



BOARD OF SELECTMEN AGENDA  
MONDAY, MAY 21, 2012  
EXECUTIVE SESSION – 6:00 P.M.  
REGULAR MEETING – 7:00 P.M.  
WATER TREATMENT PLANT CONFERENCE ROOM –  
397 LOWELL STREET

---

The agenda for each meeting closes at 4:30 P.M. on the Wednesday preceding the meeting. Times designated for agenda items are estimated.

---

- I. Call to Order/Roll Call – 6:00 P.M.
- II. Executive Session – 6:00 P.M.
  - A. Board to discuss collective bargaining strategy.
- III. Opening Ceremonies – 7:00 P.M.
  - A. Moment of Silence/Pledge of Allegiance
- IV. Communications/Announcements/Liaisons – 7:05 P.M.
- V. Citizens Petitions & Presentations – 7:10 P.M.
- VI. Public Hearings – 7:15 P.M.
  - A. Columbia Gas of Massachusetts

Columbia Gas of Massachusetts is requesting permission to excavate for the purpose of replacing and/or extending its gas mains to make the necessary house connections along the following public ways:

    - Sutherland Street/Liberty Street – replace approximately 30 feet of existing low pressure cast iron gas main on Sutherland Street with 4” HDPE pipe and replace 190 feet of 4” low pressure cast iron gas main on Liberty Street with 4” HDPE pipe. This is being done due to an encroachment. Approximate location shown on Plan #L12C6031 – dated 5/11/12.

The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to the commencement of any construction.
  - B. All-Alcoholic Restaurant Beverage License

Andover Food, Inc., d/b/a Raagini Indian Bistro, 209 North Main Street, Andover, has applied for an All-Alcoholic Beverage License for use at Raagini Indian Bistro, 209 North Main Street, Andover. Jaspreet Singh Pabla, Salem, MA, will be the designated Manager.

VI. Public Hearings (Cont.) – 7:15 P.M.

B. All-Alcoholic Restaurant Beverage License (Cont.)

The request 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.

VII. Regular Business of the Board – 7:30 P.M.

A. Common Victualler

Balvinder Singh Gahunia, Andover Food, Inc., d/b/a Raagini Indian Bistro, 209 North Main Street, Andover, has applied for a Common Victualler license for use at 209 North Main Street. The license will be effective from May 22, 2012 through December 31, 2012.

The request 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. Monette Circle

Board to sign documents related to the approval of warrant article #41 at the 2012 Annual Town Meeting – Street Acceptance of Monette Circle.

C. Land Conveyance Request

Board to sign letter to the Massachusetts Bay Transportation Authority requesting the conveyance of two parcels of land (a 3-acre parcel that abuts Serio's Grove Conservation Land and a 5-acre parcel that abuts the 35-acre Pole Hill Conservation Land) to the care and custody of the Conservation Commission to protect natural resources along the Shawsheen River watershed and to enhance existing open space within the Town. The request has also been approved by the Conservation Commission.

D. Work Session

Board to conduct a Work Session to discuss the following:

- Debt Tool
- Town Yard
- Tax Increment Financing Plan (TIF)
- Committee/Board Liaison appointments for 2012-2013

E. Appointments and Re-appointments

VIII. Approval of Minutes from Previous Meetings – 8:55 P.M.

April 23, 2012 – Regular Meeting  
April 30, 2012 – Special Meeting

IX. Executive Session – 9:00 P.M.

A. Board to discuss pending litigation strategy with Town Counsel.

X. Adjournment – 9:30 P.M.

May 21, 2012

VII. Appointments and Re-Appointments

That the following appointments by the Town Manager be approved:

<u>DEPARTMENT</u>	<u>POSITION</u>	<u>RATE</u>	<u>EFF. DATE</u>
<u>COMMUNITY SERVICES</u>			
Colleen A. McLaughlin	Program Director – PT	C11A/\$15.00/hr.	5/8/12
Gregory D. Calabro	Counselor I – PT	2CA/\$8.00/hr.	4/30/12
<u>COMMUNITY DEVELOPMENT &amp; PLANNING – Planning Division</u>			
Kathryn Forina	Administrative Secretary (v. P. Hamel)	IE14-1/\$41,073	6/4/12

TOWN OF ANDOVER



PUBLIC HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Andover Food, Inc., d/b/a Raagini Indian Bistro, 209 North Main Street, Andover, MA 01810, has applied for an All Alcoholic Restaurant Beverage License at 209 North Main Street, Andover, MA 01810. Jaspreet Singh Pabla, 7 Liberty Hill Ave., Salem, MA 01970 is the designated manager.

A public hearing will be held on May 21, 2012 in the Third Floor Conference Room at Andover Town Offices, 36 Bartlet Street, Andover, Massachusetts at 7:00 p.m. in accordance with the General Laws relating thereto.

By Order of the  
Board of Selectmen

Lawrence J. Murphy  
Town Clerk

Date of Issue: **Thursday, May 10, 2012**

*Handwritten initials*

**Columbia Gas<sup>®</sup>  
of Massachusetts**  
*A NiSource Company*

RECEIVED  
TOWN CLERK'S OFFICE

2012 MAY -7 A 10:17

TOWN OF ANDOVER, MASS.

Board of Selectmen  
Andover, Massachusetts

Date: 04/26/2012

Gentlemen:

Columbia Gas of Massachusetts respectfully asks permission to excavate for the purpose of replacing and or extending its gas mains, according to blueprints hereto annexed and made a part of this petition, and to make the necessary house connections along said extensions, as follows:

To replace approximately 30 feet of existing low pressure cast iron gas main on Sutherland Street with 4 inch HDPE pipe and to replace 190 feet of 4 inch low pressure cast iron gas main on Liberty Street with 4 inch HDPE. This is being done due to an encroachment.

Columbia Gas of Massachusetts agrees to provide and maintain proper barriers, warnings, policing and lights. Excavation and refilling will be done promptly, and to the satisfaction of the Highway Department. The restoration of sidewalk and/street surfaces will be done to the satisfaction of the Highway Department. Columbia Gas of Massachusetts will guarantee refilling and resurfacing for one year from completion of the work.

Columbia Gas of Massachusetts agrees to hold the Town of Andover harmless from claims of any nature by persons alleging to have been injured, in their persons or in their property, as a result of the excavation. Columbia Gas of Massachusetts agrees to defend against all such claims, whether groundless or not.

