

**HOLDEN BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES
MAY 5, 2008**

8:56PM

Memorial Hall

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

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

Chairman Jumonville opened the meeting at 8:56PM.

1. Non-Union Contract Discussion

The Board discussed the Evergreen Clause in the Town Manager's Contract. Attorney Martin explained that as of June 30, 2007, the Manager's contract was automatically extended to 2010. Every year the Manager's contract automatically extends itself another year based on the terms in the Evergreen Clause. For every year it adds a year at the end. The Evergreen Clause is not intended to give the Manager an additional year of service at the end of a three-year period should the Board decide not to renew his contract. There is no notice requirement from the Manager to terminate his service with the Town. The Board must give the Manager a 1-year notice. Sel. White read into record an email concerning questions regarding the Town Manager's contract that he sent to Town Counsel. Town Counsel cautioned Board members that under age discrimination laws, they are not allowed to ask the Manager what his intentions are for retirement. The Board reviewed an email from the Manager indicating that he would like to receive between a 5% and 7% increase. The Board discussed the removal of the Evergreen Clause from the Town Manager's contract. Sel. O'Brien said that he would like to see a succession plan developed for the Light Department Manager. Town Counsel said that if the Board was inclined to terminate the Evergreen Clause concept, they should couple it with a large increase. Sel. O'Brien said that he felt the Manager had done a good job and would have no problem giving the Manager a 5% or 6% increase. Sel. Sullivan concurred with Town Counsel and Sel. O'Brien. He said that the negotiation of the restructuring of the contract should be a conversation and not presented in a letter. While it is a business decision, it can be presented nicely. Town Counsel suggested sending a committee to discuss options. Sel. Sullivan suggested that the Board also request a recommendation and a plan from the Town Manager for "The Years After Brian Bullock." Previous searches for a replacement for the Town Manager took approximately less than 1 year.

A motion made by Sel. Sullivan and seconded by Sel. Jumonville to increase the Manager's salary by 5% (3 ½% merit + 1 ½ floor) contingent upon successful negotiations for the removal of the clause, the addition of a notice of resignation by the Town Manager and a recommendation and a plan for "The Years After Brian Bullock" was discussed by the Board.

Sel. White said he did not intend to support the motion. He said that in the end, he felt that the increase would end up being higher. Sel. Ferguson commented that she felt it was important to be fiscally prudent and leave room for negotiation.

Motion by Sel. Sullivan, seconded by Sel. Jumonville it was **VOTED 3-2 WITH 2 OPPOSED TO INCREASE THE MANAGER'S SALARY BY 5% (3 ½ MERIT + 1 ½ FLOOR) CONTINGENT UPON SUCCESSFUL NEGOTIATIONS FOR THE REMOVAL OF THE EVERGREEN CLAUSE, THE ADDITION OF A NOTICE OF RESIGNATION BY THE TOWN MANAGER AND A RECOMMENDATION AND A PLAN FOR "THE YEARS AFTER BRIAN BULLOCK. (OPPOSED: WHITE, FERGUSON.)**

The Board agreed to meet jointly with the Town Manager to present the information to him.

2. Recess to Regular Session

Motion by Sel. Ferguson, seconded by Sel. Sullivan, it was **UNANIMOUSLY VOTED TO ADJOURN EXECUTIVE SESSION AT 9:49PM AND RETURN TO REGULAR SESSION FOR ADJOURNMENT PURPOSES ONLY. ROLL CALL: Jumonville: yes; White: yes; O'Brien: yes; Sullivan: yes.**

Approved: July 14, 2008