

BOARD OF SELECTMEN MINUTES – SEPTEMBER 14, 2009

I. Call to Order/Roll Call

Vice Chairman Mary Lyman called the Regular meeting of the Board of Selectmen to order at 6:58 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the meeting were: Selectman Teichert – Y, Selectman Lyman – Y and Selectman Major – Y. Also present: Town Manager Reginald Stapczynski and Town Clerk Randy Hanson. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

Vice Chairman Lyman asked for a Moment of Silence in memory of Ernest Hall, former Building Inspector, followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

>Special Town Meeting will be held on October 7th at the Collins Field House. The Town Clerk's Office will remain open on September 25th until 8:00 P.M. – the last day to register to vote for the meeting.

>There are three candidates seeking to fill the vacancy on the Greater Lawrence Regional Technical School Committee.

Selectman Major motioned to set September 21, 2009 as the last day to receive applications for the vacant position on the Greater Lawrence Regional Technical School District Committee. Selectman Teichert seconded the motion. The motion was unanimously approved.

>Andover Days will be held on October 3rd from 9:00 AM to 5:00 PM to celebrate the grand re-opening of Main Street.

>Approximately 60 visitors stopped by Old Town Hall on Saturday for coffee and donuts – area banks have agreed to sponsor this event.

>Fire Safety Week will be held the week of October 12th ending with an Open House at the Public Safety Center on Saturday, October 17th from 10:00 AM to 2:00 PM.

>The Planning Board will host a meeting regarding the I-93 Tri-Town project on Wednesday, September 21st in the Selectmen's conference room to discuss zoning expectations for uniform zoning.

Selectman Teichert said Opening Day for the Andover Jr. Football League will be held at noon on Sunday, September 20, 2009 at Andover High School.

Selectman Major recognized Michael Burke, Director of Veterans Affairs, and the members of the Patriot Holiday Committee for the work they did organizing the September 11th ceremony held in front of the Town Offices. All departments were well represented.

III. Communications/Announcements/Liaison Reports (Cont'd)

Selectman Lyman said the DCS Fall Catalog is available on-line and copies are available at the Town Offices and the Memorial Hall Library. Residents can sign-up on-line. Selectman Lyman also thanked the Police Chief for calls that have been made to disabled residents to determine those that would need special assistance in emergency situations.

Selectman Lyman also reported that the Leaf Drop-off/Compost site at Bald Hill will be open from 8:00 AM to 4:00 PM on Saturdays and 10:00 AM to 1:00 PM on Sundays and every day beginning on October 1st. Stickers can be purchased in the Plant and Facilities Department.

IV. Citizens Petitions and Presentations

Update on the Information Technology Committee

Chairman Len **D’Innocenzo** reported on the progress of the IT Committee and distributed a summary sheet of updates to the Board. Seven firms submitted proposals with six meeting the criteria set by the Committee. Interviews will be finished by the end of next week. The IT Plan will be developed based on findings and best practices and it will take about 3-4 months to gather data and interview stakeholders. The plan will address all aspects of municipal government and long-term savings will be a process not a quick fix.

Mary Carbone, 3 Cyr Circle, requested the Board, elected officials and the Town Moderator take a cut in their stipends in a show of good faith to the community in regards to budget cuts. She is also disappointed in the two unions who are holding out. Selectman Lyman said they will take the request under consideration.

John Pasquale, 47B Whittier Street, questioned what the two Mass Electric trucks and two trucks from Clean Harbors were taking out of the transformer wells at the corner of Morton and Main Street. The Town Manager said there was a significant power outage in that area and he will look into the situation.

Howard Perkins of the Rotary Club announced that a Pancake Breakfast would be held at the Bowling Green on September 26th from 8:00 AM to Noon with many activities for children and families.

V. Public Hearings

A. Andover Country Club – Alteration of Premises

The Manager of the Andover Country Club, Inc., d/b/a Andover Country Club, 60 Canterbury Street, Andover, holding an Innholder All-Alcoholic Beverage License, addressed the Board about the application for an alteration of premises to allow for the sale of alcoholic beverages on its golf course. 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. He explained the parameters that will be put in place to protect clientele and the Town. They have decided to install stationary beverage stations in place of carts transporting alcohol.

