

2008 ANNUAL TOWN MEETING

Wednesday, April 30, 2008

MODERATOR: This evening we will have the posting of the flag by American Legion Post 8. Its members represent military service in World War II, Korean War, Vietnam War. I'd ask you all please to stand.

Please remain standing. It is our honored privilege this evening to have Father Joseph Narog here from Saint Augustine's of Andover. And he will offer an invocation to start our meeting.

NAROG: Good and gracious God, we stand before you this evening humbly aware that we gather in your presence. Remain with us and alight our hearts. Give us light and strength to know your will, to make it our own and live it in our lives. Guide us by your wisdom since you desire justice and peace for all. Enable us to uphold the rights of others, and not allow us to be misled by ignorance or prejudice, or to be corrupted by selfishness, fear, or favor. Unite us together in the bond of love and keep us faithful to all that is true. Bless those who lead us in our deliberations. May we work together for the good of our community, for our beloved Town of Andover. Bless those of us who live here, our children, our family, seniors and the many who come to visit. Let us be known for our hospitality. As we proceed this evening be with us in our conversations, leading us in civility and helping us to reach decisions that are fair, just and compassionate. All this we ask in your holy and blessed name. Amen.

MODERATOR: And Mr. Major will lead us in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

MODERATOR: One moment please...one moment thank you. We are very honored to have one of our own, a Freshman at the Andover High School, Megan Burke, who will sing two stanzas of the song that is our own, America.

"AMERICA"

MODERATOR: Now there is one gentleman who is in this room tonight who is prouder than proud and that is Megan's Dad who is the head of our Veteran's Services. Thank you, Megan.

Ok, um.. I'd like to have just one moment of silence if we can for those members of our Town who were here last year and who are not with us this year, who have passed on. Those who have gone before us who have made partly responsible for Andover being the wonderful Town it is. We have certainly lost one individual who stands out, Fred Fitzgerald, who when I was a young, young person I heard him say to Town Meeting, we should do this because it is the right thing to do and many of you would have heard him say that. So he and anyone else who has come to this meeting so often lets stop for a moment and just remember them.

MOMENT OF SILENCE

Thank you, have a seat please.

Tom do you want to..

URBELIS: Madam Moderator I move to admit Bernie Tuttle, Joe Piantedosi, Susan Nicholson and other non-voters who may enter the hall hereafter some of whom may be voting.

MODERATOR: It has been moved and seconded to admit non-voters to Town Meeting all those in favor please raise one hand. Those opposed. The ayes have it. The motion carries. Please allow the non-voters into the Meeting in the designated section.

I'd ask you all please to turn off your cell phones during the meeting please put them on vibrate. If there is a reason why you need to answer the phone could you please get up and go to the back of the hall to do that. IF you know the number of somebody hear in the hall, please call it right now and see if they really did turn it off. (laughter)

There is no smoking, obviously, in the building. No food or drink other than water. And the location of the restrooms, if anyone is not familiar, are straight back in the right hand corner of the room.

Mr. Urbelis.

URBELIS: Madam Moderator I move to waive return of service that will allow the Moderator to and refer to a warrant article by number and subject matter.

MODERATOR: All those in favor of waiving service so that we may refer to the warrant articles by number please raise one hand. Those opposed. Thank you very much.

The voting sections tonight will be as follows: 1, 2, 3, 4, right in the front. After the break will be 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. The non-voters are in the section at the end, right.

I would like to introduce to you please, the members on the stage, just very quickly. To my left and your right, I've always wanted to say that, is The Finance Committee and just so that everyone understands the purpose of the Finance Committee in the Town of Andover is to advise, the Town Meeting, that is the function of the Finance Committee. Next to the Finance Committee chair is attorney Tom Urbelis, the Town Council, Randy Hanson, the Town Clerk. To my right your left the School Committee, all of them as you know are elected officials, the Board of Selectmen, the Town Manager and the Director of Finance. There is over here on the far table, the Omnsbudsman, Mr. Christopher Veroontis. If you have any issues with an amendment you would like to make, clarifying it, we need to get it in triplicate, if you want to make an amendment to an article. He would be happy to help you with wording and he has the three part forms for you to complete.

Let me just run through a couple of the rules. If you want to take a look, at any point, in the inside back cover of the Finance Committee Report, there is an explanation of procedures. In order to be counted in a vote, you must be seated, and you must have your voter sticker on. If you do not have that on, they will not count you vote.

This meeting is being recorded, and from that recording is a transcription that is done for the official record of the meeting. Because of that it is very, very important that when you speak at any point, that you identify yourself with your name and address. Something I'm going to ask those of you on the stage. I think all of the Selectmen think you know exactly who they are, all the School Committee thinks you know exactly who they are. I'm sure we all know their names, you may not know who's who. So I would ask each of the members on the

stage Finance Committee as well as the Selectmen and School Committee to also identify yourself as you are speaking.

The use of the Pro and Con mic. On those articles where we will have a significant amount of discussion, there's a pro mic and a con mic. This center mic, right here, we would like to use for

those of you who are making presentations to the meeting, or if you have a point of order, or a point of information-only. The same as the mic there in the middle. If you have a point of order, or a point of information. A point of order would be if you don't understand the procedure we're taking, if you don't understand the vote that we are taking, by all means please stand up, and let me know. I will accept a motion to move the article, if somebody wants to get up and move the question, they want the discussion to stop, they're ready to take a vote, you can be anywhere in the hall and ask for that to take place. I have to hear you, and it has to be seconded, but you don't have to fight your way to a mic to call the question, to call to move the question. Um, most of what we will be doing may at all times, and the articles that we're dealing with will be up on the screen and it will also will clearly follow along with your Finance Committee Report, if you have that with you.

Any questions or information as we start.

Okay, so let's go to- let's get started and see where we go. Article--oh, I'm so very sorry there's a motion to be made. I'm sorry. Mic number three, please

TRAYNOR-GOLDSHEIN: I am Stephanie Traynor-Goldshein of 6 Ralston Circle President of the League of Women Voters of Andover-North Andover. I would like to make a motion on procedure effective for this Town Meeting only, that time limits be applied to speakers. Time limits are for this Town Meeting are at the discretion of the Moderator and will be imposed in the amounts of 5 minutes for presenters and 3 minutes for speakers.

MODERATOR: It's been moved and seconded that we impose time limits of 5 minutes for presenters and 3 minutes for speakers. Go ahead.

TRAYNOR-GOLDSHEIN: This is essentially the same time limit motion we have used successfully over the last several Town Meetings, the League believes the time limits for speakers

help make Town Meeting more efficient. Time limits encourage speakers to focus on their most important points and help the audience to hear from more speakers and thus provide an opportunity to hear a greater variety of viewpoints.

MODERATOR: All those in favor of the motion please raise on hand. Those opposed. The ayes clearly have it, the motion passes. I will be timing the presentations. Okay let's go, Article 1, the results of the Town Election. Mrs. Hanson, please.

HANSON: Good Evening, I am Randy Hanson, your Town Clerk and Election Official. The Town Election was held on Tuesday, March 25th from 7:00 a.m. to 8:00 p.m. at the Andover School Collins Field House, at the Andover High School Collins Field House. 2,771 voters cast ballots out of 20,385 active, eligible voters in the Town. A 14% turnout. The following is the result of that election.

Moderator; Sheila M. Doherty was elected Moderator for one year with a vote of 20--2,098 votes out of 2,771 votes cast. There was no opposition.

Selectmen; Mary Kelvie Lyman 1,146, Peter J. Koch 1,188. Mary Lyman was elected for a 3-year term.

School Committee; Dennis F. Forgue 1,292 votes, Gregory J. Rigby, 1,069 votes. Mr. Forgue was elected for a 3-year term.

Andover Housing Authority; Janice Burkholder was elected with a vote of 1932 votes cast out of a total of 2,771, there was no opposition.

Also the Town voted not to accept the Community Preservation Act with a vote of YES 1,208 and vote of NO 1,520.

All elected officials have been sworn to their duties. Thank you.

MODERATOR: Thank you. Election not required by ballot. Mr. Major.

MAJOR: Madam Moderator, first motion, I move that Richard Bowen of 12 Bannister Road be elected Trustee of the Cornell Fund for 3 years.

MODERATOR: It's been moved and seconded that Richard Bowen be elected to the Cornell Fund, Trustee of the Cornell Fund for 3 years. All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries.

MAJOR: And motion 2. I move that Calvin Perry, 25 Timothy Drive, be Trustee of the Cornell Fund for 2 years.

MODERATOR: It has been moved and seconded that Calvin Perry be elected as a Trustee of the Cornell Fund for 2 years. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. Salaries for elected officials. Mrs. Hanson.

HANSON: Ms. Moderator, I move the Town Moderator receive a salary of \$250 for each Annual Town Meeting and \$60 for each Special Town Meeting except when it falls within the Annual Town Meeting. Those in favor, please raise your hand. All those opposed. They ayes have it.

MODERATOR: Thank you very much. I'll spend that well. I would like to make a motion on behalf of our elected officials that the Selectmen - the Chairman of the Board of Selectmen receive a salary of \$1,800 and the members of the Board each receive \$1,500. For the School Committee, that the Chairman of the School Committee receive an annual salary of \$1,800 and that the members receive a salary of \$1,500 each. It has been moved and seconded. All those in favor, please raise on hand. All those opposed. The ayes have it, the motion carries.

Okay, before we get into Article 4 there will be a couple of comments being made, one by the Finance Committee and the Board of Selectmen, and when we get to the school budget, by the School Committee. Mrs. Marden.

MARDEN: Good evening, I am Joanne Marden. I am speaking for the Finance Committee. Now when you vote on each of the lines in the budget, that you'll be asked to approve this evening, each line has an interesting story behind it. Every Department is represented here tonight, prepared to explain what the recommended appropriation will mean for their operations and answer any questions you might have. There have been some changes to the budget numbers since the Finance Committee report went to the printer. My assignment this evening is to review the budget process and review those changes. I am very pleased to be able to report to you that the fiscal 2009 budget in Article 4 has the support of the Board of Selectmen,

the School Committee, and the Finance Committee. Your Town and School officials are committed to working together to do their very best to provide for all of the needs of our community. The 3 Boards agree that it is in everyone's best interest to present a single, balanced, fiscally responsible, budget to Town Meeting. We all recognize that what Andover really needs is a multi-year financial plan. Shortly after last year's Town Meeting, each of the 3 Boards created a long-range financial planning sub-committee. Collaboration with the Town Manager, Superintendent of Schools and their staff, they developed an interactive spreadsheet forecasting tool. This tool is going to be invaluable for future planning. The sub-committees worked diligently throughout the summer and fall toward agreement on the revenue and expenditures assumptions and presented their preliminary report to a tri-board meeting in November. The conclusion that Andover has a structural deficit came as no surprise to anyone. All readily agreed that resolving the deficit would require some combination of reducing services and personnel, increasing fees and/or approving an override of proposition 2 1/2.

MODERATOR: Excuse me. Mic number 2, please...Can we turn on mic number 2, please.

GOLDSHEIN: Stephanie Goldshein, 6 Ralston Circle. It says refer to handout on the slide. Was there a separate budget handout?

MODERATOR: Is there a separate budget handout?

MARDEN: No, there isn't. Actually, I was going to say that at some point. One of the reasons for some of the detail in this presentation, is that we didn't think...we did not think there was enough changes to the numbers since the Finance Committee Report to make it worth while actually publishing or printing and distributing a whole second page. In fact on the first page of Article 4, there is only one change. Anyway. It was easy for the Board to reach an agreement in theory. But when it came time to work out the details with real budgets and specific cuts, when it came time to determine just how much a tax increase might be acceptable to Andover voters, when it came time to talk about what would or would not be included in an override, there was a lot of disagreement. In February, the Town Manager recommended a balanced budget consistent with the revenue and expenditure assumptions of the Long-range Planning Sub-Committee. He allocated the 2.5%

increase available for operating budgets consistent within proposition 2 ½ proportionately to Town and Schools based on the FY2008 appropriations approved by last year's Town Meeting. In his departmental budgets expense lines had a zero increase unless there was a good cause for more money. And no new positions were funded. The Superintendent of Schools took a very different approach. She presented a needs-based budget showing a 6.2% increase. Expense lines were increased 3% and new positions were included. These were very, very different starting points. We weren't dealing with apples and apples. The rhetoric quickly escalated. The joint meetings became less and less productive. The facts began to become irrelevant as the politics took over. Now there are always changes in the budgets in the month prior to Town Meeting after or Finance Committee Report goes to press. Cost of revenue estimates are refined, additional information becomes available and Boards and Committees can and do change their recommendations. In spite of all the over the top rhetoric swirling around us, the Board and Committee members plodded along on their budget and warrant article reviews in preparation for Town Meeting. Discussions about potential compromises continued behind the scenes. As critical new information became available, the gap between the revenues and the spending requests narrowed. As we got closer to Town Meeting it became necessary for each of the three Boards to more clearly define its recommendations and decide what might be worth fighting about. We all understood that Andover voters and taxpayers expect us to work together and seek compromise. Well a tentative agreement for balancing the budget was presented at a Finance Committee meeting 2 weeks ago. We liked it and we voted to go forward with finalizing the details. The Fiscal 2009 balanced budget agreement was presented to each of the 3 Boards last Wednesday night, and each formally voted recommendations on the budget and the Warrant Article items required to implement the plan. It requires significant compromises from all 3 Boards. I have some slides that summarize the Fiscal 2009 balanced budget agreement and show the changes in the numbers printed in the Finance Committee Report. The key elements of this plan are: no override of proposition 2 ½ this year; no reductions in staffing for Town or School departments, this plan does not result in any increased class sizes; third- full funding for High School athletics and extra-curricular activities without increasing user fees; the Capital Improvement Program, which you'll vote on in Article 8, is level funded at the FY2008 budgeted amount. The Finance Committee actually already included this reduction in its budget recommendations, before

our report went to the printer. No spending out of reserves below the level recommended by the Town Manager in his original budget. And there is the acceptance of some level of risk due to the reduced funding for special education contingencies, due to counting on to be able to realize certain health insurance savings and due to counting on receiving additional local revenue. When each Department's budget is moved the numbers will be up on the screen. Because there are so few changes, it didn't seem necessary to print and distribute new budget pages. These slides show how the changes were calculated. The new school budget recommendation of \$59,433,157 incorporates new information about additional savings to be realized due to retirements and extended leaves. There was an agreement that level services is all we can afford without an override. And were not setting aside as much for contingencies to cover additional out of district special-ed placement. The 3 Boards have agreed that if in the end additional placements would have to be funded a supplemental appropriation would be sought from next spring's Town Meeting. Comparing the new School Budget recommendation to the Finance Committee's original recommendation published in the Finance Committee Report, the difference is \$595,869. There are three changes to line items in Article 4, totaling \$339,000, a reduction in Public Works other expenses due to reduced solid waste tonnage. A reduction in health insurance due to fewer new positions and updated rate information. And a reduction in the appropriation needed for general insurance also based on updated information. For the remaining \$166,000 the Board of Selectmen has accepted the challenge of increasing local revenues by \$50,000, either by some change in use of the Old Town Hall or other actions to increase revenue by user fees. While the Finance Committee was determine not to spend down reserves to fund operations, we decided that we could justify spending an amount equal to the current income from the Phillips Academy Fund. So what does this mean? Hidden by the relatively small adjustments to the numbers are really significant changes and difficult compromises. We have managed to balance the budget without a 2 ½ override this year. But we want to make sure that you understand that each and every Department will be challenged to continue to deliver the expected level of services within the available resources when their costs are rising due to inflation and so much of what they due is either controlled by State Law or subject to collective bargaining. We need to warn you, that cutting back on funding for the CIP year after year resulting in higher repair bills, a growing list of deferred projects, and increased costs due to inflation. We must make you aware with

the risks associate with limited funding for contingencies. As budgets get tighter maintaining adequate reserves is especially critical for the financial stability of our community. Reserves are not just rainy day funds. Every year Andover utilizes its reserves so that an unanticipated drop in revenues or a large unforeseen expenditure can be absorbed without forcing layoffs or cutting services. It's hard to overstate the habit that would be created if budgets had to be cut mid-year to cover the cost of an unusually snowy winter or a spike in employee health insurance costs. Article 10, In Article 10 you will be asked to appropriate \$823,000 for free cash to supplement the fiscal 2008 budgets for these purposes. Covering onetime, or unforeseen expenditures is an appropriate use of reserves. But this year, some people were promoting the use of reserves to build new, ongoing costs into the budget. If we were to do this, the first new revenues next year would be needed just to bring us back up to this years' spending level. The short term benefit of adding employees funded with onetime money is far out weighed by the damages done the following year, when there has to be lay offs. Reserves earn interest income, generating revenue to support Town and School services. Reserves also play a critical road in providing sufficient liquidity to pay bills on time and avoid short term borrowing costs. It's obvious why bond rating agencies track reserve levels as one measure of a community's health. The Finance Committee worked so hard to promote fiscal responsibility, because it means that more dollars will then be available to spend on the services that are important to our community. The goal isn't a particular level of reserves or a AAA bond rating. The goal is providing quality services at reasonable costs to the taxpayer. The bond rating merely recognizes a community's ability to pay its bills. It recognizes good financial packages. Many business run into trouble, not because they do not have a good product, but because they haven't paid enough attention to working capital and cash flow. A total of \$6 million dollars in reserves sound like a lot of money until you compare it to the total budget and realize that that is barely 2 weeks of expenditures. The Finance Committee would much rather spend money on schools and public safety than on unnecessary borrowing costs or on unemployment compensation. The Finance Committee, the Board of Selectmen and the School Committee all recommend approval of Article 4 as presented.

MODERATOR: Thank you. Mr. Major.

MAJOR: Thank you, Madam Moderator. The Board of Selectmen unanimously recommends approval of the operating budget, Warrant Article 4, as compromised.

MODERATOR: Thank you. Mr. Barber.

BARBER: On behalf of the School Committee, the School Committee also recommends approval of Article 4 as presented, and would like to take this opportunity to thank the other Boards for their willingness to work and put for a agreed upon, a unanimously agreed upon budget. Thank you.

MODERATOR: Okay let's get into the line items please. We are on line item 1 and 2 of Article 4. Mrs. Lyman

LYMAN: Excuse me. I move line items 1 and 2, Public Safety in the following amounts, Personnel Services \$12,112,602, Other Expenses \$1,253,235, for a total of \$13,365,837, included \$274,143 in parking receipts, \$60,000 in detail fees and \$860,000 in ambulance collection.

MODERATOR: Line items 1 and 2 have been moved and seconded in the amount of \$13,365,837. Ms. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. Those opposed. The ayes have it the motion carries.

Line items 3 and 4. Mr. Stabile.

STABILE: I move line items and 3 and 4, Public Works in the following amounts, Personnel Services \$1,605,356, Other Expenses \$3,786,200 for a total of \$5,391,556.

MODERATOR: Line item 3 and 4 has been moved and seconded in the amount of \$5,391,556. Mrs. Marden.

MARDEN: The Finance Committee recommends approval. This is the only line on this page that changes based on our agreement with the 3 Boards. It's a \$50,000 difference.

MODERATOR: Any discussion? All those in favor please raise one hand. All those opposed. The ayes have it the motion carries.

Line items 5 and 6, Mr. Major.

MAJOR: I move that line items 5 and 6 Plant and Facilities be moved in the following amounts, Personnel Services in the amount of \$3,100,805, Other Expenses \$1,387,086 for a total of \$4,388,891, including \$70,000 in rental receipts, \$40,000 from perpetual care income and \$50,000 from cemetery fees.

MODERATOR: Line items 5 and 6 have been moved in the amount of \$4,388,891. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion?

MAJOR: Yes. I think I may have said \$40,000 and it's supposed to be \$45,000 from perpetual care.

MODERATOR: So noted. It doesn't change the amount that was moved. All those in favor of line items 5 and 6 please raise one hand. Those opposed. They ayes have it, the motion carries.

Items 7 and 8, Mr. Teichert.

TEICHERT: Madam Moderator, I move line items 7 and 8 General Government in the following amounts, Personal Services \$2,249,804, Other Expenses \$1,237,788 for a total of \$3,487,592.

MODERATOR: Items 7 and 8 have been moved in the amount of \$3,487,592. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. Line items 9 and 10. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that line items 9 and 10, Library, in the following amounts, Personal Services \$1,988,696, Other Expenses \$628,600 for a total of \$2,617,296.

MODERATOR: Line items 9 and 10 have been moved in the amount of \$2,617,296. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor, please raise your other hand. Those opposed. The ayes have it, the motion carries.

Line items 21 and 22, Mr. Vispoli. Oh I'm sorry...not that I'm anxious. 11 and 12.

LYMAN: I move line items 11 and 12, Community Development in the following amounts, Personal Services \$1,407,465 and Other Expenses \$123,604 for a total of \$1,531,069, including \$6,000 from wetland filing fees.

MODERATOR: I apologies for that faux pas. Items 11 and 12 have been moved in the amount of \$1,531,069. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion. All those in favor, please raise one hand. Those opposed. The ayes clearly have it, the motion carries.

Items 13 and 14. Mr. Stabile.

STABILE: Madam Moderator, I move the line items 13 and 14, Community Services and Youth Services in the following amounts, Personal Services \$684,905, Other Expenses \$283,150 for a total of \$968,055 including \$525,000 and \$58,964 in receipts from Community Services and Youth Services programs and activities.

MODERATOR: Items number 13 and 14 have been moved in the amount of \$600---I'm sorry I'm lying to you...\$968,055. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. All those opposed. The ayes have it, the motion carries.

Items 15 and 16. Mr. Major.

MAJOR: Madam Moderator, I move line items 15 and 16, Elder Services in the following amounts, Personal Services \$546,654 and Other Expenses \$158,254 for a total of \$704,908, including \$77,400 in grants and \$61,000 in user fees.

MODERATOR: Items number 15 and 16 have been moved in the amount of \$704,908 dollars. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. All those opposed. They ayes have it, the motion carries.

Items 17 and 18 Mr. Teichert.

TEICHERT: Madam Moderator, I move line items 17 and 18, Unclassified Expenses in the following amounts, Compensation Fund \$968,000, Reserve Fund \$200,000 for a total of \$1,168,000.

MODERATOR: Items number 17 and 18 have been moved and seconded in the amount of \$1,168,000. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries.

Items 19 and 20. Mr. Barber.

BARBER: Madam Moderator. I move line items 19 and 20 Andover School Department in the following amounts, Item 19, Personal Services \$47,384,430, Item 20, Other Expenses \$12,048,727, for a total of \$59,433,157.

MODERATOR: Item numbers 19 and 20 have been moved and seconded in the amount of \$59,433,157. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Mr. Major.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Any discussion? Yes, sir.

PASQUALE: Me? John Pasquale, 47B Whittier Street. I'm looking at page 16 and 17 Moderator and I'd like to ask a question on part of the School budget. I'm looking at line

141. I'm going to focus on the topic of Assistant Superintendent's Office. What I see on the page, and I'd like to get an explanation, is how the Assistant Superintendent's Office is spending more money than the boss. Secondly, I would like to look at page 17 and say, I'll ask the same question \$231,000 is for the Superintendent and the Assistant Superintendent's Office is \$256,000. Now when I break the numbers apart, what I want to find out is where is this \$45,000 increase in the Assistant Superintendent's Office? What are we doing in the Assistant Superintendent's Office that's much more important than the Superintendent? Please, will somebody explain to Mr. Pasquale.

BARBER: Arthur Barber, School Committee. I would only be too happy to give an explanation of that line item. This year the grants coordinator position has been added to the Assistant Superintendent's Office. That position was previously funded by the Andover Coalition of Education. That position has brought in, close to \$2 million in grant money and we are very pleased to have that opportunity. That's a great question, thank you.

MODERATOR: All right?

PASQUALE: Can I just follow up? On where the \$2 million is being spent?

BARBER: Mr. Tode, if you would show the slide with the grants. I have a slide prepared for that, Mr. Pasquale.

PASQUALE: Thank you, Mr. Barber.

BARBER: While he's getting that ready, I will gladly read that to you. If you can see the screen...I won't read it to you. You can see the grants we've received this year, largely through the efforts of the grants coordinator position. These positions, these grants, generally speaking, have a start date and an end date. If they earn their keep and there is money available, they could as some point work their way into the operation budget, but as they stand right now, they are simply grants with a start and end date. These are funds which are distrib...Andover might not typically receive, because some people might say we have the wrong demographics, but due to the efforts of the grants coordinator we're most pleased. These enhance our curriculum and provide our students opportunities they might not generally have.

PASQUALE: Thank you, Mr. Barber.

BARBER: Thank you, Mr. Pasquale. That was a great questions.

MODERATOR: Yes, sir. Could you speak into the mic?

ADAMS: Steven Adams, 12 Berkeley Lane. I'd like just a little bit of information on the number of employees in the School Department. Am I reading this correctly that there is a 20/21 headcount increase.

MODERATOR: The number of employees? Someone from the School Department answer that.

ADAMS: It's page 12, number of employees in the fiscal year 2009 budget.

MODERATOR: What numbers are you comparing, please?

ADAMS: So, the 2008 budget is 779.9 FTEs department request and 2009 is 828 for a net increase of 21.

MODERATOR: Just identify yourself please.

JAMES: Tony James, School Committee. I'm looking at page 11 of the Superintendent's budget, which you probably don't have there, but that listed for the fiscal year '09 budget the original request was 800.79 FTEs, and I believe that number has since been dropped by approximately 10. So we are in the range of somewhere between 790 and 800 full time equivalent employees.

ADAMS: Okay so that's a net increase of 10. And if I'm reading it correctly, the number of students were expecting next year is level? How do we rationalize an additional 10 FTEs, when we are facing significant structural issues? Can you explain that?

BARBER: A few of those positions are mandated under the Special-ed regulations and approximate 30 positions over the last 4 years were added to bring some positions back that were cut from the 2002 budget. The challenge at the high school is that we are mandated 990 hours of instruction and that filters its way through the entire organization. Our School Department, our School Committee has mandated certain class sizes which we have found increase performance of our students and we feel very strongly about that.

ADAMS: Okay, so this is really an open question. Facing a significant structural issue in the overall budget, is this an appropriate time of difficult economic circumstance to be adding to the headcount when we are already facing a significant structural...

BARBER: It is a serious concern and we like to consider spending each dollar wisely as if it were our last. The special-ed positions are mandated, we have no option with that. If we had an option we might take a look. Recently we completed a state mandated, Department of Education special-ed review and audit, which we passed with flying colors. Which then equates to our special-ed department is in compliance.

MODERATOR: Okay item 19 and 20 had been moved and seconded. All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries.

Item number 21 and 22. Mr. Vispoli.

VISPOLI: Madam Moderator, I move line items 21 and 22, Sewer, in the following amounts, Personal Services \$393,691, Other Expenses \$1,860,312 for a total of \$2,254,003 including \$134,562 sewer reserves.

MODERATOR: Items number 20 and 21 have been moved and seconded in the amount of \$2,254,003. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, motion carries.

Item numbers 23 and 24. Mrs. Lyman.

LYMAN: Yes Madam Moderator. I move line items 23 and 24, Water, in the following amounts, Personal Services \$1,810,294, Other Expenses \$2,734,900 for a total of \$4,545,194 including \$435,000 from water reserves.

MODERATOR: Item numbers 23 and 24 have been moved in the amount of \$4,545,194. Mrs. Marden.

MARDEN: The Finance Committee recommends approval. I think it is worth nothing that this budget if fully funded with user fees.

MODERATOR: All those in favor, please raise one hand. Those opposed. They ayes have it, the motion carries.

Item number 25. Mr. Silverman.

SILVERMAN: Jerry Silverman 56 Dufton Road, representative to the Greater Lawrence Regional Technical School. I move item number 25 in the amount of \$362,730.

MODERATOR: Item number 25 has been moved and seconded in the amount of \$362,730. Did you have anything more you would like to add Mr. Silverman.

SILVERMAN: (inaudible)..great programs and we are on our way up.

MODERATOR: Okay, Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? Yes sir. Mic number 3 please.

RESIDENT: (inaudible) how many students of Andover go to or... this school?

SILVERMAN: 27 students from Andover at present time and the same number of students next year.

RESIDENT: So I want to do a little arithmetic, that's about (inaudible) dollars a student.

SILVERMAN: But you have to understand that our students not only have to achieve academically and pass the MCATS but they will also be taking their vocational exams in order to pass the equivalent (?) of their field. So we have two teachers required for almost every student.

MODERATOR: All those in favor please raise one hand. Those opposed. They ayes have it, the motion carries. Thank you, Mr. Silverman.

Items number 26, 27, 28, 29 and 30. Mr. Stabile.

STABILE: Madam Moderator, I move items 26-31, Fixed Expenses in the following amounts, Debt Service \$13,348,695, General Insurance \$635,088, Unemployment Compensation \$100,000, Retirement Fund \$4,510,979 Health Insurance \$11,097,000 for a total of \$29,691,762.

MODERATOR: Items number 26-30 have been moved in the amount \$29,691,762. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries. So that you all know and can go home and think about it. We have just moved and voted for a budget for next year in the amount of \$127,245,981.

Article number 5. Mr. Pennington. Number 3 Please.

PENNINGTON: inaudible ...I move that Article 5 be withdrawn.

MODERATOR: For those of you who do not know, we need to vote to withdraw an article. All those in favor of withdrawing this article—is there a discussion you want to have, no? All those in favor of withdrawing this article, please raise one hand. Those opposed. The ayes have it the motion carries. The article is withdrawn.

Article number 6. Mr. Teichert.

TEICHERT: I recommend Article 6 be withdrawn.

MODERATOR: It has been moved and seconded that Article 6 be withdrawn. All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries.

Article number 7. Mr. Pennington?

PENNINGTON: I move the Article be withdrawn.

MODERATOR: Can you please identify yourself

PENNINGTON: Bill Pennington...(inaudible)

MODERATOR: It has been moved and seconded that Article 7 be withdrawn. Mr. Pennington?

