

**BOARD OF SELECTMEN
BROOKFIELD, MASSACHUSETTS**

**EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION
AND TO CONDUCT STRATEGY ON PENDING LITIGATION**

MINUTES FOR September 10, 2002

Ms. Lund entertained a motion to enter Executive Session to discuss pending litigation and conduct strategy of pending litigation and to adjourn directly therefrom. Mr. Phillips moved; Mr. Klimavich seconded. Mr. Klimavich voted aye; Mr. Phillips voted aye, Ms. Lund voted aye.

**MR. GRAUPNER, MR. HAYES, MR. GRIFFIN VS. TOWN OF
BROOKFIELD**

The Executive Session opened at 11:27p.m.

Present Police Chief Ross Ackerman

Ms. Lund said the Board would respond to the request of Michele E. Randazzo, Town Counsel, regarding sending a letter to the Union's Attorney in order to support the Town's reinstatement and back wage settlements for Mr. Graupner, Mr. Hayes and Mr. Griffin. Ms. Randazzo is assuming the defense on this case because Lisa Adams is on maternity leave.

Ms. Lund inquired if all in the discussion had read the letter. Mr. Klimavich and Chief Ross Ackerman had not and proceeded to read the letter. The letter from Ms. Randazzo referred to the reinstatement and the back pay settlement amounts claimed by the men and that the Board needed to provide the figures of actual payroll hours and wages to substantiate the Town's settlement wages.

Chief Ackerman advised that he and Ms. Randazzo had discussed this case and he had also alerted her to the pending investigation of C-Pak regarding the misuse and forgery of a Police Grant.

The Board discussed settlement arrangements. They agreed that Town Counsel should continue to negotiate each man's settlement on an individual basis, to reconstruct the average estimated hours worked for the part time employees and for the one full time employee, to gather the wage history of each man to include any scheduled court time, and finally to adjust each man's salary with the same increases the Police Department received from 1999 to present. The average estimated hours would include the average overtime wages paid to current Police

Officers but would not include any extra wages for detail work or grant work funds because these wages were not guaranteed wages.

Mr. Phillips wondered if it would be helpful to assist the Treasurer with some of this paper work research. The Board agreed to this research.

Ms. Lund entertained a motion to allow Mr. Phillips to research and calculate a detail list of hours and wages for Mr. Graupner, Mr. Hayes and Mr. Griffin and to forward this information to Town Counsel to allow Ms. Randazzo to prepare a negotiation settlement letter to the Labor Relations Commission. Mr. Phillips moved; Mr. Klimavich seconded. Mr. Klimavich voted aye; Mr. Phillips voted aye, Ms. Lund voted aye.

Ms. Lund entertained a motion to adjourn the Executive Session meeting at 12:08am. Mr. Phillips moved; Mr. Klimavich seconded. Mr. Klimavich voted aye; Mr. Phillips voted aye, Ms. Lund voted aye.

Respectfully submitted,

Christine McManus, Administrative Assistant

Date approved by Board _____

DATE RELEASED: 10/30/12