

BOARD OF SELECTMEN – JANUARY 24, 2011

I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the meeting of the Board of Selectmen to order at 7:10 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Vispoli and Selectmen Brian Major, Mary Lyman, Ted Teichert and John Hess. Also present: Town Manager Buzz Stapczynski. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Vispoli called the Executive Session of the Board of Selectmen to order at 6:20 P.M. in the Town Offices, 3rd Floor Conference Room. Present were: Chairman Vispoli, and Selectmen Mary Lyman, Ted Teichert, and Brian Major.

On a motion by Selectman Teichert with a second by Selectman Major, it was voted to go into an Executive Session to discuss litigation strategy, and that the Chairman declared **that an Open Meeting may have an effect on the Town's litigation position and also to discuss potential real estate value and acquisition and to return to Open Session.**

Roll Call Vote: Chairman Vispoli – Y, Selectman Lyman – Y, Teichert – Y, and Major – Y.

On a motion duly made and seconded, it was voted to adjourn the Executive Session at 7:00 P.M. and to return to Open Session. Roll Call Vote: Chairman Vispoli-Y, Selectman Lyman-Y, Teichert-Y, and Major-Y.

III. Opening Ceremonies

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

IV. Communications/Announcements/Liaison Reports

The Town Manager reminded everyone that tomorrow is the Special Town Election for the Bancroft School Debt Exclusion vote. All voting will take place at Andover High School in the Collins Field House from 7:00 A.M to 8:00 P.M. There will be no school on Tuesday, January 25th.

Selectman Lyman congratulated Town Clerk Larry Murphy who was recently recognized **by the Massachusetts Town Clerk's Association.** He is one of 112 Town Clerks of the 301 Town Clerks across the State who qualified for this distinction.

Selectman Major reported on the Massachusetts Municipal Association Annual Meeting he attended recently and shared remarks from Governor Patrick's **speech** which included comments on changes in the Plan Design for health insurance and the paperwork being filed for communities to join the GIC or to provide documentation that they can provide equal or better insurance at similar costs. The Governor also talked about Chapter 70 funds, Circuit Breaker revenue, removal of telecommunications loopholes (taxes on poles), encouraging regionalization through grant programs, centralized procurement activities, pension reform, and an increase in Chapter 90 funds (sidewalks/roads) although they anticipate a possible 10% decrease in local aid.

V. Citizens Petitions and Presentations

Dan Kowalski, 24 Enfield Drive, asked when the Town Manager's contract will be posted online, if there can be a more efficient and structured access to minutes of local boards and committees, and if there is a Town policy associated with citizens sending emails to Town officials via non-work emails. The Town Manager will look into providing easier access to committee and board meeting minutes. Selectman Major said right now, the best way to contact local officials is through the email addresses listed on the Town website. Chairman Vispoli said using addresses published on the Town website would ensure all communications going to one place and make it easier to control emails relative to Town matters.

VI. Regular Business of the Board

A. I-93/Lowell Junction Interchange Project

The Board of Selectmen, Chris Huntress, Chair of the I-93 Task Force, and members of I-93/Lowell Junction Interchange Task Force discussed the request for a motion from the Board to support the latest design of the interchange. Chairman Vispoli said the design would significantly alleviate congestion in the Ballardvale neighborhood. Mr. Huntress explained that the current interchange design includes a full service interchange in a tight diamond configuration, access to Andover property on the west side of I-93, and emergency access to South Street in Tewksbury. At issue is **Tewksbury's stance to limit access to the west side roadway (South Street) to emergency vehicles only, which would impact Andover's local roads.** The Federal Highway Department has indicated their support of a proposal if endorsed by all three communities. The Task Force has dealt with this issue for over a year and arrived at seven mitigation measures that would reduce the impact to local roads in Andover. The Planning Board has voted in support of the seven mitigation issues.

