



## BOARD OF SELECTMEN AGENDA

MONDAY, MARCH 19, 2018

SELECTMEN MEETING 7:00 P.M.

EXECUTIVE SESSION 9:40 P.M.

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

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- I. Call to Order– 7:00 P.M.
- II. Opening Ceremonies – 7:00 P.M.
  - A. Moment of Silence/Pledge of Allegiance
- 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. Board Registrar of Voters Appointment – (5 minutes)

The Board to discuss and consider to vote for re-appointment of William E. Melahn to the Board of Registrar of Voters for term to expire on March 31, 2021.
  - B. Board of Registrar of Voters – (5 minutes)

Board to consider nominees for vacancies on Board of Registrars of Voters for terms to expire on March 31, 2019 and March 31, 2020. The Republican Town Committee nominates Michael Torrisi of 38 High Street. The Democratic Town Committee nominates Champa Bilwakesh of 5 Garfield Lane East and Michael Sassin of 8 Stevens Circle.
  - C. Confirmatory Deed for Reichhold – (15 minutes)

Board of Selectmen to consider to vote to sign the Confirmatory Deed for Reichhold.
  - D. North Reading Water – (20 minutes)

Board to discuss the agreement with North Reading for potable water service.
- VI. 2018 Annual Town Meeting – 8:00 P.M.
  - A. Board to discuss and consider voting on the following Warrant Articles:
    - 6 Budget Transfers
    - 7 Supplemental Budget Appropriations
    - 8 Stabilization Fund
    - 9 Free Cash
    - 10 Unexpended Appropriations
    - 11 General House Keeping Articles (A through G)
      - 11-A Grant Program Authorization
      - 11-B Road Contracts
      - 11-C Town Report
      - 11-D Property Tax Exemptions
      - 11-E Contracts in Excess of Three Years
      - 11-F Accepting Easements
      - 11-G Rescinding of Bond Authorizations

12	Granting Easements
13	Unpaid Bills
14	Chapter 90 Authorizations
15	Jerry Silverman Fireworks
16	Fiscal Year 2019 Revolving Accounts
17	PEG Access and Cable Related Fund Expenses
18	Overlay Surplus Transfer For Property Revaluation
19	Appropriation From Elder Services Program Stabilization Fund
20	Elderly/Disabled Transportation Program
21	Support for Civic Events
22	Spring Grove Cemetery Maintenance
23	Stabilization Fund Bond Premium
24	Water and Sewer Vehicles
25	Water Main Replacement Projects
26	Hydrant Replacement Program
27	Water Treatment Plant Electrical Substation Replacement
28	Minor Sanitary Sewer Collection System Improvements
29	Sewer Inflow/Infiltration Removal Program
30	Dale Street Pumping Station Replacement

VII. Consent Agenda – 9:30 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	Allyson Baker	Kids Corner Assistant	\$12.00/hr.	1/29/2018
Recreation Services	Emily Kowalski	Sports Assistant	\$11.00/hr.	2/27/2018
Recreation Services	Shannon Fitzgerald	Youth Yoga Instructor	\$1,000/Flat Fee	3/6/2018

VIII. Approval of Minutes from Previous Board of Selectmen Meetings – 9:35 P.M.

December 18, 2017 (Regular Meeting), January 11, 2018 (Regular Meeting), January 22, 2018, (Regular Meeting) January 29, 2018 (Special Town Meeting), February 5, 2018 (Regular Meeting), February 28, 2018 (Regular Meeting), February 28, 2018 (Joint Meeting in N. Reading)

IX. Executive Session – 9:40 P.M.

A. Board to go into Executive Session to consider the purchase, exchange, lease or value of real property.

X. Adjournment – 10:00 P.M.

*If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Wendy Adams at 978-623-8210 or [wadams@andoverma.gov](mailto:wadams@andoverma.gov) in the Town Manager's Office.*

MEETINGS ARE TELEVISED ON  
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45

