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Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room



Ayer Massachusetts 1432

Tuesday, November 22, 2011
Selectmen’s Meeting on Town of Ayer Website www.ayer.ma.us

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	X
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:00p.m. Open Session

Chairman Luca called the meeting to order.

Selectman McCreary stated her concern re Agenda for tonight being way to long and requested to amend the Agenda by removing Agenda Items 2, 3, & 5 under the Town Administrator’s Report . Selectman Conley speaking to keep agenda as presented due to time sensitive items /importance of each item. Chairman Luca also in favor of keeping items on Agenda, Selectman Maxant moved to approve the Agenda as presented, 2nd by Selectman Fay, VOTE : Selectman Conley aye, Selectman Fay aye, Chairman Luca aye, Selectman McCreary no, Selectman Maxant abstaining. 3-1-1 motion passes.

Agenda Item #1. Announcements-Chairman Luca took this opportunity to wish everyone a Happy Thanksgiving and announced the Town Hall would be closed on Thursday and Friday of this week in observance of the Thanksgiving holiday. Chairman Luca announced the kick off of the Ayer Police Department’s Santa’s Toy Drive/ Collection advising to Christmas toy collection boxes to be placed around Town for residents to drop off new unwrapped toys for delivery to Loaves & Fishes ; collection boxes to be placed locally at three area banks i.e. NMSB, Sovereign & I.C. Federal Credit Union, Post Office, Town Hall, and at the Ayer Police Dept.

Agenda Item #2. Public Input- Chairman Luca requested if there was anyone present wishing to meet with the Board, no one stepped forward.

Agenda Item #3. Carol Cormier, V.P. Minuteman Nashoba Health Group (MNHG)-Health Insurance discussion. Present for discussion Town Counsel David Jenkins re the legal process of changing health insurance if the town should consider. Ms. Cormier updated the Board to the Town’s current Health Care Plan and discussed the proposed plan changes for 2012. Ms Cormier reviewed with the Board MNHG a MA Municipal joint purchasing group organized under MGL Chapter 32B, Section 12 operating since December 1990. Ms. Cormier advising to membership including seventeen (17) participating governmental units plus one affiliated member totaling 4,190 health plan contracts and 8,515 covered members as of 4/11. Claims Administrators include: Harvard Pilgrim Health Care, Tufts Health Plan, and Fallon Health & Life Assurance. Ms. Cormier reviewed with the Board MA Municipal Health Reform Legislation of 2011/Changes to Chapter 32B removed the requirement to follow the Chapter 150E bargaining process and/or Chapter 32B, Section 19 Process, if adopted for making certain benefit changes which would allow benefit changes that bring the plan to the co-pay and deductible levels of GIC’s “Benchmark Plan”; which would allow governmental units to transfer subscribers to the GIC without following the requirements of Section 19 (e). Appropriate Public Authority (APA) notifies Insurance Advisory Committee of estimated savings with supporting documentation and provides written notice to each of its bargaining units and to a retiree representative of its intent to enter into bargaining to implement changes to Health Insurance benefits.

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Ms. Cormier advising Board to new lower monthly rates for the employer/Company, higher co-pay and more cost sharing. Ms. Cormier reviewed with the Board the town’s health group’s legacy and rate saver design features advising to most employees taking legacy (no cost savings) very few take rate saver plan.

Ms Cormier reviewed design plan features: i.e. Tufts EPO with Board re increases to employees

<u>Legacy</u>	<u>Present</u>	<u>Proposed</u>
Plan Year Deductible	none	\$250(I)/\$750(F)
PCP-Office visit	\$10	\$20
Preventative Services	0	0
Specialist O.V.	\$10	\$35
Mental health O.V.	\$10	\$20
ER	\$50	\$100 co-pay, then ded
Inpatient Admission	\$0	\$500 “ “ “ “
Outpatient surgery	\$0	\$150 “ “ “ “
Radiology (MRI,CT, &PET)	\$0	\$100 “ “ “ “
Rx	\$5/10/25	\$10/\$25/\$50
Rx Mail Order	\$10,\$20,\$50	\$20,\$50, \$110
Out of Pocket Max.	None	\$2K/\$4K

<u>Rate Savor</u>		
Plan Year Deductible	none	\$250 (I)/\$750 (F)
PCP Office visit (OV)	\$20	\$20
Preventative Serv.	\$0	\$0
Specialist O.V.	\$40	\$35
Mental health O.V.	\$20	\$20
ER	\$100	\$100 co-pay, then ded
Inpatient Admission	\$250	\$500 co-pay, then ded
Outpatient Surgery	\$250	\$150 co-pay, then ded
Radiology (MRI, CT, & PET)	\$0	\$100 co-pay, then ded
Rx	\$10/\$25/\$45	\$10/\$25/\$50
Rx Mail Order	\$0	\$100 co-pay, then ded
Out of Pocket Maximum	None	\$2K/\$4K

