

**BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES
DECEMBER 18, 2013**

The Board entered into Executive Session at 6:35 p.m. in Room 105 at Town Hall for the purpose of discussing strategy with respect to the litigation captioned Johnson Golf Management, Inc. v. Town of Holliston. Chairman Jay Leary, Vice-Chairman Kevin Conley, Clerk Jay Marsden and Town Administrator Paul Le Beau were present. Also present was William MacKinnon from MIIA. Atty. Leonard Kesten joined the meeting at 6:50 p.m.

Mr. MacKinnon said that MIIA was defending the matter under a reservation of rights and had assigned it to Atty. Kesten. They have dealt with Johnson in two other towns, Abington and Duxbury. In the former, the matter was settled with a payment of about \$50,000 to Johnson. In the latter, Johnson has a judgment of \$840,000 that is on appeal. MIIA will cover the cost of preparing the bid in a finding of an unintentional violation of Chapter 30B. They will not cover other losses. Mr. MacKinnon said that he felt the problem with this case was the Golf Course Advisory Committee (GCAC); they did not follow a procedurally sound path to reaching their conclusions under either Chapter 30B or the Open Meeting Law. There isn't a clear statement of how they reached their rankings and they made statements that were not substantiated.

Atty. Kesten said that Johnson is a Chapter 30B expert. He has won every case he has initiated. He does the work and nothing has been proven that he fails to maintain the golf courses he has operated. The problem is that Mr. Johnson tends to ruffle feathers and alienate the people for whom he works. This case will be difficult to defend because of the actions of the GCAC. He suggested that two options were to reverse the award or to reissue the RFP. In the case of the latter, it would be done due to the flawed or tainted actions of the GCAC and it would be best to seek Town Counsel's endorsement. The Town and Johnson could seek a court judgment ordering the Town to reissue the RFP.

MR. CONLEY MOVED, MR. MARSDEN SECONDED AND IT WAS UNANIMOUSLY VOTED TO SEEK TOWN COUNSEL'S ADVICE REGARDING REISSUANCE OF THE RFP AS OUTLINED BY ATTY. KESTEN.

	AYE	NAY
Mr. Leary	X	
Mr. Conley	X	
Mr. Marsden	X	

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**AT 7:40 P.M., MR. MARSDEN MOVED, MR. LEARY SECONDED AND IT WAS
VOTED BY ROLL CALL TO ADJOURN THE EXECUTIVE SESSION.**

	AYE	NAY
Mr. Leary	X	
Mr. Conley	X	
Mr. Marsden	X	

Respectfully submitted,

Approved:_____

Released:_____

Paul D. Le Beau, Town Administrator