

BOARD OF SELECTMEN – APRIL 5, 2010

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I. Call to Order/Roll Call

Chairman Alex Vispoli called the Regular Meeting to order at 7:00 P.M. in the **Selectmen's conference room at the Town Offices. Present were: Chairman Vispoli and** Selectmen Ted Teichert, Gerald Stabile, Jr. and Mary Lyman. Selectman Brian Major arrived at 7:07 P.M. Also present was Town Manager Reginald S. Stapczynski. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Chairman Vispoli led the members in a Moment of Silence followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- A Budget Forum sponsored by the League of Women Voters and the Service Club of Andover will be held on Wednesday, April 7<sup>th</sup> at 7:30 P.M. in Memorial Hall at the Memorial Hall Library.
- Notification has been received from the State that they will reimburse the cities and towns who held a United States Senate Special Election in January – Andover will receive \$30,000.
- The Conservation Commission has received notification that their Open Space and Recreation Plan has been approved by the State. He said this is excellent news as it puts the Town in a good position when applying for grants, etc.
- Reminded residents **to complete and mail in their Federal Census as it's** important information not only for the Town but all Merrimack Valley cities and towns **so we don't lose anything.**

Selectman Teichert thanked the Fire Chief and Police Chief for their support following the recent loss of an Andover Firefighter. He said they had done a nice job supporting the staff and family and it was most appreciated by all.

Selectman Stabile said the Andover Historical Society will honor Joanne Marden and Al Retelle with their Heritage Award at a ceremony on May 20<sup>th</sup> at the Andover Country Club from 6:00 P.M. to 8:00 P.M. and offered his congratulations to these two worthy honorees.

Selectman Lyman reported that the Council on Aging will meet on Thursday, April 8<sup>th</sup> at 8:00 A.M. followed by the TRIAD Council meeting at 9:30 A.M. – both meetings will be held in the Senior Center. She also announced that a concert sponsored by the Ballardvale United Church will be held in the Old Town Hall on Saturday, April 10<sup>th</sup> at 7:00 P.M.

III. Communications/Announcements/Liaison Reports (Cont.)

Chairman Vispoli announced that the Annual Andover Spelling Bee sponsored by the Andover Fund for Education will be held on Friday, April 9<sup>th</sup> at 7:00 P.M. at the West Middle School. He also reported that the Team 470 group met last Saturday to lay out a Budget plan for Town Meeting. He said a lot of work is going on and future meetings will

be held in the upcoming weeks leading up to Town Meeting.

IV. Citizens Petitions and Presentations

None this evening.

V. Regular Business of the Board

A. Temporary Sign Request

Ellen Keller, Vice President of Commercial Real Estate at Ozzy Properties, Inc. appeared before the Board to discuss their application for the placement of a temporary sign on the existing Dundee Park monument signage at the main entrance to the property on Essex Street which is located on Town property. She said the purpose of the sign is to advertise space for lease. She noted that two years ago they did an upgrade to the entrance through their license with the Town and are committed to maintaining the area. She said they have unprecedented vacancies in the building and need to do more to advertise that space is available for lease.

The Town Manager provided background information on the request. He said in 1997 the Town granted Ozzy Properties a license to construct and maintain the monument signage at the entrance of Dundee Park located on Town property. There is no liability to the Town as outlined in the license. He said the present request is allowed by right in the Zoning Bylaw under temporary signs and has been reviewed and approved by the Design Review Board and Inspector of Buildings.

Ms. Keller and the Town Manager said this was an unusual situation because the signage is located on Town property, however, is regulated through the license the two parties have with an easement from the Town to enter the property.

The Board engaged in a discussion regarding other options that might be available for advertising, the precedence this may set for other businesses or properties in Town, how long the sign would be needed and whether this request was changing the intent of the original license.

A motion was made by Selectman Major, seconded by Selectman Teichert, to hold on the request until appropriate follow-up can be received from Town Counsel and the Town Manager on how other communities have handled such requests, **what's allowed and not allowed, come up with the** appropriate structure to have future control and liability over the signage and to report back to the Board no later than May 31<sup>st</sup>. The vote was 5 – 0 to approve.

V. Regular Business of the Board (Cont.)

B. Ballardvale Fire Station Building Committee Update

Daniel Casper, Chairman of the Ballardvale Fire Station Building Committee, appeared before the Board and provided **an update on the Committee's progress**. He reported they applied for a Federal Homeland Security Grant but have not yet received word on their application. He said only one Massachusetts community has received funds to date.

He said the Committee has been working on five re-location sites in Ballardvale and they are now ready to proceed with conducting a traffic study in the Woburn Street/Andover Street area. The cost of the study will be taken from the funds

appropriated at the 2008 Annual Town Meeting. Only one study will be necessary as the sites are in close proximity to one another.

Both Mr. Casper and Fire Chief Michael Mansfield commended the work being done by the talented Committee members, they are doing due diligence in addressing all of the questions and it has been a smooth process to date. Chief Mansfield said each step will make the project shovel ready particularly for other money that may become available in the future.

The Board inquired whether the new station could be housed at the proposed Town Yard site and both Mr. Casper and Chief Mansfield said they had looked at the site with that in mind, however, the geographic location is outside of the radius that is feasible and would have a negative impact on response times.

The Board also inquired whether the Planning Director has looked at the re-use of the present Fire Station site and the Town Manager said he has not.

The Board thanked Mr. Casper and Chief Mansfield for their presentation and the work being done by the Committee.

C. 2010 Annual Town Meeting

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

#5 – FY-2011 Capital Projects Fund Appropriation – Continue to hold

#6 – Budget Transfers – Continue to hold

#7 – Supplemental Budget Appropriations – Continue to hold

#9 – Unexpended Appropriations – Continue to hold

#10G – Rescinding of Bond Authorizations – Continue to hold

#12 – Unpaid Bills – Continue to hold

V. Regular Business of the Board (Cont.)

C. 2010 Annual Town Meeting (Cont.)

#28 – Town Yard Land/Building Acquisition with Debt Exemption

#29 – Town Yard Land/Building Acquisition

Planning Board Chairman Paul Salafia appeared before the Board to discuss the deteriorated condition of the present Town Yard and the merits of the acquisition of the Brockway Smith property at 146 Dascomb Road for a new Town Yard facility.

He said when the present 3-acre Town Yard facility was built 45 years ago its needs were different and the present building is in dire need of replacement. It continues to deteriorate each year, is in worse shape than originally thought and has safety issues. The Town Yard is too small to expand and the land is more valuable to the Town now in another use. The Town Yard Task Force was formulated in 2007 to look at solving the problem. After careful consideration, they feel the present proposal to re-locate the facilities at the Brockway Smith facility on Dascomb Road is the ideal site. It is not in a neighborhood, has

potential for growth, proximity to the highway and rental possibilities. He reported that the Planning Board voted unanimously to recommend approval of the articles submitted for consideration at the Annual Town Meeting. He said the Planning Board feels it is a tremendous opportunity for the Town that makes good business and planning sense.

The Board discussed various ways to disseminate information to the residents regarding the proposal with just a few weeks before Town Meeting. It was noted that the present site has been re-examined for a long time and residents need assurances about the benefits and possibilities that the proposed re-location site will offer to the Town.

The Board agreed to continue to hold on their recommendation of these two articles.

#55 – Conservation Acquisition Fund

Conservation Commission Chairman Donald Cooper, Commission members Alix Driscoll, Howard Kassler, Alan French and Director of Conservation Robert Douglas appeared before the Board to discuss warrant article #55 – Conservation Acquisition Fund. Mr. Cooper reported that he has been in negotiations with the landowner but was not in a position to share details of the negotiations in Open Session and would prefer to discuss them in Executive Session. He said the amount of \$480,000 in the article would not change and it is the same property **as requested in last year’s warrant article. He further stated that all of the details** will be revealed before or at Town Meeting for a vote by the residents.

