

Select Board Meeting
Minutes of Monday, April 25, 2022
School Administration Building
2nd Floor School Committee Conference Room
30 Whittier Court, Andover, MA 01810

I. Call to Order

Chairman Huntress called the Select Board Meeting of April 25, 2022 to order at 7:01 P.M.
Members present: Alex Vispoli, Annie Gilbert, L Gregory, and Melissa Danisch.
Others in attendance: Town Manager Andrew Flanagan, Town Clerk Melissa Ripley, 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.

III. Communications/Announcements/Liaison Reports

Alex Vispoli read a proclamation to the Armenian group present tonight from the Andover Community in remembrance of the Armenian Genocide of 1915, and urge all residents to take part in this observance. Over 1.5 Armenian men, women and children perished victim of genocide, perished in the Ottoman Empire from 1915-1923. Now, therefore, we the Town of Andover Select Board hereby issues this proclamation in remembrance of the Armenian genocide of 1915 and urge all residents to take part in this observance. In witness whereof, we have here onto set our hands and the seal of the Town of Andover to be affixed to this 25th day of April in the Year 2022.

Ralph Arabian, representing the Armenian Group is thankful to the Board for this proclamation and gave an emotional recap of the genocide that occurred from 1915-1923. He states that these atrocities against Armenians are still occurring today. Greg Monashian, a grandson of four genocide survivors, thanked the Select Board for allowing this yearly commemoration of April 24th with the proclamation for Andover.

Annie Gilbert and Melissa Danisch, as appointed subcommittee members for the Board for the open seats on the Punchard Trust Board, reported that received six letters of interest for the one position. Interviews will begin this week (Wed and Thurs) and expect to bring their recommendation to the Board at their next meeting, May 2, 2022.

Chris Huntress, in response to the Triboard Meeting of last week and his request as Chair' for a resident to discontinue recording the meeting from their cellphone, noted that the Select Board's Policy 1.4.2 states all meetings of the Select Board should be held and conducted in strict requirement of the Massachusetts Open Meeting Law, that can be found in Chapter 30A Section 20, Paragraph F, and reads that after notifying the Chair of the Public Body, any person may make a video or audio recording of an open session of a meeting of a public body subject to the reasonable requirements of the Chair as to the number of placement operation of the equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting, the Chair shall inform other attendees of any recordings.

The request was made because the individual did not notify the Chair and the individual has been informed that he is welcome and encouraged to file a complaint with the Mass Attorney General if he feels his rights were infringed upon. Mr. Huntress also sent the individual a copy of the complaint form to use.

IV. Citizens Petitions and Presentations

Kathy Grant, Morton Street, Andover, provided comments on a Select Board meeting that violated the Open Meeting Law per the Secretary of the Commonwealth of Mass. She questioned why Andover's Town lawyers and the Select Board did not follow the law and deliberately excluded the public from the meeting of August 12, 2021. She sends information to the Supervisor of Records because of problems she has with getting information from the Town.

Steve Whalther, Morton Street, commented on recent activities from the Select Board and his perception of problems that the Town who appears to be openly antagonistic to input from the community. His recommendation is to establish a citizen working group to see if there is a more inclusive and productive way for citizen involvement in Town government, and commented on the private warrant articles for the upcoming Town Meeting. Chair Huntress responded that warrant articles are open in January and cannot be modified once the warrant closes; however, there are many opportunities beforehand to discuss them.

V. Public Hearings

A. National Grid and Verizon NE Request to locate Pole- Howell Drive

Dave Boucher from National Grid, North Andover reported on the process and petition issues. The resident's concern has been addressed. The new pole being installed is 5' higher which raises the wires higher. National Grid's arborist will be in touch with the Andover Town Arborist who will examine the condition of the trees. There were no other concerns from other residents.

Annie Gilbert moved to vote to approve a petition from Massachusetts Electric Company d/b/a National Grid and Verizon N.E. Inc to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the public way of Howell Drive as long as any affected trees are reviewed by the Town Arborist. Motion seconded Alex Vispoli. Motion passes unanimously 5-0.

B. New All Kinds of Alcoholic Beverages on Premise Liquor License

Board to review and consider voting to approve the application of Shoyu Restaurant Liquor Licenses at 38-40 Park Street. Atty. Bob Lavoie was present representing his clients and noted that the building application plans are complete and being submitted this week. The Town Clerk has found their paperwork to be in order.

Alex Vispoli moved approve the application of Shoyu Restaurant & Bar BTTMV, LLC for a New All Kinds of Alcoholic Beverages on Premises Liquor License at 38-40 Park Street, Andover, subject to the condition that all of requirements of the Town are met prior to issuance. Motion seconded by Annie Gilbert. Motion passes unanimously 5-0.

C. Discontinuance of a portion of Lewis Street as a Public Way

Annie Gilbert moved to continue the public hearing to discuss the discontinues of a portion of Lewis Street as a Public Way to Monday, May 2, 2022. Motion seconded by A. Vispoli. Motion passes 5-0.

