



## Board of Selectmen

36 BARTLET STREET

ANDOVER, MA 01810

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### MEETING AGENDA

Thursday, August 10, 2017

Regular Session 7:00 P.M.

SELECTMEN'S CONFERENCE ROOM, ANDOVER TOWN OFFICES, 3<sup>rd</sup> floor

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#### REGULAR SESSION

- I. Call to Order– 7:00 P.M.
- II. Opening Ceremonies/ Moment of Silence/Pledge of Allegiance – 7:00 P.M.
- III. Communications/Announcements/Liaison Reports – 7:05 P.M.
- IV. Citizens Petitions and Presentations – 7:10 P.M.
- V. Regular Business of the Board – 7:15 P.M.
  - A. Boy Scout Eagle Award – (5 minutes)

Board of Selectmen to approve to sign a citation for Eagle Scout Connor Stack, Boy Scout Troop 73.
  - B. Charles Circle – (10 minutes)

Board to consider to vote to adopt the Order of Taking for Charles Circle and related easements as authorized by Article 61 of the 2017 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.
  - C. Christian Way – (10 minutes)

Board to consider to vote to adopt the Order of Taking for Christian Way and related easements as authorized by Article 60 of the 2017 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.
  - D. Campanelli Drive – (10 minutes)

Board of Selectmen to consider to vote to adopt the Order of Taking for Campanelli Drive and related easements as authorized by Article 34 of the 2017 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.
  - E. Use of Town Buildings and Land Policy – (20 minutes)

Town Manager and Board of Selectmen to discuss a policy in reference to the use of Town Buildings and by Non-Profits.

- F. North Reading Inter- Municipal Agreement – (30 minutes)  
Town Manager to update the Board on extending the existing agreement between the Town and North Reading.
- G. Appointment of 5<sup>th</sup> Member to the Retirement Board – (10 minutes)  
Board to consider voting to authorize the Town Manager to review the talent bank forms and present a candidate (s) to the Board at a future meeting.
- H. New Meeting Dates – (5 minutes)  
Board of Selectmen to discuss and consider voting to approve the following new meeting dates: Sept. 11, Sept. 25, Oct. 16, Oct. 30, Nov. 13, Nov. 27, Dec. 4, and Dec. 18, 2017.

VI. Consent Agenda – 8:55 P.M.  
A. APPOINTMENTS – (Town Manager)

**That the following appointments by the Town Manager be approved:**

DEPARTMENT/ COMMITTEE	NAME	POSITION	RATE/ TERM	DOH
Recreation Services	Katherine Grygiel	Counselor-all day	\$11.00/hr.	7/01/17
Recreation Services	Meghan McDonough	Lifeguard	\$10.00/hr.	7/07/17
Recreation Services	Hannah Tassinari	Tennis counselor	\$11.00/hr.	6/26/17
Recreation Services	Niziah Taveras	Counselor-Rec Park	\$10.00/hr.	7/01/17
Fire Rescue	Ian Timmons (v. J. Ronan)	Lieutenant	\$84,796	7/31/17
Library Services	Na'imah White	Library Page	\$9.00/hr.	8/14/17
Health Department	Carolina Garcia – IE-20	Health Inspector- PT	\$30.77/hr.	8/15/17
Recreation Services	Jacob Dalimonte	Lifeguard	\$10.00/hr.	7/10/17
Youth Services	Dawon Dicks	AYS Supervisor 8	\$22.00/hr.	7/17/17
Youth Services	Rachael Westgate	AYS Supervisor 8	\$20.00/hr.	7/17/17
Youth Services	Adam Newman	AYS Supervisor 8	\$20.00/hr.	7/17/17
Youth Services	Emma Farnham	AYS Supervisor 3	\$15.00/hr.	7/17/17
Youth Services	Alexis Miedico	AYS Supervisor 7	\$18.00/hr.	7/17/17
Youth Services	Caroline Curtin	AYS Supervisor 7	\$18.00/hr.	7/17/17
Finance Department	Jared Mullane IE-24-5	Assistant Town Account/Town Auditor	\$77,821	8/21/17

VII. CONTINUED COMMITTEES/BOARDS APPOINTMENTS – 9:00 P.M.

**B. APPOINTMENTS – (Town Manager)**

**HOUSING PARTNERSHIP – 3 year term**

James Bonfanti

**ECONOMIC DEVELOPMENT COUNCIL – 3 year term**

Geoff Piva

**CONSERVATION COMMISSION**

Floyd Greenwood

**COMMISSION ON DISABILITY**

Judy Wakefield

VIII. Approval of Minutes from Previous Board of Selectmen Meetings – 9:05 P.M.

June 12, 2017 (Regular Meeting), June 26 (Regular Meeting) and July 17, 2017 (Regular Meeting)

IX. Adjournment – 9:10 P.M.

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### **Motion for Charles Circle**

To adopt the Order of Taking for Charles Circle and related easements as authorized by Article 61 of the 2017 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.

