

**TOWN OF BROOKFIELD**  
**SELECTMEN'S MEETING**  
**ELEMENTARY SCHOOL, OUTREACH ROOM**

**MINUTES OF FEBRUARY 9, 2010**

**EXECUTIVE SESSION #1 OF 2**

At 7:05 pm the Selectmen met in Executive Session in the Principal's Conference Room with Cemetery Commissioners Wayne Yaskoski, Peter Masuzzo and Arthur Jay in attendance.

The purpose was to discuss whether or not the Town should appeal the judge's decision against the Town in the Land Court Case No. 07 MISC 341857 (CTW) Town of Brookfield, by and through its Cemetery Commission v. Douglas J. Kruzewski and Joseph Spadea, known as the "cemetery lot case".

It was agreed that the following would be discussed:

- 1) whether to appeal or not
- 2) the wording of a press release
- 3) implications of current regulations

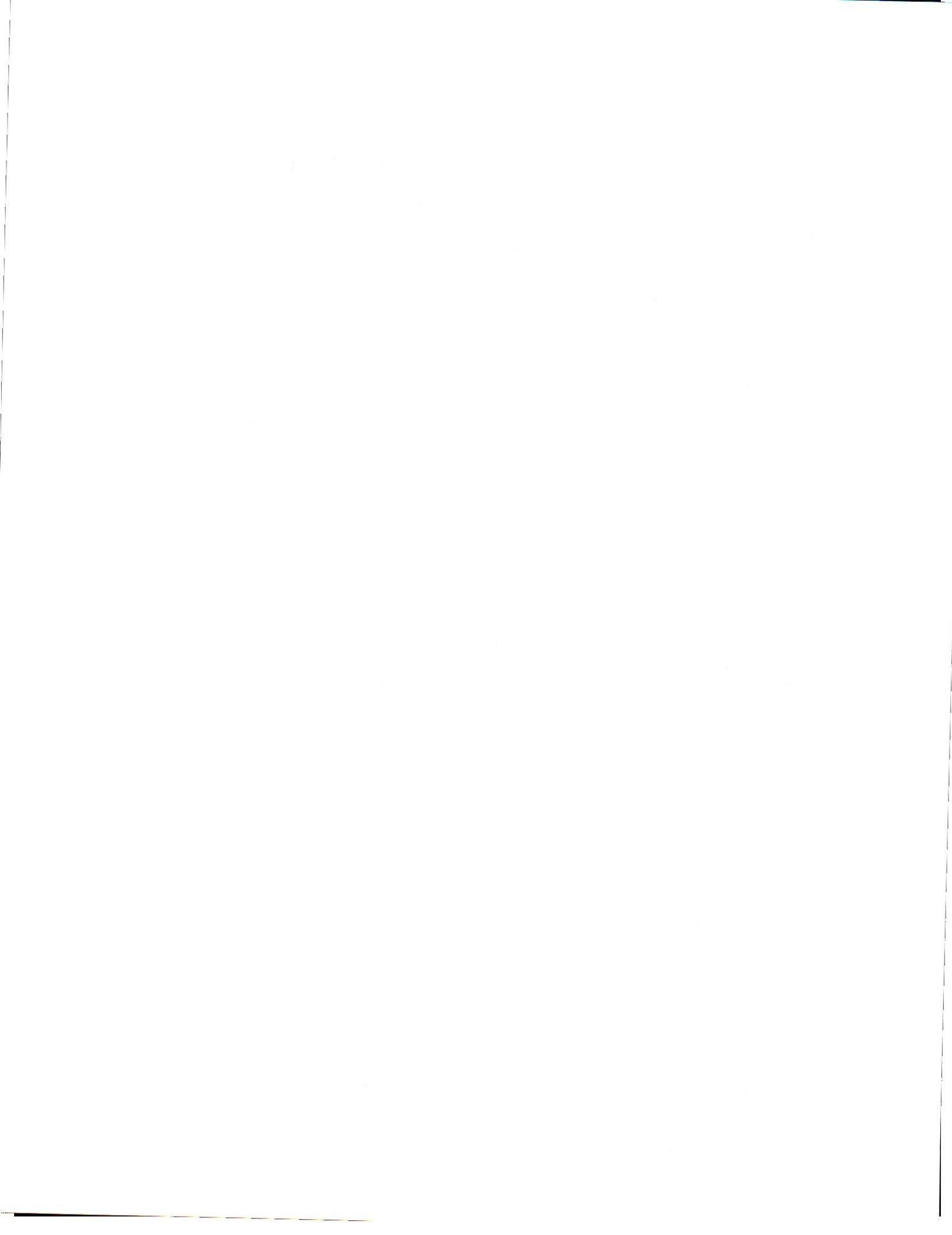
Mr. Masuzzo spoke of the Commissioners disappointment with Kopelman & Paige's representation of the facts and that the lead attorney, Patricia Cantor, didn't give the Commissioners and the Town certain information that could have caused the Town to not proceed with the case, saving considerable litigation costs. The Commissioners felt that, if there were to be an appeal, they would want different representation.

During the considerable discussion, it was noted that the Cemetery Commissioners as a board was established by Town Meeting vote in 1931; it was not know if the Selectmen who acted as the Commissioners prior to that had voted any specific rules and regulations.

Steps have been taken to prevent future problems like this: i.e. the Annual Town Meeting vote in 2005 and some votes taken by the Commissioners in 2009. The Commissioners are waiting to hear if the 2009 votes need to go before the townspeople.

Under current Cemetery Regulations recommended by Town Counsel, the Commissioners sign all deeds now; they do not go before the Selectmen for signatures. However, this could be a problem as Town By-Law indicates that all contracts must be signed by the Selectmen and the lot deed is a contract. Should the by-law be amended or should the deed be amended so that the Commissioners sign first and then the Selectmen sign?

It was agreed that the Boards must make sure that actions that need to go before voters are presented and that necessary follow-up actions are taken.



**MOTION:**

Mr. O'Connell moved that the Town not appeal the Judge's decision; Mr. Allen seconded; following some discussion the motion was voted upon: Mr. Allen voted aye; Mr. O'Connell voted aye; Mr. Heller voted aye.

Mr. Heller mentioned that he had heard that Mr. Spadea was considering suing the town for their "frivolous lawsuit". Mr. Heller will meet with both Mr. Spadea and Mr. Kruzewski sometime during the week of February 22 to discuss this. The Board agreed that Mr. Allen would attempt to contact Mr. Kruzewski to find out what kind of monument he plans on putting in the cemetery and where he plans on placing it.

**MOTION:**

Mr. O'Connell moved to ask the Cemetery Commissioners to draft a letter to send to Kopelman & Paige regarding their service in this case; Mr. Allen seconded; so voted.

Mr. Masuzzo asked for more time to review their draft press release as there was a date mentioned in it that he wanted to confirm. It was agreed that he would check that date and then forward the press release to the Selectmen who would release it.

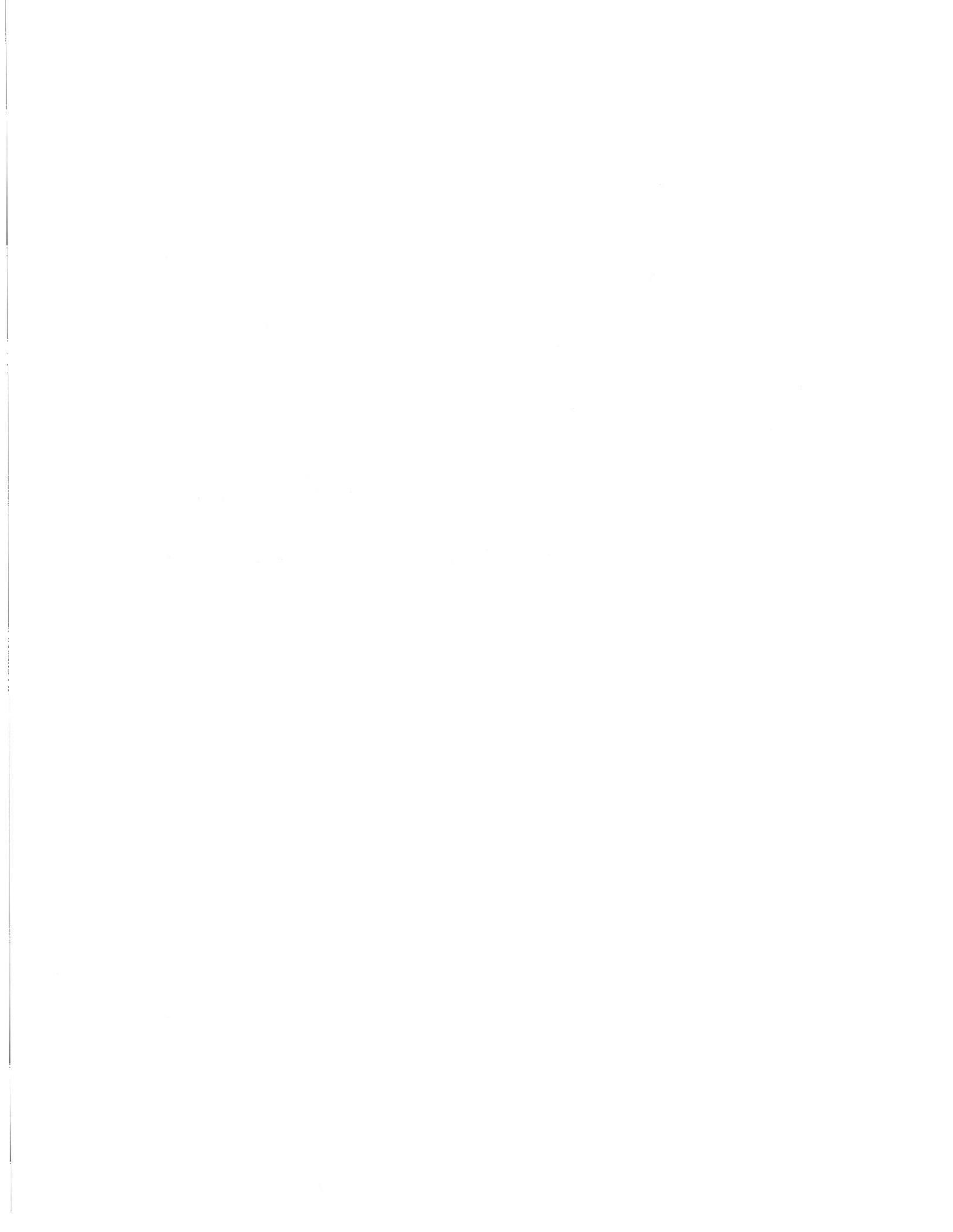
At 7:54 pm, Mr. O'Connell moved to adjourn this Executive Session and proceed immediately into the next one; Mr. Allen seconded; so voted with Mr. O'Connell voting aye; Mr. Allen voting aye; Mr. Heller voting aye.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

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

Date Released: December 11, 2012



**TOWN OF BROOKFIELD**  
**SELECTMEN'S MEETING**  
**ELEMENTARY SCHOOL, OUTREACH ROOM**

**MINUTES OF FEBRUARY 9, 2010**

**EXECUTIVE SESSION #2 OF 2**

At 7:54 pm the Selectmen met in Executive Session in the Principal's Conference Room with Acting Police Chief, Christopher Welsh in attendance.

The purpose was to discuss certain security issues relative to the proposed retirement of Police Chief Ross Ackerman.

**1) Bullet Proof Glass**

As part of his retirement, Chief Ackerman had requested reimbursement for the bullet proof glass that was mounted over the picture window in the leased police station. He claimed that he had paid \$1400 from his personal money for the glass. Mr. Ackerman claimed to have purchased the glass from a private individual. It was learned that he had told Selectman O'Connell that he had a receipt but that he had told Town Accountant, Betty Benoit that he did not have a receipt but could get one. She wanted a copy of his cancelled check and he told her that he paid cash.

If the Town were to purchase the glass from Mr. Ackerman, since this is a prior year invoice, there would have to be an affirmative vote before town meeting.

Acting Chief Welsh presented to the Board three quotes for new bullet proof glass with the highest quote approximately \$2,600. He said that the Accountant had checked back through her records through 2003 and could find no record of the purchase. He also indicated that he had spoken with an officer that indicated he believed the glass was donated to the Town by the State Police following some renovations of theirs. Chief Welsh has not been able to confirm this information as yet.

There has been no documentation located to date to indicate that the Town owns the glass or that Mr. Ackerman owns the glass. The question arose that if the glass was in the station for seven years, why did Mr. Ackerman not request reimbursement before this.

Mr. Allen moved to authorize Mr. O'Connell to speak with Mr. Ackerman regarding the ownership and disposal of the glass; that the ownership is so vague that the Town cannot buy it from him; Mr. Heller seconded; so voted with Mr. O'Connell voting aye; Mr. Allen voting aye; Mr. Heller voting aye.



2) **Locks on Police Station**

Acting Chief Welsh presented two quotes to the Board for changing the locks on the Police Station. Installed and with 20 keys, the total cost would be \$319.

Mr. O'Connell moved to authorize the lock change contingent upon the approval of the landlord; Mr. Allen seconded; so voted with Mr. O'Connell voting aye; Mr. Allen voting aye; Mr. Heller voting aye.

3) **Locks on Post Office Box**

Acting Chief Welsh said that it would cost \$15 to change the lock on the Police Department's mailbox and asked permission to do so.

Mr. O'Connell moved to authorize the lock change; Mr. Allen seconded; so voted with Mr. O'Connell voting aye; Mr. Allen voting aye; Mr. Heller voting aye.

At 8:07 pm, Mr. O'Connell moved to adjourn this Executive Session, leaving the last Executive Session for the February 17<sup>th</sup> meeting and to proceed immediately to Open Session; Mr. Allen seconded; so voted with Mr. O'Connell voting aye; Mr. Allen voting aye; Mr. Heller voting aye.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

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

Date Released: December 11, 2012

