

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

**MINUTES OF DECEMBER 7, 2009**

**EXECUTIVE SESSION**

Chairman Rudy Heller called the meeting to order at 10:00 A.M. following a vote of all members voting "aye". Also present: James Allen and Peter O'Connell.

**Camera Operator:** None  
**Press:** None  
**Public:** Michele Randazzo, Anthony Vigliotti

Mr. Heller entertained a motion to enter Executive Session pursuant to G.L. c. 39, §23B(1), To Discuss the "Reputation, Character, Physical Condition or Mental Health Rather than the Professional Competence" of a Particular Individual.

The Board voted to enter into executive session under c. 39, §23B(1), and to return to open session at the conclusion of the executive session: Heller – aye; Allen – aye; O'Connell – aye.

Mr. Heller noted that Chief Ackerman had been given more than 48 hours notice of the hearing by registered mail, return receipt requested and by regular mail. Mr. Heller said that Attorney Sullivan had also been notified by both email and regular mail. The Town did not provide separate notice to Attorney Vigliotti as it was unaware that Attorney Vigliotti was still representing Chief Ackerman, but Attorney Vigliotti indicated that he had been provided with a copy of the notice from his client.

Attorney Vigliotti said that he was representing Ross Ackerman who was sick and could not attend. He further stated that as an attorney for the Police Chief's Association, he was representing Chief Ackerman because as a meeting to consider the termination of the Chief's employment with the Town of Brookfield, this was a disciplinary proceeding.

The Town's attorney, Michele Randazzo brought Attorney Vigliotti up to date on the Chief's current employment status and on efforts to reach an agreement with Chief Ackerman. She noted that Mr. Ackerman's unpaid Family Medical Leave benefits had expired on September 4<sup>th</sup> at which time he had also used up all accrued leave. The Board had voted to continue the Chief on unpaid leave for three additional months and to cover the Town's portion of his health insurance to give the Town and the Chief time to work out a settlement agreement. Both parties had appeared to agree on all but three minor areas and had also agreed to the wording of a joint press release. However, within the last two weeks, Chief Ackerman added a new demand causing negotiations to fail. The Board felt it had no choice but to schedule the termination hearing.

Attorney Vigliotti asked if unemployment benefits had been discussed and Attorney Randazzo replied that they had not as the Town did not feel it appropriate if the employee was going to resign. Mr. Vigliotti said that he needed to talk with both Attorney Sullivan and Mr. Ackerman before he could say anything. He stated that he couldn't talk with Mr. Ackerman today and would not be able to communicate with Mr. Sullivan until Thursday. He asked for a week's extension of the hearing

Attorney Randazzo told the Board that their options were to take a vote today:

- 1) to terminate the employee immediately;
- 2) to terminate the employee effective at a later date, i.e., in one week;
- 3) to put off their decision for a specified period of time.

The Board agreed that the negotiations have been going on for six months, that they were willing to give Attorney Vigliotti a reasonable period of time to speak with the employee but they were not willing to keep extending the time; they felt it in the best interest of the Police Department and the Town to come to a conclusion on these negotiations as quickly as possible.

Attorney Randazzo told Attorney Vigliotti that the Board would like an amicable conclusion within a reasonable period of time; was not interested in extending the pay period of the employee beyond that to which it had already agreed, and that his resignation needed to include not just his position as Police Chief but also as an Officer. She expressed confidence that the Town and the Chief could resolve the minor differences in reimbursement for items the Chief had purchased for department use with his own funds, and on the topic of compensating the Chief should the Town ask him to provide testimony on court cases arising from his tenure as Chief. Attorney Randazzo told Attorney Vigliotti that the Town had, to date, stayed away from pending performance issues in hopes of reaching an amicable resolution to the matter.

Attorney Vigliotti reiterated that he needed to talk with Attorney Sullivan and Mr. Ackerman. He would make his recommendations in the best interest of his client but focus on "discipline"; it would be Attorney Sullivan's responsibility to focus on other matters such as the Chief's applications for retirement or claims for leave under G.L. c. 41, §111F, etc.

Mr. Allen said that he felt that the Town had been "more than fair" with Mr. Ackerman and he "expected the same from him".

Schedules were compared and December 17<sup>th</sup> at 10:00 a.m. was agreed upon; a new notice will be sent of the re-convening of this meeting. M. Randazzo will send Attorney Vigliotti a copy of the last version of the agreement that the Town was working on with Attorney Sullivan.

Mr. Allen moved to continue the hearing on Mr. Ackerman's situation until December 17, 2009 at 10:00 a.m. with the understanding that the Board would vote on that date

specific to Mr. Ackerman's termination which would be no later than December 27, 2009 if there is no positive response from Mr. Ackerman or his attorneys; Mr. O'Connell seconded for discussion purposes only. Mr. O'Connell stated that Mr. Allen's motion limited the Board as to its actions. Mr. Allen agreed and retracted his motion; Mr. O'Connell retracted his second and the motion was removed from the floor.

Mr. Allen moved to continue the hearing to December 17, 2009 at 10:00 am in the Town Hall to continue the discussion relative to Mr. Ackerman's situation; Mr. O'Connell seconded; so voted. Mr. Allen voted "aye"; Mr. O'Connell voted "aye"; Mr. Heller voted "aye". The Board also agreed to post a meeting for 11:00 a.m. on Wednesday, December 16<sup>th</sup>, should it be necessary to have further settlement discussions prior to the 17<sup>th</sup>. This meeting may or may not be necessary and would be Executive Session if held.

**ADJOURNMENT:**

At 11:25 pm Mr. Allen moved to adjourn the Executive Session and to move to Open Session; Mr. O'Connell seconded. Mr. Allen voted "aye"; Mr. O'Connell voted "aye"; Mr. Heller voted "aye".

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

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

DATE RELEASED: 11/27/2012