

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

**MINUTES OF MAY 1, 2007**

**EXECUTIVE SESSION #1**

**6:05 pm**

**Public:** Ross Ackerman, Attorney John Vigliotti.

Ms. Lund explained that this session was called because there were a couple of court sessions where the Police Chief, Ross Ackerman, failed to show; the Selectmen wanted to discuss this with him and called the Executive Session to observe Chief Ackerman's rights.

Mr. Allen asked Chief Ackerman if he had a policy about appearing in court in general and the response was yes. Chief Ackerman explained that summonses for the police officers are placed in mailbox for the Town at the court house. He has discussed the recent problem with the court officer and has worked out a new policy whereby someone from his department will check the box on Monday and if other summonses are placed there during the week he will receive a telephone call. The officer in charge will verify the receipt of the summons and place this information on a board at the station so the officers will be reminded.

Attorney John Vigliotti, who was representing Chief Ackerman, explained probable cause and why officers other than the arresting officer may be on the complaint. He said that if an officer is summoned, he/she must show unless he receives authority from the District Attorney. This may be given verbally. The officer who is summoned must sign the "return" and this is kept on file at the court. He said that sometimes the court "forgets" to issue the summons.

Mr. Allen asked if Chief Ackerman thought the publicity from his "no shows" looked good. Chief Ackerman replied that it did not but he had already taken counter measures.

It was agreed that the Board of Selectmen would issue a statement to the press indicating that new policies have been instituted and that the Chief is working closely with the District Attorney's office. Mr. Allen agreed to draft the statement.

Ms. Lund asked if the Board felt any other action needed to be taken. Mr. Dackson said no and Mr. Allen agreed.

Ms. Lund entertained a motion to allow Mr. Allen to draft the statement to be reviewed by the Board before submitted to the press; Mr. Dackson so moved; Ms. Lund seconded; so voted.

## **EXECUTIVE SESSION #2**

**6:40 pm**

**Public:** Craig Swanson

Ms. Lund asked Officer Swanson for his explanation of what he felt transpired when he and Chief Ackerman were summoned to East Brookfield court for a case where they had made an arrest and did not show.

Officer Swanson explained that he had not received the summons but did a call from Chief Ackerman to go immediately to court. He was at his full-time job as a machinist and had to clean up before going to court. The court officer knew he was on his way but when he got there he found that the case was already dismissed. He said that he had asked the District Attorney for proof of service and there was none.

Officer Swanson said that in the case against Mr. Orcutt had been postponed and the second round of summonses must not have been issued with the new court date. He said that he personally had three instances where summons were cancelled and he wasn't advised.

Officer Swanson stated that he had reviewed the Police Chief's new policy regarding summons and he agrees with it. He again stated that he believed it was a clerical error on the court's part.

Ms. Lund asked the Board if they felt there was any further action to be taken. Mr. Allen said no; Mr. Dackson said no.

Mr. Allen moved to accept the testimony of Officer Craig Swenson and Police Chief Ackerman as presented and to take no further action other than to issue the public statement previously voted upon; Mr. Dackson seconded; so voted.

## **EXECUTIVE SESSION #3**

**7:18 pm**

**Public:** Ross Ackerman, Attorney John Vigliotti, Christopher Welsh, Richard Banach, Peter Masuzzo

Ms. Lund said that the purpose of this Executive Session is to address the concerns of resident Peter Masuzzo as stated in his letters to the Board. She reported that the matter had come before the Board previously and Mr. Masuzzo and Chief Ackerman were instructed to work the matter out between them.

Mr. Masuzzo's letter of August 24, 2006 was briefly reviewed. Attorney Vigliotti objected stating that Mr. Masuzzo's son is of majority age, the case involved him and he should be filing the complaint not Mr. Masuzzo.

Mr. Masuzzo said that was a witness of what "went down; he hired and paid the lawyer to represent his son and he filed this complaint as a resident. He said that his son was not present because the Brookfield Officers were not present at his jury trial and he felt they should have been there. Further, he said that the first line in his letter stated this was a joint complaint.

Ms. Lund instructed Mr. Masuzzo to only speak of actions that directly affected him.

Mr. Masuzzo said that he had been unfairly stopped by the police while driving his son's vehicle; and was told the stop was for "drunk driving awareness"; also he has observed police watching his house. He reported having a witness to the surveillance of his home.

In response, Chief Ackerman said that the phrase of "drunk driving awareness" was not one that Officer Tytula would have used. The Chief said that there had been a higher police presence in the area of his home but not necessarily aimed at his house. At the advice of his council, he did not go into details.

Mr. Masuzzo said that officers were observed taking down license plates of vehicles in his yard. Both Officer Banach and Officer Welsh stated that they were not aware of that. Chief Ackerman said that no explicit directive was given to monitor Mr. Masuzzo's home.

Mr. Masuzzo said that the surveillance was an "unreasonable action" but it was stopped after he spoke with the Police Chief following the meeting with the Board of Selectmen. Mr. Masuzzo said he would still like to know why the officers did not show up at his son's trial.

Attorney Vigliotti responded by stating that one officer was at Academy and the other did not receive a summons; the Chief was not involved so he was not expected to attend.

Mr. Masuzzo stated that although the case against his son ended up dismissed, "none of this should have happened"; it "cost him about \$4,000" was a great "inconvenience".

Ms. Lund said that Mr. Masuzzo's son still had the option to file a complaint.

Ms. Lund thanked everyone for attending the meeting and at 7:47 pm she entertained a motion to adjourn the Executive Session and return to Open Session; Mr. Allen so moved; Mr. Dackson seconded; so voted. Ms. Lund voted aye; Mr. Allen voted aye; Mr. Dackson voted aye.

Respectfully submitted,  
Donna L. Neylon, Administrative Assistant

Date approved by Board: \_\_\_\_\_

DATE RELEASED: 11/27/2012