
Select Board Meeting

Monday, May 17, 2021

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of Monday, May 17, 2021 to order at 7:10 PM. Other members in attendance: Laura Gregory, Chris Huntress, Alex Vispoli, Dick Howe.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Assistant Town Manager Patrick Lawlor, Town Clerk Austin Simko, Town Counsel Tom Urbelis, Sustainability Coordinator, Joyce Losick-Yang.

II. Opening Ceremonies

A. 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

The Chair acknowledged the many passionate stories, emails and phone calls received regarding the departure of Bill Fahey, specifically about how much Bill has meant to them and to their family. The Board could not agree more as to the positive and transformational impact that Youth Services has had on countless young people in our community through the years. The original complaint, at the heart of the personnel issue involving Mr. Fahey, came to the Town from an outside agency and was turned over to an independent investigator. The Town played no role in developing the findings of the investigation conducted but once concluded, it became the responsibility of the Town Manager to make a decision based on the findings. The Select Board plays no role in personnel decisions like this. The Town Manager kept the Board informed as the process unfolded. The Select Board is confident that the process was conducted appropriately. We know there are members of the community who would like to see the Select Board overturn the Town Manager's decision, but we need people to understand that it is not within their role to do so and that they do support the decision the Town Manager has made. When situations like this arise, it is frustrating to people due to the limits on the information that can be disclosed publically.

Mr. Flanagan understands some people are concerned about the circumstances surrounding Mr. Fahey's departure and understands people may be drawing inferences about the circumstances because the Town has not released the investigation report based on conversations they have had with Bill Fahey or those close to him, or based on discussions within the community. The specific grounds and facts for personnel decisions are confidential and the Town does not share details even when it might be in the Town's best interest to do so. When there is an investigation into allegations regarding conduct by an employee involving other persons, those persons also have a right to privacy with respect to information shared with the investigator and the investigators findings. With respect to the specific investigation, the Town has not received a request from Bill Fahey to release the investigative report. Mr. Fahey is not the only person whose personal and private information would be impacted by the release of private information. Personal

and private information extends beyond a person's name, so a simple name redaction would not sufficiently protect the rights of those involved. As a community, we are proud of the resources that the Andover Youth Services has provided over the years to the kids. Our entire community would be devastated if it led to a negative outcome for one of those individuals. The decision had nothing to do with personalities or budget implications. Mr. Fahey was given the opportunity to respond to the allegation and in accordance with his employment contract, he was provided the reasons for his termination and provided 15 days to request a meeting which he did in writing. The letter sent to Mr. Fahey informing him of the Town Manager's decision also contained an extensive response to his letter. He understands that people are passionate about the future of AYS. We must begin taking steps for the next chapter to ensure that AYS is resourced appropriately to serve generations to come.

Comments from the Board.

Chris Huntress: He and his wife raised 4 kids who attended AYS. He responded to all of the emails and spoke to everyone who reached out to him regarding Bill Fahey. Chris was Chair of the AYS Building Committee and is very proud of the building, the staff, the kids they serve. He has worked with Bill Fahey, Glen, Tony, and others and considers Bill a friend. This is a tremendous loss for the Town of Andover and the reason makes it all the more difficult. Bill knows the reason for his termination, they were provided to him in writing in detail. This truly breaks Chris's heart, but as a father and Selectperson, he supports the decision.

Laura Gregory echoed what Annie and Chris have said. Her two daughters were involved in AYS program. Bill Fahey did great work for many years and will always have that legacy here. She has supported AYS for many years. Andover Youth Services is an important component in this Town and she will continue to speak out in its' favor going forward.

Alex Vispoli also echoed the comments made by the other members of the Board. Alex has been on the Board before the AYC was even funded and worked with the Youth Foundation supporting the whole process in getting the Center built. He supports the funding and continuation of the AYS Mission and to make sure that the resources are there to continue the mission and progress made. This is a disappointing situation, but he also supports the Town Manager's ultimate decision based on the independent results.

Annie Gilbert thanked everyone for their very heartfelt emails and phone calls and for their passion for Andover Youth Services. The Board is committed to doing everything they can to make sure AYS thrives for many years to come.

