

BOARD OF SELECTMEN MINUTES – APRIL 27, 2009

I. Call to Order/Roll Call

Vice Chairman Alex Vispoli called the 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. Selectman Teichert arrived later in the meeting. Also present: Town Manager Buzz Stapczynski and Town Clerk Randy Hanson. 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. Communications/Announcements/Liaison Reports

Town Clerk Randy Hanson said the last day to register to vote for the Annual Town Meeting is Wednesday, May 6, 2009. The Town Clerk's Office will be open until 8:00 P.M. on Wednesday and the Memorial Hall Library will be open until 9:00 P.M. for anyone who wishes to register. Mail-in registration forms are available until May 6th. The Town Meeting will be held on Tuesday, May 26th and Wednesday, May 27th at the Collins Field House and, if needed, on Thursday, May 28th at the Collins Center.

Health Director Tom Carbone updated the Board on the recent outbreak of the Swine Flu and the results of the two conference calls he participated in today with the CDC, and the Commission of the Department of Public Health in Massachusetts. Currently there are no confirmed outbreaks in Massachusetts. Everyone is on alert and residents are encouraged to follow basic precautions.

Town Manager Buzz Stapczynski announced:

~ The Main Street Project is in full swing. Trees have been selected and will be ready to plant in May. Please use caution when traveling on Main Street during the reconstruction.

~ The Town Yard Task Force will hold a program for abutters of the Town Yard at the Public Safety Center on Wednesday, May 6th at 6:30 P.M.

~ The I-93 Tri-Town Task Force will meet in Andover on Thursday, May 7th at 8:00 A.M. at the Memorial Hall Library for a review and status report.

~ On Monday, May 18th, the State will hold a question and answer meeting to discuss expansion of the Park & Ride facility on Dascomb Road. The State is also beginning the prep work to install the sound barriers along Rte 93.

~ The 2010 Census is underway in Andover. It is important that residents participate in the census as the results are crucial to the number of legislative seats we have. The Town Clerk said the League of Women Voters is providing information on why the census is fiscally important as well.

~ The AHS Marching Band is holding a Can & Bottle Drive on Saturday from 9:00 A.M.

to 1:00 P.M. at the West Middle School.

~ Town Counsel Tom Urbelis has been working on an Inter-municipal Agreement between North Andover and Andover for shared services.

Selectman Major motioned the Board of Selectmen recognize Town Counsel Tom Urbelis and the firm of Urbelis & Feildsteel LLP, will be providing services to Andover and North Andover with regard to an Inter-municipal Agreement between the two towns for the shared use of a sewer flusher truck owned by the Town of North Andover and that the Selectmen have determined there is no substantial interest which would be deemed likely to affect the integrity of the services which the Town may expect from those attorneys. The motion was seconded by Selectman Visopoli, voted 5-0 and approved.

Selectman Stabile said the Town Yard Task Force will hold a public meeting on May 6th at 6:30 P.M. at the Public Safety Center to update the community on the sale of the property on Essex Street which the Task Force voted to unanimously approve.

Selectman Stabile also asked DPW Director Jack Petkus to arrange a public hearing on the change in the Trash Policy before Town Meeting and to present the change at a Board Meeting so the Board can vote on it. Selectman Stabile said he will work on the change to the recycling section in the policy book and bring it forward to the Board.

Selectman Major recognized Veterans Director Michael Burke who worked with the Boy Scouts to replace the flags on the graves of Veterans across town.

Selectman Vispoli said the Conservation Commission and AVIS will hold a workshop on Open Space at the Memorial Hall Library. He would like to ask them to consolidate and present their findings to the Board.

Selectman Vispoli said the Little League Opening Day Parade will be held on Saturday, May 2nd starting at 9:00 A.M.

Selectman Lyman said the Commission on Disability is working hard with the Downtown merchants to make Main Street more accessible. The Commission also has a position open on their Board and interested parties can apply on the website. Selectman Lyman also reminded everyone that the Virginia Cole Service Award nomination deadline is Friday, May 1st.

Selectman Lyman reminded the Board and Town Manager that they need to respond to the request of the Merrimack Valley Theatre Group about using the school buildings. Guidelines should be provided to support groups interested in using the buildings. The Town Manager said he will get information and report back to the Board.

Selectman Lyman asked the Town Manger for an update on the new certified ambulance. The Town Manager said the ambulance was delivered a month ago and was put into service last week to replace Ambulance 1. The new ambulance was ordered last June and delivered in March. The Fleet now consists of the new Ambulance 1, Ambulance 2 which was delivered in 2008, and the reserve Ambulance 3 which was purchased in **2001, which is 8 years old and reaching the end of its' life. If the request for a new ambulance is approved at Town Meeting we won't see the replacement until sometime in 2010.** The Selectman asked the Town Manager to find out how often the reserve is used,

if we can delay purchasing it for another year, and how long it would be financed.

Selectman Vispoli motioned to rescind the first vote to recommend approval of Warrant Article 33 – purchase of new ambulance. The motion was seconded by Selectman Lyman, voted 5-0 and approved to rescind.