PENNINGTON: (inaudible)...budget cycle (inaudible)...the only way to sustain our school budgets is to have a 2 ½ override. About January (inaudible)...not enough money to fund the school budget then cuts will have to be made. Fortunately, the 3 Boards found a way we can sustain it without an override again this year. Thank you. Item 4 (inaudible)...discussion, but I hope that all concerned can find a long-term solution that may be achieved and we all can avoid these late meetings every spring. I want to thank you all again for your hard work and dedicated service to our Town.

(applause)

MODERATOR: Article 7 has been moved and seconded to be withdrawn. All those in favor please raise one hand. Those opposed. They ayes have it, the motion carries.

Article 8. Mr. Major.

MAJOR: Thank you, Madam Moderator. This is our Capital Projects article and I just wanted to give a quick highlight as to the projects that we have worked on with your money over the last year. So for our school and town facilities maintenance projects, we did partial roof replacements at Andover High Schools and Bancroft Schools. Roof repairs on several of the town buildings. We did major structural evaluation and repairs at Bancroft and West Elementary Schools. We replaced the exterior stairs at the high school Collins Center and 4 locations at the Town Office Building. At the Senior Center we have a new exterior concrete patio that was installed with wood floor(?). The school and town security, CCTV and access control systems were installed and new security locks completed at 3 schools, Memorial Hall Library and Town Offices. We replaced 49 unit ventilators at Doherty School with the new energy efficient models. We installed new fuel energy efficient boiler at West Elementary School. We have new school flashing, yellow caution lights installed at High Plain School. We expended the parking area at High Plain and Wood Hill Schools. And a new stage floor installed at the Collins Center. We have various energy efficiency projects implemented. We have major improvements accomplished at the town wide play fields. We have handicapped playground equipment and handicap access at Bancroft. We have new windows and masonry repairs at Memorial Hall Library. We coordinated the construction of new artificial turf at the High School Lovely Field which was donated by the Friends of Andover Football. And for public works the expansion of the

Water Treatment Plant reached substantial completion and all new facilities are in use. Sewer repairs are now under construction in the White/Shawsheen neighborhood, and will continue through this fall. Final paving will occur in 2009. Sewer designs have been completed for the Kirkland Drive and Osgood Street areas. These projects are ready to bid and will be under construction this year. Designs have been completed for the Amherst Road water main cleaning and lining project and its ready to be bid. Designs have been completed for replacement of water mains on Westwood Road, Burton Farm Road and Tanglewood Way. These projects are currently ready for bid. And finally a number of storm water management projects have been completed to illuminate sanitary sewer discharges into our streams and rivers. This program will continue until the foreseeable future to help make our rivers safe for aquatic species while protecting our drinking water. This is what we've done with your money.

MODERATOR: Thank you. Are you ready to move Article 8?

MAJOR: Selectman Lyman.

LYMAN: Thank you. I move that the Town vote to raise by taxation the amount of \$1,664,000 and transfer the amount of \$116,000 from the Phillips Academy Gift Account and appropriate the amount of \$1,780,000 for the purpose of funding the fiscal year 2009 appropriation for Capital Projects fund.

MODERATOR: Article 8 has been moved and seconded. Mr. Merritt.

MERRIT: Bob Merritt speaking for the Finance Committee. The Finance Committee recommends approval.

MODERATOR: Mr. Piantedosi do you need to, anything to...any questions that any one has. All those in favor please raise on hand. Those opposed. The ayes have it, the motion carries.

Article 9. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator I move that Article 9 be withdrawn from the warrant.

MODERATOR: It has been moved and seconded that Article 9 be withdrawn. All those in favor, please raise one hand. Those opposed. They ayes have it the motion carries. Don't you

just love those. It's kind of a gift in the middle of the meeting.

Article number 10, Mr. Stabile.

STABILE: I move that the Town vote to transfer \$823,147 from free cash, \$286,308 from Water Reserves and \$65,000 From Sewer Reserves and appropriate the sum of \$450,000 to the Health Insurance Fund-FY2008, \$300,000 to Public Works - Other Expense - FY2008 and \$424,455 to Department Service-FY2008.

MODERATOR: Article 10 has been moved and seconded. Just a correction there it is to Debt Service for the year 2008. Just a correction on that motion. It has been moved and seconded. Mr. Howe.

HOWE: Richard Howe for the Finance Committee. Finance Committee recommends approval of this article.

MODERATOR: Any questions? All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries.

Article number 11, Mr. Teichert.

TEICHERT: Madam Moderator, I move that the Town vote to permit the Assessors to use \$580,000 in free cash to reduce the Fiscal Year 2009 tax rate and to affect appropriations voted at the 2008 Annual Town Meeting.

MODERATOR: Article number 11 has been moved and seconded. Finance Committee report, Ms. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: All those in favor please raise on hand. Those opposed. The ayes have it the motion carries.

Article 12, Mrs. Lyman

LYMAN: Thank you, Madam Moderator. I move that the Town vote to transfer: \$29,053.54 FROM Article 46, 1992 Water Distribution Improvements, \$54,182.88 from Article 33, 1995 Water Distribution Improvements, and \$3 million...wait...\$3,578.32 from Article 63, 1998 Fishbrook Pump Station Plans and appropriate the sum of \$86,814.74 to

Fishbrook Pumping Station Construction. I actually got it right.

MODERATOR: Article 12 has been moved and seconded. Finance Committee report, Mrs. Bradshaw.

BRADSHAW: Marge Bradshaw for the Finance Committee. The Finance Committee recommends approval.

MODERATOR: Any comments, questions? All those in favor please raise one hand. Yes. I'm sorry go ahead. Mic number 2, please.

MARSHALL: Bob Marshall, 4 Samos Lane. I question that, I read just Sunday in the Boston Globe where the Fishbrook Pumping Station construction is going to be delayed. Am I right on that?

STAPZCYNISKI: I'm not sure which article you read in the Sunday Globe, but I have no knowledge unless Mr. Petkus, I don't know where you read that, you can certainly bring that up to Mr. Petkus and take a look. But the engineering was completed and this money, if appropriated tonight, will install the system so that we can draw water out of the Merrimack. We have no knowledge of what was printed in the Globe.

MARSHALL: I have the article back at my desk...at my seat, let me bring it up. There are several people on the committee up here that are reported on by that article. I could be wrong, but let me just get...

MODERATOR: Jack could you take a look at that so we can keep moving. Sir, does your question have something to do with weather or not-

MARSHALL: Yes. It has a question, I want to know if I'm right, let me read it.

MODERATOR: Either that or maybe you could share it with Mr. Petkus and let him take a look. Jack could you take a look at that.

MARSHALL: This is an article in Sunday Boston Globe, Globe Northwest section.

MODERATOR: (gavel) Sir, rather than reading it, Jack could you please take a look at the article, tell us if it's

anything you have any knowledge of, so we can keep moving with the meeting.

MARSHALL: Excuse me, I may be wrong but, it's the Fish...Fishbrook culvert, that's being delayed. Excuse me.

MODERATOR: That's okay.

MARSHALL: I was close, but..

MODERATOR: Thank you, sir. Any other questions? All those in favor of Article 12 as moved, please raise one hand. Those opposed. The ayes have it the motion carries.

Article 13, Mr. Major.

MAJOR: Yes, Madam Moderator. I move that the Town approve Article 13 as printed in the Warrant in the amount of \$913,953 from the Phillips Academy Gift account.

MODERATOR: This article requires a 2/3s vote. Any questions? All those in favor please raise one hand. Those opposed. Unless there is a serious objection, I declare it as a 2/3s vote and it does carry.

Article number 14.

PENNINGTON: Madam Moderator, I move that Article number 14 as printed in the Warrant be withdrawn.

MODERATOR: It has been moved and seconded that Article 14 be withdrawn. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries.

Article 15.

PENNINGTON: Madam Moderator, I move that Article 15 be withdrawn.

MODERATOR: I has been moved and seconded that Article 15 as printed in the warrant be withdrawn. All those in favor, please raise one hand. Those opposed. The ayes have it the motion is withdrawn.

Article 16, Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. I move that the Town approve the consent agenda, Articles 16A through 16F.

MODERATOR: It has been moved and seconded that Article 16.

SPEAKER (Pokress?): Point of Order.

MODERATOR: for the consent agenda—one second—16A through 16F—I'll get to your point of order in a second. If you take a look at the page in the Finance Committee Report, item number 32-34, page 32-34 is what we're speaking of. Yes, Sir, what's your point of order.

SPEAKER: I submitted an amendment to Article 16.

MODERATOR: Article 16...Is that 16C sir? And you were referring to the 2009 Finance Committee Report in Article 16C is referring to the Town Report. They are two different reports, are you aware of that?

SPEAKER: I'm aware of the variety of reports we have in Town. This seemed like the most appropriate place to submit this proposed amendment.

MODERATOR: The amendment that you are referring to is referring to the Finance Committee Report, which is what you are holding in your hand. Item number 16C is referring to the Town Report, so I would have to declare this amendment as out of order because it doesn't have anything to do with 16C.

SPEAKER: Then what would you suggest would be the appropriate article to move this motion?

MODERATOR: I don't know that we have anything before us...I don't know that we have anything before us in the meeting this year that would allow this amendment to take place.

SPEAKER: Could I ask for advice from Town Council...

MODERATOR: If you'd like to have legal council...

SPEAKER: ...cause it looks rather straight forward...motion.

URBELIS: Well, I support the Moderator's ruling that this is clearly out of order for this Article 16C. Let's deal with

these things as we get to them. Let's just take a vote on 16C and move along.

SPEAKER: That's sort of half of the answer. The other half would be what would be the appropriate article if this one wouldn't be...

MODERATOR: And my answer to that would be I don't believe there is an article before the Town Meeting this year that would allow us to do what you are asking to amend. Because there is nothing before us that has to do with how the Finance Report would be coming forward.

SPEAKER: Well this really isn't a Finance Report this would be as an amendment to the report that the Town Moderator provide to the tax payers. That's why it was proposed as an amendment to 16C.

MODERATOR: That the Town Moderator do it?

SPEAKER: I'm sorry that the Town Manager, I apologize.

MODERATOR: I was gonna say, please don't ask me to do it?

SPEAKER: Ha, ha. No I won't.

MODERATOR: The language...I am gonna rule this out of order for this reason, that the language that you're putting forth here is that the Town Manager starting with the publication of the Town 2009 Finance Committee Report. 16C does not refer to the Finance Committee Report, it refers to the Town Report, the Annual Report. So I would move this out of order and I would move on. Yes, sir, do you have a point of order?

DESO: Point of clarification. Tom Deso, 81 High Street. Mr. Pokaris might be referring to Article 42. Which just for his information.

MODERATOR: So we have before us a motion for Article 16A-F. Any questions? Yes, sir.

SPEAKER: (inaudible)

URBELIS: No this is just for contracts for procurement of services that we have to go out to bid on.

SPEAKER: Thank you.

MODERATOR: All right. We'll take Articles 16A - F all at once. All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mrs. Lyman.

LYMAN: Madam Moderator, I move that Article 16G be withdrawn.

MODERATOR: It has been moved that Article 16G be withdrawn. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. Thank you.

Article 17, Mr. Major.

MAJOR: Madam Moderator, I move the Town approve Article 17 as printed in the Warrant.

MODERATOR: Article 17 has been moved and seconded. Mrs. Milne.

MILNE: Cindy Milne, Finance Committee, the Finance Committee recommends approval.

MODERATOR: Are there any questions, to this Article? It requires a 2/3s vote. All those in favor please raise one hand. Those opposed. The ayes...have it...I clearly believe and declare it to be a 2/3s vote the motion carries.

Article 18. Mr. Teichert.

TEICHERT: I move that Article 18 be withdrawn from the Warrant. As we have no unpaid bills.

MODERATOR: Oh, I love that. It's been moved and seconded that Article 18 be withdrawn because we have no unpaid bills. All those in favor please raise one hand. Those opposed. Ah, this requires a 4/5 vote, could you please...oh, not to withdraw it, never mind, never mind. I'm sorry not to withdraw it. All those in favor please raise one hand. Those opposed. The ayes have it. The motion carries. If we were to be moving forward with that it would have required a 4/5s vote, so that's where I was going with that.

Article 19, Mr. Stabile.

STABILE: Madam Moderator, I move the Town approve Article 19 as printed in the Warrant. Article 19 has been moved and seconded. Mr. Howe.

HOWE: Madam Moderator, the Finance Committee recommends approval of this Article.

MODERATOR: Any questions on this Article? This requires also a 2/3s vote. All those in favor please raise one hand. Those opposed. I declare it to be more than 2/3s majority, the motion carries.

Article number 20, the revolving accounts. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that Article 20A-M Revolving Accounts be approved as printed in the Warrant.

MODERATOR: Article 20 has been moved and seconded. Mrs. Bradshaw.

BRADSHAW: Finance Committee recommends approval.

MODERATOR: Okay. There are 13 items in the revolving account. Anybody have any questions? All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries.

Article 21, Mrs. Lyman

LYMAN: I move that the Town approve Article 21 as printed in the Warrant in the amount of \$6,000 from Taxation.

MODERATOR: Article 21 has been moved and seconded. Mr. Merritt.

MERRITT: The Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor of Article 21, please raise one hand. Those opposed? The ayes have it, the motion carries.

Article 22, Mr. Silverman. Article 22, Mr. Silverman.

SILVERMAN: ...(inaudible)..to see if the Town will provide funding in the amount of \$10,000 for a Fireworks Program as part of the Fourth of July Program from available funds or take any other action thereto.

MODERATOR: Okay, Article 22 has been moved and seconded. Mr. Merritt.

MERRITT: At the time the Finance Committee report went to press the resolution of the balancing of the budget had not been completed and so in that Finance Committee Report the Finance Committee had taken the position to reduce the appropriation to \$8,000. Since the resolution of the balance of the budget has been accomplished, the Finance Committee has reconsidered that position and now enthusiastically supports approval of the full \$10,000 amount.

MODERATOR: So it has been moved and seconded that we appropriate \$10,000 for Fireworks. Any questions? All those in favor please raise on hand. Those opposed. The ayes have it the motion carries. And Mr. Silverman has his can if you would like to make a donation.

SILVERMAN: (inaudible) fireworks show...

MODERATOR: (gavel)

SILVERMAN: (inaudible)...thank you.

MODERATOR: Not that it didn't work, but you didn't need it.

Article 23. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that Article number 23 be withdrawn.

MODERATOR: Article 23 has been moved and seconded to be withdrawn. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. We are half way through a meeting. Is this moving along, or what? Wonderful. Okay. The next group of articles we have are bonding articles. And last year if you recall, those of you that were here, there were several questions that were being asked as to what the impact of the various bonding issues would have on: a.) this budget, and/or b.) future budgets. So I had asked the Finance Committee Chair if they would prepare a very brief explanation to you as we go into this next section of article. So I would ask Mrs. Marden if she would give you that explanation so that hopefully it would clear up some questions that maybe moving forward from the start.

MARDEN: I have a couple of slides. We have been frequently asked to explain how bonding affects both budgets and the tax rates, your tax bills. To understand the impact of the costs of the specific project on Andover's budget, your property tax bills, what you need to know is the total amount to be borrowed. The total cost of the project. Secondly, how long we're going to pay for it, we're going to take to pay for it. Now, there are statutory requirements, we have limits on how long we can borrow for certain kinds of things. We also, although borrowing has the advantage of putting the cost onto the future tax payers for a long list of assets, we don't want to end up paying for something longer than we can use it. So that puts limits on what the period is for paying for something. Third, the projected interest rate. Now, if any of us could project interest rates two or three years from now, we probably wouldn't be sitting here. But, we do have to pick some interest rates and use them to show the costs. The timing of the debt issue. Frequently something that would be borrowed...an article that would be approved this evening the project might get done next year, or maybe not even completed to the year after. It's usually at least two years before we actually start to pay for something. So something approved at the Town Meeting, most likely will hit our debt schedule in 2011. A few of the things we approved last year did get bonded last year, we're actually paying for them this year. But most of the time it takes a couple of years. And finally, the funding source. One of the things that ends up being confusing is that not all of our bonds are paid for from the same source. Anything that's related to water and sewer is paid through the water and sewer user fees. And debt service for those projects has been included in the projected water or sewer rates. There is no impact on the future general fund operating budgets and there's no impact on your property tax bills. If a debt is exempt from proposition 2 ½ that means that we voted in a referendum to add property..to add to the tax bill to cover the costs of the debt service. We did that for the Public Safety Center and for the schools. In that case, there is no impact on the future operating budget, there is an impact directly on your property tax bill. Because every time the Town makes a payment there is extra money added to the property tax levy to cover that payment. And finally, the ones that we tend to be most concerned about are things that we're paying for from the general fund. This debt service, we vote for a project tonight, and the debt service when we finally have to start paying for it, that becomes a fixed cost that has to be covered within that year's

Proposition 2 ½ levy limit. So it reduces the amount that is available for other Town and School operating budgets. I have one of the boxes from our Report. It kind of shows how this works for a specific project. The interesting thing about debt service for municipal financing, is that we pay for it, not like your mortgage with equal payments every year, but we pay an equal part of the principle costs every year, and then the interest on the unpaid balance. So the highest payment, is always...actually the second year.. but at the beginning of the debt issue. And when we're trying to explain how much it's going to cost you on your property tax bill or how it's going to impact the future budget, we tend to use that first year because it's the highest payment and that will tell you the maximum that you're going to have to pay. So, in this case, you have a \$600,000 project, if you pay for it over 10 years, each year that you make the payment, it's going to be \$60,000 of principle and added to that is going to be the interest costs of whatever the balance is. The payment declines each year. Last slide I have shows are debt schedule. The blue part is the actual payments that have already been bonded. The red part is the debt service that will be required for things we have already voted for the project but we haven't actually sold the bonds yet. The new projects in this year's Warrant are not on this schedule yet. You can see that there is a drop off in 2011 and that keeps declining. We would be filling in those bars with the new debt that you could be voting on this evening or tomorrow evening. So I hope that makes it a little clearer, maybe not. As far as when we're looking at a project and saying how much would it cost you on your property tax bill, what we do is pretend that we're paying for the project this year. So in this case, or the case I just had before, an \$84,000 payment we say well if the average property tax bill of \$6,799 in that bill, if that person paid \$72 we'd collect a \$1,000,000 for the Town, so we do that all with proportions and just say okay if the Town has to pay a bill of \$84,000 how much is that translate into on the average residential property tax bill. And for that one it was \$6. Now, it is not 6 additional dollars unless it's a debt exclusion. It means that wherever that tax bill is that particular year \$6 of it would be actually paying for the bridge in this case. I'd be really happy to answer any questions. I don't know if that makes it easier or harder to understand.

MODERATOR: At least if you have a question as we go through any of these if you could put it in ...the context of your

understanding of what was just explained. Thank you, Mrs. Marden.

Article 24. Mr. Teichert.

TEICHERT: Madam Moderator, I move that the Town appropriate the sum of \$300,000 of the purpose of conducting a feasibility study: 1) to understand the extent of deficiencies identified in the Statement of Interest submitted to the Massachusetts School Building Authority which is know as the MSBA for the Bancroft Elementary School, located at 15 and 21 Bancroft Road, Andover, MA and as shown on Andover Assessor Map 59, lots 29 and 29A; and 2) to begin to explore the formulation of a solution to the deficiencies which are relevant to the Statement of Interest for Bancroft Elementary School; and for which feasibility study the town may be eligible for a grand from the MSBA, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under Massachusetts General Law Chapter 44 or any other enabling authority to issue bonds or notes of the town therefore, provided that the Town acknowledges that the Massachusetts School building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. And the Board of Selectmen recommends approval.

MODERATOR: Article 24 has been moved and seconded.
Mr....Attorney Johnson.

JOHNSON: Thank you, Mark Johnson, 24 Graybirch Road, and for the School Facilities Task Force...(inaudible) The School Facilities Task Force was appointed in December 2006 was supposed to be a very short task force, we worked about 6 to 8 months. Task Force, residents in Town, representatives of the Selectmen, School Committee, as well as the Finance Committee, Town Manager, School... (?) The purpose of this Task Force was to determine whether or not there was sufficient deficiencies in any of the school buildings to justify the filing of ... a statement of...interest(?) with the State...(inaudible). Over the last year the State procedure for school buildings was changed fully... (inaudible)...the process was totally different this time around... (inaudible) filed with the State, the State reviews it ... (inaudible) and make a determination as to whether or not the deficiencies meet the requirements. The hallmark of the

program is collaboration between the Town and the State. The first step is to identify deficiencies, the next step...and we...(inaudible)...Shawsheen to the Andover High School, we were then asked to prioritize the needs in Bancroft which clearly the school had the most deficiencies. Next slide please. Bancroft was a school that was built in the 60's...(inaudible)...it was a castle with a moat...(inaudible)...castle and a moat..(inaudible)...Massachusetts and it could be ...(inaudible). With that came the roof line and it is made up of 25 to 30 different roofs. This is an aerial photograph of the school. It is a wooden framed school, it may be the only wooden framed school in Massachusetts. The cost of maintaining that ... has been a disaster from within 2-years after it was built. The amount of money that has been spent by the Town maintaining the school has gone up...every year. Joe Piantedosi of Plant and Facilities will address that in a couple of minutes. It was our belief because of the sinking of the school and severe cracks that ... (inaudible)...replacement of Bancroft School is a high priority. There were 426 Statement of Interest Forms submitted by 161 communities in Massachusetts. Bancroft was one of 76 schools in which MSBA set...(inaudible)...needed further study and approval for a feasibility study. Next slide. The purpose of the feasibility study is to examine problems with Bancroft and determine what the various options both in terms of repair and replacement, to evaluate the staffing needs, evaluate number of students within the school and educational programs. Next slide, please. And take a look at the financial impact of each of the options. That is a process that is done in conjunction with the MSBA and the school building committee that we were appointed by the Town for the approval of the MSBA. Next slide please. At the end of the day, a feasibility study report will be produced, and a the feasibility study report will have a catch-all plans, will have engineering plans, will have a budget, will have a projected cash flow and will have a timed construction schedule. This warrant article seeks the allocation of \$300,000 for this study.

MODERATOR: Before you start, Mr. Piantedosi, do you have a point of order question, sir?

KRIEGER: Jim Krieger, Redgate Drive. Back to Joanne's slide about the debt...

MODERATOR: Okay can we get to that when they finish this presentation. Is that alright with you?

KRIEGER: Fine.

PIANTEDOSI: Joe Piantedosi, Plant and Facilities Director. Bancroft School has had a long history of problems ... (inaudible) ... many from two years after the school was built. And over those years there have been multiple repairs ... (inaudible) ... ceiling ... (inaudible) ... and in total we spend \$1,500,000 on Bancroft School. The major portion of the money was on replacing the entire roof that was in very, very tough shape. And over the past year and a half we've had some very serious structural problems we've had to deal with. We have hundreds of pictures, but this one picture that you're looking at now is the main media center of Bancroft School were this past January we had to put shoring towers up because of fear of the snow load. Next slide. This is one of the main trusses of the media center and as you look at it that's some of the major repair work we had to do on all the trusses adding steel plates making sure it was secured to the building. There are hundreds of other photos and a lot of work that was done. My goal has been to keep the school open, to keep it safe for the children. We have more work that is coming up this summer that we have planned again for the purpose of keeping the building stabilized. My guess is we can keep the building safely open for the next 5 to 7 years so this is not a building that we want to keep going. This slide just shows some of the roof work that was done because of the problems we had. Next slide. This is what my people had to do all winter long, every time we had a major snow storm, to minimize the risk. Getting the snow off the roof. So, in summary, I'll say that you know this is a high priority school that really needs to be replaced and I turn it back over to Mark.

JOHNSON: Thank you. The Fin Comm Report in explanation of this Warrant Article talks about a reimbursement rate of 41%. This is a new program, new regulations to be proposed, I'm comfortable that the reimbursement rate will be at least 40% and I just wanted to make that correction. And reimbursement is discretionary by the MSBA and in meetings with the MSBA we've been told that assuming we can comply with the regulations they would be looking to give us to reimburse their 40% at the time the project goes forward. This is a chart put out by the MSBA. I look at it and it reminds me of Chutes and Ladders and I hope we don't end up going down any chutes. Next slide please. We're at the top of the process. We've had the initial compliance certificate. We've actually done some of the other items that are in Phase II. But are

hope is if this Warrant Article passes that it will bring us down to the Board approval which takes us down to Phase IV. Before any construction can take place, we'll be coming back to Town Meeting. Town Meeting would have to vote for any construction, but at that point the feasibility study would tell us... we would be able to present to the Town what's being built, what's being proposed, and what the cost would be. Thank you.

MODERATOR: Finance Committee Report. Mr. Stumpf.

STUMPF: Thank you Madam Moderator. The Finance Committee supports-recommends approval of this Article.

MODERATOR: Any discussion on the Article? Yes, sir. Number 3, thank you.

DINNOCENZO: Thank you. Len Dinnocenzo, 8 Orchard Street, Andover. I used to live on Holt Road so I used to walk around the Bancroft School all the time and as Mr. Piantedosi pointed out there were always repairs and maintenance being done on that school. My question is this, this is the only Article that really raised the real question in my mind, it seems obvious that the school needs to be replaced at some point. Why do you want to spend \$300,000 for a feasibility study, as opposed to getting bids to replace the school.

MODERATOR: Mr. Johnson, would you like to answer that.

JOHNSON: No problem, Len. There's a procedure we have to go through under the MSBA regulations. Regulations are very clear as to what the process is, what our obligations are, and what the obligations of the State are. Could you put up-is that flow chart still available? The flow chart, the chutes and ladders chart, had a number of items that needed to be done. The State requires a feasibility study. It is part of the collaboration between the State and the Town. They want to be involved in looking at all the options. They want to make sure the Town looks at all the options. The options go from no build option, to redistricting, to a repair to a replacement and they want the Town to look all those options as well as fiscal impact of each of the options.

DINNOCENZO: May I follow up? I noticed that the State will reimburse some of the monies for the study, will they also reimburse for the construction of the school?

JOHNSON: Ah, they do. At the end of the process the State will let us know what they will reimburse. I think the next warrant article talks about add-ons to the 40%.

URBELIS: Madam Moderator, just to follow up with Mark's response to that questions. It is a very precise process that the State makes us go through, as Mark pointed out with his chart. Just as an example, the motion that was read by Mr. Teichert and which you saw up on the screen. We had to take make motion verbatim. They said if you want any of this feasibility study, your motion has to say the following. So that just gives you an example of, to follow up on the point Mark made, about the process that we have to go through before we can get any State money to build a school.

MODERATOR: You can tell because that clearly was not Ted's language, you could tell that.

TEICHERT: I beg to disagree.

JOHNSON: If anybody needs help going to sleep you can read the MSBA regulations and you'll find throughout the entire regulations is you'll get reimbursed if you follow all of our regulations.

MODERATOR: Okay. Who's calling me?

BARBER: Madam Moderator.

MODERATOR: Who's calling me? (Gavel) I learned that in charm school. Sorry, go ahead.

BARBER: Madam Moderator. Arthur Barber, School Committee. The motion that's being brought before you tonight and if it's passed we get to move on this chutes and ladders chart, as Mark has so eloquently stated. If the motion does not pass, we go all the back to the beginning of the line and there will be a longer delay, of which then we will call upon Mr. Piantedosi to continue to repair this building spending more and more of our monies which I'm sure is not a wise thing to do.

MODERATOR: Okay, is this point of order germane to this Article, sir?

FRIEDENSON. Yes. I'm Bob Friedenson, 109 Bellevue Road. I'm just wondering why we are bonding a short term expense.

Rather than paying for it as an expense and incurring the interest.

STAPZCYNISKI: I can answer that. The reason is that this expense will get folded into the long term bonding and it is eligible for the 40-41% reimbursement that Mark Johnson just talked about. So this is the first step in a long process as we've said, both in the study of the new building but also in the financing of it as well.

MODERATOR: Okay, does your question, hinge on a vote, okay. All those in favor of Article 24 as presented in the Warrant, please raise one hand. It requires a 2/3s vote. Those opposed. I declare it to be more than a 2/3s vote, the motion carries. Thank you, sir, for your patience. Let's go ahead to answer your question.

KRIEGER: Jim Krieger, Redgate Drive. I'd like to go back to the Finance Committee and the slide with bars and charts.

MODERATOR: Do we have that slide?

KRIEGER: Could you bring up that slide? You basically show a trend from 29, 210, 211 and a sharp drop afterwards. And that's kind of the nature of debt. But why do you think it's not gonna continue up. W---I'd like you to justify the curve.

MARDEN: Actually, that's just a debt that is already issued and the debt that we have already voted for but hasn't actually been issued yet. So there is about a million dollars in debt service in Articles in this year's warrant. So at some point that amount gets added to top of those...

KRIEGER: So in reality tonight, it's a pretty good projection, that if we said yes to everything in this book the line's gonna continue.

MARDEN: Not necessarily up, but at least out level.

KRIEGER: Thank you.

MODERATOR: Thank you, sir. Good question.

Article number 25. Mr. Major.

MAJOR: Madam Moderator, I move that the Town approve Article 25 as printed in the Warrant.

MODERATOR: Article 25 has been moved and seconded. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Are there any questions? All those in favor please raise one hand. All those opposed. The ayes have it the motion carries.

Article 26. Mrs. Lyman.

LYMAN: I move that the Town approve Article 26 as printed in the Warrant.

MODERATOR: Article 26 has been moved and seconded. Mr. Felter.

FELTER: Tim Felter, Finance Committee. I move that..Finance Committee recommends approval.

MODERATOR: Mr....

STAPZCYNISKI: Yes, I'd just like to say a few words about this Warrant Article. In November of 07 a new set of regulations were promulgated by the Commonwealth entitled The Excavation and Trench Safety. While these regulations are currently in effect now, the Department of Public Safety and the Division of Occupational Safety that promulgated these regulations have made a decision to delay the enactment of the regulations until January 1 of 2009. This will give cities and towns the necessary time to take actions to fully implement the regulations. Why do we have these regulations in front of us? We have them because several years ago there was an unfortunate trench cave-in where a 4-year-old died in an unattended open trench on private property. This statute is intended to prevent similar incidents through the implementation of protections for the general public. Accordingly, the legislature directed the Department of Public Safety and the Division of Occupational Safety to promulgate regulations and include in them the provisions to secure unattended trenches as well as a penalty structure for those kinds of trenches—those kind of trench violations. The statute further enables cities and towns to designate a board or an individual to be the trench inspector and to be the safety

officer for trenches. The leg...the warrant article you have in front of you tonight will permit me to appoint someone as the trench safety inspector. Now I'm the appointing authority, the appointment will be confirmed by the Board of Selectmen, but this Warrant Article gives us the authority to do that, and have an individual or a board in place for the January 1, 2009 implementation date for the trench safety regulations. I can answer any questions.

MODERATOR: Mic 3, please. Mic 3.

GIFUN: Jane Gifun, 9 Castle Heights Road. What is the definition of a trench?

STAPZCYNYSKI: The definition of a trench is very, very broad. It is anything an individual would be digging on either public or private property. And ... I can dig...literally dig through the regulations myself.

GIFUN: Like putting a little water line in?

STAPZCYNYSKI: Yeah, if there is a water line, if there is a septic trench, yup. Chief, why don't you take the mic.

MANSFIELD: The trench is defined in the statute as anything wider-deeper than 3 feet and anything less than 15 in width.

MODERATOR: Yes, sir. Point of order on your part?

PASQUALE: Point of information, Moderator. John Pasquale, 47B Whittier Street. It's been brought to my attention that on the Main Street Project, they're gonna have to go down 12 feet to replace the gas line. Now, today when I was walking around I was over at Maple Street and there's a big construction site over there. Puttin big, I guess it's the sewer diversion, which is a gross trench, with no suring at all. So, who is gonna be the officer appointed for this? And second, under the Main Street, who's footin' the bill for the permit, to have the gas company come forward to say what this work's gonna entail because I envision goin down 12 feet in the middle of Andover, Main Street, is gonna require all suring, which is gonna set this project back. So, I'd like to get enlightened about this trench, and who's gonna pay the fee, and who's gonna be the enforcing officer, or plural, officers?

STAPZCYNYSKI: We haven't set a fee yet for this, trench program that's described here. But the enforcing officer, would either be a representative of the Building Department or the Fire Department, or DPW. We haven't decided on which particular individual or board will be the enforcement. But we certainly have three capable departments or divisions that would be able to do that. Now as far as the Main Street Project. Now, if they're going down a certain depth and they need a trench box, they have to follow trench safety for any project in the Town of Andover. And if you know the violation, or if you think you have a violation, please bring it to my attention.

MODERATOR: Okay, Article 26..

PASQUALE: Thank you.

MODERATOR: Thank you, sir. Article 26 has been moved and seconded. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries.

Article 27. Mr. Stabile.

STABILE: I move that the sum of \$1,810,000 is hereby appropriated to pay costs of construction, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various school buildings and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses 3 and 3A of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. The Board of Selectmen recommend approval of this Article.

MODERATOR: Article 27 has been moved and seconded and we know now that the Board of Selectmen recommend approval, how about the Finance Committee?

O'DONOGHUE: The Finance Committee also recommends approval.

MODERATOR: Any questions? All those in favor, please raise one hand. Those opposed. The ayes have, it the motion---oh, wait a minute that has to be a 2/3s vote. Could you do that once again for me please. All in favor, please raise one hand. Those opposed. I declare it to be more than a 2/3s

majority, the motion carries. Thank you, I'm sorry about that.

Article 28, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that the sum of \$290,000 is hereby appropriated to pay costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings including the Senior Center and Town Yard and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses 3 and 3A of the Massachusetts General Laws, or pursuant to any other enabling authority, and issue bonds or notes of the Town therefore.

MODERATOR: Article 28 has been moved and seconded.
Selectmen's Report

VISPOLI: Yes. This article would fund the following projects: \$125,000 for design work for the proposed new town yard location as

we talked about, discussed, last year at this meeting; \$90,000 on major town roof repairs on the old, on the town office building and the library; and \$75,000 additional funding needed for the Senior Center, four-season room project.

MODERATOR: Okay. Finance Committee report, please, Mrs. O'Donoghue

O'DONOGHUE: Yes, Madam Moderator, the Finance Committee recommends approval of this Article.

MODERATOR: Okay, any questions, please. All those in favor—do you have a question, Mary? Go ahead. Could you turn on mic 2, please.

CARBONE: Mary Carbone, Cyr Circle. I have a question regarding the town yard issue on this Article. Presently, we have a study going on as to where the location of the town yard should be. And we have narrowed it down to two locations, Ledge Road and somewhere on River Road. Actually, both of those locations, I don't feel is appropriate as it relates to the best interests of the community. The central location of the town yard should be exactly where it is

presently, and to move it in any of those areas would be a disaster, because.

MODERATOR: (gavel) Do you have a question to this Article?

CARBONE: Well, the Article relates to some of the funding for the town yard and the location of it, so I'm just addressing the issue. Okay? My observation is such that the central fire station uses the town yard as well as ...facilities in the community, and that the town yard should be centrally located as to where it is now. Thank you.

MODERATOR: Thank you. Yes, sir.

MARSHALL: Bob Marshall, 4 Samos Lane. Basically, can somebody give us an update on what's happening to the new development in the town yard, because I haven't heard anything in about a year as, who's bidding on this development down there, if anybody at this point in time. Last thing I heard about the town yard, new renovation down there is for building an office building, also we also talked about a garage going in there, MBTA? I think that was the last thing. So are we jumpin' the gun? So if that is the best location centrally why aren't we considering fixing that there? Especially if we have no developers out there wantin' to put up a building there by the railroad tracks.

MODERATOR: Okay, hold on one second, the Manager I think can answer...

STAPZCYNISKI: Yes, I can give you a brief review of the progress of the town yard task force to date. After the Town Meeting last year, the Selectmen initiated a Town Yard Task Force and we've been meeting for many, many months, going over the options that we have available to us. We listed out the criteria that we wanted in a town yard with the help of Mr. Piantedosi, Director of Plant and Facilities, and Mr. Petkus, the DPW Director. We also relied on a previous study that was done by consultants about 8 years ago, Camp Dresser. They did a town yard study for us as some of you might remember. We used that information as well as information from these two gentlemen to draw up a list of criteria. At that point we posted in the newspaper, requests for information, not proposals so much, but we asked for any land owners, land developers, folks that had seven plus acres that met certain criteria that we put out. We received two responses one was less than seven acres and did not meet our criteria and one is

at 5 Campanelli Drive and it met the criteria. We are studying that piece as well as the town piece at ledge road, behind the West Andover Fire Station. Many people may be familiar that site because it's been the subject of investigation for a Youth Center, a Senior Center, among other things, and we will be discussing it actually in a few minutes with the Warrant Article having to do with the capping of that particular land fill. But nevertheless we have two sites that we are in the process of looking at, in terms of alternatives for the Town Yard. Now to answer your question about what's going to happen with the Town Yard, that is quite undetermined at this point. We had a gentleman from the Conservation Commission volunteer some of his time to give us some concepts some ideas on the kind of development could possibly, perhaps, take place at the Town Yard. These are just lines on paper. We've had informal discussion with representative of the MBTA about tying in whatever we do with the Town Yard and parking along with their parking lots on Railroad Ave. So we've been in discussion, but there is certainly no developer for the Town Yard, there won't be for many, many months. We're not at that stage. Our first job is to find a location for a new Town Yard, if there is one. Not sure that there is one, but there certainly looking hard at locations—town owned location and a private location.

MARSHALL: So if the existing Town Yard is the best location centrally, will it be come the new Town...Could it become the new Town...

STAPZCYNISKI: Yep. If the options don't work out at the Ledge Road site or the 5 Campanelli site we're going to stay where we are. Some people like that, some people don't. It's a very, very, tight site. We need a minimum of seven acres and we're squeezed in with about two and a half to three on a good day in there.

MARSHALL: We did by eminent domain a couple of years ago, take property on the street next to the track there. And we're sitting on that. And we paid that off, I noticed from the book.

STAPZCYNISKI: Right, we bought that site, and that certainly is, that was taken ultimately for the expansion of the Town Yard. Again as many of you remember, who sat in this room, we've tried to buy other parcels around the Town Yard and have been unsuccessful buying abutting properties.

MARSHALL: You were supposed to have a evaluation on the price of that property at the time...Town Yard property, has that been done.

STAPZCYNISKI: We have an informal-

MARSHALL: Well, a year ago you told me you were gonna get a formal.

STAPZCYNISKI: I'm not sure, Sir, what I told you a year ago. All I know is that we're in the process.

MARSHALL: Yeah! I'll dig the paper out, and...

STAPZCYNISKI: Refresh my memory. Sounds like...

MARSHALL: It just seems that these projects are, somebody thinks them up wants appropriate the money and then we sit on it for a while and then we kind of realize where we going with this money. I mean who in the bright mind would say, put a mini-mall down there near the train station that's gonna compete with the Town's-the business people on Main Street.

MODERATOR: I think that probably, Sir, is beyond the scope of what were-

MARSHALL: I know but you're asking for money, us to approve somthin' there.

MODERATOR: You need to vote wherever you fell you need to vote with that.

MARSHALL: I mean there's a lot of things in this budget here, I'd like to know, and I hope I have an opportunity to ask, in the grant section here, that the year 2007 which is the most current I can see, is that there are accounts there, in the School section there, Special Education, that wind up with a negative balance. At the end of the year. To me that's an overdraft. And then the next year you come in with additional money. Now I don't what's goin' on with that money. And I think I can refer to the page.

MODERATOR: I think sir, if you're going back to the School budget, we voted on that this year and have moved forward.

MARSHALL: I know that, but when is a person get an opportunity to question the numbers in this book?

MODERATOR: My suggestion would be at the time the School Committee and the Finance Committee are developing these budgets, and ferreting out, that would be my suggestion, would be an excellent time to get these specific questions answered.

MARSHALL: Four years ago I stood up here and asked a question about the \$300,000 of accumulated employee benefits on the sick leave. Nobody would tell me the dollar amount there. It was suggested I go down to the Town Hall and talk to Buzz, which he did a couple a weeks ago-I mean two weeks after that meeting. And I asked him the same question, what is the total liability there? Nothing. No answers. And we also have an increase this year coming up. I wanna know when I'm gonna get right answers. You know you pushed the increase on the accumulated employee benefits is up to \$500,000 has been cut back to \$350. What is our liability here?

MODERATOR: That Article, Sir, is coming up later in the meeting. And certainly that would appropriate to ask that question at that time, on the accumulated benefits. T---

MARSHALL: Do I have a right—you have council here—do I have a right to know, as a resident of this Town, to know what that liability is right now?

URBELIS: You have a right to ask a question that the Town Moderator thinks is appropriate in the context of the discussion.

MARSHALL: I don't think that's an answer. (laughter) Sounds like Washington telling me, sit with the oil prices right now and something will happen sometime, yeah, going up. I think this Town Budget needs to be examined by an independent auditor.

MODERATOR: Okay, Sir, you time is long passed.

MARSHALL: I know, thank you.

MODERATOR: Mr. Pasquale, I hope you have a quick question.

PASQUALE: It's a point of information for my friend, Mr. Piantedosi. Joseph, I've been following this wonderful four-season room and I realize we ran into some setbacks, but if you get the \$75,000, will this be completed this summer. Cause...the concrete, I know it got poured, you had to rip it

up, you found pipes you didn't know where there. But what's the status of this...and I'm getting asked as I go over there, when is this going to be complete, because their beginning to think we're gonna build the Taj Mahal for them.

PIANTEDOSI: Mr. Pasquale it is our intent to build this as quickly as possible, but we have to follow the bid laws, and we have to go through a process called Chapter 7, Designer Selection all over again, hire an architect to put the plans and specs, then we have to follow the bid laws advertise it and all that. It's my goal to build it this summer, but I think knowing all the other things we've got on our plate if we can do it this year that's probably what we can do.

PASQUALE: Thank you.

MODERATOR: Okay, Article 28 has been moved and seconded, it requires a 2/3s majority. All those in favor please raise one hand. Thank you. All those opposed. I declare it to be more than a 2/3s majority, the Article passes.

Article 29, Mr. Teichert.

TEICHERT: Madam Moderator, I move that the sum of \$240,000 is hereby appropriated to pay costs of replacing outdoor lighting at the track of Lovely Field, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses 14 and 25 of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article 29 has been moved and seconded. Comments or the position of the Board of Selectmen, please.

TEICHERT: The Board of Selectmen recommends approval of this article. I'd like to speak to this as well.

MODERATOR: Go ahead.

TEICHERT: The existing stadium lighting at Lovely Field consists of 36 1500 watt fixtures mounted on four 90 foot high wooden poles. The fixtures provide only the minimum acceptable lighting levels. This will project...this project will replace existing stadium lighting at this busy stadium field with new lighting that meets today's standards. The

Andover High School track color is fading and wearing. The objective is to recoat the track every four to five years to preserve and protect it and avoid a more costly total replacement. Thank you.

MODERATOR: Finance Committee report, please.

O'DONOGHUE: The Finance Committee recommends approval of Article 29.

MODERATOR: Thank you very much. Any questions? This also requires a 2/3s vote. All those in favor please raise one hand. Thank you very much. Those opposed. I declare it to be far more than a 2/3s majority, the motion carries.

Article 30, Ms. Duff.

DUFF: Joan Duff, Planning Board. This Article recommended by the Planning Board recognizes-

MODERATOR: Can I ask you please to move the Article first?

DUFF: Oh, I'm sorry.

MODERATOR: That's quite alright.

DUFF: The Planning Board rec...

MODERATOR: and that you would move Article 30.

DUFF: I move that the Town approve Article 30 as printed in the Warrant...?

MODERATOR: Okay, Article 30 has been moved and seconded. Go ahead.

DUFF: This Article submitted by the Planning Board recognizes that people work differently in the digital age. Skywriting...sky rocketing gasoline prices and the fact that an average of 13,000 residents commute daily creates a situation where more and more people choose to, or are forced to work from home. The Planning Board recognizes the need to revise the Town's almost 50-year-old definition of customary home occupation, in a way that first and foremost protects our neighborhoods, residential character, and our lifestyles. We believe that the by-law we've prepared accomplishes that goal. The Planning

Board recommends approval of Article 30, and I'd like to introduce Jacki Byerley, from the Planning Department will give us a presentation.

BYERLEY: Jacki Byerley, Planner. Up on the screen you'll notice that we have a purpose written and the goal for the amendment this evening is to improve safeguards in neighborhoods while still allowing customary home occupations. New safeguards are: specifying the area for business use; eliminating the allowance of a free-standing sign; restricting commercial parking; and prohibiting environmental disturbances, adult uses, and excessive waste and sewage. There will be no change to the zoning district that it's currently allowed in. What we have shown here, is the sample first floor footprint of a 3700 square foot home. The grayed area is the maximum square footage that would be allowed for business use under this amended definition. Next please. The amendment will now restrict the use of free-standing signs but still allow unlit affixed signs of two square feet. As show within this neighborhood photo, which as a legal customary home occupation permit, the residential character will continue to be maintained. It will continue to prohibit disturbances noticeable at the property line. It will continue to maintain a restriction limiting the number of employees allowed. And a new provision is being added to prevent the parking of vehicles in excess of 3/4 tons. And a new safeguard is being put in place to prevent adult uses. A new provision is being added to prevent excessive waste from the business. In closing the goal of the amendment is to protect the residential character and still allow start-up and home businesses. Some of the most common home-based businesses are: consultants, photographers, designers, personal organizers, writers, and computer repairs or computer-based businesses.

MODERATOR: You're great on your time. Thank you so very much. You get the gold star tonight, thank you. Do you have a point of order or do you want to address the Article?

ROBB: I have a question on the Article?

MODERATOR: You're fine staying there, but in the future could you use the side mic if you want to address the Article.

ROBB: I think it might be a point of order?

MODERATOR: Okay, go ahead. I'm just asking in general.

ROBB: Mary Robb, 116 Lowell Street. The restriction on free-standing signs, would anyone who currently has a free-standing sign be allowed to keep it, or would they be expected to change it to the two foot limited sign?

MODERATOR: Mic four, please. Could you turn on mic four, please?

BYERLEY: As I understand it, if you currently have a free-standing sign you would be grandfathered. The two square foot, is a by-right. If you wanted to have something any larger, you would have to apply for a sign permit or possibly go to the Zoning Board of Appeals.

ROBB: Thank you very much.

MODERATOR: Yes, sir. Yes, sir. Mic three please.

BROWN: David Brown, 31 Glenwood Road. I've had the opportunity to review a draft of this by-law, when it was being drafted, and communicated a few concerns to Ms. Byerley at that time. I am in support of the Article although I have serious reservations about putting regulations in a definition. I would much prefer to see the definition simply define what a home occupation is, and put the regulations in a different section of the zoning by-law. My real concern with this Article.. I don't know whether I'm at the pro mic or my comments are pro or con, but my real concern with it is with the second part of it about the revisions of the permitted signs in Section 5-27.1. If the goal is to permit only attached signs and eliminate free-standing signs, which is what your slide indicated. The proposed wording, as I read it, allows both attached and free-standing signs, removes the permission to identify the occupation. So in other words, I can say, John Doe, if I'm an accountant I wouldn't be able to use the word accountant. I'd just have 31 Glenwood Road, John Doe, but I couldn't have the word accountant on there. But if my sign indicated a home occupation, I could light it..in other words...the way you've got it worded, if it doesn't indicate a home occupation, it's got to be unlighted and affixed to the residence, but if it does indicate a home occupation it could be lighted and it doesn't have to be affixed—that's what the wording of this, as I read it, says. I think that's the opposite of what your intention was. My suggestion would be that, this Article be amended to remove the language of revising Section 5.2.7.1 and that be reworked for presentation to Town Meeting later.

MODERATOR: Are you making that motion, Sir?

BROWN: Yes, I will.

MODERATOR: Could you give it to us in triplicate?

BROWN: Sure.

MODERATOR: Any other comments or questions about the Article?

BOTKER: Tom Botker, 389 High Plain Road. I just wanted to get you to clarify, I think I heard something about $\frac{3}{4}$ ton trucks or larger than, if we had a 1 ton truck that was not for commercial use, would that be prohibited? And also RVs, would those be prohibited?

BYERLEY: I wouldn't answer the question about RVs right now. You actually should speak to our Zoning Enforcement Officer. As related to commercially manufactured, it's the $\frac{3}{4}$ ton. So it's the manufacturer's rating, and if it's going to be used for commercial use, that's where the restriction comes in. For personal use, you'd have to speak with the Zoning Enforcement Officer.

BOTKER: Okay...so...how did that apply to this, so I know how to vote? If I have a $\frac{3}{4}$ ton or a one ton truck for personal use—

BYERLEY: And if it your using it for a home occupation? A customary home occupation?

BOTKER: Not for work.

BYERLEY: The restriction is for use for the customary home occupation.

BOTKER: Thank you.

MODERATOR: Thank you. While we're waiting for that triplicate, you've all been so good, sitting for two hours 15 minutes, why don't you take a standing break—that doesn't mean you can go home, but just take a stretch break while we're waiting for this amendment.

Come on, I didn't mean you could leave. That's not what it was for. Quick sit down so no one else leaves, quick, quick,

quick. Are we almost done with that amendment sir? You wanna bring it right up, we'll bring it to Town Council.

(gavel) All right if you could all take a seat again, please. David would you please make your motion.

BROWN: Okay, Madam Moderator, I move to amend Article 30 by striking the section that begins with the words "and to revise Section 5.2.7.1" through the language at the end of the proposed revision in Section 5.2.7.1. And just to explain, if you look in the Finance Committee Report you'll see the-

MODERATOR: Wait a minute, you made that motion. The motion's been moved and seconded to amend as stated. Go ahead.

BROWN: What I'm proposing to do, is to remove from the proposed Article the language that begins on the bottom of page 44 with the words "and to revise Section 5.2.7.1, Permitted Signs" and remove the language in the Article through the description of the revised section 5.2.7.1. The last section of the Article which begins, "and further that non substantive changes to the numbering of this By-Law be permitted.." et cetera. That sentence would remain in the Article. The effect of this amendment would be to leave the current working of Section 5.2.7.1 in place in the Zoning By-Law and the current language is down on the bottom of page 44.

MODERATOR: Is there anyone that would like to speak to that amendment, please..quickly. I'm never gonna let you have a standing break again. Look at all the people who left.

ANDERSON: Lynn Anderson, 93 Abbot Street, Andover Planning Board. The Planning Board in just a hasty little conference here has no objection to this amendment.

MODERATOR: Okay, we're going to vote. Sir, do you want to speak to the amendment? Go ahead-no, okay. We're gonna vote to the amendment at this point. All those in favor of the amendment to Article 30, please raise one hand. Those opposed. The ayes have it, the amendment stands. The amended Article is now in place. Sir, do you have something to say? Go ahead. Identify yourself, please.

KELLMAN: I'm Ben Kellman, 11 Atwood Road. The question I have, and maybe I'm misunderstanding this, but it seems, if I were a contractor and I had my office in my house and I used a

one ton pick-up, I couldn't park my one ton pick up in front of my house?

MODERATOR: Could someone answer that question for him, please, quickly? Is that what we're saying that if someone's a contractor who runs a business from his home. ..

UNIDENTIFIED SPEAKER: in terms of what?

BYERLEY: The reference in this customary home occupations are the restricted uses of these vehicles, this is not being changed because of the customary home occupation.

KELLMAN: What's that mean? (laughter)

BYERLEY: It-

MODERATOR: It might mean you're not supposed to have your car there now, your truck there now.

BYERLEY: Right, but it's through the Zoning Enforcement Officer that a determination is made, I couldn't make a determination on whether you allowed or not allowed to park your vehicle there. But that restriction is in the current By-Law.

MODERATOR: What she's saying is that this By-Law does not address that issue. It's not changing what's already in place today. Is that okay? Do you have a point of order, or a question. Mic 2 please.

CARBONE: Yes, I just have a question---

MODERATOR: Mary could you just-

CARBONE: Mary Carbone, Cyr Circle. Years ago we had cottage industries. Does this apply to cottage industries? And actually they had to stop them, cottage industries, back then. So would this apply to cottage industries.

BYERLEY: I'm not quite sure what a cottage industry is?

CARBONE: Cottage industry is a similar to people baking in their homes and selling them, it probably would involve the health department.

BYERLEY: If it does not involve any of those items, that are listed, if they have the one employee, they would have to meet those criteria. Without having met that specific criteria and them having filled out a permit, I couldn't answer that question.

CARBONE: You can't answer the question?

BYERLEY: Again they have to fill out specific criteria and they have to fill out for a permit. And be able to answer the questions ensuring that it doesn't involve the items that are listed within the amendment.

CARBONE: Okay. Thank you.

MODERATOR: Article 30, has been moved and seconded. All those in favor, please raise one hand. Requires a 2/3s vote. Those opposed. I declare it to be far more than a 2/3s vote, the motion carries.

Article 31, Mr. Major.

MAJOR: Madam Moderator, I move that the sum of \$7,370,000 is hereby appropriated to pay costs of capping and closure of the Town landfill on Ledge Road, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8, Clause 24 of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article 31 has been moved and seconded. Finance Committee report please.

MILNE: In order to qualify for a low-interest loan from the State revolving fund the Town is required to guarantee the loan, and must have this bonding authorization in place before July. Deferring this mandated project will most in all likelihood increase costs and the Finance Committee recommends approval.

MODERATOR: Yes, sir. Wait a minute. Mr. Petkus. I'm sorry, Sir. We have a presentation.

PETKUS: Good evening, my name is Jack Petkus, Director of Public Works. I am not Bruce Haskell. We had thought that

this particular item would go on to the second night, but we're getting to it early. Ledge Road Landfill, those of you that are familiar with it is located at the junction of Chandler Road, Greenwood and Ledge Road. I guess we can all question the wisdom of putting a landfill in the headwaters of your water supply. That was done and we are kinda reaping the problems of that. The final cap would look, as you see it on there, two layers of sand, there is an impermeable layer which is generally, it could be clay or it could be a synthetic liner. Generally for our purposes we don't have a lot of clay so we would be using a synthetic liner. And on top it's grassed over. An example of a closed landfill, those of you who are familiar in Lowell with Drum Hill. That is a closed landfill. If you drive past that you can see it and it's a mound that's been covered over. Next slide. Recently we've had some testing out on the weir area on the Avis property and on the property owned by Mr. Bob Park. During that investigation we found a concentration of arsenic in the wetland sediment. Kind of a bad news, good news kind of thing. It's bad news because you found arsenic. But the good news is that it's locked up in the sediment. As for exactly what needs to be done to that arsenic, mediation, that has yet to be determined. That's going to be determined by DEP, they're gonna tell us what we need to do. One of the immediate things that we have to do it, is we have to sign the area, put up signs warning people about it. And we have to add some gates, restrict access to the property and we need to seal up the gates that are currently open and there on the field. I'd like to emphasize that the, that the fields have been tested. The fields right now are safe. It's only in the off-it's an offsite areas we really have this problem. The, the investigation of the arsenic, they are continuing and as we get more information we're doing some additional testing both in water, soil sediments, and also soil gasses. The funding for the closure, it can happen in either of two ways. The state, according to law, any landfill closed after 1970 has to be properly capped and the capping system is the cross section we showed on the second slide. As to whether the state would allow any modification, I doubt that. They could come in tomorrow and they could say, based on what was found out there, ah, we order you to close it. So, if this Article doesn't get approved under the state revolving fund, which is what we're looking for, we can get a two percent loan under the state revolving fund. Whereas right now I think our loans are going for about four percent. So you have an upfront savings about a \$1,000,000 over the life of the loan in interest. You also have a savings 'cause you're able to do

this entire project all at once, rather than do it in phases. Do it in phases, what happens, you have different contractors working. Each contractor has to match to the other one. You can have start up costs, you have close out costs. The, this allows us to do the entire project at once. Doin' at once you save a significant amount of money. The SRF like we said it's a two percent loan, ah, our first loan payment would not be due until July 15th 2011. That is because we get to use the SRF funding for the entire construction project and for engineering construction related activities, such as on-site engineering. (Gavel). We have experience with the SRF, we used it at the Water Treatment Plant. We just finished the project there. It's a good program. Big savings. If you look at the chart---

MODERATOR: One more minute, Jack

PETKUS: If you look at the chart right here it's just an interest of loan, what you're looking at is SRF fund savings of about \$1.03 million. Now if the SRF is not approved we can be audited at anytime to do it with Town funds. The last slide you can see here, the area they're showing as pink that is the area where we found a concentration of arsenic. Ah, parts of the arsenic, most of that property down there, is actually on the Avis property located at the end of Pettingell Road and you can see it extends to the far side of I-93. (gavel)

MODERATOR: Time. You were done? Okay, great. Are there any questions? Go ahead, Mr. Major.

MAJOR: Just very quickly.

MODERATOR: Very quickly.

MAJOR: This is a very high priority of the Board of Selectmen. This is a project that must be done. The capping of this parcel of land is State mandated. It includes the ball fields as Jack was mentioning as well as that parcel that's behind the ball fields. Yes indeed, the ball fields are save right now and they will continue to be used for the foreseeable future. Next year at Town Meeting you can expect to see another Warrant Article that will be a creation of new ball fields to replace these ball fields. So this money, the \$7.3 million, is for that whole capping program. The important part is that loan, the State loan that we can get. That' a two percent loan that we get from the State. But we must be able to apply for it by July 1st. By getting that two

percent loan we're going to save over a million dollars in interest fees, over the life of the term of the loan, over our normal borrowing cost. So again, this is a very important project for the Board of Selectmen.

MODERATOR: Okay if you want to address this Article, I'd ask you to be at either of these two mics. If you have a point of information, I will call on you then. Yes, sir, you've been very patient. Go ahead.

SZAREK: Hello, Gerard Szarek, 10 Larchmont Circle. I want to know why; this isn't being rolled into the water rate.

PETKUS: Because it's a solid waste project. And it's not a water project, it's not a--it's a solid waste project which is a tax item.

SZAREK: Well you're worried about the contamination and the arsenic into the water, right? Otherwise you wouldn't care.

PETKUS: Well it really doesn't, we are worried about that, and I think it would be, I couldn't stand here in front of you and say no, let's let that happen. Fortunately, we have not; you know the arsenic does not appear in our finished water. That's the good news. Can it get there in future? I think maybe if we ignore this, but, it is not a--it is not a water funded issue. The Town used, you know, there resources, back when they founded this and they placed it knowingly in the water shed. And it was solid waste, it was trash that was dumped there over the years. And, it's, you know that was, over the years that landfill was in operation, the Town was saving on disposal costs. We didn't have to send to an incinerator or another landfill, pay tipping fees.

SZAREK: Thank you.

MODERATOR: Yes, sir what's your point of information?

PASQUALE: My point of information is to ask Mr. Petkus, right now we're storing DPW materials on there. So my question is, during the capping these materials I assume would have to be moved, will we be allowed to put materials back on the cap? Because in my mind, you've got this Article says we're going to be considering some post-closure use. My mind, I think we gotta get it out in the public, I don't think we can use this for post-closure use for recreational purposes. So what uses

in you infinite wisdom could that capping gonna be used, seeing we're gonna sink \$7 million into it.

PETKUS: Well, the first part of your question, is on the, on the materials that's out there right now. During the sewer construction projects we collected approximately 70 cubic yards of material, that will be used for the capping. So that material you see out there in those big piles, that is for the cap, that's gonna be for the shaping material. That's going to save us a lot of money, because if we get that material, basically, you know we didn't pay for it. Your second part is, what can we do on top of that cap. We did an analysis and we looked at putting playfields back on there again, it was cost prohibitive. It was, right now the thing that we have in Town is, we have two pieces of property that are flat and they can be much easily used. Namely, Blanchard and the Reichold property. (gavel) As far as the Public Works operations, the material processing will still be able to do that, that is part of the plan.

PASQUALE: Could you put a whole Town Yard there?

PETKUS: No. (gavel)

MODERATOR: Okay are you ready for the question? You read to vote?

MAJOR: Just a quick clarification.

MODERATOR: Apparently not. Go ahead.

MAJOR: I apologize. I said that next year we'll come back with a Warrant Article for playfields, it is cost prohibitive to put the playfields back at that Diermond Field site. So we will probably look to the Blanchard Street site that you bought last year. So that's a beautiful farm site that we purchased last year that will probably be the new home for those ball fields.

POKRESS: Quick question. Bob Pokress, Cherrywood Circle. Does the capping stop the further leeching into those areas that you showed on the slide a few minutes ago?

PETKUS: No. Not necessarily. In some instances, landfills that have been capped, the arsenic leeching out actually increases. Once again that's something we're gonna have to

address, probably with some kind of containment, to catch that arsenic before it gets out.

POLKRESS: So it's not containing further leeching of arsenic, what is the principle safety benefit of the capping process?

PETKUS: The reason for capping a landfill is to prevent water from entering, it slows down decomposition and the leeching that forms, it keeps it from moving out of there. That's the purpose of the cap. The cap just prevents that leeching from coming out, but in the case we have here, we have a significant amount of waste that was buried in there that's below the water table. So that's one of the things that can happen with this.

POKRESS: Thank you.

MODERATOR: Okay we ready to vote.

MARSHALL: Bob Marshall, 4 Samos Lane.

MODERATOR: Go ahead.

MARSHALL: You're talking about \$7.4 million on this project, but from your own literature it indicates this is just---it could be just the beginning. Now Buzz has indicated that we may in the Article may talk about acquiring land adjacent to it that my also be contaminated. I know there's a farm up there and we've talked about looking at that. I know our people went out an put monitors out there. And I think the owner's looking for some compensation from us? I don't think the 7.4 is a cap, I think it's only a beginning. I think one of the reasons why the DEP turned down our four phase project because they said in the paper that they were concerned about the total cost o that project goin' forward. And there's indication in this, these papers here that still a lot more work has to be done. This could be another big dig; it could cost us 12, 14. You don't know what you're gonna (inaudible). So you're gonna spend all this money, you're gonna tell me that it's only 7.4, but I know from your own documentation here that we're gonna be doing more, more work. We don't know till we dig up that what is down there. But the other thing that bothers me more, is all the monitors were put down south of that land show that the arsenic does not flow down there. So it's not spreading too far below, it's concentrated in the area. And I don't know who's going to be managing this project, but you know it's open ended.

PETKUS: We obviously I think you can see there has been some downstream transport cause now it's extended to the far side of I-93.

MARSHALL: But we don't know where that-we haven't identified the source of that metal arsenic. It's assumed.

PETKUS: Well the arsenic, it occurs naturally, it's the most common element in earth's crust.

MARSHALL: Yes, it also could have been occurred up from the, from the dumping and the land field on farm next to us, that's a byproduct of arsenic too.

PETKUS: Well we really don't know-

MARSHALL: No we don't know. We don't even know who created it-

MODERATOR: Okay, you've reached the time sir, thank you. Thank you. Do I have a second to move, the question has been moved do I have a second? Thank you. All those in favor of moving the question ending discussion, please raise one hand. Thank you very much. Article 30 has been moved and seconded it requires a two-thirds vote, all those in favor please raise one hand-

MAJOR: 31...31.

MODERATOR: 31, I'm so sorry, Article 31. Thank you. All those opposed. I declare it to be far more than a two-thirds majority, the motion carries.

Article 32. Mr. Teichert.

TEICHERT: Madam Moderator, I move that the sum of \$600,000 is hereby appropriated to pay costs of bridge repairs in and for the, and for the p payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause 4 of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therfor.

MODERATOR: Article 32 has been moved and seconded. Is there a Selectmen's report?

TEICHERT: Selectmen recommends approval of this Article

MODERATOR: Fin Com report.

WRIGHT: Harold Wright for the Fin Com, Fin Com recommends approval of Article 32.

MODERATOR: Article 32 requires a two-thirds vote, all those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Article 33. Oh, I declare that more than a two-thirds majority.

Article 33. Mr. Vispoli.

VISPOLI: Yes Madam Moderator, I move that the sum of \$4,000,000 is hereby appropriated to pay costs of constructing and reconstructing the Shawsheen River Outfall Sewer, including but not limited to, all costs associated with design, construction, land acquisition by eminent domain and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause 1 of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Article 33 has been moved and seconded. Selectmen's report?

VISPOLI: Yes, Madam Moderator, the Shawsheen River Outfall Sewer is Andover's primary conduit of sewage from the Shawsheen pump station to the Greater Lawrence Sanitary District. High concentration of hydrogen sulfide is measured in sampling analysis, can be extremely corrosive to the untreated concrete. Inspection of the Shawsheen River Outfall interceptor shows such corrosion exists and should be rehabilitated with a cure-in-place liner system to prevent further corrosion or collapse. Any clarification.

MODERATOR: And the recommendation of the Selectmen is-the Selectmen's recommendation please?

VISPOLI: The recommendation is to approve. Jo-Finance Committee report.

WRIGHT: Finance Committee strongly recommends approval of this.

MODERATOR: Is there any discussion? Okay. This also requires a two-thirds vote. All those in favor please raise one hand. Thank you the ay...Those opposed. I declare it to be far more than a two-thirds majority, the motion carries.

Article 34. Mr. Salafia.

SALAFIA: Madam Moderator, I move that Article 34 be printed, oh...

MODERATOR: It has been. (laughter)

SALAFIA: as printed in the Warrant—moved as printed in the Warrant.

MODERATOR: Moved as printed in the Warrant. Article 34 has been moved and seconded. Go ahead.

SALAFIA: Every year were asked to approve dozens of Articles, tonight I guess we had \$127,000,000 we've already spent, so...This Article actually is asking you to give us permission to apply for a 43(b) state grant to get \$150,000, it's a little different than spending \$127 million. We're asking you to give us this permission so we can apply for the grant so we can help facilitate some of the economic planning and growth of Andover. Actually, I received a letter today from our State officials, Senator Susan Tucker, Representatives Barry Finegold and Barbara L'Italien. And I'm just gonna take a second to read it to you because we have strong support from the state on this end and we really want to try and get this done. Dear Mr. Salafia. On behalf of the Andover state legislature, legislative delegation we strongly encourage Town Meeting voters to vote yes on Article 34. With your support and approval for priority development site and Lowell Junction Development Area, it would qualify Andover for State funds of up to \$150,000. Those funds will enable community leaders to help proactively plan for future economic growth. Without this economic funding opportunity, future master planning of Lowell Junction Development Area may be compromised. Prospect of increasing Andover's tax base, creating jobs, while mitigating vehicular traffic on local

roadways is vital to ensure the future wellbeing of the community. The approval of this Article is an opportunity for Andover to stabilize our economic health in years to come. Paul Materazzo, our Planning Director, has a few slides just to give you some, a little more information.

MODERATOR: Okay, three minutes, Mr. Materazzo.

MATERAZZO: Thank you. Good evening—

MODERATOR: Ah, sorry, before you start, I'll give you back three seconds. This is going to require a standing vote so if the counters could be ready I would appreciate that.

MATERAZZO: Good evening, for the record, Paul Materazzo, Director of Planning. This evening, the purpose of this Article is for Town Meeting to apply for state funds to proactively plan for targeted economic development opting, opting into the states 43B program, Andover would be committed to provide a efficient process for municipal planning, guaranteed permitting with in the PDS within 180 days, increase visibility of the I-93 Development Area, and you should also know that this is not a change in zoning. The location of the designated PDS is a quarter acre parcel on the west side of I-93. For those that can see the pen, this is I-93 going north in this direction. This is Wyeth, Procter-Gamble, and the municipal boundaries of Tewksbury and Wilmington in this general location. Presently this site is not serviced by municipal services or roadways, the designation would qualify Andover for technical assistance that will add regulatory boards for developing the blueprint for how we do business within the I-93 Development Area. The PDS location could not be activated until such time as the new Lowell junction interchange came into play. Next slide. By opting in, Andover would be eligible for the technical assistance funds, would provide Andover with the opportunity to proactively plan a master plan and get ready for future development within the junction area. Technical assistance would also assist with professional staffing assistance, govern-government reorganization of by-law regulations and planning and consolidating (?) services. Next slide. Opportunities to partner with abutting communities. This year's Town Meeting in Andover, Wilmington, and Tewksbury, the three communities are considering creating a Priority Development Site. Should the communities be successful there will be an opportunity for the three communities to jointly apply for technical assistance of up to \$450,000. With Town

Meeting approval Andover plans to utilize the technical assistance to support various regulatory boards, local task force, in developing a master plan for Lowell Junction Area. The following is a proposed scope that will be advanced, that will be advanced, should Town Meeting approve the PDS designation. From issues of land use, traffic on local roadways, open space corridor planning to sustainability, this is an opportunity for Andover to proactively plan for future economic development. In review, here are just some of the highlights of the PDS designation which I've talked about this evening. If you have any questions, feel free to...ask. Thank you.

MODERATOR: Okay, Selectmen's report on this, do we have it?

STABILE: Yep, the Board of Selectmen strongly recommend approval of this Article.

MODERATOR: Okay, any questions? We need to take a standing count. All those in favor please stand. Once the counter, if you want to be counted you must be sitting in one of the section of the hall.

PERRY: Look for your counter and after she looks at you and punches that counter, sit down so she can go on to the next row.

Section 1: 19; Section 2: 27; Section 3: 26; Section 4: 24;
Section 5: 29; Section 6: 28; Section 7: 32; Section 8: 18;
Section 9: 25; Section 10: 26; Section 11: 10; Section 12: 13;
Section 13: 19; Section 14: 16; Section 15: 0; Stage: 26;
Hall: Cleared.

MODERATOR: Alright, all those opposed please stand. If you are not voting would you please, please be seated.

PERRY:

Section 1: 0; Section 2: 0; Section 3: 0; Section 4: 0;
Section 5: 2; Section 6: 0; Section 7: 0; Section 8: 1;
Section 9: 0; Section 10: 0; Section 11: 0; Section 12: 0;
Section 13: 0; Section 14: 1; Section 15: 0; Stage: 1,
Hall: Cleared.

MODERATOR: Okay. Those in favor totaled 338; those opposed total 5. The ayes clearly have it, the motion carries. WE needed a standing vote because of the State Regulations on

that. Thank you. Take one more Article before we adjourn for the evening, if you don't mind.

Article 35. Mr. Salafia.

SALAFIA: Madam Moderator, I move Article 35 as printed in the Warrant.

MODERATOR: Article 35 has been printed in the Warrant. Go ahead.

SALAFIA: Planning Board has submitted this Article to keep our downtown vibrant and excited destination for both our citizens and outside visitors from other communities as well. Currently only businesses with enough space on their own property can have outside dining. This by-law will allow restaurants to use public property for outdoor dining in a carefully controlled manner. Planning Board recommend approval. And Jacki Byerley our Planner has a few slides to give you more information.

MODERATOR: Four minutes and 30 seconds, please.

BYERLEY: Jacki Byerley, Planner. As you can see on the screen this is Main Street on the corner of Main and Punched shown with a ten foot sidewalk without outdoor dining.

MODERATOR: Go ahead. Could we have this mic on up here? Is it unplugged did you turn it off? Did you turn it off? The lights on. Why don't you go to the middle mic.

(background discussion about the mic.)

BYERLEY: I guess I'll take my show on the road. Shown here is Main Street with outdoor dining, we're still gonna maintain a seven-foot sidewalk, clear pedestrian path, but we are gonna be able to bring people into the downtown. The one service that we currently have available on April 10th with...temperatures of just 68 degrees, we had people enjoying the one service. If we can provide outdoor dining we can bring more people into the downtown and they will come for the additional services. Are there any questions?

MODERATOR: Okay. Selectmen's report please.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Okay. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Go ahead.

URBELIS: Madam Moderator, I move to adjourn this Town Meeting till seven o'clock tomorrow night, same place.

MODERATOR: It has been moved and seconded to adjourn to tomorrow night at seven pm. All those in favor. Those opposed. Thank you all very much. See you here tomorrow night at seven pm for Article 36.

SECOND EVENING

Thursday, May 1, 2009

MODERATOR: (gavel) The hour of 7pm having arrived, it is my distinct pleasure to reconvene the 2008 Town of Andover Town Meeting. Mr. Urbelis would you please give us a motion?

URBELIS: Madam Moderator, I move to admit Ray Tode, Lisa Cambell, Thomas Carbone and other non-voters who may enter the hall hereafter, some of whom may be speaking.

MODERATOR: There's been a motion to admit non-voters into our Meeting. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Please admit the non-voters. I would like to, at this time, ask Mr. Barber and Mr. Major if they would go ahead and do some presentations for us this evening.

BARBER: Good evening everybody. I'm here to present, along with Chairperson Major, the 2008 Virginia Cole Award winner. Winston Churchill once said we make a living by what we do, but we make a life by what we give. This year's winner of the Virginia Cole Award has made a life in Andover. Ladies and gentlemen I present to you the 2008 winner of the Virginia Cole Award for Volunteerism, Don Robb.

(applause)

MAJOR: Now to say a little bit about Don Robb. Don and his bride Vikki moved to Andover in 1975, raised six children. His professional life included careers as a foreign language teacher in Ohio and New Jersey and then as an educational publisher where he retired in 2003. Through the years he combined those two loves by writing multiple history books for children. Don has

served our community in many volunteer capacities over the last 33 years. From 1978-1988 he served on the Andover School Committee. Two of those years as its Chairman. One of his proudest moments or six moments to be exact occurred during that time as he was able to present diplomas to all six of his children as they graduated from Andover High School. Probably a feat that will never be duplicated. (laughter) From 1989-1999, he served on the Finance Committee, again the final two years as the Chairman. During that tenure he helped to steer the direction for the two new schools in West Andover. He directed plays for the Andover Theatre Company, including one that served as the focal point for the re-opening of the Town House, which many of us fondly refer to as the Old Town Hall. His other effort was a musical performed at the newly created Collins Center. Most people slow down upon retirement. This is not true for Don. His professional retirement in 2003 was our community's gain. In the five years since his retirement, Don has served as a member of the Board of Directors of the Andover Historical Society, where he currently serves as its President. He's a member of the Andover Cultural Council, in fact he was at a meeting there, we were afraid he wasn't gonna be here on time. He performs with the Senior Center's Sunrise Singers. And with that group Don is hard to miss in that group, given his imposing size and his deep voice. He has volunteered with the Andover Sister Towns Associations since its inception being instrumental in the fundraising for the group at its beginning. He has served as Co-chair of the Senior Center Task Force, bringing a plan and a vision for a new Senior Center to the voters of Andover. He's currently a member of the Friends of Andover Senior Center. A group that is currently headed by one of his daughters. He served for two years as a Chairman of the Andover Days annual event. Unfortunately both days saw rain. I'm happy to report that this year Don is not chairing the event, so it should be a bright sunshiny day. (laughter) He serves as a member of the Advisory Group for the Shawsheen Renaissance Project. He lectures regularly about Town politics in his daughter Mary's Democracy and Media Literacy class. He has presented lessons in local history on the TV show "There's Something about Andover," produced by Senior Center volunteers and seen on local access cable. He continues to write children's history books. He has served for several years as a board member of the Merrimack Valley YMCA camping services division. Don and his wife, Vikki, and several of his children, spend time every spring preparing Camp Lawrence for summer activities and helping to shut-down the camp for winter. In 2007 the YMCA honored both Don and Vikki for inducting them into the Camp

Lawrence Hall of Fame. Don and Vikki have instilled the concept of community service in their children. As examples, Mary's a teacher at Andover High School. Pat an officer in Andover. And Kate as mentioned, serves as President of the Senior Center Friend's group. Albert Schweitzer once said, "I don't know what your destiny will be, but one thing I do know, the only ones among you who will really be happy are those who have sought and found how to serve." Don I am continuously amazed by your desire, passion, and willingness to serve the Andover community. It is my esteemed pleasure on behalf of the citizens of Andover to present to you this year's 2008 Virginia Cole Award winner, Don Robb.

ROBB: I want to thank Art and Brian for their kind words. I want to thank everybody that's here tonight, most of all my family, especially my wife, Vikki. The things that I do, I couldn't possibly do if she weren't around, to...to kind of back me up, and pick up the pieces, and push me around and tell me where I need to be at the right time. My children also take on that role. So they all have worked together. I'm particularly honored to receive this Virginia Cole Award. Virginia Cole was one of the first people that I knew in this Town who was a participant, and to me was something of an inspiration. We, we served together way back in the early 1980's on the Building Committee to build the Collins Center and the Doherty Middle School, and it was her role then, to encourage people to get involved in the Town. And when you come to a town, if you don't get involved, why are you there. One of the things that I have found, in my years here, is that by getting involved, by doing these things that I enjoy doing, I meet some of the finest people in the world. So I thank you all for the opportunity. (applause)

MODERATOR: And he brought with him our next generation of Town Meeting attendees. (laughter) Coming right off the baseball field.

BARBER: As is custom in the Town of Andover, when an elected official retires from him or her position, his or her position, the Town likes to take a moment to recognize their dedicated service. It's a great honor and a privilege to invite Dr. David Samuels to please step up here for a moment. (applause). When David ran for School Committee three years ago he had a real tough race, and he topped the ticket. And for those of you who watched, know he did a real good job with that. Did you run against anybody?

SAMUELS: Not at the end.

BARBER: Not at the end. When David joined the Committee he had a lot of ideas and worked with diligence, negotiated many contracts and many times during our sessions, brought a reality to our decision making process. And we're very pleased about that. A level-headed thinker, always looking for the right answer, and to do the right thing. So as Chairperson of the Andover School Committee, I think for one more night, I would like to present David with a certificate for our appreciation for his service to the Town of Andover. And I would point out that this is an imitation certificate, 'cause the real one is being engraved even as we speak. David on behalf of the School Committee and the citizens of Andover, thank you for your service, it was a privilege to work with you. (applause)

SAMUELS: The imitation one is good enough. 'Cause I haven't really retired, I'm not breaking any hips soon. I'm just taking some time off to finish some other commitments. I'll be back, I love this Town. I appreciate you giving me the chance to do. And I just hope I can do more. Thank you very much.

MODERATOR: Okay, thank you. Um, just a couple of housekeeping issues. Again, I would remind you if you were here last night, if you're here new this evening, please turn off all cell phones. If we have your number we're gonna call you to see if it's off. There's no smoking please in the building, anywhere. No food or drink other than water, here in the Field House. And the location of the rest rooms is there in the back of the hall should you need to use them. Attorney Urbelis, could you make a motion for us, please.

URBELIS: Madam Moderator, I move to waive return of service and to allow the Moderator to refer to the Warrant Articles by subject and number.

MODERATOR: It has been moved and seconded that we refer to the Warrant Articles by number rather than read them. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries.

Tonight we have a few, a few less voting sections, we didn't think that there'd be...a full house tonight. So we have 1, 2, 3, 4, 5, 6, 7, 8. So if you are in one of those sections and

we do have a standing count, those will be the sections that the um...you would be counted in.

I'd like to introduce the stage participants. To my left and your right is the Finance Committee. Town Counsel, Tom Urbelis, and the Town Clerk, Randy Hanson. Over here to my right, your left, is the Planning Board, next to them is the Board of Selectmen, the Town Manager, the Director of Finance.

I would ask you please, if you come to a mic, that you identify yourself and where you live. This meeting is being recorded, so it can be transcribed, and that transcription is the official record of the Town Meeting. And it's very difficult to assume who is speaking if you don't tell us who you are, where you live. I would also ask those on the stage, if I don't identify you by name, if you would please identify yourselves so people will know who you are.

One of the things that I'd like to clarify is...we have pro and con mics, but the pro and con mics are also discussion mics. If you have anything you want to say about a particular Article, please go to the two—one of the two side mics. If you are a presenter at the Town Meeting, if you would please use the front mic. If you have a question about procedure, not about the Article, but if you have a question about the procedure—Sheila I don't think we're on the right article? Or why are we doing it this way and not that way? If you have a procedural question, please use the center mic. Otherwise if you would please use one of the two side mics, I would appreciate that. I will accept a motion from the floor at anytime, if someone would like to move the question, you do not have to be at a mic. However, I do have to hear you, and that motion needs to be seconded. Um, most of what we will be discussing in terms of the Warrant Article and issues at hand will be on one of the screens here. So if you don't have your Finance Committee Report or you want to have more detail, I'm sure it will be up here on the mic.

Um, I would appreciate the tone and civility of the meeting, that we keep it on the highest level. Town officials are not here to be yelled at, they're here to answer questions if you have them. I would appreciate it, and I will not allow comments to get personal, as we move forward with the meeting.

There was a motion and a vote yesterday, for this entire Town Meeting that presenters have five minutes to do their presentation and speakers will have three minutes to do their

presentation. I will be keeping time, it's at my discretion if all of you are totally engaged in someone and they need another 30 seconds, I certainly will give them that. But it is not an opportunity to recite the longest speech of your life. Thank you. I think that's it.

We're ready to roll. Let's start with Article 36. Just as we start out, those of you who don't know who I am I should have introduced myself, I'm Sheila Doherty, I'm the Moderator. Um, I have every intention of finishing this meeting tonight so we don't have to go to a third meeting. So if we are one or two Articles away, shortly before ten, I hope you will indulge me and stay so we don't have to go through the expense of staff, and rentals, and sound system expenses to continue to a fourth night. So hopefully, we'll be out long before ten, but if we're not I would just appreciate your indulgence if we can, if we can finish.

Article 36. Mr. Major.

MAJOR: Thank you Madam Moderator. I move that the sum of \$973,000 is hereby appropriated to pay costs of purchasing departmental equipment including a fire pumper, ambulance, DPW trucks, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause 9 of the Massachusetts general Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article 36 has been moved and seconded. Mr. Mansfield you have...is there anything you have to add to that? Okay. The Finance Committee report please.

FELTER: Finance Committee recommends approval.

MODERATOR: The Selectmen have something more to add to that?

MAJOR: Board of Selectmen recommend approval.

MODERATOR: Are there any questions. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries.

Article 37. Mr. Vispoli.

VISPOLI: Madam Moderator, I make a motion that Article 37 be withdrawn.

MODERATOR: It has been moved and seconded that Article 37 be withdrawn. I believe there is going to be some discussion about that. Oh, I'm sorry, on that last vote, I would declare that as a 2/3—more than—a 2/3s majority on that fire and rescue DPW vehicle. I need to declare that so...I apologize. It clearly was more than a 2/3s majority and I would declare it as such. Thank you. Article 37 has been moved and seconded to be withdrawn. Mr. Major.

MAJOR: Madam Moderator, I recommend that Article 37 not be withdrawn and I have a short, four-slide presentation, to explain why. Maintenance of our sewer lines is not necessarily exciting. And generally doesn't carry a lot of enthusiasm. But just like our buildings and vehicles it is critical that we maintain all of our assets. In this community we have 140 miles of sewer pipe. We also have 100 miles of drainage pipe. That 240 miles of infrastructure is more than the 200 miles of roads that we have in our community. And we are not adequately maintaining that infrastructure. When we don't maintain the infrastructure, just like the arteries in our body, it.. there's not a continuous flow of water that goes through the sewer pipes. So the sludge builds up and forms sediment—sediment—on the inner walls. That blocks the efficient flow of sewerage through the pipes. In (?) 24 times a year represents a complete blockage, which in some cases results in sewerage backin' up into peoples homes. Next slide please. On this slide, the top graph, I just wanted to show the difference between the existing piece of equipment, which is a trailer-pulled piece of equipment, and the new self-contained IMV that we're proposing to purchase for \$200,000. The most important aspects are the hose length and the pressure. When you look at our sewer lines, our manhole covers are approximately 400 feet a part. That means when we clean the sewer lines with the existing equipment, we have to clean them from both the south side and the north side or the top and bottom manholes. We can't efficiently do it from one side. Same thing happens when we're trying to clear a blockage. With the additional pressure, we're able to clean a lot faster, those sewer lines. In the bottom chart, I show here, the maintenance that we should be doin' on our below ground infrastructure. And in the last column, is the percentage of the maintenance, that we are doing, you can see that it's significantly inadequate. Next slide please. Here I

just wanted to give a flavor for what it takes, with the current equipment in order to service 100 feet, 100 feet of sewer line, it take 12 man hours in order to do that. With the new equipment it will reduce that amount of labor output by 67% and that efficiency is where we'll be able to improve the amount of sewage line clean-up and maintain our systems adequately. As you can see the labor savings is approximately \$81,000 per year, just in labor. And the last slide, please. So we have three options. The option before you is the purchase option, which is \$200,000 for this piece of equipment. When you look at the sewer pipes that we have, the value is approximately \$105,000,000 of sewer pipe. That's \$105,000,000 in sewer pipe. This \$200,000 investment represents .2% of that total investment. We could lease, but a piece of equipment like this, you, you can only lease to own. You can't lease and then give it back in the end. And they provide it at a three-year lease or \$73,000 per year for three years. And if we rent it, we rent it at \$1,000 to \$1,200 per day. If we were to use it effectively, we would use it for five days a week, 36 weeks of the year. That would cost us a minimum \$180,000 for rental. So I propose to you that we need to maintain our sewer just like we maintain our other assets, and the most effective way to do so is by purchasing this vehicle.

MODERATOR: Any ques—we're talking about the withdrawal. Okay are you talking about the withdrawal. That's what's before us now is the withdrawal. Do you have a procedural question? Could you turn on number 2 please.

ZIPETO: John Zipeto, 14 Canterbury Street. I'm just, I guess I'm just confused about, there is a motion to withdraw, I believe, and Mr. Major were you speaking to the merits of the Article? I just want to understand what's going on here, that's all.

MODERATOR: He's explaining why he thinks the motion should not be withdrawn.

ZIPETO: Correct. Okay.

MODERATOR: There's a motion on the floor by the Selectmen to withdraw the Article. He is speaking to why he would like the Article not to be withdrawn. If that Article passes than we'll get back and forth into the merits of whether or not we should pass the Article. Right now what's on the floor, is whether or not we will withdraw it.

ZIPETO: Fair enough, thank you.

MODERATOR: Okay, thank you. If it's to speak to the withdrawal, go ahead.

VISPOLI: Right, well it's really to talk about why it was, why this Article was disapproved by the Selectmen first, and then decided to withdraw it as well, so I think it's relevant. First and foremost, the Board of Selectmen absolutely is committed to keeping our investment in our sewer system maintained and reliable. We know that a properly maintained system, as Mr. Major said, will extend the life of the system and ensure its reliability. That's, that's undisputed and is not argued at all. As we looked at the budget everything is a return on an investment, everything is doing what you need to maintain the infrastructure but looking at the cost. And as everyone knows this year, everything had to be scrutinized, especially to come to the agreement this year. This type of vehicle has been proposed, very similar, slightly different, two years in a row. In the last two years, the Board unanimously voted, this year and last year—well last year and the year before—to disapprove the expenditure. In our discussions with the Town Manager and the DPW Director on this topic the Board of Selectmen provided direction to the DPW to use a third-party service for the upcoming year FY08 and review the cost of any blockages or any usage of such flushing or cleaning machine to better understand the actual usage and cost. When this request was presented to the Board of Selectmen this year, the DPW indicated the approximate cost that was spent this past year to date was about \$14,000 or \$15,000, that the DPW had spent on emergency flushing expenses. And I will agree that added to that will be maintenance that is being proposed now, which again, we are all for. Given the request of a \$200,000 plus vehicle, we are recommending another year of using a third-party service for emergency calls and the regular maintenance program. We think it's prudent to take this approach and review the actual cost next year and see what the actual trend is before spending this amount on a vehicle, the service for the vehicle, the labor to run the vehicle and when you take a vehicle that has a four to five year life, and look at the cost of that, the carrying cost is, if it's four years it's over \$55,000 a year plus the labor. Given the expenditures and the overall budget situation and what everyone's chartered to do, that sitting on this table, and that's use your tax dollars effectively, we believe that this should not be purchased this year. And I

want to end with saying it's a return on investment, we are not saying that the maintenance, or the maintenance program, should not go forward.

MODERATOR: Okay so what—you have a point of—

VROUNTAS: I have a point of information. Chris Vrontas, 379 River Road. My question is, before we vote on whether to withdraw this Article, does the Finance Committee continue to have a position on this Warrant Article?

MODERATOR: What I would like to do is, if we want to have a discussion, what I would prefer to—okay.

VROUNTAS: I would object, only because I...my vote on whether to withdraw this Article will in part be determined on whether the Finance Committee has a position.

MODERATOR: Okay, okay. Finance Committee.

WRIGHT: The Finance Committee in looking at this, made a very strong distinction between the truck that has been asked for before and the vehicle that's being asked for this year. The vehicle that was asked for before, was a vehicle that was to be used as a reaction to a blockage, to correct a problem that had already occurred. The vehicle they're looking for now, is one that will prevent, to a great degree, problems from happening. When we look at it on a financial basis we look at the fact that the equipment they currently have takes three people to operate and if they can do a better a job, and do more of the job with less people, which they claim they can with only two people now, then that makes financial sense to us. The other thing I think we have to bear in mind is, that the money that will pay for this item is not coming from the general budget. It will not effect the School budget, or the Town operating budget, it will come from the sewer funds and will be paid from within the Department. If we're asking Departments to try and do a better job, or provide the same services with less money, which is what they're proposing here, then I think we should support it. The Finance Committee supports it.

VROUNTAS: That was very helpful, thank you.

MODERATOR: Okay, let's vote on whether or not we want to withdraw it. And then if you decide you do not want to withdraw it, we'll go into a full fledged debate.

LUCKMAN: Madam Moderator? My name is Greg Luckman, I live at 13 Florence Street. I want to speak on the motion to withdraw. I feel that this whole issue is important enough that people at Town Meeting should hear all of the arguments and so the Article should not be withdrawn, discussion should be held, and if people then feel that they don't want to vote for it, then they can vote against it. But we should not cut off discussion without hearing everything.

MODERATOR: Okay, thank you, Sir. Thank you. Are you going to speak to the withdrawal? Thank you, go ahead. Number one, please, mic. Is it on? There might be a switch on the side. Try it now.

SOUND OPERATOR: Hold on sir.

MODERATOR: Thank you very much.

KAPPELER: Warren Kappeler, Alden Road, Andover. One of the things, when you have capital expenditures, i.e., sewers, everything needs to be maintained. If you don't do it you're gonna pay for it later. When you're in industry, the first thing you look at is payback on the investment. From what I see, it looks to me like payback is three years. If that be true, that's an excellent investment. You may not have trouble now, but you're headed for it, even though you don't know it.

MODERATOR: Okay, let's take vote please, on whether or not to withdraw. We're not voting on the Article, we're not voting on the merits of the Article, we're voting on whether or not we want to withdraw that, withdraw this Article. All those in favor of withdrawing the Article, please raise one hand. All those opposed to withdrawing the Article. The no's have it by far more of a majority, the Article will not be withdrawn, now we can discuss the Article. Is there anybody who has any further questions, or issues, or comments you would like to make regarding this Article? Oh, I need to have somebody move the Article. Mr. Major, would you do that?

MAJOR: I move that the sum of \$200,000 is hereby appropriated to pay costs of purchasing an infrastructure maintenance vehicle, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter

44, Section 7, Clause (9) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article number 37 has been moved and seconded. Any discussion or questions? Yes, sir.

LUCKMAN: My name is Greg Luckman, I moved over to the pro-

MODERATOR: and you still live on Florence Street.

LUCKMAN: I still live on Florence Street. [laughter] Nice house you did across the street, by the way. The arguments for putting this off for one year, reminds me of the arguments I've heard year and year, and year about putting off doing sidewalks. The reasons for putting it off are not going to go away next year, in fact they're probably going to be worse. The reasons, there's always going to be other things, and yet sewer maintenance is something you can not put off. So I would suggest that we bite the bullet and spend the money to get the vehicle this year. Thank you.

MODERATOR: Thank you. Yes, sir.

ZIPETO: John Zipeto, 14 Canterbury Street. I'm not speaking specifically to the merits of this Article per se, but there has been discussion over the past three years, that I can recall, about the potential as far as getting the things the Town needs, whether it be a truck or a pumper truck in this case, but to explore the possibilities of regionalizing, spreading the cost of, with some of our neighbors, whether it be North Andover or other communities in the area, whether any efforts have been made maybe specifically to this particular item, or to other public works or other equipment that the Town sorely needs. I just, maybe a brief discussion about that potential again, looking ahead to next year and the difficulties that the Town will have with finances.

MODERATOR: Are you looking for someone to answer that?

ZIPETO: Mr. Torrasi, I don't want to put you on the spot, or Town Manager.

MODERATOR: I think the Town Manager is..

STAPCZYNSKI: John, you have raised a good point, and that is the basis of our Capital Improvement Plan, whether it be

sidewalks, as previously mentioned on this Warrant Article, or vehicles, or buildings, and we talked about replacement of the Bancroft School yesterday. It all is included in the Capital Improvement Plan that I issue at the end of October every year. And it lists numerous things, you know it's probably hundreds of pages, and I think this year it totaled close to \$20,000,000 of items that were to be considered. Of course the Selectmen and the Finance Committee reviewed carefully and whittled it down to the Warrant Articles for approval, or in this case, disapproval, that you have in front of you today. To get into any one particular item we could be here all night. About twenty years ago, a former Town Manager and former Selectmen, Richard Bowen, put forth a proposal for a capital improvement plan and I think it's served us well. Pieces of it are included in the budget that I put out and of course they work their way into the Finance Committee Report and the Warrant that you have in front of you. What you have in front of you is, they are all well thought out plans, pieces, that fit into an overall plan for infrastructure capital improvements for the Town.

ZIPETO: Okay.

MODERATOR: I don't think that was answering..

LYMAN: Madam Moderator, could we ask Mr. Petkus to come up because we think that the question of regionalization-

MODERATOR: Let me ask, John. John clarify your question if you will.

ZIPETO: This is something, I don't want to take the time of Town Meeting to go into the specifics of regionalizing costs, and maybe it's something I can speak with Mr. Petkus or the Board of Selectmen at another time. I didn't intend to disrupt, but that is up to you, Madam.

MODERATOR: Well, it's not within the context of what we have before us, right now. So I would appreciate it that discussion could be had with the individuals involved, because right now what we have before us is a bonding issue for a specific item for the Town of Andover to own.

ZIPETO: Certainly I understand.

MODERATOR: Is that alright? Thank you. Point of order sir?

POKRESS: Question. Bob Pokress, 3 Cherrywood Circle. Thank you Madam Moderator. A question either for the Director of Public Works or the Finance Committee, whoever, has the-

MODERATOR: Is it a procedural question?

POKRESS: No, it's a question..

MODERATOR: Regarding the Article?

POKRESS: Regarding the merits of the Article.

MODERATOR: Okay, can I ask this gentleman to speak first because he was in line before you, but I was going to take your point of order. But if you like to ask your question from one of the two mics, feel free. Yes, sir.

KOWALSKI: Dan Kowalski, 24 Enfield Drive.

MODERATOR: Yes, Dan.

KOWALSKI: I saw Mr. Major, I think it was Mr. Major's presentation there, he was saying three year return for this vehicle based on, was it two or three employees working five days a week, 36 hour-36 weeks a year. Is that how frequently this vehicle's going to be used? Or are you saying, if we used it at 100% it would pay for itself in three years. So, you know, it is not a three year cost return if it's not gonna be used to its fullest extent.

MODERATOR: Jack if you could get to the microphone there to answer those questions, thank you.

PEKTUS: Jack Petkus, Director of Public Works. As it stands right now, we can't put the people out there, we don't have enough people to put everywhere at the same time. The people that operate this vehicle are in the Water and Sewer Department. They maintain the entire water distribution system as well as the sewer collection system. Right now what we're doin', we're doin' the regular maintenance on each one of our inverted siphons. Those are pipes that go underneath the, go under the rivers, and they go under wetlands usually the bored in place (?). We maintain all that on a regular basis 'cause you usually have problems in those. What this vehicle allows us to do is to do that maintenance faster so we can do more of it in the same period of time. We're increasing our productivity. Are we gonna use it five days a

week? I don't think so. Cause if we have a water break, that's going to take precedence. If we have a water break and a sewer at the same time we can split people, but it's not going to be easy.

KOWALSKI: Can I ask a follow up question?

MODERATOR: Sure, go ahead.

KOWALSKI: So I heard the Board of Selectmen say it costs us \$14,000 this past year to clear blockages. I saw a percentages—

PETKUS: That was incorrect.

KOWALSKI: I'm sorry?

PETKUS: That was incorrect. That was for rental of a vacuum truck.

KOWALSKI: Okay, rental of equipment.

PETKUS: This is not a vacuum truck. This is a sewer flusher. What it does, it goes through the pipe, flushes it out with the water, and cleans it.

KOWALSKI: All right—

PETKUS: A vacuum has a big vacuum attached to it, where it flushes and it vacuums.

KOWALSKI: Okay, so, we've got this machine that can do it now, it's not as efficient, we saw a chart up there that said what our present level of maintenance is in comparison to some target. What will those numbers go up to if we purchase this vehicle, which we acknowledge is not going to be used at a hundred percent? So what, I think one of the things was, maybe its required, 20%? What will the actual maintenance go up to given the current employment resources that we have, if we purchase this vehicle?

PETKUS: At a minimum we can get that up to about 15%. That's—

KOWALSKI: --all of these—

PETKUS: No, I'm saying we're only maintaining about 5% of the system right now. And we..you know..we have to..well we're

actually...maintenance right now about 7%, no problem at all, that's going to double, just instantly. We can run that...pretty close to, what our goal is to get it up to 20%.

KOWALSKI: So, we're thinking maybe 15-20% is what I'm hearing.

PETKUS: That's a good number.

KOWALSKI: Okay, well just personally based on that, I'm gonna agree with the Board of Selectmen and voice...

PETKUS: The other thing we have up here to is a drainage block. The existing piece of equipment we have now, can't handle it. It doesn't have enough, have a high enough pressure to break up a blockage. The new equipment has double the pressure, about triple the water volume.

MODERATOR: Okay, I'm gonna call your time, thank you sir.

KOWALSKI: Thank you.

POKRESS: Madam Moderator.

MODERATOR: Stay right there Jack, in case...

POKRESS: Bob Pokress, Cherrywood Circle. On an all-in cost basis, the one piece of information that seems to be missing from the discussion so far is on a side by side basis if you added up the cost of labor and the amortized cost of the equipment if we did purchase this vehicle, and compared it against the costs of the status quo, in terms of what we're currently doing, what would those numbers be for the coming fiscal year and on a net present value basis when you take into account the effects of not doing the necessary maintenance and then having to pay a lot later on to do what you didn't do up front.

VISPOLI: Madam Moderator, can I? That's the cost that we don't know. And that's exactly why we're recommending using an outside service, maintaining the system, just to answer that other person's statement, you're absolutely right, and that's why I prefaced my initial remarks with maintenance is critical, there is no one that debates that at all. This is a return on investment, this is do we know. Today we don't know. We had heard some numbers that were put around, we don't

have those facts right now. We can still achieve maintenance and go a year and find out exactly what it will cost.

STABILE: Madam Moderator can I add to that please. The issue...

MODERATOR: Just identify yourself for the record.

STABILE: Gerry Stabile. I think the issue that we looked at was, right now we're in a pretty tight financial situation, and to spend \$200,000 on a vehicle of this nature, that we haven't had in the past, and if we do encounter issues we can handle them with an outside service. I don't think it's an issue of whether we would like to have the vehicle, it's an issue of whether we need to have the vehicle at this time. And if you look at what we spent last year, and you look at the numbers that were put up before, we could go five or six years for what...at the same level of rental and you know, that cost is the equivalent of one year on a lease payment on this truck. So it's not that there wouldn't be an opportunity to move forward at some time in the future to do this. It's not that we don't want to maintain the infrastructure. It's a matter of whether now's a good time to do that. And I think that some of the numbers that were put up were a little bit misleading. If you could go back to that previous slide with the rental cost, the one year rental cost. It would be help—no not that one. That one. You know, we're not spending \$180 or \$216,000 for this service. Jack doesn't have the staff to put people out everyday to do maintenance everyday. I think we need to work towards that, but the issue is now the time to spend the money for a vehicle that will probably go unused most of the time. So that I think from our perspective it's a timing issue not a, whether it's a required procurement at this point.

MODERATOR: Mr. Petkus would you like to respond to that?

PETKUS: I'd just like to clarify, you know statements made that we're only spending \$15,000, \$17,000 per year. That is on a vacuum truck for emergency clearing of blockages. That is not for maintaining the sewers. The maintenance right now, we're doing the maintenance with our own trailer-mounted flusher, which is absolutely totally inadequate. It's not allowing us to do enough. And, you know I realize that times are tight but keep in mind this has absolutely zero impact on your tax rate. It is not a tax item. It has nothing to do with the agreement reached by the three Boards. This is a

piece of equipment that we need in order to, you know maintain our system as we have it today. Yeah, sewer and water enterprise, paid by the rate payer.

LYMAN: Madam Moderator?

MODERATOR: Yes sir. Go ahead.

ANDRESEN: Kevin Andresen, Argilla Road. My question is, is directly to what he just said. I'm inclined to support the article for the reason given by the Finance Committee. So, if it's not our tax bill, it's not part of the general budget, what is the plus or minus, it says here, that the debt service will be included in the sewer rate projection, what would this save in the sewer rates, to not approve this?

PETKUS: Exactly what is on the rate, I couldn't tell you. That's not my forte. Maybe, Mr. Torrasi could tell us, but, the thing is that, those people that are on a septic system, their cost is zero. They're not getting the service, they're not paying for it. That's the reason for it. And also, a point was made, that why don't we go out and try the rental, well I think we have to go back to Article 4, back to my sewer budget and put another \$120,000 in there and allow we to go out and rent this. I don't have money in there for rentals for sewer cleaning. If we want to do that, I think we have to increase the operating budget in order to allow that.

ANDRESEN: Okay, but,--

LYMAN: Madam Moderator?

MODERATOR: Are you through with your question, sir?

ANDRESEN: I'm not sure I heard the answer.

MODERATOR: Okay. Can you answer this question, or can I have Brian answer it and then allow Mary to speak.

MAJOR: Brian Major. This vehicle would be borrowed for five years. The total payment for each year would be \$46,000. Because we're borrowing at 3%. So the impact on the water and sewer budget would be very negligible, in fact, it would not impact and cause a rate increase in the water and sewer budget.

MODERATOR: I think that probably does answer your question, sir.

ANDRESEN: Would not approving it cause a rate decrease?

MAJOR: No. No it would not.

MODERATOR: Mrs. Lyman.

LYMAN: Madam Moderator, thank you. I just want to clarify. We are not saying that we should not purchase this vehicle long term. What we're saying is we need more information, more time, and at which time maybe we can take up the issue of regionalization. We know we're not gonna ever be using it every day. Mr. Zipeto brought up the question, can we regionalize, that's never been examined, we haven't had the opportunity. We think of another year of using an outside source while we gather information and look at cheaper ways to do this and save all the sewer rate payers some money for the next year. While it may not come out of your taxes, those of us who are paying for sewer are still paying their dollars into this and we're just trying to save money with a different approach. That's what it comes down to. Thank you.

MODERATOR: Okay.

MEMBER OF AUDIENCE: Move the question!

MODERATOR: Okay, I would like to end discussion at this point. All those in favor of the motion, Article 37

UNIDENTIFIED SPEAKER: We have to vote on moving the question, don't we?

MODERATOR: No, I've just stopped the question. All those in favor of Article 37, please raise one hand. All those opposed. And it requires a two-thirds vote. I'd like to do a standing vote, I apologize for needing to do that, but it's very close. So all those in favor of Article 37, please stand.

PERRY: Make sure your voter tag shows, because they've been told not to count you if you don't have a tag showing.

Section 1: 13; Section 2: 13; Section 3: 14; Section 4: 16;
Section 5: 28; Section 6: 21; Section 7: 22;
Section 8: 4; Hall: 10; Stage: 11

MODERATOR: All those opposed, please stand.

Section 1: 4; Section 2: 11; Section 3: 18; Section 4: 7;
Section 5: 11; Section 6: 29; Section 7: 27;
Section 8: 2; Hall: 7; Stage: 7

152 having voted in the affirmative, 123 having voted in the negative. The motion is lost.

Article 38. Mr. Salafia.

SALAFIA: I move Article 38 as printed in the warrant.

MODERATOR: Article 38 has been moved and seconded. Will you be the main speaker? There you go Mrs. Simms?

SIMMS: Madam Moderator. The Planning Board is pleased to be sponsoring this by-law. It achieves several very important objectives. First, it will protect Andover's water resources. It complies with the Federal mandate that requires that we have an ordinance in place this year. It provides a careful series of checks and balances to insure the integrity of the permitting process. And it will use existing review procedures and can be implemented with minimal expense to the Town. I'd like to thank the task force members, the Department Heads and the Town Staff who have provided us with excellent input as we went through countless revisions. And this end result is truly the collaboration. Jacki Byerley has a very brief presentation.

BYERLEY: Jacki Byerley, Planner. In 1999, EPA as part of the Phase II final rule, required the Town to develop a stormwater management by-law. The by-law (inaudible) this evening is to put the Town in compliance with that portion of the Phase II final rule. After two years and extensive research the Town has brought forth a by-law that will bring the Town into compliance. The by-law would help to diminish the impacts of sedimentation and to protect the Town from impacts to the water supply and low stream flows caused by stormwater runoff. These are the eight key components to any stormwater management by-law. As you can see with the check marks, the by-law presented for vote meets those requirements. What will happen next is the by-law as established this evening if it is approved will provide the legal framework but regulations for the design criteria will still need to be voted on at public hearing by the Planning Board. And that would be at a posted Public Hearing for any comments that need to be made with regard to the regulations.

MODERATOR: Selectmen's report. Mrs. Lyman.

LYMAN: Board of Selectmen recommends approval.

MODERATOR: Are there any questions? Yes sir.

(Inaudible from the floor.)

MODERATOR: The question is when will this become effective?

BYERLEY: The general by-law will become effective after Town Meeting vote and approval by the Attorney General, so I believe the Attorney General has within 90-days to approve a by-law and thereafter the regulations would have to be approved at a public hearing.

MODERATOR: Okay, all those in favor of Article 38, please raise one hand. Those opposed. The ayes have it the motion carries. Thank you very much.

Article 39. You go right ahead sir.

(Inaudible from the floor)

MODERATOR: Yes, please.

COOPER: Don Cooper, 4 Eagle Way, member of the Conservation Commission. I move that the Town vote to approve the sum of \$900,000 to pay costs of acquiring land, conservation restrictions, easements or other contractual rights for conservation purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, to be managed and controlled by the Conservation Commission, including the payment of all other costs incidental and related thereto, and to authorize the Board of Selectmen and the Conservation Commission to acquire such land and restrictions, easements and rights by gift, option, lease, purchase or eminent domain, and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Article 39 has been moved and seconded. Do you have something of a presentation you'd like to give us?

COOPER: Yes, I do, Madam Moderator. The Conservation Commission has moved Article 39 at \$900,000, not the \$1.5 million as advertised in the Warrant. We're asking for permission to bond up

to \$900,000 to purchase open space. We've chosen bonding as the funding mechanism because Andover has always used bonding for land acquisition and other major purchases like fire trucks and sidewalks. Bonding is an appropriate route to go to fund projects that we consider important and which will last a long time. I submit to you that open space is as important to the quality of life of Andover as the other capital assets that we fund at Town Meetings. It's actually better than others because unlike them it does not wear out or depreciate. And it's important. It's the buffer between houses and between neighborhoods. It's where you can go for a walk in the woods near your house and know that you've got a right to do that. It's a habitat for animals and birds that we all like to point to our kids and that are coming back in to Town. It's where we can camp right on a picturesque river and really be out in the woods but be in our own Town and not have to drive to New Hampshire or Maine. And I'm talking about the Reighthold (sp?) property that Town Meeting funded six years ago. I submit that the continued purchase and protection of open space should not be viewed as discretionary but as a continued slow steady process over the years. Starting in the 1970's Town Meeting in its wisdom recognized the importance of protecting open space. We all benefit from the green space and our property values on a Town-wide basis are higher because of it. Buying open space is the only proven way to take land out of the development cycle. Land conserved forever is less costly for the Town than land developed for homes with the necessary costs of schools, fire, police protection and other Town services. Simply put, it's a losing strategy revenue-wise to encourage housing because each residential unit consumes more in services than it contributes in taxes and you can't make it up in volume. Andover's population is increasing and it's not going to stop. All the new innovative housing ideas are for denser housing that's not...not going to stop either. The quality of live antidote for these is open space. The more people we have and the denser their living situations the more important it is to have open space available to us all for a whole variety of reasons. I submit to you that we do not have enough open space and that we should be adding more. We're working according to a plan. Andover has an agreed upon open space plan adopted through the good work of the open space task force several years ago. It call for strategic acquisition of

open space and we should continue to follow the plan. It's a great time to be a buyer of land. If passed, this Article will give us the ability to buy land at a time when it is relatively cheap. Remember just two or three years ago, when houses and land sold immediately for higher than the asking price. It takes a bit of guts to be a contrarian half of the investor's creed it to buy low. The advantage of having such a fund is that it gives us power to negotiate. Very few property owners are willing to agree to sell if they are told that they will have to wait until next Town Meeting to see if the funds will even be appropriated. There are several very desirable parcels available right now, and there's pressure to develop them. And once their built on they'll be gone forever. Budgets are on everyone's mind, that's why we amended the amount we're asking for down. And we're not talking about this year's tax bill or even next year's. Let me say that again, this Article will not effect 2009's tax rate. The Town will only bond when it's ready to purchase a parcel. The cost of the borrowing only becomes part of the debt service of the Town budget when the bonds are sold. If passed this will potentially add \$6 a year to the average real estate bill, starting in the year 2010. If only part is borrowed than that \$6 is proportionally lower. Think of all jewels that are in our open space areas, like the 84-acre, Robert Costell Reservation, the historic Pole Hill reservation, the Doyle length that links West Parish to downtown. Now think how smart we think those past Town Meetings were for appropriating those monies to buy those properties. Do you really think they felt flush with cash when they made those appropriations. You know there's a lot of talk about going green these days, leaving our children of an even better and greener environment than we had. This Article is about a permanent legacy of natural areas. It's a legacy that we can be proud of, conserving open space has been a strongly held Andover value. And we'd appreciate your support.

(applause)

MODERATOR: Selectmen's report please. Selectmen's report

TEICHERT: Selectmen recommend disapproval.

MODERATOR: Okay and the Finance Committee report please.

BRADSHAW: Marg Bradshaw for the Finance Committee. As we discuss Article 39 I would like to return to last night's discussion of debt service. You will remember every dollar of

available funds that we have to allocate for non-exempt debt service that is \$1 that we do not have to fund the everyday services in the Town of Andover. Our schools, the library, Senior Center, fire and police. Steve if you could put up on the screen...you deleted the slide, okay...Last night we saw a graph on all of our screens here that showed the levels of debt service, non-exempt debt service based on Town Meeting votes from previous years. As Joanne Marden, our chairman of the Finance Committee, pointed out last night this graph did not show the amount of money which we have authorized this year. The lines on the screen from last night are all going to go up. The lines last night showed that after 2010 we began to see a gradual decline. That decline is not going to happen because we have already spend in the last night and tonight, we have authorized expenses for bonding for necessary services. We also have to remember that in future years there are both new and ongoing projects which will further add to our debt levels. The replacement of school roofs is scheduled to continue, maintenance of our Town and School facilities must go on, equipment must be replaced, perhaps we will see a replacement of the Ballardvale Fire Station, probably the replacement of Bancroft School. We should remind ourselves that last year's Town Meeting authorized the Town to purchase three properties on Pearson Street and the Blanchard Street property, totaling \$2,450,000. All of which is included in non-exempt debt. With this information in mind the Finance Committee you to carefully consider Article 39. We ask you to consider, is this something that we absolutely need to do, or is this a project that we would like to do. Necessary expenditures versus "nice to have's." Taking into consideration last year's action and the current financial realities, the Finance Committee reviewed Article 39, we came to a group conclusion that this acquisition however desirable does not fall under the absolutely-need-to-have category. It is our opinion that if the Town wishes to purchase additional conservation land, we certainly have the ability to do so, but only if we exempt this debt from the Proposition 2 ½ levy limit. As currently drafted we are unable to support Article 39 and would recommend a no vote.

MODERATOR: Thank you. Let's start here. Then we'll hear from the Selectmen from the floor.

TRAYNOR-GOLDSHEIN: Stephanie Traynor-Goldshein, 6 Ralston Circle. On behalf of the League of Women voters I would like to encourage people to vote for this Article. Andover has a strong tradition of supporting open space acquisition and the

League has a position that supports an active open space planned acquisition. Thank you.

MODERATOR: Oh, and she was so under the two-minutes of the League amendment, or motion that they made. Thank you. Do you have a point-of-order sir?

UNIDENTIFIED MAN (Don Robb?): I don't think this is on, but maybe you can hear me anyway. How much is currently available in the account for the Conservation Commission before we would vote on this \$900,000. Is there still money available in that account? What is the balance there?

MODERATOR: Does anyone know that question-answer to that question?

STAPZCYNISKI: Don if you?

MODERATOR: Don, do you know?

STAPZCYNISKI: I could answer it...

COOPER: We inquired today and there is \$487,000 in the Conservation fund which is earmarked for the purchase of Reichold parcel one.

UNIDENTIFIED MAN: So that would deplete the current funds available?

COOPER: That's correct.

UNIDENTIFIED MAN: Thank you.

MODERATOR: Yes, sir.

SNELL: I'm Fred Snell, 7 Mercury Circle. The Board of Directors of the Andover Village Improvement Society have voted to approve—or urge you to approve this Article. Time is of the essence. We are in a position where real estate prices are low and if we wait the economic cycle may turn around and we may not have that opportunity. So I encourage everyone to vote for this Article.

MODERATOR: Okay, thank you. Yes, ma'am.

WHELLER: Francis Wheeler, Hillcrest Road. I tend to go along with the Financial Comm—Finance Committee's decisions when

they ask for caution on expenditures, but it seems to me that this is a "must-have" now. There are properties under consideration that are precious gems and once they're built upon they are gone forever. The real estate prices are good now for us to be buying and I think this is a "must-have" and a "must-do-it-now."

(applause)

MODERATOR: Thank you. Yes, sir.

KOWALSKI: Dan Kowalski, Enfield Drive. I would like to agree with the Board of Selectmen and the Finance Committee I mean I think at this time we're seeing that, I'm already hearing that we're going to have a \$4 million deficit next year. I just think that spending on open space, although I believe in it, is not the right strategy for us at this time.

MODERATOR: Okay, thank you sir. Please if you're going to speak if you could ask something new to what has already been said, rather than repeat.

VOICE FROM THE FLOOR: Madam Moderator, I move the question.

MODERATOR: Is there a second to that?

FLOOR: Second.

MODERATOR: Alright, all in favor of moving the question and ending discussion, please raise one hand. Those opposed. The ayes have it, it is clearly more than a two-thirds majority. We will end the discussion. Article 39. I'll wait until you can have a seat, thank you. Thank you, let's see if we can do this with a hand vote, it does require a two-thirds vote. All those in favor please raise one hand. Those opposed. Oh, well...let's do a standing vote, let's be sure. Thank you. All those in favor, please stand.

PERRY: Section 1: 18; Section 2: 19; Section 3: 26;
Section 4: 14; Section 5: 25; Section 6: 42; Section 7: 40;
Section 8: 7; Hall: 4; Stage: 8.

MODERATOR: All those opposed please stand.

PERRY: When you see your counter point at you, go ahead and sit down so she can get to the next row.

Section 1: 3; Section 2: 12; Section 3: 7; Section 4: 4;
Section 5: 22; Section 6: 16; Section 7: 21; Section 8: 3;
Hall: 10; Stage: 14.

MODERATOR: Article 39, the tally of the vote. Those in the affirmative 203, those opposing 112, it fails to meet a two-thirds vote the motion is lost.

Article 40, Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that Article 40 be approved as printed as printed in the Warrant in the amount of \$350,000.

MODERATOR: Article 40 has been moved and seconded. Who's going to give a report on this? Are you?

MAJOR: Under collective bargaining contracts with the Town of Andover, employees are paid a portion of the accumulated unused leave when they retire, based upon formulas that are outlined in the various collective agreements that we have. This unused leave must be paid, contractually it must be paid when employees become eligible for retirement under the Andover Contributory Retirement System and when they terminate their employment with the Town. So this is a contractual obligation we have.

MODERATOR: Okay Finance Committee report, please. Mrs. Marden.

MARDEN: The Finance Committee recommends approval of Article 40 in the amount of \$350,000. Andover is contractually obligated to pay these benefits to employees when they retire. Progress has been made in contract negotiations with the unions to reduce this liability. But it will be a number of years before we will see the full impact of these changes. The use of warrant articles was suggested by our outside auditors as a sensible mechanism to provide funding for these benefits, because it's possible to carry the funds over from one year to the next, evening out the impacts on our annual budgets. The mechanism also improves our ability to track the total cost to the taxpayer, because these benefits are all paid from one place rather than being hidden among the departmental budgets. The Finance Committee recommends approval of Article 40.

MODERATOR: Yes, sir.

WILLARD: Bob Willard, 76 Tewksbury Street. I have four questions. Number one, approximately what is the percentage of pay, what's the formula that's used to calculate the money they employees get when they retire? Number two, is it about the same percentage for all the Town employees? I know this is a benefit that School employees don't get, but is it the same for all Town employees? Number three, what is the approximate annual cost of this benefit to the Town of Andover? And number four, what can we do to reduce this cost to the Town of Andover.

MODERATOR: Go ahead, Buzz.

STAPZCYNISKI: Yes, Madam Moderator. I can address those for your sir. The formulas that are used are a little different for every contract, we have nine union contracts for the Town of Andover. Now this does not include the seven or eight contracts for the School Department, so I'm just talking about Town Employees. We're talking about the 300 plus or minus, full-time equivalents, that work for the Town. So as I said it is covered by nine contracts they're all a little different. But in general, and I'll give you the general approach, in general we allow employees to accumulate unlimited all their sick leave. They have 15 sick days a year, they can accumulate them unlimited. However, they are paid on a basis of longevity, and if someone is here 30 years they could be paid back for 120 days, if they're here 30 years. If they're not here 30 years then it's—the formula works itself down from there. Okay so that's the general formula. And again there are contracts with variations of that because it's a general formula. And the percentage, I'm not sure what you meant by percentage, sir?

WILLARD: To clarify, if they're making \$10 an hour are they paid back at a rate of \$80 a day. Will it be a 100%

STAPZCYNISKI: Yes it will be 100%

WILLARD: Wow.

STAPZCYNISKI: The approximate cost. The approximate cost as you heard was \$350,000 that's what we're asking for this year. That is about the average that we've spent over the last four, five years, \$350,000. And, um, third—your fourth question, what are we doing to reduce it. I'm glad you asked that because obviously this is an issue for the Town, it's an issue

for the Selectmen; it's come up in this room at other Annual Town Meetings before. We happen to be currently in collective bargaining with all of our groups now and we do have proposals on the table to limit the accumulation of sick leave for new and existing employees in terms of at least the sick leave or the terminal leave package for new and existing employees. However, the provisions in the contract have been in there 30 years. So this is nothing new, and it's gonna take some time to get them negotiated. But I can tell you without revealing the terms of confidentiality that go on in executive session, the Board has made it very clear to me that this is a high priority for them.

WILLARD: Thank you.

MODERATOR: Thank you. Sir, do you have a procedural question or do you—

MARSHALL: Well it's just a general questions, Bob Marshall, Samos Lane. I'll go over there.

MODERATOR: If you would please sir.

MARSHALL: I'm glad I heard that information that was presented just a minute ago. Cause that was some of the information I was lookin' for. There is a question of, I have several questions. Number one, we're talking about nine different contracts, okay, plus seven plus eight I don't know. And each one is different, isn't that a form of discrimination, number one. From an organization even though it's, I mean isn't that a form of discrimination. And why are we havin' so many? It should be balanced for all the employee regardless of their position. That's number one. Number two, it says something about unused leave. I heard tonight that it's sick leave, that's unused sick leave probably nothing else.

STAPZCYNISKI: My answer to that question is yes. That's unused sick leave that's paid out of this account that's being discussed at this moment, yes.

MARSHALL: These are really deferred compensation, is it not? Deferred salary compensation under a contract basis?

STAPZCYNISKI: Well we don't consider it that, perhaps you could.

MARSHALL: But shouldn't this expense be approved on an annual basis rather than coming back, and asking for flat figures. This should be part of the operating budget.

STAPZCYNYSKI: Yeah, we don't operate that way. In the account procedures we use we don't operate that way. Perhaps Mr. Smith could enlighten the audience. If you want more information we could have the Town Accountant come up and discuss why we are not obligated to accrue it. We are obligated to report it, which we do do, and we are obligated to present to Town Meeting for appropriation which we do do.

MARSHALL: This practice or this benefit in the real world outside in public was aborted a long time ago. And was found out it was being abused. And executive officers said the reason it was being eliminated because it was being abused by people even at the top, who have more freedom to report when they're really out sick and not sick. Um..it just seems to me that this stuff should be balance whether it's a municibilty [sic] accounting process or what. It's just like puttin' expenses off the budget

MAJOR: Can I call a point of order? It appeared that the integrity of the Department Heads just came under fire and I take that seriously. That the Department Heads as well as the employees should be held with highest regard and the integrity of the employees in Town is very, very strong.

MARSHALL: I'm not saying there's anything wrong. I'm telling you what my experience has been, okay!

MODERATOR: That's true I don't believe he referred specifically to anyone in Town.

MARSHALL: I was saying what my experience was-

MODERATOR: Let me have Mr. Smith answer you question if I can, because we're just about up on time for you. Go ahead.

SMITH: I believe your question is why we're not advance funding this and doing such on a pay as you go basis.

MARSHALL: Yeah, and this has been going on for 30 years.

SMITH: It has been going on for 30 years, it was identified in 1996, I believe it was, from the auditors as being a thing...we've set up a specific funding device to take care of

it. Every year I've asked for additional funding to take care of it. But because of the finance so forth, there's not extra money to put aside, there's no legal requirement to do so. At this point we're basically funding it on a pay as you go basis.

MARSHALL: There were some municipalities, that were paying more than the hour. If an hour is accrued today, this year, is it being paid at today's rate (Gavel) future years or the rate when the person retires.

SMITH: It's being paid at the rate the person's earning upon retirement.

MODERATOR: Okay, thank you sir. Next question please.

POKRESS: Cherrywood Circle. Thank you Madam Moderator. If the spirit of former Senator William Prokmuster (?) of Wisconsin were in the room with us right now, he would surely hand out one of his golden fleece awards to the Town of Andover for having signed off on collective bargaining agreements with the ridiculous provision that pays Town employees accumulated sick days. The Town's free cash account is not employee compensation slush fund to pay for golden parachutes. So what comes out of free cash this year will need to be replenished by additional future taxation. Free cash contrary to its misleading moniker is not free since its money still out of our pockets. By voting no on this Article we can say to the Town leaders stop the ridiculous practice of paying healthy people bonuses for don't nothing more than showing up to work as they are expected to. By voting no on this Article we can say to Town leaders, start fixing the financial problems you've created in signing-off on gold-plated contract provisions like this one. I urge you to vote no on this Article.

(applause)

MODERATOR: Yes, ma'am. Last one than we'll go to a vote. Go ahead.

PIERCE: Fay Pierce, 10 Blanchard Street. I just had a question. Was it ever considered that you could pay the sick days at the end of the year, at that rate? Or does it always have to be accumulated? Can't you pay it out at the end of the year?

STAPZCYNYSKI: We have several provisions like that in our Public Safety contracts to address the annual buy-back of sick leave. So in some of our contracts we have that provision, but not in all.

PIERCE: Okay, second question then. Is it going to be able to, in years down the road, we could be able to add that provision so that we could pay out that money that they accumulate so they don't have 20 days left over and carried over to the next year.

STAPZCYNYSKI: Well that's an issue for collective bargaining, and it certainly can be brought to the table but it isn't...it works both ways, sometimes there's an advantage in having it, there is in Public Safety, because of the way Public Safety is staffed, in other departments it's a disadvantage to having that kind of thing.

KRUSE: Peggy Kruse, 145 Argilla Road. What happens if Town Meeting votes this down?

STAPZCYNYSKI: If Town Meeting votes it down it will be paid, it's a contractual obligation. And what Mr. Smith said was in 1996 our auditors pointed this out that we are funding the terminal leave out of individual budgets, and it comes from free cash as somebody said previously, it certainly is free—excuse me, it certainly isn't free and it's not cash, but what, the way we get the free cash is that through the year end close process that the town departments go through, there are fund balances that are remaining. In other words in the Police Department during the course of this last year, we had three or four individuals sent overseas, so they were being paid by the military, they weren't being paid by the Town. So the salaries that were not paid to them goes into free cash. The same thing in the Fire Department if a person retires and it takes several months as it does to get a replacement, get them through the Academy that's, to get them into the Academy, those salaries are being paid into free cash. So in a sense what is happening with this \$350,000 that we're asking for here, it's coming from the internal departments, they're actually paying for it themselves from free cash. So if it's not approved, it will still be paid, we will just have less free cash a year from now.

MODERATOR: Okay are you all ready to vote? If you are raise one hand please.

UNIDENTIFIED SPEAKER: Wait, wait a minute—

MODERATOR: I'm calling for a vote here, are you ready for a vote, if you're not, say no. I'm ready to vote, are you ready to vote? Alright. We're going to end discussion, thank you. All those in favor of Article 40, what are we—Article 40, please raise one hand. Those opposed. Let's see that one more time. All those in favor please raise one hand. Those opposed. Let's take a standing vote, it's very, very, close. All those in favor please stand. This is Article 40

PERRY: Section 1: 7; Section 2: 12; Section 3: 14; Section 4: 7, Section 5: 17; Section 6: 22; Section 7: 34; Section 8: 4; Hall: 6; Stage: 22.

MODERATOR: All those opposed please stand.

PERRY: [tape cut off] Section 3: 13; Section 4: 8; Section 5: 18; Section 6: 35; Section 7: 19; Section 9: 1; Hall: 14; Stage: 1.

MODERATOR: Those voting in the affirmative were 145, those voting in the negative—I'm sorry, those voting in the affirmative were 145, those voting in the negative were 135. The motion carries. Very, very, close.

Article 41. Mr. Kennedy. You need to do that at the mic, please. Identify yourself.

KENNEDY: John P. Kennedy, "P" as in perfect, but please don't tell my wife that, 31 Kirkland Drive.

MODERATOR: You want to move the Article?

KENNEDY: I move the Article as printed in the Warrant.

MODERATOR: Okay, the Article has been moved and seconded, Article 41, go ahead sir.

KENNEDY: As Tom Brady said when the Patriots won the second World Championship when they were celebrating at the City Hall in Boston, we're back. I don't know how many were here last year, but we were here last year with a proposal on the maintenance by-law and we're structured it differently this year. We're proposing the Residential Anti-Blight By-law. This has been based on many of the recommendations we received

last year from the Town Meeting. We've had, we're at, at this point, like to thank all the people that did vote in our favor last year, against the blight conditions of the neighborhoods throughout Andover. And I'd like to thank the people that came forward, that voted against it but was really amazing how many came up after the Town Meeting, how many people have contacted us over the past year, sayin' we're very sympathetic to your needs, but it was just too all encompassing last year. We don't want to be told how...how long our grass should be on our front lawn. So we've tried to come up with minimum standards this year which be more acceptable. We've had numerous meetings with the Selectmen, the Planning Board, Health Department, League of Women Voters, departments all the boards everyone has been very helpful and great suggestions, some we appreciated, others we didn't think were so great, but this is part of the democratic system. One of the comments that was made to us, emphatically when we went before one of the boards, they said, there's no at the moment in Massachusetts, no Town has a by-law concerning blight. And though the diligent efforts Mr. McLarney, he found that's not true, the Town of Framingham, the Town of Maynard had successfully implemented such laws. The big problem we have here is enforcement. None of the boards, whether it's health, building, whoever the departments, it's not that they don't want to be helpful, the don't have the jursidic-the authority to go in here and tell the people to move the junk out of their yards. It's not their program. It's a Town wide problem. We...there's at least eight areas, eight blight properties in Town. Maybe 50 property homeowners. Every time there's been publicity about the blight conditions over the last two years it's always been directed at Kirkland Drive. The reason is, obviously we're trying to spearhead this. However there are eight other areas in Town that have the exact same problems. At this time I'd like to ask Barbara McLarney to show some of these other areas. Thank you.

MCLARNEY: There exists in the Town of Andover residential properties that lack maintenance, contain infestation, are fire hazards and are burdens with unsanitary conditions. These properties constitute a menace to the health, safety, and welfare of Town citizens. The situation creates blighting, safety concerns and debilitating effect on properties and their values. The classic case of hoarding...to prevent and eliminate blight...these are purposes, by establishing standards governing the maintenance, appearance, and condition of residential zoned property. Selectmen will set thresholds determining minimum maintenance requirements.

To fix certain responsibilities and duties upon owners...to authorize and establish procedures for the documentation of complaints and the inspection of residential premises, to enforce the provisions and fix penalties for violation of this by-law, via the by-law enforcement officer. Blight in Andover, the major result of blight, is reduced real estate values. An actual example, property valued in February 2006 \$597,000 sell price 10/07 \$471,000. The resulting loss of \$126,000, percentage lost 21%, the AARP magazine came out with an average sell percentage loss of 7%, which would amount to \$555,210. The net cost of blight to this property was \$84,000. It took 21 months to sell, this was a single working mother, with a daughter that she was trying to put through college and she needed this money to sell this house...Maintenance standards...Prevent unsightly accumulations of waste, litter, junk, trash and miscellaneous material from accumulating in yards and strewn about the premises. Prevent habitats and eliminate the breeding places of disease-carrying vermin, pests, and insects. Minimum maintenance standards. In an event of a violation the by-law establishes an interface with the Town of Andover with a submission, registration and follow-up complaints via the by-law enforcement officer.

MODERATOR: I'm going to ask you please to wrap it up. If you want a summary go ahead. We're past time already.

MCLARNEY: Well the benefits, this is my, the bottom one, residents will not be intimidated to address violations or fear confrontation with violators. The summary, residential properties that lack maintenance are unsanitary, contain infestation, and are fire hazards constitute a menace to the safety and welfare of citizens. Currently there is no single individual designated to receive, address, resolve and enforce property complaints. Situation could happen to any Town resident. Article 44, 41, will provide and effective procedure to remedy the situation of extreme blight.

(applause)

MODERATOR: Thank you. Let you do something in the closing, let me move on to the Selectmen please.

MAJOR: The Board of Selectmen recommends disapproval on this Warrant Article. We as a board definitely have empathy for these folks and anybody that lives with a neighbor that has that much clutter in there outside. If there are safety issues or health issues than we as a community can take action

to meet with those neighbors and try to take action to help them in getting those properties cleaned up etc. The problem is we effectively and efficiently cannot set the level of standards, quality standards for how people should maintain their yards. Nor, if we set those standards we wouldn't have the capacity to be able to police those standards. So, this would be very, very difficult for a community to try to undertake. So again the Board of Selectmen recommends disapproval.

MODERATOR: Town Counsel, please.

URBELIS: Thank you, Madam Moderator. When this proposed Article was first submitted, the Selectmen asked me to answer three questions. The first was what are the current powers which the town officials have to deal with nuisances. The second questions, was what comments did I have on the proposed by-law. And third, what rights does private landowner A have if that landowner claims that an adjacent landowner B has created a nuisance which effects the value of A's property. And I'll address those three questions. Under current Massachusetts State Law, now this is not a by-law, under State Law, there is, there are various statutes that provide powers to various town officials. The by-law that is being proposed discusses health and sanitary conditions. Currently under State Law, the Board of Health may order someone to remove a nuisance which is a threat to public health. If the nuisance is injurious to public health the Board of Health may remove it and that removal cost would be considered a debt owed to the Town. The Board of Health also has the power to fine someone \$1,000 for creating a health hazard on their property. There in the current proposed Warrant Article, there's a discussion of fire hazards. Under current State Law the Fire Department has various powers and one of them is that is someone that is an abutter to a piece of property complains that the adjacent property is a fire hazard the Fire Department has the authority under State Law to go on to that property, and if the Fire Department determines that it's a fire hazard they can issue a order to have that fire hazard removed and the owner has 24 hours within which to do so and if the owner does not comply, the Fire Department may do so. Slide please. There's also powers under State Law and the current Zoning By-law that are given to the Building Inspector. The Building Inspector enforces the Zoning By-law. If there's a violation of a Zoning By-law a person can be fined \$500 for each day that the violation continues, or in violation of a Zoning By-law can have a court order issued

against that person to enforce compliance. The fourth, body which has powers is the Board of Selectmen and they have under State Law the same powers the Board of Health to abate any nuisance which is injurious to the public health. They may even order the alteration or disposition of a dangerous building. They may bring a law suit on behalf of the Town to request an injunction to abate a public nuisance and the Supreme Judicial Court has defined a public nuisance as an unreasonable interference with a right common to the general public, such as the public health, public safety, the public peace or the public comfort or the public convenience. With regard to the second question, next slide please, with regard to this proposed by-law, the by-law states that no property may have materials which are a fire hazard or a threat to public health. But the Board of Health and the Fire Department already have those powers. So what is intended by this by-law beyond those powers? Next, it says that no residential premises should be "unsightly" and it's to be enforced by the Town Manager. The Board of Selectmen need to determine what is "unsightly" for a lawsuit to be filed to enforce this by-law. It's not generally defined, as Mr. Major said, in the by-law. There are some examples, but then there's the catch all phrase, quote: materials of any sort that are strewn about the property rather than piled in a neat and appropriate manner, end quote. It is that phrase which the Town Manager and the Board of Selectmen are being asked to enforce. What does that mean? Next. Essentially, what's the standard for being unsightly, are the Town Manager and the Board of Selectmen required to determine that. Is 3-inch grass unsightly, is a newly-painted purple and green house unsightly? The by-law also applies to residential zoned premises and not just to particular properties that have a house on it. That means it would also apply to vacant lots. Regard to the third question, which they asked me.

MODERATOR: Are you almost done, yet.

URBELIS: I am. With regard to the rights that a private person has against an abutter. The Supreme Judicial Court has recognized the right of a private landowner against another landowner who by the use of their property is creating a nuisance in which A may seek relief. And in a recent case in Beverly Farms, two years ago, the Court upheld an award with a private landowner against an abutter in the amount of \$318,000 and also issued an injunction against that private landowner. So those are the three questions I was asked to answer, those are my answers.

MODERATOR: Thank you, Sir. Board of Health do you have something...

MARTIN: I'm Candace Martin, Chairman of the Board of Health. The Board of Health has voted...opted to not support this in the fact that the interpretation of unsightly is very subjective. Anti-blight is stated as something that adversely effects property values and, as Town Counsel has stated, that could come into discussion of colors of house, condition of fences and walls. The Board of Health is not staffed to address non-health issues and that would take them away from providing the critical services to ensure public health and other community development services. We vote disapproval of this Article. Thank you.

MODERATOR: Planning Board, yes sir. Oh, I'm sorry I didn't hear...there's been a motion to move the question. Has that been seconded? All those in favor please raise one hand, the discussion will close. Those not in favor of closing discussion. They ayes clearly have it. We will close discussion. Okay Article 41. All those in favor please raise one hand. Those opposed. The ayes clearly have it the motion is defeated. Article 42. Do you have...the nays have it. I'm so sorry.

DESO: Madam Moderator, Tom Deso, 81 High Street. I'm not sure what this is. If we have an Article with 7 or 8 minutes of presentation and 8 or 10 minutes of rebuttal it is understandable why people would want to move the question. There are people who have questions or points they'd like to make and I think we should at least have the same amount of time from the audience that we have from the stage. Thank you.

(applause)

MODERATOR: I understand that comment. However, there is a procedure and it is part of deep tradition in this Town that when a motion—the question is moved if people want to keep going they don't for ending discussion. Yes Mr. Bowen, do you have a point of order?

BOWEN: Richard Bowen, 12 Bannister Road, Ballardvale. A question as to the next Article and I'm sort of anticipating something. The Article calls for two different sections of, I forget the Article in the Town By-law, I would submit that

those two questions need to be separated and there needs to be a vote separately on each of the two. They're two different sections of the by-law, I submit that they require two different votes.

MODERATOR: On Article 42?

BOWEN: Yes.

MODERATOR: Let's get it on the table and we can talk about that.

UNIDENTIFIED SPEAKER: Point of information please.

MODERATOR: Go ahead, sir.

UNIDENTIFIED SPEAKER: In the last Article 41 we heard from the different committees and people against it. No one was ever recognized on the Pro.

MODERATOR: I understand sir, there was a motion to move the question. That motion to move the question and end discussion was voted upon. The discussion was closed, we voted on the question.

SECOND UNIDENTIFIED SPEAKER: I have a question.

MODERATOR: Yes, sir.

SECOND UNIDENTIFIED SPEAKER: Under the procedures, are you saying that if the Selectmen and the Town government boards get to state their position and the presentation is made, there is no citizen participation—there was no citizen participation. None.

MODERATOR: There was a motion made by a member-voting member of this Town Meeting to end the discussion. That motion was seconded. I can't ignore that motion or that second. I took a vote on that and the vast majority of the people in this room voted to end discussion no..

SECOND UNIDENTIFIED SPEAKER: There was no discussion.

MODERATOR: Sir, we've moved beyond that.

SECOND UNIDENTIFIED SPEAKER: I'd like to just say in the future there could be some type of policy put in where you get

at least five minutes of citizens participation at future Town Meetings.

MODERATOR: Thank you. (applause) Article 42. Mrs. Milne.

MILNE: I move that the Town approve Article 42 as printed in the warrant.

MODERATOR: Article 42 has been moved and seconded. Do you have a project or presentation.

MILNE: Yes. Last summer a survey was sent to Massachusetts Town Clerks to ask for their procedure for communicating Town Meeting information to their residents. Of the towns that responded to the survey, less than half mail the Finance Committee Report to either every household or households with registered voters. Several other towns responded that with tight budgets they would probably not be mailing the reports in the future. Approval of this Article would remove the mailing mandate and allow the Finance Committee to consider the distribution options. Among the options to be considered will be making the report available for pick-up at the Town Hall and various other locations throughout the Town, including here on Town Meeting night. Or, continuing the present process of mailing to all households along with posting on the Town's website. The Town would save approximately \$10,000 by eliminating postage and reducing the number of printed reports. With the current budget crisis we have to look at every expense. Elimination of the mailing requirement for both the Finance Committee Report and the Town Manager's Annual Report is a financially and environmentally responsible decision and the Finance Committee recommends approval.

MODERATOR: Thank you. Selectmen's report please.

STABILE: The Board of Selectmen recommends approval of this Article.

MODERATOR: Could you repeat that again, please. Mr. Stabile.

STABILE: Certainly, Madam Moderator. The Board of Selectmen recommends approval of this Article.

MODERATOR: Thank you. Okay let's start over here please.

FRIEDENSEN: Bob Freidensen, 109 Bellevue Road. I improve the intent of this, which is to save money and to save trees. But as printed I think it has many disadvantages. The key one is that there are many citizens in this Town that do not have the mobility to get to Town Hall or the Library for this report ahead of time. They also do not have access to internet to access this report on the web. So I believe they would be at a significant disadvantage to be able to access and have informed decisions before they would come to Town Meeting. At some point in the future, it might be reasonable to have this type of think up in action because we'll pass to generation where everybody has access to these things online and would be comfortable even reading it on their terminals, which many people would not even feel comfortable today to do that. I would propose an amendment which would be for the Town Manager to survey the people in Town those specific people who feel that they would like an electronic delivery mechanism for this Report. For those people they would get it that way, for the remainder of the people should be fully informed before they get to Town Meeting and they would still receive by mail.

MODERATOR: Do you have that amendment in writing sir?

FRIEDENSEN: I do.

MODERATOR: Do you want to give it here to Town Clerk and Town Counsel. If you could please read your specific amendment to this Article. Do you have a copy there to scan in. Do you have an extra copy? If you could...oh you can't scan it.

FRIEDENSEN: Instead of the phrase to amend the Town By-laws by deleting Article 2 Section 4.1, it would substitute that the Town Manager shall determine which households desire to opt out from receiving a printed version of the Finance Committee Report. If a household does not request to opt out from receiving a printed version, the Town will mail a printed version of the report.

MODERATOR: Okay, um, just so that we're clear, so that every—you're asking if somebody opts out of receiving it by mail, they would receive it electronically.

FRIEDENSEN: Electronically or pick it up—

MODERATOR: If someone doesn't opt either way they would receive a hard copy.

FRIEDENSEN: They would receive a hard copy if by decision by the Town would be that these people want the report, want it in the printed form, need it in the printed form

MODERATOR: Is there a second to that amendment. Okay, motion has been made and seconded. Let me just read it to you again, please. That is voted to substitute the words, vote to amend the Town By-law; the Town Manager shall determine which household desire to opt out of receiving a printed version of the Finance Committee Report, and if a household does not request to opt out from receiving a printed version, the Town will mail a printed version to that household. Do you want to speak any further to that?

FRIEDENSEN: I, I, realize that this would present an extra bureaucratic overhead. Current Town Reports that is Finance Committee Reports are distributed in bulk. And that, however, what it does show is respect for those individuals in Town who are very serious about Town affairs and want to be fully informed about Town business but do not have the access that is implied by this Article.

MODERATOR: Okay. There's been an amendment made to this Article so we'll only be speaking now to that amendment. Let me get the Finance Committee and Selectmen input and if anyone wants to speak specifically to the amendment we will do that. Ms. Marden is jumping out of her chair, let's let her talk.

MARDEN: What would happen if we start mailing to individual households and have to address it, is we'd very quickly eliminate any savings that we could achieve. The least expensive way to send these things out is residential customer and they're dropped at every household, we stopped mailing to specific households or specific addresses. And then there's the whole process of how do you process all those requests, how much time does it take you to do that. I think in the Finance Committee presenting this option to this evening. What we're really asking is do you want to continue to receive the report. Because that, you know, we're perfectly willing to consider it or is this a way it might be sensible to have the Town save some money. So I think what you ought to do is vote against the amendment and deal with just this issue of the Article. Thank you.

MODERATOR: Selectmen

MAJOR: Yeah, that was the exact comment that I was going to make, is that we do bulk ship so you don't see your name on your copy. So it would cause us a lot more work to differentiate between who gets one and who doesn't get one. And just to be clear, I'm against the Article all together. But I'm also against this amendment because I think it causes more work.

MODERATOR: Okay, is there anyone else who would like to speak specifically to the amendment? Are we ready? Go ahead-go ahead to the mic quickly please. Can you tell us who you are?

MATTHEWS: I'm sorry, Lori Matthews, 14 River Road. I think a better option to the amendment would be that we could opt in to the amendment. That way people who want the book could have it have it mailed to them, rather than opt out.

MODERATOR: Well we've got an amendment before us, if you'd like to ask the gentleman if he would accept your amendment to his amendment. No, well, so let's vote on this amendment. If you want to offer another one after that you certainly can. So we're voting on the amendment as presented. Do you want me to read it to you again? Okay, all those in favor of the amendment please raise one hand. Those opposed. The no's have it the amendment is lost. Now we'll go back to the original motion. Mr. Hess.

HESS: Yes good evening my name is John Hess, 145 Chestnut Street. And although I applaud the Selectmen and the Finance Committee for looking for savings this is a misdirected savings. The reason it's called a warrant is that it's set out to warn people we are having the Town Meeting. There are still many people in Town who do not have internet access. Believe it or not there are many people who don't watch the Selectmen on TV. (laughter). I'm one of them.

MODERATOR: Do we want to have a show of hands on that?
(laughter)

HESS: There are also of people, again believe it or not, who do not read the "Townsmen" or "Eagle-Tribune." This is the way that many people find out what is happening in Town when they should show up and where they should show up, what time and what issues are going to be discussed. They're warned whether to come, when to come to Town Meeting and what to vote on. I would urge the voters tonight to vote this down and if we want to save trees, let's have a bin at the back of the meeting

tonight for everyone to recycle their program in if they want to.

(applause)

TEICHERT: A Mr. Hess, we have great ratings, by the way, just to let you know. We're right up there.

MODERATOR: Yes, sir, pro. Two minutes.

DESO: It won't take that long. Tom Deso, 81 High Street, I just want to, I support this Article, sort of reluctantly. I think the difficulty is the Article is presented to people who want Fin Comm Reports. The people that don't care about Fin Comm Reports are not here. There are 20,385 registered voters in Town, 2,771 voted this last month. 900 came last night and there are less than 300 here tonight. All of the people here want this report and they're gonna vote to get this report. If the 15,000 people who probably never even look at it, are not represented here tonight and just as point of reverence, we're having a good discussion on this Article and I appreciate it. And it's probably because we haven't had a major presentation from the stage. Thank you.

MODERATOR: I think that's...yes, sir.

BOWEN: Richard Bowen, 12 Bannister Road, Ballardvale. I'd like to try to put this particular Article, and I'm opposed to it, in some historical perspective. The prototypes for the present Finance Committee Report and a number of other...it originated in 1972 when a volunteer offered to assist the Finance Committee in compiling and editing the Finance Committee Report. That went on for approximately, six year and then the Article to which we are addressing ourselves this evening was brought before Town Meeting and was approved. That is that portion of the By-law that relates to the Finance Committee Report and the, has to be delivered to every household in the Town. The other part of the By-law relating to a summary Town Report occurred sometime later. The basic principle involved in advocating this particular design that has served the Town well now for 30 years is twofold. One that one way to strengthen the Town Meeting was to provide information to voters in the Town or relevant information in print. And secondly, to put it in their hands. I've been in the business of government for many years, I'm not now, thank goodness, but the fact of the matter is, this is one of the successes of the Finance Committee in

the last 30 years. That it has been able to provide the information, maybe the Finance Committee report is a small telephone book, but I can live with that. Who is a volunteer, why do I know all about this. I volunteered. To prove that it was doable. And secondly, when I proved it to my satisfaction it was doable it resulted in a By-law. The By-law has served the Town well, for goodness sakes, given the circumstances that the Town of Andover faces at the present time in terms of financials, what you need to be doing is providing more information to people in the Town and not denying them. This is a step backward, please vote it down.

(applause)

MODERATOR: Thank you, sir. There's been a motion to move the question, has it been seconded? All those in favor, now this means we'll cut off discussion, all those in favor of moving the question, please raise one hand. Those opposed. The ayes clearly have it, we will move on to the Article vote. Article 42, all those in favor, please raise one hand. Those opposed. The no's clearly have it. The motion is lost.

Article 43, Mrs. Lyman.

LYMAN: Thank you Madam Chairman. I move that the Town approve Article 43 as printed in the Warrant.

MODERATOR: 43?

LYMAN: Oh, no, sorry, sorry. I move to withdraw, I move to withdraw Article 43 as printed in the Warrant.

MODERATOR: Motion, Article 43 has moved to be withdrawn and seconded. Any discussion? All those in favor of withdrawing this Article, please raise one hand. Those opposed. The ayes have it the Article is withdrawn.

Article 44. Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. I move that Article 44 be moved as printed in the Warrant in the amount of \$165,000 from the Cornell Wood Trust Fund.

MODERATOR: Cornelius. Cornelius Wood.

LYMAN: Cornelius Wood, okay.

MODERATOR: Article 44 has been moved and seconded. Do you have a report for the Article?

LYMAN: I believe we have Mrs. Wood here this evening, I don't know if you want to speak to it but, on behalf of the Board I'd like to say that this is been an opportunity for the Town to take advantage of having Mrs. Wood who has recommend that we go ahead and build the monument in memory of her family. And this is something that the Town was long overdue in having done and we've had her expertise and her contribution and worked with several other boards in having achieved this and I believe the Town Manger would like to speak to it as well.

MODERATOR: (inaudible) Could I have a recommendation from the Finance Committee.

HOWE: Finance Committee recommends approval.

MODERATOR: Thank you. Mr. Stapzcynski.

STAPZCYNSKI: Yes, thank you. We've been working with Ms. Wood on the fulfillment of the families request for a monument to William M. Wood. And as Mary Lyman said we've had a number of meetings with Mrs. Wood to come to terms with what exactly she would like to have. Just to talk a little bit of history, the Town—the family in 1972, provided a will to the Town of Andover and bequeathed a sum of money to the Town. Part of that sum of money required that there be a, there be the establishment of a suitable monument at the corner of Lowell and North Main Street Shawsheen Village to memorialize William M. Wood, the design of which to be approved by the settlor, his wife if she is living, and the family, if she is not. And it would be, the monument would include a bronze tablet that would read, if I may, "In honor of William M. Wood founder of Shawsheen Village, a founder and president of the American Woolen Company, the largest woolen manufacturing concern in the world. He was an industrial genius that from the experience of his own hard younger life became a great benefactor of youth a humanitarian with broad vision and a public spirited citizen, who's good works, many unpublicized, reached in all direction." It is not time for us after many years to finally honor the memory of William M. Wood and the family. The sum before you includes improvements that we would make to the park as well as a monument area honoring William M. Wood. I'd be happy to answer any questions that people may have.

MODERATOR: Any questions at this point? Point of order, Mary?

CARBONE: Does this encompass Article 45?

MODERATOR: No we're on Article 44-

CARBONE: --I know but the Town Manager is relating to a couple of various things here.

MODERATOR: We're voting specifically for the \$165,000.

CARBONE: Okay, I'll wait then.

MODERATOR: Thank you. Those in favor of Article 44, please raise one hand. Those opposed. The ayes have it the motion carries.

Article 45, Mrs. Lyman.

LYMAN: I move to withdraw Article 45 and I'd like to explain...

MODERATOR: Before you do, I just like to take it, enter it in as a motion. There's a motion been made on Article 45 to be withdrawn, it's been seconded. Go ahead.

LYMAN: Thank you. I just want to explain that at this time, it was not the proper time to go ahead with this Warrant Article, we may in the future. But, we've spoken with the family, with there support we are withdrawing it.

CARBONE: Miss Moderator, I'd like to speak to this even though it's being withdrawn for...

MODERATOR: Are you speaking to the withdrawal?

CARBONE: No actually I have a few words relative to the Article.

MODERATOR: If you're going to speak to the withdrawal I'd be happy to let you do that. That's what before the-

CARBONE: --can I wait and speak to it after?

