



Select Board Meeting

Monday, February 13, 2023 7:00 PM
Ballardvale Fire Station Training Room
161 Andover Street, 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

IV. Citizens Petitions and Presentations

V. Regular Business

A. Liquor License – Change in Manager

Board to review and consider voting to approve the application of 99 Restaurant Holdings, LLC for a Liquor License Change of Manager to Sheila Winn at Ninety-Nine Restaurant & Pub, 464 Lowell Street, Andover, MA.

B. Shoyu Restaurant and Bar License Issuance Extension

Board to consider voting to approve a two-month extension of the Board's April 25, 2022 approval of a new All Alcoholic Beverages Pouring License for BTTMV LLC, d/b/a Shoyu Restaurant and Bar, 38-40 Park Street, Andover, MA, so that the new license can be issued at any time before April 2, 2023.

C. Andover High School Building Committee – 2nd Reading

Board to receive an update from the Andover High School Building Committee and consider voting to accept the proposed schedule.

D. MBTA Communities Zoning Update and Timeline

Director of Planning and Land Use to update the Board on multi-family zoning requirements and timeline for MBTA communities.

E. 2023 Annual Town Election Warrant

Board to consider voting to approve the March 28, 2023 Annual Town Election Warrant.

F. Annual Town Meeting Articles

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

P24	Authorize Electricity Supply/On Bill Credit Purchase Agreements at Bancroft Elementary School
P25	Authorize Lease of Land/Rooftop Space at Bancroft Elementary School for Solar Photovoltaic Facilities

RECEIVED
TOWN CLERK'S OFFICE
2023 FEB -9 PM 4:12
TOWN OF ANDOVER, MASS

P26	Authorize Agreements for Payment in Lieu of Taxes at Bancroft Elementary School
P27	Authorize Electricity Supply/On Bill Credit Purchase Agreements at West Elementary School / Shawsheen Pre-school
P28	Authorize Lease of Land/Rooftop Space at West Elementary School / Shawsheen Pre-school for Solar Photovoltaic Facilities
P29	Authorize Agreements for Payment in Lieu of Taxes at West Elementary School / Shawsheen Pre-school
P41	Bylaw Amendment Electronic Voting at Town Meeting
P42	Rental of Electronic Voting Equipment
P43	Town Charter Removal of Residency Requirement for Town Manager

VI. 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
Community Services – Elder Services	James Swasey (Francisco Melendez)	Manager of Food and Nutritional Services	\$73,758.29/yr	2/14/2023

VII. Approval of Meeting Minutes

A. Board to consider voting to approve minutes from the following meetings:

1. September 12, 2022
2. October 17, 2022
3. November 7, 2022
4. November 21, 2022
5. December 5, 2022
6. December 7, 2022 – Triboard
7. December 12, 2022
8. January 9, 2023

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: _____

APPLICANT NAME: Shelia M. Winn

APPLICANT'S ADDRESS: 464 Lowell Street.

Andover, Mass 01810

APPLICANT'S TEL. NUMBER: 978-475-8033

CONTACT PERSON: _____

TELEPHONE _____ E-MAIL _____

MAILING ADDRESS: _____

TYPE OF LICENSE: LIQUOR LICENSE - CHANGE OF MANAGER

99 Restaurant + Pub

LOCATION OF LICENSE ACTIVITY: 464 Lowell St. Andover, Mass

APPLICATION/LICENSE FEE: \$125 FID/SS # _____

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 relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature: [Signature]

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

Date of log entry _____ By: _____ License Board Hearing Date: _____

Prior Approval Required: DATE SENT: DATE APPROVED

Police Dept: _____

Fire Dept: _____

Building: _____

Health: _____

Treasurer: _____

Add'l conditions for license: _____

This license requires: (circle all that apply)

Select Board Approval

Business Certificate

Letter of Clearance

TAX FORM

APPLICANT NAME:

Shela M. Winn

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.

[Signature]

Signature of Individual or Corporate Name (Mandatory)

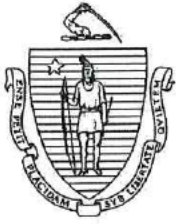
By: Corporate Officer (if corporation)

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: ANDOVER 99 RESTAURANT + PUB

Address: 164 LOWELL STREET.

City/State/Zip: Andover, MA 01810 Phone #: 978-475-8033

Are you an employer? Check the appropriate box:

1. I am an employer with _____ 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: SAFETY NATIONAL

Insurer's Address: C/O STEPHENS INSURANCE LLC, 111 CENTER ST.

City/State/Zip: LITTLE ROCK, AR 72201

Policy # or Self-ins. Lic. # LDC 4055543 Expiration Date: 08.01.2023

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 the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 1.18.2023

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 #: 978-623-8230



TOWN OF ANDOVER

TOWN CLERK'S OFFICE

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

CRIMINAL OFFENDER RECORD INFORMATION (CORI) ACKNOWLEDGEMENT FORM

TO BE USED BY ORGANIZATIONS CONDUCTING CORI CHECKS FOR EMPLOYMENT, VOLUNTEER,
SUBCONTRACTOR, LICENSING, AND HOUSING PURPOSES

Town of Andover Town Clerk's Office is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the Department of Criminal Justice Information Services (DCJIS). I hereby acknowledge and provide permission to Town of Andover Town Clerk's Office to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing Town of Andover Town Clerk's Office with written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY: The Town of Andover Town Clerk'/Andover Public Schools may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that Town of Andover/Andover Public Schools must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.


SIGNATURE

DATE 1-16-23

Your identity and signature must be verified by examining a government-issued identification in person

All CORI forms must be returned, in person, along with your ID

JOHNSON & BORENSTEIN, LLC

ATTORNEYS AT LAW

12 Chestnut Street
Andover, MA 01810-3706
Tel: 978-475-4488
Fax: 978-475-6703
www.jbllclaw.com
bob@jbllclaw.com

Mark B. Johnson (MA, NH, DC)
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Gordon T. Glass (ME, MA)
Andrew Lechner (VT)

Of Counsel

Robert W. Lavoie (MA, NH)

Paralegals

Karen L. Bussell
Lianne Patenaude
Ellen M. Melvin
Tina M. Wilson

January 27, 2023

Petition for 2 Month Extension of Applicant's Alcoholic Beverage License Approval

(Pursuant to Section A.3 Town of Andover, XI.2 Alcoholic Beverage License Policy)

Applicant: BTTMV LLC / SHOYU RESTAURANT AND BAR

ABCC License Number: 06969-RS-0026

Premises Address: 38-40 Park Street Andover MA 01810

1. On April 25, 2022, the Andover Select Board approved Applicant's Alcoholic Beverage License Application, which was thereafter sent along to the Massachusetts ABCC.
2. On August 2, 2022, the ABCC issued its Commission Decision of Approval, per the attached Exhibit.
3. Due to unavoidable construction delays, Applicant's construction and build out of its Restaurant space at 38-40 Park St. (the former Park St. Grille/Park Street Pub) will not be completed prior to the February 2, 2023 six-month anniversary of the ABCC approval.
4. The Applicant hereby petitions the Select Board to grant a 2 Month Extension of the Select Board's Approval of Applicant's Alcoholic Beverage License.
5. This petition is based upon the fact that the Applicant has experienced several unexpected construction difficulties, which were fortunately overcome during the Fall. Construction has been pursued diligently and is expected to be completed on or about March 31, 2023.
6. The Applicant respectfully requests the Select Board to deem the foregoing to be good cause for granting the request of a 2 month extension.

January 27, 2023

Page 2

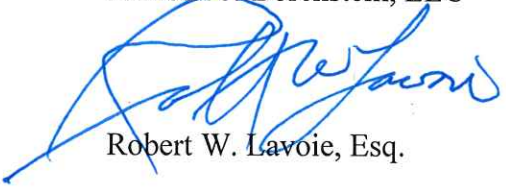
Kindly placed this matter on the Select Board Agenda at your earliest opportunity. The Applicant would be pleased to attend and provide any further information requested by the Select Board.

Submitted this 27th day of January, 2022.

BTTMV LLC / SHOYU RESTAURANT AND BAR

By Its Attorneys

Johnson & Borenstein, LLC

A handwritten signature in blue ink, appearing to read "Robert W. Lavoie", is written over the printed name below.

Robert W. Lavoie, Esq.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

Licensing Authority Certification

Municipality: Andover

ABCC Commission Decision

APPROVED

Ralph Sacramone
Executive Director

Date of Commission Decision: 08/02/2022

License Information:

Applicant Name/DBA:	BTTMV LLC / SHOYU RESTAURANT AND BAR	License Number (if applicable):	06969-RS-0026
Premises Address:	38-40 Park Street Andover MA 01810	Record Number:	2022-000439-RT-APP
Manager Name:	MICHAEL MEI		
Class:	Annual	Granted Under Special Legislation?	Yes <input type="radio"/> No <input checked="" type="radio"/>
Category:	All Alcoholic Beverages		
On / Off Premises:	On-Premises Consumption	Is there a pledge on this license?	Yes <input type="radio"/> No <input checked="" type="radio"/>
Type:	Restaurant	Is this license under a management agreement?	Yes <input type="radio"/> No <input checked="" type="radio"/>

Transaction Type:

New/Transfer License: New

Application Contact:

Name: ROBERTMICHAEL MEI Title: Attorney Phone: (617) 838-6290 Email: ZHIMEI1112@GMAIL.COM

Action Plan for MBTA Communities

Description Area Please read the Section 3A Guidelines before attempting to complete this form. Please note: Action Plan Forms must be submitted by a municipal official with authority to act on behalf of the municipality on matters of zoning, such as the municipal CEO or planning director.

Section 1: Identification

Description Area The Section 3A Guidelines establish zoning metrics that apply uniquely to each MBTA community based on its local transit stations, existing housing stock, population, and developable land. This section of the Action Plan helps to identify the transit stations that determined each community's category. Appendix 1 of the Section 3A Guidelines lists each community's category and minimum multi-family unit capacity requirement.

1.1 MBTA Community Name Andover

1.2. Community Category Commuter rail community

1.3. Multifamily Unit Capacity Requirement 2031

1.4. Does this municipality have any MBTA rapid transit stations within its boundaries? No

1.5. Does this municipality have any MBTA commuter rail stations within its boundaries? Yes

1.5a. Please list MBTA commuter rail stations that are located within the municipal boundaries Andover Station
Ballardvale Station

1.6. Does this municipality have any other MBTA transit stations that are located outside of its municipal boundaries that may have "developable station area" within them? No

1.7. Please provide the name of the person filling out this form Paul Materazzo

1.7a. Title Planning Director

1.7b. Email Address paul.materazzo@andoverma.us

1.7c. Phone Number	(978) 623-8650
1.8 Please provide the name of the municipal CEO	Andrew Flanagan
1.8b Mailing address of municipal CEO	36 Bartlet Street Andover, MA 01810
1.8c Email address of municipal CEO	monica.gregoire@andoverma.us
1.9. Please briefly describe other members of the core team developing the multi-family zoning district.	The core team is as follows: Town of Andover Planning Staff Barrett Planning Group, LLC (Providing Technical Assistance through MHP's MBTA Communities Technical Assistance Program) Town of Andover Planning Board

Section 2: Housing Overview

2.1. Does this municipality have any established housing related goals or strategies from municipal planning documents, such as a Housing Production Plan, Master Plan, or Economic Development Plan?	Yes
2.1a. Please briefly describe any relevant strategies, goals, or objectives, and the work that has been done to date.	In 2015, The Town of Andover approved the Historic Mill District (section 8.7 of The Town of Andover Zoning by-law), an overlay district with 100 acres of land near the Andover Commuter rail station. This overlay district allows for density of up to 40 acres through the Special Permit process.
2.2. Is this municipality currently working on any other planning for housing?	Yes
2.2a. Please briefly describe the housing work underway.	The Town of Andover is starting to work on an update to the Housing Production Plan.

Section 3: Preliminary Zoning Strategies

3.1. To the best of your knowledge, which of the following zoning strategies is this community most likely to use for compliance? (Select all that apply)	<ul style="list-style-type: none"> b. An existing zoning district or districts that must be amended to comply with the Section 3A Guidelines c. A new 40R or other overlay zoning district
--	--

3.1b. Please select the changes that may be necessary for the existing district to comply. Optional: Attach any supporting documents that describe this district.

District boundaries
 Use schedule
 Dimensional regulations

Explanation:

Section 8.7.3.2 Historic Mill District (HMD) currently requires Applicants to seek a Special Permit. Under the current zoning, the minimum requirement for a residential use in the HMD is 3,000 sq feet of lot area per dwelling unit. We see in our analysis that our proposed district exceeds the potential unit development when the 3,000 sq.ft. is not taken into account.

3.1c. Please briefly describe the potential district and location. Optional: Attach any supporting documents that show planning work the community has already done for this district(s).

In 2015, The Town of Andover approved the Historic Mill District (see section 8.7 of The Town of Andover Zoning by-law), an overlay district with 100 acres of land near the Andover Commuter rail station. This overlay district allows for density of up to 40 acres through the Special Permit process. Due to the existing, approved overlay in the Andover District, we believe that the MBTA Communities district would present an opportunity to down zone from the already approved zoning in the HMD District.

3.2. What non-housing characteristics are important for this community to consider in its 3A zoning district?

The Town of Andover seeks to encourage smart growth, and to foster a range of housing opportunities within mixed-use development projects, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. The Town of Andover also requires residential developments a minimum of 15% of the total dwelling units proposed to be affordable.

Section 4: Action Plan Timeline

Description Area

This section creates a framework to input preliminary plans for a zoning adoption process. On the table below, please use Column 1 (from the left) to describe a task, Column 2 to input a start date, and Column 3 to input a finish date. Every community must provide a timeline for the below-listed tasks. Additional space is provided for any other tasks that a community wishes to list. DHCD will review proposed timelines for feasibility before approving an Action Plan. Public outreach
 Developing zoning Applying DHCD's compliance model to test for density and unit capacity
 Holding planning board hearings Holding legislative sessions and adopt compliant zoning Submit District Compliance application to DHCD

Description Area

Task

Description Area

Start

Description Area	Finish
Short Answer	Community Engagement
	Jan 25, 2023
	May 01, 2024
Short Answer	Submit Compliance Model
	Jan 31, 2023
	Jan 31, 2023
Short Answer	Develop Zoning Amendment
	Jan 31, 2023
	Oct 31, 2023
Short Answer	Hold Public Hearings
	Oct 31, 2023
	Nov 30, 2023
Short Answer	Town Meeting Approval
	May 01, 2024
	May 03, 2024
Short Answer	MBTA Communities Adoption
	Dec 31, 2024
	Dec 31, 2024

If there is any other feedback you would like to share about the compliance process, please use this space to provide it. We may want to consider future development of two surface lots currently owned by the Town within the half-mile buffer of the Andover Commuter Rail Station. These lots are currently noted as institutional parcels due to the current ownership. These parcels are excluded in the compliance model calculations; however, we see them as potentially developable, and they are included in the Andover Station Boundary.

**COMMONWEALTH OF MASSACHUSETTS
WARRANT
ANNUAL TOWN ELECTION**

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 Elections and Town Affairs to vote at:

**Precincts 1 and 3
THE CORMIER YOUTH CENTER
WHITTIER COURT, ANDOVER, MASSACHUSETTS**

**Precincts 4, 4A, 5 and 6
WOOD HILL MIDDLE SCHOOL GYMNASIUM
HIGH PLAIN ROAD, ANDOVER, MASSACHUSETTS**

**Precincts 2, 7, 8, 9 and 10
THE RICHARD J. COLLINS FIELD HOUSE ANDOVER HIGH SCHOOL
SHAWSHEEN ROAD, ANDOVER, MASSACHUSETTS**

on **TUESDAY, THE TWENTY EIGHTH DAY OF MARCH, 2023**

at seven o'clock A.M. to act upon the following articles:

ARTICLE 1. To elect a Moderator for one year, one Select Board member for three years, one School Committee member for three years, and two Trustees of the Punchard Free School for three years.

All of the above offices are to be voted on one ballot. The polls will be open from seven o'clock A.M. to eight o'clock P.M.

And you are directed to serve this Warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said election as directed by the Bylaws of the Town.

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

Given under our hands this 13th day of February, 2023.

Alex J. Vispoli, Chair

Melissa Danisch, Selectwoman

Laura M. Gregory, Vice Chair

Christian C. Huntress, Selectman

Ann W. Gilbert, Clerk

Select Board members of: Andover, Massachusetts

A true copy

ATTEST

Ronald Bertheim, Constable

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 schoolhouse, 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.

_____, 2023.
Ronald Bertheim, Constable

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 schoolhouse, 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.

_____, 2023.
Ronald Bertheim, Constable

WARRANT POSTING PLACES

Precinct One	Youth Center Town Offices Doherty Middle School
Precinct Two	Public Library Post Office (Stevens Street) Shawsheen School
Precinct Three	Town House (Main Street) YMCA (Haverhill Street)
Precinct Four	West Elementary School Greater Lawrence Vocational Technical High School
Precinct Five	High Plain Elementary School Wood Hill Middle School
Precinct Six	Post Office, Ballardvale Sanborn Elementary School
Precinct Seven	South Elementary School
Precinct Eight	Bancroft Elementary School
Precinct Nine	Andover High School West Middle School

**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 the J. Everett Collins Center for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover, on

MONDAY, THE FIRST DAY OF MAY, 2023

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

ARTICLE P1	ANNUAL TOWN ELECTION
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Annual Town Election: Moderator for one year, one Select Board members for three years, one School Committee members 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

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 2024 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, 2023 and ending June 30, 2024, or take any other action related thereto.

On request of the Town Manager

ARTICLE P5	FISCAL YEAR 2024 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 2024 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 I)
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- A. **Budget Transfers** To see if the Town will vote to transfer from amounts previously appropriated at the May 2022 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Chief Financial Officer

- 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 May 2022 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 2024 tax rate and to affect appropriations voted at the May 2022 Annual Town Meeting, or take any other action related thereto.

On request of the Chief Financial Officer

- 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 Chief Financial Officer

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 Chief Financial Officer

G. Fiscal Year 2024 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, 2023, or take any other action related thereto:

Revolving Fund	FY2024 Limit
Community Development & Planning Department	\$20,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$1,000,000
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 Chief Financial Officer

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 2024, which begins on July 1, 2023, or take any other action related thereto.

On request of the Chief Financial Officer

- I. **Pension Obligation Bond Stabilization Fund Transfer** 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 Chief Financial Officer

ARTICLE P7 | HOME RULE PETITION FOR EXCESS LEVY CAPACITY

To see if the Town will vote to petition the General Court to the end that legislation be adopted that would permit the Town to use the excess levy capacity resulting from the town's pension obligation bond issuance solely for the purposes of paying pension obligation bond debt service, funding post-employment benefits liabilities, and funding capital projects. This provision shall remain in effect until 2040. Such legislation shall be in precisely the form as may be approved by the Town Meeting; provided, however, that the General Court may make clerical or editorial changes to form only to the legislation as approved by the Town Meeting, unless the Select Board shall have approved any amendments to petitioned legislation that are within the scope of the general public objectives of this petition, before enactment by the General Court; or to take any other action relative thereto.

On request of the Town Manager

ARTICLE P8 | MINOR FINANCIAL ARTICLES (A THROUGH D)

- A. **Overlay Surplus Transfer** To see if the Town will vote to transfer \$50,000 from Overlay Surplus to fund expenses related to the FY2024 valuation of personal property accounts of locally assessed gas distribution companies, or take any other action related thereto.

On request of the Chief Financial Officer

- 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 and Other Civic Events** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$15,000 for the purpose of paying a portion of the municipal costs associated with Andover Day and other civic events, 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 P9	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 2024 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 Chief Financial Officer

ARTICLE P10	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 Town Accountant

ARTICLE P11	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 P12	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 P13	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 Chief Financial Officer

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 12 sewer stations located in Andover that collect and pump wastewater to Greater Lawrence Sanitary District, 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	TRANSPORTATION NETWORK COMPANY FUNDING
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To see if the Town will vote to appropriate Transportation Network Company fees to pay the costs of developing an Active Transportation Plan, or take any action related thereto.

On request of the Director of Planning and Land Use

ARTICLE P17	ADOPTION OF AN ENTERPRISE FUND FOR THE CHANDLER ROAD RECREATION AREA
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To see if the town will accept the provisions of Chapter 44, section 53F ½ of the Massachusetts General Laws establishing the Chandler Road Recreation Area as an enterprise fund effective fiscal year 2024 or take any other action related thereto.

On request of the Chief Financial Officer

ARTICLE P18	CHANDLER ROAD RECREATION AREA ENTERPRISE BUDGET FUNDING (FREE CASH)
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To see if the town will vote to transfer from available funds a sum of money to operate the Chandler Road Recreation Area Enterprise Fund or take any other action related thereto.

On request of the Chief Financial Officer

ARTICLE P19	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 \$4,850,000 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
DPW-7b	Public Works Vehicles – Large	\$455,000	C 44 Sec 7(1)
FAC-5	Town Parks and Playground Improvements	\$625,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$900,000	C 44 Sec 7(1)
FAC-7	Town / School Energy Initiatives	\$470,000	C 44 Sec 7(1)
FR-1	Fire Rescue Vehicles	\$975,000	C 44 Sec 7(1)
IT-3	IT Infrastructure	\$300,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$1,125,000	C 44 Sec 7(1)

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

ARTICLE P20	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 \$1,919,128 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
IT-1	Annual Staff Device Refresh	\$456,238
IT-2	Annual Student Device Refresh	\$257,890
POL-1	Police Vehicle Replacement	\$205,000
DPW-2	Minor Sidewalk Repairs	\$250,000
DPW-4	Town Sidewalk Program	\$750,000

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

ARTICLE P21	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 \$13,360,000 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-14	Water Main Replacement / Distribution Improvements Project (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-16	Water Treatment Plant SCADA System Upgrades (Water Enterprise Borrowing)	\$2,500,000	Ch 44 Sect 8 (4)
DPW-18	Water Treatment GAC Replacement (Water Enterprise Borrowing)	\$560,000	Ch 44 Sec 8 (7A)
DPW-25	Shawsheen River Sewer Interceptor Improvements (Sewer Enterprise Borrowing)	\$2,200,000	Ch 44 Sec 8 (14)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$300,000	N/A
DPW-34	Lead Service Replacements (Water Enterprise Borrowing)	\$1,800,000	Ch 44 Sec 8 (5)

On request of the Director of Public Works

ARTICLE P22	JERRY SILVERMAN FIREWORKS
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To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

ARTICLE P23	MEMORANDUM OF UNDERSTANDING (MOU) – FOSTER CARE TRANSPORTATION
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To see if the Town will vote to authorize the Superintendent of Andover Public Schools, with the approval of the Select Board or Town Manager to enter into Memorandum(s) of Understanding ("MOU") with the Department of Children and Families, the Executive Office of Health and Human Services and the Department of Elementary and Secondary Education or other federal government departments, agencies or reimbursement authorities, in order to identify and pursue and obtain Federal Title IV-E reimbursement(s) or other qualified funds for foster care transportation and to provide that payments for such foster care transportation under such MOU(s) may be made from such reimbursement(s) or other qualified funds as a result of foster care transportation being performed without appropriation of said reimbursement(s) or other qualified funds, pursuant to Massachusetts General Law Chapter 44, Section 70, or to take any other action relative thereon.

On request of the School Committee and the Superintendent of Schools

ARTICLE P24	AUTHORIZE ELECTRICITY SUPPLY/ON BILL CREDIT PURCHASE AGREEMENTS AT BANCROFT ELEMENTARY SCHOOL
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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 Bancroft Elementary 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 and Sustainability Coordinator

ARTICLE P25	AUTHORIZE LEASE OF LAND/ROOFTOP SPACE AT BANCROFT ELEMENTARY SCHOOL FOR SOLAR PHOTOVOLTAIC FACILITIES
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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 15 Bancroft Road shown on Assessors Map 59 as Lot 29A and known as the Bancroft Elementary 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 and Sustainability Coordinator

ARTICLE P26	AUTHORIZE AGREEMENTS FOR PAYMENT IN LIEU OF TAXES AT BANCROFT ELEMENTARY SCHOOL
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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 Bancroft Elementary 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 and Sustainability Coordinator

ARTICLE P27	AUTHORIZE ELECTRICITY SUPPLY/ON BILL CREDIT PURCHASE AGREEMENTS AT WEST ELEMENTARY SCHOOL / SHAWSHEEN PRE-SCHOOL
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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 West Elementary School/Shawsheen Pre-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 and Sustainability Coordinator

ARTICLE P28	AUTHORIZE LEASE OF LAND/ROOFTOP SPACE AT WEST ELEMENTARY SCHOOL / SHAWSHEEN PRE-SCHOOL FOR SOLAR PHOTOVOLTAIC FACILITIES
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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 54, 54R, 58 and 60 Beacon Street shown on Assessors Map 88 as Lot 57A, Map 88 as Lot 57, Map 88 as Lot 58, and Map 107, Lot 16 and known as the West Elementary School/ Shawsheen Pre-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 and Sustainability Coordinator

ARTICLE P29	AUTHORIZE AGREEMENTS FOR PAYMENT IN LIEU OF TAXES AT WEST ELEMENTARY SCHOOL / SHAWSHEEN PRE-SCHOOL
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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 West Elementary School/Shawsheen Pre-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 and Sustainability Coordinator

ARTICLE P30	SHAWSHEEN SCHOOL
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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, which may include but shall not be limited to school and town administrative office 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

ARTICLE P31	ANDOVER HIGH SCHOOL SCHEMATIC DESIGN
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To see if the Town will vote to appropriate \$1,300,000 or any other amount, to pay costs of purchasing professional services related to the design, renovation and construction of Andover High School, including the payment of all costs incidental and related thereto, and to determine whether this amount

shall be raised by taxation, borrowing, transfer from available funds or by any combination thereof, or take any other action related thereto.

