



**Select Board Meeting**

Monday, September 30, 2024  
Select Board Room, Town Offices  
36 Bartlet Street Andover, MA 01810

6:30 PM

RECEIVED  
TOWN CLERK'S OFFICE

2024 SEP 26 PM 4:16

TOWN OF ANDOVER, MA

**I. Call to Order – 6:30 P.M.**

**II. Executive Session**

- A. Board to vote to go into Executive Session pursuant Purpose 5, to discuss strategy with respect to litigation Andover Community Trust v. Andover Zoning Board of Appeals; and to return to open session.

**Regular Session – 7:00 PM**

**III. Opening Ceremonies**

- A. Moment of Silence/Pledge of Allegiance

**IV. Town Manager Report**

- A. Update on Chandler Road Recreation Project.  
B. Update on study of modifications to Andover High School, including possible modular classrooms (Select Board 2023 STM Article 7B).

**V. Communications/Announcements/Liaison Reports**

**VI. Public Comment**

**VII. Regular Business**

A. Alcoholic Beverages License – Event on Town Owned Property

Board to consider voting to approve an application from Marble Ridge Farm, LLC, doing business as Marble Ridge Winery, located at 11 Marble Ridge Road, North Andover, for a Wine and Malt One-Day Liquor License for use on Town property for Pooches, Pizza, Pumpkins and Pours on October 26, 2024 (rain date to be the following day) under Select Board Liquor Regulations Section XI.2.N "Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property."

B. Alcoholic Beverages License – Event on Town Owned Property

Board to consider voting to approve an application from Oak & Iron Brewing Co, at 18 Red Spring Road, Andover, for a Wine and Malt One-Day Liquor License for use on Town property for Pooches, Pizza, Pumpkins and Pours on October 26, 2024 (rain date to be the following day) under Select Board Liquor Regulations Section XI.2.N "Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property."

C. Select Board Policy Review

Board to review and consider changes and/or additions to the Select Board Policy Manual. Policies to be reviewed include the Code of Conduct, Meeting and Hearing Procedures (1<sup>st</sup> Reading).

D. Amendment to Traffic Rules and Regulations

Board to discuss and consider voting to petition MassDOT for the following changes to the Traffic Rules and Regulations.

Schedule V, Article VII, Section 20 – Speed Zones

1. Rescind the regulatory speed limit on Lovejoy Road and impose the townwide speed limit of 25 miles-per-hour.

E. November 5, 2024 State Election Warrant

Board to consider voting to approve the November 5, 2024 State Election Warrant.

F. 2025 Annual Town Election and Town Meeting Calendar

Board to consider voting to approve 2025 Annual Town Election and Town Meeting Calendar.

G. Affordable Unit Right of First Refusal – 1 Francis Drive, Unit 402

Board to vote to not exercise its right of first refusal to purchase the affordable housing unit at 1 Francis Drive, Unit 402.

H. Town Manager Reappointment

Board to receive public input regarding the Town Manager reappointment.

**VIII. 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
Ballardvale Historical District Commission	Christopher Shepley	Member	Term Expires 06/30/2027	10/01/2024
Council on Aging	Denise Boucher	Member	Term Expires 06/30/2027	10/01/2024
Council on Aging	Francine Gikow	Member	Term Expires 06/30/2027	10/01/2024

**IX. 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 Amy Heidebrecht in the Town Manager's Office at 978-623-8213 or by email at [amy.heidebrecht@andoverma.us](mailto:amy.heidebrecht@andoverma.us)*



**TOWN OF ANDOVER**

**TOWN CLERK'S OFFICE**

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

**SPECIAL ONE DAY LIQUOR LICENSE FOR AN OUTDOOR EVENT ON TOWN PROPERTY  
APPLICATION**

<b>BUSINESS/ORGANIZATION INFORMATION</b>	
BUSINESS/ORGANIZATION NAME:	Marble Ridge Farm LLC (d/b/a Marble Ridge Winery)
BUSINESS/ORGANIZATION ADDRESS:	11 Marbleridge Road North Andover, MA 01845
IS THIS A BUSINESS OR NON PROFIT ORGANIZATION?	<input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> NON PROFIT ORGANIZATION
SOCIAL SECURTY/FID #:	██████████
<b>INDIVIDUAL APPLICANT INFORMATION (THIS INFORMATION IS REQUIRED FOR ALL APPLICATIONS)</b>	
NAME:	Elbridge "Brig" Leland II
ADDRESS	11 Marbleridge Road, North Andover, MA 01845
PHONE:	██████████
EMAIL:	brig@marbleridgewinery.com
DRIVER'S LICENSE #/STATE OF ISSUE:	██████████
DATE OF BIRTH:	03/27/1984
<b>EVENT INFORMATION</b>	
DATE OF EVENT:	10/26/2024 (Rain Date: 10/27/2024)
TIME:	Start Time 12 : 00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM End Time 4 : 00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
PURPOSE OF EVENT:	Community Event hosted by Town of Andover
LOCATION OF LICENSED ACTIVITY:	New Parking Area behind Old Town Hall
DESCRIPTION OF OUTDOOR AREA:	Wine Garden will be situated within the same cordoned off area as other drink and food vendors. This area was identified by the Town of Andover. Please see attached Plot Plan.
WILL THERE BE ENTERTAINMENT?	Not at the Wine Garden but next to our area.
IS THE EVENT BEING CATERED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If no, will food be served? <input type="checkbox"/> YES <input type="checkbox"/> NO)
APPROX NUMBER OF PEOPLE ATTENDING:	Adults 250 Children 250

Food will be available for purchase at food vendors.

PURCHASE AND SERVICE	
IS THE ALCOHOL BEING DONATED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WHERE IS THE LIQUOR BEING PURCHASED FROM?	Marble Ridge Winery
ARE THEY A LICENSED WHOLESALER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
WHO WILL BE SERVING THE ALCOHOL?	Marble Ridge Winery
IS AT LEAST ONE SERVER TIPS CERTIFIED OR HAVE COMPARABLE SAFETY TRAINING?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SECURITY PLAN
1. DESCRIBE A PLAN FOR CROWD CONTROL.
Please see attached.
2. DESCRIBE A PLAN FOR DEALING WITH UNRULY PATRONS.
Please see attached.
3. DESCRIBE A PLAN FOR EMERGENCY EVACUATIONS.
Please see attached.
4. DESCRIBE A PLAN FOR CONTROLLING ACCESS TO ALCOHOL BY UNDER AGED PATRONS.
Please see attached.

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Andover.

SIGNATURE:     *Bridge Leland AA*    

DATE:     9/13/2024    

This application must be pre-approved by the Police Department, Fire Department, Health Department, Building Division, and Treasurer before final approval by the Select Board.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/13/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Jason M. Charette Agency, Inc 5 Central St. Topsfield MA 01983		<b>CONTACT NAME:</b> Jason Charette <b>PHONE (A/C, No, Ext):</b> (978)887-8304 <b>FAX (A/C, No):</b> (978)208-4716 <b>E-MAIL ADDRESS:</b> Jason.Charette@American-National.com	
<b>INSURED</b> Marble Ridge Farm LLC 11 Marbleridge Rd North Andover MA 01845		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Farm Family Casualty Insurance Co. <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Select Business Package GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			[REDACTED]	05/06/2024	05/06/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A	[REDACTED]	05/06/2024	05/06/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
	Elbridge Leland II is excluded from workers comp. coverage						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Wine Manufacturing - Retail & Wholesale, Special Events, Liquor Liability

Event: 10/26/2024 - 10/27/2024 - Pooches, Pizza, Pumpkins, and Pours  
 Town of Andover is named as an additional insured.

