

**Select Board**  
Minutes of Monday, September 20, 2021  
Virtual Meeting

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**I. Call to Order**

Chairperson Chris Huntress called the Select Board Meeting of Monday, September 13, 2021 to order at PM. Other members in attendance: Laura Gregory, Annie Gilbert, Alex Vispoli, Dick Howe.

**Others in Attendance:** Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Assistant Town Manager Patrick Lawlor, Acting Town Clerk Melissa Ripley, Town Counsel Tom Urbelis, Human Resource Director Jess Porter.

**II. Opening Ceremonies**

A. Moment of Silence/Pledge of Allegiance

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

**III. Communications/Announcements/Liaison Reports**

Andrew Flanagan reported that this upcoming Saturday, Andover Community Day will be held at Lower Shawsheen beginning at 9:00 A.M. with activities for the entire family as part of the 375<sup>th</sup> Anniversary Celebration. The Mobil Town Hall will be there as well.

Mike Lindstrom reported that the DPW is requesting any resident who has a row boat(s) stored at Merrimack River to remove them by October 1<sup>st</sup>.

Melissa Ripley said that the Town Clerk's Office is busy with licensing requests and the Town street listing which will go out next week.

At the last meeting of the Select Board, Tom Urbelis was delegated to respond to Open Meeting Law complaints from Michael Meyers and Kathleen Grant. The responses have gone out rejecting their claims of Open Meeting Law complaints with a copy of the responses sent to the Atty. General Office.

Atty. Kesten served a subpoena upon the Andover Youth Foundation's (AYF) financial records; however, the AYF attorney objected to the subpoena and refused to provide any financial information on the employees. Atty. Kesten is following up.

Alex Vispoli said the bicycle rodeo held on Saturday, September 18, was well attended with plenty of support from Town Departments. It was a great event that included a drawing for bikes, safety inspection of bikes, and Lawrence General Hospital staff gave away bike helmets and fitting them to the children. Thank you to everyone for their effort.

Chris Huntress received several questions on why the Select Board Meetings are being held remotely. Chris read his email response stating that there are many decisions that go into why we meet remotely or in-person, including the safety of the staff, the size of the rooms, size of the crowd, and for residents who may not want to come to a meeting for personal reasons to be able to participate. Other factors include which rooms are

open and what technologies are available in those rooms. They will continue to evaluate the options of meeting in person as we go along.

#### **IV. Citizen Petitions:**

Maria Bartlett, 26 Jenkins Road provided input on the Town Manager's review. The Select Board will be going into Executive Session tonight to discuss the Town Manager's contract. Will the public find out if the Select Board will hold the Town Manager accountable in any way for the injustices to the former AYS Director and the other AYS employees and for the problems with AYS? She feels the Town Manager exhibited extremely poor judgement. Two investigations with two findings of no credibility, and yet the Select Board continued to support the Town Manager. No other accusations have ever surfaced about Bill Fahey's work with children over the entire length of his 26 years of tenure. This has exposed the Town of Andover to the possibility of a huge financial settlement.

Kristin Wise, Inwood Lane: She would like to know about the evaluation process for municipal employees. The Town Manager said most of them are in unions and prohibits us from giving evaluations; but most have some sort of an evaluation process. What would happen if an employee was violating town policies and the Manager was unaware, would there be consequences for the Manager?

Emails: Kathleen Grant, 83 Morton Street. When will there be a search for an interim clerk, who will not be permanent, and then a search for a permanent town clerk? The Town Manager said they made a decision to have an existing employee serve as the interim Town Clerk have been soliciting interest for the Town Clerk position and will be extending it for another three weeks to expand the candidate pool. The process will include an assessment component, evaluative tools, and other skills.

Roland Kim, 98 Burnham Road. Sent in a two-page attachment statement that Mr. Lawlor summarized. He does not understand why the Select Board Meetings are not held in public and is interested in the SB rationale in meeting virtually. He is concerned about the integrity of the Town's administration and states that he has heard from former employees about a culture of intimidation and he has read transcript and emails about arbitration proceedings between the Chelmsford's Sergeants Union and the Andover Town Manager's role with that serving as mediator for the Dept. of Labor Relations. He also talks about Records requests for public documents that ended up at the Commonwealth Supervisor of Public Records. He has reviewed reports by Regina Ryan's firm in which he states the outcomes are bias and predetermined.

Michael Silverman: What is the purpose of the Bike Rodeo in relation to safe streets for kids and families to use our roadways to bike? The Town Manager said they shared the Safe Street concept to build streets that makes multi-transportation safe. Make sure people who are traveling by bike are safe on the roadways and consistent with the State's Safe Street Program.

Jane Giffun, 9 Castle Heights Road, commented on the Colleen Ritzer Road Race and was moved by the students with pink T-shirts under their football jerseys and stood

with hands over their hearts. It was encouraging to see their dedication and it was a wonderful pink day for Andover.

Amy Belcher, 20 Wildwood Drive. Who is monitoring the employees at AYS? They seem to be using their computers and not interacting with the kids. Jemma Lambert said there is an Interim Director on site providing great support and Jemma is there as often as she can. Not all of the staff is focused 100% on the kids. One Program Coordinator is extremely busing ramping up the program and occupied on the computer trying to get her work done, everyone else is focused on the kids.

**V. Public Hearings**

**A. Liquor License Change in Manager**

Melissa Ripley reported on the request of the Lanam Club Board to review and consider voting approving the application of Lanam Club, 260 North Main Street, for a Liquor License Change of Manager to their All Kinds of Alcoholic Beverages Club License to Joanna Collantine-Kerr, 660 Great Pond Road, North Andover, MA. There are no issues with the Lanam Club and the application was accurately completed.

Annie Gilbert moved to approve the application of the Lanam Club, for a change of Manager to their All Kinds of Alcoholic Beverages Club License at 260 North Main Street, Andover, subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Alex Vispoli. Roll call: L. Gregory-Y, D. Howe-Y, A. Gilbert-Y, A. Vispoli-Y, C. Huntress-Y. Motion passes 5-0.

**VI. Regular Business**

**A. Mask Guidelines**

At the last meeting, the Board voted on a mask mandate for the Cormier Youth Center, the Robb Center, and the Memorial Hall Library. The decision has been well received by staff, and users of the spaces. Based on the last meeting, they set out to develop straight forward guidelines for extending face coverings at all Town Buildings effective Wednesday, September 22<sup>nd</sup>. This only applies to Town owned and operated buildings, and not to the school buildings who operate under their own guidelines. All Town Buildings will remain open to the public for walk in service and residents will be required to wear a mask when entering any Town-owned building. All meetings held in town buildings will require face coverings by all participants. The Fire and Police Chiefs will develop a policy and implementation plan for the Public Safety Center and their respective departments. Town employees will be required to wear masks when conducting business.

The Town Manager is asking for the authorization to make changes to the mask wearing policy without coming back to the Board. Tom Carbone will provide an update at the October 18<sup>th</sup> to the Board.

Dick Howe moved that the Select Board extend the mask mandate to all Town-owned buildings in accordance with the requirements presented by the Town Manager and authorize the Town Manager to make any modifications necessary to ensure both compliance and the effective delivery of services and that the Board revisit the decision at their October 18<sup>th</sup> meeting after an update from Tom Carbone. Motion seconded by Annie Gilbert. Roll call L. Gregory-Y, D. Howe-Y, A. Vispoli-Y, A. Gilbert-Y, C. Huntress-Y. Motion passes: Motion passes 5-0.

B. Pension Obligation Bond Update

The Town Manager reported on the progress of the Investment Advisory Committee who have been meeting regularly and reviewing information on how best to invest the proceeds for the Pension Obligation Bond. The Committee is ready to make a recommendation to the Retirement Board on how to proceed. Next week, they will be checking in with the Executive Office of Administration and Finance who have general guidelines that we have to follow. Andrew Gribbel, Chair of the Investment Advisory Board was present to answer questions from the Board.

When can we expect to go forward with the borrowing process? They expect to go forward with the process in late October and early November.

Andy Gribbel, provided background information on the five members of the Committee who, in conjunction with the Andover Staff and Financial people have gathered an abundance of data and information and are building on the work already done by the Town and the Retirement Board. They are analyzing the information and re-evaluating the risk of borrowing money. Their hope is to be in a position to reach a conclusion on the issuance of funds at their next meeting on October 29<sup>th</sup> and then make a presentation to the Andover Retirement Board. Even though it has been approved by the voters at Town Meeting, they want to make sure they take the right course of action. The process includes their making a recommendation to the Select Board for a vote, and then a recommendation to Andover Retirement Board for a vote.

C. Update on Andover Youth Services

Jemma Lambert provided a brief update to the Board on Andover Youth Services. Attendance is growing substantially with the Drop-in Activities. They have been working to get every one of the activity requests up and running, including theater works, drama clubs, and performance dates. In addition, other activities such as, dance, cooking, girls' coding, art classes, wrestling, Dungeons and Dragons, are being actively pursued.

Shuttle Service registration begins this week and the Drop-In Center regular schedule resumes the week of September 27. They hope to resume membership registration the week of October 4<sup>th</sup> staff training is on-going. They have been partnering with APS Athletic Dept., Andover Center for History and Culture, Merrimack Valley YMCA and are developing a Memorandum of Understanding MOU with a local clinical consultant.

Much of the work over the past weeks has been preparing to open the Center. A draft timeline for AYS Steering Committee was provided by Andrew that included the following timeline:

- October 18<sup>th</sup> the Board to approve eleven appointments to the Steering Committee.
- Nov-December – Committee to develop and administer a community survey and facilitate public members to solicit public input.
- January – finalize profile for Director of AYS and provide update to the Board.
- February – Advertise and solicit interest for Director position.
- March – Facilitate selection process for Director position with Committee participation.
- April – Appoint a Director.
- May – Committee to host public forum, introduction to new Director, share survey results and recommendations derived from public input.
- June – Committee to conclude its work.

They will not be hiring permanent staff until the Director is in place.

Questions from the Select Board:

What is the status of the Selection Committee for the Steering Committee: *The Town Manger said they hope to have town staff identified by next week and completed by Oct 18<sup>th</sup>*

~ Is the assumption that everyone who submitted an email does want to be on the Steering Committee? *It was a mix of both, they will be reaching out to confirm their interest.*

#### D. Town Manager Performance Evaluation

Board to discuss and consider voting to accept the Town Manager Composite Review.

Chris Huntress provided a brief overview on how the information will be presented. Individual Selectmen have not seen the reviews or the overall composite rating. Jess Porter will be presenting the composite review. The Select Board members may comment on each category before moving on to the next. The documents are available by public request.

Jess Porter, outlined the parameters of the performance evaluation tool used by all five of the Select Board Members. That includes personal characteristics, professionalism, public relations/communications, Board Support/Relations, Community Leadership, Organizational Leadership/Personnel Management, and Financial Management, and Planning and Organization.

Rating scale is 1-5 with 1 being unsatisfactory, 2 improvement needed, 3 meets expectations, 4 exceeds expectations and 5 Excellent/Highly Commendable. Each category includes sub-categories.

	<u>2021 Rating</u>
Personal Characteristics	4.76 out of 5.00
Professionalism	4.21 out of 5.00
Public Relations/Committee	3.75 out of 5.00
Board Support & Relations	4.00 out of 5.00

Community Leadership	3.84 out of 5.00	
Organizational Leadership /Personnel Management	3.83 out of 5.00	
Financial Management	4.57 out of 5.00	
Planning & Organization	3.93 out of 5.00	
Overall rating:	4.12 out of 5.00	4

7 goals for 2020-2021

- Long Range Financial & Operational Planning
- Citizen Response Management & Engagement
- Capital Investments
- Downtown Andover
- River and Open Space Access
- Diversity, Equity & Inclusion
- Energy & Sustainability

Annie Gilbert suggested including the document that outlines the goals, that were adopted last year, with the update on the Town Manager’s evaluation for those that request it.

