

BOARD OF SELECTMEN – SEPTEMBER 27, 2010

I. Call to Order/Roll Call

Chairman Alex Vispoli 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 Vispoli, Selectman Ted Teichert and Selectman Brian Major. Selectman Mary Lyman arrived at 7:20 P.M. 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 Vispoli asked for a Moment of Silence followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

~The MMA Legislative Breakfast will be held at the Tewksbury Library on Friday, October 1st at 8:00 A.M. The Board of Selectmen are invited to attend.

~The Special Town Meeting will be held on December 6th. If residents are interested in submitting warrant articles they should contact the Town Clerk. The Warrant will close at 4:00 P.M. on Friday, October 22nd at 4:30 P.M.

~A Tri-board meeting will be held on October 12th at 7:00 P.M. at Memorial Hall Library. The focus of the meeting will be to review plans for the Bancroft School and serve as a public information meeting on the school project.

~The Andover Inn will hold an official ribbon cutting ceremony to celebrate the opening of the newly renovated Inn on Friday, October 1st at 6:00 P.M. at the main entrance of the building. The Board of Selectmen and public are invited to attend.

Town Clerk Larry Murphy reported that the September 14th State Primary went well with a fairly heavy turnout of voters. There were 5,802 ballots cast with 26% of registered voters participating. The General Election will be held on Tuesday, November 2nd with Precincts 1, 7, and 8 voting at the Senior Center and all other precincts voting at the Collins Field House at Andover High School. The High School will not be in session that day so parking should not be a problem. The deadline for voter registration for the General Election is Wednesday, October 13th **and the Town Clerk's Office will remain open until 8:00 P.M. to accommodate residents who want to register to vote.** The Special Town Meeting on December 6th will be held at the Collins Center and the **Town Clerk's Office will be open until 6:00 P.M. on November 27th** to accommodate residents who want to register to vote.

Selectman Major said the Andover Chamber of Commerce will sponsor the Taste of Andovers at the Wyndham Hotel, 123 Old River Road on Wednesday, October 20th from 6:30-8:30 P.M. Tickets are \$25.00. Restaurants from Andover and North Andover will participate in the event. Proceeds will benefit the Andover Chamber of Commerce Scholarship Fund.

Selectman Teichert requested the Town Manager explore holding the Board of Selectmen meetings at the Town House. The Town House offers parking and can accommodate more people. He asked the Town Manager to see if cable could setup a remote site.

Chairman Vispoli:

~ Recognized everyone who participated in Andover Day on Saturday, September 25th

particularly Selectman Teichert who is the **Board's** liaison to the Andover Business Center Association. There was a fantastic outpouring of people, it was a great day for the Town and the downtown business community.

~ Reported on the Tri-Town Planning Board Session he attended in Tewksbury to discuss the I-93 Project Form Code, a coordinated zoning district to be voted on by the three towns. There is more work to be done but it was an excellent meeting.

~ Said the Town Manager and School Superintendent are moving forward with the IT Chief Information Officer position. They are reworking the Memo of Understanding and will present the information at a joint session of the two Boards.

IV. Citizens Petitions and Presentations

John Pasquale, 47B Whittier Street, asked for more communication from the Town on the road projects underway. Advanced notice of the streets being worked on would eliminate traffic backups and allow residents to plan alternate travel routes. The Board agreed to put the information on the Town's website and cable channel. He also requested **an update on the status of the Town Manager's compensation package.** Chairman Vispoli reported that they are working on this item and it is at the top of their list.

Mary Carbone, 3 Cyr Circle, said she attended Andover Day and found it uplifting to see the number of people and shop owners who participated in the event. She commented **on tonight's appointment of a Selectman. She believes the Board should appoint the person who ran in the March election to the vacancy.**

V. Continued Public Hearing from 9/20/10

A. Comcast of Massachusetts

Chairman Vispoli explained that the initial Public Hearing opened two weeks ago and tonight is a continuation of that meeting. Rick May, representing the construction company doing the work for Comcast, reported on the meeting with the business owners to review the area where the work is to be done. It was agreed that the work would be conducted on two Saturdays to minimize disruption of business. There will be two police details to assist with the flow of traffic and pedestrians. Town Engineer Brian Moore said they looked at the options available and the south sidewalk is the best option. The original proposal is acceptable to all with the stipulation that some of the work be done on Saturdays. Chairman Vispoli thanked everyone for working together and reaching a mutual agreement.

Selectman Major motioned to approve the request of Comcast of Massachusetts, Inc. for permission to construct a line of underground conduit under and across the following public way at: Elm Street/Elm Square (to service 2 Elm Street) – approximate location shown on Plan #2010-8-31-A. The request has been reviewed and approved by the Department of Public Works subject to the condition that street opening permits must be obtained from the DPW prior to the commencement of the work. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

VII. Regular Business of the Board

A. Board of Selectmen Vacancy

Chairman Vispoli reviewed the process followed and options arrived at in choosing candidates to be nominated for the interim appointment to fill the Board of Selectmen vacancy through March 11, 2011. The process was publicly discussed and an interest form created for applicants to complete and submit. Applications were received from

seven residents with one being withdrawn last week. The process for nominations will be for each member of the Board to nominate a candidate, the members would then vote on each nomination and the nomination with three votes or more would be selected. Chairman Vispoli asked the Board and the public if there were any questions. Hearing none, the nomination process began.