MEMO FROM THE OFFICE OF THE TOWN CLERK

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TO: Board of Selectmen

FROM: Lawrence J. Murphy, Town Clerk

SUBJECT: Appointments to the Board of Registrars of Voters

DATE: 3/1/2018

CC: Town Manager

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Dear members of the Board,

The term of office of the Honorable William E. Melahn, a Republican Party member of the Board of Registrars of Voters, expires on March 31, 2018. Judge Melahn has informed me that he wishes to be re-appointed to another three year term on the Board. Gary Coon, a Republican Party member of the Board of Registrars of Voters, has recently resigned having accepted a seat on the Andover Contributory Retirement Board. His term of office would have expired on March 31, 2019. Gerald F. Gustus, a Democratic Party member of the Board has informed me of his intent to resign from the Board, effective March 31, 2018. Mr. Gustus' term expires on March 31, 2020.

Massachusetts General Laws Chapter 51 Section 15 provides that in the case of a vacancy or expiration of the term of office of a Registrar, the Selectmen, as appointing authority, "shall so appoint their successors that as nearly as possible the members of the board (of registrars) shall represent the two leading political parties... in no case shall an appointment be made as to cause a board (of registrars) to have more than two members ... of the same political party."<sup>1</sup>

In accordance with Massachusetts General Laws, Chapter 51, Section 15, I notified the Democratic and Republican Town Committees of the right to nominate three (3) persons to fill the seat currently held by Judge Melahn at the expiration of his current term of office and to nominate three (3) persons to fill the seat vacated by Mr. Coon until the expiration of that term of office and to nominate three (3) persons to fill the seat to be vacated by Mr. Gustus until the expiration of that term of office.

I have received the following responses. The Republican Town Committee supports the re-appointment of William Melahn and nominates Michael Torrisi of 38 High Street to the seat vacated by Mr. Coon. The Democratic Town Committee nominates Champa Bilwakesh of 5 Garfield Lane East and Michael Sassin of 8 Stevens Circle for appointment as Registrars of Voters.

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<sup>1</sup> I am an ex officio member of the Board of Registrars. I am not enrolled in a political party.

I respectfully request the Board address these appointments. The appointment to fill the seat formerly held by Mr. Coon could be made effective immediately, the term to expire on March 31, 2019. The appointment to the seat held by Mr. Gustus would be effective April 1<sup>st</sup> and expire March 31, 2020. The term of office for the seat held by Judge Melahn will be for a full three year term to expire March 31, 2021.

U:18-1:BOSRegMemo

Property Address: 77 Lowell Junction Road, Andover, Massachusetts

**When recorded, return to:**

Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
Attention: Donald D. Cooper, Esq.

**CONFIRMATORY DEED**

Liquidating Reichhold, Inc. (f/k/a Reichhold, Inc.), a corporation duly established under the laws of Delaware with a principal place of business c/o Halperin Battaglia Benzija, LLP, 40 Wall Street, 37<sup>th</sup> Floor, New York, NY 10005, for consideration paid, and in full consideration of Ten Dollars (\$10.00) grants to The Town of Andover, a Municipal corporation with its principal place of business at 36 Bartlett Street, Andover, Massachusetts 01810, Attention: Town Manager, with **Quitclaim Covenants**, that certain property located in Andover, Essex County, Massachusetts, as described in **Exhibit A** attached hereto.

Being a portion of land conveyed to the Grantor by deed dated September 26, 1996 and recorded with Essex North Registry of Deeds in Book 4609, Page 63.

This Confirmatory Deed shall ratify and confirm the conveyance in that certain Quitclaim Deed from Reichhold, Inc. to The Town of Andover, dated January 27, 2006 and recorded with the Essex North Registry of Deeds in Book 10031, Page 237. This Confirmatory Deed also includes the required following paragraph which was inadvertently omitted from said Quitclaim Deed.

