

Select Board Meeting
Minutes of Monday, February 24, 2020

I. Call to Order

Chairperson 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 started with a Moment of Silence followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

The Town Manager announced that early voting for the Presidential Primary began today and will continue to the end of the week. Voting hours are from 8:30 A.M.-4:30 P.M. and takes place in the conference room located on the main floor of the Town Hall.

Mike Lindstrom said the next meeting of the Andover Community Choice Aggregation will be held on Thursday, March 12 at 7:00 P.M. at the Public Safety Center. It was noted that in 2019 the Green Aggregation Communities in Massachusetts saved ratepayers over \$8M. The Sustainability Report will be uploaded and available on the Town Website.

Chris Huntress said they broke ground today for the Ballardvale Fire Station with a more formal ceremony to be held in the weeks to come. Thank you to the Ballardvale Historic District for assisting with the design of the station.

The Historic Mill District Task Force is holding a community event at the Oak & Iron Brewery on Saturday, February 29th from 10:30 A.M. to 1:00 P.M. Annie Gilbert said this community event is an opportunity to have a conversation on what the area will look like in the future.

Dan Koh reported on the Coronavirus which is having an impact on local restaurants and devastating small businesses in the area. People should not be worried about frequenting local restaurants.

Alex Vispoli said the Economic Development Council will be working with Lisa Schwartz of the Planning Department on the Town's Master Plan.

Laura Gregory reminded everyone that the U.S. Census Bureau will begin counting residents in the middle of March. Participating in the U.S. Census is very important

because it assures accurate funding from the state and federal agencies, accurate representation and funding for our schools, clinics, and roads. Visit their website at www.2020 Census | United States Census Bureau to learn more and to complete a simple questionnaire. Your information is protected under Federal Law and not shared.

IV. Citizens Petitions and Presentations - None

V. Public Hearings

A. Small Cell Wireless Installation – 308 Lowell Street – 3rd Reading

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.

Laura Gregory addressed issues on the small cell by-law and technology in response to questions they have received. It is the Select Board's responsibility to ensure that the emissions do not exceed regulations.

Mike Dolan, Counsel for AT &T reported on the Board's previous request for protocols on guidelines and emissions, noting that failure to do so results in fines and could end-up in the loss of a license. Their equipment meets all FCC standards and the report demonstrates the proposed facility would operate at 5% less than the FCC allows. After installation, if changes were to occur to the antenna or pole, an alert would be sent out immediately to the facility.

Comments from the Board:

The Board's request is for the utility company to conduct an annual recertification that includes retesting, confirmation of compliance, and that the burden for retesting is not placed on the Andover taxpayer but the utility company. Atty. Dolan said they do not retest every year, but instead respond to signals received indicating a problem and, if need be, the antenna would be shut down immediately.

Don Hayes, Radiation Specialist, who wrote the report provided to the Board, presented information on small cell facilities and radiation exposure rates. Should a transmitter fall or malfunction, it would shut down as soon as it got reflection back into it. Emission levels would be less than 1% of the FCC's regulations for the public. The average maintenance tech visit of the small cell facilities is about once a month on average.

Laura Gregory asked if this small cell facility is a 4G or 5G application. Atty. Dolan replied that this technology is a 5G evolution, which is a bridge between 4G and 5G at least 20x the speed of 4G, that would become 5G in the future requiring changes for additional transmitters.

AT & T will not indemnify the Town of Andover because the facility is being installed in the MASS DOT Right-of Way, not Andover Right-of-Way. Each request would have one public hearing (initial) and thereafter, the recertification would come to the Board/Town Manager for an internal review administered however the Town sees appropriate.

Town Counsel recommended the Board not vote on this request tonight but to hold until a very specific motion based on information heard tonight can be drafted.

Laura Gregory said that this has been a long process but the safety of residents and precedents are important to recognize and to have standardized language going forward so that we are consistent in responding to future requests.

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

Chris Huntress moved to approve the application of 99 Restaurants of Boston, LLC, d/b/a Ninety-Nine Restaurant & Pub, 464 Lowell Street, Andover, MA for a change of officers/directors and a change of ownership interest relating to its Restaurant All Alcoholic Beverage License, subject to the condition that all other requirements of the Town are met prior to issuance of the license. The motion was seconded by Alex Vispoli and voted 5-0 to approve.

