

BOARD OF SELECTMEN – AUGUST 23, 2010

I. Call to Order/Roll Call

Chairman Alex Vispoli called the Regular Meeting of the Board of Selectmen to order at 7:01 P.M. **in the Selectmen's Conference Room at the Town Offices.** Present at the Regular Meeting: Chairman Vispoli, Selectman Mary Lyman, Selectman Ted Teichert and Selectman Brian Major. Also present: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Alex Vispoli called the Board of Selectman meeting to order at 6:15 P.M. in the **Board of Selectman's Conference Room in the Town Offices.** **Present were: Chairman** Vispoli, Selectman Mary Lyman, Selectman Brian Major, Selectman Jerry Stabile, Jr. and Selectman Ted Teichert. On a motion by Selectman Teichert with a second by Selectman Lyman, it was unanimously voted to enter into Executive Session to discuss negotiations strategy with non-union personnel and to return to Open Session. Roll call vote: Selectmen Lyman – Y, Teichert – Y, Vispoli – Y, Stabile – Y and Major – Y. On a motion duly made and recorded it was voted to adjourn the Executive Session and to return to Open Session at 6:55 P.M.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- ~ The September 11th Ceremonies will be held on Friday, September 10th at 8:30 A.M. in front of the Town Offices.
- ~ With the retirement of Department of Public Works Director Jack Petkus, Assistant Town Manager Steve Bucuzzo will act as DPW Director until an interim replacement is established.
- ~ Residents are asked to continue the water conservation efforts particularly for irrigation. As a member of Greenscapes, Andover residents can contact them on information for conserving water.

In response to Selectman Major's request for an update on the turning off of North Reading water, the Town Manager responded that it was communicated to North Reading that the Town was monitoring two shut-off tanks which were not shut-off but the water flow was reduced. At the time, Andover was experiencing a demand problem – not a supply problem – and they could not keep up with the pumping. A follow-up meeting has been arranged with North Reading to review issues raised.

Town Clerk Larry Murphy reported that the State Primary will be held on September 14th with Precincts 1, 7, and 8 voting at the Senior Center. All other precincts will vote at the Collins Field House. Town and School employees are asked to park away from the voting areas. School will be in session that day but there will be dedicated parking at the Field House for voters. With eleven residents on the primary ballot, they are anticipating a large turn-out. The deadline to register to vote or to change your party affiliation is Wednesday, August 25th. **The Town Clerk's Office will remain open until 8:00 PM to accommodate residents.**

Selectman Lyman announced that TAVAH is sponsoring a dance on September 12th at the Old Town Hall. She also suggested the Board consider moving their meeting dates to

Wednesday due to posting deadlines under the new Open Meeting Law.

Selectman Major reported on the mutual aid being provided by Andover Fire Rescue to the City of Lawrence. He reported that two meetings have been held with Lawrence and other surrounding communities who are providing mutual aid, to outline issues and potential resolutions. Further discussion is needed to determine how the Town can collectively solve this problem. Providing mutual aid to Lawrence has cost Andover financially and is overtaxing the equipment and manpower of the Andover Fire Department.

Selectman Teichert said the School Building Committee will meet on Wednesday, August 25th **at 6:00 P.M. in the Board of Selectmen's Meeting Room.**

Chairman Vispoli discussed the requirements of the Open Meeting Law and alternatives to the posting agenda board located at Town Offices. He asked if a video board at the Public Safety Center would meet the Open Meeting Law requirements. The Town Clerk said they are looking at different options – an all-weather board or an electronic posting board. For now, an all weather board will be installed in front of Town Offices.

V. Citizens Petitions and Presentations

John Pasquale, 47B Whittier Street, asked the Board to give special recognition to Youth Services Director Bill Fahey and the members of the Green Team for painting the benches and barrels at the Wood Memorial, the Senior Center, and the Town Offices. He also asked what the cost would be to provide mutual aid to Lawrence. *To date, there have been 7 runs in three weeks at a cost in overtime of \$5,100.*

Mary Carbone, 3 Cyr Circle, addressed the Board regarding the situation concerning herself and stated that at no time was she ever disrespectful to the Board of Selectmen when speaking at their meetings.

