
Board of Selectmen
Minutes of January 14, 2019
Regular Session

I. Call to Order

Chairman Vispoli 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: Annie Gilbert, Chris Huntress, Paul Salafia, Laura Gregory, and Alex Vispoli. Also present: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, and Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

1. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by Pledge of Allegiance led by Andover Boy Scouts PAC 79.

III. Communications/Announcements/Liaison Reports

A. Recognition of Enzo Fossella

The Board recognized Enzo Fossella for his many contributions to the Town of Andover. Alex Vispoli read a citation from the Town of Andover honoring Enzo with the Good Corporate Citizen Award. Enzo and his family moved to Andover in 1962 opening a clothing store in Town over 35 years ago. He became a member of St. Augustine's Church, founded the Andover Service Club in 1994, and was involved in many charitable events. The Board heartily congratulated Enzo on his well-deserved retirement.

The Town Manager reported:

A public notice inviting citizens to serve on the Advisory Council has been sent out. Final changes to the FY20 budget are being implemented and will be released on February 1st simultaneous with the launch of Open Checkbook.

The search is underway for a successor Library Director for Beth Mazin who is retiring.

Mike Lindstrom said a survey on Textile Recycling will be available on the town website; they welcome the public's input.

Austin Simko reported that the Historic Mill District Task Force have completed many of their objectives and studies of the old Town Yard Property on Lewis Street and prior to sending out an RFP, a public forum has been scheduled for January 30th at 7:00 PM at Memorial Hall Library.

Paul Salafia thanked the Fire Department for their very respectful service at the funeral of Bill Downs who gave 62 years of service to the Town.

Laura Gregory and others attended the Mayors & Town Managers' Breakfast where our Town Manager, along with Lawrence Mayor Rivera, and Town Manager Andrew Maylor of North Andover, received an award recognizing their handling of the Columbia Gas incident.

Chris Huntress said the Downtown Space-making Survey is available on the Town website and Facebook. They look forward to hearing the public's suggestions and scores. Congratulations to the Reverend Jen Vath who was newly ordained at Christ Church this past weekend and begins her priesthood this coming Saturday.

The Andover Baptist Church is holding a service on Martin Luther King Day, Monday, January 21 at 11:00 A.M. Annie Gilbert encouraged others to attend this great event.

Alex Vispoli said Governor Baker and members of his Cabinet were in downtown Andover this weekend shopping at local stores to highlight the fact that the town is open for business; they were also in North Andover and Lawrence.

The Annual Mass Association of Municipalities will be held this Saturday.

IV. Citizens Petitions and Presentations

Keith Saxon, Greenwood Road asked the Board to: 1) to extend deadline for submittal of private warrant articles due to the disruption from the Columbia Gas Crisis; 2) utilize the Town website to provide information on proposed traffic changes to the Dascomb Road area; 3) arrange a public meeting to address the closing of the Bowling Green. The Town Manager reported that Bowling Green has been re-opened and the grounds cleaned up, and that there have been several meetings with MASS DOT on the Dascomb Road area, and he expects to have a document in the near future. Alex asked that an update be placed on an upcoming agenda.

V. Public Hearings

A. Liquor License Transfer Hearing

The Board discussed the request by Bertucci's Restaurant, LLC for an application for a transfer of their all-alcoholic restaurant beverage license, as well as a change of manager to their all-alcoholic restaurant beverage license.

Laura Gregory moved to approve the application of Bertucci's Restaurants, LLC, d/b/a Bertucci's for transfer of a Wine & Malt Restaurant Alcoholic Beverage License at 90 Main Street, Andover, including a change of manager to be Eric Calhau of 746 Lake Avenue, Manchester, NH, subject to the condition that all other requirements of the Town are met prior to issuance. The motion was seconded by Chris Huntress and voted 5-0 to approve.

VI. Regular Business of the Board

A. AVIS 125th Anniversary

In recognition of the 125th Anniversary of AVIS (Andover Village Improvement Society) AVIS President, John Hess provided information on activities planned for this milestone, and distributed a history book about AVIS published in 1980 to the Board. AVIS was founded in 1894 in an effort to beautify the Town and evolved to become a Land Trust (2nd largest Land Trust in the Country It is time to celebrate the people who are town volunteers for AVIS. Board members are invited to attend upcoming events.

B. Liquor License

The Sonesta International Hotels Corporation has submitted an application for a change of manager to their all-alcoholic Inn-holder beverage license.

Chris Huntress moved to approve the application of Sonesta International Hotels Corporation, d/b/a Sonesta ES Suites Andover, 4 Tech Drive, Andover, for a Change of Manager on its All Alcoholic Inn-holder Beverage License, the new Manager to be Katerina Belcheva of 3 Blossom Drive, Billerica, Massachusetts, 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 Paul Salafia and voted 5-0 to approve.

