



Select Board Meeting

Monday, June 5, 2023

6:30 PM

6:30 PM Executive Session 7:00 PM Regular Session

School Committee Room, School Administration Building

30 Whittier Court, Andover, MA 01810

I. Call to Order – 6:30 P.M.

The Chair, Melissa Danisch opened the meeting in the School Committee Room at 6:30 PM. Members in attendance: Laura Gregory, Vice-Chair, Chris Huntress, Clerk, Annie Gilbert, and Alex Vispoli.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Town Manager/Town Clerk Austin Simko, and Town Counsel, Tom Urbelis.

II. Executive Session

On a motion by Annie Gilbert and seconded by Chris Huntress, the Board voted to go into Executive Session pursuant to purpose 3, to discuss strategy with respect to litigation filed by Fusion Learning, and for the Board to vote to approve and not release Executive Session Minutes of April 12, 2023, April 24, 2023 and May 15, 2023; and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town and to return to open session. The Chair declared that an open session would have a detrimental position of the Town. Motion seconded by Alex Vispoli. Roll call vote: Laura Gregory-Y, Annie Gilbert-Y, Alex Vispoli-Y, Chris Huntress-Y, Melissa Danisch-Y. Motion passes 5-0.

III. Opening Ceremonies

The Chair opened the Regular Session at 7:00 PM.

A. Moment of Silence/Pledge of Allegiance

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

IV. Communications/Announcements/Liaison Reports

Mike Lindstrom reported that Parking Lots 1 and 2 are under reconstruction with Lot 2 reopening this week until July 1st at which time it will go off-line; the project should be completed by the end of September. The ADA and conference room expansion of the Town Offices located on the third floor will be emptied out tomorrow for sprinkler installation. The project will add conference room space and enhance the Select Board Meeting Room for more capacity and ADA accommodations. Various Town Offices will move to other locations for the duration of the project.

Mr. Lindstrom also reported that the MBTA Community Zoning Visioning Session will be held on Wednesday, June 7th at 6:30 PM at the Memorial Hall Library. Paul Materazzo, Director of Planning, has interviewed a wide range of people to be part of the working group and names have been sent to the Town Manager and members chosen this week.

The Elm Square Traffic Study Forum will be held on Thursday, June 8th at the WWI Memorial Auditorium. This will be a listening session to discuss goals of the study, timelines, as well as an opportunity for people to talk about concerns and potential improvements and what some of the current intersections look like. Representatives from Town Departments, Mass DOT, Andover Police, Town engineers will be in attendance.

Austin Simko reported that the Town Seal Review Committee held a forum on May 23rd to review the history of the seal. They have reviewed the survey results on alternatives, aesthetic factors, and took input from the public. The three mock-ups developed will be analyzed and one option will be chosen and presented to the community for consideration at the 2024 Town Meeting. No decision has been made at this time.

Alex Vispoli recognized Donna Walsh, former Director of Finance, Town Counsel Tom Urbelis, Chief Assessor David Billard, and Andover Police and Fire Rescue who were honored by the Chamber of Commerce last week.

Laura Gregory participated in the Zero-Waste Day held on Saturday which was very well attended and the trucks were full. This was the first Zero Waste Day held since the pandemic.

Melissa Danisch said the CRT and Electronics Collection Day is scheduled for June 10th. The sign-ups were filled this weekend, but there are other opportunities for recycling and solid waste disposal. For more information you can get the App Andover SW or go to Andover 311. On Sunday, Melissa and Mike Lindstrom participated in the LGBTQ+ Pride Month Celebration that included a parade and picnic. Melissa thanked the local groups and staff from Memorial Hall Library and the Robb Center for participating in the picnic. In addition, Melissa said the Memorial Day observances were wonderful.

V. Citizens Petitions and Presentations

Eric Olson, 16 High Street, thanked the Community, the Board, Town Administrators, and the Police Chief and everyone who has been collaborating with his family on the tragic loss of their five-year old daughter, Sydney, on May 9th. Mr. Olson read a statement regarding the incident that took place in the downtown crosswalk and conversations on safety downtown. The pace of the progress on pedestrian safety hasn't kept up with the changes in the community. They know there are solutions to the problem and we can all do better.

