

Select Board Meeting

Monday, March 21, 2022 7:00 PM

School Administration Building

2nd Floor School Committee Conference Room

30 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

III. Communications/Announcements/Liaison Reports

ANDOVER TOWN CLERK
RCUD 2022 MAR 17 PM 4:20

IV. Citizens Petitions and Presentations

V. Public Hearings

A. Alteration of Premises to All Kinds of Alcoholic Beverages on Premises License

Board to review and consider voting to approve the application of C7 Hospitality Group, LLC, d/b/a Bueno Malo, for an Alteration of Premises to its All Kinds of Alcoholic Beverages on Premises License at 93 Main Street, Andover, MA.

VI. Regular Business

A. Annual Town Meeting Articles

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

P12	Stabilization Fund Bond Premium
P14	Water Treatment Plant Maintenance
P15	Sewer Collection System Maintenance
P18	Capital Projects from Water and Sewer Enterprises
P20	Land Acquisition
P23	Public Safety Multi-Band Portable Radios
P27	Pension Obligation Bond Stabilization Fund Transfer

VII. Consent Agenda

A. Appointments by the Town Manager

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

Department	Name	Position	Rate/Term	Date of Hire
Treasurer/Collector	Ana-Maria Derosa (Peter Forcellese)	Assistant Treasurer-Collector	\$81,398.36/yr	4/11/2022
Community Services – Recreation	Irina Boulanova	Kid Care Group Leader 2	\$18.25/hr	3/21/2022

Community Services – Youth Services	Erin Gregoire	Seasonal	\$15.00/hr	4/1/2022
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VIII. Adjourn

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Kathryn Forina in the Town Manager's Office at 978-623-8215 or by email at kathryn.forina@andoverma.us

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45

TOWN OF ANDOVER GENERAL LICENSE APPLICATION

TIME STAMP

APPLICANT'S D/B/A: Bueno Malo

APPLICANT NAME: C7 Hospitality Group, LLC

APPLICANT'S ADDRESS: 93 Main St
Andover MA 01810

APPLICANT'S TEL. NUMBER: 978-409-2119

CONTACT PERSON: Franco Lozano

TELEPHONE: [REDACTED] E-MAIL: eat@buenomalo.com

MAILING ADDRESS: 93 Main St Attn Bueno Malo Andover MA 01810

TYPE OF LICENSE: LIQUOR LICENSE - Alteration of Existing Premises

LOCATION OF LICENSE ACTIVITY: 93 Main St Andover MA 01810

APPLICATION/LICENSE FEE: \$125 FID/SS # [REDACTED]

DATE OF ACTIVITY N/A TIME from N/A to N/A

I certify under penalties of perjury, that the above information is true and that named applicant has complied with all laws of the commonwealth relative to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature: [REDACTED]

OFFICE USE ONLY OFFICE USE ONLY OFFICE USE ONLY OFFICE USE ONLY

Date of log entry 1/25/22 By: MVL License Board Hearing Date: _____

Prior Approval Required:	DATE SENT:	DATE APPROVED
Police Dept:	<u>2-2-22</u>	<u>2-2-22</u>
Fire Dept:		<u>2-2-22</u>
Building:		<u>2-2-22</u>
Planning: <u>Health</u>		<u>3-11-22</u>
Treasurer:	<u>✓</u>	<u>2-2-22</u>

Add'l conditions for license: Health

This license requires: (circle all that apply)

- Select Board Approval
- Business Certificate
- Letter of Clearance

TAX FORM

APPLICANT NAME: C7 Hospitality Group, LLC

I certify under penalties of perjury that the above named applicant has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

BuenoMalo

Signature of Individual or Corporate Name (Mandatory)

Franco Lozano III

By: Corporate Officer (if corporation)

Social Security# (if individual)



Federal Identification Number (FID# if Corporation or Non Profit#)

This license will not be issued unless the certification clause is signed by the applicant.

Your Social Security or FID number will be furnished to the Massachusetts Department of Revenue to determine if you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. General Laws C. 62c s.49A.



