
SELECT BOARD
Minutes of Virtual Meeting
April 21, 2020

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, Dan Koh, Chris Huntress and Laura Gregory.

Others participating remotely: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, a 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

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence remembering Bob Mauceri, Selectman from North Reading, followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

Mike Lindstrom, who sits on the Steering Committee the Merrimack River Distribution Commission, spoke about the valuable work they have been doing over the past six weeks and conducting a series of workshops with strategic partners. The Commission is in charge of developing regional priorities that will align with neighboring communities and to develop strategies for funding to communicate with the public.

Alex Vispoli thanked the Town Manager and his team for their services during this time, specifically those of Patrick Lawlor. The Easter Bunny Hop parade, held last Saturday by the Fire Department, Police Department and others, made for an uplifting afternoon.

Annie Gilbert received an email from Jane Gifun, Castle Heights Road, who would like to thank the DPW for opening the Bald Hill Facility as scheduled and to thank the Water Department and DPW for their quick response to the broken main water valve leading to their house.

Laura Gregory agreed that the Bunny Hop Parade was a positive event during this difficult time. Thanks to Andrew and his Team for addressing and resolving the social distancing problems with the teenagers.

Tom Urbelis reported on a flurry of executive orders issued by the Governor, and various legislature passed by the legislature as a result, especially the bill passed yesterday on the Massachusetts Eviction and Foreclosure Moratorium Act establishing a temporary and moratorium on foreclosures. The moratorium prohibits eviction of tenants due to failure to pay rent or other causes that are non-emergency causes. The Moratorium also prohibits imposing late fees on tenants if tenants provide notice t to

their landlord. The Act also puts a moratorium as it applies to non-essential eviction to residential and small business units and also applies to lenders and borrowers of residential property. The Act does not apply to borrowers and lenders of commercial properties.

IV. Public Hearings

A. Den Rock Wine & Spirits of Andover All Alcohol Liquor License

Annie Gilbert recused herself from the meeting at this time.

Tom Urbelis described the standard on the request for the Select Board to approve an All Alcoholic License for a package store. There are certain standards the Board should follow as described by law under MGL, Chapter 138, Section 3. The Board's discretion is engaged if the license would provide a need to protect the common good. Tests include an assessment of the public want, an appreciation of a liquor license at a particular location including the number of existing alcoholic dispensaries in Town, the views of inhabitants in favor of or against, traffic considerations, noise, the sort of operation applying for the license, the type of license being applied for, if the public convenience would be served, and the reputation of the applicant.

Austin Simko reported that the Town has a quota of seven (7) All Alcohol Liquor Licenses with five (5) in operation. They have received two letters of opposition to the request for such license by Den Rock Wine & Spirits. This request has gone through the normal procedures. They have approval from all relevant departments including the Police Department who have done their customary review and signed off on the application.

Attorney Robert Lavoie of Johnson & Borenstein, Andover, MA and counsel for Den Rock Wine and Spirits and the proposed Manager Mr. Jain virtually joined the meeting. Also present is Den Rock Wine & Spirit's Corporate Attorney Matthew Porter who prepared the application. They have submitted this application because over 40% percent of their customer base is from Andover and provided information attesting to this request.

Questions from the Board:

How many current licenses there are in the Andover Center area? *There are six other current licenses located in that area. The location is not essentially across the street from the proprietor of Shawsheen Liquors opposing the request.*

Have we had this experience before, and did a liquor store have to close because of this? *No, we have not encountered this experience before nor did a liquor store close because of this.*

Has there been any problems with their location in North Andover and is everything in order? *None that Austin is aware of, they did their customary background check and found no problems.*

Has this request gone through Planning/Building Department for parking? *Zoning has reviewed and approved the request.*

The location is a high traffic area and Dan Koh is not concerned that this should be a factor nor is he overly concerned about the opposition letters.

The Town Manager shared that a number of people have called/emailed on this agenda item. Three people, Ed Anson, Cindy Richard, and Sandy DiSalvo are opposed to the request by this applicant and why there is a need for another liquor store in this vicinity. *Attorney Lavoie replied that 40% of their business in the North Andover location is from Andover residents, this area is a good location for customers to have to shop with more than one venue and plenty of parking.*

Andover has 7 licenses with 2 remaining, approving this request would leave one license would we be able to acquire more? *Austin Simko said there is flexibility in adding more licenses in certain circumstances, depending upon the type of license and quotas. Attorney Porter: The ABC bases its licenses off of population numbers. There are also mechanisms that the Town can petition the State for additional licenses.*

David Boviar, 1167 Elysian Place in California and owner of 2 Poor Street asked if the applicant talked to the existing owner at 2 Poor Street? *No, they have not contacted them.*

Linn Anderson, 92 Abbott Street. Will the establishment sell lottery tickets and what is the process for getting that approval? *They are not planning on to sell lottery tickets at this time, but might add later. Lottery application is similar to a State License Application.*

Laura Gregory does not feel it would be the place of the Select Board to determine the viability as a business for this store, who has completed the process and she does not feel this is a part of their decision-making process. She is pleased that the Zoning Board approved the request and that there is parking available at the location. This request is within the parameter of our liquor license regulations, and if licenses are based on population, she would anticipate we may have a different number once we have the census results which may result in another license.

