



## Select Board Meeting

Monday, April 5, 2021 7:00 PM

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

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**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](http://www.andoverma.gov/JoinSelectBoardMeeting)

**V. Public Hearings**

- A. Transfer of Wine and Malt Retail Package Store License – (10 minutes)

Board to review and consider voting to approve the application of Energy North Incorporated, 2 International Way, Lawrence, MA, for a transfer of a Wine and Malt Retail Package Store License from Verc Enterprises, Inc., 309 Lowell Street.

**VI. Regular Business**

- A. Retirement Board Appointment – (45 minutes)

Board to interview candidates, deliberate and consider voting to appoint a fifth member to the Retirement Board.

James Bonfanti  
Harold Melandri  
Stuart Rubin  
Blackwell "Bojay" Taylor

The candidates listed above submitted a Talent Bank form prior to the agenda posting deadline. Residents who submit a Talent Bank form prior to 4:30 p.m. on Friday, April 2<sup>nd</sup> will also be interviewed. The agenda will be updated with any additional candidates.

- B. Re-Organization of the Board – (10 minutes)

Board to elect a Chair, Vice Chair and Clerk for 2021-2022 to be effective following the 2021 Annual Town Meeting.

- C. Vehicle for Hire Policy Amendments – (10 minutes)

Board to review and consider voting to approve amendments to the Town of Andover Rules & Regulations for Public Vehicles for Hire.

- D. Town Manager and Select Board Goals Update – (15 minutes)

Town Manager to provide an update on the Select Board / Town Manager Strategic Goals.

RECEIVED  
TOWN CLERK'S OFFICE  
2021 APR -1 PM 3:54  
TOWN OF ANDOVER, MASS

E. Annual Town Meeting Articles - (60 minutes)

Board to consider voting to take a position on the following articles:

P8	Minor Financial Articles (A through D)
P9	General Housekeeping Articles (A through G)
P10	Unpaid Bills
P15	Capital Projects from General Fund Borrowing
P16	Capital Projects from Free Cash
P19	Establish New Revolving Fund – Student Technology Rental
P21	Authorize Electricity Supply / On Bill Credit Purchase Agreements at Sanborn School
P22	Authorize Lease of Land/Rooftop Space at Sanborn School for Solar Photovoltaic Facilities
P23	Authorize Agreements for Payment in Lieu of Taxes at Sanborn School
P24	Shawsheen School – To Be Withdrawn
P26	Andover High School Design
P29	General Bylaw Amendment – Outdoor Dining or Retail License Bylaw
P30	Amend Andover Zoning Bylaw Article VIII
P33	Amendment of Open Space Land Acquisition Bonding Appropriations

VII. **Consent Agenda**

A. Appointments by the Select Board

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

Department	Name	Position	Rate/Term	Date of Hire
Town Clerk	Kenneth Gasse	Pollworker	\$9.25/hour	3/29/2021

B. 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
Facilities	Gary McKenney <i>(Michael Gillespie)</i>	Custodian	\$24.09/hour	4/19/2021
Youth Services	Samantha Racca	Seasonal	\$13.50/hour	3/30/2021
Master Plan Steering Committee	Morgan von Prelle Pecelli	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Ann Knowles	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	James Bonfanti	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Lelani Foster	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Brian Masterson	Member	Term Expires 6/30/2024	4/5/2021

Master Plan Steering Committee	Matthew Quinlan	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Melissa Cryan	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Richard Padova	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Allison Lex	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Patricia Bechard	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Michael Shyu	Member	Term Expires 6/30/2024	4/5/2021
Master Plan Steering Committee	Amy Brearley	Member	Term Expires 6/30/2024	4/5/2021

**VIII. 2021 Board of Selectmen Meetings**

A. Board to consider voting to accept the following Board of Selectmen Meeting Schedule:

May 3, 2021  
May 17, 2021  
June 21, 2021  
July 19, 2021  
August 2, 2021  
August 16, 2021

**IX. Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. March 9, 2021
2. March 17, 2021
3. March 18, 2021
4. March 19, 2021

**X. Executive Session**

A. Board to vote to go into Executive Session for confidential communication with Town Counsel and pursuant to option 6 to discuss the purchase, exchange, lease or value of real property, for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town; and not to return to open session.

**XI. 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 on an item that is *not* on the agenda may do so by visiting [www.andoverma.gov/JoinSelectBoardMeeting](http://www.andoverma.gov/JoinSelectBoardMeeting). They will be admitted during Citizens Petitions and Presentations.

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](mailto: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.

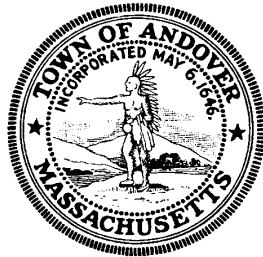


# TOWN OF ANDOVER

## Town Clerk's Office

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

## TOWN OF ANDOVER



## PUBLIC HEARING

Notice is hereby given in accordance with Chapter 138 of the Massachusetts General Laws, as amended, that Energy North Incorporated, 2 International Way, Lawrence has applied for a transfer of a Retail Package Goods Wines and Malt Beverages License from Verc Enterprises, Inc., located at 309 Lowell Street, Andover.

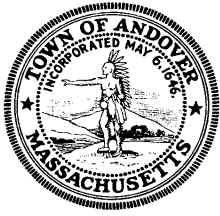
The public hearing will be held on Monday, April 5 at 7:00 p.m. in accordance with the General Laws relating thereto. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number 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](mailto: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, March 18, 2021



# 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, Renewal, Change of Designated Manager

Name	Energy North Incorporated
Address	2 International Way, Lawrence, MA
Title	
Company	
Are all employees who will be serving alcohol TIPS certified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> This is off-premises license. If the employees are not currently, they will be
Are all employees who will be serving alcohol SERV Safe-Alcohol certified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> There will not be any serving of open containers since this is off-premises
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.	We would like to continue selling packaged beer and wine beverages in the same manner the current owners do today. No changes to management or personnel are planned.
Please provide an overview of qualifications, certifications, and experience of the designated manager of the establishment.	Gary Hoffman has been employed with Verc, the prior owner, for over 20 years and was the manager in place when they the original license issued years ago.

Energy North Incorporated  
MOTION

MOTION

I move to approve the application of Energy North Incorporated, 2 International Way, Lawrence, MA, for a transfer of a Wine and Malt Retail Package Store License from Verc Enterprises, Inc., 309 Lowell Street, Andover, MA, subject to the condition that all other requirements of the Town are met prior to issuance.

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

Voted \_\_\_\_\_ to \_\_\_\_\_

James Bonfanti

Print

**Andover Talent Bank Form - Submission #2825**

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Date Submitted: 12/9/2020

**Andover Talent Bank**

The Andover Talent Bank is a means of identifying residents who are interested in serving the community on a Town committee, board, commission or task force.

There are numerous committees, boards or commissions appointed with terms ranging from 1 to 5 years. Please check the committee, board or commission you are interested in. If you are interested in more than one, rank your interests accordingly. Please note if there are not any vacancies on the committee, board, or commissions you selected, your information will be retained and considered when a future vacancy occurs

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**First Name\***

James

**Last Name\***

Bonfanti

**Address\***

28 Bradley road

**Phone Number\***

6174551401

**Email Address\***

Jbonfanti@gmail.com

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### **Committees Appointed by the Town Manager**

Check any board(s) that you are interested in serving on.

- Andover TV Board of Directors: 1 Member Appointed by Town Manager, 3-Year Terms
- Audit Committee: 5 Members, 3-Year Terms
- Board of Assessors: 3 Members, 3-Year Terms
- Ballardvale Historic District Commission: 7 (reg) Members, 3-Year Terms
- Cable Advisory Committee: 5 members, 3-Year Terms
- Commission on Disability: 9 Members, 3-Year Terms
- Conservation Commission: 7 Members, 3-Year Terms
- Council on Aging: 11 Members, 3-Year Terms
- Cultural Council: 11 Members, 3-Year Terms
- Design Review Board: 5 Members, 3-Year Terms
- Economic Development Council: 11 Members, 3-Year Terms
- Elderly Tax Aid Committee: 5 Members, 3-Year Terms
- Green Advisory Board: 9 Members, 3-Year Terms
- Board of Health: 3 Members, 3-Year Terms
- Housing Partnership Committee: 9 Members, 3-Year Terms
- Housing Trust Fund Board of Trustees: 6 Members, 3-Year Terms
- IT Advisory Committee: 7 Members, 3-Year Terms
- Master Plan Steering Committee
- Memorial Hall Library Trustees: 7 Members, 3-Year Terms
- Open Space Task Force: 7 Members, 3-Year Terms
- Patriotic Holiday Committee: 9 Members, 1-Year Terms
- Permanent Town Building Advisory Committee: 5 Members, 3-Year Terms
- Poet Laureate Committee: 10 Members, 3-Year Terms
- Planning Board: 5 Members, 1 associate, 5-Year Terms
- Preservation Commission: 7 Members, 3-Year Terms
- Revenue and Expenditure Task Force: 5 Members
- Scholarship Committee: 9 Members, 1-Year Terms
- Spring Grove Cemetery Trustees: 5 Members, 3-Year Terms
- TRIAD Council: 9 Members, 3-Year Terms
- Towle Fund Trustees: 3 Members, 3-Year Terms
- Town Governance Study Committee: 7 members
- Town Yard Selection Committee: 7 Members

### **Committees Appointed by the Town Moderator**

Check any board(s) that you are interested in serving on.

- Finance Committee: 9 Members, 3-Year Terms

### Committees Appointed by the Select Board

- Zoning Board of Appeals: 5 Regular, 4 Associate Members, 3-Year Terms
- Zoning Bylaw Study Committee: 4 Resident Appointments , 3-Year Terms
- Retirement Board: 1 Member Appointed by Board of Selectmen, 3-Year Term

Check any board(s) that your are interested in serving on.

**If you selected multiple boards or commissions, please rank your interests from most interested to least interested.**

Library trustee, retirement steering committee and health

### Meeting Availability\*

May of these boards/committees/commissions meet at least twice per month and may meet more often prior to Town Meeting. Please indicate how many meetings you are able to attend per month.

- One Meeting Per Month
- Two Meetings Per Month
- Three Meetings Per Month

### Time Limitations

Few hours per month

Please indicate any limitations you may have on your time commitment.

### Interest/Education\*

William and Mary - ab  
Suffolk - JD  
Boston university LL.M

Please detail your areas of special interest and/or education.

### Employer/Position\*

Eastern bank /wealth management

Because of conflict of interest problems with certain positions, please list your current employer and your position with that employer.

### Skills/Expertise\*

I have varied background with experience in several areas including but not limited to legal, tax , retirement, investments, teaching and real estate.

Please indicate any special skill or expertise that you would consider volunteering to the Town.

### File Upload

No f...osen

If you would like to upload your resume please do using the browse button

Harold Melandri

Print

**Andover Talent Bank Form - Submission #3269**

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Date Submitted: 3/29/2021

**Andover Talent Bank**

The Andover Talent Bank is a means of identifying residents who are interested in serving the community on a Town committee, board, commission or task force.

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**First Name\***

Harold

**Last Name\***

Melandri

**Address\***

11 ORIOLE DR

**Phone Number\***

347 873 0251

**Email Address\***

hmelandri@gmail.com

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### **Committees Appointed by the Town Manager**

Check any board(s) that you are interested in serving on.

- Andover TV Board of Directors: 1 Member Appointed by Town Manager, 3-Year Terms
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- Cultural Council: 11 Members, 3-Year Terms
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- Towle Fund Trustees: 3 Members, 3-Year Terms
- Town 375th Anniversary Committee: 11 Members, 3-Year Term
- Town Governance Study Committee: 7 members
- Town Yard Selection Committee: 7 Members

### **Committees Appointed by the Town Moderator**

Check any board(s) that you are interested in serving on.

- Finance Committee: 9 Members, 3-Year Terms

### Committees Appointed by the Select Board

- Zoning Board of Appeals: 5 Regular, 4 Associate Members, 3-Year Terms
- Zoning Bylaw Study Committee: 4 Resident Appointments , 3-Year Terms
- Retirement Board: 1 Member Appointed by the Select Board, 3-Year Term

Check any board(s) that your are interested in serving on.

**If you selected multiple boards or commissions, please rank your interests from most interested to least interested.**

Retirement Board, Finance Committee

### Meeting Availability\*

May of these boards/committees/commissions meet at least twice per month and may meet more often prior to Town Meeting. Please indicate how many meetings you are able to attend per month.

- One Meeting Per Month
- Two Meetings Per Month
- Three Meetings Per Month

### Time Limitations

Please indicate any limitations you may have on your time commitment.

### Interest/Education\*

Finance, Securities Markets, Planning, Economics

Please detail your areas of special interest and/or education.

### Employer/Position\*

I am a consultant for MI2 Partners a macroeconomic financial consultancy which advises asset management firms and proprietary traders.

Because of conflict of interest problems with certain positions, please list your current employer and your position with that employer.

### Skills/Expertise\*

Financial markets, and economics.

Please indicate any special skill or expertise that you would consider volunteering to the Town.

### File Upload

HARRY MELANDRI  
CV.pdf

If you would like to upload your resume please do using the browse button

# HARRY MELANDRI

11 Oriole Drive, Andover MA 01810 • 1-347-873-0251 • hmelandri@gmail.com

## Introduction

I have over 25 years of financial markets experience and have held leadership roles in macro portfolio management at Deutsche Asset Management, Aberdeen Asset Management and Brevan Howard; in macroeconomic research and strategy at the Bank of England and Medley Advisors; and in fixed income and fx derivatives trading at UBS and other investment banks. Emerging Markets and Macro Policy analysis are areas of particular strength. I have substantial experience in derivatives trading (linear and non-linear) and rates relative value trading. There is an international dimension to my career having held senior roles working in London, New York and Moscow.

