

EXECUTIVE SESSION (ES)
WENHAM BOARD OF SELECTMEN
Meeting of Monday, March 17, 2014
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. c. 30A, §§ 18 (3), Executive Session #2, duly listed under the posted agenda for the purpose to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions to contract negotiations with nonunion personnel, the Town Administrator. The agenda and written notice posted by the Town Clerk delivered to all Board members, for an Executive Session #2 meeting of the Board of Selectmen which was held on Monday, March 17, 2014 at 8:34 P.M. in the Selectmen Chambers.

*Selectmen Present: Ken Whittaker, Chair; Patrick Wilson, Vice Chair; Jack Wilhelm, Secretary
Also Present: Mark Andrews, Town Administrator*

With a quorum present, Chairman Whittaker called for a motion to meet in Executive Session #2, pursuant to the posted agenda for the purpose to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions to contract negotiations with nonunion personnel, the Town Administrator. A motion was made by Jack Wilhelm at 8:34 P.M., seconded by Patrick Wilson via remote participation (940 CMR 29.10 previously voted). Chairman Whittaker called for a roll call vote. A recorded vote was made to enter into Executive Session #2, with the intent of returning to regular session for the express purpose of adjournment. A roll call was made: Jack Wilhelm-Yes; Patrick Wilson-Yes; and Kenneth Whittaker-Yes.

Abbreviations used:

BOS Board of Selectmen

TA Town Administrator

Mr. Whittaker announced the BOS would review the Town Administrator's contract and discussed strategies for renewing the Town Administrator's contract (Memorandum of Agreement MOA). A review of the contract proceeded with Chairman Whittaker proposing a three (3) year extension of the Town Administrator's contract along with some revisions. Discussion ensued with Selectman Wilhelm indicating a preference to extend the contract for only one year, noting the proposed contract provided for "automatic annual renewal" following the proposed initial three year period. A majority of the board decided to proceed with the proposed three (3) year extension of the Town Administrator's contract with provisions for an evaluation to be implemented on or before December 31st of the previous calendar year. This would allow for a review and proper notification to the Town Administrator based upon the results of the personnel evaluation, at least six months prior to the expiration of the contract. Said evaluation will start in December of 2014. This provision was generally agreed to by the BOS. Discussion continued about the duties and responsibilities of the TA and oversight of Town Department Heads, including elected positions. The BOS would seek advice from Town Counsel on this matter. Discussion continued with regards to the TA's compensation. It was noted that that an annual rate of \$102,393 (current base salary) plus any additional amount as determined by the Board of Selectmen based on an annual Town Administrator employee evaluation, such additional amount not to be less than 2% per year. Increases above the 2% shall be at the sole discretion of the Board of Selectmen on the based upon exemplary performance of the TA. These latter provisions were generally agreed to by the BOS. Discussion continued with regards to the TA's vacation time. It was noted that due to the extraordinary demand on the time and schedule of the Town Administrator, fifty (50%) percent of unused accrued vacation days may be carried forward into the upcoming

fiscal year, with total vacation time not to exceed five (5) weeks, in any calendar year. This provision was generally agreed to by the BOS. Discussion ended.

Chairman Whittaker called for a motion to adjourn the Executive Session, noting the proposed contract terms would be presented in a subsequent open session before BOS voting and, if appropriate, signature. A motion was made by Jack Wilhelm to adjourn from Executive Session #2, with the intent of returning to regular session for the express purpose of adjournment. Patrick Wilson seconded the motion.

VOTE: A recorded vote was made to adjourn from Executive Session #2, with the intent of returning to regular session for the express purpose of adjournment. A roll call was made: Jack Wilhelm-Yes; Patrick Wilson-Yes; and Kenneth Whittaker-Yes. The vote was 3-0-0.

The BOS returned to open session at 9:17 P.M.

Chairman Whittaker called for a motion to adjourn the BOS. A motion was made by Jack Wilhelm to adjourn the regular meeting of the BOS. Patrick Wilson seconded the motion.

VOTE: A recorded vote was made to adjourn the regular meeting of the BOS. A roll call was made: Jack Wilhelm-Yes; Patrick Wilson-Yes; and Kenneth Whittaker-Yes. The vote was 3-0-0. The BOS meeting was adjourned.

Respectfully submitted by

Mark Andrews, Town Administrator