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Forum from page 19

school district's facilities, the liability risk is greatly increased and it's strongly recommended that you make sure that the school district's property is safe and there's no chance of injury (as far as you know). If a structural engineer has concerns regarding a building, we would strongly recommend to not allow third parties or even staff to be in the building for as long as the building is deemed to be unsafe. Our claims department might deny a claim/occurrence that's 'expected or intended.' While this is not intended, it's certainly expected."

As a landlord or a property owner, if you received the above response from your insurance company, how would you respond?

Now let's move on to some issues which will be discussed at the March 2 District Meeting.

The petitioned warrant article states in part that "AASP proposes to provide full and complete liability insurance." AASP is licensed to enroll a maximum of 22 students at a time. Their current insurance policy through Utica National Insurance Group has a General Aggregate Limit of \$2 million per incident. Hypothetically, assuming that 22 youngsters, one staff member, and one or two parents are in a building owned by the District and there is a building collapse or fire, then the maximum that each person involved could recover through litigation would be approximately \$80,000. You can be assured that the injured parties will also name the District in all civil suits. For this reason, as a "landlord" the District will be required to maintain insurance on the Hamp House.

The proposed new 10-year lease described in the petitioned warrant article was drafted by an attorney retained by

AASP to promote their interests. The District's attorney, who is hired to represent the District and the taxpayers of Andover, has not commented on this lease.

The 99-year lease between the District and the Andover Service Club [for the Thrift Shop] is for "Land Rental" only. The 50-year lease for the Andover Town Hall, which was recently renovated and is fully compliant with the Americans with Disabilities Act, has much stronger language to protect the District and the taxpayers of Andover from civil litigation.

The District's attorney may recommend a different lease containing a requirement that all persons utilizing the Hamp House, including AASP staff and the guardians of the children attending AASP, are advised in writing that there are structural deficiencies with the Hamp House and that they be required to sign a waiver in which they agree to hold the District harmless. Such a waiver may not be legally binding.

In addition, in the proposed lease there are no opportunities for taxpayers to recover taxpayer expenditures for Town dollars currently expended by the Andover Highway Department on snow removal at the Hamp House; sewage repair or disposal; and insurance costs.

Several Andover voters have recommended giving AASP one additional year at the Hamp House with a no-extension clause in the contract. If this is to occur, fine, but AASP was advised on August 21, 2007 that the Board was inclined to not renew the contract.

The bottom line is this: Do the taxpayers of Andover want to continue to allow our children to use this structure and to incur the potential civil liability of a landlord in the continued lease of a publicly owned residence which is not up to code, with documented defects?

Hamp House from page 19

"Why are we in such a hurry to demo the thing and impact the community?" Armstrong said. "The question is, what's really going on? If you can give me a defensible argument why that building has to go right now, I'll listen to it."

Morris, the program's chairwoman, says both the after-school program and the kindergarten program are licensed and must undergo routine inspections. In response to the board's concerns, the program has commissioned two engineering studies. A visit by a state fire inspector earlier this month also went smoothly, she said.

"We have two programs, so pretty much every year we're jumping through a hoop for licensing," she said.

Attempts to find another place for the program have been unsuccessful. Morris says all the sites have either been too expensive or inappropriate for children.

Some residents have also been concerned about the roof at Hamp House and its ability to support heavy snow. The program has offered to pay for

renovations and to assume full responsibility for liability insurance instead of sharing a policy with the school.

Some parents are also frustrated by a recent change in the local school bus company's policy for picking up children. The company, which is owned by the school board chairman's father, Armand Boisvert, has traditionally offered services not outlined in the contract, including transportation to a handful of kindergarteners who spend a few hours at Hamp House before their afternoon classes begin.

After the school board discussed the district's bidding policy at a meeting earlier this month, Boisvert sent a letter to the district saying "all services to the school district not covered in the contract will cease. This includes but is not limited to: free trips . . . annual cookouts, any donations of monies or support to the school activities."

Boisvert did not return phone messages yesterday.

The Andover School District will hold its annual meeting on Monday, March 2, at 7 PM at the elementary school.

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