

2009 Annual Town Meeting

Tuesday, May 26, 2009

MODERATOR: ..and counters if you could keep this center aisle free as we present the colors. At this time after I've just told you to take a seat I'd like to ask you to all stand for the posting of the flag by the American Legion Post 8. Its four members represent the military service from World War II, the Korean War, and the Vietnam War. Thank you.

Thank you gentlemen. I would like to introduce this evening Reverend Doctor Edward Deyton from the BallardVale United Church who will offer an invocation.

DEYTON: Let us pray. Great and gracious god. We thank you tonight for the gift of community. That you created us to be in relationship one with another, that you gave us things on which we all could agree. And that for the sake of our souls you gave us challenges to our unanimity. Help us we pray to respect the difference. We thank you gracious god that you gave us leaders who are designated and leaders who are undesignated, those known to all and those emerging from unexpected quarters. We thank you for those who remind us to cherish the past, those who help us to understand the present and those whose vision focuses us on what is yet to be. We thank you for the freedom that comes with open minds and the responsibility with shared decisions. Help us we pray to value the fire of conviction and the wisdom of prudence. And help us to believe, always believe, everywhere believe, every moment believe, that no adversity is greater than your abundant love, no hurt greater than your power to heal, and no calamity greater than your power to save. Amen.

MODERATOR: Don't sit down yet. If we all could, just take a moment of silence for those in our community who are no longer amongst us, for those in our community and those in our surrounding cities and towns who have loved ones who are in the military at this evening. Amen. Mr. Teichert, could you lead us in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

MODERATOR: Now one more moment if you would remain standing. It's not often that we have an encore

performance for our home town song but I am very pleased to introduce to you tonight, Meghan Burke, who is a sophomore at Andover High, who will sing the Andover song for us. Thank you.

"AMERICA"

MODERATOR: Of course you all know each of those stanzas. Please be seated. Mr. Urbelis.

URBELIS: Madam Moderator...

MODERATOR: Can we have a mic on up here, on the stage?

URBELIS: Madam Moderator, I move to admit the following non-voters: Brian Messenger, Jack Petkus, Joe Piantedosi, and some others who may be entering hereafter, some of whom may be speaking.

MODERATOR: All those in favor of admitting the non-admitted, non-voting members to our Town Meeting please raise one hand. Those opposed. The ayes have it. Please, invite the non-voters in. We are, we have in our presence this evening, among the non-voters, members of the Japanese Local Government Council who are here to witness what it is to have a democratic Town Meeting. So we welcome them to our Town Meeting this evening.

Okay a couple of housekeeping items, if I can. Would you please turn off all cell phones. Seriously. Please turn them off. If you know anyone's phone number in this room please call it and see if they have turned it off. No smoking please. No food or drink here in the field house other than water. Mr. Urbelis the waive return of service please.

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

MODERATOR: All those in favor of referring to the warrant articles by number please raise one hand. Those opposed. Thank you. The ayes have it, motion carries. I will announce the voting sections of the auditorium, if I have them...let me go back to those in a moment. I'd like to introduce you to the stage participants. To my right, your left, the School Committee, the Board of Selectmen, the

Town Manager, the head of the Office of Finance. To my left, your right, is the Finance Committee, Town Counsel, and Town Clerk. Randy you have the um stage, voting sections? Okay, the voting sections are as follows: section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15. So do you all know where you're sitting now. Member of the board of - I mean those of you on the stage, I would ask you please, if you are addressing the meeting, all of us up here know who each of you are, members of the public may not. So if you could please introduce yourselves, just let them know as you are speaking. I'm sure they've seen your names in the paper but may not have a face to go with it. So if you could do that. I'd like to introduce the Ombudsman, Christopher Vrontas, who's sitting over here to my left, your right. If you have any procedural questions, or you want to make an amendment, and you want the three-part forms that need to be completed, or he can help you with any of the wording of your amendment. I just have a couple of other issues I'd like to bring up before we start. Those of you who know me know that I have a very keen sense of the obvious. If you come up and hit me right in the center of the head, I get it. So I'd like to address a little bit this evening about the tone of the meeting. I know there are going to be some things we're going to be discussing in the next three nights that could be very difficult. And I have no problem with our rolling up our sleeves and discussing it. I will insist that you as a speaker be respected in your questions and the answers to which you will be looking. And I will also expect any of you speaking to respect the elected officials, the Town employees and the appointed personnel that have put in untolled hours. There are issues that we will be discussing that I'm sure will be difficult, but the tradition in this Town is to be, to conduct the Meeting with respect. And I will hold you and myself and each member of the Town to that standard. So just a couple more things and we'll be done. Pages 150-152 and the back cover of your Finance Report will give you some procedural processes for Town Meeting, if you'd like to refer to them. If you are to be counted for a vote, you must be at a seat. You must be in a chair, if it's a sitting vote you must be standing at a chair. If you're along the back wall your vote will not be counted so please be sure you are at a seat. We have pro and con mics which we've used in the past. And this year were gonna seriously use them. What I don't want to see happen, which has happened in the past, is that somebody will line up at the con mic and they're a pro and they

don't move to the other side of the room to be heard on the proponent side and consequently miss an opportunity to hear a side that somebody's trying to see. So if you're talking to an issue and you're talking from the con mic and you're talking for the issue that's going forward I'm going to stop you and ask you to get to the back of the line of the issue in the pro line. All questions that you ask from the floor must be directed to the Moderator. So if you have a question that you would like answered please direct it to me and I will make sure the answer gets done. If you are going to amend an article, here's how we'll do it. We will only have one amendment on the floor at a time. We will vote on that amendment. So if you want to amend an article, and you get that amendment seconded, we will discuss the amendment only, or maybe we will vote on the amendment. If the amendment passes, it becomes the main motion. If it is not passed we go back to the main motion and discuss the issues of the motion. I think I'll be repeating that a number of times in the course of the evening. Your motion must be submitted to me in triplicate, in writing. We have a scanner here; we will get it up on the screen so that everyone knows what they're voting on. One thing I really want to make sure each of you understands that when numbers in the budget are proposed or when motions of warrant article are made they're not necessarily the exact wording that you have in your Finance Committee Report. I think if you all read Mrs. Marden's letter, the numbers are very fluid. The numbers that we will be voting on will be up on the screen and they are the numbers that the Selectmen or either the School Committee or whoever is making the motion will have, um, stated. So it's not necessarily the language in your Finance Committee Report that we'll be voting on. So just be sure, stay tuned to your local movie screen here. It has been a tradition and I would like to find out from the meeting if you would like to continue it, that we have time limits both on our presenters and on our speakers. So at this time I would like to find out from the Town Meeting if you would like to continue with the following. I would like to move that for this Town Meeting that we impose a time limit of three minutes per speaker from the audience and that the presenters of an article will have five minutes or longer at the discretion of the Moderator. Can I have a show of hands if that's something you would like to—well wait a minute—for I—would you like to speak to that, sir? I'm sorry? Could you turn on mic three please? A point of order, go ahead.

DOWNS: Point of order. My name is Bill Downs, 147 Elm Street, Andover, Mass. And under Chapter 39 of the General Laws, the Warrant for all Town Meetings shall state the time and place of holding the meetings and the subjects shall be acted upon thereto, or thereat, and the Selectmen shall insert all articles requested in writing by 10 or more registered voters.

MODERATOR: Excuse me, Bill. Could you just speak into the mic? I can't hear you.

DOWNS: The Selectmen shall insert in the warrant all articles requested in writing by 10 or more registered voters, the warrant shall be published and posted at least seven days before the meeting stating the time and place of the meeting and subject to be acted on. And what I said before the warrant for all town meetings shall be shall state the time and the place and the holdings of the meeting and all the subjects that are acted thereon. And I don't see that that is an article to the Town Meeting that we can vote on.

MODERATOR: You don't see that what's at a Town Meeting?

DOWNS: You're.. they're proposing to move the Town vote on this Article.

MODERATOR: This is not an article. I'm asking for a consensus of the meeting. This is not an article. I as Moderator am asking for a consensus of the meeting to see if the will of the Meeting is to oppose time limits to speakers. Thank you, I appreciate your comment.

DOWNS: Is anyone gonna speak on it, or against it?

MODERATOR: I don't know what he said. I can't hear him. All those in favor of the time limits—oh, wait a minute.

ROBB: Point of order, Madam Moderator. I'd like to speak on this motion, before we move on. Don Robb, 36 York Street. For a number of years I've been coming to Town Meeting, before we had limitations and after we've had limitations. I don't think it has significantly changed the tone of the meeting or the length of the meeting. But I think if we start limiting debate, I've felt this for several years, we are giving up one of the most fundamental

rights we have. The right to free speech. We are in fact one of the few parts of the country that has an open town meeting. Where everybody can get up and say what they want to say. We may disagree with what people say. We may think that they talk too long. But I would submit to this group, that those moments that we spend debating the Town issues are the most important moments we spend all year long. I would urge you to vote no on the suggestion that we limit debate.

MODERATOR: Sir, do have a point of order, or a comment...

KOWALSKI: Comment.

MODERATOR: Okay, could you go to one of the pro or con mics. Thank you.

KOWALSKI: Dan Kowalski, 24 Enfield Drive. Madam Moderator, I was just gonna ask if you do propose this limitation, I'd like to also ask if you could amend it so that we could have a minimum of at least two people from the pro side and two people from the con side get the opportunity to speak to the article, prior to moving the question.

MODERATOR: I would like to speak to that if I may.

KOWALSKI: Thank you.

MODERATOR: Um, my first year as Moderator here in Andover, was my honeymoon meeting and last year was my education meeting. And I do understand that the will of the Meeting isn't necessarily, and last year if we all recall there was an overwhelming call for moving the question before we had heard all sides. I can assure you that we will hear all sides, evenly before we move a question. I can assure you of that. It was a very pointed lesson that I learned last year. So, let's...I just would like an indication from the Town, all those in favor of the time limits please raise on hand. Those opposed. The ayes clearly have it. We will have the time limits. Thank you. Um, one other question, at the risk of embarrassing you, are there any people here who this is their very first Town Meeting in Andover, could you raise your hands? I would like to extend to you a very warm welcome to our Meeting here tonight. And those of you who have been here before I thank you very much for your interest in our Town and our government. We do have a unique opportunity. So welcome if you're new and thank you

very much for coming if you've been here before. Okay, let's get started. Um, just one little thing. Mr. Microphone folks, I can barely here people who are speaking to us up here on the stage. I don't know if you have to turn a speaker towards me or what, but I can't hear anybody talking to me at mic number three, so we need to fix that. Okay.

Mrs. Hanson, Article 1.

HANSON: Good evening. We did have an election on March 24th. And we had 3,153 people come to vote. Which was 14% of the entire Town. At that election, we elected a Moderator, and she ran unopposed. Sheila Doherty got 2355 votes. Board of Selectmen. We had two seats open. Brian Major, Ted E. Teichert, William E. English, ran for the office. Brian P. Major and Ted Teichert won. Mr. Major received 2,003 votes. Mr. Teichert, 1,855 and Mr. Will English, 1,378 votes. We also had two seats open on the School Committee. We had a number of people run. Arthur H. Barber, David A. Birnbach, Paula Colby-Clement, Ann W. Gilbert and Dianne M. McCarron. There were two seats. Um, Mr. Burnbach, um, Mr. Barber, ah, 1,143 votes. Mr. Burnbach, 1,482. Ms. Clement received 592. Ann Gilbert, received 1,755. And Dianne McCarron received 351. The winners were Mr. Burnbach and Ann Gilbert. At the Housing Authority we had one seat open with one person running, James Cuticchia won with 2,024 votes. The regional school committee, Mr. Silverman won with 2,295 votes. No one else opposed him. And we do have the free school-Punchard Free School Trustees. And the winners there were, there's five people running. John Atchison, Jr., Earl Effinger, Donna Ellsworth, Eric Stubenhous and Don-Deborah Moskal won that race. Thank you.

MODERATOR: Thank you. Article 2, Mr. Teichert.

TEICHERT: I move that Ted J. Georgian, 11 Lovejoy Road be elected Trustee of the Cornell Fund for three years.

MODERATOR: The motion's been moved and seconded. Any questions? All those in favor please raise one hand. Those opposed. The ayes have it. The motion carries.

Article 3. Mrs. Hanson, can you do that from there?

HANSON: I move that 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. All those in favor raise your hand. All those opposed. The ayes have it.

MODERATOR: Thank you very much. And the second part of that I will make the motion for the elected officials. I move that the following salaries be given to the elected officials for the Selectmen: the Chairman \$1,800 a year, for members of the Board, \$1,500 a year. For the School Committee: the Chair would receive \$1,800 per year, and members of the School Committee would receive, \$1,500 a year. It's been moved and seconded. Is there any discussion? Any questions? Finance Committee report. Do you have one on that?

FORTIER: Paul Fortier, Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor. Thank you. Those opposed. The ayes have it. The motion carries. Article 4. Before we start this we will have a comment from the Finance Committee. The Chair of the Finance Committee is Joann Marden. And I'd like to just give a brief little statement. The Finance Committee's sole purpose is to advise the Town Meeting. That is why the Moderator appoints the Finance Committee. Their job is to review all the financial issues going on in Town and make a recommendation to this body as to what they have found, what they have seen, what they would recommend. So, Mrs. Marden will give us a update and from there we will go on to the Selectmen's input. Thank you.

MARDEN: Thank you. You know state and local governments all over the country are struggling to balance budgets and preserve critical public services. Knowing that this is happening everywhere is little consolation when we have to make hard decisions here in Andover, based on the stark realities of today's economy. I'm sure that everyone here this evening has been affected by the recession. If you still have a job, you have a relative, neighbor, or friend who doesn't. And a pay cut is far more likely than a raise. Many of you have lost money on investments you were counting on for your retirement. The value of your home is declined and local businesses are hurting. We understand. We understand that it will be difficult for many of you to

vote to approve a budget this evening that relies on the full property tax increase allowed under proposition 2 ½ knowing that it means your tax bill will rise. But we also know that Andover citizens rely on their local government for the basic public services that are so important to all of us. Now in spite of the \$3.4 million increase in property tax revenues, the total proposed budget for Fiscal Year 2010 of nearly \$139,000,000 is only \$17,000 more than the budget approved by you last year. When your income is no longer increasing every year, and your fixed costs keep going up, you simply have to cut expenses. You may not want to, but you know you have to. This year it was obvious from the very beginning of the budget process that even the most optimistic revenue projections would not support current staffing levels. If you attended Town Meeting last year or the year before, you heard the Finance Committee question whether we could sustain level services without overriding proposition 2 ½. Well this year's budget process began with a clear understanding that we cannot fund level services. The best we might be able to do is level funding. For Town Departments it means having the same total dollars to spend as was approved by Town Meeting last year, \$31.5 million as shown on page 28 of the Finance Committee Report. If there are any increases they are based on the additional income from user fees. Now for the School Department it appeared back in January the total spending for the current fiscal year, could possibly be as much as \$1 million more than was originally appropriated for 2009. That was based on an agreement that the deficit in out-of-district special education costs would be covered. So we started the process with a goal, the goal of level funding for Town Departments and \$1 million increase for the School Departments. We could not and did not promise to support a school budget of \$60.4 million. Reaching that level of spending would depend on having the revenues. When the Town Manager released his budget recommendations the first week in February, there was only \$500,000 available to fund operating budget increases and he recommend that that entire \$500,000 be used for the schools, bringing the school budget to the \$59.9 million recommended by the Finance Committee tonight. This budget message dated February 6th further stated that finding a source for the additional \$500,000 requested would be a priority in the budget process. To make a long story short, we still have not found that additional \$500,000. The fact that the Sped budget is now significantly less than the \$1 million originally forecast is kind of irrelevant, because

we only have the income for the first \$500,000 in additional expenses. Now in late April, before the Finance Committee Report went to the printer, both the Board of Selectmen and Finance Committee voted to recommend approval of the Town Manager's budget, including the recommendation for \$59.9 million for the School Department. Our recommendations were based on available revenues. So, if we can spend the same amount on operating budgets in 2010 as we've been spending this year, why all the talk of layoffs and cuts, and drastic things happening to services? The simple reason is that labor contracts negotiated in better time, provide pay increases in Fiscal Year 2010 for all Town and School employees. When budgets were increasing every year people came to expect that revenues could only go up. That's like your home value could only go up. Contracts negotiated with all the Town and School bargaining units were based on the expectation of continued prosperity. The problem is that the signed contracts require a 5% increase in the personal services budgets for 2010. Um, just to keep the same employees that we have in 2009. A 0% increase is available for spending. It's just basic arithmetic. If union contracts require a 5% increase and 0 is available, then for every 20 employees one must be let go so the remaining 19 can have the raises. To give you an idea of the scale of the numbers that I am talking about, the school budget would need a \$2.3 million increase over the 2009 appropriation just to fund the contracts and keep all current employees. Each 1% is almost 470,000. The problem is we just can't afford it. We don't have the revenues. So the Town Manager and the Superintendent have taken similar approaches to budgeting for their Fiscal 2010 budget: preserving services and minimizing lay offs. First, the first goal is to find efficiencies, so that services can be delivered at a lower cost. Second, negotiating with the employees to renegotiate contracts. And they have had some limited success with this. Third, shifting the responsibility for funding specific services that can be funded with user fees to new or increased user fees. And only as a last resort, reduce or eliminate services. Examples can be found throughout Town and School departmental budgets, and I'm going to leave it to the Town Manager and Superintendent of Schools to explain their decisions and tell you about their successes in lowering operating costs. The world has changed and the Town of Andover must change the way it does business. In fact, Town and School officials could not afford to wait to the beginning of the next fiscal year to take action, revenue

shortfalls, um, and operating deficits in the current fiscal year required immediate response. Back last fall it was evident that the 2009 budget adopted by last year's Town Meeting was in trouble. State revenues were running significantly below budget and Massachusetts cities and towns were notified that they were going to have their state aid cut in the middle of the year. Deficits were projected for the employee health insurance and out-of-district special education budgets. Town and School officials realized that spending would have to be curtailed immediately. Not with next year's budget but right then to keep that budget in balance. Savings realized from energy conservation—a big success story that I hope other people will talk about this evening—reduced solid waste tonnage and reduced debt service costs would provide some of the funding necessary to fund some of the deficits. Knowing that even the most optimistic revenue projections would not provide the funding for current staffing levels, the Town Manager chose not to fill any vacancies unless absolutely necessary, both to keep the 2009 budget, um, 2009 spending in line with revenues, and also to reduce the number of layoffs that would be needed in 2010. Town and School hold backs in departmental budgets and the CIP were put into place. This was all in the fall. And then it snowed...and then it snowed some more. And the first round of holdbacks proved to be inadequate and as if that wasn't bad enough, local revenues were coming in even lower than projected. The first step in getting your self out of a hole is to stop digging. So the Town Manager and the Superintendent had to go back to their Department Heads and told them they were just going to have to stop spending. You know in most years, we would be able to provide supplemental funding from free cash to cover unforeseen expenses. This year however, concern about a potential local revenue deficit, Moody's warnings about low reserve levels and increasing evidence that 2010 was going to be even worse, prompted the Board of Selectmen to set a target level for free cash. Now the only article recommended to be funding from free cash this evening, is Article 7, the supplemental appropriation for the School Department to cover the Sped deficit. This fulfills the commitment we made last year: No free cash for the Fiscal 2010 operating budget. This meant a \$448,000 reduction in funding for the CIP. Projects will simply be deferred. No free cash for warrant articles means that the health insurance and snow and ice deficits would have to be absorbed by reducing other Fiscal 2009 appropriations. That will be handled in Article 6. Also the Town Manager had to

incorporate funding for the accumulated benefits in his departmental operating budgets. The separate warrant article for that purpose usually funded with free cash will be withdrawn. The Finance Committee recommendations on the budgets and warrant articles for this year's Town Meeting are based on certain assumptions but many of the numbers are expected to change. We all agreed early on that we weren't going to adjust the budget each time we got new information from the State. The numbers seemed to change daily, sometimes it seemed even more than once in a day. And having anything definitive until July is kind of unrealistic. It is very likely that the budgets that we adopt this evening will have to be modified at a Special Town Meeting before the tax rate can be set. But we can't wait till fall to pass a budget. The fiscal year begins July 1st. Operations have to continue, the Schools must open in September. If we've learned anything from our experiences this year, it's the importance of being able to adjust quickly to changing circumstances. Tough decisions had to be made in a timely manner, and Andover's success in dealing with the financial changes the past several months is the result of excellent cooperation and collaboration among Town and School officials. As we go into the next fiscal year, the Board of Selectmen, the School Committee and the Finance Committee will continue to work together with Town and School administrators to plan for the needs of all of our citizens. We will always agree, but debate is good for the community. The Finance Committee recommends approval of Article 4 as summarized on page 28 and 29 in our Report. I know that the Town Manger and Superintendent of schools will be speaking to the details. All Town and School Departments are well represented here this evening. They are prepared to answer your questions and respond to your concerns. In the end it's your money. None of it can be spend without your approval. The Finance Committee recommends approval of Article 4 as presented. Thank you.

MODERATOR: Thank you, Mrs. Marden. Mr. Stapzcynski.

STAPZCYNSKI: Madam Moderator, thank you for the opportunity to address Town Meeting and to follow Joann Marden and her comments. Last year at the annual Town Meeting when we ended, if you took a look at the Finance Committee book you'll see that they warned us about the direction our budgets were going if we continued that same rate of spending. They told us quite bluntly that we could not

sustain at that same rate of growth our...if we did our budgets would have structural deficits. So with this warning in place over the course of the summer and the fall, the Chairman of the Board of Selectmen and the Finance Committee and the School Committee, Claudia Bach and I met numerous times to work out a plan for our Fiscal 10 budget. And the plan that you see on the screen will show you that we have several key words. And the key words are "balance" and "within available resources." We knew we couldn't come to this Town Meeting with a budget that was not balanced and within the available resources that we have. So with that in mind the narrative that you see on the board there is what was presented to the Selectmen, the Finance Committee and the School Committee at a tri-board meeting on December 1. And we knew that we had to live by this credo when the budget came out in February. Now in February the Town Manager's recommended Town Budget is due to the Selectmen and the Finance Committee. It has to be balanced. The Town Charter says that I have to produce a budget where the expenditures and the revenues are balanced. And in the next slide I will show you that we did that with the Town and School budget, taking into consideration that there was a projected deficit in Sped for Fiscal 09, that's why the additional \$500,000 was added, initially because that's what we knew we had in available funds. The second \$500,000 was listed in my budget if we could find the available, additional available funds. But when I presented my budget in February it was very clear that the recommendation for the Town was level funded; for the Schools was level funded plus \$500,000 and if we could find an additional \$500,000 through new revenues through federal stim program or some other source we certainly would look for that. However, from that date until now, the news that we've received on our local aid has not been good. The next slide will show what the local aid was based on, we based our local aid projections on the Governor's estimate that came out at the end of January and the House that came out about six weeks ago was a little worse than the Governor and then the bottom fell out when we saw the Senate's numbers. Now what's unclear is what will happen in Conference Committee. And as you know the House and the Senate will now go into a Conference Committee to come up with a compromise in terms of the whole state budget and the local aid that municipalities will be receiving. So at this moment we don't know the exact amount of our local aid and we may not know until July probably the 15th at the earliest and in some years it

hasn't been until September or October when we finally received our local aid. So as you may have heard and I think as Joann mentioned I will say that the likelihood of a Special Town Meeting in late September or October is very real for us, so that we can amend and adjust and nip and tuck the budget as needed. But looking at the Town budget of \$31.5 I want to talk about that for a few minutes. In order to balance the budget I had to reduce out of personal services \$874,000. And I am proposing to do that on what I call the three-legged stool—the three legs to this proposal to reduce this budget. The first leg is the 1% give back from employee unions. I think that a lot of you people know that, it's been in the paper and over half of our employees have agreed to it. I've met with all the unions and I will be having further discussion with them after the Town Meeting on receiving that 1% give back. We have 8.4 FTEs that are currently unfilled. These positions will be eliminated. We have a slide that will show that in a moment. And the third piece to this is the \$219,000 from other reductions, be they retirements that we know are coming but haven't occurred yet, overtime reductions, reductions in hours, or ultimately could be layoffs. But if you take the \$870,000 and \$50,000 an employee it works out to about 17.5 FTEs. Now just a little history. Joann Marden referred to the fact that we haven't hired, and we haven't hired since Fiscal 92 to today, we have eliminated 12.6 positions. Now of those 12.6 positions 2.6 have been added back because we've either been given a grant or they've come with money from the revolving fund. So we are down a net 10 positions from where we were in 2000—excuse me, in Fiscal 2002. Now if you just show the slide that shows the 12.6 positions and you will see that of those 12.6 positions it covers almost every single Department in the Town has been effected over these 8 years. And in many respects were are prepared for this particular recession because we have held back and not expanded at all. In fact there have been reductions which I will be talking about and which you can read about in the Finance Committee Report. (*gap in tape*)...operating budget. Over the years we have basically level funded our operating expenses and have only provided contractual increases in operating budgets. Now the Town Department Heads have been able to provide services to the community with the less money and less resources and less employees by carefully and creatively finding ways to manage their budget so that we can provide the vital services for you. And, a few examples are in technology. Greater use of the Town's web site. We have

the ability now of course that folks can download forms. We have credit card payments for real estate taxes and DCS and AYS programs and we have more scheduled on the way. Utilities we have had some wonderful successes in utilities, you saw a program that was shown as you came into the meeting, the Northeast Energy Efficiency Project will be awarding the Town of Andover the municipal leader for energy efficiency award tomorrow night at a program. We've had \$700,000 for both Town and School Departments in reductions in gas, electricity, number 2 fuel oil and all other petroleum products by greater efficiencies in our program. And we've also done that through rebates from the utilities. We received over \$500,000 in rebates from the gas company and from the electric company. In terms of collective bargaining, we've been successful in this last round of bargaining in getting concessions from our unions, certain reductions. We've changed our health insurance for municipal employees, we've changed the plan design and have been able to receive, to ... excuse me, we've been able to reduce our rate of increase in our health insurance costs by the changes we've been able to garner through there. There's some other things in the budget you'll be hearing about as we move through the budget. For instance, in DPW we are doing less street sweeping now than we were doing a year ago and we will be doing more, excuse me, we'll be doing less of that in Fiscal 10. In street lighting we're looking to eliminate about a third of our street lights. In terms of solid waste, we've been able to renegotiate our solid waste contract for next year with Wheelabrator and have a reduction of \$80,000 in next year's budget. We're also looking to go with a three bag, three barrel or 100 gallon limit in mandatory recycling for our curb side solid waste and recycling pick up. By doing this we estimate we can save a hundred—excuse me, \$70-\$100 thousand on an annual basis. And last but not least in Memorial Hall Library we are reducing our hours there by four hours a week, so Thursday evenings will be reduced. Madam Moderator, am I....

MODERATOR: very close.

STAPZCYNISKI: All right. So, with that, I will be happy to answer specific questions when we get into the budget and specific line items. Thank you.

MODERATOR: Thank you, sir. Okay, let's move in then to the Budget. We'll be doing this as it is stated in your

Finance Report. We will do each line item as grouped. Let's start out with line item 1 and 2. Mr. Major.

MAJOR: Thank you Madam Moderator. I move line items 1 and 2 Public Safety in the following amounts: Personal Services, \$12,938,024; two, Other Services, \$1,273,112 for a total appropriation of \$14,211,136 including \$276,163 in parking receipts, \$75,000 in detail fees, and \$1,035,000 in ambulance collections.

MODERATOR: Just one moment please. The motion has been moved and seconded in the amount of...line items 1 and 2 in the amount of \$14,211,163[sic]. Selectmen have any comments on that.

MAJOR: The Selectmen recommend approval.

MODERATOR: Okay. One second please sir. The Finance Committee.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Yes, sir.

POKRESS: Madam Moderator, before we vote on this particular line item...Joann Marden said it best, in her introduction to this article—by the way, my name is Bob Pokress, 3 Cherrywood Circle—

MODERATOR: Thank you, I was going to ask you...if you could please be sure to identify yourself and where you live. Thank you.

POKRESS: Joann Marden said it very well during her introduction to the article, that given the huge uncertainty that exists regarding Town revenues as reflected in the fact that...and just about everyone that's come to the podium has said over the past 10 or 15 minutes, that it's almost certain that we'll have a special town meeting in the fall to reassess the Town's budget. It would be imprudent if not irresponsible to approve an even bigger budget overall for FY2010 than we approved for Fiscal Year 2009. Based on all of the uncertainty that we've heard over weeks and reiterated here regarding revenues for 2010, the fact that with a special town meeting we may be dealing with even more draconian changes to the budget than we'll be discussing this evening, and

the fact that the Town can't afford any more than we're able to afford right now, 'cause everyone is sensed-in a sense tapped out, I would like to move that we amend this Article to adjust each budget item within Article 4 on a pro rata basis so that the total FY2010 budget---

MODERATOR: Excuse me. Excuse me. The amendment on its face I would not allow. If you want to amend each line item that we are voting on specifically we'll entertain that. But we'll not take a blanket amendment on the entire budget. Because that's not how we pass the entire budget.

POKRESS: Then based on the mechanics, I would like to move with...no bias towards any single amendment, and with the understanding that this be brought up on a per line item basis, that we adjust this line item down on a pro rata... on a pro rata basis based on the overall allocation among the line items so that it when added up with all the others will result in a sum that is no greater than the FY2009 budget.

MODERATOR: If you're going to amend this budget that is pro-before us here, I will only accept a specific number that you would like us to use, so that the voters know the exact number they are voting on. So if you want to amend the \$14,211,136, if you would like to amend that number certainly you're free to do so. But I need to know the number you are amending it to.

POKRESS: I don't have my calculator here, may I propose that we amend it by the prop 2 ½ amount that has been increased to the overall budget, reduce it down to that amount with the understanding that that will be applied to each subsequent item.

MODERATOR: Uh, I have to have a number, Mr. Pokress, to amend this to.

POKRESS: I would like to propose that we amend this line item so that the amount for FY2010 is \$13,365-365 and 8-I'm sorry, let me start all over again--\$13,365,837, which was the amount which was approved for FY2009.

MODERATOR: Okay, can you give me that in writing in triplicate. There's forms over here. So that we can put it up on the screen and folks can look at it.

MARDEN: Madam Moderator?

MODERATOR: Just a moment—yes.

MARDEN: I think there may be a misunderstanding...by Mr. Pokress, in proposing that amendment. I think it's important for you all to know that the Town department numbers that are shown under town meeting approved for personal services for fiscal 2009 do not include the monies originally budgeted in the compensation fund. What happens is, before contracts are settled, money's appropriated to a compensation fund. And after they're settled it's distributed to the Town Departments, so that the number shown in your book is in reality higher this year, because that money from the \$900 some thousand down further has been redistributed to the Town Departments. So I don't know if Mr. Torrasi wants to add anything to that—

MODERATOR: Well before we discuss the amendment I would like to have the amendment up, hold on one second, uh, Chief if you will. I would like to know what it is we're talking about before it's up. So Mr. Pokress if you could get that amendment to us please—okay, thank you.

[inaudible voices from the floor]

MODERATOR: You need to come to, Bob you need to—um, I'm sorry I don't mean to be so informal, but you need to come to a mic so that everyone can hear what you're saying.

POKRESS: It's very difficult to know what that number should be if the intent is to adjust---

MODERATOR: You need to speak into the mic.

POKRESS: I'm sorry. Madam Moderator it's very difficult to come up with a single number given what I'm hearing about all the moving pieces to the budget. When the intent is to cap the 2010 budget at the 2009 level. Have the 2010 budget be allocated pro rata the way proposed 2010 budget is laid out. It's not the intent of this amendment to penalize any particular article more heavily than any other. It is the intent to just cap the budget at the 2009 level, until we have far more visibility in the revenues we will see as a Town sometime later this summer or in the fall. I don't know what the right number should be for each line item. There must be a mechanism we can employ here

at Town Meeting so that we as the voters can express an intent if people agree with the intent of what's being proposed here to cap the 2010 budget right now at the 2009 level, wait until this group has far more visibility into our revenues later on this summer, and then we can revisit if the gods should shine upon us and have more money than we thought we were gonna have right now to make a adjustment in the fall. But I'm being asked to give you a specific number, that I can't other than to say what is the total, what was the 2009 level, what's...let's not go above 2009 and apply that pro rata the way you've done the 2010 budget. This group sitting right here is a much better position to answer the question you've asked me. I can't answer the question.

MODERATOR: I understand your intent but what we're doing tonight is voting a budget which has specific numbers and that if you are going to amend this budget that is before this Meeting I need to have specific numbers as to what you are amending it to.

MARDEN: I'm not sure I understand your intent. But I will point out that the total on the bottom of page 28 for Town Departmental budgets, the 2010 number, matches the 2009 number. The total for the Town Departmental budget is the same as we appropriated last year for 2009.

[applause]

POKRESS: Some how or other I'm getting word from other folks that the total amount we're looking at spending is somewhere close to \$3 million more than in 2009. And again the intent here is just to say, let's limit the total amount we spend for the 2010 budget until we have more visibility into what are revenues are in the fall.

MODERATOR: Okay, I think I've asked that, and there are other people clearly who would like to speak. If you have an amendment with a number on line item 1 and 2 I will accept it, we will vote on the amendment, if the amendment passes, we will discuss the amendment once it's put and we can put it out to the folks to read it. Do we have this to give you on the screen?

I move to amend article 4 the Public Safety to reduce the proposed dollar number allocated from \$14,211,136...could someone give this to Steve to get up on the screen for

me...why don't you let me read yours...scan that...to the number approved for Public Safety by Town Meeting for the year 2009. I think going forward, if you notice we are voting on two numbers, we're voting on Personal Services and Other Expenses. Going forward if you're going to be amending the numbers that we are voting on you need to amend each of those. Mr. Pokress how are we breaking up this \$13,365,873?

POKRESS: [inaudible from the floor]

MODERATOR: Okay...the motion is being withdrawn. Thank you. Okay. Any discussion on the motion lines 1 and 2. If you have a point of order feel free to use the middle mic only for a point of order. If you have a pro or a con, or you want to speak to the article you must speak from either the pro or con mic, not from the center aisle unless you have a point of order. Sir, go ahead.

UNKNOWN SPEAKER:...16 Seten Circle.

MODERATOR: It's a point of order? Is it a point of order? Okay. Excuse me sir. Is it a point of order? Go ahead.

CARBONE: Yes. Good evening. My name is Mary Carbone and I live at 2 Cyr Circle in Andover. I would like to commend Mr. Pokress as a resident of the community for enlightening the residents-

MODERATOR: What's your point of order?

CARBONE: The point of order is to recognize a resident of this community based on his thoughts and ability to make this a better community to live in and thank you.

[applause]

MODERATOR: Thank you, Mary. Dr. Samuels do you have a point of order?

SAMUELS: Yeah, David Samuels, Ridgehill Way. That was actually a personal privilege not a point of order. A point of order is that Mr. Pokress wants to make, I think, an amendment to the entire Article 4 for level funding from 2009. I believe if he were to look at each individual, some go up and some go down, and I believe what he's looking to do to amend Article 4 to level funding to 2009.

And I think that is in order as opposed to going into each line item, because the Article is the entire budget. We're just debating each line item but he doesn't need to do that to make a, to make an amendment to Article 4.

MODERATOR: I don't think that's correct. Mr. Urbelis would you like to...[inaudible] I would respectfully disagree, sir. That the way we pass our budget, some towns pass the entire budget blanket, we don't do that. We do line item budgets. If someone is going to amend any of the line item budgets, I will insist that he amend each one as the vote goes. Thank you. Go ahead.

HUDGENS: My name is John Hudgens of 16 Seten Circle. I have two questions. What is Personal Services and Other Expenses? I'm not quite sure if that's...what that's money for. Then the second question is in regards to the budget as a whole...it sort of goes to the previous amendment...what happens if we all approve something that's more than what we can afford. I think he, he's, and I guess I just an answer to that question and if that's sufficient then maybe the line item works but it does seem a little bit tricky.

MODERATOR: Okay, so the two questions as I understand is it are what are the Personal Services and the second is what happens if we are approving a budget we can't afford?

HUDGENS: Yes.

MODERATOR: Okay, great.

STAPZCYNISKI: Yes, uh, the answer to your first question is that Personal Services typically in a budget represents employees, it represents the costs of salaries, wages, overtime that sort of thing. So for instance in the, ah, if you look in the details starting on page 30, you will have an explanation, very brief as it is, you'll have an explanation of Personal Services, how many employees. If you look at, look at my budget which is well over 150 pages, when it comes out in February, there is infinite detail about Personal Services section of all Departments and the Finance Committee, the Selectmen, the School Committee pour over that for the months of February, March and, in this case, April, May of this year. Uh, the Expenses are things like, pens, pencils-

MODERATOR: I think his question was what happens when we pass a budget we can't afford.

STAPZCYNISKI: Okay. If we pass a budget we can't afford, the, um...it's not unusual for a Town to finish a Town Meeting with a, a budget that is appropriating more money than we have estimated. And what happens is during the course of the summer we'll get our Cherry Sheets, that is State Aid, we'll know what our other revenue sources are, and typically we may be over \$50,000 a \$100,000 and we make that up in a matter of time with our revenues that come in from the state our other sources. The real key for everyone to know is that we cannot get a tax rate approved by the Department of Revenue unless we have a balanced budget. And we have been in a situation in previous years where we've had to have a special town meeting to reduce or amend the budget downward so that we could have a balanced budget to take to the Department of Revenue in late November, early December. So we could end with a few dollars over, but we better have that revenue coming in or the DOR will no approve our tax rate and we'll be back to a special town meeting making amendments downward.

MODERATOR: Does that answer your question sir?

HUDGENS: Thank you.

MODERATOR: Okay. Yes, sir.

GILA: My name is Jeffery Gila of 2 Stoneybrook Circle. I just had a question regarding the budget. Why do the Personal Expenses-

MODERATOR: If you could speak a little slower, we can hardly hear some of these mics. Go ahead.

GILA: Sure. Why does the amount for Personal Services vary so much from year to year?

MODERATOR: Why does the Personal Services vary so much from year to year? Okay. Can you answer this?

STAPZCYNISKI: All right. Well. In the...it depends on the Department. For example in Fiscal 09 you will see Personal Services lines 1, 3, 5, 7, 9, 11, if you notice that in your book, are all supplemented by the compensation fund...we, through the course of the year allocate that

\$968,000 into those different departments. All right. So when a contract is resolved, a contract is settled, a labor contract is settled, that \$968,000 is allocated back into the Department so that for instance, all of our contracts are settled, so Fiscal 10 there is no funds in line item 13 in the Compensation Fund because it's been allocated into lines 1, 3, 5, 7, 9, and 11.

GILA: And did Public Safety receive the bulk of that compensation for 2009?

STAPZCYNISKI: I'm sorry, I could not hear the question.

MODERATOR: I can't hear it either.

GILA: Did Public Safety receive the bulk of that compensation for 2009?

STAPZCYNISKI: No. Public Safety received a portion of it but so did the other Departments.

GILA: Let me restate my question, why does the Public Safety amount for Personal Services vary so much from year to year? In particular Public Safety it appears to be the one that's down, up, down and now back up again.

STAPZCYNISKI: Yeah, because we, in certain years we have retroactive payments depending on when a contract is settled. If we go two or three years without a settlement and then there is a contract settlement then there's a retroactive payment made for several years in arrears. And we did have that with one of the Public Safety unions in the past year or two.

GILA: Thank you.

MODERATOR: Is that good. Okay, yes sir. We've got a lot of feedback up here in the front.

KOWALSKI: Dan Kowalski, 21 Enfield Drive. General comment on Article 4. I think a couple of the other speakers are touching on it. When you add up line items 1-12 you see roughly \$1.1 million increase. But that is obviously offset by-

MODERATOR: Sir, you have to help us here. We cannot hear up here.

[inaudible from the floor]

MODERATOR: Please talk right into the microphone. Not spinning, just talking.

KOWALSKI: How's this?

MODERATOR: Perfect.

KOWALSKI: Okay, great. A question on the Article 4, general question. When I add up line items 1-12 it represents roughly \$1.1 million increase from FY 09. Now I understand that that's offset by FY 10 we don't have a Compensation Fund in there plus there's approximately \$200,000 in additional revenues budgeted in FY 10. I guess my question is, is that Compensation Fund that's in FY 09, is all of that allocated to FY 09? Because some of that is just making back payments to prior fiscal years. Can you then count all of \$968,000 for FY 09 and base your FY 10 budget off that number?

STAPZCYNSKI: If your answer is, is it allocated from Fiscal 9 into fiscal 10 then the answer is yes.

MODERATOR: I think his question is it all used at that time.

KOWALSKI: Correct.

STAPZCYNSKI: Yes it is.

KOWALSKI: So that 968 K in the Compensation Fund for FY 09 just pays increases for FY 09. It didn't pay increases for prior years.

STAPZCYNSKI: It may have paid increases for prior years depending on the contract. As I said to the Gentlemen previous, there could be retroactive payments depending on the contract and when it is settled.

KOWALSKI: So then it kind of appears that you're level funding FY 10 off of the Compensation Fund number of 968 even though that applies to prior years. So it might not be level funded based on FY 09. So a true level funded budget would have level funded based on the Compensation Fund appropriation for FY 09. Is that a correct...?

[applause]

STAPZCYNYSKI: I'd argue just the opposite. That the Compensation is an accumulation of monies that we've set aside for settlements. So the money that you see here for Fiscal 09 may have been carried forward from Fiscal 08, monies we knew we would have to settle for retroactive contract for Fiscal 08.

KOWALSKI: Right, okay. So it still appears as though that it was level funded based on FY 09 dollars spent plus dollars spent to settle contracts from prior years.

STAPZCYNYSKI: Yes, and we need that to bring the salaries up to today's standards, today's levels.

KOWALSKI: Thank you for your time.

MODERATOR: Okay any other questions? Item 1 and 2. You cannot vote if you are not seated. Like in church there are plenty of seats up front. And we don't take a collection tonight. If you could please sit quickly so we could get this vote going. Plenty of seats up here in the front. Middle's all filled. There you go. Item 1 and 2 of the budget in the amount of \$14,212,136, all those in--- sorry, ..211,136. All those in favor please raise one hand. Those opposed. The ayes have it. The motion carries. Items number 3 and 4, Mrs. Lyman.

LYMAN: I move article 3 Personal Services in the General Government and Community Development in the following amount, \$3,990,278. Other Expenses in the amount of \$1,426,688 for a total of \$5,416,966 including \$6,000 in wetland filing fees. The Selectmen recommend approval.

MODERATOR: Okay thank you. Ms. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any questions? Comments? All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Item number 5 and 6, Mr. Teichert.

TEICHERT: Madam Moderator, I move line items 5 and 6 Public Works in the following amounts. Personal Services,

\$1,609,754; Other Expenses, \$3,632,250; for a total of \$5,242,004. The Selectmen recommend approval.

MODERATOR: Item number 5 and 6 have been moved in the amount of \$5,242,004. Finance Committee please, Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any questions? Comments? All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Item number 7 and 8, Mr. Stabile.

STABILE: Madam Moderator, I move line items 7 and 8 Plant and Facilities in the following amounts: \$3,076,879 for line 7 Personal Services; \$1,350,307 for line 8 Other Expenses, for a total of \$4,427,186 including \$70,000 in rental receipts, \$10,000 from perpetual care income and \$57,000 from cemetery fees. The Board of Selectmen recommends approval.

MODERATOR: Items numbers 7 and 8 have been moved in the amount of \$4,427,186. Finance Committee report, Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Item number 9 and 10, Mrs. Lyman.

LYMAN: Madam Moderator, I move line items 9 and 10 Library in the following amounts: Personal Services \$2,052,480; Other Expenses \$564,900; for a total of \$2,617,389. The Board of Selectmen recommends approval.

MODERATOR: Items number 9 and 10 have been moved in the amount of \$2,617,389. Finance Committee report, Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor, please raise one hand. Those opposed. The ayes have it the motion carries. Thank you. Item number 11 and 12, Mr. Teichert.

TEICHERT: Madam Moderator, I move line items 11 and 12 Community, Youth, and Elder Services in the following amounts: Personal Services \$1,176,448; Other Expenses \$452,794; for a total of \$1,629,242, including \$544,127 which is \$13,760 and \$61,632 in receipts from programs, activities and \$66,544 in grants. The Board of Selectmen recommends approval.

MODERATOR: Item number 11 and 12 have been moved in the amount of \$1,629,242. Finance Committee report, Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Item number 13 and 14, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that lines 13 and 14 Unclassified Expenses in the following amounts: line 13 Compensation Fund \$0; line 14 Reserve Fund \$200,000, for a total of \$200,000. Board of Selectmen recommends approval.

MODERATOR: Item 13 and 14 has been moved in the amount of \$200,000. Finance Committee report, please.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any comments? All those in favor, please raise one hand. Those opposed. The ayes have it the motion carries. Mrs. Silberstein, would you like to give an overview of the school budget please.

SILBERSTEIN: [inaudible]

MODERATOR: Could we please have this mic on down here?

SILBERSTEIN: I move line items 15 and 16 in the following amounts; Personal Services \$47,484,553; Other Expenses \$12,948,605; for a total of \$60,433,158.

MODERATOR: Item number 15 and 16 have been moved in the amount of \$60,433,158.

SILBERSTEIN: We'd like to make our presentation at this time, Madam Moderator.

MODERATOR: Go right ahead. Go ahead.

SILBERSTEIN: Yep. With the global economic crisis looming, mid-year state aid reductions before us and increasing unemployment throughout the country, the School Department took immediate action, best described as bold, innovative cost reduction. The School Committee and the District Leadership Team recognized and implemented a business not as usual plan. Retooling, resetting, was and is the focus for our schools. As you can see from this slide, many of these savings, totaling almost \$2,000,000 are significant. Both the Town and schools have been recognized by the State for our energy conservation. Our in-district special education programs have saved over \$1,000,000 since the creation of the first one almost 5 years ago. And our recent collaboration with Greater Lawrence Technical High School sharing food services management is another example of this successful effort. Other initiatives are also underway with other school districts and the Town. The budget we are proposing, for your approval, is for \$60.4 million. We arrived at that number as a result of teamwork and collaboration with our leadership team and the School Department and the Board of Selectmen and the Finance Committee. There was agreement among the three board chairs, the Town Manager, and the Superintendent, and a parent consensus from the tri-board that the school budget would be built using this number of \$60.4. This figure represents level funding for fiscal year 09 the same as all Town departments, plus an accommodation for increases in out-of-district special education tuition costs. You can see from slide 2, that the \$60.4 million represents \$3.2 million of reduction from educational services currently being provided. This means a reduction of approximately, 40 full time positions. The impact will be felt in every schoolhouse. You can see from the slide, the implications at each level, elementary, middle school and high school. Ah, slide 3, Ray. We do know that there are many variables that may change. There are areas we expect additional income, federal stimulus money, out-of-district special-ah, out-of-district transportation contract currently under negotiation, and possible increases in retirements, although our projections are lagging the assumptions that this budget is currently built on, we do expect that the net impact of all the

changes to be negative. And that further reductions in the fall are likely to be expected as the State numbers are finalized and local revenue projections are further refined. Thank you. The following slide, what I tried to do is to show you an example of why we expect the net impact of the changes to be further reductions. Many of you have heard a lot about the federal stimulus moneys. In the aggregate we're expecting approximately \$1.2 million. We don't when we will receive the money, but we do know we will receive it, but we will receive it in stages. Some may come in September, and some may come in March. \$472,000 of that money is restricted by law to be used only for strategic investment. And the rules are very strict about that. The balance, leaving us approximately, \$728,000, will likely be offset by other reductions currently proposed in the State, State circuit breaker funding, which provides relief for out-of-district special education, and what local officials are proposing we close the \$500,000 gap with. The net reduction wipes out the entire stimulus funds that we will receive and plus could mean cuts of \$800,000 or more beyond the budget that we're currently proposing that you recommend at this time. And we'd like to close on a high note, because we are very proud of the effective use of the dollars that Town Meeting has generously provides—provided us with in the past and which has resulted in the high performance of our students and the Superintendent would like to speak a few words about the achievements and performance of our kids.

BACH: Thank you. You can see as these scroll down, that we have had an enormous number of achievements over the years and even this year alone. Um, this year as always, 96% of our students go on to higher education. 100% of our students passed the MCAS this year, 100% have always passed the MCAS. And I'm not sure if many other communities can make that claim. We've had high performance on all of our standardized tests. Just last week a Chorus Line was nominated for 8 North Shore Music Theater Awards. We've continually had athletic excellence in 19...in 2006, in 2007 we made the Globe awards, the Dalton award and we always come in first or second. We came in second this year by a fraction of a point. Boston Magazine has cited our High School for a number of years and a couple of years ago it said we are the prep school; we have all the prep school perks at public school prices. And we were among the first at the high school to incorporate the Japanese language study an approach that has teachers continually evaluating

one another's lessons. And, finally, one of three of our, well we were one of three high schools that were honored, that were honored by the DOE in 2005 for exemplary achievement and we also achieved the, an award from Mass Insight, the Compass award, for the same, during the same year. And finally, we have just last Saturday, we have four students, three students who achieved an extraordinary award they placed first in the global competition of destination imagination and...and high school students and...they want to come forward and show us their award.

[applause]

Hold it up high, hold it up high.

MODERATOR: Congratulations to the stud-

BACH: And, and if you, this is a competition where the students focus on problem solving, creative thinking and team work which is what I think the 21st century skills are all about and the epitomize that.

MODERATOR: Thank you. Congratulations, students.
[applause] Are you all set. Mr. Major.

MAJOR: I wish to make an amendment.

MODERATOR: Do we have it?

MAJOR: I move that the Town Meeting vote to amend line items 15 and 16 for a total appropriation of \$59,933,157 representing a reduction of \$500,000 from the School Committee recommendation.

MODERATOR: Do we have that amendment for ...thank you. How do we want to break that budget down, Mr. Major. Do we know? They don't have to? Hold on one second.

MAJOR: How to break that down?

MODERATOR: Due to the, due to the autonomy of the School Committee, of the School department a line item budget can be one set number. So let me put this amendment, I move that the Town Meeting vote to amend line items 15 and 16 for a total appropriation of \$59,933,157 representing a reduction of \$500,000 from the School Committee recommendation. That will come up on the screen in one

moment. What we will do now is speak to the amendment and then we will speak to the budget, so let me get the Selectmen's report on that, the Finance Committee report, I will certainly give the School Committee an opportunity to speak and then we will hear from the audience. Yes, ma'am, have a point of order?

UNIDENTIFIED SPEAKER: Ms. Moderator. I would like an explanation for all of us who are being asked to vote on what is currently not a balanced budget. I would like to ask, with respect, the Finance Committee to please to explain to us what this means if we make our vote on an unbalanced budget. I just, I don't understand what we are being asked...

MODERATOR: Good question. Would you like to speak to that Mrs. Marden? I think...We will speak to the point of order that was just asked, then we will go back to a discussion on the amendment, okay? Go ahead.

MARDEN: The Town Manager explained earlier what happens if we leave Town Meeting with an unbalanced budget. The question becomes particularly tricky this year because we know that there will be changes in the numbers that we're using to create the budget. Now, we could leave Town Meeting with a budget more than currently forecast revenues. We could end up with local option taxes that we could bring to a special town meeting to close that gap. We could end up having to further decrease the budgets if the state aid numbers that we have now hold. We don't know. Usually the Finance Committee would be saying to you, okay if you want to do this, you have to take another action so you leave with a balanced budget...[gap in tape]...year. It's unprecedented in the lack of information, even delaying Town Meeting a month made no difference in what we really understand about the budget. So, I don't know if that answers your question. But if we do, in the end, in the fall, have an unbalanced budget, we would have to come back to Town Meeting and do something about it.

MODERATOR: Does that answer your question of your point of order? I don't know where...the woman who asked the question went. That answers your question. Another point of order, sir?

FRIEDENSON: Yes. I'm Bob Friedenson, 109 Bellevue Road.

MODERATOR: Thank you, sir.

FRIEDENSON: If we vote for this amendment, would we have the opportunity if funds were available to increase the budgets for the schools in a special town meeting?

MAJOR: Yes.

FRIENDENON: Thank you.

MODERATOR: Okay, any other points of order? Thank you, sir. On a con. Go ahead. Mr. James.

JAMES: Good evening, my name is Tony James, 15 Wethersfield Drive.

MODERATOR: Hold on, one second. Mary do you have a point of order?

CARBONE: Yes, I have a point of order. Based on the Town Manager's budget of \$59,933.157, could the Town Manger please tell us what the increase in taxes will be to the residents of this community. Thank you.

MODERATOR: Perhaps we should get an explanation, if you wouldn't mind, from the Selectmen, as to why they are proposing that number? Would that be alright? But then I'll make sure that that answer gets—it may happen in the course of this discussion, Mary. If it doesn't, let me know.

MAJOR: Thank you. Steve, if you could put the slide up, please. I have one slide for you. There are five numbers that you need to understand to be able to make an informed decision on this amendment. The first number \$59,400,000 is the budgeted amount for the school department for this current fiscal year that we're in. The second number \$60,400,000 is the amount that's being requested by the school department or a \$1,000,000 increase beyond this current fiscal year. The third number, \$59,900,000 is the motion for the amendment that I just made and represents a \$500,000 increase above the school department's current fiscal year budget. But it also represents a balanced budget for the Town of Andover. Again this is at \$59.9, this represents the amount of money that balances with the expected revenue that we have for the Town. At the \$60.4 million level we're spending half a million dollars more

than we expect to bring in. And as has been stated over and over again tonight, with the economy the way that it is, revenues are down everywhere, whether you're talking the public or private sector. The fourth number up there represents a Massachusetts state grant that the school department, through their due diligence, they did a phenomenal job being able to get this grant, and it was actually awarded to us a couple of weeks ago, but it's specifically to help fund this year's current over expenditure in our special education out-of-district account. So you'll learn more about that particular number when we get to Article 7. That number, the fourth number, has nothing to do with the warrant article before you or the school budget proposal for next year. The last number represents the federal stimulus allocation, and actually the number should be \$944,000. That's a number, the amount, that does not need to be allocated at Town Meeting. When we appropriate the \$59.9 million to the schools tonight, that amount of money will be available to the school for spending from the federal stimulus package. The current rules have not been laid out yet. And so it's still in question as to how and to what you can spend the money for, but it is the sole intent of the Board of Selectmen and the Finance Committee that 100% of the federal stimulus money that comes to this Town will go directly to the schools for their operating budget. So with that the Board of Selectmen recommends approval of this amendment.

MODERATOR: Thank you. Finance Committee report on the amendment only, please. Mr. Stumpf.

STUMPF: Madam Moderator, John Stumpf with the Finance Committee. Madam Moderator, the Finance Committee recommends approval for the school department in the amount of \$59,933,157. And we put forth this recommendation for the following four reasons. First and foremost it's a dollar amount that is based upon anticipated Town revenues without tapping into reserves. It is critically important, especially in these uncertain economic times for the Town to live within its means. Secondly, while a recommended amount for the school department may result in staff reductions it is a necessary step to reinforce the local, state, and global reality of doing more with less. While the vote of Town Meeting establishes the total appropriation for the support of the schools, it may not limit the authority of the School Committee to determine

expenditures within the total appropriation. The third, while the details are still being developed the school department will receive additional federal stimulus money that does not need appropriations at Town Meeting. And fourth, lastly, we'd like to recognize the teamwork shown between the chairs of the School Committee, Board of Selectmen, and Finance Committee along with the Town Manger and school Superintendent. With salary and benefits making up 79% of the school department budget, we call upon the school union leadership to join in this team work to help continue an exceptional educational experience for our children. With that, Madam Moderator, the Finance Committee recommends approval for the school department in the amount of \$59,933,157.

MODERATOR: Thank you. Mary, did that, did any of that answer your question? Why don't you go to the mic back again. And then we'll hear from the school department on the amended number, and then I will be happy to get to those of you who are patiently waiting.

CARBONE: Ah, yes, my initial question was for the Town Manager to relate to the increase in tax dollars to the residents of this community based on his portion of the school budget. Before we get into the school's portion of the budget.

MODERATOR: One moment please.

CARBONE: Thank you.

MODERATOR: Thank you.

STAPZCYNski: Thank you. What Mr. Major informed me is that if this whole budget is passed will represent a 1.84 percent increase.

MAJOR: Correct.

STAPZCYNski: In our total appropriation. Now, to get what that piece is to the average residential tax payer, for the whole town, now I can't split it without doing a piece of work between the Town and the school but for all of us the residential tax bill the impact is shown on page 12 and it would be 3.7%. However, an explanation of that is found on page 2. So between the bottom of page 2 and the chart on

page 12 I think Mary you can find the answer to your question.

CARBONE: Right. Excuse me, Mr. Town Manager, I already knew but I want the Town the residents of this community to be informed what they're going to be facing in their tax bill. Additionally, I'm going to put a comparison out there, 3.7% tax increase and a 3.6% increase in the contracts, based on the cost of living expense. So no resident of this community has received a cost of living expense. So I'd like the residents of this community to think about it. Thank you.

MODERATOR: Thank you, Mary. Do we have a comment please from the...um...Dr. Bach are you going to give a comment on the amended figure.

BACH: Yes, yes. Thank you very much Moderator. Yes, I'd like to begin by having us look back again, as the Chair mentioned just a few minutes ago, what in fact the \$64.4 already represents for us and you can see on this chart. And we have done due diligence, we took the economic situation to heart, we know these are serious times, we know we have to reset and redesign what we do. These positions that you see up here and these other expenses and revenue generating ideas are what we believe are for the most part permanent. We don't see good times coming in another two or three years. In the past I've said lets see what we can do to buy back positions. We believe that likely, this is going to be our permanent future. So, if you go to the next slide. So we believe we did do that and...yes. The implications, that, right. What does \$500,000 more do? In addition to what you just saw, this, and we went back to the administrative team to look at this very carefully because we always do things collectively and collaboratively and we went through the budget once again. We looked at every possible area we hadn't seen before and in all honesty we said based on really an ethic that we proceeded with, which was, if we made cuts across the board to every single one of our programs none of our programs was going to be very good anymore, much less really outstanding, which is what this district is known for. And so we believe that the place we would have to go to get \$500,000 more is to go to class size. Is to raise class size rather than take away programs. What it means to get \$500,000 would be a reduction of 12 classroom teachers. That means the class sizes will increase. That there will

be further reductions just because of the size and in programs and services when you reduce the class sizes you are also eliminating more specialist time, music, PE and so forth. We believe however all of the things would be up for grabs again, obviously the School Committee would need to weigh in and we might also recommend we could gain a little bit maybe keep one of those 12 teachers by raising fees. And obviously everything would be on the table all over again. But the administrators would strongly urge the School Committee to find that money by increasing class size. What does that look like? If you'd go to the next slide, you can't, this slide doesn't read very well, but this is our current, the places that you see in light blue, those would be the classes and we would be taking classes up to beyond the midpoint of the class size policy, 27, 28, and 29 in about 11 of our classes to do that. So this is what that would look like. I know another one of my colleagues wants to speak to this. A comment was made about the stimulus money. I want to point out that if you, we can go back and look at those slides again, the stimulus money that the Chair reviewed, 100% coming to us, if in fact we had substantial amount of stimulus money I think that might change all of our minds, but as you can see we do not expect much to come our way, as the Chair outlined. I'm now gonna turn this over to Annie Gilbert to say a few words about one more point we wanted to make.

MODERATOR: Go ahead. Remember the longer we all talk the harder it is to get a vote. Go ahead.

GILBERT: Thanks. It's my honeymoon Town Meeting also so. My name's Annie Gilbert, I'm speaking on behalf of the School Committee I'd like to ask for your support of \$60.4 million for the schools. Everyone sitting at this table all acknowledges that given these uncertain times, many pieces of our revenue picture will change and we will be coming back for another Town Meeting in the fall. We'd like you to know that we can leave Town Meeting tonight with an unbalanced budget, as long as we do balance it before the tax rate is set in November. The larger point I'd like to make is as follows, to reduce the school allocation to \$59.9 million now, would do two things. First, it would fail to accommodate the current deficit in the out-of-district special education budget that has been acknowledged by all three boards. It would therefore create a structural deficit coming out of the gate next year in our budget. Second, it was necessitate further

reductions to our school staffing. Reductions which you've just seen illustrated by the Superintendent, that will significantly impact our ability to set in motion plans to lead necessary change in our school system and to find the opportunities that are hidden in this fiscal crisis. The budget this School Committee has approved, and that we put before you tonight, represents a first step toward redesigning the way we provide education in the Town of Andover. In formulating a budget based on \$60.4 million we were not simply cutting programs, throwing up our arms, and hoping they would come back. Our goal instead at every turn has been to think differently to identify what is essential to acknowledge what is not and to deliver those things that are essential in a way that is sustainable. At the elementary, level for instance, this means that we will implement this fall and interdisciplinary and integrated approach to health and physical education. With a similar programming approach to be developed the following year for technology, media, and the arts. We know we can no longer afford to have stand alone specialist programs in these areas. And we are actively planning for that reality. This budget represents a first step towards changing how we do things.

MODERATOR: Can I just excuse you, I mean interrupt you for a moment? Are you speaking to the \$59.9 or the \$60.4?

GILBERT: I'm speaking to ask for support for \$60.

MODERATOR: Okay, we're discussing the \$59.9. I'd be happy to let you discuss that going forward.

GILBERT: I'm arguing against \$59.9.

MODERATOR: Okay, go ahead.

GILBERT: Thank you. I'm almost done. This budget represents a first step toward changing how we do things. The second step beings immediately after the close of this Town Meeting, when we will continue the cost savings you've heard about this evening. And we will embark upon a comprehensive, community wide strategic planning process that will develop a road map for your schools linked to a realistic assessment of what our revenues will look like for the next three to five years. We invite and enthusiastically encourage your participation in this process. But tonight we ask for your support for our first

step in that direction. Please do not reduce the school budget allocation any further. Please do support the School Committee recommended amount of \$60.4 million. Thank you.

[applause]

MODERATOR: Thank you. If you...I am very conscious of folks who have been waiting patiently, are you speaking to a particular point of order?

KARFUNKLE: Yes.

MODERATOR: Go right ahead.

KARFUNKLE: I'd like a clarification.

MODERATOR: If you could identify yourself.

KARFUNKLE: Lois Karfunkle, 22 Orchard Crossing. I'd appreciate it if the School Committee could give me a clarification. It appears to me that what they are requesting is a million dollars more than what they received in fiscal year 2009. And then on top of that they're going to be getting almost \$500,000 in federal stimulus money, which would be a \$1.5 million increase over 2009. And my understanding is a great majority of that is to pay for the 5% salary increase. Is that correct? And if so, what are the implications long term in terms of increase pension and health care obligations for the Town. Thank you.

MODERATOR: Mrs. Silberstein would you like to address that?

SILBERSTEIN: Lois, I'm not sure I hundred percent, I can answer part of your question. The stimulus money can not go towards any salary increases. Half of it is required to be used for strategic investment purposes. And Ray has actually a slide he can show you the kinds of things the School Department is thinking of using it for. And the other half, as we tried to show earlier in the slide, the State has said that they are going to reduce the amount of circuit breaker funding they're currently providing us with to, I guess at the Senate it is about 40% reduction of another million dollars in our budget. They are saying that because we have federal stimulus money that is why they can reduce the circuit breaker. So that will wipe out the balance of our federal stimulus and in addition if we have to close a \$500,000 gap that would take us into a

further deficit position. So just to speak, to answer your question about the federal stimulus piece. In terms of pension, the teachers contracts the pensions do not come out of local revenues. The come out of State tax dollars. Only the Town Departments' pensions come out of local revenues, the school, the teachers come out of the State and your State tax dollars not your local. Is that satisfactory?

KARFUNKLE: So you're actually distinguishing from what the Finance Committee and the Selectmen have said about the State's, federal stimulus money then. You're setting that whatever money you get is going to be offset by reductions from the State? Correct.

SILBERSTEIN: Yes. And we've had many discussions with both boards about that, and the Superintendent and her team have been involved in a number of, districts across the state are still learning about the stimulus money in terms of there are a lot of restrictions you have to apply for them, you have to report on how you are using them, you have to is that, and I don't know if Claudia wants to speak to the strategic investment piece or what the thinking...

KARFUNKLE: And these would be monies that you are not budgeting now, so...

UNIDENTIFIED SPEAKER: --Madam Moderator point of clarification--

SILBERSTEIN:--they are not required to be appropriated, no.

MODERATOR: Okay, I need to make a clarification, here, between a point of order and a point of information, if I can. A point of order, is that there is a procedural question that you have in terms of what we're doing in terms of the amendment and how we're discussing it. If you have a question for either of the Boards, any one of the three Boards, I will entertain that in the order that we're going in. Because I think that a point of information or a question to be asked should fall into what other people can also say. Is that fair? Is your question a point of order?

UNIDENTIFIED SPEAKER: Well, if I have a question about teacher union contracts...I don't.. It doesn't really..

MODERATOR: That could be a point of information, that I will get you in the rotation.

UNIDENTIFIED SPEAKER: Yeah, that's fine...

MODERATOR: Is that alright with you? Is everyone alright with that process, because I think otherwise we will, I feel very compelled for the folks who are patiently waiting. Mr. James, let's start over here, then we will start this side.

LYMAN: Madam Moderator. Madam Moderator. As a point of clarification, it was just raised, Mr. Karfunkle had asked a question about federal stimulus money and how it comes through. I attended the same meeting that Mrs. Silberstein was at with our Congresswoman Niki Tsongas. The money will be coming through the State. It was not said that it would be a substitution or any money would be detracted or subtracted from the Town. It's just...as a matter it was channeled though the State to the Town. I think that's an important clarification in addressing Mrs. Karfunkle's question.

MODERATOR: Okay, thank you. Mr. James. Thank you for your patience. I think I am. Please identify yourself.

JAMES: Good evening. My name is Tony James, 15 Wethersfield Drive. I spend the last six years on the school committee and know as we try to deal with tough and difficult issues like this. I always tried to talk about two things. One, let's take a balanced view on the issue, let's not take a knee-jerk reaction to some particular viewpoint. Secondly, let's make sure we set priorities. When I saw the initial budget in January from the Town Manger and the Superintendent, it appeared to me at first blush that everybody was sharing the pain. The Town Manager talked about illuminating 17 positions, the Superintendent 40 positions. That's about in the right proportions in the number of employees. But in recent weeks, I mean recent days, its really become apparent that the loss of jobs in Town Departments is trivial. It's a handful of people at most. That the Townsman reported two and a half in jeopardy, whereas we can see here, even with the \$60.4 we have over 40 school employees whose jobs are in jeopardy. And if we go with the recommendation of the Selectmen, and fund the school at \$59.9 we have well over 50 school employees' jobs in jeopardy. That's a ratio at least 10 to

1, if not 20 to 1 compared to the Town. That to me does not appear to be balanced in terms of the impact on the school and Town. [applause]. My second point's about priorities. We've often talked about every function within Andover is important, but clearly they're not equally important. We have certain key functions and key responsibilities that we absolutely must carry out. I would contend the first is education, the second is public safety. Let's take a look at how we're dealing with public safety in this budget and education. Public safety is essentially unscathed. There is not a single employee, patrolman, fireman gonna lose their job. Whereas on the school side, we have 50 plus. And a piece of what frustrates me is that the Selectmen and Fin Com (inaudible)...taking the job on their shoulders of protecting not education, but free cash. Somehow in their minds free cash is more important to this Town than preserving and protecting a high quality education. I would contend and challenge Mr. Major, saying that we will increase taxes by 1.8% if, and there's a big if and he forgot to say it, we pass the budget as it currently is. But we can change the budget as it currently is, we can reduce free cash, after Town Meeting, to the level or close to the level the Selectmen set themselves a few weeks ago. They have contrived to take all the money we've received from the State recently for overage in special ed and transfer it immediately into free cash. That in my mind is a lack of equity, a lack of priority. I would ask everyone here to join me in rejecting the amendment and voting enthusiastically for a school department budget of \$60.4. Thank you.

[applause]

STABILE: Madam Moderator. Madam Moderator. It amazes me that this Town has the same problem year in and year out and there's an issue that doesn't get raised to the level it should. I can listen to a former School Committee person point at the Board of Selectmen and point at public safety and say that there aren't enough cuts over there. I would suggest that everybody look in a different direction. The reason that we are in this...well, there's multiple reasons we are in this situation, but the one area I haven't seen a complete step in the right direction is with our labor groups. And with the school department, with the number of people who work in the school department, the, I think it was mentioned earlier that a 1% give back or not get in increases next year, equates to \$470,000...\$470. So if we ask

the people in the school department to just make what they made last year, plus whatever stipends or increases they would see through other forms of compensation in the contract. Then we wouldn't have a problem, we wouldn't lose any teachers. We wouldn't cut any programs, okay.

[applause]

So, I suggest, before you point any fingers at people who are working hard to close this budget, we ask some other people to step up as well. I know that there are other labor groups in Town that have stepped up. Maybe not to the extent of not taking any raises next year, and I know they worked to get those raises, but in these times, it amazes me that they would stand by and watch 44 or 17 or any number of their fellow workers lose their jobs because they're not willing to step up and just make what they made last year plus a little bit. In a matter of full disclosure I have two family members that are in the union and I've had this discussion with them very many times. And I know that there are people, and I can't speak for those people who are more than willing to make that sacrifice. So before we do something that is fiscally irresponsible, or before we blame people as to why we have to lose the health program, I think on the Board of Selectmen we've got 21 kids in the school system, you know so...

MODERATOR: [gavel] Okay...

STABILE: I'm not picking on people but I'm just saying this issue is not brought to your attention enough in my opinion. And I think that our labor union leaders could help a lot with this problem, thank you.

[applause]

MODERATOR: Okay, Mr. Stabile. On the pro, over here. Yes sir. Go ahead.

UNIDENTIFIED SPEAKER: [inaudible]...379 River Road. My point of order is, I'm not sure it's appropriate for the folks on the stage to be taking a position on the stage and not standing at these microphones, if they're not speaking on behalf of the Committee or not addressing a question. I think Mr. Stabile's [sic] points are well taken but he should not be cutting in line of the folks who are sitting

here waiting. [applause] And cutting in lines of those folks or anyone else.

MODERATOR: Your point is well taken and the folks who are in line will speak next. Go right ahead, in the pro aisle, please.

RIGBY: Thank you, Madam Moderator. Greg Rigby 131 Rattlesnake Hill Road. I rise to speak in favor of the amendment as proposed by Mr. Major. Some questions I would ask is could you give me the ratios of town employees versus school employees? Second would be the growth in the number of school employees versus town employees? And the growth in the population of the Town versus the growth in the school population. All of these over the last five years. And finally, the last point, which Mr. Stabile, hit. Which is a 1% give back by the teacher's union, which is supposedly there for the kids. And yet they are not willing to give up anything. We negotiated that contract last year with the School Committee, knowing full well that we were on the road to a recession and they continued to negotiate in the former manner that they had before. And we need to look closely at having COLA and step and track in a contract. Thank you.

MODERATOR: Thank you, sir. Yes. Mr. Zipeto.

ZIPETO: Madam Moderator, good evening, my name is John Zipeto, 14 Canterbury Street. Last week in the Townsman I read the front page and it said, still no consensus on the budget. That's on the front page, last week's Andover Townsman. I would suggest to you, that there was consensus back in January of this year. I think you've heard the School Committee, the Board of Selectmen, and the Finance Committee concur that there was an agreement amongst those Boards for budgets for the schools as well as the rest of the Town. Now to my way of thinking when you say an agreement, an agreement means you have agreed, you have concurred, you understand the risks of going ahead given these considerations. Now, I think maybe my recollection of the events of the last three or four months may be a little bit different from others that have spoke before me. But let me just give you a minute..

MODERATOR: I'll give you two, I'll give you two more.

ZIPETO: That's alright. Thank you very much, Madam Moderator. It is true in January or February, we went to the tri-board meetings, which means the School Committee, the Board of Selectmen and the Finance Committee all get together and acknowledge what is going on. Now I will suggest, if there were misgivings about the \$60.4 million figure or disagreements about the \$60.4 million figure, it should have been presented then, instead of us getting to a point now several weeks, months later in the last four to five weeks there have been votes for a lesser amount. Now, the other thing I want to raise that there was agreement, and I still believe there is agreement, that the excess, or the additional monies that were spent for special education out-of-district, the school department has, has little control on how that goes. So it's not like you can plan it, it happens. There was an agreement for free cash of \$787,000. That is in your book. Look at page 51, the bottom line you'll see that number quoted there printed in the book. Now, the latter part of April, the school department was notified an award of \$453,000. Okay so what does it tell me, all right, we've got the out-of-district spending fixed, agreement, everyone agrees. We needed \$500,000 more, I think you've heard everyone say that. The Board of Selectmen has said it, the Finance Committee has said it, and I believe the School Committee has said it as well. Voila! We have \$453,000 of new money, not Town money, not coming out of your pockets, no going to increase your taxes. All right. And now we're here still hearing about a deficit of \$500,000. I'm sure that there are good reasons that could be quoted to me basically the Town has taken that money to increase the free cash amount that is there, which I guess you can do. But to my way of thinking that is unfair, that is inappropriate and there's a question of trust, I understand that's a bit of an inflammatory word but I must use it, there's a question of trust in my mind as to how that might have happened.

