

**BOARD OF SELECTMEN  
MINUTES NOVEMBER 13, 2012  
APPROVED**

**Present:** Stuart M. Schulman Chairman; Peter S. Cunningham, Vice Chairman; John G. Petropoulos; Anna Eliot; Joshua A. Degen

**Also Present:** Mark W. Haddad, Town Manager; Patrice Garvin, Executive Assistant

Mr. Schulman called the meeting to order at 4:00pm. Mr. Schulman announced that Mr. Haddad was tape recording the meeting.

**TOWN MANAGER'S CONTRACT**

Mr. Schulman stated that discussion on the Town Manager's contract has been going on since July between he and Mr. Degen. Their task was to work on negotiations and report back to the board. Mr. Schulman laid out the terms of the agreement which was three years with a wage increase of 4-3-2. There would be four weeks of vacation and four months' severance (without cause) leaving everything else in the contract unchanged. Mr. Schulman asked the Board to take action on the contract.

Mr. Degen stated that when looking at the salary he looked at what the bylaw employees were receiving along with comparable with other Town Manager's/Administrators. Mr. Degen noted that what the Town Manager was receiving was fair and equitable to Mr. Haddad and the Town. Ms. Eliot agreed with Mr. Degen's assessment. Mr. Petropoulos stated that he agreed with the process for getting comparable salaries but thought an incremental increase would be a way to get incentive. Mr. Petropoulos had further comments but was not willing to discuss them in open session. Mr. Cunningham stated that the contract comes down to the performance of the Town Manager, and that there are no exact comparable out there because local governments complexities differ community to community. Mr. Cunningham added that if the Town went to hire a new Town Manager it would need to look in the range Mr. Haddad was seeking.

*Ms. Eliot moved to approve the contract as negotiated for Mr. Haddad with a three years term July 1, 2013 through July 1, 2016. Mr. Cunningham seconded the motion.*

**Discussion**

Mr. Petropoulos asked to move into Executive Session to discuss his issue of concern regarding the contract. Mr. Haddad stated that if the Board was going to enter Executive Session to discuss the Town Manager's performance then Mr. Haddad is required to receive 48 hours' notice. Mr. Degen understood to Mr. Petropoulos position and if an important issued needed resolution and had nothing to do with the Town Manger's character he would support going into Executive Session. Ms. Eliot made a point of order stating that there was a motion on the floor. Mr. Schulman stated the motion needed to be acted on but would hear discussion regarding entering Executive Session.

Mr. Petropoulos stated that it was a mistake not to address his issue. Mr. Degen wanted to see a unanimous vote on the Town Manager's contract. Mr. Cunningham stated that a vote needed to be made and that all the issues of the contract have been addressed and added that sometimes unanimous votes just always happen. Mr. Petropoulos stated that his issue had nothing to do with the performance of the Town Manager. Mr. Schulman asked if it has nothing to do with performance then why does it need to be discussed further. Ms. Eliot found it peculiar that now, after months of negotiating, the Board needs to go into Executive Session. Mr. Petropoulos stated that all concerns should be heard and asked why the Board was rushing something. Mr. Cunningham disagreed and stated that a vote up or down needed to be taken.

Mr. Schulman stated that he was aware of the concern and did not feel it was relative to the contract and was being brought up in the final hours.

Mr. Degen stated that he knew what it was like to be in the minority and wanted Mr. Petropoulos's concerns to be heard. Mr. Degen stated that without it being heard he would abstain from the vote. Ms. Eliot stated the Board is aware of concerns and felt Mr. Petropoulos was holding the Board hostage. Ms. Eliot added that another issue would be created once the current concern was put to rest. Mr. Degen reiterated the need to hear Mr. Petropoulos's concerns. The majority of the Board felt Mr. Petropoulos has been heard and Ms. Eliot called for her motion to be voted on.

*Ms. Eliot moved to approve the contract as negotiated for Mr. Haddad with a three years term July 1, 2013 through July 1, 2016. Mr. Cunningham seconded the motion. 3-1-1*

*Vote: Ms. Eliot-yes; Mr. Cunningham-yes; Mr. Schulman-yes; Mr. Petropoulos-No; Mr. Degen Abstained.*

**ADJOURNMENT**

*Mr. Cunningham moved to adjourn the meeting at 4:25 p.m. into Executive Session and not to return. The purpose of the Executive Session is under M.G.L. c.30A, Sec21 (3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares. Mr. Degen seconded the motion. Roll Call-Degen-aye, Eliot-aye, Petropoulos-aye, Cunningham-aye, Schulman-aye.*

Approved:   
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John G. Petropoulos, Clerk

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respectfully submitted,  
Patrice Garvin, Executive Assistant

Date Approved: 12-17-12