

Andover Select Board
Monday, January 24, 2022
Minutes

I. Call to Order

Chairman Huntress called the Select Board Meeting of January 24, 2022 to order at 7:00 PM. Members present: Chris Huntress, Alex Vispoli, Dick Howe, Annie Gilbert, Laura Gregory. Others in attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Town Clerk Melissa Ripley, Town Counsel Tom Urbelis, Health Director, Tom Carbone.

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 communicated the following:

As part of the Neighborhood Service Program, the Mobil Town Hall will be out and about on Friday from 11 am – 2:00 P M in the vicinity of the Ballardvale Green for anyone who wants to conduct Town Business without having to go to the Town Offices. Thank you to the Town Departments and Divisions who successfully were awarded 47 grants for a total over \$2.3M for the calendar year 2021. More grant info available on Andoverma.gov\data.

Mike Lindstrom invited everyone to the join the online Shawsheen River Master Plan Kick-off meeting tomorrow at 7:00 pm. They will be developing plans for a shared vision of the future of the Merrimack River. It will be a brief overview of the project and how people can get involved in the data collection phase of the project.

Melissa Ripley reported that the Town Census is out and it is very important that residents fill out the census and return it to the Town Clerk's Office as soon as possible; it is important for our state funding. They are in the process of processing licensing for dogs, there is a form on-line and the form will also be included with the Town Census.

Annie Gilbert reported that the newly launched [Sustainability newsletter](#), called 'Twenty-50' which will be a monthly issue on sustainability issues in Andover. To see the first issue online, go to webpage on andoverma.gov and sign up to have the newsletter emailed to you. You can also submit information, tips or photos related to sustainability initiatives.

Dick Howe attended the virtual Annual Mass Municipal Meeting (MMA) and was delighted that at the end of the meeting to see the Innovation Award given to the Town of Andover. Congratulations to Andrew and his team.

IV. Citizens Petitions and Presentations

Diane Costagliola, Belknap Drive, representing the Andover Youth Foundation (AYF) gave a statement in response to the Nixon Peabody Report. The AYF takes issues with several statements in the report. It is the AYF's understanding that Bill Fahey did not solicit funds from the Hurston Family Foundation but that the Hurston Family Foundation approached Bill Fahey and set the terms of the gift and has no issue with how the funds were used. All of the funds issued originated from this single donor. The payments to Bill Fahey and other

members of the AYS Staff were not compensation for work performed as part of their duties as employees but predominately in acknowledgement of the enormous amount of volunteering, humanitarian efforts and community service performed by Bill Fahey and other AYS employees beyond their official duties. None of the payments at issue were in exchange for any public employees taking an official act or refraining from taking an official act. The Foundation voluntarily cooperated in with the Town's investigation, provided documentation, provided an 8-page statement which is attached to the report on the newspaper's website, and did not decline to cooperate with the investigator. The Andover Youth Foundation remains immensely proud of the great benefits the Foundation, Bill Fahey and the many people who volunteered their time brought to the youth of Andover.

Kathy Grant, 83 Morton Street. Re: Select Board and Town Manager's Goals. Today's Industry standard are SMART goals. Andover's on-going goal(s) do not fit into a goal measurement and should be removed and updated. She proposed the following: 1. No Non-Disclosure Agreements 2. If a citizen presents a policy idea, it should be placed on the Select Board's agenda. 3. Better communication with employees of the Town is important. 4. Contract with a company to write a good survey to evaluate managers who work with employees of the time.

Michael Silverman, Tewksbury Street, holding Town Meeting on a Saturday morning conflicts with a holy time for people of different faiths. Andover could be more inclusive if they take look at a different time.

V. Regular Business

A. Nixon Peabody Investigative Report - AYS

The Select Board has received a report dated 1/12/2022 from the firm of Nixon Peabody LLP who reviewed documents and evidence indicating that the former Director of AYS violated state law prohibiting the accepting of gifts by public employees. The investigation included AYS former Director and AYS former staff and the Andover Youth Foundation, a non-profit public charity. Pursuant to recommendations in the report, the Town has handed the report over to the State Ethics Commission for their review. The Town is also prepared to implement all recommendations made in the report including updates to staff training as appropriate.

The Andover Youth Foundation has been providing support to the AYS since its' inception making the construction of the building possible and continued to provide funding to support the countless programming to help benefit the kids. Mr. Huntress hopes that the Town of Andover and the Andover Foundation can continue the tradition started so many years ago and work together to inspire Andover Youth. Copies of the report can be requested through the Town Clerk's Office.

B. COVID-19 Update

Tom Carbone reported on the Covid statistics in Town stating that it appears we have ridden the current wave that started in January. On average, there were 75 cases per day in the first week, week two 63 cases, and week three 39 cases. About 1/3 of the cases occurred in persons under the age of 21-years old. They are still exploring holding a large clinic but spending a more time making it convenient for people to get a vaccine at smaller locations bringing the vaccine to where the people are. They are waiting for an order of testing kits to arrive. To sign up to receive Free at-home-tests from the Federal Government go to www.COVIDTEST.gov. Mr. Carbone recommends against implementation of a mask mandate at this time and the

Board of Health continues to encourage people to wear masks. We should be putting our resources into immunizations; the communities who have the best rates, have the lower positivity rates. All Town Public Buildings require the wearing of masks. If the Covid numbers continue to drop, they would hope they will be able to recommend holding in-person meetings. The Board thanked Mr. Carbone for his report.

C. 2022 Annual Town Meeting

Board to discuss and consider voting to approve changing the venue and date of the 2022 Annual Town Meeting. Town Moderator Sheila Doherty was present at the meeting for this discussion.

The Town Warrant closed last Friday with 37 warrant articles. Town Meeting is scheduled for May 2-3 at the Collins Center and the Town Manager is recommending the Board consider an outdoor Town Meeting on June 4th (2 days prior to AHS Graduation) similar to the last two Town Meetings. Should the Board move forward with this idea, the Andover High School may use the tent for graduation. Funds from ARPRA allocations can be used for this purpose.

Sheila Doherty has received a letter from the Rabbi about holding Town Meeting on Saturday mornings as it conflicts with the Sabbath. Due to the magnitude of issues on last year's agenda, they could not start the meeting any later in the day. This year they may be able to start the meeting at 1:00 PM. The Board discussed options and dates to consider for holding Town Meeting.

Dick Howe moved to set the date of the Annual Town Meeting to Saturday afternoon June 4, 2022 with a rain date of Sunday June 5th and with a backup date of June 11 or 12, 2022. Motion seconded by Laura Gregory. Roll call: D. Howe-Y, A. Vispoli-Y, L. Gregory-Y, A. Gilbert-Y, C. Huntress-Y. Motion passes 5-0.

D. Revenue Recommendations for FY-2023

The Town Manager presented the Revenue Recommendation for the FY-2023 Operating Budget. The recommendations serve for the basis of the budget. It is important to build consensus around the revenue expectations assumed. The Town Manager reviewed the revenue sources, amounts, assumptions and the plus/minus over the previous year and how the formula is applied. Revenue sources include: Prior Year Levy Limit, Prop 2.5% Increase, New Growth, Exempt Debt Service, State Aid, and Local Receipts which is greater than in 2021 but still not restored to the level they were before Covid. The Dept. of Revenue will review our revenue estimates. They will back out excess levy capacity, which is higher than ever due to the part of the Pension Obligation Bond setup, freeing up capacity before the levy. The recommendations were approved by the Revenue and Expenditure Task Force. The Town Manager responded to questions from the Board.

E. American Rescue Plan Act (ARPA) Framework 2nd Reading

The Town Manager made some changes to the framework based on the feedback from the Board and has been presented to the Finance Committee including the changes he recommended to the initial plan. The Finance Committee voted unanimously to approve. The four major categories for ARPA funds are: Public Health & Pandemic Response \$871,885; Community Engagement and Administration \$395,672; Capital Improvements and

Infrastructure \$9,344,500; and Community Assistance and Partnerships \$255,000 for a total of \$10,867,057. Overall, the CIP number decreased by \$100,000; the Community Engagement & Administration increased to \$255,000, Public Health to \$841,885 and the water main transmission line was changed to \$4,600,000 and moved up a year.

Alex Vispoli would like the Board to meet as Water Commissioners for a presentation on the water main transmission lines upgrade from an 8" main to a 20-24" main and the related costs.

