BOARD OF SELECTMEN
MINUTES

MAY 10, 2011

EXECUTIVE SESSION #2 of 2

At about 12:13 pm, Mr. O'Connell called the Executive Session to order under Exemption Three of the Open Meeting Law:

> **Exception Three** - "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."

Possible Litigation/Giza Snowmobile Accident:

Ms. Neylon reviewed the progress that she had made in her research.

1) It was stated that the sign post was placed by Harbor Master, Doug Blood. Brookfield does not currently have a Harbor Master and never had appointed Mr. Blood to this position. He is, however, East Brookfield's Harbor Master.
2) Chief Blanchard has indicated that the Harbor Master has authority over the entire body of water – not just East Brookfield's part of the pond. Chief Blanchard believes that East Brookfield is responsible for any claims.
3) Chief Blanchard has a copy of the citation give to Mr. Giza at the scene of his January 8, 2011 accident.
4) The operator is a very frequent user of this particular area and should have know about this "hazard".
5) Although Mr. Giza reports that the "hazard" had been reported to Brookfield, no mention of this could be found in any of the Selectmen's minutes.
6) The operator wants full value for his 10 to 11 year old snowmobile.
7) A letter acknowledging receipt of his letter has been sent to Mr. Giza with the notation that his claims are being investigated.
8) The e-mail from Mr. Joseph was read to the board: *"There is a statute known as the Recreational Use Statute. The real short of this is any person who is injured as a result of the use and enjoyment of town property without being charged a fee is owed next to NOTHING in terms of town responsibility. In this case the town did not give permission to snowmobile on town property and as a result, I believe will have no liability. He can sue, but he will not be successful, again that's my opinion and I think I'm right here. In the meantime, I'll file a claim for reporting purposes only and then see if anything happens."*

9) The insurer was asked to determine if the problem/claim belongs more properly to East Brookfield or to Brookfield.

The Board agreed to wait for the insurance company's recommendation and to ask Chief Blanchard to make sure that the post is either marked or, preferably, removed.

At 12:20 pm, Mr. O'Connell entertained a motion to adjourn the Executive Session proceed to Open Session for the purpose of adjourning; Mr. Comtois so moved; Mr. Heller seconded; so voted with Mr. Comtois voting aye; Mr. Heller voting aye; and Mr. O'Connell voting aye.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____
Date Released: December 11, 2012