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 1 Congress Street, Suite 100
 Boston, MA 02114-2017
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
 TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: C7 Hospitality Group, LLC

Address: 93 Main St

City/State/Zip: Andover MA 01810 Phone #: 978-409-2119

Are you an employer? Check the appropriate box:

- 1. I am an employer with 15 employees (full and/or part-time).*
- 2. I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
- 4. We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5. Retail
- 6. Restaurant/Bar/Eating Establishment
- 7. Office and/or Sales (incl. real estate, auto, etc.)
- 8. Non-profit
- 9. Entertainment
- 10. Manufacturing
- 11. Health Care
- 12. Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Travelers

Insurer's Address: One Tower Square

City/State/Zip: Hartford, CT 06183

Policy # or Self-ins. Lic. # [REDACTED] Expiration Date: 01-03-23

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under penalty of perjury that the information provided above is true and correct.

Signature: [REDACTED] Date: 1-20-22

Phone #: [REDACTED]

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: Andover Permit/License # _____

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
- 6. Other _____

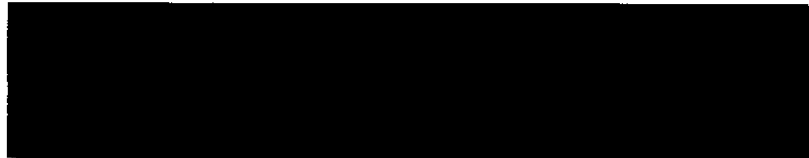
Contact Person: Austin Simko, Town Clerk Phone #: 978-823-8230



ONE TOWER SQUARE
HARTFORD CT 06183

**WORKERS COMPENSATION
AND
EMPLOYERS LIABILITY POLICY**

TYPE V INFORMATION PAGE WC 00 00 01 (A)

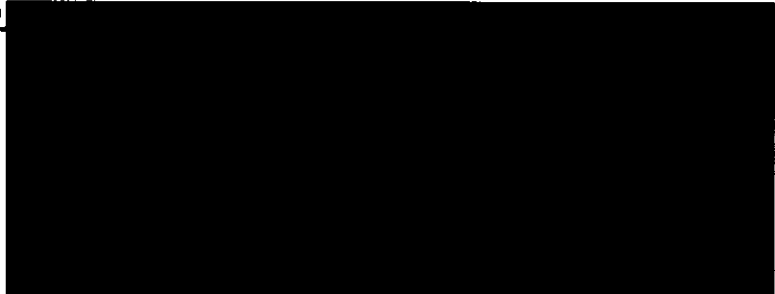


INSURER: THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
A Stock Company

1.

INSURED:

C7 HOSPITALITY GROUP LLC
DBA BUENO MALO
93 MAIN ST
ANDOVER, MA 01810



Insured is a **LIMITED LIABILITY COMPANY**

Other work places and identification numbers are shown in the schedule(s) attached.

2. The policy period is from 01-03-22 to 01-03-23 12:01 A.M. at the insured's mailing address.
3. **A. WORKERS COMPENSATION INSURANCE:** Part One of the policy applies to the Workers Compensation Law of the state(s) listed here:
MA



DATE OF ISSUE: 11-23-21 SD
OFFICE: PAYROLL 70A
PRODUCER: PAYCHEX INS AGENCY INC SV996

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.

[REDACTED]	
	\$200.00
	\$200.00

Total Convenience Fee: \$4.70

Date Paid: 1/20/2022 5:45:33 PM EDT

Total Amount Paid: \$204.70

Payment On Behalf Of
[REDACTED]

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Franco

Last Name:
Lozano

Address:
93 MAIN STREET

City:
ANDOVER

State:
MA

Zip Code:
01810

Email Address:
eat@buenomalo.com



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change or Alteration of Premises Information

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: **ABCC PAYMENT WEBSITE**

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- New License
- Change Corporate Name
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Change of DBA
- Change of License Type (i.e. club / restaurant)
- Change of Hours
- Change of Manager
- Alteration of Licensed Premises
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Pledge of Collateral (i.e. License/Stock)
- Change of Officers/Directors
- Change of Location
- Issuance/Transfer of Stock/New Stockholder
- Management/Operating Agreement
- Change of Ownership Interest
- Other

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

Change of Location

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name C7 Hospitality Group, LLC	Municipality Andover	ABCC License Number [REDACTED]
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Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Alteration of premises - existing licensed restaurant is expanding into neighboring retail space

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Franco Lozano	Managing Member / Owner	eat@buenomalo.com	[REDACTED]

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

Existing restaurant plans to expand its premises into neighboring interior retail space consisting of 2,847 sq. ft. With the current licensed premises of approx 2,064 sq. ft., this would bring the total project interior space to approx 4911 sq. ft. Approx 500 sq.ft. of additional outdoor patio/deck space is proposed in courtyard space directly adjacent to expansion space.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total interior space of approx. 4911 sq. ft., total patio/deck/outdoor space of approx. 798 sq. ft., 2 entrances and 5 exits, and proposed seating capacity of 115.

