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**SELECT BOARD**  
**Minutes of**  
**Monday, March 23, 2020**

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**I. Call to Order**

Chairperson Laura Gregory called the meeting of the Select Board to order at 7:00 P.M. via Web-X. Participating remotely from the Select Board: Alex Vispoli, Annie Gilbert, and Laura Gregory, Dan Koh and Chris Huntress

Others participating remotely: 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.

Tonight's meeting is completely virtual. Residents can call in at 311 or 978-623-8311 or email [manager@andoverma.gov](mailto:manager@andoverma.gov)

**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**

The Town Manager shared the series of orders that Governor Baker issued today and reported on status of the shut-down in Andover that included:

- Non-essential businesses to shut down or work from home.
- Town Offices and the Administrative Offices at 5 Campanili Drive closed to the public, but other departments can be contacted.
- Senior Center Meals on Wheels and Social Work will continue.
- Board of Health alerts on the importance of social distancing.
- All playgrounds and parks are closed.
- Local Businesses: Takeout and delivery has been successful.
- Service orientated businesses seem to be closing.
- Grocery stores and pharmacies remain open.

Alex Vispoli said everyone on the Town Staff has done an incredible job. He received several emails from residents about the status of Town Meeting and the Town Election. Dan Koh thanked the employees of the IT Department for arranging the virtual format of tonight's meeting.

**IV. Public Hearings**

**A. National Grid and Verizon New England Pole Petition - to be continued**

Petition from National Grid and Verizon New England for National Grid to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across Salem Street, Andover, MA.

Alex Vispoli moved to continue the public hearing for the National Grid and Verizon New England Pole Petition without discussion to the next meeting of April 6, 2020. The motion was seconded by Dan Koh. Roll call: A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y. Motion passes 5-0.

**B. Discontinuance of a Portion of Lewis Street as a Public Way**

Board to consider recommendation of the discontinuance of a portion of Lewis Street as a Public Way and consider approval of Town Meeting Article 21 as explained by Town Counsel. The Planning Board has recommended approval. This will be part of the property we will be conveying to as a purchase.

Chris Huntress moved that the Select Board vote to recommend that a portion of Lewis Street be discontinued as a public way as shown on the plan entitled "Discontinuance Plan, Portion of Lewis Street, Andover, Mass. March 2, 2017, scale 1"= 40' prepared for the Town of Andover by Andover Consultants, One East River Place, Methuen, Mass. 01844" and to authorize the Chair to sign a discontinuance on behalf of the Select Board. The motion was seconded by Annie Gilbert. Roll call: A. Vispoli-Y, A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, and L. Gregory-Y. Motion passes 5-0

**V. Regular Business of the Board**

**A. Declaration of Emergency**

The Town Manager said at this point every city and county has declared a state of emergency, some of the special legislature being considered mentions that a local jurisdiction who declare a state of emergency could have an impact on a Federal reimbursement. The declaration declares as of today and would stay in effect upon recommendation of the Town Manager to the Board that it is no longer in effect. Residents should check Andover's latest updates for link with more information on central services across the Commonwealth.

**WHEREAS**, the 2019 novel Coronavirus ("COVID-19") has been declared a Public Health Emergency of International Concern by the World Health Organization; and

**WHEREAS**, the ongoing transmission of COVID-19 can be expected to greatly impact the health and welfare of residents and employees of the Town of Andover; and

**WHEREAS**, a sudden, generally unexpected occurrence of circumstances demanding public action has arisen within the world, country, state and Town of Andover due to the coronavirus pandemic and other illnesses; and

**WHEREAS**, the President of the United States has declared a national emergency due to this situation and has directed the agencies of the national government to take appropriate actions; and

**WHEREAS**, the Governor of the Commonwealth of Massachusetts declared an emergency and has directed the agencies of the state government to take appropriate actions; and

**WHEREAS**, the Select Board of the Town of Andover, Massachusetts, upon advice from the Town Manager and other advisors, has determined that the situation poses a present and imminent danger to public health, safety, or general welfare of the people of Andover so that it has become necessary for the Town Manager, with such assistance and

staff as he deems necessary, to utilize and coordinate the services, equipment, supplies and facilities of departments, offices and agencies of the community, both locally, regionally, statewide and nationally, if necessary, including the taking of ordinary and extraordinary actions for the purposes of emergency management and emergency functions to protect the public; and

**WHEREAS**, a Declaration of Emergency and immediate action is needed to prevent, minimize, or mitigate damage to public health, safety or general welfare of the people of Andover which may otherwise result from the above described situation;

**NOW THEREFORE**, the Select Board of the Town of Andover, Massachusetts, hereby declares that as of **March 23, 2020** a State of Emergency exists in Andover and authorizes and directs, under the direction of the Town Manager, all Town personnel and agents to take action appropriate to respond to this situation and ratifies, confirms and adopts any related action taken prior to the formal adoption of this Declaration. This Declaration of Emergency shall remain in effect until upon a recommendation of the Town Manager, notice is given by the Select Board, that a State of Emergency no longer exists.