The Town Manager said the public outreach for the Integrated Financial Plan focusing on pension obligation bonds and the West El/Shawsheen Preschool Building project is ongoing and tomorrow they is an 8:30 AM session and a 7:00 PM public forum with a question and answer session on Thursdays at noon.

Austin Simko reported that tonight is the deadline to register to vote at Town Meeting. If you are already registered to vote, you can vote at Town Meeting.

Laura Gregory urged everyone who hasn't received a vaccine to consider getting one, there are 557 slots for tomorrow at the East School in Lawrence. Go to MA.COVID.com to find a convenient time/place.

Alex Vispoli attended a few meetings of the preliminary openings for the first stage of the letters of interest for the Town Yard Disposition. There are some serious contenders and it will be interesting to watch the process. The Selection Team is in full swing in terms of evaluating and moving forward.

Annie Gilbert reported that May is Asian American Pacific Islander Business Month. Representative Nguyen organized a group of fellow members from the State House and invited members of the Select Board to visit some of the AAPI restaurants located at Shawsheen Plaza in Andover who were affected by the pandemic and anti-Asian rhetoric. The restaurant owners of Raagini Indian Bistro, Thai Sweet Basil, and Karma truly appreciate the support of the Town and residents.

IV. Citizens Petitions and Presentations

To provide public comment during Citizens Petitions and Presentations visit:

www.andoverma.gov/JoinSelectBoardMeeting

Annie Gilbert asked that when callers are admitted to the meeting to speak, that they keep their comments to 2 minutes. Public Input is a time to share remarks, we are here to listen, not dialogue or debate. Please try not to repeat points already made.

Thirty-Five people from across the country called into the meeting (ten additional callers attempted to call in without success) in support of Bill Fahey and their dissatisfaction with his release as Director of the Andover Youth Services. Some of the comments included the following:

Callers respectfully asked that they consider reinstating Bill Fahey as Director of Andover Youth Services. Bill Fahey is an asset the Town cannot afford to lose. The Youth of Andover deserve a tireless advocate who is always looking out for their well-being, it is not a job it is a calling. Bill has touched the lives of thousands of kids. There is a lot of confusion as to why Bill was let go, they are asking for transparency.

Andrew Flanagan is wrong in his remarks that Andover isn't one person. You are getting rid of the one person who cares, and many kids who would not be on this earth without Bill Fahey. When you throw away Bill Fahey and his job, you are throwing away lives of people he has saved as well, in the future and in the past.

There is a conceived credibility gap between the residents and Town administration. People would like to hear what the Town is going to do in terms of the findings of the investigation. The Board is setting a dangerous precedent by having a private investigation which did not uncover any criminal activity, but you have still chosen to keep the information a secret.

Annie Gilbert repeated that the process followed is very strictly prescribed. There are a lot of rules around it and the Select Board is not part of any investigation. The Town Manager spoke earlier on privacy rights not only for people involved but also for the person bringing the complaint.

Many callers talked about the impact Bill Fahey played in the lives of their children and what he has done with the AYS leadership and employees has been remarkable. Bill has done so much for us and made us feel better about the world and made a serious difference.

There are a lot of kids in Town whose parents both work and kids have a lot of free time, Bill Fahey and his team were supportive and created a positive, welcoming atmosphere. No kid is ever turned away and the kids feel safe there after school. Bill is a leader and an organizer and has done so much for the community.

Bill opened the eyes of parents about drugs in town and educated us through the years a lot of which was done on his own time. He was at hospitals, wakes, and funerals to support the other kids and the community. There is nothing that he could have done that should have resulted in this action. The Selectmen should support Bill.

Bill Fahey has made so many generations of Andover kids what they are. Making people question his reputation is not right for the Town. Not knowing the reasons for his removal is difficult, please give us information and give Bill more of a chance for everything he has done for us and for our Town.

There are hundreds of people following this decision. We should have more information than misconduct as the reason for the release of Bill Fahey. The investigative report is fabricated with lies and targeted. The community will not stop until the truth comes out. The Town Manager has not spoken with Bill Fahey since 2016 nor has he sent an email.

The community at AYS formed a family because of Bill, who work well together and believe in each other. Bill has touched many lives and set them on their career path to help other people.

We have heard a lot from alums and folks who are feeling emotional. There are important details to consider given the optics, the 27 years of service Bill has given to the Town; at some point, the Town will release that report. It is upsetting that the most admired phenomenal counselor he has ever met has been released.