**CERTIFICATE HOLDER****CANCELLATION**

Town of Andover 36 Bartlet Street Andover, MA 01810	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	---

Fax: ACORD 25 (2014/01)

Email:

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The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 Lafayette City Center  
 2 Avenue de Lafayette, Boston, MA 02111-1750  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): Marble Ridge Farm LLC (d/b/a Marble Ridge Winery)

Address: 11 Marbleridge Road, North Andover, MA 01845

City/State/Zip: North Andover, MA 01845 Phone #: [REDACTED]

**Are you an employer? Check the appropriate box:**

- |   |   |
|---|---|
| <p>1. <input type="checkbox"/> I am an employer with _____ employees (full and/or part-time).*</p> <p>2. <input checked="" type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|---|---|

**Type of project (required):**

6.  New construction
7.  Remodeling
8.  Demolition
9.  Building addition
10.  Electrical repairs or additions
11.  Plumbing repairs or additions
12.  Roof repairs
13.  Other Farm Winery

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

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

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

Insurance Company Name: \_\_\_\_\_

Policy # or Self-ins. Lic. #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Job Site Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**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: Elbridge C Leland II

Digitally signed by Elbridge C Leland II  
Date: 2024.09.13 14:11:47 -04'00'

Date: 9/13/24

Phone #: [REDACTED]

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

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (check one):

1.  Board of Health 2.  Building Department 3.  City/Town Clerk 4.  Electrical Inspector 5.  Plumbing Inspector 6.  Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_



**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

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

**TAX FORM**

**APPLICANT NAME:** Marble Ridge Farm LLC (d/b/a Marble Ridge Winery)

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 of Individual or Corporate Name:**  
(Required for all applicants)

Elbridge C Leland II

**Name of Corporate Officer:**  
(Required if applicant is a corporation)

Elbridge C Leland II, Manager

**Social Security #:**  
(Required if applicant is an individual)

**Federal Identification Number (FID #):**  
(Required if applicant is a 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 delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass General Laws c. 62, s. 49A.*



## CERTIFICATE OF COMPLETION

This certifies that

**Elbridge Leland II**  
is awarded this certificate for

**TIPS On-Premise Alcohol Server Training**



Hours  
3.00



Completion Date  
01/08/2023



Expiration Date  
01/07/2026



Certificate #  
ON-000027421242

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

(CUT HERE)

(CUT HERE)

**TIPS** On-Premise **CERTIFIED**

Issued: 01/08/2023 Expires: 01/07/2026  
Certificate #: ON-000027421242

Elbridge Leland II  
11 Marbleridge Road  
North Andover MA 01845

**TIPS** | **360 TRAINING**  
A 360TRAINING COMPANY

Phone: 800-438-8477  
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature \_\_\_\_\_



## CERTIFICATE OF COMPLETION

This certifies that

**Allison Procopio**

is awarded this certificate for

**TIPS On-Premise Alcohol Server Training**

Hours  
**3.00**

Completion Date  
**06/19/2023**

Expiration Date  
**06/18/2026**

Certificate #  
**ON-000029065725**

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

(CUT HERE)

(CUT HERE)

**TIPS** On-Premise **CERTIFIED**

Issued: 06/19/2023 Expires: 06/18/2026  
Certificate #: ON-000029065725

Allison Procopio  
43 Dayton Street  
Danvers MA 01923

**TIPS** | **360 TRAINING**  
A 360TRAINING COMPANY

Phone: 800-438-8477  
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature \_\_\_\_\_

## **Security Plan**

### **Controlling Alcohol Perimeter**

- 4' high security barrier along all sides and one (1) entrance/exit, at the front, controlled by Town Staff, with the support of Police, to ensure no alcohol is brought in or taken out of the controlled area.

### **Controlling Access to Alcohol**

- Anyone may come in, only 21 YO+ served.
- ID check and stamp by Server at time of service.
- Server responsibility: 1. Only serve 21+. 2. Ensure no 3<sup>rd</sup> party. 1 drink per person at a time. 3. Don't server intoxicated.

### **Controlling Unruly Customers**

- Highly unlikely (audience, time of day, nature of event).
- All servers TIPS certified.
- Ally and Brig "manage the space".
- Police on duty nearby if needed. 911 if needed.

### **Provisions for Crowd Control**

- Town Staff determines inflow of people to ensure controlled area is not overcrowded.
- Police nearby if needed. 911 if needed.

### **Emergency Evacuation**

- Out the exit/entrance.
- Knock down the security barrier.
- Police on duty nearby if needed. 911 if needed.

# Pooches, Pizza, Pumpkins and Pours 2024

## Plot Plan for Marble Ridge Winery





## TOWN OF ANDOVER

### TOWN CLERK'S OFFICE

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

## SPECIAL ONE DAY LIQUOR LICENSE FOR AN OUTDOOR EVENT ON TOWN PROPERTY APPLICATION

BUSINESS/ORGANIZATION INFORMATION	
BUSINESS/ORGANIZATION NAME:	OAK & IRON Brewing Co.
BUSINESS/ORGANIZATION ADDRESS:	18 Red Spring Rd. ANDOVER MA 01810
IS THIS A BUSINESS OR NON PROFIT ORGANIZATION?	<input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> NON PROFIT ORGANIZATION
SOCIAL SECURTY/FID #:	[REDACTED]
INDIVIDUAL APPLICANT INFORMATION (THIS INFORMATION IS REQUIRED FOR ALL APPLICATIONS)	
NAME:	James Cass
ADDRESS:	15 GREAT LAKE LANE
PHONE:	[REDACTED]
EMAIL:	Jim @ OAKANDIRONbrewing.com
DRIVER'S LICENSE #/STATE OF ISSUE:	[REDACTED]
DATE OF BIRTH:	06.13.1956
EVENT INFORMATION	
DATE OF EVENT:	10.26.2024
TIME:	Start Time 12 :00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM End Time 4 :00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
PURPOSE OF EVENT:	PIZZA · POUCHES · PUMPKINIS · PINTS
LOCATION OF LICENSED ACTIVITY:	SPACE behind OLD TOWN Hall
DESCRIPTION OF OUTDOOR AREA:	A Fenced in area behind OLD TOWN Hall. ONE ENTRANCE, ONE EXIT. The space will include: FOOD (PIZZA), beer, wine, PUMPKIN PAINTING, music, AREA FOR DOGS. HOSTED by ANDOVER Rec.

WILL THERE BE ENTERTAINMENT?	YES MUSIC, KIDS EVENTS
IS THE EVENT BEING CATERED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If no, will food be served? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO) <span style="float: right;">FOOD TRUCKS</span>
APPROX NUMBER OF PEOPLE ATTENDING:	Adults <u>500</u> Children <u>250</u>

PURCHASE AND SERVICE	
IS THE ALCOHOL BEING DONATED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WHERE IS THE LIQUOR BEING PURCHASED FROM?	OAK & IRON brewing Co.
ARE THEY A LICENSED WHOLESALER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
WHO WILL BE SERVING THE ALCOHOL?	OAK & IRON Brewing Co
IS AT LEAST ONE SERVER TIPS CERTIFIED OR HAVE COMPARABLE SAFETY TRAINING?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SECURITY PLAN	
1. DESCRIBE A PLAN FOR CROWD CONTROL.	SEE Attached
2. DESCRIBE A PLAN FOR DEALING WITH UNRULY PATRONS.	See Attached
3. DESCRIBE A PLAN FOR EMERGENCY EVACUATIONS.	See Attached
4. DESCRIBE A PLAN FOR CONTROLLING ACCESS TO ALCOHOL BY UNDER AGED PATRONS.	SEE Attached

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Andover.

SIGNATURE:

James R. Carr

DATE:

09.17.2024

This application must be pre-approved by the Police Department, Fire Department, Health Department, Building Division, and Treasurer before final approval by the Select Board.

# Security Plan

## Controlling Alcohol Perimeter

- 4' high metal security fencing supplied by Town of Andover along the perimeter of parking lot behind old town hall.
- Andover Rec. Dept will staff entrance / exit to ensure alcohol does not leave the event area.

