

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

MINUTES OF January 2, 2008

EXECUTIVE SESSION

Chairman James W. Allen called the Executive Session to order at 6:00 p.m. in the Selectmen's office of the Town Hall and led the Pledge of Allegiance. Other members present: Ronald J. Dackson and Rudy Heller.

Present: Police Chief Ross Ackerman, Attorney John Vigliotti.

Mr. Dackson moved to enter Executive Session which was called for the reason below: Mr. Heller seconded; so voted unanimously.

REASON: "To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual."

Mr. Allen turned the meeting over to Mr. Heller who was the individual that had the "complaint or charge" against the Police Chief.

Mr. Heller said that "we need to be sure that all misunderstandings are cleared up before things get out of control". He began to read his points (a copy is attached to these minutes):

- 1) Expense and Payroll Warrant questions and follow up. During the discussion the Selectmen's procedure for having their questions aired was discussed, i.e. the Board signs the warrant to indicate their approval, that the expenses are justified. Mr. Allen said that questions that Board members have involving a particular invoice or payroll, if brought up during a public meeting, must be answered by the involved department head.

Mr. Dackson moved to allow Attorney Vigliotti to speak; Mr. Heller seconded for discussion. Mr. Heller reminded the Attorney that he cannot speak for the employee who should speak up for himself. Attorney Vigliotti said if the Board talks about other things, they may be violating the reasons for the Executive Session. Vote on the motion: Unanimous, all voted aye.

Mr. Heller said that he believed the Chief didn't feel that the Selectmen have authority over him (Chief). The Chief had told Mr. Heller, during a recent telephone conversation, that he "was advised not to talk to him" (Mr. Heller) and that he "would deal with you in a different way from now on". Mr. Heller felt that this was a threat and "not a very veiled threat".

There was discussion of whether or not Mr. Heller had put the note on the payroll warrant as a Selectman or as an individual. Mr. Allen said that when a Selectman speaks as an individual, the department head has the option of

whether or not to answer but if the Selectman speaks as a Selectman, the department head must answer the question(s) posed. Attny Vigliotti agreed that privacy rights are different with the Board versus individuals.

Chief Ackerman assured the Board that he knows that they are his boss.

Mr. Heller said that he would, henceforth, be certain to bring up all questions that he had for Chief Ackerman and relative to any warrant items during Selectmen's meetings. He added that he felt that the way that Chief Ackerman spoke to him was "inappropriate and unprofessional", and asked if Chief Ackerman spoke that way to him, it makes him wonder how the Chief speaks to others.

Chief Ackerman said that there was misunderstanding throughout the conversation and that he felt intimidated by Mr. Heller when he "was not allowed to answer" questions of Mr. Heller and that he felt that Mr. Heller was belittling him. Mr. Heller stated that Chief Ackerman had initiated the phone call and that he (Mr. Heller) felt Chief Ackerman was being aggressive to him. Mr. Heller apologized if he had made the Chief feel "belittled" and stated that that was never his intention, and Chief Ackerman apologized if he "said something taken as intimidating".

Mr. Dackson said that he believes the Chief is open to questions from Board members and the Board.

Attny Vigliotti said it was important that communication be clarified as to coming from either an individual or from the Board.

Chief Ackerman said it was "important that each member (of the Board) feel free to contact him, especially in an emergency".

Mr. Dackson moved to leave Executive Session and enter into the Regular Session at 7:00 p.m.; Mr. Heller seconded; so voted (vote was unanimous with each member voting aye); thus the Executive Session concluded at 6:30 p.m.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____

DATE RELEASED: 11/27/2012

Mr. Heller's notes:

"There are some points I'd like to clarify with the other members of the board with Chief Ackerman present.

We live in a small town and we need to clear up misunderstandings before things get out of control.

We already have heard rumors in the two weeks that have transpired since I put a post-it note on a payroll warrant. But they are rumors and I'm not going to specify them here.

The first point regards our organizational structure.

I put a post-it note on an item in the payroll warrant, to be specific, on an overtime payment for 3 hours to a police officer. I wanted more details.

As a result of that note, I received a call from the Chief in which he told me that he had already told me before that I was not supposed to do that, and that he was telling me that again, and that I wasn't listening. And that further, he had been advised not to talk to me and that from now on he would have to deal with me in a different way.

*So, first of all, I want the BoS interpretation of what it means when we sign a payroll warrant? Do we just sign it to fulfill a requirement or are we signing to indicate that we have reviewed it and that we approve it?

If that is the case, it's only logical that before we approve, if we need more information, we should request it. That is part of our job as Selectmen.

It seems from the conversation with the Chief that he feels that we have no authority over him. And I want that clarified by the Board and with the Chief present. The way I see it, everybody has a boss. The Chief has us as his boss and our boss are the Taxpayers of the town.

The second point involves communications.

The Chief told me in the phone conversation that he had been advised not to talk to me. In my life I have not been told that, certainly not in my professional life. I'd like to ask the Chief who advised him not to talk to me and why he was told not to talk to me. Can you explain that to me?

I construed the "I will have to deal with you in a different way" statement by the Chief as a not-so-veiled threat. Coming from a person who carries a gun and is authorized to use it, it was a statement that gave me great concern. Not only concern for my own personal safety, but even more concern about a bigger problem. If that is the way the Chief talks to one of the people that, as a Board, has the ultimate authority over him, how does he talk to the employees under him? And more importantly, how does he talk with the Townspeople?