
**Board of Selectmen
Regular Session
Minutes of March 27, 2017**

I. Call to Order

Chairman Salafia called the meeting of the Board of Selectmen to order at 7:05 P.M. in the Selectmen's Meeting Room, Town Offices. Present from the Board of Selectmen: D. Kowalski-Y, R. Landry-Y, A. Vispoli-Y, M. O'Donoghue-Y, and P. Salafia-Y.

Also present: Town Manager Andrew Flanagan, Deputy Town Manager John Mangiaratti, and Town Counsel Tom Urbelis. The meeting was duly posted and cablecast live.

II. Opening Ceremonies/ Moment of Silence/Pledge of Allegiance

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

III. Communications/Announcements/Liaison Reports

Mary O'Donoghue announced the supporters of the Green Schools in Andover who started the Food Rescue Program received the School Waste Reduction Award recognizing the success of the Waste Reduction Program.

Paul Salafia attended the Fireman's Ball on Saturday evening. It was a great event and citations were give out to 32 department members.

IV. Citizens Petitions and Presentations

Margaret O'Connor of 22 Railroad Street thanked the Board for their efforts to resolve the train situation and encouraged the Board to continue to pursue a permanent solution. Monica Morrel, 198 North Main Street also thanked the Board members for their efforts to eliminate the idling of the freight trains. The trains are arriving later and staying for a shorter period of time.

V. Public Hearing

On a motion by Selectman Vispoli and seconded by Selectman Kowalski, the Board of Selectmen voted 5-0 to open the Public Hearing at 7:15 P.M.

A. Park Street Pub

Public Hearing Notice is hereby given under Chapter 138 of the General Laws, as amended, that Park Street Pub, Inc., 40 Park Street, Andover, MA has applied for transfer of stock, a change of manager, change of officer/directors and change in beneficial interest of their All Restaurant Liquor License. Christo Telios, 8 Iroquois Avenue, Andover, MA is the proposed designated manager.

Mr. Telios affirmed that all employees including himself are tipped certified and they have not had any prior violations. Mr. Telios also owns the Andover Deli. Selectman Kowalski moved to approve the application of Park Street Pub Inc., for transfer of stock, change of manager, change of directors/officers, and change in

beneficial interest of an All Alcoholic Restaurant Alcoholic Beverage License at 40 Park Street, Andover; and for the appointment of Christos Telios, 8 Iroquois Avenue, Andover, as designated Manager, subject to the condition that all other requirements of the Town are met prior to issuance. The motion was seconded by Selectman O'Donoghue, and voted 5-0 to approve.

Selectman Kowalski moved the Board find that the application of Park Street Pub, Inc. for an All Alcoholic Restaurant Alcoholic Beverage License at, 40 Park Street, Andover is not detrimental to the educational and spiritual activities of the Free Christian Church at 31 Elm Street, Andover. The motion was seconded by Selectman O'Donoghue and voted 5-0 to approve.

VI. Regular Business of the Board

A. West Elementary Statement of Interest

Superintendent Berman explained the Statement of Interest (SOI) being submitted to the Massachusetts School Building Association (MSBA), on the recommendation of the School Committee, for the replacement of West Elementary School which was built in 1951. The reasons for submitting the SOI include health & safety issues, overcrowding and future expansion of enrollment, and outdated buildings. Ed Ataide and his staff have done a remarkable job of maintaining the school but at this point funds being investing could be better invested elsewhere. The building services over 800 people on a daily basis.

Submitting the SOI starts a year-long process with MSBA before we will be notified if accepted and followed by a Feasibility Study conducted by MSBA. It is a long process with a best case scenario of a new school opening in five years.

REQUIRED FORM OF VOTE TO SUBMIT AN SOI

REQUIRED VOTES

If the SOI is being submitted by a City or Town, a vote in the following form is required from both the City Council/Board of Aldermen **OR** the Board of Selectmen/equivalent governing body **AND** the School Committee.

If the SOI is being submitted by a regional school district, a vote in the following form is required from the Regional School Committee only. **FORM OF VOTE** Please use the text below to prepare your City's, Town's or District's required vote(s).

FORM OF VOTE

Please use the text below to prepare your City's, Town's or District's required vote(s).

