Board of Selectmen
Minutes of April 22, 2019

I. Call to Order
Chairman Vispoli called the meeting of the Board of Selectmen to order at 7:03 P.M. in the Board of Selectmen’s Meeting Room at Town Offices. Present from the Board of Selectmen: Annie Gilbert, Chris Huntress, Laura Gregory, Dan Koh, and Alex Vispoli. Also present: Town Manager Andrew Flanagan, Town Clerk, Austin Simko, and Town Counsel, Tom Urbelis. The meeting was duly posted and cablecast live.

II. Opening Ceremonies
A. Moment of Silence/Pledge of Allegiance
The meeting began with a Moment of Silence followed by Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports
The Town Manager announced that the Annual Town Meeting will begin on Monday, April 29th at 7:00 P.M. in the Collins Center, and that on Wednesday, April 24th, a public question and answer session will be held at 6:00 P.M. on the Budget, Warrant Articles, and the TIF Agreement with VICOR. Four additional public information sessions on the renovations to the Senior Center will be held between now and Saturday. Please see the Town website for dates and times.

Austin Simko said the Town Clerk’s Office will be conducting a trial method of check-in at Town Meeting (in the Band Room in the Collins Center for anyone interested) using tablets.

Chris Huntress reported on the meeting with the Trustees of Spring Grove Cemetery and he will be helping the Trustees to create a master plan over the next twelve months.

Laura Gregory looks forward to attending the information meeting on Wednesday at 6:00 P.M. and hopes others will come and ask questions.

Chairman Vispoli suggested making the information meeting prior to Town Meeting an annual event. Alex also reported on the meeting of the Economic Development Committee and the Council on Aging who are both moving forward with many good ideas.

IV. Citizens Petitions and Presentations
Jane Gifton Castle Heights is pleased with how the traffic pattern has been setup for the Main Street Bridge area.

V. Public Hearing – 7:15 P.M.
A. National Grid and Verizon New England, Inc. Petition
Board to discuss and approve a petition from National Grid and Verizon New England, Inc. to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across Central Street. Dave Bouchard from Verizon reported on the request and process to remove double poles, new pole locations, and fiberglass pole
replacement. Laura Gregory remarked on the location and size of the poles, and the material (fiberglass) that should be looked at by public safety to ensure that the size and location is acceptable.

Several residents along Central Street (86, 87, 88 Central Street) spoke about the location of this pole which has been hit 3-4 times per year and finally when moved by 3 ft. has been hit only once. It is assumed that by moving the pole another 3 feet will ensure the pole won’t be hit again and will keep the integrity of the services it provides.

Chris Huntress moved that the Board of Selectmen approve the petition from National Grid and Verizon New England, Inc. to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across Central Street, and subject to final review by the Andover Public Safety Officer. The motion was seconded by Laura Gregory and voted 5-0 to approve. The public hearing ended at 7:40 P.M.

VI. Regular Business of the Board
A. Overview of 5G/Small Cell Wireless Technology
Lindsay LaRoche, Director of the Competitive Division, Department of Telecommunications & Cable, provided an overview of 5G/Small Cell Wireless Technology, the FCC order summary, and a brief synopsis of services provided by the Competitive Division that includes oversight of the traditional telephone market, cable television services in Massachusetts, consumer assistance/complaint resolution, communications market monitoring, and joint jurisdiction over utility pole attachments. Mr. LaRoche talked about the increased demand for internet band-width data that is driving cellular deployment of small cell technology stations in areas where demand is high and macro towers impractical.

The FCC’s Order Summary, effective January 14, 2019, includes: Application Shot Clocks of 10/60/90 days, allows batch applications, cap on application fee(s) and recurring fees that must be non-discriminatory, cost-based, and limits spacing requirements. Municipalities may impose aesthetic requirements if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and published in advance. The FCC Order redefines the right-of-way. Mr. LaRoche provided additional information on the FCC requirements and responded to questions on application timelines and fees from the Board.

The order is being appealed in the 9th Circuit Court, 21 states have passed small cell legislation, industry will test the waters, and the comprehensive agreements between municipalities and providers (Boston/Verizon). Unlawful denial of public property, incomplete applications, spacing restrictions, fees, shot clocks are a few of the items that municipalities can deny.

A. Heffron Way
The Town Manager reported that they have been actively involved with the Greater Lawrence Technical School pertinent to the Heffron Way off of River Road that will allow direct access to the property located along the Merrimack River and the boat house for
recreation opportunities for Andover residents and to the Police/Fire Departments for public safety reasons. This is the last step in the process of completing the agreement.