Withholding any sort of reason for the dismissal reeks of pure government corruption. You are investigating and spending thousands of dollars on someone who has clearly touched many lives. During 1994 when there was a string of suicides Bill was the one who brought us through that and getting the Youth Center passed, he stood up. He brought life, light and hope to many. He said yes when everyone else said no.

At 8:45 PM Annie Gilbert suggested taking a few more comments and the need to move onto the remainder of the business of the meeting. Additional comments can be sent to the Select Board at the following email address: selectboard@andoverma.us

V. **Public Hearings**

A. **Andover Community Power Aggregation Plan**

Board to hold a public hearing in accordance with Section 134 of Chapter 164 of the Massachusetts General Laws on the Community Choice Aggregation Plan for the Andover Community Power Program.

Mike Lindstrom and his team provided highlights of the plan to produce reduced rates for electrical power through a Community Choice Aggregation Plan (CCA). Tonight, marks the official closing of the public hearing for the Andover Community Power Program. They are getting close to the end of the 2-year process on CCA which has been a grass-roots inclusive project with the creation of a design team that represented all the various stakeholders in Andover. Our plan is a product of a shared vision offering residents an array of options. This program is completely voluntary.

Design Team member Tom Rando said they first selected a diverse design team composed of members of the community who represent the Andover Green Advisory Board, Andover Working to Educate Climate Action Group, moderate income households, the Council on Aging Community, and the Business Community. It took several months to develop a draft plan they could all agree on that included products to offer the community which had to be exactly defined for State requirements. The plan includes how it will be marketed, outreach strategies including the present website, and a draft model of energy service agreements the Town uses for 3rd party suppliers.

The Design Team came up with the name Andover Community Power and the products being offered including information on the Standard rate, Andover Plus rate, Andover Ultimate rate, and Andover Basic rate. The plan also includes an opt-out option. The plan highlights how the Town procure electricity and once they do that, it will be very transparent. All residents will receive a letter about the program.

Components of the presentation included the initial outreach and education, customer notification, the timeline and preliminary marketing plan, ongoing outreach and education. The Town will be using existing staff working with Good Energy who will cover all the cost of the implementation. There will be no increases to taxes to fund this program. There is an opt-out option and the Town will maintain a list of those opting out.

The Andover Community Power Program meets all of the requirements of the municipal aggregation statute, including providing universal access, a reliable power supply and treating all customers equitably. The Municipality looks forward to the approval of this Plan by the Department so that they can launch the Program and pursue the benefits of renewable energy and increased electricity choice for its residents and businesses, recognizing that savings cannot be guaranteed.

Joyce Losick-Yang provided information on the timeline of the program and written comments received. She recognized Good Energy who brought this product to life. They have launched the official website which can be found on the Town's website. Mike Lindstrom said they met with the Mass. Dept. of Research who made some good suggestions to the draft plan. They were very impressed with what we are proposing and our outreach program. They need approval to send the plan to the DPU. Once they go through the approval program, they can begin the outreach component. The Board recognized the great work by the Design Team and the interns from Andover High School. They look forward to moving the program forward and the next step.

VI. Regular Business

A. Pride Month Proclamation

Board to review and consider voting to approve a Proclamation recognizing June as Pride Month, and to consider a procedure for future proclamation requests.

Annie Gilbert received a few requests to issue this proclamation. Moving forward, the Board may want to consider developing an application or policy for proclamation requests. Having a standardized form would be useful for the Board in making decisions. It was suggested they look into what information other communities and the Mass Municipal Association has and then discuss what direction the Board might want to go in.

Laura Gregory moved to approve the Proclamation recognizing June as Pride Month. The motion was seconded by Chris Huntress. Roll call: L. Gregory-Y, C. Huntress-Y, D. Howe-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

B. Affordable Property Right of First Refusal

Board to discuss and consider voting on the town's right of first refusal for an affordable unit located at 174 Haverhill Street. Information provided by Lisa Schwartz.

Dick Howe moved that the Town not exercise its right of first refusal to purchase the affordable housing unit at 174 Haverhill Street, Unit 317. Motion seconded by Alex Vispoli. Roll call: D. Howe-Y, A. Vispoli-Y, L. Gregory-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 5-0.