VI. Regular Business of the Board

A. Annual Town Meeting Articles

Board to elect a Chair, Vice Chair and Clerk for 2022-2023 to be effective following the 2022 Annual Town Meeting

Annie Gilbert moved to nominate Alex Vispoli as Chair of the Select Board to be effective after Town Meeting in May 2022. Motion seconded by Melissa Danisch and voted 4-1 to approve. Laura Gregory opposing vote.

Annie Gilbert moved to nominate Laura Gregory as Vice Chair of the Select Board to be effective after Town Meeting in May 2022. Motion seconded by Melissa Danisch and voted 5-0 to approve.

Alex Vispoli moved to nominate Annie Gilbert as Clerk of the Select Board. The motion was seconded by Melissa Danisch and voted 5-0 to approve.

B. MBTA Communities Zoning Update

Director of Planning Paul Matarazzo provided a briefing to the Select Board on a requirement by the State for a Multi-family Zoning requirement for MBTA communities; Andover has two MBTA Commuter Rail stations.

The minimum growth density for the district is a minimum of 15 units an acre and located no more than a half mile from the transit station. Zoning for a minimum capacity of 15% of current housing stock is 2,031 units to stay in compliance with the law. An MBTA community that does not comply with Section 3A is not eligible for funding from the House Choice Initiative, the Local Capital Projects Fund or the MassWorks Infrastructure program. Over the past several years, the Town has received about \$6.3 million in grants from the state. The 15% requirement is based on Andover being designated a commuter rail community.

Discussion on the two areas proposed (downtown area and Ballardvale area) and how much of that area we satisfy presently. The presentation by Mr. Matarazzo showed maps of the existing zoning including the Mill District. This would be new zoning. The presentation included information on what this means for Andover and a timeline of next steps.

Next steps. Public engagement Summer 2022-2023; Action Plan Submitted to DHCD for approval July 1 2023; Adopt New Zoning December 31, 2024.

Tom Urbelis said this is a very significant piece of legislature and we should not underestimate the potential effect this could have on the Town of Andover. These units area a matter of right, and not a special permit which can be denied. One of the criteria for a special permit is the character of the neighborhood, which does not come into play here.

2,000 units will be allowed within a ½ mile of the two train stations and will involve intensive community discussions on as to where these 2,000 units should go and a consideration on the impact on additional services for the Town. These units would be at 100% market rate and the law does not require any percentage of the housing to come under ‘affordable’. The Board discussed the presentation presented by Mr. Matarazzo.

C. Acceptance of Deed of Portion of 15 Tucker Road

At the 2021 Town Meeting this property was on the list to acquire, but the Girdwood Family has very generously donated the land to the Town. generosity of the Girdwood Family and their donation to the Town, this parcel will form continuity of the base circuit trail they . The Board appreciates the Girdwood’s generosity. The piece being deeded abuts Town Property.

Annie Gilbert moved that the Select Board accept and sign the Deed from Bettina B. Girdwood, Trustee of the 15 Tucker Road Trust for the portion of 15 Tucker Road in the Town of Andover shown as parcel X containing 14,398 sq. ft more or less on the plan entitled Plan of Land 15 Tucker Road, Andover Mass dated October 18, 2021 prepared by Andover Consultants, Inc. to be held under the care management and control of the Andover Conservation Commission under the provisions of Massachusetts Law Chapter Section 8C. Motion seconded by Laura Gregory. Motion passes unanimously on a vote of 5-0.

D. Town Accountant Contract

The Town Manager reported on the request of the Board to consider voting to approve a contract extension for Haley Green and to execute a new 3-year agreement effective July 1, 2022 through June 30, 2025 with an FY-23 salary of \$127,774. his position is voted by the Select Board who authorized the Town Manager to discuss terms for a new contract.

Melissa Danisch moved to approve & authorize the town Manager to sign a) a contract extension between Hayley Green and the Town for the period of April 23, 2022 through June 30, 2022 and b) a successor contract between Hayley Green and the Town for the period of July 1, 2022 through June 30, 2025. Motion seconded by Alex Vispoli. Motion passes unanimously 5-0.

E. Annual Town Meeting Articles:

Mr. Michael Silverman, 54 Tewksbury Street spoke to the Private WA 28 to establish a 25 - mile hour speed limit in thickly settled neighborhoods and business areas. There are 61 municipalities that have already opted in. By opting in, it gives the Town the ability to decide how to apply a 25-mile hour zone(s) on roads owned by the Town in thickly settled areas and business areas. Chief Keefe said they could target different areas and place signage to raise awareness. Thickly 30 is the speed standard across the State and will have to be approved by Mass DOT.

Alex Vispoli moved to recommend support of Private Warrant Article 28 for a 25-mph speed limit. Motion seconded by Annie Gilbert. Motion passes 5-0.