V. Public Hearings (Cont’d)

A. Andover Country Club – Alteration of Premises (Cont’d)

Selectman Major motioned to approve the request of the Andover Country Club as outlined, the motion was seconded by Selectman Teichert.

Many residents of Andover Country Club Lane area spoke against the proposal due to incidences that have occurred especially during Monday golf outings by golfers who are not club members. The golfers do not respect the privacy or property of residents. They also stated that alcohol can be obtained at the Club and providing additional opportunities for drinking while golfing would only make the situation more detrimental.

Selectman Major withdrew his motion due to the concerns of the neighbors.

Selectman Teichert said the issue seems to be with golfers trespassing on residents property to retrieve golf balls and is separate from this request. The ACC Manager will have further discussion with the neighbors about property violations and will look to do more to improve this situation. The Board requested the Andover Country Club residents send comments to the Board.

Selectman Major motioned to disapprove the request of the Andover Country Club for an alteration of premises to allow for the sale of alcoholic beverages on its golf course and requests the license holder to workout the issue in more depth with the neighbors, address the concerns of safety with the combination of alcohol and the sport of golf, trespassing on property, and potential driving across public ways. Selectman Teichert seconded the motion. The motion was voted 2-1 to disapprove the request.

B. Grassfields – Alteration of Premises

Selectman Teichert motioned to approve the request of Old Andover Restaurant, Inc., d/b/a Grassfields, 209 North Main Street, Andover, holding a restaurant All-Alcoholic Beverage License application for an alteration of premises. 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 and voted 3-0 to approve.

C. Cassis Bistro Francais – License Transfer

Selectman Major motioned to approve the request of Bastille, Inc., d/b/a Cassis Bistro Francais, 16 Post Office Avenue, Andover, to transfer their Restaurant Wine and Malt License to CSB Restaurant Group, LLC, d/b/a Yella, 24 Green Street, Lynnfield, MA. Danielle A. Carbone will be the designated Manager. 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 Teichert and voted 3-0.

VI. Regular Business of the Board

A. Orders of Taking

Selectman Teichert moved that the Board of Selectmen adopt the Order of Taking for Fun Flight Circle and related easements as authorized by Article 68 of the 2009 Annual Town Meeting, to award no damages for said taking, and direct that the Order of Taking be recorded at the North Essex Registry of Deeds. The motion was seconded by Selectman Major and voted 3-0 to approve.

Selectman Teichert moved that the Board of Selectmen adopt the Order of Taking for West Hollow and related easements as authorized by Article 70 of the 2009 Annual Town Meeting, to award no damages for said taking, and direct that the Order of Taking be recorded at the North Essex Registry of Deeds. The motion was seconded by Selectman Major and voted 3-0 to approve.

B. License Agreement

Selectman Major moved that the Board vote to authorize the Town Manger to sign a Lease Agreement with Michael and Valeria Horvath to allow them to construct a retaining wall at 84 Ballardvale Road without a provision requiring them to provide liability insurance after the construction of the retaining wall. The motion was seconded by Selectman Teichert and voted 3-0 to approve.

C. Part-time Employees and Health Insurance

Human Resources Director Candace Hall gave a presentation on the part-time employees and distributed a summary sheet showing the number of part-time employees with health insurance benefits and the annualized cost to the Town. Under State Law, employees who work 20 hours per week are entitled to health insurance benefits. The total cost to the Town for this benefit is \$1,464,333. The Board suggested a letter be drafted to our legislators to re-visit this law. Selectman Lyman requested that additional hiring of part-time employees be put on hold. The Board will discuss this matter further at the Tri-Board meeting on September 17th.

D. Streetlight Shut Off

The Board, in an effort to clarify their August 17th vote to shut off streetlights, re-visited their decision to start the process by shutting off lights on streets (designated on the shut off list) with five or more lights, receive a report on the success of the plan and then authorize to continue shutting off lights on streets (designated on the shut off list) with five or fewer lights. Ken Ozoonian, 98 Osgood Street, urged the Board to rescind the vote. Mary Carbone, 3 Cyr Circle, questioned what the actual savings would be.