Andover is working collaboratively to hold drivers accountable through the use of video surveillance and designing roads to allow for more space for walking and for cyclists and less space for the big dangerous vehicles that lead to accidents. There are several things that can be done that include committing to zero fatalities and serious injuries and committing to a standard like Vision Zero, which is a common non-profit based standard that we can align to as part of Andover's existing five-year complete Streets Policy. Work with the State to broaden the road safety audit to include more of the downtown and pull in the right stakeholders. The Town can commit to addressing the intersection by pulling the stop line back a few feet, improving timing of the lights, assigning police to the area during the busiest times of the day, and to approve awareness of reduction of speed limits in that area.

Elise Andrews, 21 Sheridan Road, said that a group of parents of Sydney's classmates have formed "Sydney's Rainbows" to ensure people of all ages are safe on our streets, to partner with the Town and State on the Elm Square Project and to advocate for sensible short-term changes to fix known safety issues in downtown Andover. They are asking the Town to move the vehicle stop lines back farther from crosswalks, adding flex posts to slow speeds and eliminating turns through intersections when pedestrians have a walk sign, and to have police details posted at Elm Square and other areas during peak traffic times and improve awareness and enforcement of speed limits on High Street, Elm Street, and Central Street with speed bumps, signage and radar signs. Elise is asking the Select Board to make these changes immediately and to work with other organizations to keep everyone in Andover safe.

Katie Carbone, 28 Mohawk Road, detailed the work that the group of parent volunteers have accomplished over the past four weeks. They have immersed themselves in the technical world of Massachusetts pedestrian and traffic safety information, reviewed safety plans of other towns like Andover to get ideas on what can be implemented here, walked through the Town multiple times, engaged transportation experts, crafted and disseminated safety recommendations via opinion pieces and created Instagram and Facebook pages for Sydney's Rainbows to share updates with the community moving forward.

On behalf of the Board, Melissa Danisch thanked Eric Olson, friends and families for coming forward during this difficult time and striking this tone of collaboration and community to come together to make Andover better. The forum will be held on Thursday at the WWI Auditorium.

Alex Vispoli asked the Town Manager how long it will take to take enact some of the suggestions brought forward tonight. The Town Manager said that he and Chief Keefe met with Mr. Olson and discussed some of the short-term potential changes that could be accomplished relative to the stop line and police presence in the downtown area at high traffic times. More information on the process will be shared at the meeting on Thursday night.

Kathy Grant, Morton Street, is concerned about the letter sent to the Town in December 2022 warning that Andover's bond rating would be decreased if the Andover High School Project was funded. She asked if the Board knew about this and if not, why not. Citizens voted on warrant articles not knowing information on the Town's proposed weakened bond rating if we go forward with the AHS Project. She suggested that all letters from bond companies be sent to the Select Board and Finance Committee and posted on the Town website within 10-business days. A lower bond rating means higher taxes for everyone.

The Town Manager said that approximately 60 public meetings about the Pension Obligation Bond (POB) were held prior to Town Meeting approval and included great detail about how not moving forward with the POB Plan would impact the bond rating; one of the main components of the Plan. The Town Manager said quotes from the S&P letter about the Town's debt profile were shown on the screen at Town Meeting, and he talked about the potential impacts to the bond rating at that time. He shared the letters from S&P with the

Select Board, the Finance Committee, and posted them on the Town website under Budget & Finance. Specific to the AHS Project, he talked about the potential impact to the bond rating at several of the Select Board Meetings.

Kristen Wise, Inwood Lane, asked if the Charter change at Town Meeting has to be a two-thirds majority or a super-majority vote (Chapter 34 B Section 10). Tom Urbelis responded that as a general matter, those kinds of articles that request special legislation are a majority which is why he asked for a standing vote at Town meeting so that they who are writing the legislation then make a determination as to whether the appropriate quantity of votes has been met. Atty. Urbelis said the vote on the residency was not a majority by 2/3 vote.