Bay State Gas Company d/b/a  
Columbia Gas of Massachusetts

*Handwritten signature: Joseph Fiorante*  
Joseph Fiorante  
Construction Supervisor

Columbia Gas of Massachusetts

Gentlemen:

Permission is hereby granted the Bay State Gas Company d/b/a Columbia Gas of Massachusetts to excavate and to install and maintain gas service pipe as requested above.

\_\_\_\_\_ Approved by Board of Selectmen - Date: \_\_\_\_\_

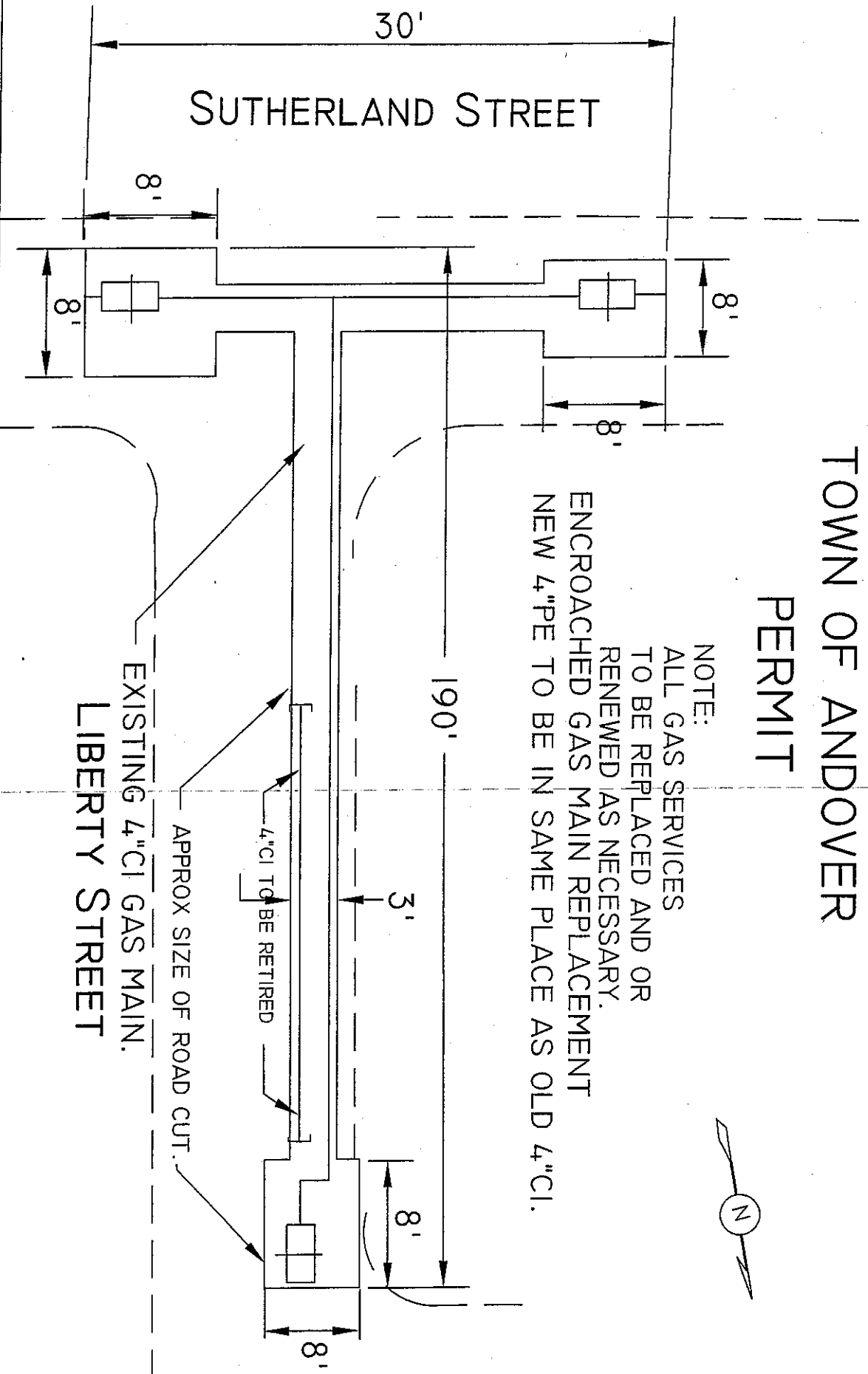
\_\_\_\_\_ Issued by Director of Public Works - Date: \_\_\_\_\_

*Handwritten date: 5/21/12*

# TOWN OF ANDOVER PERMIT



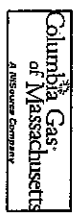
NOTE:  
ALL GAS SERVICES  
TO BE REPLACED AND OR  
RENEWED AS NECESSARY.  
ENCROACHED GAS MAIN REPLACEMENT  
NEW 4"PE TO BE IN SAME PLACE AS OLD 4"CI.



PROPOSED 30' ON SUTHERLAND STREET  
PROPOSED 190' ON LIBERTY STREET  
OF 4" PE LP GAS MAIN.

EXISTING 4"CI GAS MAIN.  
LIBERTY STREET  
APPROX SIZE OF ROAD CUT.

DWG L12C6031  
N.T.S.



DWN BY PML

# TOWN OF ANDOVER, MASSACHUSETTS

Christopher M. Cronin  
Acting Director



TELEPHONE  
(978) 6238350

FAX  
(978) 6238359

DEPARTMENT OF PUBLIC WORKS  
WATER TREATMENT PLANT  
397 LOWELL STREET 01810 -4416

TO: Lawrence Murphy, Town Clerk  
FROM: Christopher M. Cronin, DPW Acting Director  
DATE: May 9, 2012  
SUBJECT: Columbia Gas of Massachusetts

The petition by Columbia Gas of Massachusetts for the purpose of replacing and/or extending its gas main on Sutherland Street and Liberty Street is acceptable as shown on the petition listed below.