Dan Koh moved pursuant to Chapter 162 of the Acts of 2010, that the Board vote to sign the two Deeds, the Easement and the Agreement for the land conveyance, with the Greater Lawrence Technical School relating to the Heffron Way off of River Road. The motion was seconded by Laura Gregory and voted 5-0 to approve.

B. Municipal Vulnerability Preparedness Grant Program (MVP)
Paul Materazzo provided an overview of MVP Grant Program which provides for collaboration with municipalities to identify existing and future vulnerabilities, key strengths, and to develop plans for vulnerability preparedness and implement key climate change adaptations. Opportunities include preventions to address flooding, aging infrastructures, and an opportunity to purchase land parcels, purchase generators, and upgrade water culverts. A public meeting will be held in the Spring of 2019 and a final report to be submitted to the State, which once accepted allows Andover to apply for the grants.

C. Town Government Study Committee
The Town Manager provided information to appoint a Study Committee to update the charge (last done in 2002) and consider voting to accept the recommendation to establish a Town Government Study Committee. It is expected that the process will take over a year; once the Board approves the charge, the work will begin.

Recommendations by the Selectmen included the scope of the review, the importance of the group chosen to solicit information from the public, establishing check-point dates to provide updates to the Board, and the importance of committee members not having pre-conceived opinions.

Annie Gilbert moved that the Board vote to accept the recommendation of the Town Manager to establish the Town Government Study Committee. The motion was seconded by Chris Huntress and voted 5-0 to approve.

D. Annual Town Meeting Warrant Article Review
Article 41: Review provided by Paul Materazzo on the scope of the project to create improvements in the downtown area behind Old Town Hall and the parking lot on the corner of Bartlet and Park Street was provided.

Article 49: information was provided on the size of solar areas for small scale and large scale zoning areas provided by Jackie Byerly. Anil Naval provided photos of solar carports at Schneider Electric as an example of what could be implemented in other parking lots in Andover. Don Robb strongly recommends this Article be withdrawn and a series of public meetings held. A resident of 105 Porter Road, said the portion of the Article that refers to over 1,000 sq.ft. carport solar is an impediment to the development of solar and urges the article be dropped from Town Meeting. Rosemary Halloran, encourages solar but objects to having them installed in residential areas. The Planning
Board motioned to withdraw the Article. Selectmen have concerns and that this Article needs more time to be properly addressed.

Article 64: Trustees of Spring Grove Cemetery voted 5-0 in favor of Article 64 and to sell the land to Mrs. Ball. Chris Huntress said the Trustees came up with a reasonable position that he recommends the Board support. Don Robb, Trustee of the Spring Grove, said all of the Trustees felt that the proposal seemed very fair.

| Article 41 | Parking and Hardscape Improvements: Lt 1: behind Old Town Hall and the parking lot on the corner of Bartlet and Park Street. Annie Gilbert moved to Recommend Approval of Article 41 as presented. The motion was seconded by Chris Huntress and voted 5-0 to recommend approval of Article 41. |
| $400,000 | RA |

| Article 49 | Amend Zoning Bylaw Article VIII: Solar Energy: Annie Gilbert moved that the Board of Selectmen recommend disapproval with an additional recommendation that the Article be withdrawn so the Board can, in a timely manner, consider another version. Motion seconded by Chris Huntress and voted 5-0 |
| Not Recommend And to withdraw |

| Article 64 | Spring Grove Cemetery Transfer of Property: Chris Huntress moved that the Board of Selectmen recommend approval of Article 64 as presented. Chris Huntress amended his motion to include the funding for an appraisal by the Town, to be paid for by the applicant, and report back to the Board with a final number. Board voted 5-0 to recommend approval. |
| RA |

E. **Special Town Meeting Warrant Article Review**

Board to consider voting to take position on the following article:

| Article 2 | Automatic External Defibrillators on Town Playing Fields Annie Gilbert moved to recommend approval of Article 2 of the Special Town Meeting. The motion was seconded by Laura Gregory and voted 5-0 to approve. |
F. **FY2020 Water Rates & Water Main Replacement Program**

Laura Gregory moved to go into session to act as Water Commissioners for the purpose of setting FY-2020 Water Rates and accepting a water main replacement recommendation. The motion was seconded by Chris Huntress. Roll Call: D. Koh-Y, C. Huntress-Y, A. Gilbert-Y, L. Gregory-Y, and A. Vispoli-Y.

