

BOARD OF SELECTMEN – NOVEMBER 1, 2010

I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the meeting from Executive Session to the Regular Meeting of the Board of Selectmen at 7:04 P.M. in the **Selectmen's Conference Room** at the Town Offices. Present were: Chairman Vispoli and Selectmen Ted Teichert, Brian Major, Mary Lyman and John Hess. Selectman Major was unable to stay for the entire meeting. Also present: Town Manager Reginald S. Stapczynski. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Alex Vispoli opened the Board of Selectmen's meeting at 6:00 P.M. in the **Selectman's Conference Room**. Present were Chairman Vispoli and Selectmen Ted Teichert, Brian Major, Mary Lyman and John Hess.

On a motion by Selectman Major with a second by Selectman Lyman, it was voted to go into Executive Session to discuss pending litigation strategy with Town Counsel and negotiation strategy for non-union personnel and to return to Open Session. Roll call: Selectman Major – Y, Selectman Teichert – Y, Selectman Lyman – Y, Selectman Hess – Y and Chairman Vispoli – Y. On a motion duly made and recorded it was voted to return to Open Session at 6:50 P.M. Roll call: Selectman Major – Y, Selectman Teichert – Y, Selectman Lyman – Y, Selectman Hess – Y and Chairman Vispoli – Y.

III. 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:

- ~ Town Clerk Larry Murphy and staff are preparing for **Tuesday's State Election**. The Town Clerk asked that voters be reminded to review the list of candidates and ballot questions listed in the State Election Booklet. Polls will be open from 7:00 A.M. until 8:00 P.M. Precincts 1, 7, and 8 will vote at the Senior Center with all other precincts voting at the Collins Field House.
- ~ The Bald Hill Leaf Composting Site is open, curb-side leaf pickup has begun and will continue every week (with the exception of Thanksgiving week) through the last week of November. Leaves should be placed in paper bags or barrels only – no plastic.
- ~ The Greater Lawrence Regional Technical School is holding an Open House on Sunday, November 7th from Noon – 2:00 P.M. and lunch will be provided by the culinary students.
- ~ Veterans Day Ceremonies will be held on Thursday, November 11th beginning at 10:00 A.M. at West Parish Cemetery, 11:00 A.M. at Spring Grove Cemetery and Noon at the Ballardvale Green.
- ~ The Town has been notified that they will receive a grant in the amount of \$1,500 from DEP for recycling and \$259,600 from the State for the acquisition of the **Foster's Pond** property. The Land Grant was applied for by the Conservation Commission.

Selectman Hess reported the Andover Historical Society will begin an on-line auction on

November 18th.

Selectman Major said it is commendable that Andover had eleven residents on the Primary Ballot with six remaining on the State Election Ballot. Congratulations to all. He reported that the Town Yard Task Force will meet on Friday, November 5th at 7:30 A.M. **in the Selectman's Meeting Room.**

Selectman Teichert reported that the School Building Committee will meet on Wednesday, November 3rd **at 8:00 A.M. in the Selectman's Meeting Room.**

Chairman Vispoli said the Annual Mid-Year Review, co-sponsored by the League of Women Voters, will be held on Tuesday, November 16th at Memorial Hall Library. The presentation will be a high-level review of six Town and School topics. Last week a Joint Meeting of the School Committee and Board of Selectmen was held to vote approval on the Memorandum of Understanding for the CIO position, a result of the IT consolidation review.

The Town Manager stated that Comcast has their engineers working on the problem with phone service in Town. He also commented on the Deer Management Program stating that Conservation Director Bob Douglas hosted six archery qualifying events, resulting in sixteen Andover hunters being qualified for bow hunting. No hunting will be held on Sundays. Representatives of the Conservation Commission will give a presentation of the proposed Deer Management Program to the School Committee on November 9th at 7:00 P.M. They will discuss the boundaries for hunting in the Fish Brook area located near the Wood Hill / High Plain Elementary School complex. He thanked Officer William MacKenzie for assisting in organizing the program.

