

**BOARD OF SELECTMEN
MINUTES OF REGULAR MEETING
JANUARY 26, 2009**

I. Call to Order/Roll Call

Chairman Teichert reconvened the Open Session meeting of the Board of Selectmen to order at 7:05 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the Regular Meeting: Selectman Vispoli – Y, Selectman Stabile – Y, Selectman Major – Y and Selectman Lyman – Y. Also present: Town Manager Buzz Stapczynski and Town Clerk Randy Hanson. 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 6:30 P.M. in the Board of Selectmen's Meeting Room. Present were: Chairman Ted Teichert, Selectman Mary Lyman and Selectman Alex Vispoli. Selectman Jerry Stabile arrived at 6:35 P.M. and Selectman Brian Major arrived at 6:40 P.M.

On a motion by Selectman Lyman and a second by Selectman Vispoli it was voted to go into an Executive Session to discuss land acquisition and to return to Open Session. Vote: Chairman Teichert – Y, Selectman Lyman – Y and Selectman Vispoli – Y.

On a motion duly made and seconded it was voted to adjourn the Executive Session at and return to Open Session at 6:45 P.M.

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 shared the following information:

The MMA Annual Meeting and Trade Show was held in Boston over the weekend and the Governor's 9C cuts for FY-2009 and FY-2010 were discussed. The House 1 budget numbers will be released on Wednesday, January 28th. Reductions to the Lottery and additional assistance will be cut by 9.7% which for Andover amounts to approximately \$210,000. The cuts will be shared proportionately by the School and Town – 65% for the School Department and 35% for the Town. Towns are required to submit their priority list of **"shovel-ready" projects for consideration** and review as part of the Economic Stimulus Package. The projects submitted should be ready to begin within six months of the date.

A joint Executive Session of the Board of Selectmen and School Committee will be held on Tuesday, February 3rd at 6:00 P.M. in the School Committee Room to discuss collective bargaining issues related to the budget.

Sixty-four Warrant Articles were submitted – thirteen are private articles and fifty-one are Town-sponsored articles. A draft of the Warrant Articles will be available on-line this Tuesday. Copies are also **available in the Town Manager's Office and Town Clerk's Office.**

The City of Lawrence has once again extended an invitation to the Board of Selectmen to **participate in the St. Patrick's Day Parade to be held on Sunday, March 8th. This year's theme is "Harmony of All Local Veterans".**

Selectman Stabile recognized Police Chief Brian Pattullo for his quick response to the Emergency Preparedness Plan. Selectman Stabile spoke with the Planning Director and **the Senior Planner about what's going on downtown** and said a meeting with the building owners is scheduled for February 3rd at 8:00 a.m. at the Butler Bank.

Selectman Major said he will meet with Robert Pokress to discuss the scope and intent of the five warrant articles he submitted.

Selectman Vispoli attended the Martin Luther King Day Breakfast at the Baptist Church on Monday, January 19th and said it was a very inspirational event. He also attended the Merrimack Valley Venture Forum held for businesses in the Merrimack Valley and they discussed what the Valley is looking for to pull businesses into the area.

Selectman Vispoli said at the MMA Annual Meeting & Trade Show which he attended, the six towns discussed ideas and the next steps for regionalization. A meeting will be held in February with Secretary Kirwin and staff to look at a regional roadmap and Greenfield opportunities. Selectman Lyman and Selectman Vispoli will meet the Town Manager **Stapczynski to review the potential of using North Andover's flusher truck on a pay-as-you-go basis** and foregoing the \$250,000 CIP purchase. The Selectmen applauded the efforts of the North Andover Town Manager and our Town Manager for working collaboratively on this issue.

Selectman Vispoli said the Information Technology Task Force will meet this week to prepare a presentation of their findings to the Board.

Selectman Major recognized Police Chief Brian Pattullo for serving as head of the Accreditation Bureau for the State. He noted that many of our Town employees are well respected throughout the State.

Chairman Teichert said a School Building Task Force meeting is scheduled for February 3rd at **8:00 a.m. in the Board of Selectmen's Conference Room.**

V. Citizens Petitions and Presentations

Jeff Sienna, MIIA Loss Control Manager, presented the MIIA for Excellence in Loss Control **Award to the Town and School's Safety Committee for their cooperation** in developing a Risk Management Program in Andover. To date, a total of \$142,000 has been saved. The Town Manager recognized the members of the Safety Committee and requested they come forward to receive the award.

VI. Public Hearings

A. National Grid/Verizon New England, Inc.

Dan Demaris, on behalf of Verizon and National Grid, reviewed the request for permission to locate poles, wires, and fixtures on Woburn Street at Winterberry Lane and 80 Cross Street.

Selectman Lyman motioned to approve the request of National Grid and Verizon New England, Inc. to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Woburn Street at Winterberry Lane – approximate location shown on Plan #5633987, dated November 6, 2008.

