

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

MINUTES OF FEBRUARY 17, 2010

EXECUTIVE SESSION

The Executive Session was opened at about 12:05 pm.

The purpose of the first of three Executive Sessions was to “discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel”.

Mr. O'Connell stated that he had spoken with the Zoning Enforcement Officer, Gary Simeone, regarding his use of Town Counsel to make Mr. Mark Hammond comply with town by-laws. Mr. O'Connell reported asking Mr. Simeone if he had levied any fines (according to the by-law) against Mr. Hammond and the reply was that he had not as they hadn't worked in the past. Mr. O'Connell recommended that the Board of Selectmen ask Mr. Simeone to put a hold on further use of Town Counsel in this case, pending the outcome of the Planning Board's hearing with Mr. Hammond. Mr. Heller will speak with Mr. Simeone about this.

Mr. O'Connell said that Mr. Simeone had been working closely with the Planning Board on this and that he was attending their Public Hearings.

There was a general discussion of the use of Town Counsel for litigation purposes.

At about 12:15 pm, Mr. O'Connell moved to adjourn this Executive Session and proceed to the next; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and 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
TOWN HALL, BANQUET ROOM
MINUTES OF FEBRUARY 17, 2010
EXECUTIVE SESSION

The Executive Session was opened at about 12:15 pm.

The purpose of the second of three Executive Sessions was to discuss strategy with respect to litigation. (Reason numbered 3: To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body)

Several e-mails had been received from Town Counsel, Jeffrey Honig regarding the "Lakeside Campground" litigation and foreclosing this property under the tax title laws.

Ms. Wadden – back taxes:

Mr. Honig pointed out that certain property owned by Lisa Wadden has never been placed in tax title by the Tax Collector and this should be done. Ms. Wadden owes approximately \$960 in back taxes, plus interest. At the time that the verified complaint was filed, she was current in her taxes. Mr. Honig asked if her property should be added to the verified complaint. He also noted that Ms. Wadden owed the Town legal fees dating from the Court's decision that she had operated the Campground illegally. He asked whether the Board wanted to pursue this through civil litigation. Mr. O'Connell moved to put Ms. Wadden into tax title immediately and to add this to the verified complaint and not, at this time, to pursue action in civil court to collect the attorney fees she owes the Town as a result of a contempt case; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.

Verilyn O'Connell, Peter O'Connell, et al:

A letter was received from Mr. Honig forwarding an offer by for defendant Verilyn O'Connell and for the estate of Peter O'Connell (not Peter S. O'Connell, Selectman) to exchange deeds to their properties to the town in lieu of foreclosure and to extinguish the Town's claim for back taxes. Attorney Honig recommended that the Town not take this offer, since the difference in the value of the land which originally sold for about \$100 and the amount owed in back taxes and interest (well over \$40,000) was too large.