Total Sq. Footage	5709 sq. ft.	Seating Capacity	115	Occupancy Number	115
Number of Entrances	2	Number of Exits	5	Number of Floors	1

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

n/a

Proposed Street Address

n/a

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

See above.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of Intent)

Please indicate by what means the applicant has to occupy the premises

Lease



Landlord Name

Lincoln Essex OAV, LLC

Landlord Phone

781-890-5855

Landlord Email

channon@eastportrealestate.com

Landlord Address

107 Audubon Road 2-301 Wakefield, MA 01880

Lease Beginning Date

January 10, 2022

Rent per Month

Lease Ending Date

January 10, 2029

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

Renovation and Construction Costs \$200,000

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Business Savings Account	[REDACTED]
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

APPLICANT'S STATEMENT

I, Franco Lozano III the: sole proprietor; partner; corporate principal; LLC/LLP manager

Authorized Signatory

of C7 Hospitality Group, LLC

Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

[REDACTED]

Date: 12/01/2021

Title:

Managing Member

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name

duly voted to apply to the Licensing Authority of
City/Town and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

Alteration of Licensed Premises

Change of Location

Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,



Corporate Officer /LLC Manager Signature

Franco Lozano III

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

SECOND AMENDMENT OF LEASE

THIS SECOND AMENDMENT OF LEASE (the "Amendment") made as of the 10th day of January, 2022 (the "Effective Date") by and between LINCOLN ESSEX OAV, LLC, a Massachusetts limited liability company ("Landlord") and C7 HOSPITALITY GROUP, LLC, a Massachusetts limited liability company d/b/a Bueno Malo restaurant ("Tenant").

WHEREAS, Landlord is the owner of the building and land known as the "Andover Village Square" located at 93 Main Street, Andover, MA 01810 (the "Building" or "Property");

WHEREAS, Landlord and Tenant are parties to that certain Commercial Lease dated December 2, 2016, as amended by that certain First Amendment to Lease dated October 17, 2018 (the "Original Lease") whereby Tenant leases from Landlord 2,360 rentable square feet in the Building consisting of Suite No. C120A and C120B (as subsequently re-designated as Suite R-120) consisting of 2,110 rentable square feet ("Suite R120") and Suite LL120B consisting of 250 rentable square feet ("Suite R120B");

WHEREAS, Tenant also desires to lease from Landlord, and Landlord desires to lease to Tenant, certain adjacent space in the Building presently occupied by a vacating tenant being the Expansion Space (as defined herein) and in conjunction therewith Landlord has agreed to recapture Suite R120B; and

WHEREAS, Landlord and Tenant also desire to amend the Original Lease in certain other respects, all as more particularly set forth below; and

WHEREAS, the Original Lease, as amended by this Amendment, is referred to herein as the "Lease;" and

WHEREAS, any capitalized term used herein and not defined herein shall have the meaning set forth in the Original Lease.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties hereto, it is agreed as follows

1. Lease Amendment. As subject to the parties' conditions precedent to performance under Paragraph 1 above, the Original Lease is hereby amended as follows:

a. Expansion of Premises. Notwithstanding anything to the contrary contained in the Original Lease, effective as of the Expansion Premises Term Commencement Date (as hereinafter defined), the "Premises" shall consist of a portion of the Building substantially as shown on Exhibit A attached hereto, initially consisting of approximately 4,957 rentable square feet in the aggregate, consisting of 2,110 of rentable square feet of space leased pursuant to the Original Lease including Suite R120 but excluding Suite LL120B (the "Original Premises") and 2,847 rentable square feet of space leased

Motion for C7 Hospitality Group, LLC d/b/a Bueno Malo

I move to approve the application of C7 Hospitality Group, LLC d/b/a Bueno Malo, for an Alteration of Premises to their - All Kinds of Alcoholic Beverages on Premises license at 93 Main St, Andover, subject to the condition that all other requirements of the Town are met prior to issuance.

