

BOARD OF SELECTMEN MINUTES – MARCH 16, 2009

I. Call to Order/Roll Call

Chairman Ted Teichert called the Regular meeting of the Board of Selectmen to order at 7:00 P.M. **in the Selectmen's conference room at the Town Offices** and requested a Roll Call: Chairman Teichert – Y, Brian Major – Y, Mary Lyman – Y and Jerry Stabile – Y. Also present were: Town Manager Reginald S. Stapczynski, and Town Clerk Randy Hanson. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Chairman Teichert asked for a Moment of Silence followed by the Pledge of Allegiance led by South School students Caroline and Kati Holbrook.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

~ The Annual Town Election will be held on Tuesday, March 24th and all precincts will vote at the Collins Field House at Andover High School. Town Clerk Randy Hanson said absentee voting closes at noon on March 23rd and a shuttle bus will be available for rides to the Collins Center. She also reminded everyone that Town Meeting has been moved to May 26th and the Warrant has been reopened and will close on April 3rd at 4:30 **P.M. Please contact the Town Clerk's Office at 623-8258** for information and assistance.

~ A Triboard Meeting will be held on Monday, May 23rd in the School Committee Room at the School Administration Building.

~ The I-93 Tri-Town Interchange Project will meet in Tewksbury on Thursday, March 19th to provide information to residents regarding the scope of the project and to receive expectations and feedback from residents. Representatives of Mass Highway and State consultants will lead the discussion.

~ **Andover's bond rating from Moody's will continue at the Aa1 rating with a warning of a negative outlook due to diminished reserves and the expectation that future budgets will remain challenged. Moody's recommends rebuilding of the reserve account.**

IV. Citizens Petitions and Presentations

Jim Sutton, Director of the Memorial Hall Library, said the Library is hosting **Andover's** first Community-reading Program. Residents are invited to read *The Worst Hard Times*, winner of the 2006 National Book Award, and participate in a series of programs and coordinated discussions about the environment, economic climate, family values, and the **culture of the country during the 1930's. Events include: weekly 1930 Era movies shown** at the Senior Center, a jazz concert in the Hall at MHL on April 4th, several exhibits **depicting life in the 1930's, an Earth Day discussion hosted** by NECN Meteorologist Matt Noyes, a **1930's Fashion Show sponsored by the Andover Historical Society, an Arbor Day Celebration** and programs for children and teen-agers.

V. Public Hearing

A. Laying Out of Streets

Recommendations for street acceptance of: Barron Court, Black Horse Lane, Granli Drive, Fun Flight Circle, and West Hollow. Andover Country Club Lane, Canterbury

Street, Cormier's Way, Trevino Circle, Avella Circle requests were withdrawn by the developer.

Barron Court: A request for a continuation of the hearing for Barron Court was received by Attorney Mark Johnson on behalf of CA Investment Trust. He stated they are waiting on a Subordination Agreement from a lender although all other necessary information is complete. Town Counsel Tom Urbelis said the Board has never allowed a contingency and he recommends the vote be postponed until all necessary documentation is completed.

Black Horse Lane: A fully executed Certificate of Compliance from the Department of Environmental Protection, a Certificate of Title and signed legal documents has not been received. Arthur Brussard, 40 Rocky Hill Road, said the curbing is poorly installed and questioned the location of transformers, utility boxes, and large pole with what looks like a cell tower attached to it. Jack Petkus, DPW Director, will investigate and report back to the Board.

Selectman Major motioned the Board hold on their decision to lay out Barron Court and Black Horse Lane until their April 27th meeting. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Selectman Major motioned not to layout #P-34 **Avello Circle, Trevino Circle, Cormier's Way, Canterbury Street, and Andover Country Club Lane.** The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Town Planner Jackie Byerly requested the Board approve the layout and taking of Fun Flight Circle.

Selectman Lyman motioned the Board approve the layout of Fun Flight as proposed in Article P-35. The motion was seconded by Selectman Stabile, voted 4-0 and approved.