<u>Location</u>	<u>Plan</u>
Sutherland Street/Liberty Street	#L12C6031

**Prior to construction a street opening permit must be obtained from the Department of Public Works.**

BM/kag

cc: David Dargie, Construction Inspector

MAY 17 '12 AM 9:41

URBELIS & FIELDSTEEL, LLP  
155 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110-1727

---

CAROL HAJJAR MCGRAVEY  
OF COUNSEL  
e-mail [chm@uf-law.com](mailto:chm@uf-law.com)

Telephone 978-475-4552  
Telephone 617-338-2200  
Telecopier 617-338-0122

May 16, 2012

**HAND DELIVERED**

Board of Selectmen  
Andover Town Hall  
36 Bartlet Street  
Andover, MA 01810

Re: Street Acceptance  
Monette Circle

Dear Members of the Board:

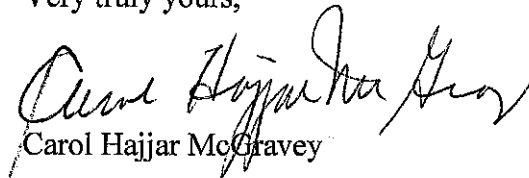
Enclosed for acceptance and signature by the Board of Selectmen, please find the following documents in connection with the acceptance by Town Meeting of Monette Circle as a public way:

1. Quitclaim Deed to Street; and
2. Confirmatory Easement for Utilities

After acceptance and signature, please return to our office for recording at the Registry of Deeds.

Please let us know if you have any questions.

Very truly yours,

  
Carol Hajjar McGravey

CHM/kmp  
Enclosures

Property Address: Utility Easement, Lot 4 Monette Circle, Andover, MA

(Space Above this Line Reserved for Registry of Deeds)

### CONFIRMATORY EASEMENT

Kevin M. Douglas, as Trustee of 7 and 10 Paulornette Circle Realty Trust u/d/t dated June 6, 2006 recorded with the Essex North Registry of Deeds at Book 10224, Page 194, of 100 Cross Street, Somerville, Middlesex County, Massachusetts,

for consideration paid but for no monetary consideration,

grant to The Inhabitants of the Town of Andover, a Massachusetts municipal corporation of 36 Bartlet Street, Andover, MA 01810

*with QUITCLAIM COVENANTS*

Perpetual easement over that portion of Lot 4 shown as the "Prop. 20' Wide Utility Easement" ("Easement Area") on the plan entitled "Subdivision Plan of Land in Andover, Mass. entitled Monette Circle" dated December 1, 2006 recorded with the Essex North Registry of Deeds as Plan No. 15928, for the purpose of maintaining, repairing or altering utility lines, including water pipes and water lines, and water works over or under the Easement Area.

With regard to the above easements, said Town of Andover shall forever have the right to construct, maintain, repair and replace water pipes, water lines and water works there through and thereunder and to make such entries thereon and therein as may, from time to time, be necessary or convenient for such purposes or other municipal purposes.

For Grantor's title see Deed recorded in Book 10224, Page 205. The Confirmatory Easement is confirmation of the Access and Water Line Easement recorded in Book 12445, Page 162, which was filed without the acceptance of the Board of Selectmen.

The undersigned Trustee hereby certifies he is the sole trustee of said Trust; that the trust remains in full force and effect and has not been terminated, altered, amended or revoked;

that 100% of the beneficiaries of the trust have directed and authorized the trustee to convey the herein referenced property for the consideration set forth herein; and that no beneficiary of the trust is a minor, incompetent or unincorporated association or a subject of an estate tax lien.

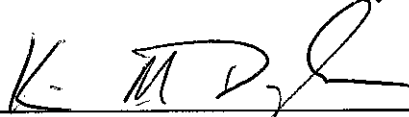
The undersigned owners of Lot 4 hereby join in the Confirmatory Easement and consent to same.

END OF TEXT


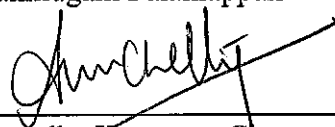
SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, Kevin M. Douglas, as Trustee of 7 and 10 Paulornette Circle Realty Trust, has signed this Easement, under seal this 15<sup>th</sup> day of MARCH, 2012.

7 and 10 Paulornette Circle Realty Trust

  
By: Kevin M. Douglas, as Trustee

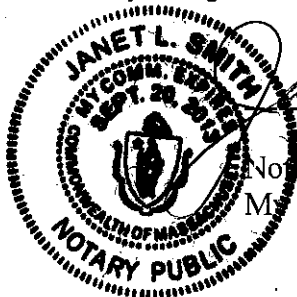
Lot 4 Owners:

  
Shanmugam Palaniappan  
  
Anuradha Karuppan Chetty

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 1<sup>ST</sup> day of MARCH, 2012, before me, the undersigned Notary Public, personally appeared Kevin M. Douglas, as Trustee of 7 and 10 Paulornette Circle Realty Trust, proved to me through satisfactory evidence of identification which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Trustee, and that he has the authority to sign in that capacity.



Janet L. Smith  
Notary Public  
My Commission Expires: 9.20.2013

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 10<sup>th</sup> day of February, 2012, before me, the undersigned Notary Public, personally appeared Shanmugam Palaniappan and Anuradha Karuppan Chetty, proved to me through satisfactory evidence of identification which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that h/shee signed it voluntarily for its stated purpose.

Maria B. Fraser

Notary Public  
My Commission Expires:



MARIA B. FRASER  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 13, 2013

We the Board of Selectmen for the Town of Andover hereby accept the foregoing conveyance on behalf of the Inhabitants of the Town of Andover, Massachusetts

Signed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. \_\_\_\_\_, 2012

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, and that he/she/they has/have authority to sign as a/the Member(s) of the Board of Selectmen of the Town of Andover, before me,

\_\_\_\_\_  
Notary Public  
My Commission Expires:

(Space Above this Line Reserved for Registry of Deeds)

---

## QUITCLAIM DEED

I, Kevin M. Douglas, Trustee of 7 and 10 Paulornette Circle Realty Trust, u/d/t dated June 6, 2006, and recorded with Essex North District Registry of Deeds in Book 10224, Page 194, as amended of record, of Somerville, Middlesex County, Massachusetts

for consideration paid and in full consideration of fewer than One Hundred and 00/100 (\$100.00) Dollars

grant to The Inhabitants of the Town of Andover of 36 Bartlet Street, Andover, Essex County, Massachusetts 01810

*with QUITCLAIM COVENANTS*

PROPERTY ADDRESS: Monette Circle, Andover, MA 01810

That certain street located in Andover, Massachusetts, and known as Monette Circle, which is described in Schedule A – Legal Description attached hereto and incorporated herein by reference.

