

**BOARD OF SELECTMEN MINUTES  
SEPTEMBER 8, 2008**

---

**I. Call to Order/Roll Call**

Chairman Teichert called the meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the Regular Meeting (by roll call) Chairman Teichert-Y, Selectman Mary Lyman-Y, Alex Vispoli-Y, Brian Major-Y, and Gerry Stabile-Y. Town Manager Buzz Stapczynski and Town Clerk Randy Hanson were also present. The meeting was duly posted and cable-cast live.

**II. Executive Session**

Chairman Teichert called the meeting of the Board of Selectmen to order at 5:08 PM in the Board of Selectmen's Meeting Room in the Town Offices. Present were: Chairman Teichert, Selectman Lyman, Major, and Stabile. Selectman Vispoli arrived at 5:10 P.M.

On a motion by Selectman Lyman and a second by Selectman Major, it was voted to go into an Executive Session to discuss collective bargaining strategy as well as potential litigation and confidential consultation with Town Counsel and to return to Open Session. Roll Call Vote: Chairman Teichert – Y, Selectman Lyman – Y, Selectman Major – Y, Selectman Stabile – Y and Selectman Vispoli – Y.

On a motion duly made and seconded the Executive Session was adjourned at 6:58 P.M. to return to Open Session. Roll Call Vote: Chairman Teichert – Y, Selectman Lyman – Y, Selectman Major – Y, Selectman Stabile – Y and Selectman Vispoli – Y.

**III. Opening Ceremonies**

Chairman Teichert asked for a Moment of Silence followed by the Pledge of Allegiance.

**IV. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

- The public is invited to attend the September 11<sup>th</sup> ceremony to be held in front of the Town Offices at 8:30 A.M. on Thursday.
- A Recognition Ceremony for the lights at Lovely Field will be held on Friday, September 12<sup>th</sup> at 7:00 P.M. prior to the North Andover/Andover football game.
- Governor Deval Patrick and Commissioner of Education Paul Reville will be at Andover High School on Wednesday, September 10<sup>th</sup> to discuss the **Governor's School Readiness Program**.
- **The Department of Revenue has certified the Town's Free Cash of \$2.2 million.**
- Heavy rain from Hurricane Hanna caused flooding in the Binney Street neighborhood. It appears that a culvert buried under the railroad tracks in Lawrence could be the source of the problem. Mass Highway, Senator Sue Tucker, the Railroad, City of Lawrence and Andover are coordinating their efforts to solve the problem.

Town Clerk Randy Hanson said the State Primary will be held on Tuesday, September 16<sup>th</sup> with Precincts 1, 7 and 8 voting at the Senior Center and Precincts 2, 6 and 9 at the Field House at AHS. Absentee ballots must be submitted by noon on Monday, September 15<sup>th</sup>. October 15<sup>th</sup> is the last day to cast an absentee ballot for the November election. Residents can register to vote at the Reference Desk at Memorial Hall Library after the Librarians have completed a workshop approved by the Board of Registrars on September 19<sup>th</sup>.

Selectman Stabile said the Andover Cultural Council will receive a percentage of all orders placed with DISH on September 21<sup>st</sup>. All monies raised will be put towards the

Andover Cultural Council Grant Fund. Selectman Stabile asked that voters pay attention to Question 1 on the ballot to reduce the State Income Tax which could reduce State funding by 40%.

Selectman Major said the Governor's office is investigating the quantity of Police Details communities use and to check contracts on the necessity of details to determine our status. The Town Manager said a public hearing will be held at the State House on Monday, September 15<sup>th</sup> and Andover has procedures already outlined.

Selectman Major also wished his Dad good luck on his campaign for State Representative in New Hampshire. Voting day is Tuesday, September 9<sup>th</sup>.

Selectman Vispoli said Cub Scout Pack #73 will be presenting the colors at the Red Sox Game on Saturday night, September 13<sup>th</sup>.

Selectman Lyman said the Council on Aging will meet on Thursday, September 11<sup>th</sup> at 8:00 A.M. in the School Administration Building on the third floor.

Chairman Teichert requested the Board meet in Executive Session on September 29<sup>th</sup> at 7:00 P.M. to discuss the Town Manager's evaluation and compensation and said the Tri-board meeting would be scheduled towards the end of October.

Chairman Teichert announced that Opening Day for the Andover Jr. Football League is Sunday, September 14<sup>th</sup> at 12:00 P.M. at Andover High School.

**V. Citizens Petitions and Presentations**

John Pasquale of Whittier Street said Plant & Facilities Director Joseph Piantedosi took him on a tour of the Old Town Hall pointing out the improvements and changes that have been made. He also asked if the dead trees in The Park will be replaced and when an update on the trees to be planted on Main Street would be communicated. The Town Manager replied that the trees in The Park will be replaced and that Senior Planner Lisa Schwartz will provide a status of the reconstruction of Main Street on October 6<sup>th</sup>.

