

BOARD OF SELECTMEN MINUTES – MAY 4, 2009

I. Call to Order/Roll Call

Chairman Ted Teichert called the Regular meeting of the Board of Selectmen to order at 7:02 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the meeting: Chairman Teichert – Y, 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.

III. Opening Ceremonies

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

III. Communications/Announcements/Liaison Reports

Town Clerk Randy Hanson said residents not registered to vote but who would like to vote at Town Meeting starting on May 26th, **can register at the Town Clerk's Office until May 6th.**

The Town Manager reported the following:

~ A group of 25 visitors from Japan interested in learning more about municipalities will be attending Town Meeting.

~ Nominations for the Virginia Cole Service Award are still open. The award will be presented at the second night of Town Meeting.

~ The Town Yard Task Force will hold a public hearing on the Town Yard Proposal in the Training Room at the Public Safety Center on May 6th.

~ On May 6th at the Memorial Hall Library at 8:00 A.M. State officials will attend a Tri-town meeting with Wilmington, Tewksbury, and Andover to discuss the I-93 interchange project.

~ **The Andover Youth Services "Gold Rush" fundraiser is still on** and it has been decided that Grecoe Jewelers will work with the Youth Services as the licensed second-hand dealer.

~ The Anti-fraud Policy will be brought forward to the Board for review and approval at the next meeting.

Selectman Stabile announced that the Andover Cultural Council will hold their 2009 Awards Ceremony at Marland Place on Thursday, May 7th at 5:30 P.M. Selectman Stabile said he met with the Town Manager, Jack Petkus and Sandy Gerraughty of the DPW to discuss a change to the Trash Policy. A public information session will be held on May 20th and Mr. Petkus will present the policy changes to the Board at the next meeting.

Selectman Major would like to see Andover submit a position letter to State Legislators in opposition of the State Income Tax Increase similar to the one North Andover **submitted which is included in the Board's packet.**

Selectman Vispoli congratulated the Andover Little League on a well-attended, successful parade on Saturday, May 10th.

Selectman Lyman reminded everyone that **Founders' Day is May 14th** at 4:00 P.M. at the Indian Ridge Country Club.

IV. Citizens Petitions and Presentations

- A. John McCarthy, Co-Captain of the 2009 Boston University NCAA Division I National Champions Hockey Team

The Board welcomed and recognized Andover resident John McCarthy, Co-Captain of the 2009 Boston University Hockey Team, who won the NCAA Division I National Championship this year. In honor of his achievements, the Board issued a Proclamation to John and wished him well in his hockey career.

V. Public Hearing

- A. Verizon New England, Inc.
Continued until May 18th Meeting

VI. Regular Business of the Board

- A. 2009 Annual Town Meeting Warrant Articles on hold

#14 – Transfer from Overlay Surplus

Selectman Major motioned to recommend withdrawal of Warrant Article #14-Transfer from Overlay Surplus. The motion was seconded by Selectman Vispoli, and voted 5-0 to withdraw.

#17 – 5 Campanelli Drive – Right-of-First-Refusal and Site Evaluation

Hooks Johnson provided an update on the Town Yard Project and said a detailed report of specifications and requirements has been developed and discussions on scope and cost are now underway. They are asking for support of Articles 17 and **18 for next year's Master Plan.**

Selectman Vispoli motioned to recommend approval of Warrant Article #17 for 5 Campanelli Drive – Right of First Refusal and Site Evaluation. The motion was seconded by Selectman Stabile, and voted 5-0 to recommend approval.

#18 – Site Evaluation for a new Town Yard

Selectman Vispoli motioned to recommend approval of Warrant Article #18 Site Evaluation for a new Town Yard. The motion was seconded by Selectman Stabile, and voted 5-0 to recommend approval.

#22 – Transfer from Stabilization Fund to School Department for High School Athletics (P)

Selectman Lyman motioned to recommend disapproval for WA #22 to Transfer from the Stabilization Fund to School Department for High School Athletics. The motion was seconded by Selectman Major and voted 5-0 to recommend

disapproval.

#25 – Unpaid Bills

Selectman Vispoli motioned to withdraw WA #25 – Unpaid Bills. The motion was seconded by Selectman Lyman, and voted 5-0 to withdraw.

#31 – Sale or Lease of Town Land (P) and

#32 – Granting of Easement Across Town Land – Land on Essex Street (P)

Selectman Major motioned to hold on both WA 33 and WA#32. The motion was seconded by Selectman Stabile, and voted 3-2 to hold.

Both articles were discussed at length. The Board has the authorization to sell or convey to lease land on such terms and conditions as deemed in the best interest of the Town. The Town Yard Task Force unanimously agreed to the sale of the land on Essex Street, the Planning Board had a split vote with 3 members opposed to selling the land until more information on traffic, site, design of area, etc is provided; 2 members voted in agreement seeing it as an opportunity to create a gateway to revitalization of the area.

Michael Rosen, on behalf of Dundee Park, agrees that the project is premature and offered to participate in a traffic study. John Burke, owner of three buildings in Dundee Park, found out today about Articles 31 and 32. He is in agreement that it is premature to sell the land until more information can be provided. Selectman Vispoli said the land is a unique configuration and feels it is important to hear statements from property owners at Dundee Park and understanding at some point the area does need to be reconfigured. Selectman Lyman said they cannot determine in good faith that we will no longer need the land for municipal purposes. Selectman Major would like to hear more about a traffic pattern proposal if the site is developed. Selectman Stabile feels we should let the voters at Town Meeting take a position or it will be another year before we can do anything else about the area.

