

**BOARD OF SELECTMEN MEETING
SELECTMEN'S OFFICE, TOWN HALL
BROOKFIELD, MASSACHUSETTS**

EXECUTIVE SESSION MINUTES FOR Wednesday May 22, 2002

Present: Beverly Lund, Chairman
Robert Phillips, Vice-chairman and Clerk
Joseph Klimavich, Member

At 8:32 p.m., Mr. Phillips moved and Mr. Klimavich seconded that the board go into executive session to discuss pending litigation. Mr. Phillips, Mr. Klimavich, and Ms. Lund all voted aye.

MCMANUS TERMINATION

The board unanimously agreed that they would like to settle this issue quickly by reinstating Mrs. McManus to her prior position, by making her whole from financial losses including back pay and reasonable attorney's fees, and by issuing a public apology.

The board discussed the 5/14/2002 letter from Mrs. McManus' attorney, Mr. Goldberg, which basically listed these same conditions. Mr. Phillips said Mr. Goldberg's terms seemed reasonable but with two exceptions.

1. Mr. Phillips said the town should deduct from back pay any unemployment compensation Mrs. McManus has received. In other words, Mrs. McManus should not receive both back pay and unemployment compensation.
2. Mr. Phillips said he thought \$1000 for attorney's fees was unreasonable. Given the effort by the many who thought Mrs. McManus had been unfairly dismissed to see her reinstated, he thought a single letter establishing her position from her attorney to the Board of Selectmen should have sufficed. He said he thought only \$400 or \$500 was warranted.

The board did not know whether \$1000 represented actual costs or billed costs, and whether Mrs. McManus has any room to negotiate with her attorney. The other members of the board agreed but all worried that, if she was only compensated \$500 when her actual attorney's costs are \$1000, she would accept reinstatement but with bitterness. Mr. Phillips pointed out that if \$500 delayed a settlement by even a few days, the town's additional costs for continuing to pay the Interim Administrative Assistant would exceed that amount.

Mr. Phillips moved and Mr. Klimavich seconded a motion authorizing the chairman to negotiate with Mrs. McManus, agreeing to the terms laid out in Mr. Goldberg's letter but reducing any back pay by the amount of unemployment compensation received, and offering only \$500 in compensation for attorney's fees. Further, if the chairman found it necessary, she could offer up to \$1000 in attorney's fees. Upon reaching an agreement, the chairman will ask Town Counsel to draft and execute a settlement agreement and a release to be signed by

Mrs. McManus. The board would like to see Mrs. McManus return to work on Monday June 3, 2002.

Mr. Phillips, Mr. Klimavich, and Ms. Lund all voted aye.

GRAUPNER ET AL VS BROOKFIELD

Ms. Lund gave the board an update. She said Ms. Lisa Adams of Kopelman & Paige asked for permission to request a stay of execution of the Labor Relation Commission's decision on the grounds that the LRC has ordered the town to pay to the Charging Parties interest on all sums owed but that that exceeds the LRC's authority, given the Town's sovereign immunity. Ms. Lund said acting as the board's chairman, she had granted permission.

Mr. Phillips moved and Mr. Klimavich seconded a motion ratifying the chairman's action. Mr. Phillips, Mr. Klimavich, and Ms. Lund all voted aye.

SHEA AND LARIVIERE VS BROOKFIELD

Mr. Phillips said he had talked with former town counsel, Mr. McCaughey, who continues to handle this case. Evidently the former board of selectman was within a few days of settling this case when they fired the Administrative Assistant. After that, no further action was taken.

Mr. Klimavich moved and Mr. Phillips seconded a motion authorizing the chairman to sign the previously negotiated settlement agreement on behalf of the town. Mr. Klimavich, Mr. Phillips, and Ms. Lund all voted aye.

ADJOURNMENT FROM EXECUTIVE SESSION

At 9:22 p.m., Mr. Klimavich moved and Mr. Phillips seconded that the board should adjourn the executive session. Mr. Phillips, Mr. Klimavich, and Ms. Lund voted aye.

The board returned to regular session.

Respectfully submitted,

Robert S. Phillips, Clerk

Date Approved: _____ June 4, 2002 _____

DATE RELEASED: 10/30/12