**VI. Regular Business of the Board**

**A. Selectmen's Policy Book**

Town Clerk Randy Hanson provided each member of the Board with a new Policy Book which has been reorganized and consolidated into one document with a detailed index and appendix. None of the policies have been revised.

Selectman Lyman motioned to reaffirm the Policy Book as presented. The motion was seconded by Selectman Major, voted 5-0 and approved.

**B. Town Accountant**

Selectman Lyman and Selectman Vispoli sent a memo to the Board of Selectmen recommending reappointment of the Town Accountant. The memo included steps to improve communication by providing quarterly structured updates and financial reports to the Board as well as updates on the Retirement Board. Town Accountant, Rod Smith has made significant contributions, introduced new financial reports and understands the needs of the Accounting Department. Overall feedback from departments in/out of Town was very positive.

Selectmen Lyman motioned to ask Rodney Smith to come to the next meeting to be officially re-appointed as Town Accountant for a three-year contract with changes noted. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

**C. Snowberry Road/Morningside Drive Water Problems**

The Town Manager updated the Board on the status of the water main break in the Snowberry Road/Morningside Drive neighborhood. CDM Engineering was called in to assess and assist with the situation. Circumstances of the water main leak were not typical. The depth of the main and location of the leak (on the bottom of the pipe) did not allow it to be detected by the Town- owned leak detection equipment. The very low to no fluoride concentrations detected in groundwater samples provided a false sense that the cause of the flooding was not a leaking water main pipe. Several recommendations for addressing future circumstances were provided by CDM. CDM stated that the equipment used by the Town is of high quality, appropriate and standard for municipal use. CDM recommends the use of Town equipment first and, if a leak cannot be found, the Town should subcontract out with a leak detection specialist. Letters have gone out to residents in the area requesting information on costs and damage incurred. Jack Petkus, Director of Public Works, talked with several residents in the neighborhood and apologized whole-heartedly for not being able to locate the leak.

**VII. Approval of Consent Agenda Items**

**A. Appointments and Re-appointments**

Selectman Vispoli motioned to approve that the following appointments recommended by the Town Manager be approved. The motion was seconded by Selectman Stabile, voted 5-0 and was approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Anne E. Marinaro *** Varies with course/program	Enrichment Instructor – PT	***	7/28/08
<u>MEMORIAL HALL LIBRARY</u>			
Andrew Noonan	Library Page – PT (v. J. Morgan)	L1-1	9/10/08
<u>TOWN CLERK</u>			
Dolores V. Cleland	Pollworker – PT	\$8.00/hr.	9/9/08
<u>POLICE DEPARTMENT – New Horizons Program</u>			
Claire M. Doyle	Program Assistant – PT	\$15.00/hr.	9/8/08

**B. Block Parties**

- Selectman Stabile motioned to approve the request of Margaret Sullivan, 77 Corbett Street, for permission to block off #14 - #17 Juliette Street on Saturday, September 20, 2008 (raindate – Saturday, September 27, 2008) from 4:00 P.M. to 8:00 P.M. for a neighborhood block party. The motion was seconded by Selectman Major, voted 5-0 and approved.

2. Selectman Stabile motioned to approve the request of Gina Murray, 3 Wescott Road, for permission to block off the end of her street on Saturday, October 4, 2008 (raindate – Sunday, October 5, 2008) from 2:00 P.M. to 7:00 P.M. for a neighborhood block party. The motion was seconded by Selectman Lyman, voted 5-0 and approved.
3. Selectman Major motioned to approve the request of Lisa Finneran, 5 Sutherland Street, for permission to block off her street from #3 to #7 on Saturday, October 18, 2008 (raindate – Sunday, October 19, 2008) from 2:00 P.M. to 8:00 P.M. for a neighborhood block party. The motion was seconded by Selectman Lyman, voted 5-0 and approved.
4. Selectman Major motioned to approve the request of Betsy Herald, 10 Rose Glen Drive, for permission to block off the middle of her street on Saturday, September 13, 2008 from 3:00 P.M. to 8:00 P.M. for a neighborhood block party.  
The motion was seconded by Selectman Lyman, voted 5-0 and approved.
5. Selectman Lyman motioned to approve the request of Diane Pennock, 20 Duffton Road, for permission to block off her street from the corner of Burnham Road to the corner of Enmore Street on Saturday, September 20, 2008 (raindate – Saturday, September 27, 2008) from Noon to 6:00 P.M. for a neighborhood block party. The motion was seconded by Selectman Vispoli, voted 4-0-1 and approved. Chairman Teichert abstained.

