meeting:** Prior to Mr. Steer speaking, Ms. Burnham questioned Mr. Jacobs if he had received a notification complaint form from Mr. Steer. Mr. Jacobs indicated he had received an email from Mr. Steer requesting to speak to the board. However, he did not submit a notification complaint form. Ms. Burnham informed Mr. Steer the complaint form is available on the website and is what Mr. Steer (or anyone else) should complete and submit to Mr. Jacobs in order to proceed.

Ms. Burnham requested the minutes reflect Mr. Steer did not complete the official document as needed. In addition, Ms. Burnham indicated in the Board of Selectmen By-laws, Section C, 1B, states "members of the board have authority only when acting as a board, legally in session. The board shall not be bound by any action or statement of any individual board member except when such statement of action is pursuant to the instructions from the board." She explained any of the BOS only have authority when they are in session. She indicated Mr. Steer's email submitted as a resident of Milton was against another resident of Milton (not speaking for the BOS) for speaking her opinion at a recent school board meeting. Ms. Burnham stated the BOS has no authority to intervene in

a school board meeting, especially during the school board's public comments. She also noted the BOS does not assign a member as representative to the school board. They have their own budget and board. While the public belief may be that a Selectman has a duty to forfeit their legal right to speak his/her own opinion, as a Milton resident, they have a legal right to speak their opinion. Under the NH Right-to-Know Act, that does not include a member losing their individual's right as a town resident to participate in a school board meeting.

Ms. Burnham stated because of the above, the email complaint is not valid; it was inappropriately processed, and no further discussion is required by the board on this topic. She recommended Mr. Steer should attend future school board meetings to voice his opinion and to listen to others' opinions as well. The School Board should be addressed directly and not another individual.

- f.) **Chief Richard Krauss – Police Department purchases and encumbrances:** Chief Krauss questioned if the BOS planned to hold another meeting specifically on encumbrances? According to Mr. Jacobs, there is no special meeting scheduled.

**Encumbrances:**

1.) **Server:** Request to finish server – installation of server and transfer of data – take 10 hours to transfer from one server to another and ensure all devices are connected properly. Cost request: \$950 from Label Computers.

Mr. Rawson made motion to approve \$950 to be encumbered from the 2021 budget into the 2022 budget for Label Computers to do the server transfer. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

2.) **Off-Site Storage of Server Storage:** through Provantage to purchase a 4-bay Nas device, off-site storage for all back-up system. Cost request: \$1,987.21

The backup system will reside at Somersworth PD.

Mr. Rawson made a motion allowing encumbrance of \$1,987.21 to Provantage for the Nas device to complete their offsite backups. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

**Purchases:**

1.) **Furniture for Police Department and Chief Krauss' office:**

Chief Krauss explained his current office furniture (from a second hand supply store) was purchased back in 2008. He would like to replace the desk, two cabinets in his office to make it more user friendly. In addition he would like to purchase new tables (modular) and replace the over-sized table in the conference room. This new table would allow increased flexibility in uses.

Cost request: \$9,010.76 (includes install). This would be for 3 desks, 6 tables, 3 chairs and 2 cabinets.



Mr. Rawson said the Chief is very diligent in his requests and does not ask for anything if he doesn't really need it.

Mr. Rawson made a motion to move forward with the purchase of Police Department furniture at a cost of \$9,010.76. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

**2.) Joint Item with Fire Department & Police Department:**

Chief Krauss explained both departments have attempted to use a 6-wheeler (since 2003) for forest rescues, forest fires, having to bring water or equipment, etc. The problem is the vehicle is over-sized and very heavy and is not really useful for either of the departments as it is not user friendly especially in the winter time and has done damage to the trails. He would like to purchase a side-by-side with system for fire fighting equipment and rescue attachments for the back of machine and would be able to also be used by the police. They have received one quote and waiting to receive the second quote. The first quote of ~\$25,000 was for the device, equipment and the track system. The device is needed in time, especially during the winter time if someone needs rescued deep in the woods, they would more than likely have to carry that person out. Mr. Jacobs questioned if the money was already in the budget. According to Chief Krauss, the money is in the budget and has not spent. Mr. Rawson said Barrington has just purchased a similar machine for the same reasons. He questioned how often has the current machine been used? Chief Krauss said they haven't used for fish & game for quite some time. Mr. Rawson also questioned what the current machine might be worth? He also said the Barrington machine cost \$30,000. Chief Krauss gave the current machine an estimate of ~\$5,000.

Chief Krauss asked 1.) is this something the BOS might be interested in purchasing; 2.) Would the BOS hold another meeting when they receive a second quote?

Mr. Rawson recommended moving forward and once the second quote is received, they will plan on having a quick meeting for discussion.

**3.) Purchase and replace Patrol Rifles:**

Chief Krauss would like to purchase 8 patrol rifles to issue to each of the officers so they would have their own rifle and not have to share. Currently they have five patrol rifles that stay in the cruisers all the time. He has a couple of vendors he is checking to get quotes. Mr. Rawson questioned if they would stay with the officer when off-duty or stay at the station. Chief Krauss – yes they would remain and be stored at the station. The cost of each rifle is ~\$800-\$1,100. He would sell the current five short-barreled rifles back to the vendor to help bring the purchase price down.