VI. Regular Business of the Board

A. Board of Health Discussion

The Board discussed issues relating to reported sanitary/health violations at a condominium unit located at Abbot Pond. Present for the discussion were Public Health Director Thomas Carbone, Town Counsel Thomas Urbelis and representatives from the Abbot Pond Condominium Association. The Board of Health is requesting that the Selectmen enforce their request for a right of inspection of the unit which they consider to be in violation of the Massachusetts Sanitary Code. The Board asked Town Counsel to explain what provisions are provided in the condominium association by-laws that could be enforced by their association prior to the Board taking legal action.

Emily Evans, an abutter to the property, said the Board of Health sent a letter to the owner of the unit two years ago spelling out issues of concern, outlining orders to take action and allow for an inspection, then there was no follow-up by the Town. Two years later, Andover still has not taken any action.

Selectman Teichert motioned for the Town to file legal action as required. There was no second to the motion, the motion did not carry.

Selectman Major said more discussion is required and more evidence needed that the condominium association has done its due diligence. No action was taken by the Board.

B. Temporary Directional Signs

Selectman Major motioned to approve, as per Article VIII, Section 5.2.7.1.g. of the Zoning By-law, the request of Dorcas Dee Santiago, on behalf of Church of Christ, 7 Center Street, Methuen, who is applying to place seven temporary directional signs at the following locations:

- Intersection of River Road and Shattuck Road;
- Intersection of River Road and Federal Street;
- Intersection of River Road and North Street;
- Intersection of North Street and Chandler Road;
- Intersection of Chandler Road and Beacon Street;
- Intersection of Lowell Street, Beacon Street and Shawsheen Road; and
- Entrance to Andover High School

from August 26, 2010 through August 30, 2010 for their Church Convention to be held at the Collins Center, Shawsheen Road. The request has been reviewed and approved by the Inspector of Buildings and the Police Department. The motion was seconded by Selectman Lyman and voted 4-0 to approve with the condition that the signs are removed by Monday, August 30th by the requestor.

C. Placement of Personal Property on a Public Way

Selectman Teichert motioned to approve 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**). The request has been reviewed and approved by the Police Department, Inspector of Buildings and Design Review Board. The motion was seconded by Selectman Lyman voted 4-0 and approved.

The Board agreed to hold on the request for Indra Salon until the owners present a design that the Design Review Board approves.

D. Revolving Account

Public Health Director Thomas Carbone, Dept of Community Development, said they are requesting an increase in the revolving account due to the increased number of peer reviews required for projects in both the Planning and Conservation Divisions.

Selectman Lyman motioned to approve the request of Town Accountant Rodney Smith for an increase in the spending limit of the Community Development & Planning Revolving Account from \$110,000.00 to \$135,000.00. The motion was seconded by Selectman Major and voted 4-0 to approve.

E. Special Town Meeting and Election

The Town Manager explained the schedules and timelines for Bancroft School to obtain approvals necessitating a Special Town Meeting and a debt exclusion vote. The Board talked about the possibility of including the vote for the Town Yard Task Force if they are ready. The Town Manager said the Warrant would open on September 20th and close on October 22, 2010.

Selectman Major motioned to approve the Special Town Meeting and Special Town Election calendar as presented. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

F. Filling the Vacancy on the Board

The Board discussed the various options to be considered for **filling the Board's vacancy** left by Selectman Jerry Stabile, Jr. Options include filling the position until the March

Election or leaving the position open resulting in a four-member Board. The Board is concerned that having four members could result in attendance problems due to work schedules. Should they fill the position, it should be someone with experience. Selectman Lyman suggested they streamline the process of selection and offered to develop a questionnaire for candidates to complete. It was agreed that Selectman Teichert and Selectman Lyman would develop a questionnaire for candidates, the Board will vote on the questionnaire when they meet on August 31st and it will be made available to candidates to complete and return. At the September 13th meeting, the Board will review questionnaires and letters of interest received and choose a fifth member.

