

**Town of Newport, New Hampshire
Board of Selectmen
Minutes for Meeting of August 8, 2016
6:30 pm, Municipal Building**

SELECTMEN PRESENT: Jeff Kessler, Chairman; Todd Fratzel, Vice Chairman; David Hoyt, William Wilmot, John Hooper II

STAFF PRESENT: Shane P. O'Keefe, Town Manager; Paul Brown, Finance Director; James Burroughs, Police Chief; Julie Magnuson, Planning and Zoning Administrator; Liselle Dufort, Town Clerk, CTC; Ken Dennis, Buildings and Grounds; Beth Rexford, Recreation Department; Bill Scanlon, Highway Department Supervisor; Jeremy Proper, PWD; Craig Sartwell, PWD; Tammy Flewelling, Senior Deputy Tax Collector; Krystel Howe, PD; Craig Robertson, PD

COMMUNITY MEMBERS PRESENT: Bruce Burroughs, Goldie Burroughs, David Kibbey and Bert Spaulding, Sr.

CALL TO ORDER: Chairman Kessler called the meeting to order at 6:31 p.m. followed by the Pledge of Allegiance.

MINUTES FROM PREVIOUS MEETING: July 11, 2016 & August 1, 2016
On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board approved the minutes of the August 1, 2016 meeting as presented. The motion passed 5-0-0.*

Minutes from Non-Public Session (NPS) #1 of August 1, 2016:

On a motion by Selectman Wilmot, seconded by Selectman Hoyt; *the Board voted to approve the minutes of the first NPS of August 1, 2016. The motion passed 5-0-0.* The minutes remained sealed.

Minutes from Non-Public Session (NPS) #2 of August 1, 2016:

On a motion by Selectman Hoyt, seconded by Selectman Fratzel; *the Board voted to approve the minutes of the second NPS of August 1, 2016. The motion passed 5-0-0.*

Minutes from NPS #2 of July 11, 2016:

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted to approve the minutes of the second NPS of July 11, 2016. The motion passed 5-0-0.* Chairman Kessler stated that the minutes of the second NPS of July 11, 2016 were sealed minutes. The Board members were instructed to destroy any copies of the minutes they had.

Chairman Kessler addressed Town Manager O'Keefe and asked for protocol for keeping a copy of the NPS minutes for the record. Town Manager O'Keefe explained the appropriate procedure for securing NPS minutes to the Board members.

CONSENT AGENDA: On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to approve the Consent Agenda for August 8, 2016. The motion passed 5-0-0.*

Chairman Kessler addressed the audience and stated he wanted to thank the Jake Maxfield Foundation and all their volunteers for the excellent work done on the boardwalk behind the high school.

Chairman Kessler also announced a voluntary water reduction notice. He read aloud from a prepared notice which stated that the Newport Public Works Department was requesting a voluntary water reduction notice for those using Newport municipal water. Chairman Kessler stated Gilman Pond had

dropped one foot in one week. Town Manager O'Keefe concurred, stating that it would likely drop further with the predicted weather forecast. Chairman Kessler encouraged individuals with private wells to also reduce their water usage.

ACTION ITEMS:

Amendments to Personnel Plan

Chairman Kessler addressed the audience and stated that the personnel plan was one of the major items that they had wanted Town Manager O'Keefe to look at when he was hired. Town Manager O'Keefe had looked at it, made some proposed changes, the Board members had looked at it, commented on it and department heads had also given their input.

Addressing the audience, Chairman Kessler stated a timeframe in which he had to leave the meeting. He told those gathered that discussion could continue without him, or the topic could be continued at the next BOS meeting (August 15, 2016). Chairman Kessler addressed Town Manager O'Keefe and asked him to explain what he had found and the proposed changes he had made.

Town Manager O'Keefe gave a synopsis of the process in which he had gone about making proposed changes to the personnel plan. He explained that drafts were distributed to the Board in the beginning of July 2016 and had a few revisions, with Board members input as well as department heads comments.

