

**TOWN OF BROOKFIELD**  
**SELECTMEN'S MEETING**  
**TOWN HALL, BANQUET ROOM**

**MINUTES OF February 6, 2007**

**EXECUTIVE SESSION #1**

Executive session opened at 7:05 p.m. Selectmen Lund and Dackson were present. Mr. Allen excused himself.

**DISCUSSION MAYO PROPERTY - 64 WEBBER ROAD**

Mr. Mayo was present and advised the board that his property is for sale and he needs legal access to the residence before the sale can be finalized. It was previously noted that Mr. Mayo's driveway is on Town property which has never been abandoned.

Ms. Lund said that the Board would have to place an Article on the Annual Town Meeting Warrant in order to turn the property over to the new owners and that a license agreement could be another option that would give access to the owners of the property until the vote at town meeting.

Ms. Lund said that she understood that, according to the Assessor's map, no other residents were affected. Mr. Mayo disagreed and said that he thought that there were five or more homes that were affected by the changing of the roadbed.

It was agreed to ask the Assessors for a listing of other properties on the road and Ms. Lund will get the process for abandoning the road. She stated that a public hearing with official notice to the abutters might be required to abandon the property.

Mr. Lund entertained a motion to allow her as Chair to contact Town Counsel for a written agreement to allow the use of the town road by Mr. Mayo as driveway to his property and to ask for the procedure to abandon the property; also to allow Town Counsel to contact Mr. Mayo's attorney; Mr. Dackson so moved; Ms. Lund seconded. Mr. Dackson voted aye; Ms. Lund voted aye; so voted.

Mr. Dackson moved to contact the assessors and Highway for any plans that show the old road known as Brimfield Road; Ms. Lund seconded; so voted.

**DISCUSSION VANDALISM TOWN HIGHWAY GARAGE**

Mr. Allen returned to the meeting at this time.

Officers William Marrier and Nicholas Abair, Police Chief Ackerman, Highway Superintendent, Herbert Chaffee and Highway Clerk, Cindy Thompson were present.

The purpose was to discuss the vandalism to the Highway Garage and determine what is owed by the parent of one child vandal. The parent of one youth has threatened a law suit and claims that there is a discrepancy in the amount that is due for restitution.

Mr. Allen asked why each department (School, Highway) dealt directly with the Court and was told that was the way they interpreted the court's instructions. Chief Ackerman said that the police department brings the case to court as a complaint or arrest; the Clerk's office then contacts the victims. The court wants a limited number of contacts. Each victim has to notify the court when they have received the court mandated reimbursement, then the court removes the charges against the child. Mr. Chaffee said that the highway does not want the children to have a record. Chief Ackerman said that the children would not have a record as long as their parents paid the agreed upon amounts.

As the school had all of their invoices at the time of the original hearing at which Mrs. Thompson was present. The Highway Department submitted an estimated bill for \$1,000 but the actual costs incurred were \$151.53 said amount to be shared by each vandal. The complaining parent was not present at the hearing. Each parent was directed to pay \$151.53.

The parent who had the complaint felt he should not pay for labor since the children did the cleaning. Mr. Chaffee said that the labor that was being charged was for the work that was done the morning of the incident to remove the obscene language and drawings immediately. Mr. Chaffee said the court told him to send a registered letter to this parent after he did not respond to phone messages and a letter sent regular mail.

Chief Ackerman said he understood that the complaining parent intended to file a claim against the Town for "words" supposedly spoken to his child by Mr. Chaffee. Mr. Chaffee said he did not know the parent and didn't believe that he had ever spoken to him. Ms. Lund read the statement from Officer Marrier explaining what had transpired and what was said at the time. She further stated that the parents were upset because the youth was accused of other vandalism and was told he would be watched.

Ms. Lund said that if something similar should happen in the future, all information should be funneled through the Police Department and the Selectmen's office. Mr. Chaffee said that he'd tried that in the beginning but the court wouldn't let him.

Ms. Lund said the Selectmen must decide if they will meet with the parent as requested in his letter. Chief Ackerman said the Boards should also decide if they would ask the parent for the balance of funds and, if so, what deadline would they give.

Mr. Dackson moved to have the parent pay the balance of \$151.53 and to have the Police Chief write a letter from the Town and copy the Selectmen; the summons/letter to be delivered by the Police Department with a 30 day deadline for payment from the date of

receipt of the summons/letter; Mr. Allen seconded; so voted. Ms. Lund voted aye, Mr. Allen voted aye; Mr. Dackson voted aye.

Ms. Lund advised those present that the complainant could not be present because he was out of town tonight.

It was agreed to send a copy of the above summons/letter to the mother of the child as a courtesy.

### **DISCUSSION CEMETERY COMMISSION LITIGATION**

The pending litigation of the Cemetery Commission regarding sale of lots was discussed.

Ms. Lund reminded the Board that they had previously given permission for the Cemetery Commission to work with Town Counsel on this matter. Correspondence was recently received from Town Counsel that needed to be reviewed.

Ms. Lund entertained a motion to contact the Cemetery Commission to ask them if the draft met their needs and if so, they should advise the Selectmen and the Selectmen would authorize Town Counsel to proceed; Mr. Allen so moved; Mr. Dackson seconded; so voted. Ms. Lund voted aye, Mr. Allen voted aye; Mr. Dackson voted aye.

### **GRAUPNER LAW SUIT**

Mr. Ronald Dackson left the meeting.

The purpose of this meeting was to review the status of the Police ULP and Civil litigation. Attorney Michele Randazzo had advised the Board that following the mediation session at which nothing was resolved that it would be necessary to go to trial. A complaint had been prepared but in the meantime, Mr. Graupner has agreed to settle the case for back wages which is approximately \$23,000. This would dismiss the Labor Relations suit and the civil suit. Ms. Randazzo has recommended that the Board settle. Mr. Graupner is currently in bankruptcy proceedings and this case would be gone. Mr. Graupner would not be able to file a civil suit against the other parties named in the suit on an individual basis.

Ms. Randazzo also feels that if this case is settle then the Heyes and Griffin cases may be resolved much more quickly.

Mr. Allen moved to authorize Town Counsel to proceed to settle with Mr. Graupner for the amount of \$23,000 (back wages), but no more than \$100,000 as outlined in Ms. Randazzo's letter; Ms. Lund seconded; so voted. Ms. Lund voted aye, Mr. Allen voted aye.

**ADJOURNMENT**

Ms. Lund entertained a motion to adjourn the Executive Session and to return to open session; Mr. Allen so moved; Ms. Lund seconded; so voted. Ms. Lund voted aye, Mr. Allen voted aye. Executive Session adjourned at 8:30 p.m.

Respectfully submitted,

Donna L. Neylon  
Administrative Assistant

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

DATE RELEASED: 11/27/2012