

BOARD OF SELECTMEN – NOVEMBER 22, 2010 – AMENDED

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 were: Chairman Vispoli and Selectmen Ted Teichert, Mary Lyman and John Hess. Selectman Brian Major arrived after the meeting opened. Also present: Town Manager Reginald Stapczynski, Assistant Town Manager Steve Bucuzzo 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:

- Dena Hammond, who recently passed away, was one of the first Conservation Agents in Andover and will be remembered for her hard work in acquiring much of the open space in Town during **the 1970's and 1980's**.
- Congratulations to Veterans Director Michael Burke and Patriotic Holiday **Committee member Cal Perry on the excellent Veterans' Day Program** they planned for November 11th.
- The Annual Holiday Parade will be held on Sunday, November 28th starting at 1:00 P.M. The raindate for the parade will be Sunday, December 5th.
- On Monday, November 29th, the Selectmen, School Committee and members of the IT Committee will participate in a focus group to create a profile for the Chief Information Officer position. The meeting will be held in the School Committee Meeting Room.
- Also on Monday, November 29th **at 7:00 P.M. in the Selectmen's conference room**, a meeting will be held with the MBTA consultants to discuss the new railroad double track construction project.
- Representative from the Office of Campaign and Political Finance will hold a meeting on Tuesday, November 30th at 6:00 P.M. at the Bancroft School to explain to the public the rules and regulations for advocating for a Proposition 2½ exemption. The rules are very specific on what appointed Town officials, PTOs, the School Building Committee and other groups can and cannot do to advocate for the exemption.
- **Last week's leaf collection was very heavy and to catch up, leaves will be picked up this week as well.**
- Highway Superintendent Chris Cronin and members of the Highway Division were successful in removing gum from the new downtown sidewalks.

Town Clerk Larry Murphy said the Special Town Meeting is just two weeks away. There are four Warrant Articles on the agenda. The meeting will be held in the Collins Center **at Andover High School and the Town Clerk's office will be open on Friday, November 26th** from 8:00 A.M. to 8:00 P.M. to accommodate residents who want to register to vote on December 6th. He would also like to extend the closing date of the Warrant Articles for the Annual Town Meeting to January 28, 2011. Mr. Murphy also reported that **nomination papers for the annual March election are available in the Town Clerk's Office** for anyone planning to run for office.

Selectman Hess congratulated the Andover High School Girls' Field Hockey Team and the Girls' Swim Team who both won State Championships this past weekend. Congratulations also to the Girls' Volleyball Team for making it to the State Semi-Finals.

Selectman Teichert congratulated the 8th Grade Golden Warriors Junior Football Traveling Team on winning the Championship Game on Saturday.

Selectman Major reported that the annual Christmas Tree Lighting at Ballardvale Commons will be held on Sunday, December 12th at 6:00 P.M. He also reported that the Town Yard Task Force will meet on December 16th at 7:30 P.M. in the Board of **Selectmen's Meeting Room and stated that the Task Force is not expecting to have a warrant article submitted for construction for the Spring, but do expect to submit a warrant article for \$100,000 for site analysis.**

Selectman Lyman asked the Town Manager to provide an update on the status of the Stop and Shop Market at Shawsheen Plaza for the next meeting.

The Town Manager provided information on the settlement of the roof repairs required at the Wood Hill Middle and High Plain Elementary Schools.

IV. Citizens Petitions and Presentations

John Pasquale, 47B Whittier Street, suggested in light of the recent water main break in Elm Square that the Board and Town Manager put together an active plan to replace the seventy-five year old water pipes on Main Street. He also commended the Board for **instilling pay for performance goals in the Town Manager's contract; however, the goals** have to be meaningful and measurable and should be measured mid-year. Goals should also be set in a similar manner for Department Heads.

V. Continued Public Hearing, Deliberation and Vote

A. FY-2011 Tax Classification

Chairman Vispoli reviewed the options for setting the Tax Classification of Property for FY-2012 based on the presentation provided by David Billard, Board of Assessors. The 142 shift would result in a 3.3% increase for residential property, 3.1% for commercial and -0.3% for industrial. The 142 shift would be a 3% increase for residential, 3.9% for commercial, and .4% increase for industrial. The 141 shift would be the same levy share as last year. The Board discussed the impact of each factor.