Chairman Vispoli said the Board would entertain three names for nomination and noted that all three candidates were acceptable and qualified.

Selectman Teichert nominated Gail Ralston. Selectman Lyman nominated John Hess and Selectman Major nominated Paul Salafia.

Selectman Major motioned to appoint Paul Salafia. The motion was seconded by Chairman Vispoli and voted 2-0. No vote.

Selectman Teichert motioned to appoint John Hess. The motion was seconded by Selectman Lyman and voted 3-0. Selectman Major asked that the vote be retaken. Selectman Teichert motioned to nominate John Hess, the motion was seconded by Selectman Lyman and voted 4-0 to approve. The Chair declared the vote as 4-0 and Mr. Hess was nominated to fill the interim position on the Board of Selectmen. Mr. Hess was sworn in by Town Clerk Larry Murphy.

Chairman Vispoli recognized and thanked Gail Ralston, who is a member of the Conservation Commission and has been active with the history of the Town and served on several committees. Selectman Major recognized Dan Kowalski who also submitted his name for consideration. Mr. Kowalski has been very active in the budget process and his participation as a citizen did not go unnoticed. Paul Salafia has also served on Town Committees and has shown an interest in joining the Town Yard Task Force.

B. Andover Community Garden Advisory Committee

Pamela Thornton of the Andover Community Garden Advisory Committee, which reports to the Conservation Commission, updated the Board on the many projects the ACGAC is involved with. Ms. Thornton is certified as a grant writer and was asked to assist with the Open Space Plan. The Andover Community Garden Advisory Committee (ACGAC) completed their first community garden at the Andover Senior Center as well as several projects with the Andover Housing Authority to assist seniors and disabled individuals to continue to garden and also established the first **children's** garden. Their goal is to establish several common gardens in open space areas with individual community garden plots. She is requesting the Board approve a letter of reference and recommendation to substantiate her position as Chair of the Andover Community Gardens to provide support to her requests for donations in kind and grant writing.

Selectman Major motioned for the Board, in conjunction with the Conservation Commission, to authorize the Andover Community Garden Advisory Committee to solicit funds and/or in kind donations for their community beautification projects. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

Ms. Thornton also requested that the Board allow the ACGAC to put their link on the Town's website.

On a motion by Selectman Lyman and a second by Selectman Teichert, it was voted 5-0 to approve the ACGAC request to put their link on the Town's website.

Ms. Thornton provided a litany of projects accomplished to date and said they will have an educational display at the Topsfield Fair. She asked that the Topsfield Fair dates and information be put on the Town Website as well.

John Pasquale, 47B Whittier Street, suggested that the *Townsmen* run a human relations story on the project and work of the ACGAC. Conservation Commission member Gail Ralston stated that the Conservation Commission strongly **supports Pam's** efforts in this area and the goals of the Open Space Community Gardens.

C. West Middle School Roof & Window Project

The Town Manager reported that the School Committee approved the Statement of Interest (SOI) for the two CIP projects at WMS. The Board is being asked to approve the SOI for the West Middle School roof and window project **as part of the MSBA "Green Repair" Program.**

A motion was made by Selectman Ted Teichert, seconded by Selectman John Hess, that the Board of Selectmen, in accordance with its Charter and By-laws, vote to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority the Statement of Interest, dated September 24, 2010, for the West Middle School located at 70 Shawsheen Road, Andover, MA, which describes and explains the following deficiencies and the priority category(s) for which the Town of Andover may be invited to apply to the Massachusetts School Building Authority in the future:

Roof: Replace 67,500 sq. ft. of old, deteriorated roofing at West Middle School.
Windows: Replace the old steel frame single pane windows along with the old, original glass block which are deteriorated on the gymnasium.

Replacing all of these will generate energy savings and, hereby further, specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Andover/Andover School Department to file an application for funding with the Massachusetts School Building Authority. The vote was 5-0 to approve.

D. Independent Auditor Contract

The Town Manager explained the price proposal and contract renewal submitted by Powers & Sullivan for a single audit management letter.

Selectman Major motioned to confirm the contract renewal of Powers & Sullivan as the **Town's Independent Auditor** in the amount of \$53,000 for a period of three years. The motion was seconded by Selectman Teichert, and voted 5-0 to approve.

E. Interim DPW Director

The Town Manager updated the Board on the search for an Interim Department of Public Works Director. He will review 3-4 of the active resumes with the Search Committee and arrange for interviews of two-three applicants. The Board will be notified by October 18th of the decision and he hopes they will have an Interim DPW Director on board by the end of October. The appointment will be for the remainder of this fiscal year and possibly longer if needed. The appointee will be a temporary employee, with an M3 salary range and is eligible for medical benefits.

Mary Carbone, 3 Cyr Circle, asked if the Town is saving money with interim positions.

The Town Manager said the position is vacant now and costing the Town less.