Mr. Rawson – public safety is vital, and the Chief needs the equipment to do his job. According to Chief Krauss, the monies are in his budget. It's important for him to expend his budget in the best way possible and to not have to go back to the voters and ask for

additional monies. Mr. Rawson appreciates the Chief's due diligence with finances and recommends Chief Krauss move forward with the patrol rifles. Ms. Burnham is in agreement.

Mr. Rawson requests once the third sign is in circulation one of the signs be moved to Milton Mills. The Chief agreed that once the construction is completed, the plan is to move one. He said with the up-to-date software it makes the ability to change messages easier to do. Chief Krauss said he has heard from residents they like to see the signs especially the speed trailers on their roads.

Chief Krauss said he will be sending the town mechanic out for hybrid training class which will come out of the PD budget.

A public attendee questioned what happens with any left over monies at the end of the year – does any surplus get carried over to the next year? It was explained that any remaining funds go into the unassigned fund balance (the general fund) and is used to help keep the tax rate as low as possible.

**Encumbrance for Assessing Services:** Mr. Jacobs will request an encumbrance for the \$40,000 assessing services and encumber it to the Avatar contract which has already been signed. He also mentioned the Conservation Commission will be submitting a request for a Warrant Article.

**5.) OLD Business:**

There was no old business.

**6.) Other Business That May Come Before the Board:** There was none.

**7.) Approval of Minutes:**

Non-Public Minutes:

**Dec. 6, 2021** – Mr. Rawson made a **motion to accept the 12/6/2021 Non-Public meeting minutes as written**. Ms. Burnham seconded the motion. All were in favor; the motion was accepted.

Public Minutes:

**Dec. 6, 2021** – Mr. Rawson made a **motion to accept the 12/6/2021 Public meeting minutes as written**. Ms. Burnham seconded the motion. All were in favor; the motion was accepted.

**Dec. 14, 2021** – Mr. Rawson made a **motion to accept the 12/14/2021 Public meeting minutes as written**. Ms. Burnham seconded the motion. All were in favor; the motion was accepted.

**8.) Public Comments Relative to Current Meeting Topics:**

Mr. Jacobs said he has received questions regarding when meeting minutes are posted and why aren't they posted right away after a meeting. He explained he does not post draft minutes; he posts once they are approved. Ms. Burnham questioned the timeframe for posting minutes. Mr. Jacobs researched state statutes which says within 72 hours, however he does not post minutes if the BOS hasn't seen them. According to Mr. Brown, it should be within 144 hours. The posting on websites is up to the town to decide when to post. It was noted that draft minutes are posted at the Town Hall for residents to read. Mr. Rawson recognizes that improvements can always be made and they are getting better at posting information on the website in a timely manner.

Paul Steer: He thanked Chief Krauss for his dedication to the town. He also questioned his confusion and explained his original email was to request it to be as part of a non-public meeting rather than public. He was told it could not be part of a non-public. According to Mr. Brown, this should be part of public scrutiny and what is considered directed speech vs private speech.

**9.) Town Administrator:**

- a.) Our next meeting will be January 3, 2022.
- b.) The CIP will be submitting potential requests totaling \$839,682. The board will have to review each one thoroughly to be discussed in January. Mr. Rawson said the CIP is a great tool especially for a town of Milton's size and helps to not see tax spikes. As a small community it's very important to live within its means. The BOS strives to do its due diligence weighing the wants vs needs. He is very appreciative of the work of the committee. Ms. Burnham also thanked all who participated on the committee and to Bruce Woodruff. Chief Krauss agreed and said the CIP was phenomenal resource and really did their due diligence. He recommends next year all departments and department heads should get their data earlier to the committee as it was very helpful.

**10.) Selectmen Comments:**

Mr. Rawson: He has participated the last seven years and enjoys what he does. He is aware in the public eye, residents probably view the BOS as a whole board. The town does have a Code of Conduct as part of their policy handbook and suggests every elected official should read it. He understands that everyone will have differing opinions however it's a very fine line. Mr. Jacobs agreed that the BOS may be seen as the face of the town. As paid public servants recognize there is the code of conduct, and you just have to roll with the punches. Mr. Steer said the BOS should not be viewed as one as each was elected separately. Mr. Rawson appreciated the comment however that's not how the majority of the town views the BOS.

Mr. Rawson wished everyone a Merry Christmas and Happy Holidays and enjoy the time with their families.

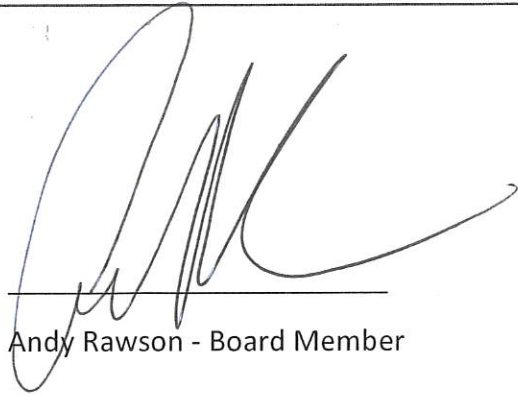
**11.) Adjournment:**

Mr. Rawson made a motion to adjourn the public meeting and to enter into the non-public meeting. Ms. Burnham seconded the motion. All were in favor; the motion passed. The public meeting adjourned at 7:50PM.

Given under our hands this 3rd day of January 2022



Claudine Burnham – Chairman BOS



Andy Rawson - Board Member

excused

Matthew Morrill - Board Member

END OF MINUTES