Resolved: Having convened in an open meeting on March 27, 2017, prior to the closing date, the Board of Selectmen of Andover MA., in accordance in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent, Sheldon H. Berman, Ed.D, to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 6, 2017 for the West Elementary School located at 58 Beacon St, Andover, MA 01810, which

describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future.

In summary, the students attending West Elementary are receiving less than the education they deserve because the building has health and safety issues (lead and CO²); is severely overcrowded, especially given its special populations, and its enrollment is projected to increase; and its physical design and amenities are so outdated that its students are unable to benefit from the 21st century educational programming that its teachers long to provide and that its parents have a right to expect.

Priority No. 1. Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.

The school has two major conditions jeopardizing children's health: high levels of lead in the water and high levels of carbon dioxide (CO²) in the air. Tests in February 2017 by the Department of Municipal Services of Andover, Massachusetts revealed that the school's water exceeded the maximum allowable levels of lead, so sections of pipe and a drinking fountain were immediately replaced. Follow-up tests in March indicated that not only were the lead levels still above the maximum allowed. Accessing and replacing quantities of buried pipes is not feasible. In addition, tests performed in response to staff complaints about air quality revealed high levels of CO² based on ASHRAE and OSHA standards; these CO² levels are believed to be contributing to a high rate of absences.

Priority No. 2. Elimination of existing severe overcrowding.

West Elementary's overcrowding is the result of: a) high enrollment that exceeds physical capacity, and b) large numbers of special needs students whose IEP programming requires particular uses of space, including 1:1 instruction. At West, 21 percent of students are in special education; the services we can provide are constrained by the lack of flexible space for both instruction and the storage of individualized materials, leaving some students to be served in hallways with multiple distractions and no privacy (both of which hinder learning progress) or in closets with inadequate lighting and ventilation. Two classes of regular education students and teachers sometimes must share the same room, and there is no suitable space for OT/PT services.

Priority No 4. Prevention of severe overcrowding expected to result from increased enrollments.

Some programs and students that would normally be placed at West have already been relocated or directed to other schools, but the overcrowded conditions continue and neighboring schools cannot accept more transfers without incurring similar problems. Enrollment projections provided by the Massachusetts School Building Authority and by MGT's facility planning study—both for West Elementary and for Andover Public Schools as a whole—show a steady increase through 2026. Older residents are selling their homes to families with young children and a number of apartment and housing developments are in the construction or planning stages. The English Language Learner (ELL) population at West has doubled in three years and has increased three-fold in the district over five years, with the majority of students being in grades K-3, while the district's special education population has increased by 17 percent in the past decade. West

Elementary and other district schools will need additional small group spaces to provide individual and small group instruction, as well as larger classrooms that accommodate inclusion of students in the regular classroom along with the adults who provide their support services.

Priority No 7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

West Elementary School was built in 1951, added to in 1968, and is now past its functional life. In addition to the health, safety, space, and programming issues cited above, the location of the main office and administrative offices in the building's interior compromises access control and the ability of security to deal with intruders. Of particular concern, the facility is not compliant with the Americans with Disabilities Act (ADA). Classrooms in the 1968 addition were designed in an open-school concept, adding to the staff's inability to appropriately serve the students assigned to regular as well as SPED and ELL programs. Even basic amenities are inadequate; for example, 110 boys in the grades 2-3 pod have access to only one toilet, and rooms lack enough electrical outlets to take advantage of otherwise available technology. Some students who need remedial services are turned away because of space limitations. Our mandated programs in physical therapy, speech therapy, occupational therapy, reading services, guidance, and school nursing are all suffering from the limitations imposed by this outdated facility,

...and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

CERTIFICATIONS

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

Chief Executive Officer *	School Committee Chair	Superintendent of Schools
_____	_____	_____
(signature)	(signature)	(signature)
_____	_____	_____
Date	Date	Date

* Local Chief Executive Officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice. Please do not leave any signature lines blank.

Selectman Vispoli moved to approve the required form of vote to submit a Statement of Interest (SOI) for West Elementary School as written. The motion seconded by Selectman O'Donoghue and voted 5-0 to approve.

B. Town Accountant Interview

The Board of Selectmen welcomed Haley Green as the candidate moved forward by the unanimous support of the Screening Committee for the position of Town Accountant. The Town Manager said four candidates emerged from the Assessment Center interview. Mr. Flanagan introduced Chief Ryan from Arlington, Mass who works with a number of municipalities on management and assessment studies. Chief Ryan shared information with the Board on the Assessment Center Process what it entails.