Selectman Major motioned the Residential Factor of 1.42 be adopted. The motion was seconded by Selectman Hess and voted 4-1 to approve. Selectman Teichert voted against the motion.

Selectman Major motioned to adopt a discount factor of zero percent for all land identified as Open Space. The motion was seconded by Selectman Hess and unanimously approved.

Selectman Major motioned to adopt the determination of a residential exemption factor of zero percent. The motion was seconded by Selectman Lyman and unanimously approved.

Selectman Major motioned to adopt a determination of a small commercial exemption of

zero percent. The motion was seconded by Selectman Lyman and unanimously approved.

VI. Public Hearing

A. FY-2012 – FY-2016 Capital Improvement Program

Chairman Vispoli asked for a motion to open the public hearing. On a motion by Selectman Lyman with a second by Selectman Major it was unanimously voted to open the public hearing at 7:35 P.M.

The Town Manager presented a review of his CIP Plan for FY-2012. The majority of the larger dollar amounts are acquainted with the Bancroft School Project. If residents approve the new School Project at the Special Town Meeting on December 6th, the real challenge will be approval of the debt exemption vote on January 25, 2011. The Town Manager recognized and thanked the members of the School Building Committee for the four years of extensive meetings and work they have put into this project.

The Town Manager reported that last year Standard & Poor wrote that the Town's Debt Burden is favorable with the overall net debt a low of \$1,848 per capita. Debt Service carried a low of 6% of expenditures with amortization of existing debt rapid.

The Town Manager's recommended CIP for FY-2012 totals \$52,102,582 and funding for the list of items he is recommending will come from the following accounts: the General Fund Revenue \$1,963,000; General Fund Borrowing \$3,660,000; General Fund Exempt Borrowing \$43,935,000; Special Dedicated Funds \$1,369,582; and Water/Sewer Enterprise Fund \$1,175,000. The total amount of CIP requests was \$58.4 million which included \$43.8 million in exempted debt for the Bancroft School Project.

The appropriation history for the General Fund debt, the Water/Sewer debt, and Capital Projects Fund was reviewed. The total amount of the Bancroft School Project before the approximate \$16M reimbursement from MSBA is \$44M; with the reimbursement the cost will be approximately \$27M to be spread out over twenty years. Finance Chair Joanne Marden said a supplemental report to the Special Town Meeting Report will be available on-line and will show the impact on taxes for the Bancroft School Project.

The Town Manager explained that tonight's presentation is the starting point for the budget and items requested will be reviewed in detail and vetted with Department Heads during the budget process.

Thomas Geresche of 14 West Knoll Road asked about the pay-off schedule and if there will be \$2-3M new debt every year. The Town Manager said the debt will drop off but there will be requests every year.

Bob Marshall, 4 Samos Lane, asked what the school technology requests consists of and **if we are following the recommendations of the consultant's report. The Town Manager said for the school's request is not broken out in detail; this year they have looked at the recommendations to determine what could be considered in this year's budget. The new CIO will review the recommendations and work and move forward from there.**

John Pasquale, 47B Whittier Street, would like to see a goal for the CIP set at \$1.75M for two years.

A review of the Water/Sewer Enterprise Fund shows the amount of \$1,175,000 for annual water maintenance improvement. The Town Manager explained they are putting resources into upgrading the water distribution system and replacing the non-variable speed pump for a variable speed pump to improve efficiencies.

Craig Liversidge of 79 **Sunset Rock Road** asked if any “green” money would be forthcoming for purchase of pump. Interim Plant & Facilities Director Joe Piantedosi said a large rebate will come from the utility company. John Pasquale asked if this pump is similar to the one at Bancroft, and the Town Manager said this will be the pump for the water treatment plant that pumps water to the Bancroft Pumping Station.

A review of the Revenue and Expenditure Projects for FY-2012 revealed the Total Revenues Budget for FY-2011 as \$139,952,100 and FY-2012 Projected Revenue as \$143,428,902; Total FY-2011 Expenditures as \$46,318,738 and \$49,495,026 projected for FY-2012. The balance for operations for FY-2011 as \$93,633,362 and projected for FY-2012 \$93,933,877. The Tri-board will meet on December 13th to review the CIP for FY-2012.

