

## BOARD OF SELECTMEN – JUNE 7, 2010

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

Chairman Gerald Stabile, Jr. called the Regular Meeting of the Board of Selectmen to order at 7:00 P.M. **in the Selectmen's Conference Room at the Town Offices.** Present were: Chairman Stabile, Selectman Mary Lyman, Selectman Ted Teichert, Selectman Brian Major and Selectman Alex Vispoli. Also present: Town Manager Buzz Stapczynski. The meeting was duly posted and cable-cast live.

### **II. Opening Ceremonies**

Chairman Stabile asked for a Moment of Silence in memory of Stella Koravos, former **owner of Ford's Coffee Shop,** followed by the Pledge of Allegiance.

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

The Town Manger reported the following:

~A small microburst was experienced in Town on Saturday and 20-24 Town trees were downed with an equal number of private trees. Town workers continue to clean up the debris from the storm and service is being restored to areas where electricity was lost.

~The Andover Chamber of Commerce honored retired Town Clerk Randy Hanson and Superintendent Dr. Claudia Bach at their annual Community Service Awards Breakfast last week.

~Congratulations to Town Accountant Rod Smith and his staff on receiving the CAFR (Comprehensive Annual Financial Report) Certificate of Achievement for Excellence in **Financial Reporting for the Town's FY-2009 CAFR** which is a national award from the Government Finance Officers Association.

~Congratulations to the Plant and Facilities Department who were recognized by the Arbor Day Foundation on receiving the Tree City USA Award.

~Andover is one of 35 communities to receive the Green Community Designation which automatically awarded the Town with a grant in the amount of \$160,000 to be used to change lighting fixtures in both the Town and School Departments.

~Congratulations to the AHS 2010 Graduating Class who graduate tonight followed by the Senior Safari at the Collins Field House.

~On Tuesday, June 8<sup>th</sup>, the Planning Boards from Andover, Tewksbury and Wilmington will meet at the Wilmington Town Hall to discuss the Form-based Code for the I-93 Inter-change.

~The Shawsheen River Restoration Committee will meet on Wednesday, June 9<sup>th</sup> at 7:00 PM at Memorial Hall Library.

~The continuation of the Public Hearing about the removal of trees on River Street will be held **at the next Board of Selectmen's meeting on Monday, June 21<sup>st</sup>.**

~A welcome reception for the members of the Andover, England Twinning Association will be held at Memorial Hall Library on June 22<sup>nd</sup> followed by a dinner dance on June 24<sup>th</sup>. Board members should contact Sandy Cassano if they plan to attend the events.

Selectman Teichert reported that the DCS Summer Booklet has been sent out and residents can sign up for classes on-line. A tribute to Jerry Silverman is located on the back cover along with a schedule of events for the Fourth of July. Early-bird passes for **Pomp's Pond are available from DCS until June 22<sup>nd</sup>**. He also announced the School Building Committee will meet on Wednesday, June 9<sup>th</sup> at 8:00 A.M. and again at 6:00 P.M. at West Middle School to discuss the design phase of the project. In closing, Selectman Teichert congratulated AHS Track Coach Peter Comeau and the AHS Track Team on winning the State Championship on Saturday.

Selectman Vispoli announced that the IT consultants will make a report on their findings of the Town and School IT functions on Thursday, June 10<sup>th</sup> at the Public Safety Center at 7:00 P.M. The presentation is open to the public and he encouraged everyone to attend. He also reported on the I-93 meeting held last week with the Federal Highway Committee who reviewed the requirements for access roads on both sides of I-93. Information on the Form-based Code meeting held last week can be found on the Town's website. He also announced that the Audit Committee will meet to decide on the firm for the next audit and lastly, he congratulated the members of the DPW on the very successful Electronics Disposal Day held on Saturday.

Selectman Lyman said the Council on Aging will meet on Thursday, June 10<sup>th</sup> at 8:00 A.M. at the Senior Center followed by the TRIAD Council meeting at 9:30 A.M. She recognized and thanked Randy Pickersgill for replacing the plantings on South Main Street. She also announced that the Rotary Club will hold their Citizens and Educator of the Year Reception on Thursday, June 10<sup>th</sup> at the Wyndam Hotel.

Selectman Major recognized Bill Fahey, Director of Youth Services, and his team who were instrumental in the success of the High School and Middle School Track program and for including kids from Lawrence in the pizza party celebration after the event. Selectman Major congratulated Town Manager Buzz Stapczynski on his 20<sup>th</sup> year as Town Manager, the longest tenure for any Town Manager to date.

Chairman Stabile reported the Town Yard Task Force will hold a joint meeting on June 16<sup>th</sup> at 7:00 P.M. at which time the two boards will discuss the next steps on moving forward with the Town Yard Project. He also reported on **accepting the "Opening Doors to Affordable Housing in Andover" Award at the Andover Community Trust Awards Ceremony**.

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

John Pasquale, 47B Whittier Street, shared his concerns about the future closing of the bridge on Main Street which is scheduled for repairs. He asked if a response for alternate plans had been received from the State. The Town Manager said they will be discussing alternative plans with the State and the MBTA to keep the bridge open by constructing a temporary bridge over the span. A public hearing will be held in September with bids going out in 2011. Construction is slated to begin in late 2011 and run through 2012 and 2013 taking two construction seasons to complete. Mr. Pasquale also brought to attention the deterioration of the Horn Bridge as well as the railroad bridge on Burnham Road. He also suggested assigning Youth Services the task of cleaning and painting the benches in Town.

Mary Carbone, 3 Cyr Circle, said she has an issue with the time factor of the 2010 Town Meeting and feels it was not correctly handled. She also stated that the \$160,000 grant

for receiving the Green Community designation could be used for turning the street lights back on.

Robert Douglas, Conservation Director, appeared to seek support for Senate Bill 2257 limiting damage of conservation areas from off-road vehicles. Carol O'Malley, a volunteer in the Conservation Division who accompanied Mr. Douglas, explained the request and described the destruction caused to trails and natural habitats around town. The bill seeks to significantly raise fines for illegally using the vehicles and registration of said vehicles. There is a by-law in effect that prohibits the vehicles from Town property and they will send the Board a copy of the Senate bill highlighting important changes for them to consider and support.

Acting Town Clerk Randy Hanson reported on the status of the Open Meeting Law and is requesting the Board authorize the Town Manager to write a letter to our legislative contingency requesting the start date of the new requirements take place in November rather than July 1<sup>st</sup>.

Selectman Major motioned for the Board of Selectmen to authorize the Chairman to sign a letter in support of extending a future date for the new requirements to be determined after the regulations are established. The motion was seconded by Selectman Lyman and unanimously approved.

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

### **A. Street Acceptances and Order of Taking**

The Board to voted to accept and sign the Deeds and Easements related to the acceptance of Woodman Ridge Road and Cassimere Street as public ways and the Order of Taking for a portion of Cassimere Street as a public way as authorized by the vote at the 2010 Annual Town Meeting.

Selectman Vispoli motioned that the Board of Selectmen accept the following documents related to the acceptance of Woodman Ridge Road as a public way, as authorized by vote upon Article 45 of the 2010 Annual Town Meeting:

1. Deed from Raymond Cooke and Robert Murphy, Trustees of Shawsheen Woods Realty Trust, to the fee in Wood Ridge Road, dated March 9, 2010; and
2. Easement from Raymond Cooke and Robert Murphy, Trustees of Shawsheen Woods Realty Trust, dated March 9, 2010.

The motion was seconded by Selectman Teichert, and unanimously approved.

Selectman Vispoli motioned that the Board of Selectmen accept the Order of Taking for a portion of Cassimere Street as a public way, as authorized by vote upon Article 44 of the 2010 Annual Town Meeting, and to accept the following documents related to the acceptance of Cassimere Street as a public way, as authorized by vote upon Article 45 of the 2010 Annual Town Meeting as follows:

1. Quitclaim Deed to the fee in Cassimere Street dated March 11, 2010 from Kevin **O'Brien, Trustee of the Cassimere Street Nominee Trust**; and
2. Quitclaim Deed to Utility, Access and Drainage Easements dated March 11, 2010 from **Kevin O'Brien, Trustee of the Cassimere Street Nominee Trust**.

The motion was seconded by Selectman Lyman, and unanimously approved.