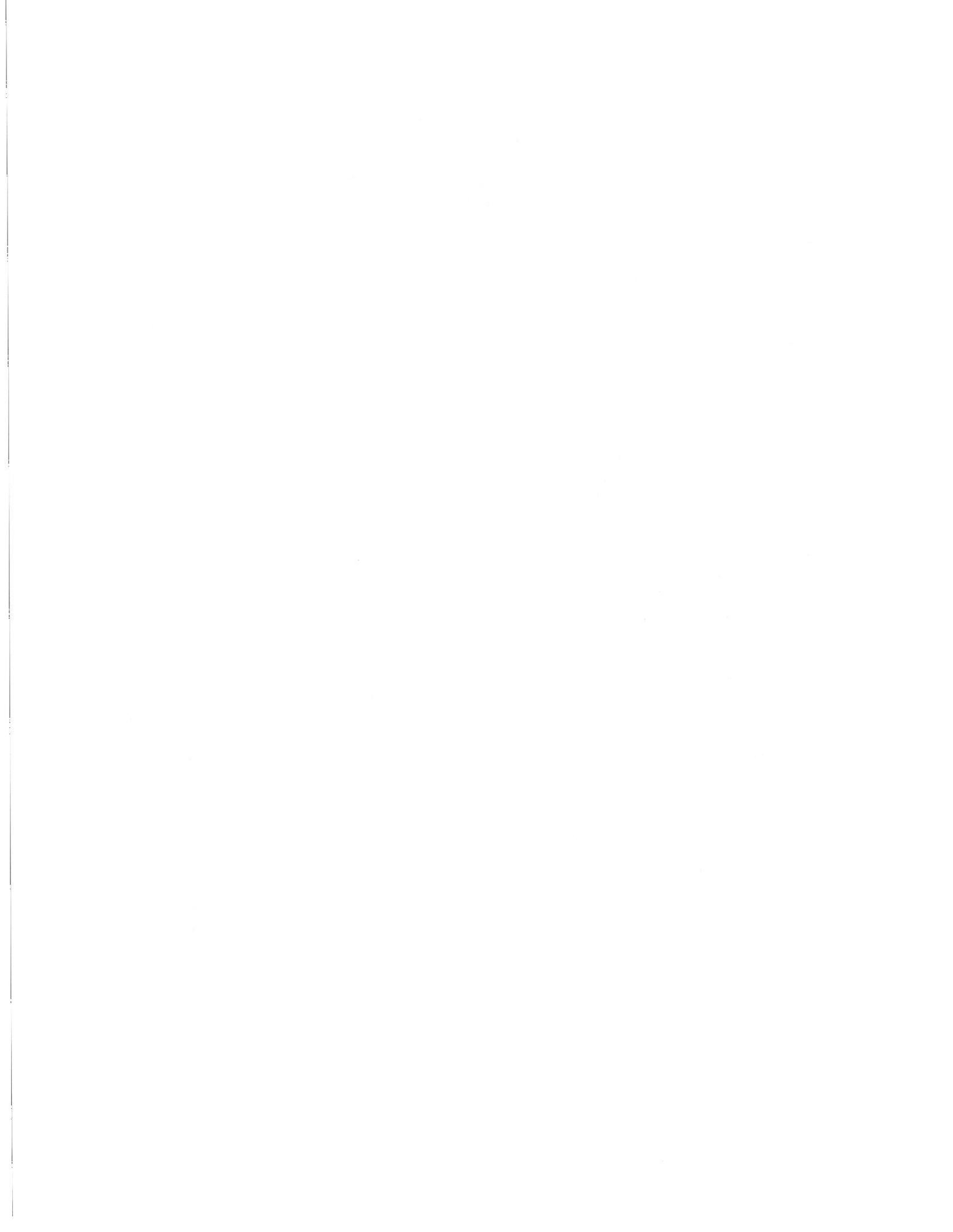
Mr. Allen moved to continue with the tax title process in land court and to not accept the deeds in lieu of foreclosure; Mr. O'Connell seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.

At about 12:20 pm, Mr. O'Connell moved to adjourn this Executive Session and proceed to the next; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and 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
TOWN HALL, BANQUET ROOM