The Town Manager reviewed the objectives of the water rate that include accelerating the Water Main Replacement Program, aligning of the paving restoration to fully fund 11.9 miles of water mains impacted by the gas disaster and target full replacement in 15 years. And to take advantage of the State Revolving Fund Loan Program to fund emergency work associated with gas disaster, a one-time opportunity and 0% loans, and principal forgiveness. In order to achieve this recommendation, the rate will increase in 4 years by 5% from FY2020-2023 and after that a 3.5% increase. The average annual water bill will increase in year one to $18.67 in FY2020 and will still be lower than the annual cost of our surrounding communities.

Chris Huntress moved that the Board vote to set the FY 2020 fiscal year water rates at: Tier I $3.20, Tier 2 $3.52, Tier 3 at $3.84, and to accept and adopt the water main replacement program along with the corresponding financing plan. The motion was seconded by Laura Gregory and voted 5-0 to approve.

The Board moved to adjourn from Water Commissioners and to go back to Regular Session. Motion seconded by Laura Gregory and voted 5-0. Roll call: D. Koh-Y, L. Gregory-Y, C. Huntress-Y, A. Gilbert-Y, A. Vispoli-Y. Motion passes 5-0.

G. **Town Meeting Speaking Assignments**

Board to review Annual Town Meeting Speaking Assignments. Alex Vispoli reported on his meeting with the Town Manager to review the speaking assignments for Town Meeting last week. There are articles that will be withdrawn and there will be notes on the article for additional speaker notes if needed. Austin Simko should be notified if there are additional comments a Board member wants to include.

H. **Town Accountant Employment Contract**

The Town Manager updated the Board on his negotiations with Town Accountant, Haley Green for a 3-year contract and to approve and authorize the Town Manager to sign employment contract between the Town and Hayley Green.

Chris Huntress moved to vote and approve and to authorize the Town Manager to sign the contract between the Town and Haley Green. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

VII. **Consent Agenda**

A. **Appointments by the Town Manager**

On a motion by Laura Gregory and seconded by Chris Huntress, the Board voted 5-0 that the following appointments by the Town Manager be approved:
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<thead>
<tr>
<th>Department</th>
<th>Name</th>
<th>Position</th>
<th>Rate/Term</th>
<th>Date of Hire</th>
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</thead>
<tbody>
<tr>
<td>Fire</td>
<td>Philip Mansfield</td>
<td>Firefighter</td>
<td>$57,285.36</td>
<td>5/5/2019</td>
</tr>
<tr>
<td></td>
<td>(Jameson Lockhart)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire</td>
<td>Victoria Manning</td>
<td>Firefighter</td>
<td>$57,285.36</td>
<td>5/5/2019</td>
</tr>
<tr>
<td></td>
<td>(Bruce Belbin)</td>
<td></td>
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<tr>
<td>Clerk’s Office</td>
<td>John Lugus</td>
<td>Poll Worker</td>
<td>$9.25/hour</td>
<td>4/23/2019</td>
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<tr>
<td>Information Technology</td>
<td>Dylan Knepper</td>
<td>IT Seasonal Assistant</td>
<td>$16.00/hour</td>
<td>4/22/2019</td>
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<tr>
<td>Community Services</td>
<td>Jolly Frias</td>
<td>Summer Program Counselor</td>
<td>$11.25/hour</td>
<td>4/29/2019</td>
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<td>-Recreation</td>
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VIII. **Approval of Minutes**
A. Board to approve minutes from the following meetings:
   1. March 6, 2019 Triboard Meeting
   2. March 11, 2019 Board of Selectmen Meeting

Laura Gregory moved that the Board vote to approve the Minutes of the March 6, 2019 Triboard meeting and the March 11, 2019 Regular Meeting. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

IX. **Executive Session**
Laura Gregory moved for the Board to enter into Executive Session pursuant to Purpose (2) of the Open Meeting Law, to approve the Executive Session Minutes of March 11, 2019 and not to return to Open Session. The motion was seconded by Chris Huntress. Roll call: L. Gregory-Y, A. Gilbert-Y, C. Huntress-Y, D. Koh-Y, and A. Vispoli-Y. Motion passes 5-0.

X. **Adjourn**
The Board adjourned from Open session at 10:26 P.M. and moved to Executive Session not to return to Open Session.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

*April 22, 2019*

*Rev. 7/15/2019*