Moved by _____

Seconded by _____

Voted _____ to _____

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

To act upon the following articles:

ARTICLE P1	ANNUAL TOWN ELECTION
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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 Trustee for Cornell Fund for three years, two Punchard Free School members, one for three years and one for one year.

On request of the Town Clerk

ARTICLE P2	ELECTION NOT REQUIRED BY BALLOT
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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

ARTICLE P3	SALARIES OF ELECTED OFFICIALS
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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

ARTICLE P4	FISCAL YEAR 2023 BUDGET
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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, 2022 and ending June 30, 2023, or take any other action related thereto.

On request of the Town Manager

ARTICLE P5	FISCAL YEAR 2023 CAPITAL PROJECTS FUND
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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 2023 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

ARTICLE P6	FINANCIAL HOUSEKEEPING ARTICLES (A THROUGH H)
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A. Budget Transfers To see if the Town will vote to transfer from amounts previously appropriated at the June 2021 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 June 2021 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 2023 tax rate and to affect appropriations voted at the 2021 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 2023 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, 2022, or take any other action related thereto:

Revolving Fund	FY2023 Limit
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
Student Technology Rental	\$200,000

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 2023, which begins on July 1, 2022, or take any other action related thereto.

On request of the Finance Director

ARTICLE P7	MINOR FINANCIAL ARTICLES (A THROUGH D)
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A. Overlay Surplus Transfer To see if the Town will vote to transfer \$30,000 from Overlay Surplus to fund expenses related to the FY2023 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

ARTICLE P8	GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)
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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 2023 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

ARTICLE P9	UNPAID BILLS
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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 Finance Director

ARTICLE P10	CHAPTER 90 AUTHORIZATIONS
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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

ARTICLE P11	GRANTING EASEMENTS
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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

ARTICLE P12	STABILIZATION FUND BOND PREMIUM
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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

ARTICLE P13	DEFICIT REDUCTION
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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

ARTICLE P14	WATER TREATMENT PLANT MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$500,000 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

ARTICLE P15	SEWER COLLECTION SYSTEM MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$300,000 in the Sewer Enterprise Fund for the purpose of paying various maintenance costs related to the sewer collection system, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE P16	CAPITAL PROJECTS FROM GENERAL FUND BORROWING
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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 \$5,250,000 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.

CIP #	Project	Amount	Statutory Citation
FR-2	Multi-Band Portable Radios	\$200,000	C 44 Sec 7(1)
DPW-4	Town Sidewalk Program	\$850,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$400,000	C 44 Sec 7(1)
FAC-5	Town Parks & Playground Improvements	\$550,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$1,600,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$1,650,000	C 44 Sec 7(1)

On request of the Fire Chief, Director of Public Works and Director of Facilities

ARTICLE P17	CAPITAL PROJECTS FROM FREE CASH
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$1,870,340 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.

CIP #	Project	Amount
FR-1	Fire Apparatus Replacement	\$145,000
IT-1	Annual Staff Device Refresh	\$379,363
IT-2	Annual Student Device Refresh	\$436,477
IT-3	IT Platforms and Infrastructure	\$454,500
POL-1	Police Vehicle Replacement	\$205,000
DPW-2	Minor Sidewalk Repairs	\$250,000

On request of the Fire Chief, Chief Information Officer, Police Chief and Director of Public Works

ARTICLE P18	CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS
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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 \$6,500,000 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.

CIP #	Project	Amount	Statutory Citation
DPW-12	Water & Sewer Vehicles (Water Enterprise Reserves)	\$350,000	N/A
DPW-14	Water Main Replacement Projects (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-34	Dale Street Pumping Station (Sewer Enterprise Reserves)	\$150,000	N/A

On request of the Director of Public Works

ARTICLE P19	OTHER POST EMPLOYMENT BENEFITS FUND
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To see if the Town will vote to take the following actions:

- 1) Pursuant to G.L. Chapter 32B, Section 20 (d), to designate the town treasurer as the trustee of the Other Post Employment Benefits Fund, who shall have general supervision of the management, investment and reinvestment of the Other Post Employment Benefits Fund, and to authorize the trustee to employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and to pay for those services from the fund;
- 2) To authorize the trustee to appoint a volunteer advisory committee who may make recommendations to the trustee regarding the management, investment and reinvestment of the Other Post Employment Benefits Fund; and
- 3) Pursuant to G.L. Chapter 32B, Section 20(g), to authorize investment or reinvestment of the Other Post Employment Benefits Fund under the prudent investor rule established in G.L. Chapter 203C, or take any other action related thereto.