Town Manager O'Keefe went through the proposed changes page by page. He started with the initial clause on page one with the new heading GENERAL PROVISIONS which gave the BOS the authority to adopt a personnel plan for the Town of Newport. Town Manager O'Keefe emphasized the additions made to the personnel plan for the employees present, including Accommodations for Individuals with Disabilities (ADA), Nepotism, Pre-employment Evaluations, Overtime, Bereavement, Safety, Miscellaneous Policies (especially social media) and Vacations.

Town Manager O'Keefe stated that he was proposing the removal of the OUTLINE OF FRINGE BENEFITS section because it could potentially change in the future. An up-to-date handout could be distributed annually to employees stating the fiscal year's benefits.

Town Manager O'Keefe stated that he proposed that employees earn vacation time as they went along instead of an end-of-year allotment. It would be helpful from a recruiting standpoint to allow new employees to use vacation after their probationary period, and would allow existing employees to earn vacation time each pay period and use it as it was earned if they chose to. He explained his proposed procedure for vacation to the Board members and employees present, which would allow for some vacation carry-over from year-to-year, unlike the existing condition.

Chairman Kessler asked Town Manager O'Keefe to explain how the proposed personnel plan compared to the union contracts with the Public Works Department and the Police Department. O'Keefe stated that if there was a conflict between the two, then the collective bargaining (union contract) trumped the Town personnel plan.

Chairman Kessler stated that the BOS needed to review the whole document, but that there were many people present at the meeting who were concerned with the vacation section. Some were concerns from employees that had worked for the Town for many years. He stated the employees present were concerned that they would lose earned vacation and have to earn vacation time differently than in the past and that the new system would hinder them from having planned vacations at various times of the year.

There was a discussion between the Chair and Town Manager O'Keefe clarifying the accrual and use of vacation time. Selectman Fratzel addressed the Board and Town Manager and stated that historically the Town had had very low turnover. They had many long-term employees. The existing (vacation) system

had worked for them. Because people were upset about the change he did not see a benefit to changing it. Potentially, financially it would be a tough year until the proposed system was caught up. He explained financial downsides to it. Selectman Fratzel stated he was not in favor of changing the present vacation system.

The Chair asked other Board members to voice their opinion.

Selectman Wilmot cited #2 under Vacations. He asked O'Keefe if the section was for new employees only. There was a discussion among the Board members on the vacation section of the personnel plan.

Chairman Kessler asked Town employees present at the meeting for their input.

Amy Spreadbury explained that Town employees had been presented the proposed plan and thought long-time employees would start the year with zero vacation days and that they would have to accrue them (as if they were new hires). What wasn't in the policy was that long-time employees would still have their vacation and then would begin accruing their next year's vacation.

Town Manager O'Keefe stated that his proposal called for all vacation earned in 2016 to be given to employees at the end of the year as normally done, but that employees would begin earning and able to use 2017 vacation right away instead of waiting until the end of the year.

The following employees also voiced their concerns and asked for clarification of the proposed changes to the Vacation portion of the personnel plan: Liselle Dufort, Town Clerk, CTC; Craig Sartwell, PWD, Tammy Flewelling, Senior Deputy Tax Collector; Julie Magnuson, Planning and Zoning Administrator (Department Head).

Police Chief James Burroughs addressed the Board and stated that there was nothing wrong with the existing system. He did not know why the BOS would want to change something that was not broken and that they admitted would have first year issues. He stated it would be good for a new employee, but not for the long term ones.

Ken Dennis, Buildings and Grounds Department, questioned why, if they wanted incentives for new employees that the Board just call them new employee incentives and leave the regular vacation policy intact.

Bruce Burroughs addressed the Board and asked if the BOS had looked into the State of New Hampshire vacation policy.

There was a serious discussion between the Board members, Finance Director Brown and Town Manager O'Keefe as to the best way or whether to implement the proposed vacation policy. Selectman Fratzel reiterated that he wanted to leave the vacation part of the personnel plan the same. Selectman Wilmot agreed with Selectman Fratzel; stating that the Town should keep what they had and have a sidebar plan for new employees.

O'Keefe stated for clarification that it would be a first year incentive program. Selectman Wilmot concurred. Town Manager O'Keefe stated he would work on a first year incentive program for the personnel plan.