Arrangements for all of the requests have been reviewed and approved with conditions by the Police Department.

**C. Class II Dealer License**

Selectman Vispoli motioned to approve the request of Bill Lau, 31 Argilla Road, Andover, d/b/a Bill Lau, 10 Stevens Street, Post Office Box 932, Andover, who is applying for a Class II Dealer license to conduct an internet auto sales business. The application has been reviewed and approved by the Inspector of Buildings and Town Clerk subject to the following conditions:

This location falls within the Mixed Use District and is a permitted use in accordance with Andover Zoning Bylaw. There shall be no advertising of, no employees, no clients received at, no exterior storage, no signage at or any deliveries made at the home address of 31 Argilla Road. All other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

**D. One-Day All-Alcoholic Beverage Licenses**

Selectman Lyamn motioned to approve the request of Brian Lynch, 8 William Street, Andover, on behalf of Sts. Constantine & Helen Greek Orthodox Church, 71 Chandler Road, Andover, for a one-day all-alcoholic beverage licenses for use on Saturday, September 27, 2008 from 11:00 A.M. to 10:00 P.M. and Sunday, September 28, 2008 from Noon to 6:00 P.M. at the Church for the Parish Ministries Fundraiser (Greek Festival). The requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements

of the Town are met prior to the issuance of the licenses. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

**VIII. Approval of Minutes of Previous Meetings**

Selectman Stabile motioned to approve the Minutes of the Regular Meeting of August 25, 2008 as presented. The motion was seconded by Selectman Major, voted 5-0 and approved.

**IX. Sewer Commissioners**

Selectman Major motioned to adjourn as Sewer Commissioners. The motion was seconded by Selectman Lyman. Roll Call Vote: Selectman Lyman – Y, Teichert – Y, Stabile – Y, Vispoli – Y and Major – Y.

Selectman Major motioned that the Board of Selectmen, acting in its capacity as Sewer Commissioners, approve the applications as printed on the September 8, 2008 agenda for Deferral of the Sewer Betterment Assessment for Qualified Senior Citizens in accordance with Massachusetts General Laws, Chapter 59, Section 5, Clause 41A. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

452 South Main Street – TM 63, TL 57  
4 Tilton Lane – TM 98, TL 4A  
40 Boston Road – TM 83, TL 17  
10 Woodland Road – TM 23, TL 3  
18 Highland Avenue – TM 5, TL 71  
91 Ballardvale Road – TM 98, TL 2  
25 Vine Street – TM 44, TL 29  
18 Woburn Street – TM 97, TL 5  
38 Stonybrook Road – TM 82, TL 19

Selectman Major motioned that the Selectmen, acting in its capacity as Sewer Commissioners, approve the applications as printed on the September 8, 2008 agenda for Deferral of the Sewer Betterment Assessment for Land Not Built Upon in accordance with Massachusetts General Laws, Chapter 83, Section 19, and extend the time for the payment of such assessment until such land is built upon. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

112 Ballardvale Road – TM 119, TL 295  
9 Marion Drive – TM 5, TL 73  
4 Lavender Hill Lane – TM 82, TL 23  
6 Lavender Hill Lane – TM 82, TL 24  
337 South Main Street – TM 80, TL 208  
341 South Main Street – TM 80, TL 20A  
Highland Road – TM 5, TL 110  
74 Salem Street – TM 25, TL 30  
130 Salem Street – TM 26, TL 6  
8R Stonehedge Road – TM 41, TL 35  
12 Woodland Road – TM 24, TL 4  
16 Woodland Road – TM 24, TL 6  
22 Woodland Road – TM 24, TL 7  
25 Woodland Road – TM 23, TL 1B  
28 Woodland Road – TM 24, TL 8

50 Woodland Road – TM 25, TL 12  
13 Appletree Lane – TM 42, TL 14  
12 Robandy Road – TM 25, TL 17  
17 County Road – TM 83, TL 20  
Rattlesnake Hill Road – TM 101, TL 54  
86 Spring Grove Road,- TM 77, Parcel 36 A

Selectman Major motioned to adjourn as Sewer Commissioners and to reconvene as the Board of Selectmen. The motion was seconded by Selectman Stabile, and voted 5-0 to approve. Roll Call Vote: Selectman Lyman – Y, Teichert – Y, Stabile – Y, Vispoli – Y and Selectman Major – Y.

X. Adjournment

Selectman Stabile motioned to adjourn the meeting of the Regular Session of the Board of Selectmen. The motion was seconded by Selectman Major, voted 5-0 and approved. The meeting adjourned at 8:35 P.M.

Respectfully submitted,

*Dee DeLorenzo, Recorder*