

BOARD OF SELECTMEN – DECEMBER 21, 2009

I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the meeting of the Board of Selectmen to order at 7:08 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Selectman Lyman – Y, Selectman Major – Y and Selectman Teichert – Y. Selectman Stabile arrived at 7:45 P.M. Also present were: Town Manager Buzz Stapczynski and Town Clerk Randy Hanson. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Alex Vispoli called the meeting of the Board of Selectmen to order at 6:02 P.M. in the Town Offices, Selectmen's Conference Room. Present were: Chairman Vispoli and Selectmen Ted Teichert and Brian Major. Selectman Mary Lyman arrived at 6:10 P.M.

On a motion by Selectman Teichert and a second by Selectman Major, it was voted to go into an Executive Session to discuss potential litigation, possible land disposition, confidential legal advice from Town Counsel, strategy for collective bargaining, and approval of Executive Session Minutes and to return to Open Session. Roll Call Vote: Chairman Vispoli – Y, Selectman Lyman – Y, Teichert – Y and Major – Y.

On a motion duly made and seconded, it was voted to adjourn the Executive Session and to return to Open Session at 7:04 P.M.

III. Opening Ceremonies

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

IV. Communications/Announcements/Liaison Reports

Town Manager Stapczynski welcomed Jake Shepard who, in preparation of the Communication Merit Badge for Eagle Scout status, is present at tonight's meeting.

The Town Manager requested that merchants on Main Street and neighbors on streets in town clear the snow on sidewalks in front of their establishments and homes as well as fire hydrants. He also recognized Dunkin' Donuts management for donating the cost of lighting the two trees in front of the Town House and thanked the Trustees of Memorial Hall Library for funding the cost of the trees lit in front of the Library. Mr. Stapczynski reminded the Selectmen that they are invited to attend the Annual Mass. Municipal Association meeting to be held on January 22nd and 23rd; and in closing, he reported that the Warrant would close on January 29, 2010.

Town Clerk Randy Hanson reported that the last day to register for the January 19th Special Senatorial Election is December 20th and the Town Clerk's Office would remain open until 8:00 P.M. that day to accommodate residents. Absentee ballots are due on Friday, January 15th by 5:00 P.M. Voting for Precincts 1, 7 and 8 will be held at the Senior Center with all other precincts voting at the Collins Field House.

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

Selectman Lyman said the Commission on Disability is reviewing the Main Street Project with Planner Lisa Schwarz to ensure all sidewalks are handicap accessible. She also reminded everyone that the Saturday morning coffee at the Town House will not be available for two weeks and will resume after the holidays. Selectman Stabile suggested the Selectmen host a Saturday morning coffee.

Selectman Major asked the Town Manager to check on the beeping noise at the downtown crosswalks at the intersection of Main Street and Chestnut Street as well as Elm Square.

Selectman Teichert reported that the School Building Committee would meet on Wednesday, December 23rd at 8:00 A.M. at the Town Offices.

V. Citizens Petitions and Presentations

Andover Youth Services Council member Emily Lemay spoke about the holiday gift drive Youth Services is coordinating for families in Andover and reminded everyone that the Annual Tele-thon will be held on February 4-5, 2010.

VI. Public Hearing

A. Smart Growth Overlay District

Hooks Johnson, Chair of the Town Yard Task Force, provided an update to the Board on the status of the Town Yard Project. There have been four bid responses, negotiations will begin in mid-February and they will be hiring an appraiser to provide the true market value of the properties of interest. Tonight, they are requesting permission from the Board to apply for a 40R Zoning Change pursuant to Massachusetts General Laws, Chapter 40R and 760 CMR 59.05(1). The Board discussed the establishment of a Smart Growth Overlay District in an area consisting of approximately 14.44 acres of land in the vicinity of North Main Street, Pearson Street and Railroad Street.

Selectman Major motioned to authorize the Town Manager to submit an application for **Andover's Smart Growth Overlay District to the Department of Housing and Community Development (DHCD)**. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

At 7:47 P.M. on a motion by Selectman Major with a second by Selectman Teichert, it was unanimously voted to close the Public Hearing.

VII. Regular Business of the Board

A. Ballardvale Fire Station Building Committee

Chief Michael Mansfield said the Committee has reviewed several sites that meet the criteria for the fire station and are waiting to hear if they will be awarded the \$3.9M grant request. The Committee will meet again in early January.

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

B. FACT (Friends of Andover Committee for Trees)

Members of FACT (Friends of Andover Committee for Trees) presented information to the Board on the value of trees environmentally and for beautification of the Town. They also talked about a tree management plan, tree bylaws and providing tree education to students. FACT members Chris Young and Amy Janovsky shared highlights of a program in Worcester, Massachusetts established as a result of massive damage and loss of trees caused by the Asian Longhorn Beetle (ALB). FACT member Marie Montgomery distributed information on the ALB and how to recognize their presence. FACT is applying for a tree survey grant and is working with the Conservation Commission to communicate information on the ALB as well.

