

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

May 20, 2015 5:30 PM

NON-PUBLIC RSA 91-A:3 II – PERSONNEL

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

EXCUSED: Councilor Weinstein

ALSO PRESENT: Town Administrator Steve Fournier, Town Clerk/Tax Collector Terri Littlefield, Town Attorney John Ratigan

AGENDA

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

Councilor Pickering made a motion to move into Non-Public Session, and Councilor Pike seconded.

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

NON-PUBLIC RSA 91-A:3 II – PERSONNEL

Employment Agreement – Town Administrator

Chairman Nazzaro presented Town Administrator Fournier with the adjustments that had been agreed upon by the Council regarding his two-year employment contract with the Town of Newmarket. He stated that these adjustments specifically concerned annual salary, annual incremental rates, severance time and vacation time. He stated that the Council had agreed on a salary of \$96,000 with a 1.75% annual automatic increase. He said that they had decided to keep vacation at 4 weeks and severance time at 6 months. Chairman Nazzaro stated that the offer was on the table, and that the Council felt it was fair and felt that Town Administrator Fournier had done a solid job in his role for the Town. He said he hoped that Town Administrator Fournier would agree to the contract and spare the Council further adjustments. Town Administrator Fournier asked if there would be any vacation carryover, and Chairman Nazzaro replied that 80 hours could be carried over into the next year. Councilor Pike added that this was the usual amount offered by generous companies. Chairman Nazzaro said that he felt the purpose of vacation was to keep the Town Administrator rested, and that he should make an effort to take his vacation. He said that the 80-hour carryover basically gave the Town Administrator 6 weeks' vacation at the start of the year. Councilor Pike felt that in the future it might be possible for the Council to discuss and consider vacation time of 5 weeks. Town Administrator Fournier asked if changes to the Town Charter would reopen his contract, and Chairman Nazzaro replied that both parties had that option. Town Administrator Fournier argued that if his position were eliminated by the Charter Commission he would get no severance. Chairman Nazzaro pointed out that no Charter revisions had been made in decades, and that the Contract stated specifically that it was to be renegotiated in two (2)

years. Town Administrator Fournier asked the Council to make sure that any non-public minutes would include and cover any Charter issues for his notification. He stated that he agreed procedurally to the contract offered, and asked the Council to make a motion during the public meeting that they had approved the Town Administrator Contract.

Town Administrator Goals

Chairman Nazzaro next addressed the goals set for Town Administrator Fournier by the Council and requested the first quarterly report be provided. He said that the report should list his goals as well as the activities completed over the last quarter, and that it should also include a list of planned activities for the next quarter. Councilor Thompson stressed that the Council also needed to be pro-active in scheduling the performance evaluation review. Councilor Pike said that though the framework and language for the goals had been provided, they also needed to be further refined. Vice Chair Levy asked if the goals for the Town Council had been set and Chairman Nazzaro replied that they had not. Vice Chair Levy felt the goals for the Council should be fixated on a timeline, independent of the goals for the Town Administrator, to keep them on track. Councilor Pike agreed adding that one goal had already been made in setting the quarterly reports from the Town Administrator. Chairman Nazzaro stated that the Council should also monitor their own goals on a monthly basis. Vice Chair Levy noted that the Council goals could be set at a Public meeting, and recommended they be discussed at the next meeting or the one after. Chairman Nazzaro said that they would first need to check the agenda for the next meeting, and felt the Town Council goals should be aligned with the fiscal year. He said that he would be sending out the last performance reviews for Town Administrator Fournier, along with the goals set for him by the Council, and the updates requested to be provided by the Town Administrator.

Vice Chair Levy then made a motion to leave Non-Public Session which was seconded by Councilor Thompson. The motion was approved by a vote of 6-0, and *Non-Public RSA 91-A:3 II – Personnel* was closed at 5:55 pm.

A Non-Meeting consultation with Town Attorney John Ratigan was held at 6 pm.

NON-PUBLIC RSA – DEEDING

Vice Chair Levy made a motion to move back into Non-Public Session which was seconded by Councilor Pike. The motion passed the Council by a vote of 6-0, and *Non-Public RSA - Deeding* opened at approximately 6:24 pm.

Town Clerk/Tax Collector Terri Littlefield passed out some information to the Town Council and gave a brief overview of **Deeding**. She stated property taxes had been paid but that unpaid water and sewer taxes were sent out for Lien in 2012. She explained that 2 years after the liens for unpaid taxes on water and sewer were sent out, the property was seized by the Town. Town Administrator Fournier clarified that a lien was first placed on the property and if still unpaid after 2 years, the deed was then seized. Chairman Nazzaro pointed out that people were constantly in their last year paying at an 18% interest rate. Town Administrator Fournier reported that \$143,000 in taxes was currently uncollected. Town Clerk/Tax Collector Littlefield said that her report listed **2012 Tax Liens** for unpaid Water & Sewer taxes,

with the total due for each property listed on the right. She stated that the Town had never deeded mobile homes and that six (6) were included on the report. Town Administrator Fournier clarified that though most mobile homes were owned, the land they were on was not. He said that this meant that if Town seized the homes they would be liable to pay the property taxes.