## Controlling Access to Alcohol

- Anyone may enter the event area, only 21 y.o.+ served
- ID station @ each alcohol booth. Proper ID = right hand stamp
- Server checks for stamp before serving. Max three (3) stamps per person
- Server responsibility: 1. Only serve 21+. 2. Ensure no 3<sup>rd</sup> party. 3. Don't serve intoxicated

## Controlling Unruly Customers

- Highly unlikely (audience, time of day, nature of event)
- All servers TIPS certified
- Police nearby if needed. 911 if needed

## Provisions for Crowd Control

- Andover Rec. Dept. will manage inflow of people

## Emergency Evacuation

- Out the entrance / Exit
- Knock down the security fencing



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978-623-8230  
www.andoverma.gov

**TAX FORM**

APPLICANT NAME: James R. Cass

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 of Individual or Corporate Name:  
(Required for all applicants)

James R. Cass / Oak & Iron Brewery

Name of Corporate Officer:  
(Required if applicant is a corporation)

James R. Cass

Social Security #:  
(Required if applicant is an individual)

[REDACTED]

Federal Identification Number (FID #):  
(Required if applicant is a corporation or non-profit):

[REDACTED]

*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 delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass General Laws c. 62, s. 49A.*



OAKANDI-01

VCARRIER

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
9/17/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Whalen Insurance Agency 71 King Street Northampton, MA 01060	<b>CONTACT NAME:</b> Valerie Carrier <b>PHONE (A/C, No, Ext):</b> (413) 586-1000 104 <b>E-MAIL ADDRESS:</b> valerie@WhalenInsurance.com	<b>FAX (A/C, No):</b> (413) 585-0401
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b>  Oak and Iron Brewing Company 18 Red Spring Road Andover, MA 01810	<b>INSURER A:</b> Massachusetts Bay Insurance Company	<b>NAIC #</b> 22306
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>Liquor Liability</b>  GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			[REDACTED]	2/1/2024	2/1/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below.		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	<b>Liquor Liability</b>			[REDACTED]	2/1/2024	2/1/2025	<b>Per occurrence</b> 1,000,000
A	<b>Liquor Liability</b>			[REDACTED]	2/1/2024	2/1/2025	<b>Aggregate</b> 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Certificate issued as evidence of coverage for Pizza, Pooches, Pumpkins and Pints.

<b>CERTIFICATE HOLDER</b>  Town of Andover 36 Bartlett Street Andover, MA 01810	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/17/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Association Members Insurance Agency 80 Willow Road Nahant, MA 19080	<b>CONTACT NAME:</b> _____	
	<b>PHONE (A/C, No. Ext):</b> _____	<b>FAX (A/C, No):</b> _____
<b>E-MAIL ADDRESS:</b> _____		<b>INSURER(S) AFFORDING COVERAGE</b>
		<b>INSURER A:</b> MA Retail Merchants WC Group Inc.
		<b>INSURER B:</b> _____
		<b>INSURER C:</b> _____
		<b>INSURER D:</b> _____
		<b>INSURER E:</b> _____
		<b>INSURER F:</b> _____

<b>COVERAGES</b>	<b>CERTIFICATE NUMBER: 1</b>	<b>REVISION NUMBER: 0</b>
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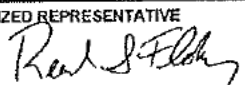
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: _____						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMPOP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED: _____ RETENTION \$: _____						EACH OCCURRENCE \$ AGGREGATE \$ \$
<b>A</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	██████████	01/01/2024	01/01/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000.00 E.L. DISEASE - EA EMPLOYEE \$ 100,000.00 E.L. DISEASE - POLICY LIMIT \$ 500,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Location: Pizza, Pooches, Pumpkins and Pints

**CERTIFICATE HOLDER****CANCELLATION**

Town of Andover 36 Bartlet Street Andover, MA 01810	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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Douglas W. Heim  
Town Counsel

36 Bartlet Street  
Andover, MA 01810  
[douglas.heim@andoverma.us](mailto:douglas.heim@andoverma.us)

Town of Andover  
Legal Department

To: Select Board; Andrew Flanagan, Town Manager;

Cc: Austin Simko, Town Clerk/Deputy Town Manager; Michael Lindstrom, Deputy Town Manager; Patrick Lawlor, Chief Administrative Officer; Amy Heidebrecht, Assistant to the Town Manager

Date: 8.9.24

**Re: Select Board Policy Updates: First Reading**

Members of the Board,

As you will recall, the Legal Department was directed to develop updates to the Select Board's "Policy Guidelines," a collection of Town policies adopted and revised over many decades by different iterations of the Board. My general recommendation is to bifurcate your present Guidelines into 1) an operations manual for the Select Board and persons doing business before it as a broadly accessible guide to your practices and procedures in the discharge of your authorities; and 2) a library of companion policies on specific subjects which are either policies of the Town or relate to specific statutory duties such as permits and licenses issued by the Board.

For your consideration on Monday three chapters of your "operations manual" are prepared for a first reading:

1. An Introduction to the Select Board;
2. The MIIA/MMA Model Code of Conduct for the Board (and Persons Before It); and
3. Board Meeting and Hearing Procedures.

I will share comments on some of the features of these drafts at your meeting, but it should be noted at the outset that the Code of Conduct is a model "best practice" policy which affords Town credits towards insurance policy rebates if adopted. Revisions may or may not impact our eligibility for credits. Additionally, each of the draft policies consolidate portions of a variety of current Board policies. There is not necessarily a one-for-one comparison with your existing Guidelines or practices of the Board. Nonetheless, you will find attached relevant *portions* for your current Guidelines should you require them for comparison.

The Board is of course free to provide feedback for revisions or decline to adopt an updated policy. However, if and when the Board is inclined to adopt new policies, my recommendation is a simple motion in which the Board adopts one or more policies without negating your current Guidelines until such time as a complete recodification is complete. A motion to such effect might be as follows:

*I move that the Select Board Adopt the [Introduction to the Select Board] prepared by Town Counsel, for an updated Select Board Policy Handbook, and that such policy shall control in the event of any conflict with previously adopted and revised Select Board Policy Guidelines.*

At any juncture the Board may of course formally discontinue any one or all of its current Guidelines. However, it may be helpful to defer such action until an updated “Select Board Handbook” or “Select Board Operating Policies” draft is complete. I look forward to discussing the afore-listed policies with you further.

Enc.



## POLICY GUIDELINES

### SELECT BOARD

## TOWN OF ANDOVER, MASSACHUSETTS

### Members:

**Laura M. Gregory, Chair**

**Annie Gilbert, Vice-Chair**

**Daniel Arrigg Koh, Clerk**

**Christian Huntress**

**Alex J. Vispoli**

Originally Adopted: 1978

Revised: 1990

Revised: 2008

Reorganized and Confirmed: 2008

Section II.6.3 Fuel Efficient Vehicle Policy, Added: May 3, 2010

Section XII Investment Policy Added: June 7, 2010

Section I.4.3 Agenda, Amended: August 9, 2010

Section IV.2.3 Use of Town Owned Land, Amended: October 25, 2010 & November 22, 2010

Section XI.2 Alcoholic Beverages Licenses Hours of Operation Section 12 Licenses Amended: Feb. 28, 2011

Section XI.2 Alcoholic Beverages Licenses Subsection 18(d) added, Fee Schedule Amended: May 9, 2011

Sections V.2, Recycling & Trash Pickup, XI.2 & XI.5 Alcoholic Bev. Licensing Policy Amended: July 11, 2011

Section IV.2.3 Use of Town Owned Land, Amended: August 8, 2011

Section XI.2, 18. (a) Events With Alcohol In General: Amended October 3, 2011

Section II.6.3. Fuel Efficient Vehicle Policy, Amended: March 12, 2012

Sections XI.1 & XI.2 Licensing Policies, Amended: October 7, 2013

Section IV.1 Land Use, Amended: November 4, 2013

Section XII.8 PILOT Policy, Added: December 16, 2013

Section XII Misc. Policies Added XII.2 Customer Service & XII.3 Code of Conduct Policies & renumbered sections: June 2, 2014

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  - 1.4.1. Organization
  - 1.4.2. Select Board Meetings
  - 1.4.3. Select Board Agenda
  - 1.4.4. Miscellaneous
- I.5. Select Board Internal Operation – Members Interaction
- I.6. Public Comment at Select Board Meetings
- I.7. Hearing Procedures
  - I.7.1. Utility Hearing Procedure
  - I.7.2. Street Acceptance Policy
  - I.7.3. Street Acceptance Guideline and Procedures
- I.8. Employees of the Board
  - I.8.1. Town Accountant
  - I.8.2. Town Manager
  - I.8.3. Board of Registrars
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- IV.5. Islands Maintained by Parks & Grounds

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- VI.2. Meeting Tape Recording Policy
- VI.3. Public Record Fees Policy
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- XIV.2. Adoption
- XIV.3. Siting Prohibitions
- XIV.4. Aesthetic Requirements for Small Cell Wireless Facilities
- XIV.5. Antennas
- XIV.6. Signage/Logos/Lights/Decals/Cooling Fans
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- XIV.11. Limitations
- XIV.12. Effective Date of Policy

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- XIII.1. Town Safety Policy
- XIII.2. ADA Policy
- XIII.3. Sexual Harassment Policy
- XIII.4. Affirmative Action
- XV.5. Anti Fraud Policy

## **I. SELECT BOARD OPERATIONS**

### **I.1. VISION STATEMENT**

The Town of Andover, more than a place to live, is a way of life. Its legacy of democracy shall be preserved. Each citizen should experience the treasures of nature, history, individual respect, neighborhood, and learning. As resources and energy allow, each of these gifts from the past will be enriched in the present for those yet to be.

Passed 1/25/93

### **I.2. MISSION & VALUES STATEMENT**

Developed by the  
Select Board, Town Manager, and Town Department Heads

Adopted by the Select Board on October 6, 2003

The mission of the Town of Andover is to ensure the safety, education and well-being of the community; to be a leader in the delivery of efficient and effective quality services that respond to community needs; to promote the continuous improvement of staff skills and performance; to encourage an environment of trust; to respect cultural and economic diversity; and to preserve the historic character of the community.

The Select Board, as the chief policy makers for the Town of Andover, Massachusetts, will provide leadership in advancing the following primary and supporting values:

#### **VALUE 1. ENSURE THE SAFETY, EDUCATION, AND WELL-BEING OF THE COMMUNITY**

- 1.1 Protect the safety of persons and property
- 1.2 Maintain the high quality of education for all
- 1.3 Maintain the Town's infrastructure
- 1.4 Promote public health programs and awareness
- 1.5 Manage the impact of non-municipal public utilities
- 1.6 Support human/community services
- 1.7 Ensure compliance with regulatory requirements
- 1.8 Identify and promote economic opportunities

### **I.3. POLICY GUIDELINES**

#### **POLICY DEFINITION**

A course of action, guiding principle, or procedure designed to influence and determine decisions, actions, and other matters.

#### **PURPOSE**

In an attempt to enforce good administration through equitable enforcement and continuity of decisions, with the understanding that all matters brought before the Select Board are reviewed on a case by case basis, and with the understanding that the Board, at any time, may determine that a particular policy guideline is no longer applicable to the general good, the Policy Guidelines Handbook will serve as a learning tool for new members, as a reference source for the current Board when determining decisions, and as a sourcebook for the public interested in particular matters.

#### **ADOPTION OF POLICY GUIDELINES**

Votes taken at Board meetings fall into two categories: votes specific to one item and not applicable to other actions, and votes that may be applied to future actions. The latter may be adopted as a “policy guideline.”

Ever-mindful of policy implications, votes may be considered as a policy guideline at the request of Board members, staff or the public. Once a request has been made to the Chairman of the Select Board, the item will be placed on the agenda of a future Board meeting. At that time, a policy guideline will be adopted if a majority of the Board so votes.

The Policy Guidelines Handbook will be immediately updated whenever votes taken either establish a new guideline or revise an old guideline.

An annual review of the Policy Guidelines will be initiated by the Chairman.

Decisions on matters coming before the Select Board and policy guidelines established by the Board prior to the adoption of this manual will be considered for insertion in this manual upon review and consensus approval by the current Board.

No hypothetical situation alone will be considered in the adoption of Policy Guidelines.

### **I.4.3. Agenda**

Preparation of Agenda for Board Meetings - The agenda for a meeting will be prepared by the Town Manager after conferring with the Chairman and/or other members of the Board. The agenda will close at 4:30 P.M. on the third day before the meeting, excluding Saturdays, Sundays and legal holidays, and no changes to it shall take place there-after except as follows:

Any matter coming to the attention of the Town Manager or a member of the Board after the above-stated closing time and considered to be an emergency matter may be included on the agenda. The Chairman of the Board will be notified of any such changes.

Consideration of matters of a non-emergency nature may be allowed at the discretion of the Chairman, if permitted under the Open Meeting Law, but may be tabled until the next regular meeting.

Order of Agenda – The business of all regular meetings of the Select Board shall be transacted in the following order:

#### **Select Board Agenda Outline**

- I. Call to Order/Roll Call
- II. Opening Ceremonies
  - A. Moment of Silence/Pledge of Allegiance
- III. Communications/Announcements/Liaison Reports
- IV. Citizens Petitions and Presentations
- V. Public Hearing(s)
- VI. Regular Business of the Board
- VII. Consent Agenda
  - A. Licenses and Permits
  - B. Appointments and Re-Appointments
- VIII. Approval of Minutes from Previous Meetings
- IX. Sewer Commissioners (if applicable)
- X. Adjournment.

Communications/Announcements/Liaison Reports – Under this heading, Select Board members may bring up matters of concern to them for brief discussion and possible later placement on the agenda of a scheduled meeting, if permitted under the Open Meeting Law.

Special Rule for certain Consent Agenda Items – the names of all Appointees and Re-Appointees and the names of all new license and permit applicants (but not annual renewals) shall be included in the agenda posted through the Town Clerk's Office, and on the Meeting Agenda and shall be posted on the Town's web site.

At the Chairman's discretion, and in general to allow full and fair discussion of items previously placed on the agenda, the time of unannounced citizens petitions may be limited.

Matters brought before the Board relating to the administration of the Town shall be referred to the Town Manager for necessary or appropriate action in each individual case.

B. Complaints – All complaints involving Town policies shall be acted upon by the Board when appropriate and, except in the most unusual cases, such action shall be preceded by a report and recommendation of the Town Manager who shall have been given ample opportunity and time in which to investigate and render a report.

C. Further clarification of this section will be made in a later section.

Agenda for Special Meetings – Only matters set forth in the notice of special meetings shall be discussed and/or acted upon during such a meeting. **This provision may not be suspended.**

(Section I.4.3 Amended August 9, 2010)

#### **I.4.4. Miscellaneous**

Public Records - State law holds to a broad definition of public records, but generally includes practically all information the Board and the Town staff produces or receives. Exceptions to this are spelled out specifically in the Freedom of Information Act. If a record is withheld, however, the burden is on the withholder to prove that the information it contains is covered by one of the following exceptions:

- A. Records related solely to the Board's internal personnel rules and practices (the Board must show, however, that withholding these records is necessary to the proper performances if its duties)
- B. Personnel and medical files or information.
- C. Any other material related to a specifically named individual that would constitute an unwarranted invasion of personal privacy if disclosed
- D. Certain memoranda or letters relating to policy positions that are being developed (not including reasonably completed factual studies or reports on which policy positions may be based).
- E. Investigatory materials that could prejudice effective law enforcement if released.
- F. Proposals and bids to enter into any contract or agreement (these are subject to disclosure, however, after they are opened publically or after the time for receipt of bids has expired).

single majority vote, individual Select Board member shall refrain from presenting arguments opposing the Board's position on the article.

However, a member who proposes to vote otherwise on an article may, as an individual citizen, go upon the floor of the Town Meeting and, upon recognition by the Moderator, speak from there.

It is also expected that the Town Manager will refrain from taking an opposing position to that of the majority of the Board. The Town Manager may, however, also address Town Meeting from the floor, presenting himself as an individual citizen.

Board Policy Guidelines – In the event that the Select Board chooses to adopt, eliminate or revise a written policy guideline, the procedure established at the beginning of this guidebook shall be followed. In addition, each policy guideline or revision to any guideline, shall be assigned a short title and the date on which any action was taken.

The Town Manager shall maintain an index of all Board policy guidelines as well as a file on all such guidelines. Copies of policy guidelines adopted by the Select Board shall also be placed on file with the Town Clerk and distributed to all appropriate staff and committees.

## **I.6. PUBLIC COMMENT AT SELECT BOARD MEETINGS**

All regular and special meetings of the Select Board shall be open to the public. Executive sessions will be held only as prescribed by the statutes of the Commonwealth of Massachusetts.

The Board desires citizens of the Town to attend its meetings so that they may become better acquainted with the operations and programs of the Town. In addition, the Board would like the opportunity to hear the wishes and ideas of the public.