MODERATOR: If it doesn't, if doesn't pass. If the vote is to withdraw it, then-

CARBONE: --it's gonna be withdrawn, but I think that you could take a few little inputs on the--

MODERATOR: --Mary the motion before us is to withdraw the Article. That's the motion before the meeting. If you would like to convince people not to withdraw it, I'm happy to let you do that.

CARBONE: I would like to convince the people not to withdraw it.

MODERATOR: Then go right ahead.

CARBONE: Do you want me to relate to what I want to say. This Article addresses the sum of \$285,000 for the renovation of Wood Park, actually previously historically sections of that fence had been lying on the ground in piles, had not seen a coat of paint in many years. I used to drive by there many times and wonder about it, I brought it to the attention of one elected official at that time, it was told it was not a priority. That park was gifted to the Town by the Wood family. And it was not related to, gifted with perpetual care. It was gifted to the Town and we have been talking tonight about open space, that's a piece of open space that's the entrance to the community from a major highway as is Phillips Academy from the other end. So I just want to say, if we cannot accommodate and take care of an entrance to the Town from that point of view with our tax dollars, we are not taking care of our infrastructure within the community. That said, we'll see how it turns out. Thank you.

MODERATOR: Thank you, Mary. Okay there's a motion to withdraw this Article, Article 45. All those in favor of withdrawing the Article, please raise one hand. Those opposed. The eyes have it, the Article is withdrawn.

Article 46. Mrs. Gulezian, I hope I said your name right I'm sorry. Can you fix the mic please?

GULEZIAN: I move that the sum of \$373,000 is hereby appropriated to pay costs of reconstructing the sidewalks on Lowell Street from Kirkland Drive to Shawsheen Square, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the

Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Okay, Article 46 has been moved and seconded. Go ahead Mrs. Gulezian. You have a presentation?

GULEZIAN: This proposal is for the repair or replacement that is necessary of this hazardous sidewalk on the northerly side of Lowell Street. In its entirety it would extend from Shawsheen Square to Kirkland Drive. The entire sidewalk needs to be examined to determine the extent of work required. There are approximately 300 homes on this section of Lowell Street. For adults, pedestrians who walk toward the square with special concern for the elderly, the sidewalk leads to many shops in the Shawsheen Square area including banks, the Shawsheen branch of the USPS, and the Boston-bound bus, and with gasoline, gasoline over \$3 per gallon they could expect more patronage. Going up west toward Beacon is the route for younger students walking to the West Elementary School as well as those who walk to West Parish Church. In addition there are students who live in this area, walking either down or up Lowell Street to Lincoln Street where they continue to either West Junior High or the High School. And let's not forget the health conscious individuals who take their daily walk or run on a Lowell Street sidewalk. The only work done on the sidewalk in the past was to remove the curbstone and provide wheelchair accessibility at crosswalks. The asphalt sidewalks at present are broken and uneven and the potential for tripping and falling. They pose a real dangerous hazard and a continuing risk of personal injury for any and all who use it. I rest my case.

MODERATOR: Thank you. Selectmen's report please.

VISPOLI: Yes, Madam Moderator. Board of Selectmen recommends disapproval on this Article. This was one of the items when the CIP was scrutinized and reviewed this year, that was recommended by the Board of Selectmen for disapproval. We do have money that we have budgeted for maintenance for sidewalks and the more spot repairs and I think one of the things we talked about this leg is to have the DPW take a look at and see what we could do to use some of that money to patch some of it up, but as far as the CIP we recommend disapproval.

MODERATOR: Okay. The Finance Committee report please, Mr. Wright

WRIGHT: The Finance Committee feels the same way as the Selectmen. We thank the Gulezians for making the presentation. You made a presentation to us and making us aware of the situation which is very poor. The sidewalks in that area are very poor. We just don't feel that we have the money and we urge the Town to use some of its emergency repair money for sidewalks and apply it to this area of Town, understanding that they won't be able to fix the entire sidewalk, but perhaps the worst section could be done this year, and maybe we can squeak out a little bit of money here and there in the future years 'till that, so that over the next couple of years we can correct it. It's something that does need to be attended to. So we also have to, unfortunately, recommend disapproval we just don't have the money.

MODERATOR: Any other comments? Mary, quickly.

ROBB: Madam Moderator, Mary Robb, 115 Lowell Street, I actually live on this street. I can't believe I'm doing this publicly, I'm not especially uncoordinated, but I actually incurred a beautiful sprained ankle that took a month to heal, while walking down Lowell Street. It is one of the busiest streets in the community. It connects Andover to Lowell. It has both a connection to Route 93 and 495, technically two connections to 495 because you go to the end of Shawsheen Square to pick up 495 off of 28 but (inaudible). It, costs are just going to go up. Unfortunately it is probably something that should be dealt with now as opposed to being put off later, it is a very dangerous street. I also walk to school in the mornings. I'm lucky enough to live close enough to where I work, but students are walking to school with me all the time, there is just that one sidewalk on the one side. And it is extremely dangerous. I would urge people to vote in favor of this. Thank you.

MODERATOR: Okay. Yes, ma'am.

WALSH: Sara Walsh, Argyle Street. I have a question for the Finance Committee. Are you saying we can reallocate funds from another area? To pay for the repair? Is that was you're talking about?

WRIGHT: Basically, within the Town budget, the Town has a small amount of money for emergency repairs, and it's kind of a patching situation that they do and what we're asking them is to take a hard look and see if they can use some or perhaps

all of this money to try and address this problem, because we also agree with the Gulezians, it is a terrible stretch of sidewalk. And try to do whatever we can with what little money we have available to do it.

WALSH: But there's no definite plans to fix it, it's just something that you're gonna work towards?

WRIGHT: That's correct.

WALSH: Okay.

MODERATOR: Are we ready to vote, this requires two-thirds? All those in favor of Article 36 please raise one hand. Those opposed. The no's have it the motion is, fails, by more than the two-thirds, I mean it did not require, it did not receive more than a two-thirds vote.

Article 47.

WILLIAMS: Good evening, I'm Michael Williams, 61 Chestnut Street, representing Phillips Academy. Phillips Academy moves to withdraw Article 47.

MODERATOR: Article 47, there is a motion to withdraw Article 47. It has been seconded. Do you need to speak to it at all?

WILLIAMS: We believe that it's essential important for this proposed swap of property to be fair and equitable and to determine that definitively we need more time for research. So I think you as voters need those answers and we don't have them yet. We will provide them as soon as the legal research and the associated appraisals are conducted.

MODERATOR: Those in favor of withdrawing Article 47, please raise one hand. Those opposed. The ayes have it, the motion carries.

Article 48. Mrs. Lyman

LYMAN: Thank you, Madam Moderator. I move that the sum of \$100,000 is hereby appropriated to pay costs of replacing outdoor lighting at Rec Park, and for the payment of all other costs incidental thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter

44, Section 7, Clause (14) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. I believe we have a spokesperson this evening?

MODERATOR: I would like to enter the Article, first please. Article 48 has been moved and seconded. Ms. Donohue. Are you speaking to this? Who's speaking to this? One moment please. If you could speak into the mic and tell us who you are...

DONOHUE: Mary Donohue, I'm the Director of the Department of Community Services. It's been some time since we've asked for repairs to the lights at Rec Park. Last year we got really close, but it didn't make the warrant. Tonight we're here asking for approval of this Warrant Article. The candlelights at the park are inadequate, it takes for the infield, it takes 30 foot-candles of light and currently the infield is reading 6.3 foot-candles. For the outfield the recommendations are for 20 foot-candles right now it's just 2.5 foot-candles. We have over 600 young adults playing in our co-ed softball league, we also have the park in use in the fall for the junior football league, and we have outings for families and corporations every weekend. It's a wonderful park, Department of Community Services just took it over as far as taking it under its custody last year. We've done some wonderful cosmetic work up at the park. And if it doesn't pass tonight, we know that our priorities will be with the little league next year and that will push these lights out further into the future. So, it's a safety issue right now for our young people that are playing on the field and it's our goal to get the park up to pristine like it was back some time ago. And I'd really appreciate your vote tonight.

MODERATOR: Okay. Selectmen's report, please.

LYMAN: As a matter of record originally the Board of Selectmen had motion, had taken a vote to withdraw this Article. However, with, at the time it was a 2-2 vote, so that it was not a clear vote on our part. So at this point we thought it should go before Town Meeting and have Town Meeting take its own say on this where we had a 2-2 vote.

MODERATOR: The Selectmen don't have a position? Okay. Finance Committee report please.

BRADSHAW: Finance Committee recommends disapproval.

MODERATOR: Okay. Anybody have any questions or issues? Yes, sir. Do you want to speak to this Article? Go right ahead.

UNKNOWN: (inaudible) Grayson, Argilla Road. I'm a parent of a child who played in Andover Junior Football, I've been in the softball rec league for several years now and it is quite clear to the players that year over year the lighting has decreased. And while I agree with the general mood of Town Meeting this year to defer things that need not be done to try and save money, this is one where year over year it is going to get just that more dangerous. It's not something that we can easily put forward into the future. I recommend approval.

MODERATOR: Okay thank you. Yes, sir.

LETERNEAU: My name is William Leterneau, I'm the coordinator of the softball league. And as Mary said, Rec Park is a beautiful spot. And the usage has really increase, I've seen this league grow from 6 teams up to 24, there's now teams playing in the fall league as well as the junior football league that she mentioned. There's youth clinics and the lighting is really very obsolete. It's over 30 years old and it should be replaced. And I urge the approval. Thank you.

MODERATOR: Okay, thank you. I would ask you please if you have nothing new to add, don't add anything. Go right ahead.

KATZ: Peggy Katz, 52 Harold Parker Road. I'm not really a sports fan and I have no young children participating in sports but I think it's very important to annually make improvements to this Recreation Park. It's really an outstanding area. It offers all kinds of amenities and interests for people and I think that we should support the Community Services Department in every single year asking for improvements to this park. It's a great asset to the Town of Andover. And I'd like to remind people, that I think it was in the 70's, a consultant was hired to develop a plan for the park. And we did do many of the things that were in that plan, but a lot of them have gone by the wayside. We really should reconsider that and turn this into an outstanding facility for the Town.

MODERATOR: Yes, sir.

PASQUALE: John Pasquale, 47B Whittier. Buried in the fine shaded print it says in sheds funded under Article 8. So in Article 8 according to Mr. Pasquale. We've given \$40,000 to

the Recreation Parks improvements. So I suggest, they're getting the sheds, if I read this correctly. They talked about lighting, but it says here that they're gonna use it for lighting and sheds. And we already voted \$40,000 so I'm voting down.

MODERATOR: Just a minute, let's get an answer to that. Do you have an answer? Mic 4, please.

DONOHUE: Yes, Mr. Pasquale, last night we did get \$30,000 because it was reduce by 10 coming into Town Meeting for some protective areas for the park. This summer many of the elementary schools if not all of them are have some major repairs and we used to have a playground program located in each of the elementary schools in the past. This year all of the children are going to be up at Recreation Park. We only have the current little shelter so we needed addition shelter in the event of inclement whether to house the children and to organize our activities. So, we did have \$30,000 approved last evening under the Town project, not 40 it was reduced.

PASQUALE: Thank you.

MODERATOR: Yes, sir.

HARRIS: Andrew Harris, 56 Summer Street. Just a couple of years ago I played youth football. And we used to have practice out here on these field until it got too dark to go out there and we had to move to the Rec Park field, which had the lights at night. And it worked fine for me but this past year, I have a little brother who played youth football and, they had to cut their practices short and it didn't work out as well, difficult for the kids to see and the safety's really hindered with the light situation out there, so, I recommend approval of this Article.

MODERATOR: Thank you, sir. Think you're the last speaker, go right ahead.

FRISCHMAN: Michael Frishman, 11 Crescent Drive, There doesn't appear to be anybody behind me. I would like to remind Town Meeting that we voted \$290,000 last night to improve, new lights at the football field, just around the corner here, used by the high school football and soccer team. I think that it would be appropriate for the rest of the Town to have improved lighting at the field that they use. Thank you.

MODERATOR: This is seriously the last one. Go ahead, sir.

JAMESON: David Jameson, 59 Dascomb Road. I just have a question, in talking about something about putting in energy efficient lighting. What exactly are we talking about here, I guess they were saying something about energy savings of like 50% or something like that. Oh, here at the bottom here of the ...gray area...

MODERATOR: Let Mary speak to that.

DONOHUE: Oh yes, new lighting systems have, are much better quality than the lights that were put in 20 years ago, so there would be an energy savings, because of the new technology.

JAMESON: Okay, let's fix it!

MODERATOR: Are you all set to vote? All those in favor of Article 48, this requires two-thirds vote, please raise one hand. Those opposed. The ayes clearly have it. I declare it a two-thirds majority. (applause)

Article 49. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that the \$136,691 remaining balance under Article 39 of the Warrant at the 2001 Annual Town Meeting - Lewis Street Town Yard Repairs and the \$140,000 remaining balance of Article 57 of the Warrant at the 2005 Annual Town Meeting - Lewis Street Town Yard Repairs, which together total \$276,691 shall be appropriate to pay costs of repairing, reconstructing, relocating and/or constructing the Parks and Grounds building, all as permitted by the provisions of Chapter 44, Section 20 of the General Laws.

MODERATOR: Article 49 has been moved and seconded. Selectmen have a report on this? Are you speaking to this Article? Brian are you speaking to this?

MAJOR: Yeah, so, the Board of Selectmen recommends approval as per the agreement from the Board the other night. The agreement with the Board the other night was that the Spring Grove Cemetery would not be a location for this new construction project.

MODERATOR: Okay, the Finance Committee.

FINANCE COMMITTEE MEMBER: The Finance Committee has voted in favor of the Article presented. We voted for the dollars, not for any specific site for the construction of the new building.

MODERATOR: Do you have a point of order, point of information?

UNIDENTIFIED SPEAKER: Ah, yes. My question is, I believe at the beginning of the meeting either today or yesterday or maybe both, we were, we voted that we didn't need to read the entire article and in light of the lateness of the hour, and we're trying to finish up today, I would like to request that instead of reading each of these article that we reference how they are printed in the warrant.

MODERATOR: Okay, thank you. Go ahead. There's some that we have to, so let's have Town Counsel address that.

URBELIS: The reason that this was read the way, it was at the request, demand, fiat, order of bond counsel and they're the folks that control whether or not the bonding is issued so we really have to do it the way they want to do it.

MODERATOR: Okay, ma'am

DEARBORN: My name is Sandy Dearborn, I live at 90 Maple Ave, and, I would like to, although the Selectmen have said that they voted Monday night, I would still like to recommend, that we, I, amend Article 49 as follows. To add a sentence at the end of the Article reading as follows that no relocation or construction of the parks and grounds building will occur within the boundaries of Spring Grove Cemetery. I'd like to take a minute to explain.

MODERATOR: Okay, wait, let me get the motion in place. Article 49 has been, there has been an amendment moved that no relocation and or construction of the parks and grounds building will occur in the boundaries of Spring Grove Cemetery. Go ahead and address your amendment please.

DEARBORN: And that is just to add that sentence at the end of the Article.

MODERATOR: And just address the amendment.

DEARBORN: Although Article 49 does not include language stating that the parks and grounds building will be located in the cemetery, it was stated in the Fin Comm Report in the grey section here that was sent to the Town of Andover, that the intent of this Article was to build the parks and grounds building at the cemetery. It was also stated at the League of Women Voters presentation April 17th and at Selectmen's meeting Monday night by the Plant and Facilities Director when he presented this Article, that the building would be placed in the cemetery. As I said, I know the Selectmen did vote on Monday night, so I think passing this with the amendment would just confirm that vote, it just they recommended approval of this with that already added on. I think it's important that we amend the language, since the Article transfers the money from 01 and 05 Town Meeting that was appropriate to reconstruct this building someplace other than Buxton Court but it does not say where the new building will go. So without a location planned for the new building, and with all the ongoing issues regarding the Town Yard, this amendment would just make sure that the Parks Department does not end up at the cemetery. I'm just a concerned that a year from now when we still don't have a Town Yard that maybe the Selectmen may re-vote again because there is just no other place for it. And just very quickly. The Spring Grove Cemetery mission statement says that the Trustees and the staff at the Spring Grove Cemetery are committed to providing a serene, attractive, and contemplative setting for the families of the deceased. The Town Meeting of 1869 voted to establish the Spring Grove Cemetery for all time as a burial place for the dead of the Town, and the State of Massachusetts feels it's important enough to create laws regarding ancient burial grounds which state in Mass General Laws chapter 114, section 17, a Town shall not alienate or appropriate to any other use than that of a burial ground any tract of land which has been for more than 100 years used as a burial place, and no portion of burial grounds shall be taken for public use without special authority from the General Court. I hope you will support this amendment that protects the integrity of the cemetery. Thank you.

MODERATOR: Thank you. Are you going to speak to the amendment?

HOWE: Yes, I'm speaking in opposition to it. Richard Howe, 3 Robandy Road. I'm a member of the Finance Committee and I serve, represent the Finance Committee on the Town Yard Task Force that has worked to address the needs for public works

facilities in the future of the Town. This Article would provide maximum flexibility to allow the funds that are necessary to be spent not simply at the existing town yards which are badly outmoded and unsafe and unfair condition for public works employees. I simple believe that the Selectmen and the Town ought to have the right to place the facilities where they make the most sense for the entire community. I must say that I'm disappointed that the Selectmen accepted the statements of the abutters and the Cemetery Commissioners without thinking more broadly of the entire needs of the Town. Clearly the overriding concern of Town Meeting and of the Finance Committee are the fiscal future of the community. One of the things we have asked our Town Department Heads to do, is to look at all possibilities for consolidation and efficiency and the grounds, building and grounds department has come forward with a proposal and in fact has implemented that proposal, to combine the parks and cemetery department and indeed they are presently operating out of the Cemetery. And have done so efficiently, in a way that allows savings of one position, which was part of the budget that was adopted this, last night, and additional savings and efficient use of equipment. I think that in order, that there ought to be full consideration of the optimal location of these and if the Town agrees with the Finance Committee that there is a structural deficit we need to look at all possible efficiencies and when a Town Department Head comes forward with a proposal that makes sense it needs to be supported by (gavel) this Town Meeting.

MODERATOR: I'm gonna need to cut you short in five seconds.

HOWE: And I hope that people will oppose this amendment in order to give the maximum flexibility in the location of these funds (gavel) which are already appropriated by the Town.

MODERATOR: It's way past, thank you. Go ahead.

ROBERTS: Michael Roberts, 26 Spring Grove Road. Just a question, does this amendment require a second?

MODERATOR: Yes, I believe it was seconded, I didn't

ROBERTS: I didn't hear a second.

MODERATOR: Yes, I did hear, I did hear a second.

ROBERTS: Then I'd like to speak to this, I promise I'll take less than two minutes. In the interest of time I will read my-

MODERATOR: You're going to speak to the amendment.

ROBERTS: Yeah.

MODERATOR: Go right ahead.

ROBERTS: I'm speaking to the amendment. I will read my comments because I want to be both thorough and quick. Thank you permitting me to speak to this amendment to Article 49. I urge Town Meeting to pass this Article only as an amended version of the original Article. Specifically, it should pass only with a specific stipulation that funds may not be used for public works garages in Spring Grove Cemetery. While the Article as presented does not mention the Cemetery as an intended site, the Warrant clearly states that this is being intended. Why should Spring Grove Cemetery not be used as a site for such construction? Spring Grove Cemetery, I think everybody's probably been there, is a magnificent garden cemetery. It is historic. Andover is very fortunate to have such a wonderful, unspoiled site. Many residents visit there on a regular basis. The graves of family members who are buried there and others enjoy the Cemetery's beautiful (inaudible) park in which to walk. It's a place of beauty and tranquility and it's well buffered from outside noise and distractions, it's a great place for mediation, contemplation, or for some people for prayer. The mission statement has been read by Dearborn earlier and I won't restate it. Certainly the cemetery land is owned by the Town unless there's, and there' an obvious temptation to place town facilities there when there is no other obvious immediate option. However, the placement of garages for equipment and trucks used primarily outside the Cemetery, that's outside of the Cemetery, will remove, will accomplish five things. One it will remove land from use for burial sites, so there will be fewer burial sites in the Cemetery which is already packed. It will remove a natural visual buffer, which presently separates the Cemetery from surrounding roads and structures. Operation of public works within the Cemetery will certainly create noise and distraction related to the operation of vehicles, the activities of non-cemetery staff, and the use of other equipment and this will diminish the peace and quiet of the Cemetery. Please do not interrupt me, sir, I have the mic.

(inaudible from the floor)

MODERATOR: Let's let him finish then I'll be happy to entertain that. Okay, go ahead. You've got another 35 seconds.

ROBERTS: This would be counter to the mission statement. And finally the construction of garages for non-cemetery uses may be illegal as been cited. So I would urge you to look beyond the easy apparent fix of taking cemetery land for a proposed parks department. I would further point out that the touted savings here are doubtful, even if one position (gavel) were indeed eliminated and if it were true that there were an annual savings to the Town of 40 or even \$60,000 it would have costs Andover \$500,000 to accomplish this purported savings. I question that this makes any economic sense. And I would close. I would remind all of us that the Selectmen heard this issue at their meeting. At that meeting the Trustees of Spring Grove Cemetery expressed their unanimous opposition. I would also point out the Selectmen argued that-- (gavel, gavel)

MODERATOR: Sir--

ROBERTS: (louder) argued that this should be passed only with a stipulation and I will conclude at this time. (gavel) I would see that I have not, I have not noted other people cut off so quickly when they were speaking, including people presenting, but thank you for your (inaudible)

MODERATOR: Thank you.

[break in tape sequence]

PIANTEDOSI: Piantedosi, Plant and Facilities--

MODERATOR: Do you want to move the question? There's a motion on the floor to move the question. Is there a second to that motion? Okay, all those in favor of closing discussion please raise one hand. Those opposed. The ayes have it. The discussion will be closed. We're voting on the amendment. I'm sorry? No. There's a majority vote to close. There's a two-thirds vote to pass the Article. I'm sorry there's a two-thirds vote to close debate. Can I please have those in favor of closing the debate, please raise one hand. Those opposed. It is clear to me that it is more than a two-thirds vote. I declare it as such. Does anybody challenge that? Alright, let's go to Article 49 as amended. The amendment, we're going

to vote on the amendment. All those in favor of the amendment to Article 49 please raise one hand. The amendment, we're voting on the amendment. Would you like me to read it again? Yes? Okay. The amendment is to add at the end of Article 49 these following words: That no relocation and/or construction of the parks and grounds buildings will occur within the boundaries of the Spring Grove Cemetery. So we're voting on this amendment being added to Article 49. We're not voting on Article 49, yet, we're just voting on whether or not to add that language to the end of 49. Is that clearer? All those in favor of the amendment please raise one hand. Those opposed. I think the ayes have it...um...let's take a quick standing count people, just to be sure. Those in favor of the amendment please stand. Article 49, the amendment. Just the amendment, we'll vote on the Article later.

PERRY: Section 1: 14; Section 2: 13; Section 3: 18; Section 4: 8; Section 5: 19; Section 6: 21; Section 7: 21; Section 8: 3; Hall: cleared; Stage: 9.

MODERATOR: Those opposed please stand. Those opposing the amendment.

PERRY: Section 1: 4; Section 2: 13; Section 3: 8; Section 4: 6; Section 5: 7; Section 6: 11; Section 7: 14; Section 8: 0; Hall: cleared; Stage: 16.

MODERATOR: For the amendment there are 126 in the affirmative, there were 79 in the negative. The motion—the amendment carries. It will now become a part of Article 49. So now we will vote on Article 49 as amended. Are there any discussions on that? Do you have a point of order?

BARAKATT: I have a clarification on the Article.

MODERATOR: Go ahead.

BARAKATT: Cynthia Barakatt, 315 River Road. In reading this explanation there's two places where it's refers to events that happened at the 2008 Town Meeting. And I'm pretty sure they're incorrect, unless I'm, I'm, don't know what year it is. Um, so I'm just...to get clarification on that. (inaudible)...discussion. The first reference is to discussion. And the second one is for Article 27...it is mentioned.

MODERATOR: Could you turn the mic on down here, please. In the front.

PIANTEDOSI: You are correct. It should have said 2007; it was at last year's Town Meeting.

MODERATOR: Okay, all those in favor of Article 49. Please raise one hand. Those opposed. The ayes have it the motion carries.

Article 50, Mr. Teichert.

TEICHERT: Madam Moderator. I move that the sum of \$380,000 is hereby appropriated to pay costs of constructing and reconstruction surface drains, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 1, of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: And again, that has to be read, because it is a bond article. Mr. Teichert do you have a report from, um, Board of Selectmen.

TEICHERT: Yes, I do. This Article will provide funds to address maintenance and repairs of storm drains to prevent further roadway deterioration and eliminate ponding and flooding in low areas of town, from runoff. Town Meeting has been appropriating \$300,000 approximately every other year for storm drain improvements. This requests continues to provide the funds for making improvements and repairs that have become necessary. And the Board of Selectmen recommends approval of the Article.

MODERATOR: Finance Committee report?

WRIGHT: Finance Committee recommends approval.

MODERATOR: Okay, any questions? This requires a two-thirds vote. All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries by more than a two-thirds majority.

Article 51. Mr. Vispoli.

VISPOLI: Yes, madam, madam Moderator. I move that the sum of \$500,000 is hereby appropriated to pay costs of construction and reconstructing sewer mains, including, but not limited to, all costs associated with design, construction, land acquisition by eminent domain and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1), of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Thank—

VISPOLI: Board of Selectmen recommends approval.

MODERATOR: And the Finance Committee

WRIGHT: Finance Committee recommends approval.

MODERATOR: Are there any items of discussion? Those in favor, it requires a two-thirds vote, please raise one hand. Thank you. Those opposed. The ayes have it by a far more than a majority of two-thirds. I declare it so.

Article 53. Mr. Stabile.

STABILE: I move the Town approve Article 52 as printed in the Warrant.

MODERATOR: And, do you have a report?

STABILE: Yes, this Article would update the Town's leash law to allow for a dog park. The Town's current By-laws only allow for unrestrained dogs within the owner's property. The proposed change would allow for unrestrained dogs on enclosed areas designated by the Town Selectmen, i.e. the dog park.

MODERATOR: And, what's the—is there a recommendation from the Selectmen?

STABILE: Yes...Approval, yeah, the Board of Selectmen recommends approval.

(laughter)

MODERATOR: Okay they recommend approval. Are there any questions about this?

(selectmen banter)

MODERATOR: Yes, ma'am.

MARTIN: Jean Martin, 80 Tewksbury Street. I have a question. Do we have a dog park?

(laughter)

MARTIN: And if we don't have one, why are we creating a law for something we don't have?

MODERATOR: Yes, the Town Clerk.

HANSON: We don't have a dog park, but his will allow for one in the future, especially if we can find a place to put the dogs, and somebody raises the money to allow it. So it just allows for the use of it, at this point.

MARTIN: I think if we don't have a park we don't need the law. Once we get the park then we can instate the law. But we don't have money for a park for dogs.

MODERATOR: I don't think we can have a park without the law. So it's not---

MARTIN: Why, WHY! The law has nothing to do with the park.

MODERATOR: Let's let the, um...

PATTULLO: We currently do not have a dog park; however, there has been discussion about establishing one. And the Conservation Commission has approved use of land off of High Plain Road on Bald Hill if the funding were available to create the dog park. The funding is not available. However, there could be private funds that would be appropriated, or donated, to establish the dog park, if the Selectmen gave the approval. If that happens we would need this amendment to the By-law to allow dogs to run free within the confines of the dog park.

MARTIN: I suggest that we bring up a law at the time that we get the park.

MODERATOR: Thank you. Any other issues, any other questions? This is a majority vote. All those in favor please raise one hand. Those opposed. The ayes clearly have it, the motion carries.

Article 53. Ms. Constantine. Five, five minutes.

CONSTANTINE: Madam Moderator, I move Article 53 as printed in the Warrant.

MODERATOR: Article 53 has been moved and seconded as printed in the Warrant. Go ahead.

CONSTANTINE: Madam Moderator, I have an amendment to Article 53.

MODERATOR: Okay, go ahead. (inaudible)

CONSTANTINE: In SRA, SRB and SRC districts, no sign shall exceed six square feet in area, and if freestanding, shall not exceed four feet in height above ground level. Exception: signs on property open to the public, bearing no commercial or advertising material and displaying historical, cultural, environmental or safety information—

MODERATOR: Excuse me. I'm sorry to interrupt you. Is that the amendment...Is that the amendment that you gave us.

CONSTANTINE: Yes, I'm sorry...no.

MODERATOR: We need to have the language of the amendment to enter into the record.

CONSTANTINE: Um, I move to amend the Article, um...I move to amend the Article by replacing Section 5.2.8 Signs in Residential Districts with the following language: Um, I'll start again. In SRA, SRB and SRC districts, no sign shall exceed six square feet in area, and if freestanding, shall not exceed four feet in height above ground level. Exception: signs on property open to the public, bearing no commercial or advertising material and displaying historical, cultural, environmental or safety information pertaining to such property and/or rules relating to the public use thereof shall not exceed nine square feet on any side, and, if freestanding, shall not exceed nine feet in height above ground level; provided, further, that if such signs do not exceed four square feet in area, no sign permits

shall be required. In APT districts, one free standing sign identifying the apartment development shall be allowed on each street on which the apartment development has both frontage and a pedestrian entry, provided such sign shall not exceed fifteen square feet in area and shall not exceed eight feet in height above ground level.

MODERATOR: Do you have copies of that? Do you have copies for, for Town Counsel? (inaudible) Okay, okay. Go ahead. Thank you.

