

**Select Board Meeting
Minutes of February 10, 2020**

I. Call to Order

Chairwoman Laura Gregory called the meeting of the Select Board to order at 7:00 P.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Dan Koh, Annie Gilbert, Chris Huntress, and Laura Gregory.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Town Counsel Tom Urbelis, Town Clerk Austin Simko. 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 and a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

The Town's FY-21 Budget was officially released on Friday, February 6th and is available on-line with copies available at Memorial Hall Library. The Town Manager said the first budget meeting will be held on Saturday, March 7th at MHL followed by a Triboard Meeting on March 11th.

McKay Construction has been awarded the contract to build the new Ballardvale Fire Station starting in early March. The renovation of the Senior Center also begins within the next few weeks.

Chris Huntress said the Dept of Public Utilities is holding a hearing at the Collins Center to discuss the Columbia Gas crisis. State Senator Barry Finegold and State Representative Tram Nguyen will be attending.

Laura Gregory and Annie Gilbert attended the Capstone Program at AHS on Thursday and said the students' literature review presentations were very impressive.

IV. Citizens Petitions and Presentations - None

V. Public Hearings

A. Small Cell Wireless Installation 308 Lowell Street

Board to review a request by AT&T to install a new small cell facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" diameter on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84.

Atty. Michael Dolan of Brown Rudnick LLP was present on behalf of AT & T for the 5G Public Hearing and answered questions presented by the Select Board.

Chris Huntress has questions in regard to an email the Board received from a resident questioning the health impacts of 5G and the National Environmental Policy Act of 1969. *Attorney Dolan: The FCC has jurisdiction over the emissions levels of safety and they do and will comply with those. The application includes an emissions study shows a very, very, low level and well below the FCC allowed emissions.*

The Board can, at any time, amend their bylaw to address issues relating to technology. The Board discussed compliance obligations, testing, and protocols for the recertification process.

Peer Review: Atty Dolan stated AT & T has an obligation to comply with FCC Guidelines and if the Town would like to perform its own peer review they can. The Industry has to be compliant with the FCC but they do not have to conduct testing, although they do conduct some.

Dan Koh is comfortable going forward and it would be helpful to have some type of a testing schedule.

Annie Gilbert moved to approve AT&T's petition to install a new cell phone facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" diameter on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84. The motion was seconded by Alex Vispoli.

Discussion: Chris Huntress is not inclined to vote in favor of this petition because there should be some type of 3rd party review and the Select Board's Policy should be addressed especially on recertification. There should be an annual review of the testing provided when the companies come back for recertification. Dan Koh agrees, but we do have a vehicle to assure compliance. Tom Urbelis said the small cell companies have to provide an annual certification showing they are in compliance. Chris would appreciate receiving an exact testing schedule and what protocols they follow. Dan Koh proposed holding the approval until more information on testing and protocols for recertification.

Annie Gilbert withdrew her motion. The hearing is rescheduled to February 24.

A. 99 Restaurants of Boston, LLC, Liquor License Change in Officers / Directors and a Change of Ownership Interest

On a motion by Chris Huntress seconded by Alex Vispoli, the Select Board voted 5-0 to approve the request from the 99 Restaurants of Boston, LLC, d/b/a Nine-Nine Restaurant & Pub 464 Lowell Street, for a change in Officers / Directors and a Change of Ownership Interest relating to its Restaurant All Alcoholic Beverages License.

- B. The US Census 2020: The US Census is conducted once every decade and required by the Constitution. The Census information insures accurate state representation and appropriate funding from state and federal government for a multitude of programs. Every household will receive a survey that can be done on-line, phone, or by mail. More information is available on their website at www.2020Census.gov.

VI. **Regular Business of the Board**

Director of Public Health, Tom Carbone and Assistant Director, Joanne Belanger presented information on the Coronavirus and best practices for prevention, information on symptoms, and monitoring of people. Rita Casper, Director of Nursing for the Andover Schools Health sent out information across the District ensuring that the nursing staff has up-to-date information. Information is available on the Board of Health's website and they will continue to push information out via social media.

A. **Town Governance Study Committee Update**

John Stumpf, 11 Stafford Lane, provided an update from the Town Governance Study Committee on the committee's process and determinations around identifying the issues of study. There are eleven members on the Town Governance Study Committee.

At their first meeting in September, they identified issues, sequence for exploration, continued community input, and established a robust website. Their goal is to present their recommendations to the Select Board in April 2021. They have hosted three Community Listening Sessions selecting different dates and times to be accommodating to all residents. They selected 18 stakeholders, hosted Chair Forums and received comments from residents. The process for identifying issues was conducted on January 30th.

The Study Committee will continue to explore issues and take public input in the next phase (February - May) with the goal to make a recommendation for the form of government to the Select Board in January 2021 (or earlier) keeping the Board apprised during the process.

B. **Alcoholic Beverage Licenses on Town Owned Property**

The Town Manager explained the Alcoholic Beverage Licenses on Town-owned Property Policy being presented for the Board's approval that would allow for a one-day alcoholic beverage license to be issued for use on Town-owned property requiring a security plan that will be reviewed and approved by the Chief of Police, the Health Dept, Dept of Public Works, and Fire Dept. Public Safety is of prime concern.

All applications would be subject to the Select Board's approval. The application(s) would be submitted to the Board and forwarded to the appropriate departments who would sign off on the application form. The Board would retain the right to revoke the policy. The Board will revisit the request at their February 24, 2020 Meeting.

C. Run for the Troops Request

Bill Pennington of Run for the Troops is seeking to have the Board waive Section XI.2.L of the Town's Alcoholic Beverage License Policy to allow for liquor consumption on Town property at the Run for the Troops 5K event on Sunday, April 26, 2020 from 9:30 a.m. to 11:30 a.m. Mr. Pennington provided a hand-out showing the location of the proposed Beer Garden which would have an occupancy rate of 250 people at one time and a limit of 2 tickets per person. No action taken.

D. Census Insert in Water or Vehicle Excise Tax Bill

In order to reach all residents including renters, the Town Clerk is asking the Board to vote to insert information on the 2020 federal census into the upcoming water or vehicle excise tax bills. The Board prefers the Vehicle Excise Bill that will reach more residents including renters.

Chris Huntress moved the board approve the insertion of the 2020 National Census in with the Vehicle Excise Tax Bill. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

E. Election Warrants

Board to consider approving warrants for the March 3, 2020 Presidential Primary and the March 24, 2020 Annual Town Election.

On a motion by Alex Vispoli seconded by Dan Koh, the Board voted 5-0 to approve and sign the March 3, 2020 Presidential Primary and March 24, 2020 Annual Town Election Warrants as printed.

VII. Approval of Minutes

A. Board to approve the meeting minutes of January 13, 2020 and January 27, 2020 with revisions.

On a motion by Annie Gilbert seconded by Dan Koh, the Board voted 5-0 to approve the Select Board Minutes of January 13, 2020 and January 27, 2020 w/revisions.

VIII. Executive Session

Chris Huntress moved for the Select Board go into Executive Session to approve and release Executive Session Meeting Minutes of October 7, 2019, October 28, 2019, November 18, 2019, December 2, 2019, December 16, 2019, January 13, 2020 and to vote to approve Executive Session Minutes of January 27, 2020 and not to return to open session. The motion was seconded by Alex Vispoli. Roll call: A. Gilbert-Y, A. Vispoli-Y, D. Koh-Y, C. Huntress-Y, L. Gregory-Y.

IX. Adjourn

The Board adjourned from Regular Session at 9:00 P.M.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo, Recording Secretary