

BOARD OF SELECTMEN
July 20, 2009

I. Call to Order/Roll Call

Chairman Alex Vispoli 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. Present were: Chairman Vispoli – Y, Selectman Stabile – Y and Selectman Lyman – Y. Selectman Major arrived after the roll call. Also present: Town Manager Buzz 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. Communications/Announcements/Liaison Reports

The Town Manager announced the following:

- ~ There will be a Special Town Meeting on October 7, 2009 at the Collins Field House.
- ~ The Towns of Andover and North Andover are having a friendly baseball game against the Fisher Cats of Manchester on Thursday, August 27th at 7:00 P.M. Tickets are available at the Town Offices or online. Additional information from the DCS will be forthcoming.
- ~ The Public Hearing for the shutting off of street lights is scheduled for Monday, August 3rd at 7:00 PM at the Board of Selectman's Meeting.
- ~ The Recycling/Trash Collection Guides are available on the Town Website, the will not be mailed to residents this year.

Selectman Stabile, as the liaison to the Andover Cultural Council, announced a new art contest to be established at the high school level. The Andover Cultural Council will provide details of the contest at a later date.

Selectman Lyman suggested residents who cannot attend the public hearing on the street lights to write or e-mail the Board members with their concerns.

Chairman Vispoli said Saturday, September 12th will be the first Saturday that the Old Town Hall to be open for residents to gather from 9:00 A.M. to 12:00 P.M. The Council on Aging is preparing an agenda for that day.

IV. Citizens Petitions and Presentations

Betsy Powers, President of the Andover Business Center Association, asked the Board for approval of the Andover Days Fair to be rescheduled to October 3rd.

Mary Carbone, 3 Cyr Circle, questioned the assessed value and purchase price paid by the Town for the 16 Pearson Street home which is being torn down for parking. She also requested the costs to maintain the Youth Services Office on Pearson Street.

V. Public Hearing

A. Transfer of Stock – Bertucci’s Corporation

Selectman Sabile motioned to approve the request of Bertucci’s Restaurant Corporation, d/b/a Bertucci’s Brick Oven Ristorante, 90 Main Street, Andover, for approval of a transfer of stock in Bertucci’s Corporation, the sole owner of Bertucci’s, Inc., the sole owner of the Licensee, with regard to their Wine and Malt Alcoholic Beverage Restaurant license held at 90 Main Street, Andover. 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 amended license. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

B. Public Tree Hearing

The Board conducted a tree hearing on an appeal of the proposal to remove three Norway Maple trees and one White Ash tree at Wood Memorial Park on North Main Street.

Joseph Pantedosi, Director of Plant & Facilities, and Chris Huntress, Landscape Designer, showed the proposed design plan for the Wood Park Memorial along North Main Street as well as pictures of how Wood Park currently looks. It was explained that in order to complete restoration of the historic fence and to create a new parkway entry, four trees are to be removed and replaced with American Elms, Sugar Maples, and Red Oaks along the perimeter of the park. The cost of the trees will be paid for through a grant from National Grid. The design of the Park has been unanimously approved by the Design Review Committee and the Zoning Board and funds approved at the 2008 Town Meeting.

The Town Manager said the historic fence and foundation were a key element of the Wood’s Family preservation request. Selectman Lyman said the plans were a culmination of many years work, input and vision with Mrs. Wood and the family.

Several residents spoke about their concern for the trees at Wood Park.

Karen Herman, Chair of the Preservation Committee, said the Commission is very supportive of the plan but have concerns about: the pruning of the Spruce Tree which is a key element in the Park and located at the back of the memorial (has to be thoughtful, careful pruning); the pruning/removal of trees on Lowell Street; and feel the removal of the large canopied trees that are to be replaced with small trees that won’t mature for many years. Mary Carbone confirmed that Wood Park would be for passive use only. Amy Janovsky, 6 Snowberry Road, and a member of FACT, stated this is a positive step to increasing diversity of trees on this property, has concerns about the caring of the young trees and would like to see a more planned pathway created.

Beth Niemi, Carlisle Street, expressed her disappointment in the process. Trees on Lowell Street that were to be pruned were removed. The public hearing was set to coincide with the long 4th of July weekend and scheduled for 1:00 P.M. in the afternoon. The beauty of the canopy of the trees and what the park will look like when they are moved has not been thought out and feels the design of the park makes the fence more important than the 90 year old trees. Eric Down, Carlisle Street, said removal of the tree canopy along Wood Park will be a tremendous loss at a very austere corner of Shawsheen Square. John Pasquale, 47B Whittier Street, suggested moving the fence to around the tree.

Selectman Major asked if it were possible to redesign the structure of the fence. Mr. Piantedosi said the Preservation Commission felt the fence was an important part of the history of the park and should be preserved.

Mr. Piantedosi will ensure that future hearings be posted on the Town's website and if residents cannot attend a hearing they should e-mail or call his office to voice their concerns.

Selectman Lyman motioned to continue the plan for Wood Park as laid out, to look at the process of notification of tree removal and improve upon the communication process as we move forward. The motion was seconded by Selectman Vispoli, voted 3-1 and approved.

