



Select Board Meeting

Monday, November 18, 2024
Select Board Room, Town Offices
36 Bartlet Street Andover, MA 01810

7:00 PM

RECEIVED
TOWN CLERK'S OFFICE

2024 NOV 18 PM 4:26

TOWN OF ANDOVER, MASS

- I. **Call to Order – 7:00 P.M.**
- II. **Opening Ceremonies**
 - A. Moment of Silence/Pledge of Allegiance
- III. **Town Manager Report**
- IV. **Communications/Announcements/Liaison Reports**
- V. **Public Comment**
- VI. **Public Hearings**
 - A. Capital Improvement Program FY2026 – 2030
Town Manager to present the Town Manager's recommended Capital Improvement Program.
- VII. **Regular Business**
 - A. Lincoln Street
Board to receive presentation and overview of proposed pedestrian safety improvements on Lincoln Street.
 - B. Polyfluoroalkyl Substances (PFAS) Regulation Letter to MassDEP and Legislators
Board to review and consider voting to sign letter to Massachusetts Department of Environmental Protection and State Legislators.
 - C. Andover Means Tested Senior Tax Exemption
Board to consider voting to set the exemption amount for the Andover Means Tested Senior Tax Exemption as voted in the 2018 ATM Article 37. The exemption may be up to a 100% match but no less than a 50% match of the amount of the circuit breaker income tax credit that the applicants received in the previous year.
 - D. Sustainability Update
Board to receive an update on Specialized Stretch Code from the Director of Sustainability and members the Andover Green Advisory Board.
 - E. Amended Conservation Restriction
Board to review and consider signing the Amended Conservation Restriction for Clubview Estates.

F. Central Street Historic District

Board to receive a presentation regarding the work of the Central Street Historic District Study Committee.

G. 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 (2nd Reading).

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
Innovation & Technology	Vickie Stringfellow (Maryjane Burwell)	Solutions Manager	\$108,112.29/year	12/09/2024
Preservation Commission	James McCarthy	Member	Term Expires 06/30/2026	11/19/2024

IX. **Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. September 23, 2024
2. September 30, 2024
3. October 23, 2024

X. **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

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45

JOHNSON &
BORENSTEIN, LLC

ATTORNEYS AT LAW

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

Mark B. Johnson (MA, NH, DC)
Donald F. Borenstein (MA, ME, NH)

Keri M. Armstrong (MA, NH)
John M. Donnelly, Jr. (MA, NH)
Gordon T. Glass (ME, MA)
Philip J. Czarneck (MA)
Jonathan R. Stark-Sachs (MA)

Of Counsel

Robert W. Lavoie (MA, NH)

Paralegals

Karen L. Bussell
Lianne Patenaude
Ellen M. Melvin
Kristin L. Sayer

October 15, 2024

Lynn Viselli, Administrative Secretary
Andover Conservation Commission
36 Bartlet Street
Andover, MA 01810

Re: Amended Conservation Restriction – Clubview

Dear Lynn:

Enclosed you will find an original Amended Conservation Restriction signed by my client. I understand this will be on the Conservation Commission's agenda for Tuesday, October 29th. Let me know when it is signed by the Conservation Commission members and can be released to me for recording.

Thank you for your help in this matter.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

/s/ Mark B. Johnson

Mark B. Johnson

MBJ~klb

Enclosure

pc: Jacki Byerley, Planner
Douglas Heim, Esquire

(Space above this line reserved for Registry of Deeds)

AMENDED CONSERVATION RESTRICTION

Cormier-Andover Greenbelt Corporation, a Massachusetts non-profit corporation, having its principal place of business at 3 Crenshaw Lane, Andover, Essex County, Massachusetts (the "Grantor"), for and in consideration of the issuance by the Planning Board of the Town of Andover, Massachusetts of its Special Permit SP20-03 and SP20-04, as modified, pursuant to Article VIII, Sec. 7.3 of the Town of Andover Zoning Bylaw, to Yvon Cormier, Trustee of CA Investment Trust of 3 Crenshaw Lane, Andover, Massachusetts, and of other good and valuable consideration, the exchange of which is hereby acknowledged, hereby grants to the INHABITANTS OF THE TOWN OF ANDOVER, acting by and through its Conservation Commission (the "Grantee"), whose address is Town Offices, 36 Bartlett Street, Andover, Massachusetts 01810, the following described Conservation Restriction.

This Amended Conservation Restriction is intended as an amendment to an original Conservation Restriction dated November 5, 2004, and recorded with Essex North District Registry of Deeds in Book 9194 Page 98, as amended by the Amended Conservation Restriction dated January 30, 2007, recorded at Book I0651, Page 102, and the Amended Conservation Restriction, dated August 9, 2010 and recorded at Book 12351, Page 255 and the Amended Conservation Restriction dated February 25, 2011 and recorded at Book 12424, Page 122 and the Amended Conservation Restriction dated May 15, 2014 and recorded at Book 13914, Page 210 and the Amended Conservation Restriction dated September 27, 2022 and recorded at Book 17588, Page 1 (as amended, the "Conservation Restriction") by placing additional land under conservation restriction as described below. No other provisions of the Conservation Restriction are hereby changed and the Conservation Restriction is hereby ratified and confirmed by the Grantor herein.

That the land hereinafter described shall be kept in an open or natural state and shall not be built upon for residential use or developed for accessory uses such as parking or roadway, nor built upon or developed for other uses contrary to or incompatible with the use of land intended to be kept and maintained in an open or natural state, subject to the reserved rights as set forth below:

The said land to which this restriction applies being described as follows:

Property Address: 60 Canterbury Street, Andover, MA

A certain parcel of land being a portion of the premises located at 60 Canterbury Street, Andover, Essex County, Massachusetts, more particularly designated as "Open Space Conservation Restricted Common Area, 126,864 ± s.f., 2.91 ± Acres" shown on a plan of land entitled, "Open Space Restricted Common Area Plan in Andover, Massachusetts, Clubview Estates" prepared for CA Investment Trust by Land Engineering & Environmental Services, Inc., dated June 29, 2021, which plan is recorded with the Essex North District Registry of Deeds as Plan No. _____ (the "Plan. The total Open Space Conservation Restricted Common Area contains 2.91 acres, more or less, as shown on said Plan.

Being a portion of the same premises described in Deed dated December 29, 1986, recorded with the Essex North District Registry of Deeds at Book 2395, Page 196.

Said premises are conveyed subject to easements of record.

The terms and provisions of this Conservation Restriction are as follows:

- I. Prohibited Activities: Except as otherwise herein provided, the Grantor shall neither perform nor permit others to perform any of the following activities on the Premises;
 - a. Construction or placing of any buildings, permanently affixed houseboats or mobile homes, roads, signs, billboards or other advertising, utilities or other structures on or above the ground, except for golf course maintenance, equipment and storage buildings, golf huts, seating, and paved golf cart paths;
 - b. Dumping or placing of trash, waste or unsightly or offensive materials.
 - c. Removal or destruction of trees, shrubs or other vegetation;
 - d. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substances or natural deposits in such manner as to affect the surface of the premises;
 - e. Activities detrimental to drainage, flood control, water or soil conservation or erosion control;