V. Citizens Petitions and Presentations

A. Council on Aging – Saturday Morning Coffee Hours

Emily Kearns of the Council on Aging distributed a handout on the presentation to propose the transition of the Saturday morning coffee hours held at the Town House from the Council to the Board of Selectmen. The Council on Aging is requesting the Board to formally sponsor the Saturday morning event. Her presentation revealed that there is inter-generational participation in the program which began in June and continued throughout the Summer. On average, forty-nine people, with a high of seventy-five in August, attend the coffees which are held from 9:00 A.M. to 11:00 A.M. on a regular basis. Several sponsors, Starbucks, Riverbank, Dunkin Donuts and volunteers, contribute to the program. Next steps include transferring the program from the Council on Aging to the Selectmen, gathering additional sponsorships, coordinating volunteers, inviting guest speakers and increasing publicity.

Chairman Vispoli thanked Emily and Council member Ann Grecoe for stepping up and taking on this project. He suggested establishing a sponsorship opportunity document and finding someone to coordinate the program other than current Town staff. The Board requested the Town Manager write up a written process to bring back to the Board for approval. Emily Kearns and Ann Greco are willing to coordinate the program with the Town.

Bob Willard, 76 Tewksbury Street, distributed two items **for the Board's** consideration and review. The first item concerned the October 15th decision by the Social Security Administration not to increase Social Security Benefits for seniors for the second year in

a row. He suggested all Town contracts being negotiated receive the same COLA increase of zero percent for the entire contract period. The second item related to the article in **Sunday's Boston Globe** about the alternative approach taken by the Town of Randolph to tie annual raises to growth; similar to a profit plan used by businesses with employees sharing economic hardships. He suggested the Town investigate this type of plan for Andover.

John Pasquale, 47B Whittier Street, asked if the Board had considered the financial **implications that would result if the questions on Tuesday's ballot are approved** – the loss of income from the alcohol sales tax and a decrease in the State sales tax. The Town Manager said the Massachusetts Municipal Association did a simulation of what the reduction in State Aid would be and it revealed a loss of \$1.2M or \$1.3M in Local Aid.

Mary Carbone, 3 Cyr Circle, voiced concerns about the street lights turned off on her street. There were four lights on her street and now there is only one. The street is located close to Andover High School and experiences heavy vehicle traffic. She is requesting the light at the end of the street be turned back on. The Town Manager said he spoke with Safety Officer Edgerly and has recommended approval of turning the light on.

VI. Public Hearing

A. FY-2011 Tax Classification

Chairman Vispoli said Town Assessor David Billard would provide information on the FY-2011 Tax Classification, there will be questions and answers from the Board, and allowance for public input after which the hearing will close, and the Board will vote at the November 22nd meeting. Selectman Major motioned to open the Public Hearing at 7:20 P.M. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

David Billard, Chief Assessor, presented information on the Residential and Commercial Tax Factor for FY-2011, the current differential of 1.44 and changes on the overall shift on how taxes are assessed. Four votes are required by the Board: the Residential factor, Open Space discount, Residential exemption, and Commercial exemption. Mr. Billard reviewed the property value changes that have occurred since January for Residential, Open Space, Commercial, Industrial, and Private Property, and a comparison of total assessed value by class for FY-2011 and FY-2010. He provided a chart showing estimated tax rates using various factors **from 100 to 150%. Last year's factor was 144** which produced a rate of \$13.19 for residential property and \$21.33 for commercial property. Mr. Dillard showed a view of the 144 shift and 142 shift and resulting dollars and percentages, stating that the 142 rate has the most uniform increase for all property; the 144 shift would increase the Residential Tax about 2.7%, Commercial by 4.6 % and Industrial by 1.1% – the same shift factor adopted last year.

Joseph Bevilacqua, President and CEO of the Merrimack Valley Chamber of Commerce, addressed the Board about concerns for businesses who have not yet fully recovered from the recession, they have had to drastically cut costs and many forced to cut back on their internal rate of investment, as well as initiating layoffs; overall this has been a negative time for business. Local businesses ask for the least amount of services from the Town, yet pay a substantial amount in taxes. The average retail store lasts about five years, vacancies are high due to the economy and small businesses are trying to come back. He is requesting the Board to not increase their tax burden but where possible to reduce it.

