

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

MINUTES OF August 7, 2007

EXECUTIVE SESSION #1

Chairman James W. Allen called the meeting to order and led the Pledge of Allegiance at 7:00 p.m. Other members present: Ronald J. Dackson and Rudy Heller.

Camera Operator: None

Press: None

Public: Ross Ackerman

Mr. Allen called the Executive Session to order at 10:36 pm.

Mr. Allen said the purpose of the first session was to discuss possible litigation: #3 Reason for convening Executive Session (M.G.L. Chapter 39, S.23B): "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel".

Police Chief, Ross Ackerman made the Selectmen aware that he had terminated Officer Steven Fernstrom and there was a potential law suit against the Town for his actions. He also said that Officer Fernstrom was an employee-at-will and should have no expectations of an appeal process.

Mr. Allen said that Officer Fernstrom had asked for a copy of the reason for his dismissal and wanted him to accompany him to the Police Station to pick up the paper. Chief Ackerman will not release the information without a review by Town Counsel. He said that has five days to respond to the request for copies of the personnel file and disciplinary actions. The information has been faxed to Town Counsel and he is waiting for their response.

Chief Ackerman said that he had given a verbal review with Officer Ackerman and then wrote it up; Officer Fernstrom refused to sign the written version of the review. The Chief said that Town Counsel had advised him to write everything down and ask the officer to sign. Chief Ackerman said that the police have different rules and there is "no need to give him (Fernstrom) anything in writing". He was terminated within the probationary period. He said that both verbal and written disciplines were done.

Mr. Allen said that Officer Fernstrom had requested a meeting with the Selectmen and he read aloud the grievance procedure in the Town's personnel by-laws. Mr. Heller said that an impartial person should be present. Chief Ackerman said that Officer Fernstrom should come with his lawyer.

For reasons for termination Chief Ackerman mentioned "working on grants and contracts with the library not under his (Police Chief) direction. The Chief alluded to "problems at Holy Cross" while referring to prior employment of Officer Fernstrom. Chief also mentioned a restraining order that was not served but that Officer Fernstrom implied that it had been served.

Chief Ackerman will supply a copy of the files as soon as he has Town Counsel's ok. He said that no disciplinary actions were in Officer Fernstrom's file.

Mr. Dackson said that if Officer Fernstrom were to come to the Board for a meeting, he should be told to go through Town Counsel. Mr. Heller said that when Officer Fernstrom came to see him, Mr. Heller told him that he had nothing to discuss because he had been told that Officer Fernstrom's lawyer was involved.

Mr. Dackson moved to not meet with Officer Fernstrom and his lawyer until Town Counsel had been consulted; Mr. Heller seconded; Mr. Allen voted aye, Mr. Dackson voted aye, Mr. Heller voted aye; so voted.

Mr. Allen said that letters were written by the Library Director and one of the Trustees on Library letterhead. It was agreed to send a letter to the trustees asking that personal letters not be on Library letterhead. Mr. Allen will draft the letter.

At 11:45 pm, Mr. Dackson moved to adjourn this executive Session and move immediately on to the next one; Mr. Heller seconded; Mr. Allen voted aye; Mr. Dackson voted aye; Mr. Heller voted aye; so voted.

EXECUTIVE SESSION #2

The purpose of the second session was to discuss the possible purchase of real property: #6 Reason for Convening Executive Session (M.G.L. Chapter 39, S.23B): "To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body".

Mr. Allen reported that he had spoken to a benefactor who will discuss purchasing the property behind the library for the Town. He would then make some repairs and sell the property to the Town; he does not want more than a 5 year time period for the pay back.

Mr. Dackson said that there were more urgent issues before the Town; i.e. the police station, Town Hall windows; still paying for two schools, the new Town Hall roof and

the new Highway barn and asked what was priority. He felt the last priority (of those mentioned) should be the library.

Mr. Heller said that there were three space needs and he felt that all could be handled.

Mr. Dackson moved to thank the benefactor but tell him the Town couldn't buy the building at this time.

Mr. Heller felt the matter should go before the voters if the benefactor was willing to purchase the building knowing that the voters could turn down the purchase he suggested a \$150,000 maximum.

No decisions were made.

At 12:04 pm, Mr. Dackson moved to adjourn this executive Session and move immediately on to the next one; Mr. Heller seconded; Mr. Allen voted aye; Mr. Dackson voted aye; Mr. Heller voted aye; so voted.

EXECUTIVE SESSION #3

The purpose of the third session was to discuss a personnel problem: #2 Reason for Convening Executive Session (M.G.L. Chapter 39, S.23B): "To discuss the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual".

Mr. Allen said that he had been approached by the Fire Chief, Peter Martell and EMS Chief, Donna Lafleur, asking for permission to speak with Town Counsel regarding a sexual harassment matter. Apparently one of the EMT's has made a charge against another. Donna Lafleur, as Sexual Harassment Officer, has already taken the necessary steps and she has also reported the incident to the State Police.

There is also a restraining order against one of their EMT's by another EMT. Mr. Allen reported that Police Chief Ackerman had confiscated guns from someone in a neighboring apartment to the EMT who has the restraining order against him and he wants to turn the case over to the State Police.

Mr. Allen entertained a motion to approve the use of Town Counsel; Mr. Dackson so moved; Mr. Heller seconded; Mr. Allen voted aye, Mr. Dackson voted aye; Mr. Heller voted aye; so voted.

ADJOURNMENT:

As there was no further business before the Board, Mr. Dackson moved adjourn the meeting at 12:15 p.m.; Mr. Heller seconded; Mr. Allen voted aye; Mr. Dackson voted aye; Mr. Heller voted aye; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____

DATE RELEASED: 11/27/2012