
Select Board Meeting
Minutes of Saturday, March 14, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 9:00 A.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Dan Koh, Annie Gilbert, Chris Huntress (arrived after the meeting began) and Laura Gregory.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Asst. Town Manager Patrick Lawler, 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 followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

Laura Gregory explained that due to the open meeting law change, Select Board meetings will be setup differently (remotely).

The Town Manager provided an update on the Town's response to COVID-19. His team has been meeting over the last month and meeting daily this past week on building closures and services provided. Public communication issued yesterday, regular updates will be provided going forward. Memorial Hall Library is closed but staff will continue to work from Monday-Friday depending upon the need. Elder Services/Senior Center is closed effective Monday but they will continue with the Meals on Wheels Program, Social Work Program, services for their identified vulnerable population, and continuation of medical transportation. Recreation /Youth Services programming is cancelled for the next two weeks. Town Offices will remain open and fully-staffed, a skeleton crew list will be established in the event if that is needed, and they have fully activated the 311 center. The Governor signed an order relative for public meetings so there will be the possibility of remote situations. The Annual Town Election will go on as planned, spacing at polls will be staged, and poll workers will be working in conjunction with Town Staff who will be trained to work the polls.

Alex Vispoli said the Town is well positioned to handle the crisis due to the hard work of the Town Manager's Team. We should consider moving the Annual Town Meeting further out on the calendar to leave our options open.

Annie Gilbert asked how the decision-making process will be conducted after the 2-week period. The Town Manager said they will constantly evaluate the situation in one week increments. The Emergency Management Team will be meeting daily. They hope to receive further guidance from the State level for municipalities. Andrew will be attending a remote MIAA Board Meeting next week and they will share information and decisions.

Tom Urbelis provided information on the legal aspects of the ordinances issued by the Governor that effect the procedures the Town has to follow. One of the orders prohibits gatherings of 250 or more people in a single space and specifically states that this order does not apply to any municipal legislative body (does not apply to Town Meeting). One of the issues of Town Meeting is that has to be completed by June 30th for the financial articles to take effect. Under state law, the Moderator may continue with Town Meeting due to a public emergency and must consult with the Select Board and Public Safety Officials before doing so and establish a continuation date within 30-days after the Town Moderator makes the decision. The dates for the Annual Town Meeting and Calendar were previously voted on but there is a question on warrant that is scheduled to be signed on March 23rd. If they are able to move Town Meeting, the Board would like to move Town Meeting out as far as possible. The legislature is tentatively set to meet this coming Thursday. Add to the next agenda: information from IT on how the remote meetings are working, how people can participate, and updates on logistics for a remote town meeting and ask Tom Carbone to attend.

Once the Town Election date is set, it can't be changed without a court order or approval by the Legislature or the Governor. Voting by mail could be an option but you can't require it. There is the option of using absentee ballots, but you are not allowed to ask or verify the circumstances for those qualifying for absentee ballots. The State Election Division is seeking special legislation to execute an emergency contingency plan.

The Governor issued an order in regard to the Open Meeting Law (OML) which requires meetings to be held in a place that is publically accessible and comply with all ADA orders. The Governor's order issued changed to accessible by adequate alternative as defined as something that provides transparency, timely access to the meeting going on, and for the public to clearly follow the proceedings of the public body while the meeting is going on (telephone, video, etc.). Public bodies are authorized to allow remote participation by all members of the public body. Allowance for active real time participation by public must provide ability for participation by public, observing and opportunity to participate.

The virus could also effect by concept the constructive approval (various permits) that would be approved if not approved in a sufficient time-frame. The legislature and Governor's Office are working on this time-frame on which to act.

Austin Simko encourages people to vote in off-peak hours, hand sanitizers will be available, office workers will wear gloves, and they are changing the configuration of voting booths to allow more space between. Everyone will get a disposable pencil to use and dispose of.

Laura Gregory said the Town Census has been mailed and it is important for everyone to complete the 2020 Census.