The land described in **Exhibit A** hereto is subject to the Notice of Activity and Use Limitation on record in Book 9259, Page 1 and the First Amendment to Notice of Activity and Use Limitation on record in Book 9961, Page 291, both with the Essex County North District Registry of Deeds.

Witness my hand and seal as of the \_\_\_\_ day of \_\_\_\_\_, 2017.

LIQUIDATING REICHHOLD, INC.  
(f/k/a Reichhold, Inc.)

\_\_\_\_\_  
By: Alan Halperin  
Its: Sole Officer, Director and Shareholder

**STATE OF NEW YORK**

\_\_\_\_\_, ss

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared Alan Halperin, the Sole Officer of Liquidating Reichhold, Inc. (f/k/a Reichhold, Inc.), proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public - State of New York  
My Commission Expires:

The Board of Selectmen of the Town of Andover hereby Accepts the within conveyance on behalf of the Inhabitants of the Town of Andover, pursuant to Massachusetts General Laws, Chapter 40, Section 8C.

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

## **EXHIBIT A**

That certain parcel of land, along with the improvements (if any) situated thereon, identified as Parcel IIA on a survey dated October 28, 2005, prepared by Oak Engineers and entitled "Division of Land Plan Parcel II", which survey is recorded with the Essex North Registry of Deeds as Plan Number 15316.

When recorded, return to:

Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
Attention: Donald D. Cooper, Esq.

## CONFIRMATORY DEED

Liquidating Reichhold, Inc. (f/k/a Reichhold, Inc.), a corporation duly established under the laws of Delaware with a principal place of business c/o Halperin Battaglia Benzija, LLP, 40 Wall Street, 37<sup>th</sup> Floor, New York, NY 10005, for consideration paid, and in full consideration of Ten Dollars (\$10.00) grants to The Town of Andover, a Municipal corporation with its principal place of business at 36 Bartlett Street, Andover, Massachusetts 01810, Attention: Town Manager, with **Quitclaim Covenants**, that certain property located in Andover, Essex County, Massachusetts, as described in **Exhibit A** attached hereto.

Being a portion of land conveyed to the Grantor by deed dated September 26, 1996 and recorded with Essex North Registry of Deeds in Book 4609, Page 63.

This Confirmatory Deed shall ratify and confirm the conveyance in that certain Quitclaim Deed from Reichhold, Inc. to The Town of Andover, dated January 27, 2006 and recorded with the Essex North Registry of Deeds in Book 10031, Page 240. This Confirmatory Deed also includes the required following paragraph which was inadvertently omitted from said Quitclaim Deed.

The land described as Parcels IIB and IIC in **Exhibit A** hereto is subject to the Notice of Activity and Use Limitation on record in Book 9259, Page 1 and the First Amendment to Notice of Activity and Use Limitation on record in Book 9961, Page 291, both with the Essex County North District Registry of Deeds.

Witness my hand and seal this \_\_\_th day of \_\_\_\_\_, 2017.

LIQUIDATING REICHHOLD, INC.  
(f/k/a Reichhold, Inc.)

\_\_\_\_\_  
By: Alan Halperin  
Its: Sole Officer, Director and Shareholder

Property Address: 77 Lowell Junction Road, Andover, Massachusetts

**STATE OF NEW YORK**

\_\_\_\_\_, ss

On this \_\_th day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared Alan Halperin, Sole Officer of Liquidating Reichhold, Inc. (f/k/a Reichhold, Inc.), proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public – State of New York  
My Commission Expires:

The Andover Conservation Commission hereby accepts the within Conveyance and shall undertake the care, custody and control of the subject land pursuant to Massachusetts General Laws, Chapter 40, Section 8C.

_____	_____
Member	Member
_____	_____
Member	Member
_____	_____
Member	Member
_____	
Member	

The Board of Selectmen of the Town of Andover hereby Accepts the within conveyance on behalf of the Inhabitants of the Town of Andover, pursuant to Massachusetts General Laws, Chapter 40, Section 8C.