Finance Director Brown addressed the Board and explained one historical change that had been made for the benefit of new employees that provided them with time off. He also explained scenarios that might concern senior employees such as himself; that of potentially being able to have an earned time buy out. Finance Director Brown stated that the police contract allowed for one week of vacation buyout time at

the end of the year. He wondered if the Board would consider some type of proposal like that for employees that had reached a level of employment in which they would only be using vacation time to “burn” it. Chairman Kessler said that the BOS would have to budget for allowing buyout.

The Chair asked Town Manager O’Keefe to explain the proposed section 4 under Vacations. O’Keefe gave a brief explanation and then moved to page 2 of the Personnel Plan.

Town Manager O’Keefe explained the new definition of DAY in the personnel plan. He explained that, for the sake of vacation and holidays, the amount of time an individual was scheduled to work was different for different employees, so the time earned should reflect that individual’s work schedule; it is not equitable for an individual working 35 hours per week to earn the same amount of holiday leave as an employee working 48 hours per week. He also reviewed the chart which showed hours worked and hours of leave. There was a lengthy and intense discussion on the definition of a day, definition of Town full time position and other definitions under the section DAY.

Mr. Ken Dennis brought up the holiday pay for the Buildings and Grounds employees. He stated that the chart stated the employees would receive eight hours of holiday time. Their days were ten hours long. He asked about considerations for those with varying numbers of hours in their workday. There was a lengthy discussion on holiday pay for employees among the Town Manager and Selectmen. They heard from another department whose employees had the same question on holiday pay as the Buildings and Grounds.

The Selectmen continued their debate on the merits of the system.

Mr. Craig Robertson suggested that the BOS look at the Newport Police Department contract and their policy on holiday pay. He explained how the police department worked it out in their contract.

The Selectboard continued their debate on the subject of holiday pay. Numerous departments were cited as having different shift lengths and week rotations. Mr. Dennis addressed the Board and reminded them that he had created the different shifts within the Buildings and Grounds on direction by the BOS at budget season. It was not something his crew had requested (four-day work weeks).

The BOS asked Finance Director Brown to give financial information on how holiday and vacation days were distributed. He told them the current distribution. The BOS and Finance Director Brown discussed the monetary compensation to employees with the new system.

Selectman Fratzel asked Mr. Dennis about holiday scenarios in which employees might earn more than forty hours a week. Mr. Dennis explained the default in the Buildings and Grounds system to limit workers to forty hours a week. Employees were denied additional hours, because the department had been refused overtime pay (at budget season). Selectman Fratzel debated the claim.

Mr. Dennis stated that he wanted clarification on the new personnel policy for his employees. Addressing the Board, he stated that they were dedicated people and the Board needed to remember that.

Chairman Kessler and Board members continued their debate on holiday hours and pay for employees. Selectman Fratzel stated that what he wanted to see with the new policy was consistency throughout the departments. The BOS rehashed earlier concerns in the meeting.

Selectman Fratzel made a motion *to accept the Town Manager’s definition of a day, page two, Section II DEFINITIONS A.4. DAY and page thirteen Section VI HOURS OF WORK AND OVERTIME B. 1.c. as proposed.*

Chairman Kessler asked for a second. The motion was seconded by Selectman Hooper. The Chair asked for discussion. Selectman Hooper asked for the wording to be clarified in the personnel plan. He gave a scenario of giving holiday pay of ten hours as opposed to eight hours. The Chair and Selectmen reiterated their opinions on the subject.

Mr. Dennis addressed the BOS and stated that he only wanted clarification for his department. He did not want his employees to get short changed.

The Chair called for a vote. Selectman Wilmot asked for a roll call vote.

On a motion by Selectman Fratzel, seconded by Selectman Hooper, ***the Board voted to accept the Town Manager's definition of a day, page two, Section II DEFINITIONS A.4. DAY and page thirteen Section VI HOURS OF WORK AND OVERTIME B. 1.c. as proposed. Wilmot voted nay, Hooper yes, Kessler nay, Hoyt yes, Fratzel, yes. The motion passed 3-2-0.***

Chairman Kessler returned to the Personnel Plan and went through the proposed changes page by page. He requested that the Board return to the subject of Nepotism at the August 15, 2016 BOS meeting. There was short discussion on it.

