

BOARD OF SELECTMEN MINUTES – JANUARY 25, 2010

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: Selectman Lyman – Y, Selectman Major – Y, Selectman-Stabile – Y and Selectman Teichert – Y. Also present: Assistant Town Manager Steve Bucuzzo 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 Assistant Town Manager reported that the Youth Services “Raise the Roof” Telethon will be held on Thursday, February 4th and Friday, February 5th. He encouraged Andover residents to support Youth Services in their endeavor to raise funds for the Youth Center and Youth Service Programs.

Town Clerk Randy Hanson reported on the results of the January 19th Special Election – 64% of Andover residents voted and there were 1,103 absentee ballots cast. She **recognized the staff in the Town Clerk's office for their work especially the processing of the high number of absentee ballots.**

Selectman Stabile reminded everyone of the upcoming Fire **Fighters' Annual Ball to be held on Saturday, February 13th at the Andover Country Club**. Tickets are \$40 per person and can be purchased by calling Barbara Morache at 781-307-8948 or at the Public Safety Center.

Selectman Lyman requested an official response from the Selectmen to a question received on the Budget Blog. The question is “could the vehicle take home policy be substituted with a provision to provide employees a reimbursement of \$.50 per mile instead?” **The Board's response is that this is an issue they are working on.** Selectman Lyman said she will bring questions requiring a response from the Board forward as they are received.

Selectman Lyman also received a communication regarding **the Town Manager's** appointment process asking that all employees be treated with high regard, that there is **follow through with what Town Policy is and what Department Head's** make. She also said Memorial Hall Library is offering a free DVD certificate to residents who respond to their on-line survey.

Selectman Teichert reported that the School Building Committee will meet at 8:00 A.M. on Wednesday, January 27th in the second floor conference room at the Town Offices.

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

Selectman Major said the session on Green Communities presented at the MMA Annual Meeting and Trade Show was very informative. To date, no communities have been certified but Andover is almost there.

Chairman Vispoli thanked the members of the IT Committee who attended the recent round-table session with Ann Margolies, Chief Technology Officer for the State. Her

feedback was positive and she has **requested a formal copy of the IT Committee's** findings when the report is complete. He also reported that an overview of the findings of the street light turn offs will be presented at the February 8th meeting.

Town Clerk Randy Hanson reported the Town Warrant would close on Friday, January 29th at 4:30 P.M. Residents should contact her office if they plan to submit a warrant article.

IV. Citizens Petitions and Presentations

Diane Costagliola, Co-**Chair of the "Raise the Roof"** Telethon, appeared and announced the event will be held on Thursday, February 4th and Friday, February 5th in the Collins Center. She said many residents and Andover youth will participate and requested help from the Board and Andover residents in support of this effort.

V. Public Hearings

A. Vehicle for Hire License – Disciplinary Hearing

Chairman Vispoli opened the public hearing at 7:15 P.M.

Town Clerk Randy Hanson reported she received a letter from J. J. Shuttle Service, Inc., of 89 North Main Street, Post Office Box 414, Andover, requesting the hearing be re-scheduled to February 8th. Chairman Vispoli stated that due to the already full agenda for February 8th it is possible the hearing would have to continue to February 22nd.

On a motion by Selectman Major and a second by Selectman Lyman, it was unanimously voted to continue the Public Hearing until February 8, 2010.

B. Wine and Malt Retail Package Store License Transfer/Pledge of License

Chairman Vispoli asked the Board if there were any conflicts of interest with the application. Hearing no reply, the public hearing was opened at 7:20 P.M. by Chairman Vispoli.

Attorney Devlin representing Om Patel explained the request for the transfer of the license and purchase of the convenience store. Selectman Lyman asked about **Mr. Patel's** experience in ensuring alcohol is not served to minors and reminded Mr. Patel to be a good neighbor (take care of the property). Selectman Stabile asked if there would be a change in operating hours to which Mr. Patel said the hours would remain the same.

B. Wine and Malt Retail Package Store License Transfer/Pledge of License (Cont'd)

Hearing no questions from the audience, Chairman Vispoli recommended the public hearing be closed. At 7:25 P.M., on a motion by Selectman Teichert with a second by Selectman Major, it was unanimously voted to close the hearing.

Selectman Teichert motioned to approve the request of Om Patel, Inc., d/b/a Richdale Superette, 36 Union Street, Woburn, MA, to transfer the Annual Wine and Malt Retail Package Store license pursuant to Chapter 138 of the Massachusetts General Laws, as amended, at 10 Railroad Street, Andover, from Market Street Variety, Inc., 10 Railroad Street, Andover, d/b/a Richdale Superette to Om Patel, Inc. d/b/a Richdale Superette. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

Selectman Teichert motioned that Gautum B. Patel be approved as manager of the Richdale Superette. The motion was seconded by Selectman Lyman and voted 5-0 to

approve.