Selectman Teichert motioned that the Board appoint a qualified interim Board member to fill the vacant Board position. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

VII. Consent Agenda

A. Change of Manager

Selectman Major motioned to approve the request of The Lanam Club, Inc., 260 North Main Street, Andover, for a Change of Manager on their All-Alcoholic Beverage Club License. The new Manager will be Ronald Hancock, Jr. 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 voted 4-0 to approve.

Selectman Lyman inquired about TIPS training of employees and Mr. Hancock said all employees have been recertified.

B. One-Day All-Alcoholic Beverage License

Selectman Teichert motioned to approve the request of Brian Lynch, on behalf of Sts. Constantine & Helen Greek Orthodox Church, 71 Chandler Road, Andover, for three one-day all-alcoholic beverage licenses for the Greek Festival at the Church on the following dates and times: Friday, September 10, 2010 from 5:00 P.M. to 10:00 P.M.; Saturday, September 11, 2010 from 11:00 A.M. to 10:00 P.M. and Sunday, September 12, 2010 from 11:00 A.M. to 3:00 P.M. 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 4-0 to approve.

C. One-Day Beer & Wine License

1. Selectman Major motioned to approve the request of Allison Blount, on behalf of Andover School of Montessori, 400 South Main Street, Andover, for a one-day beer & wine license for use on Saturday, September 11, 2010 from 6:00 P.M. to 9:00 P.M. for a New Family Welcome Dinner at the School. 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 voted 4-0 to approve.

2. Selectman Lyman motioned to approve the request of Elder Services Director Katherine Urquhart, on behalf of Andover Elder Services, Senior Center, 36R Bartlet Street, for a one-day beer and wine licenses for use on Sunday, September 12, 2010 from 6:00 PM to 10:00 P.M. for a dance at the Town House. **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, voted 4-0 and approved.

D. Block Parties

Selectman Teichert motioned to approve the following two requests for Block Parties:

1. Pat Scanlon, 34 Washington Avenue, for permission to block off his street for a neighborhood block party on Saturday, September 11, 2010 from 10:00 A.M. to 10:00 P.M. (rain date – Sunday, September 12, 2010).
2. Peter Broderick, 4 Surrey Lane, for permission to block off his street for a neighborhood block party on Saturday, August 28, 2010 from 1:00 P.M. to 9:00 P.M.

The requests have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

Selectman Teichert motioned to approve the request of Anne Marie H. Bularzik, 9 Messina Drive, for permission to block off her street for a neighborhood block party on Saturday, September 18, 2010 from 2:00 P.M. to 9:00 P.M. (rain date – Sunday, September 19, 2010). The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman and voted 3-0 to approve. Selectman Major recused himself from voting.

E. Alzheimer's Association Memory Walk

Selectman Major motioned to approve the request of Debra Katt-Lloyd, Manager, **NE/Merrimack Valley Region of the Alzheimer's Association**, for permission to conduct the **2010 "Alzheimer's Association Memory Walk" through the streets of Andover** on Sunday, September 19, 2010 beginning at 8:30 A.M. The walk will begin and end at Brickstone Square. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert and voted 4-0 to approve.

F. Appointments and Re-appointments

Selectman Teichert motioned to approve the following appointments as recommended by the Town Manager and as posted in the agenda. The motion was seconded by Selectman Major and voted 4-0 to approve.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>MEMORIAL HALL LIBRARY</u>			
Randall A. Termini	Library Aide – PT (v. L. Terry)	L2/1	8/24/10
Benjamin E. Harris	Library Page – PT (v. N. Murphy)	L1/1	8/26/10
<u>CONSERVATION OVERSEERS – Term to expire 6/30/13</u>			
Jon Honea – Catalano Green Acres and Ball Hill/Wood Hill			
<u>CULTURAL COUNCIL – Term to expire 6/30/13</u>			
Leslie S. Malis (v. A. Michel)			

VIII. 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 Minutes of the Joint Meeting of July 26, 2010 and the Regular Meeting Minutes of August 9, 2010 as presented.

IX. Adjournment

On a motion by Selectman Major with a second by Selectman Lyman, it was voted 4-0 to adjourn the Regular Meeting at 8:56 P.M.

Respectfully submitted,

Dee DeLorenzo
Recorder