The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

Selectman Vispoli motioned to approve the request of National Grid and Verizon New England, Inc. to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Cross Street at #80 – approximate location shown on Plan #5984983, dated January 8, 2009.

The motion was seconded by Selectman Lyman, voted 5-0, and approved.

Both requests have been reviewed and approved by the Department of Public Works subject to the condition that street opening permits must be obtained from the Department of Public Works prior to construction.

B. Regulations for Outdoor Dining

The Board discussed adopting regulations for outdoor dining pursuant to Article XI, Section 9 of the General Bylaws of the Town of Andover. Planner Jackie Byerley said the regulations distributed to the Board of Selectmen clearly define the requirements, application process and fees. The information will be distributed to the appropriate Town Departments and restaurant owners. Selectman Stabile pointed out that alcohol cannot be served in public sidewalk seating areas unless the policy is changed.

Selectman Major motioned that the Board of Selectmen adopt the Licensing Policies as stated in the draft policy. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

Selectman Major motioned that the Board of Selectmen continue this public hearing to February 9th at 6:00 P.M. in the School Committee Conference Room to specifically discuss the \$500 application. The motion was not seconded. The motion was withdrawn.

C. Alcoholic Beverage Policy Change

Town Clerk Randy Hanson requested more time to work on the Alcoholic Beverage Policy Change.

Selectman Major motioned to continue this Public Hearing to February 9th. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

VII. Regular Business of the Board

A. Downtown Parking Sticker Program

Senior Planner Lisa Schwarz said the Downtown Parking Sticker Program will expire on February 1, 2009 and is requesting to extend it an additional six months to August 1, 2009 as they are still re-evaluating some of the parking meters downtown.

Selectman Stabile motioned to approve the request of Senior Planner Lisa Schwarz

to extend the Downtown Parking Sticker Program for a six-month period through August 1, 2009. The motion was seconded by Selectman Major, voted 5-0 and approved.

B. Andover Community Access and Media, Inc.

David Pierre, President of the ACAM Board of Directors, updated the Board on the improvements completed this year to the studio and community access channel and is requesting approval of the 2009 calendar year budget request.

Selectman Major motioned to approve the request to approve the 2009 calendar year Budget Request for Andover Community Access and Media, Inc in the amount of \$225,000. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

C. Zoning Board of Appeals Vacancies

The Board discussed the process for filling the Zoning Board of Appeals Associate Members vacancies. The Town Manager said two Associate Members are moving to Regular Members of the ZBA opening up two Associate Member vacancies. He recommended a sub-committee be established by the Board so they will have more input in the appointment process. Selectmen Vispoli and Teichert volunteered to be on the sub-committee. The Talent Bank Forms for anyone interested in applying for a vacant position can be found on the Town's website. Applications are to be submitted by February 15th.

D. Increase in Building Permit Fees

Inspector of Buildings Kaija Gilmore is recommending to double the permit fee or \$100.00, whichever is greater, for work being performed without obtaining a Building Permit. The Board will vote on the requested fee increase at their next meeting.

E. Sellers Farm – Grant of Easement and Conservation Restriction

Selectman Stabile motioned to approve the request for approval of and sign the Grant of Easement and Conservation Restriction for the Sellers Farm, Highland Road, Andover. The motion was seconded by Vispoli, voted 5-0 and approved.

F. Hiring Freeze

The Town Manager has reviewed the draft of the hiring guidelines with the Department Heads and said his team understands the Board's expectations. Selectman Lyman said the intent is not to cause harm but to set up a process to avoid future financial ramifications. Selectman Vispoli is in support of the guidelines and said it is key to make sure before the hiring process begins that a discussion/statement is provided **as to what the Town Manager's plan is. The Town Manager will alert the Board on vacant positions and that positions should be funded from funds other than General Government wherever possible.**

G. 2009 Annual Town Meeting Dates

Chairman Teichert said he attended last week's School Committee meeting and was asked to come back to the Board to consider changing the dates for Town Meeting especially with the Economic Stimulus Bill in the House which may affect revenues. School Committee members Dennis Fogue and Richard Collins were in attendance and both stressed the dramatic fiscal challenges and issues the School Department

is faced with and are requesting more time to see what the budget numbers will look like. The members discussed the required time constraints for notification of professional and non-professional staff of lay-offs. Town Moderator Sheila Doherty said she believes the Board can open the Town Meeting as scheduled, handle non-budget items and then reconvene to another date or call a Special Town Meeting to complete budget items. If Town Meeting is moved to June, they request a location other than the AHS Field House because it is not air conditioned and many seniors attend Town Meeting. Town Clerk Randy Hanson will investigate alternate sites, dates and costs.

Selectman Stabile motioned the Board of Selectmen reconsider the Town Meeting dates and come up with a new date to accommodate the request of the School Committee. Selectman Stabile withdrew the motion.

Selectman Stabile motioned the Board of Selectmen consider defining new Town Meeting dates based on the request for the longest possible time frame in the budget process. The motion was seconded by Selectman Vispoli, voted 4-1 and approved.