_____	_____
Selectman	Selectman
_____	_____
Selectman	Selectman
_____	
Selectman	

## **EXHIBIT A**

### **Parcels IIB & IIC**

Those certain parcels of land located in the Town of Andover, Essex County, Massachusetts, and the improvements (if any) situated thereon, identified as Parcel IIB and Parcel IIC on a survey dated October 28, 2005, prepared by Oak Engineers and entitled "Division of Land Plan Parcel II", which survey is recorded with the Essex North Registry of Deeds as Plan Number 15316.

### **Parcel III**

That certain parcel of land, along with the improvements (if any) situated thereon, identified as Parcel III as shown on a survey dated October 2005, prepared by Oak Engineers and entitled "ALTA-ACS Parcel III Site & Access Easement Plan", which survey is recorded with the Essex North Registry of Deeds as Plan Number 15316 and a survey dated Dec. 6, 2005, Rev. 1/20/06 and entitled "Lowell Junction Road Easement Exhibit Former Reichold Chemical Parcel I", which survey is recorded with the Essex North Registry of Deeds as Plan Number 15315.

When recorded, return to:

Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
Attention: Donald D. Cooper, Esq.

**CONFIRMATORY DEED**

Liquidating Reichhold, Inc. (f/k/a Reichhold, Inc.), a corporation duly established under the laws of Delaware with a principal place of business c/o Halperin Battaglia Benzija, LLP, 40 Wall Street, 37<sup>th</sup> Floor, New York, NY 10005, for consideration paid, and in full consideration of Ten Dollars (\$10.00) grants to The Town of Andover, a Municipal corporation, in the care, custody and control of the Andover Conservation Commission, with its principal place of business at 36 Bartlett Street, Andover, Massachusetts 01810, Attention: Conservation Director, with **Quitclaim Covenants**, those certain parcels of land located in Andover, Essex County, Massachusetts, as described in **Exhibit A** attached hereto.

Being a portion of land conveyed to the Grantor by deed dated September 26, 1996 and recorded with Essex North Registry of Deeds in Book 4609, Page 63.

This Confirmatory Deed shall ratify and confirm the conveyance in that certain Quitclaim Deed from Reichhold, Inc. to The Town of Andover, dated November 29, 2012 and recorded with the Essex North Registry of Deeds in Book 13820, Page 236. This Confirmatory Deed also includes the required following paragraph which was inadvertently omitted from said Quitclaim Deed.

The land described in **Exhibit A** hereto is subject to the Notice of Activity and Use Limitation on record in Book 11509, Page 1 with the Essex County North District Registry of Deeds.

Witness my hand and seal this \_\_ day of \_\_\_\_\_, 2017.

LIQUIDATING REICHHOLD, INC. (f/k/a Reichhold, Inc.)

\_\_\_\_\_  
By: Alan Halperin  
Its: Sole Officer, Director and Shareholder

Property Address: 77 Lowell Junction Road, Andover, Massachusetts

**STATE OF NEW YORK**

\_\_\_\_\_, ss

On this \_\_th day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared Alan Halperin, the Sole Officer of Liquidating Reichhold, Inc. (f/k/a Reichhold, Inc.) proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public – State of New York  
My Commission Expires:

The Andover Conservation Commission hereby accepts the within Conveyance and shall undertake the care, custody and control of the subject land pursuant to Massachusetts General Laws, Chapter 40, Section 8C.

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

The Board of Selectmen of the Town of Andover hereby Accepts the within conveyance on behalf of the Inhabitants of the Town of Andover, pursuant to Massachusetts General Laws, Chapter 40, Section 8C.

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

## **EXHIBIT A**

Those certain parcels of land located in the Town of Andover, Essex County, Massachusetts, and the improvements (if any) situated thereon, identified as Parcel IID, Parcel IIE and Parcel IIF on a survey dated October 28, 2005, prepared by Oak Engineers and entitled "Division of Land Plan Parcel II", and recorded with the Essex North Registry of Deeds as Plan Number 15316.