

**Date:** April 8, 2013

*Date Minutes Approved: April 22, 2013*

*Date Minutes Released: April 22, 2013*

**BOARD OF SELECTMEN MINUTES**

**(EXECUTIVE SESSION)**

**Present:** David J. Madigan, Chair; Theodore Flynn, Vice-Chair; Shawn Dahlen, Clerk

**Absent:** Richard MacDonald, Town Manager

**Staff:** John Madden, Finance Director, and Susan Kelley, Executive Assistant

**CONVENED IN OPEN SESSION**

The meeting was called to order at 6:31 P.M. in the Mural Room.

**VOTE TO ENTER EXECUTIVE SESSION**

Upon convening the meeting, the Chair entertained a motion to enter Executive Session.

Mr. Dahlen moved that the Board enter Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, and then to reconvene in Open Session immediately following, in accordance with Mass General Laws Chapter 30A, Section 21.

As Chair, Mr. Madigan declared the need to enter Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions with non-union personnel, as to do so in open session may have a detrimental effect on the Town's bargaining position. Second by Mr. Flynn. Roll Call Vote: Mr. Madigan – "aye"; Mr. Flynn – "aye"; Mr. Dahlen – "aye".

**EXECUTIVE SESSION**

**DISCUSSION**

**NEGOTIATION OF TOWN MANAGER EMPLOYMENT AGREEMENT**

**Others present for this item of business:**

Ms. Jeannie Horne, Human Resources Officer, René Read, selected candidate for Town Manager

The Selectmen received a copy of the proposed Town Manager Employment Agreement in their packet.

Mr. Madigan indicated that the purpose of this discussion is to review the contract and discuss several points still in debate.

The first issue is the annual salary; the town offering \$125,000 and Mr. Read requesting \$130,000. The Selectmen indicated that a starting salary of \$125,000 would provide room for annual raises beginning in the following year and a higher base rate may limit raises available. Ms. Horne indicated that Mr. Read would be eligible for an increase with the annual review regardless of the starting salary. Mr. Read responded that he included several components when countering the Town's salary offering. He indicated that while he would sacrifice the mileage allowance given to the former Town Manager, he factored deferred compensation into his request; a benefit given to area Town Managers. He continued that while he does not

have to be the highest paid employee, it sends a message to Department Heads if he is paid less, quoting the Police Chief's salary at \$125,000 and Fire Chief's salary at \$127,000. Mr. Flynn stated that this was a reasonable and persuasive argument. The other Selectmen agreed.

Ms. Horne indicated that she met with the Town's Labor Counsel, Fred Dupere, earlier in the day to review the contract. The only other major issue was Read's requested deletion of item 7D, a clause terminating the agreement if the Town Manager becomes permanently incapacitated from performing the requirements of his position. Mr. Read stated that his attorney objected to the legal form of the statement. Attorney Dupere, indicated that per MGL Chapter 71, Section 42, the Town would have the right to terminate the contract. It was agreed that the clause would remain in the contract.

Other minor statements related to the approval of expenses and vacation requests remained in the contract with Mr. Read receiving approval from the Chair of the Board of Selectmen instead of the entire Board.

Ms. Horne indicated that she would return to her office to make the agreed upon changes and return to the Open Session for discussion and execution of the Employment Agreement.

Mr. Madigan moved that the Board accept the Agreement with approved revisions. Second by Mr. Flynn. *ROLL CALL VOTE: Mr. Madigan – "aye"; Mr. Flynn – "aye"; Mr. Dahlen – "aye".*

#### **ADJOURNMENT**

At 6:50 PM, Mr. Dahlen moved that the Board adjourn the Executive Session and reconvene in Open Session at 7:00 PM. Second by Mr. Flynn. *ROLL CALL VOTE: Mr. Dahlen – "aye"; Mr. Madigan – "aye" and Mr. Flynn – "aye".*

#### **LIST OF DOCUMENTS**

- 1) *TOWN OF DUXBURY TOWN MANAGER EMPLOYMENT AGREEMENT –highlighted and underlined version proposed by Town of Duxbury and René Read.*