Kristen Wise also shared that the Town of Reading has a Traffic Parking Task Force who meet monthly and quickly resolved an issue she had walking her granddaughter to school across a cross-walk that wasn't manned and asked if Andover has a Traffic Task Force that meets regularly. The Town Manager said they have an internal traffic meeting (DPW, Police, Fire and Planning) although it is not a in public session, they meet multiple times a month.

Kevin Coffey, Stafford Lane, asked that the Select Board consider establishing policy for the Town as regards to debt taking. In addition, he watched the Triboard Meeting where the Town Manager gave a summary and warnings about risk to our debt rating if the AHS Project were to go forward as planned. Mr. Coffey also just learned that there is a meeting of the MBTA Communities Working Group this Thursday. The Town Manager will make sure members of the taskforce are notified.

VI. Public Hearings

A. National Grid Request to Relocate a Pole – Main Street and Locke Street

Board to review and consider voting to approve a petition from Massachusetts Electric Company d/b/a National Grid to relocate a pole to accommodate a driveway at 4 Locke Street.. Austin Simko reported that this request has gone through the normal review. DPW and Engineering have signed off on this and abutters have been notified. The representative from National Grid reported on the request to remove and relocate a pole at 4 Locke Street.

Alex Vispoli moved to approve the petition from Massachusetts Electric Company d/b/a National Grid to relocate a pole in the public ways of Main Street and Locke Street. Motion seconded by Chris Huntress and voted 5-0 to approve.

B. National Grid Request to Construct a Line of Underground Electric Conduits – Reservation Road

Board to review and consider voting to approve a petition from Massachusetts Electric Company d/b/a National Grid to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way of Reservation Road.

Alex Vispoli moved approve a petition from Massachusetts Electric Company d/b/a National Grid to construct a line of underground electric conduits, including the necessary sustaining

and protecting fixtures, under and across the public way of Reservation Road. Motion seconded by Chris Huntress and voted 5-0 to approve.

VII. Regular Business

A. [Land Disposition Agreement – 11 Lewis Street – 1st Reading](#)

Board to receive an update on the Land Disposition Agreement between the Town of Andover and Minco Development and the revised Conceptual Program and Plan for the property located at 11 Lewis Street (former Town Yard).

The Town Manager reported on the progress that has been made on the Disposition of the Old Town Yard between Minco Development and the Town of Andover. This represents a milestone in our multi-year effort to redevelop the former site of the Old Town Yard. Over the past year, they have been heavily engaged with Minco to find common ground on an agreement that protects the interest of the Town and advances the project.

Austin Simko provided a presentation on the land disposition. After a lot of time and effort from both parties and working through some challenges they have been able to put together a plan for the site with a second reading on Monday, June 12th.

The presentation provided a brief update on past milestones, the purpose of the agreement, ties Minco's proposal to a special permit application and defines the process for Minco to close on the land and articulates long-term obligations for Minco and its lenders and successor(s).

Key topics : Timelines for permit applications after the LDA is signed, beginning and ending construction dates after the sale of the land, and obligation for LEED BD&C and LEED ND certifications.

Minco to obtain financing and restrictions on transfer of the project or changes in Minco's ownership or key personnel and release an indemnification of the Town. Restrictions on use of property for 30-years, perpetual affordable housing component, and perpetual open space.

Approximate Dates Future Milestones

June 5 2023	SB reviews Conceptual Program and Plan
June 12 2023	SB signs LDA and approves revised Conceptual Program
August 12 2023	Minco Submits Special Permit pre-application to Town Manager
August 17 2023	Submit Special Permit pre-application to Planning Board
December 17 2023	Submit Special Permit applications to Planning Board
June 12 2026	Closing date/Sale of land: 60 days after receiving all approvals are granted to Minco and for approvals no more than 3-years from signing the agreement. (Date could be earlier)
August 2026	Construction begins within 60 days after signing
February 2027	Demolition completed and foundation work begins

Lou Minicucci of Minco Development Corporation reviewed the proposal and site plan for the project. The original proposal for 136 units with approximately 15% affordable housing has been increased to 165 units. The new proposal includes 25 units for affordable housing that will consist of 14% studio units, 38% one-bedroom units, 30% two-bedroom units, and 18% three-bedroom units. The affordable units will be mixed in throughout the building.

The project includes an outside community plaza and an indoor community space. The Community Building will be available to the Town at no cost and maintained by Minicucci.

The public amenity spaces will include a community facility, green area, public splash pad, dog park, and a retail component. The public amenity space is much larger due to acquiring additional space on Lewis and Buxton Streets. The majority of the parking will be underground.

Alex Vispoli and Chris Huntress asked about the commercial space that was in the original proposal. Mr. Minicucci said the commercial space will include be a coffee shop in the outdoor area of the community building.

Chris Huntress asked about the massing of the new wing; how tall will it be as it approaches some of the residences on Lewis Street, how tall the new wing will be as you come down Lewis Street, and the placement of parking. Mr. Minicucci said that one of the attempts by the architect is to soften up this area. Pearson Street will be the access point for the main parking.

B. Review of Financial Considerations Discussion from the May 31, 2023 Joint Meeting of the Select Board, Finance Committee and Andover High School Building Committee
Board to review and discuss the financial considerations relating to a potential Andover High School Building Project.

The Town Manager said a lot of information was presented on the debt limit and the potential bond rating implications of the proposed AHS project at the May 31st Joint Meeting. Tonight he is providing an overview of Cost Variables.

Overview of Cost Variables includes:

Project cost Escalation: 20-year average is approximately 5.5% annually

Impact to Bond Rating & Borrowing Costs: Potential increased borrowing costs resulting from a downgrade.

Economic Conditions & Borrowing Costs: Fluctuations in base borrowing costs resulting from economic conditions.

MSBA Reimbursement: Potential future reimbursement from MSBA.

Maintaining the current AHS: It is anticipated that significant capital investment will be necessary in order to keep AHS operating into the future.

Other non-cost variables to include compliance with management policies, potential impacts to educational program and actual project completion date.

Questions/Comments from the Board.

If the community waited 5-more years for MSBA acceptance and reduction of cost escalations, what would that look like in terms/percentage of potential reimbursement against the cost increase/ of dollars today? Please ask Janet Nicosia for clarification of the numbers for adding space that would be outside of the building.

If, in fact, the debt issue is eliminated for schools, what does that look like overall if were to borrow a half-billion dollars, what does that look like for future projects for the town. What would the increase look like for the taxpayer with the 5.7% increase? The Town Manager said they can do a model of what the costs would like if the CIP stayed the same.

Need more clarity on maintaining the current AHS, investments needed to happen over what time period, and what the cost would be.

What kind of advocacy can the Select Board look at to change the system. The MSBA method of addressing school infrastructure needs is not adequate.

What will the impact to the community be if we don't support building a new AHS now. Will Andover to continue to be in demand for businesses to come here? People come to Andover for the downtown and the schools.

The impact of the bond rating - we are still borrowing money and it will have a significant impact on many residents. We need a new school but we can't afford any of the options presented. What can we afford without affecting our bond ratings.

The #1 reason identified as to why we need a new AHS was overcrowding – do any of the options include moving the 9th grade to West Middle School and taking on a middle school project; We need to look at all options and need more than two options.

The Board discussed voting on the schematic design.

The Chair would like the Select Board to vote next week on the recommendation from the AHS Building Committee for the preferred building option.

The Town Manager will talk with the Finance Committee and the School Committee Building Chair on how this can make sense to the public.

C. Zoning Board of Appeals Appointments

The Zoning Board of Appeals Subcommittee Chris Huntress and Melissa Danisch to recommend the appointment of one regular member and two associate members to Zoning Board of Appeals to terms that will expire on June 30, 2026. Board to consider voting to approve Subcommittee's recommended appointments.

Chris Huntress moved to appoint Ellen Keller as a regular member of the Zoning Board of Appeals and to appoint Daniel Lopez and Michael Wellikoff as associate members of the Zoning Board of Appeals to terms ending June 30, 2026. Motion seconded by Melissa Danisch and voted 5-0 to approve.

D. Bond Anticipation Note

Board to vote to approve the issuance and details of a bond anticipation note. Chief Financial Officer, Patrick Lawlor shared information on the bids received with the lowest bid having an interest cost of 3.69%.

Annie Gilbert moved to approve the issuance and details of a bond anticipation note. Motion seconded by Alex Vispoli and voted 5-0 to approve.

I, the Clerk of the Select Board of the Town of Andover, Massachusetts, certify that at a meeting of the board held June 5, 2023, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of a \$13,300,000 4.50 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated June 21, 2023, and payable December 15, 2023, to Jefferies LLC at par and accrued interest plus a premium of \$51,737.00.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 24, 2023, and a final Official Statement dated May 31, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any

of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: June 5, 2023

Clerk of the Select Board

VIII. Consent Agenda

A. Appointments by the Town Manager

Melissa Danisch recognized Ms. Kate, the Children’s Librarian who is retiring this month from the Memorial Hall Library.

Chris Huntress moved to approve the appointments by the Town Manager as listed in the consent agenda. Motion seconded by Annie Gilbert and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Memorial Hall Library	Molly McIntyre <i>(Katherine Dugan)</i>	Children’s Librarian	\$65,350.19/yr.	6/6/2023
Andover Police Department	Ulises Perez <i>(Daniel Vining)</i>	Patrol Officer	\$67,037.44/yr	6/20/2023
Emergency Management	Patrick Keefe	Director	Term Expires 6/30/2024	7/1/2023
Forest Warden	Michael Mansfield	Fire Chief	Term Expires 6/30/2024	7/1/2023
Keeper of the Lockup	Patrick Keefe	Police Chief	Term Expires 6/30/2024	7/1/2023
Merrimack Valley Planning Commission	Jacki Byerley	Member	Term Expires 6/30/2024	7/1/2023
Merrimack Valley Regional Transit Authority	Jacki Byerley	Member	Term Expires 6/30/2024	7/1/2023

Merrimack Valley Regional Transit Authority	Paul Materazzo	Alternate	Term Expires 6/30/2024	7/1/2023
Merrimack Valley Regional Transit Authority	Lisa Schwarz	Alternate	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	Mark Comeiro	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	Michael Mansfield	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	Calvin Perry	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	Brian Masterson	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	R. Scott Parrish	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	H. Francis Rittershaus	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	Andrew Sievert	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	James Bedford	Member	Term Expires 6/30/2024	7/1/2023
Patriotic Holiday Committee	Stephen Wallingford	Member	Term Expires 6/30/2024	7/1/2023
Town Seal Review Committee	Andrew Flanagan	Member	Term Expires 6/30/2024	7/1/2023
Town Seal Review Committee	Karen Van Welden-Herman	Member	Term Expires 6/30/2024	7/1/2023
Town Seal Review Committee	John Hess	Member	Term Expires 6/30/2024	7/1/2023
Town Seal Review Committee	Elaine Clements	Member	Term Expires 6/30/2024	7/1/2023
Town Seal Review Committee	Melissa Litton	Member	Term Expires 6/30/2024	7/1/2023
Town Seal Review Committee	Thomas Adams	Member	Term Expires 6/30/2024	7/1/2023

Veteran Service Agent	Mark Comeiro	Agent	Term Expires 6/30/2024	7/1/2023
-----------------------	--------------	-------	---------------------------	----------

IX. Adjourn

At 9:10 PM, on a motion by Alex Vispoli and seconded by Annie Gilbert, the Board voted 5-0 to adjourn the meeting of June 5, 2023.

*Respectfully submitted,
Dee DeLorenzo, Recording Secretary*

Presentations:

- A. Land Disposition Agreement [Land Disposition Agreement – 11 Lewis Street – 1st Reading](#)