- f. Other acts or uses detrimental to the preservation of the Premises; or
 - g. Any act or acts prohibited under the above-noted Cluster Development By-Law.
2. Reserved Rights: Notwithstanding anything contained in Paragraph 1 above the Grantor reserves to itself, its successors, assigns and lessees, the right to conduct or permit the following activities on said parcels, as the activities are necessary and incidental to the normal operation and maintenance of the golf course and to the conservation of open space;
- a. The planting, removal and relocation of trees and shrubs, and the mowing of grass.
 - b. The dredging, relocation and expansion of the ponds and brooks located therein.
 - c. The erection and maintenance thereon of footbridges and bridges for golf carts and equipment crossing the brooks.
 - d. The installation, maintenance, repair, replacement and relocation of underground utilities, including but not limited to electricity, telephone, cable television, gas, water, drainage and sewerage facilities and appurtenances thereto for the benefit of the Premises above described and for premises adjacent thereto now owned by CA Investment Trust together with the right of access and egress to and from the same and the right to grant easements for the within purposes to third parties, including but not limited to such utility companies as the Grantor shall select, and to the Town of Andover.
 - e. Operation and maintenance, repair, replacement and relocation of a golf course, including but not limited to the right to install, relocate, and extend a watering system and drainage facilities, to relocate or regrade existing tees, greens, traps, fairways and roughs, and to install, maintain, relocate and extend paths (not to exceed fifteen (15) feet in width) for golf carts and maintenance equipment, and all other installations and facilities insofar as such activities may be necessary or convenient and incidental to proper golf course management procedures. To perform selective non-commercial cutting, pruning and thinning of dead, diseased, overgrown or overcrowded trees, brush and vegetation, for fire prevention and protection, unpaved trail and road maintenance, pest control, and golf course maintenance all in accordance with sound woodland conservation management techniques and without changing the general character of the Premises. To plant and maintain for recreational, scenic and soil conservation purposes, grass areas, walkways and sitting benches

throughout the above-noted area, and other installations and facilities normally used in connection with a golf course.

3. Access by Conservation Commission: Enforcement: Access by Public: The Conservation Restriction hereby conveyed shall not operate to grant to The Inhabitants of the Town of Andover, or its successors or to the general public any right to enter onto the Premises, except (i) that the Conservation Commission through one or more duly designated member(s) or agent(s) shall have the right to enter the Premises at reasonable times and in reasonable manner for the purpose of inspecting the Premises insuring compliance with the terms of this Conservation Restriction and preventing, abating or remedying any violations thereof. The rights herein granted shall be in addition to any other remedies, by appropriate legal proceedings or otherwise, which may be available to the Town of Andover or the Conservation Commission for the enforcement of this Conservation Restriction.

It is the intent of the Grantor that the aforesaid restriction in favor of The Inhabitants of the Town of Andover run with the land and that it complies with the intent and purpose of Chapter 40A, Section 9 of the Massachusetts General Laws and Town of Andover Zoning Bylaw Article VIII, sec. 7.3.5 regarding special permits for Cluster Developments.


Grantor acknowledges its agreement with the Grantee to seek approval from the Secretary of the Executive Office of Energy and Environmental Affairs for a conservation restriction pursuant to M.G.L. c.184, sections 31-33 covering the land affected by the original Conservation Restriction dated November 5, 2004, the Amended Conservation Restrictions dated January 30, 2007, August 9, 2010, February 25, 2011, May 15, 2014, and September 27, 2022 referred to herein, this Amended Conservation Restriction, the Conservation Restriction dated February 10, 1997, recorded at the Essex North District Registry of Deeds at Book 5694, Page 27, and the land affected by the Conservation Restriction and Easement granted by the Grantor to the Grantee dated November 19, 1991 and approved by the Conservation Commission of the Town of Andover, as amended and described in Attachment A hereto.

This Restriction shall be recorded at the Essex North District Registry of Deeds and shall be enforceable in perpetuity by The Inhabitants of the Town of Andover, and the Conservation Commission of the Town of Andover. The Grantors, for themselves and their successors and assigns, agree to execute and record any instrument which may be necessary to provide for continuation of this Restriction in perpetuity.

No documentary stamps are required, the consideration for this conveyance being nominal.

Executed as a sealed instrument this 8 day of October, 2024.

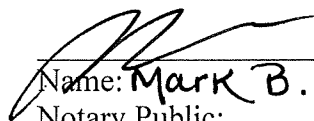
Cormier-Andover Greenbelt Corporation

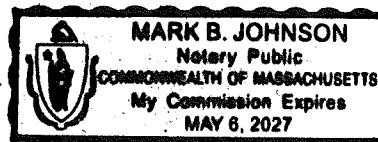

By: Yvon Cormier
Its: President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 8 day of October, 2024, before me, the undersigned Notary Public, personally appeared Yvon Cormier, President and Treasurer of Cormier-Andover Greenbelt Corporation, who proved to me through satisfactory evidence of identification, which were photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, on behalf of the Corporation, and that he has authority to sign in that capacity.


Name: Mark B. Johnson
Notary Public:
My Commission Expires: May 6, 2027



APPROVAL OF THE CONSERVATION COMMISSION

We, the undersigned Conservation Commission of the Town of Andover, Massachusetts, pursuant to Massachusetts General Laws Chapter 40, Section 8C, approve the forgoing conveyance to said Town.

Barald Coapn _____
Alexandra Driscoll _____
~~_____~~ _____

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 4th day of November, 2024, before me, the undersigned Notary Public, personally appeared Donald Coapn + Alexandra Driscoll

_____, who proved to me through satisfactory evidence of identification, which were photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, on behalf of the Trust, and that he has authority to sign in that capacity.

Lynn M. Veselli
Name:
Notary Public:
My Commission Expires: 8/15/2025

APPROVAL OF SELECT BOARD

We, the undersigned Select Board of the Town of Andover, Massachusetts, pursuant to Massachusetts General Laws, Chapter 40, Section 8C, approve the foregoing conveyance to said Town.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ___ day of _____, 2024, before me, the undersigned Notary Public, personally appeared

_____, who proved to me through satisfactory evidence of identification, which were photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, on behalf of the Trust, and that he has authority to sign in that capacity.

Name:
Notary Public:
My Commission Expires:

Attachment A

- I. Six certain parcels of land situated in the Town of Andover, County of Essex, Commonwealth of Massachusetts, being shown as "Parcel C", "Parcel D", "Parcel E", "Parcel F", "Parcel G", and "Parcel H", as shown on North Essex District Registry of Deeds Plan Number 8202, and reference may be had to said plan for a more particular description.

Parcel C contains 3.57 acres.

Parcel D contains 1,948 square feet.

Parcel E contains 2,986 square feet.

Parcel F contains 7.61 acres.

Parcel G contains 2,880 square feet.

Parcel H contains 3,875 square feet, all according to said plan.

Parcel F is conveyed subject to easements as shown on North Essex District Registry of Deeds Plan Number 8202, and there is excluded from Parcel F those two parcels of land designated as Parcel A and Parcel B as shown on Plan Number 12538.

Also, another parcel shown as "Parcel I - Open Space", on a plan of land entitled "Modification of Section I, Plan of Land in Andover, Massachusetts of Andover Country Club", which plan is recorded with Essex North District Registry of Deeds as Plan Number 11763, and referenced may be had to said plan for a more particular description.

Parcel I contains 6.24 acres according to said plan. Said Parcel is conveyed subject to utility easements as shown on said plan. Parcel I is described in deed recorded at Book 3198, Page 259.

Also, another certain parcel of land referred to as "Frenchman's Reserve Restricted Common Area" being a portion of the premises located at 90 Beacon Street, Andover, Essex County, Massachusetts, more particularly designated as "Restricted Common Area = 425,030± SF, 9.757± Acres" on a plan of land entitled, "Frenchman's Reserve Condominium, Phasing Plan in Andover, Massachusetts Frenchman's Reserve", Scale: 1"=60', Date: August 30, 2022, Prepared for/Owner CA Investment Trust, 3 Crenshaw Lane — Andover, MA, Prepared by Land Engineering & Environmental Services, Inc., One Bridgeview Circle, Tyngsboro, Massachusetts 01879, which plan is recorded with the Essex North District Registry of Deeds as Plan No. (the "Plan"), and reference may be had to said plan for a more particular description of said Restricted Common Area. The total Frenchman's Reserve Restricted Common Area contains 425,030 square feet of land, more or less, according to said plan, and being a portion of the same premises described in Deed dated December 29, 1986, recorded with the Essex North District Registry of Deeds at Book 2395, Page 196.

