

Select Board Meeting
Minutes of Monday, March 14, 2022
School Administration Building
2nd Floor School Committee Conference Room
30 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

Chairman Chris Huntress opened the meeting a 7:00 PM. Present

Members present: Annie Gilbert, Dick Howe, Alex Vispoli. Laura Gregory is not present this evening.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Town Clerk Melissa Ripley.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Pledge of Allegiance.

B. Proclamation in Recognition of Anil Navkal

Chairman Huntress recognized Anil who was first appointed to the Andover Green Advisory Board in 2010 and was instrumental in organizing the Solarize Andover efforts in 2014, and instrumental in getting Andover Community Power off the ground as a grass-roots organization, website designer, and Design Committee member. Anil has been an invaluable mentor to numerous AHS students as the Energize Andover Lead in partnership and a vocal champion of energy efficiency technologies teaming up with Andover Facilities in transformative building projects. Anil is moving into his new role with the City of Lawrence and stepping down as a member of the Andover Green Advisory Board after 12 years of voluntary service to dedicate more time in assisting the Lawrence community on issues of sustainability and energy efficiency. Chris Huntress recognized Anil as a Sustainability Hero. On behalf of the Board, Chris thanked Anil on the work that he has done in the Town of Andover.

Mr. Navkal thanked everyone for the recognition and for the honor of working with the residents and students in Andover. After the Columbia Gas disaster, he decided to dedicate himself to the cause of “environmental injustice” for our brothers and sisters in the City of Lawrence. He outlined his ideas and vision sharing them with the newly minted Mayor of Lawrence who asked him to take up the challenge. The Town is recognizing Anil on the very day he attended the staff meeting of Mayor of Lawrence today and the birthday of his father who was a city worker in Bombay and in charge of all their utilities. Andover has given him enormous support.

Joyce Losick Yang, Sustainability Coordinator extended her personal thanks to Anil and his wife Naomi. The Climate Summit is coming up in April and the ideas of that germinated with some of these meetings and also with other partners. Anil had the idea

for the 2015 Sustainability newsletter, it was his push to get the word out on the great work the Town and community was doing. Thank you to Anil for all of your service.

The Town Manager announced that the Mobil Town Hall is out and about and will be at Fridays and on Friday, March 25th it will be on Chandler Road and River Road and on April 8th at Memorial Circle. The Mobil Town Hall is a great community asset.

Mike Lindstrom reported on the kick-off meeting for Shawsheen River Master Plan held last week with about 71 people participating remotely. They are in the midst of the data collection phase right now need residents to get involved. Information is available on the Town Website. They are encouraging residents to get involved and share how they would like to invest r in this natural resource. The process for public input will continue but is most valuable now as they talk about next steps and to start developing different strategies.

Melissa Ripley reported that the Town Election will be held on Tuesday, March 22nd and the three polling locations are at Wood Hill Middle School, AHS Field House, and the Cormier Youth Center. Polling locations and precincts are available on the town website under Elections. She also reminded everyone that dogs are required to be licensed by the end of April.

Tom Urbelis reported that the Attorney General struck down a Town Zoning bylaw put forth at the Brookline Town Meeting on whether a town zoning bylaw could regulate buildings based upon fossil fuel infrastructure. This bylaw put some restrictions and conditions on special permits if they are going to have fossil fuel infrastructure on new buildings and was in violation of the State Building Law and the Dept of Public Utilities who have procedures in place and in violation of the building code and State DPU statute.

Alex Vispoli thanked the Bancroft School team for the student read-along, it was a great event.

Annie Gilbert reported that Andover's Diversity, Equity and Inclusion is hosting an open night mic at Oak and Iron on March 23rd from 6-8 PM to celebrate local women who own local businesses.

IV. Citizens Petitions and Presentations

Steve Whalther, 83 Morton Street, spoke about transparent Town Government and, as an example, talked about some of the document requests that go through the Town Clerk's Office. He submitted a document request on the Nixon Peabody Report to find out more to understand the Town's position on it and the instructions given to the lawyers. The response from the Clerk's Office was that attorney client privilege was asserted and there would be no sharing of documents. He suggested that the Town enact a policy of transparency for investigations and reports when third-parties are hired, prohibit the attorney client privilege, provides transparency, and mandates basic record keeping to allow citizens to know what is going on when third parties are being hired.

Tom Urbelis said the Nixon Peabody Report was produced in total unredacted form to the public, nothing was taken out that wasn't made public. Secondly, Mr. Walther did receive a substantial amount of the information on the Nixon Peabody Report that would not be protected by attorney client privilege. The attorney client privilege, in regard to the public records law, that it did apply and what was provided Mr. Whalter was a part of Nixon Peabody Communications that weren't redacted. All of the communications with Nixon Peabody were with Mr. Urbelis and nobody else.

