

Board of Selectmen Minutes – June 22, 2009

I. Call to Order/Roll Call

Chairman Alex Vispoli called the Regular 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 meeting were: Chairman Vispoli – Y, Selectman Teichert – Y, Selectman Stabile – Y, Selectman Major – Y and Selectman Lyman – Y. Also present: Town Manager Reginald Stapczynski and Town Clerk Randy Hanson. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

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

III. Executive Session

Chairman Vispoli called the meeting of the Board of Selectmen to order at 6:00 P.M. in **the Selectmen's** Conference Room in the Town Offices. Present were Chairman Vispoli and Selectmen Lyman, Major, and Teichert. Selectman Stabile arrived at 6:05 P.M.

On a motion by Selectman Lyman and a second by Selectman Major, it was voted to go into Executive Session to discuss strategy in the pending litigation titled Andover v. Walker and potential litigation regarding AVIS land and to return to Open Session. Roll Call Vote: Selectman Teichert – Y, Selectman Lyman – Y, Selectman Major – Y and Chairman Vispoli – Y.

On a motion duly made and seconded it was voted to adjourn the Executive Session at 7:00 P.M. and to return to Open Session. The motion was unanimously approved.

IV. Communications/Announcements/Liaison Reports

The Town Manager reported the following:

. The DCS Summer Booklet has been mailed out and can be viewed on the Town's website as well.

. Fireworks will begin at dusk on Friday, July 3rd at Andover High School and the Annual Pancake Breakfast, Horribles Parade and jazz concert will be held in the Park on Saturday, July 4th beginning at 8:00 A.M.

. On June 25th, the I-93 Interchange Task Force will host an Open House at the Wilmington Town Hall from 4:00 PM to 8:00 P.M. to receive input on the I-93 Interchange Project. All interested parties are invited to attend.

. The Main Street Project will be finishing up work in the Elm Square area this week with new lights and sidewalks installed. Mass Highway has denied the request to cover the cost of moving the curbing across from the Mobil Station.

. The water meter change-out project has begun and DPW Director Jack Petkus said they hope to complete the project within twelve months. Contractors will have signs on their vehicles stating they are under contract by the Town. Installation takes approximately 30 minutes and old meters will be tagged and stored for one year.

Selectman Teichert said the School Building Committee will meet on Tuesday, June 23rd at 8:00 A.M. in the School Committee Room.

Selectman Stabile announced that the Town Yard Task Force will meet on Wednesday, June 24th at 7:30 A.M. **in the Selectmen's Meeting Room.**

Selectman Lyman said the Commission on Disability will **meet in the Children's Room at Memorial Hall Library** on Wednesday, June 24th at 7:00 P.M. This is a change to their customary Thursday meeting dates due to the closing of the Library on Thursday evenings. Selectman Lyman also thanked members of the Finance Committee and the Board of Selectmen who helped with the Relay Race fundraiser held on Saturday at Lovely Field to raise money for the Andover Youth Services, AHS Athletics and AHS Clubs.

Chairman Vispoli announced that Old Town Hall would open on Saturday, July 11th from 9:00 A.M. to 11:00 AM for coffee and donuts. This will be the first of three pilot days the Old Town Hall will be open for residents to gather. The other two Saturdays are July 18th and July 25th. Information and dates will be published on the Town's website.

Town Clerk Randy Hanson and Andover/North Andover League of Women Voters President Stefani Goldshein shared ideas being formulated to communicate the **importance of the 2010 Federal Census to all residents. One such idea is adding "In our Hands Together Andover Counts" to the Federal Logo and to have the logo displayed on** all communications of interest from the Town to encourage awareness of the upcoming census and its financial and political importance to the Town to Andover residents.

V. Citizens Petitions and Presentations

None

VI. Continued Public Hearing

A. Alcoholic Beverage Policy Changes

As per Massachusetts General Laws, Chapter 138, as amended, the Board discussed changes to their Alcoholic Beverage License Policy regarding alcohol on patios and outdoor areas. The question of visibility of outside areas for better control of alcohol was of concern. Chief Pattullo suggested the use of video cameras if proprietors do not have visible access to outside patios.