2. Four certain parcels of land situated in the Town of Andover, County of Essex, Commonwealth of Massachusetts being shown as Parcels J-C and J-D on North Essex District Registry of Deeds Plan Number 12445, Parcel K as shown on North Essex District Registry of Deeds Plan Number 8886 and

Parcel 1-B as shown on North Essex District Registry of Deeds Plan Number 8943, to which plans reference may be had for more particular description.

Parcel J-C contains 3,304 square feet according to said plan;

Parcel J-D contains 14,358 square feet according to said plan;

Parcel K contains 3.2± acres according to said plan;

Parcel 1-B contains .583 acres according to said plan.

Parcels J-C and J-D are conveyed subject to easements shown on the referenced plan.

The foregoing premises are described in deed recorded at Book 17399, Page 134.

FOUR (4) TEN-FOOT-WIDE PATHWAY EASEMENTS: As shown on the following plans:

- a. A plan of land entitled "Plan of Land in Andover, Massachusetts #68 Beacon Street" Scale 1"=40' Date: February 19, 1997, prepared by Dana F. Perkins, Inc. Consulting Engineers and Land Surveyors 1215 Main Street, Unit 111, Tewksbury, MA 01876, 125 Main Street, Reading, MA 01867, Prepared for: John F. & Eugenie M. Moffit, 68 Beacon Street, Andover, Massachusetts, recorded with the Essex North District Registry of Deeds as Plan Number 13060.
- b. A plan of land entitled "Definitive Subdivision of Section 5 Modification Plan of Land Andover Country Club Andover, Massachusetts" Scale 1"=40' Date: July 8, 1994, Dana F. Perkins, Inc. Consulting Engineers and Land Surveyors 1215 Main Street, Unit 111, Tewksbury, MA 01876 125 Main Street, Reading, MA 01867 Owner: CA Investment Trust, 59 Chandler Circle, Andover, Massachusetts recorded with the Essex North District Registry of Deeds as Plan Number 12513 and affecting Lots 116 and 117 thereon.
- c. A plan of land entitled "Easement Plan of Land Andover Country Club Andover, Massachusetts Scale 1"=40' Date: July 11, 1991 Dana F. Perkins, Inc. Consulting Engineers and Land Surveyors 1215 Main Street, Unit 506, Reading, MA 01867 Owner: CA Investment Trust, 59 Chandler Circle, Andover, Massachusetts recorded with the Essex North District Registry of Deeds as Plan Number 12041.
- d. A plan of land entitled "Easement Plan of Land Stafford Lane Andover, Massachusetts Scale 1"=40' Date: July 7, 1991 Dana F. Perkins, Inc. Consulting Engineers and Land Surveyors 1215 Main Street, Unit 506, Reading, MA 01867 Owner: CA Investment Trust, 59 Chandler Circle, Andover, Massachusetts recorded with the Essex North District Registry of Deeds as Plan Number 12040. The easement in this instance being on the entire parcel shown as "Parcel J-A Open Space and Pathway Easement" on said Plan.

For title see deed recorded at Book 1364, Page 745, Book 1380, Page 103, and Book 2395, Page 196. The foregoing easements are the same easements as described in deed to Town of Andover recorded at Book 2813, Page 135.

6765885.1



Douglas W. Heim
Town Counsel

36 Bartlet Street
Andover, MA 01810
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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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

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;¹
- 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.”

¹ 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

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

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



Select Board Meeting

Monday, September 23, 2024

7:00 PM

Select Board Room, Town Offices

36 Bartlet Street Andover, MA 01810

I. Call to Order – 7:00 P.M.

The Chair, Laura Gregory called the meeting of the Select Board to order at 7:00 PM. Members in attendance: Vice Chair Alex Vispoli, Melissa Danisch, Kevin Coffey and Clerk Ellen Townson.

Others in attendance: Deputy Town Manager Mike Lindstrom, Chief Administrative and Financial Officer Patrick Lawlor, Town Clerk/Deputy Town Manager Austin Simko and Town Counsel Doug Heim.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a moment of silence followed by the Pledge of Allegiance

III. Town Manager Report

Updates by the Town Manager:

~The Community can expect some activity on the Chandler Road site (138-140 Park Property) that was purchased by the Town several years ago. A public information session will be held on Monday, Sept 30 at 5:30 PM at the Safety Center. All abutters have been notified.

~The Planning Board will be meeting on September 24th to provide an update on the Gillette Expansion Project. Austin Simko will be addressing some of the questions on P-testing.

~Andover Fire Rescue is holding their Open House on Saturday October 5th.

~The Andover Health Division is holding a series of flu vaccines in October at the Robb Center including a high dose clinic and a regular clinic. Appointments are required and can be made online at Andoverma.gov or calling the Andover Health Center at 978-623-8640.

~On Wednesday, September 18th Elder Services held a Health Fair at the Robb Center which was well attended with 48 vendors.

~On Friday, September 18th a ribbon cutting was held for the new West Elementary School building; Shawsheen will open at the site next year.

~Thank you to the organizers and everyone who participated in Andover Day which was well attended despite the weather. The Chamber of Commerce puts a great deal of work into planning Andover Day.

The Town Manager's Office, along with the Planning Department and DPW staff, participated in Mass. Present Design Public Hearing for the Rte. 133 corridor last week. The video and materials meeting can be found on the Town Website.

Grants update: After a two year wait, Elder Services has finally taken delivery of an accessible minivan funded through Mass DOT and Regional Transit.

Alex Vispoli would like to see a plan for the Park Property come before the Board so they can have a dialogue before they forward with a final choice.

Mike Lindstrom reported on Pedestrian safety: relative to Rte. 133. They held a meeting last week and he expects another great turnout for the Elm Square Improvements meeting. The Town will be proposing another public meeting on October 9th at MHL. Last year they finished the safety audit and solutions for changes for Elm Square and to potentially to remove some lanes and turn restrictions. It will be a very productive meeting for Elm Square Improvements. There will be a suite of options put forward for public input.

Patrick Lawlor provided an update on employees who have significant work anniversaries for August and September:

Paul Materazzo, Director of Planning and Land Use	28 Years
Deputy Chief Scott Waitman, Andover Fire & Rescue	28 Years
Sgt. Peter Reming Andover Police Department	27 Years
Lieutenant Bob Dalton, Andover Fire Rescue	24 Years
Tammy Robichaud, Custodian with Dept. of Facilities	24 Years
John Teichert, Parking Enforcement Officer	23 Years
Sal DeNaro, Andover Firefighter and Andover Fire Rescue	23 Years
Officer Brien Luen Andover Police Department	23 Years
Matthew Treed Andover Firefighter and Andover Fire Rescue	20 Years
Kim Lynn, Asst. Director at Memorial Hall Library	20 Years

Thank you to all for your service.

IV. Communications/Announcements/Liaison Reports

Austin Simko spoke about the PFAS chemicals at the Gillette facilities in Andover. The Town has engaged with Proctor & Gamble to understand their manufacturing process over the past several months. They were forthcoming with answers about their manufacturing processes and they do not believe that PFAS will be released into the environment. Air quality emissions are regulated by the State of Massachusetts and not the Town of Andover. The DEP recently approved an air quality plan and determined that this facility will operate in accordance with applicable State regulations. During that review process, Town residents had the ability to comment on that report. At the local level, the Town can and is involved.

Fire Rescue regulates storage of inflammables and the Gillette project is before the Planning Board. Proctor and Gamble will speak to the issues at an open Planning Board Meeting and provide information along with Tom Carbone, Andover's

Director of Public Health. Andover's Board of Health is aware and are monitoring this. They will decide if they have a role to move forward. The Planning Board will continue to have this item on their meeting agendas.