Alex Vispoli moved that the Select Board of Andover approve the Declaration of Emergency as printed and authorize the Chair to sign it. Motion seconded by Dan Koh. Roll call: A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y. Motion passes 5-0.

#### **B. Town Election**

Laura Gregory recused herself from the meeting at this time by logging off and turning the meeting over to Vice-Chair Annie Gilbert.

Board to vote on postponing the March 24, 2020 Town Election and discuss a new date for the election.

When the Board last met, they talked about all the different types of options that could be considered for the Town Election. On Wednesday, Tom Urbelis got a court order and expects Special Legislature will be acted on. The Board has to officially postpone the election. At this time, it is difficult to set a date but to select a date to re-evaluate. This will have an impact on Town Meeting. Board will not sign Warrant tonight, so the Town Meeting will not start on April 27<sup>th</sup> as originally scheduled. Town Counsel said the Board voted last Monday night to authorize a motion to be filed. He expressed his gratitude to the Clerks at the Essex County Clerk's Office who went above and beyond to get the papers signed by a judge and filed electronically.

Early voting by mail seems to be indistinguishable from absentee voting, so residents can vote via absentee ballot to include people who are taking pre-cautions to COVID-19. If you vote early by mail, you get an absentee ballot.

Chris Huntress moved that pursuant to authority provided to the Select Board by an Order of the Essex County Superior Court dated March 18, 2020, the Board votes to postpone the Annual Town Election. Dan Koh seconded the motion. Roll call vote: A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, C. Huntress-Y. Motion passes 4-0.

Laura Gregory returned to the meeting at 7:33 P.M. and resumed her duties as Chair.

**C. Board of Registrars**

Board to consider nominee for appointment to the Board of Registrars of Voters and to reappoint a registrar to a term expiring March 31, 2023. The Democratic Town Committee nominates Michael Sassin of 8 Stevens Circle.

Dan Koh moved that the Board appoint Michael Sassin of 8 Stevens Circle to serve on the Board of Registrars of Voters for another three-year term expiring in 2023. Motion seconded by Annie Gilbert. Roll call: A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, and L. Gregory-Y. Motion passes 5-0.

**D. Granting of Easement**

Board of Selectmen to review and consider signing a grant of easement located at 161 Andover Street to National Grid for the right to install, own and operate and properly maintain a pole and related equipment to provide service in connection with the construction of the new Ballardvale Fire Station.

Annie Gilbert moved that the Select Board approve and sign the grant of Easement to Massachusetts Electric Company for the installation of a pole and related equipment at 161 Andover Street and to authorize the Chair to sign the Grant of Easement on behalf of the Board. Motion seconded by Alex Vispoli. Roll call: A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y. Motion passes 5-0.

**E. Gas Impacted Area Paving: Reschedule**

The Town Manager and Dept. of Public Works wanted to provide the Board an update tonight, but due to the weather Public Works is busy managing the roads and will need to reschedule. No action required.

**F. Annual Town Meeting Articles**

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

<b>Article 12</b> HOLD	<b>Unexpended Appropriations Capital Projects Fund-</b> existing capital balances still working on a final number. Hold to April 6 <sup>th</sup> meeting.
<b>Article 19</b> RA	<b>School Department Revolving Account:</b> Dr. Shelley Berman addressed the Board on this Article that establishes a Revolving Account so that when Andover Public Schools offer Professional Development (PD), other districts can provide resources for their attendees to off-set the cost of PD. The Finance Committee and the School Committee recommended approval.  Alex Vispoli moved that the Board recommend approval of Article 19 School Department Revolving Account as printed. Motion seconded by Annie Gilbert. Roll call: Dan Koh-Y, Chris Huntress-Y, Alex Vispoli-Y A. Gilbert-Y, and Laura Gregory-Y. Motion passes 5-0.

