

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL NON-PUBLIC MEETING**

March 4, 2014 5:30 PM

NON-PUBLIC RSA 91:A3II - Personnel

PRESENT: Council Chairman Gary Levy, Council Vice Chair Dale Pike, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor John Bentley, Councilor Ed Carmichael

ALSO PRESENT: Town Administrator Steve Fournier

EXCUSED: None

AGENDA

Chairman Levy called the meeting to order at 5:36 pm.

Vice Chair Pike made a motion to move into Non-Public session and Councilor Weinstein seconded.

Town Administrator Fournier polled the council and the motion passed 6-0.

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TOWN ADMINISTRATOR CONTRACT

Town Administrator Fournier gave a brief overview of his employment contract as presented to the Council. He explained that the contract was for two (2) years and that the dates of the agreement had been changed. Under Compensation he had increased the base salary from \$93,000 to \$97,000, and requested up to a 5% CPI increase for 2016. He said that he had increased the possible bonus amount from \$6,000 to \$9,000, but had taken out the \$2,000 increments. He said he had also added a clause for other merit increases to be made at the discretion of the Town Council. Under Vacation he had increased the accrual rate from 4 to 5 weeks, and had included a statement that he be compensated for any unused time. Under General Business Expenses he noted that as he was on the Board of Directors of the New Hampshire Municipal Association, and that he would also be attending a Primex conference. He requested \$3,600 per year as a vehicle allowance, and stipulated that this amount should increase annually by a certain CPI percentage. Under Technology the stipend for his cellphone was requested to be increased to \$120/month. He stated that he had increased his Severance pay to 9 months compensation, which would include any changes made to the Charter. He added that he had reviewed other area contracts in an effort to keep his requests in line with other communities.

Town Administrator Fournier left the Council Chambers at 6:43 pm.

Chairman Levy opened the floor to questions. Councilor Bentley suggested they just start from the beginning in reviewing the contract. Councilor Weinstein questioned the date for non-renewal of the contract, saying that it should be June 1, 2017. Councilor Nazzaro requested it be July 1st due to the changing Town Council. Chairman Levy said that the Town Administrator wanted a decision by June, and that in regard to the bonus, goals were generally set in September/October and then

November/December. He asked the Council if they preferred the bonuses be tied to a fiscal year calendar, with the Council starting in March and goals set by the end of December. Councilor Nazzaro felt that the goals for the Town Administrator should be informed by the goals set by the Town Council. Chairman Levy stated that any Town Council discussions on Waste Water would not tie into the bonuses monetarily. He asked the Council if they felt the goals of the Town Administrator should be fiscal (May to June 30th) or whether they should be calendar-year based. Councilor Bentley suggested May, and Councilor Weinstein felt it made more sense to make it fiscal, with the council going April/May and the new goals beginning in July/August, giving the new council more time. Chairman Levy asked if June 1st would be agreeable, but Councilor Nazzaro said that he preferred July 1st. Councilor Bentley agreed to make it fiscal using the date of July 1st. Chairman Levy then pointed out that by July they would be deciding whether or not to renew the contract, and he did not feel certain that all the goals would be met by that time. He added that the Town Administrator might not want to wait through June without knowing about the goals, and that by July the contract would already be re-upped and that a decision first needed to be made about the progress of the goals. Vice Chair Pike suggested July/August but questioned council attendance during that time, and Chairman Levy said that they needed to lock in on "were the goals met" before renewing the contract. He suggested changing August 1st to October 31st as to whether or not to renew the contract, with renewal on October 31st.

Chairman Levy moved on to Compensation and asked the Councilors if they were comfortable with the requested amount. Councilor Carmichael said that he was not comfortable with the amount and Councilor Bentley added that an increase in Vacation had also been requested. Chairman Levy noted that for the first year the Town Administrator had received a good bonus and had received \$3,000 this year. Councilor Wright felt the bonus should not be given because it was "owed", but rather because it was earned. Councilor Bentley suggested giving a 2% increase over last year. Chairman Levy offered that if a 1.5% increase in salary had been given over the last three (3) years, the first year would have been \$94,300, the second year \$95,800, and they would then have arrived at a salary of \$97,200. Councilor Nazzaro suggested starting with the \$95,000 for this year, and Chairman Levy agreed on the amount with a 1.5% increase for next year and eliminated *Part b* under Compensation from the contract. They next discussed the rate of the incentive pay and Councilor Bentley felt that \$2,000 per goal was a lot of money. Vice Chair Pike suggested three (3) goals at \$2,500 each based on an 18-month schedule. Councilor Wright felt that the goals for this year were attainable, and Councilor Nazzaro added that the Council had already set the goals at \$2,000/each. Chairman Levy agreed with an 18-month schedule allowing more time to accomplish more goals. He suggested paying the Town Administrator at the completion of each goal rather than making him wait, as a way of compensation. Vice Chair Pike felt that consummation of the goals would be great but that it should be more than a report and should be integrated. Chairman Levy suggested setting the total for the goals at \$7,500 paid by June 30th of 2016 unless completed earlier, with the second \$7,500 paid in June of 2017. Councilor Nazzaro suggested that by July 1st, the end of the fiscal year, the three (3) goals should be given. Chairman Levy asked if all Councilors agreed to *Part d* under Compensation that other bonuses could also be awarded.

