



Select Board Meeting

Monday, December 14, 2020 7:00 PM

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order – 7:00 P.M.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

III. Communications/Announcements/Liaison Reports

IV. Citizens Petitions and Presentations

To provide public comment during Citizens Petitions and Presentations visit
www.andoverma.gov/JoinSelectBoardMeeting

V. Public Hearings

A. Elm Square Liquor Co. All Alcoholic Liquor License Hearing – (10 minutes) – Continued

Board to review and consider voting to approve the application of Liquor Bros. LLC, d/b/a Elm Square Liquor Co., 2 Elm Square, Andover, MA, for an All Alcoholic Package Store Alcoholic Beverage License at 2 Elm Square and to appoint Krupal Soni, 161 Flower Lane, Dracut, MA, as designated Manager.

B. National Grid and Verizon New England Pole Petition – (10 minutes)

Board to discuss and consider voting to approve a petition from National Grid and Verizon New England for National Grid to install (1) JO pole on Salem Street beginning at a point approximately 5 feet south of the centerline of the intersection of Vine Street and continuing approximately 20 feet in a northeast direction; to install (1) new stub pole with anchor in town right of way; and to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purposes of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

C. Capital Improvement Program FY2022 – FY2026 – (10 minutes) – 2nd Reading

Board to discuss and consider voting to approve the Town Manager's recommended Capital Improvement Program.

VI. Regular Business

A. Update on COVID-19 – (5 minutes)

Town Manager and Health Director to provide an update on COVID-19.

B. Chili's Grill and Bar Liquor License Change in Manager – (10 minutes)

Board to review and consider voting to approve the application of Pepper Dining, Inc., d/b/a Chili's Grill and Bar, for a Change of Manager on its All Alcoholic Beverages Alcoholic Beverage License at 131 River Road, Andover.

RECEIVED
TOWN CLERK'S OFFICE
2020 DEC 10 PM 2:58
TOWN OF ANDOVER, MASS

- C. Commission on Diversity, Equity and Inclusion – (10 minutes)
Board to discuss and consider voting to approve the charge for a Commission on Diversity, Equity and Inclusion.
- D. Federal Aviation Administration Lease – (5 minutes)
Board to vote to authorize the Chair of the Select Board to sign a lease with the Federal Aviation Administration.

VII. Consent Agenda

- A. Appointments by the Town Manager
Board to vote that the following appointments by the Town Manager be approved.

Department	Name	Position	Rate/Term	Date of Hire
Police Department	Matthew Hughes (Charles Edgerly)	Sergeant	\$96,145.47/year	12/20/2020

VIII. Approval of Minutes

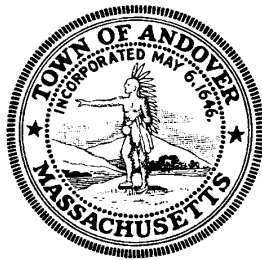
- A. Board to approve minutes from the following meetings:
 1. May 28, 2020
 2. September 3, 2020
 3. November 16, 2020

IX. Adjourn

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.

TOWN OF ANDOVER



PUBLIC HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Liquor Bros. LLC d/b/a Elm Sq Liquor Co., 2 Elm Square, Andover, MA has applied for an All Alcoholic Package Store Alcoholic Beverage License at 2 Elm Square, Andover, MA. Krupal Soni, 161 Flower Lane, Dracut, MA is the proposed designated manager.

The premises to be described as follows: One floor with 1,093 sq. ft. space with front entrance/exit facing the street and a second exit at left rear, a small office are the rear and a small stock room at right rear.

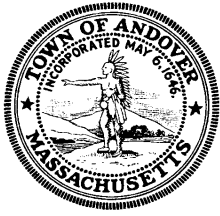
The public hearing will be held on Monday, December 7, 2020 at 7:00 p.m. in accordance with the General Laws relating thereto. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this hearing of the Select Board will be conducted via remote participation. The virtual hearing will be broadcast on Comcast Channel 22 and Verizon Channel 45,

Members of the public who wish to participate in the hearing can do so by calling 311 from their 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 or comments ahead of the meeting, however, staff will be available to present the Board with questions and comments received during the hearing. Please include your name and address with your question or comment.

By Order of the
Select Board

Austin Simko
Town Clerk

Date of Issue: Thursday, November 26, 2020



**Town of Andover
SELECT BOARD**

License and Permit Application Public Hearing Questionnaire

Please be willing and able to address these questions before the Board of Selectmen during your hearing.

Liquor License Application, Renewal, Change of Designated Manager

Name	Krupal Soni
Address	161 Flower Lane Unit 14 Dracut, MA 01826
Title	Owner/Manager
Company	Liquor Bros. LLC d/b/a Elm Sq Liquor Co.
Are all employees who will be serving alcohol TIPS certified?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Currently, the only employee is Krupal Soni, Who is TIPS certified. if the applicaiton is approved, there will be additional empolyees and they will be tips certified as part of training program.
Does the establishment or any employees have any prior violations in terms of liquor license compliance? If yes, please describe the nature of any violations	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please describe your business and the plans that have brought you before the Board this evening.	This will be an high-end upscale liquor store.
Please provide an overview of qualifications, certifications, and experience of the designated manager of the establishment.	Business Manager/Owner with over 15 years of exprience manging a convenience store with beer/wine and lottery. Also, holds a Bachlors and Master degree in business managment from University of Massachusetts Lowell.

Liquor Bros. LLC, MOTIONS

MOTION #1

I move to approve the application of Liquor Bros. LLC, d/b/a Elm Square Liquor Co., 2 Elm Square, Andover, MA, for an All Alcoholic Package Store Alcoholic Beverage License at 2 Elm Square, Andover, MA, and to appoint Krupal Soni, 161 Flower Lane, Dracut, MA, as designated Manager, subject to the condition that all other requirements of the Town are met prior to issuance.

Moved by _____

Seconded by _____

Voted _____ to _____

MOTION #2

I move that the Board find that the application of Liquor Bros. LLC, d/b/a Elm Square Liquor Co. for an All Alcoholic Package Store Alcoholic Beverage License at 2 Elm Square, Andover, MA is not detrimental to the educational and spiritual activities of the Andover Baptist Church at 7 Central Street or the Free Christian Church at 31 Elm Street, Andover, MA.

Moved by _____

Seconded by _____

Voted _____ to _____



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8230
townclerk@andoverma.gov

NOTICE

You are hereby notified that a Virtual Public Hearing will be held by the Andover Select Board on Monday, December 14, 2020 at 7 p.m.

This hearing is being held on the petition of National Grid and Verizon New England requesting permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

#28595048 – Salem Street – National Grid to install (1) JO pole on Salem Street beginning at a point approximately 5 feet south of the centerline of the intersection of Vine Street and continuing approximately 20 feet in a northeast direction. National Grid to install (1) new stub pole with anchor in town right of way.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Plan(s) of the proposed work can be found in the Meeting Packet on the Select Board's page on the Town of Andover website, www.andoverma.gov.

Questions regarding the proposed work can be emailed to Michael Lindstrom, Deputy Town Manager, at Michael.Lindstrom@andoverma.us by Thursday, December 10, 2020.

By order of the
Select Board

Austin P. Simko
Town Clerk

Plan No: 28595048
December 1, 2020

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 ask a question on particular agenda items during the 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.

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Questions contact Quentin Kroll 781-907-4445

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Andover, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Salem St. - National Grid to install (1) JO pole on Salem St. beginning at a point approximately 5 feet south of the centerline of the intersection of Vine St. and continuing approximately 20 feet in a northeast direction. Install stub pole and anchor in town right of way, to replace tree guy wire.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Salem St. - Andover, Massachusetts.

28595048

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID

BY _____

Engineering Department

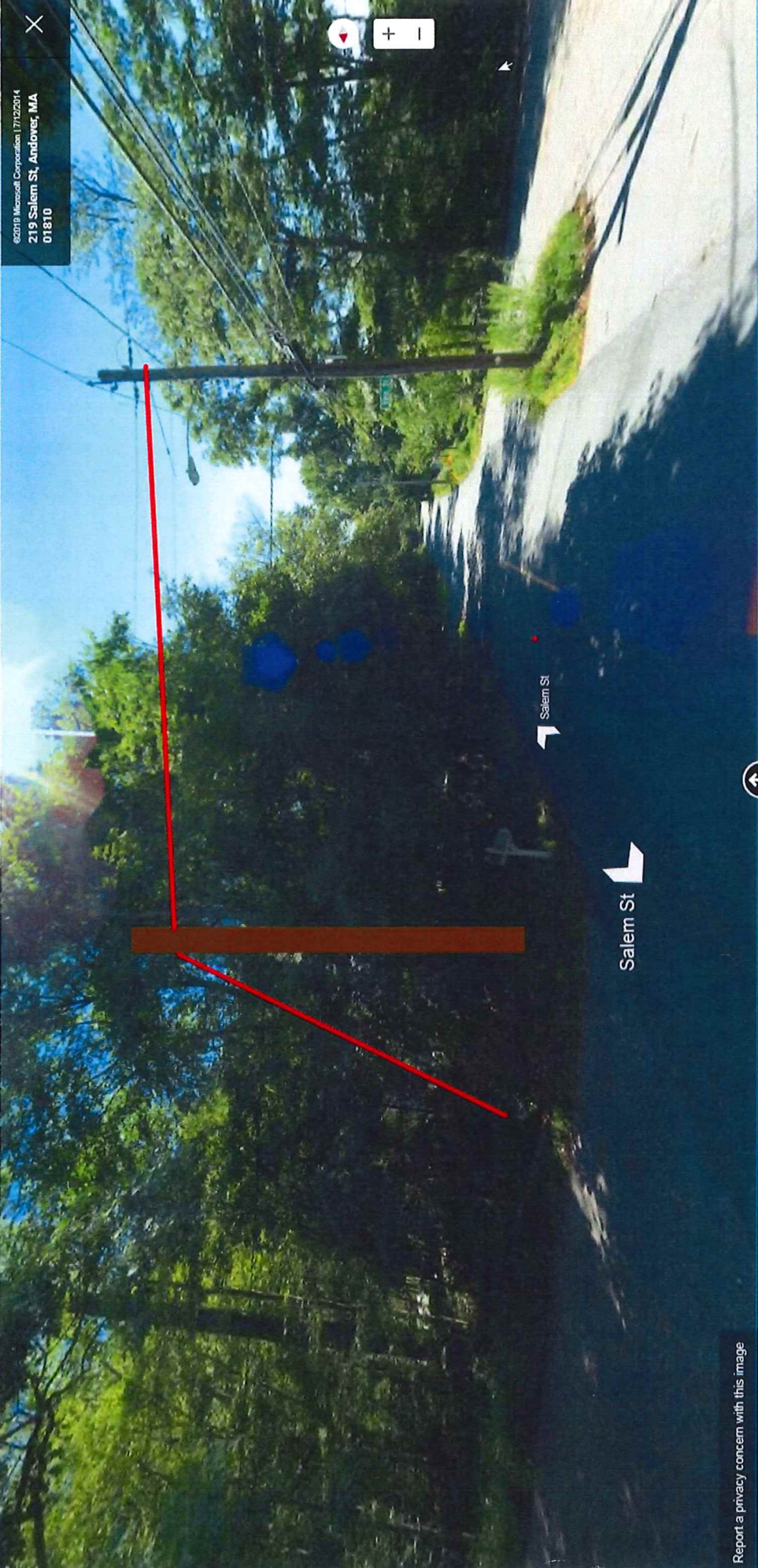
Dave Johnson/lla

VERIZON NEW ENGLAND, INC.