Bob Willard, 76 Tewksbury Street, said residents are hurting as well and lowering the class ratio would hurt property owners. He suggested leaving the classification rate where it is at 144; lowering it would shift wealth from residents to corporations.

Mary Carbone, Cyr Circle, stated that most residents cannot afford to shop in the downtown area and it would be in the best interest of residents to leave the tax factor at 144.

Chairman Vispoli said the 1.42 comes closest to making it equal, while the 1.44 would almost double the percentage for all.

On a motion by Selectman Teichert with a second by Selectman Lyman, it was voted 5-0 to close the hearing.

Chairman Vispoli declared the hearing as closed and stated the Board would vote on the Tax Classification on November 22nd.

VII. Regular Business of the Board

A. Municipal Solar Farms and Green Communities Act

Planning Director Paul Materazzo said the Green Advisory Board, Planning Board, and Plant and Facilities Department have been investigating the feasibility of leasing municipal land for solar facilities that would provide on-going revenue at no cost to the Town. Mr. **Materazzo's presentation** identified the four sites as 126 Tewksbury Street, Recreation Park (in the sand pit area), Sanborn School, and at the water reservoir area next to Bancroft School. Income from leasing land identified could net somewhere in the range of \$5,000 per acre. A hand-out showing the four areas identified was distributed.

Chairman Vispoli suggested they put together a business plan first, form a small study group to vet through the proposal and report back to the Board.

B. Special Town Meeting – Private Warrant Article Presentation

The Board discussed the private warrant article for the acquisition of 3 Blanchard Street. The proposer of the article, Wayne Loosigian, explained that he inherited 1.08 acres of land adjacent to the 14 acres purchased by the Town and offered to reduce the asking price of the parcel to \$290,000. The Andover Soccer Association has agreed to donate \$50,000 for demolition of the buildings on the site. The land would provide a safer access to the entrance, expansion of the playing fields, and additional parking for the Blanchard Street fields. Selectman Hess suggested the development include a walking trail around the parameter of the property for residents to enjoy. The Board discussed the proposal and will make their recommendation at the Board meeting on November 8th.

C. Environmental Compliance Coordinator Position

Assistant Town Manager Steve Bucuzzo distributed copies of the memo sent to the Town Manager describing the Environmental Compliance Coordinator's position and explained that by combining the duties of the Water Resources Compliance Specialist and Environmental Analyst position into one position, it replaces two full-time benefited positions currently vacant at a savings of \$75,000 per year from the Water/Sewer Enterprise Budget.

Board members were surprised the position was advertised in the *Boston Globe* before being fully discussed with the Board and prior to hiring an interim DPW Director. The Board talked about their concerns, other alternatives to investigate, and the process followed. Selectman Hess finds the ECC job description to be quite lengthy and is concerned about hiring one person to fulfill the duties of two people.

When asked about the status of the interim DPW Director, the Town Manager explained he is reviewing references of the candidate they are interested in and plan to bring a name forward at the next Board meeting. He stated that the candidate is well versed in all areas of water, sewer, engineering and infrastructure. The start date for the Interim DPW Director would be January 1st.

The Board provided direction to the Town Manager and Assistant Town Manager to move ahead with the position.

D. Special Town Meeting Warrant

On a motion by Selectman Hess and a second by Selectman Lyman, it was voted 4-0 to sign the Warrant for the Special Town Meeting to be held on December 6, 2010.

VIII. Consent Agenda

A. Change of Manager

Selectman Lyman motioned to approve the request of the 99 Restaurants of Boston, LLC, d/b/a 99 Restaurant, 464 Lowell Street, Andover, for a Change of Manager on their All-Alcoholic Restaurant License. The new Manager will be Brigid K. Terpko. 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 amended license.** The motion was seconded by Selectman Teichert, voted 4-0 and approved.