<p><b>Article 23</b> <b>RA</b></p>	<p><b>School Department Supplemental Funding for Circuit Breaker (CB)</b> Dr. Berman And Chair Joel Blumstein spoke to this article regarding the unexpected expense for Out-of-District Tuitions in the amount of \$812,000. The SC made a decision to off-set a portion through the CB, but were concerned with bringing the CB balance below \$500,000 compromising funds for 2021. Finance Committee voted in favor to recommend approval.</p> <p>Dan Koh moved to recommend approval of Article 23 School Department Supplemental Funding for Circuit Breaker. Annie Gilbert seconded the motion. Roll call: D. Koh-Y, C. Huntress-Y, A. Gilbert-Y, A. Vispoli-Y, and L. Gregory-Y. Motion passes 5-0.</p>
<p><b>Article 29</b> <b>RA</b></p>	<p><b>Zoning Bylaw Amendment – Solar Bylaw</b> Members of the Andover Green Advisory Board (AGAB) spoke to this Article which is the culmination of year’s long work. Bylaw has two key advantages for the Town, helps to specify what is allowed by right, and the assurance that roof-top solar and ground mounted solar panels will always be allowed by right. Breaks down the size of solar energy into three sizes, small, medium, large, and provides for the overview of installation, sharing plans with abutting property owners, setbacks and visual barriers, etc. The Planning Board has had several meetings on this topic and voted to recommend approval.</p> <p>Alex Vispoli moved to recommend approval of Article 29 as printed. Motion seconded by Annie Gilbert. Roll call: A. Vispoli-Y, A. Gilbert-Y, C. Huntress-Y, A. D. Koh-Y, and L. Gregory-Y. Motion passes 5-0.</p>
<p><b>Article 38</b> <b>RA</b></p>	<p><b>Automatic Sprinklers</b> Information presented by Chief Mansfield regarding 26I option for safety of occupants and responders. Insurance Company claimed Town of Andover had not adopted Section 48 26I which requires that any new construction with 4 residential units or substantial reconstruction with 4 residential units has to have the sprinklers the Chief and Building Inspector were looking for. It does not pose any obstacle for existing buildings, but new buildings requiring the sprinklers for public safety.</p> <p>Annie Gilbert moved to recommend approval of Article 38 as printed. Motion seconded by Dan Koh. Roll call: D. Koh-Y, C. Huntress-Y, A. Gilbert-Y, A. Vispoli-Y, and L. Gregory-Y. Motion passes 5-0.</p>
<p><b>Article 41</b> <b>RA</b></p>	<p><b>Acceptance of General Law Provision to Consolidate Maintenance Functions of Schools and Town. School Committee has recommended approval.</b> Alex Vispoli moved to recommend approval of Article 41 Acceptance of General Law Provision to Consolidate Maintenance Functions of Schools and Town as presented. Motion seconded by Chris Huntress. Roll call: C. Huntress-Y, D. Koh-Y, A. Gilbert-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.</p>
<p><b>Article 43</b> <b>RA</b></p>	<p><b>Zoning Bylaw Amendment – Table of Use Regulations Temporary and Seasonal Placement of Tables and Chairs for IA and ID2 Districts allowed by special permit.</b></p>

	<p>Dan Koh moved to recommend approval of Article 43 Zoning Bylaw Amendment – Table of Use Regulations Temporary and Seasonal Placement of Tables and Chairs as printed. Motion seconded by Chris Huntress.</p> <p>Roll call: A. Gilbert-Y, A. Vispoli-Y, D. Koh-Y, C, Huntress-Y, L. Gregory-Y. Motion passes 5-0.</p>
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**VI. Consent Agenda**

**A. Appointments by the Town Manager**

On a motion by Annie Gilbert and seconded by Dan Koh the Select Board moved that all the appointments by the Town Manager be approved: Roll call: C. Huntress-Y, D. Koh-Y, A. Gilbert-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
Community Services – Recreation	Lisa Cremin	Kid Care	\$25.00/hour	3/24/2020

**VII. Approval of Minutes**

Annie Gilbert moved to approve the following minutes with revisions: February 10, 2020, February 24, 2020, March 9, 2020, and March 16, 2020. The motion was seconded by Dan Koh. Roll call: C. Huntress-Y, A. Gilbert-Y, A. Vispoli-Y, D. Koh-Y, L. Gregory-Y. Motion passes 5-0.

**VIII. Executive Session**

A. Chris Huntress moved that the Select Board go into Executive Session for confidential communication with Town Counsel and pursuant to option 6, to discuss the purchase, exchange, lease or value of real property and that the Chair declare that an open session may have a detrimental effect on the negotiating position of the Town, and to approve and not release Executive Session Meeting Minutes of February 10, 2020 and February 24, 2020 and not to return to open session. The Chair so declared that the session may have a detrimental effect on the negotiating position of the Town. The motion was seconded by Alex Vispoli. Roll call: C. Huntress-Y, D. Koh-Y, A. Gilbert-Y, A. Vispoli-Y, and L. Gregory-Y. Motion passes 5-0.

**IX. Adjourn**

The Select Board adjourned from the Regular Meeting of March 23, 2020 at 8:29 P.M. and moved to Executive Session, not to return to open session.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo  
Recording Secretary