MAJOR: Point of information, Madam Moderator.

MODERATOR: Wait, just a minute.

ZIPETO: May I finish? Madam Moderator I will be brief.

MODERATOR: Sir your time is long passed. Thank you, Mr. Zipeto.

MAJOR: I've got to correct that.

MODERATOR: Wait a minute, I understand that there are comments that can be made from the stage and I will get to you, I promise. But we have people in Town who have been waiting patiently for the last 45 minutes. And I will let them speak. Do you have a point of order sir?

WILLIAMS: Yes, David Williams, 12 Cherrywood Circle. I'd like to move the question to a vote.

MODERATOR: Let's hear—

WILLIAMS: I mean I don't want to cut anyone off..

MODERATOR: I'm having a déjà vu here. Okay. And we need to have just a little—please be, please be patient for just a little bit longer. We really have not given people a chance from the audience. We've heard a lot from the elected officials. Your point if you would please be patient with me for just a few more, few more minutes for a few more speakers. Then I will certainly entertain your question.

WILLIAMS: I just have kids to get to school.

MODERATOR: I understand. And I, and we have 24 more articles to get through tonight. Just kidding. Okay, go ahead on the pro side.

LAPSA: Good evening, Madam Moderator. My name is Brian Lapsa, I live at 30 Wild Rose Drive.

MODERATOR: Brian could you speak right into the mic, please, so we can hear you. Thank you.

LAPSA: Certainly. As I walked into the High School this evening, I was handed one of these yellow fliers, I see them around the auditorium, or Field House rather. Entitled "Voters Guide to School Related Warrant Articles at the 2009 Town Meeting." In it the authors—sorry about that—the author sets forth his recommendations for how to vote on Articles 4, 7, 8, 21, 56, 59, and 60. Article 4 recommends the vote of no on the amendment. In, excuse me. However, in this whole flyer—

MODERATOR: Are you speaking just to the Amendment, sir?

LAPSA: Yes, Ma'am.

MODERATOR: Okay, go right ahead. I'm sorry. Go ahead.

LAPSA: There's no information identifying either the author or an organization, he or she represents. Except for a passing reference to a gentleman by the name of Bill Pennington in regards to Article 21, there's no name on this sheet. Now given the importance of this Article of the Amendment, and the scope of the distribution, I cannot believe that this was an accidental oversight, and forced rather to conclude that this was a devious tactic intended to mislead any voters of the Andover public, who have come to the meeting. I'm undecided on any of these Articles, and I would request that the Moderator ask anyone associated with the composition or distribution of this flyer step forward and apologize for what I see as the disrespect for the institution and for informed and independent judgment.

[applause]

MODERATOR: I appreciate your concern. There is nothing that I can do as the Moderator of this meeting for information that is passed out outside this meeting.

LAPSA: Then I would appeal to the conscience of anyone associate with the production of this flyer, and I would request again an apology for what I see as a disrespect for our institution. Thank you very much.

MODERATOR: Okay. Thank you. Over here. We'll hear from—oh, there're two over there—we'll hear from two more over here and then we'll entertain your motion to move the question. Go right ahead.

COLBY CLEMENTS: Good evening, Madam Moderator.

MODERATOR: Good evening.

COLBY CLEMENTS: My name is Paula Colby Clements, 119 Chestnut Street. Good evening, my fellow citizens. Just a couple comments regarding the proposed amendment by the Selectmen. I'm gonna ask folks to remember that over the past few months our public officials, the School Committee as well as the Board of Selectmen, have worked tirelessly to put this budget together. And with respect to the

School Committee budget as we have all heard tonight, it represents deep and significant cuts to all levels of our schools; cuts that are going to change the face of our schools going forward. And as I personally struggle with what to do with my vote for this budget, I prioritized in my mind and would like you to think of the three things that I thought of. The first thing is trust. And I think that this very important. Trust that the people that we elected to this School Committee will do the right thing, not only for the school but for the Town. That they are working hard to put together a budget that represents fiscal responsibility. And we're going to also have to trust that those folks who are there, some of them that are very new, are gonna continue to work hard to be fiscally responsible but are going to need some time to build the efficiencies into the system that we've spoke about, to negotiate a new contract with the unions next year that gives us flexibility going forward in difficult times. And really to change the service, the way we deliver educational services so that we can keep the school strong. I would ask that you trust them to do that, and vote down this amendment so that you don't hamstring them going forward, that you don't put them in a situation where the schools are so decimated that they just can't recover, that it's going to take three to five years. I also would ask you to think about priorities as well. I know Tony James mentioned that. When we think about the budget, the entire budget, in our minds I think we have to prioritize. When I looked ahead at some of the amendments and I look at the monies that we have to spend in the Town and I think about the school budget, I look for instance, just by way of example, at the money that we're being asked to appropriate for the Veteran's Memorial Auditorium \$650,000. I'm a big fan of the arts; I think it's great that we want to restore that to its historical beauty. I recognize that there are some things about that building that need to be repaired, like the stairs. In my mind I think when I prioritize maybe \$150,000 to fix the stairs and some of the tiles or the things that need to be fixed this year, \$500,000 to get the school budget to the School Committee that they need to move the school forward is a little more important. I would ask you to think about things like that.

[applause]

Thank you. One last point, I would ask that we all as citizens be calm and reasoned as we approach this. We've

heard a lot of talk about the unions, I have been vocal about [gavel] the unions not stepping up. Remember in the end if we're going to accept this proposed amendment, we're not hurting the unions, we're hurting the children and we're hurting the Town. [gavel.]

MODERATOR: Okay. I've got to stop Paula here. Okay, please if you have something new to offer, otherwise please don't say anything someone's already said. Mary. Go ahead.

CARBONE: [inaudible]

MODERATOR: Oh, that's wonderful whatever you just did...on the speaker. I'm so sorry, go ahead.

CARBONE: 3 Cyr Circle. I would like to share a little history with Town Meeting tonight. Seeing as I have been sitting in these meetings for so long, I guess I should share it. Based on the fact that we've had Town Meeting and that's a given annually, and over the years, the bottom line is, the schools have generally been given everything they've requested in the past. We have compounded the school budget to such a point that there's no return. And based on the Superintendent's numbers that I've observed, of \$6.4 million, \$47 some odd million of those dollars are going to unions and contract related issues. So, I just want to relate to that. And the bottom line tonight is, a lot of the parents have been programmed to come to this meeting to vote for the Superintendent's budget, I can understand that. It's a human factor. But the bottom line is, do they also understand that their children are being used? Their children are being used by the union to increase their salaries. [gavel] So with that said.

MODERATOR: Mary...

CARBONE: I support the \$59.9 million of the Town Manager's budget. That is the lesser of the two evils. I would like to address a lesser issue, but I won't do that. Thank you again.

MODERATOR: Thank you. Do you have a point of order, Sir?

SAMUELS: Yes, Justin Samuels, Ridgehill Way. I don't think I need new information that's being brought to the table now. And I think people have made up their mind. So I'd respectfully like to bring up the question

MODERATOR: You'd like to reiterate the motion to move the question. Before we do that I would like to ask this one woman here, who I asked to please step aside a moment ago, Is there a question you still have? How do you want...are you ready to vote? Could I have a show of hands, if you'd like to close discussion. All those who'd like to keep discussion going please raise your hand. The ayes have it, clearly. We will end discussion. All those in favor of the Amendment of Article—I mean, Article 4, line item 16, being in the amount of \$59,933,157. If you want to vote you've got to sit down please.

[break in tape]

I don't think you got everybody, they didn't hear me.

PERRY: Sorry, I'm running late. Section 1:16; Section 2: 20; Section 3: 31; Section 4: 12; Section 5: 29; Section 6: 35; Section 7: 29; Section 8: 27; Section 9: 27; Section 10: 38; Section 11: 23; Section 12: 15; Section 13: 14; Section 14: 6; Section 15: 10; Section 16?

MODERATOR: No 16.

Perry: In the Hall: 1. The Stage, 20 add the one to that. 21.

MODERATOR: Okay. Those opposed to the amendment please stand.

PERRY: Section 1:22; Section 2: 15; Section 3: 13; Section 4: 21; Section 5: 39; Section 6: 53.

MODERATOR: 52.

PERRY: 52. Okay.

MODERATOR: Section 6? Did you say 52? Thank you.

PERRY: Okay. Section 7: 45 ; Section 8: 35; Section 9: 73; Section 10: 45; Section 11: 74; Section 12: 68; Section 13: 55; Section 14: 32; Section 15: 16. The Stage...The Lobby: 1, and the Stage was 7, that's a total of 8.

MODERATOR: On the Amendment, on Article number 4, item number 15, 16, those voting in the affirmative is 354. Those voting in the negative, 613. The amendment fails.

[applause] [gavel]

We will now go back—I caution you not to leave, we may not be finished with amendments the way this meeting's going. We will now go back to the original figure of \$60,433,158 as originally moved. Is there any questions, or discussion? All those in favor please raise one hand. Those opposed. The ayes do have it. The motion carries.

Item number 17 and 18. Mr. Vispoli. I would ask you please, please hang in with us to finish the budget. It is almost done and it is very important that we see it through. If you can possibly stay please do so-or I'll start calling names. Go ahead.

VISPOLI: Yes, Madam Moderator. I move line items 17 and 18 Sewer in following amounts; Line 17, Personal Services, \$406,828; Line 18, Other Expenses, \$1,938,253. For a total of \$2,345,081. The Board of Selectmen recommends approval.

MODERATOR: Items number 17 and 18, have been moved in the amount of \$2,345,081. Finance Committee report, Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: All those in favor raise one hand. Thank you. Those opposed. The ayes have it. Motion carries. Items number 19 and 20, Mr. Major.

MAJOR: Thank you, Madam Moderator. I move line items 19 and 20 Water in the following amounts; Personal Services in the amount of \$1,891,715 and Other Expenses in the amount of \$2,659,400, for a total appropriation of \$4,551,115, including \$505,000 from water reserves.

MODERATOR: Items number 19 and 20 have been moved and seconded in the amount of \$4,555,115. Did you give me the..

MAJOR: Selectmen recommend approval.

MODERATOR: Thank you. And Mrs. Marden, Finance Committee report.

MARDEN: Finance Committee recommends approval.

MODERATOR: Anyone have any questions, comments, editorial opinions? Those in favor please raise your other hand. All those opposed. The ayes have it the motion carries. Mr. Silverman.

SILVERMAN: Gerry Silverman, 56 Dufton Road, your representative to the Greater Lawrence Regional Vocational Technical School. I'd like to introduce a young lady who has served on our School Committee for two years, Megan Moynihan who will make the motion.

MOYNIHAN: I make a motion for Article 21 for the Greater Lawrence Technical budget for \$494,553.

MODERATOR: And I just like to make a correction that it's not Article 21, its line item 21 that's been moved and seconded in the amount of \$494,553. Selectmen's report?

MAJOR: Selectmen recommend approve.

MODERATOR: And Finance Committee report?

MARDEN: Finance Committee recommends approval.

MODERATOR: Any comments or questions? All those in favor, raise one hand. Those opposed. The ayes have it. The motion carries. Okay, item 22 through 26. Mr. Stabile.

STABILE: Madam Moderator, I move line items 22 through 26 Fixed Expenses in the following amounts: \$13,312,391 for line item 22; Debt Service: \$640,500 for line item 23, General Insurance; \$100,000 for line item 24, Unemployment Compensation; \$4,635,498 for line item 28 Retirement Fund; \$12,550,000 for line item 26, Health Insurance Fund; for a total of \$31,238,389. And the Board of Selectmen recommends approval.

MODERATOR: Item number 22, 23, 24, 25, and 26, have been moved in the amount of \$31,238,389. Mrs. Marden, the Finance Committee report, please.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any questions? Yes, sir.

PASQUALE: Point of information, Madam Moderator. John Pasquale, 47B Whittier Street. I direct your attention to line item 26. The meeting began by the Town Manager saying that one of the problems he had to face and they worked on was called health insurance. If you look at page one, written in the fine print, says that there was a half a million dollar deficit. Now, the numbers, 'cause I love to go to the meetings and study numbers, but the increase before Town Meeting is a 13% increase. When you go from 11 up to 12.5. So I ask in point of information, the State come up with a new health program. I wanna know, which is by the way, cheaper, I wanna know how many employees in the Town have taken advantage of that? Number two, I'd like to know the split, what the employees pay for their health insurance versus the Town?

MODERATOR: Okay, thank you. Who can answer that question? Thank you from the Town Manager.

STAPZCYNISKI: Mr. Pasquale, the split between Town employees for our indemnity and there aren't too many people on the indemnity plan is 65, 35. 65 Town, 35 Employee. Most of our employees are on the Blue Cross and Blue Shield HMO New England and that is about a 80 20 split. 80% Town, 20% employee. And we've made some advances in the program. The program that we offer is not, in anyway, like the State program that you may have read about. We have a high deductible for day surgery and we have a high deductible for in patient. And the kind of program we've put together with Blue Cross/ Blue Shield last year is not available through the GIC. The Group Insurance Commission. We have looked at the GIC; we don't think it's comparable to what we have. In fact we think it would be more money for us and the employees, based on the analysis.

MODERATOR: Okay, that answers the information you're looking for?

PASQUALE: Well, I'm calling to Town Meeting's attention that my prognostications with the health insurance is on the same track as special education, which is getting out of control. I'd like to see more effort next put in, to get some creative ways whether it's other Towns or what not. But that number has to be driven down.

STAPZCYNISKI: Well, just to let you know, one of the main drivers, that's driving it up is the addition of new

subscribers. We have basically folks who maybe loosing their jobs in the private sector, their spouses are loosing their jobs, we've had immigration into the system. In fact, do we have a slide on that? Mrs. Moderator, if I could just take a minute to get that?

MODERATOR: You can take a half a minute.

STAPZCYNKI: If we can locate it in a half a minute. But we have suffered in migration. New people, new families, new subscribers into our system. Probably, for a variety of reasons. One I think is because our rates are probably better than what is out there otherwise. And because of people loosing their jobs and moving in to our program.

PASQUALE: Thank you. That answers it.

MODERATOR: Okay. Any other questions? All right, the amount is \$31,238,389 for line items 22 through 26 inclusive. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. The total of the budget that you have passed tonight is \$132,806,219 less dedicated revenue of \$2,720,226, for a net total budget of \$130,085,993. Thank you all very much for your patience as we've gone through that process. All right. Article number 5, Mrs. Lyman.

LYMAN: Madam Moderator, I move that Article 5 be approved as printed in the warrant in the amount of \$1,332,000 from taxation.

MODERATOR: I'm so very sorry. Thank you, Jerry. Come on up. I did promise Mr. Silverman he could do one other item. Those of you who may not know, the young lady who - if those of you who are leaving could please give one of our younger voters your attention before you go. Before you go if you could give one of our youngest voters your attention.

SILVERMAN: You know for years as we began Town Meeting, we've annually, for those people who have served in office, or have served the Town have been given an award. And it's my pleasure as chair of the Greater Lawrence Regional Vocational Technical School to present this award of recognition to Meghan Moynihan, for two years of dedicated service to the Greater Lawrence Technical School Committee. [applause]

MODERATOR: A junior and senior spending time at school board meetings for her school. Congratulations, Meghan. Okay, Article number 5 - thank you Jerry - Article number 5 has been moved and seconded. How is the, where is the Selectmen on this please.

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

MODERATOR: Okay Finance Committee.

STUMPF: The Finance Committee recommends approval.

MODERATOR: Any questions or comments? Issues? All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries. Thank you. Article 6, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that the Town vote to transfer funds from the following 2008 Annual Town Meeting appropriations: \$208,000 from Article 4- Debt Service; \$155,000 from Article 4- Town Reserve Fund; \$16,000 from Article 4- Public Safety and Other Expenses; \$27,000 from Article 4- Plant & Facilities Other Expenses; \$49,000 from Article 4- Memorial Hall Library Other Expenses; \$140,000 from Article 4- School Other Expenses; \$533,000 from Article 8- Capital Projects Funds and the appropriate sum of \$500,000 for Health Insurance, \$149,000 for Public Works- Personal Services and \$479,000 for Public Works and Other Expenses. The Board of Selectmen recommends approval of this Article.

MODERATOR: Article 6 has been moved and seconded. Mr. Stumpf is there an explanation for any of this or are we okay?

STUMPF: Madam Moderator, the Finance Committee recommends approval of the transfer of funds. These transfers are necessary to cover the deficits in the fiscal year 2009 budget.

MODERATOR: Okay, any questions? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 6. Mr. Stabile.

STABILE: Uh...Madam Moderator, I move...

MODERATOR: I'm lying to you. It's Article 7. So very sorry. Go ahead.

STABILE: I move that the Town vote to transfer from free cash and appropriate a sum of \$334,000 to supplement the FY2009 School Department-Other Expenses appropriation. This Article is to provide supplemental funding for the FY09 School Budget to cover their out of district sped end-of-year deficit which is net of the additional State circuit breaker assistance of \$453,000. The Board of Selectmen recommends approval.

MODERATOR: The motion has been moved and seconded. Fin Com Committee please. Mrs. Marden.

MARDEN: The Finance Committee recommends approval. This appropriation is because we made a commitment last spring to fund any net out-of-district sped expenses. We appropriated a certain amount at Town Meeting last year. We believed it was going to be inadequate and we made the commitment to spend-to appropriate the net difference at Town Meeting. Um, in the course of the year we have carefully monitored the sped expenditures. We've had several reports from the School Department. We identified the additional funds that came in from the State that were- that came in from the State specifically to cover those expenditures. We netted out the savings in the special needs transportation line, because that line reduced when the out-of-district expenses went up. So this \$334,000 represents our best estimate at this time of the net deficit. And we recommend approval of \$334,000.

ZIPETO: Madam, Moderator.

MODERATOR: Yes, Sir.

ZIPETO: John Zipeto 14 Canterbury Street. I move to amend the supplemental appropriations for out-of-district special education expenses for fiscal year 2009 by increasing the amount thereof from \$334,000 to \$787,000 and to provide therefore that the full amount be transferred from free cash.

MODERATOR: Okay, can I have that copy please. There's an amendment to Article 7 to amend the supplemental appropriation out-of-district special education expenses

for fiscal year 2009 by increasing the account thereof from \$334,000 to \$787,000 and to provide therefore that the full amount be transferred from free cash. Would you like to speak to your amendment, Mr. Zipeto. Oh, there you are! Good job going right to the, thank you very much.

ZIPETO: Pros and cons. The reason that this amendment is being requested is as I earlier stated, and again I commend all parties that there was a commitment to fund the special education portion that was an overage. I don't think that there is any question, that was a fact. As I mentioned earlier, page 51, there is reference to \$787,000 which was the amount to be covered with free cash at Town Meeting to cover the, to cover the out-of-district spending. Now, there is \$453,000 that came in from the State. Money that the School Department was able to bring. And the reason I am making this amendment is that by handling - processing all of that including \$787,000 plus the \$453,000 that in effect balances the budget. That is the important thing here. It balances the budget and that is the main reason why I am asking for an increase back to what was originally intended as of May 1st.

MODERATOR: Okay, thank you. Finance Committee have a position on this.

MARDEN: Obviously, we recommend disapproval of the amendment. We agreed to fund the net deficit. This doesn't balance the budget. What Mr. Zipeto's amendment does is give the schools another \$453,000 to spend out of free cash. Now we understand the Town Meeting wanted to fund the full \$60.4 million but it seems inconceivable to me that you'd want to add another \$453,000 to that budget. If you provide this supplemental appropriation there will be funds left in the school budget at the end of this fiscal year. And they will be allowed to spend that on anything they want. Approval of this amendment is an addition to the budget that you just voted. So we recommend disapproval.

MODERATOR: Yes, Sir.

RIGBY: Thank you, Madam Moderator. Greg Rigby, 131 Rattlesnake Hill Road. And again I rise to oppose this amendment for several reasons. One is, it's true the \$453,000 was found later and that was by the School Committee and I commend them on that. That reduced the

\$787,000, was the original amount that was thought to be needed to make this balance. Two, we've already given them \$500,000 that we didn't anticipate in the budget originally. Three, they're going to get another \$450,000 or thereabouts from stimulus money. And finally, I'm a financial advisor. One of the things I want to caution the Town on is since I've been in Town I've watched our bond rating drop from AAA to AA, we are dangerously close to dropping that below AA and you should watch very carefully what you do with all of the reserve funds the Town has. You want to see your taxes go up because the cost of projects then go right ahead and start appropriating money out of these areas. And finally when you take money out of an area that is a non-revenue area, that money that's gonna be used is gonna have to be increased next year and the year after and the year after. So be very careful in appropriating money that is non-revenue based. Thank you. [applause]

MODERATOR: Mr. Major.

MAJOR: Am I on? The Board of Selectmen recommends disapproval.

MODERATOR: Is the mic on? Over here please.

MAJOR: Is that on purpose?

MODERATOR: Start again.

MAJOR: The Board of Selectmen. The Board of Selectmen.

MODERATOR: How about that "on" button.

MAJOR: Hey...It was me all the time. The Board of Selectmen recommends disapproval of this amendment. This financial tool supplemental budget transfers or appropriations is a tool that allows us if we have an unexpected over expenditure of a budget to be able to transfer money to cover that over expenditure. We did indeed have an over expenditure of our sped out-of-district placement costs of \$787,000. But as has been stated by Ms. Marden, the State has provided a grant specifically to cover part of that overage in the amount of \$453,000. So, now the net difference is \$334,000. This is the proper use of this financial tool. To increase it just for the sake of "why not" makes zero sense. The Selectmen recommend disapproval of this amendment. [scattered applause]

MODERATOR: Do you have something new to add?

ZIPETO: [Tap. Tap. Tap.] Helloooo. I'm here.

MODERATOR: Do you have something new to add, John?

ZIPETO: Yes. I just want to basically rebut.

MODERATOR: Are you still John Zipeto?

ZIPETO: I believe I am. 14 Canterbury Street. I agree with Ms. Marden. That does leave an excess in the FY09 budget. I don't disagree with you at all on that. The point being that as we go to the next article both the Finance Committee and the Board of Selectmen recommend no money out of free cash. No money out of free cash.

MODERATOR: We're talking about Article 7 now.

ZIPETO: Yes, I know, but there's a link to the next Article and I'll only mention that once. The point being that, that maybe, if I could ask the School Committee to respond to this. The intent on that overage would be to carry over those excess funds \$453,000 into FY10. The intent is not to pocket it. The intent isn't to spend it for FY09 expenses. Thank you.

MODERATOR: Okay, sir, go right ahead.

MARSHALL: Bob Marshall, 4 Samos Lane. I'm a little puzzled about this money that's being transferred again. If my memory serves me right, we had a overage in the s.e.p...scp...special education program last year to the tune of about \$600,000. And, however, why was there an overage in that account and why are we asking to cover up this back entry? Cause what, I see it as, you have an overage one year, you come back in and you're looking for more money. How, year after year, the special education fund has been going up every year?

MODERATOR: Let us get you an answer.

UNIDENTIFIED SPEAKER: Let me, if I understood your question correctly, you're asking two separate questions. One about, you were wondering about a \$600,000 overage--

MARSHALL: --Last year

UNIDENTIFIED SPEAKER: Last year, okay.

MARSHALL: Yes and it was supposedly going to be used to pay some salaries for the special education teachers.

UNIDENTIFIED SPEAKER: Back to my comment before. When the Town appropriates money for the school department, they have no ability to dictate how that money is spent. So, that \$600,000 previously was used and transferred to cover some contract salary negotiation amounts.

MARSHALL: Out of special ed.

UNIDENTIFIED SPEAKER: It was transferred to cover teacher salary increases as a result of a contract which was signed last year. Now, to your question at how can we have overages and underages and things like that. We made a commitment because we knew last year that we were going to be in a deficit position because there were certain children in out of district special education that moved to a residential unit, that's a much more expensive education for out-of-district than someone who's transported back and forth to some other school that is in some other district. So we made a commitment of \$787,000 in January when at that time that's what we thought that deficit was going to be. The extra \$453,000 that was received this month was simply a result of the School Committee and the administration taking advantage of an out-of-district special education application to apply for and receive a grant for extra money. It's a standard application, it's something that's been around for years and it's intended, because out-of-district special education is given to communities a year after you pay for it. So the State was wise enough to say in years that the school district has a really high out-of-district special education spending, you can apply for and get some of the money in the same year. So, I hope that answers, the \$600 is really a different, is one issue and the \$453 is an issue in FY09

MARSHALL: It looks like to me it's a shell game being move a lot of dollars.

UNIDENTIFIED SPEAKER: Well, it's important to know for the community to know that when the Town Meeting appropriates money then it has no authority to dictate how the money

will be spent. The School Committee that's there responsibility.

MARSHALL: I've also noticed that the increase in the last five years on the special education if you look at the summary on page 47.

MODERATOR: Does this issue----

MARSHALL: --it is all tied together. It is all tied together.

MODERATOR: Is it specific to this Article, sir:

MARSHALL: Yes, the Article is special education.

MODERATOR: No, the Article is a supplemental budget appropriation. It's not specific to special education, no wait a minute, is the amendment specific to...you're right go ahead, it is specific to special education. Go ahead, you've got another 30 seconds on your time.

MARSHALL: The line item 280, which is, no excuse me, yea, 280 which is the evaluation line item. Look at the increases in the last five years. And that's on page 47. The fiscal year ending 05 [gavel] an evaluation of one million.

MODERATOR: [gavel] Anything, else?

MARSHALL: Look at what it is now for this proposal this year.

MODERATOR: So you're speaking to-

MARSHALL: ---that's a hundred percent increase in that line item. And that's only one side of the equation. If you take a look at. [gavel]

MODERATOR: [gavel] Okay. Sir, I have to move on to the next person.

MARSHALL: Well, excuse me, I would ask to have some extra time, I have a learning disability, and maybe I should have said it before.

MODERATOR: I will give you another minute, sir. Please move—we are losing people as you are speaking. Move along.

MARSHALL: Okay, I may not speak well, but that's something I've had to live with all my life. But it doesn't mean I can't see numbers being moved around on the balance sheet here. And it it's questioned not only this item but many others. I've done audit work, I've done, I've spent 40 years in systems and operations for major banks. I've never been challenged as far as when I say things. I don't like the numbers that are moving around here. You claim there's a balanced budget, but on the other side of this entry here, there's a 138% increase. We cannot support that increase in a five year period going forward. I don't see an offsetting entry. I don't know what the evaluation department does, I understand it's an in-district, but why in the increase going so fast every year and not seeing a substantial reduction on the other expenses which I think is line item 900.

MODERATOR: Okay, thank you, sir.

MARSHALL: Thank you.

MODERATOR: Mr. Birnbach.

BIRNBACH: David Birnbach, 86 Osgood Street. I'm, since the School Committee didn't have a chance to discuss this amendment, I'm speaking as an individual citizen. The intent of the Finance Committee and a lot of the collaborative dialogues we've been having and speaking again as only one member. The intent of the 787 was that the Town was going to help make up that big shortfall in exceeded costs that we had no control over for special needs. When we got the additional funds from the State which was \$453,000, the Finance Committee and Selectmen agreed to make up the difference of that equal to \$787...8...8...\$787 and they took free cash to make that happen. Speaking as a taxpayer now, as a citizen, I think we're dangerously low on free cash as it is, to be able to take free cash even lower when we had the make up from the State to help us out, I think is excessive. And I recommend disapproval of this amendment. Thank you. M [applause.]

MODERATOR: Are you ready to vote. Are you ready to vote? Can I see a show of hands if you're ready to vote. All

right. Let's look at this, we're voting on the amendment at this time. The amendment is before you. It is changing the figure from \$343,000 to \$787,000 and to provide therefore that the full amount be transferred from free cash. All those in favor of the amendment please raise one hand. All those opposed. The no's have it, the amendment fails, we'll go back to the original Article, Article 7, in the amount of \$343,000. Any discussion? All those in favor please raise one hand. Those opposed. The ayes have it, motion carries. Article 8.

TEICHERT: Madam Moderator,

MODERATOR: Mr. Teichert, go ahead.

TEICHERT: I move that Article 8 be withdrawn from the warrant.

MODERATOR: Article 8 has been moved and seconded to be withdrawn. Is there a reason you'd like to withdraw it? The Finance Committee

MARDEN: The Finance Committee recommended that \$0 be used from free cash for the 2010 operating budget, therefore we agree with withdrawing this article.

MODERATOR: All those in favor of withdrawing Article 8, please raise one hand. Those opposed. The ayes have it the motion carries. Article 8 is withdrawn. We have 71 Articles in our Town Meeting this year. I would like to at least get to number 15 tonight. We have some that will go very quickly. So please if you could hang in with us I would appreciate it. Article 9, Mr. Major. Like I said, Mr. Stabile, if you could please do Article 9.

STABILE: Okay, Madam Moderator, I move that the Town vote to close-out the sum of \$232,352.84 from the following unexpended appropriations, there's a lot of them: \$5,313.08 Article 44, 1987 Annual Town Meeting - Elm Sq Traffic Signals; \$100.00 Article 49, 1997 Annual Town Meeting - Burt Road; \$399.93 Article 43, 1988 Annual Town Meeting - Dispatch Center; \$1,599.10 Article 65, 1998 Annual Town Meeting - Traffic Signals; \$4,000.00 Article 31, 1999 Annual Town Meeting - Senior Tax Voucher Program; \$4,000.00 Article 98, 1999 Annual Town Meeting- Ballardvale Signs; \$2,000.00 Article 21, 2000 Annual Town Meeting - Senior Tax Voucher Program; \$1,538.91 Article 5, 2004 Annual Town

Meeting - Capital Projects Fund; \$3,620.15 Article 5, 2005 Annual Town Meeting - Capital Projects Fund; \$80,912.69 Article 5, 2006 Annual Town Meeting - Capital Projects Fund; \$128,868.98 Article 5, 2007 Annual Town Meeting - Capital Projects Fund.

MODERATOR: We might have you do everyone of them.
[laughter]

STABILE: And I believe these would be listed in the finance report?

MODERATOR: Yes. Article 9 has been moved and seconded. The Selectmen report on that.

STABILE: We recommend approval.

MODERATOR: Finance Committee, Mrs. Marden.

MARDEN: The Finance Committee recommends approval these are balances in Articles, we want these lapsed into free cash to help with our current revenue deficit.

MODERATOR: Any questions? All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. Article 10, Mrs. Lyman.

LYMAN: Madam, Moderator, I move that Article 10 be withdrawn from the Warrant. It's being withdrawn because we've funded this obligation in a different manner, in incorporating it in the Town Budget.

MODERATOR: Article 10 has been moved and seconded. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion carries. Article 11, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator I move that the Town approve Article 11 as printed in the warrant. Selectmen recommend approval.

MODERATOR: Okay. Mr. Piantedosi, would you like to give us a very brief explanation.

PIANTEDOSI: Can I get the slides? Joe Piantedosi, Plant and Facilities Director. I want to give you just a little background on this Article. Um, you gotta go back one to the first slide. Okay. The State procurement laws were

passed in the late 70's. Back then the threshold before you had to do anything formal statewide, was \$5,000. Anything under that reverted to the Town policy. The problem was from 79 to 2003 is inflation eroded that and back in 2003 there was a public outcry from cities and towns to make needed changes in the procurement laws. The Governor set up a special committee to do that, next slide, that committee was merged with State Joint Committee on State Administration and Regulatory Oversight. The original recommendation made by a number of groups, including Mass Municipal Association, the Inspector General's Office, and the Governor's Office was to raise all the thresholds, particularly in the building related section of the procurement law. And one of the recommendations was for building related repairs and construction that it would go from \$5,000 to \$10,000. There were many public hearings held in 2003 on this. I attended more than several. Next slide. The new legislation passed in July 1 of 2004 and it was know as the Construction Reform Act. Shortly after it passed it was realized that near the end of the process the chair of this committee changed the threshold for building repairs down to 0 when all the thresholds were supposed to rise. There was a big public outcry from public officials because of the hardship this imposed. Next slide. Key committee members at a large meeting in Worchester at Holy Cross, I attended there was at least 700 people there, promised to rectify this soon, that it was an oversight, it was an error. It never happened. Why the committee chair blocked it? I'm sure you've all heard her name, the former Senator Diane Wilkerson. Next slide. As a result, bills were filed to correct this. And um, House Bill 38, which was one of those many bills was filled by six legislators including Senator Tucker and Representative L'Italien, to raise the threshold back to the old \$5,000 level. However House 38 was also struck in committee as House 15 which was a new version that was submitted by MMA. Article 11 is a home rule petition. It's identical to House Bill 38. All it's asking is to put us back at the old threshold and to exempt Andover from this requirement. Why? Next slide. First of all-

MODERATOR: Joe. Joe if you could move along please.

PIANTEDOSI: Yea. It puts a large administrative burden on staff and it takes an extraordinary amount of time for the hundreds of repairs that we have to do, to get three written quotes for things like broken windows and small

roof leaks. And it delays urgent repairs. And it's inconsistent with other bid laws. The next slide shows the other bid laws: supplies and services is \$5,000, lateral construction, which is parks, ground, sewer, highways, is \$10,000, and design services is \$10,000, you have this line at \$1.

MODERATOR: [gavel] Let's go Joe.

PIANTEDOSI: So, we recommend that you vote approval of this to really get attention to the Legislature, other cities and towns have filed the same type of home rule petition and passed it. Thank you.

MODERATOR: Thank you, Joe. Because this is a home rule petition we need to either have a unanimous vote, and if I can declare it as a unanimous vote we do not have to take a standing count. I'm not telling you what to do, I'm just telling you how that will work. If it is a unanimous vote we will not need a standing count. All those in favor of Article 11, please raise one hand. Those opposed. I see none. I will declare it as a unanimous vote unless there is an objection. Article 11 is passed unanimously.

Article 12. Who is?...I don't have who is...Thank you, Mr. Stabile.

STABILE: Madam Moderator. I move that the Town approve Article 12 as printed in the warrant. Board of Selectmen recommends approval.

MODERATOR: Okay, Mr. Urbelis. Are you speaking to this? Mr. Effinger are you speaking to this?

STABILE: I can speak to this.

MODERATOR: Okay Mr. Stabile, you can speak to this.

STABILE: [break in tape]...Parish and West Parish Churches and five members of the voters to include two members of Christ Church, two members of South Parish and one member of West Parish. This warrant Article will authorize the Board of Selectmen to petition the General Court to change the requirement that the Punchard Trustees be representatives from certain churches to any resident of the Town no matter what their religious affiliation. The number of Trustees will also be reduced from eight to five.

If Mr. Effinger were here, he would say that this is a desired change, as, I think one of the, as the longest term member of the Trustees, this is really to improve the representation and open it up to anyone in Town and the Board of Selectmen as I state before recommends approval.

MODERATOR: Okay. Any comments? Yes, sir.

EFFINGER: My name is Earl Effinger, I'm on the Board of Trustees.

MODERATOR: There you go.

EFFINGER: And I apologize, I didn't realize I had to get up here first. But for the last 159 years Mr. Punchard has been supporting programs at the school level. And for 159 years we have carried on his tradition and the requirements. The only point I want to make. It is important that Mr. Punchard did not have anything against other churches, in fact, in 1850 only the three churches existed in the Town of Andover. And he felt that people who ought to run the church, ought to run the school should be members of the church. That's why it's been that way. We'd like to bring it back into the 21st century and open it up to residents of the Town of Andover and that's why we have petitioned the Town to do that at this time.

MODERATOR: Thank you. This is again a special legislation that we are appealing to, I need a standing count, unless there is a unanimous vote. Which, again, I'm not telling you how to vote. All those in favor, please raise one hand. Those opposed. The ayes have it. I declare it a unanimous vote unless someone objects. The motion carries. Article number 12, unanimous vote. Article 13, Mr. Teichert.

TEICHERT: I move that the Town approve Article 13 as printed in the warrant. And the Board of Selectmen recommends approval.

MODERATOR: Mr. Petkus, is there anything you need to add here? Nope? All right, all those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 14.

MAJOR: Madam Moderator, I move that Article 14 be withdrawn from the warrant.

MODERATOR: Okay, Article 14 has been moved and seconded to be withdrawn. All those in favor, please raise one hand. Those opposed. The ayes have it, the motion is withdrawn. Article 15, Mrs. Lyman.

LYMAN: Madam Moderator, I move that Article 15 be approved as printed in the warrant.

MODERATOR: Article 15 has been moved and seconded as printed in the warrant. Do we have a...

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

MODERATOR: Okay Finance Committee report. Mr. Stapinski?

STAPINSKI: Madam Moderator, the Finance Committee recommends approval definitively.

MODERATOR: Definitively. Any questions or comments? All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries. I don't think I dare start the Town Yard, or do you want to do---no. Okay. I can't tell you enough how much I appreciate you hanging in here for this ending. We will, Mr. Urbelis.

URBELIS: Madam Moderator, I move to adjourn this Town Meeting to 7:00 p.m. same place, same time.

MODERATOR: Thank you. It's been moved and seconded. All those in favor. Those opposed. We are adjourned to tomorrow evening, 7 p.m. sharp. Thank you all very, very much.

SECOND EVENING

Wednesday, May 27, 2009

MODERATOR: The hour of 7 pm having arrived, it is my honor to resume the 2009 Andover Town Meeting. Mr. Urbelis.

URBELIS: I move to admit, Jack Petkus, Mike Mansfield, Steve Bucuzzo and other non-voters who may enter hereafter, some of whom may be speaking.

MODERATOR: It's been moved and seconded that we admit non-voters to our meeting. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Please admit the non-voters. Mrs. Silberstein would you like to take the podium.

SILBERSTEIN: Hello. I would like to recognize two of my former colleagues, members of the School Committee for two terms, six years. Art Barber and Tony James. If you would like to come up so we can thank you for your service. [applause] Stepping in for Dr. Barber we have his daughter, Lauren, a recent graduate of UMass. Is that correct? And of Andover High School of course. So, Tony this is for you, thank you very much. Always worked with a lot of integrity, dedication and it was an honor to serve with you. This is for your Dad, Lauren. Thank him very much. Thank you both.

MODERATOR: Congratulations and thank you both. Mr. Teichert and Mrs. Silberman. Each year as you know there is a citizenship award that the Town Meeting, that is presented at Town Meeting, and it is in the name of Virginia Cole, who was a very active citizen here in our Town. And there is a committee and a process of nomination and the chair of the Board of Selectmen and the chair of the School Committee will now present that award.

TEICHERT: The Virginia Cole award is about community involvement. This person has been involved in the community in many ways. He has served on many boards and committees for some 30 years plus. Many people have served in different capacities, have given back to the Town and also have moved on. Well this person has done that but continues to be involved. If it's with civic organizations, the July 4th celebration, telling us how to flip pancakes. He also continues to support and organize our Town fireworks. So he continues to be involved after serving for all these years. This year the Virginia Cole Award is presented to Mr. Gerald Silverman. [applause]

SILVERMAN: She brought this up here so you people would fill it. And, thank you so much. Probably more than anything else, you learn to do things and sometimes you inherit things. And growing up in the City of Lawrence, my earlier years, I found that my mother and dad were very involved in the community activities. My mother especially. She didn't drive, she always had to get picked up. When I

was old enough to drive, I had to drive her to all these meetings she was going to. And it stayed with me. When I came to the Town of Andover, I got involved early in 1960, and I'm not going to do a resume because we'd be here to about 10. I just loved the Town, the community has meant a lot to me, given me a lot. I had an opportunity to work in the school system for many years. When I left the school system, I got involved in Town government and spent quite a few years in that. And I said as long as I can still get up in the morning and work there's more things to do. One of them was the fact that even tonight, we got a change in the Selectmen's vote so that we can have a pancake breakfast and have music on Friday night. And we will have music on Saturday morning and have that breakfast, the Selectmen's breakfast. You couldn't think of eating buns and hot dogs on the grill at 8:00 Friday night as people were getting ready to watch the fireworks. WE got that taken care of. And there is one more goal that I have and those of you that have been around at meetings know that, and that is eventually to build that youth center. Thank you so much.

TEICHERT: As Jerry said he stepped up to the plate to help us out with the pancake fireworks, so thank you Jerry on that. Debbie?

SILBERSTEIN: Madam Moderator, Ted and I would like to make a motion to rename the annual town warrant article for fireworks as Jerry's Fireworks for the Town of Andover. [applause]

MODERATOR: Congratulations, Jerry. An honor well deserved and long over due. Thank you, Jerry. Could we have some lights here in the center of the room? Are the working? Does anybody know? And I don't want anyone falling asleep, coming in hiding. Okay...next one over. There you go. Thank you. Okay, Mr. Urbelis.

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

MODERATOR: All those in favor of the warrant articles to be returned by, referred to by number, please raise one hand. Those opposed. The ayes have it, thank you. Again if I could remind you to turn off your cell phones or at least

put them on silent. No food or drink other than caffeine pills are allowed tonight in the meeting, to keep us going. There will be voting sections here tonight. Let me just go through them quickly; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14. Is it 14 or 15? 15 is over there in the corner. Tonight on the stage we have the Planning Board to my right to your left. The Board of Selectmen. The Town Manager, the head of, the director of Finance. The Finance Committee, Town Counsel, and Randy Hanson, Town Clerk. Before we go any further can I just ask you please to give a round of applause for Randy Hanson and her staff for the incredible. She deserves that, she does. Good job, Randy. When I tell you, we show up with our books and our pens and everything is taken care of, she is truly, and her staff, and she'll be the first to tell you she couldn't do it without her staff, but we truly are fortunate for the level of organization and Randy I am sorry to embarrass you but you deserve that. Okay, over on my left, your right, we have the Omnsbudsman, who will help you with any amendments, he has the three-part forms that are required. If you have an amendment if you would please see him. You must be seated or at a seat to have your vote count. If you're standing in the back your vote will not be counted. The rest rooms are located in the back of the hall, and, we have the pro and con mics, that we did pretty well with last night. Thank you very much if you were here. If you are speaking in favor of a particular article, go to the pro mic, if you are speaking against it, please go to the con mic. The middle mic here, number 3 mic, is for points of order. And let me clarify, if I can, what a point of order is. A point of order is a question you have on process or procedure. If there is too much noise in the room and you can't hear, that would be a reason for point of order. If there is something that you feel, somebody is speaking who should not be speaking, either they are not a voter or they haven't been accepted, that's a point of order. If you feel the room is too hot, too cold, too dark, too light, that's a point of order. If you have a comment you would like to make regarding an article, I would ask you please to go to the pro or con mic. Tonight if those lines are too long and you have a question of substance, regarding the article, you can line up on the number 3 mic. If it is a question of substance, not an opinion, a question. And I will take that question in turn with the pros and cons. Is everyone, anyone have a question on that? Just so we can keep that moving a little bit more. And, last night we did have a motion for time limits, the

presenters will have 5 minutes, and the speakers, if you would like to speak to an article, you will have 3 minutes. Not that you have to use it all. There is no requirement that you have to use all that time. But that would be the time limit that you would have. And lastly, I would like to suggest, we are starting at Article 16, we have tonight and tomorrow night. It's my understanding that we have very limit access to a facility and our next night, if we needed a fourth night would be mid to late June. If we need the fourth night, we certainly will take it. I would like to see if we could get through Article 45 this evening. It's very ambitious I realize. I'm not going to push or shove, but that would be my goal. I would like to see, and we may stay a little bit later, if we can get to that. If we can't, we can't. So, let's see where we go. Any questions before we start? Article 16, Mr. Johnston.

JOHNSTON: Thank you, Madam Moderator.

MODERATOR: Would you move the Article please.

JOHNSTON: I would like to move Article 16 as moved in the Town report...It's nice to have a lawyer behind you. I move that the Town vote to transfer from Article 32, 2004 Annual Town Meeting- Senior Center Plans and appropriate the sum of \$30,000 to develop a master plan for the redevelopment of the existing Town Yard off Lewis Street, or take any other action related thereto.

MODERATOR: Okay, Article 16 has been moved and seconded. Go ahead. With your presentation, go ahead.

JOHNSTON: Can you go to the next slide? What happened to the 16 slide in front of it. Well, there was a slide to introduce Article 16, which gave a map of the existing town yard which is off Lewis Street by the train station. The purpose of this Article is to develop a master plan for development of the town yard land. And that development will include residential commercial, and or professional office, also to increase commuter parking. As you heard in the Article it is \$30,000 and it is from already been appropriated in other areas and we would simply pull that money forward. You know we go the wrong, you haven't got 16 my friend, you've got 17. We could vote on 17 instead?

MODERATOR: No, no, no, no. 16 on the floor.

JOHNSTON: Thank you. As I was saying on Article 16, it is to develop a master plan for the existing town yard, which is outlined in yellow. Which is what the town yard now sits in. Those hashed areas on that map are private property. So it would include, what I just spoke about residential, commercial, professional office, increase commuter and parking for 30,000 from existing funds. Next slide, please. So the question is, why are we asking you to develop a master plan for a town yard that is sitting on that land right now. And the reason for that is we want to move the town yard to somewhere else. And the reason we want to move it is several fold. We were commissioned by the Selectmen. A task force was formed, the town yard study group, the Selectmen asked us to look into where the town yard may be. So, in looking at the town yard, what prompted this question, is that the town yard is approximately one-third the size of what it needs to be. The town yard has been essentially the same size, two and a half acres, for many, many years. The Town has grown, the equipment that we use has increased dramatically. We now recommend that the town yard would be close to seven usable acres. So we have too, too small a lot. We have serious structural deficiencies. You can see in the lower right hand corner one of the more dramatic ones where we have a basic support beam, a structural steel beam that is basically rotted. Another reason to consider moving it is that it is a very strategic part of Town. It is adjacent to the central business district, it sits across the street from our major transportation, railroad center to the city. And the one thing that I am glad to tell you about, because it may be rare, this project will pay for itself. And I'll explain to you more about that in the subsequent articles. Next slide, please. That comprehensive plan will consider to change, changing the conventional mixed use zone which what's listed on the left side, which basically a very lax zone in terms of control of the Town or the Planning Board. And we will consider a 40R overlay zone for that area. You can see some of the differences, Town control on use now a part of that 40R, housing opportunities, there are incentive payments from the State, there are some mixed use development that we can overlay various parts of the district and we're even reimbursed for some of the students that would be generated from the residents. It's a very, very desirable area. Next slide. So what are the benefits to this? Increased tax revenue, this is a very desirable area to be developed. It can generate enormous amounts of potential, and I'll give you some numbers. We think it

will prompt development of adjoining parcels. And right now frankly, it's a very good time to be building something, as costs are running from previous quotes that we've looked at from other towns, 20% to 25% than they were. We also think it's an important opportunity to expand the shopping capability of the business community. Increase the variety of stores. A study 10-15 years ago showed the Town center physically half the size it should be for a Town our size. Proof of that is if you look in North Andover, that have built on our borders, North Redding that has built on our borders, Tewksbury that has built retail establishments on our borders. Buying dollars are here and our residents have to go elsewhere to do their shopping. New housing opportunities adjacent to the commuter railroad. And an opportunity to double the commuter parking, which we'll talk about in some detail. And we think it will increase property values cause the center will become more vibrant and vital to the Town. And we think a center of Town is really very important to a sense of place for Andover, which I think this will prompt. This last slide, I will go quickly because I know Sheila's looking over my shoulder, Phase A, which is what we're talking about here, which is the town yard and the MBTA parking lot would like to be considered as a part of this development, if we replace their parking with a garage. We think we can sell the land for approximately \$6 million. We think the town site will generate roughly \$800,000 of additional annual taxes. And the MBTA land another \$260,000 for a total of \$1 million. Developers have told us that if the parcel, if the town yard parcel is developed that adjacent parcels come into play. Now this is private development. This isn't the Town; this is private. And we think on North Main Street, Buxton Court and Pearson there is an opportunity for additional development of close to half a million dollars of revenue over the next 5 years. By the way, those are annual numbers. And then the last, which is affectionately called by the Planning Board, the golden triangle, which goes all the way down Railroad and Essex, Lupine and parts, lower part of School Street, which is a sizeable piece of land, has the opportunity to develop another \$6 million worth of annual revenue over an extended period of time. So it's a huge opportunity, we think.

MODERATOR: Okay, the Selectmen report, please, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, the Board of Selectmen recommends approval of this Article.

MODERATOR: Okay, Planning Board

SALAFIA: Yes, Madam Moderator, the Planning Board also recommended unanimously to approve the Article.

MODERATOR: And Finance Committee report, Mr. Howe.

HOWE: Thank you, Madam Moderator. Mary O'Donoghue and I have been Finance Committee liaisons to the Town Yard Task Force. It's a group of volunteers who've made solid progress on this issue of the last two years. As Hooks pointed out, the town yard is much too small to meet our needs and the buildings there are seriously substandard and in need of replacement. So we believe the best option is to relocate the DPW to a different site and to sell this parcel to help offset the cost of constructing a new town yard. Developing a master plan, which is this Article, that may lead to a smart growth overlay district, would increase our ability to control and determine what replaces the town yard. And at the same time it would likely increase the value to a developer or purchaser and the price we would receive for this area. So this \$30,000 would provide consulting assistance to help the Town through the process of creating a master plan. And this requires some specialized assistance beyond the time or expertise of our current planning staff. The Finance Committee believes this is a worthwhile investment and we recommend approval.

MODERATOR: Thank you, sir. Mary would you like to...? Go ahead

CARBONE: My name is Mary Carbone, Cyr Circle, Andover. Basically I am against this proposal and I will tell you why. The town yard has been a central location for historical times. I can, I certainly can't remember how long it's been in existence, maybe the Moderator's father could give us—

MODERATOR: I was going to say, I know someone who could tell you exactly. Go ahead.

CARBONE: Right. But any event, I will agree that the town yard is in deplorable condition. I have stated that nobody deserves to work under those conditions. But other than that I truly believe that the town yard should stay in the central location, where it's located. And with that said, I

feel with the dollar figure attached to the land, supposedly, that we would derive from the sale of the property, that's a hypothetical right now. Because the sale of land right now is quite low—in housing as well. Possibly in the future we would get a lot more for that property, but I think basically it should stay were it is now at this time. Based on the fact that we have the public safety center right there in that compound and the trucks and vehicles of the public safety center gas up at the town yard. So, I can't fathom that we would want public safety employees driving down River Road to gas up their vehicles and coming all the way back to the central location of Town. And with that said, additionally, I'll be very brief in this overview, but in my opinion Town Meeting was deceived a couple of years ago when they were asked to give money for the sale...to purchase three properties on Pearson Street. Two were to be used for the library for parking and there was a duplex...[gavel]

MODERATOR: Wait, Mary. I just would like you to stay on track---

CARBONE: It is on track! It all has to do with the town yard.

MODERATOR: Pearson Street?

CARBONE: Yes. Yes.

MODERATOR: Okay, go right ahead.

CARBONE: We were asked to purchase the duplex on Pearson Street for \$5 and half million to be used for the town yard. But after the fact it's been turned into something else, that building, so for all practical purposes employees of the town yard should be in that building for a brief period of time. So in my opinion, Town Meeting was deceived on that vote because being used for the intent. But I honestly feel the town yard should stay. We should build a structure, a tiered effect, vehicles on the ground level, and administration above. So I thank you again for listening.

MODERATOR: Thank you. Yes, sir.

PASQUALE: John Pasquale, 47B Whittier Street. I've been following the process for over a year. I went and did my

"doubting Thomas" and went down saw all the rust, interviewed employees, went to several of the meetings this committee had. We ought to be proud of the individuals that are on the committee. I'm saying that. I don't know them that well. But they're real professionals and they've done a great job. I'm looking at this from the big picture. Because this Article and the next two are linked together. This is the building block of the future of Andover. \$30,000 is the cheapest investment we could make to get the answers we need to move this Town forward with the whole question of the town yard. I sat here with everybody else the other night for an hour for the kids. I'm now speaking for the employees. Notice who the authors of the Article are: Town...Planning man doesn't have anybody working. Hooks doesn't have anybody working for him. So I'm speaking for the town employees. They deserve a better facility. I don't want to see us patchwork in the present location it has an environmental problem over there now that we're gonna have to face, other than deterioration. I strongly urge to put \$30,000 where it really belongs and vote for this Article.

[applause]

MODERATOR: Thank you, sir. Sir, do you have a question about this?

POKRESS: Yes. Madam Moderator, Bob Pokress, 3 Cherrywood Circle. Just a question regarding the source of the funds. It appears that we are using funds that were authorized back in 2004 for a different purpose. It's been five years since those monies were authorized. I'm just curious, what happens to funds that are authorized and not use, because there's another Article later on in the warrant—at least one other, where we want to in effect transfer money previously authorized in another year for a different purpose.

MODERATOR: Okay, let me get you—

POKRESS: What happened to the funds and why don't they automatically flow into free cash or the stabilization fund if they're not going to be used for their original purpose.

MODERATOR: Okay. Thank you. Buzz, can you answer that?

STAPZCYNYSKI: It's not unusual to have funds remaining in a balance from a large project. And what you'll see, this year in particular, this and other warrant articles we have used the tailings from a number of projects to fund these, these particular new projects. It could—depending on the kind of project and how the money was appropriated, yes, it could go into free cash. But in this case, we decided the best use to pay for this kind of project out of the tailings rather than out of new tax money.

MODERATOR: Thank you. Yes, sir.

MCQUADE: McQuade, 196 Chandler Road, Andover. Said a few things I was interested in the town yard.

MODERATOR: If you could just speak right into the mic please. Thank you.

MCQUADE: I just myself think the town yard is the best centrally located area servicing the Town. I think you're...with expansion in the future your still limited on entrance and access to the town yard property. I think if you say that you need a bigger town yard, we should look into downsizing, privatizing some of the work that needs to be done. And I was also curious, has anyone tested the site for 21E? Has it been tested? Do we know what the cost would be? And so the site is contaminated? And that's pretty much it, thank you.

MODERATOR: If you could do so quickly that would be great.

JOHNSTON: If I could answer a couple of questions that have been posed...one by Mary. In the next Article we're going to get into more detail on the actual configuration of the town yard. There's roughly 50,000 square feet of administrative space and they'll be roughly 75-80,000 square feet of vehicle storage and maintenance and overhaul facilities. So a two story structure is really not 50,000 on the first floor and 75,000 on the second floor. We looked at that option. In terms of the centrality of it, because of the size of the town yard we think the equipment and the other materials is located in, I think we said, about 15 other sites around town. There's a spider work of activity as vehicles are moving all around town to obtain or get a hold of. By consolidating material, the vehicles, and personnel we are convinced the actual trips to the town yard will actually reduce dramatically, even though its not

in the central, you would say the central place as it is now. The problem with that theory is that the most valuable land we have is in the center of Town. And that's the paradox you have to deal with. But by reducing the scatter of the town, mostly because of size, that's, we think it will be very beneficial.

MODERATOR: Okay, Karen. Excuse me for the informality. Go ahead.

HERMAN: Karen Herman, 50 Sunset Rock Road. I'm chair of the Andover Preservation Commission. The Preservation Commission has looked at this, this area of Town since the development of Powder Mill Square. With great concern. I think we talked about that at whatever Town Meeting we voted on, on improvements in that area for Powder Mill, with concern about residential structures and how we maintain diversity of housing and businesses in that area. The area around the town yard, just on the other side of the railroad tracks, is national registered historic district, Andover Village National Registered Historic District. We believe very, very firmly the town yard needs to be moved. So, we support this Article. The concern going forward, with how do we protect historic structures in that area and treat them with respect to get the best possible result. We think that certainly having a mix of older and newer structures done in a sensitive way makes the most sense for the value of the land in the area. And we applaud what the committee has been doing. Thank you.

MODERATOR: Thank you. Last comment if you have something new. Go ahead.

GREENWOOD: Floyd Greenwood, 22 Rose Glen Drive. So we're—I basically have a question—so we're in the middle of a serious recession, real estate prices are down, we're forced to make—

MODERATOR: If you could just speak right into the mic.

GREENWOOD: Let's try this. Floyd Greenwood, Rose Glen Drive.

MODERATOR: Yup.

GREENWOOD: I basically have a question. Okay so we're in the middle of a major recession, real estate prices are

down. We're forced to make serious cuts in important areas. This plan really isn't necessary if you want to move the Town yard. So, isn't this the kind of the thing that could wait for another year?

STAPZCYNISKI: I'd be happy to answer that.

MODERATOR: And then were gonna vote.

STAPZCYNISKI: The lesson that we have learned from other recessions is that this is the time to plan and time to put some money into the kind of work that they're doing now, the kind of work you're gonna hear on two or three other warrant articles, where committees are spending, what I think is rather short money, to do planning for the future. So that when the economy does change, when the markets do change, we'll be back here looking for the, the serious money to move these projects, to advance these projects, into the development and construction phase. If we don't do it now, the question is, when the economy does change, there will be other projects coming up that people will be banging on our door for. So I maintain that smart municipalities, just like smart developers, are doing their planning now.

MODERATOR: Do you have a rebuttal to that, sir?

GREENWOOD: Just a very brief follow up. This recession is really going to last a long time—

MODERATOR: You really need to speak into it. Thank you.

GREENWOOD: Okay. This recession is going to last a long time, and the commercial real estate market probably will not rebound in the next couple of years. And the study will not take a couple of years to do. So, I guess I just put again, wouldn't it better just to wait for a year, two years, when one: there's better visibility on what kind of market there is for the land, and two: when we have more money to pay for it.

STAPZCYNISKI: It could take several years, two to three years in order for us to sell the property. But we have to start planning now, so that we can do it when the economy is better.

STABILE: Madam Moderator, can I just answer one question that was asked earlier that didn't get answered-

MODERATOR: Who's asking, who's asking?

STABILE: This is Selectmen Stabile.

MODERATOR: Oh, there you are. Ah, no. If you could, if I could, if you could wait just a minute.

OZOONIAN: Point of information, Madam Moderator.

MODERATOR: Go ahead.

OZOONIAN: Ken Ozoonian, 98 Osgood Street.

MODERATOR: Yep.

OZOONIAN: I just have one quick questions, somebody on the board could maybe answer for me. The monies that are being asked for here, that are coming out of other existing funds. Could you tell me, if it's not passed tonight, where those monies would go?

STAPZCYNYSKI: They would stay where they are until appropriated...unused.

PETKUS: Jack Petkus, Director of Public Works. Just to answer one question on the 21 E. The Chapter 21E has been completed on the site. The site is currently under a use restriction. That particular use restriction does not hinder commercial development at all. Only for uses that are in direct contact with the ground. There is some petroleum contamination.

MODERATOR: Mr. Stabile.

STABILE: A question was asked earlier by Mr. McQuade about privatization. All I wanted to say about that...without opening a can of worms, it was not in the charge of the Town Yard Task Force to look at how we approached or operated our DPW services. So, that issue was not even considered by this group and they've been working on this for over two years. So, I just wanted to make sure you got an answer to that.

MODERATOR: Do you have anything you need to, have a burning desire to add?

VEHMAN: Norm Vehman, 16 Martingale Lane. This is a fantastic opportunity for the Town. If projects like this had been done in the past our tax rates would be lower now. This is an opportunity not to be missed. It's not gonna cost anything for our tax bill right now. This is the time to act. Let's get on with it.

MODERATOR: Okay, let's vote. All those in favor raise one hand. All those opposed. The ayes have it, it clearly passes.

Article 17. Mr. Johnston. Oh, no...this is kind of a slow crawl, let's get on the roll, will ya.

[chatter]

JOHNSTON: This is a little different than what's in the book-

MODERATOR: One second, Mr. Johnston. Do you have a point of order, ma'am?

UNIDENTIFIED SPEAKER: Yes, I do. Because it involves process.

MODERATOR: Go ahead.

UNIDENTIFIED SPEAKER: This gentleman did not introduce himself at the outset so I have no idea who he is.

MODERATOR: Very good point. And I didn't-

JOHNSTON: I'm very sorry.

MODERATOR: Thank you. Would you please let us know who you are.

JOHNSTON: My name is Hooks Johnston, I live at 26 Morton Street. I'm on the Town Yard Task Force.

MODERATOR: There you go. Go ahead with your article. Go ahead with your article, please.

JOHNSTON: I apologize. I'm sorry, ma'am. I move Article 17. I move that the Town vote to authorize the Board of Selectmen to enter into a right-of-first refusal, or an option, to purchase 5 Campanelli Drive (Assessor's Map 142, Lot 6), on terms and conditions the Selectmen deem to be in the best interest of the Town, for general municipal purposes, including the development of a new Town Yard facility and to transfer \$25,000 from Article 5, 2005 Annual Town Meeting Capital Projects Fund and transfer \$2,255 from Article 32, 2004 Annual Town Meeting Senior Center Plans and appropriate the sum of \$27,255 to acquire such a right or option to take any other action related thereto.

MODERATOR: Article 17 has been moved and seconded. Go ahead, Mr. Johnston.

JOHNSTON: Now we're ready for that presentation. Because of the order of the Article, I couldn't get into a lot of detail over the state of the town yard so you're gonna have to see some unattractive pictures for the moment. As we said before the existing town yard is too small. It's too old and it must be replaced. As I said before the studies we have now done say we need seven acres of usable land, we now sit on two and a half acres. So stuff is scattered all over the Town, literally. It sits on a strategic parcel of land. We talked about that. And to the gentleman who was worried about whether it's wise to spend the money now or later, the situation we're in at this moment, is that we're looking to a \$100 to \$200 worth of repairs to the existing buildings so they don't fall down. And I'm afraid we're going to be faced with this every year unless we can move and, and replace the facility. Next slide please. This is an example of the condition of the town yard. The building, the picture on the upper left, what you see peeling off that wall are basically the insulation and the interior structure of the building. You also see what we had to do to get some of the smaller equipment inside. It is literally stacked on top of each other, pushed into corners, etc. How they even get at some of the stuff, I have no idea? The picture in the middle on the top, we have a building that is coming apart. The one on the right, the fire truck, where's the Fire Chief? The day we were there for one of the tours, they were working on one of, one of your large vehicles. And the gentleman who was working on it, was in such a confined space he could not work around the structure—the truck, he had to go underneath it to work

on the other side. Literally. The lower left corner is a truck that they had to punch a hole in the wall because they had to get the crane inside, the bucket part of the crane. The middle picture is where they have build little false mezzanine so they could get storage space underneath it. And the right one you saw before. That's one of the main structural beans of the largest building. Which is in touch shape. So over the past year, as you heard some of the speakers say, this Task Force has examined 40 sites, including the existing town yard. Our criteria was size, access, residential impact, location, zoning, wetlands—not being in the wetlands, sewer, not being in the watershed, estimated value and also Town owned properties was a priority. After examining these 40 sites, a lot of which, many of which we actually toured, we recommended 5 Campanelli Drive, which is located off of River Road, which meets all of these criteria. Virtually all of these criteria. It's in a, it's in a commercial zone. The site has been previously permitted by the Conservation Board for industrial development, so we know that it has, it is supportable of this kind of thing. Next slide. This is the actually property itself, which is located between the Voc Tech School—there you are and the Wyndham Hotel, somewhere. And it's in the rear of that property. It's set dramatically, it's set 500 feet back from River Road. Let me explain the process though, because this is important. What we will do at this point, is that we will send out an official request for proposals, for, to require land to develop a town yard. Other properties may come forward. We don't know. We have looked at 40 some odd around the Town that we thought were potentially usable and have recommended this one. But we're also wise enough to know that there are other parcels out there that may come forward now that we are getting very serious about proceeding. So we're gonna issue an RFP, see what comes in. In the meantime, what we're asking this Article to do, it to give us this \$27,000 to buy a right of first refusal or a purchasing option if we can, with the Kateris Company for this property. What we're doing, it's an insurance policy. Simple as that. Okay. And while we solicit other proposals and while we examine other properties, we don't loose this land. This land has been permitted for industrial development. Now, the market's not strong, we know that. But it's not dead either. So that's what this Article's trying to, trying to do.

MODERATOR: Okay, thank you. Selectmen report please. Mr. Stabile.

STABILE: The Board of Selectmen, Madam Moderator, recommends approval of Article 17.

MODERATOR: Thank you. The Planning Board recommendation please.

SALAFIA: Yes, Madam Moderator, the Planning Board also recommends approval.

MODERATOR: Thank you. The Fin Com Committee please. Fin Com report.

HOWE: Thank you, Madam Moderator Richard Howe, Robandy Road. To keep this process moving forward, the Town needs to settle on a site and take steps to acquire, to secure it. We're encouraged that there will be another RFP because the, requests for proposals, because the real estate market is changing weekly or monthly and this will give the Town a chance to see whether there is a better site out there. But if not, we should move forward on this one. The Finance Committee recommends approval of this Article.

MODERATOR: Thank you. If I could just remind those on the stage if you're speaking if you could just—thank you, Dick for doing it—state who you are, because we all know who you are but not necessarily everyone else does. Mary, go ahead.

CARBONE: Yes, Mary Carbone. Actually I would like to speak to this 5 Campanelli Drive issue. The owners of the property, the want a right of first refusal on this land. And coincidentally the Planning Board has given them approval for another development on this land, so for the owners of this property it's a win-win situation. And additionally, I would like to clear up a situation here. Previously the Town Manager had stated publicly that he was in agreement, and approval, with the town yard staying exactly where it is. Well I have echoed the Town Manager's wishes. And I have been corrected most recently, and stated not to say it again. So I will not say it again. But I would like the Town Manager to clear up exactly what his thoughts are. And thank you. I'll be waiting.

STAPZCYNSKI: Madam Moderator, may I have a right of personal privilege.

MODERATOR: Go ahead, have a right of personal privilege.

STAPZCYNSKI: Mary, thank you for not stating it again. [laughter] Two years ago at the annual town meeting, when this came up, I did have some questions about the feasibility, the practicality of moving the town yard. But I have to tell you, the nine people that have been appointed to work on the Town Yard Task Force, representatives of the Selectmen, Finance Committee, Planning Board, and staff and five wonderful citizens and I have met, as Hooks said, for two years, looking at different options. And I have been won over. I think that the development opportunities and the current town yard for transportation oriented development are wonderful. And I think, I think it's going to be a challenge finding a site, perhaps the 5 Campanelli site is the one. As Hooks was saying we have to go out for requests for a site. But whichever site we end up at, certainly has to be better than the site we're at now. Because the potential that we're at now is certainly not used to its highest and best use. So Mary, thank you very much, and I'll give you \$5 bucks for asking that question.

MODERATOR: Thank you. Do either of you have a point of order? Or do you just have questions?

UNIDENTIFIED SPEAKER: Point of information.

MODERATOR: And you have a point of order? Could you supercede the point of order please.

JOHNSON: Joan Johnson, 11 Moraine Street. My point of order only refers to the fact that I've noticed in the last two nights of Town Meeting that every gentleman

[break in tape]

MODERATOR: Okay, okay. I did not even notice that, thank you. I'll get to your question in a moment. Go ahead, sir.

KAPPLER: Mr. Warren Kappler, 17 Alden Road, Andover. I'm in favor of this Article. However, I'm wondering, on a right of first refusal there's usually a time limitation.

Is this going to be once a year for 27255? Or, what period of time is this going to cover?

JOHNSTON: As most as I can get.

MODERATOR: In terms of what?

JOHNSTON: Time.

MODERATOR: Time.

JOHNSTON: In other words, it's a right of first refusal for as long as, one year, two years, five years, ten years, as long as I can get it. Or the Town can get it.

MODERATOR: And your question please.

ZAHORIK: Bonnie Zahorik, 2 Granli Drive. I think my question is related, I'm confused about the amount, it's different than what's in the book, which is probably because it's change. But if you could clarify that, if you have such exact amount but you don't know the time frame, and then you refer to it as insurance, I'm just ignorant on how this works. Is this money, if you don't buy the property it disappears. And if you do buy the property, does it go to that cost?

JOHNSTON: Um, you're going to notice in Article 18, well if you looked at 18, it's for \$20,000. And, which is actually to do the site evaluation, to do the borings all that sort of stuff that you have to do to make sure its developable. We've included that money in this Article for this site. So it's \$2755 for the right of first refusal and \$20,000 for the assessment. We decided to separate that and include it in Article 18, which would be for the Campanelli site if we proceed with that, or another site, if another site comes out. So that's why the numbers are different. The number, it's a good question, why the number. This is the annual tax for this property for one year. That's where it came from

MODERATOR: Yes, sir. Then we will vote.

PASQUALE: Mr. John Pasquale, 47B Whittier Street. When I spoke before I gave you the analogy of building. I said you but the first block in place. We just voted on the first

block. That's the cornerstone of the big picture. This is the second block. So I'm in favor of voting this. Part of it—it's another investment, so vote for it.

MODERATOR: Okay, let's take a vote. All those in favor of Article 17 in the amount of \$27,255 raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. Article 18. Hooks Johnston.

JOHNSTON: Hooks Johnston 26 Morton Street, 'cause I don't want to get in trouble again. Article 18 is simply the last step we have to do----

UNIDENTIFIED SPEAKER: You have to make the motion.

JOHNSTON: ...[inaudible] sugar.

MODERATOR: I know you think we're all there. I move that the Town vote to transfer from Article 5, 2005 Annual Town Meeting Capital Projects Fund and appropriate the sum of \$20,000 and to authorize the Board of Selectmen to evaluate a parcel or parcels of land for general municipal purposes, including the development of a new Town Yard facility. Said evaluation or evaluations shall include but not limited to, an environmental report, title search, appraisals and other expenses incidental and related thereto, or take any other action related thereto. And basically what this \$20,000 is, is to make sure the land is okay. Ownership wise, development wise, etc. And by the way, it's "up to". Hopefully we'll do it for less.

MODERATOR: Okay the Selectmen's report please. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Okay, Planning Board report please, Mr. Salafia.

SALAFIA: Madam Moderator, the Planning Board also recommended approval.

MODERATOR: Thank you. Finance Committee report, Mr. Howe.

HOWE: Richard Howe, 3 Robandy Road. Once the site of the new town yard is chosen, whether it's the Campanelli Drive or a different site, we'll need to conduct certain environmental and legal evaluations before entering into

purchase negotiations. These funds will allow that process to proceed without delay. Finance Committee recommends approval.

MODERATOR: All right. All those in favor of Article 18, please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 19, Mrs. Lyman.

LYMAN: Thank you, Madam Moderator, I move that the Town, I move that the Town approve Article 19 as printed in the warrant. The Board of Selectmen recommends approval of this Article.

MODERATOR: Article 19 has been moved and seconded. The Fin Com report please, Mr. Howe.

HOWE: Richard Howe, 3 Robandy Road. Until this statute passed, this is a new statute, the Finance Committee was concerned about requiring retirees in Medicare, because we believed it might cause a hardship on some retirees. But this law, now applies only to new retirees. It will reduce both the Towns and the retirees' costs, because of federal support for Medicare. So the Finance Committee recommends approval.

MODERATOR: Okay, all those in favor. Please raise one hand. Those opposed—yes, sir. Started the vote. Go ahead, what's your question please? What's your question?

CUTICCIA: Jimmy Cuticcia, 127 Greenwood Road. Relative to this, in this Article it's suggested there is not gonna be any additional costs to the retirees. Does that include our retirees, going forward?

MODERATOR: Who can answer that question?

It is for future retirees, not for existing.

CUTICCIA: So...people who retire from now on will have an increase and they will be required to join Medicare part B as part of this, part of this plan. Correct? The point I'm trying to make is there's potentially—

Well a, let me get the answer for you please.

LYMAN: Mr. Torrasi is going to answer this question.

TORRISI: Anthony Torrasi, Finance Director. The question I believe relates to a penalty when somebody doesn't join Medicare when they're eligible. The federal government can asses a penalty. If that should happen, the Town would be responsible for the penalty. The employee, the retiree, would be responsible, Medicare Part A is free, there is a Part B premium, many of you may, may have be a member of Medicare you pay the Part B premium. It's either deducted from your social security check or its, you pay cash.

CUTICCIA: And currently the Medicare part B plan costs approximately \$96.40 which is the equivalent of what a retiree would pay for an individual plan. There's one thing you're not suggesting though. That plan would also require an additional supplemental plan in order to maintain similar insurance. People who have Medicare, usually have a supplemental plan. That additional cost would be upwards of \$1500 to maintain at least similar insurance than the currently have. This is an increase of at least \$1500 on those people. The way this Article is written suggests that it's free. Therefore Madam Moderator, I'd like to offer an amendment.

MODERATOR: An amendment on this...Jim, I will not accept. This is an up or down vote on accepting a state statute. The Town will either accept it, or the won't. If there's something more that needs to be negotiated with the Selectmen, that can be done. But-

CUTICCIA: But, Madam Moderator, the, the Article suggests how it will be done. It accepts the statute, but within the statute it allows the Town Meeting or the legislative body to, to have that happen in a certain way. There are different, different options available. And I would respectfully-

MODERATOR: And as I, as I understand it, those options can be discussed with the Selectmen. Am I correct in that?

