

**Holden Board of Selectmen  
Special Town Meeting  
Executive Session Meeting Minutes  
March 10, 2008**

6:00PM

Wachusett Regional High School

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

Others Present: Brian Bullock, Town Manager  
Stephen Madaus, Deputy Town Counsel  
Liz Helder, Recording Secretary

Chairman Jumonville called the meeting to order at 6:05PM.

Motion by Sel. Sullivan, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO ENTER INTO EXECUTIVE SESSION AT 6:05PM TO DISCUSS LITIGATION AND ENTER INTO REGULAR SESSION AT THE END OF EXECUTIVE SESSION. ROLL CALL: White: yes; Ferguson: yes; Jumonville; Sullivan: yes; O'Brien; yes.**

The Manager informed the Board that an attorney, representing a number of towns who are participating in a Class Action Lawsuit, contacted the Town. Deputy Town Counsel Madaus informed the Board that the lawsuit is for a chemical contamination in the town's water supply. Trace amounts of the chemical MTBE have been detected in two well sites in Holden. Mr. Madaus explained that MTBE was an additive used in gasoline and leached into the groundwater through the soil. MTBE is no longer used in the State of Massachusetts. After reviewing the lawsuit documentation, Mr. Madaus negotiated to remove a clause that would make the town responsible for legal fees, should the lawsuit fail. The Manager said that there was no financial obligation to the town to participate in the lawsuit. Mr. Madaus commented that the liability would be capped at 70% and that the town would need to pay 30% of the treatment protocol, if deemed necessary.

Motion by Sel. White, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO AUTHORIZE THE TOWN MANAGER TO SIGN OFF ON THE MTBE SETTLEMENT AGREEMENT.**

Motion by Sel. Sullivan, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO ENTER INTO REGULAR SESSION AT 6:23PM. ROLL CALL: White: yes; Ferguson: yes; Jumonville; Sullivan: yes; O'Brien; yes.**

Motion by Sel. White, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO RECESS THE REGULAR MEETING AT 6:24PM AND RECONVENE AT THE END OF TOWN MEETING FOR ADJOURNMENT PURPOSES ONLY.**

Motion by Sel. , seconded by Sel. , it was **UNANIMOUSLY VOTED TO ADJOURN THE SPECIAL TOWN MEETING AT 8:42 PM.**

Approved:           April 7, 2008