Town Planner Jackie Byerly recommended the Board not approve the layout of Granli Drive.

Selectman Lyman motioned the Board not layout Granli Drive (#P-36). The motion was seconded by Selectman Stabile, voted 4-0 to not layout and approved.

Selectman Major motioned the Board approve warrant article #P-37 to petition the General Court for Easements on Granli Drive as proposed in Article #P-37. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Selectman Major motioned the Board approve to layout West Hollow as proposed in Article #P-38. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

VI. Regular Business of the Board

A. Long and Short-Term Borrowing

Town Collector/Treasurer David Reilly reported on the results of bids received for short term and long-term borrowing. The long-term borrowing projects have been completed totaling \$5,566,500. Mr. Reilly recommended awarding of bids to First Southwest and BMO Capital Markets.

Selectman Lyman voted to approve the long-term bond authorizations as presented in the amount of \$6,893,000 awarded to BMO Capital Markets. The motion was seconded by Selectman Major, voted 4-0 and approved.

Selectman Major motioned to approve the short-term bond authorizations as presented in the amount of \$5,566,500 to First Southwest Company at a rate of .627%. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

B. SMART Program

Recycling Committee Chair Candy Dann provided a presentation on the SMART Program (waste reduction program). The Town could realize a savings of \$200,000-\$300,000 if the SMART Program was enacted. Each household would be allowed one container of trash with additional bags to be purchased for \$2 each. Encouragement of recycling would reduce the \$64 per ton disposal cost and income would be derived from the sale of additional bags. The Recycling Committee and the League of Women Voters are requesting that the Board support and approve this proposal. Barbara Moody, 95 Sunset Rock Road, said she is proud of the Town for taking positive environmental action over the years and is requesting they continue to protect the environment by supporting this program. Janice, Caroline, and Katie Holden, 14 Chester Street, spoke in support of the program as well. Bob Willard, 76 Tewksbury Street, is concerned that one container could be a problem for large families. Bill Pennington, Clark Road, asked how long it would take for the program to go into effect once approved. A warrant article at Town Meeting would be to approve the by-law – the Program would be approved on a vote by the Board of Selectmen. The Board will include this on their agenda for the March 30th meeting.

C. Annual Town Meeting Warrant Articles

The Board discussed the following Annual Town Meeting warrant articles:

#P-63 – Essex Street – Sale or Lease of Town Land (P)

#P-64 – Essex Street – Grant of Easements Across Town Land (P)

Attorney Mark Johnson reported that both articles have been presented to the Planning Board. The Board recommended to hold on voting until the Planning Board has taken their vote. Selectman Lyman asked that they find out the recommendation of the family who donated the land as well.

Selectman Major voted to hold on Articles P-63 and P-64 pending information from the Planning Board and the family who donated the land. The motion was seconded by Selectman Lyman, and voted 4-0 to hold.

#P-32 – Priority Development Site – Paul Materazzo, Director of Planning, reported the Planning Board recommends approval of #P-32. There are eight priority development sites for recommendation: 1 Riverside Drive, 2 Tech Drive, 40 Shattuck Road, 300 Minuteman Road, 300 Brickstone Square, 160 Dascomb Road, 300 Federal Street and 800 Federal Street.

Selectman Major motioned the Board hold on Warrant Article #P-32. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

#P-33 – National Flood Insurance Program – Zoning Bylaw Amendment – Building Inspector Kaija Gilmore reported on Warrant Article #P-33 requesting an amendment to

the current zoning by-law.

Selectman Lyman moved to recommend approval of Warrant Article #P-33. The motion was seconded by Selectman Major, voted 4-0 and approved.

#P-41 – Heffron Right-of-Way – Petition to the General Court – Town Planner Jackie Byerly reported on Warrant Article #P-41 which would provide access to conservation land along the Merrimack River, transfer of land and easement granting.