In order that all citizens who wish to be heard before the Board have a chance and to ensure the ability of the Board to conduct the Town's business in an orderly manner, the following rules and procedures are adopted:

1. At the start of each regularly scheduled Board meeting except workshops, individuals or group representatives will be invited to address the Board. The Chairperson shall determine the length of the public participation segment.
2. The presiding Chairperson may limit a speaker's time provided the same limit will apply to all speakers who wish to be heard on the same subject without regard to viewpoint.
3. Improper conduct will not be allowed. Remarks containing obscenities, remarks which constitute threats or fighting words, remarks which are likely to provoke a violent reaction, and remarks which are known to be false are considered improper and will not be allowed. If a speaker persists in improper conduct or remarks, the Chairperson may terminate that individual's privilege of address.
4. All remarks will be addressed through the Chairperson of the meeting.
5. Speakers may offer such criticisms of Town operations and programs as concern them, but in the public comment session the Board will not hear personal complaints regarding Town personnel, except with respect to the Select Board, Town Manager, Town Accountant, the Zoning Board of Appeals, Officers and Registrars of Voters and Department Heads. Administrative channels are the proper means for disposition of legitimate complaints involving Town employees.
6. Written comments may be presented to the Board at the meeting for the Board members' review and consideration at an appropriate time.

### **I.8.1 PROCEDURE FOR CONDUCTING UTILITY HEARINGS**

1. Open hearing upon petition of Massachusetts Electric Company, New England Telephone & Telegraph Company, etc. for permission to install underground conduit or locate/relocated poles.
2. Confirm that notices have been sent to abutters, as shown on plan of petitioner(s) and that the plan is on file with the Public Works Department.
3. Recognize the representative of the utility company
4. Accept verbal or written recommendation from DPW representative, Town Manager, or other Town officer.
5. Questions from the Select Board
6. Questions from the public
7. Discern if anyone else present wishes to be recorded as in favor or in opposition to the petition
  - Allow questions if applicable
8. Close hearing

the appropriate Department/Division or address your request personally. Your inquiry will be handled in a confidential and timely manner.

6/2/14

### **XII.3. Code of Conduct Policy**

The Town of Andover staff, elected officials and volunteers strive to provide a safe and positive experience for those visiting and working in all Town facilities as outlined in this Code of Conduct. In addition, the Town supports a workplace that is conducive to personal safety and security and free from intimidation, threats or acts of violence. The Town does not tolerate workplace violence including threats of violence by anyone who conducts business in or work for the Town.

The Town will not tolerate harassing conducts that affects conditions which interfere unreasonably with an individual's performance or creates an intimidating, bullying, hostile or offensive environment for visitors or staff.

The Town expects compliance of this Code of Conduct. Anyone who does not comply may be asked to leave the premises.

- Show respect for yourself, others and building facilities including public and personal property.
- Avoid causing disturbances or disruptions.
- Use common courtesy when interacting with others by following the "Golden Rule".
- Do not engage in any lewd or offensive behavior.
- Any form of violence is prohibited.
- Using tobacco products, drinking alcohol or being under the influence of illegal substances is prohibited in Town facilities.

Any violations should be brought to the attention of the Department/Division Head. Repeat violations will be brought to the attention of the Andover Police Department and could result in the suspension of facility privileges.

6/2/14

### **XII.4. Use of Town Seal**

It is the general policy of the Select Board to prohibit all non-official uses of the Town Seal.

All official use of the Town Seal shall require a consensus vote of the Board.

# **1. Introduction to Select Board Governance, Practices & Procedure**

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Andover Select Board policies are bifurcated into two resources:

- 1) a handbook codifying general Board parameters, practices and procedures for its role in town governance; and
- 2) detailed companion policies for subject matters within Select Board jurisdiction such as rules and regulations for licenses and permits governed by the Board.

This policy handbook serves as a reference for members of the Board, guidance for residents and employees, and a model set of policies and procedures for other boards, committees and commissions.

## **I. Governing Structure & Authority**

The Select Board is comprised of a five-person elected body, with each member serving staggered, three-year terms. The Board as a collective body serves as the chief elected executive of the Town of Andover, deriving its authority and responsibilities from three primary sources:

- Massachusetts General Laws and Special Acts;<sup>1</sup>
- Chapter 571 of the Acts of 1956: An Act Establishing a Selectmen-Town Manager Plan For The Town Of Andover alternately known as the “Town Charter” or the “Selectmen-Manager Act;” and
- Town of Andover Bylaws.

Within the Town Charter and the Town Bylaws, the Board holds many roles and responsibilities, especially as the chief policymaking body of the Town’s government. As set forth in the Charter:

*“The Select Board shall be the makers of policy of the town government, except as otherwise directed by statutes or by the town charter. The town manager shall be responsible for ensuring that the boards, officers and representatives of the town comply with policy determinations of the Select Board.”*

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<sup>1</sup> In addition to a wide variety of Commonwealth-wide statutes, more than 286 Special Acts specific to Andover further define town governance.

## Andover Town Charter §1

The Select Board also appoints, evaluates, and works in partnership with the Town Manager who serves as the chief appointed executive officer of the Town. Among their duties enumerated in the Charter, the Manager supervises and directs and is responsible for the efficient administration of all offices, boards and committees. *See* Town Charter §10.

### **II. Select Board Authorities & Duties Enumerated**

As charged and empowered by the General Laws, the Charter, and Town Bylaws, a non-exhaustive list of Select Board authorities and duties includes:

#### A. General Governance

Policymaking wherever authority has not been delegated to another officer, board or body;

Appointing, evaluating, and where necessary, removing a Town Manager, a Town Accountant, and the Zoning Board of Appeals; and

Approving appropriate appointments of the Town Manager to boards and committees where required.

#### B. Town Meeting

Issuing Town Meeting warrants and setting the date for Town Meeting and Special Town Meetings;

Holding hearings and making recommendations on warrant articles including the Town budget; and

Pursuing Special Legislation in the Town's interest.

#### C. Finance

Working collaboratively with the Finance Committee and the Town Manager to maintain the Town's financial policies, and review the Town Manager's annual recommended operating and capital budgets; and

Setting the tax rate and classification.

D. Public & Private Ways & Utilities

Promulgate traffic rules and orders for public ways, including parking;

Regulate utilities in the public way as authorized and limited by the General Laws; and

Consider betterment applications relative to private ways and water and sewer improvements.

E. Licensing & Permitting

Serve as the Licensing Board responsible for issuing and renewing licenses and permits for the following non-exhaustive categories:

*alcohol,  
automatic amusement,  
class I and II motor v vehicle  
common victualler,  
contractor drain layer;  
food vendor,  
hackney/taxi,*

*lodging houses/inn keeper,  
public entertainment,  
outdoor dining & retail,  
second hand/junk dealer,  
shooting galleries/ranges,  
small cell wireless facilities, and  
special events.*

F. Statutory Commission Roles

The Board also possesses the duties and responsibilities of a Licensing Board, Cable Commission, Water & Sewer Commission, and Election Commission under the General Laws.

## **2. Select Board Code of Conduct**

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*Acts of the Select Board are made as a single body comprised of five individuals with varied perspectives. As such, the Board strives to foster an environment of healthy, informed civil discourse for its members, residents, persons doing business before the Board, and Town staff, even in the presence of lively debate or passionate disagreement. At all times the Select Board endeavors to conduct itself as a whole in the most professional of manner. To that end, the Board adopts the following “Code of Conduct” for its members, and those appearing before the Select Board, modeled by the Massachusetts Interlocal Insurance Association and Massachusetts Municipal Association.*

### **I. Purpose**

These guidelines serve as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect with regard to how the Town of Andover (the “Town”) and its officials conduct business. These guidelines are intended to define and create a centralized understanding with regard to standards of conduct.

The Select Board recognizes the importance of maintaining professional standards at all levels of the government, including for those who volunteer their time and services on behalf of the Town. The Select Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt these guidelines.

### **II. Applicability**

These guidelines apply to the Select Board; to all other Town boards, commissions, and committees appointed by the Select Board or the Town Manager; and to all presiding officers, board members, commission members, committee members, public officials, and other representatives of the Town appointed by the Select Board, or Town Manager while acting in their official capacity or while acting on behalf of the Town.

### III. Code of Conduct

All members of the Select Board and all other individuals listed above assume the following obligations and commitments:

#### A. Conduct Generally and in Relation to the Community

- Stay informed about the local and state duties of a board or committee member.
- Remember that you represent the Town at all times.
- Accept your position as a means of unselfish public service and do not attempt to benefit personally, professionally, or financially from your position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard all confidential information, including, without limitation, privileged attorney-client communications.
- Seek no favors and understand that personal aggrandizement or profit secured by holding these positions is often dishonest and may be unlawful.
- Conduct yourself so as to maintain public confidence in our local government.
- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted (e.g., Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintains full compliance with the Open Meeting Law.
- Comply as fully as possible with all Town policies.
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
  - The Open Meeting Law (G. L. c. 30A, §§ 18-25)
  - Procurement Laws (G. L. c. 30B)
  - The Ethics/Conflict of Interest Statute (G. L. c. 268A)
  - The Public Records Law (G.L. c. 66, § 10).