Alex Vispoli asked if the Town is engaging the services of a consultant to assess what this may or may not be. Tom Carbone, Director of Public Health said they have been following the situation but the State and Federal Government have better expertise on this matter. Town Counsel Doug Heim reported that the PFAS chemical being produced by P&G is of the kind that have been regulated. They do have a role in the process and monitor for PFAS in our water at the intake level which is the primary health concern at the moment with respect to PFAS infiltration. Alex Vispoli wants to know beforehand what the protections the Town has. The State Regulatory Process for comments has already been conducted. Laura Gregory has requested this item be put on a future agenda for further discussion.

Melissa Danisch noted the passing of Mayor Neil Perry of Methuen who was a committed public servant and did some wonderful things for the City of Methuen.

Alex Vispoli asked about the status of the Lincoln Street project and when the public meeting will be held. The Town Manager said it would take 4-6 weeks to complete the review.

Ellen Townson said that despite the rain, Andover Day was well attended.

V. Public Comment

Alix Driscoll, 11 Forbes Lane and Miranda Chave, 49 Porter Road thanked the Board for starting the conversation about PFAS and asking very good questions there are a lot of residents who worry about this.

Mary Pritchard, 399 River Road thanked Selectman Vispoli for the question on where does the expertise come from to oversee the project at Gillette. State regulations have fallen way behind on the science of PFAS.

Eric Teichert, Andover Fire Department and member of the Andover Retirement Board recognized Elena Kothman, Andover Retirement Board Director who is leaving at the end of October. The Retirement Board are the fiduciaries responsible to the members and retirees and decisions should be made on how to serve them best. The Select Board can't be thinking about the implication to the taxpayers.

Rich Bizzozero, 315 River Road worked with companies like Gillette to green up their manufacturing process. He was surprised that he did not see the basic information on all the chemicals being proposed to be used, how much would be used, and how much would be omitted from the output and solid waste

generation or mention of PFAS in the permit application. DEP will only regulate those chemicals of which they have authority. He encourages the Town to get more information about the proposed use of PFAS and additional information on the maximum amount of chemicals on site and used annually and where they are located within the facility.

VI. Public Hearings

A. Alcoholic Beverages License – Alteration of Premises

Board to review and consider voting to approve the application of BTTMV LLC, d/b/a Shoyu Restaurant and Bar, 38-40 Park Street, Andover, for an Alteration of Premises on its All-Alcoholic Restaurant Alcoholic Beverage License.

Attorney Robert Lavoie spoke to this item

Austin Simko provided an update on the issue of sound disturbing the neighbors. They conducted a reading on the noise level and have talked to both the licensee and the abutter at 27 Florence Street about the path forward is to turn down the volume and particularly the base. In the revised motion below, Shoyu would shut the front windows and doors when Karaoke was happening. If the noise persists, they can reach out to Austin or the Police. Austin explained the three avenues that could be addressed should the problem continue: Using the Mass Noise Standard to measure with decimal reader; apply the Massachusetts Public Nuisance Law or non-renewal of the Andover Entertainment License which is to be renewed on January 21 2025.

Robert Donnelly, 27 Florence Street thanked the Select Board for listening to their concerns and thanked Austin Simko for meeting with him. He objects to any change that would make their experience worse.

Melissa Danisch moved to approve the application of BTTMV, LLC, doing business as Shoyu Restaurant & Bar, for an Alteration of Premises to its On Premise All Alcoholic Beverages License at 38-40 Park Street, Andover, subject to the condition that all other requirements of the Town are met prior to issuance; and provided that the licensee may only serve alcohol within the outdoor portion of its licensed premise pursuant to an annual outdoor dining license/permit issued by the Inspector of Buildings, if the Inspector of Buildings issues such license/permit in accordance with applicable bylaws, and that such alcohol service comply with the conditions provided in such outdoor dining license/permit. And further that the licensee agrees to close its' front glass panels during hours when Karaoke was occurring. Motion seconded by Kevin Coffey and voted 5-0 to approve.

Melissa Danisch moved that the Board find that the application of BTTMV, LLC, doing business as Shoyu Restaurant & Bar, for an Alteration of Premises to its On Premise All Alcoholic Beverage License at 38-40 Park Street, Andover is not

detrimental to the educational and spiritual activities of Free Christian Church at 31 Elm Street, Andover; Christ Church at 10 Park Street, Andover; and Andover Baptist Church at 6 Essex Street, Andover. Motion seconded by Alex Vispoli and voted 5-0 to approve.

VII. Regular Business

A. Retirement Board Appointment

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

- Mathew Fabiani
- Michael Hendrickson
- Brian Masterson
- John F. O'Day
- Jesse Ritter

The Chair distributed list of questions used for the Retirement Board position. After the interviews the Board discussed the candidates qualifications.

Alex Vispoli moved that the that the Board appoint Mathew Fabiani as the Board's representative to the Andover Retirement Board to a term beginning September 17, 2024 and ending September 19, 2026. Motion seconded by Melissa Danish and voted 3-2 to approve.

B. Andover Home for the Aged People

Board to receive a presentation on donations from the Andover Home for Aged People.

Jane Burns, Director of Elder Services said the Andover Home for Aged People have supported their podiatry for many years and one of the most popular programs for health care at the Robb Center. In FY-24 they saw 413 podiatry appointments at the Robb Center and another 30 at home visits and work with an agency called Foot Care Focus who send a nurse podiatrist one day a week to the Center and also goes out to frail elders home's to meet with them. It is a program that Andover residents and seniors and strive to keep the cost down. There is a \$15 co-payment. It is a \$50 service and Andover Home for Aged People covers the remainder of the cost. Jane said she made a request to them for \$18,00 to help keep this popular program afloat in the coming year.

The second request made to them was in support of their most in-need and urgent needs in the community with gift cards in the amount of \$25 typically to Market Basket or a local business where someone who is facing a crisis can go to; it is a way for their social workers to respond to a crisis. Andover Home for the Aged has generously offered them \$500 to put towards the gift cards. They keep a record of every card sent out.

Alex Vispoli moved that the board accept donations from the Andover Home for the Aged People in the amount of \$18,000 for podiatry care for senior

residents in Andover and in the amount of \$500 for gift cards for needy senior residents in Andover, with both donations to be administered by the Director of Elder Services. Motion voted 5-0 to approve

C. 2025 Annual Town Election and Town Meeting Calendar

Board to consider voting to approve 2025 Annual Town Election and Town Meeting Calendar. Austin Simko shared information on dates to consider.

Austin Simko reported that the Town Meeting Calendar is scheduled for four nights, April 28, April 29th April 30th and May 1st which in line with going back to 2016 about when they had the first night of Town Meeting. The issue is that April Vacation is later than it has been. The Board would like the date to pushed back, however the Collins Center is booked most nights. Austin will check the availability of the Field House. The Board discussed dates to consider. Town Moderator Sheila Doherty shared some options to consider. The Board agreed to move the discussion to the following week.

D. Halloween Trick-or-Treating

Board to consider voting to set the date of Trick-or-Treating to October 31, 2024 from 5:00 p.m. to 7:00 p.m.

Ellen Townson moved to designate the date of Trick-or-Treating to be October 31, 2024 from 5:00 PM to 7:00 PM. Motion seconded by Alex Vispoli and voted 5-0 to approve.

E. Town Manager Reappointment

Board to receive public input regarding the Town Manager reappointment.

Residents can email their comments to TMinput@Andoverma.us until October 16th at 12:00 PM. Please provide name and address and your affiliation to the Town (resident/businessowner) and that the emails may be considered public input under the Open Meeting Law. The Board is also taking input at their meeting on September 30th at 7:00 PM in the Select Board Room and October 23rd in the Select Board Room.

VIII. Consent Agenda

A. Appointments by the Town Manager

Melissa Danisch moved that the following appointments by the Town Manager be approved. Motion seconded by Alex Vispoli and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Andover Police Department	Carrie Donovan <i>(Bonnie Wright)</i>	Dispatcher	\$80,097.51/year	09/22/2024
Department of Public Works	Michael Clement <i>(Paul Gahinet)</i>	Project Engineer	\$90,271.55/year	10/07/2024

B. Appointments by the Select Board

Kevin Coffey asked why the poll-workers are not paid at minimum wage. Austin said many of the them won't take payment. They have been increased from \$7.25/hour to \$10/an hour in 2019. It is something we can take a look at as we go into the budget season and have a discussion about an increase in wages would result in a 46% increase of approximately additional \$40-45,000 a year.