#49 – Sewer Expansion – Chester Street, Mitton Circle, Oak Street & parts of Tewksbury Street (P)

Continue to Hold

#58 – Veterans Memorial Auditorium Repairs and Renovations

Selectman Stabile motioned to recommend approval of Warrant Article #58 Veterans Memorial Auditorium Repairs and Renovations. The motion was seconded by Selectman Lyman, and voted 5-0 to recommend approval.

#59 – Feasibility Study/Schematic Design – Bancroft Elementary School – \$735,000

Hold until May 18th Meeting.

#60 – Feasibility Study/Schematic Design – Bancroft Elementary School – \$320,000

Selectman Stabile motioned to recommend approval of Warrant Article 60 for a Feasibility Study/Schematic Design for Bancroft Elementary School. The motion was seconded by Alex Vispoli, and voted 4-1 and approved.

#62 – Open Space Land Acquisition (P)
Continue to hold

#66 – Priority Development

Selectman Major motioned to recommend approval of Warrant Article #66- Priority Development. The motion was seconded Selectman Vispoli, and voted 5-0 to recommend approval.

#71 – Local Option Revenues
Hold

B. Street Lights

DPW Director Jack Petkus presented the list of street lights to be recommended for shut off. Safety Officer Edgerly has worked with the DPW on the recommendations on the reduction of street lights. The next steps will be to publish a list of streets and pole numbers, schedule a public hearing and put the information on the town website. Approximately 679 lights are being recommended to be turned off.

Selectman Stabile motioned to support moving forward with the program to turn-off street lights. The motion was seconded by Selectman Vispoli, and voted 5-0 to approve.

C. I-93 Tri-Town Interchange Memorandum of Understanding

Planning Director Paul Materazzo requested the Board approve the Tri-Town Memo of Understanding.

Selectman Vispoli motioned to approval endorsement of the Memo of Understanding as written. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

D. Fees

The Board had the first reading on the increase of the following fees for FY-2010:

- CD&P – Stormwater Management Permit
- P & F – Bald Hill Compost Site
- P & F – Field Use
- Finance/Budget – Lien Certificate
- DPW – CRT & Household Hazardous Waste Collection
- DPW/Water & Sewer – Irrigation Meter and Water Treatment Lab

The Board will vote on the fees at the May 18, 2009 meeting.

E. Inter-municipal Agreement with North Andover – Sewer Flusher Truck

The Town Manager said the agreement with North Andover to share the use of the sewer flusher truck has been completed for the Board to approve.

Selectman Vispoli moved that the Board of Selectmen hereby recognize that Town Counsel Thomas J. Urbelis and the firm of Urbelis & Fieldsteel, LLP, will be providing services to Andover and North Andover with regard to an

Intermunicipal 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 that 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. Selectman Lyman seconded the motion. The motion was voted 5-0 and approved.

VII. Approval of Consent Agenda Items

A. One-Day All-Alcoholic Beverage License

Selectman Major motioned to approve the request of Todd Richardson, on behalf of the **Andover Firemen's Relief Association**, 32 North Main Street, Andover, for a one-day all-alcoholic beverage license for use at the Town House on Saturday, May 16, 2009 from 6:00 P.M. to Midnight for a fundraiser. The application 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 Stabile, voted 4-0-1 and approved.

B. Charitable Wine Pouring License

Selectman Stabile motioned to approve the request of Kay Frishman, on behalf of Family Services, Inc., 430 North Canal Street, Lawrence, MA, for a Charitable Wine Pouring license for use at the Andover Country Club on Friday, May 8, 2009 from 6:30 P.M. to 11:30 P.M. The application 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.

Selectman Lyman recused herself from voting.

C. Storage of Inflammable Annual Registration

Selectman Vispoli motioned to approve the request presented by the Town Clerk for a Storage of Inflammable Certificate of Registration for 2009 for E & J Music, 5A Lowell Street. The Certificate has been reviewed and approved by Fire Rescue 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 Certificates. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

D. Vehicle for Hire License Renewal

Selectman Lyman motioned to approve the request presented by The Town Clerk for the following Vehicle for Hire Licenses: J & J Shuttle, 89 North Main Street – 5 licenses approved – 1 car currently applied for. The license renewal application has been reviewed by the Safety Officer and 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 Vispoli, voted 5-0 and approved.

F. Block Party

Selectman Major motioned to approve the request of Lucinda Gottfried, 4 Avon Street, Andover, for permission to block off her street on Saturday, May 23, 2009 from 2:00 P.M. to 11:00 P.M. for a neighborhood block party. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

G. Andover Days Road Race

Selectman Stabile motioned to approve the request of James Kapelson, 70 Lovejoy Road, Andover, is requesting permission to conduct the 5th Annual Andover Days 5K Road Race on Friday, May 29, 2009 beginning at 6:30 P.M. behind the Doherty Middle School. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

VIII. Approval of Minutes from Previous Meetings

Selectman Vispoli motioned to approve the Minutes of the Regular Meeting of March 16, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the Regular Meeting of March 23, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the Reorganization Meeting of March 25, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the March 25, 2009 – Joint Meeting w/Finance Committee. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the Regular Meeting of March 30, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the March 30, 2009 – Joint Meeting w/Finance Committee. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the April 1, 2009 – Joint Meeting w/Finance Committee. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the April 6, 2009 – Joint Meeting w/Finance Committee. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the Regular Meeting of April 13, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the April 13, 2009 – Joint Meeting w/Finance Committee. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the Regular Meeting of April 15, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Vispoli motioned to approve the Minutes of the Regular Meeting of April 21, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

IX. Adjournment

Selectman Stabile motioned to adjourn the Regular Meeting of the Board of Selectmen. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder