

**Board of Selectmen  
Minutes of Regular Meeting of  
January 25, 2016**

**I. Call to Order**

Chair Mary O'Donoghue called the meeting of the Board of Selectmen to order at 7:00 P.M. in the Board of Selectmen's Meeting Room at Town Offices: Present from the Board of Selectmen: Paul Salafia-Y, Dan Kowalski-Y, Robert Landry-Y, and Mary O'Donoghue-Y. Alex Vispoli arrived at 8:35 P.M. Also present: Town Manager Andrew Flanagan, and Assistant Town Clerk Kathy McKenna. The meeting was duly posted and cablecast live.

**II. Opening Ceremonies**

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by the Pledge of Allegiance.

**III. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

- Attended the Greater Lawrence Exchange Club Annual Recognition of Public Safety Awards where four of Andover employees were recognized for their extraordinary work; Andover Police Detectives Kevin Aufiero and Peter Reming, and Fire-fighters/EMT's David Eulie and Jamison Lockhart.
- Met with Lt. Governor at Methuen City Hall along with representatives of the communities of North Andover, Methuen, and Salisbury to sign the Community Compact which is reflective of the commitment of the Town and Commonwealth to have open collaboration and to work together to share best practices and support economic development.
- The Community Engagement for the Facilities Master Plan will be held on Wednesday, February 24 at the Veteran's Auditorium to receive public input on our facilities to assist with development of the master plan.
- The 2016 Annual Town Warrant will close on Friday, January 29<sup>th</sup> at 4:30 P.M. and will include a warrant article for a TIF from Pfizer.
- Opiate positions update: An incredibly impressive group of candidates have applied for the coordinator and clinician positions and a decision to hire will be made in February.
- The Town and Stephen Bucuzzo have separated and the Town Manager publically thanked Steve for his 14 years of service to the Town and wished him the best in his future endeavor. The new posting is for a Deputy Town Manager and will remain posted until February 29<sup>th</sup>. A more formal communication on the hiring process that will include a screening committee consisting of a broad range of administrators, and Jim Malloy, VP of ICMA, and offer a significant assessment of candidates.

Assistant Town Clerk Kathy McKenna said the Annual Town Warrant for 2016 would close at 4:30 P.M. on Friday, January 29<sup>th</sup> and, in addition, the deadline to register to vote and/or change a party affiliation for the March 1<sup>st</sup> presidential primary is February 1, 2016; you can also register online.

The Selectmen made the following announcements:

Selectman Landry: The Retirement Board has interviewed three investment management firms to assist with retirement investments. Selectman Landry would like the Board of Selectmen to receive investment reports more frequently.

The OPEB Advisory Committee's final report on recommendations will not be ready to present to the Selectmen until March 31, 2016. Selectman Landry announced that he has prepared an analysis to assist the OPEB Advisory Committee and will publicly release the analysis by next Monday.

#### **IV. Citizens Petitions and Presentations**

John Hess, Chestnut Street updated the Board on the status of the Kinder-Morgan (KM) Pipeline. A Public Hearing by the Dept. of Public Utilities is being planned to discuss permission for KM to access land without permission of homeowners or Town officials. Public Utilities can approve surveys without public approval. Mr. Hess strongly encourages citizens to attend the hearing. The Dept. of Public Utilities is holding a number of hearings to obtain input on whether or not local distribution companies (i.e. Columbia Gas - Andover) have to be approved to buy gas from the proposed pipeline. If KM gets enough approvals, it helps their argument that they have a certain percentage of capacity for the pipeline to move forward. Mr. Hess is asking for the Board of Selectmen to intervene on Columbia Gas's request to purchase gas from the pipeline, which has to be filed by February 8, 2016. He would also like to know if the Board has considered asking for funding in the FY-2017 budget for legal fees in opposition to the Pipeline. Andrew Flanagan is working with Donna Walsh on this year's budget and believes any legal costs incurred can be addressed through the budget being proposed. The Board will look into the intervener request.

#### **V. Public Hearing**

##### **A. New Liquor License Motion - Continued to February 8, 2016**

Selectman Landry moved to approve the application of Prayosha 108 Corporation d/b/a Andover Spa for an All Alcoholic Package Store Alcoholic Beverage License at 1250 Westford Street, Apt. #4, Lowell, MA and for the appointment of Niki Patel, 342 Treble Cove Road, Billerica, MA as designated Manager, subject to condition that all other requirements of the Town are prior to issuance.

Attorney Timothy Perry representing Niki Patel provided information on the request. Selectman Salafia is concerned with young people who frequent the Subway Restaurant, located in the back of the store, being in close vicinity to alcohol. The Town Manager

will get a layout of the floor plan for the location of alcohol and will work with Attorney Perry to get answers to the Selectmen's questions.

Selectman Landry withdrew his motion.

Selectman Salafia moved to continue the public hearing to Monday, February 8, 2016. Selectman Landry seconded the motion and the Board voted 4-0 to approve.

**B. Transfer of an Inn holder Wine & Malt Beverage License**

Selectman Landry moved to approve the application of Lixi Hospitality Andover FB MGT LLC, for a Transfer of an Inn holder Wine & Malt Beverage License for the Residence Inn Boston Andover at 500 Minuteman Road, Andover MA from MHF Andover Manager III LLC of 300 Centerville Road, Warwick, RI. and for the appointment of Anwar Issa of 10 Beckmann Lane, Nashua, NH as designated Manager, subject to condition that all other requirements of the Town are prior to issuance and contingent upon the TIPS certification. The motion was seconded by Selectman Salafia and voted 4-0 to approve.

**VI. Sign Warrants**

**A. Annual Town Election Warrant**

Kathy McKenna requested the Board of Selectmen sign the Annual Town Election Warrant.

**B. Presidential Primary Election Warrant**

Kathy McKenna requested the Board of Selectmen sign the Presidential Primary Election Warrant.

**VII. Regular Business of the Board**

**A. Andover Community Trust (ACT)**

Denise Johnson, Executive Director of ACT, a non-profit organization building affordable housing in Andover, is asking the Board of Selectmen for their support to build a home at 168 Haverhill Street. Denise showed a slide presentation of the accomplishments that ACT has achieved over the years and homes built in Andover with community contributions, local private foundations funding, and in collaboration with the Greater Lawrence Technical School. John Pearson, President and Architect of ACT gave a review of the proposed site plan for 168 Haverhill Street. Superintendent Lavoie said the Lawrence Vocational School is proud of their work with the Town of Andover and the opportunity provided their students for hands-on-experience on skills for building a house. Kerry Costello, AEA, said the partnership with public schools is valuable and career to work, there is no better place to go than a technical high school.

They are required to have the support of the Board of Selectmen to proceed.

On a motion by Selectmen Kowalski and seconded by Selectman Landry, the Board of Selectmen voted 3-0 to support the local Initiative Program Application for 168 Haverhill Street. (Chair O'Donoghue was not in the room at the time of the vote).

B. Old Town Hall Hot Dog Cart

The Board of Selectmen discussed the request for a mobile food permit from Mr. Chris O'Brien to operate a hot dog cart in front of Old Town Hall and the need for guidelines on the number of permits for mobile food carts and the locations where they would be allowed.

The Board authorized the Town Manager to work with the appropriate Town Departments (Health, Planning, Public Safety) to prepare guidelines for mobile food carts and locations. The request from Mr. O'Brien will be put on hold until the guidelines are in place.

C. FY2017 Budget Planning Discussions

- General Update
- 2017 OPEB Funding Policy Discussion
- Use of PILOT Funds

Assumptions in the CIP pertaining to Operating Budget produced in October have changed and the Town Manager is reopening the discussion in regard to excess levy capacity and how to move forward.

The Budget will be released on February 5, 2016, and will include a clear financial framework that will serve as the foundation for a Financial Planning Board Report and a financial projection for the budget will be released and a Triboard Meeting scheduled to discuss the state of the Town's finances sometime between February 5, 2016 and the end of the month. Mr. Flanagan suggested that the budget meeting scheduled for Saturday, February 27<sup>th</sup> be extended into one full day.

Preliminary State Cherry Sheet estimates have come in and the two major accounts, Chapter 70 and unrestricted State aid, will increase by 4.3% (\$82,000 for Andover) and the funds will be redistributed to the Town/School using our funding model.