The position of Town Accountant is an appointment by the Board of Selectmen and a direct report to the Board. Haley has also been interviewed by Selectman Vispoli and O'Donoghue who were on the subcommittee.

Haley provided information on her education and employment background and responded to questions asked by the Board.

Dan Kowalski would like the opportunity to talk with Haley outside of open session before he votes. The Board discussed his request and the process and because they want the full support of the Board agreed to move the vote to the Monday, April 3, 2017 meeting.

C. Extension of the Appointment of the Acting Town Accountant

Board to consider extending the appointment of the Acting Town Accountant until April 15, 2017.

Selectman Vispoli moved to extend the appointment of the Acting Town Accountant, Donna Walsh, until April 15, 2017. The motion was seconded by Selectman O'Donoghue, and voted 5-0 to approve.

VII. 2017 Annual Town Meeting

A. Re-Opening and Closing Annual Town Warrant

Board to consider to vote re-opening and closing annual town meeting warrant.

Selectman O'Donoghue moved to reopen the Annual Town Meeting Warrant. No second, motion failed.

The Board had an extended discussion whether or not to reopen the Town Warrant. Since it is a procedural matter it was decided to wait for information from the Town Clerk.

Selectman O'Donoghue moved the Board of Selectmen vote to reopen the 2017 Annual Town Warrant for additional warrant articles effective immediately thereafter to close the warrant after receipt of said articles this evening, March 27, 2017. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

B. Board to discuss and consider voting on the following Warrant Articles:

P-54 Discontinuance of a Portion of Lewis St. as a Public Way and Taking by Eminent Domain

On a motion by Selectman Vispoli and seconded by Selectman O'Donoghue, the Board voted 5-0 to recommend approval to support Warrant Article P-54 Discontinuance of a Portion of Lewis St. as a Public Way and Taking by Eminent Domain as presented.

P-57 Purchase Conservation Land at 83 Lowell Junction & Grant Application - Hold

P-73 Aggregate Electrical Load

On a motion by Selectman Vispoli and seconded by Selectman O'Donoghue, the Board voted 5-0 not to support Warrant Article P-73 Aggregate Electrical Load as presented.

P-74 Elected Board of Water Commissioners

On a motion by Selectman Vispoli and seconded by Selectman Landry, the Board voted 5-0 to recommend disapproval of Warrant Article P-74 Elected Board of Water Commissioners as presented.

P-75 Preserving the History of Andover Hold

C. Board to discuss and consider voting on additional warrant articles, if time permits.
N/A

VIII. Consent Agenda

A. Appointments

On a motion by Selectman Landry and seconded by Selectman O'Donoghue, the Board voted 5-0 that the following appointments by the Town Manager be approved:

DEPARTMENT/ COMMITTEE	NAME	POSITION	RATE/ TERM	DOH
Elder Services	Keagan Latta	Per Diem Food Worker IE-4	\$16.05/hr.	4/1/17
Elder Services	Katherine Perakis	Per Diem Adult Social Day Care Assistant IE-6	\$16.78/hr.	4/1/17
Youth Services	Charlotte Guterman	AYS Counselor 3 -C4C	\$11.00/hr.	3-20-17
Youth Services	Spencer Hovel	AYS Counselor-C4C	\$11.00/hr.	3-20-17
Youth Services	Sara-Margaret Williams	AYS Counselor 3 -C4C	\$11.00/hr.	3-20-17

IX. Approval of Minutes from Previous Board of Selectmen Meetings

On a motion by Selectman Vispoli and seconded by Selectman Landry, the Board voted 5-0 to approve the Regular Meeting Minutes of February 27, 2017 and March 6, 2017 as presented.

On a motion by Selectman Vispoli and seconded by Selectman O'Donoghue, the Board voted 4-0-1 to approve the Minutes of March 8, 2017 Triboard Meeting as presented. Dan Kowalski abstained as he was not in attendance at the Triboard Meeting.

X. Adjournment:

At 9:08 P.M. on a motion by Selectman O'Donoghue and seconded by Selectman Kowalski, the Board voted 5-0 to adjourn the meeting of Monday, March 27, 2017.

Respectfully submitted,

Dee DeLorenzo

Documents: Analysis of Municipal Aggregation from Janet Nicosia, CEM