VI. Regular Business of the Board

A. 11 Lewis Street "Town Yard" Request for Proposals (RFP) – 2nd Reading

Board to consider endorsing the Request for Proposals guiding the sale and redevelopment of the former Town Yard.

Austin Simko provided an update on what has occurred since the first reading of the RFP on January 13th. The RFP was endorsed by all stakeholders, environmental objectives strengthened and they continued engaging the community. The RFP includes only the 3.4 acres of the Town Yard plus abutting properties who wish to be part of it.

Once opened, RFP's become public documents which are ranked and interviews with developers made public. The Selection Committee will take recommendations to the Select Board and decisions made in a public meeting. After the decision to award is made (public), then the issuance of a special permit process would begin. The Select Board would go into Executive Session to discuss their negotiation strategy but not with the developer present.

Annie Gilbert moved for the Select Board to approve the request for proposals for the disposition of the Town Yard, i.e. Lewis Street. The motion was seconded by Alex Vispoli and voted 5-0 to approve.

B. Alcoholic Beverage Licenses on Town Owned Property – 2nd Reading

Board to review and consider voting to amend the Alcoholic Beverage Licenses on Town Owned Property Policy.

Town Counsel reported on the draft policy which has been revised for the Board’s review (paragraph 4) which includes that the Select Board’s vote applies to all town properties and final approval of which has to be approved by the department that has care and custody of the property (i.e. property under the care and custody of the School Committee would be contingent on the School Committee’s approval).

Alex Vispoli moved that the Board vote to adopt as Section X1.2.N of the Select Board’s Policies the Special One-Day Outdoor Alcohol License Policy and Application for Events on Town-Owned Property, and to amend the Select Board Policy X1.2.L in conformity with the new policy X1.2.N. subject to the procedural change. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

C. Authorization to Lay Water Pipes and Conduits Per General Laws Chapter 40 Section 42

Board to vote pursuant to General Laws Chapter 40 Section 42 to authorize the laying of water pipes and conduits under all public ways in the Town. Tom Urbelis reported The DPW receives financing from the state who is requiring certification from Tom that the Town has the right to put pipes under project areas (downtown) on 7 properties. Tom will be certifying to the State that these are public ways and that because of that hopefully the board takes a vote tonight to authorize the laying of water pipes under public ways.

Alex Vispoli moved that the Board vote pursuant to General Laws Chapter 40 Section 42 to authorize the laying of water pipes and conduits under all public ways in the Town. The motion was seconded by Dan Koh and voted 5-0 to approve.

VII. Consent Agenda

A. Appointments by the Town Manager

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

Department	Name	Position	Rate/Term	Date of Hire
Council on Aging Advisory Board	Joan Kleger	Member	Term Expires 6/30/2021	2/25/2020
Information Technology	Fernando Ricart <i>(Christopher Primes)</i>	Network and Platform Administrator	\$80,334.71/year	3/9/2020
Department of Public Works	Joseph Assenza <i>(Jeffrey Crane)</i>	Project Engineer	\$80,965.60/year	3/16/2020

Department of Public Works	Paul Gahinet (<i>Scott Kandrut</i>)	Civil Engineer	\$62,663.42/year	2/25/2020
Department of Facilities	Larry Johnson (<i>Edward Hammersley</i>)	Working Foreman – Building Division	\$70,403.71/year	2/25/2020
Community Services – Youth Services	Jackson Drake	Seasonal	\$12.00/hour	2/4/2020
Community Services – Youth Services	Liliana Bishop	Seasonal	\$12.00/hour	2/3/2020
Community Services – Recreation	Benjamin Roldan	Kid Care	\$12.00/hour	3/2/2020
Community Services – Recreation	Benjamin Entner	Kid Care	\$12.00/hour	3/2/2020

VIII. Executive Session

Annie Gilbert moved that the Board go into Executive Session to approve and not release Executive Session Meeting Minutes of October 7, 2019 (Executive Session 1), October 28, 2019, November 18, 2019, and January 27, 2020 and to vote to approve and release Executive Session Meeting Minutes of October 7, 2019 (Executive Session 2), December 2, 2019, December 16, 2019, January 13, 2020 and not to return to open session. The motion was seconded by Alex Vispoli. Roll Call: C. Huntress-Y, A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, and L. Gregory-Y.

IX. Adjourn

The Select Board adjourned from Open Session at 8:43 P.M.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Documents: