

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

April 15, 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, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

EXCUSED: None

AGENDA

Chairman Nazzaro called the meeting to order at 6:03 pm.

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

Chairman Nazzaro polled the council and the motion passed 6-0.

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

TOWN ADMINISTRATOR CONTRACT

Chairman Nazzaro first addressed the three (3) outstanding Contract issues left unresolved. He stated that the first issue was in regard to **Compensation**, specifically the annual base salary for which Town Administrator Fournier had originally requested \$97,000 with an annual increase based on the national CPI percentage. The Council had agreed on a base salary of \$95,000 with a 1.5% annual increase, and Town Administrator Fournier had then countered that offer with a request of \$96,000 annually with a 2% annual increase. Chairman Nazzaro stated that the second unresolved issue concerned **Vacation/Sick Time**, for which the Town Administrator had originally requested five (5) weeks of paid vacation time and had requested compensation for all unused time. The Council had recommended vacation time remain at four (4) weeks with no compensation for unused time, allowing the possibility to carry over 80 hours yearly. Town Administrator Fournier had then returned to his original request of five (5) weeks with compensation. Chairman Nazzaro said that the last unresolved issue was in regard to **Severance**, for which the Town Administrator had requested nine (9) months compensation. The Council had agreed on six (6) months, and the Town Administrator had gone back to his request for nine (9) months.

Councilor Thompson said that she approved of the request by Town Administrator Fournier for a base salary of \$96,000, but added that the annual increase should remain at 1.5%. She recommended that vacation time be limited to the original four (4) weeks with carryover, and that severance remain at six

(6) months. Chairman Nazzaro pointed out that though the annual increase based on CPI had been 5% in 2012, it was now only 1%-2%. Councilor Pike said that he did not agree with the request to be compensated for unused vacation time, feeling that it was not good Public Relations. Vice Chair Levy agreed and felt it should remain a "use it or lose it" situation. Councilor Pike added that the flexibility of some carryover year-to-year still remained. Vice Chair Levy felt that the carryover should stay at 80 hours aggregate per year, and Councilor Pike said that this meant the Town Administrator would never have more than six (6) weeks' vacation per year (4 weeks' vacation plus carryover of 2 weeks). Chairman Nazzaro mentioned that the current contract would not hit the 5-year mark. Vice Chair Levy said that he agreed with Councilor Thompson that \$96,000 for the base salary with an annual increase of 1.5%, was a nice compromise. Chairman Nazzaro said that he felt vacation should be taken as recommended by Human Resources and fiscal procedures, and that employees were more productive as a result. Chairman Nazzaro then asked for a consensus of the Council regarding vacation, and the Councilors were in agreement that it should remain four (4) weeks with no compensation for unused time. Councilor Pike felt that perhaps after five (5) years of performance, the Council might agree to increase the vacation to five (5) weeks. Chairman Nazzaro asked whether Town Administrator Fournier had taken all of his vacation time for the year, and mentioned that they had requested that information be provided to the Council. Vice Chair Levy said that he did not always provide what the Council asked.

Chairman Nazzaro reviewed the discussion of the *Base Salary* stating that it had been \$93,000 and the Council had given \$95,000, and he asked whether all were in agreement with changing it to \$96,000. All of the Councilors agreed to the \$96,000 base salary. Chairman Nazzaro then reviewed the 2% *Rate of Increase* requested. He stated that a \$96,000 base with a 1.5% annual increase would raise the salary to \$97,440/year, with \$97,920/year based on a 2% increase, for a difference of \$480. Vice Chair Levy asked if the increase was reasonable. Chairman Nazzaro felt that he would rather change the annual increase to 2%, and keep the vacation time to four (4) weeks. He said that Town Administrator Fournier had shown a very direct response to the changes suggested by the Council, though he agreed that the Town Administrator had not had much time to review the contract. Councilor Pickering asked if the CPI increase that had been requested was based on the Boston CPI or the National CPI. Vice Chair Levy reminded the Council that a bonus program was also being offered, with the opportunity for the Town Administrator to earn an extra \$7,500. Chairman Nazzaro felt that they should keep the bonuses, and Councilor Thompson felt they should be taken away. Councilor Burns mentioned that some of the work should fall under the requirements of the position. Chairman Nazzaro pointed out that the annual increase would continue to grow at an accelerated rate, and that they had the option of offering 2% for the first year and 1.5% for the second. He asked the Councilors for their recommendations, which were generally 1.5% for the first year and 2% for the second, with Councilor Pike suggesting 1.75% for both years. The Council agreed to an annual increase of 1.75% across the board. Chairman Nazzaro suggested that *Severance* should stay at six (6) months, which Vice Chair Levy felt was fair. Councilor Pike asked what would happen if Town Administrator Fournier came back again countering their recommendations. Chairman Nazzaro replied that this should be the final contract offer.

Chairman Nazzaro then moved the discussion to the setting of the goals for the Town Administrator. He said that basically one major goal had been assigned, which was the analysis of departmental efficiencies with recommendations to include cost savings for the Town. He stated that proposals received so far from possible consultants had ranged \$50,000 and above. He said that the Council had

not done due diligence in asking for quarterly reports from the Town Administrator. Vice Chair Levy said that the Town Administrator had been given 45-60 days to come up these efficiencies, and that the Council had not received anything to date. Chairman Nazzaro pointed out that they were now at 90 days, and Councilor Weinstein felt that they should be clearer about their expectations and that this should have been the first quarterly meeting. Chairman Nazzaro felt that the Council needed to see what had gone into the Request for Proposal (RFP) so that they could understand how the consultants had arrived at the \$50,000 figure. Councilor Pike said there had not been a lot of dialog with Town Administrator Fournier in discussing his goals, and that some of the business of the goals should be moved into the public agenda. Chairman Nazzaro said that Town Administrator Fournier did not want these discussions to be held publicly as they may adversely affect his image. Councilor Thompson said that work should be public, and Councilor Pike added that this would also make the non-public sessions shorter.

Vice Chair Levy asked what would happen if the RFP came to \$60,000 or \$70,000, adding that the Town Administrator had felt a consultant would ease his process. Councilor Pike said that he would need to see the proposal, but felt that it might be worth a conversation if budget savings were included. Vice Chair Levy suggested that any employment changes would be resisted and that there would be pushback. He explained to Councilor Burns that the Council needed to be prepared to take action, and Chairman Nazzaro added that they should expect some return. He said that the discussion was hypothetical at this point, and that they needed a clear understanding of what was asked for in the RFP, and what the recommendations of the consultant had been. He said that the original goal had started with Dispatch and had been broadened to the larger goal of finding efficiencies in all departments. Councilor Pike said that they needed some idea of the "wave point" for the Town Administrator as to where he expected to be at what time. Chairman Nazzaro stated that they also needed to discuss the Council goals for the year, and asked if the next non-public meeting should address their goals or those of the Town Administrator. Councilor Pickering felt that they should finish up with Town Administrator Fournier first, and Vice Chair Levy agreed. Councilor Weinstein suggested that the regular Town Council meetings were not that long and more time could be added. Chairman Nazzaro suggested that though they could not vote at a workshop, they could hold a workshop one (1) hour before the session if needed.

Councilor Pike made a motion to move out of *Non-Public Session RSA 91:3 II Personnel/Legal* and Vice Chair Levy seconded. The motion passed unanimously, 7-0.

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

Correction of Non-Public Minutes of April 1, 2015

Vice Chair Levy made a motion to move back into Non-Public session at 8:32 pm to correct the Non-Public minutes of April 1, 2015. The motion was seconded by Councilor Weinstein. The motion passed the Council unanimously, 7-0.

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Councilor Burns made a correction to page 3 of the minutes as follows: "*Councilor Burns* asked if the submission of an expense report had ever been requested", as the statement had been incorrectly attributed to Councilor Thompson.

Councilor Weinstein made a motion to move out of Non-Public session which was seconded by Councilor Pike. The motion passed unanimously by a vote of 7-0.

Respectfully submitted,

Patricia Denmark, Recording Secretary.