

BOARD OF SELECTMEN – MARCH 10, 2010

I. Call to Order/Roll Call

Chairman Alex Vispoli called the Regular Meeting of the Board of Selectmen to order at 6:05 P.M. in the **Selectmen’s Conference Room at the Town Offices**. **Present** were: Chairman Vispoli, Selectman Lyman and Selectman Major. Also present were: Town Manager Buzz Stapczynski and Assistant Town Clerk Kathy McKenna. 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 Town Manager reported that a notice alerting residents to watch for the arrival of the 2010 Federal Census was received this week. He asked that residents take time to complete the Census when it arrives as there is a lot at stake for the community.

Selectman Lyman reported the Council on Aging would meet on Thursday, March 11th at 8:00 A.M. followed by the TRIAD Council at 9:30 A.M.

IV. Consent Agenda

A. Appointments and Re-Appointments

Selectman Lyman motioned to approve the following appointments as recommended by the Town Manager. The motion was seconded by Selectman Major, voted 3-0 and approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>YOUTH SERVICES</u>			
Bryanna T. Case	Program Supervisor – PT	C6C	2/22/10
<u>TOWN CLERK’S OFFICE</u>			
Kathleen McKenna	Acting Town Clerk – Temp. (v. R. Hanson)	M-1-6	3/12/10 – 4/6/10

Mary Carbone asked if the part-time Program Supervisor was a salary position. She was informed it was a part-time position to supervise young adults with no benefits.

B. One-Day Beer and Wine License

Selectman Major motioned to approve the request of Robert Pearl, J. L. Coombs, 45 Main Street, Andover, for a one-day beer and wine license for use on Thursday, March 11, 2010 from 6:00 P.M. to 9:00 P.M. for a private preview of the new store at 45 Main Street. Arrangements have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman, and voted 3-0 to approve.

V. Regular Business of the Board

A. Bald Hill Compost Site

Plant & Facilities Director Joseph Piantedosi presented proposed changes in the hours of operation for the Bald Hill Compost Site. Mr. Piantedosi is requesting a change in the hours of operation to Tuesday and Thursdays beginning April 5th through April 30th and openings on Sundays. From May 31st through October 2nd they would be open Saturdays and Wednesdays. Although the normal closing date is November 28th, the site would remain open until December 4th if the weather permits. Their busiest time is from October 4th through closing and he is requesting to change hours on Mondays, Tuesdays, and Wednesdays to the afternoon instead of morning hours. Residents who mail in their permit fee will be offered a \$1 dollar discount. They are also offering a special permit in the amount of \$35 for commercial plate holders using the site for their own residential property. Current permit holders would be advised of the changes if approved.

Selectman Lyman asked how many hours are staffed by seniors for tax vouchers. Mr. Piantedosi said to date all of the senior hours have come out of the tax vouchers which will run out by Spring. He will check with the Elder Services Director to see if there are additional hours/senior requests available.

As this is a first reading, the Selectmen will vote on this request at their next meeting.

B. Ambulance Fees

Fire Chief Michael Mansfield presented proposed ambulance fee increases stating there has not been an increase since 2004-2005. Currently, the Department charges 50% above the base charge by Medicaid/Medicare, however, Medicaid/Medicare has reduced their reimbursement to the Town by 80% as well as mileage reimbursement. He has conducted comparisons with other communities on fees charged and will provide the report to the Board. He is proposing an increase of 100% to cover the overhead costs of the Department to provide this service although many communities have gone to a 200% increase. He is also requesting that the Board consider an increase from \$75 to \$100 for non-transport fees stating that although the Department does not transport the resident to a medical facility they do respond to the call and provide assessment services. The Selectmen asked for a breakdown of the cost of an ambulance run as best possible.

As this is a first reading, the Selectmen will vote on this request at their next meeting.

Mary Carbone, 3 Cyr Circle, does not feel it is reasonable to charge residents for a service they are already paying for through taxes. Selectman Lyman said there is a provision for **hardship cases which is based upon an individual's ability to pay.**

C. 2010 Annual Town Meeting

The Board reviewed the following 2010 Annual Town Meeting warrant articles:

#P-42 – General Bylaw Amendment – Wetlands Protection Bylaw – Notices & Hearings

Conservation Director Robert Douglas explained that this is a housekeeping article for a **change in language for Article XIV, Section 6, Notice and Hearings, to add the words “or by certificates of mailing confirmed by the U.S. Postal Service”.**

Selectman Lyman motioned to recommend approval of warrant article #P-42 – General Bylaw Amendment – Wetlands Protection Bylaw – Notices & Hearings. The motion was seconded by Selectman Major and voted 3 – 0 to recommend approval.

#P-43 – General Bylaw Amendment – Wetlands Protection Bylaw – Consultant Fees

Conservation Director Robert Douglas said currently there is no ability to charge for a Peer Review to look at plans and review for accuracy. Massachusetts has passed a law for Peer Reviews and this article will allow the Conservation Commission to charge a fee for consultants. Fee limits are built into the system and with a dollar cap at \$5,000 which is the extreme. A charge considered not reasonable could be appealed to the Selectmen.

Chairman Vispoli asked Mr. Douglas to report back with a definitive fee schedule.

Selectman Lyman motioned to recommend approval of #P-43 General Bylaw Amendment – Wetlands Protection Bylaw – Consultant Fees. The motion was seconded by Selectman Major and voted 2-1 to approve.

D. MGL Chapter 268A Exemption

The Board voted to waive the appearance of a conflict of interest for Nixon Peabody, LLP and Attorney Donald Cooper, Chairman of the Conservation Commission.

Pursuant to MGL Chapter 268, Section 20 and other applicable sections of Chapter 28A, and on a motion by Selectman Lyman with a second by Selectman Major, it was voted 3-0 to approve the proposal as follows:

- (1) Attorney Donald Cooper of the law firm of Nixon Peabody, LLP is the Chairman of the Andover Conservation Commission;
- (2) Attorney Robert Coughlin of the firm of Nixon Peabody, LLP is representing U.S. Bank as Escrow Agent in connection with the Town of **Andover's upcoming municipal bond refunding;**
- (3) Donald Cooper will have no involvement with regard to said bond refunding;
- (4) **Attorney Coughlin's duties** in connection with refunding are limited to his review and comment on the Escrow Agreement on behalf of the bank to **ensure the Agreement meets the bank's requirements;**
- (5) **After Attorney Coughlin's review, the U.S. Bank as Escrow Agent, will** apply the funds it holds toward the refunding of one or more series of the **Town's outstanding bonds and THEREFORE;**
- (6) The Board hereby waives any appearance of a conflict of interest by having Nixon Peabody, LLP represent U.S. Bank in connection with the refunding escrow;
- (7) The Board hereby approves an exemption for Attorney Donald Cooper from General Laws Chapter 268A, Section 20 relating to the foregoing.

VI. Adjournment

On a motion by Selectman Lyman, and a second by Selectman Major it was voted 3-0 to adjourn the Regular Meeting of the Board of Selectmen at 7:04 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder