

Select Board Meeting

Monday, February 8, 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, February 8, 2021 to order at 7:00 P.M. Members in attendance: Dan Koh, Laura Gregory, Chris Huntress, Alex Vispoli.

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, Director of Public Works Chris Cronin, and Director of Planning Paul Materazzo.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence and a Salute to the Flag.

III. B. Communications/Announcements/Liaison Reports

The Town Manager announced that the Preliminary FY-22 Recommended Town Manager's Budget and Financial Plan for FY-22 was released on Friday, February 5th. It's not the final plan because Town Meeting is being pushed out to a later date, and they are waiting on information to update the budget including the approval of State Aid. They hope that the final FY-22 budget will be later this month or early in March.

The first Covid vaccines are planned for Wednesday, February 17th for Andover residents 75 years of age or older at the Collins Field House at AHS. In addition, they will be launching a COVID Call Center for people to register to be vaccinated and for help with the State Portal.

In December, the Board heard a liquor license application from an applicant and the question arose on the difference between the Serve-safe and Tips Certified Programs. Town Clerk Austin Simko researched both programs and found that they are both 3rd party certification programs not required by law, but often required by insurers and local licensing authorities. Both programs include a 3-4 hour course and an examination to pass. The courses cover several topics on the knowledge of alcohol and its effects.

Dan Koh gave a shout out to the Town employees for all the work they are doing with regard to snow removal from the recent storms.

With the recent accumulation of 2' of snow, Chris Huntress reminded everyone to clear out fire hydrants and sidewalks, and to check on neighbors too.

Alex Vispoli said that a Governance Committee Overview was held a few hours ago and was well done. Paula Colby-Clements was an Advocate for keeping Town Meeting and Dave Floreen was another Advocate for changing the form of Government to a City Council type of government. Both advocated their reasons for supporting the two

different types of Government and their comments were thoughtful and well thought out. The members of the Town Governance Committee have done a great job.

Alex also shared that the Board received some letters about brown water that was due to a private water break. He was also glad to see that the police got their two hybrid police vehicles. In addition, Alex asked the Town Manger how many doses of vaccines will be allocated on February 17th. Andrew said the first allocation of vaccines will be 100 doses and supposedly 100 doses more weekly; hopefully they will to see that number increase.

Annie Gilbert acknowledged the 25th Anniversary of the Andover Commission on Disabilities. They are one of the most important boards and commissions that we have and who work closely with the Town on all projects and advocate that Andover is acceptable as possible for Andover residents and visitors. They are a very devoted group of citizens who have worked tirelessly for many years. A news flash email went out with a link to the Andover Newsletter that lists some of the things they have done and resources offered now.

The West Elementary and Shawsheen Preschool Building Committee is putting together a virtual Community Forum to be held on Wednesday, February 10th with an update on the status of the school building project with the opportunity to ask questions.

IV. Citizens Petitions and Presentations

To provide public comment during Citizens Petitions and Presentations visit:

www.andoverma.gov/JoinSelectBoardMeeting None

V. Regular Business

A. Order of Taking for the Town Yard and Discontinued Portion of Lewis Street

Tom Urbelis reported that this is a follow-up to the Town Meeting vote that authorized the Town to put out the RFP for the Town Yard and authorized the Town to do a taking of the property that is the subject matter of the Town Yard. Some of the deeds don't necessarily 'square-off' in describing the property so they are doing a confirmatory taking of that property, which the Town owns anyway that will give a potential purchaser a higher level of comfort that they are buying something the Town owns.

Alex Vispoli moved that the Select Board (i) adopt and sign the Order of Taking by eminent domain of the land and buildings known as the former Town Yard and the portion of Lewis Street which was discontinued by vote upon Article 16 of the Annual Town Meeting held on September 12, 2020, shown as Lot 1, and the parcel of land shown as Parcel X, all as bounded and described on the plan entitled "Plan of Land in Andover, Mass., prepared for the Town of Andover, Date: February 13, 2020, as submitted to the Select Board in accordance with the vote upon Article 17 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. The motion was seconded by Chris Huntress. Roll call: D. Koh-Y, C. Huntress-Y, L. Gregory-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

B. Zoning Impacts of Housing Choice Legislation

Tom Urbelis explained the zoning impacts of the Housing Choice Legislation. Last month Governor Baker signed his Economic Relief Bill that contains changes to the Massachusetts Zoning Acts designed to achieve the Governor's goal to have new housing increase by 135,000 by 2035. Multi-family housing is defined as a building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling in each building.

There are four provisions that effect Andover:

1. Multi-Family housing as of right.
2. Town Meeting Quantum Vote
3. Special Permits Quantum Vote
4. Bond requirement for appeals of approvals.

The most important provision for Andover is that a community serviced by the MBTA must provide one reasonably sized zoning district which multi-family housing is permitted as of right, without the need for a special permit, variance, zoning amendment, waiver or other discretionary zoning approval, and must have a minimum housing density of 15 units per acre and located no more than ½ mile from rail, subway, or bus station. Any MBTA Community that fails to comply will not be eligible for funds from the Housing Choice Initiative, Local Capital Projects Fund, or the Mass Works Infrastructure Program.

This provision will generate a lot of discussion in Andover as to where this district will be (Ballardvale station or Downtown station). The legislature left some of the details to be described in the guidelines.

Currently under the law (MGL c.40A, sec 5) to amend the zoning bylaw it takes a 2/3 vote at Town Meeting. This will be reduced to a simple majority to allow for multi-family housing, mixed use developments, accessory dwellings units, or open space residential developments of right; and for increases in density and reductions in required parking by special permit. It will also modify regulations concerning bulk height and weight of structures, lot area, yard size, setbacks, open space and parking to allow for additional housing that would not otherwise be permitted by the existing bylaw. This is aimed at increasing multi-family housing.

The change in quantum votes is for special permits, which currently, in Andover, can only be issued by a vote of 4 of the 5 member Planning Board or Zoning Board of Appeals. The amendments provide that a Special Permit may be issued by a simple majority vote of the Special Permit Granting Authority, rather than the otherwise 2/3 super majority for the following projects: Multi-family housing within ½ mile of an MBTA station (if 10% of the units are affordable (at 80% AMI) for at least 30 years; mixed use developments (downtown area) in population centers if 10% of the units are affordable, and finally, reduced parking to unit ratio requirements if the reduction results in the production of additional housing units.

The fourth change is that the legislation amends MGL c.40A, sec 17, to permit a court to require a bond from a plaintiff who appeals the grant of a Special Permit. Under this new law, the court may require a surety or cash bond up to \$50,000. The court will determine if the public interest outweighs the financial burden of the plaintiff seeking to overturn the allowance of approvals of multi-housing. Clearly, in the context of these other changes in the laws, this change is aimed at appeals of approvals issued to developers of multi-family housing units.

Alex Vispoli thanked Tom for the presentation which is a significant change. He likes that they tied it to the MBTA stations and seems to be a natural for the downtown location. This will change the strategy of zoning articles coming to Town Meeting.

Chris Huntress asked if the Master Plan put in place for the Historic Mill will be affected. Paul Materazzo said a special permit is needed for up to 40 units, and until the certification comes forward, he is reluctant to pick a path. We have had so much community engagement buying into the vision of housing downtown creating a district allowing for up to 50 units per acres so we won't be boxed out of Mass Works Infrastructure Program. Some areas in Ballardvale may be very conducive to this. The new regulation requires only one new district to be designated that will provide housing. Chris would be curious to see if Paul can identify parcels that would satisfy these requirements and how big the parcels are.

Tom Urbelis said the guidelines will have to describe what a reasonable size is. A Zoning District that would allow 15 units per acre by right would not be too much of a stretch, especially with the conversations that have been held. Powder Mill Square is in the range of the 15 units on 3-4 acre plot. We are fortunate that we went through this entire exercise to create the Historic Mill District; development has to be by right, not by special permit. We would have to find a way to add that into the HMD. They seem to include mixed use as well which provides other opportunities.

Laura Gregory asked when we can expect regulations to address some of the areas that the legislature wanted to be filled in by the Dept. of Housing. Tom said they are working on it, and expects information in about 3 months. Laura also asked if the area along Rte. 93 (Dascomb Road) would be something that would fit within these parameters (it has a bus stop). Tom said that is a good question and hopes it would come under the guidelines for multi-family housing and that the guidelines provide further information.

Alex asked Paul Matazzero about the process to designate a district. Paul sees it being something similar to the conversations held with the HMD. He also looks at this as an opportunity to look at additional opportunities in Ballardvale. There is no time frame until the guidelines and regulations are provided. The template used for HMD and charrettes for Old Town Yard is the perfect blue print for this.

Chris Huntress: If we don't establish the districts fast enough would we be subject to a 40B regulation. Tom does not see low income housing as the driver, he sees multi-family

housing. Masswork Grants, and House Works Grants would not be available if communities don't adopt the new regulations.