## Business Experience

Aug 2013 - **UBS, NEW YORK**  
Dec 2015 Executive Director, Head of EM Latam Macro

Re-established UBS presence in Latam Rates market-making by emphasis on relative value analysis and trading. Target gross revenues of US\$12mn in Rates in 2015 from zero in 2013. Expanded customer base by 500% through accurate, aggressive pricing, and focus on RV. Developed UBS's relationship with several of the most prominent clients in the space by this approach. Directly responsible for generating USD 3mn 2014 and USD 5mn in 2015 from proprietary relative value positioning in Latam rates with no significant drawdowns.

Responsible for team of 3 FX traders in New York and 5 Rates traders in New York, Mexico City, and Sao Paulo. Gross revenues of US\$20mn in 2014 and on course to hit target gross revenues of \$30mn in 2015.

Re-designed and implemented new swaps booking model which released Chf500mn of regulatory capital and saved CHF60mn per year.

Led implementation of new rates and FX derivative pricing system.

Developed new booking model which used system of parental guarantees and parallel collateral management to allow UBS to trade directly Mexican clients without re-capitalizing the UBS Mexico City entity.

Dec 2010 - **CREDIT AGRICOLE, NEW YORK**  
June 2013 Director, Volatility Trading

Traded Volatility and Delta as market-maker in US\$ and Latam rates including dollar exotics. Developed trade ideas and marketed ideas to clients. Made markets in Latin American rates and volatility, IR swaps, swaptions, caps and floors, and exotic options with a primary focus on Mexico, secondary emphasis on Brazil and smaller markets. Managed junior trader and one trading assistant.

Jan 2004 - **DEUTSCHE AM/ ABERDEEN AM/BREVAN HOWARD, LONDON**  
June 2010 Director, Global Fixed Income Portfolio Manager

Senior member of five-person investment team, generating macro and relative value trades for the G20 fixed income markets. \$6bn absolute return funds under management and further \$20bn indexed funds managed. Excellent track record for consistently meeting alpha generation targets – targets met 4 years out of 5. Worst draw down 40% annual target. Achieved Sharpe ratio of 1.25 over 5 years. Markets covered included prospective EU entrant states, South Africa, Mexico, and Singapore.

The team at DB/Aberdeen was hired by Brevan Howard in Sep 2008 to start a UCITS compliant fund generating macro and relative value trades for the G20 fixed income markets. Seeded with \$250mn from the BH Master Fund, the fund used the full range of cash and derivative instruments; Achieved Sharpe ratio of 1.2.

Jan 2000 - **MEDLEY GLOBAL ADVISORS, NEW YORK**  
Nov 2003 Director, Macro Strategist

Responsible for developing MGA's Asset Management (“real money”) business area from scratch. Provided clients with macro-intelligence and expert analysis in a timely basis across a broad range of global macro issues. Developed business area into substantial revenue (15% of total revenues) contributor over 4 years. The role put me in daily contact with senior decision makers at the world’s top asset management firms.

Jul 1992 - **FIXED INCOME/FIXED INCOME DERIVATIVES TRADER**  
Jul 1999

Market maker in G7 and emerging markets fixed income and fixed income derivatives. Particular experience trading fixed income options/swaptions, futures, bonds and swaps. In EM my focus was Eastern European external debt and debt derivatives. Developed familiarity with fixed income RV, statistical trading and cross product arbitrage working for Renaissance Capital in **Moscow**, SG Warburg in **London** and ING Barings in **New York**.

Sep 1988 - **BANK OF ENGLAND, LONDON**  
June 1992 International Economist

IFI analyst responsible for briefing the UK delegation to the IMF. Responsibilities included briefing on day to day decision making of the Fund, and also long term economic analysis. Internally transferred to Capital Markets Group to a role that involved briefing senior Central Bank and Treasury officials on international capital markets, and instruments. As part of this job, seconded for six months to Goldman Sachs to gain experience with both the Derivatives Desk and the Strategy Desk.

## Personal Details

**Nationality:** British Citizenship; United States Permanent Resident

**Education:** 1985 - 1988: Trinity College, Cambridge University  
BA (Hons) 2:1 Economics  
1991 – 1993: Birkbeck College, London University  
MSc (Merit) Economics

**Registrations:** Series 63, 7 and 24

Stuart Rubin

Print

**Andover Talent Bank Form - Submission #3241**

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Date Submitted: 3/25/2021

**Andover Talent Bank**

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---

**First Name\***

Stuart

**Last Name\***

Rubin

**Address\***

12 Rose Glen Drive

**Phone Number\***

508 662-7959

**Email Address\***

smrubi@aol.com

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### **Committees Appointed by the Town Manager**

Check any board(s) that you are interested in serving on.

- Andover TV Board of Directors: 1 Member Appointed by Town Manager, 3-Year Terms
- Audit Committee: 5 Members, 3-Year Terms
- Board of Assessors: 3 Members, 3-Year Terms
- Ballardvale Historic District Commission: 7 (reg) Members, 3-Year Terms
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- Town 375th Anniversary Committee: 11 Members, 3-Year Term
- Town Governance Study Committee: 7 members
- Town Yard Selection Committee: 7 Members

### **Committees Appointed by the Town Moderator**

Check any board(s) that you are interested in serving on.

- Finance Committee: 9 Members, 3-Year Terms

### Committees Appointed by the Select Board

- Zoning Board of Appeals: 5 Regular, 4 Associate Members, 3-Year Terms
- Zoning Bylaw Study Committee: 4 Resident Appointments , 3-Year Terms
- Retirement Board: 1 Member Appointed by the Select Board, 3-Year Term

Check any board(s) that you are interested in serving on.

**If you selected multiple boards or commissions, please rank your interests from most interested to least interested.**

Retirement Board is my 1st choice  
All other Board selections are of equal interest to me

### Meeting Availability\*

May of these boards/committees/commissions meet at least twice per month and may meet more often prior to Town Meeting. Please indicate how many meetings you are able to attend per month.

- One Meeting Per Month
- Two Meetings Per Month
- Three Meetings Per Month

### Time Limitations

None

Please indicate any limitations you may have on your time commitment.

### Interest/Education\*

BBA Degree with honors from the University of Wisconsin

Please detail your areas of special interest and/or education.

### Employer/Position\*

Retired now  
Former owner and President of Unemployment Cost Reduction Corp from 1990- 2017. We represented employers on their state unemployment tax accounts

Because of conflict of interest problems with certain positions, please list your current employer and your position with that employer.

### Skills/Expertise\*

HR, Finance, Budgeting

Please indicate any special skill or expertise that you would consider volunteering to the Town.

### File Upload

No files chosen

If you would like to upload your resume please do using the browse button

Bojay Taylor

Print

**Andover Talent Bank Form - Submission #3242**

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Date Submitted: 3/25/2021

**Andover Talent Bank**

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---

**First Name\***

Blackwell (Bojay)

**Last Name\***

Taylor

**Address\***

22 Karlton Cir

**Phone Number\***

6176860665

**Email Address\***

boj.tay@gmail.com

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### **Committees Appointed by the Town Manager**

Check any board(s) that you are interested in serving on.

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- Economic Development Council: 11 Members, 3-Year Terms
- Elderly Tax Aid Committee: 5 Members, 3-Year Terms
- Green Advisory Board: 9 Members, 3-Year Terms
- Board of Health: 3 Members, 3-Year Terms
- Housing Partnership Committee: 9 Members, 3-Year Terms
- Housing Trust Fund Board of Trustees: 6 Members, 3-Year Terms
- IT Advisory Committee: 7 Members, 3-Year Terms
- Master Plan Steering Committee
- Memorial Hall Library Trustees: 7 Members, 3-Year Terms
- Open Space Task Force: 7 Members, 3-Year Terms
- Patriotic Holiday Committee: 9 Members, 1-Year Terms
- Permanent Town Building Advisory Committee: 5 Members, 3-Year Terms
- Poet Laureate Committee: 10 Members, 3-Year Terms
- Planning Board: 5 Members, 1 associate, 5-Year Terms
- Preservation Commission: 7 Members, 3-Year Terms
- Revenue and Expenditure Task Force: 5 Members
- Scholarship Committee: 9 Members, 1-Year Terms
- Spring Grove Cemetery Trustees: 5 Members, 3-Year Terms
- TRIAD Council: 9 Members, 3-Year Terms
- Towle Fund Trustees: 3 Members, 3-Year Terms
- Town 375th Anniversary Committee: 11 Members, 3-Year Term
- Town Governance Study Committee: 7 members
- Town Yard Selection Committee: 7 Members

### **Committees Appointed by the Town Moderator**

Check any board(s) that you are interested in serving on.

- Finance Committee: 9 Members, 3-Year Terms

### Committees Appointed by the Select Board

- Zoning Board of Appeals: 5 Regular, 4 Associate Members, 3-Year Terms
- Zoning Bylaw Study Committee: 4 Resident Appointments , 3-Year Terms
- Retirement Board: 1 Member Appointed by the Select Board, 3-Year Term

Check any board(s) that your are interested in serving on.

If you selected multiple boards or commissions, please rank your interests from most interested to least interested.

### Meeting Availability\*

May of these boards/committees/commissions meet at least twice per month and may meet more often prior to Town Meeting. Please indicate how many meetings you are able to attend per month.

- One Meeting Per Month
- Two Meetings Per Month
- Three Meetings Per Month

### Time Limitations

Please indicate any limitations you may have on your time commitment.

### Interest/Education\*

Chartered Financial Analyst 2001-Present  
B.A. Engineering - Trinity College 1996

Please detail your areas of special interest and/or education.

### Employer/Position\*

Self Employed - serving as CFO of 819 Engineering LLC, a renewable energy project investment firm

Because of conflict of interest problems with certain positions, please list your current employer and your position with that employer.

### Skills/Expertise\*

Financial Modeling  
Investment Evaluation  
Data Science

### File Upload

TaylorBOJ Resume.pdf  
If you would like to upload your resume please do using the browse button

Please indicate any special skill or expertise that you would consider volunteering to the Town.

# BLACKWELL O. J. TAYLOR, CFA

22 Karlton Circle, Andover, MA 01810

## PROFILE

Renewable energy finance professional with deep experience in sourcing, evaluating, and executing project developments and acquisitions. Extensive background in financial modeling, project management, business development, credit analysis, and balance sheet management.

## PROFESSIONAL EXPERIENCE

**819 ENERGY LLC**, Lowell, MA - Renewable energy project investment firm **2016-Present**  
**Chief Financial Officer**

- Responsible for financial and operational management of parent company and eight subsidiary project companies
- Managing relationships with financial partners including lenders and tax equity investors
- Evaluating project investment opportunities in new and seasoned solar and wind energy projects
- Creating and maintaining financial models for analyzing investment structures incorporating construction financing, permanent debt, tax-equity driven partnership flips, and sale-leasebacks
- Directing service providers including auditors, engineers, construction contractors, operations and maintenance teams, and insurers
- Negotiating all contracts for the acquisition, construction, operation, financing, and maintenance of the renewable energy projects

**CYCLE POWER PARTNERS LLC**, Lowell, MA - Energy services and project investment firm **2015-2016**  
**Managing Director - Director of Finance**

Recruited by founder to analyze investment in a renewable energy service company. Managed all financial aspects of the parent investment firm and the operating subsidiary after acquisition. Evaluated project investment opportunities and maintained banking relationships.

**NORTHEAST BANK**, Boston, MA - subsidiary of publicly traded Northeast Bancorp (NBN) **2010-2014**  
**Managing Director - Director of Loan Acquisitions**

Recruited by investor group to develop high yield asset generation business for to-be acquired community bank. Responsible for executing loan acquisition program which invested \$280 million in commercial real estate loans. Designed pricing strategy and accompanying financial model and managed deal process from initial review through closing. Member of two credit approval committees, the asset liability committee, and contributor to loan and investment committee. Performed due diligence and completed application with Federal Reserve related to the purchase of the bank. Member of road show team for \$50 million public equity capital raise in May 2012.

**CAPITAL CROSSING SERVICING CO. LLC**, Boston, MA **2008-2010**

**CAPITAL CROSSING, A DIVISION OF LEHMAN BROTHERS BANK**, Boston, MA **2007-2008**

**CAPITAL CROSSING BANK**, Boston, MA **2001-2007**

**Senior Vice President - Director of Investment Strategy and Analytics**

Evaluated and invested in commercial loan portfolios. Modeled expected portfolio cash flow in various scenarios to determine purchase price given structure and profit goals. Managed pipeline of new business opportunities that included opportunity analysis to prioritize time and resource allocation. Coordinated due diligence process. Managed relationships with sellers and brokers. Gathered market intelligence to aid in pricing strategy. Managed relationships with partners including negotiating contracts and reporting. Modeled servicing contracts to maximize income and minimize risk given serviced asset profile. Created

extensive ad hoc reports including stratifications, actual assets cash flow vs. projections, and profitability by criteria.

**VIANT CORP.**, Boston, MA

**2000**

**Strategist**

Worked as strategy/management consultant providing digital business expertise to large corporate client. Researched and analyzed competitors and industry trends in the e-learning and interactive content markets. Created complex financial models of digital businesses to determine ROI, valuation, and funding needs. Assisted in creation of comprehensive business plan for aforementioned products. Presented information to clients and conducted interviews. Assisted business development in account planning.

**FLEETBOSTON FINANCIAL CORP.**, Boston, MA and Hartford, CT

**1998-2000**

**Associate, Technology & Communications Banking**

Monitored a portfolio of technology companies to determine risk profile and determine credit worthiness. Coordinated investment approval process by managing Financial Analyst's report presentation and presentation of conclusions to approval authorities. Prepared complex financial models of prospective clients to properly structure financial transactions accounting for diverse capital stacks.

**Analyst, Financial Institutions Group**

Analyzed insurance and money management companies for financial and business risk. Prepared and presented comprehensive evaluations of risk, structure, and profitability in financial transactions to senior management for investment approval.

**Commercial Banker Training Program:** fulltime, six month in-residence program with studies in accounting, financial analysis, corporate finance and the application of these concepts in credit and investment analysis.

**STATE STREET BANK AND TRUST**, Quincy, MA

**1996-1998**

**Account Controller**

Worked in a time sensitive environment, generating daily prices and yields for mutual funds with total asset values of \$20 billion. Analyzed accounting activity in funds for accuracy and reasonability with respective market conditions. Designed and administered division wide incentive plan as part of team appointed by senior management.

**COMMUNITY CONTRIBUTION**

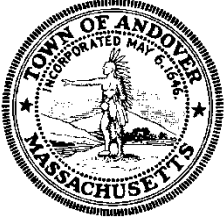
**TOWN OF ANDOVER**, Finance Committee

**2015-2020**

**EDUCATION & DESIGNATION**

**BA**, Engineering, Trinity College (Hartford, CT) 1996

**CFA** (Chartered Financial Analyst) designated 2001



TO: Select Board  
FROM: Austin Simko, Town Clerk  
DATE: April 1, 2021  
RE: Vehicle for Hire Policy Amendments

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I offer the following memorandum to share information regarding Andover's livery licensees. The Town currently issues livery licenses through an initial Board approval process and a subsequent administrative renewal process that is managed by the Town Clerk's Office. In particular, I wish to convey concerning information regarding these licensees, and offer for the Board's consideration a proposed amendment to the Select Board regulations.

## **I. CONCERNING PRACTICES OF LIVERY LICENCEES**

In recent years, the Town has licensed six companies to operate multi-vehicle livery businesses from an Andover address. Unfortunately, in recent years the annual license renewal process has been plagued by incomplete applications, failed vehicle inspections, missing insurance coverage information, and alarming vehicle driver background checks. These conditions are entirely the fault of the licensees.

In particular, here are some of the troubling practices by the licensees:

- Licensees must provide documentation showing that their licensed vehicles are properly insured in accordance with Town regulations. Licensees frequently present insurance information that is tardy, incomplete, or non-compliant with the Town's requirements.
- Relatedly, while the licensees are prohibited by the Town from garaging their vehicles in Andover, many licensees indicate on their insurance policies that the vehicles are garaged in Andover. This erroneous representation is made by the licensees to obtain lower insurance premiums associated with Andover (relative to other neighboring towns). Any vehicle collision involving a vehicle purportedly (even if not actually) garaged and registered in Andover affects the insurance rates applicable in Andover. Put differently, because of this insurance misrepresentation, vehicles that are not garaged in Andover nonetheless count as part of Andover's collision statistics for the purposes of setting Andover vehicle insurance rates.
- Background checks must be performed on livery vehicle drivers licensed by the Town. On several occasions, the drivers presented have had histories of operating under the influence, outstanding arrest warrants, revoked/suspended licenses, and expired licenses.
- On several occasions, the Police Department Public Safety Officer has scheduled vehicle inspections where the licensees have not made good faith efforts to present vehicles capable of passing inspection. For example, the vehicles sometimes have Massachusetts inspection rejection stickers and/or defective turn signals, headlights, parking lights,

reverse lights, horn, mirrors, and tire tread depth.

- In the past, though renewal applications are due in March, the licensees do not fully comply with the renewal requirements until July or August, if at all. They generally continue to operate throughout the year regardless of whether they have properly renewed their license.

In the last two years, the licensees have been counseled on how to meet the Town's licensing requirements. This counseling has taken the form of innumerable oral conversations, text messages, emails, and meetings, including a meeting in 2019 at the Town Offices of all the offending licensees, a translator, Clerk's Office staff, Police Department staff, and Town Counsel. Also, written warnings and/or cease and desist letters were provided on the following dates:

- July 9-10, 2019
- September 24, 2019
- March 20, 2020
- December 11, 2020
- February 17, 2021

Please note that, despite these warnings, even today, some licensees continue to operate without a license. We know this because, in March, Andover Police personnel were able to book service following the February 17, 2021 cease and desist letter. We also know that at least one former licensee was observed by Lawrence Police Hackney Division personnel operating "all over the city." Our recourse at this time would be to seek costly court action.

The effect of these persistent defects has been that Town Clerk's Office staff, Public Safety Officer Glen Ota, and Town Counsel have spent an inordinate amount of time reviewing incomplete applications, tracking down missing materials, advising licensees on how to correct application defects, demanding an end to operations under the non-renewed licenses, and then beginning the cycle anew when licensees decide to re-apply/renew.

The following represents the amount of staff time devoted to the management of these licenses:

- Town Clerk's Office – 70-90 hours per year.
- Public Safety Officer – 55 hours per year.
- Town Counsel – 10 hours per year

## **II. PROPOSED AMENDMENTS TO SELECT BOARD REGULATIONS**

While each licensee presents a unique record of compliance and non-compliance with the Town's regulations, all of the multi-vehicle livery operators have demonstrated a persistent disregard for the Town's requirements. Accordingly, the Town Clerk's Office requests, with the endorsement of the Andover Public Safety Officer, that the Town's livery license regulations be amended for the principal purpose of no longer offering licenses to multi-vehicle operators and instead only offer licenses to single-vehicle operators who reside in Andover.

An amended version of the Select Board Policy XI.3 “Town of Andover Rules & Regulations for Public Vehicles for Hire” is attached. The salient amendments include the following:

- Providing that licenses offered under this policy shall only be issued to single-vehicle businesses and not multi-vehicle businesses, and that the applicant, or a member of the applicant’s firm, must reside in the Town of Andover and not merely operate through a commercial address or a PO box address.
- Clarifying the definitions of “taxicab” and “livery vehicle,” both of which are types of vehicles for hire.
- Strengthening the “trip logs” requirement for licensees to be in keeping with best practices in peer communities.
- Strengthening the rules regarding licensees’ OUI convictions, motor vehicle citations and sex offender registration status.
- Correcting scrivener’s errors.

Town Bylaw Article XI, Section 1 “Taxis, express carriers, etc.” provides the Board the authority to make these revisions. The Bylaw states that “[a]ll owners and drivers of public conveyances of all kinds that may be used for public hire or for carrying express and baggage within the limits of the town shall be licensed by the Select Board, under such conditions as they may determine.”

This amended regulation would allow the Town to reallocate staff time to better uses, provide a clear statement to support potential enforcement action against businesses operating without a license, and continue to offer the kind of limited livery license that serves the community.

The Town is under no legal obligation to offer livery licenses at all. In fact, the following municipalities do not offer livery licenses: Swansea, Westford, Chelmsford, Millbury, and East Longmeadow. This list is non-exclusive.

The following are the projected effects of this regulations change:

- The Town would lose up to the following annual fees –

<b>Fee Type</b>	<b>Revenue</b>
New license application fees	\$425
Renewal license application fees	\$400
Vehicle renewal fees	\$3800
Vehicle change fees	\$100
Vehicle excise tax	\$2350
<i>Total:</i>	<i>\$7075</i>

- We reviewed the call logs of several licensees and found that the operators in question provide around 95% of their pick-ups in Methuen and Lawrence. Accordingly, these licensees do not generally serve Andover residents. However, Andover drivers could continue to engage the services of the livery operators in question if they were to obtain licenses from other municipalities.

- Uber and Lift, which do not require local licensing, would continue to operate in Andover.
- The licensees could stay in business, and continue employing their staffs, through licensing in the communities where they already do the vast majority of their business.
- Town staff time would be freed-up for use on Andover-centric, constructive tasks. For example, the recently-expanded outdoor dining licenses and outdoor retail licenses are the kinds of services that serve the community and require a substantial amount of staff attention.

### **III. MOTION**

I move that Board amend Select Board Policy XI.3 “Town of Andover Rules & Regulations for Public Vehicles for Hire” as presented.

**XI.3. TOWN OF ANDOVER RULES & REGULATIONS FOR PUBLIC VEHICLES FOR HIRE**

In accordance with the provisions of MGL Ch. 40, Sec. 22 and the Town Bylaws, Art. XI, Sec. 1, the following conditions are placed on owners and operators of public vehicles for hire in the Town of Andover:

**SECTION I: OWNERS LICENSE**

**A. Definitions.**

For the purpose [of these rules](#), the following words and phrases shall have the meanings respectively ascribed to them [as follows](#):

**Operator**

A person who has an operator’s license from the Commonwealth to operate motor vehicles.

**Vehicle for Hire**

A license granted by the Select Board and issued by the Town Clerk for the operation for a vehicle for hire business.

**Vehicle for Hire Operator’s License**

A license issued by the Chief of Police for the operation of a vehicle for hire.

**Taxicab**

[A metered or un-metered motor vehicle with a seating capacity that does not exceed nine \(9\) persons, including the operator, that is operated for hire by or on behalf of the named insured or by an employee, but does not pickup, transport, or discharge passengers along a route. A taxicab can be hailed by a person from the street.](#)

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**Deleted:** Child<sup>¶</sup>

¶ A child shall be considered to be any person under twelve years of age.¶

**Deleted:** Cruising<sup>¶</sup>

¶ The solicitation of patrons upon a street other than from a taxi stand.¶

**Deleted:** A motor vehicle for hire of the private passenger type, the designed seating capacity of which does not exceed nine (9) persons, including the operator, rented from the registered place of business of the owner, stand, station, or other public place, with the owner or with an operator in the employ of the owner in attendance, by the hour, day, trip, or miles, for general-common passenger-carrying use equipped with or without a taximeter, but not operated as a bus or on a schedule along a regular route.

**Livery Vehicle**

An unmarked motor vehicle for hire with seating capacity that does not exceed nine (9) persons, including the operator, which:

- a. Is hired on a prearranged basis
- b. Does not pick up hail fares on the street
- c. Does not contain a rate meter and does not charge for services based upon miles traveled if the trip is less than twenty-five (25) miles
- d. Is operated by the named insured, an employee, or an independent contractor of the named insured in attendance as the chauffeur
- e. Primary method of payment is by billing or credit card

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**Waiting Time**

Any period of time that a vehicle for hire, in the service of a passenger, shall be in an idle position waiting upon the convenience of the passenger.

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**Deleted:** rented from the registered place of business of the owner only, with the owner or with the operator in the employ of the owner on attendance and with the use restricted to social functions, funeral purposes, shopping trips, touring and similar contractual purposes.¶

B. **License – Required**

No person shall set up, employ or use for the conveyance of passengers for hire, any motor vehicle, coach, cab or other means of conveyance, without a license from the Select Board.

**Deleted:** Vehicle for Hire Stand¶  
¶  
A part of a public way assigned to a suitable person or corporation by the Chief of Police, for the placing thereon of a licensed vehicle for hire to the exclusion of all other vehicles for conducting a vehicle for hire business according to the conditions set forth by the Select Board.¶

C. **License – to be Granted by Select Board; Term; Revocation, Etc.**

The Select Board may grant licenses for a term of one year upon such terms and to such persons who serve the public need or convenience to set up, employ or use for the conveyance of persons within the Town, for vehicle for hire, which licenses shall be revoked or suspended at any time by the Select Board for any violation of the provisions of these rules or any bylaw of the Town, and may be revoked by the Select Board for other causes, and a record of such licenses shall be kept by the Town Clerk. Licenses for all such vehicles shall expire on the first day of May of each year.

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D. **License – Qualifications of Licensee**

Every person granted a vehicle for hire license under these rules shall be duly established in the particular type of business for which the license has been granted, making it a substantial part of his or her daily labors.

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E. **Application for Licenses Generally; Fees**

Vehicle for Hire licenses offered under these rules shall only be issued to single-vehicle businesses and not multi-vehicle businesses, and the applicant, or a member of the applicant's firm, must reside in the Town of Andover and not merely operate through a

commercial address or a PO box address. No vehicle for hire license shall be issued unless the person owning or in possession of such vehicle, shall file with the Town Clerk, a petition addressed to the Select Board, setting forth the name and residence of the applicant, who in no event shall be less than twenty one years of age. The petition shall also state the make, the year, the Vehicle Identification Number (VIN), the type of vehicle, the owner of the vehicle to be used, the state registration number, the location for the garaging of the vehicle, and shall be accompanied by an application fee of \$150. All statements in the petition shall be sworn to. If the petition is made by a corporation, the same shall be sworn to by the President and Treasurer of the corporation and shall set forth the names and residential addresses of all the officers and directors of the corporation. Forms to be provided by the Town Clerk. Each taxicab shall have a Massachusetts Registry of Motor Vehicles Taxi Registration, each livery vehicle shall have the appropriate Massachusetts Registry of Motor Vehicles Registration. Annual renewal applications shall be accompanied by a fee of \$100, as well as all aforementioned documents.

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F. **Insurance Policy – Required**

No license required by these rules shall be issued until the applicant has acquired a policy of insurance and has delivered to the Town Clerk a certificate thereof issued by an insurance company authorized to transact business specified in sub-division (b) of Section 47 of Chapter 175 of the General Laws, covering the motor vehicle to be operated by the applicant under his or her license, conforming to the provisions of Sections 112 and 113 of Chapter 175 of the General Laws, nor until the applicant has also delivered to the Town Clerk a certificate of the insurance company issuing the policy showing that the policy shall not be canceled or in any manner amended, changed or altered without giving the Town Clerk 10 days notice thereof.

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G. **Liability and Property Damage Covered in Policy; Amount**

The insurance policy required by the preceding section F shall be a policy of liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle with the insured's express or implied consent against loss by reason of the liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, sustained during the term of the policy by any person, other than employees of the insured, or, of such other person responsible as foresaid, who are entitled to payments or benefits under the provisions of Chapter 152 of the General Laws, and arising out of the ownership, operation, maintenance, control or use upon the ways of the Commonwealth of such vehicle, to the amount or limit of at least Two Hundred and Fifty Thousand Dollars (\$250,000) on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of any one person, of at least Five Hundred Thousand Dollars (\$500,000) on account of any one accident resulting in injury or death of more than one person. In addition, the owner shall carry a property damage policy in the amount of Fifty Thousand Dollars (\$50,000).

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H. **Certified Statement of Letter Acceptable in Lieu of Certificate**

The Town Clerk may accept a statement in writing from an insurance company certifying that a policy of insurance is to be issued to the applicant and identifying the vehicles insured in lieu of the certificate of insurance. The certificate of insurance shall be filed with the Town Clerk immediately following preparation and issuance of the policy of insurance.

I. **Notice Required of Actions Instituted Against Policy**

A licensee or a person responsible for the operation of a licensee's vehicle with the express or implied consent shall immediately, upon the service of any writ or summons in any action for the payment of damages which are covered by such policy, give written notice to the Chief of Police of the bringing of such action.

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J. **Name of Insurer Furnished on Request**

The Town Clerk shall, upon request of any person, furnish the name of the company issuing an insurance policy referred to in these rules covering any particular vehicle licensed and shall exhibit the certificate of insurance to any such person or his or her duly authorized representative.

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K. **Termination of License Upon Cancellation or Expiration**

Any license issued under these rules shall terminate upon the canceling or the expiring of the policy of insurance required by section G. covering the vehicle licensed.

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L. **Sale, Etc. of Vehicle for Hire License**

No vehicle for hire license shall be sold, transferred or assigned without the consent of the Select Board.

M. **Change in Vehicles Used as Vehicles for Hire**

When vehicle for hire owners change vehicles, they shall immediately bring the new registration certificate to the Police Department and the Town Clerk's office. After being properly recorded by the Town Clerk, the new vehicle shall become a licensed vehicle for hire. The Town Clerk shall collect a \$25.00 administration fee for each change of vehicle.

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N. **Vehicle for Hire Rates**

1. **Taxicab/Livery**

Flat rate service will be no greater than follows and will be set by the Select Board:

Within Andover	\$20.00
Andover – North Andover	\$20.00
Andover – Lawrence	\$20.00
Andover – Methuen	\$30.00
Andover – Haverhill	\$40.00
Andover – Lowell	\$40.00
Andover – Reading	\$40.00
Andover – No. Reading	\$30.00
Andover – Tewksbury	\$30.00
Andover – Salem – NH	\$40.00
Andover - Logan Airport	\$90.00/5.00 each add'l person
Andover – Manchester-Boston Regional Airport	\$90.00/5.00 each add'l person
Andover - Boston	\$95.00/5.00 each add'l person

Special Senior Citizen\* rates 10% Discount  
Special Multi – passenger rates \$3.00 each add'l person local service

\*Senior Citizen – 55 years of age or older

O. **Zoning**

The vehicle for hire business shall be conducted in the appropriate zoning district within the Town, [which shall be confirmed by the Building Inspector in writing upon the licensee’s application for a vehicle for hire license.](#)

**Deleted:** Vehicles for hire cannot be garaged in a residential zone.

P. **Operator License Displayed**

Every licensed vehicle for hire operator shall display his [or](#) her vehicle for hire operator’s license in a visible manner.

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Q. **Rate Card and Vehicle For Hire License Displayed**

The rate card and the Vehicle for Hire License shall be secured and prominently displayed in the vehicle at all times.

R. **Overcharging**

No owner, [operator](#) or other person having charge of vehicles under [these rules](#), shall demand or receive a higher rate of fare than that established by the Select Board as set forth in [these rules](#).

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S. **Licensed Operator Required; Only Fare Paying Passengers Allowed**

No persons owning or in possession of a vehicle for hire licensed under [these rules](#), shall authorize, permit or allow such licensed vehicle to be operated by any person except a licensed vehicle for hire operator; nor shall any person drive or have charge of any such licensed vehicle except a person licensed under [these rules](#), to operate such vehicles. Except in cases of emergency, no person other than a fare-paying passenger shall ride with or accompany any operator in any vehicle licensed under [these rules](#).

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T. **No Extra Passengers Shall Be Picked Up Without Permission**

Operators having charge of licensed vehicles shall not pick up extra passengers without the permission of any passenger already engaged in the vehicle. No person owning or in possession of a licensed vehicle under [these rules](#), shall accept any extra fare or fee from any passenger already engaged in the vehicle for the privilege of direct, nonstop routing to the destination of such passenger. Each vehicle for hire shall post visibly and securely a card in the vehicle stating, "No extra passengers shall be picked up without permission of the existing passenger".

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U. **Obligation to Carry Passengers**

An [operator](#) shall not refuse, unless previously engaged, to carry any person lawfully entitled to be carried by a vehicle for hire. The [operator](#) shall not be obligated to carry any person who is loud or disorderly.

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V. **Age of Operator**

No vehicle for hire shall be [operated](#) by a [person](#) under the age of [twenty one](#) years.

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W. **Advertising/Markings**

No advertising sign or device, except the name of the vehicle for hire firm and telephone number, shall be allowed on or upon a vehicle licensed under the provisions of [these rules](#). Taxicabs and Livery vehicles shall be identifiable by the word "Taxi", "Cab", "Taxicab", or "Livery Service", and the name of the firm on both sides of the vehicle with letters not less than four (4) inches high and two (2) inches wide.

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**Deleted:** Public vehicles for hire used exclusively for limousine services shall be exempt from the aforementioned marking requirements.

X. **Lights**

There shall be no lights on vehicles for hire except those required by law, without authority of the Chief of Police or person designated by [the Chief](#).

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Y. **Conditions of Vehicles**

All vehicles shall be kept in good condition suitable for occupancy, and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be clean and sanitary at all times. The Police Chief or person designated by [the Chief](#) shall inspect the vehicles (1) prior to being placed in operation, and (2) at any time on a random basis.

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Z. **Log Required**

The owners shall keep a log, the form of which shall be approved by the Chief of Police, Included in this log for each trip shall be a record of the operator, the pick-up and delivery points, the pick-up and delivery times, the mileage at the start and end of each trip, and any accidents, violations, and/or times, the mileage at the start and end of each trip, and any accidents, violations, and/or charges incurred. The log should also note any lost articles left in the vehicle following each trip. Such a log shall be open to inspection by the Chief of Police or any officer authorized at all times. The logs shall be retained by the licensee for at least a year.

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**SECTION II. OPERATOR'S LICENSE**

A. **Authority of Police to Issuance**

The Chief of Police, or person designated by the Chief, shall issue annual operator's licenses to suitable persons who are qualified as operators under the terms of these rules,

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B. **Approval of Application**

All applications for operators' licenses shall require the approval of the Chief of Police, or person designated by the Chief, and no licenses shall be issued without the Chief's approval.

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C. **Application Shall be Accompanied by State Driver's License**

Any applicant for an operator's license, shall present for examination, a valid driver's license as a motor vehicle operator, and the expiration date and number thereof shall be entered on the application.

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D. **License to Contain Description and Photograph of Licensee**

The photograph of an operator, shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without detection. Each license shall contain a description of the licensee.

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E. **Fingerprints**

All licensees, under the provisions of these rules, shall be fingerprinted.

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F. **Annual License/Application Fee; Photograph and License; Duplicate License**

The annual fee for a vehicle for hire operators' license shall be \$25.00. This fee will include photographs of the operator and the license. A photograph will be attached the

operator's license when issued and a photograph will be included in the operator's file at Police Headquarters. If a duplicate license is needed, there will be a fee of \$20.00. **The fee shall be paid at the time of application for said license and is not refundable.**

G. **Term – Renewal**

Operator's licenses shall be issued for a term of one year and shall be renewed annually.

H. **Operator's License, Vehicle for Hire License and Copy of Chapter to be Carried by Operator**

Every licensed operator shall have, in the vehicle for hire, the operator's license and a copy of these rules to be shown to a passenger on request, and shall have in an easily accessible place in the vehicle, the vehicle for hire license for such vehicle.

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I. **When License to be Picked Up**

All licenses issued to vehicle for hire operators shall be picked-up within thirty days after filing the application.

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J. **Surrender of License Upon Cessation of Driving**

Any licensee who shall cease to be the operator of a vehicle for hire shall at once surrender the vehicle for hire operator's license to the proper official of the Police Department.

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K. **Notice; Change of Address; Employment; Employer**

When a licensed operator changes his or her address or place of employment or employer, the driver shall, within twenty-four hours of such change, notify the Chief of Police.

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L. **Operator to be Suitably Dressed; License to be Displayed**

Every licensed operator having charge of a licensed vehicle for hire in a public place shall be suitably dressed. The operator shall display on his or her outer garment the license to operate the vehicle for hire. The license shall be a pattern approved by the licensing authority.

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M. **OUI Convictions, Motor Vehicle Citations, and Sex Offender Status**

Any person convicted of operating a motor vehicle under the influence of alcohol or drugs within the last five (5) years, or any person who has received more than four (4) motor vehicle citations and/or accidents during the prior three (3) years. shall not be considered eligible for a license under these rules. Further, no person who is required to register as a sex offender in any jurisdiction may be an operator of a vehicle licensed under these rules.

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**N. Communication with Passengers**

In order to communicate with passengers, the operators must be able to speak and understand English.

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**Q. Suspension or Revocation**

The Chief of Police shall have the right to suspend or revoke any vehicle for hire operator's license held by any person who violates any of the regulations set forth in these rules or bylaws of the Town or laws of the Commonwealth which would render an operator unsuitable.

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**SECTION III. MISCELLANEOUS**

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**A. Severability**

If any of these Rules and Regulations shall be deemed by a court of competent jurisdiction, then this action to be illegal, shall not effect the validity of the other Rules and Regulations contained therein.

**ADOPTED BY THE ANDOVER SELECT BOARD ON DECEMBER 3, 1990**

**Amended – January 7, 1991 - Section I.G.**

**Amended – February 11, 1991 - Section I.N.  
Section II.F.**

**Amended – March 19, 2001 - Section I.N.  
Section I.P.  
Section I.Q.  
Section I.T.**

**Amended-April 14, 2008 Section I.E.  
Section I.M.  
Section I.N.  
Section II.F**

**W A R R A N T**  
**THE COMMONWEALTH OF MASSACHUSETTS**  
**ESSEX, SS.**

To Either of the Constables of the Town of Andover

Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at Andover High School, Shawsheen Road, in said Andover, on

**SATURDAY, THE FIFTH DAY OF JUNE, 2021**

At seven o'clock P.M. to act upon the following articles:

<b>ARTICLE P1</b>	<b>ANNUAL TOWN ELECTION</b>
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Annual Town Election: Moderator for one year, two Select Board members for three years, two School Committee members for three years, one Housing Authority member for five years, one Greater Lawrence Regional Vocational Technical School District Commission member for three years and two Punchard Free School Trustees for three years, or take any other action related thereto.

*On request of the Town Clerk*

<b>ARTICLE P2</b>	<b>ELECTION NOT REQUIRED BY BALLOT</b>
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To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

*On request of the Town Clerk*

<b>ARTICLE P3</b>	<b>SALARIES OF ELECTED OFFICIALS</b>
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To establish the salaries of the elected officers for the ensuing year, or take any other action related thereto.

*On request of the Town Clerk*

<b>ARTICLE P4</b>	<b>FISCAL YEAR 2022 BUDGET</b>
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To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022, or take any other action related thereto.

*On request of the Town Manager*

<b>ARTICLE P5</b>	<b>FISCAL YEAR 2022 CAPITAL PROJECTS FUND</b>
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To see if the Town will vote to raise by taxation and appropriate the sum of money for the purpose of funding the Fiscal Year 2022 appropriation for the Capital Projects Fund, or take any other action related thereto.

*On request of the Town Manager*

<b>ARTICLE P6</b>	<b>UNFUNDED PENSION LIABILITY</b>
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To see if the Town will appropriate a sum of money for the purpose of funding the unfunded pension liability, so-called, of the retirement system of the Town, and for the payment of all costs incidental or related thereto; to determine whether this amount shall be raised by borrowing or otherwise provided that no amounts shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts required to repay any indebtedness authorized by this vote from the limitations on property taxes set forth in G.L. c. 59, §21C.; to determine whether a reserve fund shall be established in connection with the undertaking of any such borrowing, or take any other action relative thereto.

*On request of the Town Manager*

<b>ARTICLE P7</b>	<b>FINANCIAL HOUSEKEEPING ARTICLES (A THROUGH H)</b>
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- A. Budget Transfers** To see if the Town will vote to transfer from amounts previously appropriated at the September 2020 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

*On request of the Finance Director*

- B. Supplemental Budget Appropriations** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the September 2020 Annual Town Meeting, or take any other action related thereto.

*On request of the Town Manager*

- C. Stabilization Fund** To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003 and Chapter 218 of the Acts of 2016, or take any other action related thereto.

*On request of the Town Manager*

- D. Free Cash** To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2022 tax rate and to affect appropriations voted at the 2020 Annual Town Meeting, or take any other action related thereto.

*On request of the Finance Director*

- E. Unexpended Appropriations** To see what disposition shall be made of unexpended appropriations and Free Cash in the treasury, or take any other action related thereto.

*On request of the Finance Director*

- F. Unexpended Appropriations Capital Projects Fund** To see what disposition shall be made of unexpended appropriations in the Capital Projects Fund, or take any other action related thereto.

*On request of the Finance Director*

- G. Fiscal Year 2022 Revolving Accounts** To see if the Town will vote to authorize the following expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2021, or take any other action related thereto:

<b>Revolving Fund</b>	<b>FY2022 Limit</b>
Community Development & Planning Department	\$20,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$750,000
Division of Youth Services	\$400,000
Field Maintenance	\$150,000
Division of Elder Services	\$225,000
Police Communications	\$50,000
School Photocopy Fees	\$10,000
Compost Program	\$60,000
Solid Waste	\$40,000
Stormwater Management	\$5,000
Fire Rescue	\$100,000
Health Services	\$100,000
Professional Development Institute	\$50,000

*On request of the Finance Director*

- H. PEG Access and Cable Related Expenses** To see if the Town will vote to appropriate cable franchise fees and other cable-related revenues to support PEG access services, cable related expenses, and oversight of the cable franchise agreements for fiscal year 2022, which begins on July 1, 2021, or take any other action related thereto.

*On request of the Finance Director*

<b>ARTICLE P8</b>	<b>MINOR FINANCIAL ARTICLES (A THROUGH D)</b>
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- A. Overlay Surplus Transfer** To see if the Town will vote to transfer \$10,000 from Overlay Surplus to fund expenses related to the FY2022 valuation of personal property accounts of locally assessed gas distribution companies, or take any other action related thereto.

