

**HOLDEN BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES
JUNE 2, 2008**

8:45PM

Memorial Hall

Present: Chairman David J. White, Kimberly N. Ferguson, James Jumonville,
Kenneth O'Brien, Joseph G. Sullivan

Others Present: Brian Bullock, Town Manager
Robert Martin, Town Counsel
Liz Helder, Recording Secretary

Chairman White opened the meeting at 8:45PM.

1. Non-Union Contract Discussion

The Board reviewed the previous conditions to the Town Manager's contract that were discussed at the May 13, 2008 Executive Session meeting.

The Board discussed the following conditions they requested for the Manager's contract: 1) A comprehensive transition/management plan for "The Life After Brian Bullock" by August 2008; 2) Removal of the Evergreen Clause effective 6/30/2010; 3) A 90-Day Notice of Resignation from the Town Manager; and 4) A 5% salary increase.

The Manager said he was conflicted with the 90-day notice request. He said that a 30-day notice is standard; 60-days is strong and giving 90-days would make it difficult to accept a new job. The Manager said that if circumstances allow, he would give the Board more than a 60-day notice. However, he would expect the same respect from the Board if he needed to give less than a 60-day notice. He said that there is an increasing employment trend to give less than 2-weeks notice when resigning from a position. He said it was in his best interest to ensure a successful successor to his position. He added that he will always work and intends to go on to another job after leaving his position with the Town.

Sel. Ferguson said she would like to see the 90-day notice period included in the contract. She said she felt it was necessary to allow for the maximum amount of time to replace the Town Manager and protect the town. Sel. O'Brien asked if there was room for compromise between the Board and the Manager.

Town Counsel shared a legal document of the Town Manager's Contract. Discussion was held on the interpretation of the end date of the Evergreen Clause. Town Counsel stated that the end date for the Evergreen Clause is 6/30/10 and that there would be no one-year contract extensions beyond that date.

A motion by Sel. Sullivan and seconded by Sel. Jumonville to include in the Town Manager's contract an annual salary increase of 5% or \$137,628 (1.5% increase, 3.5% increase effective July 1, 2008), a comprehensive transition/management plan for "The Life After Brian Bullock" prepared by August 2008, the elimination of the Evergreen Clause effective 6/30/2010, and a 60-day advance written notice by the Town Manager where the Manager will endeavor to provide a longer notice in such a situation if possible under the circumstances. At the request of the Manager, the Board of Selectmen will consider waiving the 60-day notice requirement if such will not be detrimental to the Town's interest. The Board discussed this motion.

Chairman White said that he felt that the Board should have discussion regarding the contract before making a motion.

Town Manager agreed to leave the meeting at 9:18PM so that the Board could continue their discussion.

The Board continued to discuss the Manager's contract.

Town Counsel left the meeting at 9:30PM.

Sel. Sullivan called for the motion.

Motion by Sel. Sullivan, seconded by Sel. Jumonville, it was **VOTED 2-3 WITH 3 OPPOSED TO INCLUDE THE FOLLOWING CONDITIONS IN THE TOWN MANAGER'S CONTRACT 1) AN ANNUAL SALARY INCREASE OF 5% (1.5% FLOOR, 3.5% PERFORMANCE INCREASE EFFECTIVE JULY 1, 2008); 2) A COMPREHENSIVE TRANSITION/MANAGEMENT PLAN FOR "THE LIFE AFTER BRIAN BULLOCK" PREPARED AUGUST 2008; 3) THE ELIMINATION OF THE EVERGREEN CLAUSE EFFECTIVE 6/30/2010; AND 4) A 60-DAY ADVANCE WRITTEN NOTICE BY THE TOWN MANAGER WHERE THE MANAGER WILL ENDEAVOR TO PROVIDE A LONGER NOTICE IN SUCH A SITUATION IF POSSIBLE UNDER THE CIRCUMSTANCES. AT THE REQUEST OF THE MANAGER, THE BOARD OF SELECTMEN WILL CONSIDER WAIVING THE 60-DAY NOTICE REQUIREMENT IF SUCH WILL NOT BE DETRIMENTAL TO THE TOWN'S INTEREST. (OPPOSED: WHITE, O'BRIEN, FERGUSON.) THE MOTION FAILED.**

Motion by Sel. Sullivan, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO OFFER THE MANAGER THE CHOICE OF TWO PLANS FOR THE TOWN MANAGER'S CONTRACT: PLAN A: 1) AN ANNUAL SALARY INCREASE OF 5% (1.5% FLOOR, 3.5% PERFORMANCE INCREASE EFFECTIVE JULY 1, 2008); 2) A COMPREHENSIVE TRANSITION/MANAGEMENT PLAN FOR "THE LIFE AFTER BRIAN BULLOCK" PREPARED AUGUST 2008; 3) THE ELIMINATION OF THE EVERGREEN CLAUSE EFFECTIVE 6/30/2010; AND 4) A 90-DAY ADVANCE WRITTEN NOTICE BY THE TOWN MANAGER WHERE THE MANAGER WILL ENDEAVOR TO PROVIDE A LONGER NOTICE IN SUCH A SITUATION IF POSSIBLE UNDER THE CIRCUMSTANCES. AT THE REQUEST OF THE MANAGER, THE BOARD OF SELECTMEN WILL CONSIDER WAIVING THE 90-DAY NOTICE REQUIREMENT IF SUCH WILL NOT BE DETRIMENTAL TO THE TOWN'S INTEREST OR PLAN B: 1) AN ANNUAL SALARY INCREASE OF 4.5% (1.5% FLOOR, 3.0% PERFORMANCE INCREASE EFFECTIVE JULY 1, 2008); 2) A COMPREHENSIVE TRANSITION/MANAGEMENT PLAN FOR "THE LIFE AFTER BRIAN BULLOCK" PREPARED AUGUST 2008; 3) THE ELIMINATION OF THE EVERGREEN CLAUSE EFFECTIVE 6/30/2010; AND 4) A 60-DAY ADVANCE WRITTEN NOTICE BY THE TOWN MANAGER WHERE THE MANAGER WILL ENDEAVOR TO PROVIDE A LONGER NOTICE IN SUCH A SITUATION IF POSSIBLE UNDER THE CIRCUMSTANCES. AT THE REQUEST OF THE MANAGER, THE BOARD OF SELECTMEN WILL CONSIDER WAIVING THE 60-DAY NOTICE REQUIREMENT IF SUCH WILL NOT BE DETRIMENTAL TO THE TOWN'S INTEREST.**

2. Recess to Regular Meeting

Motion by Sel. Sullivan, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO RECESS TO THE REGULAR MEETING AT 9:39PM FOR ADJOURNMENT PURPOSES ONLY. ROLL CALL: FERGUSON: YES; O'BRIEN: YES; JUMONVILLE: YES; SULLIVAN: YES; WHITE: YES.**

3. Adjournment

Motion by Sel. Sullivan, seconded by Sel. O'Brien, it was **UNANIMOUSLY VOTED TO ADJOURN THE JUNE 2, 2008 MEETING AT 9:40PM.**