Legacy to deductible-11%-12% savings

Rate Saver - 4-5%

Once employee meet \$2K out- of-pocket no more co-pays

Chairman Luca requesting time-line and Ms/ Cormier advising to 12-5-11 Board vote, will have rates and be able to compute savings-decision will be made. Town of Ayer will have a vote, calls for a 2/3 majority vote to pass with majority of savings in deductible. Selectman Conley questioning process –if plan is rejected, and Town presents own proposal. Selectman Conley wishing to put placeholder on Board’s 12-13-11 Agenda re adoption of stature. Ms Cormier reminding Board to notification mailings (INF) advising Unions to Board of Selectmen’s intent to vote on whether to implement the process authorized by GL C32B, S sections 21-23 on Thursday, December 15, 2011 re Emergency Regulations concerning Municipal Health Insurance. The Board stated they were not comfortable voting on two sets of projections/recommendations made to Board based upon concept (expectations of savings) no recommendation made.

Agenda Item #4. 2012 All Alcohol License Renewal Discussion

The Board met with Calvin Moore-Billiard’s Café, re letter he received advising him to his license not being renewed for taxes and other charges that are past due to the Town. Mr. Moore stating he is not nor is Page-Moore –Billiard’ Café Inc. delinquent or in arrears on taxes; Page Moore is not subject to revocation for the actions or omissions of a separate entity. Mr. Pontbriand reviewed with the Board the Memo sent out to all licensees re the Town’s License Renewal By-law and Financial Policies and of time sensitive issue re ABCC renewals not approved in November (11-30-11) requiring licensee to apply for new licensee with ABCC. Selectman Fay stating his opinion to by-law being for people neglecting or refusing to pay. By-law clearly states entity not person. Selectman Maxant echoing Selectman Fay. Selectman Conley reviewed with Mr. Moore many tax bills owed on other properties listed under other Moore Family Trusts /entities questioning Mr. Moore if he owned them, Mr. Moore stating no to all. Selectman Fay moved the Board approve Billiard Café’s 2012 renewal, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca aye, Selectman Conley no. 4-1 motion passes.

Shaker Hills Golf Club 2012 All Alcohol License Renewal-The Board met with Lou Levine-Mr.

Pontbriand updated the Board to meeting with Mr. Levine re Letter sent to Mr. Levine re arrears in taxes and water/sewer bills. Mr. Pontbriand advised the Board to his explaining License Renewal By-law & Financial Policies to Mr. Levine. Mr. Levine met with Tax Collector later that day and was placed on a payment plan with Collector. Mr. Pontbriand advising the Board to his re-looking at schedule in six months, if not upholding Board can revoke. Payment plan initiated with Mr. Levine calls for the payment of \$2,500.00 payment, twice a month, until paid off (thirteen (13) months). Chairman Luca requested Board to review in six months and request Tax Collector be present. Ms. Spinner requested Board to look at prior item also within six months re progress. Selectman Fay moved the Board vote to approve payment plan for Shaker Hills Golf Club with Tax Collector re Shaker Hills Golf Club's 2012 All Alcohol License Renewal with stipulation payment plan be re-looked at in six months re compliance, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Mr. Bodurtha questioning why Board approved Shaker Hills Golf Club's License in November 2011 and advised to not being made of aware of arrears by Tax Collector until recently. Mr. Bodurtha suggesting the Board put policy together in order to get correct information from Tax Collector in the future. Mr. Pontbriand to get policy from Tax Collector.-John Canney.

Agenda Item #5. Department of Planning & Economic Development-The Board met with Susan Provencher, Finan cial Manager

1. Close-out Agreement for Fy-09 Grant #00014-Ms. Provencher advised Board to this Grant a CDBG Grant used to rehab 18 units of housing in the amount of \$531,579.00 which has been spent down and grant is ready to be closed out. Selectman McCreary moved the Board vote to authorize the Chairman's signature on the Fy-09 CDBG Close- out Agreement, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. Disclosure Report-Easement Fletcher Building-Ms. Provencher presented the Disclosure Report to the Board and updated the Board to when the grant agreement was originally signed by the Board and DHCD it was unknown who would have financial interest in the project. Ms. Provencher advised to bid awarded to Senate Construction in the amount of \$1,192,634.00 and DHCD to be updated in the Disclosure Report before them this evening. Selectman Fay moved the Board vote to authorize the Chairman's signature on the Disclosure Report to DHCD, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. Fletcher Building Easement-Ms. Provencher presented the Board the Sidewalk Easement pursuant to the vote on Article 8 of the October 24, Special Town Meeting, between the Town of Ayer and Bonnet Realty, LLC of 100 Mount Laurel Circle-Suite 4, Shirley, MA for 49 Main Street, Ayer, MA dated 10-15-10 recorded with the Middlesex South Registry of deeds in Book 55641, Page 56 which required the full Board's endorsement. No vote necessary by Board.