Selectman Vispoli motioned to hold on approval of Warrant Article 33 – purchase of new ambulance. The motion was seconded by Selectman Major, voted 5-0 to hold. The Board will make their recommendation at Town Meeting.

IV. Citizens Petitions and Presentations

Mary Carbone, 3 Cyr Circle, raised concerns about the Youth Services Gold Rush fundraiser and whether a permit as a second-hand dealer was required. The Town Manager said Youth Services Director Bill Fahey has been meeting with Town Clerk Randy Hanson, Lt. Hashem and Ms. Comeau to ensure the by-laws are covered and that a recommendation will be made to the Board. Ms. Carbone asked what it cost to maintain and to bring the building on Pearson Street up to code.

V. Public Hearing

A. Laying Out of Streets

Selectman Major motioned to approve to lay out #46 – Barron Court & Black Horse Lane. The motion to lay out was seconded by Selectman Vispoli, voted 4-1 and approved.

VI. Regular Business of the Board

A. 2009 Annual Town Meeting Warrant Articles

#64 – Wireless Communication Facilities – Zoning Bylaw Amendment (P)

Pam Dunn presented Warrant Article #64 which will provide specific changes to the current bylaws. The Planning Department will vote on the by-law change at their May 12th meeting and Town Counsel has recommend approval.

Selectman Vispoli motioned to hold on recommending approval of Warrant Article #64 until the recommendation from the Planning Board has been received. The motion was seconded by Selectman Teichert, voted 5-0 to hold on a recommendation.

#13 – FAA Lease

Selectman Major motioned to recommend approval of Warrant Article #13 – FAA Lease. The motion was seconded by Selectman Vispoli and voted 5 – 0 to recommend approval.

#35 – Watershed Protection Overlay District – Zoning Bylaw Amendment

Selectman Vispoli motioned to recommend approval of Warrant Article #35- Watershed Protection Overlay District – Zoning Bylaw Amendment. The motion was seconded by Selectman Major, and voted 5-0 to recommend approval.

#36 – Sign Bylaw – Zoning Bylaw Amendment

Selectman Vispoli motioned to recommend approval of Warrant Article #36 Sign Bylaw – Zoning Bylaw Amendment. The motion was seconded by Selectman Lyman, and voted 5-0 to recommend approval.

#37 – Portable Signs – Zoning Bylaw Amendment

Selectman Vispoli motioned to recommend approval of Warrant Article #37 Portable Signs– Zoning Bylaw Amendment. The motion was seconded by Selectman Lyman, and voted 5-0 to recommend approval.

#38 – Customary Home Occupation – Zoning Bylaw Amendment

Selectman Vispoli motioned to recommend approval of Warrant Article #38 – Customary Home Occupation–Zoning Bylaw Amendment. The motion was seconded by Selectman Lyman, and voted 5-0 to recommend approval.

#39 – Additional Design Criteria – Zoning Bylaw Amendment

Selectman Vispoli motioned to recommend approval of Warrant Article #39 Additional Design Criteria - Zoning Bylaw Amendment. The motion was seconded by Selectman Lyman, and voted 5-0 to recommend approval.

#47 – United States Postal Service Lease at Town House

Selectman Stabile motioned to approve Warrant Article #47 = U.S. Postal Service Lease at the Town House. The motion was seconded by Selectman Major, and voted 5-0 to recommend approval.

B. Water Easements

Selectman Vispoli motioned that the Board sign the Water Easements requests for the following properties: 19 Granli Drive (Vincent & Linda Chiozzi) and 21 Granli Drive (Phillip & Cheryl Brucato). The motion to approve was seconded by Selectman Major, and voted 5-0 to sign.

VII. Approval of Consent Agenda Items

A. Storage of Inflammable Annual Registrations

Selectman Vispoli motioned to approve the request of the Town Clerk for Storage of Inflammable Certificates of Registration for 2009 for the following:

- ~ Andover Condominiums Trust, d/b/a Andover Condominiums, 22 Railroad Street
- ~ Proctor & Gamble Company, Off Lowell Junction Road
- ~ Raytheon Company, 350 Lowell Street
- ~ Transwestern Brickstone Square, LLC, d/b/a Transwestern Brickstone Square, York & Haverhill Streets

The Certificates have been reviewed and approved by Fire Rescue and the Town Clerk and are subject to the condition that all other requirements of the Town are met prior to the issuance of the Certificates. The motion was seconded by Selectman Stabile, and voted 5-0 to approve.

B. Secondhand Dealer License Renewals

Selectman Vispoli motioned to approve a Secondhand Dealer license renewal for 2009 for Royal Jewelers, 58 Main Street as presented by the Town Clerk. The application, effective May 1, 2009 through April 30, 2010, has been reviewed and approved by the Police Department and the Town Clerk and is 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 5-0 and

approved.

VIII. Adjournment

Selectman Stabile motioned to adjourn the Regular Meeting of the Board of Selectmen. The motion was seconded by Selectman Major, voted 5-0 and approved. The meeting adjourned at 8:27 P.M.

Respectfully submitted,

*Dee DeLorenzo
Recorder*