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**SELECT BOARD**  
**Minutes of**  
**Monday, March 16, 2020**

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**I. Call to Order**

Chairperson Laura Gregory called the meeting of the Select Board to order at 5:15 P.M. in the 3<sup>rd</sup> Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Annie Gilbert, and Laura Gregory. Dan Koh and Chris Huntress teleconferenced into the meeting.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Asst. Town Manager Patrick Lawler, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

**II. Update from Town Manager**

As a result of the Covid-19 health risk, the Town Manager said Town Offices were closed today but they will be working out of the first floor going forward on a limited basis. Memorial Hall Library closed effective Saturday, March 14<sup>th</sup> as did the Senior Center; although they will continue to offer Meals on Wheels and needed Social Work as required. The Veterans' Office will continue to their work by appointment only.

Restaurants are closing with only take-out allowed. All restaurants have been advised and the majority will be offering take-out and providing curbside pickup. The Town Election scheduled for Tuesday, March 24<sup>th</sup> may be postponed depending on the Select Board's discussion today.

Laura Gregory recused herself from the meeting and turned the meeting over to Vice-Chair Annie Gilbert.

**III. Annual Town Election**

Austin Simko provided 2 options to consider the for the Annual Town Election; to either proceed or postpone.

Option 1: Proceed as scheduled taking a number of pre-cautionary steps to protect the safety of election officers and voters. i.e. Off-peak voting, providing hand-sanitizer, gloves, use of disposable pencils, frequent cleaning of voting booths and spacing booths further apart, etc.

Option 2: To postpone the election based on the Governor's decision prohibiting not more than 25-people at any gathering. There is concern for election officers, who are often retirees, and who may not feel comfortable working on Election Day. Precinct wardens and clerks have specific duties making it harder for town employees to step in for them. Postponing would allow absentee ballots to continue unabated on a rolling basis. Another consideration of postponing the election is that our seasoned officials would continue serving in their posts.

To Alex Vispoli's question of, if delayed do we need to set a new date tonight or can we push it out as far as June 30<sup>th</sup>. Austin replied that we are asking for authorization to approve all four options by the Governor and the Courts. Absentee ballots would continue to be available. The Board discussed the effect on Town Meeting. The Board would be requesting the following:

- Asking the Governor for a written order clarifying that the Town is authorized to postpone the election per his authorization for gatherings of no more than 25 people.
- Asking the Governor and Legislature to take action to bring in effective legislation proposed by the Governor to give municipalities the authorization to postpone.
- Authorize the municipality to postpone.
- The Governor's Bill, done under the auspice of Home Rule, the Select Board requests the Governor file on our behalf before the legislature to authorize us to postpone our election.

Alex Vispoli moved that, whereas the rapidly-evolving public health challenges associated with Covid-19 pose a risk to the most vulnerable populations inherent in public gatherings;

whereas various public and private entities, including professional sports leagues, universities, school districts, cultural institutions and events, and more, have been cancelled, closed, or temporarily suspended;

whereas the World Health Organization has identified the current crisis as a pandemic;

whereas the Governor has declared a State of Emergency in the Commonwealth;

and whereas the Governor ordered on March 15<sup>th</sup>, 2020 that gatherings of over 25 persons are prohibited, the Town is taking action consistent with recommendations from federal and state agencies to limit the spread of this disease amongst the residents of Andover.

For all of these reasons, the Select Board votes to request the following regarding the Town's March 24<sup>th</sup> Annual Town Election:

1. That the Governor issue a written order clarifying that the Town is required and authorized to postpone the Annual Town Election to maintain compliance with the Governor's March 15, 2020 prohibition on gatherings of more than 25 persons, and/or
2. That the Governor and Legislature immediately ratify as law legislation, including the legislation proposed by the Secretary of the Commonwealth, allowing municipalities to postpone Annual Town Elections, and that, in the event such legislation is enacted into law, the Select Board authorizes the Town Manager to reschedule the Annual Town Election to a date to be determined in his sole discretion, and/or
3. That the Town Manager direct a filing in Massachusetts courts requesting a judicial order authorizing the postponement of the Annual Town Election, and/or

4. That the Governor file emergency legislation on behalf of the Town, a so-called "Governor's Bill", seeking authorization to delay and reschedule the Annual Town Election to a date to be determined by the Select Board in consultation with the Town Clerk, Board of Health, and other public safety personnel, Provided, with regard to parts 1-4 above, that all nominations, ballot preparation, absentee voting and the like be ratified, validated and confirmed as though it was undertaken consistent with the date of the postponed election; and, further, if any legislation is not passed prior to the date of the scheduled Annual Town Election, to ratify, validate and confirm the Board's vote to continue the 2020 Annual Town Election.

The motion was seconded Chris Huntress.

Roll call: A. Vispoli-Y, D. Koh-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 4-0.

The Town Clerk will send out a press release to the community on the decision of the Board to postpone the election and provide information on the options.

**VII. Adjourn**

At 5:44 P.M. on a motion by Alex Vispoli and seconded by Dan Koh, the Select Board moved to adjourn the meeting of Monday, March 16, 2020.

Roll call: A. Gilbert-Y, C. Huntress-Y, D. Koh-Y, A. Vispoli-Y. Motion passes 4-0.

Respectfully submitted,

*Dee DeLorenzo*

Dee DeLorenzo  
Recording Secretary