Selectman Lyman requested the Town Clerk see what is available for May instead of June. The Town Clerk will have the information available for the February 9th meeting.

H. Future Meeting Dates

The Board reviewed the draft proposals of meetings included in their packet for February and March and agreed on the dates provided.

VIII. Approval of Consent Agenda Items

A. Appointments and Re-appointments

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

PATRIOTIC HOLIDAY/STREETS OF FLAGS COMMITTEE

Calvin G. Perry – Term expires 6/30/09

BALLARDALE FIRE STATION BUILDING COMMITTEE

Rebecca A. Backman – Term expires 6/30/11

And that the following Board of Selectmen appointments be approved:

ZONING BOARD OF APPEALS

David W. Brown – Regular Member – Term expires 6/30/11
(v. P. Reilly)

Lynne S. Batchelder – Regular Member – Term expires 6/30/10
(v. P. Bevacqua)

B. Annual License Renewal

Selectman Major motioned to approve the 2009 Common Victualler license

renewal presented by the Town Clerk for:

- JS Food Corporation, d/b/a Boston King Café, 16 North Main Street
Manager: Sun B. Son

The license will be effective from January 26, 2009 through December 31, 2009. The applicant has filed all of the necessary paperwork and payments and has complied with all of the State and Town department conditions necessary for renewal. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

C. One-Day Beer & Wine License

Selectman Vispoli motioned to approve the request of Betsy Powers, Culinary Concepts, 24 Park Street, Andover, for a one-day beer & wine license for use on Saturday, January 31, 2009 from 4:00 P.M. to 6:00 P.M. at her place of business, 24 Park Street, for a store closing. 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 issuance of the license. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

D. One-Day All-Alcoholic Beverage License

Selectman Lyman motioned to approve the request of Andrea Zaimes, on behalf of Sts. Constantine and Helen Greek Church, Chandler Road, Andover, for a one-day all-alcoholic beverage license for use on Saturday, January 31, 2009 from 6:00 P.M. to 11:00 P.M. for a Family Dance at the Church Hall on Chandler Road. 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 issuance of the license. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

E. Change of Manager

Selectman Stabile motioned to approve the request of Sandra Woodin, Bertucci's Restaurant Corporation, 155 Otis Street, Northborough, MA, for a Change of **Manager on the Wine and Malt Restaurant License held by Bertucci's Brick Oven Ristorante**, 90 Main Street, Andover. The new Manager will be Michael Schwerin. 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 issuance of the license. The motion was seconded by Selectman Major, voted 5-0 and approved.

F. Second-hand Dealer's License

Selectman Major motioned to approve the request of Steven B. Leed, Royal Jewelers, Inc., 58 Main Street, Andover, for a Secondhand Dealer/Pawnbroker License. The license will be effective from January 27, 2009 through April 30, 2009. The request has been reviewed and approved by the Andover Police Department and the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the license. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

IX. Approval of Minutes from Previous Meetings

Selectman Vispoli motioned to approve the Minutes of the Regular Meetings of November 17, 2008 and January 5, 2009 as presented. The motion was seconded by Selectman Major, voted 5-0 and approved.

X. Sewer Commissioners

Selectman Major motioned for the Board of Selectmen to adjourn to Sewer Commissioners with a second by Selectman Lyman. Roll call vote: Chairman Teichert – Y, Selectman Vispoli – Y, Selectman Lyman – Y, Selectman Major – Y and Selectman Stabile – Y. The motion was voted 5-0 to approve.

Selectman to consider the request of John & Genevieve Boshar, 144 Holt Road for an abatement in the amount of \$17,558.14 as the vacant lot is unbuildable in its current state due to the presence of wetlands and insufficient uplands. The request has been reviewed and recommended for approval by the Department of Public Works as outlined in the Water and Sewer Commissioners Policy for Sewer Betterment Abatement Requests.

Selectman Major motioned that the Board of Selectmen, acting in its capacity as Sewer Commissioners, approve the sewer abatement request in the amount of \$17,558.14 as the vacant lot is unbuildable in its current state due to the presence of wetlands and insufficient uplands. The motion was seconded by Selectman Lyman and voted 5-0 to approve. Roll Call vote: Chairman Teichert – Y, Selectman Vispoli – Y, Selectman Lyman – Y, Selectman Major – Y and Selectman Stabile – Y.

Selectman Major motioned to reconvene from Sewer Commissioners back to the Regular Session. The motion was seconded by Selectman Lyman, voted 5-0 and approved. Roll call vote: Chairman Teichert – Y, Selectman Vispoli – Y, Selectman Lyman – Y, Selectman Major – Y and Selectman Stabile – Y.

XI. Adjournment

Selectman Stabile motioned to adjourn the Regular Meeting of January 26, 2009. The motion was seconded by Major, voted 5-0 and approved. The meeting adjourned at 9:22 P.M.

Respectfully submitted

Dee De Lorenzo

Dee DeLorenzo, Recorder