Health Insurance Update: At last week's Health Insurance Advisory Meeting they discussed Section 22, which is part of the Health Care Reform Act of 2011, provides the town the opportunity to work with a PEC, and a portion of the savings by the town is to be shared with Collective Bargaining Groups. The total health insurance savings could be in excess of \$1M to \$1.5M and approximately \$300,000 would be used for some form of mitigation. The budget number for Health Insurance will remain conservative since the trends in the marketplace on the cost of health insurance are not yet certain.

The Town Manager talked about building capital capacity to offset costs for Capital Improvement Projects and to consider using some of the available excess levy capacity and to be more aggressive in how we fund and approach capital projects. There are a lot of projects we can do using the excess levy funds, and he would like to look at a long-term plan for the CIP.

The Town Manager is recommending appropriating those funds to a Capital Reserve Fund to make a clear commitment to our buildings and infrastructure, and funds would be appropriated at Town Meeting every year. The Facility Master Study will be available in early April and the results will be shared. Andrew is asking for support from the Board on this proposal, and would like to incorporate this into his budget proposal on Feb 5<sup>th</sup>.

The Board discussed supporting the Town Manager's position to use a portion of the excess levy capacity funds for a Capital Reserve Fund and require a Town Meeting to appropriate funds to be used on CIP projects.

Selectman Kowalski motioned for the Board of Selectmen to support the Town Manager's position to build a Strategic Proposal Model that could consume a portion of the unused Levy Capacity. The motion was seconded by Paul and voted 4-1. Selectman Vispoli opposed.

Mike Roli, 2 College Circle, said its great to have a plan but what does it mean to the taxpayer. The Town Manager said it would mean an increase of about \$80 of the average tax bill.

#### 2017 OPEB Funding Policy Discussion

The Town Manager reviewed the current funding policy for OPEB and will be presenting a new funding mechanism using two funding sources; the general fund component, and the Water & Sewer Enterprise and to fund the ARC, and developing a matrix using ½% of the non-exempt budget. Over time, the budget number will be more predictable and sustainable, and additional information will be provided throughout the budget process.

Tom Hartwell, Retirement Board Member, said that no matter what levers we pull it won't be enough to make a serious dent in our unfunded liability and to put less money in does not make sense to him.

#### Use of PILOT Funds

The Town Manager is proposing to allocate funds from the Payment in Lieu of Taxes Program (PILOT) from the General Fund Revenue for a certain purpose to offset a certain expense, and to develop a policy to use a percentage of these funds to offset a certain expenditure to put that amount of money into a account requiring an appropriation vote at Town Meeting.

Selectman Salafia would be concerned about earmarking those funds to go somewhere that the contributor would not agree with. It was a general understanding the funds would go into the General Fund.

D. Water Pollution Abatement Bond

Selectman Salafia moved for the Board to vote to approve the loan of the Water Pollution Abatement Trust in the amount of \$675,000. Selectman Landry seconded the motion. The motion was approved on a vote of 5-0.

VIII. Consent Agenda

A. Appointments

On a motion by Selectman Kowalski and seconded by Selectman Salafia, the Board of Selectmen voted 5-0 that the following appointments by the Town Manager be approved:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>	<u>DOH</u>
<u>DEPARTMENT OF COMMUNITY SERVICES</u>			
Anne Stahley	Bradford Ski Monitor	C2A- \$9.00 hr.	1/10/16
Matthew Faulkner	Basketball Referee	C2A- \$9.00 hr.	11/30/15
<u>POLICE DEPARTMENT</u>			
Francis Fitzpatrick (v. Lt. L. Britton)	Police Lieutenant	R519-1-1 \$116,940	1/26/16
Katie Donnelly (v. B. Jowett)	Dispatcher	D583-1-0 \$45,862	2/1/16

IX. Approval of Minutes from Prior Board of Selectmen Meetings

On a motion by Selectman Salafia and seconded by Selectman Landry the Board of Selectman voted 5-0 to approve the Regular Meeting Minutes of December 7<sup>th</sup> and 16, 2015 and the Triboard Meeting Minutes of December 9, 2015 as presented.

X. Adjournment

At 9:55 P.M. on a motion by Selectman Salafia and seconded by Selectman Kowalski, the Board voted 5-0 to adjourn the meeting of January 25, 2016.

Respectfully submitted,

Dee DeLorenzo  
Recording Secretary

Documents: Warrant for Annual Town Election, Presidential Primary Election Warrant, Water Pollution Abatement Bond, and Public Hearing Notice.