On the request of the Finance Director

ARTICLE P20	LAND ACQUISITION
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To see if the Town will vote to appropriate the sum of \$413,000.00 for the acquisition of land, such land being described as follows: The land known as 138A Chandler Road described in a Deed recorded in Book 16981 Page 126 in Essex North Registry of Deeds and shown as Lot 1 on a Plan of Land entitled "Plan of Land 138 Chandler Road Andover, MA 01810, JM Associates, 325 Main Street, N. Reading, MA 01864, John F. McQuilkin, Professional Land Surveyor," dated March 12, 2020, and said plan being recorded in Essex North Registry of Deeds as Plan Number 18061, which Plan is on file with the Town Clerk, containing 78,064 square feet, more or less, as shown on said Plan, for municipal purposes, and for any other costs incidental and related thereto, and to authorize the Select Board to acquire such land 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

ARTICLE P21	ZONING BYLAW RECODIFICATION
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To see if the Town will vote to amend and recodify the Zoning Bylaw Article VIII by making the following changes:

1. Delete, in their entirety, the following provisions of the existing Zoning Bylaw:

- Section 1.0 Purpose and Authority
- Section 2.0 Districts
- Section 3.0 Use Regulations
- Section 4.0 Dimensional Requirements
- Section 5.0 General Regulations
- Section 6.0 Special Regulations
- Section 7.0 Special Residential Regulations
- Section 8.0 Special District Regulations
- Section 9.0 Administration and Procedures
- Section 10.0 Definitions

2. Substituting the following provisions and their subparts in the zoning article on file in the office of the Town Clerk and Community Development & Planning:

- Section 1.0 Purpose and Authority
- Section 2.0 Districts
- Section 3.0 Use Regulations
- Section 4.0 Dimensional Requirements
- Section 5.0 General Regulations
- Section 6.0 Special Regulations
- Section 7.0 Special Residential Regulations
- Section 8.0 Special District Regulations
- Section 9.0 Administration and Procedures
- Section 10.0 Definitions

The recodification of the Zoning Bylaw is a reorganization and renumbering of the current bylaw, with some deletions in order to address: • Structure and organization • Clarity • Conflicts and inconsistencies • Obsolete and/or missing terms and language • Conformance with State statutes and current case law • Administrative issues, or take any other action on this matter.

On the request of the Planning Board

ARTICLE P22	STREET ACCEPTANCE – MONARCH LANE
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To see if the Town will vote to accept and name as a public way any or all of 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 the Select Board

ARTICLE P23	PUBLIC SAFETY MULTI-BAND PORTABLE RADIOS
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To see if the Town will amend the action taken under Article 23 of the June 5, 2021 Annual Town Meeting which, in part, appropriated \$200,000 for CIP# FR-4 Public Safety Bi-Directional Amplifier System, to instead appropriate that \$200,000 to the purchase of Public Safety Multi-Band Portable Radios, including the payment of costs incidental or related thereto, or take any other action related thereto.

On request of the Fire Chief

ARTICLE P24	TAX INCREMENT FINANCING (TIF) PLACEHOLDER
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To see if the Town will vote to (i) approve a Tax Increment Financing Agreement (hereafter known as the TIF Agreement) with **xxx** for **xxx**, shown on Andover Assessors Map **xxx** as Parcel **xxx**, in substantially similar form to the TIF Agreement on file with the Andover Town Clerk, which TIF Agreement provides for real estate tax exemptions at the exemption rate schedules set forth therein, and (ii) approve an Economic Development Incentive Program (“EDIP”) Local Incentive Only Application submission to the Massachusetts Economic Assistance Coordinating Council (the “EACC”), and (iii) authorize the Select Board to execute the TIF Agreement in substantially the same form as on file with the Andover Town Clerk and any documents related thereto, to take any such action as is necessary to obtain approval of the Local Incentive Only Application submission, and to implement the TIF Agreement. The TIF Agreement shall provide that the Town shall provide for an exemption of property taxes or a percentage thereof based on the incremental increase in property value in assessed valuation of the property for a period of not less than five years or more than twenty years in accordance with the requirements of the Massachusetts General Laws Chapter 40, Section 59; Chapter 23A, Section 3E and 3F; and the applicable regulations thereunder. In return for such tax benefits, in accordance with the TIF Agreement, **xxx** shall ensure at the above property the location and expansion of uses which increase job creation, provide higher property values, and retain or expand economic development in the Town and in the Commonwealth; or take any other action relates thereto.

