

**TO:** Holden Selectboard

**DATE:** 7/13/09

**FROM:** Joseph G. Sullivan  
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**SUBJECT:** Manager's Contract

### **A DELIBERATE ACT**

It is with dismay and regret that I feel the need to address this board so soon after working so closely with most of you on the Holden Selectboard. I have spoken to many who have had the privilege of sitting in those seats before you. Some have sat on every manager search committee except the first. The agreement is unanimous, the recent action of the majority of the Holden Selectboard to not renew the Manager's contract reinforces the theorem that it is not a coincidence that the word "politics" is in the same section of the dictionary as "personal" and "petty". Today, common sense is simply not very common.

After spending 12 years working with most of you on this board, I feel uniquely qualified to understand this Selectboard's decision not to renew the town manager's contract. The fact that we are at this point is no real surprise. It happened sooner than I initially expected, but it has been a long time coming.

Our Town has been well served for the last 50 years under a strong town manager charter. Holden is a well-run town and Brian Bullock has been the professional constant in almost half of those years. For nearly a quarter of a century, he has helped lead our town through difficult financial times; all the while slowly transforming our infrastructure to the envy of many other communities.

And let us be frank with one another, the strong will of Brian Bullock has knocked some noses out of joint from time to time; most importantly yours. There is a trail of accomplishments that include those who disagreed. But, in the long run, no one has accomplished more for our Town than Mr. Bullock. You said so during his recent evaluation, the strongest during my entire time on the Selectboard. You even took a vote on March 16 to:

**"...THANK THE TOWN MANAGER FOR ANOTHER YEAR OF HARD WORK AND STRONG PERFORMANCE FOR THE CITIZENS OF HOLDEN AND THAT THE BOARD LOOKS FORWARD TO MANY MORE YEARS OF BRIAN BULLOCK'S SERVICE TO THE CITIZENS OF HOLDEN"**

But, things were not really so rosy between the Board and the Manager. Strong willed selectmen battled on a weekly basis with a strong willed Manager. For example, the Manager's contract has had the infamous Evergreen Clause in it for the entire 12 years of my time on the Board and likely many years before. What is it? It is an automatic renewal or extension of the contract at the end of each fiscal year.

Approximately, 6 years ago, the Selectboard was so satisfied with the Manager's performance that it offered to have the Evergreen Clause be part of a rolling 3 year contract. That is, the Manager always had a 3 year contract and when Year 1 ended, it automatically added a year to the end of Year 3. And nearly all of you sitting at that table voted in agreement to do this and signed the contract.

Last year, Mr. White wanted to remove the 3 year rolling renewal. So, the Board discussed it with the Manager and it was returned to a 1 year rolling renewal while the Manager received salary compensation. The employment contract signed last year correctly reflects that negotiation settlement. To be clear, at no time did the Selectboard vote to remove the Evergreen Contract in its entirety. Never, no way.

A removal of the Evergreen Clause would have put the Manager's employment at the will of 3 people. In its absence, Holden would experience its **second leash law**, except this one would be wrapped tightly

around the neck of our professional town manager. "You don't do as I say and I will get 2 more votes to end your employment."

Back to the contract negotiations. There is a touch of irony that the Selectboard meet outside of the TV lights and on Employee Appreciation Day. With the precision of a road side bomb, the Manager's contract was terminated.

It has been suggested that the Selectboard had to vote to terminate the Manager because that was their only option. It was too late and there were no other options. That is false. At the same meeting on March 16 that announced the Manager's sterling evaluation, I requested that we enter into Executive Session to discuss non-union negotiations (i.e. the Manager's contract). That lasted all of 9 minutes. At every subsequent meeting I asked the status of the Manager's contract. No interest was expressed and NO discussion regarding the Evergreen Clause.

And, it has been stated that that Selectboard "had" to exercise the termination clause to save the Town money. **Forget about it.** The Severance Clause in the Manager's contract specifically states that the Manager is due a full year's salary **ONLY** if the Selectboard decides to terminate his employment with the Town. So, it costs money only if the Selectboard wanted Brian Bullock to leave. And that was the plan.

**LET ME REPEAT THAT ANOTHER WAY.** For well over half the length of this contract, the manager has had a clause intended to protect him against a rouge board that wished for him to leave. At no time does this clause cost the town of Holden money unless the board decides that Brian Bullock must go. Despite assurances to the contrary, David White brought his six-shooter to the table, loaded it and then assured every one that he had no intention of using it.

Speaking of employment contract negotiations, these always became a sparring session amongst Board members themselves. Mr. White is a strong-willed individual who, in his own words, has been frustrated by his inability to "manage the manager." In fact, in contract negotiation sessions Mr. White would often define the manager's employment contract as "the stick". True to form, David White could be always counted on to actively work to reduce the scope of the manager's contract whenever possible. Despite exemplary performance reviews, Mr. White fought hard to make sure that any salary increases were percentage points below that of the average town employee. It wasn't the money. It was simply the point.

And this has transcended into strained relations between the manager and certain members of the Selectboard. During his last performance review, Brian Bullock achieved one of his highest ratings ever. Yet, his weakest score was in board relations. So, the Selectboard believes that Brian Bullock does a great job. And, in their own self assessment, they just don't like the way he deals with them. Perhaps a genuflection from time to time would have resolved that.

Politics also makes strange bedfellows and the unlikeliest alliance between David White and Ken O'Brien reinforces this. The die had been cast long ago between the two regarding the Manager. It was further solidified when Ken O'Brien sent an unsolicited e-mail on March 3 that castigated Brian Bullock by saying that "The dictatorship is nearing its end..." Any attempts to discuss this at the board level were soundly rebuffed by David White as he felt that Mr. O'Brien "has a right to his own opinion."

The decisions of a few have resulted in a long-time manager leaving us. Absent a reversal of fortune, our town now needs to recruit only the fifth town manager in the past 50 plus years. An all of this was completely unnecessary. Absent a reversal of your actions, the Holden Selectboard is swiftly moving toward irrelevancy.