

MINUTES OF SELECTMEN'S MEETING MARCH 4, 2014

Chairman Walter called the meeting to order in the Town Offices at 3 PM with Mr. Smith also present. Mr. Chabot was present remotely via cell phone.

Treasurer Anne Jannette and Town Accountant Nancy Nykiel joined the meeting.

Mrs. Walter noted that Mr. Smith had been informed by Superintendent John Provost by phone on the previous Thursday that a request for reimbursement of health care insurance expenses by former School Superintendent Robert O'Neill had not been accepted at the Town Offices for payment, and had been returned to the School Department.

Mrs. Walter reviewed an e-mail from Attorney Brian Maser regarding the process for reimbursement to Mr. O'Neill for his health insurance. (Attachment #1)

Treasurer Anne Jannette noted that the request for reimbursement was not refused for payment, it was everyone's understanding that the School Department would process the requests. It was never made clear that Mr. O'Neill's requests would be reviewed by the town, not by the school department.

Mr. Smith disagreed with that interpretation. He noted that after the ruling of the Supreme Judicial Court on the O'Neill matter, it was in fact perfectly clear that it was the obligation of the Town, not the School Department or the School Committee, not only to retroactively reimburse the former Superintendent for his expenses for health care insurance from the date of his first claim, but also to reimburse him for all future health care insurance expenses. The argument that these retroactive and future payments were the responsibility of the School Department, not the Town, had been thoroughly rejected by the Supreme Judicial Court in its ruling, and the Town's failure to make timely reimbursements to Mr. O'Neill could subject the Town to further costly litigation and possibly penalties for failure to act upon the ruling of the Court. The suit against the Town lasted for over eight years, he noted, had cost the Town a very significant amount in legal fees, and the Town's legal arguments had been rejected not once, but twice, most recently by the Supreme Judicial Court.

Mr. Smith quoted, in part, from a February 28, 2014 legal opinion from the Town's Counsel, Brian Maser, which had been requested by Mrs. Walter: "The ongoing cost of Mr. O'Neill's health insurance is a liability of the Town, until the date of Mr. O'Neill's passing. Neither the School Department, which was not a party to the suit, nor the School Committee, which is an agent of the Town, are responsible for the ongoing payment obligation." (See attachment). The language of the opinion, Mr. Smith said, is final and definitive. The argument that it is the responsibility of the School Department to reimburse Mr. O'Neill for his ongoing health insurance costs is inconsistent with the Court's ruling and his expenses must be paid from Town funds, like those of any other retiree.

It was agreed that in the future Mr. O'Neill's attorney will forward the request for reimbursement to Attorney Maser, who will submit the request to the Selectmen's office, where it will be reviewed, a voucher attached, and it will be submitted for payment to the Treasurer and Accountant. Mrs. Walter stated that the bill must be paid on the day that the bill comes in, even it comes past the deadline for all other bills. Mr. Smith moved, and Mr. Chabot seconded, a motion to approve payment of Mr. O'Neill's request for reimbursement, and to mail out the check as soon as the revised voucher comes in from Attorney Maser. So voted.

The Selectmen reviewed a draft proclamation that was given to Larry Buzzell in 1993 to use as a template for one to be done for Andy Caron, who is retiring after running the youth basketball program for 20 years. (Attachment #2) There is a party for Mr. Caron this Saturday, and the Selectmen would like to present this proclamation at that time.

There being no further business, Mr. Smith moved, and Mr. Chabot seconded, a motion to adjourn at 4:05 PM. So voted.

Respectfully submitted,

Leslie Scott Burton
Administrative Assistant