They discussed some sections and indicated proposed rewording as they went through the plan.

The Selectboard concurred that on page eight, G. 4. Motor Vehicle Background Check would be changed to read: All candidates ~~shall be required to operate a vehicle while in the employ of the Town~~ shall be required to authorize the release...

Town Manager O'Keefe requested that ...life guards, and swim instructors...be removed from page eight, Section G. 7.

Selectman Hoyt asked that a Whistle Blower section be added to the Personnel Plan. There was discussion as to where it would be placed.

The Selectboard continued going through the Personnel Plan, comparing union contracts to the Town Personnel Plan. Mr. Robertson informed the BOS that not all Police Department employees were required to join the union. The BOS needed to consider that when making some changes.

Chairman Kessler asked Town Manager O'Keefe to look into and clarify the probationary periods of various departments.

Mr. Bert Spaulding, Sr. gave his opinion of probationary periods for Town employees.

Mr. Bill Scanlon addressed the BOS and made them aware of portions of the Public Works Department union contract that would affect the Personnel Plan.

Chairman Kessler addressed Town Manager O'Keefe and requested that he return on the August 15, 2016 BOS meeting with the specified revisions to the Personnel Plan.

The Board members continued reviewing the proposed sections of the Personnel Plan. Under page nineteen, F. BEREAVEMENT 1. and 2. the Selectboard discussed and made proposed changes for the Town Manager to insert.

They continued discussing the proposed Personnel Plan. Chairman Kessler asked for more information to be brought before the BOS concerning page twenty, H. 4. at the August 15, 2016 BOS meeting.

There was discussion between the Town Manager and the BOS concerning SECTION VIII DISCIPLINE.

Selectman Hoyt requested that the wording on page twenty eight, SECTION X TERMINATION A. be changed to ...Town Manager may conduct an exit interview.

Police Chief Burroughs requested that a report of the interview be sent to the appropriate Department Head be added to section A. There was a discussion on the addition to the section. Selectman Wilmot requested that...his "/her" final pay... be added to the section as well.

Town Manager requested an addition for immediate termination. He would add proposed wording to the appropriate section.

Selectman Fratzel asked why there were changes proposed to SECTION XIV EDUCATIONAL INCENTIVE on page thirty four, which provided for an incentive for professional certifications in addition to college degrees. There was a dialogue among the Board members as to the educational incentive. Selectman Fratzel argued against expanding it. Selectman Hooper agreed with Fratzel's opinion. Selectman Wilmot stated he agreed with the additional wording Town Manager O'Keefe had added. It was an incentive for the Town's employees and the advanced degree and certification in turn benefited the Town. Selectman Hoyt agreed to remove it and gave his reason. For clarification, O'Keefe asked if the dissenting BOS members would also like the words in parenthesis removed. They stated yes.

Selectman Hoyt requested that they continue the review of the proposed personnel plan to another night. Chairman Kessler announced the BOS would continue their review at the August 15, 2016 BOS meeting.

The Board concurred to continue their review at the August 15, 2016 meeting. There was a short discussion on procedure.

COMMUNICATIONS:

Town Manager O'Keefe stated that he had two quick announcements.

- The Household Hazardous Waste and recycling of electronics at the PWD would be on August 20, 2016.
- The Airport Fly-In and Open House would also be on August 20, 2016.

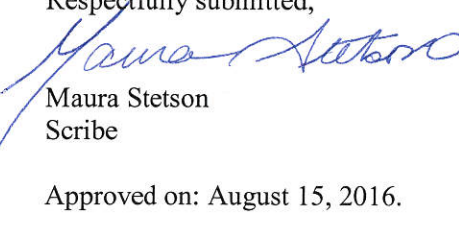
NON-PUBLIC SESSION(S): none

ADJOURNMENT:

There being no further business, on a motion by Selectman Wilmot, seconded by Selectman Hoyt; *the Board voted to adjourn at 9:00 pm. The motion passed 5-0-0.*

The next meeting of the Board of Selectmen is scheduled for Monday, August 15, 2016 at 6:30 p.m.

Respectfully submitted,


Maura Stetson
Scribe

Approved on: August 15, 2016.