TOWN OF ANDOVER  
ORDER OF TAKING  
CHARLES CIRCLE

WHEREAS, the Inhabitants of the Town of Andover, voting upon Article 61 of the Annual Town Meeting held on May 8, 2017, voted to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain the way known as Charles Circle, which was accepted as a public way by vote of the Town on said Article 61 of the 2017 Annual Town Meeting and related easements, and award no damages for said eminent domain taking.

Now, therefore, the Board of Selectmen of the Town of Andover, acting pursuant to the authority granted to it by the aforesaid vote of the Annual Town Meeting and all other power and authority to it granted or implied, hereby takes in fee simple by right of eminent domain for purposes of a public way, and for any other municipal purpose, the following described easements:

Charles Circle:

An easement for purposes of a public way in the way known as Charles Circle, as shown on a plan entitled, "Subdivision Plan of Land in Andover, Mass., entitled Charles Circle, Scale 1" = 40' dated August 1, 2003, revised July 19, 2004," and recorded at the Essex North District Registry of Deeds as Plan No. 15020 and as constructed and also shown on plan entitled "Street Acceptance Plan, Charles Circle, Andover, Mass., Prepared for Town of Andover, Date: December 9, 2015, Scale 1" = 40', Andover Consultants, Inc., Methuen, Mass.," which is recorded herewith.

Easement:

The easement shown on Lot 2 on the above-referenced Subdivision Plan and on the above-referenced Street Acceptance Plan as "Proposed 25' Wide Watermain Easement."

The above-described easements are taken together with all easements and rights appurtenant thereto, including the trees, buildings, and structures, standing upon or affixed thereto.

No monetary damages are awarded for this taking.

The supposed owner of the fee interest in Charles Circle and the above-described 25' Wide Watermain Easement is Michael P. Phillips, Trustee of Charles Circle Nominee Trust, of 200 Park Street, North Reading, Massachusetts, Title Reference: Book 10163, Page 200.

IN WITNESS WHEREOF, the undersigned Selectmen of the Town of Andover, on behalf of the Inhabitants of the Town of Andover, hereby sign and execute this Order of Taking and cause this Order of Taking to be recorded with the North Essex District Registry of Deeds.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2017.

INHABITANTS OF THE  
TOWN OF ANDOVER  
By Board of Selectmen

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COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2017 before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose as Selectmen for the Town of Andover.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## EXHIBIT A

The perpetual rights and easements in the Water Utility Easement, Surface Drainage and Access Easements, and the street known as Christian Way, as set forth herein to the Town of Andover, consistent with the Terms and Provisions of the Andover Planning Board Restriction filed with North Registry District Essex County as Document Number 97906 and Site Plan Certificate of Approval dated July 26, 2016 and shown on the sub-plans in Land Court Case No. 14506 referenced above, described as follows:

1. **Scope.** The perpetual right and easement, upon the following described land, without limiting the generality of the foregoing, but specifically including the following, to construct, reconstruct, repair, replace, remove, maintain, operate and patrol, water lines of all types, buried or unburied, above ground or underground, and cables, pipes, conduits, foundations, anchors, braces, fittings, junction boxes, housings, connectors, switches, manholes, and such surface and subsurface testing terminals, markers, and equipment and appurtenances for the transmission of water (hereinafter, the “Underground Water Utility Systems”), as the Town may from time to time desire, and to pass and re-pass over, across and upon the following described land at all reasonable times in a reasonable manner as is reasonably necessary in order to renew, replace, repair, remove, add to, maintain, operate and patrol and otherwise change each and every part of the Underground Water Utility System, but not the general location thereof, and to make said reasonable and necessary excavations to keep clear and cleared of trees, shrubs, bushes, structures, objects and things, all of the above as in the reasonable opinion and judgment of the Town may be necessary for the safe and efficient operation and maintenance of the Underground Water Utility System. The Underground Water Utility System shall remain the property of the Town. If the following described land is excavated and disturbed by the Town, the Town agrees to restore said property to its original condition at Town’s sole expense.