URBELIS: Mr. Cuticcia, the way I read it, it's an up or down vote. If there's a concern about some of these payments, that is certainly something that can be brought to the Selectmen, who would be administering this or be voting on it.

CUTICCIA: Okay, than Madam Moderator, would you like me to go to the con mic, because I'd like to speak against the Article?

MODERATOR: If you will do so.

CUTICCIA: I apologize for delaying Town Meeting. Very important issue and it shouldn't be taken lightly. My name is Jimmy Cuticcia, 127 Greenwood Road. I'd ask you to vote against this Article. This would change significantly what a retiree would pay for his health insurance going forward. And significantly change the current, the coverage that they currently have. That's a significant change. I applaud the Selectmen and the Town Manager for at least covering the existing people, but retirees do live on a fixed income, there are many retirees that have a very small pension going forward. The average pension in the retirement system right now is approximately \$26,000. There are people that have a higher pension, but there are people who have a small pension. This would significantly impact them. I would ask you to reject this at this time if my amendment is not allowed. And allow this to come back at the fall Town Meeting to be discussed. Thank you.

MODERATOR: Okay, all those in favor, please raise one hand. Those opposed. The ayes clearly have it the motion carries. Article 20. Mr. Silverman. The most recent recipient of the Virginia Cole Citizen Award.

SILVERMAN: One of the—Gerald Silverman, 56 Dufton Road in Andover. One of the questions that people have been asking tonight is when the talk about available funds from other things tonight I'm going to tell you where my \$10,000 is coming from. I would like to move Article 20 in the amount of \$10,000.

[inaudible speaking]

MODERATOR: Okay. No you need to move the Article in its entirety, Jerry.

SILVERMAN: To transfer from the to transfer from the following unexpended articles:
\$ 5,000.00 from Article 48, 1997 Annual Town Meeting - River Road Land Acquisition; \$ 2,000.00 from Article 21, 2000 Annual Town Meeting - Senior Tax Voucher Program, that's a shame we didn't have the seniors working to keep,

get that money, and; \$ 3,000.00, Article 36, 2002 Annual Town Meeting - Reassessment Program; and appropriate the sum of \$10,000 for a fireworks program as part of the Fourth of July program.

MODERATOR: Article 20 has been moved and seconded. Any further comment, Mr. Silverman?

SILVERMAN: As I said before, earlier, that's only part of the cost of the program. The total cost of the fireworks and the whole 4th of July program is about \$20,000. We will raise the money, one way or another. I would hope that some of you who are ready to write a check for fireworks for Town of Andover to BankNorth. And you'll be receiving a thank you from me later on.

MODERATOR: Selectmen report?

VISPOLI: Yes, Madam Moderator, the Board of Selectmen recommends approval for the Jerry Fireworks for the Town of Andover Article.

MODERATOR: The Fin Com Committee report?

[inaudible]

MODERATOR: They can't hear you.

STUMPF: The private donations...donations raised to support the fireworks program allow the Town to sustain this popular community event at a very modest cost and the Finance Committee recommends approval.

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

SILVERMAN: By the way we will be inviting Methuen to the fireworks.

[laughter and applause]

MODERATOR: Of course you will, okay. Oh! Of course...[laughter]. Article 21. Mr. Pennington.

DESO: Madam Moderator may I make a point of information please.

MODERATOR: Sure you can.

DESO: My name is Tom Deso, 81 High Street. I would just like refer to page 152 of the Fin Com report regarding disclosure of interest. I would just like to remind Town Meeting of this requirement in any future articles. Any person having a monetary or equitable interest in any matter under discussion at any Town Meeting or employed by another having such an interest shall disclose the fact before speaking thereon. Thank you.

MODERATOR: Thank you. Mr. Pennington.

PENNINGTON: Modom Mad, Madam Moderator, Bill Pennington, 46 Clark Road. I wish to withdraw Article 21.

MODERATOR: There's a motion to withdraw Article 21. It's been moved and seconded. All those in favor, raise one hand. Those opposed. The ayes have it, the motion carries. Article 22. Mr. Geaslen. Okay, somebody needs to move it, if you would.

GEASLEN: Dave Geaslen, 23 Lincoln Circle East. I move that the Town vote to appropriate the sum of one hundred thousand dollars to the School Department operating budget from the Stabilization Account, to offset a portion of a decrease in funding for the Andover High School Athletic Program, or take any other action related thereto.

MODERATOR: Thank you. Article 22 has been moved and seconded. Thank you sir, please identify your self.

BERGERON: Good evening, my name is Chris Bergeron, the Director of Athletics for the Andover Public School System. The purpose of this Article is to speak on behalf of our constituents in the athletic program, which are mainly the 950 student athletes and their parents and families, who are amongst the tax payers of the district. The current athletic budget consists of, is about 1.3% of the overall school budget. And of that overall budget currently 38% is raised by revenue, which is for the most part user fees, plus rentals, plus gate receipts. So currently parents are paying 38% of the athletic program in its current form. This current proposal, proposed school budget is gonna call for the parents to raise, an earn revenue in the amount of 55% of the overall school budget. This proposal for the Warrant Article is to help offset some costs associated

with that. Parents who currently pay taxes in Andover, who currently support the 30 booster clubs that we have, raise additional money on their own that is not into, does not go toward the athletic budget, but they purchase uniforms, the purchase awards, the purchase things like that for our kids already. The athletic program is founded on participation. It is the—that is the backbone of high school athletic program is the amount of kids that participate in that program. The 21st century skills that they learn of leadership, teamwork, and accountability, make the athletic program a cornerstone of the high school and a cornerstone of our community here in Andover. So we are here in support of our parents and our student athletes in an effort to ease the burden that is placed on them for this outstanding program that we have.

MODERATOR: Thank you. Selectmen's report please.

TEICHERT: Board of Selectmen recommends disapproval of this Article.

MODERATOR: Okay, and the Finance Committee, please.

STUMPF: Thank you, Madam Moderator. John Stumpf, 11 Stafford Lane. The Town's reserves are dangerously low and to fund ongoing operations with one-time money makes the Town's overall financial situation much worse in future years. Additionally, while the Town Meeting may appropriate money for the schools, it may not place any restriction on any such appropriation therefore it does not guarantee that the money would be used for the stated purpose. For these two reasons, the Finance Committee recommends disapproval of Article 22.

MODERATOR: Do you have a point of order?

UNIDENTIFIED SPEAKER: Nope.

MODERATOR: Mrs. Carbone.

CARBONE: Yes, I have a question actually.

MODERATOR: Actually, if you could, if it's a point if order if you refer it to me. Is it a point of order? Okay, if it's a question, let me just get through with the stage presentations. And then if you would use microphone 3, I would be grateful. I can...Go ahead, Mr. Urbelis.

URBELIS: Yes, I just want to reiterate what Mr. Stumpf said, that if this Article does pass, these funds, although appropriated for the school committee operating budget, the School Committee will have no obligation or responsibility, or duty to apply these to the athletic fees. This would just be to an advisory vote, it would not require the School Committee to apply these funds to the stated purpose.

MODERATOR: Okay and your point of information?

CARBONE: Point of information.

MODERATOR: Please tell us who you are again, thank you.

CARBONE: Mary Carbone. Actually I would like to know what the specifics are regarding the \$100,000. Exactly what the \$100,000 is going to be used for. Will it be used for salaries? Will it include the coach salaries? Is it to offset the revenue that the parents pay for the sport issues? Maybe Mr. Bergeron or Mr. Geaslen can relate to that. Or, the Superintendent of Schools.

UNIDENTIFIED SPEAKER: Mary, if I can take a shot at that first. As the Town Counsel mentioned, the Town Meeting may, that may appropriate money but there's a specific Massachusetts General Law that says that they may not restrict how the money is used once it is appropriated.

CARBONE: Okay. So. Whatever. It can be used for whatever. Generally we've been against, we've been fairly consistent about using stabilization money in the Town so far. And I thank you again.

MODERATOR: Okay. Ready for a vote on this? Yes, sir.

COLLINS: Dick Collins. I have been connected with the athletic program in Andover for over 50 years. During that time, we never charged kids to play. We are now charging kids. Play on the football team, or the basketball team, or the baseball team, or the track team or whatever it might be. We charge kids right now to play on our teams. We have never done that before. And now we're talking about increasing that. Do you realize what this can do to our program? Do you realize what athletics has meant to this Town? I urge you not to increase, the money these kids have

to pay. For those of you who were young when I was here, could you imagine paying money to have me yell at ya?

[laughter]

I urge we give some very serious thought to this. You don't want to price our kids out of our program.

MODERATOR: Thank you sir. Mrs. Silberstein, is there a School Committee report? Is there a specific School Committee report on this? Go right ahead.

FORGUE: I'm Dennis Forgue, 18 Reservation Road. On School Committee. The School Committee I think appreciates the sentiment of this Article. But we are very reluctant to encourage, to go down this kind of a path of a request of funds, stabilization funds, for any one specific purpose in this nature. So the School Committee did vote to recommend disapproval of this Article.

MODERATOR: Thank you. Yes.

COSTAGLIOLA: Diane Costagliola, 15 Belknap Drive. I wanted to bring forward—I support this Article in spirit. And I admire Mr. Geaslen and I admire the Athletic Director for bringing this forward because what people don't realize in this Town is actually the amount of money it cost parents beyond the fees to have their kids participate, not only in athletics but in extracurricular activities at all levels in the Andover Public Schools. And for me this is what's, this is what this Article means. Fees have gone up. We've been charging fees for things that we've never charged before. Through some really aggressive though processes Chris Bergeron has come up with a plan to hold the fees and we really admire him for that, we really appreciate it. And you know people have to understand, you know, are we always hear about how we don't want to double tax our residents for other services and I appreciate that because I'm a resident and a tax payer also. But parents are being double taxed constantly and though I do understand why it's not a good idea to go into the stabilization fund, I also have to support this Article because parents are being asked to pay more and more and it's gotten to the point of ridiculous. The Andover High School PAC next year has to raise close to \$25,000 just to sustain the clubs and we're raising money to keep the athletic fees down to a reasonable level. So we have to look at both sides of the fence when we think about

this. Yes, we want to keep money, and we want to keep our fiscal health for the Town. But, we also have, the parents are residents of the Town and with the amount of money they spend on equipment and other things that's why in spirit I do support this Article.

[applause]

MODERATOR: Thank you. Yes. Tom.

DESO: Yes Madam Moderator. Tom Deso 81 High Street. I really just have a question. This is removing or taking money from the stabilization, is that a simple majority vote...

MODERATOR: Is that...what? I'm sorry say that again, please?

DESO: A simple majority vote?

MODERATOR: No, it requires a two-thirds vote.

DESO: It doesn't say it in the book.

MODERATOR: That is—and I'm sorry. I believe that was improperly, improperly, in your Fin Com report. It does require a two-thirds vote.

DESO: Thank you.

MODERATOR: Yes, Ma'am.

BANTA: Yes. I just had a question.

MODERATOR: Go right ahead.

BANTA: Chris Banta. 15 Gavin Circle. It's a question for the School Committee. With the approval of the budget yesterday of \$60.4 million could you please state what the fees currently are for the athletics are at the high school and what they will be under that approved budget. Because I know I've seen several numbers in the Townsman and on line.

MODERATOR: Any one from the School Committee have that?

FORGUE: Again, Dennis Forgue, School Committee. Currently, in FY09 the fee is \$250 with a family max of \$250-\$500, I'm sorry. \$250, max of \$500 per family. The, what is planned

right now for FY10 is \$350 with a max \$700. That is a decrease, the original proposal was a \$500 per student \$1,000 family. And the School Committee voted to reduce that to the \$350—I'm sorry, yes \$350 and \$700 max per family.

BANTA: Right, the \$350 is regardless of the number of sports that the children play. I know that one point it was talked about per sport

FORGUE: That's correct. There was some discussion about having a graded fee process and the implementation of that and the benefits from it, didn't weigh out.

BANTA: Thank you.

FORGUE: You're welcome.

MODERATOR: Okay we ready to vote? This does require a two-thirds vote. All those in favor please raise one hand. Are you stopping my vote?

UNIDENTIFIED SPEAKER: I just had a question? Was the School Committee vote on maxing out for per family, before or after we gave them a extra half a million dollars?

MODERATOR: The Article before us is whether or not we want to take a \$100,000. I don't believe the question is pertaining to the Article. I'm gonna move forward, thank you. All those in favor of the Article please raise one hand. All those opposed. The Article fails.

Okay Article 23. If you'd turn to your books to page 63. There are a lot of general housekeeping consent agenda items. They are items we need to vote on every year in order to, by statute, in order to authorize the Selectmen and the Manager to perform certain functions within the, within the Town. So what we're going to do, unless someone has an objection, is we'll do this in groups of items here, so we don't go through each one. If anyone has an objection, if you would just take a look through, if you have an objection to any of those. We will be moving item A-F as in Frank and then there will be a motion to do, what's the, what's the, G? What's the last one G? Yes. So then we'll do that one separately because it's a bond issue. Okay. Mrs. Lyman.

LYMAN: Thank you Madam Moderator, I move that the Town approve the consent agenda, Articles 23A through 23F.

MODERATOR: Does anyone object to those, to that? Okay, all those in favor please raise one hand. Those opposed. The ayes have it the motion carries. And Mrs. Lyman

LYMAN: Thank you Madam Moderator. I move that the Town vote to rescind the following unissued bond authorizations: \$350,000 Article 11, 2002 Annual Town Meeting New Schools Additional Funding; \$250,000 Article 41, 2005 Annual Town Meeting Fishbrook Pumping Station; and \$30,000 Article 32, 2004 Annual Town Meeting Senior Center Plans.

MODERATOR: We're going to vote on Article 23G and it requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 24, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, the Board of Selectmen recommend, actually, I move that the Town approve Article 24 as printed in the warrant.

MODERATOR: Hold on one second. Oh, I'm sorry, I'm sorry. On 23G, I need to declare that that clearly was more than a two-thirds majority. That, we just need that for the record. It clearly was and I apologize that I didn't. So going on to Article 24. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that the Town approve Article 24 as printed in the warrant.

MODERATOR: Article 24 has been moved and seconded. Go ahead.

VISPOLI: Board of Selectmen recommend approval.

MODERATOR: Mr. Fortier?

FORTIER: Thank you, Madam Moderator. Paul Fortier, 17 Kathleen Drive. Finance Committee recommends approval of Article 24 as printed in the warrant.

MODERATOR: Any discussion or questions? This requires a two-thirds vote also. All those in favor, please raise one

hand. Those opposed. The ayes have it in more than a two-thirds majority. [inaudible discussion] Article 25.

TEICHERT: Madam Moderator, I move that Article 25 be withdrawn from the warrant.

MODERATOR: It's been moved and seconded that Article 25 be withdrawn from the warrant. Any discussion? Questions? All those in favor please raise one hand. Could I see that again, because it requires a four-fifths, because we have no unpaid bills. Those opposed. Excellent, thank you. I declare it a unanimous vote. Article 26. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that Article 26 be approved as printed in the warrant.

MODERATOR: Article 26 has been moved and seconded. Selectmen report?

MAJOR: The Selectmen recommend approval.

MODERATOR: Finance Committee. Mr. Fortier.

FORTIER: Thank you, Madam Moderator, Paul Fortier, for the Finance Committee. Finance Committee recommends approval of Article 26 as printed in the warrant.

MODERATOR: This also requires a two-thirds vote. All those in favor please raise one hand. Those opposed. The ayes have it by more than a two-thirds vote, fact it's a unanimous vote and I declare it as such. Article 27. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that Article 27 A through M - Revolving Accounts—as approved, as printed in the warrant.

MODERATOR: Are there any objections to our taking these in a group. A through M. Okay, can I have the report please from the Board of Selectmen.

VISPOLI: Yes, Madam Moderator, Board of Selectmen recommend approval

MODERATOR: Thank you. Finance Committee report, Mr. Fortier.

FORTIER: Yes, Madam Moderator, we also recommend approval. There's an old adage that you must spend money to make money. And given that many of these departments have been charged with increasing revenues, or raising increased revenues in 2010. Additional spending will be needed to fund their programs. Finance Committee recommends approval of Article 27.

MODERATOR: All those in favor of Article 27, please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. Article 28. Mr. Stabile

STABILE: Moderator, I move Article 28 as printed in the warrant in the amount of \$12,000 from taxation.

MODERATOR: Article 28 has been moved and seconded. Is there a report? Selectmen?

STABILE: The Town provides certain transportation besides our elderly citizens...[trails off]. Town provides certain transportation subsidies for elderly citizens. These subsidies currently allow seniors 60 years of age and older and disabled persons to ride free on the MVRTA shuttle bus and also provides transportation through a call and ride program called EZTrans. This Article will continue to provide critical transportation [inaudible] to our seniors and disabled residents and the Board recommends approval.

MODERATOR: And Finance Committee report, Mr. Fortier,

FORTIER: Yes, thank you Madam Moderator. The Finance Committee also recommends approval. Definitively.

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

Article 29, Mr. Teichert.

TEICHERT: Madam Moderator, I move that the Town vote to transfer \$100,000 from Article 20, 2003 Annual Town Meeting Water Treatment Plant Improvements and \$400,000 from Article 47, from 2004 Annual Town Meeting Water Storage Tanks and appropriate the sum of \$500,000 for the purpose of paying costs of engineering, designing, constructing, reconstructing or replacing water mains, and for the payment of all other costs incidental and related thereto.

MODERATOR: Article 29 has been moved and seconded. Is there a recommendation by the, um, Selectmen.

TEICHERT: Board of Selectmen recommends approval of this Article.

MODERATOR: Finance Committee report, Mr. Merritt.

MERRITT: This is Mark Merritt, Finance Committee. This Article is a periodic request for ongoing maintenance necessary to maintain the good working order of the water distribution system. The funding for this is from unexpended appropriations out of the water user fees. These are not derived from taxes. They can only be spend for water purposes. And using money for this purpose is already factored into the user water fee rates and so no change of rates would be expected from approving this Article. The Finance Committee recommends approval.

MODERATOR: Okay, all those in favor of Article 29 please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries.

Article 30. Mr. Major. Could we get this...

MAJOR: I move that the Town vote to transfer \$250,000 from Article 20, 2003 Annual Town Meeting Fish Brook Pumping Station and appropriate the sum of \$250,000 for the purpose of paying costs of engineering, designing and replacing instrumentation and chemical feed systems, and for the payment of all other costs incidental and related thereto.

MODERATOR: One moment please, I think we have a clerical error.

MAJOR: Scratch that.

MODERATOR: Never mind, let's go again. Let's try that one again. Article 30, Mr. Major, let's pretend it just never, it never happened. Go ahead.

MAJOR: It's like "Groundhog Day." I move that the Town vote to transfer \$250,000 from Article 20 from the 2003 Annual Town Meeting for the water treatment plant and appropriate the sum of \$250,000 for the purpose of paying costs of engineering, designing, replacing instrumentation and

chemical feed systems, and for the payment of all other costs incidental and related thereto.

MODERATOR: Thank you. And the Selectmen's report, Please. It's been moved and seconded.

MAJOR: Yeah, it has been moved and seconded. Um, this project completes the upgrade that we're doing to the Fish Brook plant. The Selectmen recommend approval.

MODERATOR: Recommend approval. And the Finance Committee report please, Mr. Merritt.

MERRITT: Yes, similar to the previous Article this is paid for out of water user fees and will have no impact on water rates. Finance Committee recommends approval.

MODERATOR: All those in favor of Article 30 please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 31, Mr. Stab-it's going to be moved by Mr. Johnson.

JOHNSON: I move Article 31 as printed in the warrant.

MODERATOR: Article 31 has been moved and seconded. Go right ahead.

JOHNSON: Thank you. My name is Mark Johnson, 24 Greybirch Road. I'm here representing Miami Steward Realty LLC. This Warrant Article seeks approval for the Board of Selectmen to sell in accordance with the procurement laws of Massachusetts, Town owned property, which is adjacent to my clients property off of Essex Street. Next slide please. The property which is the subject of this Warrant Article is the property that takes up a portion of the access to Dundee Park. What's outlined in the yellow is the Town owned parcel. This is the access to Dundee Park. My client's parcel is over here. The railroad is over here. And that is property that has been owned by the Town and is currently encumbered by an easement granted for the benefit of Dundee Park approximately 12 years ago. Next slide please. The parcel is outlined over here. My client's parcel is over here. Next slide. The parcel is encumbered by an easement, which is outlined on this plan, for the benefit of Dundee Park. The only area of the Town parcel that can be constructed is what's outlined on this plan. It is not buildable. It cannot-not structure can be put on it

inconformity with zoning. The parcel in total is approximately 7900 square feet. Next please. And currently the parcel has the driveway to Dundee Park, has a sign for Dundee Park which is on the Town land by virtue, it's my understanding, of a license agreement between the Town and Dundee Park. The Board of Selectmen have voted that the Town, that the land is not needed for municipal purposes. Currently the land is assessed at \$125,300. The Town is collecting no tax revenue as the Town owns the land. Again it's encumbered by an access easement and the sale of this property would be subject to this easement, and would not interfere in anyway with the access to Dundee Park. Currently, cars park on the land, the Town does not generate any revenue from the parking. There is the Dundee Park sign. Next slide. If this Article passes it simply authorizes the Selectmen to put this property out to public bid, on terms and conditions that are set by the Board of Selectmen. Again, there can be no interference with the Dundee Park easement. It's recorded a the Registry of Deeds. The terms of the sale will be conducted in accordance with the Massachusetts procurement law, which requires sealed bids. The highest bidder will be the one, obviously, who offers the highest money, and will be sold to the highest bidder. My client will certainly be one of the bidders for the property but there are no assurances that it will be the high bidder. We expect that the Selectmen will set a minimum sale price of at least \$125,300. The result will be that the Town will be collect taxes on the property. If my client is the highest bidder it will increase what can be built on the property which can increase revenue to the Town both in additional real estate taxes and permitting fees. The Town Yard Task Force has unanimously voted to support this Article. They believe a good addition to the development of the overall area. The Article again authorizes the sale of the property to the highest bidder. If the land is important to other property owners in the area, they certainly can bid as well which will maximize the amount of money that will be available to the Town from the sale of the property.

MODERATOR: Thank you. The Selectmen's report, please. Mr. Stabile.

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

MODERATOR: And the Planning Board. Mr. Salafia.

SALAFIA: Madam Moderator, the Planning Board was divided in their decision on this Article, but ultimately we recommended disapproval by a vote of 3 to 2. The majority of the Board felt as though, as though it was premature to sell the parcel and it would be prudent to take a broader look at the surrounding area including the town yard, MBTA site, intersections and traffic flow. The majority also felt that it would be in the Town's best interest to explore other ways to develop this site, perhaps in a public private partnership to allow for more control of the process by the Town. On the other hand the minority of the Board felt that the opportunity to move forward was now and stimulate new mixed-use private development in the area and it was the highest and best use for the parcel. They felt that after review of several studies and proposals that the parcel had no value to the Town and would not likely plan any significant role in any future development in the area. So that's both sides. Make up you mind.

MODERATOR: Okay, let's...those of you who are lined up, if someone says exactly or even close to what you're saying if you could please give us the courtesy of letting us move on. Go right ahead.

ANDERSON: Lynn Anderson, 93 Abbot Street speaking individually. I find it inconsistent that Article 16 which we voted to pass tonight authorized \$30,000 worth of study of a master plan, which clearly shows Essex Street as a subsequent area, tangent to the town yard. I think in running with Article 16, I think we should wait and have that master plan before disposing of the Town parcel. Thank You.

MODERATOR: Do you have a question?

UNIDENTIFIED SPEAKER: I think this is a point of order.

MODERATOR: Go right ahead.

UNIDENTIFIED SPEAKER: It seems that Mr. Johnson has a monetary interest, he referred to his client, I would just like a clarification on that.

MODERATOR: I believe he is representing someone who in a few moments will let you know who he is.

UNIDENTIFIED SPEAKER: Because I believe as the gentleman earlier this evening said such disclosure needs to be made before speaking on any motion.

JOHNSON: Like to say that I'm here representing Miami Steward Realty LLC, who is the owner of the abutting property.

UNIDENTIFIED SPEAKER: Thank you.

MODERATOR: He did, I think he did say that. Yes, sir. [inaudible] Speak right into the mic. [inaudible] Yes it is...can you turn that one up please? Over here.

VIEHMANN: I'm a member of the Town Yard Task Force and I just wanted to report on the vote of the Task Force.

MODERATOR: If you could hold it right up to your mouth, please.

VIEHMANN: All right.

MODERATOR: There you go, there you go. We hear you. And could you tell us your name again-

VIEHMANN: Norman Viehmann, 16 Martingale Lane, a member of the Town Yard Task Force. I have a copy of a letter from Hooks Johnston, in which he says, "Following a detailed discussion, the Town Yard Task Force unanimously voted to support the sale of 58 Essex Street. The Task Force has also recommended approval of Article 64 which would authorize the Board of Selectmen to grant utility and/or access, and/or parking easements to the subject property. In view of the .18 acre parcel, the Task Force strongly believe that by selling the subject property the Town of Andover would be helping stimulate new target economic growth and increase Andover's tax base, create new job opportunities, provide much more needed services to the Essex Street corridor. Receipt of the final payment for a under-utilized parcel of Town owned land while facilitating new development opportunities within the mixed use district. Task Force did not foresee any benefit of holding on to the property for Town use or future master planning purposes." I might add that the property is not within the parcel..

[break in tape]

UNKNOWN SPEAKER (VISPOLI?)...Salafia. They had a split vote and so did we—3 to 2. In the affirmative, 3 to 2. I think the issue that we struggled with is similar to the one that's been raised prior, but I do want to say, we just, we just approved money to do the study for the town yard, which includes the mentioned, by Hooks Johnston, the golden triangle. While this is not attached to it, it's right in the proximity. We're gonna have one time to design a master plan for this area. It's a tough one to vote against in many ways, because I understand you know, the economic benefits. But my point is, I ask us to wait and go through the plan. We'll get a chance, one time opportunity to plan for that area, which includes this parcel. It's unclear right now what it can be used for and I agree with Paul, Chairman Salafia, it's hard to see what it could be. But right now we don't know, we don't know, we haven't even started that plan with the opportunity of potentially selling that parcel and moving town yard. So that's why I'd like to encourage you to vote against this transfer of surplus.

MODERATOR: Okay. Yes, sir.

STAPINSKI: Madam Moderator, my name is Steve Stapinski. I live at 12 Apache Avenue in Andover. I'm a member of the Finance Committee, which obviously I'm not taking part in this discussion as a member of the Committee. But I'm also one of the principals of Miami Stewart Realty, LLC. Now, I think that it's important, as Attorney Johnson indicated, to realize that there are other people who would be interested in bidding on this property besides the company with which I'm a principle. And the contention is to utilize the property that Miami Stewart owns to develop three residential unions. That is what it's currently permitted for. It's to have driveways on to Essex Street in two locations. And so there's traffic that comes in and out of Essex Street, in and out of property and quite frankly with the existing Dundee roadway it doesn't have exactly the best traffic flow. The Town Planner had suggested that we look at other options and the reason Attorney Johnson prepared the petition for Town Meeting was the next one, the next cycle coming up is to grant an easement so there would need to be access in and out of Essex Street. It could be channelized in one location. I that's what Selectmen Vispoli may have been referring to when he was talking about the master plan. Second this gives an

opportunity to generate additional income to the Town in terms of the sale of the property which is this specific item. If the land was conveyed either to us as an abutter or to any other abutter, again there'd be additional revenue to the Town. Right now the property generates no revenue. That's the reason that we went forward to the planning nature and the economic benefits to the community.

MODERATOR: Thank you, sir.

LYMAN: Thank you, Madam Moderator, Mary Lyman, 50 School Street. I am also a member of the Board of Selectmen in the minority. I do want to point out that as recent as last week we were getting traffic reports about his area that are in conflict the two reports that we received. At no point has the Board of Selectmen had open discussion about the use of this property and the best use of this property. I think it's very deceiving for us to go before Town Meeting to suggest that we have even given this thorough discussion. This is something that determines the traffic flow of this area and to allow this to go forward without further discussion, further analysis I think is short changing Town Meeting and the Town of Andover.

MODERATOR: Okay. If you don't have something new to offer, please don't speak. But go right ahead if you have something new we haven't heard or thought of.

HUNTRESS: Chris Huntress, 17 Tewksbury Street. I'll be brief. I do think that the Town of Andover has no interest in the long term of this property however I do feel that it is premature for us---

MODERATOR: Chris, excuse me, if you could speak right into the microphone.

HUNTRESS: Yes, Ma'am. Chris Huntress, 17 Tewksbury Street. I do feel that the Town of Andover has no interest in necessarily owning this property. However, I do think it's premature at this time for us to release our interest and sell the property given the fact that we will be undertaking a significant planning study. Our own Planning Board has suggested that we wait and give them time that they need to perform a master plan of this entire area. I would suggest that that Town Meeting give the Planning Board the time they requested and allow them to come back at a subsequent meeting, Town Meeting, with a proposal that

works for all abutters and is in the best interest of the Town. Thank you.

MODERATOR: Selectmen's report please.

STABILE: Yes, Madam Moderator, I would like to state that the majority position of the Board of Selectmen, there are two points, one is that this Article is just to authorize the Board of Selectmen to sell or lease this particular parcel. I believe that a lot of the debate tonight is what we would do with it or who would buy it. And I think from our perspective this would enable us to take action if necessary without having to come back to Town Meeting within a year. So if like the Campanelli Street and the article to give us first right of refusal that gives us flexibility. By moving this Article tonight in the affirmative we would give the Board of Selectmen the ability to act on that parcel if something should happen within the next year. Whether that was before or after a study was conducted or not. So, there's no predisposition on the Board to do anything with the land other than be authorized to sell it if it's voted that way this evening.

MODERATOR: Okay. Yes, ma'am.

ORSHARPAR?: Rebecca Orsharpar?, 3 York Street. I'd just like to echo my fellow citizens of Andover that this is very premature. I think it should be part of the master plan of the town yard and downtown Andover. Everybody who drives in that vicinity knows what a difficult intersection it could be. And I think that it's premature to sell this lot. It needs to be part of the master plan. And I hope that you all vote against it.

MODERATOR: Okay, I'm hearing a lot of the same think, so I'm going to be very short in the next couple of minutes to call the vote. Go ahead.

PASQUALE: John Pasquale, 47B Whittier Street. I move the question.

MODERATOR: You ready to move the question? All those in favor of moving the question please raise one hand. Those opposed. Thank you very much. All right. This requires a two-thirds vote. Article 31. All those in favor, please raise one hand. Those opposed. The Article clearly is lost by...it's clearly lost. Okay, Article 32, Mr. Johnson.

JOHNSON: Thank you, I move Article 32 as printed in the warrant.

MODERATOR: Article 32 has been moved and seconded as printed in the warrant. Go right ahead.

JOHNSON: This Article involves the same parcel of land and I represent the same client, Miami Stewart LLC. For the record my name is Mark Johnson, 24 Graybirch Road. This Warrant Article, unlike the previous Warrant Article, does not involve the conveyance of a fee in the land, but authorizes the Selectmen to grant a easements across the land for the benefit of abutting property. It's the same parcel of land and it authorizes the Selectmen to grant parking, utility, and access easements across the land on terms and conditions that are set by the Board of Selectmen. The Town Yard Task Force has recommend approval of this Article as it certainly would aid in the development of the abutting property. Specifically this Warrant Article would bring in revenue to the Town. It will allow the construction of a building that's larger vertically on the site, bringing in additional Town revenue in terms of real estate taxes and permitting fees. And it improves the access to the property as it will eliminate two driveway access points on Essex Street and allow the access to the property through the Dundee Park driveway. Again it will not interfere with the easement granted to Dundee Park. Thank you.

MODERATOR: Mr. Stabile the Selectmen's report, please.

STABILE: Board of Selectmen recommends approval of this Article.

MODERATOR: They can't hear you.

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

MODERATOR: Thank you. Did you hear that? Were you able to hear that? Mr. Stabile could you please speak very clearly into the microphone. You can not be heard. Either that or could you turn his mic up?

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

MODERATOR: There your go. Thank you very much. Good job!
Mr. Salafia, let's hear you top that.

SALAFIA: The Planning Board again voted 3 to 2, split vote,
to disapprove this Article.

MODERATOR: It's very, very important those of you on the
stage—see how close I am to my mic, see, see this? You
have to be right up to the mic for them, the folks to see
you. Please, please be aware of that.

SALAFIA: The Planning Board again voted 3 to 2 in a split
vote to disapprove the Article.

MODERATOR: Thank you. They voted to disapprove the Article.
Yes, Ma'am.

ANDERSON: Lynn Anderson, 93 Abbott Street. Encumbering the
parcel so that it can't stand independently does the same
as the sale, it removes control, after full study, from the
hands of the Town and I think we should wait.

MODERATOR: Thank you. Yes, ma'am.

WYNN: Dorothy Wynn, Washington Park Drive, Andover. As a
regular commuter on commuter rail I just checked my
Blackberry for what has become the every-present T-Alert,
the Haverhill Line has again been delayed because of a
freight train due to the fact that we have one track. If
you look at the map, you'll see this that this property
abuts what used to be the area where Andover's second track
was, and I would like to see consideration of the second
track for commuter rail part of a major plan and not have
us encumber the land prematurely. I'd like you to vote
against this Article. Thank you.

MODERATOR: Thank you, Mrs. Lyman.

LYMAN: Thank you. Mary Lyman, 50 School Street. The Board
of Selectmen had a split vote on this; it was a 3 to 2
vote; you heard my concerns earlier. And this motion is one
that I do not support. It was approved 3 to 2, but again I
think Town Meeting needs more time and more deliberation on
this matter.

MODERATOR: Let's take it...Mr. Stapinski.

STAPINSKI: Madam Moderator. The purpose of this Article is to-

MODERATOR: Will you identify yourself again for us please.

STAPINSKI: Oh, sorry, Madam Moderator. My name is Steve Stapinski, 12 Apache Avenue, Andover, Mass. The...We're an abutter to the property as such-

MODERATOR: Could you also state again your interest.

STAPINSKI: Yes. I'm on the Finance Committee but I'm not sitting on this Article.

MODERATOR: Okay. Can you hear him? They cannot hear him either. You have to get very close to the mic.

The reason or the purposes for this Article is to allow the maximum amount of flexibility to the Planning Board so that as the plans for the adjacent are developed if the Planning Board, after conducting the traffic study, or after consultants conducting a traffic study, determine that traffic should be relocated off of Essex Street and through the Dundee Road parking lot then the Selectmen have the ability to grant the easement. If that study never takes place the Selectmen then may not. So this Article was there so the Selectmen would have the maximum amount of flexibility. Thank you.

MODERATOR: Do you have a point of order?

JANOVSKY: I have a question for the Planning Board.

MODERATOR: Go right ahead. And if you could identify yourself.

JANOVSKY: In response...I'm sorry Amy Janovsky, 6 Snowberry Road. In response to the point made at the other mic just a moment ago, about extending the second rail line in Andover. It was my understanding in conversation...sorry, in conversation with the Planning Department recently that that project is actually active. That is something that we're trying to move forward on. So I would ask for clarification on that point.

SALAFIA: I'm sorry I'm unaware of any active plans for that but maybe Paul Materazzo can...

MCDONALD: Yes. John McDonald member of the Planning Board. The second track would be on the opposite side of this. On the side closest to the creamery that's there. So any action on this piece of property wouldn't have any impact on the ability to double track in that location.

HERMAN: Karen Herman, 50 Sunset Rock Road. Chair of the Preservation Commission. This is an historic district, the Andover Village Industrial District. The Preservation Commission has not been a part of this review. I would urge you to, to wait for the master plan. I think that we all have a lot of interest in this area and waiting won't hurt.

MODERATOR: Are we ready to vote? Yes? Okay. All those in favor of Article 32. Requires a two-thirds vote. All those in favor of Article 32, please raise on hand. All those opposed. The motion is lost. Article 32 the motion is lost. Article 33. Mr. Vispoli.

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

Article 33 it's been moved and seconded to be withdrawn. All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries. Article 34. Mr. Teichert.

TEICHERT: Madam Moderator, I move that the sum of \$100,000 is hereby appropriated to pay costs of planning, engineering and designing a replacement of the Ballardvale Fire Station and for the payment of all other expenses incidental and related thereto, and that to meet appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under pursuant to Chapter 44, Section 7(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

CASPER: Thank you, Madam Moderator—

MODERATOR: Wait a minute. Article 34 has been moved and seconded. Go right ahead sir.