C. Columbia Gas Disaster Update

The Board received an update on recovery efforts by Columbia Gas. They are in active negotiations Columbia Gas for roadway and service operations, and the Town Manager is working with them on the claim for all costs incurred by the three towns, and have had four internal meetings. Alex expects that 100% of the costs Andover incurred will be reimbursed. Andrew reported that the claim not only covers fixed cost, but costs of depreciation, hard and soft installation, and he is confident they will reach an agreement that will be satisfactory to Andover. The cost escalation for roadwork has been factored in. Columbia Gas who is working with Niche Engineering to serve as oversight as they transfer from Phase 1 to Phase 2 which is replacement.

Chris Huntress requested the Board be provided a report on how this happened and what has been done to ensure it won't happen again. Columbia Gas representative, Tracy Stefanowicz said Columbia Gas will be meeting with and giving information to the cities and Town about their work going forward, and she will bring the presentation to the be shared with the Board. As of today, Columbia Gas has paid out \$86M in claims; their claim centers are open and customer care centers set up in all three communities.

D. Andover School Committee Resolution – Chapter 70 Funding

Shannon Scully, Chair of the School Committee provided copies of information from Dr. Berman on the revising of the State Aid Funding Formula. The goal is for the State to revisit the funding formula (last time updated was in the 1990's) that would be more

reflective and fair to towns and cities across the State, include the health care costs for ELLs, and show a more accurate account of the actual costs of education. Annie Gilbert read the resolution.

Annie Gilbert moved that the Board of Selectmen adopt the resolution of the Andover School Committee in support of full funding for our public schools in support of our state legislative delegation. The motion was seconded by Laura Gregory and voted 5-0 to approve.

D. Building Naming Rights Policy Update – Second Reading

The Policy for Building Naming Rights has been updated for property under the care and custody of the Board of Selectmen and the addition of the idea of actually removing names, and that the Board be apprised of any capital campaign or fundraising that will include the possibility of naming opportunities.

Paul Salafia moved to adopt the Naming New Facilities Policy. Laura Gregory seconded the motion and the Board voted 5-0 to approve.

E. Warrant Article Related to Changing Board of Selectmen to Select Board

The Board discussed the consideration of submitting a warrant article to change their name from ‘Board of Selectmen’ to ‘Select Board’.

Laura Gregory explained the three warrant articles being submitted for Town Meeting to change the name of the Board in the Town Bylaws, Zoning Bylaws, and the Town Charter. The change to be reflective of the membership of both men and women on the Board. Annie Gilbert said it is an attempt to reflect a reality and to move away from gender job titles, and bring us in line with many other States across the country and cities/towns within Massachusetts, and every other Board in Andover.

On a motion by Laura Gregory and seconded by Annie Gilbert the Board voted 5-0 to submit the 3 Warrant Articles to change the name of the Board from the Board of Selectmen to Select Board.

F. Town Counsel Updates

Town Counsel updated the Board on the recent legal case relating to secret audio recordings of law enforcement personnel and other government officials. He explained two cases against the Suffolk County District Attorney’s Office which were consolidated and relates to General Laws Section 272, Section 99 which prohibits all secret audio recording of enforcement officials or any other government official. The main issue being whether the right to secretly record was protected by the First Amendment, without the permission of all parties. Town Counsel advised people that if you are an elected official or employee of any sort that you are in the category of officials who can be secretly recorded in a public place.

VII. Consent Agenda

A. Appointments by the Town Manager

On a motion by Chris Huntress and seconded by Laura Gregory, the Board voted 5-0 that the following appointments by the Town Manager be approved as presented.

Department	Name	Position	Rate/Term	Date of Hire
Building	Kenneth McConnell, Jr.	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Building	Richard Doherty	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Building	Daniel Weeder	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Building	William Callahan	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Building	Michael Guida	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Building	Sean Gallagher	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Building	Marc Albanna	Alternate Plumbing, Gas & Sewer Inspector	\$40.00/hour	12/19/18
Community Services - Youth Services	Nick Criniti	Seasonal	\$11.00/hour	11/9/18
Community Services – Recreation	Robert Domingue	Seasonal	\$12.00/hour	1/2/19
Community Services	Nicolas Silva	Kid Care Asst. Group Leader/On-site Director	\$12.00/hour	1/2/19
Library	Crystal Murphy	Library Aide	\$12.00/hour	1/15/19

VIII. Adjourn

At 8:38 PM on a motion by Paul Salafia and seconded by Laura Gregory, the Board of Selectmen voted 5-0 to adjourn the meeting of Monday, January 14, 2019.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Documents: Presentation on Secret Audio Recordings
Presentation on Foundation Budget and Letter from School Committee