2. **Water Utility Easement Area.** Said land is described as that certain water pipe and appurtenances beginning at River Road, running through Christian Way and thence through Lots 21, 22, 27 and 28, Parcel 25 and Parcel 30 and including easements W 1 and W 2, finally terminating at River Road, as more completely shown on Plan R-76 entitled “Water Main Relocation Plan,” dated September 29, 2010, filed and recorded with the Essex County, North Registry District Land Court records, (the “Easement”).

3. **Additional Drainage Right and Easement.** And also the right and easement to repair, replace, maintain, and operate a drainage easement over a portion of said Land Court Lot 27 shown as “Drainage Easement L.C. Plan 14506I” on said Water Main Relocation Easement Plan.

4. **Christian Way.** An easement in, through and over Christian Way, as more completely described in this Order of Taking and set forth in said Restriction, for all purposes for which streets are commonly used in the Town of Andover.

5. **Surface Drainage.** Easements in and to the surface drainage areas set forth in the Restriction, consistent with the maintenance obligations of the homeowners' association set forth in Paragraphs 21 and 33 of the Restriction, including easements over Lot 25 shown on Land Court Plan No. 14506E, Lot 28 on Land Court Plan No. 14506F, Lot 30 on Land Court Plan No. 14506G and Lot 21 on Land Court Plan No. 14506E and the area shown as "Proposed Utility Easement 3,531 S.F." on Land Court Plan 14506E.

6. **Access.** An Access Easement over the area shown as "Proposed 20' Utility Easement 3,874 S.F. 0.09 AC" on Lot 22 on Land Court Plan No. 14506E.

## **Motion for Christian Way**

To adopt the Order of Taking for Christian Way and related easements as authorized by Article 60 of the 2017 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.

TOWN OF ANDOVER  
ORDER OF TAKING  
CHRISTIAN WAY

WHEREAS, the Inhabitants of the Town of Andover, voting upon Article 60 of the Annual Town Meeting held on May 8, 2017, voted to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain the way known as Christian Way, which was accepted as a public way by vote of the Town on said Article 60 of the 2017 Annual Town Meeting, and related easements, and award no damages for said eminent domain taking.

Now, therefore, the Board of Selectmen of the Town of Andover, acting pursuant to the authority granted to it by the aforesaid vote of the Annual Town Meeting and all other power and authority to it granted or implied, hereby takes in fee simple by right of eminent domain for purposes of a public way, and for any other municipal purpose, the following described perpetual easements, which are further described on Exhibit A attached hereto:

Christian Way:

An easement for purposes of a public way in the street known as Christian Way, as constructed and as shown on a plan entitled, “Map 229, Lot 5, Merrimack Estates, River Road, Andover – Tewksbury, MA, Scale 1” = 200’ by Cuoco & Cormier, dated September 4, 2007, rev. June 11, 2008,” and on file in the Office of the Town Clerk, and also shown on plan entitled “Street Acceptance Plan Christian Way, Andover, Mass.; drawn for Town of Andover: scale 1” = 40’ date February 18, 2015, rev. June 12, 2015; by Merrimack Engineering Services,” a copy of which is on file with the Office of the Town Clerk, and also as shown on Land Court Plan No. 14506E.

Easements:

1. A Water Utility and Access Easement under, over, across and through the area shown as Proposed Utility Easement 3,531 S.F. on Lot 21 shown on Land Court Plan 14506E;
2. A non-exclusive Drainage Easement over Lot 25 shown on Land Court Plan No. 14506E, Lot 28 on Land Court No. 14506F (17,399 +/- sq. ft. – Not a Building Lot) and Lot 30 (area = 12,676 +/- S.F.) on Land Court Plan No. 14506G, and the area shown as Proposed Utility Easement 3,531 S.F. on Lot 21 shown on Land Court Plan No. 14506E;
3. A non-exclusive Access Easement over the area shown as “Proposed 20’ Utility Easement 3,874 S.F. 0.09 AC on Lot 22 on Land Court Plan No. 14506E to pass and repass over said area on foot or by vehicle for the purposes of accessing the drainage facilities located in the Drainage Easement described above;
4. A Water Utility Easement over a portion of Land Court Lot 27 shown as “Proposed Water Easement “W1” on that certain Plan of Land on file with the Planning Division of the Town and also recorded with the Essex County North District Registry District Land Court Records as Plan R-76, entitled “Water Main Relocation Easement Plan,” Christian Way, Andover, Mass., prepared for Wiled Realty Trust by Whitman & Bingham Associates, LLC, dated September 29, 2010;
5. The right and easement to repair, replace, maintain and operate a drainage easement over a portion of said Land Court Lot 27 as shown on the above-referenced Water Main Relocation Easement Plan as “Drainage Easement L.C. Plan 14506I”);
6. Proposed Water Easement W 2 over Lot 28 as shown on said Plan R-76; and
7. Water line traversing Parcel 25, and Lots 21 and 22, to and through “Proposed Christian Way” as shown on said Plan R-76.