C. Acceptance of Deed and Approval of Order of Taking for 157 Andover Street

Board to vote to accept and sign the Order of Taking and Deed for 157 Andover Street. Town Counsel reported that this is the property for the Ballardvale Fire Station. The money has been paid and we have a release from the seller for any claims as a result of the order of taking. This is considered a friendly-taking.

Laura Gregory moved that the Select Board (i) adopt and sign the Order of Taking by eminent domain of the land and buildings at 157 Andover Street, as submitted to the Select Board in accordance with the vote upon Article 29 of the Annual Town Meeting held on September 12, 2020; and (ii) direct that the Order of Taking be recorded with the North Essex District Registry of Deeds. Motion seconded by Dick Howe.

Roll call: L. Gregory-Y, A. Vispoli-Y, C. Huntress-Y, D. Howe-Y, A. Gilbert-Y.
Motion passes 5-0.

Laura Gregory moved that the Select Board accept the deed from the Estate of Peter A. Paquette to the property at 157 Andover Street and authorize the Chair to sign the Acceptance on behalf of the Select Board. Motion seconded by Alex Vispoli.
Roll call: L. Gregory-Y, A. Vispoli-Y, C. Huntress-Y, D. Howe-Y, A. Gilbert-Y.
Motion passes 5-0.

D. Vehicle for Hire Policy Amendments – 2nd Reading

Board to review and consider voting to approve amendments to the Town of Andover Rules & Regulations for Public Vehicles for Hire.

Austin Simko provided information on the request to approve amendments to get the licensees in line with the Town’s application. Alex Vispoli asked if we or any consumer lose anything at all with this change. Austin said the call logs show that less than 5% of the operator’s business is conducted in Andover. The Board can be comfortable that we are not leaving anyone out ‘in the cold’. Safety Officer, Glenn Ota said most of their coverage area is Methuen and Lawrence.

Chris Huntress moved that the Board amend Select Board Policy XI.3 “Town of Andover Rules & Regulations for Public Vehicles for Hire” as presented. Motion seconded by Dick Howe. Roll call: D. Howe-Y, L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y.
Motion passes 5-0.

E. Department of Public Works Update

Director of Public Works, Chris Cronin provided an update on the 2021 Paving Schedule. His presentation showed three areas in Town where the paving projects are funded through the Gas Impacted Areas (will start in mid-July), Chapter 90 Funding (has already started), and Water Main Replacement Streets (some work began last year with incidental work to be done). They are focusing on repaving Main Street in the Spring of 2022. There is an interactive map on the Town website that residents can follow.

VII. Consent Agenda

A. Appointments by the Town Manager

Alex Vispoli moved that the Board approve the following appointments by the Town Manager as printed. Motion seconded by Chris Huntress. Roll call: A. Vispoli-Y, L. Gregory-Y, D. Howe-Y, C. Huntress, and A. Gilbert-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
Information Technology	Kevin Bonnano <i>(Laura Hall)</i>	Solutions Programmer Analyst	\$68,380.43/year	5/24/2021
Police Department	Dylan Ring <i>(Matthew Hughes)</i>	Patrolman	\$54,148.49/year	6/7/2021
Community Services – Recreation	Janci Soto	Recreation Programmer	\$50,273.39/year	6/1/2021

Information Technology	Jason MacMillan	Intern	\$14.00/hour	5/24/2021
Information Technology	Sarah Rizzo	Intern	\$14.00/hour	6/1/2021
Community Services – Youth Services	Colleen Shay	Seasonal	\$13.50/hour	5/11/2021
Community Services – Youth Services	Isabel Rodenberger	Seasonal	\$13.50/hour	5/11/2021
Commission on Disability	Nancy Achin Audesse	Member	Term Expires June 30, 2024	5/17/2021

VIII. Adjourn

At 10:27 PM on a motion by Alex Vispoli and seconded by Laura Gregory, the Select Board voted to adjourn from the meeting of Monday, May 17, 2021.

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

Motion passes: 5-0

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45.

Members of the public who wish to provide public comment on an item that is *not* on the agenda may do so by visiting www.andoverma.gov/JoinSelectBoardMeeting. They will be admitted during Citizens Petitions and Presentations.

To ask a question on particular agenda items during the regular meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing manager@andoverma.gov. Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town’s website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.