BY _____

Manager / Right of Way

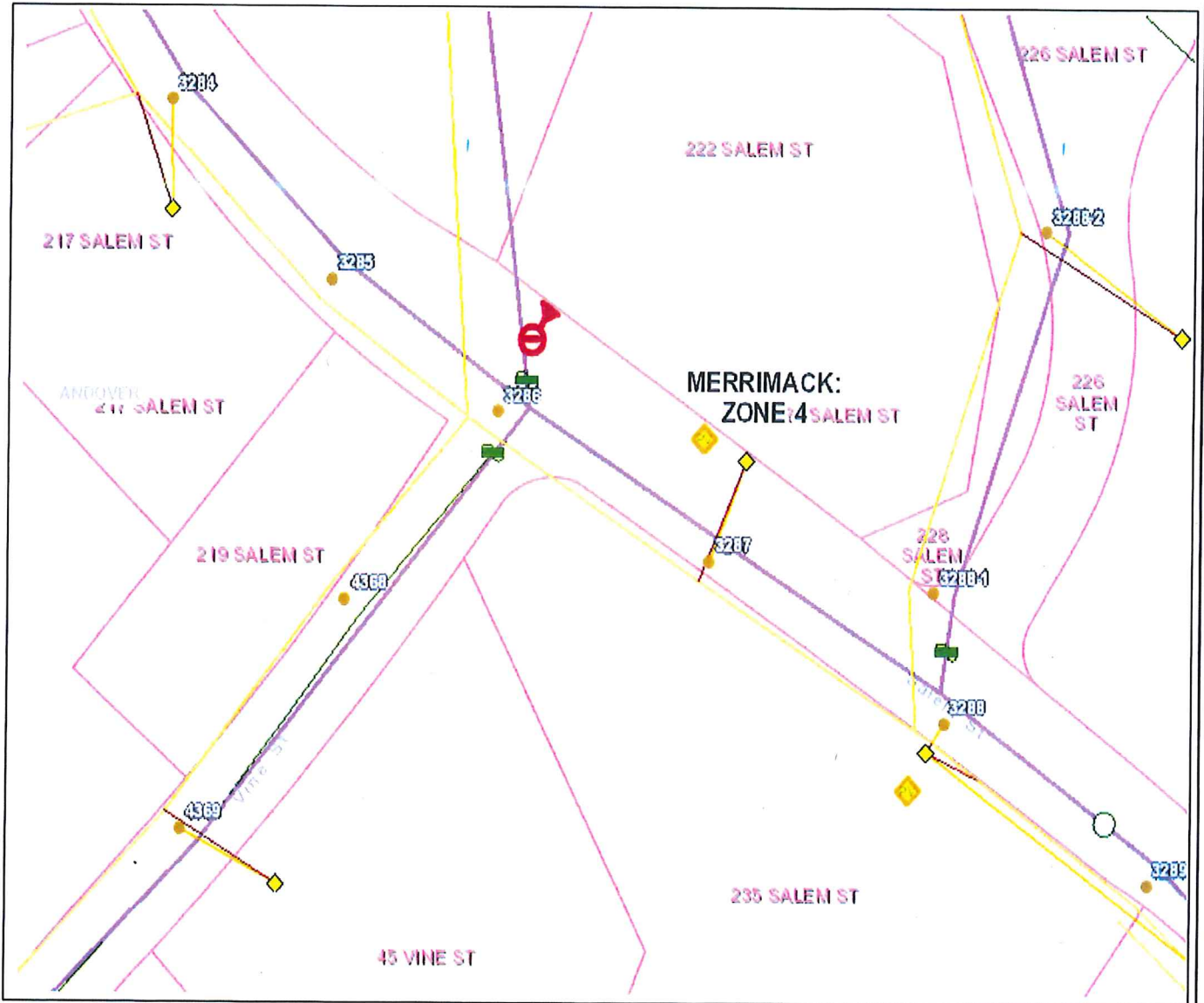
September 12, 2019



Report a privacy concern with this image



EXHIBIT 'A' NOT TO SCALE
THE EXACT LOCATION OF
SAID FACILITIES TO BE
ESTABLISHED BY AND UPON
THE INSTALLATION AND
ERECTION OF THE FACILITIES
THEREOF.



LEGEND

- ⊕ PROPOSED JD POLE
- PROPOSED JD ANCHOR

SALEM ST
PETITION

ANDOVER

MA

Date: 9/10/2019

Designer: KRDLLO

WR:28595048

nationalgrid

TOWN OF ANDOVER, MASSACHUSETTS



PRIVATE UTILITY PETITION CHECKLIST

TO BE FILLED OUT BY PETITIONER

COMPANY: National Grid (Electric)
PROJECT MANAGER NAME: Quentin Kroll
PROJECT MANAGER CONTACT NUMBER: 781-907-4445
LIST OF ADDRESSES IMPACTED BY PROPOSED WORK: 222 Salem St
PETITIONER IS REQUIRED TO ATTACH PICTURES SHOWING AREA OF PROPOSAL
PICTURES HAVE BEEN ATTACHED YES

TO BE FILLED OUT BY TOWN OF ANDOVER STAFF

DPW	
SUPPORT PROJECT (YES / NO) <input checked="" type="radio"/> YES	SIGNATURE: <i>[Signature]</i>
	TITLE: <i>Town Engineer</i>
COMMENTS: <i>Currently a tree is acting as a guy pole. This standard guy pole will be a more suitable solution.</i>	

POLICE DEPARTMENT	
SUPPORT PROJECT (YES / NO)	SIGNATURE: _____
	TITLE: _____
COMMENTS:	

FIRE DEPARTMENT	
SUPPORT PROJECT (YES / NO)	SIGNATURE: _____
	TITLE: _____
COMMENTS:	

TOWN OF ANDOVER, MASSACHUSETTS



PRIVATE UTILITY PETITION CHECKLIST

TO BE FILLED OUT BY PETITIONER

COMPANY: National Grid (Electric)

PROJECT MANAGER NAME: Quentin Kroll

PROJECT MANAGER CONTACT NUMBER: 781-907-4445

LIST OF ADDRESSES IMPACTED BY PROPOSED WORK:

222 Salem St

PETITIONER IS REQUIRED TO ATTACH PICTURES SHOWING AREA OF PROPOSAL

PICTURES HAVE BEEN ATTACHED YES

TO BE FILLED OUT BY TOWN OF ANDOVER STAFF

DPW

SUPPORT PROJECT (YES / NO)

SIGNATURE: _____

TITLE: _____

COMMENTS:

POLICE DEPARTMENT

SUPPORT PROJECT (YES / NO)

SIGNATURE: _____

TITLE: Safety Officer

COMMENTS:

FIRE DEPARTMENT

SUPPORT PROJECT (YES / NO)

SIGNATURE: _____

TITLE: _____

COMMENTS:

TOWN OF ANDOVER, MASSACHUSETTS



PRIVATE UTILITY PETITION CHECKLIST

TO BE FILLED OUT BY PETITIONER

COMPANY: <i>National Grid (Electric)</i>
PROJECT MANAGER NAME: <i>Quentin Krou</i>
PROJECT MANAGER CONTACT NUMBER: <i>781-907-4445</i>
LIST OF ADDRESSES IMPACTED BY PROPOSED WORK: <i>222 Salem St</i>
PETITIONER IS REQUIRED TO ATTACH PICTURES SHOWING AREA OF PROPOSAL
PICTURES HAVE BEEN ATTACHED <i>yes</i>

TO BE FILLED OUT BY TOWN OF ANDOVER STAFF

<u>DPW</u>	
SUPPORT PROJECT (YES / NO)	SIGNATURE: _____
COMMENTS:	TITLE: _____

<u>POLICE DEPARTMENT</u>	
SUPPORT PROJECT (YES / NO)	SIGNATURE: _____
COMMENTS:	TITLE: _____

<u>FIRE DEPARTMENT</u>	
SUPPORT PROJECT (YES NO)	SIGNATURE: <i>MB Mansfield</i>
COMMENTS:	TITLE: <i>Fire Chief</i>