CONSTANTINE: Um, I'm Ann Constantine, 81 Central Street and I'm chairman of the Design Review Board. I have a few comments for your consideration before we see the PowerPoint. Most of the modifications that we made are housekeeping items, clarifying the language, and removing inconsistencies, in addition to making size modifications to some signs while increasing the number of commercial signs allowed in particular situations. We've highlighted some of the most confusing and egregious items in the existing By-law, such as fifteen-foot high, internally illuminated signs currently allowed in SRA, B, and C. All existing signs would be grandfathered and thereby not affected by this Article. Also not affected are real estate signs, political campaign signs, or temporary signs, such as your contractor's signage or similar signs. We are we asking for these changes? Over the last fifteen years I've reviewed hundreds of signs for our business district as a member of the former design advisory committee and now as a member of the Design Review Board. Due to its complexity it's been a necessity to have the Building Inspector present to interpret the By-law and find the relevant information for the situation. It's extremely difficult, extremely complicated, and in numerous situations open to interpretation. You can imagine that this is very difficult for the small business owner or the new business owner, confronted with this By-law for the first time or the tenth time for that matter. Rarely did someone appear before us, an applicant or a sign company representative who wasn't in some way confused and/ or upset about trying to get a sign designed that would be in accordance with the Sign By-law that they barely understood. Most if not all of our Town Meetings agree that the current By-law is a confusing, ambiguous, inadequate document that doesn't effectively serve the purpose for which it's intended. Signage is a specialty of the Design Review Board. We are all professional designers, it's what we do. Why now? There are many changes afoot in downtown, stirring up the commercial mix. Musgrove building has recently

changed ownership, along with Post Office Avenue and the small boutique businesses there. There've been offers on 156 North Main Street, the Gold Building across from Whole Foods and we would like to see a turnover of Shawsheen Plaza in the very near future, among many other unpredictable changes. Purchasers may be national chains and very often they are individuals or groups of investors who are not from Andover. Their passion and concern for the Town would never match our own. We need to be ready. And finally this Article was presented to a large contingent of the Andover Business Center Association. It was received with enthusiasm and gratitude even. Without a dissenter in the group. Let's review the PowerPoint presentation.

MODERATOR: Ann you're just about out of time... (inaudible) Boards and you can go back if there's time. Is there a report from the Selectmen?

LYMAN: The Board of Selectmen voted two-two on this

MODERATOR: On the amendment...is there any issue with you on the amendment

LYMAN: I'm sorry, not on the amendment, no. There's no vote, no position on the amendment.

MODERATOR: Does the planning board have any issue on the amendment.

SALAFIA: Planning board did not take a vote on the amendment.

MODERATOR: Is there any discussion on the amendment? Yes, sir.

GUTTERMAN: Thank you, Madam Moderator, David Gutterman, 12 Lincoln Circle. I'm having a question about the scope of the exception. Would a sign that says, Andover High School, be considered historical, cultural, environmental or safety?

CONSTANTINE: No.

GUTTERMAN: Thank you.

MODERATOR: Any other questions about the amendment? Ok, let's vote then please, to add the amendment as-is the amendment up there, I won't read it all to you again-but the amendment as read and submitted, adding that to Article 53.

All those in favor of adding the amendment, please raise one hand. Those opposed, the ayes have it. We are now working with the amended Article. Do the Selectmen have anything on the Article as amended.

LYMAN: No Madam Moderator.

MODERATOR: Does the Planning Board have a report?

SALAFIA: We have a report on the original Article, yes.

MODERATOR: Go ahead. Will it apply to the original Article as amended.

SALAFIA: Aaah, although the Planning Board did not have a chance to discuss the amendment...During our mandatory public meeting the Planning Board recognizes there was a definite need to revisit the entire Sign By-law, which you heard very clear from the presentation. Although the Planning Board recognizes the hard work of the Design Review Board, we felt that more time, more input, was needed to study and re-write the entire By-law. Without having an interim By-law in place for a year. Everyone concerns seems to think that this might be in place for a year or so, and then we would have to revisit the entire By-law, which we did not want to do. In the coming year the Planning Board will work with the Design Review Board to do an extensive public outreach to the citizens of Andover, and the businesses of Andover, both large and small. We believe that this process will produce a more comprehensive and a more relevant By-law that will preserve the character of our Town while protecting the vibrancy of our business community. The Planning Board recommends disapproval of Article 53.

MODERATOR: Are there any questions? I'll let Ann finish for another two minutes and then we'll take a vote. Go ahead.

CONSTANTINE: Um, I'm gonna skip ahead to the General Business District, which I think is very important. Um, signs in General Business, General Business have 3 configurations, attached flat against the building, projecting signs hanging from the building and free-standing signs. This By-law increases the number of signs allowed, to include signs at parking lot frontages, as well as street frontages. There are many small parking lots and pedestrian passageways in downtown. This By-law reduces the size allowed for attached

signs from 100 square feet to 50 square feet, still a very large sign. Dylan's sign for example, Dylan's pub on Park Street, for example is thirty five feet. Irresistables sign as you see it

today is 10 square feet including the blue background. Here it is to blown up to 40 square feet and here it is at 80 square feet, still under the allowable size of 100 square feet. Another example is Citibank. In actuality it is a 10.5 square foot sign, but using the allowed percentage of up to 20 percent of the façade, the sign could have been 100 square feet on each of its two corner frontages, Main Street and Elm Street.

I'll skip ahead here. Projected signs are currently at 9 square feet, which will remain. As we said additional signs if they have parking lots and so on. Previously, the business owners had the choice of having a projecting sign or a free-standing sign, not both. We have, the By-law says that they could have both on every frontage and every parking lot. This allows for small window signs to be permanent, where currently they are only temporary, and this subsection reduces the size of director signs, which are up on the building and attached to the building. They're intended to, after you have found the location, to go to the building and find out what office suites you need to go to. And Mixed Use similar principles.

MODERATOR: Okay, any questions? Thank you. Any questions? You ready to vote. It requires a 2/3 vote. All those in favor, please raise one hand. Those opposed. Let's take a standing vote, quickly please, it's a By-law, a Zoning By-law Amendment. All those in favor, of the By-law as Amended please stand.

Section 1: 11; Section 2: 13; Section 3: 11; Section 4: 4;
Section 5: 10; Section 6: 14; Section 7: 26; Section 8: 3;
Hall: cleared; Stage: 6.

All those opposed, please stand.

Section 1: 5; Section 2: 10; Section 3: 9; Section 4: 5;
Section 5: 10; Section 6: 8; Section 7: 5; Section 8: 1;
Hall: cleared; Stage: 14.

HANSON: Correction on the stage. For yes, was 7.

MODERATOR: Correction on the stage. For yes, was 7. 99 having voted in the affirmative, 67 having voted in the negative, it did not achieve a 2/3 vote, the motion is lost.

Article 54, Mr. Major.

MAJOR: Thank you Madam Moderator. I move that Town approve Article 54 as printed in the Warrant.

MODERATOR: Article 54 has been moved and seconded as printed in the warrant. Who is speaking to this? Mr. Spencer? Thank you. Yes, I think we have the amendment. But if you want to enter them in. Go, ahead and move the Amendment if you will. There is an amendment to this Article also that is going to be offered.

SPENCER: Move the amendment first

HANSON: No. Second.

SPENCER: I am Mark Spencer, 13 Sunset Rock Road, and as you can see I'm kind of new to this.

MODERATOR: You move the Amendment. The Article has been moved and seconded.

SPENCER: Okay, I that the move Article 54 as written, or as Amended. Did I do that right?

MODERATOR: If you would read the Amendment, please.

SPENCER: Okay, the Amendment is actually, quite simple. The Amendment is that we amend the motion to delete the words, three words, "and reinforcing seams" in Section 3D Design and Construction of the Banner Amendment-Banner By-law.

MODERATOR: There's an Amendment on floor. Has it seconded? The Amendment will read that in Section 3D Design and Construction, they will delete the words "and reinforcing seams." Does everyone see that? In Section 3D, in Design and Construction, they want to delete the "reinforcing seams." That motion has--the amendment--has been entered, it has been seconded. Mr. Spencer speak to the Amendment first, please.

SPENCER: The Amendment is actually quite simple. The banner to which I will address calls for wind slots in the banner. I think that we went just a little bit overboard in prescribing reinforcing seams on those wind slots. When someone from the League of Women Voters actually researched this requirement,

and called banner companies, we learned that no banner company on Earth actually reinforces the wind slots. Mea Culpa.

MODERATOR: Any discussion on the Amendment? All those in favor of the amendment, please raise one hand. Thank you. Opposed. The Article is now amended. Mr. Spencer go ahead and speak to the Article. You have 5 minutes, sir.

SPENCER: Okay. I moved to Town about 13 years ago, and 1 week after I moved, Bazaar Days occurred. And it was right then and there that I decided that Andover was the best place to raise a family. I think most of us here will agree, that all the things we see up there, that make the downtown and the things around the downtown happen, is what makes Andover so special. So many things go on in the downtown that bring the community together, and that's why I love Andover. I know a few things about a couple of these events. I, Bazaar Days, as you know, did not survive, but I was part of the committee that brought back from the ashes of Bazaar Days, Andover Days. And, when we first put on our first Andover Days about 4 years ago the attendance was very disappointing. So for the second year, we simply asked at our organizational meeting with the Town, if we could put up a banner. And the answer was no. And the reason is because of the very strict interpretation of the Sign By-laws or for that matter any By-law that the Town uses. Anything that is not specifically delineated in the Sign By-law is by default prohibited. Well we feel that was a gross oversight and we're here tonight to try to address that. That was 3 years ago, in the last 3 years let me tell you how we've come together to get a banner up deck and promote our civic events that we love to attend in a way that is the best possible solution. I know also something about promoting civic events because I've printed that poster for Andover Days and other posters—we put up tons of posters. We put ads in the papers. We put up lawn signs. We get on Channel 8. And still nobody comes—well actually a lot of people do come, but we're always disappointed with the attendance. And when we ask people, how come you didn't come? The answer always is: I didn't know. Well, it's hard to say that there is any magic bullet to getting people to come to the event. But I would have to think that a banner, a time honored tradition, in New England and across the country, is one of the best ways to promote civic events. So that was 3 years ago. In the intervening 3 years, we've done other things, we are a small task force, to make a Banner By-law that would be sound. Such as. Next one. There are 16 comparative communities in Andover of which we are number 17. And it was suggested—a

comparative community is a Town that has about the same size and demographic distribution as we do—so our task was to find out to see how the other comparative communities handled banners. And all 16 comparative communities, as you can see up there in the second column, some sort of signage is allowed. And if you read the fine print, you'll find that in all but 2 of the comparative communities banners are allowed. That wasn't enough, I also scoured—you know if you copy from one it's cheating, but if you copy from many it's research. So I researched the best banner practices from across the country to come up with a Banner By-law that would be so sound that we would have the best aesthetically pleasing and the safest banners and one that protects our free speech. After we crafted our Banner By-law we went around to every Town organization that we thought would have some important insight and suggestions for us to even improve this. Even up to tonight when the League of Women Voters helped me to correct one last deficiency. These are all the departments and groups that have helped us craft a very thorough By-law. So here's the By-law. There's 3 components to the By-law. The first is who can put up a sign, or, sorry, a banner. It is for civic events only. It is for groups that have some Andover connection and it was done very carefully with the help of Town Counsel to ensure that we minimize our exposure to a First Amendment fight. Here's the second component. It simply to, simply specifies how the banner is to be constructed. We don't know where the banner is going to go yet, that is up to the Selectmen. Let me add that. You can see in red letters the deletion of the reinforcing seams. And lastly, the third component simply says what's the timing for putting it up and taking it down. These are very thorough and I think Andover can claim to have the mother of all Banner By-laws. Thank you.

MODERATOR: Thank you. Any discussion about this By-law please? Go ahead, Mary.

CARBONE: Mary Carbone, Cyr Circle. I was wondering how much it is going to cost the Town? For the posts that are going to hold the banner. Some where along the line I've seen a dollar figure.

SPENCER: Let me clarify that this only gives us the right to put up banners. The next step, if this By-law is approved, is that the Selectmen, hopefully taking advice from different groups like you've just seen, will determine where the banners will go. They could go across Main Street, they could go to

the side. We anticipate, and I can only say we anticipate, that most of the funding will come from private sources.

CARBONE: For the columns. \$45,000.

SPENCER: You're referring to a figure of a set of columns, of a set of poles, that were put into place in Norwood. Which I can address if there's time. That is...I would call those the mother of all banner poles. It's possible it could cost as much as that, it's possible it could cost a quarter of that.

CARBONE: The tax payers.

MODERATOR: That's not within the scope of the Article, Mary. But it is an excellent question. But right now we're not voting on the money, we're voting on the By-law. Yes, sir.

HOWE: Richard Howe, 3 Robandy Road. I have a question. Does the Planning Board and the Design Review Board have a response, a position on this proposal.

MODERATOR: I believe they do. And the Selectmen do. They all do. Go ahead. Why don't we start with the Selectmen.

MAJOR: The Board of Selectmen recommends approval of this Warrant Article.

MODERATOR: How about the Planning Board?

SALAFIA: The Planning Board as well recommends approval.

MODERATOR: Does the Finance Committee have an opinion?

MARDEN: No.

MODERATOR: Okay, are we ready to vote? Do you have..go ahead.

BREIGHNER: Sharon Breighner, Reservation Road. I think that after Mark's presentation maybe I don't even need to add to this. But I would like to stress, I feel, the importance of the acceptance of this Banner By-law. Someone who's coordination Andover Days and just hoping to bring more activities and vibrant things to downtown. I think this would really help to enhance our activities and our community.

MODERATOR: Terrific, thank you. We ready to vote? All those in favor of Article 54 as amended, please raise one hand. Those opposed? The ayes clearly have it, the motion carries. I only laugh because I wasn't even finished and everybody's hand was up.

Okay, Article 55. Only 2 more to go. I thank you so much for your patience. Article 55. Mr. Vispoli, are you moving that Article?

VISPOLI: Yes, Madam Moderator. I move that the Town approve Article 55 as printed in the Warrant.

MODERATOR: Article 55 has been moved and seconded as printed in the Warrant. Mrs. O'Hara.

OHARA: Abby O'Hara 63 Central Street, speaking on behalf of the Main Street Committee. If you have been downtown in the last month, you will observe construction vehicles, digging their test pits, installing protective barriers around trees. The Main Street project has begun with the goal to complete the new downtown sidewalks by the end of the summer. In 1999, the Town funded some initial improvements, including trees, benches, grates, and new lampposts. Some of these have already been implemented. This is a view of the old Andover Village parking lot where you can see samples of the new lampposts and trees. After years of meeting, and examining the project, the Main Street Committee went back to the 2002 Town Meeting to request additional funds for green space, contrast pavers, and set up a news rack program. Some of these changes have been implemented. Such as the mini park at the top of the old Andover Village parking lot. Others have not. The news box program has already been funded, but tonight we need to pass this Warrant Article so we can begin the clean up and reorganization of the downtown sidewalks. Regulating news boxes has traditionally been complicated because of staunch lobbying from the newspaper industry. But first we need a quick review of the First Amendment. First Amendment, 101-Freedom of Speech. Towns may not prohibit news boxes, discriminate between publications or generate revenue from news boxes. But all across the country, municipalities are regulating news boxes and the courts have ruled the Town may regulate the location, standard, and manner of distribution for news boxes. We are proposing a two part solution. The first part, is a location and standards By-law which you are voting on tonight. The second is a public-private partnership with the newspaper publishers. Along Main Street between Locke

and Lewis Street a minimum of 3 locations will be designated for news box distribution. By limiting the locations we can prevent the news boxes from being chained up to our new lampposts and trees assure pedestrian accessibility, allow car doors to open, and reclaim our sidewalks for the people or possibly outdoor dining. These news box distribution locations would have some form of a corral possibly similar to the one in this picture. We are also asking for reasonable standards. The news boxes have to be weighted and secure so they don't tip over. The news boxes can't sit empty for an extended period of time. Right now there are abandoned news boxes and we don't have the ability to remove them. I don't know if you see the USA it says "See you next summer." It shouldn't have been allowed to remain on the sidewalk. All this will be fixed by passing this Warrant Article. The second part of the news box solution is a public-private partnership to install attractive multi-news box racks, similar to the ones pictured on this slide. But we can't implement this program without first passing tonight's warrant. Funding for cleaning this up has already been improved. Tonight we need to pass the regulations to implement the news box program and clean up the sidewalks. Any questions?

MODERATOR: Okay, thank you. The Selectmen, please.

VISPOLI: Board of Selectmen recommends approval of this Article.

MODERATOR: Planning Board?

SALAFIA: Planning Board also recommends approval of this Article.

MODERATOR: Any questions, comments, editorial opinions? All those in favor, please raise one hand. All those opposed. The ayes, have it, the motion carries.

Article 56. Mr. Stabile.

STABILE: I move the Town move Article 56 as printed in the Warrant.

MODERATOR: Article 56 has been moved and seconded. Who is speaking to this please? I'm gonna hold you to 5 minutes. 3, 2, minutes..no 5 minutes.

PIANTEDOSI: Plant and Facilities Director. Can we get the next slide up? This is a picture of the Old Town Hall, as I'm sure you all know. Every year during the budget process the question comes up to me, how are we doing with the budget for the Old Town Hall. Next slide. And as you can see, we take in less money than it costs to run the Old Town Hall. Utilities around \$27,000, maintenance, not including capital, about \$5,000, and custodial overtime around \$16,000, for a total of \$48,000. This is offset by rental income that we get from private entities of \$31,000, for a net loss of \$17,000. Next slide. If we were to lease the whole Town Hall, not including the Post Office space, they have a long-term lease for the price of utilities only, we've estimated that, using very conservative numbers, that the net lease income for doing that would probably be around \$139,500 a year. And we would save about \$48,000 a year for those costs, for a total change of around \$156,000. Next slide please. The disadvantages of doing these are obvious. One, the second-floor meeting hall in the Town Hall is used by many Town groups like Department of Community Services, Elderly Services, Youth Service, who currently don't pay anything to use that area, even when they charge admission to programs. And, also we'd have to relocate the offices on the first floor. Plant and Facilities Office, Smoking Cessation and others, and the Senior Drop In Center which is in the rear of the building would have to be relocated out as well. And, the auditorium would no longer be available for residents who want to rent it for things like that. And we also use that building as a welcome center for the Town. So that's the disadvantages. Next slide. We also, along the way have proposed other options. One is lease the first floor option, only. And what that would do is, the area on the right-side of the building could be leased and if that's done we would relocate our offices to the rear of the building, because as long as it's a Town building you have to have a presence in it for security and other things. And we've estimated that that option could offset the deficit and turn it around with \$10,000 of income, by using that option. Next slide, please. This is just to show you what the Town Hall looks like. That's the second-floor meeting room, that is currently used for different functions. Next slide. This is the office space on the first floor that I mentioned could be an option to lease looking from the front of the building to the rear. Next slide. That's the same space looking from the rear to front. Next slide. That's the current area that is used by the Senior Drop In Center. Next slide. There's also some computers in there that they have for classes occasionally. There's about 4

or 5 people that use this daily, for about a half day. Next slide. That's just a little piece of the welcome center. Next slide. So in summary, Plant and Facilities just providing options as we were requested to do. If we lease the whole building, it would be new income of approximately \$156,000. If we lease only a portion of the building \$27,000. Both of those would require this Article being approved which authorizes the Selectmen to lease some or all of the building. We've also have recommended charging a utility fee as another way. And should the Article fail we also plan to try and do things to try and enhance some of the revenue of the building, and look at some of the things that are obstacles to people renting.

MODERATOR: Thank you, sir. Do the Selectmen have a report on this.

STABILE: No, but the Board of Selectmen recommends approval of this Article.

MODERATOR: The Finance Committee, please.

HOWE: Yes, the Finance Committee recommends approval also. In order to reduce the Town's structural deficit and reduce the need for future operational overrides, we believe proposals of this sort, which separate out less essential services to support the more essential services, need to be encouraged and supported. So we recommend approval.

MODERATOR: Okay. Did the Planning Board take a position on this? No? Yes, sir. 2 minutes.

DOWNS: My name is Bill Downs, 147 Elm Street, Andover, Mass.

MODERATOR: Sorry, 3 minutes. Go ahead.

DOWNS: I am a native of the own of Andover. And I rise and ask you to vote no on Article 56 and save the Town Hall and preserve our history. I ask for your vote.

MODERATOR: Thank you, sir. Yes sir, over here at the Pro.

VERONTIS: Hello. My name is Chris Verontis, 379 River Road. The reading of the Finance Committee Report talks about how there are other Town organization and agencies that use this building. Where we gonna put them? And what is it gonna cost

to put them some place else? And are we really saving money by asking them to pay rent some other place instead of using this Town building without rent and at a cost of only \$17,000 a year to the Town.

MODERATOR: Anyone have the answer to that question?

STAPZCYNYSKI: Yes, I can answer that. There's two positions from Plant and Facilities that Mr. Piantedosi mentioned that would be moved to the Senior Drop In Center in back. The Senior Drop In Center would be just moved over to the Senior Center. And the other folks, the Tobacco Control program, which is a regional program, we have posted that for number of years and I think it's probably about time that some of the other communities in the consortium take the obligation and responsibility of being the host for the facility. And that's about it, there's, I think one desk that Andover Youth Foundation was using at one time, I'm not sure that they're still there. I allowed them in as a courtesy. It's fair to say that that space is very large and it's under utilized by the occupants at this time.

VERONTIS: Just to follow up on that, you talked about moving them in back of the building, but if you're renting the entire building does the building in back get used as well, or are we renting that.

STAPZCYNYSKI: No, excuse me, I was, I was focused on the last of the items that Mr. Piantedosi suggested, and that was the option of leasing just the first floor area to the right as you go in.

VERONTIS: Right, but this article doesn't limit the leasing to only half of the first floor..

STAPZCYNYSKI: You're right. And in that case we would have to find space in the Town Offices for the two positions that are in plant and facilities that would be moved should we lease the entire building.

MODERATOR: Okay, Mary.

CARBONE: Yes good evening. Mary Carbone, Cyr Circle. I'm against leasing out the old Town House. Actually it cost us 2.6 million to revitalize the Town House a few years ago when we had the different manager. But in any event, I believe it is the lynch pin in the downtown area and actually it is

beneficial to the downtown business community because the—the small downtown business communities—because there are restrooms in there, that the business communities refer to when they have their customers that need to use the restrooms. And I can't see how we are going to accommodate that room on the first floor for a lease issue. Is it going to cost us money to bring that up to par? We don't know. So, I am against it. Thank you.

MODERATOR: Thank you. Yes, Karen.

HERMAN: I'm Karen Herman, 50 Sunset Rock Road, Chair of the Andover Preservation Commission. And I wasn't sure what microphone I should go to because the Preservation Commission has a lot of ambivalence about this article. The Town went to great expense a number of years ago, as Mary just stated, in rehabbing this structure. It's a national historic register building. It is a very important building in the middle of town. We didn't have a problem with efficiency of use in the lower level. We appreciated Mr. Piantedosi's attempts to find efficiencies for this building because we know it is expensive to take care of historic structures. However, there is no preservation restriction on this building. We did not have assurances as to how this building could be preserved if it were to be leased. We also have a great concern about the upstairs hall. That hall was renovated, those of you who weren't in Town at the time, the whole upstairs was offices at the time of the renovation, when they opened it up they found decorative painting that was all painfully restored, expensively restored, at the time. And I want to make sure that that stays intact because that's the legacy of the Town. So, I don't think this is the right article. I think we need to rethink how we do this and come up with a better idea that is less open and more restrictive.

MODERATOR: Thank you. [slight applause] Yes Ma'am, at mic three. Go ahead.

FRIEDENSEN: Alice Friedensen, 109 Bellevue Road. I'm a volunteer at the Senior Center but not at the Senior Center. We have many programs that go outside of the Senior Center, because of the lack of space at the Senior Center that you are aware of. So, what I do takes us outside of the Senior Center, hiking. But I know that the Senior Center needs the space. We have computer classes that are held at the Town Hall. The computers are all there. We have special events that are held at the Old Town Hall, including one which will

be taking place next week. I feel, once again, we are at a Town Meeting where the seniors and the youth are being picked on. And, I know that the youth center also counts on the Old Town Hall for special programs. And it's like here we go again. I urge you to vote against this article.

MODERATOR: Okay.

FRISCHMAN: Michael Frischman, 11 Crescent Drive. I too took the short route rather than the proper sign. I apologize. I would vigorously oppose this article. That is a unique and valuable space. The Town of Andover has very few spaces, in fact has no other space even similar to that for the youth gatherings that take place there, the adult gatherings, the senior citizens, the fact that it is in the center of Town. If we are going to start nickel and dime-ing, one thing that we might like to consider, I didn't get to the microphone quite quickly enough, last night, but given what commercial rent rates are in the center of Town, I'm sure that the restaurants that put their tables out on the sidewalks would be more than glad to contribute far more than the \$17,000 we might generate by giving up this valuable resource.

MODERATOR: Mr. Robb

ROBB: Don Robb, 36 York Street. I think that the big problem here is the hall upstairs. I could see the value of renting out office space on that first floor. I am very familiar with the building, I was involved with it from the time that we were remodeling it, close to 20 years ago. The thing is, we have no community space in this Town. We have schools. We have auditoriums. But we have no community ,space something that is the heart and soul of the community where community groups can gather. The groups that use that hall can't afford to pay. Why do they use it? Why does Youth Services use it? To raise money for youth programs. Why do the Friends of the Senior Center use it? To raise money to support programs that we can't afford in the budget. Put a rental on that, make it hard to do that, send them somewhere else, and you have destroyed part of the fabric of the community. If this Article specifically said, rent out the first floor, I would be willing to consider it. But I think the Article is too broad, I would recommend that we vote it down now and ask Mr. Piantedosi and his group to take another look at that and come back to us with something that is more of a compromise kind of situation. I think that would serve the interest of the Town best.

MODERATOR: Thank you, sir. [slight applause] I have a motion to move the question. Has it been seconded? Okay, that would end discussion. Let's take a vote on closing discussion. All those in favor of closing discussion. Those opposed. The ayes have it by more than a two-thirds majority. Now, let's go to the Article. Article 56. All those in favor of Article 56 please raise one hand. Those opposed. The Article by far fails. Thank you. I want to thank you all...we have one more article please don't leave but I want to thank you all very much for your attention and your process. This truly is, although Andover has an open Town Meeting, people talk very often about representative town meeting and clearly there couldn't be a more representative group of this Town than those of you who are here at the open Town Meeting and I appreciate that.

TEICHERT: Madam Moderator? May I make one comment? I think she deserves a nice round of applause for running the meeting the last few nights. Thank you very much. [applause] You're no rookie, let's put it that way.

MODERATOR: And to those to whom I may have offended, I am very sorry. To those of you to whom I did not go fast enough, I am very sorry. So thank you very much.

Article 57 is going to be moved by Mr. Johnson, Attorney Johnson. Go ahead.

JOHNSON: Thank you, Mark Johnson, 24 Greybirch Road. And I move Article 57 as printed in the Warrant.

MODERATOR: Article 57 has been moved and seconded at printed in the Warrant. Go ahead.

JOHNSON: I am here speaking on this Article as a representative of 7 & 10 Paulornette Circle Trust. The Planning Board approved as part of a subdivision of Ornette Circle an extension of a portion of Paulornette Circle. This is the existing cul-de-sac, the roadway goes through here. As a condition of the approval the Planning Board has requested that we seek a discontinuance of that portion of the cul-de-sac not within the limits of the new roadway. This Warrant Article authorizes the discontinuance of those two portions of the existing cul-de-sac, turns it over to the care and custody of the Selectmen on terms that the Selectmen believe advantageous to the Town.

MODERATOR: Selectmen's report please.

TEICHERT: Board of Selectmen recommend approval of the Article.

MODERATOR: The Planning Board Please.

PLANNING BOARD (FEMALE): The Planning Board recommends approval of Article 57.

MODERATOR: Any discussion? Yes, sir.

PERRY: Just a question. Were any of the abutters in disagreement with this suggestion.

JOHNSON: As far as we understand, no.

PERRY: As you understand no? Is that no, or do you no know.

JOHNSON: The ultimate plan...My client owns the land that this part of the cul-de-sac abuts and at the Selectmen's meeting the owner of this parcel did not indicate that he opposed it. The ultimate hope is that both those parcels get conveyed to the abutting lots.

PERRY: I'm particularly sensitive to seeing things but through a cul-de-sac. That shouldn't occur. And if there were abutter arguments...abutter disagreements, than I would certainly ask that this motion be voted down.

JOHNSON: I have not heard any abutter opposition to this either at the Planning Board meeting or at the Selectmen's meeting. There was an abutter who showed up with a question. And the abutter might be here, I'm not sure.

PERRY: But you don't know if he agreed or disagreed. Is that what you're telling me?

JOHNSON: What I'm saying is, the abutter at the Selectmen's meeting has a question. I believe the abutter would like to have that parcel conveyed to him.

PERRY: Anybody who lives on a cul-de-sac should vote this down. You should not be able to violate the cul-de-sac that exists.

MODERATOR: The Selectmen and then the Planning Board

MAJOR: Just to answer the question. We had the public hearing at the Board of Selectmen's meeting. All of the abutters were notified of that meeting in writing. There was nobody there in opposition. So they were notified. The didn't come out in opposition to this.

MODERATOR: Planning Board.

PLANNING BOARD: The Planning Board also held a series of advertised public hearings at which abutters were notified and the decision had an appeal period and there was no opposition to that.

MODERATOR: Are we ready for a vote? Oh, I'm so sorry, sir. Go Ahead

KAWALSKI: Dan Kawalski, Infield Drive, 24. I'm just curious, is this portion of the road presently paved? Is my first question. My second question, is the plan to just give the property, the Town property to the abutters? Is that the plan or is there going to be some compensation to the Town.

JOHNSON: Currently a portion of that land is paved. The circle is not within the full layout—the paved area is not within the full layout of the circle. The Town has to go through a procedure for a sale of property, for any Town property. It is no different on this either. The sale has to be advertised. The Selectmen will make a determination as to what it will be sold for.

MODERATOR: Okay, this requires a two-thirds vote. You need to be sitting to be counted. All those in favor please raise one hand. Those opposed. The ayes have it by far more than a two-thirds majority. I declare it as such. Mr. Urbelis

URBELIS: Madam Moderator. I move to dissolve this Town Meeting.

MODERATOR: Is the motion--. There's a motion and seconded to dissolve the Town Meeting. All those in favor. Those opposed. Thank you all very, very much for staying this late.

[applause]