Town Clerk/Tax Collector Littlefield first addressed the D'Addario property listed on the 3rd line of the report which was valued at \$144,300. She stated that the owner had requested that she ask the Town Council if a payment plan could be set up. She said that taxes were owed for 2012, 2013 and 2014, with \$11,810 for water and sewer. Vice Chair Levy said that the Council tried to treat all people the same and not make any deals. Town Clerk/Tax Collector Littlefield said there was no mortgage involved as it had been discharged, and that the owner had made one payment of \$1,500 and then asked her to address the issue to the Town Council. Councilor Thompson expressed concern that the owner would never get out of the debt. Town Clerk Littlefield said that the owner had been receiving a disabled veteran stipend for her husband, but that he had passed away and this had been discontinued. Councilor Pike felt that if the Council was not going to be flexible in the case then the details mattered less. Chairman Nazzaro asked if the Council felt they should move away from their stance of no exceptions. Vice Chair Levy said that if they made an exception in this case, then they would have to do the same for everyone, and felt they could not give preferential treatment. He added that he did not think the owner would lose her house. Chairman Nazzaro said that they were then asking the owner to pay off the \$3,654.50 debt or lose her home. Town Attorney John Ratigan stated that the owner had a right to redeem, and asked if issues of interest, etc. would be waived. Chairman Nazzaro replied that they were not prepared to bend the rules at this time, and Councilor Pike agreed. Chairman Nazzaro reiterated that policy-wise they would not make an exception, adding that this was not because they did not feel for the owner and her situation. Town Clerk/Tax Collector Littlefield stated that the taxes were due on June 18th at 5 pm.

Town Clerk/Tax Collector Littlefield next addressed the Lamprey Aerie property at 41 Exeter Road, stating that the taxes had not been paid and that the mortgage holder had not returned her calls. She then addressed the property at 33 Beech Street, saying that payments were being made and she felt confident they would come through with the remainder. The last property addressed was the Terrio property at 90 Hersey Lane, and Town Clerk/Tax Collector Littlefield said that the estate was held by a Law Office in Massachusetts.

Town Clerk/Tax Collector Littlefield then moved on to the six (6) Mobile Homes listed on the 2012 Tax Lien. She first stated that the Anderson mobile home in Lamprey River Park had been granted a 60-day extension, and that two (2) payments had been made in 2015 totaling \$3,100. She next addressed the Brady mobile home at 40 Colby Road stating that this non-payment issue was a yearly repeat, and that the mother lived in Nottingham. She said that the Giunta mobile home at 100 Colgate Road was the same situation yearly and that they would probably pay up. She next addressed the Robshaw mobile home at 23 Lamprey River Park saying that she had been told by the owner that they were waiting on their tax return and would pay the money owed by June. She said that regarding the Stein mobile home at 148 Dartmouth Circle, the owner was making payments and usually paid up. Lastly she addressed the Wells mobile home at 30 Lamprey River Park stating the owner usually paid on time. Town Clerk/Tax Collector Littlefield stated that word had gotten out regarding the 60-day extension granted to Anderson. Town Attorney Ratigan said that RC850 allowed the Town to sue people in small claims court

who did not pay their taxes. He said that they could garnish wages or get payments from the Court, and felt that they should do all of them at the same time. Chairman Nazzaro asked the Council how they felt about this issue and all Councilors agreed they should proceed. Town Attorney Ratigan said that this was an alternate collection method. Chairman Nazzaro felt that it also removed the disincentive to pay the taxes. Town Clerk/Tax Collector Littlefield stated that she would come back on June 17th with a list of those who had paid. Town Attorney Ratigan said that he did not want to go after good mobile home parks that were proactive about everyone in their park. Chairman Nazzaro asked what being "proactive" meant. Town Administrator Fournier explained that the park paid the land tax and the mobile home owner paid the property tax, and Town Attorney Ratigan added that owners who did not pay were driving down the value of the park. Town Clerk/Tax Collector Littlefield added that the park pays to get the mobile home owner out. Councilor Thompson felt that if Lamprey owned the land they had a responsibility for any structures on their land. Town Attorney Ratigan said that if they took the mobile home without owner agreement they would have to pay, and that they did not want to own the mobile home to have it removed. Councilor Pike said that he was in favor of the process but was just concerned with the wording. Town Administrator Fournier stated that he needed a motion to accept the deeds of these properties tonight. Town Clerk/Tax Collector Littlefield added that she would need to know specifically what to tell people when they called her office.

Councilor Thompson made a motion to move out of Non-Public Session, and Councilor Burns seconded.

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

Chairman Nazzaro closed the Non-Public Session at 6:55 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.