Selectman Major moved to recommend approval of Warrant Article #P-41. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

#P-42 – Sign Bylaw Amendment – Zoning Bylaw Amendment – Ann Constantine, Chair of the Design Review Board, said the bylaw was rewritten to make it easier to understand and more complete and provided highlights of the changes requested.

Selectman Lyman moved the Board to hold on Warrant Article #P-42 and wait for the recommendation of the Planning Board. The motion was seconded by Selectman Stabile, voted 4-0 and approved to hold.

#P-43 – Portable Signs – Zoning Bylaw Amendment

Selectman Lyman moved the Board to hold on Warrant Article #P-43. The motion was seconded by Selectman Stabile, voted 4-0 and approved to hold.

#P-44 – Customary Home Occupation – Zoning Bylaw Amendment and

#P-45 – Additional Design Criteria – Zoning Bylaw Amendment

Selectman Major moved the Board to hold on Warrant Articles #P-44 and #P-45. The motion was seconded by Selectman Lyman, voted 4-0 and approved to hold.

#P-46 – Watershed Protection Overlay District – Zoning Bylaw Amendment was presented by John Zipeto to protect Haggetts Pond, Fishbrook, and tributary waterways from salt.

Selectman Lyman moved the Board to hold pending decisions of the Planning Board and Conservation Commission. The motion was seconded by Selectman Stabile, voted 4-0 and approved to hold.

D. Trench Permit Fee

The Town Manager said at last year's Town Meeting a Warrant Article was approved to allow a trench permit fee as of January 1st which has been extended to March 1, 2009. Permitting will be handled through the Department of Public Works and the Board of Health. They are requesting a Trench Fee Permit of \$25.00.

Selectman Lyman motioned to approve the permit fee of \$25.00 for Trench Openings. The motion was seconded by Selectman Major, voted 4-0 and approved.

E. I-93 Tri-Town Interchange

The Board voted to become a participating agency for the I-93 Tri-Town Interchange Project's Environmental Impact Statement.

Selectman Stabile motioned to approve the Board of Selectmen becomes a participating agency for the I-93 Tri-Town Interchange Project's Environmental Impact Statement. The motion was seconded by Selectman Major, voted 4-0 and approved.

VII. Appointments and Re-Appointments

A. Appointments and Re-appointments

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

| <u>DEPARTMENT</u> | <u>POSITION</u> | <u>RATE</u> | <u>EFF.DATE</u> |
|------------------------------|---|-------------|-----------------|
| <u>COMMUNITY SERVICES</u> | | | |
| Armando S. McLaughlin | Program Instructor – PT | C2A | 2/17/09 |
| <u>MEMORIAL HALL LIBRARY</u> | | | |
| Ian Giribaldi | Library Page – Children's Room – PT (v. T. MacKinnon) | L1/1 | 3/18/09 |
| Emily deLemos | Library Page – Circulation – PT (v. M. Park) | L1/1 | 3/24/09 |

B. One-Day Beer & Wine License

Selectman Lyman motioned to approve the request of Emily Classon, on behalf of the Friends of Memorial Hall Library, Elm Square, Andover, for a one-day beer & wine license on Saturday, April 4, 2009 from 6:00 P.M. to 11:00 P.M. for a Jazz Concert 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.

VIII. Approval of Minutes from Previous Meetings

Selectman Major motioned to approve the minutes of the Joint Meeting of February 23, 2009. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Selectman Major motioned to approve the minutes of the Joint Meeting of February 25, 2009. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Selectman Major motioned to approve the minutes of the Regular Meeting of March 2, 2009. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

Selectman Major motioned to approve the minutes of the Joint Meeting of March 4, 2009. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

IX. Adjournment

A motion was made by Selectman Stabile with a second by Selectmen Major to adjourn the Regular Meeting of the Board of Selectmen. The vote was 4-0 to approve the motion.

The meeting adjourned at 9:58 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder