

BOARD OF SELECTMEN – AUGUST 9, 2010

I. Call to Order/Roll Call

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

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

Chairman Stabile and the members of the Board welcomed and introduced new Town Clerk Larry Murphy.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- ~ Department of Public Works Director Jack Petkus will be retiring at the end of the week and they will be advertising for an interim Director. With the recent retirement of Plant & Facilities Director Joe Piantedosi, the Town Manager said this is an opportune time to conduct a study on the consolidation of functions of the DPW and Plant & Facilities Departments.
- ~ Director of Planning Paul Materazzo has been in contact with the Merrimack Valley Transit Authority to rearrange Bus Route 21 to transport residents to the North Andover Shopping Plaza until Stop and Shop opens in the Fall.
- ~ Congresswoman Nikki Tsongas sent a letter to the Town Manager congratulating the Town on the high rate of Census returns.
- ~ Single stream recycling is now available – all items can go into one bin eliminating the need to separate recycling items.
- ~ In keeping with the new Open Meeting Law, all posting items can be found at the entrance of the handicap access at Town Hall. Saturday is no longer allowed as a posting date and agenda information should be received by 4:30 P.M. on Wednesdays prior to Monday meetings.

Selectman Major congratulated the cast and crew of the Summer Theatre for their outstanding performance of *Oliver* this past weekend. He also reported that the Town Yard Task Force toured the Brockway Smith property last week. New members of the Task Force include Finance Committee members Peggy Kruse and Steve Stapinski. A tour of the Plant and Facilities Operations led by Joe Piantedosi will be conducted on Thursday, August 12th at 3:00 P.M.

Selectman Major commented on the use of mutual aid provided to the Lawrence Fire Department. Selectman Major said he, the Town Manager and Chief Mansfield will meet with Lawrence Councilor Mark LaPlante to discuss how to reduce financial obligations for support provided. Selectman Lyman would like a report on the costs of support from Town Accountant Rod Smith.

Selectman Lyman said there are many vacancies available on Town boards and committees and encouraged residents to view and apply for openings on the Town website.

Selectman Vispoli recognized the Trail Committee on the well attended participation on National Trails Day.

Town Clerk Larry Murphy reported that the State Primary will be held on September 14th and voting will be held at the Senior Center and the Collins Field House at Andover High School.

IV. Citizens Petitions and Presentations

John Pasquale, 47B Whittier Street, questioned the lack of communication provided to the Town of North Reading when water was shut off without warning. He would like to see a written policy on the notification procedure. He is also inquired **about Andover's policy of EMT's relative to the new law reducing the number of EMT's and paramedics sent out on calls.**

V. Regular Business of the Board

A. Andover Community Trust (Continued from 7/26/10)

Representatives of the Andover Community Trust followed up on their previous presentation regarding its Local Initiative Program (LIP) application to build one permanently affordable single-family home at 13 Mary Lou Lane and distributed a copy of their letter sent to the Board of Selectman outlining their reasons for withdrawing their application for the project. Due to the inclusion of restriction language from the original deed included in the 2009 deed, and discovered without prejudice, they are withdrawing the application at this time. They hope that the Town acts upon the findings of the DPW relative to the drainage issues in question and thanked the Board for their support.

Chairman Stabile continued the discussion on the water issues relative to the Mary Lou Lane neighborhood. DPW Engineer Brian Moore showed a map of the area pointing out where tree roots are blocking pipes contributing to the overflow of water, outlets blocked by concrete rubble and catch basins narrowed by tar allowing debris to collect. The Department plans to replace the catch basins next year when the street is repaved which should relieve the water problem. The outlets were cleaned this week and they will be removing the tree roots located on Theodore Avenue later this week.

Peter Schott, Mary Lou Lane, maintains that residents have made several calls to the DPW about flooding over the past ten years and stressed the liability to the Town if building on the lot at 9 Mary Lou Lane is permitted. Kevin Burke, 10 Mary Lou Lane, shared the findings from the maps by the Army Corps of Engineers indicating another outlet behind Theodore Avenue which was diverted and flows towards Lowell Street. He questioned what would happen if the pond that existed on Mary Lou Lane close to the ACT site was filled in. Other residents spoke about their concerns and experiences with ground water issues and underground drainage.