5960®

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Bend along line to expose Pop-up Edge®Go to avery.com/templates
Use Avery Template 5960237 SALEM ST 27 0 10
LUC: 106TAFT FREDERICK P ESTATE
TAFT EMILY WALTON TE
142 BAY POINT RD
GEORGETOWN, ME 04548235 SALEM ST 27 0 11
LUC: 101SINNOTT ROBERT W MCCALLUM
WAGNER ANNA MARIE UPDIKE TE
235 SALEM ST
ANDOVER, MA 0181045 VINE ST 27 0 11 A
LUC: 101KLEIN JOWITA K
45 VINE ST
ANDOVER, MA 0181043 VINE ST 27 0 11 B
LUC: 101DUPUIS JOANNE C
43 VINE ST
ANDOVER, MA 0181039 VINE ST 27 0 11 C
LUC: 950AVIS
PO BOX 5097
ANDOVER, MA 0181035 VINE ST 27 0 11 D
LUC: 950AVIS
PO BOX 5097
ANDOVER, MA 0181031 VINE ST 27 0 11 E
LUC: 950AVIS
PO BOX 5097
ANDOVER, MA 0181036 VINE ST 27 0 12
LUC: 101LICATA FRANK E
LICATA KATHRYN E TE
36 VINE ST
ANDOVER, MA 0181044 VINE ST 27 0 13
LUC: 101COSTELLO FAMILY REALTY TRUST
COSTELLO GARY+ELIZABETH TRS
44 VINE ST
ANDOVER, MA 0181050 VINE ST 27 0 14
LUC: 130COSTELLO FAMILY REALTY TRUST
COSTELLO GARY+ELIZABETH TRS
44 VINE ST
ANDOVER, MA 01810215 R SALEM ST 27 0 15
LUC: 101MEROLA RICHARD A
MEROLA ELEANOR F JT
215 R SALEM ST
ANDOVER, MA 01810219 SALEM ST 27 0 16
LUC: 101PAMINGER ANDREAS W
ZIMMER KRISTA M
219 SALEM ST
ANDOVER, MA 01810217 SALEM ST 27 0 17
LUC: 101LEE JENNIFER
217 SALEM ST
ANDOVER, MA 01810215 SALEM ST 27 0 18
LUC: 101MACNEIL LEE A
215 SALEM ST
ANDOVER, MA 01810232 SALEM ST 27 0 7
LUC: 101ANDREWS NATHALIE TAFT
ELEANOR TAFT ETHRIDGE REV TR
232 SALEM ST
ANDOVER, MA 01810216 SALEM ST 27 0 7 A
LUC: 101SWEENEY EDWARD L
SWEENEY CAROL F TE
216 SALEM ST
ANDOVER, MA 01810222 SALEM ST 27 0 7 C
LUC: 101SYED ABRAR
SYED SAEEDA A TE
222 SALEM ST
ANDOVER, MA 01810230 SALEM ST 27 0 7 E
LUC: 101SOLIS JEFFREY H
SOLIS DINA L TE
230 SALEM ST
ANDOVER, MA 01810*pet# 28595048*



Town of Andover
SELECT BOARD

License and Permit Application Public Hearing Questionnaire

Please be willing and able to address these questions before the Select Board during your hearing.

Liquor License Application, Transfer, Change of Designated Manager

Name	MELVIE COSTANTINO
Address	14 RAILROAD AVE, WILMINGTON, MA 01887
Title	MANAGER
Company	PEPPER DINING, INC DBA CHILI'S
Are all employees who will be serving alcohol TIPS certified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ALL SERVICE EMPLOYEES ARE SERVICE SAFE TRAINED.
Does the establishment or any employees have any prior violations in terms of liquor license compliance? If yes, please describe the nature of any violations.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please describe your business and the plans that have brought you before the Board this evening.	CHANGE MANAGER OF RECORD. CONTINUE OPERATION WITH NO OTHER CHANGES.
Please provide an overview of qualifications, certifications, and experience of the designated manager of the establishment.	MANAGER AND ASSISTANT MANAGER AT CHILI'S FOR OVER 10 YEARS.

Pepper Dining, Inc. MOTION

I move to approve the application of Pepper Dining, Inc., d/b/a Chili's Grill and Bar, for a Change of Manager on its All Alcoholic Beverages Alcoholic Beverage License at 131 River Road, Andover, and that the new Manager is Melanie Costantino of 11 Railroad Avenue, Wilmington, MA, subject to the condition that all other requirements of the Town are met prior to issuance of the license.

Moved by _____

Seconded by _____

Voted _____ to _____

Proposed standing committee on Diversity, Equity and Inclusion
Name, charge and structure

Name: Commission on Equity, Diversity and Inclusion

Charge:

Andover's Commission on Equity, Diversity and Inclusion will work to combat the realities of racism and intolerance in Andover by supporting programs, initiatives, education, outreach, policies, and institutional change which contribute to an inclusive Andover; a community which embraces tolerance, inclusiveness and respect for all.

It is recognized that actions perceived by many in Andover as racist, whether intentional or not, harm people of color in our community and cause many to feel unsafe, intimidated or threatened. Each injury is unacceptable.

This work is ongoing. Together, Town leadership and residents will craft effective solutions to identified challenges. The Town is committed to ensuring that all residents of Andover are safe and free from racism, discrimination and hate.

Structure:

Andover's Commission on Equity, Diversity and Inclusion will consist of 13 appointed members, each appointed by the Town Manager for three (3) year terms* and who may request re-appointment for 2 additional terms.

Appointments to the commission will be made with an eye to diversity to ensure historically marginalized communities have a seat at the table.

The Commission on Diversity, Equity and Inclusion will consist, at a minimum, of the following representatives:

- 5 individuals who live and/or work in Andover
- 3 Clergy representatives
- 2 Youth representatives
- 1 Andover High School staff representative
- 1 Philips Academy representative
- 1 Andover Police Department representative
- 1 Andover Select Board member liaison
- 1 Andover School Committee member liaison

The Director of Community Services will serve as the commission's staff liaison. Any full or part-time DEI staff hired by the Town will serve as an additional liaison to the commission. The Town Manager may recommend additional staff liaisons as needed or requested.

Once established, the commission shall create its mission, vision and goals and shall, at a minimum, identify a commission chair, vice chair and clerk. The commission shall meet, at a minimum, once monthly at a time determined.

* The initial appointment of members to the commission will be staggered so that five members are appointed for 3-year terms, five for 2-year terms and five for a 1 year term, after which all members appointed to the commission are appointed for 3-year terms.

LAND LEASE

Between

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

And

THE TOWN OF ANDOVER

Lease No.: 69435Z-19-L-00050
OUTER MARKER/NDB
ANDOVER, MA

SECTION 1 – OPENING

6.1.1 Preamble (JAN 2017)

This Lease is hereby entered into by and between The Town of Andover, hereinafter referred to as the Lessor and the United States of America, acting by and through the Federal Aviation Administration, hereinafter referred to as the Government. The terms and provisions of this Lease, and the conditions herein, bind the Lessor and the Lessor's heirs, executors, administrators, successors, and assigns.

For purposes of this Lease, the terms Contractor and Lessor are interchangeable with each other.

6.1.2 Succeeding Lease (JAN 2015)

This Lease succeeds Lease No. DTFAEN-15-L-00003 and all other previous agreements between the parties for the leased property described in this document.

6.1.3 Witnesseth (JAN 2015)

Witnesseth: The parties hereto, for the consideration hereinafter mentioned covenant and agree as follows:

6.1.4-1 Premises (JAN 2105)

The Lessor hereby leases to the Government the following described property, hereinafter referred to as the premises: described in Exhibit A and B, which are attached hereto and made a part hereof.

- A. Together with a right-of-way for ingress to and egress from the premises (for Government employees, their agents and assigns); a right-of-way for establishing and maintaining a pole line or pole lines for extending electric power and/or telecommunication lines to the premises; and a right-of-way for subsurface power, communication and/or water lines to the premises; all rights-of-way to

be over said lands and adjoining lands of the Lessor, and unless herein described otherwise, shall be reasonably determined by the Government as the most convenient route.

- B. And the right of grading, conditioning, installing, drainage facilities, seeding the soil of the premises, and the removal of all obstructions from the premises which may constitute a hindrance to the establishment and maintenance of Government facilities.
- C. And the right to make alterations, attach fixtures, erect additions, structures, or signs, in or upon the premises hereby leased, which alterations, fixtures, additions, structures or signs so placed in or upon, or attached to the said premises shall be and remain the property of the Government.

SECTION 2 – TERMS

6.2.5 Term (AUG 2002)

To have and to hold, for the term commencing **October 1, 2019** and continuing through **September 30, 2024** inclusive, provided that adequate appropriations are available from year to year for the consideration herein.

6.2.6 Consideration-(JUL 2017)

The Government shall pay the Lessor rent for the premises in the amount of \$3,000.00 per annum for the first year of the lease term. Rent shall be increased by 10% per year for each subsequent year of occupancy. Rent shall be payable to the Town of Andover at the end of each Government fiscal year as follows:

\$3,300.00 per annum for period 10/1/20 – 9/30/21
\$3,630.00 per annum for period 10/1/21 – 9/30/22
\$3,993.00 per annum for period 10/1/22 – 9/30/23
\$4,392.00 per annum for period 10/1/23 – 9/30 24

Payment shall be made in arrears, without the submission of invoices or vouchers. Payments are due on the first business day following the end of the payment period and are subject to available appropriations. The payments shall be directly deposited in accordance with the “Payment by Electronic Funds Transfer” clause in this Lease. Payments shall be considered paid on the day an electronic funds transfer is made.

6.2.7 Cancellation (JUL 2017)

The Government may terminate this Lease at any time, in whole or in part, if the Real Estate Contracting Officer (RECO) determines that a termination is in the best interest of the Government. The RECO shall terminate by delivering to the Lessor a written notice specifying the effective date of the termination. The termination notice shall be delivered by certified mail return receipt requested and mailed at least thirty (30) days before the effective termination date.

6.2.14 Holdover (JUL 2017)

If after the expiration of the Lease, the Government shall retain possession of the premises, the Lease shall continue in full force and effect on a month-to-month basis not to exceed 24 months. Payment shall be made in accordance with the Consideration clause of the Lease, in arrears on a prorated basis, at the rate paid during the Lease term. This period shall continue until the Government shall have signed a new Lease with the Lessor, acquired the property in fee, vacated the premises, or the expiration of the 24 month holdover period, whichever occurs first.

6.2.16 Lessor's Successors (JUL 2017)

The terms and provisions of this Lease and the conditions herein bind the Lessor and the Lessor's heirs, executors, administrators, successors and assigns.

SECTION 3 – GENERAL CLAUSES

3.2.5-1 RE Officials Not to Benefit (OCT 1996)

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this lease, or to any benefit arising from it. However, this clause does not apply to this lease to the extent that this lease is made with a corporation for the corporation's general benefit.

3.3.1-15 RE Assignment of Claims (OCT 1996)

Pursuant to the Assignment of Claims Act, as amended, 31 U.S.C. Sec. 3727, 41 U.S.C. Sec. 6305 the Lessor may assign its rights to be paid under this lease.

6.3.18 Non-Restoration (JUL 2017)

It is hereby agreed between the parties that, upon termination of its occupancy (due to termination or expiration of the Lease), the Government shall have no obligation to restore and/or rehabilitate, either wholly or partially, the property that is the subject of this lease, including any holdover period. It is further agreed that the Government may abandon in place any or all of the structures and equipment installed in or located upon said property by the Government during its tenure. Such abandoned equipment shall become the property of the Lessor.

6.3.25 Quiet Enjoyment (OCT 1996)

The Lessor warrants that they have good and valid title to the premises, and rights of ingress and egress, and warrants and covenants to defend the Government's use and enjoyment of said premises against third party claims.

6.3.33 Covenant Against Contingent Fees (AUG 2002)

The Lessor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of the contingent fee.

6.3.34 Anti-Kickback – Real Property by Reference (JAN 2017)

The Anti-Kickback Act of 1986 (41 U.S.C. 51-58), prohibits any person from (1) Providing or attempting to provide or offering to provide any kickbacks; (2) Soliciting, accepting, or attempting to accept any kickback; or (3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime contractor to the United States Government or in the contract price charged by a subcontractor to a prime contractor or higher tier subcontractor.

6.3.35 Examination of Records (AUG 2002)

The Comptroller General of the United States, the Administrator of the FAA or a duly authorized representative from either shall, until three (3) years after final payment under this contract have access to and the right to examine any of the Lessor's directly pertinent books, documents, paper, or other records involving transactions related to this contract.

6.3.36 Subordination, Nondisturbance and Attornment (JAN 2017)

- A. Government agrees, in consideration of the warranties and conditions set forth in this clause, that this Lease is subject and subordinate to any and all recorded mortgages, deeds of trust and other liens now or hereafter existing or imposed upon the premises, and to any renewal, modification or extension thereof. It is the intention of the parties that this provision shall be self-operative and that no further instrument shall be required to effect the present or subsequent subordination of this Lease. Based on a written demand received by the RECO, the Government will review, and if acceptable, execute such instruments as Lessor may reasonably request to evidence further the subordination of this Lease to any existing or future mortgage, deed of trust or other security interest pertaining to the premises, and to any water, sewer or access easement necessary or desirable to serve the premises or adjoining property owned in whole or in part by Lessor if such easement does not interfere with the full enjoyment of any right granted the Government under this Lease.
- B. No such subordination, to either existing or future mortgages, deeds of trust, or other liens or security instrument shall operate to affect adversely any right of the Government under this Lease so long as the Government is not in default under this Lease. Lessor will include in any subordinate, or in a separate non-disturbance agreement, a provision to the foregoing effect. Lessors warrants that the holder of all notes or other obligations secured by existing mortgages, deeds of trust or other security instruments have consented to the provisions of this clause, and agrees to provide true copies of all such consents to the RECO promptly upon demand.
- C. In the event of any sale of the premises or any portion thereof by foreclosure of the lien of any such mortgage, deed of trust or other security instrument, or the giving of a deed in lieu of foreclosure, the Government will be deemed to have attorned to any purchaser, purchasers transferee or transferees of the premises or any portion thereof and its or their successors and assigns, and any such purchasers and transferees will be deemed to have assumed all obligations of the Lessor under this Lease, so as to establish direct privity of estate and contract between Government and such purchasers or transferees, with the same force, effect and relative priority in time and right as if the lease had initially been entered into between such purchasers or transferees and the Government; provided, further, that the RECO and such purchasers or transferees shall, with reasonable promptness following any such sale or deed delivery in lieu of foreclosure, execute all such revisions to this Lease, or other writings, as shall be necessary to document the foregoing relationship.

D. None of the foregoing provisions may be deemed or constructed to imply a waiver of the Government's rights as a sovereign.

6.3.37 Notification of Change in Ownership or Control of Land (JUL 2017)

If the Lessor sells, dies or becomes incapacitated, or otherwise conveys to another party or parties any interest in the aforesaid land, rights of way thereto, and any area affecting the premises, the Government shall be notified in writing, of any such transfer or conveyance within 30 calendar days after completion of the "change in property rights". Concurrent with the written notification, the Lessor or Lessor's heirs, representatives, assignees, or trustees shall provide the Government copies of the associated legal document(s) (acceptable to local authorities) for transferring and/or conveying the property rights.

6.3.45 Contract Disputes – Real Property by Reference (JAN 2017)

All contract disputes arising under or related to this Lease will be resolved through the FAA dispute resolution system at the Office of Dispute Resolution for Acquisition (ODRA) and will be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17, which are hereby incorporated by reference. Judicial review, where available, will be in accordance with 49 U.S.C. 46110 and will apply only to final agency decisions. A Lessor may seek review of a final Government decision only after its administrative remedies have been exhausted.

Office of Dispute Resolution for Acquisition, AGC-70
Federal Aviation Administration
800 Independence Avenue, S.W., Room 323
Washington, DC 20591
Telephone: (202) 267-3290

A contract dispute against the FAA will be filed with the ODRA within two (2) years of the accrual of the lease claim involved. A contract dispute is considered to be filed on the date it is received by the ODRA.

The full text of the Contract Disputes clause is incorporated by reference. Upon request the full text will be provided by the RECO.

SECTION 4 – FINANCIAL CLAUSES

6.4.1 System for Award Management – Real Property-SAM Waiver (JAN 2017)

The System for Award Management (SAM) is the Government's required method to receive vendor information. However, you have been granted an exception to SAM and therefore must provide your information and any future changes to your payment information to the RECO on a completed and signed "Vendor Miscellaneous Payment Information" form, together with any other required notice under this lease.

6.4.2 Payment by Electronic Funds Transfer (JAN 2017)

All payments by the Government under this lease will be made by electronic funds transfer (EFT). The Government will make payment by EFT through Automated Clearing House (ACH) network, subject to the rules of the National Automatic Clearing House Association. The rules governing federal payments through the ACH are contained in 31 CFR Part 210. If the Lessor is responsible for maintaining correct payment information with the Government. If the Lessor's EFT information is incorrect or outdated, the Government is not required to make payments to the Lessor until correction/current EFT information is submitted to the Government for payment distribution.

SECTION 5 – DESIGN AND CONSTRUCTION CLAUSES-Not Applicable

SECTION 6 – GENERAL BUILDING REQUIREMENTS AND SPECIFICATIONS CLAUSES – Not Applicable

SECTION 7 – SERVICES, UTILITIES, AND MAINTENANCE CLAUSES- Not Applicable

SECTION 8 – ENVIRONMENTAL OCCUPATIONAL SAFETY AND HEALTH CLAUSES – Not Applicable

SECTION 9 – SECURITY CLAUSES

6.9.5 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2020)

(a) Definitions. As used in this clause--

Backhaul means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (*e.g.*, connecting cell phones/towers to the core telephone network). Backhaul can be wireless (*e.g.*, microwave) or wired (*e.g.*, fiber optic, coaxial cable, Ethernet).

Covered foreign country means The People's Republic of China.

Covered telecommunications equipment or services means—

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

(2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

(3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

(4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Critical technology means—

- (1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;
- (2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—
 - (i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or
 - (ii) For reasons relating to regional stability or surreptitious listening.
- (3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);
- (4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);
- (5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or 5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or
- (6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

Interconnection arrangements means arrangements governing the physical connection of two or more networks to allow the use of another's network to hand off traffic where it is ultimately delivered (*e.g.*, connection of a customer of telephone provider A to a customer of telephone company B) or sharing data and other information resources.

Reasonable inquiry means an inquiry designed to uncover any information in the entity's possession about the identity of the producer or provider of covered telecommunications equipment or services used by the entity that excludes the need to include an internal or third-party audit.

Roaming means cellular communications services (*e.g.*, voice, video, data) received from a visited network when unable to connect to the facilities of the home network either because signal coverage is too weak or because traffic is too high.

Substantial or essential component means any component necessary for the proper function or performance of a piece of equipment, system, or service.

(b) Prohibitions.

(1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. The Contractor is prohibited from providing to the Government any equipment, system, or service that uses covered

telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in AMS T3.6.4 A 16.e.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020 from entering into a contract, or extending or renewing a contract, with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in AMS T3.6.4A.16.e. This prohibition applies to an entity that uses covered telecommunications equipment or services, including use not in support of the Government.

(c) Exceptions. This clause does not prohibit contractors from providing—

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(d) Reporting requirement.

(1) In the event the Contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the Contractor is notified of such by a subcontractor at any tier or by any other source, the Contractor must report the information in paragraph (d)(2) of this clause to the Contracting Officer, unless elsewhere in this contract are established procedures for reporting the information. For indefinite delivery contracts, the Contractor must report to the Contracting Officer for the indefinite delivery contract and the Contracting Officer(s) for any affected order.

(2) The Contractor must report the following information pursuant to paragraph (d)(1) of this clause:

(i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the Contractor must describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor must insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial items.

6.9.5-2 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2020)

(a) Definitions. As used in this provision--

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause AMS clause 6.9.5, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibitions.

Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

Nothing in this prohibition will be construed to—

(i) Prohibit the head of the agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020 from entering into a contract or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential part of any system or as critical technology as part of any system. This prohibition applies to any entity that uses covered telecommunications equipment or services, including uses not in support of the Government.

Nothing in this prohibition will be construed to-

(i) Prohibit the head of the agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) Procedures: The offeror must review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from Federal awards for covered telecommunications equipment or services.

(d) Representations.

(1) The Offeror represents that it [] will, [x] will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation.

(2) After conducting a reasonable inquiry for purposes of this representation, the Offeror represents that it does [] does not [x] USE covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror must provide the additional disclosure information required at paragraph (e) if the Offeror indicates “does”.

(e) Disclosures. Disclosure for the representation in paragraph (d) (1) of this provision-
If the Offeror has responded “will” in the representation in paragraph (d) (1) of this provision, the Offeror must provide the following information as part of the offer—

(1) For covered equipment

(i) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known;

(ii) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(iii) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) (1) of this provision;

(2) For covered services-

(i) If the service is related to item maintenance, a description of all covered telecommunications services offered (include on the item being maintained: brand, model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(ii) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed uses of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision. Disclosure for representation in paragraph (d) (2) of this provision. If the Offeror has responded “does” to paragraph (d)(2) of this provision, the offeror must provide the following information as part of the offer—

(3) For covered equipment

(i)The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known;

(ii) A description of all covered telecommunications equipment offered (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(iii) Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) (2) of this provision.

(4) For covered services-

(i) If the service is related to item maintenance, a description of all covered telecommunications services offered (include on the item being maintained: brand, model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(ii) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed uses of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

SECTION 10 – CLOSING

6.10.1 Notices (JUL 2017)

All notices/correspondence shall be in writing, referencing to the Lease number, and be addressed as follows:

TO THE LESSOR

The Town of Andover
Town Manager
36 Bartlet Street
Andover, MA 01810

TO THE GOVERNMENT
Federal Aviation Administration
Real Estate & Utilities Group, AAQ-910Bos
Mrs. Gail F. Gray
1200 District Avenue
Burlington, MA 01803

6.10.3 Signature Block (JUL 2017)

This Lease shall become effective when it is fully executed by all parties.

In witness whereof, the parties hereto have signed their names.

THE TOWN OF ANDOVER

By: _____

Print Name: _____

Title: _____

Date: _____

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

By: _____

Print Name: _____

Title: Real Estate Contracting Officer

Date: _____

SECTION 11 – ATTACHMENTS/EXHIBITS

CORPORATE CERTIFICATE
EXHIBIT ‘A’ Property Description
EXHIBIT ‘B’ Property Description
DCAMM Disclosure

CORPORATE CERTIFICATE

I _____, certify that I am the _____ of the

(State, County, Municipality or other Public Authority)

named in the foregoing agreement; that _____ who

signed Lease No. **69435Z-19-L-00050** on behalf of the **Town of Andover, MA**

that said agreement was duly signed for and in behalf of said **Town of Andover, MA**

by authority of its governing body and is within the scope of its powers.

Signature Corporate Seal

EXHIBIT "A"
PROPERTY DESCRIPTION

OUTER MARKER SITE PLOT

Starting at the Northwest outermost rear corner of the "old pump house", located on the land of the filtration plant of the Town of Andover, MA, said point being the point of beginning of the Outer Marker Site Plot:

Proceed $S19^{\circ} - 30' E$, 19 feet more or less, along the west wall of said "pump house", to a point;

Thence proceed $S70^{\circ} - 30' W$, 15 feet more or less, to a point,

Thence proceed $N19^{\circ} - 30' W$, 19 feet more or less,

Thence proceed $N70^{\circ} - 30' E$, 15 feet more or less, to a point marking the point of beginning of said plot.

Said plot contains 0.01 acres of land, more or less.

Bearing based on West wall being $S19^{\circ} - 30' E$.

EXHIBIT B
PROPERTY DESCRIPTION

COMPASS LOCATOR ANTIENNA PLOT

Starting at the northwestern most rear corner of the " Old Pump House", located on the land of the filtration plant of the Town of Andover, Mass.,

proceed N 19[^]-30' W, 8 feet more or less to a point; thence proceed N 70[^]-30' E, 12 feet more or less to the point of beginning of said plot; thence proceed N 70[^]-30' E, 10 feet more or less to a point; thence proceed N 19[^]-30' W, 10 feet more or less to a point; thence proceed S 70[^]-30' W, 10 feet more or less to a point; thence proceed S 19[^]-30' E, 10 feet more or less to a point marking the point of beginning of said plot.

Said plot contains 0.01 acres of land more or less.

Bearings are based on the west wall being S 19[^]-30' E

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7(C), s. 38 (formerly M.G.L. c. 7, s. 40J)**

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of the Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7(C), s. 38 which is reprinted in Section 7 of the Disclosure Statement.

Paragraph (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Paragraph (2): Identify the type of transaction to which the Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Paragraph (3): Insert the exact legal name of the disclosing party. Indicate whether the disclosing party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the disclosing party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Paragraph (4): Indicate the role of the disclosing party in the transaction by checking one of the blanks. If the disclosing party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Paragraph (5): List the names and addresses of **every** legal entity and **every** natural person that has or will have a **direct or indirect** beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in section 7 of the Disclosure Statement form. If the disclosing entity is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the disclosing party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into paragraph 5.

Paragraph (6): Write "none" in the blank if none of the persons mentioned in paragraph 5 are employed by DCAMM. Otherwise list any parties disclosed in paragraph 5 that are employees of DCAMM.

Paragraph (8): Make sure that the Disclosure Statement is signed by the correct person. If a disclosing party is a corporation, please make sure that the Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in paragraph 7 of the Disclosure Statement.

The completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

**DISCLOSURE STATEMENT
PARTY TO REAL PROPERTY TRANSACTION WITH A PUBLIC AGENCY
M.G.L. c. 7(C), s. 38 (formerly M.G.L. c. 7, s. 40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

- (1) REAL PROPERTY: 397Lowell Street, Andover, MA 01810

- (2) TYPE OF AGEEMENT, TRANSACTION, or DOCUMENT: Lease

- (3) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY (IF PARTY IS NOT AN INDIVIDUAL): Gail F. Gray, Federal Aviation Administration, US Government Agency

- (4) ROLE OF PARTY (Check appropriate role):

 ___ Lessor/Landlord Lessee/Tenant

 ___ Seller/Grantor ___ Buyer/Grantee

 ___ Other (Please describe):

- (5) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7(C), s. 38, are hereby disclosed as follows (attach additional pages if necessary):

<u>NAME</u>	<u>RESIDENCE</u>
FederalAviation Administration	1200 District Ave., Burlington, MA 01803

- (6) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert "none" if none): None

- (7) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7(C), Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement,

shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(8) This statement is hereby signed under penalties of perjury.

Gail F. Gray, Federal Aviation Administration

DATE: 11/17/20

(PARTY'S NAME DISCLOSED IN
PARAGRAPH 3)

GAIL F GRAY

AUTHORIZED SIGNATURE

Digitally signed by GAIL F GRAY

Date: 2020.11.17 09:54:28

05'00'

Gail F. Gray
PRINT NAME

Contracting Officer
TITLE

Select Board Meeting
Minutes of Thursday, May 28, 2020
Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 5:01 P.M. via Web-X. Participating remotely from the Select Board: Alex Vispoli, Annie Gilbert, Dan Koh, Chris Huntress and Laura Gregory.

Others participating remotely: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Assistant Town Manager Patrick Lawlor, Town Counsel Tom Urbelis, Town Clerk Austin Simko, and Director of Public Health Tom Carbone. The meeting was duly posted and cablecast live.

Tonight's meeting is completely virtual. Residents can call in at 311 or 978-623-8311 or email manager@andoverma.gov

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

III. Communications/Announcements/Liaison Reports

Laura Gregory thanked all the people in Andover who have been so supportive of the AHS Seniors. There have been several celebrations of the AHS Class of 2020 in ways that were possible this year.

IV. Regular Business of the Board

A. Annual Town Election and Annual Town Meeting

Austin Simko reported that the Annual Town Election will be Tuesday, June 9th at the usual precinct polling places except voting at the Senior Center will be held at the Cormier Youth Center. Absentee ballots are available at the Town Clerk's Office and can be requested on the Town Website at www.townclerkoffice@andover.us Once the application is received a ballot will be sent out. Ballots are due to the Town Clerk's Office by 8:00 P.M. on Election Night. Residents planning to go to their polling sites to vote are urged to vote at off-peak times, encouraged to wear face masks. Disposable pens and hand sanitizers will be available at each polling site and social distancing and sanitizing protocols will be in effect.

Once the Town Warrant has been signed, and if there is a compelling reason to change the date of Town Meeting, it is the Town Moderator's job to ensure the meeting is safe and legitimate. Town Moderator Sheila Doherty said she has attended several meetings with Town Staff on logistics and the safety of residents. Town Meetings are exempt from the State of Emergency. We can practice social distancing, but it was never intended to be implemented in a large room with hundreds of people. You cannot force people to wear a mask but you can ask. People want to know if they will feel safe and what the quality of debate will be like. Sheila personally feels that we need to put this in perspective with the anxiety levels of the

COVID-19 Virus. If the preponderance of our voters doesn't feel they can safely attend this meeting without risk to their health, then the legitimacy of the meeting, which if that is the case, the decisions made at the meeting can be suspect. She has yet to decide whether or not to change the date and understands there are significant expenses that the Town is about to incur. Andover does not have the option of holding a remote meeting.

Alex Vispoli asked if there any structural issues if Town Meeting was delayed. The Town Manager reported that prior to Covid-19, towns were required to vote their budget by June 30th but due to the current circumstances we have been given the authority to postpone Town Meeting month by month. A budget would be presented to the Board that is not less than 1/12 of this year's budget. They would be able to continue operations without much issue but will have to look at service contracts. He does not see much interruption to daily operations or impact on the major operations in process (Ballardvale Fire Station, renovations to the Senior Center). If we are not able to bid work in the spring, it will create a problem if it goes on beyond September. We cannot send out the actual tax bills unless we have a budget in place, we could only send out preliminary tax bills.

Annie Gilbert asked the Town Moderator if she has an idea as to when a safe time might be. Sheila thinks it could be by mid-July. One of Annie's concerns is that if we were to delay, without knowing if a second wave of the virus is coming, things could get much worse. Clearly, what we are hearing, that gatherings of any size are safer outside than inside. If the goal is to make it as safe as possible so the meeting is legitimate the outside option should be a top priority. People may feel unsafe coming to an indoor meeting, but an outdoor meeting is possible. It would not be what we are used to seeing and it would be different. The Town Moderator said they would have to think about what the logistics would be for an outdoor meeting.