Selectman Lyman motioned to approve the policy as outlined and to include that the patio area must offer contiguous viewing or have staff present at all times. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

VII. Regular Business of the Board

A. Verizon New England, Inc.

Selectman Major motioned to approve the request of Verizon New England, Inc. for the maintenance and replacement of existing direct buried cable with new underground conduits and related equipment under the surface of the following public ways:

<u>Location</u>	<u>Petition Number</u>
Cobblestone Lane	550
Colonial Drive	547
Doyle Circle	551

Kaila Court	548
Patriot Drive	547
Olde Berry Road	549

The requests have been reviewed and approved by the Department of Public Works subject to the condition that street opening permits are obtained prior to the commencement of any work. Selectman Lyman seconded the motion, which was voted 5-0 to approve.

B. Verizon New England, Inc.

Verizon Right-of-Way Agent Robert Grassia said Verizon expects to have the FIOS project completed by September as scheduled. Selectman Stabile asked that residents be **notified when work is to be conducted on a resident's property.**

C. Ballardvale Fire Station Building Committee

Dan Casper, Chairman of the Ballardvale Fire Station Building Committee, said they are applying for a grant award being offered by the Department of Homeland & Securities for new fire stations. The Committee is working diligently to have the grant ready to submit for the July 9th deadline. Awardees will have three years from September to build a new fire station.

D. Year-end Budget Transfers

Finance Director Anthony Torrisi presented the year-end budget transfers **for the Board's** approval stating the close out of the Fiscal Year Unexpended Funds comes from various Town department budgets.

Selectman Major moved that the Board of Selectmen approve the following FY-2009 Budget transfers in accordance with the provision of Massachusetts General Laws, Chapter 44, Section 33B, Clause b:

- Transfer \$160,000 from Public Works – Other Expenses; \$70,000 from Public Safety – Other Expenses; \$19,000 from Community Development and Planning – Personal Services and \$20,000 from Water – Other Expenses.
- And appropriate \$230,000 to Public Safety – Personal Services; \$19,000 to Community Development and Planning – Other Expenses and \$20,000 to Water – Personal Services.

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

Selectman Major recognized the Town Manager, Finance Director and all Department Heads for using good conservative management, which allowed the Reserve Fund to not be utilized.

E. Discussion on Fees
CD&P – Newsrack Storage

Selectman Lyman motioned to approve the fee for CD & P Newsrack Storage in the amount of \$50 for pickup and \$2 per day for storage. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

Parking Violations – effective July 1, 2009

Police Chief Brian Pattullo addressed the request for increasing parking violations for Group A-basic meter violation; Group B-violation of safety fines; and Group D-violation of disability parking, and distributed a handout comparing fees charged in Andover to other area communities. The Board will vote on the request for an increase in fees at their next meeting.

F. Solid Waste/Recycling Policy

The Town Manager said the Town’s website will be updated to include trash and recycling information. Bob Willard, 76 Tewksbury Street, asked for an explanation of the proposed options. Chairman Vispoli said the Recycling Proposal Options are:

1. 3 barrel limit, mandatory recycling with enforcement
2. 3 barrel limit, mandatory recycling un-enforced
3. 4 barrel limit, mandatory recycling with enforcement
4. 4 barrel limit, mandatory recycling un-enforced

All four options include recycling assistance, and allowance for extra trash for special events.

Chairman Vispoli thanked residents for corresponding with the Board and the Town Manager on this proposal. The Selectmen discussed the proposal and talked about ideas to communicate and educate residents on solid waste disposal and recycling efforts. Selectman Lyman said options for removal of white goods and bulky items need to be determined.

Selectman Stabile motioned to approve Option #4 – a 4-barrel limit, with mandatory recycling un-enforced as recommended by the Department of Public Works. The motion was seconded by Selectman Lyman, and voted 3-2 to approve.

G. 16 and 18 Pearson Street

The Town Manager discussed the disposition of the Town-owned property at 16 and 18 Pearson Street stating they are following the specifications of properly disposing of surplus property and following all necessary laws. If at all possible, they would like to see the property at 16 Pearson Street moved; otherwise, it will be torn down. It is an historic home which falls under the Demolition Delay bylaw. The property at 18 Pearson Street will be leveled to provide additional parking for the Library and Public Safety Center.

Mary Carbone, 3 Cyr Circle, asked what the annual cost is to maintain the property at 37-39 Pearson Street. The Town Manager said he would put together a projection of costs.