On request of the Andover High School Building Committee

ARTICLE P32	TAKING BY EMINENT DOMAIN OF EASEMENTS RELATED TO LEDGE ROAD LANDFILL
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To see if the Town will vote to authorize the Select Board to take by eminent domain and to appropriate a sum of money by taxation, borrowing or available funds or any combination thereof for the taking by eminent domain of the following described temporary and permanent easements at 168 Greenwood Road, 170 Greenwood Road and 172 Greenwood Road:

PERRPETUAL EASEMENT

In addition to, and not in limitation of, the rights granted in the Order of Taking by the Inhabitants of the Town of Andover dated April 24, 1972 and recorded with North Essex District Registry of Deeds in Book 1191, Page 656, the perpetual right and easement to locate, relocate, erect, construct, reconstruct, install, lay, dig up, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove one or more pipes for the drainage of surface water and all necessary and proper conduits, conductors, pipes, foundations, fittings, and fixtures and other apparatus, equipment and fixtures deemed necessary for the purposes specified above, as the Town may from time to time desire along, upon, under and across the land of the property owner shown as the area marked “50’ Wide Drainage Easement, George H. Belanger, Jr. and Ida M. Belanger, former Boston & Maine R.R. Layout, Map 148, Lot 13,” on Plan of Land entitled: “Plan of Drainage Easement, George H. Belanger, Jr. and Ida M. Belanger to Inhabitants of the Town of Andover, Massachusetts, Scale 1” = 40’, March, 1972, John Avery, Jr., Town Engineer,” recorded with North Essex District Registry of Deeds as Plan No. 6590 (“Easement Area”), and also shown on Land Court Plan No. 35854B as “Inhabitants of the Town of Andover Drain Easement,” and also shown as “Exist. 50’ Wide Drainage Easement (Bk. 1191, Page 656 - Pl. 6590)” on Lot 1 on “Plan of Land, 170 Greenwood Road, Andover, MA, Assessors Map 148, Lot 18,” recorded as Plan No. 17559. Copies of the above referenced plans are on file with the Office of the Town Clerk.

This Easement includes the perpetual right and easement at any time and from time to time and without any further payment therefor to cut and trim trees, brush, overhanging branches and other obstructions on said strip of land to the extent that the Town deems necessary to clear and keep clear and operate safely the said pipes; and the right to enter said Easement Area for access thereto for all the above purposes.

Such drainage pipe or pipes and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Town.

TEMPORARY EASEMENT

The right and easement along, upon, above, under and across the Easement Area described above for the purpose of bringing and placing on said Easement Area all construction materials, personnel, tools, equipment, vehicles and appliances necessary to: remove and dispose of waste located within the temporary construction easement area; without limitation, construct landfill features on Town of Andover property

proximate to the Easement Area including but not limited to the landfill cap anchor trench, detention basins, berms, swales, landfill gas collector trench, landfill gas monitoring wells, and plantings; access other land of the Town of Andover property from the landfill property adjacent to the Easement area, transport arsenic-impacted and other wetland soils across the Easement Area from land of the Town of Andover west of the Easement Area to the landfill for disposal, and the right and easement to cut and trim trees, brush, overhanging branches and other obstructions to the extent that the Town deems necessary, and the right to enter said Easement Area for access thereto for all the above purposes.

This temporary construction easement shall automatically terminate and be of no further force or effect at such time as the Massachusetts Department of Environmental Protection accepts the Certification of the Landfill Closure, and the accepted Certification is recorded at the Registry of Deeds, and to pay a sum of money as damages for said takings, or take any other action related thereto.

On request of the Town Manager and Director of Public Works

ARTICLE P33	LEDGE ROAD LANDFILL
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To see if the Town will vote to raise by taxation, borrowing or transfer from available funds or by any combination thereof, and appropriate a sum of money for the purposes of continuing the capping of the town landfill on Ledge Road including making any improvements to the area and any costs incidental and related thereto, or take any other action related thereto.

On request of the Town Manager and Director of Public Works

ARTICLE P34	SALT STORAGE AT COMMERCIAL AND INDUSTRIAL PROPERTIES
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To see if the Town will vote to add the following to Article XII Miscellaneous Bylaws of the General Bylaws:

§52. “Regulations governing salt storage at commercial and industrial properties.

- (1) Salt includes solids such as sodium chloride (NaCl), potassium chloride (KCl), calcium chloride (CaCl₂), and magnesium chloride (MgCl₂). It also includes mixtures of the same substances with abrasives such as sand, cinder, slag, etc.
- (2) Salt shall be stored on an impermeable surface.
- (3) Salt shall be covered at all times to prevent dispersion by runoff and to control wind dispersal.
- (4) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles to protect against precipitation and surface water runoff. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events.
- (5) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs shall be completed prior to the next winter season.
- (6) Storage areas shall be graded to direct surface drainage away from the storage area. In no case shall the surface drainage be allowed to flow through the base of the storage piles.”

and further, that non-substantive changes to the numbering of this article be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE P35	TAKING BY EMINENT DOMAIN OF DISCONTINUED PORTION OF LEWIS STREET
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To see if the Town will vote to authorize the Select Board to take by eminent domain the property shown as “Portion of Lewis Street to be Discontinued 4,000 S.F. +/-“ on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass, Prepared for Town of Andover, Date: January 18, 2022, Scale 1” = 40’, “ prepared by Andover Consultants, Inc, which Plan is on file with the Office of the Town Clerk and which is recorded with the Essex North District Registry of Deeds as Plan No. 18312 for the purpose of resolving any matters regarding the title and boundaries of the property to be taken, and to appropriate a sum of money for the payment of damages for said taking, or take any other action related thereto.

On request of the Town Manager

ARTICLE P36	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 entireties, the following provisions of the existing Zoning Bylaw last printed with the date September 2020 and amended through Annual Town Meeting of June 5, 2021:

- 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
- Appendix A
 - Table 1-Table of Use Regulations
 - Table 2-Table of Dimensional Requirements
 - Table 3-Table of Off-Street Parking Requirements
 - Table 4-Parking Dimensions

2. Substituting the following provisions and their subparts found in the Zoning Bylaw, Article VIII dated January 10, 2023, on file in the offices 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
- Appendix A
 - Table 1-Table of Use Regulations
 - Table 2-Table of Dimensional Requirements
 - Table 3-Table of Off-Street Parking Requirements
 - Table 4-Parking Dimensions

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws or do or take any other action related thereto.

On request of the Director of Planning and Land Use

ARTICLE P37	TAX INCREMENTAL FINANCING PLAN
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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 Director of Planning and Land Use

ARTICLE P38	ZONING BYLAW AMENDMENT – OFF-STREET PARKING AND LOADING
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To see if the Town of Andover will vote to amend Section 5.1 Off-Street Parking and Loading, amend Appendix A Table 3 Off-Street Parking Requirements, amend the heading of Appendix A Table 3 to Minimum Off-Street Parking Requirements, and amend references of Section 5.1.12 to Section 5.1.9 within the Zoning Bylaw:

5.1.OFF-STREET PARKING AND LOADING.

5.1.1 Purpose.

The objectives of this section are ~~as follows~~to:

1. Promote traffic safety by assuring adequate places for storing of motor vehicles off the street and for their orderly access and egress to and from the streets;
2. Increase the traffic-carrying capacity of streets and highways ~~in the town~~ and obtain a more efficient utilization of on-street curbside parking;
3. Reduce hazards to pedestrians ~~upon~~ public sidewalks and bicyclists on public streets; ~~and~~
4. Promote clean air, sustainability, and reduced reliance on fossil fuels by encouraging electric vehicle parking in commercial and industrial development; and
- 4.5. Protect adjoining lots and the ~~general~~ public from nuisances and hazards such as:
 - a. Noise, glare of headlights, dust, and fumes resulting from the operation of motor vehicles;
 - b. Glare and heat from parking lots;
 - c. A lack of visual relief from expanses of paving; and
 - d. Accelerated runoff of surface water from land covered by impervious materials.

5.1.2 Applicability.

No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement of an existing building, the development of a use not located in a building, the redevelopment of an existing building, or the change from one type of use to another, unless off-street parking is provided in accordance with this Section 5.1.

5.1.3 Interpretation of this Section.

The following rules for interpretation of this section shall apply:

1. *Fractional Numbers.* In the computation of required parking spaces, only the fraction of 1/2 or more shall be counted as one space.

2. *Number of Employees.* Where the parking requirement is based on the number of employees, the number shall be based on the number of employees on the largest shift.
3. *Change of Use.* A change of use for the purposes of this section 5.1 shall be a change in part or all of an existing building or lot from one use category to another as permitted in the Table of Use Regulations.
4. *Maximum Rate Occupancy.* The maximum floor area allowances permitted per occupant as required in the Massachusetts State Building Code.

5.1.4 Parking Requirements.

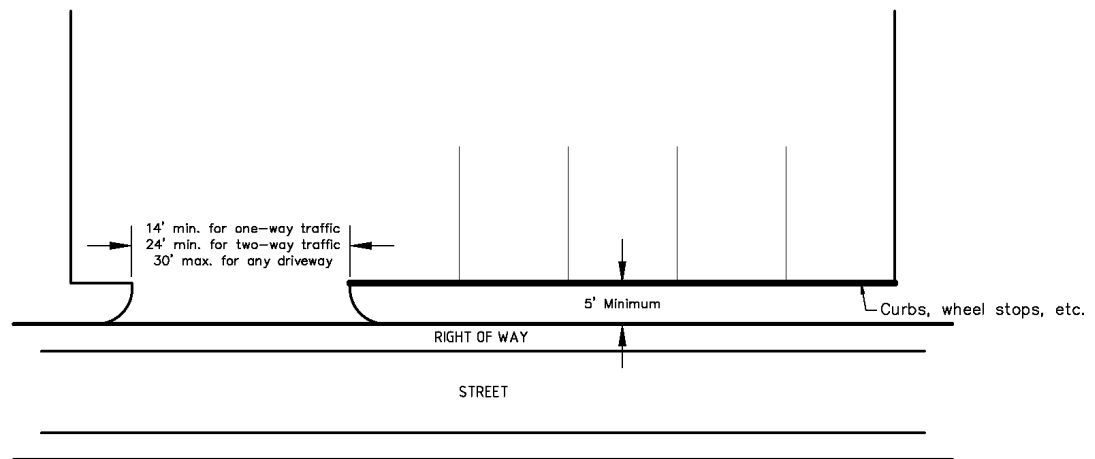
Appendix A, Table 3, Off-Street Parking Requirements, establishes the minimum number of parking spaces required for the corresponding type of use. Where a use is not specifically included in Table 3, the regulations for the most nearly comparable use, as determined by the Building Commissioner, shall apply.

5.1.5 Design Standards.

The following design standards shall apply to vehicular parking areas for uses other than a one-family or two-family dwelling:

1. *Parking Dimensions.* The minimum dimensions of parking spaces and maneuvering aisles shall be as shown in Appendix A, Table 4, Parking Dimensions.
2. *Parking Layout.*
 - a. Access to and egress from all parking areas shall be only via driveways that meet the design standards of Section 5.1.5.4;
 - b. All portions of all parking spaces, loading areas, and maneuvering aisles shall be set back a minimum of five feet from any street or way and a minimum of five feet from any property line. Curbs, wheel stops, screening, or similar barriers shall be installed along the setback line for parking and loading to prevent vehicles from being parked or driven within required setback areas or required landscaped areas;
 - c. Each required off-street parking space and loading area shall be designed so that any motor vehicle may proceed to and from it without requiring the moving of any other vehicle or the passing over any other parking space or loading area;
 - d. The circulation system in each parking area shall be designed so that all vehicles may exit from and enter into the adjacent street or way by being driven in a forward direction and no vehicle shall be required to enter or leave by backing out; and
 - e. All required parking areas shall be paved and all parking spaces marked to delineate ~~provide delineation between~~ parking spaces and aisles.

SECTIONS
5.1.5.2a
5.1.5.2b
5.1.5.4b



3. *Parking for People with Disabilities.*

- a. Parking facilities shall provide parking spaces designed for people with disabilities in accordance with the rules and regulations of the Massachusetts Architectural Access Board (AAB);
- b. Each parking space shall be clearly marked by a sign and shall be located near the entrance of the building served.

4. *Driveways.*

- a. The maximum number of driveways permitting entrance to and exit from a lot shall be limited to two per street line;
- b. The minimum width of a driveway used for two-way traffic shall be 24 feet. The minimum width of a driveway used for one-way traffic shall be 14 feet. The maximum width shall not exceed 30 feet;
- c. Driveways shall be located to minimize conflict with traffic on the street and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

5. *Loading Areas.*

- a. An adequate number of off-street loading areas shall be provided for any use that may be serviced by delivery vehicles;
- b. Loading areas shall be located in the side or rear yards only;

- c. Each loading area shall be located separately from employee and customer parking and shall be designed to protect pedestrian **and bicycle** safety and avoid traffic conflicts with vehicles within, without, and entering and leaving the lot where the loading area is located;
 - d. No area may be utilized and counted as both a required parking space and a required loading area; and
 - e. Each loading area shall consist of a bay measuring at least 30 feet long, 12 feet wide, and 14 feet high if covered and a maneuvering space equal to the length of the bay.
6. *Maintenance.* Parking areas, loading spaces, and landscaping shall be continuously maintained, and whenever necessary, surfacing, lighting, parking space markings, and plantings shall be replaced or repaired, and drainage structures maintained. Failure to adequately maintain parking facilities shall be ~~considered~~**deemed** a violation of this Bylaw.
7. *Electric Vehicle (EV) Charging Stations.* In any multifamily or nonresidential development of more than 20,000 square feet, at least 10 percent of the required number of parking spaces shall be equipped with the EV charging stations. At least another 10 percent of the required spaces shall be compatible with EV parking spaces in the future.
8. *Bicycle Parking.* The following requirements shall apply to bicycle parking:
- a. For purposes of this bylaw, a bicycle parking space is an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting on a stable surface without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles, or other objects to access the space;
 - b. Long-term bicycle parking is intended primarily to serve residents, employees, or other people who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours to a particular use;
 - ~~f.c.~~ The Planning Board may adopt rules and regulations and guidelines for the design and placement of bicycle racks for long-term and short-term bicycle parking.

5.1.6. **Parking in Apartment Districts (APT).**

The following parking requirements shall apply to APT districts:

- 1. *Location.* Required spaces shall be located either in an off-street paved area or in a garage or carport.

2. Proximity to Dwellings. The spaces shall be located within 200 feet from the outside entrance to the dwelling unit served.
3. Driveway. Any spaces located in a driveway providing access to more than one dwelling unit shall not reduce the effective width of the driveway to less than 12 feet.
4. Applicability of Minor Residential Ways. Any way or driveway providing principal access to six or more dwelling units or eight or more parking spaces shall conform to applicable provisions of the Planning Board regulations for minor residential ways. To confirm the extent of conformity, the Zoning Board of Appeals shall request a report from the Planning Board before granting a special permit.
- 4.5. Landscaping. Each paved parking area shall have interior landscaping areas, primarily planted with shade trees, equivalent in size to 5 percent of the parking area's total pavement area.

5.1.7. **Parking in General Business Districts (GB).**

The following parking requirements shall apply to GB Districts:

1. *Location.* The required number of off-street spaces shall be provided on the same lot as the use or uses in question except as provided under subsection 2 below or unless the Planning Board grants a special permit for a change in parking requirements pursuant to Section 5.1.912.
2. *No Additional Spaces.* No additional parking spaces shall be required for a proposed use in an existing building if:
 - a. The change of use or rearrangement of uses does not result in an increase in the number of required parking spaces;
 - b. The total number of parking spaces required for a particular use, including a particular use in an existing multi-use building, is six spaces or less. This shall not apply to proposals involving the total renovation/redevelopment of a structure; and
 - c. Having applied subsections a and b above, a proposed change of use results in a net increase of ~~three~~10 spaces or less. If the change of use results in a net increase of more than ~~three~~10 spaces, then the total number of parking spaces shall be provided.
3. *Multiple Uses Sharing a Common Parking Lot.* For two or more uses on a common lot, the minimum required number of parking spaces shall be ~~Required parking spaces may be provided for two or more uses on a common lot if the total number of spaces available is not less than 75 percent of the~~ ~~the~~ sum of the spaces required for each use individually. The required number of spaces on a common lot may be further reduced by a special permit under Section 5.1.912 if it can be shown that a lower total number of spaces will serve all uses adequately, as determined by the Planning Board or special permit granting authority.

3. _____.

4. *Extension or Alterations of Nonconforming Buildings and Uses.* Extensions or alterations of a preexisting, nonconforming building or use that requires a special permit under Section 9.4 shall provide only the additional number of parking spaces that would be required for the extension or alteration.
5. *Replacement After Catastrophe.* The following parking requirements shall apply to a building or structure that has been damaged by fire, explosion, or other catastrophe:
 - a. If a building or structure that did not conform to Table 3, Off-Street Parking Requirements, is rebuilt not to exceed its pre-catastrophe size and if no change in use occurs, continuance of that nonconformance will be allowed;
 - b. Any change in use shall require the building or structure to conform to Table 3, Off-Street Parking Requirements;
 - c. If a building or structure is rebuilt to exceed its pre-catastrophe size, the additional number of parking spaces that would be required for the excess floor area must be provided.
6. *Compact Car Spaces.* In parking lots of more than 40 parking spaces, up to 30 percent of the spaces may be designed for compact cars to service all-day parkers in accordance with the design standards of Appendix A, Table 4. Compact car stalls shall be grouped in one or more contiguous areas and conspicuously identified by signs or pavement markings.

5.1.8. Parking in Industrial Districts.

The following parking requirements shall apply to Industrial Districts:

1. Adequate off-street parking must be provided on the premises to service all parking demand created by new construction, whether through new structures or through additions to existing ones, or by change of use creating higher parking demands.
2. In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below shall be met for the new demand without counting existing parking.
3. Only one driveway or entranceway will be permitted in any 150 feet of frontage unless the frontage is less, in which case, only a driveway or entrance way to the property will be permitted.
4. Each parking area shall contain no more than 240 parking spaces.
5. There shall be no more than 30 parking spaces in any uninterrupted row.
6. Each parking area shall be enclosed (except for access points) by a landscaped buffer not less than 12 feet wide, planted with shade trees.

7. Each parking area shall have interior landscaping areas, primarily planted with trees, equivalent in size to 5 percent of the parking area's total pavement area.
8. The size of a parking space may be reduced to a compact car space as presented in Appendix A Table 4, for those spaces serving all-day parkers. Uses that generate frequent parking space turnover shall be required to have the standard size parking spaces.

5.1.9. ~~Parking Requirements Special Permit to Reduce Number of Parking Spaces.~~

~~In the Industrial Districts, the~~ The Planning Board may grant a special permit to reduce the number of parking spaces required if the applicant satisfactorily demonstrates one or more of the following: by Appendix A, Table 3 upon finding that special circumstances render a lesser number of spaces adequate for all parking needs. ~~To qualify for a special permit, the petitioner must present a site plan showing that all parking spaces needed to meet the requirements of Appendix A, Table 3 could be built on the site. The spaces to be waived shall be marked "Reserve Parking Area(s)" on the plan, which shall be kept on file with a copy of the Planning Board's special permit decision. The reserve parking area(s) shall be maintained as landscaped areas unless and until the Planning Board requires construction of additional parking spaces. No improvement other than parking spaces will ever be allowed in this area. In the ID2 District, the Planning Board may grant a special permit to reduce the number of parking spaces required by Appendix A, Table 3 upon finding that special circumstances, such as shared or remote parking opportunities as defined in Section 5.1.12, render a lesser number of spaces adequate for all parking needs.~~

5.1.10. ~~Special Permit for Main Street Access.~~

~~In the General Business and Mixed Use Districts, where alternative access locations are feasible, parking lot driveways shall not provide access onto Main Street unless the Planning Board grants a special permit upon determining that access onto Main Street is dictated by consideration of safety, congestion, or conflict with other premises.~~

5.1.11. ~~Special Permit for Alternative Parking Lot Design.~~

~~In the General Business District, the design of a parking lot may differ from the requirements of Appendix A, Table 4 if granted a special permit by the Planning Board, provided that such design satisfies the objectives of Section 5.1. and the design is prepared by a professional engineer or landscape architect.~~

5.1.12. ~~Special Permit for Change in Parking Space Requirements.~~

~~In the General Business District, the provision of off-street parking spaces required by Appendix A, Table 3 may be changed if the Planning Board grants a special permit in accordance with the following provisions:~~

1. *Shared Private Parking Facilities.* Shared private parking facilities for different buildings or uses ~~may be allowed by special permit subject to the following provisions:~~
 - a. Up to 50 percent of the parking spaces serving a building may be used jointly for

other uses not normally open, used, or operated during similar hours. The applicant shall have the burden of proof with respect to the suitability for ~~must show that the peak parking demand and principal operating hours for each use are suitable for a~~ uses to share a common parking facility.

- b. A written common parking facility agreement defining the joint use acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. The agreement shall be recorded with the Northern Essex Registry of Deeds; and
 - c. Any subsequent change in land uses for which the shared parking proposal was approved, and that results in the need for additional parking spaces, shall require a new special permit application under this subsection.
2. *Remote (Satellite) Parking Areas.* ~~The Planning Board may grant a special permit for remote (satellite) parking areas, subject to the following provisions:~~
- a. a. The satellite parking spaces will be used solely by the employees and, where practicable, clientele of the commercial use; and
 - b. b. The off-site parking spaces shall be located to adequately serve the proposed use and shall be within 600 feet of the building served for clientele of the commercial use. Off-site parking for employees of the business may be located within 1,200 feet unless shuttle vehicle arrangements are provided as a condition of the special permit. The parking distance shall be measured by the shortest route of pedestrian access, entrance to entrance.
3. *Pedestrian Access.* Any proposals submitted under this section which, in the opinion of the Planning Board, provide direct and vital pedestrian access to other abutting commercial properties and serve to improve safe pedestrian circulation and access ~~accessibility~~ may reduce the number of parking spaces required by 15 percent. Pedestrian access shall be provided through improved pathways, stairway access, or other physical improvements, and shall be clearly marked
4. *Reserve Parking.* The petitioner must present a site plan showing that all parking spaces needed to meet the requirements of Appendix A, Table 3 could be built on the site. The spaces to be waived shall be marked "Reserve Parking Area(s)" on the plan, which shall be kept on file with a copy of the Planning Board's special permit decision. The reserve parking area(s) shall be maintained as landscaped areas unless the Planning Board determines within 2 years of the issuance of the final certificate of occupancy that the additional parking spaces are required, in which case the spaces shall be constructed. No improvement other than parking spaces will ever be allowed in this area except open air amenities for employee use, such as outdoor recreation facilities, park benches, and the like.
5. *Alternative Parking Lot Design.* The design of a parking lot may differ from the

requirements of Appendix A, Table 4 if approved by the Planning Board under Site Plan Review, provided that such design satisfies the objectives of Section 5.1. and the design is prepared by a professional engineer or landscape architect.

3. ~~Joint Driveways. Joint driveways shall be permitted by special permit, subject to the following provisions:~~
- a. ~~Joint driveways, for the purposes of Section 5.1 shall be regulated by a binding agreement satisfactory in form to Town Counsel and recorded with the Northern Essex Registry of Deeds;~~
 - b. ~~Joint driveways shall serve no more than two lots and shall be designed to provide access to another parking area or may straddle two lots if both lots are located in the General Business District; and~~
 - c. ~~Joint driveways shall be designed to minimize conflict with traffic on streets and with due regard to interior circulation and separation of pedestrian and vehicular traffic.~~
- 4.6. *Special Permit Decision.* Remote parking lots, shared parking lots, or any enforceable alternatives that the Planning Board deems reasonable may be allowed based on the following criteria and other applicable provisions presented in this subsection:
- a. The capacity, location, and current level of use of existing parking facilities, both public and private;
 - b. The efficient and maximum use of the General Business District in terms of parking needs and services provided;
 - c. The relief of traffic and parking congestion;
 - d. The safety of pedestrians;
 - e. The provision of reasonable access either by walking distance or shuttle vehicle arrangements; and
 - f. The maintenance of the character of the area.

