

**BOARD OF SELECTMEN MINUTES
OCTOBER 6, 2008**

I. Call to Order/Roll Call

Vice Chairman Alex Vispoli called the Open Session meeting of the Board of Selectmen to order at 7:20 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the Regular Meeting (by roll call) were: Vice Chairman Vispoli – Y, Selectman Stabile – Y, Selectman Lyman – Y and Selectman Major – Y. Town Manager Buzz Stapczynski and Town Clerk Randy Hanson were also present. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

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

III. Executive Session

Vice Chairman Alex Vispoli opened the Board of Selectman Meeting at 5:45 P.M. The meeting was held in the Board of Selectman's Conference Room in the Town Offices. Present were: Vice Chairman Alex Vispoli and Selectmen Mary Lyman, Brian Major and Gerry Stabile. Also present were: Town Manager Buzz Stapczynski, Assistant Town Manager Steve Bucuzzo, Police Chief Brian J. Pattullo, Director of Plant and Facilities Joseph Piantedosi and Labor Counsel Michael Gilman.

On a motion by Selectman Lyman and a second by Selectman Major, it was voted to enter into Executive Session for collective bargaining purposes and to return to Open Session. Roll call Vote: M. Lyman – Y, B. Major – Y, G. Stabile – Y, A. Vispoli – Y. Vote: 4 – 0. Motion approved.

On a motion duly made and seconded it was voted to adjourn the Executive Session at 7:14 P.M. and to return to Open Session. Roll call vote: M. Lyman – Y, B. Major – Y, G. Stabile – Y, A. Vispoli – Y. Vote: 4 – 0. Motion approved.

IV. Communications/Announcements/Liaison Reports

Selectman Lyman said the Council on Aging will meet on Thursday October 16th at 8:00 A.M. in the School Administration Building and TRIAD will meet on October 16th at 9:30 A.M.

The Town Manager made the following announcements:

- ~ In support of Breast Awareness Month, a pink stripe was painted down Main Street. Ira Gold of White Street Paint generously donated the pigment color and the mixing of the paint.
- ~ The Citizen Survey was sent out to 1200 residents and 48% have been returned to date. Results will be used as a basis for the Mid-year Review to be held on November 19th at the Memorial Hall Library.
- ~ The Andover Fire & Rescue Department Open House will be held on October 18th from 9:00 A.M. at the Main Street Station.
- ~ Curbside leaf pickup begins on Monday, October 20th through Friday, December 5th with the exception of Thanksgiving week. Bald Hill Landfill will be open also.

The CRT Collection last week was a huge success with 20% more tonnage collected than last year.

- ~ Fiscal update: The first quarter local aid payment has been received from the State and Andover does not have to out for bond notes until March so hopefully the fiscal climate will be more stable at that time. At this time there are no foreclosures on the books. Seniors can apply for tax assistance through the Senior Circuit Breaker Rate and should contact the Town Assessors Office and/or the Senior Center for assistance.

Town Clerk Randy Hanson said the Town Clerk's Office would be open until 8:00 P.M. on October 15th for anyone who needs to register to vote or you can go to the Memorial Hall Library Registration Desk.

Alex Vispoli recognized Planning Director Paul Matterazzo and members of the Shawsheen Renaissance Committee for organizing the celebration of Shawsheen held this weekend. It was an exceptional gathering and well attended.

V. Citizens Petitions and Presentations

- A. Pamela Dunn, 12 Prospect Road, on behalf of the neighbors in the Route 125 and **Prospect Road area, read a statement regarding the proposed placement of a 125'** cell tower by Omnipoint Communications, their dissatisfaction with the process and compliance followed by the Zoning Board and profound disappointment in the way the Town handled the situation. Not all abutters were notified, the notice of a public hearing was not printed in the Andover Townsman, and they were improperly advised about appeals. The many residents in attendance questioned the process, the notification, if the open meeting law was circumvented, why a public input session was not allowed, who authorized the settlement with Omnipoint, why Town Counsel information was not provided, and why an Independent Evaluation/Review was not performed. Omni has sued 17 other Towns and others chose to fight; there is a collective disillusionment over why Andover did not. The by-law regarding cell towers needs to be rewritten.

Town Counsel Thomas Urbelis responded to the issues raised regarding the application of Omnipoint to install a cell tower. He said the ZBA is an **independent Board, meeting notices were posted in the Town Clerk's Office and a Public Hearing Notice** placed in the Lawrence Eagle Tribune on June 3rd. Mass Highway owns the area where the tower is to be placed and, therefore, might be exempt from local zoning regulations. Although the ZBA denied the original request, it was appealed by Omnipoint in court. State law overrides local zoning by-laws and Federal Regulations supersedes both the State and Town and Omnipoint claimed the Federal Telecommunications Act was violated. The Town will not benefit from the cell tower – the State will.

Residents feel the Town was short-sighted in not fighting this as many other towns have fought Omnipoint and won. Many towns paid \$2,500 for an independent evaluation/review. The neighbors are upset about a possible loss of value to their homes. Bob Snyder, 7 Buchan Road, said they are seeking a remedy from the Board on the plight that has been left on the neighbors due to the lack of notification. Steve Golden, 13 Robandy Road, asked if a building permit will be required, to which he was told yes, and it should be challenged. Elizabeth

Canavan, 78 Salem Street, wants to know if they will be notified if/when a building permit is requested. Mr. McQuillen of 53 Salem Street asked if Phillips Academy was notified of the cell tower and Jack Reeder, 80 Salem Street, said many towns have a master plan to deal with cellular technology and it would behoove Andover to have one.