The Board agreed to enter into Executive Session at the conclusion of their meeting to discuss the proposed acquisition.

VI. Consent Agenda

A. Appointments and Re-appointments

A motion was made by Selectman Teichert, seconded by Selectman Major, to approve the following temporary appointment recommended by the Town Manager. The motion was voted 5 – 0 to approve.

DEPARTMENT	POSITION	RATE	EFF. DATE
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TOWN CLERK

Randall L. Hanson	Acting Town Clerk – Temp.	M-1	4/7/10 – 6/30/10
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B. Block Party

A motion was made by Selectman Lyman, seconded by Selectman Stabile, to approve the request from Kate McHugh, 11 Wolcott Avenue, for permission to block off her street on Saturday, June 12, 2010 from 4:00 P.M. to 8:00 P.M. for their 32<sup>nd</sup> annual block party. It was noted that arrangements have been reviewed and approved with conditions by the Police Department. The vote was 5 – 0 to approve.

C. Secondhand Dealer License Renewals

A motion was made by Selectman Stabile, seconded by Selectman Lyman, to approve the following list of Secondhand Dealer license renewals for 2010 as presented by Acting Town Clerk Kathleen McKenna:

- Bell-Time Clocks, 53 Poor Street
- Nazarian Jewelers, 35 Main Street
- LVP, Inc., d/b/a Optech, 166 North Main Street

It was noted that the license applications have been reviewed and approved by the Police Department and Acting Town Clerk and are subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The vote was 5 – 0 to approve.

D. Storage of Inflammables Annual Registrations

A motion was made by Selectman Major, seconded by Selectman Lyman, to approve the attached list of Storage of Inflammable license holders who have submitted their Certificates of Registration for 2010 as presented by Acting Town Clerk Kathleen McKenna. It was noted that the registrations have been reviewed and approved by Fire Rescue and the Acting Town Clerk and are subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The vote was 5 – 0 to approve.

VI. Consent Agenda (Cont.)

E. One-Day Beer & Wine License

A motion was made by Selectman Teichert, seconded by Selectman Lyman, to approve the request of Amy Finegold, 42 Stirling Street, Andover, on behalf of Dresscode, Two Elm Square, Andover, for a one-day beer & wine license for use on Thursday, April 8, 2010 from 6:00 P.M. to 8:00 P.M. for an anniversary celebration at Dresscode, Two Elm Square, Andover. It was noted that the application has been reviewed and approved by the Acting Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The vote was 5 – 0 to approve.

VII. Approval of Minutes from Previous Meetings

A. A motion was made by Selectman Teichert, seconded by Selectman Major, to approve the March 15, 2010 Regular Meeting minutes as written. The vote was 5 – 0 to approve.

B. A motion was made by Selectman Teichert, seconded by Selectman Major, to approve the March 17, 2010 Joint Meeting minutes as written. The vote was 5 – 0 to approve.

VIII. Executive Session

A motion was made by Selectman Lyman, seconded by Selectman Major, to enter into Executive Session at 8:15 P.M. to discuss land/building acquisition and health insurance and to return to Open Session at the conclusion of the Executive Session. The vote: Chairman Vispoli – Y and Selectmen Lyman – Y, Major – Y, Stabile – Y and Teichert – Y.

A motion was made and duly seconded to adjourn the Executive Session at 9:48 P.M.

and to return to Open Session.

A motion was made by Selectman Teichert, seconded by Selectman Major, to recommend approval of warrant article #55 – Conservation Land Acquisition Fund in the amount of \$480,000. The vote was 5 – 0 to approve.

IX. Adjournment

A motion was duly made and seconded to adjourn the meeting. The vote was 5 – 0 to approve. The meeting adjourned at 10:00 P.M.

Respectfully submitted,

Sandra A. Cassano, Recording Secretary