

W/ Frank's edits

Ayer Board of Selectmen

Meeting Minutes for December 16, 2010

The Ayer Board of Selectmen met on Thursday, December 16, 2010 in the Town Administrator's Office

Selectmen Present: R. Gilles; J. Fay; F. Maxant; G. Luca

Selectmen Absent: C. McCreary

Also Attending: R. Pontbriand, T.A.; J. Lewis, Secretary absent

Public in Attendance: M. Spinner; Ruth Rhonemus; and Mary Arata

CALL TO ORDER: Meeting was called to order at 12pm by Chairman Gilles.

REVIEW AND APPROVE AGENDA: Mr. Luca added the item of Fin Com appointment under New Business; Mr. Gilles added the item of Bank of America under New Business; and Mr. Fay added the item of Health 125 Plan under New Business.

MOTION: Motion was made by Mr. Fay and seconded by Mr. Luca to approve the agenda.

SALE OF MUNICIPAL BONDS: Mr. Gilles informed the BOS that due to the volatility and deterioration of the Stock Market in recent days, the Treasurer recommended that the Town delay on the sale of its municipal bonds.

AMBULANCE BILLING CONTRACT: The Town Administrator presented an overview of the proposed Ambulance Billing Contract as recommended by Fire Chief Pedrazzi to the BOS. The contract would be for emergency ambulance billing services provided by Coastal Medical Billing for a period of 3 years effective January 1, 2011 with a percentage fee of 4% as opposed to the current 5%. The Town Administrator thanked Chief Pedrazzi for his efforts and for negotiating this favorable rate and contract.

MOTION: Motion was made by Mr. Fay and seconded by Mr. Luca to approve the Ambulance Billing Contract with Coastal Medical Billing for three years with signature by the Chair. Motion passes 4-0.

PLANNING BOARD RESIGNATIONS: Mr. Gilles announced that on December 10th two members of the Planning Board resigned. The Town Administrator explained that the process for filling the two vacancies is dictated by MGL Chapter 41 Section 11 which states that the Planning Board has thirty days from the resignations to notified the BOS. At which time the BOS and Planning Board has one week to call for a joint election of

the Planning Board and BOS to elect the members who will serve until the elections in the Spring.

A discussion occurred in which clarification was requested from Town Counsel regarding whether the BOS and Planning Board had one week after being notified to hold the election or if they have one week to set the date. The Town Administrator was requested to seek clarification from Town Counsel.

Mr. Fay stated that he acknowledged the resignations with regret and that both members served well and brought great knowledge and expertise to the Planning Board.

Mr. Maxant stated that in filling the vacancies he would be paying close attention to the individual candidate's qualifications and not simply the recommendation(s) of the Planning Board.

Mr. Fay stated that he hoped that qualified candidates would come forth who can keep the Planning Board and Town "out of trouble" until elections in April. Having served on the Planning Board it requires equal expertise and judgment as serving on the BOS.

Mr. Maxant stated that he hoped resumes and letters of intent would go to the Planning Board and the Town Administrator would be kept informed as well.

Mr. Luca stated that the Town Administrator should collect any resumes and submit to both Boards.

NEW BUSINESS/SELECTMEN'S QUESTIONS:

Mr. Luca made a MOTION to appoint Ms. Pauline Conley to the FinCom to fill the vacancy on the Committee.

Mr. Maxant stated that he would like to hear the FinCom's recommendation and to see Ms. Conley before the BOS. She can count on my vote unless the FinCom has objections.

Mr. Luca stated that Pauline was proposed by unanimous vote by the FinCom when Jesse Reich got on. It is important to fill the position with someone who has stepped up to the plate and is qualified.

Mr. Maxant stated that it is my inclination to support her unless the FinCom has objections.

Mr. Gilles recognized Ms. Mary Spinner. Ms. Spinner asked if Mr. Reich was staying on FinCom and that she has not seen him at the FinCom or Energy Committee meetings.

Mr. Fay SECONDED the MOTION of Mr. Luca to appoint Ms. Pauline Conley to the vacant position on the FinCom.

Mr. Gilles stated that he agreed with Mr. Maxant and needed to hear from the FinCom.

The MOTION was called and was defeated with 2 votes in favor (Fay; Luca) and 2 votes against (Gilles;Maxant) the appointment.

CHAPTER 125 HEALTH CARE AMENDMENTS: Mr. Fay brought forth the Treasurers request to have two amendments to the Chapter 125 Health Care signed by the BOS.

Mr. Maxant stated that this is a routine matter.

Mr. Luca stated that he was concerned that it was last minute and that the Treasurer was not before the BOS regarding this matter.

MOTION: Motion was made by Mr. Fay and seconded by Mr. Luca to table the item until January 4, 2011 when the Treasurer comes before the BOS.

Mr. Fay stated that the payroll warrant was historically approved in open session during the BOS meeting.

Mr. Gilles stated that payroll used to be reviewed during the meeting and that he felt the BOS should also receive a "flash" report pertaining to the Warrant and where it stands with the budget from the Town Accountant.

Mr. Luca stated that he would like to know why the Police Department's fingerprint machine was on the last Warrant prior to approval of the invoice by the BOS

MOTION: Motion was made by Mr. Fay and seconded by Mr. Luca to have the Payroll Warrant placed on the BOS Agenda for consideration and to have the Town Accountant provide a "flash" report. Motion passed 4-0.

Mr. Gilles recognized Ms. Mary Spinner. Ms. Spinner stated that prior BOS had monthly department reports.

MOTION: Motion was made by Mr. Fay and seconded by Mr. Luca for department head's to submit monthly departmental reports to the BOS through the Town Administrator. Motion passed 3-0-1 (Maxant abstains)

Mr. Gilles stated that monthly reports are good for public documentation.

Mr. Gilles brought forth his concerns about the recent convictions against Bank of America for their illegal activities pertaining to municipal banking. Bank of America is currently under numerous lawsuits across the country as the Bank of America was buying tax liens with taxpayer's dollars and then forcing the properties into foreclosure, in

essence using taxpayer dollars to take houses and keeping the banking costs. The Town has a moral and ethical obligation to be doing banking with legitimate institutions.

Mr. Maxant stated that he has seen Bank of America on a "watch list" and sent a copy to the Treasurer.

Mr. Gilles stated that Bank of America is taking advantage of municipalities across the country and I want the BOS to know and would like the Treasurer to take action.

Mr. Luca stated that the Treasurer is autonomous and that this issue may come to her down from the State Treasurer.

Mr. Fay stated that he has advised the Town Administrator that the Town needs to be competitive and proactive with its banking.

Mr. Gilles recognized Ms. Mary Spinner. Ms. Spinner stated that in following Pepperell that you have to renew your business certificate every year in that Town. Ayer has a four years business certificate with no follow up procedures. If we did, we would know what businesses are in Town and if they owed the Town money. Ms. Spinner also mentioned that with the sale of Nashoba Hospital there will be a need for a public hearing within 20 days of the official filing of the sale. The hospital is Ayer's biggest employer and we need to know that they are staying open.

Mr. Luca stated that the Town Administrator should reach out to Steve Roach, CEO of Nashoba Hospital.

Mr. Maxant stated that in his recent trip to Boston he left his card for the CEO of Caritas Chrissy, the institution that has bought Nashoba Hospital.

Mr. Fay stated that in addition to an employment impact, the hospital will also have an impact on veteran services.

With no further business before the BOS, a motion to adjourn was made by Mr. Fay and seconded by Mr. Maxant.

Meeting Adjourned (4-0) at 12:54pm.