*On request of the Finance Director*

- B. Elderly/Disabled Transportation Program** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

*On request of the Council on Aging*

- C. Support for Andover Day** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$5,000 for the purpose of paying a portion of the municipal costs associated with Andover Day in the downtown, or take any other action related thereto.

*On request of the Town Manager*

- D. Spring Grove Cemetery Maintenance** To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

*On request of the Director of Public Works*

<b>ARTICLE P9</b>	<b>GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)</b>
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To see if the Town will vote the following consent articles, or take any other action related thereto:

- A. Grant Program Authorization** To see if the Town will vote to authorize the Select Board and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of

Massachusetts or the U. S. Government under any State or Federal grant program, or take any other action related thereto.

*On request of the Town Manager*

- B. Road Contracts** To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year, or take any other action related thereto.

*On request of the Town Manager*

- C. Town Report** To act upon the report of the Town officers, or take any other action related thereto.

*On request of the Town Manager*

- D. Property Tax Exemptions** To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2022 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

*On request of the Board of Assessors*

- E. Contracts in Excess of Three Years** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interests of the Town by a vote of the Select Board or the School Committee, as appropriate, or take any other action related thereto.

*On request of the Town Manager*

- F. Accepting Easements** To see if the Town will vote to authorize the Select Board and the School Committee to accept grants of easements for streets, water, drainage, sewer, public access and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

*On request of the Town Manager*

- G. Rescinding of Bond Authorizations** To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings, or take any other action related thereto.

*On request of the Finance Director*

<b>ARTICLE P10</b>	<b>UNPAID BILLS</b>
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To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

*On request of the Town Accountant*

<b>ARTICLE P11</b>	<b>CHAPTER 90 AUTHORIZATIONS</b>
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To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements, or take any other action related thereto.

*On request of the Town Manager*

<b>ARTICLE P12</b>	<b>GRANTING EASEMENTS</b>
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To see if the Town will vote to authorize the Select Board and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

*On request of the Town Manager*

<b>ARTICLE P13</b>	<b>STABILIZATION FUND BOND PREMIUM</b>
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To see if the Town will vote to transfer the sum of \$100,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

*On request of the Finance Director*

<b>ARTICLE P14</b>	<b>WATER TREATMENT PLANT MAINTENANCE</b>
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To see if the Town will vote to appropriate the sum of \$300,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs related to the water distribution system and the Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

*On request of the Director of Public Works*

<b>ARTICLE P15</b>	<b>CAPITAL PROJECTS FROM GENERAL FUND BORROWING</b>
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To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$6,595,000 to pay costs of purchasing capital equipment, making infrastructure improvements, or for purchasing services and materials related to capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

<b>CIP #</b>	<b>Project</b>	<b>Amount</b>	<b>Statutory Citation</b>
CDP-4	Historic Mill District-Circulation and Street Construction	\$500,000	C 44 Sec 7(1)
LIB-1	Ground Level Renovation - Makerspace	\$225,000	C 44 Sec 7(1)
FR-1	Fire Apparatus Replacement	\$360,000	C 44 Sec 7(1)
FR-4	Public Safety Bi-Directional Amplifier System	\$200,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$400,000	C 44 Sec 7(1)
TM-2	Sidewalk Program	\$950,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$605,000	C 44 Sec 7(1)
FAC-7	Town & School Energy Initiatives	\$530,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$2,825,000	C 44 Sec 7(1)

*On request of the Town Manager, Director of Planning, Library Director, Police Chief, Fire Chief, Director of Public Works, and Director of Facilities*

<b>ARTICLE P16</b>	<b>CAPITAL PROJECTS FROM FREE CASH</b>
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$1,983,372 to pay costs of purchasing capital equipment, infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, or take any other action related thereto.

<b>CIP #</b>	<b>Project</b>	<b>Amount</b>
IT-1	Annual Staff Device Refresh	\$627,744
IT-2	Annual Student Device Refresh	\$418,128
IT-3	IT Platforms and Infrastructure	\$687,500
DPW-2	Minor Sidewalk Repairs	\$250,000

*On request of the Chief Information Officer and Director of Public Works*

<b>ARTICLE P17</b>	<b>CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS</b>
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To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$9,375,000 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to

making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

<b>CIP #</b>	<b>Project</b>	<b>Amount</b>	<b>Statutory Citation</b>
DPW-12	Water & Sewer Vehicles (Water Enterprise Reserves)	\$125,000	N/A
DPW-14	Water Main Replacement Projects (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-20	Water Treatment Plant Generator (Water Enterprise Reserves)	\$2,500,000	Ch 44 Sec 8 (4)
DPW-24	Minor Sanitary Sewer Collections System Improvements (Sewer Enterprise Reserves)	\$100,000	N/A
DPW-29	Fish Brook Intake Replacement (Water Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (4)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$150,000	N/A

*On request of the Director of Public Works*

<b>ARTICLE P18</b>	<b>DEFICIT REDUCTION</b>
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To see if the Town will vote to appropriate a sum of money from available funds to cover deficits in special revenue and capital project funds or take any action relative thereto.

*On request of the Finance Director*

<b>ARTICLE P19</b>	<b>ESTABLISH NEW REVOLVING FUND – STUDENT TECHNOLOGY RENTAL</b>
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To see if the Town will vote to amend General By-Law Article XII Section 48.5 by establishing, authorizing and adding a new Revolving Fund entitled “Student Technology Rental” with the Chief Information Officer authorized to spend from the fund monies received by the Information Technology Department from families of Andover Public School students to rent computing equipment to assist them in their course of studies, and to authorize expenditures from the fund to pay the cost of acquiring and maintaining the equipment for fiscal year 2020 in the amount of \$12,800, and to authorize the amount of \$200,000 to be expended in fiscal year 2021 and subsequent years.

*On request of the Finance Director*

<b>ARTICLE P20</b>	<b>INTEREST ON LATE PAYMENTS</b>
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To see if the Town will vote to add to the general by-laws the following:

“Pursuant to General Laws Chapter 40, Section 21E due dates for water and sewer bills and charges shall be thirty days after the bills and charges are mailed. For all water and sewer bills and charges which remain unpaid after the due date, interest at the rate of 14 per cent per annum shall accrue” or take any other action related thereto

*On request of the Finance Director*

<b>ARTICLE P21</b>	<b>AUTHORIZE ELECTRICITY SUPPLY / ON BILL CREDIT PURCHASE AGREEMENTS AT SANBORN SCHOOL</b>
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To see if the Town will vote to authorize the School Committee to enter into one or more electricity supply, on-bill credit or similar agreements with the owner(s) of solar voltaic facilities to be installed at the Sanborn School for such terms of years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

*On request of the Director of Facilities*

<b>ARTICLE P22</b>	<b>AUTHORIZE LEASE OF LAND/ROOFTOP SPACE AT SANBORN SCHOOL FOR SOLAR PHOTOVOLTAIC FACILITIES</b>
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To see if the Town will vote to transfer the care, custody and control of the land and buildings located at 90 Lovejoy Road shown on Assessors Map 153 as Lot 3 and known as the Sanborn School, to the School Committee for school-related purposes and for the purpose of (i) leasing building rooftop space and any unused, open-land areas for installation of solar voltaic facilities and (ii) granting easements on, over and under said parcels of land in connection with such solar photovoltaic facilities, with such leases and easements to be for such terms of years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

*On request of the Director of Facilities*

<b>ARTICLE P23</b>	<b>AUTHORIZE AGREEMENTS FOR PAYMENT IN LIEU OF TAXES AT SANBORN SCHOOL</b>
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To see if the Town will vote to authorize the Select Board to enter into one or more agreements for payments in lieu of taxes pursuant to G.L. c. 59 s.38H(b) with the owner(s) of solar voltaic facilities to be installed at the Sanborn School for such terms of years, and on such terms and conditions, as the Select Board deems in the best interests of the Town, or take any other action related thereto.

*On request of the Director of Facilities*

<b>ARTICLE P24</b>	<b>SHAWSHEEN SCHOOL</b>
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To see if the Town will vote to petition the Legislature for a Special Act, notwithstanding Chapter 30B of the General Laws or any other general or special law to the contrary, authorizing the change

of the use of the land at the Shawsheen School conveyed in a deed from the American Woolen Company to the Town for said school, which deed is dated February 16, 1925 and recorded at the Northern Essex district registry of deeds at Book 509, Page 278, to be changed from school purposes to general municipal purposes, under the care, custody and control of the Select Board, provided that the Legislature may vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action related thereto.

*On request of the Town Manager*

<b>ARTICLE P25</b>	<b>WEST ELEMENTARY SCHOOL DESIGN AND CONSTRUCTION</b>
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To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the West Elementary School Building Committee for the design and construction of a new Pre-K through Grade Five Elementary School with an approximate square footage of 191,000 square feet located at 58 Beacon Street, Andover, Massachusetts inclusive of abatement and demolition of the existing school structures on said property, new parking lots, multi-purpose fields, and all other costs incidental and related thereto (the "Project:"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 40.47 percent ( %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½) and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Andover and the MSBA. Or take any other action relative thereto.

*On request of the School Committee*

<b>ARTICLE P26</b>	<b>ANDOVER HIGH SCHOOL DESIGN</b>
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To see if the Town will vote to appropriate the sum of \$1,238,419.73 by repurposing funds remaining from Article 1 of the 2013 Special Town Meeting so that such funds may, instead, be used to pay costs for the Andover High School Design project, including all costs incidental and related thereto, or take any other action related thereon.

*On request of the Town Manager*

<b>ARTICLE P27</b>	<b>RETAIL PACKAGE STORE QUOTA</b>
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To see if the Town will vote to authorize the Town Manager to petition the legislature for a special act to authorize the Town to grant seven additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of chapter 138 of the General Laws and the licenses shall be subject to all of said chapter 138 except section 17, provided that the legislature may reasonably vary the form and substance of the required legislation within the scope of the general public objectives of the petition, or take any other action related thereto.

*On request of the Select Board*

<b>ARTICLE P28</b>	<b>MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION</b>
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To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Select Board approves amendments to the bill before enactment by the Legislature. The Select Board is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF ANDOVER TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION**

**SECTION 1.** With respect to each qualifying parcel of real property classified as class one, residential in the town of Andover there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any other exemptions allowed by the General Laws.

**SECTION 2.** Real property shall qualify for the exemption under this act if all of the following criteria are met:

- (a) The qualifying real property is owned and occupied by a person who qualified and received the circuit breaker income tax credit the previous year under subsection (k) of section 6 of chapter 62 of the General Laws;
- (b) The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or owned jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- (c) The qualifying real property is owned and occupied by the single applicant or joint applicants as their domicile

(d) The single applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Andover for at least the 10 consecutive years preceding the filing of an application for the exemption;

(e) The maximum prior year assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the Department of Revenue; and

(f) The board of assessors has approved the application.

SECTION 3. The Select Board shall annually set the exemption amount provided for in this act, provided that the amount of the exemption shall be up to a 100% match, and not less than a 50% match, of the amount of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant received in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption under this act shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, along with the supporting documentation of the filed income tax return of the applicant showing the circuit breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. The exemption provided for in this act shall begin in fiscal year 2023 and shall expire after five years; or take any other action with respect thereto.

*On request of the Council on Aging*

<b>ARTICLE P29</b>	<b>GENERAL BYLAW AMENDMENT - OUTDOOR DINING OR RETAIL LICENSE BYLAW</b>
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To see if the Town will vote to amend the General Bylaws of the Town Article XI Section 9, as follows:

## **OUTDOOR DINING OR RETAIL LICENSE BYLAW**

### **SECTION 1 - LICENSE**

#### **Section 1.1 Purpose, Scope, Authority**

The purpose of this bylaw is to provide for the licensing on public property of outdoor dining areas and the placement of retail furniture, products and/or fixtures of appropriate design, configuration, and appearance that will be an amenity to the Town during the spring, summer and fall. The Select

Board may issue annual outdoor dining and retail licenses which shall be for or within the period from March 1 to November 30. Licenses shall be valid for one season and must be renewed annually. If a licensee previously issued an outdoor dining or outdoor retail license by the Select Board wishes to renew that license for activities substantially identical to those previously licensed, the Town Manager may issue the renewal license without action by the Select Board, provided the licensee submits all necessary materials required for renewal.

#### Section 1.2 Conditions of the License

The Select Board shall impose such conditions on each license as the Board determines to be appropriate and in the best interest of the Town. License fees shall be established by the Select Board. The Select Board may also make such regulations governing the outdoor dining or retail licenses as the Board considers to be necessary or appropriate to carry out the purposes of this bylaw.

#### Section 1.3 Design and Appearance

The outdoor dining placement of tables and chairs containing nine (9) or more seats shall be separated from their surroundings by a perimeter fence or barrier. No such fences or barriers may damage the public property. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the licensee and shall be maintained in a safe and sanitary manner by the licensee. All trash receptacles shall be covered and trash removed nightly. All perimeter treatments, umbrellas, furniture and trash receptacles placed by the licensee must be removed at the end of each season.

#### Section 1.4 Pedestrian and Wheelchair Passage

In no event shall the placement of furniture, fixtures, products, umbrellas, perimeter fences or barriers create a pedestrian or wheelchair passage width of less than what is required by 521 CMR.

#### Section 1.5

Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.

#### Section 1.6 Other Licenses and Approvals

Approval of an outdoor dining or retail license shall not be construed as an approval of any other license or an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of premises duly licensed for the service of alcohol is expressly forbidden unless approved by the Select Board.

#### Section 1.7 Temporary Seating

Due to the seasonal and temporary nature of outdoor dining areas, the seating allowed by an outdoor dining license will not be considered an increase in the number of seats serving a business establishment, and will not be counted toward any off-street parking requirement.