B. One-Day Beer & Wine Licenses

Selectman Hess motioned to approve the request of **Ann O'Sullivan, TAVAH Board of Directors**, 20 Main Street, Andover, for three one-day beer & wine licenses for use on Sunday, November 14, 2010; Sunday, December 12, 2010 and January 9, 2011 from 6:00 P.M. to 10:00 P.M. at the Town House for their ballroom dances. 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 licenses.** The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

C. One-Day All-Alcoholic Beverage License

Selectman Lyman motioned to approve the request of Benjamin L. Weiner, on behalf of Temple Emanuel, 7 Haggetts Pond Road, Andover, for a one-day all-alcoholic beverage license for use on Saturday, November 20, 2010 from 7:00 P.M. to 11:00 P.M. for a fundraiser at the Temple. 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 licenses.** The motion was seconded by Selectman Teichert, and voted 4-0 to approve.

D. Crafts-in-the-Park

Selectman Teichert motioned to approve the request of Vahe Apelian, President of the Andover Chapter of the American Field Service (AFS), for permission to use The Park on

Saturday, May 7, 2011 (raindate – Sunday, May 8, 2011) for their annual Crafts-in-the-Park show. They would also like to have a band in the gazebo as part of their event. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, and voted 4-0 to approve.

E. Road Race/Walk

1. Selectman Hess motioned to approve the request of **Thomas E. O’Donohue**, on behalf of Massachusetts School of Law Race Judicata, to conduct a 5-K road race and walk through the streets of Andover on Saturday, May 7, 2011 at 10:00 A.M. beginning and ending near the Law School. The motion was seconded by Selectman Lyman, voted 4-0 and approved.

E. Road Race/Walk (Cont.)

2. Selectman Lyman motioned to approve the request of Bill Pennington, on behalf of Homes for our Troops, for permission to conduct a 5-mile road race and a 3-mile walk through the streets of Andover on Sunday, April 3, 2011 at 9:00 A.M. beginning and ending in front of the Town Offices on Bartlet Street. The motion was seconded by Selectman Teichert and voted 4-0 to approve.

It was noted that both requests have been reviewed and approved with conditions by the Police Department.

F. Holiday Parade

On a motion by Selectman Teichert with a second by Selectman Lyman, it was voted 4-0 to approve the request of Brian Flanagan, on behalf of the Andover Firefighters, to conduct their Annual Holiday Parade on Sunday, November 28, 2010 (rain/snow date – Sunday, December 3, 2010) from Noon to 2:00 P.M. through downtown Andover. They are requesting permission to use the parking areas at the Doherty Middle School and close the following streets: Whittier Street, Elm Street from Whittier Street to Main Street, Main Street from Elm Square to Punchard Avenue, Punchard Avenue and Bartlet Street. The request has been reviewed and approved with conditions by the Police Department.

G. Appointments and Re-appointments

On a motion by Selectman Hess with a second by Selectman Teichert, it was voted 4-0 to approve to the following appointments recommended by the Town Manager and as listed in the agenda.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>YOUTH SERVICES</u>			
Sean MacDonald	Counselor 2 – PT	C3A	10/15/10
Evan Duerr	Counselor 2 – PT	C3A	10/15/10
Graham P. Fuller	Counselor 2 – PT	C3A	10/15/10
Richard Martin	Counselor 2 – PT	C3A	10/15/10
Anthony Rosano	Counselor 2 – PT	C3A	10/15/10

Selectman Lyman motioned to recommend approval of the following appointments as

recommended by the Town Manager and printed in the agenda:

GREATER LAWRENCE SANITARY DISTRICT – Andover Representative
Morris B. Gray, Jr. – Term expires 6/30/11 (v. J. Petkus, Jr.)

TOWN YARD TASK FORCE – Term expires 6/30/11
William T. Bride, Jr. (v. C. Gibson)

RECYCLING COMMITTEE – Term expires 6/30/13
Eleanor A. Storch (v. A. Connell)

IX. Approval of Minutes from Previous Meetings

On a motion by Selectman Teichert with a second by Selectman Hess, it was voted 4-0 to approve the Minutes of the October 11, 2010 Tri-Board Meeting.

X. Adjournment

On a motion by Selectman Teichert with a second by Selectman Hess, it was voted 4-0 to adjourn the Regular Meeting at 10:27 P.M.

Respectfully submitted,

Dee DeLorenzo
Recorder

Documents: Special Town Meeting Warrant
Tax Classification – FY 2011
Council on Aging Presentation on Transitioning Saturday Coffee
Environmental Compliance Coordinator Position Memo