5.1.13-5.1.10. Parking in Single-Family Residential A (SRA).

For the creation of new multifamily dwellings, ~~accessory family~~ dwelling units, or the conversion to two-family or multifamily dwellings in the SRA District, all parking spaces shall be located behind the front building line in a side yard, rear yard, or garage, except when located in a driveway. Only driveways may be located in the front yard. (Single-family houses are excluded from this regulation.)

APPENDIX ATABLE 3
Section 5.1.4 – Table of Minimum Off-Street Parking Requirements
(continued)

Class of Use	Required Parking Spaces
3. Personal service establishment	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area on street level floor; one parking space per 600 square feet of gross floor area on other floors, including the basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
4. Adult uses:	—
a. Adult bookstores, adult paraphernalia stores and adult video stores	One parking space per 250 square feet of gross floor area
b. Adult cabarets and adult motion-picture theaters	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy
5. Banking establishment	One parking space for each 250 square feet of gross floor area for lobby/banking area, plus one parking space for each 300 square feet of gross floor area for office/operations area
6. Establishment for the retail sale of merchandise	General Business District and Mixed Use District: one parking space per 600 square feet of gross floor area Other Districts: one parking space per 250 square feet of gross floor area
7. Convenience store	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
8. Non-exempt educational use	One parking space for each 4 persons maximum occupancy
9. Medical center or clinic	Office Park District: one parking space for each 200 square feet of net floor area and four parking space for each doctor or dentist. Other Districts: three parking spaces per treatment area.
10. Funeral home	One parking space for each four patron seats in the largest assembly area
11. Self-service laundry or dry-cleaning operation	One parking space for each 250 square feet of gross floor area.
12. Restaurants:	
a. Restaurant, sit-down	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area plus 1 parking space per 2 employees. Other Districts: One parking space for each two seats, plus 1.5 parking spaces for each 2 employees
b. Restaurant, limited service	General Business District and Mixed Use District: oneOne parking space per 500 square feet of gross floor area plus 1 parking space per 2 employees. Other Districts: One parking space for each 200 square feet of gross floor area
13. Shop for custom work involving the manufacture of articles to be sold on the premises	One parking space for each 200 300 square feet of gross floor area devoted to retail
14. Indoor commercial recreation establishment	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
15. Business, professional or administrative office	General Business District: one parking space per 300 square feet of gross floor area on street level floor; one parking space per 500 square feet of gross floor area on other floors including the basement level floors. All other districts: One parking space for each 300 square feet of gross floor area.

APPENDIX A TABLE 3
Section 5.1.4 – Table of Minimum Off-Street Parking Requirements
(continued)

Class of Use	Required Parking Spaces
16. Motel or hotel	One parking space per rental room or suite; plus one parking space per four persons maximum occupancy for each assembly room (banquet or public meeting room); plus parking spaces required for other accessory uses on the premises
17. Commercial parking lot or garage	Not applicable
18. Motor vehicle sale or rental	As determined by the Planning Board and reported in a memorandum to be filed with the certificate of occupancy or building permit
19. Motor vehicle service station	One parking space for each employee on principal work shift, plus four Three parking spaces for each service bay, or 300 square feet of interior service area
20. Motor vehicle repair garage or body shop	One parking space for each employee on principal work shift, plus four Three parking spaces for each service bay, or 300 square feet of interior service area.
21. Car washing facility	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
22. Building supply and fuel establishment, contractor's yard and similar wholesale storage warehousing or service uses	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
23. Contractor's yard	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
24. Wholesale storage warehousing	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
25. Major commercial project	See parking requirements for specific uses.
26. Grocery store	1 One space per 300 square feet of gross floor area
D. Manufacturing and Industrial Uses	
1. Laboratory for research and development work	One parking space for each 300 500 square feet of gross floor area
2. Establishment engaged in manufacture or other industrial work, including fabrication assembly	One parking space per 300 500 square feet of net floor area
3. Warehousing	One parking space per 600 750 square feet of net floor area
4. Storage of goods, materials, products, equipment and nonregistered motor vehicles within enclosed structures incidental to subsection D. 1, 2 and 3 above.	Not applicable
E. Other Main Uses	
1. Exempt agricultural use	Not applicable
2. Non-exempt agricultural use	Not applicable
3. Exempt farm stand	One parking space per 200 square feet of gross floor area if customers are served in a structure
4. Non-exempt farm stand	One parking space per 200 square feet of gross floor area if customers are served in a structure
5. Public transportation station or terminal excluding airports	Not applicable
6. Essential services	Not applicable
7. Earth Movement	Not applicable
8. Cemetery	Not applicable
F. Accessory Uses	
1. Family child care, small	Not applicable
2. Customary home occupation	2 parking spaces per residence and one parking space per employee
3. Family dwelling unit	One parking space per family dwelling unit
4. Professional home office	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
5. Keeping or boarding of horses, ponies, cows or other large domestic animals:	—
a. Solely as pets or for private noncommercial use	Not applicable

APPENDIX ATABLE 3
Section 5.1.4 – Table of Minimum Off-Street Parking Requirements
(continued)

Class of Use	Required Parking Spaces
b. Keeping or boarding more than 6 such animals regardless of ownership; or charging of fees for riding, training, lessons, breeding or other uses of the premises	As determined by the Planning Board
6. Heliport	Not applicable
7. Temporary and seasonal placement of tables and chairs and retail fixtures	See Sections 3.2.1.6 and 10
8. Parking or keeping of a commercial motor vehicle less than 9,500 pounds manufacturer's GVW rating on residentially used property	See Section 3.2
9. Parking or keeping of a commercial motor vehicle more than 9,500 pounds manufacturer's GVW rating on residentially used property	See Section 3.2
10. Parking or keeping of equipment or vehicles, or the maintenance of temporary buildings on construction sites for a period not to exceed 1 year, subject to permit issued by the Building Commissioner	Not applicable
11. Use of a mobile home as a temporary dwelling on the site of a single-family residence which has been destroyed or rendered uninhabitable by fire or other catastrophe	Two parking spaces <u>One parking space per mobile home</u>
12. Accessory scientific uses	Not applicable
13. Wind energy towers	Not applicable
14. Wireless communications facilities or other communications use	Not applicable
15. Amateur radio facilities	Not applicable
16. Tower or antenna for commercial communications purposes	Not applicable
17. Open storage of second-hand junk or scrap material	Not applicable
18. Temporary use of residential premises for sale of crafts	Not applicable
19. Storage of one unregistered vehicle or of one vehicle not in condition for travel	See Section 6.8

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws or do or take any other action related thereto.

On request of the Planning Board

ARTICLE 39	TOWN BYLAW AMENDMENT – STORMWATER MANAGEMENT AND EROSION CONTROL
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To see if the Town will vote to amend the Town Bylaws, Article XVI Stormwater Management and Erosion Control as follows:

By updating the Purpose and Objective section, the definitions section and to update the titling of Massachusetts Stormwater Management Policy to Massachusetts Stormwater Handbook where applicable throughout the sections of the bylaw.

STORMWATER MANAGEMENT AND EROSION CONTROL

§ 1. Purpose and Objective.

A. The United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from land disturbance, land

development and redevelopment activities as major sources of water pollution.

- B. The purpose of this bylaw is to prevent or diminish the impacts of sedimentation and polluted stormwater from land disturbance, land development and redevelopment activities by controlling runoff and preventing soil erosion and sedimentation from site construction and development. The bylaw is necessary to protect the Town of Andover water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.
- C. The objectives of this bylaw are to comply with state and federal statutes and regulations relating to stormwater discharges and to establish the Town of Andover's legal authority to ensure compliance with the provisions of this bylaw through inspections, monitoring and enforcement by:
- (1) Protecting water resources;
 - (2) Controlling the volume and rate of stormwater;
 - (3) Requiring practices to manage and treat stormwater runoff generated from new development and redevelopment;
 - (4) Protecting groundwater and surface water from degradation or depletion;
 - (5) Promoting infiltration and the recharge of groundwater;
 - (6) Preventing pollutants from entering ~~the Andover's~~ municipal separate storm sewer system (MS4) and as well as private storm drain systems;
 - (7) Preventing flooding and erosion to abutting properties;
 - (8) Ensuring that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into site planning and design process and are implemented and maintained;
 - (9) Ensuring adequate long-term operation and maintenance of stormwater best management practices; and
 - (10) Requiring practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality.

§ 2. Definitions.

ABUTTER — The owner(s) of land adjacent to the land disturbance site.

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

ALTERATION OF DRAINAGE CHARACTERISTICS — Any activity on an area of land that changes the water quality or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include, but are not limited to, change from distributed runoff to confined, concentrated discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT — Shall be the owner of record of all of the land shown on any plan submitted for approval to the Planning Board in accordance with the Stormwater Management Bylaw and Regulations.

AUTHORIZED ENFORCEMENT AGENCY — The Town of Andover Planning Board, its employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP) — Any activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFICATE OF COMPLETION — A document issued by the Planning Board which confirms that all documents and final reports have been submitted and all work required by the terms of a stormwater management permit has been satisfactorily completed in accordance with this bylaw and its regulations.

CLEARING — Any activity that removes the vegetative surface cover and/ or organic layer. Clearing activities generally include grubbing activity as defined below.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

[DEP STORMWATER MANAGEMENT STANDARDS: The set of stormwater regulations promulgated by the Massachusetts Department of Environmental Protection under the following:](#)

- [The Wetland Protection Regulations \(310 CMR 10.00\) adopted pursuant to the Massachusetts Wetlands Protection Act G.L. c. 131, § 40; and](#)
- [The 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States within the Commonwealth, adopted pursuant to the Massachusetts Clean Waters Act G.L. c. 21, §§ 26-53.](#)

DESIGNATED AGENT — Any person or entity designated by the Planning Board and approved by the Town Manager to assist in the administration, implementation and enforcement of the Stormwater Management and Erosion Control bylaw and Regulations.

DESIGN CRITERIA — Engineering design criteria as contained in the Stormwater Regulations authorized under this bylaw.

DETENTION — The temporary storage of storm runoff.

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND — Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR — A professional engineer or other trained professional selected by the Planning Board or its designee and retained by the Planning Board at the permit holder's expense to periodically inspect the work and report to the Planning Board.

EROSION — The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS — Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act regulations (310 CMR 10.00) and the Forest Cutting Practices Act regulations (304 CMR 11.00).

GRADING — Changing the level or shape of the ground surface.

GRUBBING — The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that limits water infiltrating the underlying soil. "Impervious surface" includes, without limitation, roads, paved parking lots, sidewalks, sports courts and rooftops. "Impervious surface" also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 0.70 or a runoff Curve Number (SCS Method) greater than 85.

LAND-DISTURBING ACTIVITY OR LAND DISTURBANCE — Any activity that alters the existing vegetation and/or underlying soil of a site, including such as clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction, movement, stockpiling of top soils, and grubbing, or

other action that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT (LID):- The design of a site development or redevelopment employing systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or beneficial use of stormwater, to protect water quality and associated aquatic habitat. LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Practices include but are not limited to minimizing impervious surfaces, capturing rainfall or runoff for subsequent use on-site, promoting infiltration and evapotranspiration, and the use of vegetation-based stormwater treatment practices.

MASSACHUSETTS ENDANGERED SPECIES ACT — MGL c. 131A and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as "endangered," "threatened," or of "special concern."

MASSACHUSETTS STORMWATER HANDBOOK POLICY — The policy handbook issued by the Department of Environmental Protection, as amended, that describes how to apply DEP's Stormwater Management Standards as promulgated under coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL c. 21, §§ 23-56.

MASSACHUSETTS WETLANDS PROTECTION ACT — MGL c. 131, § 40, and its implementing regulations (310 CMR 10.00).

MUNICIPAL STORM DRAIN SYSTEM OR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Andover.

NEW DEVELOPMENT:- Any construction or disturbance of land that is currently in a natural vegetated state. New development also includes any disturbance beyond existing impervious and disturbed areas that is contiguous to redevelopment projects.

OPERATION AND MAINTENANCE PLAN — A plan developed by a Massachusetts licensed professional engineer (PE) describing the functional, financial and organizational mechanisms for the ongoing operation and

maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL — The point at which stormwater flows out from a discernible, confined point source or concentrated conveyance into waters of the commonwealth.

OUTSTANDING RESOURCE WATERS (ORWS) — Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER — Shall be the owner of record of all the land shown on any plan submitted. The owner shall submit the title reference or references from the Essex County Registry of Deeds indicating the owner of record.

PAVEMENT — The surface of an area which consists of bituminous concrete, cement concrete, or paving bricks made of masonry or stone.

PAVING, OVERLAY — The placement of pavement on top of an existing impervious surface. The underlying impervious surface is sometimes milled (partially ground down in thickness) before the overlay is placed.

PAVING, RECLAMATION — A procedure whereby existing pavement is broken and pounded into small fragments.

PERMITTEE — The person who holds a stormwater management permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

RECHARGE — Addition of stormwater runoff to the groundwater by natural or artificial means.

REDEVELOPMENT — ~~Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Any construction, land alteration, or improvement of impervious surfaces that does not meet the definition of new development. The following activities are considered redevelopment:~~

(a) Maintenance and improvement of existing roadways including widening less than a

single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving; and
(a)(b) Development, rehabilitation, expansion, and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

RESPONSIBLE PARTIES — Owner(s), persons with financial responsibility, and persons with operational responsibility.

RETENTION — The holding of stormwater runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

SEDIMENT — Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION — The process or act of deposition of sediment.

SITE — Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE — The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL — Earth materials, including duff, humic materials, sand, rock, silt, clay and gravel.

STABILIZATION — The use, singly or in combination, of mechanical, structural, or vegetative methods to prevent or retard erosion.

STORMWATER — Stormwater runoff, snowmelt runoff, surface water runoff and drainage.

STORMWATER CONTROL MEASURE (SCM) – A technique, measure, or structural control that is designed to remove pollutants, control quantity, and improve the quality of stormwater runoff before the water discharges to the MS4 or Wetland Resource Area.

STORMWATER MANAGEMENT PERMIT — A permit issued by the Planning Board pursuant to this bylaw.

STORMWATER MANAGEMENT PLAN AND NARRATIVE — A document containing narrative, drawings and details prepared by a Massachusetts licensed qualified professional engineer (PE) which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management

plan also includes an operation and maintenance plan describing the maintenance requirements for structural best management practices.

STRIP — Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS — Total suspended solids; material, including but not limited to trash, debris, soils, sediment and sand, suspended in stormwater runoff.

VERNAL POOLS — Temporary bodies of fresh water which provide critical habitats for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE — A natural or man-made channel through which water flows including a river, brook, or stream.

WETLAND RESOURCE AREA — Areas specified in the Massachusetts Wetlands Protection Act MGL c. 131, § 40 and regulations promulgated thereunder and in the Town of Andover Wetland Protection Bylaw and Regulations.¹

WETLANDS — Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

§ 3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

§ 4. Applicability.

A. No person may undertake a construction activity that results in a land disturbance of 43,560 square feet or more without a stormwater management permit from the Planning Board.

(1) Land disturbances. Land disturbances of 43,560 square feet or more, including multiple separate activities which in aggregate disturb 43,560 square feet or more, whether on one parcel or adjacent parcels held in common ownership, shall require a stormwater management permit.

(2) Paving and impervious material. An increase of new pavement or other impervious material, reclamation of existing pavement, or a combination of both totaling 43,560 square feet or more shall require a stormwater management permit.

(3) The Town of Andover is not exempt from the provisions of this bylaw.

B. Exempt activities. The following activities are exempt from the requirements

¹ Editor's Note: See Art. XIV, Wetlands Protection By-Law.

of this bylaw:

- (1) Normal maintenance and improvement of Town-owned publicways, appurtenances to the publicways, and private and public utilities.
- (2) Normal maintenance and improvement of land in agricultural use.
- (3) Repair of septic systems when required by the Board of Health or the Massachusetts Department of Environmental Protection for the protection of public health.
- (4) Normal maintenance of currently existing landscaping, gardens or lawn areas associated with an existing use.
- (5) Overlaying of existing impervious surface.
- (6) Areas of land that have had a stormwater management review and approval either through the Conservation Commission or Planning Board using design criteria that at a minimum comply with the latest edition of the Massachusetts Stormwater [Management Handbook Policy](#) or with design criteria as described in Town of Andover's Subdivision Rules and Regulations² or with the Town of Andover Stormwater Management and Erosion Control Regulations, whichever is more stringent in the protection of the Town's resources.

§ 5. Administration.

- A. The Planning Board, as the permit granting authority, shall administer, implement, and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board in this bylaw may be delegated to designated agents upon a majority vote of the Planning Board. Should the Planning Board designate an agent, such agent shall be approved by the Town Manager.
- B. The Planning Board may adopt and periodically amend rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.
 - (1) Adoption of and revisions to regulations may only be made after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days before the hearing date.
- C. The Planning Board shall refer to the criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater [Management Policy Handbook](#) or to the design criteria as described in the Town of Andover's Subdivision Rules and Regulations³ or to the Town of Andover Stormwater Management and

² Editor's Note: See Art. XIII, Subdivision Rules and Regulations.

³ Editor's Note: See Art. XIII, Subdivision rules and Regulations.

Erosion Control Regulations, whichever is more stringent in the protection of the Town's environmental and infrastructure resources, for execution of the provisions of this bylaw.

- D. The Planning Board may waive strict compliance with any requirement of this bylaw or the regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state or local statutes and/or regulations; and
 - (2) Is in the public interest; and
 - (3) Is not inconsistent with the purpose and intent of this bylaw and its regulations.

§ 6. Permits and procedures.

Projects requiring a stormwater management permit shall be subject to the Town of Andover Stormwater Management and Erosion Control Regulations promulgated under Section 5 of this bylaw in addition to the procedures as set forth below.

A. Application.

- (1) An application package shall be filed with the Planning Board and other departments as specified in the regulations.
- (2) The Planning Board shall review the application for completeness and compliance with this bylaw and its regulations.

B. Public meetings.

- (1) The Planning Board shall hold a public meeting on all applications for stormwater management permits for the purpose of reviewing the application and accepting public input.
- (2) Notice of the public meeting shall be given by posting and by first-class mailings to abutters and abutters to abutters within 300 feet of the property line of the project site at least seven days prior to the meeting.
- (3) The Board shall make the application available for inspection by the public during business hours at the Planning Division.

C. Actions. The Planning Board may:

- (1) Approve the application and issue a permit if it finds that the proposed plan meets the objectives and requirements of this bylaw and its regulations;
- (2) Approve the application and issue a permit with conditions, modifications, or restrictions that the Board determines meet the objectives and requirements of this bylaw and its regulations;

- (3) Disapprove the application and deny a permit if the Planning Board finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume; and
- (4) Disapprove the application and deny a permit if it finds that the proposed plan fails to meet the objectives and requirements of this bylaw or its regulations.

D. Time for action by the Board.

- (1) Within 45 days of the filing of an application for a stormwater management permit, the Planning Board or its designated agent shall:
 - i. Evaluate the application to ensure that it is complete prior to distribution;
 - ii. Distribute the complete application to boards and departments for technical review as specified in the regulations; and
 - iii. Arrange agenda time for a public meeting before the Planning Board.
- (2) Within 60 days of the filing of the application, an interdepartmental review shall be held.
 - i. Following the Interdepartmental review but prior to the Planning Board public meeting, the Town Engineer shall provide a written recommendation for action on the application. Such recommendation shall itemize all instances where the applicant has failed to meet the specifications and standards of the latest edition of the Massachusetts Stormwater [Management Policy Handbook](#) or of the design criteria as described in the Town of Andover's Subdivision Rules and Regulations⁴ or of the Town of Andover Stormwater Management and Erosion Control Regulations.
- (3) Within 90 days of the filing of an application for a stormwater management permit, the Planning Board shall hold a public meeting.
- (4) Once begun, the public meeting may not continue for more than 60 days unless such time is extended by written agreement between the applicant and the Board to a date certain announced at the meeting.
- (5) The Planning Board shall take final action within 21 days of the close of the public meeting discussion.

E. Failure to act.

⁴ Editor's Note: See Art. XIII, Subdivision Rules and Regulations.

- (1) Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, failure to take such action shall be deemed to be approval of said application and a stormwater management permit shall be issued.

F. Appeals of action by the Planning Board.

- (1) A written decision of the Planning Board shall be final when it is executed by the Planning Board or its Chair or Acting Chair and filed in the Town Clerk's office. Further relief of a decision by the Planning Board made under this bylaw shall be in the Superior Court or Land Court in accordance with the applicable law. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
- (2) No work shall commence until the applicable appeal period has passed with no appeal or, if an appeal has been filed the appeal has been finally resolved by adjudication or otherwise.

G. Permit duration.

- (1) All activity permitted by this bylaw must be completed within one year of permit issuance. Extensions of time can be granted by the Planning Board upon formal written request by the applicant. If one year passes without an extension being granted, the Board may revoke the permit.

H. Certificate of completion.

- (1) The Planning Board will issue a certificate of completion upon receipt and approval of final reports and documentation as specified in the regulations.

I. Public record.

- (1) The following documents shall be recorded at the Essex Registry of Deeds at the applicant's expense and proof of recording provided to the Planning Division:
 - i. The stormwater management permit.
 - ii. The approved operation and maintenance plan.
 - iii. The certificate of completion.

§ 7. Persons aggrieved.

Any person aggrieved by a decision or action of a designated agent appointed by the Planning Board under § 5A, including but not limited to matters regarding completeness of application, inspections, and compliance with technical design criteria, may, within 30 days of such decision or action, request a public meeting with the Planning Board. In such cases, following the decision of the Planning Board, the provisions of § 6F(1) shall apply.

§ 8. Consultants.

At the applicant's expense, the Planning Board may retain independent consultants as needed to advise the Board on any and all aspects of a specific project. Independent consultants may include but are not limited to registered professional engineers and environmental site monitors.

§ 9. Fees.

The Planning Board shall establish fees, subject to approval of the Select Board, to cover expenses connected with application review, mailings and monitoring permit compliance. The fees shall be sufficient to cover direct and indirect costs to the Town of processing and reviewing the application. Provided that a revolving fund for such purpose is established by the Town in accordance with the provisions of MGL c. 44, § 53E 1/2, the Planning Board is also authorized to collect fees from the applicant in amounts sufficient to pay a registered professional engineer and such other professional consultants as the Planning Board requires to advise the Planning Board on any and all aspects of the project. The fees for such professional engineers and consultants shall be paid to the Town for deposit into the revolving fund.

§ 10. Security.

Before the start of land disturbance activity, the Planning Board may require the permittee to post acceptable security, to insure that the work will be completed in accordance with the permit. The form of the security shall be approved by the Planning Board and shall be in an amount deemed sufficient by the Planning Board. If the project is phased, the Planning Board may release part of the security as each phase is completed in compliance with the permit but may not be fully released until the Planning Board has issued a certificate of completion.

§ 11. Enforcement.

- A. The Planning Board or its designated agent shall enforce this bylaw, its regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.
- B. Entry. The Planning Board or its agents shall have the authority, with prior approval from the property owner or pursuant to court process, to enter upon privately owned land for the purpose of performing their duties under this bylaw.
- C. Orders. The Planning Board or its designated agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw or its regulations;

- (2) Maintenance, installation or performance of additional erosion and sediment control measures;
- (3) Monitoring, analyses, and reporting;
- (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
- (5) Compliance with the operation and maintenance plan.

- D. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.
- E. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine in an amount of \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
- F. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town, in which case the Planning Board or designated agent shall be the enforcing person. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

§ 12. Severability.

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws or take any other action related thereto.

On request of the Planning Board

ARTICLE P40	STREET ACCEPTANCE
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To see if the Town will vote to accept and name as a public way any the following street: Fleming Avenue as further described below, and to accept deeds to the streets and all related easements:

Fleming Avenue, as shown on a plan approved by the Andover Planning Board entitled “Definitive Subdivision Plan Fleming Avenue Andover, Massachusetts” dated September 26, 2016, last revised May 11, 2017, being recorded in the Essex North District Registry of Deeds as Plan Number 17660; or take any other action related thereto.