## SECTION 2 – SUBMISSION AND APPROVAL OF APPLICATION

### Section 2.1 Filing Procedure

Application for an outdoor dining or retail license shall be made to the Select Board and a copy shall be submitted to the Inspector of Buildings, Board of Health, Andover Fire Rescue and the Andover Police Department for their reviews. When located within the General Business and Mixed Use Zoning Districts, the applicant shall consult with the Design Review Board prior to seeking a license. Each application will include the name, address and telephone number of the business owner, the proposed dates and times of operation, and a plan meeting the requirements of Section 2.2 below. The application shall be signed by the owner of the building or owner's representative or attorney.

### Section 2.2 Plan Requirements

A neatly drawn scaled plan and seven (7) copies shall be submitted with the application depicting the precise dimensions and location of the temporary and seasonal placement of outdoor dining areas and placement of retail furniture and fixtures; the arrangement of furniture, perimeter fencing, umbrellas, and any other obstruction, and the width of sidewalk/parking space/other public area to be used, and a description of the area available for pedestrian and wheelchair passage. The plan will also include a written description of the colors and materials to be used. Photographs or samples of proposed furniture and materials shall be provided upon request of the Select Board or Design Review Board.

### Section 2.3 Insurance

The licensee shall carry or require that there be carried Workers' Compensation Insurance for all employees and those of its contractors and/or subcontractors engaged in work at the business or dining facility, in accordance with the State Workers' Compensation Laws. The licensee shall, prior to the issuance of the license, furnish a certificate of insurance with associated endorsements to the Town evidencing coverage for all insurance required by the Town. In addition, the licensee shall carry Commercial General Liability Insurance and, if applicable, liquor liability insurance, to cover the licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operations under the license. Such insurance shall cover the use of all equipment related to the provision of temporary and seasonal outdoor services. The Commercial General Liability Policy shall insure against all claims and demands for bodily injury and property damage with respect to the temporary and seasonal outdoor dining facilities and retail services, and shall be in such form and amount as determined by the Select Board. The Town shall be named as an "additional insured" in all policies for such insurance. All insurance policies shall be primary and noncontributory and shall contain a waiver of subrogation in favor of the Town. The licensee (and their heirs, successors and assigns in interest) shall also agree to hold harmless, defend and indemnify the Town of Andover and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the license. Where such insurance is renewed or replaced the licensee shall furnish the Town with a certificate of insurance and endorsements evidencing the same.

### Section 2.4 Approval

The Select Board may approve an outdoor dining or retail license after determining that the design and location is suitable to its environs, and that all other requirements of the license have been met. The Select Board shall consider any comments made by the Inspector of Buildings, Board of Health, Andover Fire Rescue, Andover Police Department, Planning Division or the Design Review Board prior to rendering a decision.

Upon approval of an outdoor dining or retail license by the Select Board, the owner and operator of the business and the Select Board shall sign a License Agreement prepared for these purposes by Town Counsel and shall pay any applicable license fee prior to the commencement of any activities under the license.

### SECTION 3 – SEVERABILITY

#### Section 3.1

If any provisions, paragraphs, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect; or take any action related thereto.

*On request of the Planning Board*

<b>ARTICLE P30</b>	<b>AMEND ANDOVER ZONING BYLAW ARTICLE VIII</b>
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To see if the Town of Andover will vote to amend Section 3.2.1 to the Andover Zoning Bylaw, Article VIII and amend the Andover Zoning Bylaw, Article VIII, Section 3.1.3 Table of Use Regulations Appendix A Table 1, and Section 10 Definitions by adding the following:

Amend Section 3.2.1 Specific Accessory Uses by adding a number 6 to read as follows:

#### 6. Temporary and Seasonal Placement of Tables and Chairs and Retail Fixtures

A permitted commercial structure may place tables and chairs or retail fixtures and products on public or private property for the convenience of patrons as a use incidental and accessory to a permitted food or retail sales establishment where the principal activity is the service or sale of food for consumption on or off the premises, or the retail sale of merchandise. An application for temporary and seasonal placement of tables and chairs or for retail fixtures on private property shall be made to the Building Division on an annual basis and a copy shall be submitted to the Board of Health and Public Safety Officer for their respective reviews. The annual permit shall be issued by the Inspector of Buildings for or within the period from March 1<sup>st</sup> to November 30<sup>th</sup>. An application for public property placement shall be made in accordance with the General Bylaw Article XI Section 9 Outdoor Dining or Retail License Bylaw and Regulations.

Amend Section 10 Definitions by deleting Temporary and Seasonal Placement of Tables and Chairs and replacing it with Temporary and Seasonal Placement of Tables and Chairs and Retail Fixtures and further amend the definition to read as follows:

#### TEMPORARY AND SEASONAL PLACEMENT OF TABLES AND CHAIRS AND RETAIL FIXTURES

The temporary and seasonal placement of tables and chairs or retail fixtures and products outside a permitted commercial structure for the convenience of patrons as a use incidental and accessory to a permitted food or retail sales establishment where the principal activity is the service or sale of food for consumption on or off the premises, or the retail sale of merchandise. Outdoor tables and chairs or retail fixtures shall not interfere with pedestrian access or access for emergency purposes.

Amend Appendix A Table 1 F.8 by replacing “Temporary and seasonal placement of tables and chairs” with “Temporary and seasonal placement of tables and chairs and retail fixtures,” and further amend BA to Y:

F. Accessory Uses (See Section 3.2)	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
8. Temporary and seasonal placement of tables and chairs and retail fixtures	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y

or take any action related thereto.

*On the request of the Planning Board*

<b>ARTICLE P31</b>	<b>AUTOMATIC SPRINKLERS</b>
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To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 148, Section 26 H, relating to automatic sprinklers, or take any other action related thereto.

*On request of the Fire Chief and the Inspector of Buildings*

<b>ARTICLE P32</b>	<b>STREET ACCEPTANCE – MONARCH LANE</b>
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To see if the Town will vote to accept and name as a public way the following street: Monarch Lane as further described below, and to accept deeds to the streets and all related easements:

**Monarch Lane**, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION (FORM C) SPECIAL PERMIT FOR CLUSTER DEVELOPMENT & EARTH MOVEMENT PLAN FOR MONARCH WOODS ANDOVER, MASS’ dated August 30, 2016 last revised August 8, 2017, sheet 4 of 15 (Recordable sheet 1 of 1) being recorded in the Essex North District Registry of Deeds as Plan Number 17784 and further shown as Lot 130 on Land Court Plans filed as Plan Number 10362N; or take any other action related thereto.

*On request of Select Board*

<b>ARTICLE P33</b>	<b>AMENDMENT OF OPEN SPACE LAND ACQUISITION BONDING APPROPRIATIONS</b>
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To see if the Town will vote to appropriate \$1,215,270.75 to pay costs of acquiring all or any portion of certain additional listed parcels of real property or interest in such real property for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, and for expenses incidental or related thereto, together with any buildings that may be thereon, consisting of the acres, more or less, of land above or below water or both together with all flowage and other rights and easements which may exist, which parcels are described as follows:

2014 List of Approved Open Space Parcels

<u>Assessors Map</u>	<u>Lot</u>	<u>Address</u>	<u>Acreage</u>
183	11	83 Lowell Junction Road	3.08
123	30	25 Willard Circle	1.48
123	31	23 Willard Circle	0.90
125	2	57R River Road	7.80
24	4	12 Woodland Road	35.46
24	7	22 Woodland Road	24.60
24	8	28 Woodland Road	9.40
24	9	Woodland Road	8.93
24	10	Woodland Road	7.67
25	12	50 Woodland Road	14.67
25	30	74 Salem Street	18.00
25	44	Route 125	1.88
25	45	Route 125	10.60
25	45A	Route 125	3.56
95	1	141 Abbot Street	53.04

2020 List of Open Space Parcels To Be Added

<u>Assessors Map</u>	<u>Lot</u>	<u>Address</u>	<u>Acreage</u>
72	1	18 Red Spring Road	1.40
72	2	Red Spring Road	0.33
138	23	204 Andover Street	1.04
159	10A	Lowell Junction Road	3.00
159	10	Lowell Junction Road	1.00
158	1	Tewksbury Street	5.00
74	95	Lupine Road	0.10
158	2	Tewksbury Street	2.22
158	8	84 Tewksbury Street	3.50
158	8C	86 Tewksbury Street	1.04
182	4	92 Tewksbury Street	4.38
182	5	4 Pine Cone Lane	1.03
182	5B	3 Pine Cone Lane	1.10
10	4A	15 Tucker Road	10.00

54	14	20 Stevens Street	3.44
54	13T	10 Stevens Street	6.62
54	48A	81 Gradall Lane	2.45
54	48	Essex Street	0.53
60	4B	320 South Main Street	12.80
60	4C	3 West Knoll Road	5.62
60	4D	320 South Main Street	2.01
73	17A	St. Augustine Cemetery	18.87
55	27	Essex Street	0.21
25	43	Route 125	1.00
228	4D	439 River Road	11.80

And

(i) to authorize the Select Board and Conservation Commission to acquire the property or interest in the property described herein by gift, purchase, or eminent domain, and to use such funds to acquire all or any portion of such real property or interest in such real property for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws on terms and conditions they deem to be in the best interest of the Town,

(ii) to meet this appropriation, (a) the Treasurer, with the approval of the Select Board, is hereby authorized to borrow \$1,200,000 and premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and (b) \$15,270.75, representing unexpended proceeds of bonds issued in December 2004 to fund a land acquisition project that is now complete or abandoned and for which no further liability remains, is hereby authorized to be transferred; and

(iii) to rescind the authorized yet unissued balances of (a) \$800,000 appropriated under Article 12 of the 2001 annual town meeting, as amended by Article 56 of the 2014 annual town meeting for land acquisition, and (b) \$400,000 appropriated under Article 23 at the 2002 annual town meeting for land acquisition; or take any other action related thereto.

*On request of the Open Space Task Force*

<b>ARTICLE P34</b>	<b>LAND ACQUISITION</b>
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To see if the Town will vote to appropriate a sum of money for the acquisition, and for costs related to such acquisition including but not limited to demolition costs and removal of building contents of the land at 138 Chandler Road, as shown as Assessors Map 147, Lot 4 for municipal purposes and for any other costs incidental and related thereto, and to authorize the Select Board to acquire such land with the buildings thereon, by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Select Board to be in the best interest of the Town and to determine whether the amount appropriated by the Town under this Article shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided, or to take any other action related thereto.

*On request of the Town Manager*

<b>ARTICLE P35</b>	<b>MERRIMACK RIVER SOLID WASTE COLLECTION &amp; REMOVAL PROJECT FROM FREE CASH</b>
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$75,000 to pay the costs for purchasing services for the collection and removal of floatable solid waste debris from the Merrimack River, and any tributaries thereto including immediately adjacent upland areas from where improperly discarded solid waste may fall into and/or otherwise enter these waterways, as well as the sorting, handling and ultimate recycling or proper disposal of such removed solid waste, including any other costs incidental and related thereto, or take any other action related thereto.

*On petition of Lindsay Concemi and others*

<b>ARTICLE P36</b>	<b>FORM OF GOVERNMENT BALLOT QUESTION</b>
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To see if the Town will authorize the Select Board to add the following ballot question on the form of government in the Town of Andover for the next Town local election:

Ballot Question:

*Please select what form of government that you are in favor of for the Town of Andover's future:*

- Open Town Meeting

All voters eligible to vote on budgets, bylaws and all matters brought before town meetings and approve indebtedness. Town meeting acts as legislative body while Select Board and Town Manager act together as the executive branch.

- Representative Town Meeting

Limited number of voters are elected, usually by precinct/district, to represent all voters in a representative town meeting (RTM). Representatives vote on bylaws and all matters brought before Town Meeting and approve indebtedness. RTM is legislative body while Select Board and Town Manager act as executive branch.

- Council/Manager

Voters elect Council and the Council appoints a Town Manager. Council is the legislative body. Town Manager is chief executive, appoints key officials, prepares budget, approves contracts, negotiates with unions, and oversees administrations.

- Town Council/Mayor

Voters directly elect a mayor and council. Council is legislative body. Mayor is chief executive who appoints key officials and all or some boards, and prepares budgets, approves contracts, negotiates with unions and oversees administration.

*On the petition of Jose Albuquerque and others.*

<b>ARTICLE P37</b>	<b>TOWN ELECTION DATE</b>
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To see if the Town will vote to approve and amend the day and month in Bylaw Article II, Section 1 for our Town local elections to be held from fourth Tuesday in March to second Tuesday in June.

Current Article II, Section 1:

*The Annual Town Meeting for the election of town officers and for other purposes shall be held on the fourth Tuesday of March in each year at such place or places within the town as the Select Board may designate in its notice thereof.*

Proposed Article II, Section 1:

*The Annual Town Meeting for the election of town officers and for other purposes shall be held on the second Wednesday of June in each year at such place or places within the town as the Select Board may designate in its notice thereof.*

*On the petition of Jose Albuquerque and others.*

<b>ARTICLE P38</b>	<b>TERMS FOR BOARDS, COMMITTEES &amp; COMMISSIONS</b>
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To see if the Town will vote to amend the Town Charter, Section 4 to include the following language on term limits for appointed officials:

The limit of tenure for all boards, committees, and commissions shall be three (3) consecutive, three year terms for a total of nine (9) years to a single board, committee or commission. The limit of tenure for the Planning Board shall be two (2) consecutive, five-year terms for a total of ten (10) years. A member who has served the aforementioned consecutive terms shall not be eligible for reappointment. Regardless of tenure, each board, committee, or commission member shall serve until their successor shall be appointed. No board, committee, or commission member shall serve as chairperson for more than two consecutive years.

<b>ARTICLE P39</b>	<b>NOISE AND VIBRATION STANDARDS BYLAW</b>
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To see if the Town will vote and approve the following noise and vibration standard bylaw:

1.0 Applicability.

This Bylaw shall pertain to, but not be limited to, activity associated with the construction of Major Non-Residential Projects and Special Residential Projects as defined by Sections 10.00

and Section 7.0 Special Residential Regulations, of the Andover Zoning Bylaw. Specifically, this bylaw regulates outdoor sound amplifying equipment, motor vehicles, trucks, construction and demolition equipment, industrial and commercial sources of sound, and other manmade sounds that cause noise.