On request of the Town Manager

ARTICLE P25	DISCONTINUANCE OF PORTION OF LEWIS STREET
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To see if the Town will vote to transfer the care, custody, management and control of a portion of Lewis Street to be discontinued, which land is shown as Portion of Lewis Street to be Discontinued ## S.F. +/-“ on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared for the Town of Andover, Date: ###, Scale ###” prepared by Andover Consultants, Inc., 1 East River Place, Methuen, Mass. 01844, “containing ## , a copy of which Plan is on file with the Office of the Town Clerk, from the Select Board for the purposes for which such land are currently held to the Select Board for the purposes of sale of said land, to declare said land available for sale and to authorize the Select Board to sell said land, according to the provisions of Massachusetts General Laws Chapter 30B, upon such final terms and conditions as the Select Board deems to be in the best interests of the Town, and further that the Select Board approve any restrictions, including restrictions on use, that are in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

ARTICLE P26	ABANDONMENT OF PORTION OF LEWIS STREET
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To see if the Town will vote to discontinue as a public way that portion of Lewis Street which is described as follows: The area shown as “Portion of Lewis Street to be Discontinued ## S.F.+/-” on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared for: Town of Andover, Date: ##, Scale ###, Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844,” a copy of which Plan is on file in the Office of the Town Clerk, or take any other action related thereto.

On request of the Town Manager

ARTICLE P27	PENSION OBLIGATION BOND STABILIZATION FUND TRANSFER
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To see if the Town will vote to appropriate and raise from taxation or transfer from available funds a sum of money to the Pension Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any action related thereto.

On request of the Town Manager

ARTICLE P28	SHAWSHEEN RIVER INTERCEPTOR IMPROVEMENTS
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To see if the Town will vote to appropriate the sum of \$X,XXX,XXX by repurposing funds remaining from the following articles: Article 31 of the 2008 Annual Town Meeting

(\$2,388,691.71), and various other articles (Placeholder for other funding sources) or take any other action related thereto.

On request of the Director of Public Works

ARTICLE P29	RETIREE COST OF LIVING ADJUSTMENT MAXIMUM BASE
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To see if the Town will authorize the Contributory Retirement Board to increase the maximum base on which the cost-of-living increase is calculated for retirees and beneficiaries of the Andover Contributory Retirement System by \$1,000 each July 1st for the next two years resulting in a base change from \$13,000 effective July 1, 2022 and from \$14,000 effective July 1, 2023.

On petition of Kevin Connors and others

ARTICLE P30	STREAM GAGE SYSTEM ON THE SHAWSHEEN RIVER
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To see if the Town will appropriate from free cash the sum of \$ 75,000 for the purpose of operating and maintaining a Streamgage Station on the Shawsheen River in the vicinity of Balmoral Street and further to authorize the Town manager to enter into an agreement for the same with the United States Geologic Survey.

On petition of John Mahoney and others

ARTICLE P31	FUNDING TO REPAIR HACIENDA WAY FOR STREET ACCEPTANCE
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To see if the Town will vote to authorize the Select Board of Andover to acquire by eminent domain, gift, purchase, or otherwise, any fee, easement or other interest in the land known as Hacienda Way as shown on a plan entitled Subdivision & Acceptance Plan pleasant Street Estates Andover, Mass, April, 1973 Approved 6/18/73 and recorded with the Essex North Registry of Deeds, Plan 7035 and on file in the Office of the Town Clerk, and as constructed, and to award no damages for said taking or payment for said acquisition, and to appropriate and raise by taxation, transfer or available funds or borrowing or any combination thereto a sum of \$110,000 for required engineering services, legal services, repairs and improvements to Hacienda Way and expenses incidental thereto, or take any other action related thereto.

On petition of Courtney Famiglietti and others

ARTICLE P32	MANDATING MUNICIPAL EMPLOYEE PARTICIPATION IN ANNUAL REVIEW OF TOWN MANAGER
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To see if the Town will adopt the following:

The Select Board shall annually conduct an independent evaluation of the performance of the Town Manager in regards to their annual goals and her compliance with the Town Values and Mission Statement.

The Select Board shall solicit anonymous performance reviews from every municipal and governmental employee as part of their evaluation criteria.