On request of the Select Board

ARTICLE P41	BYLAW AMENDMENT ELECTRONIC VOTING AT TOWN MEETING
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To see if the Town will vote to amend Article II of the General Bylaws by adding the following as Section 5.2:

“Electronic Voting. Subject to the availability of a system to enable electronic voting by using wireless handheld mobile devices, the Moderator may count the vote on any matter before the Town Meeting by the use of such system.”

And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On request of the Select Board

ARTICLE P42	RENTAL OF ELECTRONIC VOTING EQUIPMENT
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To see if the Town will raise by taxation or transfer from available funds or any combination thereof and appropriate \$40,000 to pay for the rental of an electronic voting system for the use at Annual and Special Town Meetings for fiscal year 2024, or take any other action related thereto.

On request of the Select Board

ARTICLE P43	TOWN CHARTER REMOVAL OF RESIDENCY REQUIREMENT FOR TOWN MANAGER
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To see if the Town will vote to petition the Legislature to pass a Special Act to amend the Andover Town Charter by deleting the following sentence from Section 6:

“He need not be a resident of the town when appointed, but shall be a resident of the town during his term of office”,

provided that the legislature may reasonably 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 Select Board

ARTICLE P44	ZONING BYLAW AMENDMENT - USE VARIANCES
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To see if the Town will vote to amend Article VIII Section 3.1 titled “General” and Section 9.2.2.2 titled “Variances” of the Andover Zoning Bylaws by deleting the language stricken from the bylaw as shown below and adding the language in bold italic as shown as follows:

Section 3.1 General:

No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Table, ~~or as otherwise set forth herein, or as exempted by the General Laws, or by variance of the Board of Appeals, as provided in said Chapter 40A of the General Laws and in Section 9.2.2.2 of this bylaw.~~ Any building or use of premises not herein specifically permitted is hereby prohibited.

Section 9.2.2.2 Variances: To hear and decide appeals or petitions for variances from the terms of this bylaw, ~~including variances for uses,~~ with respect to particular land or structures, owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, where a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law, as set forth in G.L.c.40A,s.10. ***No variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located.***

On petition of Andrew Rouse and others

ARTICLE P45	ANDOVER SUSTAINABILITY RESOLUTION
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Whereas:

- The United Nations Intergovernmental Panel on Climate Change (IPCC) forecast that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming close to 1.5° or even 2°C will be beyond reach. Stabilizing the climate will require strong, rapid, unprecedented transitions in all aspects of society to achieve crucial emissions reductions. (<https://www.ipcc.ch/2021/08/09/ar-6-wg1-20210809-pr/>)
- The fastest warming region in the contiguous US is the Northeast (<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0168697>)
- In April of 2021, the Commonwealth of Massachusetts committed to a new statewide emissions limit of net-zero greenhouse gas emissions by 2050 in An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (<https://www.mass.gov/news/governor-baker-signs-climate-legislation-to-reduce-greenhouse-gas-emissions-protect-environmental-justice-communities>) followed in June 2022 by the Clean Energy and Climate Plan for 2025 and 2030 (<https://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for->

[2025-and-2030](#)). In August 2022 Massachusetts enacted An Act Driving Clean Energy and Offshore Wind to put in place provisions to reach the climate plan goals.

- There is now a state-wide momentum developing for deploying technical, economic, and political means to achieve this goal.
- The climate crisis is an existential challenge. It is also an opportunity to reimagine Andover's future and to make that future both safe and equitable for all who live and work in our community.

Therefore:

In order for Andover to respond to the climate crisis and to align with the Commonwealth's goal to reach net-zero emissions by 2050, be it resolved that Andover Town Meeting 2023 recognizes meeting this challenge is imperative and presents an unprecedented opportunity to remedy environmental harms, create clean-energy jobs, and improve human lives.

Furthermore, Andover Town Meeting 2023 requests that the Andover Select Board, School Committee, Staff, Boards and Committees:

- **Advocate** for action, programs, and support from the State and Federal governments to help reduce net town-wide carbon emissions in accord with the Commonwealth's Climate Action Plan;
- **Promote actions** that residents, organizations, and businesses can take to reduce their individual carbon emissions;
- **Prioritize the reduction of fossil fuels** (including electricity created through fossil fuels) in existing and new town facilities, vehicles and operations;
- **Accelerate adoption of nature-based solutions** (such as protecting/restoring open spaces and forests, planting trees and native plants, and encouraging organic property management) to absorb carbon, reduce flooding, cool neighborhoods/downtown spaces, and contribute to biodiversity restoration efforts;
- **Equitably align the costs** of such mobilization efforts so that they do not unfairly burden those who are economically or socially disadvantaged, and that the benefits of a realized, sustainable future accrue to all; and
- **Develop and implement a Climate Action Plan** that outlines specific strategies and sets measurable, attainable and realistic interim targets for reducing greenhouse gas emissions in Andover, and provide an annual progress report to Andover Town Meeting.

In conclusion:

Andover Town Meeting 2023 deems that funding and implementation of a climate action plan needs to be a top priority. Andover Town Meeting 2023 therefore requests the Select Board and School Committee to direct all officers and departments of the Town to act, within the scope of their respective responsibilities and authority, to prioritize the above-stated goals.

On petition of Mary Pritchard and others

ARTICLE P46	TAKING BY EMINENT DOMAIN OF HACIENDA WAY
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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 shown as Hacienda Way and all related easements, including but not limited to easements shown on Lots 18, 18A, 19 and 19A, all as shown on a plan entitled “Subdivision & Acceptance Plan Pleasant Street Estates, Andover, Mass.” dated April, 1973, prepared by Charles E. Cyr, and recorded with Essex North District Registry of Deeds as Plan No. 7035 and on file in the Office of the Town Clerk, and as constructed, and to award no damages or compensation for said takings or payment for said acquisitions, and to appropriate and borrow or transfer from available funds or any combination thereof a sum of \$120,000 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 P47	RANDOMIZATION OF ORDER OF WARRANT ARTICLES
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To see if the Town will determine the order or warrant articles for all Town Meetings randomly and acted on by a lottery system to ensure a fair representative of voters.

If any provision in this warrant shall be found or beheld to be invalid or unenforceable, then the meaning of said provision shall be construed, to the extent feasible, so as to render the provision enforceable, and if no feasible interpretation would save such provision, it shall be severed from the remainder of this warrant which shall remain in full force or effect.

Wording from Medfield, MA

<https://www.town.medfield.net/322/Town-Meeting-Information>

On petition of Steve Walther 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 27th day of March 2023.

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

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2023

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

Select Board

Minutes of September 12, 2022
Lifelong Learning Center at The Robb Center
30 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

The Select Board Chair, Alex Vispoli, called the Select Board meeting of September 12, 2022 to order at 7:00 PM.

Members in Attendance: Annie Gilbert, Chris Huntress, Melissa Danisch, Alex Vispoli.
Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, CFO Patrick Lawlor, and Town Counsel Tom Urbelis.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

Jane Burns, Director of Elder Services for the Town of Andover is delighted to have the Select Board Meeting in the Robb Center tonight. It has been one-year since the grand opening of the Robb Center. They are fully-operational and offer over 50 programs per week. Last week they held their annual health fair and hosted their first ever Moon Festival Dinner. The Center provides numerous social programs. Their caseloads have increased significantly and they have expanded home visits. In the first six months of 2022, they have seen a 20% increase in programs and services.

Alex Vispoli thanked Jane for making the Center available for the July 4th Pancake Breakfast. He also noted that their the monthly Newsletter provides a great deal of information on services and programs offered.

III. Communications/Announcements/Liaison Reports

The Town Manager reported that the Town Seal Community Forum is scheduled for Wednesday, September 21st at 7:00 PM at MHL where they will review the results of the survey and hear public feedback. The Forum will be televised live. Members of the Town Seal Committee have been busy exploring the history of the current Town Seal and what other communities have done. The results of the survey issued will inform the future decisions of the Committee and ultimately the community. The public can send their thoughts/questions to their dedicated email address.

On Wednesday, September 28th at 7:00 PM, the public forum for the Visiting Session for the Master Plan will be held at the Robb Center. This will be a comprehensive update to the 2012 Master Plan. A large part of a successful master plan update is community engagement, feedback, and input.

Mike Lindstrom reported on the next phase of the Shawsheen River Master Plan will be held on Thursday, Sept 22nd at 6:30 PM at Memorial Hall Library and will be an interactive public session. They will be breaking out into different stakeholder groups for feedback and getting as much more granular in the subject matter as it relates to recreational

opportunities, accessibility, overall river health, climate resiliency, and start to incorporate public feedback received.

Patrick Lawlor thanked everyone for a successful State Primary held on September 6th. Every department was involved in this endeavor and over 80 people helped on Election Day. Preparations for the November 8th General Election have begun. Those voting by mail are encouraged to send their ballots in as soon as possible by mail or in the drop box at Town Hall.

Tom Urbelis reported on the Land Court case filed by the owner of the with the Andover Country Club (ACC) against the Planning Board, Conservation Commission, and the Select Board.

The issue, during the hearings before the Planning Board and Conservation Commission, was their concern about the method to achieve perpetuity of enforcement of the conservation restrictions at Andover Country Club which under the zoning bylaw, Mr. Cormier, as the owner, was required to record at the registry in order to sell residential units approved pursuant to a special permit issued by the Planning Board.

Attorney Urbelis provided information on the two methods identified by Mr. Cormier's attorney to achieve perpetuity enforcement by Mass General Law that provide for approval of conservation restrictions. Mr. Cormier's attorney informed the Planning Board that she believed that if Mr. Cormier gets EOEEA (Environmental Office of Energy & Environmental Affairs) approval the perpetuity will be enforceable.

The Land Court determined that neither method was required for Mr. Cormier's conservation restrictions to be enforceable in perpetuity because the court decided that the Conservation restrictions already recorded and those restrictions proposed for the ACC project, pursuant to the special permits are enforceable by the Town in perpetuity without the need for EOEEA approval. Achieving clarity of the perpetuity of enforcement of the ACC restrictions was the goal of the Planning Board and Conservation Commission and the court' restrictions that the ACC restrictions are enforceable in perpetuity, clarified and accomplished that goal.

Attorney Urbelis responded to a recent letter to the Andover Townsman regarding state charges filed against the Andover teachers for speaking at the Annual 2022 Town Meeting. This is not true. Neither he nor the Town Manager have filed state charges against the Andover teachers for speaking at Town Meeting. The letter also criticized Special Labor Council's opinion that the Special Town Meeting warrant article relating to payments to persons who were in a collective bargaining unit was unlawful and illegal. The opinion provided case law of Chapter 150 E which provides for Collective Bargaining and not Town Meeting approval for such payments.

Chris Huntress thanked Andover TV, Wess Murphy and his staff for accommodating the Board "on the road" meetings over the summer .

Alex Vispoli thanked the Director of Veteran Services, Mark Comeiro for hosting the September 11th Ceremony on Sunday.

Mr. Vispoli also spoke about Preambulations, which is a State requirement for the Select Board or Council to establish the boundaries of the Town each year (there are different markers around town) and mark the year that they do this. They found one marker that lists three communities, Andover, North Andover, and Lawrence and Mr. Vispoli is proposing the date of September 24th at 9:00 AM to conduct the Ceremonial Preambulation at the marker for Lawrence, North Andover and Andover that is Essentially across from Walgreens.

IV. Citizens Petitions and Presentations

Jane Gifun, Castle Heights Road, asked for assistance from the community for a neighbor who are taking in refugees from Ukraine. They are looking for someone who speaks the language to help translate for the family. Please email Jane Gifun if you are able to provide assistance Fleecy.godmother@gmail.com.

Paul Salafia, Chairman of the Andover Chamber of Commerce said they have been meeting weekly to design a new and reimagined Andover Days which will be held on Friday, September 23rd and Saturday, September 24th. Starting on Wednesday, retailers, businesses, and restaurants are participating in a week long program where people can walk in and register for prizes. The movie, Field of Dreams , will be shown in the Park on Friday night followed by fireworks sponsored by Doherty Insurance. In additions, there will be 200 vendors participating on Saturday. Mr. Salafia thanked the Town for their support. www.andoverdays.com

Kathy Grant, Morton Street, has not heard back about her request that the decisions from the hearing offices be placed on the agenda. She also spoke about the decision from Labor Management regarding the Chelmsford Arbitration in which Mr. Flanagan participated in. She would expect action would be taken against the Town Manager in light of the circumstances that occurred.

Steve Whalter, Morton Street, reinforced the points made by Kathy Grant and the Chelmsford Arbitration Panel and their role. Mr. Whalther would advocate for strong action on the part of the Select Board.

Chair Vispoli made a statement that the Andover Select Board is aware of the recent decision issued by the Mass Dept of Public Relations related to a labor dispute between the Chelmsford Superior Officers Association and the Town of Chelmsford. The Board has been aware of this matter for 3.5 years. The decision is reflective of a labor dispute existing in the Town of Chelmsford, not in the Town of Andover. Andover Town Manager, Andrew Flanagan, served in a volunteer capacity as a management representative for Chelmsford Joint Labor Relations Management Committee and served in manner consistent with established practices. This matter received attention because of the dispute between the Town of Chelmsford and the Chelmsford Superior Officers Association. Because of the events at the 2019 Special Town Meeting, the DLR decision does not find the Town of Andover or it's Town Manager was at fault for any wrongdoing. The matter was filed

against the Town of Chelmsford and the decision based on actions taken by Chelmsford Town officials. The Andover Town Manager was not found to have broken any laws or rules of the Joint Labor Management Committee.

V. Regular Business

A. Outdoor Retail License on Town Property

Board to review and consider voting to approve an application by J. McLaughlin for an outdoor retail license for September 16th and September 17th. Patrick Lawlor reported that this request has been approved by all appropriate town departments.

Chris Huntress moved to approve the application of Georgia Inc. Clothiers, LLC, d/b/a McLaughlin for an outdoor retail license on Town property to hold a sidewalk sale at 13 Main Street during regular business hours on Friday, September 16th through Sunday September 18th 2022 subject to the conditions that all other requirements of the Town are met prior to issuance. Motion seconded by Annie Gilbert and voted 5-0 to approve.

B. One Day Liquor License on Town Property

Board to review and consider voting to approve an application by Oak & Iron Brewing Co. for a one-day liquor license on Town Property for a Beer Garden on Park Street during Andover Day on September 24, 2022 from noon to 4:00 P.M. subject that all other requirements of the Town are met prior to issuance. This request has been approved by all required departments.

James Cass, from Oak & Iron, provided operational details on the location, insurance, and key features that includes food tables that meet requirements. No beer will be allowed outside of the perimeter area. There will be two ID stations and servers will check stamps before serving. All servers will be TIPS trained.

Annie Gilbert moved to approve the application by Oak & Iron Brewing Company for a one day liquor license on town property, for a Beer Garden for on Park Street during Andover Day on September 24, 2022 from noon to 4:00 P.M. subject that all other requirements of the Town are met prior to issuance. Motion seconded by Melissa Danisch. Motion passes 5-0.

C. Liquor License Change of Manager

Board to review and consider voting to approve the application of Andover Country Club Inc., 60 Canterbury Street for a Liquor License Change of Manager at the Andover Country Club, 62 Canterbury Street to Boyd Holk.

Patrick Lawlor reported that Mr. Holt is the new General Manager at Andover Country Club and all Town departments have signed off on this change of Manager. There are no incidences at Andover Country Club that the Board should be aware of.

Melissa Danisch moved to approve the application of Andover Country Club Inc., 60 Canterbury Street for a Liquor License Change of Manager at the Andover Country Club, 62 Canterbury Street to Boyd Holk subject to the condition that all other requirements are met prior to issuance. Motion seconded by Chris Huntress and voted 5-0 to approve.

D. Liquor License Change of Manager

Board to review and consider voting to approve the application of Andover Country Club Inc., d/b/a Andover Country Club Pool, 62 Canterbury Street for a Liquor License Change of Manager at the Andover Country Club Pool, 62 Canterbury Street to Boyd Holk. The application was complete and approved by all departments.

Melissa Danisch moved to approve the application of Andover Country Club Inc., 60 Canterbury Street for a Liquor License Change of Manager at the Andover Country Club Pool, 62 Canterbury Street to Boyd Holk subject to the condition that all other requirements are met prior to issuance. Motion seconded by Annie Gilbert and voted 5-0 to approve.

E. Town Governance Study Committee Report

On behalf of the Board, Chair Vispoli thanked the members of the Town Governance Study Committee (TGSC) for their work on this important topic. The TGSC was appointed on July 1st of 2022 (previously appointed in December of 2019). The Board thanks the TGSC for the sheer amount of work they did. The TGSC presented their report and the Board discussed the review process. The Board will adopt a framework around the Committee's presentation and set a path to move forward.

Jon Stumpf, Chair of the Town Governance Study Committee thanked the Board for inviting them to present the report. The presentation is directed towards the Select Board members. Their first meeting was held on Sept 21st of 2019, where they were given the task to identify issues to explore and sequence for exploration. The second phase was to explore issues with public engagement; the third phase was to make recommendations; and the fourth phase was to finalize the recommendations and submit their report to the Select Board in the Summer of 2022. Detailed information is available on their website.

Sources of information : Milestone and Input.

Seven Public Forums were held that provided opportunities for online written feedback, they interviewed governance stakeholders and sent out a UMass Lowell resident survey. They also obtained qualitative guidance from 3rd parties, conducted quantitative comparisons with every community in Massachusetts, and conducted a Q &A study of Andover voter behavior and Committee and subcommittee meetings.

Dara Obbard, Vice Chair of the TGC, provided information on why their decision is to unanimously recommend keeping the current form of Town Meeting with some recommended enhancements that include the problems and the consequences of each type of the alternatives researched, including Representative Town Meeting, Council-Manager, etc.

Some of the benefits of Open Town Meeting include; direct legislative participation, collective wisdom of the group from all across the community, maximum transparency and to "lobby" as a whole; representation – you are your best representative; Diversity, Equity and Inclusion - all communities can speak for them at Town Meeting. Decisions are made as a community, residents have ownership. Town Meeting attendees are "ambassadors" and residents have the ultimate checks and balances.

They also looked into the concerns about Town Meeting in that it is not representative of Andover.

Committee Recommendations: They are proposing 18 recommendations; nine of which are related to Open Town Meeting with enhancements and reforms and nine study topics. There are two summary reports in the packet that are broken down into three categories, complex, moderately complex, and not complex.

TGSC member, Dave Floreen reported on the Committee's recommendations.

Town Meeting Reforms and the Benefits of the Reforms

- Adopt in-person electronic voting using high-integrity system developed for legislatures. The benefit of which would shorten the meeting and allow confidential voting.
- Consolidate discussion of related articles.
- Support Town Meeting endorsement of conduct that is civil, honest and respectful.
- Prohibit events on Town/School property during Town Meeting nights.
- Encourage submission of amendments for public review prior to Town Meeting giving priority to those amendments that are pre-filed.
- Provide pre-Town Meeting discussion of articles virtual and in-person, streamed and recorded.
- Provide online Town Meeting training videos regarding the process, budget, zoning, etc.
- Provide welcome packet orienting new residents on Town Meeting.
- Recommend that remote electronic voting be actively explored as technological and legal dimensions are better understood over time.

Communications: A major theme underlying public input

- Dedicated staff person to coordinate communication initiatives.

The TGSC commends the Select Board and the Town Manager for taking the initiative to hire a communications person.

Appointments:

- Candidates for reappointment should provide statement and incumbents should then be elevated in comparison to other applicants.
- Communication function should aggressively highlight opportunities to serve.
- The Board of Health should be expanded from 3-5 members.
- Currently, all Town employees, with the exception of the Town Accountant, are appointed by the Town Manager and subject to confirmation by the Select Board. The TGSC recommends that the Select Board only confirm the Town Manager's appointments for: Deputy Town Manager, Police Chief, Fire Rescue Chief and the Finance Director.

Long-term Financial Planning.

Focus is on the process not substantive outcomes. Big picture: Long-term with the recommendation of a formal adoption not a Revenue & Expenditure Task Force to the Select Board.

Timing: 10-year time horizon updated every 5 years

Inform Capital Improvement Program.

Improve How Government Helps Business

Enhance communication with and education of business about the municipal regulatory framework.

- Town Manager should periodically report to the Select Board, not less than once every 2 years on the state of and improvements to the Town's business process.
- Expediate the issuance of permits, special permits variances licenses, etc.
- Town bodies with respective jurisdictions should coordinate their reviews to allow an efficient process that does not sacrifice the protection of the community's interest.

Town Election:

New officials have little time before Town Meeting to learn complex budget, zoning and bylaw articles to be decided at Town Meeting. The decision-makers who prepare the Town Meeting articles are different than the decision-makers who appear at Town Meeting.

Proposed Solutions: Annual Election remain at its current time of year; Annual Town Meeting remain its current effective-date for office-taking.

Recommendation: Removing requirement that Town Manager be a resident of Andover. Residency requirements are no longer necessary; communication technology allows a non-resident Town Manager to lead in an emergency, residency can limit candidates.

Recall of local elected officials: Andover does not have a mechanism for this in their charter. Andover voters should not be absolutely deprived of the ability to remove an official elected by voters. At the local level one-person has enormous power; we should prepare a remedy before we ever need it. The time to do that is when there is not a case before you.

On behalf of the Select Board, Alex Vispoli thanked the members of the Town Governance Study Committee for their report which has exceeded all expectations; there was a lot of data and data collections. Residents are encouraged to read the report that contains a whole host of information and questions from the community. The Select Board will assemble a framework to vote on a process going forward and an action plan for adopting. Communication and education will result in more participation.

The full report is available on the Town website that includes references and back up information.

Questions from the public:

Bob Pokress, Apple Blossom Road, is in support of remote voting. voting

Richard Howe, Robundy Road, has a question on process and is concerned that this report will be accepted as a whole by the Board. The vast majority of Andover citizens are not aware of this report.

Joel Blumstein, Athena Circle. For those that respectfully disagree with the recommendations of the Committee and think it may be time for another form of government, will there be an opportunity for that input to be provided?

Alex Vispoli said this is the recommendation and they will vote on the process at the Select Board's next meeting. Recommendations can be submitted to the Board until then.

Kathy Grant, Morton Street, did not see any data in the report of towns located west of New England that wanted to change to Open Town Meeting. There needs to be a serious look as to why Andover thinks Open Town Meeting is the best decision.

Steve Whalther, Morton Street mentioned the way participation is defined. He did not see data on how many people vote or speak to a warrant in the study.

Alex Vispoli said tonight's action is to review the report and accept some or all of the recommendations.

F. [25 mile-per-hour Speed Limit Opt-In](#)

Chief of Police and Public Safety Officer Glen Ota and consultant Liz Oltman, 24 Bradley Road the engineer they consulted with and reviewed the 25 mile-per-hour Speed Limit Opt In. MGL Chapter 90 Section 17C to reduce the statutory speed limit from 30mph down to 25mph in thickly settled areas. Statutory speed limits exist in the absence of special speed regulations on file with MassDOT. Where special speed regulations exist, that posted speed limit will always supersede a statutory speed limit.

Chief Keefe provided a list of implementation options. Mass DOT and TEC Engineering Consultant recommends that municipalities opt-in on a town-wide basis. Implementation by area and or by street with signs are more impactable.

Next steps: The Town Manager will provide information on 'Option A and Option B' for the Board to assist in choosing either Town-wide adoption or by street option.

Michael Silverman, 64 Tewksbury Street, said the Board had a conversation about the different options, but they should look at the Town Meeting Warrant that was voted on.

G. [2022-2023 Reorganization](#)

Town Manager provided an overview of the reorganization of internal administrative positions for 2022-2023 larger plan to explore opportunities for creating 'personnel capacity' and future flexibility, positions the Town to meet evolving needs of the community, and to be competitive in the labor market which requires continuous evaluation.

Reorganization:

Finance Director 1.0 FTE to Chief Financial Officer 1.0 FTE

Consolidate Assistant Town Manager and Town Clerk Position into one position/1 FTE.

The 1.0 FTE reduction achieves approximately \$75,000 in savings. The Assistant Town Manager position will be vacated with Patrick Lawlor's transfer to Chief Financial Officer a change in the Finance Director title, which reflects the expanded responsibilities. There is no impact on the FTE's or the budget. The position will be vacant as the result of a retirement. The Town Manager's Office employees remains the same at 4.5 FTE's.

Salary for the CFO is \$158,000 and the combination of the Assist Town Manager and Town Clerk is \$158,000.

VI. Consent Agenda

A. Appointments by the Select Board

Annie Gilbert moved that the Board vote that the following appointments by the Select Board be approved as presented in the Consent Agenda. Motion seconded by Chris Huntress voted 5-0 to approve.

Department	Name	Position	Rate	Date of Hire
Town Clerk	Ruth Emerton	Election Worker	\$10.25	8/11/2022

B. Appointments by the Town Manager

Melissa Danish moved that the Board vote that the following appointments of Austin Simko by the Town Manager be approved. Town Manager's Office/Town Clerk's Office (Austin Simko). Motion seconded by Annie Gilbert. Motion voted 5-0 to approve.

Chris Huntress moved that the Board vote that the following appointment of Patrick Lawlor as Chief Financial Officer by the Town Manager be approved. Motion seconded by Melissa Danish and voted 5-0 to approve.

Annie Gilbert moved to approve the appointments as listed in the Consent Agenda. Motion seconded by Melissa Danish and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Town Manager's Office / Town Clerk's Office	Austin Simko (Patrick Lawlor) /Melissa Ripley)	Assistant Town Manager / Town Clerk	\$158,000.00/yr	9/14/2022
Finance	Patrick Lawlor (Donna Walsh)	Chief Financial Officer	\$158,000.00/yr	10/1/2022
Community Services - Youth Services	Hayato Tsurumaki	Assistant Director	\$83,026.17/yr	9/26/2022
Community Services - Youth Services	Saraina Hernandez (Jaclyn Stackhouse)	Outreach Coordinator	\$70,000.00/yr	8/29/2022
Andover Police Department	Sophie Robbins (Chelsea Borden)	Executive Secretary	\$70,603.82/yr	9/12/2022
Community Development and Planning	Margaret Terrio (Patricia D'Agata)	Assistant Office Administrator	\$58,958.87/yr	9/26/2022
Department of Public Works	Wilfredo Abreu (John McQuade)	Laborer II Parks and Grounds	\$23.36/hr	9/13/2022
Community Services - Recreation	Priyanka Chauhan	Kid Care	\$18.25/hr	8/26/2022
Community Services - Recreation	Sam Ryan	Kid Care	\$14.50/hr	9/12/2022

Community Services – Recreation	Macy Osborne	Kid Care	\$14.50/hr	9/12/2022
Community Development and Planning	Leonard Rose	Part-Time Weights and Measures	\$600.00/month	8/23/2022
Andover High School Building Committee	Lauren Conoscenti	Member	Term Expires June 30, 2025	6/7/2022
Conservation Commission	Ruby Brown	Member	Term Expires 6/30/2025	9/7/2022
Conservation Commission	Miranda Chave	Member	Term Expires 6/30/2025	9/7/2022
Conservation Commission	Jon Honea	Member	Term Expires 6/30/2025	7/1/2022

VII. Meeting Minutes

Board to review and consider voting to approve the meeting minutes of the following meetings: July 20, 2022 and August 1, 2022.

Annie Gilbert moved to approve the Select Board Minutes of July 20, 2022 and August 1, 2022 as submitted. Motion seconded by Melissa Danisch and voted 5-0 to approve.

VIII. Adjourn

At 10:10 PM on a motion by Chris Huntress seconded by Annie Gilbert, the Select Board vote 5-0 to adjourn from the meeting of September 12, 2022.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Select Board Meeting
Monday, October 17, 2022
Lifelong Learning Room at The Robb Center
30 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

The Select Board Chair, Alex Vispoli called the Select Board Meeting to order at 7:00 PM. Members present: Laura Gregory, Annie Gilbert, Melissa Danisch, Chris Huntress.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

III. Communications/Announcements/Liaison Reports

The Town Manager announced that a Quad Board meeting ((Select Board, School Committee, Finance Committee and West El/Shawsheen School Building Committee) and the entire West Elementary Project Team will be held on Wednesday, October 19, 2022 at 7:00 PM in the Meeting Room at Memorial Hall Library to receive an update on the West Elementary School Building Project and to discuss reasons for the deficit and what the necessary steps are including a Town Meeting and a debt exclusion vote.

Austin Simko reported that the State Election ballots for the November 8th election arrived on Saturday. The Town Clerk's Team sent out 75% of the ballots and the remaining ballots will be sent out this week.

Melisa Danisch commented on the fire that occurred in the Sauce Restaurant owned by the Papadouplos family located on Essex Street. Melissa recognized the Andover Fire Department and the area Towns that provided mutual aid.

Chris Huntress announced that the Department of Community Development and Planning is hosting Art and Place-Making Workshops on October 20th, November 19th and November 30th. They will be looking at ways to enhance public art and place-making to celebrate the history of Andover. More information is available on their website.

Laura Gregory thanked Annie Gilbert and Melissa Danisch for creating the Select Board's scarecrow as part of the Scarecrow Festival and also acknowledged the DEI Commission on their scarecrow, all of which are placed throughout the downtown area.

Annie Gilbert recognized the Andover Coalition for Education on their 10th anniversary of running the Scarecrow Festival. The family event at Old Town Hall on Saturday was attended by 500+ people and very kid-oriented. It was a great kick-off to the next two weeks of the festival.

Alex Vispoli recognized the organizers of Ballardvale Day held this past weekend.

IV. Citizens Petitions and Presentations

Dan Kowalski, 24 Enfield Drive, watched both of the last two meetings on the West El/Shawsheen School Project meetings that included the second round of bids. He asked if the Board could share what the first few bids were. The Town Manager said they should have that information for the meeting on Wednesday, October 19th. Mr. Kowalski encouraged the Board

to have a ballot box vote for additional funding and suggested using the automated phone system to alert residents about the Special Town Meeting.

Mr. Kowalski said the Town Governance Committee did a great job on their study, but appointments by the Select Board did not include their appointments for the Retirement Board and the Town Election Workers. The Charter says that the Board approves by merit and fitness alone which is significantly different than confirmation. Strategies for dealing with the recommendations were great, but they should include all the recommendations they did not make. He supports approving continued use of Open Town Meeting and suggested they consider revisiting it every two years after the improvements are made and that they include dollar amounts in the Warrant for residents to read.

V. Public Hearings

A. Liquor License – All Alcoholic Retail Package Store.

Annie Gilbert recused herself at this time.

Board to consider voting to approve the application of Charnik Lakeside, LLC, d/b/a as Barron's Country Store, located at 429 Lowell St., Andover, MA, to amend its Wine & Malt Alcoholic retail package store liquor license to an All Alcoholic retail package store liquor license. Mr. Charnik was represented by Atty. Mark Johnson. Mr. Charnik is trying to add additional products that customers have been requesting. Austin Simko said the application is complete noting that the State assessed \$1,000 fine and suspended their license for one day for selling tobacco to underaged persons; he knows of no other issues.

The Town Clerk also reported that Andover had reached their seven license quota and were given another license based on population increase from the 2020 Census. There are eight licenses available and have issued seven. If the request is approved we will have hit the quota again. We have legislation pending that will increase the limit which can move fairly quickly now that we were given an adjustment. The next step would be to send a letter to the Committee stating that the Select Board has acted and that we are now up against the quota, there is legislation that has been amended.

Laura Gregory moved to approve the application of Chamik Lakeside, LLC, d/b/a as Barron's Country Store, located at 429 Lowell St., Andover, MA, to amend its Wine & Malt Alcoholic retail package store liquor license to an All Alcoholic retail package store liquor license subject to the condition that all of the requirements of the Town are met prior to issuance. The motion was seconded by Melissa Danisch and voted 4-0 to approve. Annie Gilbert returned to the meeting at this time.

B. Small Cell Wireless Installation (2nd Reading)

Board to review and vote on an application by Cellco Partnership d/b/a Verizon Wireless for the installation of five (5) 4G small cell wireless facilities including one (1) canister style antenna, two (2) remote radio heads, and associated wires, cable, fiber demarcs, A/C converters, diplexers and electric meters attached to existing utility poles located within the public right of way at the following addresses:

ADDRESS	UTILITY POLE #
39 Stinson Road	6821
36 Vine Street	4540

164 Andover Street	4266/39
2 Hansom Road (Pole on Lovejoy Road)	7167/32
59 Dascomb Road	2857, 19/20

Paula Foley, Network Real Estate Consultant from Verizon along with additional Verizon representatives were present to respond to questions from the Board. The application was submitted on July 28, 2022 to the Town. In addition, a group of residents from the Dascomb Road area were present and expressed their concerns about the installation of the poles and small cell installation.

Paula Foley reported that the purpose of the proposed facilitates is to provide improved wireless service capacity and coverage to areas in Andover where Verizon’s engineers have determined service improvements are required. They responded to the five follow-up questions from their previous meeting with the Select Board and provided maps showing distance and closeness of the poles to residences. They also provided an Engineering Necessity Case explained in detail by their engineer.

In response to the question from Chris Huntress on why Verizon is proposing these installations in residential areas. Ms. Foley explained that small cells are much different than cell towers and have only a very limited coverage area; today 68% of people living in wireless households are working and learning from home. Overall, the average home has 22 wireless devices in affluent communities and 80% of 911 calls are from cellphones and is therefore a safety issue.

Sean Conway, Network Engineering Real Estate Program N.E. spoke about the sales map showing full coverage in the area that is put out by their marketing team, but it is not something their engineers use to design their network and are not a guarantee of coverage.

C. Tom Urbelis provided information on legal issues regarding the Federal Telecommunications Act of 1996 (*click on small cell wireless installation above*) (Omnipoint vs City of White Plains) and the issue of a special permit and the Inspector of Buildings opinion. He also spoke about the aesthetics of small cell facilities, changes to the wireless installation facility, and the Massachusetts Replacement Pole Statute and Real Estate Values “Substantial Evidence”. The Federal Communications Act by design is aimed to develop wireless infrastructure by removing local barriers that restrict service providers at every level of State Government.

1) Local government may not ‘unreasonably discriminate’ among providers of functionally equivalent services (The Board approved a small cell applicate by AT&T for 308 Lowell Street in 2020). 2) Take actions that have the effect of prohibiting some of personal wireless services. 3) Limit the placement of wireless facilities on the basis of the environmental effects of radio frequency emissions. Denial must have “substantial evidence” in a written decision.

He also reviewed the Select Board’s Design Rules and Regulations. Per the FCC, a local Board may consider aesthetics requirements for a small cell facility if there are two things in place; the rules have to be reasonable and they must be published in advance. Andover’s Board has done this. One of the requirements is that poles and all equipment must be the same color and finish as surrounding street light or third party poles unless attached to a wooden pole and exposed wires are not permitted. The height of any stand-alone pole, including its antenna, shall not exceed 32 feet or more than 10 percent taller than any other adjacent poles whichever is greater.

Based upon what Verizon signed and said in public, Atty. Urbelis suggested that if there is an approval by the Board he recommends that as a condition of the approval they include that Verizon cannot make any change to the Verizon facility without the approval of the Select Board.

Verizon agreed in its application that there would be no small cell wireless installations on double poles, no installation can be installed on poles which are not ADA compliant, installations shall remain within the Town right of way or on Town property which has not been certified as in use of the annual re-certification affidavit, and no small cell wireless installation equipment shall be replaced or altered without a reapplication, hearing and approval from the Select Board, unless the equipment is no longer properly functioning and it is being replaced with the same or substantially similar equipment.

MLG Chapter 166 Section 22 states no order of the Board shall be required for reviewing real estate values or require a Mass. Licensed Real Estate Appraiser Report. Atty. Urbelis has not found a court case that has held a denial on the basis of real estate values. The third thing missing are the Select Board Rules and Regulations (reasonable and published in advance). There is nothing in Verizon's application in regard to real estate being affected by this propose facility. There needs to be substantial evidence in writing for denial.

Questions /Comments from Board:

Chris Huntress asked about alternative sites for the poles in these 5 locations even if they are minor shifts away from homes and would like to see what the yellow maps would look like with a shift in locations. The pole on 59 Dascomb is in front of an historical structure and should be placed in an alternative site. He also asked if Verizon would be open to a possible extension to explore options. Ms. Foley said they have searched this area extensively and these five poles were shown to be the location that would give them the best service.

Melissa Danisch asked about other existing poles in the Lovejoy Rd. area. She understands the public safety issues, dropped calls and 911 capability being essential. The reply from the Verizon representative was that the poles on Lovejoy Road are of similar height, and the replacement poles they are proposing is the only ones that will work. Melissa said the Board has to look at the policy they are bound to.

Annie Gilbert said there are at least a dozen of these poles on Dascomb Road already and it is unrealistic to think that we are never going to put this kind of hardware in front of houses; technology is coming and people want it. If we want to be a community that has access to the coverage we all want, we are going to have to be open to seeing a number of these gray cannisters. These are not cell towers but poles with additional equipment on them. She does not feel that the poles would reduce real estate value by 25%. We have to see if this measures up to the policy that the Board passed; the proposal fits within the policy we have.

Alex Vispoli has spent a lot of time looking at this request and the poles in the areas mentioned, balancing that out with the most common issue is "what can you do about cellphone coverage".

The Board discussed extending the deadline. Laura Gregory suggested having an attorney present who is an expert in this area to provide guidance. Her concern is that we do not know where we are and suggests a delay in order to get an expert legal opinion on what we can do with our policy. Annie Gilbert is open to hearing from someone who could provide clarification on the issue of the possible effect on real estate values. .

Annie Gilbert moved that the Board continue the hearing to Monday, October 24, 200 at 7:00 PM. Motion seconded by Laura Gregory and voted 5-0 to continue the hearing.

VI. Regular Business

A. [25 mph Speed Limit Opt-In](#)

Board to consider voting to opt-in to Massachusetts General Law Chapter 90, Section 17C, to reduce the statutory speed limit of local jurisdiction roadways town-wide in thickly settled or business districts from 30 miles per hour (MPH) to 25-mph. Chief Keefe reported that it will take at least 3-months to institute this change and communicate and educate residents.

Michael Silverman, proponent of the warrant article, provided background information on the benefits of this change. Debra Cummings, 7 High Street,, asked if we have to go street by street by private petition to pass this. Alex Vispoli said this will be a “town-wide” change.

Chris Huntress moved to opt-in to Massachusetts General Law Chapter 90, Section 17C, to reduce the statutory speed limit of local jurisdiction roadways town-wide in thickly settled or business districts from 30-miles per hour (MPH) to 25 MPH. Motion seconded by Melissa Danisch and voted 5-0 to approve.

B. [Town Governance](#)

Board to discuss and consider voting to accept the Town Governance Study Committee’s recommendation that Andover retain its Open Town Meeting form of government.

In response to Dan Kowalski’s question if a Town Meeting would be required to adopt in-person electronic voting, Atty. Urbelis said that a Town Meeting vote is required to allow us to change the bylaws to adopt in-person electronic voting.

Alex Vispoli said that this has been a culmination of a lot of good work and a lot of effort has gone into this study.

Annie Gilbert is ready to move forward and with suggested reforms. She does not think the rank-choice voting option is appropriate for Andover; a number of public meetings were held and attended by people both virtually and in-person. She shared information on the 12 Massachusetts communities with a council format of government and their council meetings and turnouts. Six of the communities showed at least one or more race being unopposed and there wasn’t a lot of engagement and voter turnout, from places where there was competition in council seats, was also lower. The assumption that there will be greater turnout is an assumption and she is not finding data that bears that out. More importantly, the Town Manager said the Pension Obligation Bond proposal was better having gone through the Town Meeting process. There is not a lot of dissatisfaction with our Town Government; we should look hard at the enhancements that help to improve it.

Laura Gregory agreed that we should maintain what we have and reforms would make it better. This is a good example to take a hard look to see what is working and what isn’t working and tweak it as we go along. For now, the first step is to put some of these reforms in action and improve the process and increase participation.

Melissa Danisch said the Town Charter is not a sacred document and we can change it in the future if we feel it is necessary. She believes that Town Meeting still serves us well as a Town. The reforms should enhance Town Meeting and communication outreach will addresses a lot of the concerns.

Chris Huntress thanked those that came out and encouraged us to continue looking at this process. He has been pleasantly surprised with the results of the study and it has been improved through discussion. This is one of the most important votes the Board will take this year.

Annie Gilbert moved to accept the Town Governance Study Committee’s recommendation that Andover retain its Open Town Meeting form of Government. Motion seconded by Chris Huntress and voted 5-0 to approve.

C. Special Town Meeting Warrant

Melissa Danisch moved to sign the Special Town Meeting Warrant. Motion seconded by Laura Gregory and voted 5-0 to approve.

D. November 8th, 2022 State Election Warrant

Annie Gilbert moved to sign the November 8th, 2022 State Election Warrant. Motion seconded by Melissa Danisch and voted 5-0 to approve.

VII. Consent Agenda

A. Appointments by the Town Manager

Melissa Danisch moved for the Board to vote that the following appointments by the Town Manager be approved. Motion seconded by Chris Huntress and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Department of Public Works	Jose Polanco (Miguel Hernandez)	Equipment Operator I	\$25.87/hr.	10/24/2024
Andover Housing Trust Fund Board of Trustees	Nachele Logan-Clifford	Member	Term Expires June 30, 2025	10/17/2022

VIII. Adjourn

At. 9:31 PM on a motion by Melissa Danisch and seconded by Laura Gregory the Board voted 5-0 to adjourn the meeting of October 17, 2021.

*Respectfully submitted,
Dee DeLorenzo
Recording Secretary*

Select Board Meeting
Monday, November 7, 2022
Lifelong Learning Room at The Robb Center
30 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

The Chair, Alex Vispoli, called the Select Board Meeting of November 7, 2022 to order at 7:01 PM.

Members in attendance: Laura Gregory, Annie Gilbert, Chris Huntress, Melissa Danisch
Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Asst. Town Manager/Town Clerk Austin Simko, 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. Communications/Announcements/Liaison Reports

The Town Manager announced that the Participatory Capital Budgeting Program would once again be available to the public to submit their ideas. The deadline for submissions is December 2, 2022. They have up to \$80,000 available for FY-2023 and individual projects cannot exceed \$10,000. This would be for a one-time expense for municipal purposes. Last year, they received 53 suggestions from the public. More information is available on the Town website.

Mike Lindstrom reported that the Mass DOT has approved Andover's Complete Streets application, which means the Town is now eligible for \$40-60K of technical assistance for grant funding for that program. The public process to develop priorities will be kicked off right after the new year.

Town Clerk Austin Simko said that Election Day is Tuesday, November 9th and Mail-in Early voting ballots must be postmarked by November 8th and received by 5:00 PM on November 12, 2022. Information on polling places is available on the Town's website under the Town Clerk's Office.

Tom Urbelis provided an update on the litigation against opioid manufacturers. A few years ago, they obtained the services of a lawyer in Washington DC to assist with the claims against opioid manufacturers and distributors and have worked with other State Attorney Generals. Recently, they helped with the Johnson & Johnson litigation and with the dealings with the Attorney General's Office; this year the Town has received \$106,000 as part of that settlement for litigation matters for opioid addiction. The Town is now analyzing the best way to use those funds for mitigation. They will also be receiving approximately \$50,000 a year for the years 2023, 2024, and 2025, for a total of over \$250,000 from Johnson & Johnson for opioid mitigation.

Chris Huntress attended the ABC Annual Dinner and Recognition Ceremony this weekend, he said the event was well attended. The ABC program is a national non-profit whose mission is to reduce inequity in education by providing young Black, Indigenous, and People of Color academic and leadership opportunities.

Melissa Danisch said the Planning Board is holding a workshop on the development of the Master Plan on Wednesday, December 9, 2022 at 7:00 PM at Memorial Hall Library. This is an opportunity for residents to share what they would like to see as part of the Master Plan. Additional information is available on the Town Website under The Andover Master Plan 2023. Melissa also reported on the Shawsheen River Planning Group meeting held this past Saturday. Residents are urged to visit the Town website at <https://tinyurl.com/Shawsheen-River> to submit comments on what they would like to see and look at the work that has been done.

Laura Gregory spoke about November being Native American Heritage month that includes the land acknowledgement that has been adopted by the Commission on Diversity, Equity, and Inclusion. They respectfully acknowledged that we collectively gather on the territory of many indigenous peoples who have stewarded this land for hundreds of generations. With gratitude to the Andover Center for History and Culture for their guidance they acknowledge the harmful effect that colonization and violence, systemic and cultural inequities have had on our understanding of Indigenous identity and terminology. Land acknowledgements are a small but essential step towards building a culture of respect, truth and accountability. Andover has been home to the Penacook people as early as 6000 B.C. Memorial Hall Library has put together a great list of books on Native Americans.

IV. Citizens Petitions and Presentations

Joel Blumstein, Chair of West El/Shawsheen Building Committee, said there are still a number of Public in-person and virtual information sessions to be held throughout the month of November relative to the Special Town Meeting Warrant Article for additional funding for the Building Project. The next In-person meeting will be held on Wednesday, November 9th at 10:00 AM in the School Committee Room and a virtual session will be held on Thursday, November 17th. Dates and items are posted on both the Town and School Websites.

Mr. Blumstein also reported that since the October 19, 2022 Quad Board meeting, the project budget deficit has been reduced to \$16.5M due to the continued descopeing work and they expect that the amount will be further reduced.

V. Public Hearings. Annie Gilbert left the meeting at this time.

A. Liquor License – Matchplay Golf & Sports Lounge

Board to review and consider voting to approve the application of MP GOLF LLC, d/b/a Matchplay Golf & Sports Lounge, 209 North Main Street, Suite 60, Andover, MA, for an All-Alcohol Restaurant Alcoholic Beverage License at 209 North Main Street, Suite 60, Andover, MA. Andrew Zappala, 100 Lake Drive, South Hamilton, MA is the proposed designated manager.

Mr. Zappala, Manager distributed a packet of information that included their menu and floor plan. He spoke about the concept MatchPlay, and of the sports/bar/restaurant with the golf simulator aspect with seating for 112 and remaining seats for sports bar and lounge. Hawke Eye would be responsible for staffing and training of staff, alcoholic portion, Hawk Hospitality out of Boston. Full-service kitchen and have worked with the landlord on the parking and the zoning Board approved their application and they are

waiting on their liquor license. Austin Simko said all of their paperwork is in order and there are no questions or concerns.

Chris Huntress asked how many remaining all-alcoholic licenses are available after this request application is issued. Austin Simko said they will have six remaining once this issue license is issued.

Laura Gregory moved to approve the application of MP GOLF LLC, d/b/a Matchplay Golf & Sports Lounge, 209 North Main Street, Suite 60, Andover, for an All-Alcohol Restaurant Alcoholic Beverage License at 209 North Main Street, Suite 60, Andover, with Andrew Zappala, 100 Lake Drive, South Hamilton, MA as the designated manager, subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Melissa Danisch and voted. 4-0-1.

Annie Gilbert returned to the meeting.

VI. Regular Business

A. [Town Governance](#)

Board to discuss and consider voting to accept the Town Governance Study Committee's recommendations on the following recommendations (see list under item B):

Alex Vispoli reported on the process for the Town Governance Study Committee recommendations which include:

- ~Identifying the implementing stakeholders for each recommendation.
- ~Consider Town Manager and Select Board implemented recommendations first.
- ~Consider recommendations requiring Town Meeting approval based on level of complexity: Tier 1 (short-Term) 2023 Annual Town Meeting and Tier 2 (Long-term)-2024 Annual Town Meeting.

Austin Simko reviewed the timeline for the process that included the four items recommended by the Town Governance Committee.

Form of Government:

September 26	Approve Process
October 03	Dedicated opportunity for public input
October 17	Deliberation and vote by Board
December 31	Consider recommendations requiring Board Implementation and Town Manager Implementation.

By January 27, 2023: Consider "tier 1" recommendations that require 2023 Town Meeting Implementation

Summer and Fall 2023: Consider "tier 1" recommendations requiring 2023 Town Meeting Implementation

B. Discussion on the Select Board Implemented Recommendations. ([Town Governance](#))

- ~Prohibit Events on Town & School Property during Town Meeting Sessions.
- ~Share civics information with residents through inserts in excise tax bills.
- ~Require Town Manager to propose long-term, financially sustainable fiscal planning and forecasting be proposed to the Select Board.
- ~Require that the Town Manager or his/her designee periodically report to the Select Board on the state of and improvements to the Town's business process.

- Prohibit events on Town & School property during Town Meeting Sessions.
- Annie Gilbert asked if the School Committee is discussing this on a parallel path as most of the activities during Town Meeting occur on school property? She supports this recommendation and asked if there are any staff concerns. Mr. Flanagan said there could be challenges if there are Special Town meetings. Chris Huntress asked about the Town Library. Mr. Flanagan said they would probably not have special activities at that time but they would not close the library. Laura Gregory said this would eliminate conflicts and hopefully we can coordinate with the schools to get this done as quickly and efficiently as possible.

Chris Huntress moved that the Board endorse the recommendation that, at the times of Town Meeting sessions, competing events not be held on property under the care, custody, and control of the Select Board, and that the Town Manager facilitate a phased-in implementation of this prohibition in 2023 and 2024. Motion seconded by Melissa Danisch and voted 5-0 to approve.

- Share civics information with residents through inserts included in excise tax bills.

John Stumpf, Chair of the Town Governance Study Committee (TGSC) said that the purpose of this recommendation is to get more information to the voters in advance so that they are better prepared when they show up at Town Meeting.

Melissa Danisch moved that the Select Board endorse the recommendation that the most significant municipal information be communicated to residents through enclosures in the excise tax bills in order to improve civic awareness among residents. Motion seconded by Chris Huntress and voted 5- to approve.

- Require Town Manager to present long-term, financially sustainable fiscal planning and forecasting to the Select Board.

The Board discussed the appropriate time to present this information and what would be included in the report. The Town Manager suggested providing a report at the December Triboard Meeting. The decision of the Board was to table this item until their November 21, 2022 meeting.

- Require that the Town Manager or his/her designee periodically report to the Select Board on the state of and improvements to the Town's business process.

Austin Simko explained that this item would have to be worked out and the Board made aware of this so they can be as friendly and as helpful to businesses as they can possibly be. These are the processes used to help Town Businesses.

The Board discussed the proposed wording and asked that it be tightened up a little bit and more specifics be provided. The Board's decision was to hold on this recommendation.

C. [Business, Arts and Culture Update](#)

Ann Ormond, Director of Business, Arts and Culture, provided a presentation on the Business Affairs and Culture for 2022.

Her presentation contained a list of the items that happened during the course of the 2022 year a few of which included the Small Business Advocacy and Assistance, the 375th Committee with First Night, Spring Business Promotion, Downtown Music & Outdoor Dining/Retail, Andover Day, Pop-up Art Gallery, Economic Development and targeted Economic Development visits, Monthly Small Business Meetings, One-on-One meetings with potential new businesses, Parking Lot Project Liaison, and the upcoming Holiday 2022 that will include a 'stroll' on Dec 2nd which they are very excited about.

Ms. Ormond reported that they meet monthly with the small businesses community and there was a lot of enthusiasm from attendees. She has met with five new potential people who are considering opening a business in Andover. The biggest concerns for local businesses is the Work Force Development and Housing.

Events for 2023 will include: "Popopportunities", a "Love the Arts" Artisan Market in February, Andover Art Gallery and Art Walk in May, and a Winter Artisan Market. Andover Day will be held on Sept 23 2023. They will continue with EDC and Targeted Economic Development, and to enhance and Streamline Outdoor Dining and Retail, and Monthly Small Business Meetings. In October they are planning a Pooches, Pizza, Pumpkins, and Pints event and the Shop Local Campaign "Your Andover".

A grant in the amount of \$300,00 has been allotted for the ARPA Small Business Fund to be used for the New Year. Ann also shared the "10 Reasons to Support the Arts". They continue to move forward with the Andover Arts & Cultural Alliance and Andover Cultural Council. and provided a list of items that occurred this past year.

Alex Vispoli asked if they could reinstate a Saturday morning Meet and Greet at Old Town Hall. Ann suggested incorporating it with other happenings. Chris Huntress talked about the things Ann makes happen that people don't see, such as rearranging a paving schedule to help out businesses, thank you. The Board thanked Ann for her presentation.

D. West Elementary / Shawsheen Pre-School Debt Exclusion

Board to vote to accept the report by the Owner's Project Manager and approve the DE-2 submission to the Department of Revenue. Joel Blumstein

The Town Manager said the Board took a vote that should the Town approve the additional funding required for the West El/Shawsheen School at Special Town Meeting, they will not pursue an additional ballot box vote unless required to do so by the Department of Revenue (DOR). Revenue for the project was initially funded by exempt service, but if the DOR deems the additional funding is due to economic conditions, they will not require the town to have a ballot box vote. The Owner's Project Manager, PMA Associates, will need a vote to accept their report detailing the total amount of the budget shortfall, which is \$16,496,784. The amount is down from the approximately \$19M earlier in the process.

This is the report that sets the process in motion along with a letter to be submitted by the Town Manager showing the specific increase in the cost, and the Town is continuing to work through the descopeing. Does it matter to the DOR if the number comes down? Mr. Flanagan said they expect it will come down a little more; they need to let DOR know the actual amount. When asked how much will be funded from free cash, he replied about \$1.3M.

Annie Gilbert moved to accept the report by the Owner’s Project Manager and approve the DE-2 submission to the Department of Revenue. Motion seconded by Laura Gregory and voted 5-0 to approve.

VII. Consent Agenda

A. Appointments by the Select Board

Melissa Danisch moved to approve the appointments by the Select Board as listed in the consent agenda. Motion seconded by Annie Gilbert and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Town Clerk	Linda O’Connell	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Daniela Roubicek	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Marie Holbrook	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Qiong Qiao	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Emily O’Hara	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Caroline Samoluk	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Dora Volpe	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Erin Staudt	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Nancy Husted	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Scott Pace	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Robin Manning	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Lisa Rigoli	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Andrew Smith	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	John Sudol	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Bonita Zahorik	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Ron Rieder	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Amanda Lutsch	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Jennifer O’Neill	Election Worker	\$10.25/hr.	11/7/2022

Town Clerk	Rebecca Kelley-Morgan	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Anne Feeney	Election Worker	\$10.25/hr.	11/7/2022
Town Clerk	Linda D'Andrea	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Traci Connor	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Sarah Atwood	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Diane Riemer	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Richard Lincoln Vogel	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Mary Long	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Dennis Bell	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Janet Arnold	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Frank Lastrina	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Steven Buccieri	Election Worker	\$10.25/hr	11/1/2022
Town Clerk	Christina Banta	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	James Blatchford	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Marilyn Blumsack	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Bobbi Brodie	Election Worker	\$10.25/hr	11/1/2022
Town Clerk	Paula DelDotto	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Patricia Dell-Ross	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Karen Dobbelaar	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Nancy Donahue	Election Worker	\$10.25/hr	11/1/2022
Town Clerk	Ruth Emerton	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Leo Greene	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Deb Hartman	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Amy Janovsky	Election Worker	\$10.25/hr	11/1/2022
Town Clerk	C. William Kettinger, Jr.	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Lisa Lapp	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Betsey Streeter	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Bonnie Streeter	Election Worker	\$10.25/hr	11/1/2022

Town Clerk	George Woodward	Election Worker	\$10.25/hr	11/7/2022
Town Clerk	Susan Yavner	Election Worker	\$10.25/hr	11/7/2022

B. Appointments by the Town Manager

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

Chris Huntress moved to approve the appointments by the Town Manager as listed in the consent agenda. Motion seconded by Melissa Danisch and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Andover Fire Rescue	Sean Davis <i>(Ryan Oteri)</i>	Firefighter	\$62,587.02/yr	12/5/2022
Community Services – Elder Services	Angela Lonergan <i>(Stephanie McSurdy)</i>	Social Day Coordinator	\$54,594.75/yr	11/8/2022
Department of Public Works	Robert Cotter <i>(Nicholas Morasse)</i>	Maintenance Craftsperson	\$28.19/hr	11/8/2022
Community Development and Planning – Building Division	Scott Taft	Alternative Plumbing and Gas Inspector	\$40.00/hr	11/8/2022
Community Development and Planning – Building Division	Keith Osborne	Alternative Plumbing and Gas Inspector	\$40.00/hr	11/8/2022
Community Development and Planning – Building Division	Kevin Scott	Alternative Plumbing and Gas Inspector	\$40.00/hr	11/8/2022
Community Services – Youth Services	Kimberley Kaminsky	Seasonal	\$25.00/hr	10/25/2022
Community Services – Youth Services	Corey Mason	Seasonal	\$25.00/hr	10/25/2022
Community Services – Recreation	Jake Blank	Kid Care	\$15.00/hr	10/24/022
Community Services – Recreation	Jessica Alves	Kid Care	\$14.50/hr	10/24/2022
Community Services – Recreation	Angela Mac	Kid Care	\$14.50/hr	10/24/2022
Andover Cultural Council	Raveena Girdhari	Member	Term Expires 6/30/2025	11/7/2022

VIII. Executive Session

Annie Gilbert moved to go into Executive Session for confidential communications with Town Counsel and pursuant to Purpose 3 to discuss strategy with respect to litigation with opioid distributors and manufacturers, and to vote to approve and not release Executive Session minutes of August 15, 2022, and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town and not to return to open session. The Chair so declared that an Open Session may have a detrimental effect on the litigation position of the Town. Motion seconded by Chris Huntress. Roll call: L. Gregory-Y, A. Gilbert-Y, M. Danisch-Y, C. Huntress-Y, A. Vispoli-Y. Motion passes 5-0.

IX. Adjourn

At 8:21 PM the Select Board adjourned from Regular Session and moved to Executive Session not to return to Regular Session.

Respectfully submitted,
Dee DeLorenzo
Recording Secretary

Select Board Meeting
Monday, November 21, 2022
6:30 PM Executive Session 7:00 PM Regular Meeting
Lifelong Learning Room at The Robb Center
30 Whittier Court, Andover, MA 01810

I. Call to Order – 6:30 P.M.

Chair Alex Vispoli called the meeting of November 21, 2022 to order at 7:07 PM.

Members in attendance: L. Gregory, A. Gilbert, M. Danisch, C. Huntress.

Others in Attendance: Andrew Flanagan, Mike Lindstrom, Austin Simko, Atty. Tom Urbelis.

II. Executive Session

At 6:30 PM on a motion by Melissa Danisch and seconded by Annie Gilbert the Board voted 4-0 to go into executive session for confidential communications with Town Counsel and pursuant to Purpose 3 to discuss strategy with respect to litigations filed by William Fahey, and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town and to return to open session. The Chair so declared. Roll call vote: M. Danisch-Y, A. Gilbert-Y, L. Gregory-Y, A. Vispoli-Y. Motion passes 4-0.

III. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began at 7:00 PM with a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager announced that the Annual Andover Santa Parade will be held on Sunday November 27th at 1:00 PM.

Tom Urbelis spoke about a case relating to short-term rentals (Air BnB) in a single- family residence district that the Building Inspector brought to his attention and who issued a Cease and Desist Order. Under his interpretation of the Town’s zoning by-law, such a rental is prohibited and the owners have appealed to the ZBR who upheld the decision of the Building Inspector. The home-owners filed a lawsuit against the Town in Essex Court and the case was dismissed. Right now, in Andover and relating to the Single-Family Residence District, the decision of the ZBA was not dismissed. ZBA’s decision was not reversed.

Laura Gregory reminded everyone of the Special Town Meeting December 1st at AHS is at 7:00 PM. Babysitting will be available for Special Town Meeting and pre-registration is required.

V. Citizens Petitions and Presentations - None

VI. Public Hearings

A. Liquor License Transfer. Annie Gilbert recused herself at this time.

Board to consider the application of Five Bartlet St., Inc. d/b/a Driscoll’s Package Store, 5 Bartlet Street, Andover, MA, to transfer an Off Premise Retail Package Store All Alcoholic Beverages

License from McGann Associates, Inc. d/b/a Driscoll's Package Store, 5 Bartlet Street, Andover, MA. Kaushal J. Patel, 172 Main Street, Acushnet, MA 02743 is the designated manager. There will be no structural upgrades and once the license is approved they will begin interior alterations. Mr. Patel is TIPS certified. Chris Huntress asked if there are permits or license transfers that go along with a transfer. Austin Simko said the ABC has its' own unique requirements.

Melissa Danisch moved to approve the application of Five Bartlet St., Inc. d/b/a Driscoll's Package Store, 5 Bartlet Street, Andover, MA, to transfer an Off Premise Retail Package Store All Alcoholic Beverages License from McGann Associates, Inc. d/b/a Driscoll's Package Store, 5 Bartlet Street, Andover, MA. To Kaushal J. Patel, 172 Main Street, Acushnet, MA 02743 is the designated manager. Motion seconded by Chris Huntress and voted 4-0-1 to approve. Annie Gilbert abstained. Annie Gilbert returned to the meeting.

B. [Capital Improvement Program FY2024 – 2028](#)

The Town Manager presented his recommended Capital Improvement Program for FY2024-2028. There will be a meeting in December to ask the Board to adopt the CIP. The non-exempt target has been set at 5.72% of revenue since 2015. For the FY 2024 CIP the non-exempt amount is slightly less than the target at 5.48%. The target consists of all of the debt service that has been incurred through past CIP's not including projects that were exempt such as Pension Obligation Bond, School Buildings, and includes new Non-exempt Debt Service and General Fund Revenue. The breakdown of the Funding sources was explained by the Town Manager for a total of \$24,454,254.

General Fund Revenue Projects (Article 5) these items are typically funded by cash as opposed to borrowing \$2,890,000. 82% of this portion of the CIP relates to facilities, Town Projects, Town and School Security Projects, Town Vehicles, School-wide maintenance and building specific improvements, Spring Grove Cemetery, IT I and II, minor sidewalk repair, and Police and Fire requests. School IT is being worked into the school budget. The portal is open for those (public) that want to submit a CIP item for consideration. The Town Manager provided an overview of the Revenue Fund projects.

Certified Free Cash balance is just over \$10M. Projects for use of Free Cash include:

IT-1	Annual Staff Device Refresh	\$456,238
IT-2	Annual Student Device Refresh	\$257,890
POL-1	Police Vehicle Replacement	\$205,000
DPW-1	Minor Sidewalk Repairs	\$250,000
DPW-4	Town Side Walk Program	\$750,000

General Fund Borrowing: Projects include the following: \$4,850,00

DPW-7b	Public Work Vehicles - Large	\$455,000
Facilities 5	Town Parks and Playground Improvements to include	\$625,000
Phase 2 of the Ballardvale Playground and building ADA kayak launch at Mason's Landing to provide access to the Merrimack River (off of River Street).		

Town Playstead-The Park includes the scope of the whole downtown sidewalk improvement project and enhancements to the Playstead.

Facilities 6: Major Town Projects: Major investment of Fire Station in West Andover.	\$900,000
Facilities 7: Town & School Energy Initiatives. Phase I of the Window Replacement at DMS, and conversion of LED lighting at Memorial Hall Library.	\$470,000
Fire I: Replacement of Engine I (Central Station) which is at the end of its useful life but used as a backup.	\$975,000
IT-3 IT Infrastructure	\$300,000
SCH-5 Major School Projects: Includes preparation for replacement of the boiler at AHS and converting the field at Bancroft to turf.	\$1,125,000

Special Dedicated Funds	\$1,455,126
Includes Chapter 90 funds for the State Road Program	
CDP-1 Active Transportation Plan- funded through Ride-share Programs.	\$40,000

Water & Sewer Enterprise Funds	Total:	\$13,360,000
DPW-14 Major Water Main Replacement/Distribution Improvements and major investments to water treatment and distribution systems(WEB)		\$6,000,000
DPW-16 WTP Scada System Upgrades (WEB)		\$2,500,000
DPW-18 Water Treatment GAC Replacement (WEB)		\$560,000
DPW-25 Shawsheen River Sewer Interceptor Improvements (SEB)		\$2,200,000
DPW-30 Inflow/Infiltration Removal program		\$300,000
DPW-34 Lead Service Replacements		\$1,800,000

They are exploring all avenues for funding for lead service replacements. Initially it was in the State's ARPA plan which got pulled back. The Town Manager is recommending they move forward and only borrow what is needed. (\$1,800,000). Major Investments to Water Treatment and Distribution Systems including leveraging the North Reading Water Agreement. The rate increase was to be capped at 2.5% a year over a 10-year period. Year 11 is 2028. The Board adopted a water rate plan in 2019 and the Town Manager suggested we revisit that for long standing upgrades to come and recommended the Board schedule a workshop to discuss this before the budget is set.

Development of 138 and 140 Chandler Road

There are funds to support the design phase and they are waiting for cost estimates for uses that have been discussed. After that point, they can start to put together a financing plan.

VII. Regular Business

A. Trustees of the Punchard Free School

<http://andoverma.gov/DocumentCenter/View/11880/11212022-Trustees-of-the-Punchard-Free-School>

Chairman of the Trustees of the Punchard Free School, Don Schroeder provided a history of Benjamin Hanover Punchard who moved to Andover from Salem in 1826 and was well known

around Town. He died at his home on High Street on April 4, 1850. In his will, he wanted to see education furthered beyond primary school and donated \$50,000; \$10,000 for the structure of a school and \$40,000 for permanent fund for a free school. Another \$20,000 was given to the Town upon the death of Mr. Punchard. At a Special Town Meeting in December of 1850, it was recommended the request be accepted. Five trustees were selected and were to be elected every three years at Town Meeting.

In 1851 the MA Legislation approved the incorporation of the Trustees of the Punchard Free School. In 1853 land was purchased (where Town Offices are now located) for \$2,100. In 1856, A Special Act of the State Legislature permitted Andover to substitute Punchard Free School for the high school required by state law for a town of its size. Punchard was one of the first public schools built; however in 1868 a fire demolished the building. The Town agreed to fund rebuilding the school for \$40,000. It was given to the Trustee's rent free.

In 1901 it was apparent the funds could not support the school. The Trustees voted to transfer the 7 acres of land to the Town. In 1902 Town Meeting voted to establish Punchard High School as a public secondary school. Since 2003 scholarships have been awarded to seniors for over \$218,000 to 229 students. The Trustees accept grant applications from teachers, guidance counselors, and the AHS Principal each spring for projects not in their budget. An annual meeting is held with the High School Principal to review requests. Since 2003, the Trustees have approved 150 grants for \$242,653. The endowment stands at over \$740,000 today after over 170 years of providing benefits to the Town's high school and students. There is a long list of donations. The Board thanked Mr. Schroeder for his presentation.

B. Andover Leadership Academy Update

Director of Community Services, Jemma Lambert provided a presentation to the Board on the Andover Leadership Academy, an interactive learning opportunity for those who live and or work in Andover.

This initiative is designed to enhance stakeholder engagement of town government operations to advance understanding of and participation in civic affairs, increase understanding of challenges facing municipal government and to gain an appreciation of the numerous regulations and rules we have to adhere to. Participants will learn about how government operates, get to know their municipal leaders and develop new connections with their fellow participants. It is an opportunity to put a face on public officials, and increase their level of trust and confidence and become community leaders and advocates.

Jemma shared some statistics from past Leadership Academies which showed the level of trust and confidence increased each year for municipal operations. It is an opportunity for residents to feel better about how their tax dollars are being spent and comfortable with reaching out to local officials. They will be offering two sessions a year; one in the evening once a week for 11 weeks and one during the day for 2 weeks x 5.5 weeks. There is an application process which is on the Town website under the Community Services Department. They will have an eye for diversity wanting everyone to be involved in the program and will be looking to recruit new

employees and will be sending letters out to participants serving on Boards, Committees, and Commissions as well as sending out an electronic postcard to residents.

C. Andover Means Tested Senior Tax Exemption

Board to consider voting to set the exemption amount for the Andover Means Tested Senior Tax Exemption as voted at the 2018 ATM Article 37. The exemption may be up to a 100% match but no less than a 50% match of the amount of the circuit breaker income tax credit that applicants received in the previous year.

Town Assessor, Dave Billard, provided information on this property senior tax exemption passed in 2018 at Town Meeting and recently signed by the Governor to extend the exemption through 2027. He reviewed the qualifications for applicants.

Requirements: The applicant or joint owner must have owned an Andover property as their domicile for the last ten years. The applicant needed to be age 65 by December 2021 and if jointly owned, the joint owner must have been at least 60 by December 2021. Applicants needed to have filed a 2021 Mass State Income Tax Return and received the Mass State Income Tax Circuit Breaker Tax Credit. The income limitation required to qualify is \$74,000.

The exemption granted in Andover on the real estate tax would be equal to a minimum of 50% to a maximum of 100% of the MA Circuit Breaker Income Tax Credit the applicant earned on their Mass Income Tax filing. Annually, the Select Board will vote on the percentage of the Senior tax Exemption. The exemption is funded by an increase in the residential tax rate for the fiscal year to offset the exact amount that is exempted.

Mr. Billard reviewed the estimated impact of this exemption which would increase the residential tax rate by .01%. Assuming a residential value of 860,000 a full 100% exemption would add \$8.60 in additional tax to fund this exemption; adding about 1% to residential taxes. There were 149 applicants who qualified in 2020; today there are 104 applicants.

Motion: Annie Gilbert move to establish the Andover Means Tested Senior Tax Exemption for FY2023 to be 100 % of the Massachusetts Income Tax Circuit Breaker tax credit earned on their 2021 tax filing. Motion seconded by Laura Gregory. Motion voted 5-0 to approve.

D. Town Governance

Board to discuss and consider voting to accept the Town Governance Study Committee's recommendations on the following recommendations:

- Share civics information with residents through inserts included in Town mailings. The decision was that the most effective means would be the Vehicle Excise Tax Bills.
Content: Information that informs residents about the most critical engagement opportunities and is a requirement of State Law.

Chris Huntress moved that the Board authorize the Town Manager to include in vehicle excise tax bill mailings information about Town Meeting, Town Elections, Town Boards, committees,

and commissions, etc. with the understanding that such information will inform residents of engagement opportunities and will not principally advocate for or against particular policy matters. Motion seconded by Annie Gilbert and voted 5-0 to approve.

- Require Town Manager to present long-term, financially sustainable fiscal planning and forecasting to the Select Board.

The Town Manager suggested the December Triboard would be the suitable opportunity but also suggested how they could segue earlier in the year (September) prior to the release of the CIP with a kickoff to talk about the mechanics of the plan which would benefit everyone.

Melissa Danisch moved that the Board endorse the recommendation that the Town Manager or his or her designee present long-term, financially sustainable fiscal planning and forecasting to the Select Board by providing the Board with an overview of the mechanics of the Town's long range financial plan and with an update on major projects and, or initiatives that are anticipated to have short or long-term financial impacts. This recommendation shall be met by scheduling the Town Manager's presentation annually at a regularly scheduled meeting in September. Motion seconded by Chris Huntress and voted 5-0 to approve.

- Require that the Town Manager or his/her designee periodically report to the Select Board on the state of and improvements to the Town's business processes and how we support businesses.

Financial forecasting at least once every two years that this kind of report would be given by the Town Manager or their designee. Include the Economic Development Committee (EDC) in this process. The target date for the first report after the Annual Town Meeting.

- For the Town Manager to present long-term financial stability, fiscal planning and forecasting to the Select Board.
- Require that the Town Manager or his/her designee periodically report to the Select Board on the state of and improvements of the Town's business processes.

Annie Gilbert moved that the Board endorse the recommendation that the Town Manager or his/her designee periodically report to the Select Board, not less than once every two years on the state of improvements to the Town's practices that support Andover's businesses, including practices related to licensing, permitting, infrastructure improvements, and education, outreach to businesses. The Town Manager shall also provide any relevant updates about projects that may impact the economic development priorities of the Town. The motion was amended to include that the target for the first report be after the Annual Town Meeting. Motion seconded by Chris Huntress and voted 5-0 to approve.

VIII. Public Hearings

A. Fiscal Year 2023 Tax Classification – First Reading

Board to discuss classification and taxation of all property in Town. Start of the process to set the Tax rate for FY2023. Dave Ballard provided information on the four votes needed to be taken by the Select Board.

1. Vote of Residential factor
2. Vote of open space discount
3. Vote of residential exemption
4. Vote of commercial exemption

A value comparison for Residential, Open Space, Commercial, industrial and Personal Property from last year to this year was explained by Mr. Ballard.

	FY-23 value	% of Change
Residential	\$9,069,491,168	+13.7%
Open Space	none	
Commercial	\$680,896,666	+8.8%
Industrial	\$827,792,800	+13.9%
Personal Property	\$354,008,940	+11%

He explained how the levy would be split for the residential factor. Levy's by value chart shows different rates that would be realized for 2023. For every 15% increase in the commercial rate, residential rate increases by 3.2%. The maximum amount the Town of Andover can shift is up to the 175 Factor. His presentation included FY-2022 Average Tax Comparisons for the three categories, residential, commercial and industrial and reported on the value shifts for the last level of shifts that can be obtained. The chart shows values of 169 through the maximum shift of 175. Last year, there was a sharp increase in just the residential value, this year it is more uniform.

Total value of the Town	\$10,932,189,574
Total levy amount	\$174,769,722
Levy/value x 1,000=\$15.99 tax rate	

The 171 Shift would be the most uniform tax increase for Residential, Commercial and Industrial. The maximum amount the Town of Andover can shift is up to the 175. The Board discussed the effects of the various shifts.

The Board will review the information and vote on the shift rate based on the budget adopted at the prior Town Meeting at their next meeting.

IX. Consent Agenda

A. Appointments by the Town Manager

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

Annie Gilbert moved to approve the appointments by the Town Manager as listed in the Consent Agenda. The motion was seconded by Chris Huntress and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Andover Police Department	Enid DeCastro <i>(Sophie Robbins)</i>	Office Assistant III	\$56,496.30	11/28/2022

Community Services – Recreation	Linda D’Andrea	Part-Time Office Assistant II	\$26.73/hr	11/21/2022
Community Services – Youth Services	Valeria Cauia	Building Assistant	\$15.00/hr	11/7/2022
Community Services - Recreation	Kerry Larney	Kid Care	\$20.50/hr	11/14/2022
Community Services - Recreation	Jackie Pepper	Kid Care	\$14.50/hr	11/14/2022
Community Services - Recreation	Alexandria Macaуда	Kid Care	\$14.50/hr	11/14/2022
Master Plan Steering Committee	Prashant Navkal	Member	6/30/2024	11/21/2022

X. 2023 Select Board Meetings

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

January 9, 2023, January 23, 2023
February 13, 2023, February 27, 2023
March 13, 2023, March 27, 2023
April 10, 2023, April 24, 2023

Melissa Danisch moved to accept the Select Board meeting dates as printed in the agenda. (Includes changing January 27,2023 to January 23, 2023). Motion seconded by Annie Gilbert and voted 5-0 to approve.

XI. Executive Session

Annie Gilbert moved that the Board go into executive session for confidential communications with Town Counsel and pursuant to Purpose 3 to discuss strategy with respect to potential litigation with the Department of Environmental Protection and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town, and to approve and not release executive session minutes of August 15, 2022 and November 7, 2022, and not to return to open session. Motion seconded by Melissa Danisch. The Chair so declared that an open session may have a detrimental effect on the litigation position of the Town.

Roll call: M. Danisch-Y, C. Huntress-Y, A. Gilbert-Y, L. Gregory-Y, and A. Vispoli-Y. Motion passes 5-0.

XII. Adjourn

The Select Board adjourned from the Regular Session at 9:20 PM

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Select Board Meeting
Monday, December 5, 2022
Wood Hill Middle School Auditorium
11 Cross Street, Andover, MA 01810

I. Call to Order – 7:00 P.M.

The Select Board Chair, Alex Vispoli, called the meeting to order at 7:00 PM

Members in Attendance: Laura Gregory, Annie Gilbert, Melissa Danisch.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager, Mike Lindstrom, Asst. Town Manager/Town Clerk Austin Simko, 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.

Alex Vispoli introduced Pam Lathrop, Principal of High Plain Elementary School. Principal Lathrop is proud of the fact that High Plain Elementary and Wood Hill Middle is the Town's first one-campus school that is a unique part of Andover (West Elementary/Shawsheen Preschool soon to be the second). The student population is very diverse with over 530 students on the elementary side and 325 students on the middle school side with 26 different languages spoken. It is a very large campus.

Ms. Lathrop spoke about the several productive meetings they had with Janet Nicosia, Director of Facilities, on the needs of the schools. This year they are building a new and very large playground and will invite the Select Board to the grand opening when it is completed. In addition to the playground, the Facilities Maintenance Department worked on various projects around the school complex all of which could not have been done without the support of the Town and the Director of Facilities, Janet Nicosia. High Plain Elementary /Wood Hill Middle School is celebrating their 20th year.

III. Communications/Announcements/Liaison Reports

The Town Manager announced that a Triboard Meeting will be held on Wednesday, December 7th at 7:00 PM at Memorial Hall Library where he will be providing a very preliminary over-view of the FY-24 budget, the CIP and some of the major items on the horizon. In addition, they are very excited to welcome back Holiday Happenings this Friday. The roads will shut down around 3:30 and festivities will start at 4:00 PM with fireworks at 8:00 PM.

Austin Simko thanked all the residents who came out to the Special Town Meeting last week, specifically all of the election workers who helped check-in voters, counted standing votes, checked voting stickers, in addition to their assistance at the Special Town Meeting, the 2022 Annual Town Meeting, September Primary and the November Election.

Melissa Danisch and Laura Gregory commented on how festive the Downtown area looks as they prepare for Holiday Happenings and making the town light up.

Laura Gregory shared that the Sustainability Coordinator is running the first of several meetings on the Climate Action and Sustainability Plan on December 12th at 7:00 PM. It will be a Zoom meeting and registration is required and available on the Sustainability page on the Town website.

Annie Gilbert recognized Ann Ormand and her team and all of the volunteers who helped make this past weekend's Holiday Stroll such a success. All the businesses stayed open late Friday night offering all kinds of specials.

IV. Citizens Petitions and Presentations - None

V. Public Hearings

A. Fiscal Year 2023 Tax Classification (2nd Reading) - rescheduled

Annie Gilbert moved to continue the Public Hearing for the Fiscal Year 2023 Tax Classification to Monday, December 12, 2022. Motion seconded by Melissa Danisch and voted 4-0 to approve.

Mr. Billard explained that they are looking for the classification that would be the most equal across the three classifications (residential, industrial, commercial). The Select Board will be voting on the Residential Factor, Open Space Discount, Residential Exemption, and the Commercial Exemption. From Fiscal Year 22-23, residential properties changed from \$7.9B to a little over \$9B; which is a 13.7% change.

The aggregate taxable value of the Town went from 9.6 to \$10.9 billion. As the categories increase, the relative change that they have with one another is something that is a key component of the classification issue. The 2023 increase will be the largest increase since 2017. The total value of the Town is \$10,932,189,574. The total levy amount is \$174,769,722. The Levy/Value X 1,000=\$15.99 tax rate.

Dividing the Town value into classes yields:

Residential	\$9,069,41,168 or 83%
Commercial	\$680,896,666 or 6.2%
Open Space	0%
Industrial yields	\$827,792,800 or 7.6%
Personal Property:	\$354,008,940 or 32%

The FY2022 Tax Comparison for the Avg. Single Family Residence showed the following:

Avg Single Family Residence Tax	\$ 11,075
Avg Commercial Tax	\$ 70,070
Avg Industrial	\$ 149,933

The presentation provided a comparison of the what the average tax rate would look like for all categories using shifts from 169 through 174 for FY-2023. The Board looks for the most uniform shift across the three categories; Residential, Commercial, and Industrial.

The factor of 171.0 creates the most uniform tax increase:

Avg. single Residence	5.9%	\$11,733
Avg. Commercial rate	1.0%	\$70,768
Avg Industrial rate	6.2%	\$159,241

The Board will vote on the FY-2023 Tax valuation shift at their next meeting on Monday, December 21, 2022.

Annie Gilbert moved to continue the FY-2023 Tax Classification Public Hearing to Monday, December 21, 2022 at 7:00 P.M. Motion seconded by Melissa Danisch and voted 4-0 to approve.

VI. Regular Business

A. Liquor License – Pledge of License and Inventory. Annie Gilbert recused herself. Austin Simko explained to the Board that they are being asked to approve the pledge for the Off Premise Retail Package Store All Alcoholic Beverages License held by McGann Associates, Inc. d/b/a Driscoll’s Package Store, 5 Bartlet Street, Andover, MA, a Pledge of License and Inventory to Rockland Trust Company. This does not impact on the Board’s ability to enforce all of the issues should there be a problem. Whoever is the holder of the license would be accountable to the Board for compliance with their regulations.

Laura Gregory moved that the Board approve a Pledge of License and Inventory to Rockland Trust Company in connection with the approved application of Five Bartlet St., Inc. d/b/a Driscoll’s Package Store, 5 Bartlet Street, Andover, MA, to transfer an Off Premise Retail Package Store All Alcoholic Beverages License from McGann Associates, Inc. d/b/a Driscoll’s Package Store, 5 Bartlet Street, Andover, MA. Motion seconded by Melissa Danisch and voted 3-0-1 to approve. Annie Gilbert returned to the meeting.

B. Andover Community Power

Mike Lindstrom provided an update on Andover Community Power which is a program offered by the Town of Andover to provide residents and businesses more electricity supply options by pooling the electricity use of thousands of users in Andover and allowing the Town to negotiate with competing electricity suppliers on their behalf. The program is a Town-vetted alternative to National Grid’s default supply and other third-party electricity suppliers. The goal is to bring rate stability, more local renewable energy, and potential cost savings to Andover residents. The delivery of electricity will always be with National Grid.

Mr. Lindstrom reported on the choices that will be offered by Andover Community Power that include

1. The Andover Standard (default product) which will include 15% more renewable electricity from Mass Class I Rec’s than required by the Commonwealth.
2. The Andover Plus product that will include 50% more renewable electricity from MA Class I Recs than the Commonwealth.

3. The Andover Ultimate choice will include renewable electricity from MA Class I REC's equal to 100% of the customer's electricity consumption, in addition to meeting all renewable energy requirements.

4. Andover Basic meets all Massachusetts renewable energy requirements. There is no additional renewable energy content beyond what is required by law.

Town Meeting approved pursuing Municipal Aggregation in September 2020 after which a Design Team was convened to work with the consultant and Town Staff to develop a draft Aggregation Plan from November 2020-April 2021. The Select Board endorsed the plan in June of 2021 which was submitted to the Department of Public Utilities (DPU) in July of 2021; the DPU issued their first information request on the plan in June of 2022. Currently, Andover is still waiting for final approval from the DPU. Mr. Lindstrom is hopeful that we will be in the next batch to be approved by the end of this year. If we are approved, a decision would have to be made on when we would want to start the project and begin the public education process.

VII. Consent Agenda

A. Appointments by the Town Manager

Melissa Danisch moved to approve the appointments by the Town Manager as listed in the consent agenda. Motion seconded by Annie Gilbert and voted 4-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Community Services – Recreation	Kiernan Hopkins	Programmer	\$58,505.25/yr.	12/12/2022
Facilities	Corey Colbert (<i>Artur Miranda</i>)	Part-Time Security Guard	\$23.36/hr.	12/10/2022
Community Services – Recreation	Steven Mercurio	Seasonal	\$14.25/hr.	12/10/2022

VIII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. October 19, 2022 Quad Board Minutes

On a motion by Annie Gilbert and seconded by Melissa Danisch, the Select Board voted 3-0-1 to approve the Quad Board Meeting Minutes of the October 19, 2022 as submitted. Laura Gregory abstained.

IX. Adjourn

On a motion by Annie Gilbert and seconded by Melissa Danisch the Select Board moved to adjourn the meeting of December 5, 2022.

Respectfully submitted,
Dee DeLorenzo
 Recording Secretary
 12/5/2022

Triboard Meeting
Select Board - Finance Committee – School Committee
Wednesday, December 7, 2022
Memorial Hall, Memorial Hall Library
2 North Main Street, Andover, MA 01810

I. Call to Order

Select Board Chair, Alex Vispoli called the Triboard Meeting to order at 7:00 PM in the Memorial Hall in Memorial Hall Library. Present from the Select Board: Alex Vispoli, Laura Gregory, Melissa Danisch and Annie Gilbert.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Town Counsel Tom Urbelis and Director of Finance Donna Walsh, Superintendent of Schools, Dr. Magda Parvey.

School Committee Chair Susan McCready opened the School Committee. Members present: Vice Chair Tracey Spruce, Lauren Conoscenti, Sandis Wright, Emily DiCesaro. Others in attendance Superintendent Parvey and Asst. Superintendent for Finance and Administration Keith Taverna.

Finance Committee Chair Kevin O’Handley called the Finance Committee to order. Members present from the Finance Committee: Andy McBrien, Ken Russo, Paul McKay, Kim Perry, John Barry and Vice Chair Paul Colby-Clements.

II. Opening Ceremonies/Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag in observance of the 81st anniversary of the attack on Pearl Harbor and those whose lives were lost.

III. Presentation by the Town Manger

The Town Manager will be presenting the Recommended Capital Improvement Program and Preliminary overview of the FY-2024 budget, projects on the horizon, the associated tax impact of the current fiscal year and how it relates to the projection for next year.

Preliminary FY-24 Budget Assumptions: The Dept of Revenue has certified our new growth number and free cash balance; we now have the basis for the tax levy in which to build the budget. The next milestone that will influence Andover’s budget will be the State and Governor’s budget/local aid for Andover. The Town Manager reviewed the revenue sources, assumptions and projections that make up the budget.

Review of the adjusted 10-year average showed a spike in personal property growth due to the infrastructure repairs and replacement from the gas disaster that had to be completed within a six-week time period.

Excess Levy Capacity: (amount of money between the levy limit and actual amount raised by taxation). Since 2016, Andover has maintained \$300,000 in excess levy per vote of the Select Board. Mr. Flanagan explained the effect of the Town Meeting vote for the Pension Obligation Bond, the West Elementary/Shawsheen School Building Project, and residual debt service for Bancroft School that makes up the majority of the Exempt Debt Schedule of \$11,313,463 projected for 2024; a difference of +\$2,656,551 over FY-2023.

Projected Revenue Assumptions for 2024:

Prior Year Levy Limit:	\$169,062,036	
2.5% Increase for unrestricted aid	\$ 4,226,551	prior year levy limit plus 2.5%
New Growth	\$ 1,931,442	adjusted 10-year average
Unused Excess Levy Capacity	\$ (300,000)	Select Board Policy
Reserved Unused Excess Levy Capacity	\$ (2,326,399)	per POB Exempt Schedule
Exempt Debt Service	\$ 11,313,463	Exempt Debt Schedule
State Aid:	\$ 15,157,237*	*Chapter 70

(State assistance for School District) has been level-funded and will be adjusted once the new Governor releases her budget.

Local Receipts \$11,955,278*

*Trend analysis on accounts made up of 24 different categories and tested by the Dept of Revenue. They have taken a conservative approach in building this back from pre-Covid estimates.

Local Option Taxes: Cities and Towns were given the option to tax meals and lodging.

Expense Assumptions recommended for 2024:

\$ 99,600,924	School Department: Anticipating a 3.75% increase over FY-2023.
\$ 47,735,193	Town Departments: projected increase of \$2.75% inclusive of the technology transfer from the School Department into the Town Operating Budget.
\$ 23,034,094	Health Insurance: Expecting a net increase of 3.74% and a 5% increase from the bottom-line offsetting savings from the OPEB Reform Plan. In 2017, an agreement was reached with new hires to contribute to their health plan. The savings is now over \$1M on an annual basis.
\$25,503,634	Retirement: 13.29% increase includes Debt Service on funds borrowed. A portion of unfunded liability is intentionally left there at the recommendation of the Debt Service Committee.
\$15,717,717	Water & Sewer Enterprise Fund operates under MGL as an Enterprise Fund. Costs associated with water treatment and distribution are funded by water rates.
\$2,890,000	Capital Projects Fund Article 5: Portion of CIP funded by cash.
\$2,172,531	Offset Expenditures: ie. Ambulance fees, recreation fees, etc.

Major Budget Drivers:

Increases in the cost of energy, fuel, road salt, costs of goods and materials, public safety personnel and contractual agreements. There will be a disproportional growth in the budget due to the impact of the economic increases.

Public Safety Personnel: One of the goals of the Select Board has been to review the Public

Safety personnel and make recommendations in Police and Fire staffing levels. Andover has grown significantly since the staffing levels in police and fire were last reviewed.

Contractual obligations: Negotiating contracts with personnel.

Tax Impacts:

The Select Board will be voting on the tax rate next week. Should they decide to approve the 171 shift (the most uniform rate across three categories, residential, commercial and industrial) the total FY-2023 average single-family residential tax bill is projected to be \$11,733 an increase of 5.9%. For FY-2024, the average single-family residential tax bill is estimated to be \$12,404, an increase of 5.7%.

Capital Improvement Program (CIP):

The Non-exempt target has been set at 5.72% of revenue. The FY-2024 CIP is slightly less than the target set at 5.48% which is important if there is an increase in future capacity. The Total CIP is \$25,454,254 and includes:

General Fund Revenue	\$2,890,000
General Fund Borrowing	\$4,850,000
Use of Free Cash	\$1,919,128
Special Dedicated Funds	\$1,435,126
Water & Sewer Enterprise Funds	<u>\$13,360,000</u>
	\$25,454,254

Revenue sources

General Fund Revenue (Article 5)

General Fund Borrowing: Projects/acquisitions or studies

Facilities I – Repairs to buildings across the Town

Facilities II - Mechanical and Street Light Repair Program

Facilities III – Town and School Security

School I & II – Similar to Facilities 1 and 2 -applies to all the schools in the district.

School II is specific to buildings. This year the funds will be targeted for improvements to AHS to keep the building functioning well and classroom renovations at Doherty Middle School and Sanborn Elementary.

Recurring: General Fund Revenue Projects: \$2,890,000.

Annual requests by Town Departments including \$20,000 for Participatory Capital Budgeting Projects.

General Fund Revenue

Free Cash: \$1,919,128. IT 1 and IT II will both be funded through Free Cash.

Does not include the overage for the West Elem/Shawsheen School Project.

Police I Police Vehicle Replacement and the entire Sidewalk Improvement Program.
(Minor sidewalk and the actual Town sidewalk program)

General Fund Borrowing: \$4,850,000

Public Works large vehicles, Town Park and Playstead – Playground Improvements (Ballardvale Playground – basketball courts), ADA Kayak launch at Nason’s Landing on the Shawsheen River and Phase I and II of the Playstead Improvements for connectivity to downtown and the ability to walk through the complex.

Facility 6	Major Town Projects: Major investment in the West Andover Fire Station.	
Facility 7	Town & School Energy Initiatives	
	Windows and Doors at DMS – Phase I	
	Memorial Hall Library - LED lighting	
	Replacement of Engine I (Central Station)	
School 5	Major School Projects – AHS Temporary Boiler and converting Bancroft field to turf and WMS masonry improvements. \	
Special Dedicated Funds:		<u>\$1,435,126</u>
	DPW-1 Annual Road Maintenance	\$1,395,126
	CDP-1 Revenue from Ride-share programs	\$ 40,000
Enterprise Funds:	\$13,360,000	
Projects:	Water Treatment Main Replacement, Scada System Upgrades, GAC Replacement, Shawsheen River Sewer Interceptor Improvements, Inflow/Infiltration Program, and Lead Service Replacements.	

On the Horizon – Projects not currently included in the CIP.

AHS Building Committee is meeting regularly and the Town Manager expects there will be a proposal within the next few months.

Development of 138 & 140 Chandler Road (Park Facility) – potential recreational uses for that site and the next phase will be based on what they heard from residents for possible uses. Next phase will be to release a preferred concept based on what they heard and then put numbers to a plan and discuss a strategy. They have the funds to do the design but not for construction.

Major investments to water treatment and distribution systems: They have a long and successful history of investing in the plant and have made major leaps in terms of distribution and addressing the source of discolored water by replacing much of the unlined cast iron water mains in Town. They expect to bring a recommendation to the Board that will be based on leveraging the agreement with North Reading because year 11 is a critical year for Andover for the future of the system. They expect to bring a rate recommendation to the Board in the near future.

Questions:

What is the thought process for using General Fund borrowing for vehicles and Free Cash, and how do you decide year-to-year what the funding source will be? Response: *The Town Manager said the determination is made more on useful life off the asset than the costs. Why are police vehicles bought with Free Cash? Response: The amount they invest in police cruisers every year is more fixed and predictable. We can set expectations for future years.*

What is the current debt that we are financing? Has Andover discussed what our current debt is that we are financing and what is the prudent level of debt that we are comfortable to take on to achieve some of the on-horizon aspects? Response: *We have discussions with our rating agencies and looked at how much of our debt we will be retiring, what portion of debt is exempt and has a dedicated funding source. What our overall debt profile is considered for our rating;*

we have been smart on how we retire our debt. AHS would be an exempt project and could not be funded through the levy. They will have to be creative for the Park Property – i.e. raising revenue through usage and non-taxpaying items to help with the costs. They will have to look at alternative approaches.

Regarding the 5.72% target for non-exempt borrowing, you have said there is nothing magic about that number and this year we are below that at 5.48% to add some additional capacity. Is there a larger level plan for the future about where we want that number to be in terms of continuing to add capacity if necessary? Response: *This is the second year that we have been below the 5.72% that provides us the flexibility in the future to borrow money or reduce the target. What happens is what you invest today ties you up in the future. The most aggressive target he has seen in a municipality has been about 7%.*

What is the logic behind the rankings of projects. Response: *They walk through the department competing needs and work with the department heads.*

Regarding the Police and Public Safety staffing recommendations is the amount built into the 2024 budget? Response: – *Yes it is built into the 2.78% increase.*

Annie Gilbert complimented the Town on the new feature in the CIP Book that shows funding requested in a priority ranking, the projected amount and what was actually appropriated.

Adjourn:

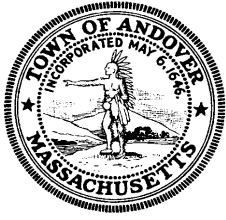
On a motion by Annie Gilbert and seconded by Melissa Danisch the Select Board voted 5-0 to adjourn from the Triboard Meeting. Roll call: A. Vispoli-Y, A. Gilbert-Y, L. Gregory-Y, M. Danisch, C. Huntress-Y. Motion passes 5-0.

On a motion by Tracey Spruce and seconded by Lauren Conoscenti, the Andover School Committee voted 5-0 to adjourn. Roll call: T. Spruce-Y, S. Wright-Y, E. DiCesaro-Y, L. Conoscenti-Y, Susan McCready-Y. Motion passes 5-0.

On a motion by Mr. O’Handley and seconded by Paula Colby-Clements, the Finance Committee voted 7-0 to adjourn. Roll call: K. O’Handley-Y, Andy McBrien-Y, Ken Russo-Y, Paul McKay-Y, Kim Pere-Y, John Barry-Y, and Vice Chair Paul Colby-Clements-Y.

The Triboard Meeting adjourned at 8:52 pm

Respectfully submitted,
Dee DeLorenzo
Recording Secretary



Select Board Meeting

Monday, December 12, 2022 7:00 PM
Henry C. Sanborn Elementary School Library
90 Lovejoy Road, Andover, MA 01810

I. Call to Order – 7:00 P.M.

The Chair, Alex Vispoli called the meeting of December 12, 2022 to order at 7:00 PM.
Members in Attendance: Vice Chair L. Gregory, Clerk A. Gilbert, C. Huntress, and M. Danisch.

Others in Attendance. Town Manager, Deputy Town Manager – Asst Town Manager/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.

The Chair introduced Sanborn School Principal Carolyn Fawcett who welcomed the Select Board to Sanborn School which is 60-years old and which has the smallest school population and smallest building in size but they have a very diverse population with over 30 different languages.

III. Communications/Announcements/Liaison Reports

The Town Manager reported that they have signed an initial legislature agreement with DEP for the Ledge Road Landfill. They will schedule a public meeting to discuss next steps at the next meeting to discuss the capping process.

Austin Simko announced that dog licensing season is now underway and they have moved the registration process on-line; dogs can still be licensed using the paper registration.

Alex Vispoli thanked everyone who participated in putting together Holiday Happenings on Friday night – it was a great night and well attended.

IV. Citizens Petitions and Presentations

Ellen Townson, Greenwood Road, Andover, spoke about the Food Insecurity Project that she has been working on for the Town of Andover. There are 3,193 residents that fall within the food insecurity numbers with the majority being children (19.6%) The information comes from the Dept of Transitional Assistance. Ellen works with a Food Insecurity Regional Task Force made up of community members from Andover, North Andover, Lawrence, Methuen, and Haverhill. Through the Essex County Community Foundation, they were able to apply for a grant to do a study to identify all the areas in town and looking at what kind of programming is needed. There is a Snap gap of 43% so not all residents who qualify are using these benefits. There are 30 languages spoken at home in Andover so interpreters are used to reach families who need benefits and to learn how to sign up for it. A food pantry has opened outside of the Ballardvale United Church on Clark Road.

Everyone is welcome to help themselves to whatever they need at any time. You can drop off or pick-up at any-time. Information is available at the Robb Center or by contacting Ellen by email at ellenmtownson@gmail.com or her cell: 978-954-7302.

V. Public Hearings

A. [Fiscal Year 2023 Tax Classification \(3rd Reading\)](#)

Board to discuss and consider voting classification and taxation of all property in Town.

Chair Vispoli explained that this is an exercise the Board goes through every year to apply the classifications to Industrial, Commercial and Residential properties based on the budget approved at the spring Town Meeting before the tax bills can go out.

The Board is required to vote on four items: Residential Factor, Open Space Discount, move to not adopt a residential exemption, and to adopt a Commercial Exemption. Open Space is land not otherwise classified and land which is maintained in an open and natural condition which contributes significantly to the benefit an enjoyment of the public.

Mr. Billard provided a review of the information for the Board including a comparison of the shifts and how they affect the Average Single-Family Residence, Average Commercial and Average Industrial rates. The 171 shift was adopted in 2022; and seems to be the most uniform for all categories.

Chair Vispoli noted that the average tax increase has moved up by 3.6% (5.7%). This year it is significantly higher because the debt exclusion impact due to the West El/Shawsheen School Building Project and the Pension Obligation Bond. The Board's policy is to keep the increase as uniform as possible across the classifications, which would be the 171 Factor.

Annie Gilbert moved to adopt a residential factor of 85.4314 for FY-2023 (Shift of 171) FY2023. Motion seconded by Laura Gregory and voted 5-0 to approve.

Chris Huntress moved to not adopt an Open Space discount for FY-2023. Motion seconded b Melissa Danisch and voted 5-0 to approve not to adopt.

Annie Gilbert moved to not adopt a residential exemption for FY2023. Motion seconded by Chris Huntress and voted 5-0 to approve to not adopt.

Melissa Danisch moved to not adopt a commercial exemption for FY-2023. Motion seconded by Annie Gilbert and voted 5-0 to not adopt.

The Board thanked Mr. Billard for his presentation.

B. [Capital Improvement Program FY2024 – 2028 \(2nd Reading\)](#)

Select Board to vote on the Town Manager's recommended Capital Improvement Program.

The Town Manager is asking the Board to approve and accept the CIP Plan in the total amount of \$24,454,254. Mr. Flanagan explained the CIP Program in detail at the December 5, 2022 Select Board meeting. The non-exempt target has been set at 5.72% of revenue. A quick overview included:

Total of the Capital Improvement Program: \$24,454,254

Total Funding sources:

General Fund Revenue	\$2,890,000
General Fund Borrowing	\$4,850,000
Use of Free Cash	\$1,919,128
Special Dedicated Funds	\$1,435,126
Water & Sewer Enterprise Funds	\$3,360,000

Free Cash: \$1,919,128

IT-1	Annual Staff Device Refresh	\$ 456,238
IT-2	Annual Student Device Refresh	\$ 257,890
POL-1	Police Vehicle Replacement	\$ 205,000
DPW-2	Minor Sidewalk Repairs	\$ 2350,000
DPW-4	Town Sidewalk Program	\$ 750,000

General Fund Borrowing: Capital Improvements: \$4,850,000

DPW-7b	Public Works Vehicles Large	\$. 455,000
FAC-5	Town Parks/Playground Imp.	\$. 625,000
FAC-6	Major Town Projects	\$ 900,000
FAC-7	Town/School Energy Initiatives	\$. 470,000
FR-1	Fire Rescue Vehicles-Engine I	\$ 975,000
IT-3	IT Infrastructure	\$. 300,000
SCH-5	Major School Projects	\$ 1,125,000
	WMS Exterior Improvements	
	Replacement of Bancroft Field to Turf	

Special Dedicated Funds: \$. 1,435,126

DPW-1	Annual Road Maintenance	\$1,395,126
CDP-1	Active Transportation Plan	\$ 40,000

Water & Sewer Enterprise Funds: \$13,360,000

Includes all capital projects funded through water rates.

This will be part of the larger rate plan that the Town Manager will be presenting to the Board in 2023.

DPW-14	Major Water Main Replacement (WEB)	\$ 6,000,000
DPW-16	WTP Scada System Upgrades (WEB)	\$ 2,500,000
DPW-18	Water Treatment GAC Replacement (WEB)	\$ 560,000
DPW-25	Shawsheen River Sewer Interceptor Improvements	\$ 2,200,000
DPW-30	Inflow/Infiltration (1/1) Removal Program	\$ 300,000
DPW-34	Lead Service Replacement (WEB)	\$ 1,800,000

The Board will take a position on each warrant article separately prior to Town Meeting.

Chris Huntress asked about the Town/School Energy Initiatives and if we will provide the opportunity for students to participate so they can see the effects on the environment.

The Town Manager said there is an Intern Sustainability Program that will be part of the process. Regarding the lead service lines, which his house was one inspected, Chris has not yet heard back from DPW. The Town Manager said there are a lot of people in the same 'boat' and that the DPW will be reaching out.

Annie Gilbert moved to approve and accept the Town Manager’s recommended Capital Improvement Program for Fiscal Years 2024-2028. Motion seconded by Chris Huntress and voted 5-0 to approve.

VI. Regular Business

A. Andover Fire Rescue Ambulance Billing Rates

Board to discuss and consider voting to approve new Andover Fire Rescue ambulance billing rates.

The Town Manager explained the billing rate request by Andover Fire and how it relates to potential increases for ambulances from the Central and West Stations. The annual billing fee was last adjusted in 2012. Revenue from ambulance service directly offsets the Andover Fire Rescue budget and rates are generally paid by insurance carriers and/or Medicare/Medicaid. They offset the total cost by a projected amount of revenue each year for ambulance services not covered by insurance billing.

The Town Manager reviewed a State and Regional Rate Comparison chart of which Andover sits at 27.93% less than the State averages and 31.5% less than the regional averages. The cost of providing services, medical supplies, and fuel have all increased; but rates have been fixed.

Chief Mansfield explained the differences between BLS which is Basic Life Support Services provided by Emergency Medical Technicians and skillsets limited to EMT’s. and ALS1 and ALS2 which is a 2-tier paramedic system used in in this community (with Lawrence General Hospital paramedics/physicians) for interventions that require a higher-level skillset for medical procedures and interventions which we reimburse Lawrence General Hospital for. If the new rate recommendation(s) is approved, it would be effective January 1, 2023. The Town Manager’s recommendation is to adopt the regional average.

	RATE RECOMMENDATION			
	<u>BLS Emergency</u>	<u>ALS1 Emergency</u>	<u>ALS2</u>	<u>Mileage</u>
Currently:	\$1,074.12	\$1,275.54	\$1,846.17	\$22.00
Avg Essex County	\$1,487.73	\$2,179.03	\$3,093.44	\$40.42
Recommendation	\$1,488.00	\$2,179.00	\$3,091.00	\$40.50

Laura Gregory moved to approve the Andover Fire Rescue Ambulance Billing Rates as proposed by the Andover Fire Chief. Motion seconded by Annie Gilbert and voted 5-0 go approve.

B. Bond Anticipation Note

Board to vote to approve the issuance and details of the Town’s \$10,820,000 bond anticipation note to be dated and issued December 15, 2022 and sign related closing papers.

Finance Director Patrick Lawlor said that the Town issued \$10,820,000 bond anticipation notes for twenty-four projects approved at the 2023 Town Meeting. The rate has a net

interest cost of 2.76% and they have received five bids. They are requesting that the Board approve the BAN sale to Oppenheimer & Company.

Chris Huntress moved that the votes relating to the issuance and details of the Town's \$10,820,000 bond anticipation note to be dated and issued December 15, 2022 be adopted as written and presented to this meeting and the text of such votes be incorporated into the minutes of this meeting. Motion seconded by Melissa Danisch and voted 5-0 to approve.

Laura Gregory-Y, Annie Gilbert-Y, Melissa Danisch, Chris Huntress-Y, Alex Vispoli-Y. Motion unanimously approved on a vote of 5-0.

VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Andover, Massachusetts, certify that at a meeting of the board held December 12, 2022, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$10,820,000 4.25 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated December 15, 2022, and payable June 22, 2023, to Oppenheimer & Co. Inc. at par and accrued interest, if any, plus a premium of \$83,530.40.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 30, 2022, and a final Official Statement dated December 7, 2022, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the members of the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the

foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: December 12, 2022 _____

C. Amendments to the Traffic Rules and Regulations

Board to discuss and consider voting on the following changes to the Traffic Rules and Regulations as proposed by the Andover Safety Officer.

Safety Officer Ota said cars are parallel parking on the East side of Essex Street from 70 Essex Street to Dundee Park. There would be no loss of Parking spaces for this change.

Schedule I, Article V, Section 2

1. Impose a parking restriction of No Parking approximately on the East side of Essex Street at 70 Essex Street to the entrance of Dundee Park.
Location: Essex Street East side from 70 Essex Street to a distance of 180 feet.

Public Comment: Ellen Keller, 39 Bannister Road and who manages Dundee Park for Ozzie Properties, has no issue with this change. However, the Town has an interest in expanding the downtown area and encouraging new businesses, so we need to do everything we can to help people get to these locations (parking) or businesses will not come.

Schedule 3, Article VII, Section 9 – Isolated Stop Signs

2. Whittier Street at its intersection of Elm Street. A traffic engineering company recommended we replace the yield sign with a stop sign. Mass DOT approval is not required.

Melissa Danisch moved to approve the amendments to the Traffic Rules and Regulations as presented by the Andover Safety Officer. Motion seconded by Laura Gregory and voted 5-0 to approve.

VII. Consent Agenda

A. Appointments by the Town Manager

Annie Gilbert moved that the following appointments by the Town Manager be approved. Motion seconded by Laura Gregory and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Community Services – Elder Services	Llewellyn Flaig	Per Diem Driver	\$22.00/hr.	12/6/2022
Community Services - Recreation	Danielle Bain	Kid Care	\$18.00/hr.	12/12/2022
Community Services - Recreation	Diya Patel	Kid Care	\$14.50/hr.	12/12/2022
Community Services – Recreation	Sehrish Akram	Seasonal	\$14.25/hr.	12/17/2022

VIII. Approval of Minutes

A. Board to approve minutes from the following meetings: September 26, 2022 and October 3, 2022.

Annie Gilbert moved to approve the minutes of September 26, 2022 and October 3, 2022 as presented. Motion seconded by Melissa Danisch and voted 5-0 to approve.

IX. Executive Session

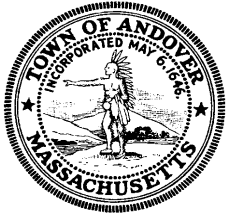
A. At 8:19 PM Annie Gilbert moved that the Board vote to go into Executive Session pursuant to Option 6 to discuss the purchase, exchange, lease, or value of real property, and for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town; and not to return to open session. Motion seconded by Melissa Danisch. The Chair so declared that an open session may have a detrimental effect on the negotiating position of the Town. Roll call: L. Gregory-Y, C. Huntress-Y, A. Gilbert-Y, M. Danisch-Y, A. Vispoli-Y. Motion passes on a vote of 5-0.

X. Adjourn

1. The Select Board adjourned from Open Session at 8:19 PM.

Respectfully submitted,

*Dee DeLorenzo
Recording Secretary*



Select Board Meeting

Monday, January 9, 2023 7:00 PM

Yvon and Noella Cormier Youth Center

40 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

Chair Alex Vispoli called the Select Board Meeting of January 9, 2023 to order at 7:00 PM.

Members in attendance: L. Gregory, C. Huntress, A. Gilbert, M. Danisch.

Others in attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Asst. Town Manager/Town Clerk Austin Simko, 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. Communications/Announcements/Liaison Reports

Anthony Serio, Director of Andover Youth Services (AYS) and Hayato Tsuruaki, Assistant Director of AYS provided a brief update on the events at the Cormier Youth Center. There are about 200 members with a significant increase of middle school students. They reported on recent events a few of which included Holiday Happenings in collaboration with the Town that included performances by the Tanglewood Marionettes. In the fall, they had a Halloween Dance and an 80's dance. They talked about upcoming programs including cooking, Creative Arts Programs, and a Healthy Eating Program. They will be taking over the Outer Limits Summer Camp this year which will be held at AYS. Overall, the staff is doing a great job.

Tony, who is a Licensed Clinical Social Worker, spoke about the Mentor Program they are building with approximately 20 high school students coming to AYS on a weekly basis working with the middle school students and developing relationships. They are also working with an Outreach Social Worker, Sarah Hernandez, to improve their outreach efforts and have a Community Service Club that meets weekly making a wish list for the One Wish Group. They are also participating in a Community Service Program working with Lawrence YMCA for the upcoming Service program for MLK Day. The Board thanked them for their presentation.

The Town Manager reported that the development of the FY- 2024 budget is underway and will be released the first week in February. Ideas for the Participatory Budgeting Program can be submitted by residents until January 15, 2023. Information is available on the Town website.

Mike Lindstrom said that they have started the parking lot reconstruction project behind Old Town Hall and trying to get as much work done weather permitting. Lot 1 is open for parking but a portion of Lot 2 is blocked off. There is a page on the Town website that provides information on the work that is being done. Work will gear up towards the springtime.

Chris Huntress thanked the Dept. of Public Works, Fire, Police, and Town staff who responded to the recent winter snowstorm.. Their efforts are appreciated.

Annie Gilbert reported that the AHS Building Committee is actively looking to engage the community in their process and to hear feedback about options for moving forward with the construction project. There are two opportunities this month to tour AHS led by students: Wednesday, January 11th at 5:30 PM and Saturday, January 14th at 9:30 AM. A Community forum is scheduled for Wednesday, January 11th from 7:00-8:30 PM in the Andover High School cafeteria.

Laura Gregory announced that beginning the week of January 18th, Memorial Hall Library will be starting Courageous Conversations: A Rise in Hate, which is a five-part series. Jenee Osterhelt, a culture columnist from the Boston Globe will be speaking. Sign up is available on the MHL website.

IV. Citizens Petitions and Presentations

Brian Major, 11 Odyssey Way: This year the Town's birthday (May 6) is happening the same date as King Charles' coronation and they will be playing their National Anthem "God Save the King", the tune used to write the song "America" that was written in Andover. Mr. Major asked if there is a way Andover as a community can commemorate both our Town's birthday and the coronation of King Charles that would be a unique tie between our Town and England. (we 'twinned' with Andover England back in 2000).

V. Regular Business

A. Town Governance:

Chair Vispoli said the Board will discuss and consider voting to accept the Town Governance Study Committee's recommendations on the following:

1. Removing the Town Manager Residency Requirement from the Town Charter
2. Electronic voting

Bernie Lynch of Paradigm Associates Consulting, who has had a career in municipal government, a former resident in Andover, and was the Town Manager in Chelmsford, reported on the recommendations and was teleconferenced into the meeting.

Mr. Lynch provided background on today's residency requirements which are not as prevalent as they used to be. At one time, there was concern that someone coming from the "outside" wouldn't have the same values as if they lived in the community and would not be readily available for emergency situations happening in the Town. Today, most communities do not include that language in their Town Charter especially with the use of technology and

the challenges it can present to candidates. Most households today are two income families creating a challenge in moving to another community. Today's market is very competitive and many communities have moved away from this requirement.

Austin Simko shared a chart of a commonality of residence requirements of other communities near us that have a No Residency Requirement clause that included Arlington, Bedford, Lexington, Concord, Brookline, Burlington, Carlisle, Needham Wellesley, and Winchester.

Questions/Comments from the Board:

Annie Gilbert asked Mr. Lynch if he knows of situations where a manager did not work in their community and it became problematic in emergency situations? Mr. Lynch said that as long as you live within a reasonable distance, it should not be a problem. He has never seen a situation where something happens and people have to be there within a 2-3 minute timeframe; a half hour or so should be adequate to handle emergency matters.

Towns that have a different kind of requirement in terms of distance. Is that something that would be encoded into a Charter or policy and is that a worthwhile option to consider?

Mr. Lynch has not seen that. In many communities it is a fallback if it is a high level of concern. Generally, most people do not want to be driving more than 45-minutes to an hour to get to work. You could put it into the charter or the employment agreement.

Melissa Danisch likes that the Board is being proactive rather than waiting to address a problem.

Paradigm Associates, who reviewed Andover's Charter, recommended the change.

- Points to consider: What's changed?
- Technology allows immediate management at any time.
- Housing costs have soared.
- Spouses have independent careers.

Benefits of removing the residency requirement:

- Attracts the largest and best applicants in the future.
- Encourages neutrality and objectivity of the Town Manager.
- Family situations, i.e. children having to change school systems.

A warrant article would have to be included for a vote at Town Meeting if this recommendation is accepted and agreed to by the Board. The Warrant closes on January 20, 2023; they could put in a placeholder for now or open the warrant if needed. The motion would be to accept the Town Study recommendation.

Sheila Doherty, Juniper Road: Sheila was on the Town's Governance Study Committee and the sole dissenting vote on this item not requiring that the Town Manager live in Andover. Andover is an amazing Town to manage and to live in, and there is nothing more cogent than to have "skin" in the game. There are compelling reasons to have the Town Manager live in the Town. The last time around, there was only one applicant that withdrew because of the

requirement. Sheila asked the Board to think about keeping the requirement of the residency with the caveat that it can be changed or amended to change by a vote or super majority vote of the Select Board. All of the other elected individuals have to live in the Town and she believes the CEO of the Town should as well.

Discussion by the Board:

Annie Gilbert thinks that since that the size and complexity of the Town has increased significantly since the 1950's, and the position has become such that fewer people are less willing to take on, she would be in favor of removing any barriers possible to building up and supporting the largest possible pool of qualified candidates. If there were concerns about how far away the candidate lives, we should try to come to some sort of an understanding through that process. She is in favor of accepting the recommendation, suggesting that this be a first reading as it is a change to the Charter language.

Chris Huntress agrees to give the public the opportunity to respond and agrees to much of what Sheila Doherty said on the importance and benefits of having a Manager to live in Town. He would also like more time for the Board to consider this change.

Melissa Danisch also agrees that there be a second reading. She likes the idea of the flexibility that this option would give the Town. If the Board votes to recommend this, it still has to go before Town Meeting for a vote.

Laura Gregory is in favor of removing the requirement because having the requirement, or some version of it, is going to limit the diversity of the pool of candidates who apply for the position and provides a division between the Town Manager's work and personal life.

The Board's decision was to put a placeholder in the 2023 Warrant and include the item on a future agenda for continued discussion.

2. Allowing Electronic Voting at Town Meeting

Andy McBrien of 11 Brady Loop, and a former member of the Town Governance Study Committee (TGSC), spoke about the benefits of electronic voting on the floor of Town Meeting only which was studied by TGSC.

They are requesting the Select Board approve their recommendation to allow electronic voting on the floor of Town Meeting. It was first studied in Andover in 2018-2019 and studied further in 2019-2021. Mr. O'Brien explained how electronic voting on the floor of Town Meeting would work and the device that would be used. The devices are registered for that evening only and are uniquely identifiable and cannot be traced back to the individual voter for confidentiality reasons. The technology allows you to change your mind and final results are displayed immediately. A list of communities who have adopted electronic voting was provided.

Benefits include

- Privacy of your vote, no one can know how you voted.
- Integrity of the vote, ensures votes are counted accurately.
- Efficiency of Town Meeting – faster voting saves time for more discussion.

- Eliminates a show of hands count, need for standing counts, secret ballot counts, and counters perception of a slow meeting.

Concerns: Security and Fraud

- The high-integrity systems use the same technology as military radar. Practically infeasible for the signal to be intercepted and modified.
- Base station and handsets cannot be hacked because they are not connected to the internet.
- Handset stolen or substituted. – EV devices are enabled for one night only.
- Vote not recorded or recorded incorrectly – each individual vote “round-tripped”.
- Proxy Voting - Use proven procedures from other towns.

The only negative is the cost. The EV devices can be bought out-right or leased. The recommendation is to lease (@\$4.00 pp) because of the changes in technology; but a full-cost benefit analysis would be prudent. Alex Vispoli asked if someone comes into check into Town Meeting if the devices are given at random? Mr. O'Brien said the concept of privacy is maintained by giving them out randomly. Laura Gregory asked what happens if someone accidentally puts it in their pocket and takes it home? Mr. O'Brien replied that the replacement cost is high, but other towns have placed bins around the meeting room and at Town Hall for returning.

Next steps: If the Board considers the recommendation, there would be two articles placed on the 2023 Annual Town Meeting Warrant:

1. A Bylaw Amendment that enables the use of electronic voting for Town Meeting votes. Currently, our General Bylaw allows only standing counts, raising of hands, and secret ballots.
2. Appropriation - Provides funds to lease devices and supporting software for FY-2024 Annual Town Meeting and Special Town Meetings.
3. The Select Board will opine on warrant articles at a future town Meeting.
4. Town Meeting will ultimately accept or reject the article.

Melissa Danisch said one of the reasons it was not previously approved was due to concerns about hacking and that we would become dependent on this and what happens if it breaks down. Do you feel that the concerns addressed at Town Meeting in terms of security have been addressed?

Mr. O'Brien said the MASS Moderators Association did a survey on this and all the towns surveyed had a few “teething troubles” so they recommend some hand-holding at the first meeting, i.e. dummy votes. This technology is very robust and used in Congress and the NH State House. As long as there is process in place, the system is philosophically sound.

Brian Major, 11 Odyssey Way- there are over 70 communities in Massachusetts who have been using electronic voting for over 11-years and none of them have stopped using it. They can also put up a grid that will show how you voted by per your EV number. Sheila Doherty,

Town Meeting Moderator explained how the software has changed and how they can detect in their software if there are any 'foreign devices' trying to connect to the system. The security improvements have been significant.

Annie Gilbert thinks the odds of there being a hacking incident are far surpassed by the odds of a miscount when we have people walking around counting votes.

Brian Major said that when they put the leasing estimate together, they wanted to put enough money in there (using \$5 per device for leasing instead of \$4) so the estimate of \$25,000 is much more than the maximum. They will sit down with vendors to get an actual cost and do a cost analysis.

Alex Vispoli: Looking at this as a pilot or permanent situation, the (enabling) bylaw does not require electronic voting but gives the moderator the option. Tom Urbelis said the bylaw would allow the Moderator to make a decision on using a hand vote or using the EV device. The Warrant Article would enable the bylaw and a place-holder could be included in the Warrant.

Laura Gregory: This electronic voting would shorten meetings which is an important way to get more people involved and support this baseline level of participation in a democracy. She would support leasing the equipment to make sure we have updated technology and that there is not an issue with maintenance and security.

Annie Gilbert is in favor of electronic voting but said there have been two attempts to approve this at Town Meeting both of which failed. Her concern is what are we going to do in support of this Warrant Article? Alex Vispoli said the first time there was the concern of conflict of interest and security; both concerns have been addressed. The Town Governance Committee should provide information and engage with the public for this article. The Town Manager said they would rely on the members of the Committee for support.

Chris Huntress has had the benefit of sitting through a few town meetings in other communities where electronic voting was used and found it to be efficient, well received and made the meeting go much quicker. There is a lot talk about privacy and he is a strong believer that if you are an elected official people on the floor need to know how the Select Board stands on an article.

Audience:

Jane Gifun, Castle Heights Rd, fundamentally agrees with this suggestion but there should

be a standing count of the elected officials at Town Meeting so that the public can see how you they voted. The Board discussed making that a policy to take a verbal vote of the Board.

Chris Huntress moved to adopt the Town Governance Study Committee recommendation to seek Town Meeting approval of electronic in-person voting at Town Meetings. Motion seconded by Annie Gilbert and voted 5-0 to approve.

B. IT Surplus Property Disposal

Information Technology Surplus Property Disposal

Board to consider voting to authorize the Town Manager to dispose of some or all of 714 units of information technology surplus property.

Wally McKenzie and Steve Douglas from the IT Department reported on the request to authorize surplus property disposal as requested. The process goes out to bid for two weeks.; 95% of the devices are more than 5-years old. All confidential information is protected. Responsible disposal is emphasized and is reviewed with the Town Sustainability Dept for input.

Melissa Danisch moved that the Board vote to authorize the Town Manager to dispose of some or all of the 714 units of information technology surplus property as described on the list presented to the Board, and to authorize the Town Manger to do so in his discretion by public auction or competitive bids pursuant to General Laws Chapter 30B. Motion seconded by Annie Gilbert and voted 5-0 to approve.

VI. Consent Agenda

A. Appointments by the Town Manager

The Town Manager is pleased to present the request for approval of Phillip Geoffroy as the Director of Communications. Every department at different points in the process was involved in the decision. Funding of the position will be through the current budget; there is no budget request. Mr. Geoffroy said he is honored and pleased to be appointed to the position.

Annie Gilbert moved to approve the following appointments by the Town Manager as listed in the consent agenda. Motion seconded by Melissa Danisch and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Town Manager's Office	Phillip Geoffroy	Director of Communications	\$98,500.00/yr	1/10/2023
Facilities	Evan Sermos (<i>Andrea Schreck</i>)	Mechanical Engineer	\$86,634.26/yr	1/10/2023

Finance – Accounting	Tara Bicknell (Cheryl Dick)	Assistant Town Accountant / Town Auditor	\$83,026.17/yr	2/6/2023
Community Services – Elder Services	Kayla Srybny	Adult Social Day Care Assistant	\$22.77/hr	1/10/2023
Community Services – Elder Services	Heather Bhattacharjee	Per Diem Adult Social Day Care Assistant	\$22.00/hr	12/19/2022
Commission on Disability	Carlene Bell- Flanagan	Member	Term Expires 6/30/2024	1/9/2023
Town Seal Review Committee	Jemma Lambert	Member	Term Expires 6/30/2023	1/9/2023
West Elementary School Building Committee	Patrick Lawlor	Member		1/9/2023

VII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. October 24, 2022

On a motion by Annie Gilbert and seconded by Chris Huntress the Select Board voted 5-0 to approve the Minutes of October 24, 2022 as presented.

VIII. Adjourn

At. 8:37 PM on a motion by Melissa Danisch and seconded by Chris Huntress, the Select Board voted 5-0 to adjourn the meeting of January 9, 2023.

Respectfully submitted,
Dee DeLorenzo, Recording Secretary