The Town Manager presented the following Town Meeting Articles:

Article 11	Financial Housekeeping Articles (A through E) Alex Vispoli moved the Board recommend approval of Article 11 Financial Article 11 A – E. Motion seconded by Annie Gilbert and voted unanimously 5-0 to approve.
Article 17	Jerry Silverman Fireworks Alex Vispoli moved to recommend the Annual Town Meeting Approval of Article 17 Jerry Silverman Fireworks. Motion seconded by Annie Gilbert. Motion passes unanimously 5-0.
Article 18	Doherty Middle School (DMS) Upgrades & Andover High School (AHS) Design. Annie Gilbert moved to recommend Town Meeting approval of Article 18 for DMS upgrades and AHS Design. Motion seconded by Alex Vispoli and unanimously voted 5-0 to approve.
Article 26	Retiree Cost of Living Adjustment Maximum Base Finance Committee unanimously recommended to approve. Alex Vispoli moved to recommend Town Meeting approval of Warrant Article 26. Motion seconded by Annie Gilbert and unanimously voted 5-0 to approve.
Article 28	25 Mile-per-Hour Speed Limit. Alex Vispoli moved to recommend Town Meeting approval. Motion seconded by Annie Gilbert. Motion passes unanimously 5-0.
Article 33 HOLD	Funding to Repair Hacienda Way for Street Acceptance No Action at this time.

Article 31: John Mahoney, Washington Park Condominiums, presented information for the request of WA P31, Shawsheen River Gage, to see if the Town will appropriate from Free Cash the sum of \$75,000 for the purpose of operating and maintaining a Streamgage Station on the Shawsheen River in the vicinity of Balmoral Street and further to authorize the Town Manager to enter into an agreement for the same with the US Geological Survey. The plan is to amend this for two-year funding after which it will be part of the Town' Operating Budget.

Alex Vispoli moved to support Warrant Article 31 Shawsheen River Gage as presented. Motion seconded by Annie Gilbert and voted 5-0 to unanimously approve.

Article 33: Funding to repair Hacienda Way submitted by Courtney Famiglietti of Hacienda Way and requesting approval of appropriated funds of about \$110,000 to assist with bringing the street up to code and to be accepted as a public way. The road has never been paved in 40 years. The developer failed to carry out his obligations. Paul Matarazzo said the Town seized the bond several years back which was only for \$19,000 (1970's) and not enough to get the road to acceptance. The culvert collapsed and the Town had to step

in to block the culvert. Town Engineer Al Martino reviewed the punch list of what has to be done to bring the road up to code which amounts to \$46,00 for a full reclamation of the road. They need to clean two catch basins and a few segments of pipeline, paint the hydrant and set the stone bonds and lot corners for a cost of approximately \$93,000. If accepted they would want to make repairs to the water line and gain acceptance of the easements which are crucial. The Board will table this Article for now and meet prior to Town Meeting to make a determination on this Article.

VI. Consent Agenda

A. Appointments by the Town Manager

Alex Vispoli moved to approve the appointments by the Town Manager as listed in the Consent Agenda. Motion seconded by Annie Gilbert. Motion passes unanimously on a vote of 5-0.

The Town Manager reported on the status of the hiring process for the new Director of Youth Services and the work of the Steering Committee. They expect that a request to hire will be sent out within the next few weeks.

SEASONAL POSITIONS

Department	Name	Position	Rate/Term	Date of Hire
Department of Public Works	Randy Farnan (Bruce Page)	Highway Equipment Operator II	\$29.19/hr.	4/26/2022
Community Services Recreation	Amanda Daniels	Seasonal	\$25.00/hr.	4/19/2022
Facilities	Arthur Miranda (Maurice Osteen)	Part time Weekend and Holidays Security Guard	\$22.79/hr.	5/1/2022
Commission on Diversity, equity and Inclusion	Edward Mukalazi	Student Representative	Term Expires 6/30/2025	04/25/200

VII. Approval of Minutes:

A. Board to approve Minutes of March 3, March 9, (Triboard), and March 21, 2022 Motion

Annie Gilbert moved to approve the Select Board Minutes of March 3, March 9, (Triboard) and March 21, 2022 as presented. Motion seconded by Alex Vispoli and voted 3-0-2 to approve. Laura Gregory and Melissa Danisch abstained.

IX. Board to consider voting to accept the following Select Board Meeting Schedule June 13, June 27, July 13 (Wed), August 1, and August 15 2022.

Alex Vispoli moved to approve the Select Board Meeting dates as printed. Motion seconded by Melissa Danisch. Motion passes 5-0.

X. A. Executive Session

At 9:27 PM Alex Vispoli moved that the Board vote to 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 to approve and not release Executive Session Minutes of April 13, 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 Annie Gilbert. Roll call: L. Gregory-Y, A. Gilbert-Y, A. Vispoli-Y, M. Danisch-Y, C. Huntress-Y. Motion passes 5-0.

VIII. Adjourn

At 9:27 P.M. the Select Board adjourned from the Select Board Meeting of Monday, of April 25, 2022 and to move to Executive Session, not to return.

Respectfully submitted

Dee DeLorenzo
Recording Secretary

April 25, 2022 (3.0)