#### B. Conduct in Relation to Your Fellow Board/Commission/Committee Members

- Treat all members of the board/commission/committee with respect despite differences of opinion; professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you for any reason be absent from a given

meeting or be unable or unwilling to continue to serve. Formal notice to resign from a board/commission/committee requires written notification to the Town Clerk.

- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after the presentation and discussion of all facts applicable to a question.

#### C. Conduct in Relation to the Town Manager

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Manager full responsibility for making and implementing their decisions.
- Refrain from giving orders or directions to the Town Manager for action as an individual Select Board member.
- Refrain from giving instructions to or requesting assistance from Town department heads, but rather channel all such activities through the full board/commission/committee and the Town Manager.
- Refrain from providing information to the Town Manager that you would not be willing to share with other Board members.

#### D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each.
- Direct questions about Town staff or requests for additional background information to the Town Manager.
- Avoid publicly criticizing an individual employee or a department; only raise concerns about staff performance to the Town Manager through private communication.
- Ensure that all requests for staff support go through the Town Manager's office.

### IV. **Guidelines for Individuals Speaking at Public Meetings**

- The chair of the public body is responsible for conducting all public meetings in an orderly and peaceable manner.

- The public body may allow a public comment session during the open session of a public meeting. If public comment is posted on the meeting agenda, the session will last for no more than fifteen minutes. Each speaker during the public comment session shall be limited to a maximum of three minutes.
- Members of the public may speak only with the permission of the chair. To maintain an orderly and peaceable meeting, all speakers must identify themselves by name and address prior to speaking.
- All remarks shall be addressed to or through the chair or to the public body as a whole. Matters presented by speakers during a public comment session will not be debated or acted upon by the public body at the time they are presented.
- All persons addressing the public body must conduct themselves in a peaceable and orderly manner. Such persons may not make true threats of violence or incite imminent lawless conduct by others. Additionally, speakers are encouraged to refrain from making any personal, impertinent, unduly repetitive, slanderous, or profane remarks. Speakers are further encouraged to respect the views and opinions of others (including members of the public body and the general public) and to treat others as the speaker wishes to be treated.
- Individuals in attendance at a public meeting may not interrupt recognized speakers or members of the public body. Further, such individuals are encouraged to refrain from engaging in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; or other acts which disrupt or otherwise impede the orderly conduct of any meeting.
- If any person disrupts the proceedings of a meeting, the chair shall give the person a clear warning to cease such disruption. If, after a clear warning, the person continues to be disruptive, the chair may order the person to withdraw. If the person so ordered fails to withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.
- Whenever the public is allowed to participate in remote public meetings, the same rules and guidelines that apply to in-person meetings apply to their remote counterparts.
- Comments made during public comment sessions do not reflect the views or the positions of the public body before which the member of the public is speaking. Because of constitutional free speech principles, public bodies do not

have the authority to prevent or limit all speech that may be upsetting or offensive during such sessions.

**V. Distribution & Education**

- The Town Clerk shall provide a copy of these guidelines to all members upon its issuance and upon the subsequent appointment or re-appointment of any member.
- The Town Clerk shall maintain and distribute educational materials from the State Ethics Commission to members.
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict of Interest Law and ensure compliance with said Law.
- The Town Clerk shall educate the Board, members, and officials on the Conflict of Interest Law and ensure compliance with annual state mandated on-line training.

### **3. Board Meetings & Hearing Procedures**

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In the interests of government transparency and compliance with the Open Meeting Law, meetings and hearings are the primary manner in which the Board discharges its duties. This section outlines significant policies and practices of the Board in arranging and conducting those meetings and hearings.

#### **I. Notice of Meetings & Agendas**

The Chair is responsible for developing agendas in concert with the Town Manager's Office and filing appropriate public notice of any Board meeting or hearing with the Town Clerk at least 48 hours in advance, excluding Saturdays, Sundays and Legal Holidays. Members of the Board may request agenda items directly through the Chair, while members of the public and Town staff may make requests through the Chair or the Manager for the Chair's consideration. By default, the Chair has discretion to determine which items are on the agenda. However, the Board may by a majority vote request an item on a future agenda at a duly posted public meeting.

Notices shall each contain the following:

- Date and time of meeting;
- Place (including virtual or online spaces as permitted) of meeting; and
- A list of topics the Chair reasonably anticipates to be discussed at the meeting or hearing in a format reasonably conforming to the Sample Agenda attached in **Appendix Section A-1**

#### **II. Schedule & Location**

Unless otherwise set forth on meeting notices, regular meetings of the Board held on Monday evenings at 7:00 p.m. until the conclusion of all business or the Board moves to table business and adjourn. The location of meetings unless otherwise specified in notices is in the Select Board Room on the third floor of the Town Offices. Additional meetings are scheduled as needed by the Board. The Board shall not meet on days designated as legal holidays or election days. Meetings falling on a legal holiday or election days are cancelled or rescheduled for another date at the discretion of the Board.

##### **A. Hearings & Special Meetings**

Hearings (often conducted within regular meetings) and special meetings of the Board may be scheduled either at the discretion of the Board regarding any matter within their jurisdiction, or as required by a license or permit application. Any special hearings

or meetings follow the normal notice procedures absent an emergency, or pertinent provisions of law setting forth additional notice requirements beyond the Open Meeting Law (such as formal legal notices in advance of public hearings).

While public comment in regular meetings is afforded at the discretion of the Chair, public comment at legal hearings is afforded by right through oral or written testimony to the Board. Interested parties and members of the public are reminded that the purpose of testimony is to inform the Board for the purposes of rendering a decision. Persons testifying before the Board in hearings are respectfully referred to the Select Board's Code of Conduct Policy at Section 2(IV) ("Guidelines for Individuals Speaking at Public Meetings") for further information.

#### B. Emergency Meetings

An "Emergency Meeting" is defined by law as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. Emergency meetings of the Board may be called by the Chair consistent with the requirements of the Open Meeting Law, which allows a meeting in special circumstances even though no notice was previously posted.

In the unusual circumstance where an emergency meeting is warranted, a notice should be posted at the earliest possible juncture; all Board members must be notified by the Chair or their designee; and a majority of Board Members must agree to convene an emergency meeting.

#### C. Notification of Interested Parties

The Town Manager and Town Clerk's Office shall coordinate to notify persons who are directly involved in the issues to be discussed by the Select Board.

#### D. Meeting and Hearing Procedures

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. It is the Board's practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification or definition. The Board may by majority vote suspend these rules or any Board policy as circumstances requires so long as it conducts itself in compliance with applicable state and federal laws.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policies or the making of critical appointments shall be taken whenever practicable only when the full Board is in

attendance. Actions and decisions shall be by motion, second and vote. Split vote will be identified by name.

#### E. Remote Participation

The Board approves the use of remote participation by Members of the Board within the bounds allowed by the Open Meeting Law. Members are encouraged to participate remotely whenever in-person attendance is not feasible. All votes taken when any Select Board participates remotely shall be conducted by roll call vote.

To the extent permitted by law, the Board will hold meetings remotely for both Members and the public in only those circumstances which merit remote participation by a quorum of the Board or a majority of those persons having business before the Board on a time-sensitive agenda item or items.

#### F. Resident Participation

Outside of public hearings, resident participation at Board meetings is provided at the discretion of the Chair. A "Public Comment" period is typically held at each regular meeting of the Board to hear concerns of the general public. Under either agenda items or Public Comment, residents are referred to the Board's Code of Conduct policy section 2(IV) ("IV. Guidelines for Individuals Speaking at Public Meetings") for more information.

#### G. Public Recording of Meetings

Select Board meetings are broadcast and recorded by Andover TV, Inc., which provides the public free access to such recordings. Personal audio and video recordings of meetings by members of the public are also permitted under the Open Meeting so long as such recording does not interfere with the conduct of the meeting. By law, the Chair must be notified by any member of the public of their intention to record a meeting before the meeting commences, and the Chair must in turn inform the attendees that the meeting is being recorded.