VI. Regular Business of the Board

A. Downtown Parking Sticker Program – First Reading

Senior Planner Lisa Schwarz explained the request to extend the Downtown Parking Sticker Program for a one year period through August 1, 2010 due to the continued construction.

Selectman Lyman motioned to approve the request to extend the Downtown Parking Sticker Program for one year through August 1, 2010 in the amount of \$50.00 per month and subject to the Downtown Employee Permit Program Terms and Conditions. The motion was seconded by Selectman Stabile, and voted 4-0 to approve.

B. Powder Mill Square

Board to discuss and vote on their right of first refusal for an affordable unit located at 3 Powder Mill Square, Unit #102C.

Selectman Stabile motioned to not exercise the right of first refusal for an affordable unit located at 3 Powder Mill Square, Unit #102C. The motion was seconded by Selectman Major, and voted 4-0 to approve.

C. Town Yard Task Force

The option of acquiring the Brockway Smith Building on Dascomb Road for a Town Yard was presented by Hooks Johnson of the Town Yard Task Force as a viable option for relocation of the Town Yard. The Task Force is requesting permission to pursue this alternative. Selectman Lyman requested the Town Manager to put this site on the list for the Ballardvale Fire Station. Selectman Major talked about the option of sharing resources with other towns.

Selectman Stabile motioned to direct the Town Yard Task Force to pursue the potential to change the purchase/lease option with Brockway Smith a part of the Town Yard Task Force's Request for Purchase. The motion was seconded by Selectman Major, voted 4-0 and approved.

D. Wood Memorial Park Master Plan

Selectman Lyman motioned to continue the plan for Wood Park as laid out, and to look at the process of notification of tree removal, and improve upon the communication process as we move forward. The motion was seconded by Selectman Vispoli, voted 3-1 and approved.

E. 511 Lowell Street

Attorney Mark B. Johnson presented information for consideration by the Town to enter into an Intermunicipal Agreement with Tewksbury to allow the property at 511 Lowell Street, Andover, to be serviced by sewer provided by the Town of Tewksbury. The developer is amending the original plans for townhouses to ninety-six free standing two bedroom dwelling units, eighteen of which will be affordable housing. Town Counsel, Tom Urbelis said it is premature for the Board to vote on this until input from the Department of Public Works Director is received.

F. 2010 Annual Town Meeting and Election Calendar

Selectman Major motioned to approve the 2010 Annual Town Meeting and Election Calendar as presented by the Town Clerk. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

VII. Approval of Consent Agenda Items

A. Appointments and Re-Appointments

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

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
David T. White	Counselor – PT	C2A	6/29/09
Maxanne Holman	Enrichment Instructor – PT	***	3/28/09
Amber D. Hutchison	Enrichment Instructor – PT	***	6/4/09
Matthew C. Perry	Counselor – PT	C2A	6/29/09
Peter B. Belanger III	Lifeguard – PT	C2A	6/29/09
James S. Hutchison	Enrichment Instructor – PT	***	6/4/09
Glen R. Tartaglia	Counselor – PT	C3B	7/6/09
Alexandra J. Savely	Program Intern – PT	***	7/6/09
Charles L. Nickerson	Lifeguard – PT	C2A	6/29/09
Robert C. Donlan	Lifeguard – PT	C2A	6/29/09
Nicholas C. Binder	Counselor – PT	C2A	6/29/09
Robert S. Hillson	Counselor – PT	C2A	6/30/09
Robert S. Hillman	Counselor – PT	C2A	6/30/09
Jacqueline D. McCurdy	Enrichment Instructor – PT	***	7/6/09
Mark M. Jacobs	Enrichment Instructor – PT	***	7/6/09
Ashley J. Ahern	Counselor – PT	C2C	7/13/09

*** varies with course/program

B. Storage of Inflammables Annual Registration

Selectman Major motioned to approve the request of the Town Clerk for the following Storage of Inflammable Certification of Registration for 2009 for George and William Henderson, 43 Lupine Road. 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 Certificate. The motion was seconded by Selectman Stabile, and voted 4-0 to approve.

VIII. Executive Session

Selectman Major moved for the Board of Selectmen to go into Executive Session to discuss potential litigation and to return to Open Session. The motion was seconded by Selectman Lyman. Roll Call Vote: Selectmen Vispoli – Y, Major – Y, Lyman – Y and Stabile – Y. On a motion duly voted and executed, the Executive Session ended at 9:45 P.M. and the Board returned to Open Session.

The Board of Selectmen authorized the Town Manager to enter into the Tolling Agreement with A.V.I.S. (Andover Village Improvement Association). The motion was moved by Selectman Stabile and seconded by Selectman Lyman, voted 4-0 and approved. The Town Manager is to be the contact person with A.V.I.S. on this project.

IX. Adjournment

Selectman Stabile motioned to adjourn the meeting. The motion was seconded by Selectman Major and unanimously approved. The meeting ended at 9:50 P.M.

Respectfully submitted

Dee DeLorenzo, Recorder