Being a portion of the premises conveyed to the Grantor Trustee by deed recorded with Essex North District Registry of Deeds in Book 10224, Page 205.

The undersigned Trustee hereby certifies that he is the only Trustee of the Trust, that said Trust is in full force and effect, and has not been altered, amended or revoked, except as of record, and that the undersigned Trustee has been directed by all of the beneficiaries of said Trust to execute and deliver this deed and that none of the said beneficiaries is a minor, a personal representative or a subject of an estate tax lien, and this conveyance does not represent a sale of all or substantially all of its Massachusetts assets.

END OF TEXT

SIGNATURE PAGE FOLLOWS

Property Address: Fee interest in Monette Circle, Andover, MA

Signed under seal this 1<sup>ST</sup> day of MARCH, 2012.

7 and 10 Paulornette Circle Realty Trust

By: K. M. Douglas Trustee  
Kevin M. Douglas, Trustee

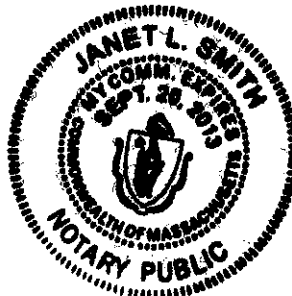
COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

March 1, 2012

On this 1<sup>ST</sup> day of MARCH, 2012, before me, the undersigned Notary Public, personally appeared Kevin M. Douglas, Trustee of 7 and 10 Paulornette Circle Realty Trust, as aforesaid, who proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that he has the authority to act in that capacity.

Janet L. Smith  
Notary Public  
My Commission Expires: 9.20.2013



## SCHEDULE A – LEGAL DESCRIPTION

That certain street in Andover, Massachusetts shown as Monette Circle on a plan of land entitled, "Street Acceptance - Plan of Land", prepared by Cornerstone Land Consultants, Inc. for 7-10 Paulornette Realty Trust, dated November 17, 2011 (last revised January 25, 2012), as drawing 9056 (the "Plan") and recorded herewith as Plan No. \_\_\_\_\_, and more particularly described as follows:

"Commencing at a point lying at the Southerly Right of Way of a way now known as Paulornette Circle, a public way of forty feet in width, which is to be named as Monette Circle, said point being marked by a stone bound, said point being the "Point of Beginning" and being the Southeasterly corner of the herein described parcel of land;

Thence running along said Monette Circle Southerly Right of Way N.85°23' 41"W., a distance of 79.69 feet to a stone bound;

Thence along a curve to the left with a radius of 100.00 feet and a length of 72.27 feet to a stone bound;

Thence along a curve to the right with a radius of 60.00 feet and a length of 275.22 feet to a stone bound;

Thence along a curve to the left with a radius of 100.00 feet and a length of 72.28 feet to a stone bound;

Thence S.85°23' 41"E., a distance of 53.16 feet to a point of a curvature, not tangent with the last course, and being a corner of the herein described parcel;

Thence along a circular curve with a radius of 60.00 feet, a length of 49.38, to the "Point of Beginning" of the herein described parcel of land known as Monette Circle;

Said parcel contains a calculated area of 16,224 ± square feet, or 0.37 acres more or less as shown on said plan.

Being the same parcel shown as "Monette Circle" on a plan entitled, "Subdivision Plan of Land in Andover, Mass., entitled Monette Circle", recorded as Plan No. 15928 with the Essex North District Registry of Deeds.

We the Board of Selectmen for the Town of Andover hereby accept the foregoing conveyance on behalf of the Inhabitants of the Town of Andover, Massachusetts

Signed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. \_\_\_\_\_, 2012

On this \_\_\_\_ day of \_\_\_\_\_ 2012, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons who names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, and that he/she/they have the authority to sign as a/the Member(s) of the Board of Selectman of the Town of Andover, before me,

\_\_\_\_\_  
Notary Public:  
My Commission Expires



# TOWN OF ANDOVER

Town Offices  
36 Bartlet Street  
Andover, MA 01810  
978-623-8225  
www.andoverma.gov

May 14, 2012

Mark Boyle  
AGM for Development  
Massachusetts Bay Transportation Authority  
Ten Park Plaza – 5<sup>th</sup> Floor  
Boston, MA 02116

Re: Town of Andover Land Conveyance Request

Dear Mr. Boyle:

The Town of Andover Board of Selectmen request that you convey two parcels of land in the Town of Andover to the Inhabitants of the Town of Andover. These parcels would be placed in the care and custody of the Andover Conservation Commission pursuant to Massachusetts General Laws, Chapter 40, Section 8C. As Conservation Commission land, they would be permanently dedicated as open space for public use.

The purpose of this request is to protect natural resources along the Shawsheen River watershed and to enhance existing open space within the Town of Andover. While both of these parcels are currently unused and have low potential for traditional development, each has high value to the Town of Andover and to the watershed as protected open space.

The first parcel is shown as Parcel 10A on Assessors' Map 159, is recorded in the North Essex District Registry of Deeds in Book 1299, Page 162 and contains 3 acres, more or less. This three-acre wooded lot abuts the Serio's Grove Conservation Land and has approximately 275 feet of frontage on the Shawsheen River. The acquisition of this property would not only greatly enhance the existing Serio's Grove Conservation Land but also provide a vital link in the proposed Shawsheen River Greenway Project.

The second parcel is shown as Parcel 1 on Assessors' Map 158, is recorded in the North Essex District Registry of Deeds in Book 1299, Page 162 and contains 5 acres, more or less. Said parcel of land is also recorded in the North Essex District Registry of Deeds Plan #7531 as shown on sheets 6 and 7. This parcel abuts the 35-acre Pole Hill Conservation Land and consists of four distinct peninsulas and has several thousand feet of river front on both sides of the river. This property is also historically significant in that it was, along with Pole Hill, part of the Shawsheen River Grove dating back to the 1890's. This popular Summer destination provided day-long enjoyment to groups large and small. It featured two swimming holes, a cook house, dance pavilion and a foot racetrack.

Mark Boyle  
AGM for Development  
Massachusetts Bay Transportation Authority  
Page Two  
May 14, 2012

We appreciate your consideration. These conveyances will greatly enhance existing open space, protect the valuable Shawsheen River watershed and help to ensure that these important resources remain protected in perpetuity.