#### H. Executive Session

The Board may convene in executive session for only those purposes enumerated in the Open Meeting Law only after convening in open session, stating the reason(s) for entering executive session, conducting a successful roll call vote, and advising the public whether or not it will return to open session.

Once in executive session, all votes are conducted by roll call vote, minutes of executive sessions must be kept, and periodically reviewed to determine if they are ripe

for release because the purpose of an executive session is no longer served by keeping such minutes confidential.

I. Minutes

The Board shall maintain accurate minutes of its proceedings, including all exhibits used. Minutes need not constitute a transcript or contain every remark by Members, staff, or the public. Rather, minutes should be sufficiently detailed for a person not present at a meeting to understand what actions were taken by the Board and how members of the Board voted with a summary of the discussion leading to such vote and action.

DRAFT

**COMMONWEALTH OF MASSACHUSETTS**

WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

**WARRANT FOR STATE ELECTION**

**ESSEX, SS.**

To the Constables of the Town of Andover,

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Elections 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 FIFTH DAY OF NOVEMBER, 2024**, from 7:00 A.M. TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT .....FOR THESE UNITED STATES  
SENATOR IN CONGRESS ..... FOR THIS COMMONWEALTH  
REPRESENTATIVE IN CONGRESS ..... SIXTH DISTRICT  
COUNCILLOR..... FIFTH DISTRICT  
SENATOR IN GENERAL COURT ..... SECOND ESSEX & MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COURT ..... SEVENTEENTH DISTRICT  
Precincts 2, 3, & 4  
REPRESENTATIVE IN GENERAL COURT ..... EIGHTEENTH DISTRICT  
Precincts 1, 4A, & 5-10  
CLERK OF COURTS..... ESSEX COUNTY  
REGISTER OF DEEDS..... ESSEX NORTHERN DISTRICT

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

**SUMMARY**

This proposed law would specify that the State auditor has the authority to audit the legislature.

**A YES VOTE** would specify that the State auditor has the authority to audit the legislature.

A **NO VOTE** would make no change in the law relative to the State Auditor’s authority.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

### **SUMMARY**

This proposed law would eliminate the requirement that a student pass the Massachusetts Comprehensive Assessment System (MCAS) tests (or other statewide or district-wide assessments) in mathematics, science and technology, and English in order to receive a high school diploma. Instead, in order for a student to receive a high school diploma, the proposed law would require the student to complete coursework certified by the student’s district as demonstrating mastery of the competencies contained in the state academic standards in mathematics, science and technology, and English, as well as any additional areas determined by the Board of Elementary and Secondary Education.

A **YES VOTE** would eliminate the requirement that students pass the Massachusetts Comprehensive Assessment System (MCAS) in order to graduate high school but still require students to complete coursework that meets state standards.

A **NO VOTE** would make no change in the law relative to the requirement that a student pass the MCAS in order to graduate high school.

## **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

### **SUMMARY**

The proposed law would provide Transportation Network Drivers (“Drivers”) with the right to form unions (“Driver Organizations”) to collectively bargain with Transportation Network Companies (“Companies”)-which are companies that use a digital network to connect riders to drivers for pre-arranged transportation-to create negotiated recommendations concerning wages, benefits and terms and conditions of work. Drivers would not be required to engage in any union activities. Companies would be allowed to form multi-Company associations to represent them when negotiating with Driver Organizations. The state would supervise the labor activities permitted by the proposed law and would have responsibility for approving or disapproving the negotiated recommendations. The proposed law would define certain activities by a Company or a Driver Organization to be unfair work practices. The proposed law would establish a hearing process for the state Employment Relations Board (“Board”) to follow when a Company or Driver Organization is charged with an unfair work practice. The proposed law would permit the Board to take action, including awarding compensation to adversely affected Drivers, if it found that an unfair work practice had been committed. The proposed law would provide for an appeal of a Board decision to the state Appeals Court. This proposed law also would establish a procedure for determining which Drivers are Active Drivers, meaning that they completed more than the median number of rides in the previous six months. The proposed law would establish procedures for the Board to determine that a Driver Organization has signed authorizations from at least five percent of Active Drivers, entitling the Driver Organization to a list of Active Drivers; to designate a Driver Organization as the exclusive bargaining

representative for all Drivers based on signed authorizations from at least twenty-five percent of Active Drivers; to resolve disputes over exclusive bargaining status, including through elections; and to decertify a Driver Organization from exclusive bargaining status. A Driver Organization that has been designated the exclusive bargaining representative would have the exclusive right to represent the Drivers and to receive voluntary membership dues deductions. Once the Board determined that a Driver Organization was the exclusive bargaining representative for all Drivers, the Companies would be required to bargain with that Driver Organization concerning wages, benefits and terms and conditions of work. Once the Driver Organization and Companies reached agreement on wages, benefits, and the terms and conditions of work, that agreement would be voted upon by all Drivers who has completed at least 100 trips the previous quarter. If approved by a majority of votes cast, the recommendations would be submitted to the state Secretary of Labor for approval and if approved, would be effective for three years. The proposed law would establish procedures for the mediation and arbitration if the Driver Organization and Companies failed to reach agreement within a certain period of time. An arbitrator would consider factors set forth in the proposed law, including whether the wages of Drivers would be enough so that Drivers would not need to rely upon any public benefits. The proposed law also sets out procedures for the Secretary of Labor's review and approval of recommendations negotiated by a Driver Organization and the Companies and for judicial review of the Secretary's decision. The proposed law states that neither its provisions, an agreement nor a determination by the Secretary would be able to lessen labor standards established by other laws. If there were any conflict between the proposed law and existing Massachusetts labor relations law, the proposed law would prevail. The Board would make rules and regulations as appropriate to effectuate the proposed law. The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would provide transportation network drivers the option to form unions to collectively bargain with transportation network companies regarding wages, benefits, and terms and conditions of work

**A NO VOTE** would make no change in the law relative to the ability of transportation network drivers to form unions.

#### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

#### **SUMMARY**

This proposed law would allow persons aged 21 and older to grow, possess, and use certain natural psychedelic substances in certain circumstances. The psychedelic substances allowed would be two substances found in mushrooms (psilocybin and psilocyn) and three substances found in plants (dimethyltryptamine, mescaline, and ibogaine). These substances could be purchased at an approved location for use under the supervision of a licensed facilitator. This proposed law would otherwise prohibit any retail sale of natural psychedelic substances. This proposed law would also provide for the regulation and taxation of these psychedelic substances. This proposed law would license and regulate facilities offering supervised use of these psychedelic substances and provide for the taxation of proceeds from those facilities' sales of psychedelic substances. It would also allow persons aged 21 and older to grow these psychedelic substances in a 12-foot by 12-foot area at their home and use these psychedelic substances at their home. This proposed law would authorize persons aged 21 or older to possess up to one gram of psilocybin, one gram of psilocyn, one gram of dimethyltryptamine, 18 grams of mescaline, and 30 grams of ibogaine ("personal use amount"), in addition to whatever they might grow at their home, and to give away up to the personal use amount to a person aged 21 or over. This proposed law would create a Natural Psychedelic Substances Commission of five members appointed by the Governor, Attorney General, and Treasurer which would administer the law governing the use and distribution of these psychedelic substances. The Commission would adopt regulations governing licensing qualifications, security, recordkeeping, education and training, health and safety requirements, testing, and age verification. This proposed law would also create a Natural Psychedelic Substances Advisory Board of 20 members appointed by the Governor, Attorney

General, and Treasurer which would study and make recommendations to the Commission on the regulation and taxation of these psychedelic substances. This proposed law would allow cities and towns to reasonably restrict the time, place, and manner of the operation of licensed facilities offering psychedelic substances, but cities and towns could not ban those facilities or their provision of these substances. The proceeds of sales of psychedelic substances at licensed facilities would be subject to the state sales tax and an additional excise tax of 15 percent. In addition, a city or town could impose a separate tax of up to two percent. Revenue received from the additional state excise tax, license application fees, and civil penalties for violations of this proposed law would be deposited in a Natural Psychedelic Substances Regulation Fund and would be used, subject to appropriation, for administration of this proposed law. Using the psychedelic substances as permitted by this proposed law could not be a basis to deny a person medical care or public assistance, impose discipline by a professional licensing board, or enter adverse orders in child custody cases absent clear and convincing evidence that the activities created an unreasonable danger to the safety of a minor child. This proposed law would not affect existing laws regarding the operation of motor vehicles while under the influence, or the ability of employers to enforce workplace policies restricting the consumption of these psychedelic substances by employees. This proposed law would allow property owners to prohibit the use, display, growing, processing, or sale of these psychedelic substances on their premises. State and local governments could continue to restrict the possession and use of these psychedelic substances in public buildings or at schools. This proposed law would take effect on December 15, 2024.

**A YES VOTE** would allow persons over age 21 to use certain natural psychedelic substances under licensed supervision and to grow and possess limited quantities of those substances in their home and would create a commission to regulate those substances.

**A NO VOTE** would make no change in the law regarding natural psychedelic substances.

## **QUESTION 5: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

### **SUMMARY**

The proposed law would gradually increase the minimum hourly wage an employer must pay a tipped worker, over the course of five years, on the following schedule:

- To 64% of the state minimum wage on January 1, 2025;
- To 73% of the state minimum wage on January 1, 2026;
- To 82% of the state minimum wage on January 1, 2027;
- To 91% of the state minimum wage on January 1, 2028; and
- To 100% of the state minimum wage on January 1, 2029

The proposed law would require employers to continue to pay tipped workers the difference between the state minimum wage and the total amount a tipped worker receives in hourly wages plus tips through the end of 2028. The proposed law would also permit employers to calculate this difference over the entire weekly or bi-weekly payroll period. The requirement to pay this difference would cease when the required hourly wage for tipped workers would become 100% of the state minimum wage on January 1, 2029.

Under the proposed law, if an employer pays its workers an hourly wage that is at least the state minimum wage, the employer would be permitted to administer a “tip pool” that combines all the tips given by customers to tipped workers and distributes them among all the workers, including non-tipped workers.

A **YES VOTE** would increase the minimum hourly wage an employer must pay a tipped worker to the full state minimum wage implemented over five years, at which point employers could pool all tips and distribute them to all non-management workers.

A **NO VOTE** would make no change in the law governing tip pooling or the minimum wage for tipped workers. Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

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 30<sup>th</sup> day of September, 2024.

_____	)	
Laura M. Gregory, Chair	)	
	)	
_____	)	
Alexander J. Vispoli, Vice Chair	)	SELECT BOARD
	)	
_____	)	OF
Ellen Marie Townson, Clerk	)	
	)	ANDOVER
_____	)	
Kevin T. Coffey, Select Board Member	)	)
	)	
_____	)	
Melissa Morris Danisch, Select Board Member	)	

A true copy

A T T E S T

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

Andover, Massachusetts, \_\_\_\_\_, 2024

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 seven days.

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Ronald Bertheim, Constable

WARRANT POSTING PLACES

Precinct One	Cormier Youth Center Town Offices (main bulletin board & Town Clerk's Office)
Precinct Two	Memorial Hall Library
Precinct Three	Town House (Main Street)
Precinct Four	West Elementary School
Precinct Five	High Plain Elementary School
Precinct Six	Water Treatment Plant
Precinct Seven	South Elementary School State Police Barracks (Route 125)
Precinct Eight	Bancroft Elementary School
Precinct Nine	Ballardvale Fire Station
Precinct Ten	Andover High School



## 2025 ANNUAL TOWN MEETING & ELECTION CALENDAR

<b>Andover Town Election &amp; Annual Town Meeting</b>		
<b>ANNUAL TOWN ELECTION:</b>	Tuesday, March 25, 2025 7:00AM - 8:00PM	(Fourth Tuesday in March)
<b>ANNUAL TOWN MEETING:</b>	[April 28, April 29, April 30, & May 1, 2025] 7:00PM J. Everett Collins Center Auditorium Andover High School, Shawsheen Road	
<b>BUDGET DUE TO TOWN:</b>	Friday, February 7, 2025	(First Friday of Feb.)
<b>ANNUAL TOWN REPORT:</b>	Tuesday, March 18, 2025	(7 days before town election)
<b>FINANCE COMMITTEE REPORT:</b>	Friday, April 18, 2025	(10 days before business meeting)
<b>TOWN WARRANT:</b>	Opens: Monday, October 21, 2024 Closes: Friday, January 17, 2025	

<b>ANDOVER TOWN ELECTION DEADLINES</b>		
Last day to submit nomination papers to the Board of Registrars for Town Election	<b>Tuesday, February 4, 2025 5:00PM</b>	(49 days)
Last day to withdraw from Town Election (notarized statement in writing)	<b>Thursday, February 20, 2025 5:00PM</b>	(33 days)
Last Day to register to vote for the Town Election for non-registered voters:	<b>Saturday, March 15, 2025</b>	(10 days)
Warrant Posted & Published:	<b>No later than Tuesday, March 11, 2025</b>	(14 days)

**PLEASE NOTE:** Mail-in voter registration forms are available at the Registry of Motor Vehicles, Memorial Hall Library, all four Post Offices, the Secretary of the Commonwealth's website, and the Town Offices on Bartlet Street. If you are not registered to vote, to be eligible to vote at an Election or Town Meeting, your mail-in form must be received or postmarked by the last day to register per State law. Online voter registration is now available on the Secretary of the Commonwealth's web site.



## ANNUAL TOWN MEETING DEADLINES

Last Day to Register to vote for the Annual Town Meeting for non-registered voters:	<b>Friday, April 18, 2025</b>	(10 days)
Warrant Posted & Published:	<b>No later than Monday, April 14, 2025</b>	(14 days)

## 2025 CAMPAIGN FINANCE REPORTING

REPORT NAME	REPORT DUE	REPORTING PERIOD DATES
2024 End-of-Year:	Due Jan. 20, 2025	<u>Reporting Period Ending:</u> <ul style="list-style-type: none"> <li>April 16, 2024 – December 31, 2024 (for 2024 candidates not dissolved)</li> <li>January 1, 2024 – December 31, 2024 (for all others)</li> </ul>
8 Day Pre-Election:	Due March 17, 2025	<u>Reporting period:</u> <ul style="list-style-type: none"> <li>January 1, 2025 – March 7, 2025 (accounting closes 10 days before due date)</li> </ul>
30 Day Post-Election:	Due April 24, 2025	<u>Reporting period:</u> <ul style="list-style-type: none"> <li>March 8, 2025 – April 14, 2025 (accounting closes 10 days before due date)</li> </ul>
2025 End-of-Year:	Due Jan. 20, 2026	<u>Reporting Period Ending:</u> <ul style="list-style-type: none"> <li>April 15, 2025 through December 31, 2025 (for all 2024 candidates not dissolved)</li> <li>January 1, 2025 through December 31, 2025 (for all others)</li> </ul>
Dissolution Report:	Due when balance is zero with written notice	

## 2025 STATE ELECTIONS

None scheduled at this time



# TOWN OF ANDOVER

Planning Division  
36 Bartlet Street  
Andover, MA 01810  
978-623-8620  
[www.andoverma.gov](http://www.andoverma.gov)

September 26, 2024

Re: Riverside Woods, 1 Francis Drive, Unit 402, Affordable Unit Right of First Refusal

Dear Select Board,

When an affordable unit becomes available for resale, in some circumstances, the Town of Andover has the Right of First Refusal. An affordable unit at Riverside Woods, will become available this month, at a calculated price (based on 80% area median income) and listed for sale for \$194,000. It is a one-bedroom and one bathroom unit.

It is recommended that we try to find an eligible buyer for the unit instead of exercising the Town's Right of First Refusal. There are two reasons for this, one there are not sufficient funds in the Housing Trust Fund account and two, the Town has been successful working with Andover Community Trust (ACT) and the Executive Office of Housing and Livable Communities (EOLHC) to find an eligible buyer in all cases.

If the Select Board votes to not exercise its Right of First Refusal, Andover Community Trust will begin marketing the unit to households that meet the following criteria:

- *Households with income less than 80% AMI  
1 person - \$68,500 2 people - \$78,250*
- *Maximum Household Liquid Asset Limit \$275,000 (includes equity from home sale and other assets)*
- *At least 1 applicant must be over the age of 62 (and the remaining household member must be over the age of 18).*
- *The buyer does not have to be a first-time buyer.*

If you have any questions, feel free to reach out anytime.

Sincerely,

Lisa Schwarz, AICP  
Assistant Planning Director