Kevin Coffey moved to approve the consent agenda and as submitted by the Board of Registrars and that the Town Clerk may appoint from time to time from among the Election Officers such as Wardens, Deputy Wardens, Clerks Deputy Clerks, Inspectors, and Tellers, to the various precincts as he sees appropriate. Motion seconded by Melissa Danisch and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Town Clerk	Charles Bicking	Inspector	\$ 10.25	9/24/2024
Town Clerk	Christine Preytis	Inspector	\$ 10.25	9/24/2024
Town Clerk	David Waller	Inspector	\$ 10.25	9/24/2024
Town Clerk	Ellen Geiger	Inspector	\$ 10.25	9/24/2024
Town Clerk	John Hamel	Inspector	\$ 10.25	9/24/2024
Town Clerk	Judy Dlesk	Inspector	\$ 10.25	9/24/2024
Town Clerk	Nathan Walkup	Inspector	\$ 10.25	9/24/2024
Town Clerk	Paul Meehan	Inspector	\$ 10.25	9/24/2024
Town Clerk	Annie Gilbert	Clerk	\$ 11.25	9/24/2024
Town Clerk	Sarah Buck	Inspector	\$ 10.25	9/24/2024
Town Clerk	Susan Schwarz	Inspector	\$ 10.25	9/24/2024
Town Clerk	Sylvia Stevens	Inspector	\$ 10.25	9/24/2024
Town Clerk	Gale Ross	Inspector	\$ 10.25	9/24/2024
Town Clerk	Daniel Murray	Inspector	\$ 10.25	9/24/2024
Town Clerk	Pratima Jayakumar	Inspector	\$ 10.25	9/24/2024
Town Clerk	Thomas Rando	Inspector	\$ 10.25	9/24/2024
Town Clerk	Ken Veznaian	Inspector	\$ 10.25	9/24/2024

IX. 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 not to return to open session.

Melissa Danisch moved to go into Executive Session pursuant to Purpose 5 of Massachusetts General Laws, Chapter 30, Section 21(a), to discuss strategy with respect to litigation Andover Community Trust v. Andover Zoning Board of Appeals; and for the Chair to declare that an open session may have a detrimental

effect on the negotiating position of the Town, and not to return to open session.
Roll call: Alex Vispoli-Y, Kevin Coffee-Y, Melissa Danisch-Y, Ellen Townson-Y,
and Laura Gregory-Y. Motion passes 5-0.

X. Adjourn

At 8:55 PM on a motion made and seconded the Select Board voted 5-0 to
adjourn the Regular Meeting of Monday, September 23, 2024.

Respectfully submitted,
Dee DeLorenzo
Recording Secretary



Select Board Meeting

Monday, September 30, 2024

6:30 PM

Select Board Room, Town Offices

36 Bartlet Street Andover, MA 01810

I. Call to Order – 6:30 P.M.

Select Board Chair Laura Gregory called the meeting of September 30, 2024 to order at 7:00 PM. Members in attendance, Vice Chair Alex Vispoli, Clerk Ellen Townson, members Kevin Coffey and Melissa Danisch.

Members in attendance: Vice Chair Alex Vispoli, Clerk Ellen Townson, members Kevin Coffey and Melissa Danisch.

Others in attendance: Town Manager, Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Chief Administrative and Financial Officer Patrick Lawlor, Deputy Town Manager and Town Clerk Austin Simko, and Town Counsel Doug Heim.

II. Executive Session

A. Prior to Open session the Board voted 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.

Roll call: Alex Vispoli-Y, Kevin Coffee-Y, Melissa Danisch-Y, Ellen Townson-Y, and Laura Gregory-Y. Motion passes 5-0.

Regular Session – 7:00 PM

III. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

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

IV. Town Manager Report

The Town Manager reported on the status of the AHS Interim Project. The level of interest and the scope remains the same and includes building systems modifications, improvements to the cafeteria, the potential for modular classroom, and some site work and construction of a parking lot to alleviate some of the parking issues.

Before going out for design services agreement, they worked collaboratively with the Building Committee and School Committee on the scope of services of the project. They met with the School Committee twice; Unfortunately, they did not get enough responses to be able to award the contract because the design community assumed the architect who had been working on it would get the job.

They should have secured the OPM (Other Project Manager) first who could help so they issued an RFP for that and selected Collier's International who has a variety of experience. A Timeline will be presented at the School Committee meeting next Thursday. Once the OPM presents the timeline there will be a meeting with the Select Board.

A. Chandler Road Recreational Area – Phase I

<http://andoverma.gov/DocumentCenter/View/15570/09392924-Chandler-Road-Recreation-Phase-I>

The Town Manager provided an update on the Chandler Road Recreation Project. He stated that they have specific funds earmarked from Town Meeting to demolish the barn, \$250,000 in State earmarks and the Board initial funds for project

Joe Connelly, Director of Recreation presented information on the project. The goal of Phase I is to activate the site and begin the thought process to utilize it for recreational purposes which is what the community asked for in addition to an access road coming off Chandler Road including a small parking lot and to determine the size for the community garden group.

Timeline: October 2024 Conservation Commission

November 2024 Phase 1 is to Bid and award the contract.

April 2025 Begin Phase I construction.

Other phases have yet to be determined, they will be requesting capital funds for a Phase 2 design. The Conservation Commission is holding a meeting at MHL to discuss the project. As part of the process for the community funding; the Town will get answers from the State on what we can/cannot do for the Chandler Road Project.

Mike Lindstrom reported that the next Elm Square Meeting will be held at Memorial Hall Library on October 9th at 6:30 PM. TEC will talk about the alternatives to intersection changes they have been working on.

The Tree Committee will be engaging in a project for Walnut Street to look at how to plant street trees. On Wednesday at 2:00 PM the Tree Committee will meet at Walnut Street to walk the area with residents and talk about how to create the best program to preserve trees and sidewalks.

Austin Simko reported that the Historic District Study Committee conducted a site walk and met with the Merrimack Valley Historical Committee about their questions and what residents think about a Historical District on their street. There is a survey available on the Town website.

Doug Heim talked about the Merrimack River Access. Due to the work of all those who helped with the legal groundwork they were able to record last week and can now put shovels in the ground.

Kevin Coffey spoke about traffic and local roads noting that a lot is going on in Town with safety zones, complete streets, 25mph areas, interstate offloading onto multiple streets, etc. and the State has talked about beginning a pilot program for speed cameras. It might be helpful for the Board to have this as an agenda item.

Ellen Townson reported on the meeting the Commission on Disability held on Wednesday. They were excited about the community garden plots (so it would be great to have more), there will be some increased ADA parking at the Ballardvale Playground, and the benches that are being installed across town are ADA compliant with a feature where there is a parking spot for wheelchairs.

V. Communications/Announcements/Liaison Reports - None

VI. Public Comment

Maria Bartlett, 26 Jenkins Road provided some information on the Gillette Expansion issue. At the Planning Board Meeting she learned they expect the whole plant to be 100% electric buying 100% green electricity which will go a long way with the Town meeting their goals. It was the first time that Gillette expressed their concern with the P-test; so it is definitely an issue. A statement by a Gillette employee said P-Tests were 100% safe which is not true. They are going to try to appeal the DEP ruling and it is possible that Tom Carbone as Director of Health could also appeal that ruling.

Richard Howe, 3 Robandy Road had a question about the Town's Retirement System and in the publication from the State Retirement Municipal Employee Report that lists all 104 systems; Andover was one of 2 communities who had assumed rates of return that are less than 6% the rate of return has been 8%. The Town Manager said Andover is one of the top 5 lowest in the nation. They are not assuming earnings in excess and going on the low side until the Pension Obligation cannot be changed. For a long time the Town used a different rate than the Retirement Board. They can change the discount rate in two years.