Chairman Stabile closed out the discussion reiterating that the request to build on 9A Mary Lou Lane has been withdrawn and water issues in the area will be addressed by the DPW.

B. Notice of Intent to Convert Chapter 61A Land (Continued from 7/26/10)

Attorney Mark B. Johnson, representing the buyer of the land located at 208 Greenwood Road, spoke about the waiver being sought **of the Town's right of first refusal to purchase** the Chapter 61A land currently valued, assessed and taxed on the basis of its agricultural or horticultural use. The Town Manager said he spoke with all of the Town's Department Heads about any interest in using the land and stated that the Town Yard Task Force had

looked at the property as a location for the Town Yard but rejected the idea because it is in a residential setting. The Town Manager supports the release of first refusal.

Selectman Major motioned for the Board to sign the waiver for the Chapter 6A land located at 208 Greenwood Road. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

C. Bancroft Elementary School Building Project Update

School Building Committee Chairman Mark B. Johnson and Acting Plant & Facilities Director Joseph Piantedosi gave an updated presentation on the Bancroft Elementary School building project and timeline. The presentation included the Schematic Design Schedule, a review of the Schematic Site Plan showing easement areas they are hoping to obtain for overflow parking. They are requesting that Town Counsel work with the SBC in drawing up the easement documents. Mr. Piantedosi said it is important that the Board take a position soon on the dates for a Special Town Meeting for the Bancroft School. The Town Manager said the dates will be determined by the next meeting on August 23rd or the first week in September.

D. Swan Crossing III Condominium

Selectman Vispoli motioned for the Board to sign the amended Conservation Restriction for the Swan Crossing III Condominium which has been approved by Town Counsel and the Conservation Commission. The motion was seconded by Selectman Major and voted 4-0 to approve.

E. Preliminary FY-10 Year End Report

Town Accountant Rod Smith presented the FY-10 Preliminary Year End Report stating that the year-end close out went smoothly and the Free Cash Account is in good standing due to a surplus of revenues collected from one-time receipts going to the Reserve Fund balance. The Sewer Enterprise Revenue Fund closed out with a surplus of \$25,000, however, is still trying to determine the cause of the problems with the Water Enterprise Fund. Completion of the water meter switchovers will provide more efficient water readings. The Town Accountant will provide an updated report in a few months.

F. Board of Selectmen Posting Policy

Town Clerk Larry Murphy reviewed the existing Agenda Policy and provided documentation of the new language proposed for the new Policy.

Selectman Vispoli motioned to incorporate the amended changes to the Agenda Policy as provided by Town Clerk Larry Murphy. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

G. Placement of Personal Property on a Public Way

The Board agreed to hold on the request of Thomas Belhumeur, 8 – 10 Main Street (the Barnard Building), to place flowers and planters in front of businesses located at 8 – 10 **Main Street (Bruegger's Bagels, Kokee Flowers and Indra Salon)**. The request, which has been reviewed and approved by the Police Department, Inspector of Buildings and Design Review Board, will be discussed at the August 23, 2010 meeting.

H. Sales Tax Holiday

The Board discussed waiving the parking fees during the August 14th State-wide Sales Tax Holiday.

Selectman Vispoli motioned to waive the downtown parking fees on Saturday, August

14th, the State-wide Sales Tax Holiday. The motion was seconded by Selectman Stabile and voted 2-2 with Selectman Lyman and Major voting against the proposal. The motion failed and the parking restrictions will stand as is.

VI. Consent Agenda.

A. Block Party

Selectman Lyman motioned to approve the request of Chris Huntress, 17 Tewksbury Street, for permission to conduct the 9th Annual Ballardvale Block Party at the Ballardvale Playground on Sunday, September 12, 2010 from Noon to 5:00 P.M. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Vispoli, and voted 4-0 to approve.