Selectman Teichert motioned that the Board approve the Pledge of the License to Market Street Variety, Inc. The motion was seconded by Selectman Lyman and unanimously approved.

C. All-Alcoholic Beverage/Common Victualler License Applications

Chairman Vispoli asked the Board if there were any conflicts of interest with the application. Hearing no reply, the Public Hearing was opened at 7:28 P.M. by Chairman Vispoli.

Attorney Laurence Rossi, representing Mia Munoz, Andover Mexican Restaurant, Inc., d/b/a Casa Blanca, 10-12 Main Street, Andover, stated that the restaurant will be family style and that Mia Munoz has completed the TIPS course, signed a ten-year lease and the restaurant will be open seven days a week from 11:00 A.M. to 1:00 A.M. They hope to open the restaurant by mid-March. Town Clerk Randy Hanson confirmed that there have been no prior issues or concerns.

Selectman Lyman stated the Board takes the alcohol process seriously and asked if the staff will all have TIPS certification. Ms. Munoz responded that all staff has been TIPS certified and new employees will participate in TIPS training.

Hearing no questions from the audience, Chairman Vispoli recommends the Public Hearing be closed. At 7:35 P.M. on a motion by Selectman Lyman with a second by Selectman Major it was unanimously voted to close the hearing.

Selectman Lyman motioned that the Board approve the application for a Restaurant All Alcoholic Beverage License for Andover Mexican Restaurant, Inc. d/b/a Casa Blanca. The motion was seconded by Selectman Major and voted 5-0 to approve.

C. All-Alcoholic Beverage/Common Victualler License Applications (Cont'd)

Selectman Lyman motioned that Mia Munoz be approved as manager of Andover Mexican Restaurant, Inc. d/b/a Casa Blanca. The motion was seconded by Selectman Major and voted 5-0 to approve.

Selectman Lyman motioned that the approval of the Restaurant All Alcohol License for Andover Mexican Restaurant, d/b/a Casa Blanca is not detrimental to the religious and educational activities at the Free Christian Church, 31 Elm Street and the Andover Baptist Church, 6 Essex Street. The motion was seconded by Selectman Major and voted 5-0 to approve.

Selectman Lyman motioned that the Board approve a Common Victualler License for Andover Mexican Restaurant, Inc. d/b/a Casa Blanca. The motion was seconded by Selectman Major and voted 5-0 to approve.

D. All-Alcoholic Beverage Restaurant License – Change of Director and Officer

Chairman Vispoli asked the Board if there were any conflicts of interest with the application. Hearing no reply, the Public Hearing was opened at 7:40 P.M. by Chairman Vispoli.

Selectman Lyman motioned to approve the application of the 99 Restaurants of Boston, LLC, d/b/a 99 Restaurant, 464 Lowell Street, Route 133, Andover, for the change of Director from Gregory L. Burns to Jeffrey D. Warne and the new Officer – Lawrence E. Hyatt from the position of Secretary and Treasurer to Assistant Secretary and Treasurer.

On a motion by Selectman Lyman with a second by Selectman Major, it was unanimously voted to close the hearing at 7:48 P.M.

VI. Water and Sewer Commissioners

Selectman Major motioned for the Board of Selectmen to adjourn from the Regular Meeting to act as Water and Sewer Commissioners. The motion was seconded by Selectman Lyman, voted 5-0 and approved. Roll Call Vote: A. Vispoli-Y, T. Teichert-Y, M-Lyman-Y, J. Stabile-Y, and B. Major-Y.

A. Cross Connection Program Policy and Fees

Morris Gray, Superintendent of the Water & Sewer Department, explained the Cross Connection Program Policy and the request to charge commercial and industrial users a one-time fee of \$65.00 for testing. Owners of the testing device who maintain and perform a self-test will provide proof of certification to the Town.

Selectman Lyman motioned to approve the Cross Connection Program policy and related test fee of \$65.00. The motion was seconded by Selectman Major and voted 5-0 to approve.

B. Large Meter Testing Certification Program Policy

Selectman Lyman motioned to approve the Large Meter Testing/Certification Program Policy as presented. The motion was seconded by Selectman Major and voted 5-0 to approve.

On a motion by Selectman Major with a second by Selectman Lyman it was voted 5-0 to adjourn as Water and Sewer Commissioners and return to Regular Session.

