BOARD OF SELECTMEN
MINUTES

JUNE 28, 2011

EXECUTIVE SESSION

At 5:32 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."

Mark Hammond, Rice Corner Road, owner/operator of a "Repossession Lot"

Gary Simeone, Zoning Enforcement Officer, was present to request further use of Town Counsel.

He gave background information from 2006 relating to Mr. Mark Hammond's automobile repossession business. This type of business is not permitted under Brookfield's Zoning By-Law.

Mr. Hammond claimed to have a permit issued by the Town Clerk. This was merely a Business Certificate which allowed him to use a particular name for a business but did not authorize the business itself. A new procedure was established with the Town Clerk which entails the authorization by the ZEO before issuance of the Business Certificate.

Mr. Hammond has repeatedly ignored the Town's by-laws, fines, and is rude. Mr. Simeone said that he always takes a police officer with him when he has to address Mr. Hammond because he (Mr. Simeone) "fears for his life".

The Town has gone to court to stop Mr. Hammond and the court has ruled in the Town's favor. Mr. Hammond was given permission to continue his business until the Planning Board's decision was issued. The Planning Board denied his permit to run the "repo" business in the rural residential district but even though both he and his counsel were notified, he continues to operate the business. Attorney Ugino of Kopelman & Paige told Mr. Simeone that the Town's only recourse is to go to Superior Court. Mr. Hammond would then face fines and/or prison if he didn't cease and desist.

Mr. Simeone reported that the fenced in area at 174 Rice Corner Road was cleared of vehicles at one time but is being used again. Neighbors have reported vehicles being brought to the property and this can easily be viewed from the roadway.

There is a second property on Rice Corner Road where Mr. Hammond's girl friend lives and it is believed that the very back of this property may also be used to store vehicles. Mr. Simeone seeks access to this property so that he can check to see if this is true.

The approximate cost of the use of Town Counsel (for the property at 174 Rice Corner Road) is $5,000. In the first court case the Town's by-laws were upheld.

The Board discussed various options and then Mr. Comtois moved to have Town Counsel send a letter to both Mr. Hammond and his counsel to let them know that they have 30 days to cease and desist the business at 174 Rice Corner Road or the Town would take the matter to Superior Court; Mr. Heller seconded; so voted with Mr. Comtois voting aye; Mr. Heller voting aye; and Mr. O'Connell voting aye.

At 6:05 pm, Mr. O'Connell entertained a motion to adjourn the Executive Session and return immediately to Open Session; Mr. Heller so moved; Mr. Comtois 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