Jessie Jacobson, One Paddock Lane asked if Chandler Road would be considered a safety zone. The Town Manager said a traffic study will be conducted for Chandler Road. Accurate speeds are critical to collect but they are not available

and speeds that exceeded the limit. He also spoke about the design and construction of the Rte 133 project which is one of the most densely populated with speed limits above the 25mph. Vision Zero Data is critical for analysis.

Andover resident Dave Crow, 8 Newman Road spoke about 7B which was at the request of the Select Board and it has been over 10 months since the funds were appropriated. (over \$50M). He attended many of the meetings and was assured they would develop a timeline. There seems to be no urgency on the Committee but does not know if they have the expectations. At the August 8th meeting they spoke about getting a Collier timeline – how are we managing the project, there are no updates coming out to the public or on the website. The project was at the request of the Select Board. AHS continues to age but can't set a direction proceed for renovation until 7B is done. Requesting we make some progress on this project so we can have change at Andover High School.

Michael Silverman, 56 Tewksbury Street supports Mr. Jacobson's question. Where are we at with the speed limits and adhering with the 25mph speed limits. He has not seen enforcement on Tewksbury Street.

Caroline Mallick, 43 Clark Road, Andover understands the revenue generation from Gillette and commented on Mr. Jacobson's narrative. Clark Road is extremely busy as the neighborhood is close to Gillette. She is in support of additional safety measures especially on Clark Road and is willing to help collect data.

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." Ali Pricopio said the Plan is the same as it was for Andover Day with a few minor changes and located behind Old Town Hall. They don't foresee any issues arising and will have staff and police nearby to help if necessary. Austin Simko said everything is in order.

Mike Lindstrom said it is a collaboration between several town departments to use the space. This event will start with a pooch parade, a band, and tons of kid's events with a lot of local vendors participating in this event. The parking lot/area will be closed off by about 7:00 am.

Melissa Danisch moved to approve the pours request by Marble Ridge Farm LLC with rain date to be the following day, October 27, 2024. Motion seconded by Alex Vispoli and voted 5-0 to approve.

B. Alcoholic Beverages License – Event on Town Owned Property

Jim Cass from Oak and Iron spoke to the request and provided a presentation on the security plan. They are proposing a larger entrance and exit and will try selling on three sides and will setup between 10:00 AM and 12PM and serve from 12:4:00 PM. Austin Simko said all paperwork is in order. Mike Lindstrom will work with Safety Officer Ota as well.

Alex Vispoli moved 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, Pizza, Pooches 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.” Motion seconded by Kevin Coffey and voted 5-0 to approve

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 (1st Reading).

Town Counsel Doug Heim said the Board has a Policy document and his recommendation is to make two policies one that includes who the Select Board as is, basic duties and how they go about doing their work and having 8-10 chapters not as detailed i.e. small wireless cell policy-which will have to be very detailed and/or an alcohol policy.

Doug also drafted three pieces for the initial policy/operating manual. This is a first reading and the beginning of the process. The Code of Conduct Policy is from the Mass Municipal Association. It is a model policy that MIAA and our insurer provides credit if the Board adopts it.

The Board agreed that they would review and send their comments to Town Counsel.

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. Mike Lindstrom reported on the local option statute adopted in 2022 to change certain roads to a 25mph speed limit. There are 34 roads they are looking at moving to that determination of a 25-mph speed limit. They consulted with Mass DOT. Streets that needed to be

changed and streets they did not need to change. Twelve roads special speed regulations are not included in the initial petition to MAS DOT for change from their current posted speed to 25 mph due to functional class, vehicle volume or recommendation from Mass DOT.

One road that comes up consistently is Lovejoy Road and its' proximity to Sanborn School. They are hoping that through the paving project they can narrow the fog lines to create traffic calming measures.

The Town will continue to explore physical traffic calming measures but change to 25-mph was deemed not to be detrimental to safety.

The Board discussed changing the speed limit to 25-mph if it has had enough effect. If road and pedestrian is a concern, we have to conduct further studies. Melissa Danisch said it is her understanding that the 25-mph speed limit is being enforced and asked if there is any way we can put up additional speed limit signs. Mike Lindstrom said they are limited by State Law. Alex Vispoli said Enforcement is key.

Officer Ota – reported that they are collecting data on speed and car counts, for two or more days and downloads the data. They have not made it public because residents have not asked for it, but he can provide the information to the Board. He would rather put up a discreet recorder.

Carlos Jaquez, Deputy Director of Public Works reported that a Town engineer evaluated what the appropriate speed would be. If you were to post the speed limit at 25-mph you would have to put one on every street which would go against the effort.

The Select Board has received messages about speed from residents on Lovejoy Road. Officer Ota and Carlos Jaquez said that Lovejoy is considered a minor road even though it has a high usage.

Several other residents spoke about the importance of enforcement.

The resident of 3 Chase Circle distributed a printout to the Board showing overwhelming disapproval that the numbers on the handout are convincing. The vote was advisory and that the Board should take that into consideration. The first bullet was never mentioned at Town Meeting. Please reevaluate Lovejoy Road.

There are ten crosswalks over a space of 1.4 miles and a dedicated pedestrian crosswalk at six of those there are reflective signs in the middle of the road 24-hours a day and crossing guards watching the kids, with a marked school zone and lighted marked 35-mph not 40 mph. The Complete Street Study Group

provided 35-mph zones with no significant crash data. There is not a speed issue on Lovejoy Road.

Board discussion:

The Board discussed taking a broader look at this problem and to consider having safety patrols on Lovejoy Road, lowering the speed limit which makes a difference and posting signs as well as measurements and enforcement of the speed.

Safety Officer Mark Ota will put a traffic recorder out there tomorrow and see what the data reveals and determine how fast people are traveling at which is posted at 35-mph.

Laura Gregory asked about reducing the cars that cut through Lovejoy. Officer Ota said there is no stopping cut through traffic The Board will continue this item at their November 18th meeting.

E. November 5, 2024 State Election Warrant

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

Austin Simko reported that there have been nine elections since the last presidential election and the polls are the same as in 2020 with five ballot questions.

Melissa Danisch moved to sign the warrant for the 2024 State election. Motion seconded by Ellen Townson and voted 5-0 to approve.

F. 2025 Annual Town Election and Town Meeting Calendar

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

Austin Simko reported on the Elections and the Town Calendar and provided three options for the Board to consider.

1. April 29, 30th and May 1st at the Collins Center (Tues-Thursday – NOT Monday). It is the lowest cost.
2. May 19th in the Field House (Mon-Thursday and Collins Center adds about \$80,000 more) it would also be disruptive to AHS Athletics.
3. Field House June 3-5th. Tuesday -Thursday. Monday AHS Graduation and the week after Memorial Day. \$80,000 for Field House

After discussion the Board voted as follows:

Kevin Coffey moved to approve the 2025 Annual Town Election and Town Meeting Calendar where the Annual Town Meeting will occur on April 29, 30th

and May 1st as needed and where applicable the Town Meeting deadlines will occur on the designated night of Town Meeting at the Collins Center. Motion seconded by Melissa Danisch. Motion passes 4-1. Laura Gregory voted in the negative.

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.

Denise Johnson Andover Community Trust distributed a packet to the Board Members and are asking the Board not to exercise the vote of first refusal which will allow them to market it to the public.

Selectman Vispoli asked if we market the property and receive the applications how do you decide who gets the application? Response: Because this is a one-bedroom, if they get more than one eligible applicant they use a lottery.

Melissa Danisch moved to not exercise its right of first refusal to purchase the affordable housing unit at 1 Francis Drive, Unit 402. Motion seconded by Kevin Coffey and voted 5-0 to not exercise the right of first refusal.

H. Town Manager Reappointment

Board to receive public input regarding the Town Manager reappointment.