#### 1.01 Definitions.

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.11994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this bylaw shall have the meanings as indicated below:

- (a) “Background sound level” shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged Intruding Noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- (b) “Construction” shall mean those activities requiring a building permit. Construction shall also include any site preparation, seismic surveys, grading, assembly, erection, substantial repair, alteration or similar action, including demolition, for or of public or private right-of-way, structures, utilities or similar property.
- (c) The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 micropascals.
- (d) “Emergency vehicle” shall mean any vehicle operated in an effort to protect, provide or restore public safety, including DPW Vehicles, ambulances, police vehicles and fire vehicles.
- (e) “Emergency work” shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service.
- (f) “Enforcing person” shall mean any police officer of the Town or any other Town employee designated by the Selectmen for this purpose. For complaints under this bylaw an enforcing person shall also include any authorized employee of the Office of Community Development & Planning.
- (g) “Intruding noise” shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.
- (h) “Leq” equivalent sound level, is the level of a constant sound which, in a given situation and time period, would convey the same sound energy as does the actual time varying sound during the same period, as measured with a sound level meter measuring Leq.
- (i) “L10 Level” shall mean the A-Weighted sound level exceeded ten percent of the time.
- (j) “Person” shall mean an individual or individuals, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

- (k) “Pure tone” means any sound which can be distinctly heard as a single pitch or a set of single pitches, as defined by the Environmental Protection Agency (EPA).
- (l) “Sound level” shall mean the instantaneous A weighted sound pressure level, in decibels, as measured with a sound level meter set to the “A” weighting scale, slow response.
- (m) “Sound level meter” shall mean an instrument meeting American National Standard S1.41983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

**1.02 Designated land use areas.**

The properties hereinafter described are hereby assigned to the following noise zones:

Land Use Area I:	All Residential Zoning Districts and the grounds of any school, day care, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery.
Land Use Area II:	All other properties.

**1.03 Exterior Noise Standards.**

It shall be a violation of this bylaw for a Major Non-Residential or Special Residential Construction project, as defined by paragraph 1.00, to create Intruding Noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such entity, which causes a sound level which exceeds the limits set forth for the receiving land use category in Table 1, without prior written approval from the Special Permit Granting Authority, when measured at or within the property boundary of the receiving land use. Daytime measurements are to be determined at an L10 level provided that at no time shall the exterior sound level in Land Use Area I exceed 90dBA or cause a PURE TONE condition for the receiving land use category.

Table I. Maximum Allowable Exterior Sound Level

Land Use Area	Daytime level	Nighttime level
	7:00 AM to 6:00 PM	6:00 pm to 7:00 AM
Land Use Area I	70 dBA	55dBA
Land Use Area II	N/A	N/A

**If the intruding noise is continuous and cannot reasonably be discounted or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.**

**1. Construction & Demolition**

Notwithstanding the provisions of Section 1.03, the following are the maximum noise levels that may be permitted by the Special Permit Grating Authority for Construction and Demolition purposes:

- a. Unless otherwise permitted by the Special Permit Granting authority, the cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dBA. No individual piece of equipment shall exceed a maximum noise level of 90 dBA. **Noise levels shall be measured at or within the property boundary of the receiving land use.**

#### **1.04 Site Plan Review & Special Permit Requirements.**

Prior to the issuance of a Special Permit under section 10.00 Major Non-Residential Projects, or Special Residential Projects under Section 7.0 of the Andover Zoning Bylaw, approval of any potentially nuisance generating facility with potential to impact any Land Use Area I receptor, the applicant shall be required to demonstrate to the Special Permit Granting Authority the unlikelihood of noncompliance with such Noise Limits and Standards, or that proper mitigation measures will be taken as a condition of permit issuance.

The Special Permit Granting Authority may, at its discretion, require pre-construction background sound level readings during the daytime, night time and weekend hours from the applicant at the time of the public hearing. Pre-construction background noise levels are to be recorded with a sound level meter by a professional trained in providing such documentation.

#### **1.05 Special provisions.**

Limitation of Construction Activity: Noise associated with Construction is only permitted between 7:00AM and 6:00 PM on weekdays and 8:00am to 6:00pm on Saturdays, unless otherwise approved by the Special Permit Granting Authority.

Noise associated with the following activities shall be exempted from the provisions of this bylaw:

- (a) Emergency Work or Emergency Vehicles.
- (b) Activities, other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the appropriate jurisdiction including but not limited to school athletic and school entertainment events, and on church grounds, including but not limited to, bells or chimes.
- (c) Occasional outdoor gatherings, public dances, shows, and sporting entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;
- (d) The maintenance of real property (not Construction), such as temporary use of power tools and equipment such as lawn mowers, snow blowers, chain saws and similar equipment, provided said activities take place between the hours of 7:00 AM and 10:00 PM on any day. The use of snow blowers during an active snow storm shall be exempt.
- (e) Motor vehicle back-up alarms required for site safety.

#### **1.06 Vibration Limits and Standards**

No party owning, leasing, or otherwise controlling a facility within the Town of Andover shall be allowed to:

1. Produce vibration which exceeds the combine-axis one-third octave band vibration accelerations of ANSI §3.29, Guide to the evaluation of human exposure to vibration in buildings. (Table one, as read in (meters/second)).
2. Produce sound levels in the 31.5 Hz octave band, and in lower bands, that exceed 65dB.

3. Exceptions: The above performance standards shall not apply to noise and vibration emitted during and associated with the following:
  - a. Parades, public gatherings, sporting or special short duration events.
  - b. Emergency, police, fire and ambulance vehicles.
  - c. Police, fire, and civil and national defense activities.
  - d. Temporary construction activity associated with a permitted facility, operating within normal daytime hours.

#### **1.07 Prima facie violation.**

Any measured noise exceeding the sound level standards as specified in Sections 1.03 Exterior Noise Standards shall be deemed to be prima facie evidence of a violation of the provisions of this Bylaw.

#### **1.08 Penalties for violations.**

- (a) Violations under this Noise Bylaw, in the discretion of the enforcing person, may be enforced by noncriminal disposition as provided in Chapter 40, Section 21D of the Massachusetts General Laws (“Section 21D”).
- (b) The penalty for a violation under 1.03 Exterior Noise Standards shall be a written warning for a first offense; \$100 for a second offense; \$200 for a third offense; and \$300 per offense, without limit, for each succeeding offense. Each day or part thereof shall constitute a separate offense.
- (c) Additionally under Section 1.03, at the discretion of the enforcing officer, all construction activities may be suspended following
- (d) initial warning until the violation is cleared to the reasonable satisfaction of the enforcing officer, or Special Permit Granting Authority.
- (e) An enforcing officer investigating a violation of this Bylaw, or any rule or regulation adopted hereunder, shall give the offender a written notice for the noncriminal disposition thereof in accordance with the provision of Chapter 40, Section 21D of the Massachusetts General Laws. The provisions of Section 21D are incorporated by this reference.

#### **1.09 Manner of enforcement.**

- (a) The enforcing officer(s) may include the Andover Police, Town of Andover Building and/or Health Officials, as necessary.
- (b) Violations of this Chapter shall be prosecuted in the same manner as other violations of the Andover General By-Laws provided, however, that in the event of an initial violation of the provision of this bylaw, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed or fully corrected within the time period specified in the written notice.

(c) In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a complaint.

**1.10 Severability.**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision hereof.

*On the petition of Jose Albuquerque and others.*

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 22<sup>nd</sup> day of March 2021.

_____ )	
Ann W. Gilbert, Chair )	
_____ )	
Daniel A. Koh, Vice Chair )	SELECT BOARD
_____ )	
Laura M. Gregory, Member, Select Board )	OF
_____ )	ANDOVER
Christian Huntress, Member, Select Board )	
_____ )	
Alexander J. Vispoli, Member, Select Board )	

A true copy

A T T E S T

\_\_\_\_\_  
Ronald Bertheim, Constable

Andover, Massachusetts, \_\_\_\_\_, 2021

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said warrants have been posted and published fourteen days.

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Ronald Bertheim, Constable

DRAFT

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## Select Board Meeting

Tuesday, March 9, 2021

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

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### I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of Tuesday, March 9, 2021 to order at 7:02 PM. Members in attendance: 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, Atty. Carol McGravey

### 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. B. Communications/Announcements/Liaison Reports

The Town Manager announced that as of Monday morning, 11 Lewis Street is officially on the market. The RFP, which has been the product of 65 public meetings, has finally come to fruition and they are looking forward to seeing the creative responses. This Thursday is the first meeting of the 375<sup>th</sup> Anniversary Committee to talk about next steps.

Mike Lindstrom thanked the Health Department and the volunteers who were able to distribute 110 shots of the vaccine last week.

The Annual Town Election is two weeks from today. Austin Simko said applications for mail-in voting can be downloaded from the Town Clerk's website, completed and returned to Town Offices. A ballot will be sent to all who apply. Ballots have to be returned by Election Day.

Laura Gregory announced that MHL is offering a virtual program at 7:00 PM tomorrow night. The title of the program is The Courageous Conversations: We Need to Talk about Ending Injustice, by Bryan Stevenson. Information is available on MHL website.

Alex Vispoli thanked Director of Public Health Tom Carbone and his team on a great vaccine clinic recently held at the Collins Field House. The Board requested the Town Manager send a letter to the Governor to lobby for local vaccinations. Alex also thanked Andrew for getting the Town Yard RFP listing out.

Chris Huntress asked if potential developers will be present on the scheduled site walk of 11 Lewis Street. Andrew reported that the site walk is posted as an open meeting and anyone can join. The site walk is scheduled for 8:30 A.M. on Wednesday March 17<sup>th</sup> at 11 Lewis Street.

Anne Gilbert recognized those who were honored at the Rotary Club's Annual Recognition of Andover Citizens Who Care last week. It was incredibly inspiring listening to the recognitions about people who have given so much to this community in fascinating ways. On Wednesday, March 17<sup>th</sup>, the Board will be discussing the Select Board Policy about filling the vacancy on the Board. In the event we have too many candidates for one sitting, the Board will schedule an additional meeting.

**IV. Citizens Petitions and Presentations**

To provide public comment during Citizens Petitions and Presentations visit:  
[www.andoverma.gov/JoinSelectBoardMeeting](http://www.andoverma.gov/JoinSelectBoardMeeting)

**V. Regular Business**

**A. Retirement Board Appointment**

The Retirement Board voted to ask the Select Board to interview and choose the fifth member of the Retirement Board due to their tie vote. Tonight, the Select Board will conduct interviews, deliberate, and vote on the two candidates for this position.

Chairperson Gilbert welcomed the two candidates, Aidan Forde and Joseph Stoltz and provided background on the interview process. The Board feels that both candidates are very well qualified and would be a good addition to the Retirement Board.

Each candidate provided an overview of their experience, their knowledge of the Retirement Board and the problems they are facing i.e., pension obligation bonds, tools to address the unfunded obligations, and their financial experience. Both candidates were provided the opportunity to ask questions of the Board.

The Board deliberated on the two very qualified applicants.

Alex Vispoli moved to appoint Mr. Forte to the 5<sup>th</sup> member position on the Retirement Board. The motion was seconded by Chris Huntress (for discussion).

Additional discussion: Laura Gregory believes Mr. Stoltz would be the better person to fill the position, but also feels that she is in the minority with a four-person board.

Roll Call Vote: A. Vispoli -Y, L. Gregory-N, C. Huntress-Y, A. Gilbert-Y.  
Motion passes 3-1.

**B. Integrated Financing Plan**

The Town Manager provided an updated presentation on the Integrated Financing Plan (IF) that included an overview of where we are in the process. The next major phase will be public outreach. Andrew has presented this plan to many Town boards and committees and the feedback has been positive.

Presentation: The Major Challenges:

Unfunded Pension liability: \$165-185M: Mass General Law requires us to be fully-funded by 2040, after 2022 we have 18 years to reach that requirement.

Reform and Retirement Benefits: MGL stipulates the years of employment, eligible age of retirement, and the amount of pay for a pension. The local Retirement Board determines

pension eligibility (currently a minimum of 20 hours). On April 1<sup>st</sup>, the Retirement Board will hold a public hearing focusing on the eligibility requirements for retirement benefits. This obligation creates the greatest threat to our financial rating and our service level.

The combined cost of the Pension Obligation Liability and WESP Building Project is \$148-\$152M. The Town's share of the WESP will be \$114M with MSBA picking up the remainder of the cost. MSBA reimburses 23% of the cost and caps the maximum sq. ft. cost to \$333 per sq.ft. The WESP Project includes having two schools on one campus and built to have capacity to alleviate overcrowding at other schools.

### Tenants of the Plan

Important terms: Proposition 2.5, Debt Exclusion, Pension Obligation Bonds, General Fund or Exempt Capacity and West Elementary & Shawsheen School Building Project (WESP), are important terms of the plan which were explained by Andrew.

### The Plan

1. Raise revenue for two major expenditures through proposed Debt Exclusion:
  - a. \$175M to fund the Pension Obligation Bond, 18-year borrowing term.
  - b. \$114M to fund WESP Building Project, 30-year borrowing term.
2. Use revenues from Debt Exclusions to pay down the pension liability and pay for construction of the two new schools
  - a. Reduce overall costs paid for pensions by approximately \$100M over 18 years.
  - b. Construct two new schools with a budgeted cost (town share) of \$114M.
3. Increase annual allocations within the operating budget to address long-term obligations.
  - a. This year's operating budget puts \$8.87M toward the unfunded liability.
  - b. Under the IFP, \$11M will be put towards unfunded liabilities from the operating budget. The Town will never pay less than what we are paying now and will be redirected to debt service, rather than a pay as you go schedule.
4. Create future options
  - a. Fund a new building project in future years that will require no incremental increase in the tax bill or reduce the annual tax bill.
  - b. Use of funds from the operating budget that are no longer needed to pay pensions costs to pay the debt of WESP.