VII. **Regular Business of the Board**

A. FY-11 Capital Improvement Program Vehicles Presentation

Assistant Town Manager Steve Bucuzzo **showed a presentation of the Town Manager's** recommended Capital Vehicle Replacement for FY-2011. The funding for seven of the vehicles recommended for replacement will come from the Capital Projects Fund and the cost for two vehicles from borrowing. The total of the vehicles recommended to be replaced include the following:

- POL-1 – Cruisers and Vehicles – \$150,000
- FR-1a – Department Vehicle – \$45,000
- FR-1b – Ambulance – \$225,000
- P&F-4a – Town Vehicles – \$160,000
(P&F, DPW, Elder Services, Youth Services)
- P&F-4b – DPW Dump Trucks - \$252,000

Plant and Facilities Director Joe Piantedosi made a presentation on **his department's** vehicles which he is requesting be replaced. The main reason for replacement of the vehicles is due to rust and corrosion.

Police Chief Brian Pattullo also gave a presentation illustrating the police vehicles due for replacement. He stated the Department has extended out the requests on these vehicles as much as possible and he is concerned now with safety issues.

Highway Superintendent Chris Cronin is requesting replacement of a 1995 Mack Dump Truck used as a sander and is a primary vehicle used by his Division. He showed how the effect of road salt has corroded the body. In addition, the continued cost to replace brake lines, fuel lines, etc. has an effect on the operating budget. He said his Division has been pushing off this request for the past 5-7 years.

Mr. Piantedosi presented the Fire Rescue Vehicles that Chief Michael Mansfield is requesting to be replaced. This request includes two staff vehicles and one ambulance. The Ford Explorer has over 100,000 miles and extensive body rust. This vehicle serves as a reserve for other vehicles. The ambulance has a history of problems and issues and Mr. Piantedosi highly recommends the ambulance be replaced.

B. Town Accountant's Mid-Year Report

Town Accountant Rodney Smith presented the Mid-Year Report to the Board. He noted that at six months into the year the Town looks to be in good financial standing thus far with 31% of revenue collected. They have received one payment from the Hotel/Motel Tax which passed in October. Budget estimates and revenue forecasts were adjusted downward this year based on the revenues of last year, however, additional revenue from the increased water rates will be realized in February. The sewer fund revenues are trailing a bit but special assessments will be coming in the second half of the year. There is a significant balance in sewer reserves if needed. Overall, revenues may be tight but there are no major concerns at this time. The Reserve Fund Status stands at \$161,000.

Mr. Smith said the Operating Budget overall also looks fine at this time. He talked about adjustments made in payroll from the furlough programs that many of the Town and School employees agreed to. The Police Department savings will appear in expenses as they opted to give back 1% in clothing allowance, etc. One-time payments for buy-backs in sick leave for Firefighters were paid out in December with Police Department payouts being disseminated in June.

The areas of concern for this year include an overdraft in the snow removal budget although they are not in a deficit yet, utility costs and accumulated leave. There was a slight spike in retirement requests this year with the potential for ten more requests. Mr. Smith will keep the Board apprised of retirement requests and costs as they come in. A letter will be sent to the State requesting reimbursement for the costs of the January Special Election.

Finance Committee Chair Joanne Marden said although we are getting through, we are not re-building reserves.

C. Budget Meeting Schedule

The Board agreed to the following meeting schedule for February and March:

Regular Meetings of the Board: February 22nd, March 1st, 15th, 22nd and 29th.
 Joint Meetings: February 8th, 10th, 17th and 24th; March 3rd, 17th, and 29th.
 Tri-Board Meetings: March 10th and March 24th

A Budget Forum will be held at the Memorial Hall Library with the League of Women Voters on Thursday, March 25th.

VIII. Consent Agenda

A. Appointments and Re-Appointments

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

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>POLICE DEPARTMENT</u>			
Daniel J. Bruce	Dispatcher (v. C. Stankiewicz)	D1-583-1-0	1/31/10
<u>COMMUNITY SERVICES</u>			
Mark Fitzgerald	Sports Assistant – PT C2A		1/11/10
<u>MEMORIAL HALL LIBRARY TRUSTEES</u>			
John P. Hess – Term expires 6/30/12 (v. F. Castle)			
<u>INFORMATION TECHNOLOGY COMMITTEE</u>			
Maurice Desruisseau – Term expires 6/30/12 (v. C. Imhof)			
<u>BALLARDVALE HISTORIC DISTRICT COMMISSION</u>			
Jessica Roberts – Alternate Member – Term expires 6/30/12			

IX. Approval of Minutes from Previous Meetings

Selectman Lyman motioned to approve the Tri-Board Meeting Minutes of December 7, 2009 and the Regular Meeting Minutes of January 4 , 2010 and January 11, 2010 as presented. The motion was seconded by Selectman Major and voted 5-0 to approve.

X. Adjournment

At 9:57 P.M., Selectman Major motioned to adjourn the Regular Meeting of January 25. The motion was seconded by Selectman Teichert an unanimously approved.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo
Recorder