Dan Koh moved to approve the application of Den Rock Wine & Spirits of Andover, LLC, d/b/a Den Rock Wine & Spirits for an All Alcoholic Package Store Alcoholic Beverage License at 349 North Main Street, Andover, MA and for the appointment of Naveed Jain of 54 Bolyston Road, Lowell, MA as designated manager, subject to the condition that all requirements of the Town are met prior to issuance. The motion was seconded by Chris Huntress. Roll call: D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, and L. Gregory-Y. Motion passes 4-0.

V. Regular Business of the Board

Annie Gilbert rejoined the meeting and Laura Gregory recused herself turning over the gavel to Annie.

A. COVID-19 Update & Town Election and Town Meeting Schedule

The Town Manager thanked the residents for their diligence and patience, and understands the hardship caused by the closing of the playgrounds on April 8th. The decision has been made to reduce the number of daily updates but will continue to update the number of cases in real-time on the Town's website. As of today, there are 75 cases with 25 active cases. Meals on Wheels daily deliveries have been increased to 130 meals per day. Elder Services will continue to provide social work activities for our elders in need. Beginning this week, they are starting a program to reach out to all

seniors 80 years of age and older. Gemma Lambert, Elder Services Staff, and other town employees will reach out by telephone all 1,200 elderly residents.

They are seeing a lot of mental health and substance abuse cases in Town, more than we normally would. Siobhan Namvar is finding placements and interim services for those in need. Thank you to Proctor & Gamble who donated 275 gallons of sanitizer to the Town that has been deployed to first responders and other departments. The Governor announced today that public school buildings will be closed for the end of the year.

Budget Update:

We are in the 4th quarter of this fiscal year and paying close attention to revenues watching consumer goods and service goods in Andover. They are most concerned with the local option taxes, (meals/lodging) and the motor vehicle excise taxes. A number of steps the Town Manager has taken in anticipation of a revenue shortfall (10-15%) includes the implementation of a spending freeze as of April 1st for non-essential spending, conducting a review of all appointments/positions for the remainder of this fiscal year, shutting down the heating and HVAC systems at all of the school buildings. Andover has a strong fund balance and he expects we will get through the end of the year without any service reductions or any tax implications relative to COVID-19.

FY-21 Budget: They are in the process of making significant modifications in anticipation of presenting a much different spending plan based on the effects of a reduction of revenue from local options due to the COVID-19 closures. The most concerning piece is what we will end up receiving in State Aid. If our budget ends up being level-funded we could see a shortfall of \$3M to as high as \$5M, again depending upon State Aid. The modifications and reductions will be balanced across Personnel expenses, the CIP, and the amount we were going to appropriate above the required funding for unfunded liabilities, everything is on the table at this point.

Questions received:

Linn Anderson, 93 Abbott Street. Does the spending freeze apply to the schools?
The School superintendent has already implemented a spending freeze.

Bob Pokkress, Cherry Blossom Circle, what steps are being taken to cut back on spending right now and that there will not be a residential tax increase. *Modifications in spending have/are being made to reflect the changes in the economy and revenue, the Town Manager does not expect there will not be a residential tax increase.*

Alex Vispoli asked what is his discretion on the maximum of a spending freeze. *The Town Manager expects the maximum will be between \$1M to \$1.4M.*

How much could be built into savings into the budget based on worst-case scenario?
The Town Manager expects to see at least a \$3M shortfall and is planning a scenario which cuts from the State exceed those of 2008. They are doing best case, worst case, and what is a likely scenario.

Chris Huntress: Have you taken into account utility savings from building closings?
Yes.

Will these issues have any impact on public construction projects: *Ballardvale fire station is moving forward without interruption, the Senior Center did have to slow down for two weeks due to personnel implications from COVID 19 but is now back up and running.*

Have we seen an increase in any cases in COVID-19 for safety employee? *Tom Carbone said we cannot speak to that.*

Town Election/Town Meeting Schedule: Laura Gregory left the meeting at this time and Annie Gilbert took over as Chair.

The Town Manager said dates for Town Meeting and Elections will be based upon the restrictions placed by the State.

We received a court order to delay the election, pursuant to that court order, the Board has to hold an election by June 30th. Town Meeting can be held after the conclusion of the fiscal year with provisions on how to proceed with a month-to-month budget if we needed to. Andrew offered two dates for the Select Board to consider for Town Election and Town Meeting: Tuesday, June 9th for the Town Election and to begin Town Meeting the week of June 22nd and has spoken with the Town Moderator about the date for Town Meeting.