Very truly yours,

ANDOVER BOARD OF SELECTMEN

---

Paul J. Salafia, Chairman

---

Alex J. Vispoli, Vice Chairman

---

Daniel H. Kowalski

---

Mary K. Lyman

---

Brian P. Major

Enclosures

cc: Congresswoman Niki Tsongas  
State Senator Barry R. Finegold  
State Representative Paul Adams  
State Representative James Lyons

## BOARD OF SELECTMEN – APRIL 23, 2012

---

### I. Executive Session

Chairman Brian Major called the Executive Session to order at 6:03 P.M. in the Selectman's Conference Room in the Town Offices. On a motion by Selectman Vispoli, seconded by Selectman Lyman, the Board voted 5-0 to enter into Executive Session to discuss pending litigation and collective bargaining strategy with Town Counsel and to return to Public Session and that the Chairman declare that such discussion in Open Session would be detrimental to the Town's litigation position and to return to Open Session. Roll Call: Chairman Major – Y and Selectmen Mary Lyman – Y, Paul Salafia – Y, Alex Vispoli – Y and Daniel Kowalski – Y. At 7:03 P.M. on a motion by Selectman Salafia, seconded by Selectman Lyman, it was voted 5-0 to adjourn from Executive Session to move to Open Session and not to return to Executive Session. Roll Call: Chairman Major – Y and Selectmen Mary Lyman – Y, Alex Vispoli – Y, Paul Salafia – Y and Daniel Kowalski – Y.

### II. Call to Order/Roll Call

Chairman Brian Major reconvened the Regular meeting of the Board of Selectmen to order at 7:16 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Roll Call – Chairman Major and Selectmen Alex Vispoli, Paul Salafia, Mary Lyman and Daniel Kowalski. Also present: Town Manager Reginald Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

### III. Opening Ceremonies

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

### IV. Citizens Petitions & Presentations - None

### V. Communications/Announcements/Liaisons

The Town Manager made the following announcements:

- ~ The Blanchard Street Ballfields construction has begun and is moving along nicely, water is now on site and they are in the final stages of grading the fields.
- ~ The House Ways and Means released the budget and Andover is receiving \$103,000 in additional Chapter 70 funds.
- ~ The Bald Hill Compost Site is open on Monday and Saturday from 8:00 A.M. to 4:00 P.M. and Wednesday, Friday and Sundays from Noon to 4:00 P.M.
- ~ Curbside leaf pickup started this week and will run through the week of June 2<sup>nd</sup>.
- ~ WROR is working with DCS to host a movie night in The Park.
- ~ The three officials from Pakistan will be arriving in May and spend two weeks as Andover's guests shadowing Town officials to gain an understanding of how local government operates.

Town Clerk Larry Murphy announced that the Annual Town Meeting will be held on Monday, April 30<sup>th</sup>, Tuesday, May 1<sup>st</sup> at the Collins Field House at AHS. The meeting will begin at 7:00 P.M.

Selectman Lyman announced that the Commission on Disability will meet on

Wednesday, April 25<sup>th</sup> at 7:00 P.M. in the Activity Center at Memorial Hall Library. The Franciscan Overlay District Task Force will meet on Tuesday, April 24<sup>th</sup> at 6:30 P.M. in the Selectman's Conference Room.

Selectman Vispoli said the Economic Development Committee has the TIF warrant article as an action item on their agenda for their next meeting.

Chairman Major commented that the TIF action item will solidify the charter focus on the process and set the structure and model for future TIF's and overlay those with State requirements.

## VI. Public Hearings

Chairman Major opened the public hearings at 7:25 P.M.

### A. Columbia Gas of Massachusetts

Representatives from Columbia Gas of Massachusetts were on hand to answer questions relative to the excavation for the purpose of replacing and/or extending its gas mains on the following public ways:

~ River Street – replace 1,300 feet of 6-inch bare steel with 1,300 feet of 6 HDPE on River Street with a tie in to be done at Charlotte Drive easement. This project is being done due to the existing pipe condition. Approximate locations are shown on Plans #L12B6014 & L12C6025 dated 3/2/12.

~ Lincoln Circle – replace 2,034 feet of 2-inch high pressure PE gas main. Approximate location is shown on Plan #12062011-D dated 12/6/11.

~ River Road – install 1,240 feet of new 6-inch HDPE pipe from #460 River Road to the Andover town line. This project is due to system expansion. Approximate location is shown on Plan #02282012 dated 2/28/12.

~ Lowell Street and Cutler Road – excavate on Lowell Street to replace 5,150 feet of care steel main with 8-inch high pressure HDPE and to replace 785 feet of bare steel main on Cutler Road with 2-inch high pressure HDPE. This is being done as a system performance project due to the poor condition of the existing main. Approximate locations are shown on Plan #2092011-D dated 2/9/11 and 2/14/12.

~ Elm Court – excavate to replace 490 feet of care steel main with 4-inch low pressure HDPE. This is being done as a system performance project due to the poor condition of the existing main. Approximate location is shown on Plan #02202009-D dated 9/27/11.

~ Washington Avenue, Pasho Street & Summer Street – replace 2,773 feet of 4-inch cast iron with 2,773 feet of 6-inch and 2-inch HDPE high pressure main on Washington Avenue, Pasho Street and Summer Street. This is being done due to a municipal road paving job. Approximate location is shown on Plan #03062012-D dated 3/1/12.

~ Marilyn Road and Cindy Lane – replace 815 feet of new 2-inch high pressure HDPE pipe on Marilyn Road and 500 feet of new 2-inch high pressure HDPE pipe on Cindy Lane. This main is being replaced due to municipal improvements being done on Lincoln Street. Approximate location is shown on Plan #02012006-D dated 2/11/09.

All of the requests have 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 any excavation.

There were many residents in attendance with questions about the proposals. Chairman Major opened up the questioning to the audience by location. There were no questions asked for River Street, Lincoln Street, and River Road but several residents had questions about the Lowell Street excavation work.

Lowell Street: Steve Sowam, 215 Lowell Street, representing the West Parish Cemetery asked what the scope, timing and duration of the project would be as they have several weddings and would need to know when access to the Chapel from Lowell Street would not be available.

The work on Lowell Street is expected to take approximately 75 days, and a representative from the Gas Company will provide the dates they will be working in that area. At the end of each day the road area under repair will be backfilled and plates installed if there is an open trench.