IV. Citizens Petitions and Presentations None

V. **Regular Business of the Board**

A. **Annual Town Meeting Articles**

Presentation by the Town Manager available on the Town’s Website
www.andoverma.gov

Board to consider voting to take a position on the following articles:

<p>Article 4</p>	<p>Fiscal Year 2021 Budget in the amount of \$197,925,031 for Town and School Operations including retirement, health insurance and OPEB. Discussion on tax bill projections and rate of growth. Alex said this will raises the tax base forever. Laura said it is important to look at the Town’s potential liabilities going forward and balance the interest of current taxpayers. This is an opportunity to address the unfunded liabilities due to events of Columbia Gas. Vote on defining the 1.7% into the pension. The budget # will change if using the 1.7% and applying it to the unfunded pension liability.</p> <p>Annie Gilbert moved to increase the appropriation to the Pension Fund for FY-2021 of 19.28% inclusive of a \$1.7M increase over the required appropriation to the General Fund through taxation. The motion was seconded by Chris Huntress and voted 4-0 to approve. Motion passes 4-1. Alex Vispoli opposed.</p> <p>Dan Koh moved to recommend approval of Article 4 as written. in the Warrant. The motion was seconded by Annie Gilbert and voted 4-1 to recommend approval. Alex Vispoli opposed based on the fact that the property tax increases a full percent more than voted in July.</p>
<p>Article 5 RA</p>	<p>Fiscal Year 2021 Capital Projects Fund (CIP) \$4,311,180 Chris Huntress moved to recommend approval of Article 5 as written in the Warrant. The motion was seconded by Dan Koh and voted 5-0 to recommend approval.</p>
<p>Article 6 RA</p>	<p>Pension Obligation Bond Special Legislation- annual debt service to fully fund the pension system. This is Step 1 of a 2-step process: 1. Obtain the tool for the potential of saving the taxpayers \$70M. 2. Involves getting approvals: Home Rule, Secretary of Admin & Finance and other officials (DOR) to sign-off, and approval at a future Town Meeting to appropriate funds.</p> <p>Dan Koh moved to recommend approval of Article 6 as written. The motion was seconded by Annie Gilbert and voted 5-0. Alex voting to approve for the article but there has been a reluctance by the different constituencies for reform so he is hopeful this conversation will change with this initial step in this direction.</p>

Article 24 RA	Bald Hill and Tewksbury Street Land Swap The Select Board previously voted to approve (1/13/20), 7.5 acres on Tewksbury St. being exchanged with land on Bald Hill. Mike Lindstrom updated the Board on the land swap. Alex Vispoli moved to recommend approval of Article 24 as written. The motion was seconded by Annie Gilbert and voted 5-0 to recommend approval.
Article 34 RA	Capital Projects from General Fund Borrowing Total of \$4,080,000 Police 2, FR-1, Fr-4, DPW-7b, DPW-8, FAC-6, FAC-7 and SCH-5. Annie Gilbert moved to recommend of Article 34 as printed. The motion was seconded by Chris Huntress and voted 5-0 to recommend approval.
Article 35 RA	Capital Projects from Free Cash of \$3.5M for 6 projects: Town Offices Improvements, Sidewalk Program, Conservation & Open Space Improvements, HPE/WHMS Turf Field Complex, Tree fund, Merrimack River Access. Annie Gilbert moved to recommend approval of Article 35 as written. The motion was seconded by Dan Koh and voted 5-0 to recommend approval.
Article 39 RA	Community Choice Aggregation -Requesting to explore the program (CCA program regulated by the state) on competing electrical service. Dan Koh moved to recommend approval of Article 39 as written. Motion seconded by Alex Vispoli and voted 5-0 to recommend approval.

VI. Executive Session - Cancelled

VII. Adjourn

At 11:50 A.M. Dan Koh moved to adjourn the Select Board Meeting of Saturday, March 14, 2020. The motion was seconded by Annie Gilbert and voted 5-0 to adjourn.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary