

**BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES
JANUARY 8, 2014**

The Board entered into Executive Session at 6:30 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 Mayer, Town Counsel, and Atty. Leonard Kesten.

Atty. Kesten said that the amended complaint filed by Atty. Follansbee appears to add the members of the Golf Course Committee as individual defendants on a defamation claim. New England Golf's (NEG) attorney, Sander Rikleen, is seeking to intervene and wants to overturn the injunction. It is possible that both Johnson and NEG could end up suing the Town. Atty. Follansbee is not willing to settle for a judgment to reissue the RFP; Johnson wants the contract awarded to him. Atty. Kesten said there are two options: (1) award the contract to Johnson; or (2) seek a quick trial to settle the issues among the Town, Johnson and NEG. The former could be in the form of an agreement for a judgment from the court directing an award to Johnson.

Mr. Mayer said it appears that Johnson has the better case and an agreement for judgment with an award to Johnson is the best course of action. He noted that someone has to be managing the golf course in short order. It is possible that NEG will sue the Town.

MR. CONLEY MOVED, MR. MARSDEN SECONDED AND IT WAS UNANIMOUSLY VOTED TO ACCEPT THE ADVICE OF LEGAL COUNSEL TO RESOLVE THE LITIGATION WITH JOHNSON GOLF AND AGREE TO A COURT JUDGMENT TO AWARD THE CONTRACT TO JOHNSON GOLF.

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

AT 7:27 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,

Paul D. Le Beau, Town Administrator

Approved: _____
Released: _____