Public Input:

Dave Crowe 8 Newman Hill Drive shared the following on the Town Manager. Andrew Flanagan has been a smart, dedicated and professional Town Manager who wears many hats while delivering on a vision for the Town. His financial mind has helped address many financial items in Andover (i.e. Pension Obligation Bond). He has always had an open door and listens and meets and works with people. He does a great job of honoring traditions and respecting what makes Andover who we are and at the same time he looks to the future. He has talked about ways to recruit and maintain the workforce. Everyone has room for improvement, but the Select Board should set the directions and continue to provide feedback. He hopes the Board decides to work with Andrew on a new contract for the future.

Laura Gregory added that there is one more opportunity to come before the Board on October 23 and individuals can send feedback to a special email TMinput@andoverma.us all emails must contain a full name and address and your affiliation to the Town (resident/business owner) The deadline to submit the emails is October 16th at 12:00 PM. The emails would be reviewed by the Board at the October 23rd Executive Session at the same time they will be receiving a summary document from Dr. Lavoie. There was some discussion regarding the Board receiving the emails in real time.

The Select Board will meet on Friday, October 4th at 8:30 AM by Zoom to discuss input on the Town Manager's reappointment.

VIII. Consent Agenda

A. Appointments by the Town Manager

Ellen Townson moved that the Board vote that the following appointments by the Town Manager as listed in the Consent Agenda and be approved; and to approve the appointment of Ms. Boucher as a special municipal employee who is compensated as a fitness instructor at the Robb Center. Motion seconded by Alex Vispoli and voted 5-0 to approve

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

At 9:48 PM on a motion by Ellen Townson and seconded by Melissa Danisch the Board voted 5-0 to adjourn the meeting of September 30, 2024.

Respectfully submitted,
Dee DeLorenzo
Recording Secretary

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

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45



Select Board Meeting
Wednesday, October 23, 2024 6:30 P.M.
Select Board Room, Town Offices
36 Bartlet Street Andover, MA 01810

I. Call to Order – 6:30 P.M. – Executive Session

II. Executive Session

A. On a motion made and seconded the Select Board voted 5-0 to go into Executive Session pursuant to Purpose 2, to conduct contract negotiations with nonunion personnel, i.e., the Town Manager; and for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town, and to return to open session. The Chair so declared that an open session may have a detrimental effect on the negotiating position of the Town.

III. **Call to Order** – 7:00 P.M.

The Chair, Laura Gregory called the Regular Meeting of the Select Board to order at 7:00 PM in the Select Board Meeting Room at Town Office. Members in attendance: Vice Chair Alex Vispoli, Clerk, Ellen Townson, and members Melissa Danisch and Kevin Coffey.

Others in attendance: Deputy Town Manager Mike Lindstrom, Chief Administrative & Financial Officer Patrick Lawlor and Town Clerk/Deputy Town Manager Austin Simko.

IV. **Opening Ceremonies**

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

V. **Town Manager Report**

The Essex Street Corridor Project is being funded through a Mass Grant in the amount of \$3.3M which the Town received a year ago. A public information session will be held on Wednesday, November 20th at MHL at 6:00 PM where staff will share the initial concept and plans with construction to begin in the summer of 2025.

Due to wear and tear, park benches in the Municipal Complex have been replaced and 20% of the benches have a companion spot that is ADA compliant.

The WWI Memorial Playstead Track has been resurfaced and new solar lighting installed in the parking lot past the garden.

The Town Manager thanked Carlos Jacquez, Chris Cronin and the DPW Team for completion of the 2024 paving season that included Greenwood Road and Hacienda Way.

An RFQ (request for quotes) for designer services and proposals for Andover High School, has been issued with responses due in by November 7th.

Halloween Hours have been set for October 31, 2024 from 5:00-7:00 PM.

The first ever Pooches, Pumpkins, Pizzas & Pours event will be held on Saturday behind Old Town Hall from noon to 4:00 PM.

The Merrimack Valley River Shore Clean-up will be held on Thursday, October 24th. They are collaborating with DPW and AVIS to coincide with the drawdown of the river's water level which is being done in collaboration with the operators of the dam in Lawrence.

Last year, on September 8th Andover experienced a microburst event resulting in the Town losing power for several days and the downing of many trees. Some of the restoration efforts were delayed because of the unavailability of resources in the region. Last week, they spoke with National Grid about their liability process with that incident. There have been three parts to their plan; neighborhood maintenance, pruning, and active removal of hazardous trees. National Grid is going through the effort of removing/pruning trees and enhanced vegetation management along their lines. There has been a 39% reduction in interruptions and a 32% reduction in the duration of outages. When there is an interruption, we have provided them with more information about our vulnerabilities and will focus their efforts on that moving forward.

Long-time Director of Public Works Chris Cronin will be retiring in January 2025.

Melissa Danisch asked about the status of paving Argilla Road. Chris Cronin said the paving will continue in the spring of 2025 as will the work on Central Street.

Mike Lindstrom thanked the 425 people who came to the 2nd Annual Diwali Celebration held last Friday at the Robb Center. Thanks to Jane Burns, Ann Ormond, and Chris Demsey for coordinating this event.

The third public forum on the Elm Square Safety was held on Wednesday, October 9th. The public meeting included updates and discussions on design alternatives. They heard a lot of good feedback from stakeholders and what they would like to see for this intersection. Information is available on the Town Website @Elm Square Safety at Andoverma.us

Kevin Coffey said there was an update for the community on the ADU Law (Accessory Dwelling Unit) and asked when the Board will have updated information. Also, there has been formidable conversation in Town on road speed and safety separate from Elm Square People have various ideas on road safety and the Board should bring the variables together in a conversation.

Melissa Danisch provided the following comments: The Annual Scarecrow competition that ACE (Andover Coalition for Education) puts on is a lot of fun with many great scarecrows located in the downtown area. The Fire Dept Open House was awesome and attended by lots of families and the Andover Farmer Market has ended for the season. Thank you to the many Andover staff who represented the different Town Departments at the market and special thanks to Safety Office Glen Ota for his weekly support there. The Annual Holiday Market will be held on December 7th this year.

Alex Vispoli recognized Ryan Knowles, the new Technology CIO who is doing a great job.

Ellen Townson talked about food insecurity and shared that South Church created a resource page listing all food assistance and opportunities people can sign up for, including State and Federal food assistance and available in five languages. As the Liaison to the Commission on Disability, Ellen shared that anyone looking for support can find resources that are listed on the Memorial Hall website, or they can reach out to her on her town email.

Austin Simko reported that it is day five of in-person early voting and by mail ballots; as of today, we are at 20% turnout. People are very excited to vote, and they are looking forward to November 5th.

Early in-person voting will be held in the 2nd floor Conference Room at Town Offices and during the week from 8:30AM-4:30 PM and on weekends from 10-2:00 PM. Residents have until this Saturday to register to vote.

Laura Gregory thanked Melissa Danisch and Ellen Townson for constructing the Scarecrow for the Board of Selectmen; it is a popular scarecrow.

VI. Public Comment

Kathy Grant, Morton Street, spoke about a group of people who have been following the ARPA funds since January 2022 that were provided to the Town. Everything must be completed by December 31, 2024. The Friends of Haggetts Pond are going to file an appeal of the Conservation Commission since no funds have been slated for Haggetts Pond; we could forfeit the \$1.2M which means no money will be available to use. The Board should go through all of the ARPA budget details and readjust accordingly.

VII. Regular Business

A. Liquor License Change of Manager

Board to review and consider voting to approve the application of WHG Andover Inn, LLC, doing business as the Andover Inn for a change in Manager to Nicolette Marie DeVito on it's all alcohol beverages license at the Andover Inn, 4 Chapel Avenue, Andover.

Attorney Tyler Hensler spoke on behalf of the Andover Inn's request, for a Change of Manager to be Nicolette Marie DeVito on its' All-Alcohol Alcoholic Beverages License at the Andover Inn, 4 Chapel Avenue, Andover.

