

BOARD OF SELECTMEN MINUTES – NOVEMBER 16, 2009

I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the Board of Selectmen meeting to order at 7:20 P.M. **in the Selectmen's Conference Room at the Town Offices.** Present at the Regular Meeting: Chairman Vispoli – Y, Selectman Teichert – Y, Selectman Lyman – Y, Selectman Major – Y and Selectman Stabile – Y. Also present: Town Manager Reginald Stapczynski 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. Executive Session

Chairman Vispoli called the Board of Selectmen's meeting to order at 5:40 P.M. in the Town Offices in the Board of Selectmen's Conference Room. Present in the meeting: Chairman Alex Vispoli and Selectmen Mary Lyman, Brian Major, Ted Teichert and Jerry Stabile.

On a motion by Selectman Lyman and a second by Selectman Major, it was voted to go into an Executive Session to discuss collective bargaining strategy and to return to Open Session. Roll call vote: Chairman Vispoli – Y, Selectman Lyman – Y, Selectman Stabile – Y, Selectman Teichert – Y and Selectman Major – Y.

On a motion duly made and seconded, it was voted to adjourn the Executive Session and return to Open Session at 7:16 P.M. Roll call vote: Chairman Vispoli – Y, Selectman Lyman – Y, Selectman Stabile – Y, Selectman Teichert – Y and Selectman Major – Y.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

Veterans' Day: Congratulations to Veterans Administrator Michael Burke and the Patriotic Holiday Committee on the Veterans Day Program which was the best ever. Selectman Lyman said the Veterans Luncheon at the Town House was very well received. Selectman Teichert said Michael Burke presented a copy of the book, **"Heroes Among Us" to the Town.**

The Superintendent of Schools and the School Committee are requesting a member(s) of the Board to join the sub-committee being formed for rental of School facilities. Selectman Lyman and Selectman Major volunteered to join the sub-committee. Selectman Teichert and Lyman asked that Joe Piantedosi provide an estimate on the cost/expense to use school facilities, by school, and that questions from community groups be referred to them.

Local Aid Articles: Said there was no change to **Andover's** Local Aid by the recent cuts to the State budget but will remain watchful for additional future cuts.

Mid-Year Review: Will be held at Memorial Hall Library on Wednesday, November 18th at 7:00 P.M. A slide show of Main Street before and after the renovations will be shown followed by an update on the Town Yard, H1N1 Virus, Andover Economic Recovery Plan,

Business Retention and Development, the Shawsheen River Restoration Project, and a question and answer session.

The Andover Firefighters Annual Holiday Parade will be held on Sunday, November 29th at 1:00 P.M.

The last day to register to vote or change parties for the Senate Primary Election is November 18th. Precincts 1, 7, and 8 will vote at the Senior Center and all other Precincts will vote at the Collins Field House.

Town Clerk Randy Hanson said a joint TV segment for the Census 2010 was filmed with **the Town Clerk's Office** in North Andover to communicate information on the upcoming census to the residents of Andover and North Andover.

Selectman Stabile reported that a Public Session to discuss the Town Yard will be held at the Town House on November 17th. He also reported that **Sanborn School's 31st Annual Harvest Festival** will be held on Tuesday, November 24th. Selectman Stabile said the Bancroft School Building Project public session with the abutters, which he attended, was a very satisfying meeting and a test site walk will be on Saturday November 21st at 9:00 A.M.

Selectman Lyman reminded everyone that the Clothing Drive to collect used/new **children's clothing is being held this week. Clothing can be dropped off at the Town Hall, AHS, Doherty Middle School, and the Memorial Hall Library.**

Selectman Teichert reported that the School Building Committee would meet on Tuesday, November 17th with the School Committee and on Wednesday, November 18th **in the Board of Selectmen's Meeting Room.**

V. Citizens Petitions and Presentations

Bob Willard, 76 Tewksbury Street, said a commitment was made prior to the May 2009 Town Meeting to reduce the cost of overtime by Town employees and he is curious as to what changes have been made. The Town Manager will supply a report on the reduction in overtime departments have taken in a variety of areas.

Mary Carbone, 3 Cyr Circle, referred to a Letter to the Editor published in the *Andover Townsman* the week of November 16th regarding liability of the Town for turning off streetlights. In addition, Mrs. Carbone feels the handling of the vote was improper because the first vote was not rescinded and requests the Town reverse its decision to turn off streetlights.

John Pasquale, 47B Whittier Street, **is concerned with the Town Manager's renewal process.** Rather than dwelling on the past five years, the Selectmen should be more concerned with the next five years and then determine if the Town Manager has the qualifications to deliver. He feels a reorganization and configuration of the Town organization is needed.

George Cook, 8 Dufton Road, along with several other area residents questioned the Board on what measures are being taken to clean up the area of 2-6 Dufton Road. Town Counsel Thomas Urbelis said a lawsuit has been filed, a court order has been delivered requesting certain things be accomplished and the owners are to report back to the

courts on December 3rd if the court order is not complied with. The residents are concerned that the owners of 2-6 Dufton Road are not complying with the court order and requested the Town Health Inspector and Building Inspector assess the property as soon as possible. After discussion on the area in question, it was determined that Joe McGee will be the neighborhood point person to gather data and meet with Attorney Urbelis at the site on Tuesday, November 16th.

VI. Public Hearings

A. CCG Communications, LLC

Selectman Major motioned to approve the request of CCG Communications, LLC who is **requesting permission to install one 1¼” direct bury innerduct** in the sidewalk on River Road for a total of approximately 20 feet. The approximate location of the request is **shown on a plan entitled “200 Bulfinch Drive”, dated October 2009.** The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the Department of Public Works prior to the commencement of construction. The motion was seconded by Selectman Stabile and voted 5-0 to approve.

B. FY-2010 Tax Classification

David Billard, Chief Assessor, provided a report to the Board on the FY-2010 tax classification. Mr. Billard said the Selectmen are to vote on the residential factor, open space discount, residential exemption and commercial exemption. Mr. Billard reported on the value comparisons for FY-2010 to FY-2009 for residential, commercial, open space, industrial and personal property showing that the Town has lost 4.51% in value.

Mr. Billard explained how the residential factor is determined and the classification shifts and scenarios by tax rate for residential and commercial property, as well as a comparison to sixteen comparable communities. The Board thanked Mr. Billard for his presentation and opened the meeting up to accept comments from the audience.

Joseph Bevilacqua, President of the Merrimack Valley Chamber of Commerce, talked about the adverse effect and the impact additional taxation would have on businesses in Town to remain competitive. He respectfully requests the Board maintain a low tax levy that would encourage business to come to this area and to consider the costs upon businesses already located in Town. Bob Willard, 76 Tewksbury Street, said one factor that will drive senior citizens out of Andover would be an increase in residential rates. He suggested the Board keep the classification rate intact to provide stability and predictability for businesses. Mary Carbone, 3 Cyr Circle, asked the Board to consider either the 1.46 or 1.47 factors. Town Moderator Sheila Doherty asked the Board to be sensitive to the issue of the economy and consider the dollar difference when choosing the percentage for residential and commercial property. John Pasquale, 47B Whittier Street, said businesses have been hit hard with health insurance increases and requests the rate remain at 1.46%.

The Town Manager suggested the public hearing remain open for the next meeting with a vote by the Board on December 7th.

Selectman Major motioned to continue the Public Hearing on the FY-2010 tax classification until December 7, 2009 at 6:00 P.M. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

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

Chairman Vispoli opened the CIP Public Hearing at 9:00 P.M.

On a motion by Selectman Major with a second by Selectman Lyman it was voted 5-0 to continue the hearing after 9:20 P.M.

On a motion by Selectman Major with a second by Selectman Lyman, it was voted 5-0 to continue the public hearing on FY2011-2015 Capital Improvement Program to Monday, November 23, 2009.

VII. Regular Business of the Board

A. Open Meeting Law

Town Counsel Thomas Urbelis presented a summary of changes to the Open Meeting Law that will go into effect on July 1, 2010. A few of the changes include: E-mails considered as deliberations, meetings of two or more Board members to be posted, postings in advance of 48-hours will exclude Saturdays and must include a list of agenda topics. The Attorney General has authorized remote participation of members of Boards (excluding the Chair) and voting but there must be a quorum of members present. Minutes must include a summary of all discussions along with a list of all documents and other exhibits used at the meeting.

B. 2 Elm Square

Scott Jamieson, Barry Finegold, and David Samuels talked briefly about their future plans for the property at 2 Elm Square which is to make the Andover area a place people want to frequent in the evening for dinner and drinks. They would also like to rename Post Office Avenue to Andover Place and hope to have the support of the Board as they move forward. The Town Manager is looking forward to working with the owners and the meeting next Tuesday to share information on the buildings, roads, and parking. He will supply the owners with the memo on signage, decorative items and the use of the area in front of the Musgrove Building.

C. Bottle Bill

The Board continued their discussion on the proposed changes to the Massachusetts Beverage Container Deposit Law and asked Representative Finegold where the State Legislature stands on this change. Representative Finegold stated they are still gathering information and working through issues and will not vote on this item for a few months. Amy Janovsky said the Massachusetts Municipal Association, the Governor, and many communities are in support of this updated legislation. Candy Dann, representative of the Mass Recycling Committee, is asking Andover to consider signing on to the updated bottle bill. Greg Sebasky, Chair of the Green Advisory Board, hopes Andover will be a leader among the sixteen communities to support this amendment. He distributed a letter to the Board to submit their support.

Selectman Lyman motioned for the Board to sign the letter to support the resolution to update the Mass Bottle Bill. The motion was seconded by Selectman Stabile and voted 4-1 to approve.

D. Proposed Transfer of State-Owned Property

Selectman Stabile motioned to approve the Commonwealth's Division of Capital Asset Management and Maintenance (DCAM) request regarding the proposed transfer (from

MassHighway to the Department of Conservation and Recreation) of 22.9 +/- acres of State-owned property on Route 125/Andover Bypass at the Harold Parker State Forest. They are requesting that the Town agree to reduce the 120-day notification period to 60 days in order to proceed with the disposition of the premises. The motion was seconded by Selectman Major and unanimously approved.

VIII. Consent Agenda

A. Appointments/Re-Appointments

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

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Kyle N. Cook	Sports Assistant – PT C2A		10/28/09
<u>RECYCLING COMMITTEE</u>			
Keri Stella – Term expires 6/30/12 (v. C. Dann)			
<u>TRIAD COUNCIL</u>			
Alvin E. Harvey – Term expires 6/30/12 (v. S. Toth)			
<u>TOWN YARD TASK FORCE</u>			
Craig D. Gibson – Term expires 6/30/10 (v. M. Harkins)			

David Wahr – Term expires 6/30/10

B. Holiday Happenings

Selectman Lyman motioned to approve the request of Betsy Powers, President of Andover Business Center Association, who is requesting permission to conduct their Annual Holiday Happenings in the downtown business district on Friday, December 4, 2009 from 6:00 P.M. to 9:00 P.M. They wish to close Main Street from Elm Square to Punchard Avenue from 5:00 P.M. to 9:00 P.M. and are also requesting permission to use the area in front of the Town House for activities associated with the event. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Stabile and voted 4-0-1 to approve. Selectman Teichert abstained.

C. Road Race

Selectman Stabile motioned to approve the request of Pamela Kearins Sheehy for permission to conduct the 1st Annual 5K Run/Walk Classic through the streets in Andover on Sunday, June 6, 2010 at 9:00 A.M. beginning and ending at Andover High School. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

IX. Approval of Minutes from Previous Meetings

Selectman Major motioned to approve the Regular Meeting Minutes of November 2, 2009. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

X. Adjournment

A motion to adjourn the meeting of November 2, 2009 was made by Selectman Stabile with a second by Selectman Teichert and unanimously approved. The meeting adjourned at 10:11 P.M.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo
Recorder