Annie Gilbert: Will there be a reduction in Town Meeting votes from 2/3 to a simple majority for certain zoning bylaws and what is open space residential development? Tom said those are terms defined in the law, which he doesn't have the information on at the moment, but he will send it. Annie also referred to the Town's bylaws which are lengthy and complicated, and asked if the reduction to a simple majority apply to anything at all in a current and existing by-laws even if not directly on point to the spirit of this legislation. Tom does not think so, but it has to fall within one of the three specific categories.

The Board appreciates the update from Tom Urbelis.

C. Update from Department of Public Works

The Town Manager provided an update of the water and closure of the landfill on Chandler Road. CBM Smith Consultants have been working on this project and getting it to where it is today. In October 2015, the Board voted to close the landfill capping it and to include a material handling center. They proceeded with permitting the project, and the post-closure plan required that we obtain an easement across 3 private properties in order to do some abatement which has been a bit of a challenge but they are making progress.

The post closure was voted in 2015, and since then Andrew has been thinking of an option to acquire additional land to purchase at 5 Campanelli to build a material handling center(MHC) there. If we are able to do that, we can remove the MHC, reduce the cost of capping the land fill, and move forward with making the modifications to the permit. The landfill would be capped, and the MHC located at 5 Campanelli Drive. However, we have been continuing to work to obtain the necessary easements in case they are unable to relocate the MHC, but they and still exploring the options. If it moves forward it will require an additional appropriation at Town to approve the additional funding. If we are able to move the MHC, we will complete the project in 24 months rather than 18 months to change the plans. Plan B would be acquiring additional property adjacent to 5 Campanelli Drive. There is \$9 already appropriated and would need an additional \$2M to go with Plan A for a cost of \$11M.

Chris Cronin said they are in communication with the DEP but we need the easements to close the landfill as permitted which doesn't have anything to do with the post-closure use. We have to get those easements anyway; one resident is willing but there are two more residents who have not permitted us to take the easements. We provide DEP with periodic reports.

Chris Cronin provided an update on Town water and what they have done at the Water Treatment Plant this year. The stand-by generator is on site and are evaluating the reliability of the 2 on-site generators they have now. This has been a challenging year. They again pumped 1M gallons of water in 2019-2020. Lead and copper samplings show

that we are well below the maximum levels for copper and below for lead. We have to report the 90th percentile taking 34 samples this year. They notify homeowners if they come across a lead service and offer testing of water if they find any lead line in the water.

Areas water mains were installed included the Juliet Street area (problems with dirty water) have they have not had any calls since new line went in. Two contracts are in the process of completion that include the Chandler Road water main construction, and the area on Central Street. They will be able to shut off the existing water main on Central and take it out of service.

Contracts with Revoli: Contract 1 on Central Street is complete. Contract 2 with N. Granese & Sons for the Greenwood Road section of water main replacements, and Sunset and Linda Road to improve water quality and volume in that area are complete. Water service replacement and parallel main removal on Elm St. began this fall along with several other areas in town are complete. Contract 3: Ready to bid 2 sections, but waiting for approval at Town Meeting. They hope to get all the pipe work and paving done this year, the contract is being designed now. In 2021 will complete contract 1 and 2, bidding on 3 and 4.

Chris explained the slide showing roads where they have public water mains, mains they know are cement lined mains, and mains that have not been confirmed as cement pipes, so it they are listed as unknown. The chart also shows the work done over the last ten years. They are making significant changes.

Flushing was postponed for quite a while but when they did start, it went faster than anticipated and our system is responding well. They received one call about discolored water in December and a few the other day due to a water main break. In 2020, they had 25 water main breaks, two less than in 2019.

Alex Vispoli: The replacement schedule was clearly accelerated, are we at maximum rate for replacing the mains. Chris said they experienced a lot of construction fatigue from residents, both during the gas emergency and when we did the sewer mains. Last year, they only did one contract designed by Andover engineers, the others were designed and overseen by consultants which we still have to oversee. We are hiring out the contracts, but on occasion the quality of the work is not quite what we hoped it would be. His concern is with fatigue of residents, quality of work and sustainability. Right now, they are doing high quality work, having attacked the worst mains, and the majority of the work that needed to be done was in line with the areas where the gas mains were being replaced. We have had great dividends in areas they felt needed to be replaced.

Annie Gilbert: What should a resident should do if they are experiencing discolored water. Chris said they should get in touch with the Water Dept. immediately which lets them know where the problem and they can get there and quickly repair the problem. They also have a product that helps with the rust which is available free of charge.