CASPER: Thank you, Madam Moderator. My name is Dan Casper. I live at 232 Andover Street in the Ballardvale section of Town. I represent the Ballardvale Fire Station Building Committee. A Committee of seven neighborhood citizens who were appointed by the Town Manger on November 17, 2008, confirmed by the Selectmen. Our first meeting was held on January 21st and we have had several public meetings since. We are an advisory committee and we're asked to make recommendations regarding the replacement and relocation of the Ballardvale Fire Station, which is located at the intersection of Clark Road at Andover Street. The station was built 113 years ago, at a time when fire apparatus was horse-drawn. The existing facility is in very poor condition and most importantly cannot accommodate the equipment needed to adequately protect the people and hundreds and millions of dollars worth of real estate in its coverage area. The Committee has toured the current Ballardvale Fire Station and can attest that the 113-year-old historic structure may be quaint, but it is wholly inadequate to meet current conditions and it needs to be replaced. What many people probably don't know, is that this station is so small that the only fire truck that will fit into the building is a custom model. It's more expensive to replace a custom engine than to purchase a engine that provides more advanced fire-fighting capacity. Also the station is too small to hold both an engine truck and an ambulance. 25-27% of ambulance calls in Andover are from the area serviced by this station. The response time for ambulance calls is slower and in some cases significantly slower, than the standards set by the National Fire Protection Association, the Insurance Services Office, and the American Heart Association because the station cannot house an ambulance. The current location is also not optimum for fire response times. I'm sure people have gone down to the little league field at Ballardvale have seen trucks and the way they have to circle around and back in. It is important to keep in mind that this Ballardvale Station services significant commercial and industrial infrastructure on River Street and Dascomb Road. And the lack of space for a full size engine or ladder truck and ambulance could hamper or significantly effect services in the event of an emergency. The need to replace this station was recognized by the Town as far back as 1983. But the project never moved forward. Despite the very difficult economic times we have, we need to address this critical public safety issue now. The Fire Department is requesting money to do a feasibility study

for potential sites which could be on either private or Town-owned land. The amended amount requested in Article 34 is \$100,000 not the \$200,000 printed in the warrant. This money would be used for a traffic study, topographical survey and environmental assessment. It would also include, developing a basic schematic design and cost estimates for a 10,000-12,000 square foot facility. The approximate amount of land needed to construct a facility where trucks can be driven through, as opposed to backing in...at...and disrupting traffic is about one acre. We are in the process of looking at all potential sites. And we hope to be able to make our recommendation for the best two or three sites within the next few months. Professional studies strongly suggest that Andover cannot provide adequate fire and safety coverage to its citizens and their property with only two fire stations on Main Street and on Greenwood Street in the west part of Town. Andover is approximately 32 square miles and is bordered by two major highways. In fact the Town has been informed that commercial insurance rates will increase if the Ballardvale Station is closed. Some have suggested that the Town participate in building a regional fire station in the Lowell junction area. The earliest that an interchange might be constructed is 2016. And that is the interchange itself and does not include any additional infrastructure. Neither Wilmington nor Tewksbury want the interchange to connect with its local streets. A regional fire station cannot be effective if the fire-fighting apparatus cannot access two of the regions communities except by taking the circuitous route via route I-93. The response times would exceed many recommended limits. Furthermore, to date Massachusetts has very little successful experience with the regionalization of these types of services. The issue confronting us is that a large section of Andover is being serviced by an inadequate fire station facility. Waiting another ten years in the hopes that a regional facility might materialize is not good planning. In the meantime a quarter of the population of our Town is at risk due to inadequate response times based on a fire station that clearly needs to be replaced. Chief Mansfield has learned that there would likely be stimulus money available for new public safety facilities. And that the applications for this aid may be due as early as the end of this summer. We want to be in a position to apply for those funds by having a suitable site with all of our due diligence having been completed. The approval of this Article by Town Meeting will put us in a position to do so. The Committee believes that this is a vital project for

your Town government to provide one of its most important, vital functions, and that is public safety. I urge you to vote use on Article 34 in the reduced amount of \$100,000. Thank you.

MODERATOR: Thank you. Mr. Teichert, the Selectmen's report.

TEICHERT: Board of Selectmen recommends approval of this Article. I'd like to speak to it also.

MODERATOR: Go right ahead.

TEICHERT: This Article provides the necessary funding to initiate the planning, engineering, design process for the replacement of the Ballardvale Fire Station located at the intersection of Clark Road and Andover Streets. The need for this project was identified in 1980. Recently the Town of Andover funded two separate studies that revue the Andover fire rescue infrastructure. They both included that the fire rescue sub-station facilities are, are inadequate due to existing safety conditions and response times. The ability to serve the community most effectively and efficiently with regard to fire rescue and emergency medical response requires the replacement of the Ballardvale Fire Station as well that all sites will be considered in this.

MODERATOR: Thank you. Finance Committee report please. Mr. Stumpf.

STUMPF: Thank you, Madam Moderator. John Stumpf 11 Stafford Line. Madam Moderator the Finance Committee fully supports the research and planning for the replacement of the Ballardvale Fire Station. But at this time it does not support the use of \$100,000 to do so. The planning for and study of potential sites and usable locations as well as possible improved regional cooperation could be implemented by existing Town employees and or volunteers before additional financial resources are appropriated. Therefore the Finance Committee recommends disapproval of Article 34.

MODERATOR: Does the Planning...Planning Board doesn't have anything on this, do you? No it wasn't your prevue. Go ahead, sir.

POKRESS: Yes, Bob Pokress, 3 Cherrywood Circle.

MODERATOR: Again if you would, speak right into the mic.

POKRESS: This is more of a question than a comment, because I fully appreciate the importance of having excellent fire service in support of all the residents in Town. I grew up in a family that served in fire departments in New York. My father spent over 55 years as a fireman in New York. My question is that during the campaign for Selectmen several members of the Board of Selectmen very strongly brought to the attention of voters their view that there was an opportunity to think outside the box. Given the high priority for the need to deal with Ballardvale Fire Station situation and give the financial crisis that the nation is in and the Town is in, we approved an unbalanced last night in fact. It seems as if very significant campaign points that were used during the campaign to pursue a regionalized approach toward dealing with the Ballardvale problem seems to have been forgotten between the campaign and this evening's meeting. And I would like to find out if there is a way that this particular Article, if it were to be approved, could include in it a charter to give as serious attention in the evaluation of the proper solution to regionalization, rather than jumping to the conclusion that regionalization is not possible and we have to go it alone as a Town.

MODERATOR: And your question is...? Specifically please?

POKRESS: My question is if...

MODERATOR: I don't mean that with any disrespect. I know that there was a question in the middle of the comment.

POKRESS: I understand. If the Town were in favor of approving this money for that work could it be done with the proviso that serious, expedited deliberations with the neighboring towns where regionalization might be possible, could be included as part of the charter and mandate of the work that this money would fund, rather than presuming that that's impossible and all the money would go to a strictly in-Town solution.

MODERATOR: Would you like to address that Mr. Major?

MAJOR: Thank you. In fact some of the comments that Mr. Casper made really highlight the need for a regional station even more. We're talking about the interchange

along route 93 between exits 41 and 42. And use indeed the Towns of Wilmington and Tewksbury are trying to get to not have direct traffic to go into their communities. If we build out that intersection, than that's gonna increase the amount of industrial and commercial properties along that stretch that starts on River Road and goes to Ballardvale Street in Wilmington. The quickest response to that area won't be from Wilmington and it won't be from Tewksbury. It's gonna be from Ballardvale for emergency response. So at some point if that build out takes effect we're gonna need a regional station to be able to support that increased industrial commercial entity out there. So one of the concerns that I brought forward in this discussion was that we not look just at the south school area in order to build a the proposed new facility, but that we look beyond that because if they do build a station, say ten years from now, we don't want to have another station two miles away. That make zero sense. So, indeed, I have asked that the Committee that's looking at this that they strongly take that into account, that, in fact Selectmen Lyman made them, the motion and she asked specifically that multiple versions of this come back to the Selectmen so that we can take a look at multiple ideas, and multiple locations for the particular location—not to have one or two come back. Because we want to make sure that we take advantage of regionalization, we want to make sure that we take advantage of how to serve the Town properly.

[inaudible]

POKRESS: ...vote approval on this, could it be conditioned, as a think one of the Articles last night was conditioned by some group up on the podium, with the understanding that the charter for this group, whoever that group would be, would be to include in their analysis the effects of regionalization so that a plan could be developed that took that into account—

MODERATOR: That...that is not currently in this Article. That specific language, you're hearing from the Selectmen that it is the intent that that be looked. We certainly heard from the Finance Committee report that that's a concern of theirs, regionalization. That specific condition is not currently in this Warrant Article. It would have to be specifically amended to do so. If you wanted it to be specific. The Selectmen have indicated that that is there focus and intent. The Finance Committee has made their

recommendation based on their belief. So if you wanted to condition this, it has to be amended. So while you're thinking about whether you want to do that, let me, let me move on.

LYMAN: Madam Moderator, can I just make a clarification in an effort to help. Mr. Pokress, I just want to reassure you that when I made the motion last week in recommending approval of this that we—I'm right here, Mr. Pokress. I just wanted to assure you that we are in agreement as a Board with what...your intent is our intent. And our motion last week which was approved by our Board reflects your concern and you can expect to see recommendations, Mr. Casper heard what we have to say and I don't think we're in any disagreement at all. So, you can expect to see some recommendations that reflect these concerns.

[inaudible]

MODERATOR: Yes, ma'am. On the pro side. Go right ahead. We'll go back and forth. Thank you.

MCNEILL: It was...My name is Linda McNeill and I live at 14 Lucerne Drive and formerly lived at 2 Temple Place.

MODERATOR: If you could speak up, they can't hear you up on the front. Thank you, that's probably helpful.

MCNEILL: It was 19 years ago that I first stood before this body to speak in favor of the Andover Fire Department. At that time I held in my arms my infant daughter Sara Pearson who's life was saved by the Andover Fire Department when she was three weeks old. Among others here tonight is Lieutenant Ricky Dalton, who carried Sara and then myself in his arms during the ladder rescue in much danger to himself. I owe my child's life to these good people. I hope none of you every have to. Please join me in supporting the Andover Fire Department on Article 34. And trust their opinion in matters of public safety. This on request of the Fire Chief, isn't that why we hired him? Thank you.

[applause]

MODERATOR: Thank you. Do you have a point of order? Okay, can I just have this gentleman, I'll get right back to you. Go ahead, sir.

HOWE: My name is Richard Howe, 3 Robandy Road. It's difficult to speak on a fire issue after that kind of an emotional argument. And I know in many Towns fire rescue services are sacrosanct and not looked at with the same close examination that the schools or, public works, or other departments are. What I'm asking for is that the Fire Department be held to the same standard that other town departments are. And we know that for the next three to four years there's gonna be serious financial situation and that we will need to look closely at every Town Department with an effort to maintain as much as we can of current levels of service. What this plan would do, and the plan is not simply to replace the Ballardvale Station but it's also to replace the West Station. And the two could, between the two of them would cost somewhere between six and \$10 million. My guess is over the next eight or ten years. That will clearly improve the fire rescue services of Andover, in a significant fashion. But at the same time, we may will be looking to layoff people in a variety of departments and I think we need to look at creative alternatives. One creative alternative that has not been considered, in part because circumstances have changed since this study was conducted, and since the Committee was appointed, is to consider whether there are creative ways which Andover could get by with two stations rather than three. Now the ways that that may be done have been suggested, for instance regional alternatives. Another regional alternative is to pursue more aggressively the possibility of joining the Essex Regional Dispatch System. And a third alternative is for Andover to take the lead in beginning something called automatic response, automatic aid. At present if you live at Jenkins Road you have to wait for someone to come from the central station four and a half miles to serve your home. As opposed to someone coming from North Redding up Haverhill Street, a mile and a half. And a reason for that is because we have, every Town has its own borders and there are no, aside from mutual aid that takes place in major conflagrations, there is no cooperation between the Towns. So automatic aid is one alternative way in which we could improve the service to certain parts of the Town. Another alternative would be to look at the privatization, particularly of ambulance services. And a third would be some of the suggestions of sharing regional facilities. What I'm asking for is that we vote against this Article as a way to broaden the inquiry. In the next year or so to look, to step back to look at ways that we may be able to maintain present response times with some of

these other creative ideas to, I don't doubt that the Ballardvale Station needs replacing, I don't doubt that the West Station is badly located, what I'm saying is that this Town may not be able to afford those and should not give the fire rescue service, as valuable a service as it is, a future of protecting and improving its services while we may have to cut and reduce employees and services in other areas. So I urge you to vote against this Article with the idea that we will broaden the inquiry to look at some of these other possibilities in the future.

MODERATOR: Yes ma'am.

BACKMAN: My name is Rebecca Backman, I live at 19 Pomeroy Road. I am on the Ballardvale Fire Station Replacement Committee. I've lived in Andover more than 30 years. In that time, the area serviced by this fire station has grown exponentially, but our services have not really kept up. A quarter of the residents of the Town of Andover are served by this fire station, which, as you have heard, is really inadequate. I, with all due respect to all the people who are talking about regionalization, Massachusetts has no track record, yet, having, having to, having any good way of providing services by regionalization of this sort. I have attended every tri-town task force meeting for the Lowell Junction, there is absolutely no guarantee what that interchange is going to look like. There's not even a guarantee that the interchange is going to be built. It is very likely that what ever is built out there it's not going to allow connection to Tewksbury in particular and probably Wilmington. In addition, it will be at the extreme edge of Andover, which will actually decrease the response time for a portion of the area now served by the Ballardvale Station. Again with all due respect, Town Meeting is being asked to support a slogan, which is regionalization. We have before us a situation of a fire station that is really inadequate. All that's being asked here is to allow the Committee to do an in depth study and determine what is the best course of action for the Town. Andover is one of the largest towns in the Commonwealth; it is probably not likely that it can be well served by only two fire stations. So I ask that this Article be approved, that the Committee be allowed to do it's work, and we come to a good determination of whether or not regionalization is realistic or if we should replace this fire station. Thank you.

[applause]

MODERATOR: Thank you. You have a quick question, please?

BRADSHAW: Marge Bradshaw, 4 Sioux Circle. It's been said that probably the Town can't be served by two, it was said earlier that there was two committees that studied this, could someone give us more information...I mean it's been said that this won't be just Ballardvale but these studies also included West Andover. What was studied? What did they find? And why are we only talking about Ballardvale, if it's a bigger picture? And when is the Town gonna get the big picture of what we need?

[inaudible]

CHIEF MANSFIELD?: There have been two studied that have been completed. One was an organizational analysis done on not only the fire stations but also the management of the organization itself. In reference to the study that was completed in 2006 by Municipal Resource Incorporated out of Meredith, New Hampshire. They stated that there was a need for three fire stations in the Town of Andover, there was a question as to whether or not there might be a need for a fourth. That study concluded that a fourth fire station in the Town of Andover was not needed at this time. The more recent study that was completed by Manatu Incorporated out of New York, concluded that the Town of Andover would be best served by three fire stations, if two of the three fire stations that the Town of Andover now has are relocated. It also stated that the two substations, which are serving the West Andover and the Ballardvale areas of this community, are inadequate at this point in time. More specifically it stated that the Ballardvale Fire Station is severely inadequate, not only to service the citizens of this community, living in that particular area, but also inadequate for the folks that are doing the services, meaning the fire fighters, to that area of Town. So the, this issue has been studied on two occasions. We've come up with a--both organizations that have studied this--have concluded almost the identical issues. Manatu also stated, which was the 2007 study, that there is no need for a fourth station at this time. I was in, had a conversation with the principle of Manatu as late of today, and his comment, when I asked him what his feeling was in reference to running the fire and the EMS services this community out of two stations, he stated it was going to be almost next

to impossible to do that with maintaining response times the way we have right now. So he's further looking into that and I will have complete study, but he did answer that question in brevity to Mr. Howe back several weeks ago that probably would not be able to be the case. And that response times would be ultimately increased and that the safety of the residents in that part of the community would, would be hampered by that. So hopefully that answers the question.

MODERATOR: Okay. Thank you. Okay, let's go for a vote, if that's alright. Do you mind, sir? Thank you. This requires a two-thirds vote. All those in favor please raise one hand for Article 34. Those opposed. The ayes clearly have it, the motion carries by more than a two-thirds vote.

[applause]

Article 35. Mr. Zipeto. Come on, hurry up. Are you moving the motion? Okay, go right ahead.

ZIPETO: My name is John Zipeto, I stand before you this evening of the Fishbrook Advisory, Watershed Advisory Committee. I move that the Town approve Article 35 as printed in the warrant.

MODERATOR: Article 35 has been moved and seconded any discussion? All those in favor, please raise one hand. Is there any discussion? Is there a report.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Sorry, I have nothing in my thing saying there's a report from anybody. I'm very sorry. Go right ahead, Mr. Major.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Okay. The Planning Board, please.

ANDERSON: The Planning Board also recommends approval.

MODERATOR: All right. Any comments, yes sir.

FRIEDENSON: I'm Robert Friedenson, 109 Bellevue Road. I actually have a question and it concerns Section 8.1.6 - Prohibited Uses. I was just wondering what the definition

is of the bulk storage of salt and other de-icing chemicals. There's no definition in the report and the other sections have a definition of prohibited items.

MODERATOR: Mr. Zipeto, can you answer that question?

ZIPETO: I will do the best I can. The, this what you have in your warrant, it indicates that it is a complete re-write of the original Overlay District By-Law. The original by-law has been in existence in the Town since about 1986. So what I did was to take that basic framework, that was already in existence, and one of the, I guess statements or descriptions about bulk storage was included there as is it was. So I...because of the fact that the by-law had been in existence for 25 years or more, it didn't seem to have been a concern about that definition. I did not include a new definition in it. But I think it is safe to say that when you talk about bulk storage, you are talking about 10, 20, 50 yards of material, again the purpose of the word bulk is so that if local residents have five pounds of salt or three pounds of salt or some form of salt in that, of that volume that would be allowed, and not to have stock piles of salt within the watershed.

FRIEDENSON: Just wanted to be assured because there are many hills in that area that salt or other de-salting agents are necessary for traversing sidewalks, traversing driveways and the rest and that would not be banned under this overlay district.

ZIPETO: All right, the intent here is not to ban the use of salt for de-icing practices as the Town may see fit to maintain the safety of the roads or of the sidewalks throughout the watershed.

FRIEDENSON: Thank you.

MODERATOR: Does that-

[break in tape]

PASQUALE: ...still there. What's under it? S - A - L - T. So, Mr. Pasquale's saying, following up on this gentleman, where are we with the State? Are they gonna remove that? Because this by-law that's the only thing I have wrong with it. You look at my notes that I took. It's still there you

have to get the State Senator involved or somebody to move the salt pile. The salt is gonna go into the water. Period.

ZIPETO?: Madam Moderator, I'd like to respond.

MODERATOR: Go right ahead.

ZIPETO?: Part of the, what you have in your books this evening is a part of what the Advisory Committee has been involved with, the rewrite of this portion of the by-law. There are several other components that the Advisory Committee has been working on the past two years. One of those, Mr. Pasquale, is to work with the State of Massachusetts to relocate the salt shed which for your information is located at the intersection of 9, routes 93 and 495. As you go north you see it on your right. The...what is here is contained in itself. Efforts to continue with the State, to negotiate with the State, again the Town of Andover is involved with that, we have worked with our legislators, we've worked with Senator Tucker and Representatives Finegold and L'Italien on this matter. And that effort is still underway.

MODERATOR: Yes ma'am do you have a question or a point of order?

ROBERT: Actually I have a question.

MODERATOR: Go right ahead.

ROBERT: Suzanne Robert, 37 Stevens Street. I'm wondering why the drafters of this by-law didn't speak to impervious services and the percentages thereof on a development property, because to become in full compliance with CMR, 310 CMR 22, that is one of the requirements.

MODERATOR: Do you know the answer to that Mr. Zipeto?

ZIPETO: Um, would you like to—okay.

MODERATOR: You did very well though with what you did know.

CARBONE: I'm Tom Carbone, I'm the Director of Public Health and I've been working with the Advisory Committee to do their work and keep [inaudible] draft these changes. And that wasn't addressed, it was considered, we did think...we looked at existing by-laws, we've got a storm water

management by-law that was adopted last year, I think, and a lot of that stuff is addressed within that by-law and we felt that it was duplicitious [sic] if that's that right word.

ROBERT: [inaudible] When [inaudible] come up for a water management act review that particular criteria will probably be reflected upon in you review.

CARBONE: If it does come up, I imagine that we can address that and bring back any changes at a future Town Meeting if that's what recommended by the State.

MODERATOR: Okay, this requires a two-thirds vote. Any other comments or questions? All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it the motion passes by more than a two-thirds vote.

Article 36. Mrs. Lyman.

LYMAN: Madam Moderator, I move that the Town approve Article 36 as printed in the warrant. Furthermore, I have an amendment. I move to amend Article 36 by deleting Section 5.2.3.1(h), which states: "signs on facilities or land under the care or control of the Massachusetts Bay Transportation Authority." And renumber Section 5.2.3.1(i) to 5.2.3...1(h).

MODERATOR: Article 36 has been moved and seconded. The area that has been amended is on page 82 in your Finance Committee report if you want to follow along specifically.

ANDERSON: Madam Moderator?...Hi.

MODERATOR: Yes, Ms. Anderson

ANDERSON: I can give a very brief—Linn Anderson, Planning Board—I can give a very brief explanation if—

MODERATOR: Go right ahead.

ANDERSON: If you'd like.

MODERATOR: I'd like you to on the amended, the amended issue.

ANDERSON: This amendment was requested after Senator Tucker brought to our attention the fact that the MBTA is able to post billboards on its properties without any local review at all. There is legislation pending that might return some control locally. If that does occur, we certainly would want them to be subject to the kind of review that everyone else is. And by removing the sentence under (h) on page 82, they will be subject to our regular regulations.

MODERATOR: Any questions about the amendment? We'll vote on that first and then we'll have a discussion on the Article. All those in favor of the amended language, please raise one hand. Thank you. Those opposed. The ayes have it, the Article now is amended to have deleted that section of the original Article. Ms. Anderson, would you like to speak to the Article?

ANDERSON: I would. Thank you, Madam Moderator. I am presenting tonight for Lisa Schwarz, the Senior Town Planner, who could not be with us this evening. We have our first slide up? Yes. The first provision of the sign by-law came before us last year. It was presented by the Design Review Board. The DRB correctly identified the need for a re-write of this by-law and had already prepared a major revision. Since that time there's been a great deal of additional input and review and this is the final product. Next slide, please. Highlights are listed for you. We now have a much clearer by-law with signage which is appropriate to each of our zoning districts. There's also a better defined permitting process. Slide. To insure that all of the varied entities in Town that might be effected by changes to the by-law were informed there were eten- there was extensive community outreach. In addition to the list on the overhead, the Design Review Board, or Planning Staff worked with the Preservation Commission, the Andover Business Center Association, local attorneys, local businesses, both in-town and in our larger companies industrial zones, the real estate community, Philips Academy, residents who live near the downtown general business district, Andover Village Improvement Society, elected officials, and Town Counsel and I believe the League of Women Voters, was also in the information loop. As we move forward we'll continue to work closely with the Building Department as the inspectors actually implement the by-law to make sure that it functions smoothly. We're very pleased with the by-law and we'd like to thank Ann Constantine and the members of the Design Review Board,

Lisa Schwartz, Dave Brown, Bob Douglas, AVIS and the many other individuals and groups who contributed to the final product. The Planning Board recommends approval of Article 36.

MODERATOR: Mrs. Lyman, the Selectmen's report please.

LYMAN: Board of Selectmen recommend approval.

MODERATOR: Discussion? This requires two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it by more than a two-thirds vote. Article 37. Ms. Anderson.

ANDERSON: Madam Moderator, I move that the Town approve Article 37 as printed in the warrant.

MODERATOR: Article 37 has been moved and seconded. Go ahead with your report please.

ANDERSON: Article 37 amends Section 10 definitions of the Zoning By-law so that four sign-related definitions will be consistent with the revised definitions just approved in Section 5.2.

MODERATOR: Planning Board recommendation?

ANDERSON: Planning Board recommends approval.

MODERATOR: Mr. Vispoli.

VISPOLI: Yes, Madam Moderator the Board of Selectmen recommends approval of this Article.

MODERATOR: Okay. This also requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries.

Article 38.

ANDERSON: I move that the Town approve Article-

MODERATOR: I'm sorry, I'm sorry. It passes by more than a two-thirds vote. Thank you. Article 38.

ANDERSON: I move that the Town approve Article 38 as printed in the warrant.

MODERATOR: Article 38 has been moved and seconded. Go ahead and give us your report.

ANDERSON: Again, this changes Section 10-Definitions of the Zoning By-law to be consistent with the new Section 5.2 with respect to home occupation signs. The Planning Board recommends approval.

MODERATOR: Okay. Mr. Stabile, please.

STABILE: The Board of Selectmen recommend approval of Article 38.

MODERATOR: Okay, any questions or comments? This also requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by more than a two-thirds vote.

Article 39, Ms. Anderson.

ANDERSON: I move that the Town approve Article 39 as printed in the warrant.

MODERATOR: Article 39 has been moved and seconded. Go ahead with your report.

ANDERSON: This is the last one. It amends Section 9.6, which is the Design Review Section of the Zoning By-law to make it compatible with the new provisions of 5.2. The Planning Board recommends approval.

MODERATOR: Thank you. And the Selectmen's report please.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Thank you. This also requires a two-thirds vote. Is there any discussion or questions? All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries by more than two-thirds vote. Thank you very much.

Article 40, Mr. Pokress.

POKRESS: Thank you, Madam Moderator—

MODERATOR: Would you just tell us who you are, please.

POKRESS: I'm sorry. I'm Bob Pokress, 3 Cherrywood Circle.

MODERATOR: Thank you.

POKRESS: I would like to move Article 40 to see if the Town will vote to amend the Town By-laws, Article III, Section 3(a)(3), by adding the following after the current sentence in this section:

"In addition, each property owner in Town will be provided, either by letter or via a secure electronic means, at least ten (10) calendar days before the first scheduled business session of the Annual Town Meeting and at least seven (7) calendar days before the first scheduled business session of a Special Town Meeting, a table showing the dollar amount that a resident's annual property taxes on their particular piece of property in Town are projected to either increase or decrease associated with an approval of each Article in the Warrant that affects property taxes should those Articles be approved at Town Meeting. The table will also show the total projected dollar amount that a property owner's respective tax bill will either increase or decrease if all Articles in the Warrant were to be approved. This calculation each year will incorporate the Town's estimate of revenues from new growth for the coming fiscal year, the then current relative property valuations, the then current classification. The Finance Committee shall be assisted by the office of the Town Manager and his/her departmental staffs in making the calculations for each piece of property and insuring that this information is provided, as required above, to every property owner. This information will be provided to Town residents starting with the Finance Committee Report to be prepared for the 2010 Town Meeting. And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

MODERATOR: Article 40 has been moved and seconded. Go ahead with your presentation.

POKRESS: Thank you, Madam Moderator. Fellow residents of this great Town of Andover, this Article is quite simple in its intent. It's all about increasing transparency into what the implications of the articles in the warrant at every Town Meeting will mean to each and everyone of us.

And to provide us with information that already exists but in a better, clearer form so that we will all be much more informed, and better informed about how we choose to vote on every article that comes up for a vote. Richard Fineman, the noted Nobel Prize-winning physicist, said to fellow physicist at a conference, "if we can't explain simply a theory or concept in physics, no matter how complex that concept or theory may be so that a high school science class can easily understand it, then that means, that we as physicists really don't understand it." He proved that back in 1986 to a huge worldwide audience when as a member of the commission evaluating the space shuttle Challenger disaster after months of taking thousands of hours of testimony, hundreds of scientists and engineers providing information and writing reports that would fill up his field house, he demonstrated to a national audience the crux of the issue. He took a small water washer, rubber washer, dropped it into a beaker of liquid oxygen, which is one of the components of the space shuttle, picked it up, dropped it on the floor where it shattered. Everyone including elementary school aged children were able to understand what had taken everyone else tens of thousands of pages to try to explain. That is what this Article is really all about. Now I know that some members of the Finance Committee, and maybe among the Selectmen, at one point were choosing to vote, or recommend disapproval, but what is being proposed and asked for here is really very simple. Provide each and everyone of us with a simple spreadsheet, that lays out, based on the assumptions that they are working with at the time that they make their recommendations, asking us to approve hundreds of millions of dollars in budget items at a Town Meeting, what it will mean for each and everyone of us, with our respective tax bills. So that we can make independent, personal, cost-benefit analyses on whether or not we like what that article represents from a benefit point of view versus what its cost will mean. Rather than asking us to try and translate everything that's in the warrant into the numbers that relate to our respective tax bills. So I would like to ask this groups approval for this Article so that we can get a simple tabular presentation of the dollar and cents element of every article when we come into Town Meeting and view the rest of the warrant as a great back-up resource to get into whatever level of details we individually would care to get into. Thank you, Madam Moderator.

MODERATOR: Thank you. Mr. Major, the Selectmen's report please.

MAJOR: The Board of Selectmen recommends disapproval of this Warrant Article. And its not because we don't admire the intent. The intent is very good to be able to bring transparency to the overall tax process. And for that I congratulate Mr. Pokress for bringing this subject to debate and discussion. The difficulty with it, is that when we, the monies that we talk about during Town Meeting, only those monies that are tied to the operating budget are those that will impact the next year's taxation. When we're looking at a capital project, in which we're gonna to borrow that money over a longer period of time, we won't start paying anything on that project for a period of time. For example, just in, on page 74 we had the fire station project that we just talked about. That's a project that we wouldn't start paying anything on until approximately 2012. Now, in the Finance Committee report, and actually I'll take a moment to acknowledge the Finance Committee Chairwoman, Joann Marden, who really authors this report, and every year she does a better and better job of getting information to each of us to make more informed decisions. For example on that fire department warrant article she points out that in 2012 it's gonna impact the average taxation by three dollars. But it's spelled out right there. Another problem that we have is, you take a problem of something like land acquisition, and if we appropriate money for conservation, that project may not take place for a long period of time into the future. For example the Reicholt property. We approved the purchase in the appropriation of money in the year 2000 for the purchase of the Reicholt property. We're still waiting for the clean-up activities to complete. So we haven't actually spent that money. And good for you, we haven't taxed you for that money yet, even though the appropriation's there. We also have warrant articles like warrant articles 6. That we dealt with last night. Where we went, we finished projects in the past, we didn't spend all the money that you appropriated for us to spend, so we actually rescinded those bond authorization for the amount of money that was left over in those bonds. So that it could either go back into your pockets, or not be taken out of your pockets at some point, or be spent for another project. So it's not as clear and crisp as you'd like to think, associated with how to set the actual taxation and the impact of the tax rate.

So again, the Board of Selectmen recommends disapproval of this Warrant Article.

MODERATOR: I'll give you a chance to rebut after we hear each Board report. Thank you. The Finance Committee report please.

MARDEN: The Finance Committee also recommends disapproval of this Article. We've never shied away from what we believe is the tax impact of each of the things that you're voting on. The primary thing that effects your tax bill is the decision to tax to Andover's levy limit. Once we know that that's the overall plan, than we can say, okay, the average tax bill will probably go up, in the case of this year, 3.7% if you vote everything at Town Meeting. Mr. Major's correct in that many of the warrant articles, all of the ones listed on page 13, do not hit the tax bill his year. So, why couldn't we just, send everyone a letter saying, okay, if this happens we've got your property value for the current year this is your tax increase. We believe that information would be more misleading than informative. Aside from that no one yet has talked about the cost of doing this. There's nothing in the budget for that additional mailing. There's 12,000 property tax bills sent out, when we do a tax billing. It costs probably about \$8,000 to do that mailing, that doesn't include preparation of the information. Somebody's going to have to set up a system that applies that 3.7% to each of those tax bills. Now maybe that would be worth doing if that gave you something accurate, but there are many things that change between Town Meeting and when the tax bills are actually mailed out to you. Property values could go up or down. Relative values in the community change. And the Board of Selectmen makes a decision on classification, which can change the burden from residential to commercial or visa versa. I know that sometimes you look up at your Board of Selectmen and say after you've hear their decisions, what could you possibly be thinking. Well I'd like to know how you think we're going to figure out what they're going to think in November, if we don't even have the information that they're going to base that decision on. So, I would invite anyone to offer us suggestions on how we can put out better information in our report that helps people estimate their tax bills. We added some information this year and I hope that it is helpful. But when you're told it's 3.7% you do that calculation yourself, you know you're just estimating, you know you're getting a rough idea of how

this is going to impact your tax bills. If we were to send out a letter to you saying your taxes are going up \$200 well you would expect that to happen. And when in fact the following February you got your tax bill and it was something different, which I can almost guarantee it would be, you're gonna call and say, what did you tell us it was only \$200 for when it's actually \$250. Course if it turned out to be \$150 instead of \$200 you'd probably be quite happy. But any case I don't believe that the Finance Committee should be responsible for sending out those letters. We're all volunteers here. I don't really feel like I get paid enough to do that estimating job. In any case, I really believe that this Article would provide more misinformation at a significant cost, dollars that I'm sure you would rather be spending on schools or public safety, or something else. I urge you to vote no on it.

[applause]

MODERATOR: Yes, sir.

RIGBY: Thank you, Madam Moderator. Greg Rigby, 131 Rattlesnake Hill Road. Again, I rise tonight to speak in favor of this Article for several reasons and at the risk of offending friends of mine on both the Finance Committee and Board of Selectmen. But understand, right now we send out estimated tax bills for part of the year to begin with and we don't get the final tax bill until later in the year. So we already do an estimate of taxes and that's not always an accurate reflection of what we get in the ultimate tax bill. So we're already doing part of what Mr. Pokress is suggesting. As far as giving us some kind of a stick in the air that we can tell whether or not we want to have a particular article approved because what its effect on the tax, on the tax levy for any individual house, I think that's a great idea because we need more ways of looking at this. For the School Committee I think it means they have to look more closely at what they are doing and how that effects each individual tax payer. For the Finance Committee, the Board of Selectmen, what we're really talking about here is the operating budgets, I understand that there are things that are going to take, that won't go into effect until two or three years down the road. We're not going to see those on the tax bills, I understand that. I don't think that's the important part. What the important part—you could say that's gonna have an effect of this much on your tax bill in a future year, but what's going to

happen in the immediate, immediate present time is gonna be is what the operating budget is and we're really talking about those items in the operating budget and those items that are specific to operations of the Town on a regular basis. So I urge you to vote in favor of this. And let's begin to get better information in the hands of the people in the, in the Town.

MODERATOR: Yes, sir. Over here, then we'll let Mr. Pokress end, then we'll take a vote. Go right ahead.

KAPPELER: Warren Kappeler, 17 Alden Road, Andover.

MODERATOR: Thank you.

KAPPELER: I am really impressed with the concept and I think it's an in depth, well thought out, comprehensive idea. But I think there's a difference between concepts and reality. I don't think this can physically be done properly with the staffing that we have. I also feel that it opens up an opportunity for legal recourse. If you make mistakes, people do, then somebody says I voted on this because it was only going to mean this and in fact it didn't. This is a sue happy economy today. And I think it's a real problem. The other thing, it says, every thing we want to vote on, we're strictly doing it dollars and cents. I would suggest that if everything is only dollars and cents we wouldn't have proposed \$10,000 for fireworks.

[applause]

MODERATOR: Okay. Mr. Pokress, go right ahead.

POKRESS: Let me just respond to the good input that I was able to get from both the Finance Committee and the Selectmen over the course of the past six weeks. And I understand certain points that Ms. Marden was making. Let me just address the obvious one that I think should be shot down right from the beginning, and this is there is no reason why the cost of distributing this information could be anything. It could all be done electronically. And everyone could just be given some e-mail based account that they could log on to and look up the information either at home or at a library. So there's really no reason as to why there should have to be any postage associated with doing this. Secondly, I have to take issue as a professional in the high tech industry that this is not the type of

monumental project that it's being made out to be. It's quite simply looking at what is being done right now when the apparatus is used to calculate our tax bills and send them out to us. And in effect using it backwards in time so to speak where you take a look at what's in the warrant and you say, based on the current set of assumptions, given all the things that can change, if this article were to be approved based on the current value of your property here's what the tax impact would be. I really don't believe it would be a major effort. Quite frankly it's the type of technical project that would be great for a high school computer programming group to take on, on behalf of the Town. It won't require consultants or professional software engineers to be brought in to deal with this—

MODERATOR: Okay, okay. Let me have you rope in, rope in. Any other response? Or are you good? I want to try to pull you in to answer specifics. Okay? Are you ready. Are there any other comments? All those in favor of Article 40 please raise one hand. Those opposed. The no's are by far the majority. And the motion is lost. Article 41. Mr. Pokress.