Austin Simko reported that all requirements of the Town have been met.

Alex Vispoli moved to approve the application of WHG Andover Inn, LLC, doing business as Andover Inn, 4 Chapel Avenue, Andover, for a change in Manager on its All-Alcohol Alcoholic Beverages License to Nicolette Marie DeVito, 22 Blaisdell Street, Unit One, Haverhill, Massachusetts on the condition that all other requirements of the Town are met prior to issuance of the license. Motion seconded by Melissa Danisch and voted 5-0 to approve.

B. Andover Home for the Aged People

Board to receive a presentation and consider voting to approve a donation from the Andover Home for Aged People.

Patrick Lawlor reported that they have a donation to the Town to the for the elderly and disabled overseen by a committee that provides assistance to seniors and residents with disabilities that provides assistance with their property taxes.

Those who qualify can apply to the Elderly and Disabled Fund Committee who reviews the applications to determine who needs the assistance the most. The donation is in the amount of \$10,000.

Melissa Danisch moved to accept the donation of \$10,000 from the Andover Home for the Aged. Motion seconded by Alex Vispoli and voted 5-0 to approve.

Atty Urbelis, President of the Andover Home for the Aged, is pleased to present this donation to help seniors pay their taxes so they can stay in their home in Andover.

C. Town Manager Reappointment Public Input

Board to receive public input regarding the Town Manager reappointment.

Input to be kept to 3 minutes:

Kathy Grant, Morton Street, feels there is a lack of diversity on the Town Executive Management Team; the Select Board is diverse, but the Town management team is not.

Kristen Wise, Inwood Lane: Kristen provided input through a prepared statement which included property taxes, which have increased by 21% and a much larger increase than in the past three years including a 7.75% increase this calendar year. She realizes some of this it is due to the huge debt the Town carries including the ballooning debt payments for West Elementary and annual budgets that impact them as well. Decisions on funding the Ballardvale Fire Station and the DPW Facility from within the CIP funds would probably not have been approved by the voters and borrowing increases the annual budget. Ms. Wise also spoke about the use of ARPA funds for updating the third floor of Town Hall, and the several lawsuits the Town still has pending. The AHS Building Project, Haggetts Pond Trail and Main Street reconstruction have not gone well.

The Board to discuss and consider taking action relative to the reappointment of the Town Manager. The Chair reported on the process that the Board of Selectmen followed to review the Town Manager.

Laura Gregory's intent is to seek reappointment and discuss contract negotiations with the Town Manager and hopes the Board joins her in this decision.

Melissa Danisch moved that the Select Bord conduct negotiations with the Town Manager for the purposes of entering into a new contract and appoint a two-member subcommittee being Laura Gregory and Alex Vispoli for purposes of conducting negotiations.

Motion seconded by Ellen Townson.

Kevin Coffey said this is an important decision by the Board and thanked members of the public who submitted comments. They were on balance and 70% positive and fair. The Town Manager is bright, creative and hardworking, however there are also concerns: Town communications, are not always as proactive and complete as they could be i.e. the Town's position on the proposal for AHS was not clear and found to be out of touch with

what the voters wanted to do. Paving of Haggetts Pond Trail, and the changing of Lincoln Street to a one-way.

A different style of communications would allow some things to go more smoothly.

Andover has lot of debt and what we have done without an override is impressive. The next few years will be more challenging, and we should up the need for transparency, communication, and involving people earlier. Mr. Coffey is in favor of reappointing the Town Manager.

Alex Vispoli supports the reappointment of the Town Manager and had the pleasure of being on the Committee to hire Andrew nine years ago. His performance, response, and integrity has been the driver behind many of the initiatives in Town. Andrew has worked with the Board and Town Meeting on many initiatives. He has been successful in many negotiations that benefited the Town including the Old Town Yard, which was a two-year negotiation process, finishing the Master Plan, the Water Main Project, the Park Property, the Landfill capping, and from a Public Safety standpoint the Town has increased the investment in the Police Dept, specifically traffic safety, including adding the addition of a 3rd ambulance. There have been a lot of accomplishments driven by Andrew and his team who are very professional and loyal; one of the greatest strengths of a leader. Andrew Flanagan has increased the professionalism of the Town of Andover.

Melissa Danisch strongly supports the reappointment of Andrew Flanagan as Town Manager for another 5-year term. His leadership has greatly contributed to making Andover a better community and consistently demonstrates integrity with ethical behavior and treats people fairly and expects the same from others. His strategic and proactive planning allows the Town to effectively manage unexpected situations making him a standout.

Andrew's commitment to fair and transparent decision making strengthens the community. His leadership during the Columbia Gas Disaster, the Pandemic and Andover's financial standing is a testament to his leadership. He and his staff are tasked with addressing a multiple of interests on a daily basis and services have expanded to meet the evolving needs of families. His leadership has empowered town employees setting high standards for professionalism and service; and fostered a culture of collaboration and service.

Infrastructure updates will be perennial matters we will have to deal including the water main expansion and the water treatment plant improvements, active transportation remains a key focus with road safety planning being essential. The Town Manager's commitment to addressing these issues will be crucial for Andover's continued economic development. Andrew and his team have risen to the expectations consistently delivering quality services. The Select Board has maintained an effective partnership with him. Melissa supports his reappointment wholeheartedly.

Ellen Townson said the Town Manager and his team have an exceptional reputation. Andrew is innovative, creative and has successful leadership qualities and strategies.

Laura Gregory said that Andrew’s out-of-the-box thinking has led to many of the Municipal Awards for the Town and paved the road for other communities to do the same things. Andrew has addressed many standing issues in Andover that had been on to do list for a long time: i.e. Town Yard, Ballardvale Fire Station, Senior Center, and have increased sustainability over the last five years; we do more with the work done by the Town and in the Community. We have a adopted a Climate Action Plan and received approval by the State for Andover Community Power for solar power that will greatly benefit the residents of Andover.

As a lawyer, Laura does a lot of negotiations and there is a skill to negotiation Ing. Andrew Flanagan is an excellent negotiator. It is harder to do something you have to do that people are not going to receive well; Andrew does that and does it well. Laura is proud to have Andrew representing the town of Andover.

Alex Vispoli thanked everyone who sent an email which were all read by the members of the Select Board.

The Select voted 5-0 to approve the reappointment of the Town Manager.

The Town Manager thanked the Board for their remarks. There is so much to learn, and he has tried to breed a culture where they will try things even if they don’t get it right 100% of the time. There are a lot of great examples of how they can take the past nine years and how they can shape the next five years. He has an amazing team that are smart, talented, and who provide outstanding support. He thanked the Board for their vote of confidence. Andrew looks forward to moving the community forward.

VIII. Consent Agenda

A. Appointments by the Town Manager

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

Ellen Townson moved to approve the following appointments by the Town Manager.

Motion seconded by Alex Vispoli and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Memorial Hall Library	Laurie Kulik	Cataloging Librarian	\$40.00/hour	10/24/2024
Commission on Disability	Tana Goldberg	Member	Term Expires 06/30/2026	10/24/2024
Cultural Council	Michael Hendrickson	Member	Term Expires 06/30/2027	10/24/2024

IX. Approval of Minutes

A. Board to approve minutes from the following meetings:

Alex Vispoli moved to approve the minutes of September 16, 2024 and October 4, 2024.

Motion seconded by Melissa Danisch and voted 5-0 to approve.

X. 2024 Select Board Meetings

The Board will poll the members to determine meeting date(s) for the December Select Board Meeting. The Town Manager will confirm the Tri-board Meeting Date.

XI. Adjourn

At 8:14 PM on a motion by Melissa Danisch and seconded by Alex Vispoli, the Select Board voted 5-0 to adjourn the meeting of October 23, 2024.

Respectfully submitted,
Dee DeLorenzo,
Recording Secretary

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

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45