The Town Manager thanked the Board for participating in the evaluation process. The information from their feedback will be used as they move forward. They have accomplished a lot over the last several years and he is grateful for the Town Staff who are committed to the overall organizational success.

There are a lot of good suggestions for areas of improvement that will be invaluable to the Town Manager.

Annie Gilbert moved to accept the Town Manager’s composite review. Motion seconded by Alex Vispoli. Roll Call: D. Howe-Y, L. Gregory-Y, A. Vispoli-Y, A. Gilbert-Y, C. Huntress-Y. Motion passes 5-0.

**VI. Consent Agenda**

A. Appointments by the Town Manager

Alex Vispoli moved that the Board vote that the following appointments by the Town Manager be approved. Motion seconded by Dick Howe. Roll call: D. Howe-Y, L. Gregory-Y, A. Gilbert-Y, A. Vispoli-Y, C. Huntress-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
Department of Public Works	Mark Wood (David Van Dooren)	Emergency Vehicle Technician	\$74,679.41/yr	9/21/2021
Community Services – Youth Services	Dawy Lebron	Temporary Program Coordinator	\$40.00/hr	9/7/2021
Andover Green Advisory Board	Willow Cheeley	Member	Term Expires 6/30/2024	9/20/2021

Andover Housing Trust Fund Board of Trustees	David Brown	Member	Term Expires 6/30/2024	9/20/2021
Council on Aging	Amanda Preston	Member	Term Expires 6/30/2022	9/20/2021
Cultural Council	Paul Graveline	Member	Term Expires 6/30/2022	9/20/2021
Cultural Council	Tanja King	Member	Term Expires 6/30/2022	9/20/2021
Cultural Council	Amie Joof Senghore	Member	Term Expires 6/30/2022	9/20/2021

**VII. Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. August 16, 2021
2. August 30, 2021

Laura Gregory moved to approve the Select Board Minutes of August 16 and August 30 as amended. Motion seconded by Alex Vispoli. Roll Call: D. Howe-Y,

L. Gregory-Y, A. Vispoli-Y, A. Gilbert-Y, C. Huntress-Y. Motion passes 5-0.

**IX. Executive Session**

A. Annie Gilbert moved for the Board to vote to go into Executive Session pursuant to Purpose 2 of Massachusetts General Laws, Chapter 30, Section 21(a), to conduct contract negotiations with nonunion personnel, i.e., the Town Manager, and for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town, and not to return to open session. The Chair so declared. Motion seconded by Dick Howe. Roll call: A. Gilbert-Y, L. Gregory-Y, D. Howe-Y, A. Vispoli-Y, C. Huntress-Y. Motion passes 5-0.

**X. Adjourn**

At 8:37 PM the Select Board adjourned from Regular Session.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo

Recording Secretary

Pursuant to S.2475 "An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency," which was enacted into law on June 16, 2021, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. The virtual meeting will be broadcast on 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](http://www.andoverma.gov/JoinSelectBoardMeeting). They will be admitted during Citizens Petitions and Presentations.

Members of the public who wish to ask a question on particular agenda item during the regular meeting can speak to a staff member by calling 311 from their landline or cell phone within the geographical boundaries of Andover or call 978-623-8311 from anywhere. Questions can also be emailed during the meeting by emailing [manager@andoverma.us](mailto:manager@andoverma.us). Residents are encouraged to email their questions or comments ahead of the meeting – however, staff will be available to present the Select Board with questions and comments received during the meeting. Please include your name and address with your question or comment.

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 our 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.

MEETINGS ARE TELEVISED ON  
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45