Selectman Major motioned to declare #16 and #18 Pearson Street as surplus properties. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

VIII. Approval of Consent Agenda Items

A. Appointments and Re-Appointments

Selectman Major motioned to approve the following appointments recommended by the Town Manager. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
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COMMUNITY SERVICES

Jamie M. Krivelow	Counselor – PT	C2A	6/22/09
Margaret A. Carter	Sports Instructor – PT	C2A	6/29/09

YOUTH SERVICES

Jaclyn W. Burke	Supervisor – PT	C6C	6/17/09
Sean M. Burke	Counselor – PT	C4A	5/11/09
Michael J. Levenson	Counselor – PT	C3A	5/11/09

BALLARDVALE FIRE STATION BUILDING COMMITTEE

Michael Igo – Term expires 6/30/11 (v. J. Ash)

PLANNING BOARD

Joan Duff – Regular Member – Term expires 6/30/14 (v. S. Goldberg)

GREEN ADVISORY COMMITTEE

Kathleen M. Kirby – Term expires 6/30/11 (v. A. Janovsky)
Joanna Reck – Term expires 6/30/11

COUNCIL ON AGING

Kate Grondin – Term expires 6/30/12

ESSEX COUNTY FIRE CHIEF'S ASSOCIATION MUNICIPAL HEARING OFFICERS

North Andover Retired Fire Chief William Dolan – Term expires 6/30/10
Amesbury Retired Fire Chief William Shute – Term expires 6/30/10
Danvers Retired Fire Lt. David DeLuca – Term expires 6/30/10

Selectman Teichert motioned approval of the following re-appointments recommended by the Town Manager. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

BOARD OF ASSESSORS – Term expires 6/30/12

Dennis Adams

AUDIT COMMITTEE – Terms expire 6/30/12

Robert Finneran
Steven Sintros

BALLARDVALE HISTORIC DISTRICT COMMISSION – Terms expire 6/30/12

Ron Abraham
Bruce Taylor
Leo Greene – Alternate Member

CABLE ADVISORY COMMITTEE – Term expires 6/30/12

Zeff Marusich

COMMISSION ON DISABILITY – Term expires 6/30/12

Madelaine St. Amand

CONSERVATION COMMISSION – Terms expire 6/30/12

Michael Walsh
Gail Ralston
Alexandra Driscoll

COUNCIL ON AGING

Nancy Mulvey – Term expires 6/30/10
Judy Trerotola – Term expires 6/30/10
Mary Jane Bausemer – Term expires 6/30/11
Jo-Ann Deso – Term expires 6/30/12
Vincent Cottone – Term expires 6/30/12

CULTURAL COUNCIL – Term expires 6/30/12

Donald W. Robb

EMERGENCY MANAGEMENT DIRECTOR – Term expires 6/30/10

Police Chief Brian J. Pattullo

FOREST WARDEN – Term expires 6/30/10

Fire Chief Michael B. Mansfield

GREATER LAWRENCE COMMUNITY ACTION COUNCIL – Term expires 6/30/12

Judith Yelle – Andover Representative

BOARD OF HEALTH – Term expires 6/30/12

Dr. Donald Miller

IPSWICH RIVER WATERSHED MANAGEMENT COUNCIL – Term expires 6/30/10

John Pollano – Andover Representative

INSPECTOR OF ANIMALS – Term expires 6/30/10

Dr. Richard D. Lindsay

KEEPER OF THE LOCKUP – Term expires 6/30/10

Police Chief Brian J. Pattullo

MAIN STREET COMMITTEE – Terms expire 6/30/10

Clifford Markell
John Simko
Karen Herman
Ann Constantine
Judith Wright
Abigail O'Hara
John Campbell
Steven Druth
Gary Finlayson
Katherine O'Neil

MEMORIAL HALL LIBRARY TRUSTEES – Terms expire 6/30/12

Laurence Lamagna
Mark Spencer

MERRIMACK VALLEY PLANNING COMMISSION – Terms expire 6/30/10

Paul Salafia – Andover Representative

John J. McDonnell – Andover Alternate Representative

Selectman Lyman motioned approval of the following re-appointments recommended by the Town Manager. The motion for approval of the following re-appointments was seconded by Selectman Major, and unanimously approved.

