

**BOARD OF SELECTMEN  
BROOKFIELD, MASSACHUSETTS  
EXECUTIVE SESSION**

**MINUTES FOR December 3, 2002**

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

The Executive Session opened at 9:20p.m. Beverly A. Lund, Robert S. Phillips, Joseph J. Klimavich, and Police Chief Ross Ackerman were present.

Mr. Phillips said the plaintiff's attorney contacted Town Counsel regarding the specific reinstatement terms. The plaintiffs have decided to come back to work, although they contest the Board's reinstatement. They have also proposed counter-offer terms for a buyout: \$300,000 for Mr. Graupner, and \$100,00 for each Mr. Hayes and Mr. Griffin. The settlements proposed by the plaintiffs do not include dropping their civil rights suit against the Town and other named individuals. These suits would continue.

Mr. Phillips said Ms. Randazzo had contacted Maureen MacDonald, the MIIA legal representative, who worried that the Town might settle the Labor Relations case by buying out the plaintiffs without also settling the Civil Rights case and be faced with a second buyout. She suggested MIIA might defray some of the cost of the Labor Relations case if an agreement can be reached to drop the Civil Rights case. However, any monetary funds from MIIA must wait until MIIA's attorney understands the Civil Rights and the Labor Relations cases. Although the Board is very interested in monetary help, it realizes that MIIA's attorney needs time to review the cases. Notwithstanding the Board needs to respond to the plaintiffs' counter-offer.

After much deliberation and discussion of the history of the case with Chief Ackerman and the review of the settlement amounts requested by the plaintiffs the Board decided to proceed in this manner.

Regarding Mr. Griffin, the Board expects him to return to duty on Monday, December 9, 2002. The back wages would be settled in the future.

Regarding Mr. Hayes, the Board agreed to offer him a settlement in the range of \$50,000.00 to \$75,000.00 – the actual amount to be negotiated by Town Counsel - in exchange for not returning to duty, to fully settle the Labor Relations matter, and to drop the Civil Rights lawsuit.

Regarding Mr. Graupner, the Board agreed to offer him a settlement of \$91,000.00 in exchange for not returning to duty, to fully settle the Labor Relations matter, and to drop the Civil Rights lawsuit.

Mr. Phillips moved to approve these arrangements for Mr. Griffin, Mr. Graupner and Mr. Hayes; Mr. Klimavich seconded. Mr. Phillips voted aye; Mr. Klimavich voted aye; Ms. Lund voted aye.

The Board agreed that Mr. Phillips would contact senior partner, Len Kopelman, and ask his opinion of the settlement arrangements and to inquire as whether the Board has any defense strategy available to them. Then Mr. Phillips would contact Michele Randazzo, Counsel on the case, to instruct her to advise the plaintiff's attorney of the Board's counter-offer.

### **ADJOURNMENT**

Mr. Phillips moved to adjourn the Executive Session meeting at 11:04pm; Mr. Klimavich seconded. Mr. Phillips voted aye; Mr. Klimavich voted aye; Ms. Lund voted aye.

Respectfully submitted,

Christine McManus  
Christine McManus, Administrative Assistant

Date approved by Board 12-10-02

Released: 10/30/2012