POKRESS: Thank you, Madam Moderator. I'm Bob Pokress, 3 Cherrywood Circle. I move Article 41 to see if the Town will vote to amend the Town Bylaws, Article III, Section 3(a) by creating the following new subsection Section 3(a). The Finance Committee with the assistance with the assistance of the Town Manager and the School Superintendent annual prepare a five year non-binding, financial forecast, which projects revenues, revenue sources, and expenditures for the coming next five years. The forecast shall include all elements of revenue, all elements of operating expense and debt service. The financial forecast shall be completed in time to be included in the Finance Committee report being sent out in advance of Town Meeting, published on the Town website and on any other media the Finance Committee may so designate. The Finance Committee shall update the forecast as deemed necessary, but in no event less than once every year. The Town Manager and the School Superintendent will each provide a written report to accompany the four-five-year forecast describing their respective budget projections and the assumptions they used in making their respective projections. The budget forecast will be provided to Town residents starting with the Finance Committee Report to be prepared for the 2010 Town Meeting. And further, that non-

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

MODERATOR: Article 41 has been moved and seconded. Go ahead. Go ahead with your presentation. Thank you.

POKRESS: Thank you, Madam Moderator. General Dwight Eisenhower the Allied Leader who helped win the war, lead to victory in Europe, commented, after he retired from the Army and before he became President, that he believed we won the war as a result of the war planning that took place between 1935 and 1941. And that sufficient in depth planning allowed American leaders to put in place the strategies and plans that ultimately had to be executed on the battlefields of Europe in order to win the War. Tonight's debates on a number of articles that have long-range impacts, that we've been discussing over the course of the evening, are probably the best advertisement that we would benefit as a Town by being provided with forecasts from the leaders of the Town, both elected and employed, in terms of what their expectations are in terms of current and long-term projects, so that as we vote on various articles during the course of a particular Town Meeting we understand the context in which those articles will effect us. Can I have the slide of that pdf? Now I know that some members of the Selectmen and the Finance Committee previously opposed this and this is not intended to create an additional burden on the Finance Committee, the work very long and hard and I respect the work that they do, but there are already other towns in Massachusetts that put together exactly what's being proposed here, that gets provided to the residents so that they can have a view of what the leaders of that community believe the budget will need to be the projects that they need to take on and what the revenues they will have to have in order to support those projects, so that again, voters coming into their Town Meetings can be that much better informed about how a particular project or article that's being presented in the here and now relates to the long-range plans for that town. I'm not going to go through anything in there. It's the Scituate Long Range Plan, North Andover does it, other communities in Massachusetts do it. We're not looking at something that's the size of the annual Town Meeting Warrant, we're looking at something that again will reflect the long-range thinking that we expect the Town Manager and

School Superintendent to be doing as part of their jobs. And that the Selectmen and the School Committee are doing it as part of their oversight jobs to give us much better information, not just where we are right now lurching from one financial budget crisis to the next, but what we want to do as a Town over the coming five years.

MODERATOR: Thank you.

POKRESS: Thank you, Madam Moderator.

MODERATOR: The Selectmen's report, Mrs. Moderator—Mrs. Moderator...Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. The Board of Selectmen recommend disapproval of this Article. We just want it stated that we know the Finance Committee is a strong advocate of multi-year financial planning, the Article however requires the Finance Committee report to include reports from the Town Manger and the Superintendent of Schools showing their proposed spending plans for the next five-years, but it does not show proposed revenues, it does not require any endorsement of the plans by either the Selectmen or the School Committee. And the, Article 41 will not promote, in our opinion, the development of sound financial plan for Andover. As some of you witness our budget meetings start in January going through the spring. This year because of what we're facing we will be discussing the budget pretty much year round. And people are welcome to come and ask their questions. The CIP is based on a multi-year plan. I think people can see that we are doing the best that we can with the financial tools that we have. I don't believe that this Warrant Article would help us in producing any better financial forecasts.

MODERATOR: Thank you. The Finance Committee report, please, Mr. Merritt. If you could please speak right into the microphone.

MERRITT: Yes, I'm Mark Merritt for the Finance Committee. Indeed the Finance Committee is a strong advocate of multi-year financial planning and we do share Mr. Pokress' desire to provide Town Meeting with the best possible information on which to base their votes on financial articles. We're also committed to making continual improvements in the annual Finance Committee report and we've met with Mr. Pokress to attempt to incorporate his ideas starting with

this year's annual report. This Article asks that the Town By-laws be amended with specific wording requiring that the Town Manager and the Superintendent of Schools each year, develop a proposed five-year spending plan that's then published in the Finance Committee report. The Committee's concerned that the amendment as opposed only addresses future expenditures. The Finance Committee believes that a viable multi-year financial plan must be based on the realistic revenue estimates and that those estimates must be used then to determine what levels of expenditures are actually affordable. In the Capital Improvement Plan there is in fact a multi-year estimate done at the beginning of the financial planning season that makes an attempt to estimate the revenues out multiple years, which is an aspect of financial planning that's received considerable attention over the last two years, try to increase the level of joint discussion and agreement on the large assumptions that are involved in that type of multi-year financial plan, but they fall short of providing complete budget assumptions. But we think that for those future plans to have any credibility to the community that those assumptions must be fully debated and the implications on expenditures plan must be subject to the critical debate among the elected and appointed officials and offer the opportunity for input from the community. In short, while we do believe the type of long-term planning and communication of that information is an important element of keeping Town Meeting informed on, on how to vote that the by-law amendment as proposed will not promote the development of a sound financial plan for Andover and the Finance Committee recommends disapproval.

MODERATOR: Yes, sir. Go right ahead.

SEIFERT: My name is Ken Seifert. I live at 16 Ivy Lane. I've been a resident in the same house for 40 years. I live in a New England town that is probably better off than 95% of the world's population. Why does a man, 74 years old stand up at a Town Meeting and, as another gentleman said, risk making a fool of himself? One good reason is because I have a card. It's in my wallet. I have had it for 50 years. It reads, "If not you, then who? If not now, then when?" Now a long time ago and we're quoting there were two mentors that I had when I sat at the other side of the table. Their quotes ring so true. Number one. Good old, Fred Fitzgerald, "He who ignores constructive criticism is

a fool." The other quote came from Jim Doherty, before he became Town Manager—

MODERATOR: Town Moderator.

SEIFERT: Ah, Town Moderator. He should have been Town Manager, probably. Well he thought he was. He thought he was.

[laughter]

MODERATOR: Now, we said we wouldn't be negative at this meeting.

[laughter]

SEIFERT: He gave me, he gave me a procedural lesson and it went something like this. I'd put on my tap-dancing shoes as a Superintendent in one town meeting and I tried to dazzle the community. He came in the next day, and he said: "Dr. Seifert, let me tell you the way things are supposed to be. It is not the Superintendent's budget, it is not the School Committee's budget. It is the Town's budget. You must understand that." I am in support of the concept but let me side very, very vigorously with the Finance Committee in what I'm about to suggest. Got to get to page four. Okay, Mr. Pokress raises a very legitimate question, how much is it going to cost and when will we get there. Here is where the Finance Committee needs the School Committee, the Selectmen, and others who seek funds to meet their responsibilities to the Finance Committee and to those who pay the bills. Now keep in mind, I was on the other side of the table for 23 years. And I also quoted and said, "when Joann Marden talked, I listened." So instead of by-laws let me suggest a procedure what the Finance Committee should do is to come up with a series of financial plans that they would like to receive from the School Committee from the Board of Selectmen who in turn get it from the Superintendent and from the, the, Town Manger, who in turns gets them from the Principals and Police Chief, etc. And here's the way this works, the Finance Committee says, if you want to go for a certain kind of money, whether it's a long-term, short-term, we could do it with operating budgets, and it says, here's what a good financial plan is. And you make a proposal and you send it to us. All right. We get input from this gentleman and I applaud him, now what we do is, we all

know, everyone in the Town knows, that when you stand and you're making a proposal, here's what we need, says the Finance Committee, because it makes sense. So now, we have a big discussion, we have input, we get an awful lot of information so that when someone from the community says I have an idea, we do not talk about disapproval, etc., etc., etc. What we do have is, a clear blueprint that says if you want money here's the way it goes. Or putting it simply is that everybody in the Town knows the Finance Committee says here are the targets, shoot it, and if you don't hit the target, you do not get the money. Now we can give a lot of compliments back and we'll say that good intentions are wonderful. But we are not going to spend out good, hard-earned money on good intentions. So I think from that stand point there's a process that we can follow. And I can assure you as a former Superintendent, I would love to know what it is I had to do to hit the target. We could have had, we could have spent an awful lot of time going through that and then talking about who's going to win the Super Bowl. And it would have happened very, very quickly.

MODERATOR: One of my very good mentors is the same as yours and he wanted to keep moving going, keep meeting going. So..

SEIFERT: Okay we could also have to add a little levity to this, we could have the Finance Committee that presents an award for the best proposal.

MODERATOR: Do you have a point of order?

SEIFERT: We could also have a citizen's committee who presents an award for the best presentation--

MODERATOR: Excuse me, Dr. Seifert. There's a, there's a point of order.

UNIDENTIFIED SPEAKER (WILLARD?): I believe we've exceeded the three minute limit.

MODERATOR: We have far exceeded it.

[applause]

Thank you...thank you, Mr. Seifert. Thank you. Yes, sir.

RIGBY: Thank you, Madam--

MODERATOR: If there's anything new to add please, only new thoughts. It's getting very late.

RIGBY: Greg Rigby, 131 Rattlesnake Hill Road. I've never met Dr. Seifert before but his reputation didn't disappoint. I don't need as much time, I've only lived in the same house for 30 years. The...everybody here, I'm sure, most people here, work for a corporation. And every corporation that's properly run, runs on at least a five-year budget. If you don't have a five-year budget plan, you can't successfully do the things you need to do in business. We look at the US Congress, and even it runs on a five-year budget plan. And without some foresight you can't know where you're going. I've worked for 35 years in corporate finance and in personal finance, every one of my clients has a written financial plan that has a minimum of 15 years in it. We're not always going to do what the 15 years are, but the plan is there. For us to go through an annual budget one year at a time with no real foresight down the road, we can't do anything but expect to have the quandary we're having now and that we're gonna have for the next two or three years. We knew last year that this country and this area was going to go into a recession, yet we continued to negotiate contracts with inflation clauses in it that there was no way we were every gonna have that rise in income and taxes. But yet we continue to do that. So without a long term plan we don't know how to negotiate contracts, without a long term plan we don't know how to allocate money for the future and how to fund our debt and budgets gong forward. So again I urge you as citizens of the community if you really care about what this community is doing and where it's going to support at least the five-year budget plan. Thank you.

[applause]

MODERATOR: Okay. Sir, if you could make some very quick comments.

GENTILE: I'm Ralph Gentile of 108 Pine Street and in my professional capacity, I'm a forecasting economist for McGraw Hill Construction. That mean's that I have a responsibility of doing national, regional, and state forecasts for a variety of construction categories from offices through public works. And I am here to tell you that forecasting accurately is not easy. And while I support in general the idea that we should have a plan and

we should be able to look forward, I would point out that there's a technical issue that is, can you forecast with any accuracy. And as a technical issue that is subject to analysis. We can look at various measures of accuracy. We can see whether we can get anywhere close. I'm not so concerned about the expense side, but the revenue side is something that could be looked at and probably ought to be looked at before one goes whole hog on a five-year forecast. Thanks.

MODERATOR: Okay, are we ready to vote? All those in favor of Article 41, please raise one hand. Those opposed. Clearly the...let's do it again. All those in favor, please raise one hand. All those in favor. I'd like you to vote again. All those in favor please raise one hand. Those opposed. Oh, I think it's a little to close. I think I know but let's take a standing vote quickly if we can I'm sorry, but you might enjoy the stretch but please don't let me loose you during this vote. All those in favor please stand.

Okay are we ready to go? Norma did you get this section here? Okay.

PERRY: Did section two get counted?

MODERATOR: Who has section two, please? Who's the counter that has section two?

PERRY: Who had section two?

MODERATOR: Yeah, two...who's got section three? Norma has gotten it.

PERRY: Okay. Section 1: 4; Section 2: 7; Section 3: 19; Section 4: 3; Section 5: 5; Section 6: 12; Section 7: 7; Section 8: 5; Section 9: 1; Section 10: 4; Section 11: 7; Section 12: 6; Section 13: 4; Section 14: 1; Section 15: 0; Nobody in the hall; Stage: 2.

MODERATOR: Okay. All those opposed, please rise.

Okay we all set to start? Let's keep it going.

PERRY: Section 1: 8; Section 2: 17; Section 3: 17; Section 4: 12; Section 5: 5; Section 6: 17; Section 7: 13; Section 8: 6; Section 9: 4; Section 10: 11; Section 11: 18; Section

12: 15; Section 13: 9; Section 14: 3; Section 15: 1, Stage: 21; Nobody in the lobby.

MODERATOR: Article 41 those voting in the affirmative are 87. Those voting in the negative was 177. The motion is lost. Article 42, Mr. Pokress.

POKRESS: Madam Moderator, Bob Pokress, 3 Cherrywood Circle.

MODERATOR: Oh, hold on one second. Point of order.

UNIDENTIFIED SPEAKER (JAMES?): [inaudible] point of clarification.

MODERATOR: Go right ahead.

UNIDENTIFIED SPEAKER (JAMES?): It appears from the recommendation of the Finance Committee that passage of either this Article 42, 43 or 44 would in fact be illegal under the Massachusetts General Laws 150(e). Do we need to waste further time of Town Meeting considering these Articles.

MODERATOR: Well let me, let me have the Article put into motion. I will have Town Counsel give a recommendation and then we will move from the representation from there. I appreciate what your saying..

POKRESS: Thank you, Madam Moderator, I'd like to move Article 44 to see if the Town will vote to amend-

MODERATOR: Article 42 is what we're on.

POKRESS: I'm sorry, Article 42. Could you please put the Article on the screen please? To see if the Town will vote to amend the Town Bylaws, Article IV, by adding a new section that states the following: Neither the Town nor the School Committee shall enter into employment or labor contracts that obligate the Town to future year annual operating budget expenditures that will exceed the then-in-force voter-approved operating budgets for the corresponding budget line items at the equivalent staffing levels without the approval of the Town voters at an Annual Town Meeting or a Special Town Meeting. And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the

numbering format of the Andover Code of By-laws, or take any other action related thereto.

MODERATOR: Article 42 has been moved and seconded. Do you have a...do you have a brief presentation for us on this, then I will ask Town Counsel to speak. And the reason I would do this, is yes, there is a question if I may as to the legality of this Article, however in order to put that discussion on the table, I do feel Mr. Pokress, who is the proponent, be given the opportunity to place it before us for that discussion to happen. So go right ahead. Mr. Pokress.

POKRESS: Thank you, Madam Moderator. It is no surprise to anyone in this room and lots of lots of people outside this room, that we have been lurching from one financial crisis to the next over the last few years. And you can take this to the bank we haven't seen the last of it. We can almost guarantee that we're gonna have another one next year and probably the year after, based on what was set in motion through various contracts over the last several years. These are all self inflicted financial crises. The crisis really reminds me of the story of the teenage heir to a large fortune, most of you probably heard this story, who murders both his parents in order to inherit the family fortune, is arrested, tried and convicted and then begs for the court's leniency because he's an orphan. And that's essentially the situation we've been in over the last couple of years. We have contracts that get signed off on by less than a handful of people. We spend no time as a Town Meeting discussing whether or not we approve what's in those contracts, which are on the order of, in the case of the contract with the Teacher's Union and the fact that it is a three-year contract, roughly a \$100 million that's being obligated out of our pockets by less than a handful of people with no discussion. And the reason this Article has been proposed for your approval, is that that process is broken. And the reason it's broken is that: number one, expenditures in the future for all intents and purposes are being obligated with out our approval, because these contracts are multi-year in nature and, secondly, we have no recourse if we are presented with a poorly negotiated contract, if whether it's the Selectmen or the School Committee negotiate a contract that results hypothetically a doubling of the salaries to the employees covered by that contract or a future Town Manager or Superintendent is awarded an astronomical, budget-busting contract in its own

right, we have no recourse. And we've seen that recently in the news when the Selectmen and the School Committee approached various union leaders, given the financial crisis we're in, and requested a negotiation of some rollbacks to basically bring everything back to a 2009 level so we could avoid what we're witnessing right now, which is the layoff of the youngest teachers of the school system, roughly 40 or so teachers who represent the new thinking and the fresh thinking and the fresh blood and the enthusiasm that we look for in the school system and because of the tenure system and the way contracts are written those are the first people that have to be let go because those with more seniority are going to get the big increases that came through in the contract that got passed about 15 months ago. And as a result in order to have any semblance of reasonableness in our budget, we've now had to in effect lay off the future of the teaching cadre of our school system. I don't know about you, as a parent who had children who went through the Andover school system, now as a grandfather who has children going through public school system, I find that a very unsatisfactory situation. To be losing the fresh blood that we want to have in the system because of the way the contracts are negotiated. So, this Article is very simple in its intent, it's to give us the voters in Town the same rights that the Unions have when their leaders negotiate a contract on their behalf. They go back to their union membership and ask for approval on the contract before they sign off on it with the Town. What's being proposed here is to give us, the voters in Town, the same right of approval on these contracts which are in the hundreds of millions of dollars when you consider the number of people covered and the duration of these contracts, so that we can make an informed decision and had we been presented the opportunity to provide for approval, or possibly disapproval, of a contract negotiated with the Teacher's Union when we were already in the midst of the great recession we're in right now, if we had approved it then we would have realized we were setting ourselves up for some major financial issues and it wouldn't have been a surprise to us. If we had disapproved it we would have said we know this is not going to work for us as a Town, please go back and renegotiated. All that's being asked for here is to give us the same right that the union members have when they get to vote on a contract that's being negotiated on their behalf. We're asking for the right to approve a contract before it becomes a fait accompli and in effect a

financial gun to our head with no recourse after the fact.
Thanks, Madam Moderator.

[applause]

MODERATOR: Do you have a point of order.

ROBB: Point of order, to address an affront, Madam Moderator.

MODERATOR: Go right ahead.

ROBB: My name's Mary Robb, 116 Lowell Street, Andover. I'm an Andover High School Teacher so I guess that makes me the least popular person in the room, unless some officers want to come up and join me as well. I take no issue with this Article presented and I applaud the initiative for a citizen seeking redress for a significant concern in our community. Whoever, I take a personal affront to the concept that newer teachers bring the fresh new ideas and I hesitate to speak for the officers and firefighters but as those of us who've been teaching, maybe we're not the veteran teachers, but we mentor new teachers new officers, new firefighters and I'd really appreciate the attacks on our profession stopping.

MODERATOR: Point well taken that that's a personal affront. Point well taken. Okay.

[applause]

Okay, Mr. Urbelis could you give us a point of information here please.

URBELIS: Madam Moderator and Town Meeting, this---

MODERATOR: If you could speak right into that mic so everyone could hear you, please.

URBELIS: This Article would permit the Town and the School Committee to enter into collective bargaining agreements. It would require that the agreements be limited by the terms of the proposed by-law. State law Chapter 150 Section 6, requires that the Town and the collective bargaining associations representing employees negotiate in good faith with respect to wages, hours, standards of productivity and performance and any other terms and conditions of

employment. And these are commonly known as the so-called mandatory subjects of bargaining. Each of the proposed by-laws, which is this one and the next two, would establish pre-conditions on the Town and the School Committee which would restrict their ability to bargain in good faith in the mandatory subject areas as required by State Law. The collective bargain law also further provides and requires that the public employee...employer, which is the Town negotiating entities, School Committee, Selectmen, submit to the appropriated, appropriate legislative body, which is the Town Meeting, a request for an appropriation necessary to fund the cost contained in any of the collective bargaining agreements. The Statute then provides a, an avenue for Town Meeting because it says if the appropriate legislative body rejects a request for appropriation necessary to fund the costs of the items, then those items shall be returned to the parties for further negotiating. While the Town Meeting has the right to appropriate, or not appropriate, the funds needed to implement the cost items in a labor contract it must act only after the Town has negotiated the best terms it can within its financial limitations. In effect, under State Law Town Meeting action by way of by-laws that are being proposed can not interfere with the Town's ability to bargain in good faith. Therefore, under State Law, the Town Meeting does not vote to approve or disapprove each of the provisions of a collective bargaining agreement, but only the funding for it. So for those reasons in my opinion and the opinion of the Town's Labor Counsel this Article and the following two Articles are in violation of State Law.

MODERATOR: You may ask a question of Town Counsel.

UNIDENTIFIED SPEAKER (JAMES?): I move the question Madam Moderator.

MODERATOR: Let's let him ask this one question then I will take a vote to---

POKRESS: --clarification. Are you saying that if the Town does not approve a budget line item that would be related to compensation, such as line items that we voted on last night, that that would then allow the Town to renegotiate the contract--the question really gets to whether or not we as Town residents, citizens and the taxpayers have any recourse if we are dissatisfied with the contract that gets presented to us by the handful of people that negotiate it.

URBELIS: Let me quote to you exactly what the Law says: "If the appropriate legislative body rejects the request for appropriation necessary to fund the cost items, then such cost items shall be returned to the parties for further bargaining."

POKRESS: So is that a yes?

[laughter]

URBELIS: It's my answer.

MODERATOR: Okay we a motion to move the question and it has been seconded, and I am inclined to at least take that vote at this time. All those in favor of moving the question at this time, which will end discussion. Please raise one hand. Those opposed. I am going to allow that to happen. We will close the discussion and we will move the question. All those in favor of Article 42 please raise one hand. Those opposed. The nays have it the motion is lost. Article 43. Mr. Pokress.

MORANDER: Excuse me, Madam Moderator...can I have a point of information, please. Ron Morander, 79 High Plain Road.

MODERATOR: Yes, sir.

MORANDER: I would like to know as an obviously uninformed person of State Law, who makes the contracts. Because yesterday the Town Manager actually stated that we had to bring salaries in the School Department up to standard which by today's standards would be having a job at our current salary verses not having a job at all. And I want to know, so if there's no recourse through motions in Town Meeting, there's recourse at the voting booth of who actually sits in on those contracts so we can get rid of those people who are not favored... the Town's viewpoint.

[applause]

MODERATOR: Okay, all right. That's a good...

STAPZCYNski: Madam Moderator I can [inaudible] some of that.

MODERATOR: If you can do so. If you would do so quickly, go ahead. You need to put your mic on, and you need to get close to it, please.

STAPZCYNISKI: Ron. I'm not sure that I was quoted accurately from yesterday, I don't recall saying that, but let me just tell you. On the Town side, if we can talk about sides for a minute, I negotiate contracts with labor counsel and I do that in consort, in collaboration with the Board of Selectmen. So I will negotiate with the groups, come back to the Board, the Board is my check point they are your representatives in terms of what realistic or unrealistic in the negotiating process. All right. So even though I sign the agreements, I certainly come back to my bosses, to the five Selectmen, as well as Labor Counsel does, to get their input, their guidance on what is a realistic settlement. So that's the checking point. Teachers are a little different. State Law, by State Law, the Superintendent is not the signer of the contract, the School Committee actually negotiates along with their Labor Counsel the school contracts. Now, by a quirk of Mass General Law, in 1993 in the so-called Ed Reform Law, I was also placed on the School Committee, the Town Manager or the executive in the community, could be the Mayor, Town Manager, Town Administrator was placed on the School Committee for collective bargaining purposes. Kind of a quirk. But nevertheless. So, I sign for the Town, School Committee signs for the school. And at least from my perspective with the Board of Selectmen we heard loud and clear the kind of discussion that went on with respect to accumulated benefits and that sort of thing. And in the contracts that were negotiated after Town Meeting we took very seriously the discussion, the debate, the dictates, that we heard from this group and incorporated them into the collective bargaining agreements on going forward basis. So we heard you folks loud and clear. Rest assured we took that to heart and those things are now part of our contracts. Thank you.

MODERATOR: Point of information, point of order because we're moving into another Article is there a point of order?

CARBONE: Yes. Order and information. Actually...my name is Mary Carbone and it has all to do with this concept.

MODERATOR: Mary, wait Mary. I'm going to interrupt you for one second. It's a point of order that you're allowed to come through with right now. What is your point of order?

CARBONE: A point of order. A point of order.

MODERATOR: Because we're between articles right now.

CARBONE: Exactly. I had made an address to the Board of Selectmen in the past years and I had asked them at one point when negotiating, when contracts are negotiated and signed that they be brought out to the residents of, the residents of the community who are also the employer, taxpayers. They are the employers of the community and they have more power then you think, or anyone up there thinks.

[GAVEL]

MODERATOR: Mary, excuse me Mrs. Carbone, what's--

CARBONE: I'm offended by what's going on here.

MODERATOR: Okay. Thank you. Article 43 Mr. Pokress.

POKRESS: Thank you, Madam Moderator. I'd like to move Article 43 to see if the Town will vote to amend the Town Bylaws, Article IV, by adding a new section that states the following: Neither the Town nor the School Department will enter into labor or management employment contracts that allow for the accumulation from one year to the next of unused annual paid sick leave. Annual sick leave allotments will conform to private sector norms for paid time off. The intent of this bylaw shall not be violated via re-definitions of employment provisions, contract terminology, sick leave terminology or contract provisions. Contracts in effect at the time of passage of this bylaw shall be grandfathered and existing accumulated sick leave 'on the books' at the time of passage of this bylaw shall be 'burned off' over a reasonable period of time beyond the expiration of current contracts so that by ten years after passage of this bylaw, no employee will have more than their annual allotment of paid sick leave 'on the books'. And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

MODERATOR: Article 43 has been moved and seconded. Go ahead and make your presentation, Mr. Pokress.

POKRESS: This, again this by-law is really intended in this particular case to deal with one of the most egregious abuses of the Town's good will in the labor and employment contracts that have been written and approved over however many years that this has been going on. It just has risen to the surface in recent years because in recent years it was highlighted as a separate article requesting Town Meeting approval to budget on the order of between \$400,000 and \$700,000 outside of the operating budget in order to, you know to cover these in effect golden parachutes for certain employees that have accumulated sick leave and basically selling it back to the Town as a bonus for having come in and done their jobs. Coming in to work. This is really intended to say to the Town that we expect our contracts to negotiated in conformance with the norms in the private sector and not have sick leave become one additional form of additional compensation for an employee. It's really a way to ensure that an employee is protected if they are legitimately ill. It's not intended to be a surrogate for additional vacation or the source of a bonus at the time they resign or retire from the Town.

[applause]

MODERATOR: Thank you. Mr. Urbelis do you have a comment here.

URBELIS: Well, just the comment a made in the last one. As I said 42, 43, 44 in my opinion and in the opinion of Labor Counsel violate State Law.

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

STABILE: I'd just like to make a comment.

MODERATOR: Could you please speak into the microphone.

STABILE: I just like to make a comment because I would like to provide a little bit better understanding into the process. These contracts and the terms of these contracts have been negotiated over a very long period of time. These are legacy...The terms and conditions the vocabulary, every thing that, that you see in most of these agreements has evolved over time. Back when working for a municipal entity

for the Town of Andover, whether you were a teacher, a public safety, DPW, there were certain aspects of the compensation and the benefits and so for that were applicable and continue to be applicable. I think the point I'd like to make is the Board of Selectmen is working very diligently to try to bring these agreements into the current century and to try to look to the private sector to be equitable and be on parity. I think it takes time though. These are three year agreements. You're dealing with organized labor groups who have worked hard to get what they have and the process is very complex to change these, so I don't want anybody to exit you know Town Meeting tonight thinking we're not working to try to get to a point where we can, we can look at these contracts and feel good about them from a tax perspective and a taxpayer perspective. But I don't think that it's fair to the employees, or to the labor unions, or to the management team here in Town to say that we're not trying to work together to get these contracts in line with where they need to be. But it is a process that takes time and I applaud everybody whose partaken in this process especially over the last year to try to work these to words where they need to be. And so I would just leave you with that comment that we are working very, very hard to try to change this. And I applaud Mr. Pokress for his attempts-

MODERATOR: What I would really love you to leave us with is the Selectmen's report please.

STABILE: I would like to say thank you to Mr. Pokress because I think it needs to be discussed and the Board of Selectmen recommends disapproval of Article 43.

MODERATOR: Thank you. Finance Committee report, please.

FELTER: Tim Felter for the Finance Committee. Recommend disapproval due to the illegality of the law, the amend, the Warrant Article.

MODERATOR: Do you have a point of information? Is it a point order? Or a point of information?

FROM THE FLOOR: Information.

MODERATOR: Okay, let me start over here please. Go ahead. Go ahead, sir. On pro side.

CARLSON: My name is John Carlson, 1 Golden Oaks..

MODERATOR: If you could speak right into—if you want to take the mic out of the cradle go ahead if that's more comfortable for you.

CARSON: Yeah, I'm too tall. 1 Golden Oaks Lane, Andover, Massachusetts. John Carlson. First time I've spoken in two nights so just let me say a few points here. I think the dialogue needs to start. Okay. I hear everyone using procedural arguments you know it's State Law, maybe it is State law, but you know it needs to change, it needs to be worked on. We're in a different time here. 9/11 came, this Town did nothing different. Okay. It was a serious time, 2001. If you look at this Merrimack Valley, do you know how many manufacturing jobs have been lost? You know Wang had 33,000 jobs when I came here, it has zero now. We had Lucent with 12,000. We had Polaroid with 5,000. They lived in this Town. They got paid private sector salaries. They're not being paid now. Okay. Public people, employees were paid 40% under 20 years ago when I came here. Now they're paid 40% more, statistics show. They have health care benefits, we don't have, they have pension benefits, we don't have. And they also aren't taxed on their pensions when they retire. Sick time, sick time is an egregious offense. We had a Police Chief who walked away here with \$150,000. Who's tracking his time. They earned their time 20 years ago and their paid at their latest salary which could be three time as much. I think it's time for a wake up call in this Town, to take the dialogue. Mr. Pokress has done a phenomenal job. Let's learn from what he asked and go put these changes in effect and have a sense of urgency. [applause] It doesn't take—we don't need a five-year plan. We need a three year plan. You can produce it in a short time. Every company in this area has a three year plan. Why don't we see it? I was taught in one company I turned around in Silicon Valley the more information you give people, the more...[inaudible]...this is tons of information. But there's no good information. There's no good plan going forward. We don't know where the money's going. We have trade offs left and right and we don't know what those trade offs are. So let's take heart because it's gonna be—these labor costs, there's gonna be huge layoffs and we can't afford it anymore. Thank you.

[applause]

MODERATOR: Your point of information please.

RIGBY: Thank you, Madam Moderator. Greg Rigby, 131 Rattlesnake Hill Road. I have two questions. The first one is and just if it could be answered after I'm done here. One is if Attorney Urbelis can answer, what happens if we pass a by-law change that is against the rules of the Commonwealth, the Laws of the Commonwealth. And the second one is, could the Board of Selectmen and the School Committee just tell us what your sick leave and your vacation day buy backs are for both contracts please. Thank you.

MODERATOR: Okay, Attorney Urbelis, could you answer that question?

URBELIS: The process would be first of all the Attorney General would review the by-law and depending upon her particular opinion either approve it or disapprove it. If the by-law were passed, even if it passed the Attorney General's muster, and if it were found to be in violation of State Law by a court the Town could be subject to some pretty hefty legal fees and litigation expenses for suits brought and complaints for bad faith collective bargaining.

MODERATOR: Can anyone speak to the sick leave process? If you'd like to come up to this mic. Thank you, Dr. Bach.

BACH: What was the question?

MODERATOR: Question was what is, would you repeat the question for Dr. Bach?

BACH: We have nine unions and one of our unions has sick leave buy back which is the Independent's Union. It was established many, many years ago. I don't believe any unions have vacation buy back. Thank you.

MODERATOR: Thank you, Dr. Bach. Town Manager.

STAPZCYNISKI: For the Town I have seven unions and the, the Police and Fire have buy back provisions. The others have lesser buy back provisions. But the buy back provisions for Police and Fire were changed with the contract that was signed this past fiscal year and the time will be based on, the days will be based on the time and the rate of the pay at the time it's earned. So it won't be one of those things

where if they earn a day now they'll be paid at the rate when they retire. So we're moving on that kind of approach with Police and Fire. The other unions have lesser vacation, excuse me lesser sick leave buy back.

MODERATOR: Mrs. Carbone.

CARBONE: Yes, Mary Carbone, Cyr Circle. I would like to make a statement. I'm out there I listen to people, I'm at meetings, I listen to people, I interact, give my thoughts. People have said to me, Mary, it's happening all over. My answer to that is. I can only change what I live, where I live. And that's what I've been trying to do for many years. At this particular time I am extremely proud to have another resident in this community that is showing such good faith and interest in this community as Mr. Pokress. I think the Town owes, owes to him a debt of gratitude tonight. Even though, with respect to Town Counsel it's been stated, his Articles are illegal. But you know. Laws are meant to be broken. And we see politicians doing it all the time! So. With that said. I would like Mr. Pokress to keep at it and I'll be right behind you all the way, Mr. Pokress. Thank you for your help.

[some applause]

MODERATOR: Thank you, Mary. Yes, sir. Last comment then we'll vote. Go ahead.

VROUNTAS: It's really a...maybe it's a point of information. I listened to Town Counsels discussion about-

MODERATOR: If you could talk into the mic. Either that or pull it out of the cradle and use it because people can't hear you.

VROUNTAS: Can you hear me now? Can you hear me now?

MODERATOR: Can you identify yourself, please.

VROUNTAS: My name is Chris Vrontas. I live at 379 River Road. I listened to Town Counsel's discussion of the legalities of these amendments, or...Warrant Articles, and I heard about the concept of dealing in good faith. I guess that not being an expert in that area of the law, I'm not convinced that having a rule that says you know we're not gonna have-that sick time doesn't have cash value, sick

time is an accommodation that you've given to someone that is an employee, but, when they're leaving you don't get a...accumulated cash value. Restriction. An open and honest and disclosed restriction and discretion to me doesn't sound like a violation of good faith. Sounds like you're being open and honest. This how, this is our deal. Why is this limitation, this relative modest limitation of discretion, not good faith. I don't understand that.

MODERATOR: Thank you, sir.

URBELIS: Since you're an attorney, Mr. Vrontas, I'll respond this way. I'll talk legalese instead of regular English. But, what I'll do is I'll quote for you from the Division of Labor Relations, formerly the Labor Relations Commission, which said, quote: it is settled that the General Court in enacting General Laws Chapter 150(e) clearly expressed the policy that the terms of collective bargaining agreement should prevail over conflicting municipal legislative enactments—that's the Town Meeting—as a consequence parties to municipal collective bargaining agreements may not by pass their bargaining obligations by seeking legislative action—Town Meeting votes—affecting terms and conditions of employment that would be the subject of negotiations. So basically the Labor Relations Board said, you can't have Town Meeting determine the terms and conditions of a particular collective bargaining agreement and in effect that's what these three Warrant Articles would be doing.

VRONTAS: My only other question, my follow up question is, is that something with regard to a specific agreement, or is just the policy going forward with any agreement in the future as opposed to, you can't have Town Meeting vote on this CVA, but you can have Town Meeting say, we will never enter into an agreement that has this kind of provision.

URBELIS: Labor Counsel wrote several opinions on that before we came to Town Meeting. And he said you can't do it.

MODERATOR: Okay are we ready to vote?

[inaudible from the floor]

If you could do so very—I'm gonna give you one minute, Bob, then we're going to—

POKRESS: First I'd like to respond to Mr. Stabile's comment. Just because a provision has been in many other contracts in the past, if it's a past provision doesn't mean we should feel obligated to preserve it in future contracts. And with regard to the legal issue, we have nine gentleman, nine—I'm sorry—eight gentleman and one woman now on the Supreme Court who continue to debate the US Constitution and have different opinions on what laws are Constitutional or not Constitutional. Maybe the provision that you're citing is an infringement on our rights as the citizens of this Town to have a certain level of authority over what we do and do not do in contracts. And that the law would ultimately be on our side, if we had the guts to challenge it. Thank you.

[applause]

MODERATOR: Thank you. Okay. Is it really short. There you go. Go ahead.

PATTULLO: I just want to clarify a few issues—

MODERATOR: I just really never want to gavel down the Chief of Police. You just don't want to ever really do that. Go ahead. Very quickly, please.

