

Select Board Meeting
Minutes of Monday, April 4, 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 Huntress called the Select Board Meeting of March 3, 2022 to order at 6:00 PM.

Members present: Alex Vispoli, Annie Gilbert, Laura Gregory, Melissa Danisch

Others in attendance: Town Manager Andrew Flanagan, and Deputy Town Manager Michael Lindstrom, and Town Counsel Tom Urbelis.

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.

B. Recognition of Nicholas Solt for Achieving the Rank of Eagle Scout

III. Communications/Announcements/Liaison Reports

The Town Manager reported that there will be a kickoff meeting for ideas for the Chandler Road property on Tuesday, April 12th at 5 2:30 at MHL and a virtual meeting on April 13th.

Alex Vispoli recognized Nicholas Solt for Achieving the Rank of Eagle Scout. Troop 77 BS of Andover outstanding achievements in Scouting. The Eagle projects tend to be projects that benefit the people of Andover. Nick built a 16' and 24' boardwalk at the Harold R. Rafton Reservation. His AVIS beneficiary was Buzz Stapchinski and Scout Leader Mr. Rudolph and his Dad. Congratulations to Nick on this great achievement.

Chris Huntress reported on the joint meeting with the Finance Committee that was held on Saturday at Memorial Hall Library. He thanked the Town Manager, his staff and the staff at MHL for hosting the meeting.

IV. Citizens Petitions and Presentations

Mike Meyers, South Main Street, submitted 200 pages with 1200 signatures from Andover residents requesting a special town meeting for six warrant articles. He thanked the team in the Town Clerk's Office for their professionalism. Mr. Huntress reported that this item can be an agenda item on the next regular Select Board Meeting.

V. Regular Business

A. Board of Registrars

Board to consider nominees for appointment to the Board of Registrars of Voters and to appoint a registrar for a term expiring March 31, 2023 and a registrar for a term expiring March 31, 2025. The Democratic Town Committee nominates Amy J. Sennett of 21 Windemere Drive. The Republican Town Committee nominates Brian P. Major of 11 Odyssey Way and Luan Giannone of 12 Strawberry Hill Road. There are 3 seats open with 2 up for renewal.

Amy Sennett is interested in this role because she deeply believes in a transparent and fair election, she also has a law degree and technology background. Her interest peaked from

her participation in the 2016 elections, and also when she served as a key advisor when her husband ran for a congressional seat. It is critical to have a professional board of registrars.

Alex Vispoli asked if there is anything we can improve on as a community? Amy's response is that they need to provide more education for voters.

Annie Gilbert moved to appoint Brian P. Major of 11 Odyssey Lane to a 3-year term and Amy Sennett, 21 Windermere Drive to one-year term. Motion seconded by Melisa Danish. Motion passes 5-1.

B. Trustees of the Punchard Free School

Board to discuss and consider voting to approve a process to appoint a member to the Trustees of the Punchard Free School to a term that will expire on March 26, 2024. The Town Manager asked that the Select Board allow his office to conduct the solicitation and have a sub-committee to then present the candidates to the Board. The individual who fills the seat will be appointed by the Select Board; it is for a 3-year term (2-years remaining on a 3-year term).

Annie Gilbert moved to authorize the Town Manager to begin a solicitation process for candidates that would be interested in serving on a term for the Punch Free School for a term that will expire on March 26, 2024. Alex Vispoli seconded the motion. Motion passes 5-0.

Alex Vispoli moved to appoint a subcommittee to include Select Board members Melissa Danisch and Annie Gilbert to make a final recommendation to the Board. Motion seconded by Laura Gregory. Motion passes 5-0.

C. Annual Town Meeting Articles- Discussion

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

ARTICLE 21 – Zoning Bylaw Recodification presented by Jackie Byerley from the Community Development and Planning Dept. There are changes being made to the Bylaw for reorganizing the bylaw in a way that is user-friendly, takes away the legalize, has updated definitions, and brought into compliance with state statutes.

ARTICLE P29 – presented by Kevin Connors, 59 Carmel Road – Retiree Cost of Living Adjustment Maximum Base Increase. No increase to the COLA base has been made since 1997.

ARTICLE P32 –P36 presented by Michael Meyers.

Attorney Urbelis provided the following: P32-the Board has a signed contract with the Town Manager and section 4B states that the Board will annually review and evaluate the Town Manager. This article imposes criteria without consultation with the Town Manager as required by contract and therefore invalid.

ARTICLE P-33 Prohibiting the use of Non-Disclosure Agreements: This is advisory article and unenforceable.

ARTICLE P-34: Instructional Assistants Special Articles General Fund

This article would create a special articles general fund for IA's in the amount of \$500,000 annually from recent certified Free Cash balance. It is the opinion of Labor Counsel Atty.

Foskett who submitted a well-reasoned memorandum that has been provided to the Board and to the proponent of this private article as well. The legal opinion on this article is that payment to individual Town employees are subject to Collective Bargaining process under Chapter 150E, the exclusive mechanism for determining benefits for employees. Adoption of the article would result in a mandatory term and condition of employment such as wages being determined by Town Meeting and not by negotiations with the Town in the Collective Bargaining Unit. Article 34 is unlawful and could not be adopted. This article has nothing to do with ARPA funds.