Robert Marshall asked where the revenue increase for water and sewer will come from. The Town Manager explained he will be asking the Board to approve a slight increase in rates with the goal to build-up the Water Reserve Fund.

The Town Manager said the CIP is available for viewing on the Town Website and hard copies available at the **Town Manager’s Office, the Town Clerk’s Office and also at Memorial Hall Library**. Questions and comments can be sent via email to the Town Manager, Board of Selectmen and Finance Committee.

At 8:38 P.M. on a motion by Selectman Major with a second by Selectman Lyman it was unanimously voted to close the Public Hearing.

VII. Regular Business of the Board

A. Andover Community Trust – Local Initiative Program Application – First Reading
John Pearson and Susan Stott, representatives of Andover Community Trust (ACT), presented a proposal requesting **the Board’s support of their Local Initiative Program (LIP)** application to the Massachusetts Department of Housing and community Development (DHCD) to develop one permanently affordable home at 57 North Street. **This will be ACT’s fifth affordable home in Andover available to an income eligible household with income less than \$64,000. Andover’s subsidized housing is just below the state mandate of 10%.** The proposed home will be an improvement over the existing vacant log (original home demolished). They anticipate construction to begin in the spring of 2011 and completion by Fall 2011. ACT has met with neighbors to explain their proposal. Donald Tree of 59 North Street is pleased with the house ACT is proposing to build stating that it is comparable to other homes on the street. ACT is unaware of any history of water problems in the area.

Chairman Vispoli explained that this is the first reading of the proposal and the Board will vote at their next meeting.

B. Overnight Parking Ban

Police Chief Brian J. Pattullo explained the pilot program for the Winter overnight parking ban they would like to try to alleviate parking problems for many residents

during the Winter months when there is no snow. He is proposing off-street parking be in effect only when a snow emergency is declared. The Town's cable station, website, press releases, and reverse 911 system would be used to alert residents when snow emergencies are in effect. They are aware there will be some issues that will arise. He is requesting the Board suspend Section 8 of the current by-law and replace it with the pilot program. The Chief will report back to the Board on the status of the program.

Selectman Major motioned to suspend Section 8 of the current Town By-law for the all night Winter parking ban and implement the proposed pilot program. The motion was seconded by Selectman Teichert and unanimously approved.

C. Deer Management Program

Chairman Vispoli stated that at the previous **Selectmen's** meeting the Board voted to approve the Deer Management Program with the exception of the bow hunting in the Fishbrook North area until a presentation was provided to the School Committee. The Conservation Commission has since presented information on the Deer Management Program to the School Committee and the School Committee voted to support bow hunting in the Fishbrook North area with the agreement that the boundary from school property would be extended and the natural barrier line to be the Fishbrook, the area will be well posted, and hunters cannot access the area nor remove deer through school property.

Selectman Hess motioned to amend the Board of Selectmen's Rules and Regulations governing the use of undeveloped Town-owned land, adopted on May 13, 1985 to allow bow hunting in the Fishbrook North conservation area and that the boundary line for hunting be extended to one-quarter mile away from the High Plain Elementary/Wood Hill Middle School Complex property, the natural boundary line for hunting being the Fishbrook, the area will be well posted, and there will be no access or regress by hunters from the school property, nor will hunters be allowed to remove deer through the school property. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

Mary Carbone, 3 Cyr Circle, said she wonders how residents will feel about appropriating additional funds to purchase Conservation land knowing that the Board can make changes in its use. She feels the decision should be brought to Town Meeting for a vote. She suggested other options be pursued and the Board reconsider their decision.

VIII. Consent Agenda

A. Holiday Happenings

Selectman Hess motioned to approve the request of Kathleen Bates, on behalf of the Andover Business Center Association, for permission to conduct their Annual Holiday Happening in the downtown business district on Friday, December 3, 2010 from 5:00 P.M. to 9:00 P.M. They are requesting permission to close Main Street from Elm Square to Punchard Avenue for their event. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman and unanimously approved.

