

Andover High School Building Committee
Monday, March 27, 2023
Meeting Minutes

Call to Order

Chairperson Mark Johnson called the virtual meeting of the Andover High School Building Committee of Monday, March 27, 2023 to order at 8:02 AM.

Roll Call: Ms. Brown – Present, Dr. Conoscenti – Present, Mr. Flanagan – Present, Dr. Kimelman - Present, Ms. Nicosia - Present, Mr. Prout – Present, Ms. Scully – Present, Mr. Webber – Present, Mr. Johnson - Present. Dr. Parvey arrived at 8:06 a.m.

Others Present: Keith Taverna, Assistant Superintendent for Finance, Patrick Lawlor, Chief Financial Officer, Joe DeSantis and Marco Zappala of PMA Consultants, Lori Cowles and James Liebman of HMFH, Inc.

Public Comment Policy

Mr. Johnson informed the Board that in light of the Barron vs Kolenda decision, he is proposing that the Committee institute a public comment policy which will ensure orderly and peaceful meetings. The policy will outline when public comment is allowed, time limits around public comment, that speakers cannot be interrupted, and that those who interrupt speakers may be removed from the meeting.

Mr. Johnson stated that the Committee would allow for a maximum of 15 minutes for public comment at their meetings with each speaker being allotted 3 minutes. Each speaker must be recognized by the Chair before speaking and give a name and address.

Mr. Prout pointed out a grammatical error and requested that the word they be added after every he/she.

In light of the recent decision in Barron vs. Kolenda, and in order to clarify the Committee's rules regarding its public comment sessions so that they are in conformance with that decision, Ms. Scully made a motion seconded by Dr. Kimelman that the committee adopt the proposed policy as discussed and amended to be effective immediately.

Roll Call: Ms. Brown – Yes, Dr. Conoscenti – Yes, Mr. Flanagan – Yes, Dr. Kimelman - Yes, Ms. Nicosia - Yes, Dr. Parvey – Yes, Mr. Prout – Yes, Ms. Scully – Yes, Mr. Webber – Yes, Mr. Johnson - Yes. Motion Passes (10-0)

Debt Limit Discussion

Mr. Flanagan updated the Committee on the building project and its tie to the town's debt limit. By Massachusetts General Law, all cities and towns have a debt limit, or ability to borrow, up to 5% of the equalized valuation of all property. The Town of Andover's debt limit is \$510 million. Today, Andover has \$409 million in available borrowing and does not have the capacity to fund this project. He added that school building projects that are funded in partnership with the Massachusetts School Building Authority have their costs exempt from the debt limit.

Mr. Flanagan identified three options moving forward:

1. Legislative Relief – The cost of public construction is going up and the legislature may

Andover High School Building Committee
Monday, March 27, 2023
Meeting Minutes

take this issue up this summer.

2. Home Rule Petition – the Town asks the legislature to not count this project towards Andover’s debt limit. This would be take a much longer time frame to be enacted.
3. Appeal to the Municipal Finance Oversight Board. The Select Board would need to vote to ask the MFOB to double the Town’s debt limit for this project. Mr. Flanagan does not recommend this option.

Ms. Scully noted that it is not unusual for borrowings to be exempt from the debt limit. Mr. Flanagan noted that the town successfully sought a home rule petition to exempt the pension borrowing from the town’s debt limit. He added that debt exclusions are typically debt neutral because although the town incurs the debt, it also has a funding source specific to that debt.

Ms. Scully questioned how the town of Brookline, has not been affected by this as they are currently building a high school without MSBA funding. Mr. Flanagan stated that Brookline’s debt limit is almost a billion dollars more than Andover’s debt limit. He added that Concord is also not facing this issue because their valuations are much higher than Andover’s.

Ms. Scully asked if there is any way to figure out how the Town’s bond rating could be affected by this issue. Mr. Flanagan stated that there is not a lot that the town could do right now to get information on how it will affect the bond rating. He added that Lexington and Waltham may be a case study.

Mr. Webber asked what the negative side effects are of a lower bond rating. Mr. Flanagan stated that a bond rating is a credit rating. If the town’s bond rating is lowered, then the Town would have to borrow at higher rates. Mr. Webber asked if the higher rate would affect every town borrowing. Mr. Flanagan stated that he was correct, all town borrowings would be subject to the higher rate.

Dr. Conoscenti asked about the timing of the legislative option. Flanagan stated that if the legislature takes this item up in this session, the town should have an answer by July or August.

Dr. Kimelman stated that the difference between a AAA rating and an AA rating is 10-20 basis points. She noted that it is more exaggerated when the interest rates are higher. She asked what other communities have asked for an exclusion. Mr. Flanagan stated that he does not know, and that information is not easy to find.

Warrant Article Discussion

Mr. Flanagan reminded the Committee that they have sponsored a Town Meeting article for funds for schematic design. He noted that in light of the debt limit issue, right now there is no funding source for the project. The Committee needs to confirm that they have legal authority to proceed with the project.

Mr. Johnson asked if the Town would be able to have a Special Town Meeting for the schematic design funds when it is confirmed that there is legal authority to proceed with the project. Mr. Flanagan stated that there would need to be a discussion around that.

Andover High School Building Committee
Monday, March 27, 2023
Meeting Minutes

Mr. Prout noted that the private sector often builds at risk. He was concerned about losing time. Ms. Scully stated that there would be a cost to the loss of schematic design money, however if the Committee proceeds with the Town Meeting article, it could be unsuccessful. On the day of Town Meeting there is no mechanism to fund a project.

Ms. Nicosia stated that it would be great to come back to the town with an actual project, but not pulling the article opens the door for criticism of the process which has been open and honest.

Ms. Scully asked if money is already allocated through August. Marco Zappala of PMA Consultants stated that funds are allocated through June and may be able to be extended longer.

Mr. Prout asked when the Committee needs to vote to withdraw the article. Mr. Johnson stated that if the vote is taken today, the article will not appear on the warrant.

On a motion by Mr. Flanagan seconded by Dr. Conoscenti, the Committee withdrew the article to complete schematic design from the Warrant for 2023 Annual Town Meeting.

Roll Call: Ms. Brown – Yes, Dr. Conoscenti – Yes, Mr. Flanagan – Yes, Dr. Kimelman - Yes, Ms. Nicosia - Yes, Dr. Parvey – Yes, Mr. Prout – Yes, Ms. Scully – Yes, Mr. Webber – Yes, Mr. Johnson - Yes. Motion Passes (10-0)

Upcoming Meetings

Mr. Johnson stated that the Committee would be having a public forum on Wednesday, March 29th at 7:00 p.m. at Memorial Hall Library. The Committee's next regular meeting will be on Thursday, March 30th at 7:50 a.m. in the School Committee Room.

Public Comment

No members of the public who were participating in the virtual meeting requested to speak.

Mr. Johnson noted that he received an email comment from Mike Meyers that he was unable to access the meeting through Zoom or on Andover TV.

Adjourn

On a motion by Mr. Prout seconded by Ms. Scully, the meeting was adjourned at 8:45 a.m.

Roll Call: Ms. Brown – Yes, Dr. Conoscenti – Yes, Mr. Flanagan – Yes, Dr. Kimelman - Yes, Ms. Nicosia - Yes, Dr. Parvey – Yes, Mr. Prout – Yes, Ms. Scully – Yes, Mr. Webber – Yes, Mr. Johnson - Yes. Motion Passes (10-0)

Documents: Public Comment Policy