Selectman Teichert motioned to instruct National Grid to turn off all lights listed on the Shut-off list presented as efficiently as possible and to receive a report on the status of the shut-off at every Board meeting from DPW Director Jack Petkus. The motion was seconded by Selectman Lyman and voted 2-1 and approved.

VI. Regular Business of the Board (Cont'd)

E. October 7, 2009 Special Town Meeting

The Town Manager presented the **FY-2010 Town Manager's Recommended Budget** reductions to close the \$1.4M deficit. The deficit amount is to be evenly divided by the Town and School Department with 1.5% for the Schools or \$920,471 and 1.5% by the Town or \$495,638. The Town Manager distributed his recommended reduction plan for Town Departments which included a **personnel summary by department showing the FTE's for FY-2010 vs. 2003 and 2009** and the budget savings that would be realized.

DPW Director Jack Petkus spoke to the decline in water usage and the water rate increase being proposed due to the lack of water use. The 10% rate increase would amount to \$2.65 per month for the average home-owner. The increase is in line with rates charged by comparable communities. Once the new meters are installed, the DPW can look at a tiered structure to invoice for water usage.

The request for an increase in water rates will be an agenda item at the next Board meeting. Mr. Petkus explained that the Water Enterprise Fund is separate from the Town Budget and the plan is to put the fund on solid footing to get revenues in line with expenses.

Warrant Articles

The Town Manager said there are 11 warrant articles for the October 7th Special Town Meeting – ten submitted by the Town/School and one private article. The articles include:

1. To amend appropriations voted under Article 4 of the 2009 Town Meeting.
2. Transfer of \$400,000 from Article 29 of the 2009 Town Meeting to Water Reserves.

3. Approval of wording for the William M. Wood Memorial.
4. Amend Town Bylaws, Article XI, Section 45, for objects placed on Main Street.
5. Outdoor dining amendment.
6. Sale of building at 16 Pearson Street.
7. Amend FY-2010 Capital Projects Fund.
8. Use of Capital Projects Fund to lease technology equipment.
9. Transfer of funds from the Stabilization Fund to School/Town to balance the budget.
10. Transfer of Free Cash to School/Town funds to balance the budget.
11. Acceptance of MGL Chapter 64L, Section 2(a) Meals Tax Option (P).

VII. Consent Agenda

A. Appointments/Re-Appointments

Selectman Teichert motioned to approve the following appointments recommended by the Town Manager. The motion was seconded by Selectman Major and voted 3-0 to approve noting that they are not filling vacant positions except for the Library Page.

VII. Consent Agenda (Cont'd)

A. Appointments/Re-Appointments (Cont'd)

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Elizabeth Arbelo	Enrichment Instructor – PT	***	9/30/09
	*** varies with course/program		
<u>FIRE RESCUE</u>			
Terrence Retelle	Lieutenant – Temp. (v. R. Dalton)	6785-1-1	8/22/09
<u>MEMORIAL HALL LIBRARY</u>			
Nicole E. Hardgrove	Library Page – PT	L1-1	9/15/09
<u>PLANT & FACILITIES DEPARTMENT – Building Division</u>			
Joseph E. Sgrosso	Carpenter (v. R. Mugavero)	W8-4-1	9/15/09

CONSERVATION OVERSEERS

Scott McClory – Deering Estates & Mortimer Reservation
 Jennifer McClory – Deering Estates & Mortimer Reservation
 Howard Kassler – Wood Hill Reservation
 Diana Kassler – Wood Hill Reservation

TRIAD Council

Russell D. Ouellette – Term expires 6/30/12 (v. M. Boroian)

PLANNING BOARD

Mark Yanowitz – Associate Member – Term expires 6/30/14 (v. J. Duff)

BOARD OF HEALTH

Katherine Kellman – Term expires 6/30/11 (v. M. Kruse)

And that the following re-appointment by the Town Manager be approved:

CONSTABLE

Ronald E. Bertheim – Civil Process Only – Term expires 10/1/12

B. GracePoint Fall Festival

Selectman Teichert motioned to approve the request of Ryan Phelps, Associate Pastor of the GracePoint Community Church, 57 River Road, Andover, for permission to use The Park on Saturday, October 17, 2009 from 9:00 A.M. to **Noon for the “GracePoint Fall Festival”**. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Major, voted 3-0 and approved.