Ed Kelly, 57 Marilyn Road – the gas main ends at 29 Marilyn Road, can the line be extended to their home? *The gas line can be extended and you should contact the Gas Company to begin the paperwork.*

Elm Court: Pam Wilkie, 5 Elm Court. asked how they will access their homes during the work (it is a dead-end street) and will the street be repaved upon completion. *None of the driveways will be blocked and police will be on hand to assist with traffic.* The Town Manager said plans to repave the streets involved will be done next year, after the road settles. Alix Driscoll, 14 Elm Court questioned how they will make the connection to the main house. *Typically, they dig a hole in the street outside the property and connect underground; they do not dig up the resident's property. Columbia Gas will be responsible for all repairs if needed. Please alert Columbia gas if you have a sprinkler system.*

The Gas Company representative said inspectors will be going door-to-door the week before the work begins to answer residents' questions. There will be minimal downtime to the homes – approximately two hours. Meter placements have to be outside, and residents should speak to the inspectors about the placement if they have a concern.

Selectman Vispoli motioned to approve the request by Columbia Gas of Massachusetts to excavate for the purpose of replacing and/or extending its gas mains on the public ways as petitioned. The motion was seconded by Selectman Kowalski and voted 5-0 to

approve.

VII. Regular Business of the Board

A. Ambulance Fees – First Reading

Fire Chief Michael Mansfield explained his request to increase to the Town's ambulance fees to the Boards. In 2010, there was an 8% decrease in payments from Medicare – Medicaid and recently, Medicare reduced their reimbursement rates an additional 2.1% to 5% having a further negative effect on Andover EMS revenue as 41% of patients transported are covered by Medicare or Mass Health Programs, and Andover Fire Department/EMS does not balance bill. They are asking approval to re-adjust the rates to cover additional expenses for fuel and personnel. The Chief provided an ambulance reimbursement comparison chart of surrounding communities.

Discussion: Selectman Vispoli asked if there is any pending legislation for fees charged. The Chief said there is in an attempt to curtail BC/BS efforts to set the reimbursement rates for municipal and private exports which would have a dramatic impact on our fee for service. As this was a first reading, no action was taken.

B. Construction Easements – West Knoll Road

Board to sign the Temporary Construction Easements approved at the December 5, 2011 Special Town Meeting for the purpose of construction improvements to West Knoll Road and the installation of utilities for the Bancroft Elementary School.

Selectman Lyman motion the Board to adopt an Order of Taking for four Temporary Construction Easements which shall have a term of two years shown as Temporary Construction Easements #1, #2, #3, and #4 as shown on the "Easement Plan of Land in Andover, Massachusetts, West Knoll Road, Scale 1" = 40", dated October 25, 2011", drawn by Dana F. Perkins, Inc. Consulting Engineers & Land Surveyors, Tewksbury, Massachusetts, and to pay the awards as provided in the Order of Taking, as authorized by vote upon Article 2 of the Special Town Meeting on December 5, 2011. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

C. Snow and Ice Account

The Town Manager presented the recommendation for the use of the \$600,000 balance in the FY-2012 snow and ice account to purchase two dump trucks and one street sweeper which are in the CIP account for 2013 and 2014 eliminating the need to borrow the funds, with the balance going to Free Cash. DPW is also requesting \$50,000 for the roadways and sign assessment/management program to complement what is recommended in the Capital Projects Fund, and \$15,000 for the computerized maintenance system if needed.

Selectman Lyman motioned to recommend approval of the request to use the balance of the Snow and Ice Fund of \$600,000 for DPW purchase requests as presented with the balance of \$70,000 going to Free Cash. The motion was seconded by Selectman Vispoli and voted 4-1 to approve. Selectman Kowalski opposed.

D. Paperless Initiative – Tabled

E. Joint Meeting with Finance Committee

The Finance Committee joined the Selectmen in a Joint Meeting to discuss Warrant Articles. The Joint Meeting was called to order by Finance Chair S. Jon Stumpf at 8:15 P.M. Present from the Finance Committee: Peggy Kruse, Paul Fortier, Mark Merritt, Greg Rigby, Linn Anderson and Mary O'Donoghue.

The following warrant articles were discussed with the Finance Committee:

Article 18 – Town Yard, Acquisition of 5 Campanelli Drive, Acquisition, Design and Construction

Article 19 – Acquisition of 65 River Road

Chairman Major provided an update on the status of the Town Yard Project. He and the Town Manager and Rick Feldman, Chairman of the Town Yard Task Force, met with the owners of 5 Campanili Drive to discuss a reduction in the asking price of \$3.5M which is double what it was purchased for 5 years ago. The owners felt extremely comfortable with their asking price and were not interested in reducing the cost of the acquisition.

Rick Feldman said the Task Force has concluded the need for a new Town Yard and that over 35 sites have been analyzed. The 5 Campanelli Drive site provides the space needed for the Town Yard, it is not in a residential area, has easy access to highways and is a great site with many benefits that won't come available again. Rebuilding on the current site would require two facilities to accommodate the space needed, expenses are comparable to the acquisition of 5 Campanili Drive, and the Town would lose the opportunity to redevelop the current Town Yard area.

The DPW and Plant and Facilities have provided input on the current site, assisted in developing the requirements and would be happy with the location of the new facility. The \$3.5M asking price is not a premium asking price over the market price of \$35 per buildable sq. ft. – \$4.2M is the appraised value. Some of the Board members felt that it is not a legitimate value of the property in this market and is too much for the Town to pay. Others felt the difference would be made-up through the redevelopment of the downtown land, and choosing to not re-vitalize the downtown area means a loss of future dollars and opportunities.

The Town Manager suggested they bring the article to Town Meeting and let the voters decide. Selectman Salafia reiterated the critical need for a new Town Yard which has been 20 years in the decision-making process, 35 sites have been looked at with only two options remaining: Build at 5 Campanili Drive or rebuild at the current site. Chairman Major commented that the Campanili Agreement is good through the end of the Summer.

Motion: Selectman Salafia motioned that the Board vote to recommend approval of Warrant Articles 18 and 19 for Campanili Drive. The motion was seconded by Chairman Major.

Discussion:

Selectman Vispoli said he is torn between the acquisition cost and the excitement of redeveloping the downtown area. Selectman Salafia agreed it would be a hard sell at Town Meeting but they need to focus on the number of studies that have been done and the limited parcels of land available. Chairman Major's earlier concern was the capability of re-developing the downtown parcel but he is now confident the capability is there. He said the Town would gain re-development opportunities downtown that would be similar to those of a Class A office facility at 5 Campanili Drive. The majority of the DPW and Plant and Facilities divisions would be consolidated into one site, construction would be on a fresh piece of property with the option to purchase an adjoining parcel and there is direct access to the highway to get to various parts of Town. The Task Forces have all done an outstanding job. For all of these reasons, he is voting to recommend approval.