Tom Carbone, Director of Public Health, feels we can engineer around anything we need to. An outdoor meeting would be optimal but there are ways that we can address logistics for an indoor meeting too. Depending upon how the public responds to the state opening up, we could see another uptick in cases.

Austin Simko said there are voters who want to participate but have anxiety about attending this year at this time. Feedback from poll workers shows that although they want to attend, 80% of them will not work the election and would not go to Town Meeting 15 days after the election, and would prefer waiting until the fall.

If the Finance Committee Report is to be mailed out in a few days, are we comfortable that we will be able to overcome these challenges on time? Dan Koh said the Town's Leadership Team has been very thoughtful given the obstacles in front of them. He is disappointed in State Leadership that has not provided options that are accommodating to people, i.e. virtual Town Meeting. It is Laura Gregory's understanding that the Attorney General said we are not allowed to demand the mandatory wearing of masks. Those not wearing masks could meet in a separate space.

Tom Urbelis reported that the Governor ordered that people must wear masks unless they

can't socially distance in an outdoor setting or have a medical condition that prevents one from wearing a mask. They have been in contact with the General Council for the State Election Commission and in their view, there is nothing more constitutionally protected as the right to vote. You can accommodate those who come to vote without wearing a mask by having a logistical separate table from others and poll workers do not have to come within 6' of that table. Logistics can be worked out for both the Town Election and Town Meeting. Under the Governor's Order a business can refuse to permit someone who refuses to wear a mask, but this does not apply to voting because voting is a constitutional right. The Attorney General's Office has not yet expressed an opinion on the wearing, or not wearing, of masks at Town Meeting.

Email Comments:

Richard Howe shares Sheila Doherty's concern that so few voters will attend Town Meeting and suggested that residents who plan to attend could sign up on line in order to have some idea as to what attendance could be. Linn Anderson said The Finance Committee Report must go to the printer tomorrow for a June 22 Town Meeting. Shannon Scully asked if the Town Moderator has concerns that pushing Town Meeting to summer would have a negative effect on the participation rate. Yes, Sheila does have concerns, but feels that the level of anxiety right now will preclude people from coming. Shannon appreciates that many people are uncomfortable coming to Town Meeting on June 22nd but did the poll workers say when they would commit to attending. Austin Simko said many of the Town Poll-workers said they will come in the Fall. Jane Gifun asked if there any concerns about Triple E and having a meeting outside. The meeting could be held earlier in the day on a weekend.

Chris Huntress is not opposed to a 30-day extension and likes the idea of having an online registration tool to use get a sense of what the attendance may be. He does not see the harm in continuing with the printing and mailing of the Fin/Com report. Andrew said there is a likelihood that we will have a state aid number in a few weeks that will provide more clarity.

The law allows the Town Moderator to extend the meeting in 30-day increments. Andrew thinks we can get sufficient information from the State and still have time to go to the printer if Town Meeting is extended by 30 days. Under the law, the Town Moderator is the sole person who determines if there should be a delay in Town Meeting and has to consult with public health and town officials.

Laura Gregory is concerned that the Board has many questions and that a number of things could happen between now and the fall. She also has concerns that this decision is being made by anecdotal evidence by residents, you are less likely to hear from people who are comfortable with the June 22nd meeting date.

The Town Moderator will let the Select Board know of her decision.

B. Annual Town Meeting Articles

The Town Manager provided an overview of the reasons behind the need to revote a revised budget. The revised budget maintains the same core values put out in the initial budget.

Changes were made after receiving input by the Finance Committee and others. The Finance Committee recommended unanimous approval on all articles.

The Town Manager will be discussing the budget changes with the School Committee later tonight. Several Free Cash Projects were eliminated, they have pushed out of some borrowing projects, reduction in the initial funding of tree funds, and pedestrian improvements. The plan is still to do these projects but defer to a later date.

1. The plan includes additional funding for the Pension System by \$1.4M requiring an additional reduction in Article 5 -CIP and Town Operating budgets. There is also a reduction in General Fund Borrowing for School 5 reduced by \$1.8M for School Projects. They have reduced what they were planning to cover from Free Cash. Impacts on Article 5 - \$805,108, initially over \$4M
 Articles 22: General Fund Borrowing reduced by \$1.8M
 Article 24: Transferring some CIP projects into Free Cash

Article 4	Fiscal Year 2021 Budget (Revised) reduced as a result of Town Operating Budget and an increase in Pension Funding Annie Gilbert moved that the SB recommend approval of Article 4 as revised. Chris Huntress seconded the motion. Roll call: C. Huntress-Y, A. Vispoli-N, Dan Koh-Y, A. Gilbert-Y, L. Gregory-Y. Motion passes 4-1 Alex Vispoli opposed.
Article 5	Chris Huntress moved to approval the revised Fiscal Year 2021 Capital Projects Fund as presented. Motion seconded by Annie Gilbert. Roll call: C. Huntress-Y, A. Vispoli-Y, Dan Koh-Y, A. Gilbert-Y, L. Gregory-Y. Motion passes 5-0.
Article 22	Dan Koh moved to approve Article 22 Capital Projects from General Fund Borrowing as revised. Motion seconded by Chris Huntress. Roll call: C. Huntress-Y, A. Vispoli-Y, Dan Koh-Y, A. Gilbert-Y, and L. Gregory-Y. Motion passes 5-0.
Article 24	Capital Projects from Free Cash (Revised) Alex Vispoli moved that the Board recommend approval of Article 24 Capital Projects from Free Cash revised. Annie Gilbert seconded the motion. Roll call: C. Huntress-Y, A. Vispoli-Y, Dan Koh-Y, A. Gilbert-Y, L. Gregory-Y. Motion passes 5-0.

V. Adjourn

At 6:26 P.M. Dan Koh moved to adjourn from the Select Board Meeting of May 28, 2020. The motion was seconded by Alex Vispoli. Roll call: A. Vispoli-Y, C. Huntress-Y, A. Gilbert-Y, D. Koh-Y, L. Gregory-Y. Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo

Recording Secretary

Select Board Meeting

September 3, 2020

Goal Setting Workshop

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order

Chairperson Annie Gilbert called the meeting of the Andover Select Board to order at 6:00 P.M. via Web-X. Participating remotely from the Select Board: Alex Vispoli, Laura Gregory, Dan Koh, Chris Huntress, and Annie Gilbert.

Others participating remotely: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Assistant Town Manager Patrick Lawlor, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

Tonight's meeting is completely virtual. Residents can call in at 311 or 978-623-8311 or email manager@andoverma.gov

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

III. Regular Business of the Board

A. Gift from Comcast

The Town Manager spoke about the donation of a wireless truck from Comcast for the day (Annual Town Meeting on September 12, 2020). Their internal policy is that the Town accept it as a gift.

Chris Huntress moved that the Board accept on behalf of the Town, an in-kind contribution by Comcast Cable of a Wireless on Wheels van offered to help attendees of the Saturday, September 12th Annual Town Meeting to obtain wireless connectivity on personal devices. The motion was seconded by Alex Vispoli. Roll call: C. Huntress-Y, L. Gregory-Y, D. Koh-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

V. Select Board / Town Manager Goal Setting Workshop

A. Goal Setting Workshop

Select Board and Town Manager to discuss 2020-2021 Goals and Objectives.

Andrew explained how the goals were organized and that the updated goals are on-going, completed goals have been removed, and the goals submitted by Board members included.

Long-range Financial Planning

The Revenue & Expenditure Task Force established a revenue recommendation that is used to establish the budget and focused on a portion of charges of what is causing our future structural deficits. Andrew would like them to come to the Board and talk about what they do.

New material that has been put forth will be discussed tonight. Because the annual average tax increase was passed as a one-year objective, it has been kept in the goals for

consideration.

Annie believes this goal should be written in a different way for this year because there is no way to predict what can happen that will cause a goal to be changed. Laura agrees particularly with COVID and the unpredictability it has caused. There is no need to work on a goal that won't be reachable in any way and should be removed. It is better to work on goals that can be achieved. Alex wouldn't remove the goal but thinks it should be reworded. Chris Huntress agrees that the goal should stay in because it is an important metric for us to look at and the goal should be reworded. It should be looked at every year and how it compares to a ten-year tax average. Dan Koh agrees that it should be removed, which he was opposed to last year. A 10-year average is arbitrary and creating a requirement for a ten-year causes controversy and misinformation. We have a Town Manager and staff who have been evaluated on many occasions and are good stewards of the public purse. Giving Andrew the tools and responsibility to be able to be dynamic with the budget is very important. There is no reason why he can't give us information on what the average tax bill may be. Laura added that there is a timing problem with using a tax rate change as a basis. The budget is formed early in the year and voted on before we have the valuation of real estate tax. It is not possible for the Town Manager to know what the real estate values are when he sets the tax rate. It is too late at the tax classification which is 5 months or so after the budget is passed. The tax bill will always be an estimate until you know what the actual valuations are.

The Town Manager's concerns: Predictability factor, the goal is to manage tax growth overtime but if you look at what a residential tax payer pays, this could be detrimental. He does not think we can increase levy capacity over \$300,000 and could affect the bond rating. Andrew suggested they build a part of the budget process where they talk about budget implications; January would be a reasonable target date to have this discussion. Then add a component to everything they do that shows the tax implication. Preferable to not have the limiting language in the goal, consider using language that speaks to tax impacts.

Chris Huntress: It is more along the lines of having a metric in place that generates a discussion on what this limitation can do to our bond rating. Andrew suggested he take tonight's input and come back with a revised goal.

Increase resident engagement by identifying a funding source for a Participatory Budget Program and earmark \$15-\$20,000 in the budget and have a community-based conversation on where they want their money to be spent.

Develop a plan and funding model for major obligations, i.e. New West Elementary School and the unfunded pension liability. Depending on the tools we use to fund these, we can reduce the cost to the taxpayer. Andrew would like to bring this to a Triboard Meeting to discuss how this can work and look at these items collectively. This will be the focus of most of Andrew's work this year.