C. Town House Lease

The Town Manager explained the legal requirement of the Board to vote to declare that surplus space at the Town House is available for lease to TAVAH (The **Andover's** Village at Home, Inc.).

Selectman Teichert moved that pursuant to Massachusetts General Laws Chapter 30B, Section 16, 414 square feet of space on the first floor of the Andover Town House, 20 Main Street, is available for disposition to lease. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

D. Auction of Surplus Town-Owned Land

The Board reviewed the surplus Town-owned land recommended to be auctioned and the Town Manager explained the motions required from the Board. After discussion, the Board decided to delay the vote until the January 4, 2010 meeting to provide an opportunity for citizen input.

E. FY-2011 – FY-2015 Capital Improvement Program

The Town Manager reported that the CIP has been amended to include the repairs to the school roof at High Plain Elementary/Wood Hill Middle Schools in the amount of \$975,000.

On a motioned by Selectman Major with a second by Selectman Teichert, the Board voted 5-0 to accept the FY-2011 – FY-2015 Capital Improvement Program as presented.

F. Town Manager's FY-2009 Evaluation

Chairman Vispoli reported that the Board met on two previous occasions to discuss and review the evaluation report for the Town Manager. Chairman Vispoli listed the categories the performance evaluation is based on, stating that each category is numerically rated and includes a narrative. The completed evaluation was given to the Town Manager for his review and he will report back to the Board.

G. Election Warrant

The Board signed the Warrant for the Senator in Congress State Election to be held on January 19, 2010.

VIII. Consent Agenda

A. Appointments/Re-Appointments

Selectman Stabile 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
<u>COMMUNITY SERVICES</u>			
Adam Rosenzweig	Sports Assistant – PT C2A		12/12/09
Mackenzie L. Koravos	Sports Assistant – PT C2A		12/12/09
Nathan D. Bryant	Sports Assistant – PT C2A		12/12/09
Sara D. Miller	Sports Assistant – PT C2A		12/3/09
Benjamin P. Cook	Sports Assistant – PT C2A		12/12/09
Connor P. Clancy	Sports Assistant – PT C2A		12/12/09
Benjamin W. McQuade	Sports Assistant – PT C2A		12/12/09
Abigail C. Watts	Sports Assistant – PT C2A	C2A	12/12/09
Alex M. Lundquist	Sports Assistant – PT C2A		12/12/09
Scott D. Sweeney	Sports Assistant – PT C2A		12/19/09

MBTA ADVISORY BOARD

Katherine K. O'Neil – Term expires 6/30/13
(v. J. O'Sullivan)

B. One-Day Beer and Wine License

Selectman Teichert motioned to approve the request of Kim Stamas, on behalf of the Town of Andover Community Services, for a one-day beer and wine license for use on Saturday, January 30, 2010 at the Town House from 7:00 P.M. to 10:00 P.M. for the Snowflake Ball. 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, voted 5-0 and approved.

C. One-Day All-Alcoholic Beverage License

Selectman Major motioned to approve the request of Jagdish Garg, on behalf of the Indian Association of Merrimack Valley, 155 Laconia Circle, North Andover, MA, for a one-day all-alcoholic beverage license for use on December 31, 2009 from 6:00 P.M. to **11:30 P.M. at the Town House for a New Year's Eve event. 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 Stabile and voted 5-0 to approve.

D. Common Victualler License

Selectman Lyman motioned to approve the request of Timothy Conroy, Eurest Dining Services, 60 Frontage Road, Andover, for a Common Victualler license for use at 60 Frontage Road, 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 Major, voted 5-0 and approved.

E. Annual License Renewals

Selectman Stabile motioned to approve the attached 2010 annual list of license renewals for Common Victualler, Class I and II Dealers and Lodging as presented by the Town Clerk. The applicants have filed all of the required paperwork, payments and have complied with all of the State and Town department conditions necessary for renewal. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

IX. Approval of Minutes from Previous Meetings

Selectman Major motioned to approve the Regular Meeting Minutes of November 16, 2009, November 23, 2009 and December 7, 2009. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

Selectman Major motioned to approve and release the Executive Session Minutes of March 4, 2009, March 9, 2009, June 22, 2009, July 20, 2009, and October 6, 2008. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

Selectman Major motioned to approve and not to release the Executive Session Minutes of January 5, 2009, January 26, 2009 and September 17, 2009. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

X. Other Business

Selectman Lyman requested the Town Manager draft a letter to send to our legislative

representatives to highlight items discussed at the Tri-board Meeting of December 7th, specifically, the telecommunications loophole, removal of health insurance from collective bargaining and the removal of eligibility for benefits for part-time employees.

XI. Adjournment

On a motion by Selectman Major and a second by Selectman Teichert it unanimously voted to adjourn the Regular Meeting of the Board of Selectmen at 9:00 P.M.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo

Recorder