The required off-site mitigation measures include:

1) Double cul-de-sac, or loop at Lowell Junction Road; 2) intersection improvements at Andover & River Street, Andover & Tewksbury Street, Andover & Clark Road, and River Street and Laconia Drive; 3) sidewalks on River Street connecting Lowell Junction, Olympic Village and Ballardvale; 4) sidewalks on Tewksbury St to Reichhold property; 5) curbing and street trees on Clark Road; 6) purchase of Reichhold property as storm water mitigation area for new interchange, and redevelopment of Reichhold as storm water mitigation, active and passive recreation; and (7) development of a pedestrian bridge over the Shawsheen River linking Ballardvale and Lowell Junction at Reichhold property where the old bridge abutments are. Mr. Huntress said there is value to all of these items, whether the all get funded is another question.

Alan French, 17 Moreland Avenue, stated that a letter sent from the Bay State Alliance to the Board in May 2010 expressed concern is for the protection of additional land along the Shawsheen River. Discussions with Congresswoman Nikki Tsongas indicate that she is supportive of protecting the river. Mr. French realizes long-term planning has favored development in the area; however the cost incurred would be minimal compared to the benefits of having access to both sides of the river, restoration of the Reichold property, and protection of additional land along I-93 on the west side. Can we include the land on the west side under the category of open space? Expectations would be to compensate property owners the fair-market value of the land. He suggests tweaking the seven points presented and expanding them to include the open space on the west side of I-93 if it can be negotiated.

Selectman Hess pointed out that there is a difference in the language approved by the Planning Board and what is being presented by the Task Force. Mr. Hess read the **Planning Board's recommendation** which lists item six as: Acquiring the Reichold property and others for active and passive recreation, storm water mitigation and habitat enhancement for endangered species.

Paul Materazzo, Director of Planning, said it was something that evolved through discussions with Mr. **Huntress and if there is a discrepancy, there shouldn't be. Mr. Huntress** said they left the door open to consider other options. Mr. Huntress said this may not be a change, but something the Planning Board added.

Susan Stott, 30 Pasho Street, said there is an AVIS Reservation on the west side, the whole length of the property abutting the highway.

After discussion the Board voted to include the language from the **Planning Board's** recommendation to the recommendation from the I-93 Interchange Task Force.

Selectman Teichert motioned the Board of Selectmen vote to support the plan for the layout of the proposed I-93 interchange at Lowell Junction presented by the I-93 Task Force and to include the language recommended by the Planning Board. The motion was seconded by Selectman Lyman and unanimously approved.

B. Future Meeting Schedule

On a motion by Selectman Teichert with a second by Selectman Major the Board unanimously voted to set the February and March meeting dates (Feb 7, 9, 16, 23, 28 and March 2, 7, 9, 14, 16, 21) and to move the March 23rd Joint Meeting (General Government & Fixed Costs) to Monday, March 14, 2011.

Chairman Vispoli said the Chairs of the three boards are working on an agenda for the anticipated meeting with our legislative delegation. A Triboard Executive Session is scheduled for Thursday, January 27th before the 7:00 P.M. School Committee meeting to discuss negotiation matters.

VII. Consent Agenda

A. Amateur Boxing Night

On a motion by Selectman Lyman with a second by Selectman Teichert, it was voted 5-0 to approve the request of Bruce Baril, President of The Exchange Club of Lawrence, Post Office, Box 552, Lawrence, for a license waiver to conduct a night of amateur boxing at the Wyndham Andover Hotel, 123 River Road, Andover, on Friday, April 8, 2011 from 7:00 P.M. to 11:00 P.M. The event has been sanctioned by the State Boxing Commission. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

B. All-Alcoholic Beverage License Change

Selectman Major motioned to approve the request of Matthew Morello, Morello Hospitality Group LLC, d/b/a Bin28 Wine Bar, 2 Elm Square, Andover, to change the d/b/a on his All-Alcoholic Beverage License to Brasserie 28 Restaurant & Lounge due to a name conflict with a similar business. The application has been reviewed and approved by the Town Clerk 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, and voted 5-0 to approve.