ARTICLE P-35: Mental Health & Wellbeing Special Articles General Fund

Atty. Urbelis said the Article purports to appropriate annually a certain amount of money theoretically try to control what Town Meeting would do as far as appropriations in the upcoming years because it talks about this Town Meeting saying that there will be an annual appropriation.

ARTICLE P-36: Annual Public Posting of Every No-Bid Contract or Agreement

Terry Peznola purchasing agent for the Town of Andover reported on the process for public procurement which follows the multiple procurement laws in the Commonwealth. i.e. If the value of the contract is under \$10,000 it is considered best practices, and between \$10-50,000 requires 3 quotes and over \$50,000 goes out to bid. All information is available on the Purchasing Department’s Website including executed contracts. Attorney Urbelis said this article is advisory and unenforceable.

VOTES: Special Town Meeting Warrant Article votes as follows

P21	Zoning Bylaw Recodification Alex Vispoli moved to approve Warrant Article P21 as presented. Motion seconded by Annie Gilbert . Motion passes 5-0.
P29	Retiree Cost of Living Adjustment Maximum Base – Tabled until after the Finance Committee votes.
P32	Mandating Municipal Employee Participation in Annual Review of Town Manager. Alex Vispoli moved to recommend disapproval. Motion seconded by Annie Gilbert. Motion for disapproval passes 5-0.
P33	Prohibiting the use of Non-Disclosure Agreements (NDA’s) Annie Gilbert moved that Town Meeting recommend disapproval. Motion seconded by Alex Vispoli. Motion for disapproval 5-0.
P34	Instructional Assistants Special Articles General Fund Annie Gilbert moved that Town Meeting recommend disapproval. Motion seconded by Alex Vispoli. Motion voted 5-0 for disapproval.
P35	Mental Health & Wellbeing Special Articles General Fund Alex Vispoli moved that Town Meeting recommend disapproval. Motion seconded by Melissa Danisch. Motion voted 5-0 for disapproval.
P36	Annual Public Posting of Every No-Bid Contract or Agreement Melissa Danisch moved to recommend disapproval. Motion seconded by Alex Vispoli. Motion voted 5-0 for disapproval.

VI. Consent Agenda

A. Appointments by the Town Manager

Alex Vispoli moved that the following appointments by the Town Manager be approved. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Andover Police Department	Joshua Barbosa <i>(James Smith)</i>	Dispatcher	\$53,575.00/yr	4/18/2022
Andover Police Department	Kendra Wilson <i>(Mark Fiorentini)</i>	Part Time Dispatcher	\$26.44/hr	4/18/2022
Andover Fire Rescue	Nicole Swiec <i>(Joan Lemieux)</i>	Office Assistant II Fire Prevention	\$28.08/hr	4/19/2022
Department of Public Works	Jason Ouellette <i>(Eric Guazzaloca)</i>	Water/Sewer Maintenance Specialist II	\$28.74/hr	4/5/2022
Community Services – Elder Services	Andrew Sievert	Per Diem Senior Center Driver	\$27.57/hr	4/5/2022
Community Services – Recreation	Joe Halpern	Kid Care Group Leader 1	\$18.00/hr	3/28/2022
Community Services – Recreation	Jennifer Hurst	Kid Care Assistant Group Leader 1	\$14.25/hr	3/28/2022
Andover Police Department	Kathryn Kozikowski	Inspector of Animals	Term Expires 4/30/2023	5/1/2022
Commission on Diversity, Equity and Inclusion	George Nugent	At-Large Member	Term Expires 6/30/2024	4/4/2022

VII. 2022 Select Board Meetings

A. Board to consider voting to accept the following Select Board Meeting Schedule:

Annie Gilbert moved to approve the Select Board Meeting Schedule for May 2, 2022 and May 16, 2022 and to hold on June 6, 2022. Motion seconded by Alex Vispoli and voted 5-0 to approve.

VIII. Executive Session

At 8:24 P.M. Annie Gilbert moved that the Board go into Executive Session pursuant to option 3 to discuss strategy with respect to collective bargaining for the America Federation of State, County and Municipal Employees State Council 93 Local 1704 AFL-CIO, Andover Independent Employees Association, Andover Police Patrolman’s Union Massachusetts Coalition of Police Local 477, Andover Police Superior Officers Association NEBPA Local 99, Andover Public Safety Communicators NEBPA Local 109 and International Association of Firefighters Local 1658 AFL-CIO, and to approve and not release Executive Session Minutes of March 14, 2022, and for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town; and not to return to open session. The Chair so declared. Motion seconded by Alex Vispoli. Roll call: A. Gilbert-Y, M. Danisch-Y, A. Vispoli-Y, L. Gregory-Y, C. Huntress-Y. Motion passes 5-0.

IX. Adjourn

At 8:24 P.M. the Select Board adjourned from the Regular Meeting of April 4, 2022 and moved to Executive Session not to return.

Respectfully submitted,

**Dee DeLorenzo
Recording Secretary**