Alex Vispoli moved to approve the American Rescue Plan Act Funding framework with a statement that the Board will meet as Water Commissioners on the number of the first topic, Water Main Transmission Lines in the amount of \$4.6 million, for further analysis before approving the amount of spending. Motion seconded by Dick Howe. Roll call: A. Vispoli-Y, D. Howe-Y, A. Gilbert-Y, L. Gregory-Y, C. Huntress-Y. Motion passes 5-0.

F. Select Board/Town Manager Goals –3rd reading

Board to consider voting to adopt the Select Board/Town Manager 2021-2022 Goals. The Town Manager sent the Board a document today highlighting the recommended changes by the Board.

Updates were made in the following categories:

Administration & Finance: Develop a Revenue Recommendation for the FY-23 Operating Budget. Deliverable date changed to February 2022.

River & Open Space Access:

Changes included: Kickoff the Master Planning Process for the Shawsheen River and improve safe access to fishing and boating. Increased access to our rivers most scenic resources by constructing public pathways and enhancing river access to recreation.

Energy & Sustainability - There is no change but an update to the last goal which is to further align town projects and sustainability initiatives with the Andover Green Advisory Board (AGVB) through a shared goals process. The Town Manager reported that the Town Administrators/Dept. Heads had a very productive workshop with AGVB last Wednesday.

Chris Huntress shared questions received by email.

1. Water Infrastructure Program Goals? *The Town Manager said they do not have an existing goal because they have been operating under a plan endorsed by the Board. They will include a category on that moving forward.*
2. Why are goals labeled as on-going? *Goals are on-going because they are functions of government or they are year-over-year initiatives or a subject of collective bargaining.*
3. Keep citizens regularly and clearly informed on pension fund obligation funding. *The Investment Committee and Retirement Board have been meeting regularly about the strategy moving forward. They are waiting for the update on the Actuarial Evaluation which will provide information on the exact normal cost and exact portion they need to fund. An update will be regularly reported on moving forward. This goal will be regularly reported on going forward.*
4. Include in the sidewalk program a specific mandate to properly maintain existing sidewalks. *Maintenance costs are part of any discussion regarding any new sidewalks.*
5. Guiding principles, priorities, constraints and trade-offs are adequately resolved before moving forward in the design process for the Rte. 133 corridor. *They have had a good amount of public engagement with information available on the website. There will be an opportunity to provide feedback. It is a large infrastructure project and almost everyone is pleased with the design project.*

Annie Gilbert pointed out that part of their process has always been to receive updates on progress towards goals.

Dick Howe moved to adopt the Select Board/Town Manager's 2021-2022 Goals as reviewed for approval this evening. Motion seconded by Annie Gilbert. Roll call: L. Gregory-Y, A. Vispoli-Y, A. Gilbert-Y, D. Howe-Y, C. Huntress-Y. Motion passes 5-0.

VI. Consent Agenda

A. Appointments by the Town Manager

Annie Gilbert moved to approve appointments by the Town Manager by presented. Motion seconded by Dick Howe. Roll call: D. Howe-Y, A. Vispoli-Y, A. Gilbert-Y, L. Gregory-Y, C. Huntress-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
Human Resources	Risa Hassell (Rita Marconi)	Benefits Manager	\$100,00.00/yr	1/31/2022
Finance - Assessor	Megan Anderson (Patricia Sullivan)	Senior Assessor	\$81,398.36/yr.	1/31/2022
Memorial Hall Library	Meaghan Brown	Library Assistant	\$26.21/hr.	1/31/2022
Community Services- Youth Services	Sean Ballou	Seasonal	\$18.00/hr.	1/18/2022
Community Services- Youth Services	Girish Rao	Seasonal	\$18.00/hr.	1/18/2022
Community Services- Recreation	Enclin Guerrero	Seasonal	\$14.25/hr.	1/08/2022

VI. Adjourn

At 8:58 PM on a motion by Alex Vispoli and seconded by Dick Howe, the Andover Select Board moved to adjourn the meeting of Monday, January 24, 2022.

Roll call vote: A. Gilbert-Y, L. Gregory-Y, D. Howe-Y, A. Vispoli-Y, C. Huntress-Y.

Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

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