On petition of Michael Meyers and others

ARTICLE P33	PROHIBITING THE USE OF NON-DISCLOSURE AGREEMENTS (NDA'S)
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To see if the Town will adopt the following:

No municipal or Andover governmental entity (the term governmental entity includes but is not limited to authorities, boards, commissions, committees, departments, divisions, programs and services) shall include or permit the inclusion of a nondisclosure, non-disparagement or other similar clause as a condition of employment or in a settlement agreement between the governmental entity and an employee or student; provided, however, that such a settlement may include, at the request of the employee or student, a provision that prevents the governmental entity from disclosing the individual's identity and all facts that could lead to the discovery of the individual's identity.

On petition of Michael Meyers and others

ARTICLE P34	INSTRUCTIONAL ASSISTANTS SPECIAL ARTICLES GENERAL FUND
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To see if the Town will vote to create a special articles general fund for Instructional Assistants and to transfer from Free Cash a sum of money in the amount of \$500,000 dollars annually from the most recent certified Free Cash balance into this account for the purpose of providing supplemental wages to pay the Instructional Assistants a competitive wage equal to the 75% of the maximum Instructional Assistant compensation for the APS competitive set, or to take any other action relative thereto.

On petition of Michael Meyers and others

ARTICLE P35	MENTAL HEALTH & WELLBEING SPECIAL ARTICLES GENERAL FUND
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To see if the Town will vote to create a special articles general fund for mental health and wellbeing services and to transfer from Free Cash a sum of money in the amount of \$1 million dollars annually from the most recent certified Free Cash balance into this account for the purpose of purchasing services or hiring resources such as mental health clinician, substance abuse program coordinator, social care worker to support Andover families, seniors, veterans, and our children, or take any other action relative thereto.

On petition of Michael Meyers and others

ARTICLE P36	ANNUAL PUBLIC POSTING OF EVERY NO-BID CONTRACT OR AGREEMENT
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To see if the Town will adopt the following:

The Town Manager shall annually and prominently post on the official Andover public website a page entitles “No Bid Contracts.”

The page shall contain the name of all parties and the entire executed contract or agreement for every vendor or entity under agreement without participating in a posted competitive bid process.

On petition of Michael Meyers and others

ARTICLE P37	25 MILES-PER-HOUR SPEED LIMIT
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To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90 § 17C: Establishment of 25-miles-per-hour speed limit in thickly settled areas or business district in a city or town; or take any other action relative thereto.

On petition of Michael Silverman 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 14th day of March 2022.

Christian Huntress, Chair)	
)	
Alexander J. Vispoli, Vice Chair)	SELECT BOARD
)	
Ann W. Gilbert, Member, Select Board)	OF
)	
Laura M. Gregory, Member, Select Board)	ANDOVER
)	
Richard T. Howe, Member, Select Board)	

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2022

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.

Ronald Bertheim, Constable

DRAFT

Motions for Annual Town Meeting Articles

P12 Motion: I move to recommend Town Meeting Approval of Article P12, Stabilization Fund Bond Premium.

P14 Motion: I move to recommend Town Meeting Approval of Article P14, Water Treatment Plant Maintenance.

P15 Motion: I move to recommend Town Meeting Approval of Article P15, Sewer Collection System Maintenance.

P18 Motion: I move to recommend Town Meeting Approval of Article P18, Capital Projects from Water and Sewer Enterprises.

P20 Motion: I move to recommend Town Meeting Approval of Article P20, Land Acquisition.

P23 Motion: I move to recommend Town Meeting Approval of Article P23, Public Safety Multi-Band Portable Radios

P27 Motion: I move to recommend Town Meeting Approval of Article P27, Pension Obligation Bond Stabilization Fund Transfer.

VII. Consent Agenda

A. Appointments by the Town Manager

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

Department	Name	Position	Rate/Term	Date of Hire
Treasurer/Collector	Ana-Maria Derosa <i>(Peter Forcellese)</i>	Assistant Treasurer-Collector	\$81,398.36/yr	4/11/2022
Community Services – Recreation	Irina Boulanova	Kid Care Group Leader 2	\$18.25/hr	3/21/2022
Community Services – Youth Services	Erin Gregoire	Seasonal	\$15.00/hr	4/1/2022

Motion for Consent Agenda

I move to approve the appointments by the Town Manager as listed in the consent agenda.