Mr. Whalter did not receive any communication but a redacted time sheet. All he wants to know what the lawyers were asked to do. There should be some restriction on its usage when using tax-payer money.

V. Regular Business

A. Outdoor Dining or Retail License Regulations and License Agreement

The Town Manager said Town Meeting approved the outdoor dining permit as a requirement of the regulations. Paul Matarazzo spoke about the request for the license agreement for outdoor dining approved at the Town Meeting. They are asking to amend the license and agreement to reflect the change and to consider renewal of applications so long as their application hasn't changed since last year.

Alex Vispoli moved that the Board approve Article 11.5 regulations for outdoor dining for retail license and that the Board approve the form of a license agreement by and between the Town of Andover with the owner operator of a restaurant or retail facility located within the Town of Andover and as submitted to the Select Board. Dick Howe seconded the meeting. Motion passes 4-0.

B. Land Swap – 126 Tewksbury Street

Tom Urbelis providing information to the Select Board to review and to consider voting to approve and sign the Transfer of Land from the Select Board to the Conservation Commission per Chapter 14 of the Acts of 2022. This is one of the steps in accomplishing what was voted at Town Meeting in regard to a land swap at Bald Hill Compost Facility and Dog Park in exchange for a swap of land at 126 Tewksbury Street, which is within the control of the Select Board. If the facility or the Dog Park are no longer used for those purposes, then that part of the property will revert back to the Conservation Committee.

Annie Gilbert moved that the Select Board approve and sign the Transfer of Land from the Town of Andover Select Board to the Town of Andover Conservation Commission for 7.419 acres of land at 126 Tewksbury Street as authorized by Chapter 14 of the Acts of 2022. Motion seconded by Alex Vispoli. Motion passes 4-0.

C. Purchase and Sale Agreement – 138A Chandler Road

Atty Urbelis explained that this property was a subject of a warrant article at Town Meeting and is situated next to the property previously purchased. The seller has signed the P & S Agreement and all other terms and conditions agreed to.

Dick Howe moved that the Select Board approve the Purchase and Sale Agreement between the Town of Andover and Regina M. Currid for purchase of the land at 138A Chandler Road for the amount of Four Hundred Three Thousand Dollars (\$403,000.00), and authorize the Town Manager to sign the Purchase and Sale Agreement. Motion seconded by Alex Vispoli. Motion passes 4-0.

D. Acceptance of Donation to Andover Youth Services

Select Board to consider voting to accept a donation in the amount of \$500.00 from South Church, 41 Central Street, Andover, MA, to Andover Youth Services to support the sewing program. Mike Lindstrom said that this has been a highly-successful program that we are looking to enhance.

Alex Vispoli moved to accept a donation from South Church, 41 Central Street, Andover, MA to Andover Youth Services, in the amount of \$500.00 to support the Sewing Program. Motion seconded by Dick Howe. Motion voted 4-0 to approve.

E. Town Manager's FY 2023 Recommended Budget and Financial Plan:

The Town Manager provided an overview of the Fiscal Year 2023 Recommended Budget & Financial Plan presented in February. The budget is within the limits of Prop 2.5 and in compliance with Town and Select Board financial policies, goals and objectives. It maintains a level-service budget, while identifying opportunities to improve service delivery through efficiency and a commitment to collaboration and innovation and to maintain employee compensation in a manner that provides opportunities for equity through modest adjustments that is consistent with the town's long term financial planning efforts, and to continue to aggressively manage employee benefits and associated impacts, both short and long term. All of the union contracts are being negotiated this year and they have put aside revenue in the compensation for this.

The cost for health insurance is actually going down and we are in a position not to have to increase the health insurance budget and to have long term stability in our health benefit expense line.

The Town Manager identified opportunities to reduce the Town's unfunded liabilities including pension and OPEB costs. This has been the heart of so much of their work over the past many years, whether it be increasing health insurance contributions for new hires or the OPEB reform vote in April 2016, and redirecting the savings into an a capital program based on an annual spending target of 5.72% for cash and debt appropriations that provides the Town with the ability to expand capital capacity and fund investments in both infrastructure and facilities within the limitations of Prop 2.5% and to develop a budget document consistent with the recommended guidelines and best practices set forth by the Government Finance Office.

There is a real need for additional custodial services for Town buildings and to meet that need, they are recommending a 1.0 FTE at a cost of \$55,00. They tried outsourcing the

services but that has not been successful. The Town Manager thanked the custodians who have gone above and beyond working long hours to keep the buildings clean.

F. [Excess Levy Capacity Policy Framework – 2nd Reading](#)

Select Board to consider voting to approve the Excess Levy Capacity Policy Framework. The Town Manager went through the framework and changes to consider as well as what the misconceptions and the alternatives to maintaining excess levy capacity are. The Town manager read the Levy Capacity Policy Statement and alternatives to maintaining excess levy capacity.