B. Lincoln Woods Conservation Restriction

The Board discussed the amendment to the existing Lincoln Woods Condominium Conservation Restriction to add the Phase II Open Space with Bob Douglas, Conservation Director, who reported that the Commission had considerable discussion on the nature of the Restriction which did not provide public access and did not pass approval by the Conservation Commission.

Selectman Major recommended the Board table voting on the amendment until it has been approved by the State. The motion was seconded by Selectman Vispoli and unanimously approved to hold.

C. Investment Policy

Collector/Treasurer David Reilly gave a presentation on the **Town's Investment** Policy and distributed copies of the guidelines which are based on State law and outline the length and types of investments used to place the General and Trust Funds of the Town. He reported that the Audit Committee has approved the Investment Policy.

Mr. Pasquale, 47B Whittier Street, asked what the Town is investing in and at what **percentage rate**. **Mr. Reilly explained that investments are made in CD's, money market accounts and some government agencies, most of which receive less than 1% interest.**

D. Short-Term Borrowing

Collector/Treasurer David Reilly explained the request for Short-term borrowing for Warrant Article #44 – the landfill closure – in the amount of \$300,000. If not borrowed, the funds would have to be taken out of Free Cash.

Selectman Teichert motioned to approve the bid on \$300,000 of BANS dated June 15, 2010 and due February 25, 2011 be awarded to the low bidder of Century Bank at .5% interest for the following project: Article 44, 1999 Landfill Closure in the amount of \$300,000. The motion was seconded by Selectman Major and unanimously approved.

Mary Carbone, 3 Cyr Circle, asked what the amount of the short-term borrowing request was this past February. Mr. Reilly said the amount was \$4.8 million.

E. Solid Waste/Recycling Policy – Multi-Family Units

The Town Manager framed the discussion relating to the history of trash pickup for complexes of five units or less and how the contract documents were changed to six units for trash pickup with the same pattern going into effect for recycling in 1990. The contractor has brought to the **Town's** attention that recycling pickup at complexes of more than six units is not included in the current contract and they want to be compensated for the extra pickups. Letters were sent to residents by the DPW notifying them that this practice would cease as of July 1, 2010. DPW Director Jack Petkus and Business Manager Sandra Gerraughty shared information compiled from the research they have conducted. The cost to continue with pickup of trash/recycling at these units is estimated to be in the vicinity of \$15,000. It was suggested that complexes of more than six units purchase totes instead of individual blue bins and that the DPW look at the Master Condo documents for recycling and trash pickup, determine the number of complexes/residents in question and the cost for trash/recycling pickup. Selectman Lyman suggested they look at removing pickup at some of the private schools located in

Town as well.

Selectman Major summarized the discussion and suggested the following: 1) determine **what the Town's** legal obligation is; 2) decide if the Board wants to expand service opportunities and, if they do, what is the exposure; 3) gather the data listing every condo in Town and their number of units; 4) determine the approximate cost to the Town (picking up on a container basis – blue bin or toter) and 5) have a clearer discussion once the data is available.

DPW Business Manager Sandy Gerraughty will gather the data for the Board and contact the contractor to extend the current contract in the meantime. She will have most of the information available for the next Board meeting but stated research of all the condominium documents will take longer. Many residents of condominium units affected were in attendance and expressed their displeasure about the change in trash/recycling pickup for several reasons – they are taxpayers, they recycle, it would be an added expense, for some, **there isn't room** in their complex to accommodate **dumpsters and they don't have the space to store toters.**

Chairman Stabile reiterated that services will remain as is until a solution that addresses the issues at hand are resolved. An update will be provided at the June 21<sup>st</sup> meeting.

F. Plumbing, Gas & Sewer Inspector's Position

The Town Manager explained the plan to fill the vacancy of the Plumbing, Gas & Sewer Inspector. He stated that the proposal will initially be posted for 25 hours and should the workload increase over time, the position will be increased to 36.5 hours. They will remove the stipend and job requirement for Sealer of Weights and Measures and have the State handle this function. Selectman Vispoli said he spoke to seven communities who are interested in using our services but have made no commitment to date. The Board agreed with the proposal put forth by the Town Manager.

G. 2011 Annual Town Election and Meeting Calendar

On a motion by Selectman Vispoli with a second by Selectman Lyman, the Board unanimously voted to approve the 2011 Annual Town Election and Meeting Calendar as **presented by the Town Clerk's Office.**

The State Primary will be held on Tuesday, September 14<sup>th</sup> with voting taking place at the Collins Field House and at the Senior Center, with the State Election being held on Tuesday, November 2<sup>nd</sup>.