Selectman Vispoli wants to show the residents the proposal is financially neutral. Selectman Kowalski would like to have all of the upcoming Town Projects – the Town Yard, Ballardvale Fire Station, AHS Addition, and Early Childhood Center prioritized.

Vote: The motion to recommend approval failed on a vote of 3 – 2 – Selectman Lyman, Vispoli and Kowalski voted to not approve and Selectman Salafia and Chairman Major voted to recommend approval.

Motion: Selectman Lyman motioned the Board recommend disapproval of Warrant Articles 18 and 19. The motion to recommend disapproval was seconded by Selectman Kowalski and voted 3-2 to recommend disapproval of the two Town Yard Warrant Articles. Selectman Kowalski, Lyman and Vispoli voted to recommend disapproval, Chairman Major and Selectman Salafia voted to not recommend disapproval.

The Finance Committee on a motion duly made and seconded adjourned from the Joint Meeting at 10:15 P.M.

Article 3 – Salaries

Selectman Lyman motioned to recommend approval of Warrant Article 3-Salaries. Selectman Vispoli made a second and the Board voted 5-0 to approve.

Article 6 – Budget Transfers

Selectman Vispoli recommended approval of Article 6 – Budget Transfers as presented. The motion was seconded by Selectman Lyman and voted 5-0 to recommend approval.

Article 7 – Supplemental Budget Appropriations

Selectman Lyman motioned Article 7 be withdrawn. The motion to withdraw was seconded by Selectman Salafia and voted 5-0 to withdraw.

Article 9 – Unexpended Appropriations

Selectman Lyman motioned Article 7 be withdrawn. The motion to withdraw was seconded by Selectman Vispoli and voted 5-0 to withdraw.

Article 10G – Bonding and

Article 12 – Unpaid Bills

Selectman Lyman motioned to recommend approval of Warrant Articles 10G and Warrant Article 12. The motion was seconded by Selectman Vispoli and voted 5-0 to recommend approval.

Article 25 – School Building Maintenance and Renovation

Selectman Vispoli recommended to approve Warrant Article 25- School Building Maintenance and Renovation as petitioned. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

Article 30 – Solar Facility at 176 Tewksbury Street

Selectman Vispoli motioned to not recommend approval of Warrant Article 30 – Solar Facility at 176 Tewksbury Street. Selectman Salafia seconded and the motion was voted 5-0 to not recommend approval.

VII. Consent Agenda

A. Block Party Request

Selectman Lyman motioned to approve the request of Neil B. Magenheimer, 14 Henderson Avenue, for permission to block off Henderson Avenue for a neighborhood block party on Saturday, May 19, 2012 from Noon to 5:00 P.M. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

B. Hike for Hope

Selectman Lyman motioned to approve the request of Roger A. Desjardins of the Hike for Hope Committee to conduct the 13<sup>th</sup> Annual Lazaurus House “Hike for Hope” 5-mile walk through the streets of Andover on Sunday, October 14, 2012 beginning at 1:00 P.M. at Merrimack College using the same route as in previous years. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

C. Art-in-the-Park

Selectman Lyman motioned to approve the request of Jane Loveys of the Andover Artists Guild, Inc to use The Park on Saturday, September 15, 2012 fo the Annual Art-in-the-Park (raindate-Sunday, September 16, 2012). Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

D. Outdoor Dining License

Selectman Lyman motioned to approve the request of James Hadad, 9 Marion Avenue, Andover, is applying for an Outdoor Dining License (4 tables – 8 seats) for use at Ultimate Perk, 96 Main Street, from April 23, 2012 through October 31, 2012 each day from 6:00 A.M. to 5:00 P.M. The request 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. The motion was seconded by Selectman Vispoli

and voted 5-0 to approve.

E. Secondhand Dealer License Renewals

Selectman Lyman motioned to approve the request of the Town Clerk to approve the list of Secondhand Dealer License renewals as presented and effective from May 1, 2012 through April 30, 2013:

- Bell-Time Clocks, 53 Poor Street
- Dino International Furs, 33 Main Street
- E & J Music, 5A Lowell Street
- Grecoe Jewelers, 26 Park Street
- Nazarian Jewelers, 35 Main Street
- LVP, Inc., d/b/a Optech, 166 North Main Street
- Royal Jewelers, 58 Main Street

The requests have been reviewed and approved by the Police Department and Town Clerk 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 Vispoli and voted 5-0 to approve.

F. Storage of Inflammable Registrations

Selectman Lyman motioned to approve the request of The attached list of Storage of Inflammable license holders have submitted their Certificates of Registration for 2012. The renewals have been reviewed and approved by the Fire Prevention Officer and the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the Certificates of Registration. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

G. Charitable Wine Auction License

Selectman Lyman motioned to approve the request of Charles Wolf, Treasurer of the Service Club of Andover, Inc., Post Office Box 334, Andover, has applied for a Charitable Wine Auction License for use on Saturday, April 28, 2012 from 6:00 P.M. to 10:00 P.M. at the Andover Country Club. The request 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. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

H. Wine Sale & Sampling License

Selectman Lyman motioned to approve the request of Kip Kumler on behalf of the Lexington Consulting Groups, Inc., d/b/a Turtle Creek Winery, has applied for a Section 15F Special License for the Sale and Sampling of Wine by a Farmer-Winery each Saturday from June 30, 2012 through October 6, 2012 during the hours of 12:30 P.M. to 3:30 P.M. at the Andover Historical Society's Farmers Market, 97 Main Street, Andover. The request 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. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

I. One-Day All-Alcoholic Beverage Licenses

Selectman Lyman motioned to approve the request of Deborah B. Murphy, Director of Alumni Affairs, on behalf of the Trustees of Phillips Academy, 180 Main Street, Andover, is applying for four one-day all-alcoholic beverage licenses on the following dates and times for Alumni Weekend events scheduled at various locations on the Phillips Academy campus:

- 1) Wednesday, June 6, 2012 from Noon to Midnight for storage of alcohol in locked trailers at the Smith Center function space;
- 2) Thursday, June 7, 2012 – alcohol storage from Noon to Midnight; service from 5:30 P.M. to 11:00 P.M. at locations indicated on the attached 2012 Reunion Event Plan;
- 3) Friday, June 8, 2012 – alcohol storage from Noon to Midnight; service from 5:30 P.M. to 11:00 P.M. at locations indicated on the attached 2012 Reunion Event Plan; and,
- 4) Saturday, June 9, 2012 – alcohol storage from Noon to Midnight; service from 5:00 P.M. to Midnight at locations indicated on the 2012 Reunion Event Plan.

The requests have 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 licenses. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

J. Appointments and Re-appointments

Selectman Lyman motioned to approve the following appointments as recommended by the Town Manager. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>FIRE RESCUE</u>			
Kevin P. Farragher	Firefighter (v. B. Davies)	F726-1/\$49,519	4/30/12
<u>YOUTH SERVICES</u>			
Nicholas Gentile	Counselor 1 – PT	C2C/\$8.50/hr.	3/30/12
Kyla Mosquera	Counselor 1 – PT	C2C/\$8.50/hr.	3/30/12
Daisy Ranwell	Counselor 2 – PT	C3A/\$8.75/hr.	4/3/12
<u>PLANT &amp; FACILITIES DEPARTMENT – Building Division</u>			
John McQuade	Custodian – Temp.	W1/\$41,760	4/25/12
<u>POLICE DEPARTMENT – Dispatch</u>			
Brian Jowett	Dispatcher (v. B. Ledwell)	D1-583-1-0/\$44,298	4/29/12

DEPARTMENT	POSITION	RATE	EFF. DATE
------------	----------	------	-----------

COMMUNITY SERVICES

Jordan L. McCann	Art Teacher – PT	\$1,200	7/2/12
------------------	------------------	---------	--------

VIII. Approval of Minutes from Previous Meetings

Selectman Lyman motioned to approve the Special Meeting Minutes of April 17, 2012 as presented. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

IX. Other

The Board discussed with Chief Mansfield the loan of Tower Ladder #2 to the Methuen Fire Department in December of 2010 and the conditions of agreement.

X. Adjournment

At 11:06 P.M. Selectman Vispoli motioned to adjourn the Regular Meeting. The motion was seconded by Selectman Salafia and unanimously approved.

Respectfully submitted,

Dee DeLorenzo  
Recorder

Documents: Storage of Inflammables /Certificates of Registration Renewal for 2012  
Memo from DPW regarding Snow Balance  
Letter from Carol McGravey, Esq., Urbelis & Fieldsteel, LLP – regarding  
Temporary Construction Easements  
Letter from Fire Chief Michael Mansfield regarding increase in  
Ambulance Fees  
Memo to Selectmen from Town Manager Regarding Digitally Conveying  
& Archiving Documents  
Minutes of April 17, 2012

BOARD OF SELECTMEN – APRIL 30, 2012  
SPECIAL MEETING

---

I. Call to Order/Roll Call

Chairman Brian Major called the Special Meeting of the Board of Selectmen to order at 6:12 P.M. in the stage area of the Richard J. Collins Field House at Andover High School. Present: Chairman Major and Selectmen Mary Lyman, Alex Vispoli, Paul Salafia and Dan Kowalski. Also present: Town Manager Reginald Stapczynski, Town Counsel Thomas Urbelis, Public Health Director Thomas Carbone and Candace Martin, Chair of the Board of Health. The meeting was duly posted.

II. Executive Session

On a motion by Selectman Vispoli, a second by Selectman Lyman, it was voted to go into Executive Session at 6:15 P.M. for confidential communication with Town Counsel and to discuss litigation strategy relating to a potential lawsuit to be filed by the Town and that the Chairman declare that such discussion in Open Session would be detrimental to the Town's litigation position and to return to Open Session. Vote: Chairman Major – Y and Selectmen Vispoli – Y, Kowalski – Y, Salafia – Y and Lyman – Y.

There being no further business to come before the Executive Session, a motion was made and duly seconded to adjourn at 6:25 P.M. and to return to Open Session. Voted: Chairman Major – Y and Selectmen Vispoli – Y, Salafia – Y, Kowalski – Y and Lyman – Y.

III. Annual Town Meeting – Warrant Articles

The Board reviewed the Warrant for the Annual Town Meeting and took the following actions:

1. Warrant articles #18 – Town Yard – Acquisition of 5 Campanelli Drive and #19 – Town Yard – Acquisition of 65 River Road  
A motion was made by Selectmen Vispoli, seconded by Selectman Lyman, to recommend withdrawal of warrant articles #18 and #19. The vote was 5 – 0.
2. Warrant article #30 – Lease of land at 126 Tewksbury Street for Solar Facilities  
A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to recommend withdrawal of warrant article #30. The vote was 5 – 0.

IV. Board of Selectmen Slate of Officers

Selectman Vispoli asked to discuss and reconsider the Board's slate of officers.

On a motion of Selectman Vispoli, seconded by Selectman Lyman, it was voted to rescind the prior reorganization of the Board of Selectmen. The vote was 5 – 0.

On a motion by Selectman Vispoli, seconded by Selectman Kowalski, it was voted to nominate Paul Salafia as Chairman of the Board. The vote was 5 – 0.

On a motion by Selectman Lyman, seconded by Dan Kowalski, it was voted to nominate Alex Vispoli as Vice Chairman of the Board. The vote was 5 – 0.

On a motion by Selectman Vispoli, seconded by Selectman Salafia, it was voted to nominate Dan Kowalski as Secretary of the Board. The vote was 5 – 0.

The new officers will be effective May 1, 2012.

V. Adjournment

There being no further business to come before the Board, a motion was made and duly seconded to adjourn the meeting to attend the first night of the Annual Town Meeting. The vote was 5 – 0. The meeting adjourned at 6:35 P.M.

Respectfully submitted,

Reginald S. Stapczynski, Town Manager

MOTION – EXECUTIVE SESSION – END OF MEETING

I move that the Board of Selectmen vote to go into Executive Session for confidential communication with Town Counsel, to discuss litigation strategy, to discuss valuation of real property for potential acquisition and that the Chairman declare that such discussion in Open Session would be detrimental to the Town's litigation or bargaining position and not to return to Open Session.

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

Voted \_\_\_\_\_ to \_\_\_\_\_

May 17, 2012