F. Information Technology Department Consolidation Report

Chairman Vispoli reported that a draft of the Memorandum of Understanding (MOU) and Chief Information Officer (CIO) job description for consolidation of the Information Technology Department will be available on either October 4th or October 14th. The Town Manager said the MOU would be presented at a joint meeting of the School Committee and Board of Selectmen.

Bob Willard, 76 Tewksbury Street, said the School Department is trying to phase out longevity benefits and asked if the Town is attempting the same for new hires. The Town Manager said they have to follow the guidelines in the contracts and he would share the information with Mr. Willard.

VIII. Consent Agenda

A. One-Day Beer & Wine Licenses

Selectman Lyman motioned to approve the request of Shawn J. DeVeau, Dean of Students, Merrimack College, 315 Turnpike Street, North Andover, MA, for four one-day beer & wine license for serving and storing alcohol at a tent at the Warrior Football Field on Saturday, October 2, 2010; Saturday, October 16, 2010; Saturday, October 30, 2010 and Saturday, November 6, 2010 from 11:00 A.M. to 5:00 P.M. on each date. The request has **been reviewed and approved by the Town Clerk's Office** subject to the following conditions:

- 1) Alcohol service is limited to three periods: from noon to 1:00 P.M. before each game, 15 minutes during half time and one hour at the completion of the football game. Alcohol shall be served in accordance with the service plan outlined in the September 1, 2010 letter from Merrimack College; and
- 2) All other requirements of the Town are met prior to the issuance of the licenses; and
- 3) to include the stipulation that any problems encountered with serving minors, the license would be revoked.

The motion was seconded by Selectman Hess and voted 5-0 to approve.

B. Block Parties

On a motion by Selectman Teichert seconded by Selectman Hess, it was voted 5-0 to approve the request of Margaret Sullivan, 77 Corbett Street, to block off from the corner of her street to 17 Juliette Street for a neighborhood block party on Saturday, October 30, 2010 from 10:00 A.M. to 1:00 P.M. (raindate – Sunday, October 31, 2010) and the request of Caryn Souza, 10 Stratford Road, for permission to block off her street for a neighborhood block party on Sunday, October 10, 2010 from 3:00 P.M. to 10:00 P.M. The requests have been reviewed and approved with conditions by the Police Department.

C. Appointments and Re-Appointments

DEPARTMENT	POSITION	RATE	EFF. DATE
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Selectman Hess motioned to approve the following four appointments as recommend by the Town Manager and presented in the agenda. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

MEMORIAL HALL LIBRARY

Tiffany Lee	Library Page – PT (v. C. Stewart)	L1/1	9/28/10
<u>COMMUNITY SERVICES</u>			
Jillene V. Pehrson	Counselor – PT	C2A	9/13/10
Susan L. Costello	Enrichment Instructor – PT		9/29/10
*** varies w/course			
<u>POLICE DEPARTMENT</u>			
Allison Milne	Office Assistant II (v. L. Menard)	IE 12-110/3/10	
<u>FIRE RESCUE</u>			
Keith D. Weightman	Deputy Chief (v. M. O'Neill)	H561-1-2	9/26/10

Selectman Hess motioned to approve the following appointments as recommend by the Town Manager and presented in the agenda. The motion was seconded by Selectman Major and voted 5-0 to approve.

PLANNING BOARD – Term to expire 6/30/14

James D. Doherty, Jr. – Associate Member – (v. M. Yanowitz)

CONSERVATION OVERSEER – Term expires 6/30/13

Lester Satlow – Pustell Conversation Property

TOWN YARD TASK FORCE – Terms expire 6/30/11

Stephen E. Cotton (v. H. Johnston, Jr.)

Richard S. Feldman (v. M. Bausemer)

Selectman Major reported that two of the three positions on the Town Yard Task Force have been filled and Paul Salafia has expressed an interest in the third opening. The request will be on the agenda for the next meeting. A Chairman has not yet been appointed.

Chairman Vispoli suggested the Board schedule a meeting to evaluate the criteria for the Town Manager to make sure the information is up to date and relevant. The Board agreed to meet on Thursday, September 30th at 7:30 A.M. in the Board of Selectmen's Conference Room.

IX. Approval of Minutes from Previous Meetings

On a motion by Selectman Major with a second by Selectman Lyman it was voted 4-0-1 to approve the Minutes of the September 13, 2010 Work Session and Regular Meeting, and the September 20, 2010 Work Session Minutes as presented. Selectman Hess abstained.

X. Adjournment

At 8:25 P.M., Selectman Major motioned for the Board to move into Executive Session to discuss non-union personnel negotiations and not to return to Open Session. The motion was seconded by Selectman Teichert and voted 5-0 to approve. Roll call vote: Chairman Vispoli – Y, Selectman Lyman – Y, Selectman Teichert – Y, Selectman Major – Y and Selectman Hess – Y.

On a motion duly made and seconded, the Executive Session adjourned at 9:30 P.M. Roll call vote: Chairman Vispoli – Y, Selectman Lyman – Y, Selectman Teichert – Y,

Selectman Major – Y and Selectman Hess – Y.

Respectfully submitted,
Dee DeLorenzo, Recorder