Town Moderator Sheila Doherty: The Mass. Moderators Association is approaching the state health officials on determine what needs to be considered for a Town Meeting to be held using the COVID 19 restrictions. If we are having a late June meeting, consider going back to the Field House at AHS rather than the Collins Center Auditorium to enable seating to be more spread out. Many towns are looking at having one meeting for the budget and warrant articles with a fall town meeting to continue the meeting assuring private warrant articles to be addressed. We would be in a position to not asking residents to choose between their health and an article they are interested in. The other consideration is to have the Town Meeting in two nights.

Does any part of the Governor's order speak to allowing remote participation? *Sheila Doherty responded that currently, that is illegal. There would have to be legislation to allow for a remote meeting. Tom Urbelis said there have been various orders and bills filed but he is not aware of any bill for allowing remote Town Meetings.*

When we made the decision to postpone the Town Election, the greatest concern was the safety of the poll workers, does the Town Clerk have any input for a June 9th election for keeping poll workers safe. *Austin said they have been accumulating a number of ideas on keeping poll workers safe.*

Discussion/Questions by Board

Alex Vispoli agrees with the Town Moderator that if were to have Town Meeting the Field House is the most logical venue.

If the Governor extends the guidelines for the number of people who can congregate in one place where does that leave us. *Tom Urbelis responded that under the current state of the law, the election date is beyond the Governor's purview. We could have the meeting on June 22nd and under the recent legislation it can be extended beyond June 30. If it is not appropriate to hold Town Meeting on that date, the Moderator can extend the date. The Town Election and Town Meeting need to be within 35 days of each other.*

Sheila Doherty recommends setting a date so we have a goal.

Chris Huntress is in full support of using the field house and suggested using the hockey rink at Merrimack College. Sheila thinks attendance would be 500-700 and the hockey rink may be too large. We could use the cafeteria at AHS as an overflow. Dan Koh asked about mailing ballots for the Town Election. Austin reported that we cannot mail ballots to residents, they need to request a ballot (state law). Dan encourages the team to think about social distancing within a large venue (field house), worried about people walking into the venue and a large group of individuals if COVID-19 is still a big concern.

The Town Manager said they will move forward with the dates of June 9, 2020 for Town Election and June 22, 2020 for Town Meeting. They will communicate the dates using all of the social media outlets, regular mail, telephones, physical signage, newspapers, and using code red alert. The Finance Committee will be sending the Fin/Com Report.

B. Annual Town Meeting Articles

Laura Gregory returned to the meeting resuming her position as Chair.

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

Article 40	Acquisition of 157 Andover Street
---------------	-----------------------------------

This will be the last article (other than budget transfer article and private articles) that the Town Manager will be asking the Board to vote on. This property is adjacent to the former site of 161 Andover St. the Town acquired for the new Ballardvale Fire Station. The Board voted in executive session to authorize the Town Manager to purchase the property for up to \$500,000. The Town Manager said they submitted an offer of \$415,000 which was accepted. This article will allow for the purchase of the house and to make the site usable for a future purpose, demolition of the building, and preparation of the site. The appropriation of \$565,000 includes the purchase price of \$415,000 and \$150,000 to proceed with demolition and any other action thereto.

Chris Huntress moved to recommend approval of Article 40 for acquisition of the property at 157 Andover Street. Alex Vispoli seconded the motion.

Roll call: D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y, L. Gregory-Y.

Motion to recommend approval passes 5-0.

C. Open Space Task Force

Laura Gregory thanked Andrew, Susan Stott and Don Cooper for working on the Open Space Task Force that will benefit the Town. Andrew has been working with Susan and Don on bringing back the task force and formalizing the charge to pick up and identify parcels that might come available and to advise the Board and Town Manager of parcels and provide a recommendation. Andrew read the overview of the charge for the Open Space Task Force. The task force will consist of a liaison of the Select Board, and a member from the Conservation, AVIS, Finance Committee, a staff member designated by the Town Manager and three residents at large.

Annie Gilbert moved for the Select Board to endorse the Open Space Task Force as presented. Chris Huntress seconded the motion. Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

D. Property Tax Deadline Extension

Special Legislation signed into law by the Governor affirmed that the Chief Executive could extend the property tax bills and the period to waive interest; therefore, the Select Board must vote to formally approve.

Alex Vispoli moved to extend the deadline for the property tax bills to June 1, 2020. Dan Koh seconded the motion. Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

VI. Approval of Minutes

A. Board to approve minutes from the following meetings:

Annie Gilbert moved to approve the minutes of March 23, 2020 and April 6, 2020 (with revisions). The motion was seconded by Chris Huntress.

Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y.

Motion passes 5-0.

VII. Adjourn

At 9:09 P.M. on a motion by and seconded by the Board moved to adjourn. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y. Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Rev 5/19/20