

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

April 1, 2015 6:00 PM

NON-PUBLIC RSA 91-A:3 II – PERSONNEL/LEGAL

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

ALSO PRESENT: Town Administrator Steve Fournier

EXCUSED: None

AGENDA

Chairman Nazzaro called the meeting to order at 6:02 pm.

Vice Chair Levy made a motion to move into *Non-Public Session RSA 91:3 II Personnel/Legal*, and Councilor Weinstein seconded.

Town Administrator Fournier polled the council and the motion passed unanimously, 7-0.

NON-PUBLIC RSA 91-A:3 II – PERSONNEL/LEGAL

TOWN ADMINISTRATOR CONTRACT

Chairman Nazzaro stated that the Council would review the edits to the Town Administrator Contract, adding that the Town Administrator was currently operating without a contract though he had been re-upped for one (1) year. He said that they needed to lock down a contract they could all agree on, and reminded the Council that they were last discussing questions regarding mileage reimbursement and a yearly cellphone stipend. He proposed that Town Administrator Fournier provide answers to those questions. Town Administrator Fournier replied that he received \$882.66 annually from the Municipal Association for transportation to meetings in Concord, as he was a member of the board of that association. He stated that his cellphone bill was usually \$150, and said that the Town provided him with a stipend to make sure he had a phone. Vice Chair Levy asked if \$100 would be an adequate amount to cover the business side, and Town Administrator Fournier replied that it would. Councilor Weinstein asked whether the Municipal Association would continue to pay for mileage, and Town Administrator Fournier replied that they would as long as he remained a member of the board. Chairman Nazzaro asked how often he went to Concord on business not related to the Municipal Association, and Town Administrator Fournier replied 15-20 times per year. Town Administrator Fournier then left the Council Chambers.

Chairman Nazzaro first wanted to make sure the new Councilors had reviewed and understood the edited document, and stated that they would start at the beginning of the contract and work their way through the changes that had been made for clarification. Firstly, at the top of the contract, he said that they had adjusted the date of the *Agreement* to *March 4, 2015*. Under **Term 2a** they had edited the term of the agreement to *May 1, 2015 through October 31, 2017*, as they had wanted to push the review further into the fiscal year, while also pushing the contract ahead one (1) month. Councilor Weinstein said that this would also give the new Councilors time to catch up. Councilor Thompson suggested the end of the year might be better. Under **Term 2b**, Chairman Nazzaro said that the date for notice of non-renewal by the Town was changed to June 1, 2015, with *August 1, 2015* as the date for automatic renewal of the contract if notice of non-renewal had not been provided. It was decided that the date of notice of non-renewal by the Town should also be *August 1, 2015*. Councilor Pike questioned how the dates meshed with the goal setting and analysis, and Chairman Nazzaro asked whether they should align the goals to the fiscal year. Councilor Pike felt they should rate the goals at the beginning of July, as they had gone to an 18-month goal period. Chairman Nazzaro stated that the annual base salary had been changed under **Compensation 4a** to *\$95,000*, and that **4b** had been mostly crossed out, leaving an annual 1.5% increase. Under **Compensation 4c** he explained that \$6,000 was the original bonus program, and that they had changed it to *\$7,500* over an 18-month period. He added that in the following year the program would revert back to a straight calendar year.

Vice Chair Levy pointed out that they had also decided to pay the Town Administrator upon goal completion, so that he would not have to wait until the end of the 18-month period. He said that they felt some kind of incentive would be important and that measurable goals should be given versus giving the incentive as part of his salary. He added that the original goals had been easy, and that departmental reviews had still not yet been completed. Councilor Pike felt the goals should fit with the job description for the position. Chairman Nazzaro said that they felt there were things they needed to get right, and Vice Chair Levy said that higher goals had then been set which were not met, resulting in one-half of the bonus being awarded. Chairman Thompson stated that she was not a fan of giving bonuses as they needed accountability, and that the base salary was decent. Vice Chair Levy said that this year was basically one large goal. Chairman Nazzaro asked if they wanted to keep "goals" as part of the bonus program. Councilor Weinstein felt there should be three (3) goals with an annual 1.5% increase. Councilor Burns suggested they could instead base the annual increase on how the goals were met. Councilor Pike felt that it was good to keep the goals in place for this contract, and that some of the conversation should be moved into the Public meetings, adding that the Town Administrator should be able to meet the goals that were assigned. Vice Chair Levy stated that the Town Administrator had been given 45 days to find efficiencies in all departments, with an action plan for improvements which must include cost savings. Councilor Pike felt that more work needed to be done regarding the goals. Chairman Nazzaro said that these could be reviewed at another non-public meeting with structures. Vice Chair Levy pointed out that the salary of \$95,000 at 1.5% increase amounted to almost \$100/year plus bonuses. Councilor Thompson stated that she had an issue with the automatic 1.5% salary increase. Vice Chair Levy said that it got them out of the CPI increase and also showed good will on the part of the Council.

