

**BOARD OF SELECTMEN MINUTES  
MARCH 30, 2009**

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**I. Call to Order/Roll Call**

Chairman Ted Teichert called the Regular Meeting of the Board of Selectmen to order at 6:00 P.M. **in the Selectmen's conference room at the Town Offices.** Chairman Teichert requested a Roll Call of the Board of Selectmen: Chairman Teichert – Y, members Brian Major – Y, Mary Lyman – Y, Jerry Stabile – Y and Alex Vispoli – Y. Also present were: Town Manager Reginald S. Stapczynski and Town Clerk Randy Hanson. The meeting was duly posted and cablecast live.

**II. Opening Ceremonies**

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

**III. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

~ Congratulations to Selectman Major and Chairman Teichert for being re-elected to the Board of Selectmen and also to the other elected officials: two new School Committee members – David Birnbach and Annie Gilbert, Housing Authority, Jim Cuticchia, Greater Lawrence Regional Vocational Technical School, Gerry Silverman, Town Moderator, Sheila Doherty and the Punchard Free School Trust – John Atchinson, Jr., Earl Efinger, Donna Ellsworth, Eric Stubenhaus, and Deborah Moskal.

~ Andover has been awarded the 2009 Common Cause Massachusetts e-Government Award for providing key public records and documents on its website. The award comes with added distinguish for posting documents that meet the criteria for the additional recognition and our commitment to open and accessible government.

~ The Town's Independent Employees Association has accepted the challenge to meet the budget deficit and voted to accept a 1% pay-cut for FY2010.

Selectman Stabile said the Town Yard Task Force is submitting a warrant article for Town Meeting this year. He also announced that Candy Dann has resigned as Chairman of the Recycling Committee.

Town Clerk Randy Hanson reported that the Warrant will close on Friday, April 3<sup>rd</sup> at 4:30 P.M. Forms are available **on-line or at the Town Clerk's Office** and if anyone intends to submit a warrant article this year, **they should contact the Town Clerk's Office by Tuesday.**

Selectman Major asked when the Board expects to take a position on use of the Reserve Fund for Budget Projects. The Town Manager said a presentation on our future debt profile and budget issues for the current year and 2010 will be included in the discussion.

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

Selectman Vispoli said he attended a regional discussion with four area towns at the Gr. Lawrence Technical School. An overview of regionalization was provided along with a discussion of job transitions and career changes. Methuen is expected to join the group.

Selectman Lyman said the Virtual Assisted Living meeting was well attended and there was

a lot of interest. A follow-up meeting is being scheduled.

Selectman Teichert announced that the School Building Committee will meet on Tuesday, March 31<sup>st</sup> at 8:00 A.M. He also requested that questions related to the School Budget be submitted to Selectman Stabile by April 1<sup>st</sup>.

Selectman Teichert has received an email from a resident asking if streetlights could be turned off now. The Town Manager said the DPW and Police Department are in the process of completing a report to identify which lights would stay or go. Upon completion, the report will be submitted, a public hearing scheduled and then the Selectmen will vote. DPW Director Jack Petkus said lights have to be identified as stay or go. Turning off street lights involves each light being switched off and capped, and there is a charge to turn the lights back on.

Mary Carbone, 3 Cyr Circle, said she has a problem with the psychology of turning off the lights. Andover receives income from National Grid for the utility poles. It is expensive to turn the lights back on and before considering this option, we should decide what to do with the budget shortfall.

#### **IV. Citizens Petitions and Presentations**

Mary Carbone, 3 Cyr Circle, hopes Andover approaches regionalization correctly. It should **be noted that Andover's budget is \$140M and North Andover's budget is \$70M. It will be interesting to see which town benefits the most from regionalization.**

John Pasquale, 37B Whittier Street, said some of the new sidewalks and curbstones on Main Street are damaged and should be removed and replaced before the new trees are planted.

#### **V. Public Hearing**

Chairman Teichert opened the Public Hearing at 6:17 P.M.

Town Clerk Randy Hanson swore in Officer Charles Edgerly who then reported on the **violations of Section I.F. of the Town of Andover's Rules and Regulations for Public Vehicles for Hire** (Insurance Policy required) and Sections I.G., K., L., M., W., and Y., violated by Andover Mega Airport Transportation Taxi and Private Car Livery Service. Town Clerk Randy Hanson swore in Jose J. Javier, owner of Andover Mega Airport Transportation Taxi and Private Car Livery Service. Mr. Javier agreed to the facts of the letter he received from the Town stating the violations and stipulated he understood all violations against him.

#### **V. Public Hearing (Cont'd)**

##### Violations:

Selectman Stabile moved that Violation of I.F., Insurance Policy-Required, occurred on February 17, 2009. Selectman Lyman seconded the motion. The motion was agreed to by a unanimous vote of 5-0.

Selectman Vispoli moved that Violation I. G., Liability and Property Damage Covered in Policy Amount, occurred on February 17, 2009. Selectman Lyman seconded the motion. The motion was agreed to by a unanimous vote of 5-0.

Selectman Major moved that Violation I.K., Termination of License Upon Cancellation or Expiration, occurred on February 17, 2009. Selectman Lyman seconded the motion. The

motion was agreed to by a unanimous vote of 5-0.

Selectman Vispoli moved that Violation I.L., Sale, etc. of Vehicle for Hire License, occurred on February 17, 2009. Selectman Major seconded the motion. The motion was agreed to by a unanimous vote of 5-0.

Selectman Vispoli moved that Violation I.M., Change in Vehicles Used as Vehicles for Hire, occurred on February 17, 2009. Selectman Stabile seconded the motion. The motion was agreed to by a unanimous vote of 5-0.