Citizen Response Management:

- COVID has given us the opportunity to re-think how we can rebuild customer service. Focus on public access, expand select board's meeting room from 49-100 seats. Open up a customer service center with dedicated staff, dedicated conference rooms etc.
- Reorganize existing resources to maximize efficiencies as much as possible and bargaining where necessary. This will always be an on-going goal. A lot of changes have to be bargained and we have been able to do that and partner with our unions.
- Develop and implement Andover Data Center with a public facing component that tells what they are doing and a back-end that tells management. Continue to develop the service level agreement.
- Continue to develop Andover Central including quarterly updates on business and residential requests and interest and identify trends in order to reduce the number of concerns. There is an opportunity to discuss and re-introduce this to the community again. Patrick Lawlor reported that they have a lot of data that can automatically be provided to the department heads and the Board. They added a service request on COVID 19 compliance as a test this summer, and without even promoting that we saw an increase in service requests and it allowed the Health Dept. to operate more efficiently. They are always thinking of different ways to use Andover Central.
- Provide the Board with an update on department and Division Goals. The department heads at all levels are presenting and sharing their goals and the Board's goals are shared with them. Potential barriers discussions are important in trying to reach their goals.
- Analyze and share with the community the Public Opinion results – will share this information at an upcoming meeting.

Discussion on combining goals and integrating Alex and Dan's suggestions.

Capital Improvements:

- Ballardvale Fire Station and Robb Center will both be completed in the Spring of 2021. Finalizing Design on improvements to Town Offices
- Implementing the Gas Recovery Plan and providing incremental updates.
- Continue with the Sidewalk Plan and continue to include this in the CIP until the Board decides not to.
- Work with SC and West Elementary Building Committee on direction and oversight and input/impacts and the MSBA process. This project will become more visible in the coming months.

The Board voted on this goal contingent upon passage at Town Meeting.

Laura moved that the Board approve the Capital Improvements Goal for the Town Manager as presented. Motion seconded by Chris Huntress.

Roll call: A. Vispoli-y, D. Koh-Y, C. Huntress-Y, L Gregory-Y, A. Gilbert-Y.

Motion passes 5-0.

Downtown Andover & Historic Mill District (HMD)

- Work together with Business Community to continue with Outdoor Dining on legal and logical methods to make outdoor dining permanent.
- Begin and provide oversight to the Hardscape Improvement Project
- Develop Process for disposition of 11 Lewis Street (pending Town Meeting decision).

Laura hopes that they are also thinking of new ways to support all the businesses. Andrew said Ann Ormond can provide an update to the Board and our first retail store is going to have a tent on the street; we are working on opportunities similar to that.

Alex Vispoli moved that the Board approve the Downtown Andover & Historic Mill District (HMD) as presented. The motion was seconded by Laura Gregory.

Roll call: D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y, A. Gilbert-Y.

Motion passes 5-0.

River & Open Space Access

- Finalize Design and begin permitting of Merrimack River Access Project, depends upon approval by Town Meeting. Extensive permitting is required for this project.
- Appoint the newly formed Open Space Task Force and develop a process for identifying and prioritizing parcels for potential acquisition. The Board voted to approve this charge earlier this year. Andrew hopes to appoint someone in late September.
- Continue to work with the Merrimack River District Commission on regional solutions to improve the overall health of the Merrimack River. Mike Lindstrom has been involved with this project and said it has been a very collaborative regional approach.

Laura Gregory moved that the Board approve the River and Open Space Access Goal for the Town Manager as presented this evening. The motion was seconded by Alex Vispoli. Roll Call: C. Huntress-Y, D. Koh-Y, L. Gregory-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

Energy & Sustainability

- Work on a climate action plan has begun There is a tremendous amount of data collection that needs to be done and Sustainability Coordinator Joyce Losick-Yang has made great in-roads to establish a sustainability action plan.
- Working with Andover CCA to make recommendations.
- Put together a design team and a rate structure if we get approval at Town Meeting and bring to the Board for approval.
- Submit application for funding to support the storm management.
- Complete a Street Tree Inventory & Management Program. Town received a grant of \$30,000 and are matching that to use towards a tree inventory and Management Program.

The Town Manager is optimistic that this new goal will be supported at Town Meeting and they are working towards the Climate and Sustainability Action Plan. Dr. Joyce Losick-Yang has been an incredible addition to our staff meeting with each Department

Head to find opportunities and improvements and she has identified several grant opportunities.

Chris Huntress moved that the Select Board approve the Energy & Sustainability Goal for the Town Manager as presented this evening. Motion seconded by Laura Gregory. Roll call: A. Vispoli, C. Huntress-Y, D. Koh-Y, L. Gregory-Y, A. Gilbert-Y. Motion passes 5-0.

Diversity, Equity and Inclusion

Annie Gilbert would like to have a clear expression of the work that we need to do around this goal. She would like to see realistic, achievable, thoughtful work that will be on-going and to advance community discussions around diversity, equity, and inclusion and develop roadmap for next steps.

- Work with Visions, Inc. to complete a community assessment by facilitating focus groups with residents, communities of faith, communities of color and public and private school leaders and other stakeholders.
- Complete Community Survey, which in conjunction with the outcomes of the focus group will define the Town roadmap for next steps.
- Work with Human Resources to identify and implement training opportunities for town and school employees to focus on implicit bias, equity and anti-racism establish and appoint a permanent resident and staff joint committee to work on developing a charge for Andover DIVERSE.
- Identify funding for a full-time resource dedicated to advancing the Town's work around diversity, equity, and inclusion.
- Identify an Andover DIVERSE Coordinator to advance the Town's work around diversity, equity, and inclusion and identify a dedicated funding resource to advance Town wide diversity, equity, and inclusion goals, including personnel changes and/or the execution of contracts for professional services and seeking available private and public grants and regional partnership opportunities.

The Committee will also support the work of Andover DIVERSE. The Town Manager created a new division and part of the work is to build out a committee to bring in people of color/residents to work together to be laser focused on continuing this work and to provide opportunities to listen to the community.

It is important to identify a resource for a full-time resource dedicated to advancing the Town's work around diversity, equity, and inclusion. We will need a lot of help to continue this and to move it forward.

This describes the work that we are already involved in with the consultant and this is just the beginning; a one-year goal but not a one-year solution. They are hearing from residents that they want to be involved. Laura Gregory feels strongly that the best option is to have a full-time person but recognizes we may not be able to do that; she does not want this to be an 'add-on' to someone else's job. We need someone who is skilled in this area. As we continue down this road, Dan Koh said there is a lot of work to do in

addressing racism in the Town and we should be thinking about how quickly we can dedicate funding to this by different parts of our community. This is a long-term issue. Chris Huntress said this a much-needed position and needs someone who will touch almost everyone in Town. The path forward will not be a straight line and we need these goals to be flexible enough to see what we don't see coming forward. He supports a full-time resource dedicated to this goal.

Alex Vispoli said the first bullet is key, which Andrew has already put in place. The survey will lay out what the community is saying today and he is looking forward to see the result of that.

Andrew will work on creating the wording of the goal with the combined suggestions by the Board. He asked that the Board take a position on the last two bullet points of the goal that would give him direction.

Discussion on wording for the position: consider having a shared position with School and Town. The Board likes the wording to "Identify an appropriate resource including but not limited to a full-time employee".

The Board will vote on goals that were not approved tonight at their meeting after Town Meeting.

VIII. Adjourn Goal Setting Workshop

At 8:15 P.M. Dan Koh moved to adjourn from the meeting of September 3 2020. Alex Vispoli seconded the motion: Roll call: C Huntress-Y, A. Vispoli-Y, D. Koh-Y, L. Gregory-Y, A. Gilbert-Y. Motion passes 5-0.

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 ask a question on particular agenda items during the 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.

Select Board Meeting

Monday, November 16, 2020

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of November 16, 2020 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, and Town Counsel Tom Urbelis.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag. Alex Vispoli remembered Brian Feeney, a life-long resident who passed away unexpectedly last Thursday. Brian was extremely involved in many community activities, especially the Colleen Ritzer Scholarship and Race. Brian will be sorely missed.

III. Communications/Announcements/Liaison Reports

The Town Manager said the West Elementary School Building project has been accepted by the Massachusetts School Building Authority. On Tuesday, November 17th the West Elementary School Building Committee will hold a Schematic Design Charrette Meeting showing the design for the two schools (West Elementary and Shawsheen Pre-School) on one campus which will include a number of breakout sessions. The meeting will be virtual from 6:00 PM-8:00 PM.

Austin Simko thanked everyone who helped to make the November 3rd Presidential Election happen. The final turnout figures show that 21,800 voters participated, an 82% turnout rate which is our highest percentage of voter turnout particularly in the context of COVID-19. The Board thanked Austin and his Team for the great job they did.

Laura Gregory and Alex Vispoli recognized the Director of Veteran Services, Mark Comeiro and the Veteran's Holiday Committee for the excellent ceremony on Veterans Day. It was small and shorter than usual, but still amazing and well done. Laura also noted that Andover has been selected as a MASS Saves Municipal Partner which will provide energy efficient efforts to residents who are renters. Both Laura and Annie attended the Affordable Housing Forum last week which was outstanding.

The December 7th Select Board meeting will include an expanded Citizen Petitions, providing an opportunity for anyone who wants to speak to an item not on the agenda. Annie Gilbert said she attended a meeting with the other Chairs on November 12th and they discussed the upcoming Triboard Meeting on December 9th which will cover revenue assumptions, CIP, and scenarios for an integrated finance plan that will encompass the West Elementary School and an OPEB Bond. The Select Board will schedule a workshop to discuss this topic, prior to the Triboard Meeting because it is a complicated subject.

IV. Public Hearing

A. Fiscal Year 2021 Tax Classification 1st Reading

Tax Assessor Dave Billard provided information on the tax classification votes that the Select Board is required to vote on:

1. Vote of the Residential Factor
2. Vote of an Open Space Discount
3. Vote of a Residential Exemption
4. Vote of a Commercial Exemption

The total value of the Town is \$9,027,670,557 with a total levy amount of \$159,456,442. Mr. Ballard shared information on the Fiscal Year 2021 property values that increased by 2.6%, which is relatively modest compared to the prior two years. He also shared information on various tax rate scenarios for all of the categories listed above.