B. Firefighter MDA Boot Drive

Selectman Vispoli motioned to approve the request of Firefighter Brian Wright, Andover Fire Rescue Muscular Dystrophy Association representative, for permission to conduct **the MDA “Fill the Boot” campaign on Main Street on Friday, September 24, 2010 and Saturday, September 25, 2010, from 8:00 A.M. to 5:00 P.M.** The request has been reviewed by the Police Department. They recommend approval of the solicitation of donations on Main Street on the sidewalk and the disapproval of approaching vehicles in the Elm Square intersection for safety reasons. The motion was seconded by Selectman [redacted] voted 4-0 to approve.

C. Appointments and Re-appointments

On a motion by Selectman Major with a second by Selectman Lyman, the Board voted 4-0 to approve the following appointments by the Town Manager as printed in the agenda.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Maria N. Tornatore	Playground Counselor – PT	C2A	8/2/10
John A. D’Ambrosio	Lifeguard – PT	C6A	8/3/10
Julie A. Kinscheck	Enrichment Instructor – PT	***	9/27/10
*** Varies w/program			
<u>YOUTH SERVICES</u>			
Scott Bowman	Counselor – PT	C3A	7/1/10
<u>MEMORIAL HALL LIBRARY</u>			
Yunan Gao	Chinese Collection Consultant – Temp. (v. R. Ren)	\$20.00/hr.	9/17/10
<u>CONSERVATION OVERSEERS – Terms to expire 6/30/13</u>			
Willow A. Cheeley – 171 High Street Property			
Stephen F. Gross – Bald Hill/Ward Hill Property			
Selectman Major motioned to approve the following re-appointment recommended by the Town Manager. The motion was seconded by Selectman Lyman and voted 4-0 to approve.			
<u>SPRING GROVE CEMETERY TRUSTEES – Term expires 6/30/13</u>			
Jennifer B. Smith			

VII. Approval of Minutes from Previous Meetings

On a motion by Selectman Lyman with a second by Selectman Major, it was voted 4-0 to approve the Regular Meeting Minutes of July 26, 2010 as presented.

VIII. Other Business

Chairman Stabile announced that he is resigning from the Board of Selectmen effective the end of this month due to his work schedule. He stated this was a difficult decision which he has wrestled with over the past several months.

Members of the Board and the Town Manager expressed their appreciation to Mr. Stabile for his leadership, commitment, passion and ability to move things forward. They especially appreciate his work on the Town Yard Task Force and health insurance changes.

Next Steps: As defined by the Town Charter, the Board can solicit residents who would be interested in filling the position until the next election in March.

Chairman Stabile opened the nomination to select a new Chairman to the Board of Selectmen.

On a motion by Selectman Major with a second by Selectman Lyman, it was voted 4-0 to nominate Selectman Vispoli as Chairman of the Board of Selectmen effective August 10, 2010.

IX. Adjournment

On a motion by Chairman Stabile with a second by Selectman Major, it was voted 4-0 to adjourn the Regular Meeting of the Board of Selectmen at 9:18 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder

Addendum to August 9, 2010 Minutes of the Regular Meeting of the Board of Selectmen

On September 3, 2010 at a Special Meeting, duly posted, of the Board of Selectmen in the **Selectmen's conference room at the Town Offices attended by Chairman Alex Vispoli**, Selectmen Mary Lyman, Ted Teichert and Brian Major, it was voted 4-0 to amend the minutes of August 9, 2010 to reflect the following:

Mary Carbone, 3 Cyr Circle, approached the podium to address the Board. She was not recognized by Chairman Stabile. Ms. Carbone repeatedly asked to be recognized. Chairman Stabile, after explaining Board meeting protocol, informed Ms. Carbone that he would not recognize her and, if she continued, he would have her removed from the meeting. Ms. Carbone was persistent with her request to be recognized. Chairman Stabile asked that she be removed from the meeting. Ms. Carbone was escorted from the meeting by the Andover Police.