Ms. Provencher updated the Board to being successfully audited by State for Fy-09.

Agenda Item #6. Supt. Nason's Report- The Board met with Supt. Dan Nason

1. Water/Sewer Abatement Request for 13 Park Street, (former Lasita Restaurant) Ayer, MA-The Board met with James Januskiewicz, property owner. Chairman Luca recused himself from discussion and removed himself from table. (in-law family member). Supt. Nason gave the Board a brief background re request, internal break in pipe, leaked for a long time-undetected, approximately 1.5 million gallons of water, water not shut off from the street. Mr. Januskiewicz advised the Board to building empty for past two years and leak filling the basement of the building with water from broken pipe. Mr. Januskiewicz arguing water did not go through drain went through foundation, building empty lost everything in it (\$80K). Mr. Januskiewicz advising to having no insurance re water damage to building. staggering water/sewer bill totaling \$22,250.50. Supt. Nason stated he denied the abatement request based upon the Town's Water & Sewer Regulations. After a lengthy discussion and two failed motions to abate bill Selectman Conley moved the Board vote to abate just the sewer and not the water charges, stating water

did come through the system, not sewer . Supt. Nason cautioning Board not to set prescedent, Board denied other abatement requests. Selectman Fay stating every situation is different. Motion made by Selectman Conley to abate sewer charge of \$15,600.00 at 13 Park Street and Mr. Januskiewicz to pay \$6,650.00 only the water portion of the bill, 2nd by Selectman Maxant VOTE: 4-0, unanimous, so moved.

2. Stormwater position proposal-present for the discussion Becky Conde DaSilva. Supt. Nason presented his proposal for Stormwater Agent/Assistant position per the Board’s 11-9-11 request. Supt. Nason recommending this position to provide critical support to the stormwater program to facilitate the stormwater utility EF Committee, performing site visits to evaluate effective stormwater mitigation measures, review applications and permits, long term tracking, drafting permits/notices/violations, providing guidance to applicants/residents, data collection/analysis, assisting with public awareness programs, aiding in the operational/capital budget process. Supt. Nason recommending a twenty (20) hour a week position with flexibility in work hours adding Becky’s Con-Com inspections would also compliment stormwater compliance. Supt. Nason presented his proposed draft job description to the Board. Selectman McC reary questioning to what exactly they are requesting from the Board and need to go before Personnel Board re benefited position and stating she would like to see this go forward to the Personnel Board re classification but while Becky is before the personnel board she cannot do the job. Supt. Nason stated he needs twenty (20) hour position for stormwater assistance. Ms. DaSilva stated she has been doing additional work since September, was willing to do work at the same rate of pay without being reclassified expecting to be treated equally & fairly receiving all the benefits associated with being a full-time employee. The Board stated they are not in position to authorize benefits due to economic climate, possibly in a year or two. Selectman McCreary arguing Town Meeting approved funding for position in Stormwater Article and position of 20 or more hours falls under a benefited position. Chairman Luca stating it comes down to “do we want to pay for another benefited position”. Selectman Maxant stating why spend money before we have to; Federal mandate further down the road. Selectman McCreary stating it is right thing to do create position and have Becky fill it. Selectman Conley suggesting to have the Personnel Board look at job position, grade it and advise to value of position is it worth \$10K. Ms. DaSilva questioned the Board if they would be increasing her hours. Selectman Fay stating he is not inclined in this economic climate to hire full-time benefited position. Chairman Luca suggesting keeping below twenty hours to not incur benefits.

Agenda Item #7. Town Government Study Report-Mr. Pontbriand updated the Board to recommendation #4. Procurement memo from Supt. Nason and himself to streamline process, move quickly on TGSC recommendation, Town Accountant copied-clear path re final implementation. Selectman Conley spoke to line item purchasing by Department Heads not requiring Selectmen’s approval –contract approvals by Board of Selectmen only. The Board requested to agenda Procurement on their 12-6-11 Agenda.

Mr. Pontbriand updated the Board to the Town Government Study Committee advising they will not have Charter ready for May 2012 Town Meeting per Chairman of Committee. Selectman Conley suggesting Committee meet with Board early in January –February 2012.

Agenda Item #8. Town Administrator’s Report-

Selectman Fay moved to extend the meeting thirty (30) minutes 2^{md} by Selectman McCreary. Selectman Conley advising Board if one Selectmen votes no meeting cannot be extended. VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Luca aye, Selectman Conley no 4-1 motion lost. 10:00p.m. Meeting adjourned

Date: _____

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