

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

MINUTES OF JUNE 1, 2010

EXECUTIVE SESSION #3 OF 3

At about 9:40 pm, Mr. Heller called the third Executive Session to order giving reason #3 below:

(3) - "To discuss strategy relating to collective bargaining or to 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."

a. To determine whether a governmental body may discuss collective bargaining or litigation strategy in executive session, the test is whether the discussion is directly related to the governmental body's collective bargaining position in ongoing or imminent negotiations. If challenged, the governmental body must show that an open meeting might have a "detrimental effect" on its bargaining or litigating position.

b. For purposes of the Law, "collective bargaining sessions" include not only the bargaining sessions but also any grievance hearings that are called for under the terms of a collective bargaining agreement.

Town Hall Roof – possible litigation:

Mr. Allen reported to the Board the results of his last conversations with Tom McEnaney, Town Counsel regarding the next steps. Town Counsel told Mr. Allen that Pinnacle Roofing, who did the work originally, may still exist but has no assets. Therefore we would probably not receive any reimbursement from them. The Town would have a reasonable case against Reinhardt, the architectural firm, but could only get about 5% from them.

Counsel recommended that the Town hire an expert to look at the roof and suggested three particular firms. Mr. Allen had picked one and Counsel contacted him for us. One of the firms is a certified engineer and would be a better witness for us if the matter goes to court as anticipated but wouldn't be able to do the assessment until late summer and the cost for these services would be about \$15,000. It was noted that the Statute of Limitations does not expire until sometime in 2012. The engineer will need a lift when he does the assessment and that will cost extra unless we can coordinate his visit with the work of the mason scheduled for the fall.

Mr. Allen gave Counsel a list of questions to ask the engineer including identifying the problem and proposing a solution.

Mr. Allen will ask if a preliminary inspection could be done within the next four to six weeks.

At about 10:08 pm, Mr. O'Connell moved to adjourn this Executive Session and proceed to Open Session for the purpose of adjourning altogether; Mr. Allen seconded. Mr. Allen voted aye; Mr. O'Connell voted aye; Mr. Heller voted aye; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____

Date Released: December 11, 2010