Chairman Nazzaro move on to **Vacation/Sick Leave/Holidays 6a** stating that the requested 5-week vacation had been changed back to 4 weeks, and that the requested compensation for unused time was crossed out. He said that **General Business Expenses 8b** included the addition of Primex as a conference destination, and under **8e** corrections were made to membership names. Chairman Nazzaro said that the original language had been retained under **8g**, and that the Council was waiting for actual annual vehicle expenditures to be provided by the Town Administrator before its completion. He next pointed out that the request under **General Business Expenses 8h** for a vehicle had been eliminated. Chairman Nazzaro stated that under **Technology 9b** the Town Administrator had asked for \$150 for a cellphone, but that the Council had kept it at \$100 per month. Vice Chair Levy suggested providing the Town Administrator with a low-cost phone for business purposes. Councilor Thompson pointed out that he would need "unlimited data", and asked if the submission of an expense report had ever been requested. Chairman Nazzaro said that they never had, but that one should probably be asked for. Vice Chair Levy said that he agreed \$100/month was fair, and that it should not be increased. Councilor Pickering asked whether information from other communities had been requested regarding the 1.5% increase. Chairman Nazzaro replied that the examples provided were all greater than what the Town Administrator was currently getting. Councilor Pike said that salary surveys information had ever been considered. Vice Chair Levy pointed out that the CPI was higher than the 1.5% increase given. Chairman Nazzaro stated that he felt the Council should be helping the Town Administrator reach his goals. Councilor Thompson agreed that there should be checking and follow-up. Councilor Pike felt that more self-initiative was needed, but said that the Town was well run, and the people liked Town Administrator Fournier.

Chairman Nazzaro next addressed the changes under **Renewal 13b**, where the contract agreement expiration date had been changed to *October 31, 2015*, and the corrections to the non-renewal dates as listed under **Term 2b**. Under **Renewal 13c**, he asked the Council if the date for conclusion of negotiations should remain August 1st, as this left only two (2) months to have the conversation with the Town Administrator and work out the contract. He added that meeting attendance also fluctuated more in the summer months and asked if the date should be pushed forward. Councilor Thompson felt that changing the date to September gave more room. A date of *September 15, 2017* was suggested and was agreed upon by the Council. Chairman Nazzaro moved on to **Performance Evaluation 14a** regarding the establishment of goals. Councilor Pike asked if the goals should be ready in July instead of September, which gave one (1) year from the end of June for completion. Chairman Nazzaro asked if there were questions regarding moving the goal completion date to July. Councilor Weinstein asked whether the Council needed the time, and Vice Chair Levy said that time was needed to have a meeting and set the rationale. Chairman Nazzaro said that they could take the contract and the goals into one (1) month. Vice Chair Levy felt the goals should be ready to go when the fiscal year ended. Councilor Thompson pointed out that there was a conflict in the dates. The Council agreed to amend the date for the establishment of the goals to *July 31st*, keeping the goals more in line with the fiscal year. Councilor Pike said that Town Administrator Fournier had put his own language around the goals, and reiterated that discussions should be moved out of non-public. Town Administrator Fournier was called back into the Council Chambers at 7:55 pm.

Town Administrator Fournier voiced his decision on corrections to the amended contract which included setting his *base salary* at \$96,000 with a *2% annual increase*. He said that he was in agreement with the

\$7,500 for *bonuses* and that he was withdrawing his request for a Town vehicle. He stated that he would leave the *phone* at \$100/month, but that he was changing the requested vacation time back to *five (5) weeks with compensation* for unused time. He stated that under **11b** he was changing the number of months of *severance compensation* back to *nine (9) months*. He added that \$95,000-\$97,000 salary was in the usual range of base salaries and that he could provide this information for comparison.

Chairman Nazzaro stated that another non-public session would be held at the next Town Council meeting on April 15, 2015 to discuss the goals.

Town Administrator Fournier raised the issue of ongoing assessment negotiations, about which he needed to inform the Council. He stated that new assessors had been hired in 2013 and that they had discovered one property that was not taxed that should have been taxed. He said that a tax bill had been sent and that they had agreed to the payment of the taxes for the non-educational portion, with payments of the Municipal and County taxes of approximately \$5,000/year for seven (7) years, at which point a re-review would be triggered. Chairman Nazzaro asked if he was just informing the Council on the matter. Town Administrator Fournier replied that he would have the assessor to the first Council meeting in May to review the issue with the Council, but that he needed to have the Council on board.

Councilor Pike made a motion to move out of Non-Public session and Councilor Burns seconded. The motion passed the council 7-0.

Chairman Nazzaro closed the Non-Public session at 7:05 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.