Alex Vispoli asked if an under-ride would reset the position we are in? If we reset the levy at \$300,000, we would give ourselves some capacity and the residents a chance to weigh in. The Town Manager suggests filing special legislation that allows Andover to set an annual amount to be raised outside the limits of Prop 2.5: 1. The amount could not exceed what was authorized by the debt exclusion and 2. The amount could be adjusted year to year. The Committee had an extended discussion on this alternative. The Town Manager feels that having a policy in place before Town Meeting is essential. The Board is committed to looking at this directly after Town Meeting.

Dick Howe moved to adopt the Excess Levy Capacity Policy Framework. Motion seconded by Annie Gilbert. Motion passes 4-0.

G. [Annual Town Meeting Articles](#)

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

Preliminary Numbers

P7	Minor Financial Articles (A Through D) overlay surplus transfers, recommending transfer \$30,000 to do an evaluation of personal property accounts and gas distribution. D. Elderly Disabled Transportation Program. \$5,000 to support Andover Day, and a \$6,000 appropriation from Spring Grove Perpetual Care. Annie Gilbert moved that the Select Board recommend approval of Article P7. Motion seconded by Alex Vispoli. Motion passes 4-0.
P8	General Housekeeping Articles (A Through G) 8A Grant Program Authorization, B. Road contracts, C. Town Report, D. authorization to offer property tax exceptions E. contracts in excess of 3-years F. Accepting easements which authorizes the Committee to accept easements. G. Accept Bond reports.
P11	Granting Easements: Authorize SB and SC to Grant Easements. Dick Howe moved to recommend Approval of Town Meeting Articles P7, P8, and P 11. Motion seconded by Annie Gilbert and voted 4-0 to approve.
P19	Other Post-Employment Benefits Fund (required by law). Alex Vispoli moved to recommend approval of Article P19.

	Motion seconded by Annie Gilbert. Motion passes 4-0.
P25 P16	Transfer and Discontinuance of Portion of Lewis Street Discontinuance of portion of Lewis Street Alex Vispoli moved to recommend approval of Article P15 and Article P16 Motion seconded by Dick Howe. Motion passes 4-0.

VI. Consent Agenda

Appointments by the Town Manager

Dick Howe moved that the Board vote to approve the following appointments by the Town Manager as listed in the Consent Agenda Motion seconded by Alex Vispoli. Motion passes 4-0.

Department	Name	Position	Rate/Term	Date of Hire
Memorial Hall Library	Maura Deems <i>(Vicki Murphy)</i>	Executive Secretary	\$64,093.62/yr	3/28/2022
Town Clerk	Suzy Narayanan <i>(Susan Pimentel)</i>	Office Assistant III	\$55,38.32/hr	4/11/2022
Memorial Hall Library	Molly McIntyre <i>(Amy Martin)</i>	Library Assistant II	\$26.43/hr	3/19/2022
Memorial Hall Library	Brianna Caron-DiPietro <i>(Liana DiPasquale)</i>	Library Assistant	\$25.31/hr	5/6/2022
Community Services – Youth Services	Limor Soen	Building Assistant	\$15.50/hr	3/15/2022
Community Services – Recreation	Margaret Ford	Kid Care Group Leader 2	\$18.00/hr	3/8/2022
Community Services – Recreation	Jana Alamleh	Kid Care Group Leader 1	\$14.25/hr	3/8/2022
Community Services – Recreation	Claudia Vieira	Kid Care Group Leader 1	\$14.25/hr	3/8/2022
Commission on Diversity, Equity and Inclusion	Hannah Tolla	Andover Public Schools Representative	Term Expires 6/30/2024	3/14/2021
Design Review Board	Jonathan Fournier	Member	Term Expires 6/30/2023	3/14/2022

VII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. February 15, 2022

Annie Gilbert moved to approve the Regular Session Minutes of February 15, 2022 as presented. Motion seconded by Alex Vispoli and voted 4-0 to approve.

VIII. Executive Session

A. At 8:30 P.M. Alex Vispoli moved that the Board move to go into Executive Session pursuant to Purpose 3 for confidential communication with Town Counsel to discuss strategy with respect to litigation filed by William Fahey, and to vote to approve and not to release Executive Session Minutes of November 29, 2021, December 13, 2021, January 5, 2022, January 12, 2022, February 15, 2022 and February 28, 2022 and not to reconvene in open session, and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town. The Chair so declared. Motion seconded by Dick Howe. RC. AV. D Howe AG. C Huntress 4-0

IX. Adjourn

At 8:40 P.M the Select Board adjourned from Open Session and moved to Executive Session not to return to Open Session.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Kathryn Forina in the Town Manager's Office at 978-623-8215 or by email at kathryn.forina@andoverma.us

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45