MERRIMACK VALLEY REGIONAL TRANSIT AUTHORITY – Terms expire 6/30/10

Paul Materazzo – Andover Representative

Lisa Schwarz – Andover Alternate Representative

PATRIOTIC HOLIDAY/STREET OF FLAGS COMMITTEE – Terms expire 6/30/10

Calvin Deyermond

Michael Burke

Michael Mansfield

John Lewis

Joseph McCloskey

Robert Hamilton

James Bedford

Susan Ratyna

Stephen Wallingford

Joseph Leone

R. Scott Parrish, Jr.

Calvin Perry

PLANNING BOARD – Term expires 6/30/14

Linn Anderson – Regular Member

PRESERVATION COMMISSION – Terms expire 6/30/12

Karen Herman

James Batchelder

SPRING GROVE CEMETERY TRUSTEES – Term expires 6/30/12

Arthur Richter

TOWLE FUND TRUSTEES – Terms expire 6/30/12

John Cronin

Jane Morrissey

TOWN YARD TASK FORCE – Terms expire 6/30/10

Hooks Johnston, Jr.

Mary Jane Bausemer

James Delaney

Norman Viehmann

David Nelson

TRIAD COUNCIL – Terms expire 6/30/12

Nancy Bailey

Ethel Olsen
Richard Tyler
Dorothy Bresnahan
Mary Joyce Kernan

VETERANS SERVICES AGENT – Term expires 6/30/10

Michael Burke

Selectman Major motioned approval of the following re-appointments. The motion to approve the following appointments by the Board of Selectmen was seconded by Selectman Lyman and voted 5-0 to approve.

HOUSING TRUST FUND BOARD OF TRUSTEES – Term expires 6/30/12

Reginald S. Stapczynski

SCHOLARSHIP COMMITTEE – Terms expire 6/30/10

David Reilly
Rosalie Konjoian
Dr. Eric Stubenhaus
Janis Hill
Cherish Brunet
Cynthia Hansel Sherlock
Elizabeth Roos – **Superintendent's Representative**

ZONING BOARD OF APPEALS – Terms expire 6/30/12

Nancy Jeton – Regular Member
Shelley Ranalli – Associate Member

The Town Manager said the request to appoint a new Library Director will be formally brought forward at the July 6th meeting for approval.

B. Fourth of July

Selectman Lyman motioned to approve the request of Kim Stamas of Community Services who is requesting permission to conduct the All-Town Fourth of July Celebration in The Park on Saturday, July 4th. She is requesting that the following streets be closed from 8:00 A.M. to 9:30 A.M. for the formation of the Horribles Parade: Bartlet Street between Morton Street and Chestnut Street. Mrs. Stamas is requesting the closing of the following streets from 9:00 A.M. to 10:30 A.M. for the Parade: Punchard Avenue, Main Street from the intersections of Punchard Avenue to Park Street, Park Street to Whittier Street **across Chestnut Street to Whittier Court. She is also requesting that “No Parking” signs be posted in this area the night before the event and that barricades and detour signs for the events be placed by 7:30 A.M. in the parking lots and 8:00 A.M. on the streets.** The request has been reviewed & approved with conditions by the Police Dept. The motion was seconded by Selectman Major and voted 5-0 to approve.

C. One-Day Beer & Wine License

Selectman Major motioned to approve the request of Melanie Rodrigue, 5 Kirk Street, Nashua, NH, for a one-day wine & beer license for use on Saturday, September 12, 2009 from 5:00 P.M. to Midnight for a wedding reception 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 licenses. The motion was

seconded by Selectman Lyman and voted 5-0 to approve.

D. Common Victualler

Selectman Stabile motioned to approve the request of Shayna Campiola, on behalf of Corporate Chefs, Inc., 22 Parkridge Road, Haverhill, MA, for a Common Victualler license for use at 200 Brickstone Square. 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 licenses. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

E. Class II License

Selectman Teichert motioned to approve the request of Ibrahim Tabet, 16 Bryan Lane, Unit #8, Andover, d/b/a All Auto Export, who is applying for a Class II car dealer license for use at his Bryan Lane address. The application has been reviewed and approved by the Town Clerk and Inspector of Buildings and is subject to the condition that all other requirements of the Town are met prior to the issuance of the revised license and those outlined in the Inspector of buildings letter dated June 9, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

IX. Approval of Minutes from Previous Meetings

Selectman Stabile motioned to approve the Minutes of the Regular Meeting of June 8, 2009. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

Selectman Lyman requested that at the next meeting of the three boards a recommendation for the use of buildings/schools by small groups (Merrimack Jr. Theatre, DCS, etc.) be established.

X. Adjournment

Selectman Teichert motioned to adjourn the Regular Meeting of the Board of Selectmen. The motion was seconded by Selectman Stabile, voted 5-0 and approved. The meeting adjourned at 9:06 P.M.

*Respectfully submitted,
Dee DeLorenzo, Recorder*