MINUTES OF FEBRUARY 17, 2010

EXECUTIVE SESSION

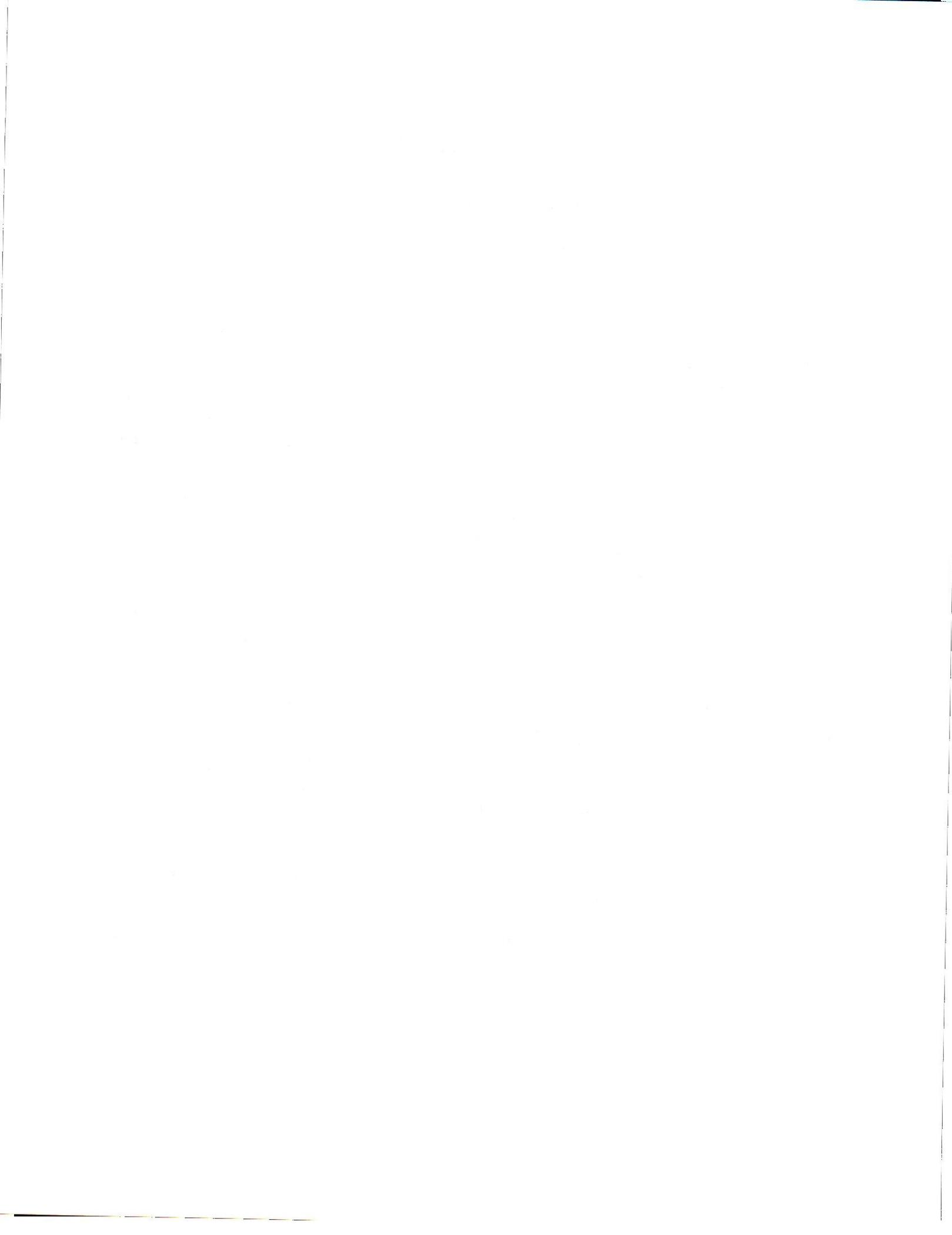
The Executive Session was opened at about 12:25 pm.

The purpose of this Executive Session was to discuss strategy with respect to negotiations with nonunion personnel under exemption # 3 of the Open Meeting Law.

The Board received a letter from Richard K. Sullivan, attorney for Ross B. Ackerman. In this letter, Mr. Sullivan acknowledges receipt of the copy of the Board's cover letter to the Worcester Regional Retirement System dated Feb. 9, 2010 and acknowledges Mr. Ackerman's receipt of a copy of the Involuntary Retirement Application for ordinary disability by the Selectmen to the Retirement System. Attorney Sullivan stated that since Mr. Ackerman had also filed a Member's Application for Accidental Disability Retirement, he requested that the Town withdraw its application. He further stated that if he did not hear from the Board "prior to the close of business on February 18, 2010" (today), he would assume that the Board will not withdraw its application and he will "take all actions appropriate to contest the Involuntary Retirement Application".

Mr. O'Connell reported having a conversation with Michele Randazzo, Town Counsel, and with Kevin Blanchette of the Worcester Regional Retirement Office. Both advised the Board not to withdraw its application. Mr. Blanchette told Mr. O'Connell that the two applications would be reviewed simultaneously. Mr. Blanchette informed Mr. O'Connell that Mr. Ackerman may request a hearing in response to the Town's application for an involuntary ordinary retirement from Mr. Ackerman. If he does not, then Mr. Ackerman would be accepting as fact the Town's "Fair Statement of Facts." Mr. Blanchette will be sending the Board an employer's statement to respond to Mr. Ackerman's accidental disability application for retirement that the Town should complete within fifteen days. The next step in the process will involve the identification by the State of three psychiatrists to meet with Mr. Ackerman.

Mr. O'Connell moved that the board authorize him to respond to Attorney Sullivan that the Selectmen will not withdraw their filing with the Regional Retirement System and to work with Donna Neylon to draft the "Employer's Statement for review by Town Counsel; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.



Mrs. Neylon told the Board that Mr. Ackerman had called to inform her that he had filed for unemployment insurance and that the Town should have received said claim on December 31, 2009. She reported that neither she nor the Treasurer's office have received these documents. Mr. Ackerman called again to state that the documents would be re-sent and that an adjuster would be contacting the Selectmen's office. The Selectmen asked Mrs. Neylon to alert all who process the mail that this package could be coming and to watch for it.

At about 12:27 pm, Mr. Allen moved to adjourn this Executive Session and proceed immediately to Open Session to adjourn; Mr. O'Connell seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____

Date Released: December 11, 2012