B. Road Race

Selectman Lyman motioned to approve the request of Pam Kearins Sheehy, for permission to conduct The Krit Classic II 5-K Road Race through the streets of Andover on Sunday, June 5, 2011 at 9:00 A.M. beginning and ending at Andover High School using the same route as the previous two years. The request has been reviewed and

approved with conditions by the Police Department. The motion was seconded by Selectman Hess and voted 4-0-1 to approve. Selectman Teichert abstained from voting.

C. One Day Beer & Wine License

Selectman Major motioned to approve the request of **Michael Cammarata, LaRosa's, 7 Barnard Street, Andover**, who is applying for a one-day beer & wine license for use on Friday, December 3, 2010 from 11:00 A.M. to 1:00 A.M. for a Customer Appreciation Event at their place of business. 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 Hess and unanimously approved.

D. Change of Manager

Selectman Major motioned to approve the request of the The Lanam Club, Inc., 260 North Main Street, Andover, for a Change of Manager on their All-Alcoholic Club license from Ronald Hancock, Jr. to Heinrich Lutjens. 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 new license.** The motion was seconded by Selectman Lyman and voted 5-0 to approve. Selectman Lyman requested the names of staff with TIPS training be submitted to the Town Clerk's Office by the end of December.

Selectman Major motioned to approve the request of **Chili's Grill & Bar, 131 River Road, Andover**, for a Change of Manager on their All-Alcoholic Restaurant license from Michael Cronin to Andrew Catalano. 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 new license.** The motion was seconded by Selectman Teichert and unanimously approved.

E. 2011 License Renewals

Selectman Lyman motioned to approve the attached list of 2011 license renewals for Lodging and Automatic Amusement/Live Entertainment licenses as printed in the agenda and submitted by the **Town Clerk's Office. The licenses will be effective from January 1, 2011 through December 31, 2011.** The applicants have filed all of the required paperwork and payments and have complied with all of the State and Town department conditions necessary for renewal of the licenses. The motion was seconded by Selectman Major and unanimously approved.

F. Appointments and Re-appointments

Selectman Major motioned to approve the following appointments as recommended by the Town Manager and printed in the agenda. The motion was seconded by Selectman Lyman and voted unanimously to approve.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>MEMORIAL HALL LIBRARY</u>			
Caroline E. Pramas	Page – PT (v. K. Thompson)	L1-1	11/30/10
<u>COMMUNITY SERVICES</u>			
Hannah C. LeBlanc	Basketball Coach – PT	C2A	11/15/10

DEPARTMENT OF PUBLIC WORKS

John F. Bean Interim Director – Temp. \$55.00/hr. 1/3/11
(v. J. Petkus, Jr.)

GREEN ADVISORY BOARD

Anil Navkal – Term expires 6/30/11 (v. K. Kirby)

CONSERVATION COMMISSION

Kevin Porter – Term expires 6/30/13 (v. A. French)

CONSERVATION OVERSEERS – Terms expire 6/30/13

Stephen Amesoeder – Willard Circle Property

Robert M. Dalton, Jr. – **Foster's Pond**

Albert Retelle – Bald Hill/Wood Hill (additional property)

David P. Johst – **Foster's Island**

Cameron M. Johst – **Foster's Island**

The Town Manager welcomed and introduced John Bean, the new Interim DPW **Director. Mr. Bean's starting date is Monday, January 3, 2011 and will continue for a** period of approximately six months or longer. Mr. Bean is highly-qualified and possesses the skills and knowledge for this position.

IX. Approval of Minutes

On a motion by Selectman Teichert with a second by Selectman Lyman it was unanimously voted to approve the following minutes: October 4, 2010 – Regular Meeting; October 18, 2010 – Regular Meeting; October 25, 2010 – Joint Meeting with Conservation Commission; October 26, 2010 – Joint Meeting with School Committee; November 1, 2010 – Regular Meeting and the Regular Meeting of November 8, 2010.

X. Adjournment

On a motion by Selectman Major with a second by Selectman Teichert it was unanimously voted to adjourn the Regular Meeting of November 22, 2010 at 9:45 P.M.

Respectfully submitted,

Dee DeLorenzo
Recorder