The presentation included several financial charts including an Annual Financing Plan Calculation slide showing the tax increase from 2022-2040, the WESP Debt Service, Operating Funds, revenue needed to fund the plan, the annual tax impact and the Pension Obligation Bonds and Debt Schedule, as well as a slide comparing the existing schedule to the Pension Obligation Debt Schedule from 2023-2024, which were all explained by Andrew.

If the community decides to not fund the Unfunded Pension Liability, we would still have to fund the school project.

### Risks:

1. Return on assets does not exceed borrowing rate: if that were to happen, we would create a 'new' unfunded liability, that would have to somehow be funded. Over time, the assets would earn more than what we are borrowing. 2. Legislation decides to extend the mandatory funding date, we would be locked into 2040. Mitigation would be to refinance the bonds or pay them off if needed if that happened.

The presentation also included a Low Risk High Reward Assessment (probability testing conducted by Segal Actuary). They expect to be looking at a rate of borrowing at a 2% to 4% rate range. Long-term obligation returns from 1950 has never been below 5.59%. The earliest we could purchase the obligations bonds would be in September and October. Before we can do anything the Dept. of Revenue has to sign off on a plan.

### Active Employee Contributions & Reserve Fund

Establish a reserve in case we incur a loss. Approximate 87% of active employees contribute 1% of their pay \$475-\$2,100 annually to the reserve fund. The Reserve Fund contributions from active employees would total about \$5.7M.

### Why would the town consider going above and beyond Prop 2.5 to fund the pension plan?

Other communities have approached this problem of funding the Pension Obligation by passing a Prop 2.5 override. Andover has always prioritized funding services and less to the pension liability. We are now at a point where we have to discuss alternative funding scenarios. Andrew explained the slide showing fifteen comparable communities and taxation. Andover is in the middle of the chart at #9 for the average tax rate. Many of the communities passed several overrides to cover the Pension Obligation.

Waiting a year or more increases the likelihood of higher borrowing costs and reduces the amortization schedule by another year, having a greater annual impact on the tax payer. If the town takes no action, taxpayers will be responsible for paying at least \$427M in pension costs between now and 2040.

The Town Manager has presented the plan to the Finance Committee a number of times. The School Committee, Finance Committee and the Revenue Task Force unanimously voted to support the IFP.

### Next Steps:

Special Legislation was signed into law by Governor Baker in January.

Appoint an Investment Advisory Committee

Public Outreach March-June

The Board agreed that public outreach is most important and they will take turns being available at the presentations to hear questions and responses from the residents. The Town Manager expects the IFP proposal to be refined going forward. A presentation will also be available on the Town-website.

C. Select Board Policy Guidelines

Board to review and consider voting to amend Section 1.3 (Vacancies on the Board) of the Select Board Policy Guidelines.

Austin Simko explained that Policy 1.3 precludes the appointment of a Select Board member within a 100 days of a Town Election and you cannot add up to a ballot within 64 days of an election. Currently, we have a vacancy and the resignation is too close to the election to fill the seat Austin shared the two versions of the policy and the recommended change. The committee considered changes to the policy.

The Board tabled this item until the next Select Board Meeting.

VI. Consent Agenda

A. Appointments by the Town Manager

The appointments include the remainder of the Equity Inclusion Members, The Town Manager thanked the members who have been appointed to serve.

Laura Gregory moved that the consent agenda be approved as printed. Motion seconded by Alex Vispoli. Roll call: C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y, and A. Gilbert-Y. Motion passes 4-0.

Department	Name	Position	Rate/Term	Date of Hire
Accounting	Cheryl Dick (Jared Mullane)	Assistant Town Accountant/Town Auditor	\$85,513.00/year	3/29/2021
Police Department	Daniel Driscoll (Daniel Igoe)	Patrolman	\$62,648.19/year	3/8/2021
Commission on Disability	Judy Wakefield	Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Wael Kamal	At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Sandis Wright	At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Basenal Dessin	At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Kavita Goyal	At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Shishan Wang	At Large Member	Term Expires 6/30/2024	3/9/2021

Commission on Diversity, Equity and Inclusion	Lisa Cascio	At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	George Nugent	Associate At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Rajiv Chopra	Associate At Large Member	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Jack Glavin	Student Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Peyton Levental	Student Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Olivia Lu-Alba	Student Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Howard Mandell	Clergy Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Rev. Dana Allen Walsh	Clergy Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Jorge Allen	Andover Public Schools Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Monica Reum	Phillips Academy Representative	Term Expires 6/30/2024	3/9/2021
Commission on Diversity, Equity and Inclusion	Lt. Frank Fitzpatrick	Andover Police Department Representative	Term Expires 6/30/2024	3/9/2021

**VII. Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. February 8, 2021

Alex Vispoli moved to approve the Select Board Minutes of February 8, 2022 as presented. Motion seconded by Laura Gregory. Roll call: C. Huntress-Y, A. Vispoli-Y, L. Gregory-Y, A. Gilbert-Y. Motion passes 4-0.

**VIII. Executive Session**

At 9:25 P.M. Alex Vispoli moved that the Board vote to go into Executive Session for confidential communication with Town Counsel and pursuant to option 6 to discuss the purchase, exchange, lease or value of real property, for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town, and to

approve and not release Executive Session Meeting Minutes of February 8, 2021 and February 22, 2021; and not to return to open session. The Chair so declared that an open session would have a detrimental effect on the negotiating position of the Town. Motion seconded by Chris Huntress. Roll call: C. Huntress-Y, L. Gregory-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 4-0.

**IX. Adjourn**

At 9:25 P.M. the Select Board moved adjourned from Regular Session and moved to Executive Session not to return.

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 provide public comment on an item that is *not* on the agenda may do so by visiting [www.andoverma.gov/JoinSelectBoardMeeting](http://www.andoverma.gov/JoinSelectBoardMeeting). They will be admitted during Citizens Petitions and Presentations.

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](mailto: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 Special Meeting

Monday, March 17, 2021

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

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### I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of Wednesday, March 17, 2021 to order at 7:00 P.M. Other Members in attendance: Laura Gregory, Chris Huntress, and Alex Vispoli.

**Others in Attendance:** Town Manager Andrew Flanagan, 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 the Pledge of Allegiance.

### III. Regular Business

#### A. Select Board Policy Guidelines (2<sup>nd</sup> reading)

Section 1.3 Vacancies on the Board. When a vacancy occurs in the office of Select Board members, the remaining Select Board members may, at any time prior to the next Town Election at which a candidate for the vacated office may legally be placed on the ballot, appoint a qualified person to serve as a Select Board member until such election, at which election voters shall elect a Select Board member to serve for the unexpired portion, if any, of the original term.

Austin Simko spoke about the amendment to the Select Board Guidelines Section 1.3 (Vacancies to the Board) and his meeting with Laura Gregory and Tom Urbelis to see if they could further define and clarify the intent of "Town Election" as referenced in the policy; however, they could not find a better solution.

This policy says the members 'may' appoint a 5<sup>th</sup> member and does not lock a future board into this amendment. This wording would give a future board the same options this Board has, which could include not appointing someone.

Alex Vispoli moved that the Select Board adopt the changes as printed and discussed on Vacancies to the Board Section 1.3. Laura Gregory seconded the motion. Roll call: L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 4-0.

#### B. Post Interview and Selection Process

After the all of the interviews are completed, the Board will meet to deliberate and select a member to fill the remaining term of Dan Kho's position on Friday, March 19<sup>th</sup> at 8:00 A.M. Each Board member should forward to the Chair their first four choices which should not be ranked. Once the Chair has everyone's submissions, she will email the list to all of the Board members. The Select Board will vote to formalize the selection on Wednesday, March 24<sup>th</sup>. The Board is very fortunate to have so many qualified people interested in this position.

Laura Gregory moved that the Board vote to agree to the process as outlined by the Chair and the interviewing for the ultimate replacement for Dan Koh on the Select Board. The motion was seconded by Chris Huntress.

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

Motion passes 4-0.

Andrew Flanagan, Tom Urbelis, and Austin Simko left the meeting at this time.

#### C. Select Board Candidate Interviews

The Board conducted interviews of the following candidates who submitted applications for the vacancy. Each candidate gave an opening statement explaining why they would like to serve and what relevant experience they would bring to the board, after which current board members were offered time to ask follow-up questions.

- James Barenboim
- Ted Teichert
- Paul Colby-Clements
- Richard Howe
- Debra Rahim Silberstein
- Sishan Wang

Interviews with the following candidates will take place at a meeting of the Select Board on Thursday, March 18<sup>th</sup> beginning at 5:00 P.M.

- Zachery Bergeron
- Paul Salafia
- Carlene Bell-Flanagan
- Jose Albuquerque
- Tracey Gauthier-Peters
- Bonnie Zahorik

#### IV. Adjourn

At 8:37 P.M. Alex Vispoli moved to adjourn the Select Board Meeting of Wednesday, March 17, 2021. Motion seconded by Chris Huntress. Roll call: A. Vispoli-Y, L. Gregory-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 4-0.

Respectfully submitted,

*Dee DeLorenzo*

Dee DeLorenzo

Recording Secretary

# Select Board Special Meeting

Monday, March 18, 2021

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

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## I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of March 18, 2021 to order at 5:00 P.M. Other Members in attendance: Laura Gregory, Chris Huntress, Alex Vispoli.

Others in Attendance: Assistant Town Manager Patrick Lawlor.

## II. Opening Ceremonies

### A. Moment of Silence/Pledge of Allegiance

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

## III. Regular Business

### A. Select Board Candidate Interviews

The Board conducted interviews of the following candidates who submitted applications for the vacancy on the Select Board. Six candidates were interviewed last night and an additional six are being interviewed tonight.

- Zachery Bergeron
- Paul Salafia
- Carlene Bell-Flanagan
- Jose Albuquerque
- Tracey Gauthier-Peters
- Bonnie Zahorik

Each candidate gave an opening statement explaining why they would like to serve and what relevant experience they would bring to the board, after which current board members were offered time to ask follow-up questions.

The Board will send the Chair a list of four people to discuss at the Board Meeting on Friday morning, March 19<sup>th</sup>. Annie Gilbert will send an email to all of the applicants to let them know the names being brought forward, and to thank all the applicants for stepping up to support the Town.

## IV. Adjourn

At 6:46 P.M. Alex Vispoli moved to adjourn the Thursday, March 19, 2021 Select Board Meeting. Motion seconded by Chris Huntress.

Roll call: A. Vispoli-Y, L. Gregory-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 4-0.

Respectfully submitted,

*Dee DeLorenzo*

Dee DeLorenzo

Recording Secretary

# Select Board Special Meeting

Monday, March 19, 2021

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

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## I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of March 19, 2021 to order at 8:04 A.M. Other Members in attendance: 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 the Pledge of Allegiance.

## III. Regular Business

### A. Select Board Vacancy:

Board to deliberate and identify a candidate to be presented for appointment on March 24<sup>th</sup> 2021 for a term through March 22, 2022.

On behalf of the Select Board, Annie Gilbert thanked all 12 of the applicants for putting themselves forward, submitting their applications, and going through the interview process. Many of the people who applied have been very involved in the Andover Community, former members of the Select Board, and have overlapped in their relationships, being on committees, boards, etc. It will be a difficult choice.

Each Board member has submitted an unranked list to the Chair of the applicants they would like to move forward for discussion. The lists were compiled by the Chair and sent to the Board. The following candidates moved forward (in alpha order).

Zack Bergeron  
Carleen Bell Flanagan  
Paula Colby-Clements  
Dick Howe  
Paul Salafia  
Deb Silberstein  
Ted Teichert  
Bonnie Zahourik

Among the eight applicants listed, some appeared on more than two of the lists: Everyone else appeared on either two of their lists or one of their lists. Paula Colby-Clements appeared on three of the lists, and Dick Howe on all four lists.

Members of the Board shared their thoughts on what skillsets and experiences will be most helpful to the Board.

Overlapping points: relative experience, objectivity, ability to work with the Board, community outreach person, consensus builder, communication skills, understanding of Diversity and the path the Board has taken and understanding the sustainability path. Although the Board has have received a number of emails suggesting they appoint someone who fills Dan's constituency for diversity and sustainability, these are items to consider but are not the only things that Dan stood for.

The selected person should be somebody that can step in and be hands-on from day one for the one-year position and as fluent as possible in the issues we are facing with an important Town Meeting coming up soon. The Board has set a trajectory of the goals, and during this person's time on the Board, they will be participating in goal-setting for 2022. The composite of the person should be somebody who has demonstrated that they have the ability to do the community outreach. It is important the person moved forward has a strong voice and is not afraid to offer a second look or a different opinion. The person should have knowledge of the Pension Obligation Plan and Integrated Finance Plan. Both candidates are very capable and strong.

Paula Colby-Clements: Paula is particularly strong because she has already been out in the community, not only as Chair of the WESP School Building Project but also as a member of the Town Governance Committee engaging in forums. She is knowledgeable of the IFP, and also as a former member of the School Committee. Paula is a strong voice in the community and has a depth of experience in a lot of different issues. The Select Board has not presented the WESP warrant article to the community yet which is at a critical point, they are concerns about pulling her out of the process.

Dick Howe: Dick is a highly-qualified candidate who has been looking at budget obligation bonds since 2007. He is very knowledgeable about the IFP, open space housing, and served on the Finance Committee for several years, in addition to participating on several different town committees. His professional experience is impressive as is his communication style. The Board was very impressed with his interview and he checked many of the boxes on what they are looking for in the position.

All members of the Select Board agreed that Dick Howe would be their choice to fill the remaining term of Dan Kho's seat. The Board will appoint Mr. Howe at their meeting on March 24<sup>th</sup>.

#### IV. Adjournment

At. 8:45 A.M. Alex Vispoli moved to adjourn the meeting of Friday, March 19, 2021. Chris Huntress seconded the motion. Roll call: L. Gregory-Y, A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y. Motion passes 4-0.

Respectfully submitted,

*Dee DeLorenzo*

Dee DeLorenzo  
Recording Secretary

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*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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