Laura Gregory: What is the best way to contact the Water Dept. if they have a problem.

Residents can call 978-623-8860. There is also a link on the Town website to report a problem or they can email any of the department members directly.

Chris Huntress: Some of the planned water line work was around Essex Street and Railroad Avenue, is there anything we have to do to make sure of the service for the future buildout of the HMD. Chris said we have started the permitting process so it can be done as part of this and water mains will be ready for anyone who wants to develop the area. The water pipe will be run under the train tracks.

Questions from Community: Stacy Albuquerque of Greenwood Road

How do residents flush water out of the house when it is cold outside. Chris Cronin replied that it is a challenging when it is cold, but they should run it through the cold water tanks not through your hot water, or run it to a catch basin nearby using a garden hose. Let them know and they will assist you.

Is there compensation for ruined clothes or linens? Tablets can be picked up at 5 Campanelli Drive or they will deliver them to you.

Have you collected samples for analysis at people's faucets constantly and is the water tested at the Treatment Plant the same water that comes out of people's faucets? Chris replied that they have to test from the same faucets and faucets where they know there is a problem or potential problem. Their testing is standardized.

What percentage of cast iron pipe in terms of miles has been replaced? Chris responded that there are 87 miles to be replaced, but they confirmed some of the water mains identified as unknown were in fact lined.

D. Updates from the Retirement Board Meeting

The Town Manager said as they move forward with the Pension Obligation Bond Plan. One of the components is to establish an Investment Advisory Board to advise the Retirement Board on any matters related to the proceeds of the Pension Obligation Bonds. He met with the Retirement Board and asked for their collaboration on this effort. They have agreed to be part of the process of selecting the Committee and having the group seated well before Town Meeting. All parties see tremendous value in putting together a group of volunteer residents.

The appointment of the 5th member of the Retirement Board (RB). The way the RB membership works is that there are 5 members: 2 represent the retirees and are elected by the retirees, 2 members represent the Town with one being selected by the Select Board. The fifth member is chosen by the other 4 members and meant to be an independent representative. The four sitting members vote on a candidate to fill the fifth independent spot which was filled by Gary Coons who is resigning. The RB put out a solicitation and interviewed 3 candidates on 12/17 and by statute voted on the 5th member on January 28th. The two candidates, Joseph Stoltz and Aiden Ford, received 2 votes apiece, a tie vote. The decision then falls to the Select Board after a period of 30-days (end of February).

The Retirement Board took a vote to ask the Select Board to choose from the two candidates. The Select Board can if they want, go out and interview anyone they want but it is in the interest of the Town to act as swiftly as they can. Annie Gilbert suggested

that the Select Board interview the current two candidates at a meeting in early March and take a vote if they feel one of the candidates would be considered a good member. All of the members of the Select Board are in agreement to interview the two candidates after the Retirement Board meeting of February 26th. Annie suggested the Board review the interviews that have already taken place of these two candidates and to also think about questions they would like to ask. Specific questions can be sent to Andrew to compile a set of interview questions for the Select Board to use.

VI. Consent Agenda

A. Appointments by the Town Manager

Alex Vispoli moved that the following appointments by the Town Manager be approved as printed and thanked Wayne Nader for his many years of service to the Town of Andover. The motion was seconded by Laura Gregory. Roll call: L. Gregory-Y, A. Vispoli-Y, C. Huntress-Y, D. Koh-Y, A. Gilbert-Y. Motion passes 5-0.

VII. Approval of Minutes

Chris Huntress moved for approval of the Triboard Minutes of December 9, 2020 as presented. The motion was seconded by Alex Vispoli. Roll call: C. Huntress-Y, D. Koh-Y, A. Vispoli-Y, L. Gregory-Y, A. Gilbert-Y. Motion passes 5-0.

VIII. Executive Session

Laura Gregory 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 for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town, and to approve and not release the Executive Session Meeting Minutes of October 5, 2020 and not to return to Open Session. The Chair so declared that an Open Meeting may have a detrimental effect on the negotiating position of the Town. The motion was seconded by Dan Koh. Roll call: D. Koh-Y, L. Gregory-Y, A. Vispoli-Y, C. Huntress-Y, A. Gilbert-Y. The motion passes 5-0.

IX. Adjournment

At 8:44 PM the Board moved from Open Session to Executive Session, not to return.

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 during Citizens Petitions and Presentations may do so by visiting www.andoverma.gov/JoinSelectBoardMeeting. 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.