The above-described easements are taken together with all easements and rights appurtenant thereto, including the trees, buildings, and structures, standing upon or affixed thereto.

No monetary damages are awarded for this taking.

The supposed owners of the fee and interest in Christian Way and the above-referenced easements are listed on Exhibit B attached hereto.

IN WITNESS WHEREOF, the undersigned Selectmen of the Town of Andover, on behalf of the Inhabitants of the Town of Andover, hereby sign and execute this Order of Taking and cause this Order of Taking to be recorded with the North Essex District Registry of Deeds.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

INHABITANTS OF THE  
TOWN OF ANDOVER  
By Board of Selectmen

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COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2017 before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose as Selectmen for the Town of Andover.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

TOWN OF ANDOVER  
ORDER OF TAKING  
CAMPANELLI DRIVE

WHEREAS, the Inhabitants of the Town of Andover, voting upon Article 34 of the Annual Town Meeting held on May 8, 2017, voted to accept Campanelli Drive as a public way and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain the way known as Campanelli Drive and easements related thereto, and to accept the sewer lines and drainage facilities located within the roadway and related easements as shown on Plan recorded with the Essex North District Registry of Deeds as Plan Number 10256, and award no damages for said eminent domain taking.

Now, therefore, the Board of Selectmen of the Town of Andover, acting pursuant to the authority granted to it by the aforesaid vote of the Annual Town Meeting and all other power and authority to it granted or implied, hereby takes in fee simple by right of eminent domain for purposes of a public way, and for any other municipal purpose, the following described property:

Campanelli Drive

Confirmatory Taking:

A confirmatory taking for purposes of a public way in the way known as Campanelli Drive, as described as follows:

A certain street or way located off River Road in Andover, Essex County, Massachusetts and being shown as Campanelli Drive on a plan of land entitled, "Definitive Subdivision Plan, River Road Business Center, Andover, Mass." Owner & Applicant: Campanelli Realty Trust, Date: February 5, 1986; Scale: 1"=40', prepared by Bradford Saivetz & Associates, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 10256 ("Plan"), together with the sewer lines and drainage facilities located therein.

Taking of Easements:

Related Easements described as follows:

1. Two easements shown as “Drain Easement” on Lot 1 on said Plan;
2. Four easements shown as “Drain Easement” on Lot 3 on said Plan.

The Town of Andover acquired the fee interest in Campanelli Drive and sewer easements appurtenant thereto by deed dated June 20, 2016 and recorded with the North Essex District Registry of Deeds in Book 14692, Page 310 and by confirmatory taking recorded with said Registry of Deeds in Book 14692, Page 317.

The above-described land is taken together with all easements and rights appurtenant thereto, including the trees, buildings, and structures, standing upon or affixed thereto.

No monetary damages are awarded for this taking.

The owner of the fee interest in Campanelli Drive is the Town of Andover and the parties with interests in the related easements and listed on Exhibit A attached hereto.

IN WITNESS WHEREOF, the undersigned Selectmen of the Town of Andover, on behalf of the Inhabitants of the Town of Andover, hereby sign and execute this Order of Taking and cause this Order of Taking to be recorded with the North Essex District Registry of Deeds.

Executed this \_\_\_\_\_ day of August, 2017.

INHABITANTS OF THE  
TOWN OF ANDOVER  
By Board of Selectmen

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COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2017 before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose as Selectmen for the Town of Andover.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## **Motion for Campanelli Drive**

To adopt the Order of Taking for Campanelli Drive and related easements as authorized by Article 34 of the 2017 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.