VIII. Consent Agenda (Cont.)

C. Firefighter MDA Boot Drive

Selectman Major motioned to approve the request of Firefighter Brian Wright, Andover Fire Rescue Muscular Dystrophy Association representative, for **permission to conduct the MDA “Fill the Boot” campaign in the downtown area** on Friday, September 18, 2009 and Saturday, September 19, 2009. They would like to solicit donations on Main Street and approach vehicles when the traffic lights turn red in the Elm Square intersection. Arrangements have been reviewed by the Police Department. They recommend approval of the solicitation of donations on Main Street and disapproval of approaching vehicles in the Elm Square intersection for safety reasons. The motion was seconded by Selectman Teichert with the conditions to work from Post Office Square back not into Elm Square or Elm Street. The motion was voted 3-0 and approved.

D. Race/Walk

Selectman Teichert motioned to approve the request of Roy K. Dennehy, Event Director of the Larry Robinson Race/Walk, Post Office Box 4437, Windham, NH, for permission to conduct the 9th Annual Larry Robinson 10 Miler & 5K Race and the Alex Miliotis 5K Walk through the streets of Andover on Sunday, November 8, 2009 at 9:00 A.M. beginning and ending at Andover High School. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Major and voted 3-0 to approve.

E. Alzheimer’s Memory Walk

Selectman Major motioned to approve the request of Debra Katt-Lloyd, **Northeast/Merrimack Valley Region, Alzheimer’s Association**, Massachusetts/New Hampshire Chapter, 311 Arsenal Street, Watertown, MA, is **requesting permission to conduct the “Northeastern Massachusetts Memory Walk” through the streets of Andover on Sunday, October 4, 2009 beginning at 8:30 A.M. at Brickstone Square**. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert and voted 3-0 to approve.

F. Block Parties

Selectman Major motioned to approve the request of Pamela M. Soltes, 16 Arundel Street, for permission to block off Enmore Street from #15 to #42 on Saturday, October 3, 2009 (raindate – Sunday, October 4, 2009) from 1:00 P.M. to 7:00 P.M. for a neighborhood block party. The motion was seconded by Selectman Teichert and voted 3-0 to approve.

Selectman Major motioned to approve the request of Colleen Wolfgang, 15 Enmore Street, for permission to block off Enmore Street from #15 to #42 on Saturday, September 26, 2009 (raindate – Sunday, September 27, 2009) from 11:00 A.M. to 5:00 P.M. for a neighborhood block party. The motion was seconded by Selectman Teichert and voted 3-0 to approve.

VIII. Consent Agenda (Cont.)

F. Block Parties

Arrangements have been reviewed and approved with conditions by the Police Department.

G. One-Day All-Alcoholic Beverage Licenses

Selectman Teichert motioned to approve the request of Brian Lynch and Andrea Zaimes, 8 William Street, Andover, on behalf of the Sts. Constantine & Helen Greek Orthodox Church, 71 Chandler Road, Andover, who are applying for two one-day all-alcoholic beverage licenses for use on Saturday, September 26, 2009 from 11:00 A.M. to 10:00 P.M. and Sunday, September 27, 2009 from Noon to 6:00 P.M. for the Greek Festival at the Church. The requests have 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 and voted 3-0 to approve.

H. Common Victualler License

Selectman Major motioned to approve the request of John T. Mooney, Jr., d/b/a Buffets, Inc., 7 St. Mary Road, Burlington, MA, who is applying for a Common Victualler license for use at the IRS, 310 Lowell 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 license. The motion was seconded by Selectman Teichert and voted 3-0 to approve.

IX. Approval of Minutes from Previous Meetings

Selectman Teichert motioned to approve the minutes of the August 17, 2009 meeting. The motion was seconded by Selectman Major and voted 3-0 to approve.

Selectman Teichert motioned to approve the minutes of the August 17, 2009 Tri-Board Meeting w/the School Committee and Finance Committee. The motion was seconded by Selectman Major and voted 3-0 to approve.

X. Adjournment

Selectman Major motioned to adjourn the meeting of the Board of Selectmen. The motion was seconded by Selectman Teichert, voted 3-0 and approved. The meeting adjourned at 9:55 P.M.

Respectfully submitted,

Dee DeLorenzo
Recorder