The Open Space Discount adoption exempts up to 25% of the value of land classified as open space. The open parcels in Andover were in excess of zoning, rear land or land with no development potential. At the DOR's request, the parcels were reviewed and for FY-2020 reclassified as vacant land and also in FY-2020, none of the communities in Massachusetts adopted this exemption.

The residential exemption is an exemption of up to 35% of the average assessed value of all residential property which is applied to the assessment of the principal residence of the property owner. In FY-2019 sixteen communities adopted this exemption. Adoption of this exemption, with a high percentage of owner occupancy, shifts the tax burden from lower valued properties to higher valued properties.

The Commercial Exemption: The Select Board may vote up to a 10% exemption for commercial property owners that had an average annual employment of 10 or fewer employees and an assessed value less than \$1,000,000. Increase the tax of industrial property owners and those owning commercial properties valued over \$1,000,000 are both are ineligible for this exemption.

Mr. Billard provided information on the various shifts and how they would affect the tax increase for residential, commercial and industrial property. For example, a 156 shift would create a 4.78 increase over last year for a single-family residence and a rate increase of 2.0% for commercial property and 1.78% rate increase for industrial property. A 159 shift would create a 4.0% increase for residential, 3.9% for commercial, and a rate increase of 3.7% for industrial.

The Chair reminded the Board that this was a First Reading and that this item would be taken up again at the next meeting.

Questions emailed in:

Linn Anderson from the Triboard Committee, asked if the Triboard Meeting could be held in an Auditorium. Annie Gilbert said a Triboard Meeting would be above the 25-person limit for public gatherings.

B. Capital Improvement Program FY2022-FY2026

The Town Manager provided an overview of the Capital Improvement Program (CIP) which is based on 5.72% of the budget and includes any debt service, new debt service, and capital projects to be funded by cash (Article 5) for a total CIP of 5.72%. The recommended CIP for FY-22 totals \$22,327,651.

The Town Manager is recommending the use of about \$2M from Free Cash. A TBD number is being used as a placeholder for West Elementary/Shawsheen Project and projected costs. \$3,010,000 will come from General Fund Revenue, \$6,595,000 from General Fund Borrowing, and \$1,364,279 from Special Dedicated Funds for a total CIP of \$22.3M.

Alignment of Goals with CIP with Funding Source

Goal Objectives	Deliverable	Recommendations in CIP	Funding Source
Long-range Financial Planning	Increase public participation in budget process	Fund Participatory Budgeting Program	General Fund Revenue
Citizens Response	Expand integrated public service model	Ongoing improvements to Town Offices	General Fund Revenue
Capital Improvements	Implement Gas Disaster Recovery Plan	Ongoing Improvements to roads, sidewalks, etc.	GF Borrowing and W/S Enterprise Funds
Capital Improvements	Construction of West Elementary School	Seek Borrowing Auth. & Debt Exclusion	Debt Exclusion Borrowing
Capital Improvements	Implement Sidewalk Program	Continuation of sidewalk program	General Fund Borrowing
Downtown & HMD	Prepare for Disposition of 11 Lewis St.	HDM Circulation Improvements	General Fund Borrowing
River & Open Space	Enhance recreational opportunities	Shawsheen River Master Plan, Poms Pond Improvements, Lower Shawsheen Track Design	General Fund Revenue
Energy & Sustainability	Begin work on development of a Climate & Sustainability Action Plan	Fund Plan Development	General Fund Revenue

General Fund Revenue Projects:

Total \$3,010,000

Free Cash Balance: The Town Manager is recommending \$1,983,372 be appropriated to fund Capital. They have shifted most of the IT Requests for Annual Staff and Student Refresh of devices, and annual sidewalk repair to Free Cash due to COVID constraints it would have put on the CIP at this time.

General Fund Borrowing:

Total \$6,595,000

Includes: The Board’s Sidewalk Program, a continuation of the By-directional Amplifier System installed in school buildings that allows for communication with Public Safety personnel outside of the building. Renovating the ground floor of the Library with a Maker-Space, Historic Mill District Street Construction, Fire apparatus replacements, Large Public Works vehicles, Major Town Projects, Major School Projects and Town & School Energy Initiatives.

<u>Special Dedicated Funds:</u>	Total	\$1,364,276
Annual Road Maintenance funded by Chapter 90 Funding		
<u>Water & Sewer Enterprise Funds:</u>	Total	\$6,595,000
Includes Water Main Replacement Projects		

V. **Regular Business**

A. **Covid-19 Update**

The Town Manager & Tom Carbone, Health Director provided an update on COVID-19. The cases are continuing to rise in Andover with half of the 176 cases from household contacts spread across all age groups with the vast number under the age of 40, and there is a cluster of cases in one of our assisted living facilities. The first phase of the vaccination will be given to medical providers, first responders, and those by in assisted living facilities. It is expected that the vaccine will be available to the general population in the springtime.

B. **Water Update**

Director of Public Works, Chris Cronin, provided an overview of the work performed over the past six months.

Water Treatment

Experienced an increase of 20% of water pumped and treated, which is consistent with other communities in 2020. Fishbrook experienced a 30% increase because of the prolonged drought. Andover never had a mandatory ban. Water sold/distributed to North Reading: Last year North Reading used a maximum of 1.5M gallons per day, exceeding this number only a few times. North Reading also experienced a 20% increase this year over last year which is a reflection the drought.

2020 Water Treatment Plant Projects

Replacing the carbon bed media, pumped 1.7 billion gallons of water between May and September and awarded contract for electrical upgrades at the plant.

Water Distribution Currently, there are three contracts underway with Revoli Construction that focus on replacing water mains in the gas-impacted areas downtown and in outer areas along Greenwood Road, Rte. 28, Linda Road and Chandler Road. Next year, they expect to complete the contracts with Revoli, and bid and commence with Contract 3 and 4.

Continuing with Flushing Program

Discolored water calls were higher in 2019 than in 2020. This is the most aggressive Water Main Replacement Program in the history of the Town. The slides will be put on the Town's website for residents to view the progress being made. Initially, COVID caused delays; but once safety protocols were worked out everything got moving.

C. **Resident Survey Results**

Mike Lindstrom and Austin Simko presented an overview of the results of the Resident Survey.

Methodology: The survey was conducted by the UMASS/Lowell Center for Public Opinion and distributed in December 2019 with responses collected from October 2019-February 2020. Out of a 3,500 person sampling, 1,004 recipients completed the survey, with a 28.7% responses rate and a 4.9% margin of error. Weighted for age, sex and education.

Strengths & Concerns:

The results revealed the following: Andover is a very desirable place to live, raise children, work, and engage in recreational opportunities. The highest ratings received were for having a safe community and downtown area. Very high ratings were received for our School system, Town Services, and recreational opportunities.

Highest scoring for services:

EMS/Ambulance, Memorial Hall Library, Fire Department, trash and recycling, snow removal and public parks. We also received very high ratings in customer services for courtesy, knowledge, responsiveness, and customer service.

Lowest scoring marks:

Andover's lowest marks were for the availability of housing and transportation options. People are looking for more senior housing opportunities.

Problems: Concern with traffic, local speeding, parking, and drugs in the community.

Governance Insights:

Information has been shared with the Town Governance Committee. The Board and Committee meetings in the last twelve months ranked low with only 33% watching on TV.

Frequency of voting:

Survey results showed that 82% of respondents voted in the last 12 months, older, wealthier residents are more likely to vote, and only 1/3 of the respondents attended Town Meeting over the past 3 years. Residents didn't attend Town Meeting due to time conflicts, political disengagement, concerns about the meeting format, parking and special interest votes; 68% of people want to retain/reform Open Town Meeting. Reforms include time limits for speakers, meeting time and location, policy concerns, support status quo, with 76% of the responses focused on remote/electronic attendance/voting.

Dedicate more resources:

Residents would like to see more resources dedicated to road maintenance, recycling, water quality and the schools. Focus on land use: Small shops, businesses, open space, etc.

What Matters Most to Residents:

Schools are key. For residents 65 and over the focus is on Town Services as the critical reason for staying in Andover.

Most important challenge over next 5 years:

- Budget, fiscal responsibility, sustainability
- Education
- Business environment
- Parking, speeding

Survey information will be useful for Departmental strategic planning. There is good data for things fundamentally important to the service industry.

B. Master Plan and Zoning Bylaw Recodification Kickoff

Lisa Schwartz and Paul Matarazzo provided information and highlights on the two major initiatives, the Master Plan and Zoning Bylaw Recodification. They are looking for 11-13 volunteers to sit on the Steering Committee for the 2022 Master Plan. A box will be added to the online Talent Bank form for residents interested in participating on the Steering Committee for the Master Plan.

A Recodification of Bylaws will be conducted to change the formats, update definitions, correlate different sections, provide clarity, updates, and modernize the document. Barry Consultant Group will be working with a hybrid of Town staff and interested people to help.

Annie Gilbert said the recodification effort will not involve any policy changes. She remembers some discussion of concerns of potential loopholes existing in our bylaws. Will any piece of this work identify that for future? Paul Matarazzo replied that yes, they will be looking at definitions that don't reflect what they actually mean today. Laura Gregory asked if Town Meeting has to vote on the recodification. The response was yes, a vote at Town Meeting is required.

VI. Consent Agenda

Alex Vispoli moved that the following appointments by the Town Manager be approved as printed. Motion seconded by Laura Gregory. Roll call: A. Vispoli-Y, L. Gregory-Y, D. Koh-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
Police	Charles Edgerly (J. Hashem)	Lieutenant	\$109,154.91	11/23/20
Town Clerk	Pamela Bertheim	Constable	Term Expires 11/28/2023	11/28/20
Council on Aging Advisory Board	Edward Plowey	Member	Term Expires 06/30/2021	11/20/2020

VII. Meeting Minutes

Alex Vispoli moved to approve the Select Board Minutes of October 5, 2020, October 19, 2020 and November 2, 2020. The motion was seconded by Chris Huntress. Roll call: L. Gregory-Y, A. Vispoli-Y, D. Koh-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 5-0.

VIII. Adjourn

At 9:01 P.M. Dan Koh moved to adjourn from the November 16, 2020 Select Board Meeting. Motion seconded by Laura Gregory. Roll call: D. Koh-Y, L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo

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 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.