Selectman Major said more openness and due diligence in notifying abutters about a public hearing is needed. He requested that all Town Boards be notified on the requirements for contacting the public and public hearing notifications always be placed in the Andover Townsman.

- B. Mary Carbone, 3 Cyr Circle, stated she was not allowed to enter the TV Studio at the Collins Center where the previous and current elected officials of Andover **were meeting. She said it was a public meeting in a public building and didn't** like the way it was handled.

VI. Public Hearing

A. Verizon New England, Inc.

Selectman Major motioned to approve the request of Verizon New England, Inc. to rescind their original request to locate a line of wires, cables, poles and fixtures, including the necessary anchors, guys and other sustaining and protecting fixtures, along and across the following public way at Tucker Road – to place one pole – approximate location shown on Plan #545 dated September 12, 2008. The motion was seconded by Selectman Stabile, voted 4 – 0 and approved to rescind.

B. Verizon New England, Inc. and National Grid

Selectman Stabile motioned to approve the request of Verizon New England, Inc. and National Grid for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way on Stevens Street at #27 – re-locate one pole – approximate location shown on Plan #1764394, dated January 28, 2008. The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to the commencement of the construction. The motion was seconded by Selectman Major, voted 4-0 and approved.

C. Bay State Gas Company

Selectman Lyman motioned to approve the request of Bay State Gas Company for permission to excavate for the purpose of extending and/or maintaining its gas mains and to make the necessary house connections along said extensions, at Kirkland Drive – **approximately 1,606 feet to install 2” PE main to replace the** existing cast iron main including the connection of services along the work area to the newly installed main. The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to the commencement of the construction. The motion was seconded by Selectman Major, voted 4 – 0 and approved.

VII. Regular Business of the Board

A. Main Street Improvement Project

Senior Planner Lisa Schwarz provided an update on the Main Street Improvement Project beginning with a brief review of the history of the project, a status of where the project is now and where it is going from here. The project is 60% complete. Additional information is available on the Town Website. Lisa recognized and thanked the Main Street Committee members and the Downtown Businesses for their patience and cooperation.

B. Planning Director Paul Materazzo to make a presentation and ask for the Board's support in establishing a Green Advisory Board.

Planning Director Paul Materazzo explained the request to establish in Andover a **Green Advisory Board in collaboration with the League of Woman Voter's** Environmental Action Committee to help raise awareness of sustainable efforts presently underway and too also assist in building a more sustainable town. Priority topics will include developing Town by-laws, energy conservation, renewable energy, air quality, LEED construction funding opportunities, water conservation, business sector initiatives, waste reduction strategies and pesticide reduction. Mr. Materazzo distributed information to the Board outlining the Mission, initial steps, and what the Green Advisory Board will do. First reading – no action taken by the Board.

C. Trick-or-Treat

Selectman Lyman motioned to set Friday, October 31, 2008 from 5:00 P.M. to 7:00 P.M. as date and time for Trick-or-Treat in Andover as recommended by the Police Department. The motion was seconded by Selectman Stabile, voted 4-0 and approved.

D. Warrant for Presidential Election

Selectman Major motioned that the Board of Selectmen sign the Warrant for the Presidential Election on November 4, 2008. Selectman Lyman seconded the motion. The motion was voted 4-0 and approved.

VIII. Appointments and Re-Appointments

A. Appointments and Re-appointments

Selectman Stabile motioned to approve the following appointments recommended by the Town Manager. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>PLANT & FACILITIES DEPARTMENT</u>			
John H. Parker	Equipment Operation II/ Equipment Mechanic (v. L. Park)	W4-4	10/27/08
<u>TOWLE FUND TRUSTEES</u>			
Jane Morrissey – Term expires 6/30/09 (v. P. Sullivan)			

B. One-Day All-Alcoholic Beverage License

Selectman Major motioned to approve the request of Benjamin Weiner, on behalf of Temple Emanuel, 7 Haggetts Pond Road, Andover, for a one-day all-alcoholic beverage license for use on Saturday, October 25, 2008 from 7:00 P.M. to 11:00 P.M. for a fundraiser at the Temple. The request has 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 license. The motion was seconded by Selectman Lyman, voted 4 – 0 and approved.

C. One-Day Beer & Wine License

Selectman Stabile motioned to approve the request of Thomas R. Deso, on behalf of the Friends of the Andover Senior Center, Post Office Box 703, Andover, for a one-day beer & wine license for use on Saturday, November 1, 2008 from 7:00 P.M. to 11:00 P.M. for a fundraiser at the Town House. The request has 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 license. The motion was seconded by Selectman Major, voted 4 – 0 and approved.

IX. Approval of Minutes of Previous Meetings

Selectman Lyman motioned to approve the Regular Meeting Minutes of September 22, 2008 as presented. The motion was seconded by Selectman Major, voted 4 – 0 and approved.

X. Adjournment

Selectman Major motioned to adjourn the Regular Meeting of the Board of Selectman, the motion was seconded by Selectman Stabile, voted 4 – 0 and approved. The meeting adjourned at 9:48 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder