

Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



Tuesday June 9, 2015  
Meeting Minutes

Present: Gary J. Luca, Vice-Chair; Christopher R. Hillman, Clerk

Robert A. Pontbriand, Town Administrator

Absent: Jannice L. Livingston, Chair

Carly M. Antonellis, Assistant to the Town Administrator

**Call to Order in Open Session:** G. Luca called the meeting to order at 7:08 PM.

**Review and Approve Agenda:** The Board reviewed the posted agenda and made no changes.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to approve the agenda. **Motion passed 2-0.**

**Vote to Approve Existing Constellation Energy Contract Extension from November 2015 to November 2016 at a fixed rate of .0939 kWh for one year.**

R. Pontbriand presented an overview of the Constellation Energy Contract Extension as reviewed and recommended for approval by the Energy Committee as well as being reviewed by Town Counsel. R. Pontbriand advised that the Town is currently paying a rate of 0.11 (eleven cents kWh) and would realize significant savings as well as a fixed, stable energy rate through November 2016. With anticipated market fluctuations (especially this Fall) this is a prudent decision for the Town.

G. Luca and C. Hillman stated that though this is the right decision for the Town, they were concerned/disappointed that this was brought forward as a "last minute item" that was "urgent".

R. Pontbriand stated that he understood and agrees with the Selectmens' concerns about "last minute items" that are "urgent" and on the timing of this. Unfortunately many of these electricity lock in rate options are extremely time sensitive with the price only good for a twenty-four hour period. We only found out about it at the Energy Committee Meeting and given the significant value in the savings for the Town, the Energy Committee recommended that the Town seize this opportunity.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to vote to approve the existing Constellation Energy Contract Extension from November 2015 to November 2016 at a fixed rate of .0939 kWh for one year. **Motion passed 2-0.**

**Executive Session:** A motion was made by C. Hillman and seconded by G. Luca to enter into Executive Session pursuant to MGL c. 30A, sec. 21A Exemption #3 (Litigation Strategy) relative to properties enforcement litigation update in the matters of *Town of Ayer v. Ernisse*; *Town of Ayer v. Velardi*; *Town of Ayer v.*

190 West Main Street as well as Exemption #2 (Non-Union Personnel) Contract Negotiations for DPW Superintendent Employment Contract and to adjourn from Executive Session and not return into Open Session.

G. Luca stated that to hold these matters in Open Session could be detrimental to the Town's litigation strategy as well as to the Town's bargaining position(s).

**By Roll Call:** G. Luca, aye; C. Hillman, aye. **Motion passes by roll call vote 2-0.**

The Board then entered into Executive Session.

[Attorney Brian Winner, Town Counsel and Gabe Vallente, Building Commissioner were in attendance]

G. Luca recognized Attorney Winner and asked Attorney Winner to present a litigation update on the various properties enforcement cases.

190 West Main Street

Attorney Winner advised that with respect to this property at this time, it would be best for the Town to allow the property owner to proceed with applying for a use variance so that when the use variance is denied by the ZBA, then in Court the property owner does not have this option to state for consideration of relief by the Court.

G. Vallente stated that the owner indicated to him that he wants to build residential condos on the site.

Attorney Winner stated that the

**Minutes Recorded and Submitted by Robert A. Pontbriand**

Minutes Approved by BOS: \_\_\_\_\_

June 16, 2016

Christopher R. Hillman: \_\_\_\_\_

Chris R. Hillman