**VI. Consent Agenda**

A. Change of Manager

Selectman Teichert motioned to approve the request of Lisa Bebo, 50 School Street, Merrimac, MA, for a Change of Manager on the All-Alcoholic Restaurant license held by The Park Street Pub, 40 Park Street, Andover, from Richard Pruneau to Lisa Bebo.

The **request has been reviewed and approved by the Town Clerk's Office 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 Major and voted 5-0 to approve.

B. Common Victualler License

Selectman Major motioned to approve the request of Corporate Chefs, Inc., 22 Park Ridge Road, Haverhill, MA, for a Common Victualler license for use at 600 Federal

Street to be effective from June 7, 2010 to December 31, 2010. The request has been reviewed and approved by the Town Clerk's Office 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 unanimously approved.

C. Live Entertainment License

Selectman Lyman motioned to approve the request of Mia Munoz, Andover Mexican Restaurant, Inc., d/b/a Casa Blanca, 10-12 Main Street, Andover, for a live entertainment license for use at Casa Blanca to be effective from June 7, 2010 to December 31, 2010. **The request has been reviewed and approved by the Town Clerk's Office 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 Teichert and unanimously approved..

John Pasquale, 47B Whittier Street, asked about the hours that the music will be allowed. The hours of operation are Monday – Friday from 5:00 P.M. to 11:00 P.M.

D. Storage of Inflammables Annual Registrations

Selectman Vispoli motioned to approve the request for Certificates of Registration for the following Storage of Inflammable license holders for 2010:

1. Proctor & Gamble Company, d/b/a Proctor & Gamble Company, Off Lowell Junction Road.
2. Putnam Investments, Inc., Lincoln Andover LLC, d/b/a Putnam Investments, Inc., 7 Shattuck Road.

The registrations have been reviewed and approved by Fire Rescue and the **Town Clerk's** Office and are subject to the condition that all other requirements of the Town are met prior to the issuance of licenses. The motion was seconded by Selectman Teichert and voted 4-0-1 to approve. Selectman Major abstained.

E. Appointments and Re-appointments

On a motion by Selectman Major with a second by Selectman Lyman, it was unanimously voted to approve the appointments as listed in the agenda as recommended by the Town Manager.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>MEMORIAL HALL LIBRARY</u>			
Susan Katzenstein	Assistant Director (v. B. Mazin)	IE26-3	7/12/10
<u>POLICE DEPARTMENT</u>			
Eric C. Milligan	Patrolman (v. W. Wallace)	P500-3-1	6/13/10
Chad M. Cooper	Sergeant (v. R. Edson)	Q99-513-1-2	5/16/10
Lynne A. Connor	Matron – PT	\$18.00/hr.	5/17/10
<u>COMMUNITY SERVICES</u>			
Philinc F. Huizing	Program Instructor – PT	C2A	6/1/10
Paul E. Hunter	Lifeguard – PT	C2A	6/7/10
John Belanger	Lifeguard – PT	C2A	6/1/10

Michael P. Quinlan	Program Instructor – PT	C2A	6/14/10
Adam H. Kleger	Counselor – PT	C2A	6/7/10

COMMISSION ON DISABILITY

Stephen Surette – Term expires 6/30/11  
(v. J. Coppola, Sr.)

TRIAD COUNCIL

John L. Howard, Jr. – Term expires 6/30/12 (v. S. Karp)

Selectman Lyman recognized Justin Coppola, Sr. for his tremendous commitment and dedication given to the Town through his position on the Commission on Disability.

**VII. Approval of Minutes from Previous Meetings**

On a motion by Selectman Lyman with a second by Selectman Vispoli, it was unanimously voted to approve the regular meeting Minutes of May 17, 2010.

**VIII. Other**

The Town Manager asked the Board to sign Eagle Scout Certificates for Wilson Belbin and Andrew Noonan.

**IX. Adjournment**

At 9:02 P.M. Selectman Teichert motioned to adjourn the regular meeting of June 1, 2010. The motion was seconded by Selectman Major and unanimously approved.

Respectfully submitted,

Dee DeLorenzo  
Recorder