Chairman Levy stated that no changes had been made under Medical, and moved on to Vacation and a discussion of the five (5) weeks requested. He said that the Town Administrator did tell him every time he took vacation, and Councilor Carmichael suggested everyone on the Council should be copied with this information. Councilor Nazzaro mentioned that he had not even taken his four (4) weeks allowed

for this year, and that now he was looking for a buyout on his vacation. Chairman Levy suggested leaving the vacation time at four (4) weeks and that he be allowed to carry over 80 hours. He added that an audit of his vacation should be requested year-to-year. Vice Chair Pike said that he did not agree with compensating for unused time and that there should be some carryover. Chairman Levy suggested the Council inform the Town Administrator that they needed more time to go over this item.

They next moved on to General Business Expenses. Chairman Levy said that he had a Town car and was paid per mile for fuel. Councilor Nazzaro said that the prevailing rate was 56 cents/mile. Chairman Levy suggested they ask that mileage records be provided to the Council for review before making a decision on this. Councilor Carmichael felt they should request receipts to keep track. Vice Chair Pike said that he doubted the Town Administrator needed \$300-\$600 per month for gasoline. Councilor Nazzaro felt they should find a system for the mileage that made sense. They next discussed the request under Technology of \$120/month for a cellphone stipend. The Councilors agreed that he could use his own phone, but Chairman Levy felt they should ask the Town Administrator to see a copy of his monthly plan. Vice Chair Pike mentioned that most plans were going down, and Chairman Levy suggested it be set at \$100/month or a copy of his plan be provided. Councilor Nazzaro agreed but said that the statement requesting a yearly increase based on a CPI percentage should be eliminated.

Chairman Levy asked if there were any changes under the Termination section, and mentioned the paragraph regarding possible Charter changes. Vice Chair Pike asked why this was coming up now, and Chairman Levy replied that he was reserving his right to renegotiate his contract and address his concerns. He felt that *Part b* under Severance should remain at 6 months and not be increased as requested, and noted that under Resignation the number of days for notice had been changed. Chairman Levy then went back to the Renewal section, saying that they had agreed to change the expiration date to October 2017, and that notice of non-renewal should be changed from June 1st to August 1st, with August 1st also the date for automatic renewal of the contract for one year. Chairman Levy said that under Performance the date for knowing the goals should stay as June, and he then declared that a time out be taken in the Contract discussion at this time and be resumed and finished up at the next meeting.

Chairman Levy then brought Town Administrator Fournier back into the Council Chambers at 6:47 pm.

Chairman Levy provided Town Administrator Fournier with a recap of the Contract discussion. He said that on page 1 a date had been corrected from 2013 to 2017, and that they had changed the Term under *Part b* to August-October 31st. He said that under Compensation, his salary would be brought up to \$95,000 for this year with annual increases of 1.5%. He explained that *Part b* under Compensation had been eliminated completely. As far as Bonuses were concerned, he stated that the completion period had been increased to 18 months for \$7,500, and that he would be paid up to \$2,500 for the consummation of each goal, with "increments" deleted. Chairman Levy stated that they had decided to keep Vacation at four (4) weeks and that a spreadsheet should be provided to the Council showing what time had been taken. He then requested that mileage records be provided regarding the vehicle allowance request. Under Technology, he said that the Council felt the phone allowance should remain at \$100/month. He then questioned *Part iv* under Termination regarding the question of possible

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changes to the Town Charter. Town Administrator Fournier replied that the Charter could be changed and his position eliminated or degraded. Vice Chair Pike suggested addressing it at the next meeting.

Town Administrator Fournier stated that regarding the requested release of the Non-Public minutes of September 3, 2014, he had received a memo from Attorney John Ratigan to rescind the Notice of Condemnation, and that when it was closed it would be filed again.

Councilor Nazzaro made a motion to leave Non-Public session and Vice Chair Pike seconded. The motion passed the council 7-0.

Chairman Levy closed the Non-Public session at 7:02 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.