Selectman Vispoli moved that Violation I.W., Advertising/Marketing, occurred on February 17, 2009. Selectman Lyman seconded the motion. The motion was agreed to by a unanimous vote of 5-0.

Selectman Vispoli moved that Violation I.Y., Conditions of Vehicles, occurred on February 17, 2009. Selectman Major seconded the motion. The motion was agreed to by a unanimous vote of 5-0.

The Selectman questioned Mr. Javier about the violations that occurred. Selectman Major asked for clarification on one offense. He wanted to know if the driver who was stopped was cited individually for not having a taxi license. Town Clerk Randy Hanson noted there **are no other prior violations in Mr. Javier's file.**

Selectman Major said the protection of the citizens is the foremost important issue for the Board of Selectmen to manage. Actions of Mega Airport Transportation Taxi are inexcusable. Mr. Javier has taken personal and professional responsibility for the violations and has no other violations over the 5-year period in business in Andover.

Selectman Major recommends no further action be taken other than time served for time he was out of business when the infraction occurred and a letter from the Insurance Company issued notifying the Town Clerk's Office if their insurance is cancelled. A warning is to go into Mr. Javier's file. The motion was seconded by Selectman Vispoli, voted 5-0 and approved. The hearing was closed at 6:30 P.M.

## **VI. Regular Business of the Board**

### **A. Information Technology Committee Update**

Selectman Vispoli said Len D'Innocenzo, Chairman of the Technology Committee, met with the Town Manager and the Superintendent of Schools to discuss the next steps for expanding the Committee. Barbara Morache, **the Town's Information Systems Manager**, will join the Committee as the Town Representative and Ray Tode, Director of Educational Technology & Information Systems for the School Department, will join the Committee as the School representative. The Scope of Work for the Committee will increase to cover both Town and School. A final set of recommendations on the Joint Scope of Work and consolidation for a unified Information Technology Department for the Town will be presented to both Boards.

Selectman Stabile recommended to expand the IT Committee from five to seven members with an additional liaison from the School Department. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

### **B. SMART Program**

Selectman Stabile addressed the Board on the matter before them to vote on the SMART Program and feels it is premature to vote on this issue. He has not seen documentation that defines the programs specifications and no alternate proposal has been provided. There is a lack of substantial information. He also feels there should be a Public Hearing and a debate, therefore, he advises no action on the part of the Board of Selectmen this evening.

Dan Gillette, 5 Redgate Drive, said the program is a worthy goal but the idea has fundamental flaws. He proceeded to share pictures of what he termed users vs. abusers of recycling and said that trash volume alone is not an indicator of trash violators. Steve Fink, 26 Bateson Drive said no system will be perfect and he is in favor of the SMART Plan. Bob Willard, 76 Tewksbury Street, is opposed to the SMART Program as it is presented stating **it would be difficult to follow the one “can” guideline. If it were two cans, he could see it but allowing only one can isn’t feasible for large families.** **Becky Bachman, Fosters Pond,** urged the Board to look into the subject in greater depth and not take a vote at this time. Solid waste is an area where we can save money. Brad Heim of 15 Chongris Circle said the Town should continue to look at this subject and suggests we should look at the whole **spectrum. One side will recycle like crazy, one side won’t and those in the middle will continue to recycle (but can do a better job).**

Selectman Stabile said we don’t have all the facts needed to take a vote tonight. The DPW should provide a financial report on the other options and ask the Recycling Committee additional questions. Selectman Lyman is concerned that if they do not vote tonight, a warrant article could be submitted. Selectman Teichert said the 2008 report talks about the recycling statistics that show how Andover has improved their recycling efforts since last year and encourages residents to increase their recycling efforts. Selectman Vispoli referred to a report that showed the towns that were successful in recycling were those that charged a fee.

**VII. Approval of Consent Agenda Items**

**A. Appointments and Re-appointments**

Selectman Lyman motioned to approve the following appointments as recommended by the Town Manager be approved. The motion was seconded by Selectman Vispoli voted 5-0 and approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Amanda E. Wells	Playground Counselor – PT	C2A	4/6/09
Justin A. DeFrancisco	Counselor – PT C2A	4/6/09	
Connor Timmins	Counselor – PT	C2A	3/16/09
<u>TOWN CLERK’S OFFICE</u>			
Alan M. Henderson	Pollworker – PT	\$8.00/hr.	3/10/09
Kathleen M. Salvi	Pollworker – PT	\$8.00/hr.	3/10/09

**B. Andover Little League Parade**

Peter Broderick, on behalf of the Andover Little League, is requesting permission to conduct a parade down Main Street beginning and ending at the Doherty Middle School Field on Saturday, May 2, 2009 (raindate – Sunday, May 3, 2009) from 9:00 A.M. to 10:00 A.M. to celebrate the League’s opening. He is requesting permission to close the following

streets for the parade route: Bartlet Street from Doherty Middle School to Wheeler Street, Wheeler Street, Main Street at Wheeler Street to Chestnut Street, Chestnut Street to Bartlet Street to the Doherty Middle School.

The request has been reviewed by the Police Department. In keeping with their policy not to allow the closure of public ways for private organizations, they offer the following options:

- 1) Deny the request as it allows a private group to close public streets for a private event; or
- 2) Approve the request with conditions regarding Police details, No Parking and the placement of barricades to block the designated streets.

Selectman Major motioned to approve the request of Mr. Broderick subject to the conditions outlined in Option 2 from the Police Department regarding Police details, no parking and the placement of barricades to block the designated streets. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

### **VIII. Adjournment**

The meeting was suspended at 7:18 P.M. so the members could assemble for the Joint Meeting with the Finance Committee.

Respectfully submitted,  
Dee DeLorenzo, Recorder