C. Appointments and Re-appointments

On a motion by Selectman Teichert with a second by Selectman Major, it was unanimously voted to approve the following appointments and re-appointments as recommended by the Town Manager and as printed in the agenda.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Rachel M. Corbett	Program Coach – PT	C2A	12/18/10
<u>ELDER SERVICES</u>			
Paul W. LaChance, Jr.	Food Service Worker – PT – Temp. (v. A. Klenner)	\$16.42/hr.	1/25/11
<u>PLANT & FACILITIES DEPARTMENT – Administration</u>			
Joseph R. Piantedosi	Acting Director – Temp.	M-3	1/31/11 – 6/30/11
<u>PATRIOT HOLIDAY/STREET OF FLAGS COMMITTEE</u>			
Kevin P. Bibeau	– Term expires 6/30/11	(v. J. Leone)	

Selectman Lyman asked the Town Manager to provide the dollar figure of the M-3 designation for Mr. Piantedosi, his responsibilities, and duration of position. The Town Manager said Mr. Piantedosi has been the Acting Director of Plant & Facilities since July, his primary role for the next six months will be to get Plant & Facilities through the budget process and to oversee the Bancroft School Project until an Owner’s Project Manager is hired for the life of the Bancroft project, and a Clerk of the Works hired once the project begins. Mr. Piantedosi does not receive vacation time, sick time, or a take-home vehicle and does have use of a Town vehicle during the day that is parked in Andover every night. Selectman Lyman also asked for the policy used for temporary benefits.

VIII. Statements of Interest: Shawsheen School and Andover High School

The Town Manager explained that the Massachusetts School Building Authority (MSBA) requires an annual vote of approval from the Board of Selectmen and the School Committee for Statements of Interest being resubmitted- refreshed. Statements of Interest (SOI’s) are being resubmitted for Shawsheen School and Andover High School.

STATEMENT OF INTEREST – SHAWSHEEN ELEMENTARY SCHOOL

Selectman Hess moved that the Board of Selectmen of Andover, Massachusetts, 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, originally submitted on June 20, 2007, for the Shawsheen Elementary School located at 18 Magnolia Avenue, Andover, MA, which describes and explains the following deficiencies for which an application may be submitted to the Massachusetts School Building Authority in the future:

As a result of the increase in the Special Education (SPED) population there are not

sufficient facilities to meet the requirements of the existing students; there are physical impediments to the renovation or expansion of the school which would make it financially impractical as a renovation or expansion would require compliance with the current State Building Code, including Americans with Disabilities Act (ADA), and seismic compliance with meeting the following priority category(s): replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists, as determined in the judgment of the Authority; elimination of existing severe overcrowding, as determined in the judgment of the Authority; and replacement or addition to obsolete buildings in order to provide a full range of programs consistent with State and approved local requirements, as determined in the judgment of the Authority; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, 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 School Department to filing an application for funding with the Massachusetts School Building Authority.

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

VIII. Statements of Interest: Shawsheen School and Andover High School (cont'd)

STATEMENT OF INTEREST – ANDOVER HIGH SCHOOL

Selectman Lyman moved that the Board of Selectmen of Andover, Massachusetts, in accordance with its Charter and Bylaws, vote to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority the Statement of Interest, originally submitted on June 20, 2007, for the Andover High School located at 80 Shawsheen Road, Andover, MA, which describes and explains the following deficiencies for which an application may be submitted to the Massachusetts School Building Authority in the future:

Andover High School requires an additional eight (8) classrooms and an expansion of the cafeteria to meet the needs of the current students as well as for the SPED students, which meet the following priority category(s): elimination of existing severe overcrowding as determined in the judgment of the Authority and prevention of severe overcrowding expected to result from increased enrollments, which must be substantiated, as determined in the judgment of the Authority and hereby further specifically acknowledges that by submitting this Statement of Interest Form, 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 School Department to filing an application for funding with the Massachusetts School Building Authority.

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

IX. Approval of Minutes from Previous Meetings

On a motion by Selectman Hess with a second by Selectman Teichert, it was voted 5-0 to approve the January 10, 2011 – Regular Meeting Minutes as presented.

X. Adjournment

On a motion by Selectman Teichert with a second by Selectman Major, it was unanimously voted to adjourn the Regular Meeting of January 24, 2011 at 8:20 P.M.
The Chairman declared the Regular Meeting of the Board of Selectmen to be adjourned.

Respectfully submitted,

Dee DeLorenzo
Recorder

Documents:

Letter from the Andover I-93 Interchange Task Force
Letter of Support from the Planning Board
Statement of Interests for Shawsheen School and Andover High School
Minutes of the January 10, 2011 Regular Meeting