

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

**MINUTES OF FEBRUARY 15, 2005**

**EXECUTIVE SESSION**

Members Present: Chairman Beverly A. Lund  
Robert S. Phillips  
Joseph J. Klimavich.

Guests: Police Chief Ross Ackerman, Attorney John J. McMaster of Ballin  
& Associates.

Chairman Lund opened the Executive Session at 8:10 p.m. with Police Chief Ross Ackerman and his attorney John McMaster, of Ballin Associates, also in attendance.

**Ross Ackerman v. Christine Richard & Safety Insurance:**

Ms. Lund turned the meeting over to Attorney McMaster who discussed the police cruiser accident of January 18, 2001 involving the Police Chief and a subsequent injury on September 25, 2001. In the first accident Christine Richard (covered by Safety Insurance) hit the Chief's cruiser and the insurance company determined this was not an injured-on-duty accident (IOD). However, the insurance company did consider the second incident where the Chief was injured while assisting the Emergency Squad while lifting a patient to be an IOD. The Chief had been referred to a back specialist by his family physician and then the cruiser accident was deemed to be IOD.

Attorney McMaster explained that he represented the Chief against Ms. Richard and her insurer. The Chief was looking for reimbursement of his out-of-pocket expenses.

The Town was reimbursed \$400/week while the Chief was on a 4 hour a day light duty. It was Mr. McMaster's understanding that the Town had been paid from the 111F insurance but had not paid invoices due to the automobile accident. He further explained that, in order to settle the suit, the insurer needed some documentation that the Town won't look to them for 111F or 100 payment reimbursements. A letter from the Town would suffice. Mr. McMaster said that if the Town recognized that it did not have a lien because it didn't pay anything out, this would help the settlement go forward.

Chairman Lund stated the letter to Safety Insurance had been sent earlier because it had been recommended to her by the Town's insurer to deem the accident an IOD and to send the letter. It was agreed that, at the time, that was the correct thing to do.

Mr. Phillips moved that the Administrative Assistant send a letter to John McMaster stating that "after a meeting tonight, it was determined that the Board does not have any claim under Sections 110 or 111F arising out of the police cruiser accident on January 18, 2001 involving Police Chief Ackerman". Mr. Klimavich seconded; Mr. Klimavich voted aye; Mr. Phillips voted aye; Ms. Lund voted aye.

.<<Needs a roll-call vote.>>

At this time, both Chief Ackerman and Attorney John McMaster left the Executive Session and the Selectmen discussed the following legal case:

Heather Juda v. Town of Brookfield, et al.

Chairman Lund explained that this is a discrimination case. She reviewed her telephone conversation with the Elizabeth (Libby) Corbo, attorney at Kopelman & Paige for the Town. It seems that the School was using an outdated employee application that asked questions that are now illegal to ask a prospective employee.

She further explained that there is an opportunity to settle this case by paying the complainant the sum of \$6,000. This is the maximum that the insurance company will pay. Our attorney recommended settling. The other members of the Board agreed to settle and agreed that the School Committee should sign off.

Mr. Klimavich moved to settle and to authorize the Chairman to execute a settlement agreement; Mr. Phillips seconded. Mr. Klimavich voted aye; Mr. Phillips voted aye; Ms. Lund voted aye.

Mr. Phillips moved to adjourn executive session and to return to open session at 8:44 p.m. Mr. Klimavich seconded. Mr. Klimavich voted aye; Mr. Phillips voted aye; Ms. Lund voted aye.

Respectfully submitted,  
Donna L. Neylon  
Administrative Assistant

Date Approved by Board: \_\_\_\_\_

*Released 10/30/12*