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BOARD OF SELECTMEN EXECUTIVE SESSION MINUTES

(Minutes prepared by Barbara Mello, from reports by J. Horne and S. Dahlen.)

Present: Shawn Dahlen, Chair; Christopher Donato, Vice-Chair; and Theodore Flynn, Clerk.

Absent: No members were absent.

Staff: Robert Troy, Duxbury Town Counsel; Eric McKenna, Associate Counsel; and Jeannie Horne, Human Resources Officer.

VOTE TO ENTER EXECUTIVE SESSION

At 6:30 PM, Mr. Flynn moved that the Board enter Executive Session to discuss the Town Manager's employment contract, in accordance with Massachusetts General Laws, Chapter 30a, Section 21, and then to re-convene in Open Session upon completion of the business. Second by Mr. Donato.

Mr. Dahlen declared that an Executive Session is necessary because an Open Session would have a detrimental effect on the Town's negotiating position.

Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

EXECUTIVE SESSION

Mr. Dahlen and Mr. Troy explained the issues:

- 1) The contract proposed by Mr. MacDonald has some formatting changes.
- 2) The proposed contract rolls existing expenses (\$4,800.00) into the base salary.
- 3) A new salary should be set.
- 4) Does the Board want a three-year contract with the Town Manager?

Ms. Horne was asked to review benchmark Town Manager salaries for comparable towns. Add-ons to the Town Manager contracts in other Towns were also discussed. After the discussion, Mr. Flynn said that Duxbury is getting Mr. MacDonald's services for a very reasonable salary. He indicated that he is in favor of a new three-year contract for the Town Manager.

Mr. Donato said that he would not vote in favor of a new contract for Mr. MacDonald. He said that his major objections related to an investigation of former Police Chief Mark DeLuca, and the fact that the transcript of that investigation was never released.

Mr. Dahlen said that the transcript was not released previously because it was determined that it was not a public record. This was because it was part of an ongoing investigation by the State Ethics Commission. However, Mr. Troy said that the transcript could now be released, after being provided a letter by the Ethics Commission stating that the investigation is closed, and he gave copies to members of the Board. He noted that portions of the transcript were redacted to keep all names confidential.

The history of Chief DeLuca's separation from the Town was reviewed. Mr. Dahlen urged the Board to move on from this discussion. He said that a manager has the right to surround himself with management staff that works as a team under his leadership. Mr. Donato agreed to move away from discussing the former police chief, but stated that he would not be able to vote to renew a contract for Mr. MacDonald.

Mr. Dahlen reviewed the proposed contract changes in detail. With regard to salary, Mr. Dahlen recommended the following change to the current Town Manager salary of \$134,500.00:

- 1) Roll expenses (\$4,800.00) into the base salary.
- 2) Give a 2.5% merit increase, which is the average increase given to senior staff for FY12.

These two steps would result in a total a salary of \$142,662.00. Mr. Flynn suggested rounding it to \$143,000.00.

Mr. Flynn moved that the Board set the Town Manager salary for FY12 to \$143,000.00, which includes rolling the expense item into the base salary. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---nay; Mr. Flynn---aye.

The Board discussed two additional changes to the proposed contract:

- 1) Eliminate Section 8, pertaining to severance pay;
- 2) Add a clause that the Town Manager will receive benefits in accordance with the Duxbury Personnel Plan, except where those benefits are in conflict with the Town Manager contract. In the case of a conflict, the Town Manager contract prevails.

Mr. Flynn moved that the Board enter into an employment agreement for three years with Richard MacDonald as Town Manager, under the terms in the proposed contract as amended. Second by Mr. Dahlen. Vote: Mr. Dahlen---aye; Mr. Donato---nay; Mr. Flynn---aye.

VOTE TO END EXECUTIVE SESSION

At 7:22 PM, Mr. Donato moved that the Board end the Executive Session and re-convene in Open Session. Second by Mr. Flynn. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; Mr. Flynn---aye.

LIST OF DOCUMENTS

- 1) *Draft Employment Contract for the Duxbury Town Manager, dated 8-22-11.*
- 2) *Redacted Miniscript and Word Index in re: Duxbury Police Department Investigation. Statements under oath, dated 10-5-09.*