

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MEETING MINUTES  
FEBRUARY 5, 2014**

The Board entered into Executive Session at 6:32 p.m. in Room 105 at Town Hall for the purpose of discussing strategy with respect to litigation captioned Johnson Golf Management v. Town of Holliston. Chairman Jay Leary, Vice-Chairman Kevin Conley, Clerk Jay Marsden, Town Counsel William Mayer, Atty. Leonard Kesten and Town Administrator Paul Le Beau were present.

Atty. Kesten said that he had reviewed the memorandum prepared by Atty. Rikleen on behalf of New England Golf (NEG). The memo arrived yesterday instead of last Friday. He said there is a slim chance that Atty. Rikleen could prevail in court and a slight chance that they could get the court to order a new RFP process. He said that Mr. Smith of the Golf Course Advisory Committee (GCAC) told him that he raised the issue of Johnson's work in Beverly at the GCAC meeting but they still voted to rate Johnson highly advantageous. He doesn't believe the Town could prevail on the award the NEG because the actions of the GCAC.

Atty. Mayer said that the concern is uncorroborated, anecdotal information from the GCAC at the Selectmen's meeting that may be wrong. The process intends that the better price prevails if the proposals are ranked equally. Johnson has the better case and the Town needs someone to be in charge of the course sooner rather than later.

Atty. Kesten said the Board could settle with Johnson by awarding to Johnson and then see if NEG files suit. NEG is only an intervener and can't stop the settlement but they could start a separate action against the Town. NEG's proposal in response to the RFP suggested on paper that they wouldn't make a profit.

**MR. MARSDEN MOVED, MR. LEARY SECONDED AND IT WAS VOTED BY ROLL CALL TO CONFIRM THE BOARD'S PREVIOUS VOTE TO AWARD TO JOHNSON AND SETTLE THE LITIGATION.**

	<b>AYE</b>	<b>NAY</b>
<b>Mr. Leary</b>	<b>X</b>	
<b>Mr. Conley</b>	<b>X</b>	
<b>Mr. Marsden</b>	<b>X</b>	

**AT 7:20 P.M., MR. MARSDEN MOVED, MR. LEARY SECONDED AND IT WAS VOTED BY ROLL CALL TO ADJOURN THE EXECUTIVE SESSION.**

	<b>AYE</b>	<b>NAY</b>
<b>Mr. Leary</b>	<b>X</b>	
<b>Mr. Conley</b>	<b>X</b>	
<b>Mr. Marsden</b>	<b>X</b>	

Respectfully submitted,

Paul D. Le Beau, Town Administrator

Approved:\_\_\_\_\_

Released:\_\_\_\_\_