PATTULLO: Just to clarify as—

MODERATOR: Could you please identify yourself

PATTULLO: Brian Pattullo, Shawsheen Road. Chief of Police. As a result of last year's Town Meeting we heard loud and clear what Mr. Pokress put forward about accumulated benefits. And the Town Manager, the Selectmen, myself, in negotiations obtained major concessions from our unions as to one point especially that when you earn a day that day stays at the same level of pay from this point forward. It never goes up. That was a huge concession. And in municipal negotiations it often takes a number of years to chip away at these items. And by bringing it to Town Meeting we heard that loud and clear. We also limited the amount of accumulated sick time that could happen with new employees so we have done that as well. So there's been a lot that's been done in the past year since Town Meeting. As a result of what was brought forward by you on the accumulated benefit account. It does take a number of years. But I'll

tell you the Selectmen, the Manager, myself, as a Department Head, and the other Department Heads, as well as our unions, especially the Public Safety unions, have heard that change has to happen. And they're, they are willing to step to the plate. They have done that. Even with the give back of the one percent they're still, they're willing to sit down at the table and talk to us about that. So, by speaking about these things at Town Meeting, it does make change. And we appreciate that, but change does come slowly in municipal negotiations. Thank you.

MODERATOR: Okay, let's take a vote please. Article 43. All those in favor please raise one hand. Thank you. Those opposed. Could you do it for me one more time. All those in favor, please raise one hand. Those opposed. Oh, I'm so sorry, it's way too close. In my, in my vision. Could be take a standing count? And could we do that quickly, counters, please? All those in favor, please stand. I'm so grateful for you hanging in there, we're almost done for tonight. All those in favor please stand. Please don't leave in case we need to do a recount.

PERRY: Section 1: 4; Section 2: 11; Section 3: 21; Section 4: 4; Section 5: 4; Section 6: 11; Section 7: 10; Section 8: 2; Section 9: 0; Section 10: 3; Section 11: 9; Section 12: 12; Section 13: 2; Section 14: 1; Section 15: 0; Stage: 4; there's nobody in the lobby.

MODERATOR: Okay all those opposed, please rise. Counters please if you could be ready with your numbers.

PERRY: Section 1: 8; Section 2: 12; Section 3: 13; Section 4: 10; Section 5: 4; Section 6: 10; Section 7: 12; Section 8: 4; Section 9: 4; Section 10: 9; Section 11: 16; Section 12: 10; Section 13: 7; Section 14: 3; Section 15: 2; nobody in 16; Stage: 20.

MODERATOR: Those in the affirmative were 98. Those in the negative were 144. The motion is lost.

Article 44, please, Mr. Pokress.

POKRESS: Thank you, Madam Moderator. Robert Pokress, 3 Cherrywood Circle. I'd like to move Article 44 To see if the Town will vote to amend the Town Bylaws, Article IV, by adding a new section that states the following: Neither the Town nor the School Department shall enter into labor or

management employment contracts that allow for the payment of any unused sick leave upon an employee's resignation or retirement from Town or School Department employment or retirement from Town or School Department employment. Existing obligations under current contracts will be paid off by the expiration of those contracts and will not be carried forward to any new contracts. In addition, to the extent of that contract in force at the time of the adoption of this by-law contain such obligations, until those contracts expire, the Town and School Department will include the costs of meeting those obligations as part of their overall operating budget being submitted for voter approval at Town Meeting and not as a separate Article that requests approval for payment of those obligations as an additional Town expense to be paid either via additional taxation or out of the Town's free cash or out of the stabilization fund. The intent of this bylaw shall not be subverted via re-definitions of employment provisions, contract terminology, sick leave terminology or other contract compensation-related provisions. And further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

MODERATOR: Article 44 has been moved and -

[break in tape]

POKRESS: --really is intended to eliminate the double dipping that occurs when employees come into work, do their jobs, at some time in their careers, either decide to move on from the Town of Andover or retire, and just get paid some more for having done their jobs. To anyone in the private sector that clearly seems like...you're getting paid for having gotten an "A" on your attendance when you were in elementary school. The second part of this by-law is something that I'd like to comment the Selectmen for addressing this year, based on feedback they got from last year's Town Meeting, where rather than asking us to approve a second article that would be over and above the operating budget, they included the current year's expense for payments to those folks that we have a legal commitment under current contracts to pay for any sick leave that they are selling back over the course of their departure from Town employment during the either the current or coming

fiscal year. But that was essentially done on a voluntary basis, this aspect of this Article is really intended to institutionalize it and say to the extent that we continue to have buy backs of sick leave from employees when they leave Town employment that is just part of the overall cost of doing business in Town just like, I am sure they factor in accruals and things of that sort to deal with accrued vacation which is part of how you manage the cost of employee compensation that is above and beyond cash compensation. So the second part of the provision is very simple. To the extent we have continuing obligations to pay off sick leave for people that depart, it's going to be part of the operating budget. Not over and above it. And the first part of the...proposed new by-law or amendments to the by-laws is basically say, going forward there won't be anymore double dipping if an employee doesn't use all their sick leave then good for them, they were healthy, they came in, they did their jobs and whatever sick leave they didn't use gets lost, which is the way it is in the private sector. There's no reason for us as taxpayers to be funding double dipping on the part of employees that get paid huge payouts at the conclusion of their employment with the Town. Thank you, Madam Moderator.

MODERATOR: Thank you...Mr. Teichert, the Selectmen's report please.

TEICHERT: Board of Selectmen recommends disapproval of this Article. Once again the proposed by-law violates the provisions of Mass General Laws Chapter 150(e).

MODERATOR: Okay, the Finance Committee report.

FELTER: Tim Felter for the Finance Committee. We recommend disapproval.

MODERATOR: Any discussion? All those in favor please raise one hand. Those opposed. The no's have it, the item is lost.

Article 45. We're just gonna--this will be our last one. This will be our last one, I promise and I don't think it will be long. 45 and then we'll be done. Article 45. Mr. Major. Oh...is somebody from the Technical School here? If you're not here, then you don't get your money.

MAJOR: Seeing not, I'll move it. Madam Moderator, I move the Town approve Article 45 as printed in the Warrant.

MODERATOR: Article 45 has been moved and seconded. Can we get the Selectmen's report, Mr. Major?

MAJOR: Yea. The Board of Selectmen recommends approval.

MODERATOR: Finance Committee report, Mr. Felter.

FELTER: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Thank you all very much. Could I have a motion please till adjourn to tomorrow night?

URBELIS: Madam Moderator, I move to adjourn to 7:00 tomorrow at the Collins Auditorium.

MODERATOR: The Collins Center, at the Collins Center. Motion's been moved and seconded. All those in favor please. Those opposed. Thank you all very, very much. Have a good evening.

THIRD EVENING

Thursday, May 28, 2009

MODERATOR: ...session the 2009 Andover Town Meeting. Mr. Urbelis. Could we get some mics on down here please?

URBELIS: Madam Moderator I move to admit the following non-voters, Jack Petkus, Joseph Piantedosi, and others, who are here some of whom will be arriving later, some of whom may be speaking.

MODERATOR: All those in favor admitting non-voters. Please raise one hand. Thank you. All those opposed. The ayes have it the motion carries.

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

MODERATOR: All those in favor of referring to the warrant articles by number please raise one hand. Those opposed. Thank you very much. Again I'd ask you please if you would turn off cell phones, no food or drink, other than water in the auditorium. The voting sections tonight will be: Section 1, Section 2 - ending in row...L, right here, ending in row L--, Section 3, Section 4, Section 5, from M up, and Section 6. 7 and 8 will be up there if we need it. It doesn't appear right now that we will, but we may. Stage participants tonight, hopefully you all enjoy the comfort of these seats. We have over here the Planning Board, the Board of Selectmen, the Town Manager, the Director of Finance. To my left, your right, is the Finance Committee, Town Counsel, and the Town Clerk. The Ombudsman is Attorney Christopher Vrontas. He will help you if you have any amendments, in wording those amendments and the also has the three-part forms for the amendments. Again you must be at a seat in order to have your vote counted. If you are standing on the side, or standing in the back, your vote will not be counted. The restrooms are out here to your left and down the hall, if anyone needs to use those. We don't have specific, because of the stairwells and the configuration here, we don't have specific pro and con mics. So what I would like to do on articles where you would like to speak for the article, if you are pro, if you would use this side of the auditorium. There's a mic down here and there's a mic up at the top of the back of the stage. Rather than have you standing on the stairs, we have them here in the front and up in the back. And if you are against a particular article please use either this mic or that mic up there. All right. Any questions? Yes. Raise your hand so I can see you. Thank you, sir.

[inaudible from the floor]

Somebody wants a point of information. That's a good point. Do we have any floating mics tonight? If you have a point of order or point of information, if you could just use—either that, or we could just relegate that one to a point of order or a point of information. Would that work? Let's do that. If you have a point of order or a point of information—a point of information being a question about the article, you don't necessarily have a pro or con position, a point of order would be you have an issue with some procedural item that we're doing: it's too hot, it's too cold, you can't hear, you don't understand,...you feel that there's somebody speaking who's not a registered

voter, whatever your point of order is, by all means come to mic number four. Thank you, Mr. Pasquale. We did vote at the first night of the meeting to impose time limits. The Meeting did do that. We are, I am hopeful we will finish the meeting tonight. So I would encourage you to use as little time as you can, but as much as you need, but in no event more than five minutes for presentation, three minutes if you are speaking to the article. If you could use less, that would be wonderful. I have one very quit item I would...I, I,...this is a point of personal privilege for me, if I can. There was an article or an motion or a statement made last night about my use of first names to people and I got more e-mail on that item today than I've gotten on any other item that I've every dealt with in Town government. And it was, very much two to one, Sheila go ahead and use first name. But I'd like to, I'd like to just make a statement. There are people in this Town that I've known all my life. There are people in this Town I've know all their lives. There are some of you I've known for many years, there are some of you I've known for a few years, and there are many of you I'd love to get to know. I respect this body, I respect this process. If I have been calling someone by their first name all their life, I'm not thinking and I don't mean that to be disrespectful to anyone. If I don't call you by your first name, I can't remember it and if I don't call you by your last name, if I call you "sir" it's because I do know I know it but I don't remember it. I can't change who I am. I can't. And I would love to be able to, to be as consistent as some would like me to be. I will be as respectful of you as I can possibly be. That may be with your first name, it may be "sir," it may be "ma'am," it may be "Mr." it may be "Miss," it may be "Mrs." I just can only be who I am. So that's my, that's my issue with that. Okay thank you for your indulgence on that.

[applause]

I spoke to the individuals to whom—at least I spoke to most of the individuals—to whom I used their first name yesterday. It was not in disrespect and it was not to imply anything other than it's who I am.

Okay. Item number 46. Mrs. Lyman, please.

LYMAN: Thank you, Madam Moderator. I move that the Town approve Article 46 as printed in the warrant.

MODERATOR: Planning Board report please.

DUFF: The Planning Board recommends approval of Article 46.

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

Article 47. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, the Board of Selectmen recommends approval of Article 47.

MODERATOR: Finance Committee report. Mr. Felter.

FELTER: Good evening. My name is Tim Felter. I've been a member of the Finance Committee. Approximately 20 years ago the Town signed a lease to rent a section of the first floor of the Town House to the US Post Office to ensure the presence of a postal facility in downtown Andover. The Finance Committee acknowledges that a postal facility is an important component of a vibrant downtown. However, the existence of the Post Office on the first floor of the Town House building is been used as a reason why alternative uses for the property cannot be thoroughly considered. We believe that the Town should enter into a lease of not more than three years, which would allow the Town time to evaluate the best long-term use for the Town House. Since existing laws allow the Town Manager to enter into leases with a term of three years. We believe that this Warrant Article is not necessary or desirable. The Finance Committee recommends disapproval of Article 47. Disapproval of the Article will not prohibit the Town Manager from entering into a lease with the Post Office. A vote to disapprove will allow the Town time to evaluate options for the building which is under-utilized and costly to maintain.

MODERATOR: Any other comments? Mr. Vispoli.

VISPOLI: If I could, Madam Chair. We don't disagree fundamentally with the statement that Mr. Felter read from a...the Finance Committee perspective. We saw this as an option that we would leave the Town Manager able to negotiate. We also had discussions around, is this the best use of the facility.

MODERATOR: Excuse me, there's a point of order.

UNIDENTIFIED SPEAKER: Would somebody please move the Article?

MODERATOR: I think it was moved, was it not? Okay.

VISPOLI: Yeah, I did. Oh, I didn't. I recommended approval. Okay—

MODERATOR: Did you move it?

VISPOLI: I didn't move it, he's right.

MODERATOR: Thank you, sir.

VISPOLI: I move Article 47.

MODERATOR: As?

VISPOLI: As printed in the warrant.

MODERATOR: Okay. Thank you very much, sir. And you also moved, you also stated that the Selectmen recommended approval.

VISPOLI: We recommended approval...

MODERATOR: And now you're commenting on that. Go right ahead.

VISPOLI: I am.

MODERATOR: Thank you, sir.

VISPOLI: Thank you, Mr. Bachman. I...I just want to see that we were not definitive on, if this is the right use for that, that space. So, you know, we have general agreement that we need to explore all options. And the question is, is the Post Office...you know the designated use, or the use that, you know, serves the community the best and provides, certainly the rent that we get on it is not the return that you would expect for a piece of prime office building, so...We had the discussion around and we saw this as giving the Town Manager the option. And it wasn't, we certainly, I don't think there was agreement that we think 10 years

would be good to lock into a lease, but if you used it for another type of location, you know like a restaurant or something, you might lock into a long-term lease so that was our perspective.

MODERATOR: Okay, all those in favor of Article 47, please raise one hand. Those opposed. I can hardly see. Let's do that one more time. All those in favor, please raise one hand. Those opposed. I'm sorry we have to take a standing count. It's very close. Okay all those in favor. If the counters could please get in place. All those in favor, please raise one—I mean please rise. Got to get the routine down. I apologize it's very hard to determine if you're all spread out if there's a 10 or 15 vote difference. With this much of a spans I can't see it, so I apologize for the...Could we turn this mic on please. Number one.

HUGHES: [barely audible] Section 1: 10; Section 2: 13; Section 3: 4; Section 4: 21; Section 5: 11;--

MODERATOR: Will you turn mic number one up a little bit, please, sir.

HUGHES: Section 6: 21; Hall: 15; Stage: 10.

MODERATOR: Okay, all those opposed. Please stand. You must be seated or at a chair to have your vote counted.

HUGHES: Section 1: 4; Section 2: 10; Section 3: 10; Section 4: 4; Section 5: 26; Section 6: 15; Stage: 11; Hall: 0.

MODERATOR: The results are for Article 47. Article 47. Those in favor voted at 105. Those opposed 80. The motion carries. Article 48. Mr. Stabile.

STABILE: I move that the Town approve Article 48 as printed in the warrant.

MODERATOR: Article 48's been moved and seconded. Selectmen report.

STABILE: The Board of Selectmen recommend approval of Article 48.

MODERATOR: All right. Finance Committee. Mr. Stapinski.

STAPINSKI: Madam Moderator, the Finance Committee vigorously endorses this Article.

MODERATOR: Thank you, sir. Vigorously, huh? Okay all those in...yes, sir.

PASQUALE: John Pasquale, 47B Whittier Street. Point of information. I would like to ask, is the Chief of Police here?

MODERATOR: Yes, he is. Go ahead, ask your question.

PASQUALE: I'd like to ask the question, Chief about staffing. Now this is not a rumor. I actually spoke to one of the parking attendants that told me, in tears, that she got a notice of layoff. So Mr. Pasquale wants to know, if we're gonna put all this money into parking meters, how are you gonna staff this? Because the business association got wind of this also. And they knew that there was an agreement, we were always gonna have two people at the parking. So that's the reason. I'm voting for the Article. But I want to know, how it's going to be manned.

PATTULLO: I don't believe anybody's received layoff notices in the parking section of the Police Department. However, with that being said, in the budget there is a reduction in the Police Department of \$120,000. And there could be a potential for layoffs. And the part-time parking clerk could be one of those. If that were to happen that would still, that function would still need to be done, and it would have to be done by a sworn officer, which would then decrease my ability to have someone on patrol. But right now there are no layoff notices that have been issued.

MODERATOR: All set.

PASQUALE: Thank you, Chief.

MODERATOR: Okay all those in favor of Article 48, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries.

Article 49. Ms. Farrell. Like I said..Mr. Teichert.

TEICHERT: She won't be here. I'd like to recommend withdrawal of Article 49 for them.

MODERATOR: Are you moving that we withdraw?

TEICHERT: I'm moving withdrawal, yes.

MODERATOR: Article 49 has been moved to be withdrawn. All those in favor of the withdrawal please raise one hand. Thank you. Those opposed. The ayes have it. The Article is withdrawn.

Article 50. Mr. Rivet.

RIVET: Michael Rivet, Sherbourne Street. I move that the sum of \$24,000 is hereby appropriated to pay costs of reconstructing the sidewalks on Sherbourne Street from Ayer Road to William Street and for the payment of all other costs incidental and related thereto, and that to meet the 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 General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore. The reason I brought this—

MODERATOR: Just one second. The motion's been moved and seconded. Go right ahead, sir.

RIVET: The reason I brought this Warrant Article forward is, about a month and a half ago an elderly woman was walking on the sidewalk and she tripped. She bruised herself, her hands, she said she didn't need any care, but there was quite an egg on her forehead. That sidewalk is broken up into several pieces. We're taking four and five inches. Also as read this, it is the only sidewalk leading up to the school. The curbing is now flush with the street. And what the DPW has done is but cement on the curbing and put paving blocks on it. And we all know what happens in the winter with the snow. The plows have ripped it up. And after every storm we're out there picking it up and putting it on the sidewalk. People do not use that sidewalk as a rule because of the condition that it is in. They're walking on the street. And we're talking small children leading up to the Shearboorn—excuse me, the Shawsheen School. When I asked about this, when I went before the Board of Selectmen and the Fin Com they said they could put hot top down, it works well. Well they did that on Poor Street, if you go over there it's all ripped up. Again, the

plows are doing that. This has been a liability for the Town for quite a few years and nothing has been done. So I please ask on behalf of everybody in the Town that uses that, that you vote for approval of this. Thank you.

MODERATOR: Thank you, sir. Selectmen's report please. Mr. Major.

MAJOR: Yes, the Board of Selectmen recommends disapproval of this Warrant Article. We, as a Town, have a multi-year sidewalk master plan that covers both the construction of new sidewalks as well as the reconstruction of existing sidewalks. The process that we use in order to take a look at all the assets that we have in Town and then to prioritize those, is to use a five-year Capital Improvement Program, that all projects get listed into during the fall. We go through this in detail, during the fall, to take a look at what's the priority of those capital projects that we want to bring before you at the next and subsequent Town Meetings. So, given that, the Board of Selectmen recommends disapproval of this Warrant Article.

MODERATOR: Thank you. The Finance Committee report, Mr. Felter.

FELTER: The Finance Committee also recommends disapproval for the reasons Mr. Major listed.

MODERATOR: There any other...? Yes, sir. Please identify yourself.

GREGOIRE: Jim Gregoire, 12 Sherbourne Street. I'm new to Town, I've been here about four years in this location.

MODERATOR: Well, welcome

GREGOIRE: Thank you. So I'm not really with the process for getting this stuff done. And I understand that that was sort of what the Board of Selectmen just kind of outlined. But, being the primary resident that lives right in front of this, this, the sidewalk that Mr. Rivet's talking about, I can sort of speak very personally to what the situation is that I've seen over the four years that I've been here. And you know, whether it's appropriate to even consider replacing the entire 200 or so feet of the sidewalk or just a couple of little pieces to try to cut the cost down, I realize we're in very challenging economic times, but I

leave that up to the experts to decide. But I want you guys to understand what's going on here. The Town in the four years that I've been there, never cleans the sidewalk and you understand what's happening with the snow the last several years. I work 70, 80 hours a week in Boston. If I get to clean the sidewalk for the neighborhood, it's maybe one, two, three days after a storm. We've got kids cause, as you know, Shawsheen is K to two, we've got small kids and mothers and that neighborhood fills up every day during the school year, cars parked all over the place. You can imagine how bad it is in the winter when the sidewalk is not cleaned because it looks like an earthquake hit it because the sidewalk plow cannot go over those pieces, so they don't even bother to come up there from Williams Street. I have not had a chance to clean it. People are walking in the streets. Now we're talking about shutting a third of the lights off in Town, so it's gonna even be darker at 4:30 everyday in the winter, and people are going to be walking in the road. When you compound that with there's no speed bumps there, people speed up and down that street because it links to to South Lawrence through the Corporate Street Bridge over 495, it's a disaster waiting to happen. It's already happening. My kids fall down on that, you know, at least a couple of times a summer. They scrape up their arms and their legs and everybody else is walking in the street because it's a completely infeasible situation. So, I don't know that it makes sense that it even makes sense to consider doing the entire sidewalk given the state of it because it's really only a couple of parts that really, really, really, need attention. But I would beg you to consider alternatives here that are much, much cheaper and just start to address the issue please.

MODERATOR: Thank you, sir. Mr. Pasquale.

PASQUALE: John Pasquale, 47B Whittier Street. It's really a point of information. And it's around sidewalks. Now, Brian Major showed the audience the book, the master plan. We voted in the capital budget \$75,000 which is a drop in the bucket. There are other residents that come before and talk about sidewalks. We've spend \$8,000 on a report from Merrimack College, and I was in the audience and Mr. Vispoli was there and was smiling because he know what I was gonna say, because it showed there that sidewalks are a concern of the residents. I'm asking this question, on page 15 to the Finance Committee can we have capital outlay expenditure exclusions that says, "capital expenditure

exclusions can only be used for expenditures which could be bonded." So, Mr. Pasquale's question is, can we get creative to bond sidewalks? Like I'm talking about, we gotta get off this and get like a half a million dollars, like we're puttin' into the water. We voted here, wow, we gotta put new water supply lines and everything and everybody just goes along with it. Cause I don't think we're ever gonna get the sidewalks to where they ought to be for the residents on \$75,000 in the budget every years. So can we get creative? Some of you must know we can bond sidewalks. The do it in other communities.

MODERATOR: Do you want a specific answer or is that--

[people talking over each other]

PASQUALE: --can it be done?

STAPZCYNISKI: Of course it can be done. You have an answer. It has been done. We have bonded for sidewalk repair and maintenance in the past. The problem is the last several years, we have tried to cut down on our borrowing, on our bonding for a number of things, and sidewalks has fallen off the list. In fact I can point to several years where we had bonding for sidewalks actually fail at the Town Meeting because we could not get a two-thirds vote. So, a year ago, we decided that we would not take that risk, and we put in \$75,000 last year, in the capital project fund. And \$75,000 this year in the capital project fund. And I would say that when, you know, the economy does get better we ought to go back to a borrowing situation for sidewalks. But right now we're going to use that \$75,000 for the worst of them. And I can point to an example. Last year we we're at Town Meeting we promised folks, a particular woman wanted a, a, sidewalk repaired on Lowell Street, 133, from Beacon to Main Street. We said we would do that out of that \$75,000 and we did. And it was a summer project and I think we did it pretty darn good. We didn't do the whole thing, we did, as this gentleman mentioned previously, we did the worst parts of it. And that's something we will look at for Sherbourne for the summer.

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

PASQUALE: Yes, it means that I gotta come back next year Town Meeting--

MODERATOR: exactly, exactly-

PASQUALE: And have my own Warrant Article for a half a million bucks-

MODERATOR: Same time, same place, I'll be happy to let you move the motion. Thank you. Yes, ma'am.

YOUNG: Trish Young. 60 Whittier Street. I just learned how much is in the budget, \$75,000. I was wondering if Sherbourne Street is on. And if there's anything that the Town can help them in the neighbors in the Shawsheen area with their sidewalks.

MODERATOR: Do we know what streets are on the list to be done this year? Anybody?

VISPOLI: I don't know if Jack Petkus is here?

STAPZCYNISKI: I don't know if Jack is here but generally it's a list that, between Chris Cronin, the Highway Superintendent, and Jack Petkus and Brian Moore, the Town Engineer, they put together for, again, what we call emergency kind of repairs. The sort of thing---

MODERATOR: Well, let's, let's let him, let him--yes or no is that on the, on the list?

PETKUS: Jack Petkus, Public Works Director, at the direction of the Board of Selectmen Sherbourne is number one the list.

MODERATOR: It is on the, it is on the list?

PETKUS: Only it will not be done granite curb, Portland cement, it will be done asphalt. Same as Lowell Street.

MODERATOR: So that, so in answer to the question yes that is on the list to be done this year? Is that? Okay. Any other? Does that answer your question? Which was a very good one, thank you. Somebody up here.

GIFFIN: Jane Giffen, Castle Heights Road. In the Article it says \$24,000, I though I heard \$74,000. If Mr. Rivet could-

MODERATOR: There's \$74,000 in the budget we approved on Tuesday night.

GIFFIN: Is that what Mr. Rivet is looking for?

MODERATOR: No, he's looking for an additional bonding of \$24,000.

GIFFIN: Okay, I thought he said \$74,000.

MODERATOR: I don't believe he did. No. I don't believe he did. Okay are we ready to...do you have another closing comment so we can move on?

RIVET: Yes, I do. Michael Rivet, Sherbourne Street. All the sidewalks in that area are concrete. Hot top will only be ripped up by the plow if you're doing the curbing. If you're ripping up as they had the past number of winters, the blocks, the paving blocks, that are there they are more than adequately, excuse me, rip up the hot top as they have in other parts of Town. And by doing that you're just throwing good money away and you'll be back doing it every year as it is always torn up. Thank you.

MODERATOR: Okay, let's vote. All those in favor of Article 50. It requires a two-thirds vote. Please raise one hand. Those opposed. The no's clearly have it by more than a two-thirds vote and the motion is lost.

Article 51. Mrs. Lyman.

LYMAN: Thank you, Madam—thank you, Madam Moderator, I move that the Town approve Article 51 as printed in the warrant.

MODERATOR: Article 51 has been moved and seconded. Who is, who is speaking on this?

FRENCH: Madam Moderator.

MODERATOR: Thank you, sir.

FRENCH: Alan French, 17 Moreland Avenue.

MODERATOR: Yes, Mr. French, go right ahead.

FRENCH: Thank you. This Article is a culmination of a process that started back in the '70's when Virginia

Hammond, known as Deana to some of us, who has contributed so much to the open space resources of the Town, negotiated, thought she negotiated a easement all the way to a 10-acre property on the Merrimack River. A very critical property in any town plan doesn't need to be substantiated in that regard. This Article tonight is a culmination of this process and there's a very good explanation printed on page 104 of your book. So I won't repeat that. I think I would like to...I will, will be able to answer questions if people, people have them about it. I think what I would like to say is the process by which we have secured access to that 10 acres, involved three parties, Town, Phillips Academy, and the Technical-Regional Technical School and I'm really pleased to report...gratitude should be made in the recent negotiations to the folks that worked together very well on this complex issue, from the Regional Tech School, Marilyn Fitzgerald, from Philips Academy, initially Sue Stott and continuing and Mike Williams and that I would also like to give a kudos to the Town staff and my colleagues on the Conservation Commission. It was truly a cooperative effort, with a complex project and something which in time will be a wonderful asset for the community.

MODERATOR: Thank you. Selectmen report. Mrs. Lyman.

LYMAN: The Selectmen recommend approval.

MODERATOR: Okay. Planning Board report, Mrs. Duff.

DUFF: The Planning Board recommends approval of Article 51.

MODERATOR: Thank you. Mr. Urbelis, do you have anything to add? Because-any questions or comments? Because this is a special legislation it requires either a standing count number or a unanimous vote. Not telling you how to vote. All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. It's a unanimous vote. Does anyone question that declaration? Thank you. It's a unanimous vote.

[applause]

Article 52. Article 52, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that Article 52...be moved as printed and the Board of Selectmen recommends approval of this Article.

MODERATOR: Article 52 has been moved and seconded. It's been approved by the Board of Selectmen. The Finance Committee report, please. Mrs. Milne.

MILNE: Yes. Passage of this Article has no impact on the budget. It is merely a mechanism to allow the Town to provide a service to those private way residents that want to pay for it. And the Finance Committee recommends approval.

MODERATOR: Any questions or discussion? All those in favor please raise on hand. Thank you. Those opposed. The ayes have it the motion carries.

Article 53. Mr. Whitefield.

WHITEFIELD: Yes, Madam Moderator. My name is David Whitefield, I live at 19 Pine Tree Lane. I move to withdraw this Article from the warrant.

MODERATOR: It has been moved to withdraw this Article from the warrant. All those in favor of the withdrawal, please raise one hand. Thank you. Those opposed. The Article has been withdrawn.

Article 54. Mr. Cyrier.

COTTON: Mr. Cyrier is not here tonight. I'm Steve Cotton. 19 Pomeroy Road. He's asked me to move to have the Article withdrawn.

MODERATOR: You would like to withdraw it?

COTTON: Yes.

MODERATOR: You, it's been moved that Article 54 be withdrawn. All those in favor of the withdrawal, please raise one hand. Thank you. Those opposed. The ayes have it. The motion is withdrawn.

Article 55. Mr. Major.

MAJOR: I move that the sum of \$650,000 is hereby appropriated for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and roofs 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 General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article 55 has been moved and seconded. Mr. Major, is there a report from the Board of Selectmen?

MAJOR: Yes. The Board of Selectmen recommends approval of this Warrant Article. This Article will do a few different things. One, \$500,000 of the project is to replace the slate roof section of the Memorial Hall Library. The roof right now is badly deteriorated and will become a safety problem if it's not addressed in the very near future. Second, we've got \$50,000 that's request for several Town utility building roof projects including Poms Pond, Recreation Park and Lower Sh-Lower Shawsheen buildings. Third, we've got a \$100,000 that's request to fund the replacement of the remaining old single pane windows on the first floor of the Memorial Hall Library.

MODERATOR: Thank you, sir. And the Selectmen...are recommending approval, is that correct? Thank you. Mrs. O'Donoghue, any recommendation from the Finance Committee?

O'DONOGHUE: Thank you, Madam Moderator. As Brian alluded to the roof repairs and window replacements for Memorial Hall Library outlined in this Article are in immediate need of correction. The Town has already conducted emergency repairs on the roof this past year and the failing windows on the Essex Street side of the building are a potential safety hazard. The Finance Committee recommends approval of Article 55 as presented.

MODERATOR: Thank you. Article 55, are there any questions or comments?

POKRESS: Madam Moderator. Bob Pokress, 3 Cherrywood Circle. A point of information, a question. Can the Selectmen share

with the...voters the priorities that you have on this Article and the others—or I should have said there are a number of Articles in the warrant starting at this point, which are bonding Articles, which add up to somewhere on the order of about \$3.5 to \$4 million. It would have been about \$4.5 if that other Article not been withdrawn. Would appreciate it if you would share with us your priorities to the extent we don't have enough money to fund all these Articles, what your priorities would be between this Article and all the other Articles among, among those Articles.

MODERATOR: Except we can't talk about Articles that aren't on the floor. But certainly you can ask about the priorities of how this came to be.

MAJOR?: I'll just answer that the Selectmen have not taken a position to prioritize the various Articles or to take a position of prioritizing the various Articles. What we do do is to insure that what we put before you in its entirety is, are projects that can be afforded. Both within, whether their impacting the operating budget, or whether we're proposing them be funded through bonding that will be in future years. We always take a look at what are payment schemes are, what our debt currently looks at, and we assure you that we only present to you what we believe we can afford.

VISPOLI: Just to add on to Brian's comment.

MODERATOR: Could you identify yourself, please.

VISPOLI: Alex Vispoli.

MODERATOR: Thank you.

VISPOLI: The request that this started with back in December was clearly you know two, three times the request. And one of the things that we looked at especially diligently this year was the debt service to see what this impact would have, you know, over the next four, five years. So, this, this list although the ones that are before you aren't prioritized as Brian said. This became the list that was prioritized as a group to present to Town Meeting.

POKRESS: So, what your saying is these represent the ones that are sort of above your cut line-

VISPOLI: Correct.

POKRESS: That you feel are affordable given the current amount that's spend each year on bonds. How much will be off the books as they reach the end of their payment periods and adding these in as new bonds. Is that a fair way to summarize it?

MAJOR: Yes, sir.

VISPOLI: You can see the chart in the Finance Committee or Town Manager's...where you can see the debt service where you can see which ones are retired and then which ones are superimposed on that, which would reflect these if they were to be enacted right away. Last night we had some that weren't enacted and that's what we talked about during one of your Articles as far as the sequence and how their reported and why that's always not paid the next year. Sometimes it slips a couple of years.

POKRESS: Thank you.

MODERATOR: Thank you. Yes.

TEICHERT: Madam Moderator. Ted Teichert. Joe Piantedosi does have some slides that show the condition of the buildings.

MODERATOR: Before we do that, let me go through that let me finish with the question please, Mr. Teichert.

HUDGENS: Jonathan Hudgens, 16 Seten Circle. I'm kind of curious, I saw the number \$500,000 for the roof and that seemed quite a bit for a roof. So I'd like some explanation.

MAJOR: Yea, actually Joe Piantedosi would be best to speak to it. We are taking a slate roof. And due to the historical nature of the building, to be able to keep it, as a slate roof, but-Joe.

PIANTEDOSI: Joe Piantedosi, Plant and Facilities Director. That roof is a hundred years old. It's lasted that long. Slate roofs are very expensive to replace and the cost of

replacing that roof entails ripping off the old slate, doing any repairs to any of the wood on the roof itself and replacing it with new slate. That is the going rate and within the public sector prices are higher because we have to follow state laws and pay prevailing wage rates.

MODERATOR: Okay, thank you. Any other questions? This requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it. The motion carries in excess of two-thirds vote.

Article 56. Thank you, Mr. Piantedosi. Article 56. Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. I move that the sum of \$850,000 be hereby appropriated for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various School buildings and roofs 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 (3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article 56 had been moved and seconded. The Selectmen's report please, Mrs. Lyman.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Thank you. Finance Committee report. Mrs. O'Donoghue.

O'DONOGHUE: Thank you, Madam Moderator. The Article addresses a number of critical school building issues including replacement of the Doherty School roof and the further implementation of the phased boiler replacement. This year to cover the boiler at West Middle School. The Capital Improvement Plan for fiscal 2010 is recommended at a minimum level due to the financial constraints. We need to address our most urgent projects including those outlined under Article 56 which are detailed on page 109 of your Fin Com book. The Finance Committee recommends approval of Article 56 as presented in the warrant.

MODERATOR: Article 56 has been moved and seconded are there any questions or comments? This also requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by more than a two-thirds majority and I declare it as such. Does anyone question that judgment? Thank you. Article 57, please. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that the sum of \$425,000 is hereby appropriated for the purpose of paying costs of engineering, designing and constructing ball fields at the Town-owned site on Blanchard Street for the payment of all other costs incidental and related thereto, and that to meet the 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 (25) of the General Laws, or pursue any other enabling authority, and to issue bonds or notes of the Town therefore.

MODERATOR: Article 57 has been moved and seconded. The Selectmen's report please, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. The Selectmen represent approval of this Article. This Article requests partial funding for an estimate \$1.8 million needed to build new athletic fields at the property acquired by the Town in 2008 locate at 15 Blanchard Street. These fields would replace the Deyermond Fields adjacent to the Town land fill. It would be closed permanently by 2012 due to land fill capping. The cost of building new playing fields on a capped land fill is too expensive. The Town has been working with one of the sports groups that presently use the Deyermond Field and have indicated a willingness to contribute a substantial sum in partnership with the Town to develop these fields, illustrated on the Blanchard Street Athletic Master Plan. Also the plan is to transfer the name, Deyermond Field, from where it is now to the new fields once they're constructed.

MODERATOR: Thank you. The Finance Committee report please. Mr. Fortier.

FORTIER: Thank you, Madam Moderator. Given the fact that the fields at Deyermond will not be available for any sports in approximately two years, this is a logical choice due to the fact the Town owns the land and the site is

attractive in terms of development and location. Therefore, the Finance Committee recommends approval of Article 57.

MODERATOR: Thank you. Mr. Piantedosi do you have brief presentation of slides for us? Thank you.

PIANTEDOSI: This Article represents a public private partnership between the Town and two of our, our sports leagues. Next slides please. That's just Blanchard Street some statistics, when we purchased it, how big it is, how much we paid for it. Next slide, please. That's an aerial view of the Blanchard Street site when we acquired it. Next slide. The problem as you already heard is with the capping of the landfill. The Deyermond field is going to be closed. It's not cost effective to build the fields there and there are two little league fields there and a large multi-purpose soccer field that will be lost. Next slide. The solution is, Blanchard Street. We can construct three little league baseball fields, one multi-purpose field with ample off street parking. Next slide. This is a concept drawing of the Blanchard Street plan. This is Blanchard Street right here. This is the old farm, the old farm house is right there. There are two little league baseball fields here. Another one here. And a soccer field here, that can be built on the slide. Next slide, please. The estimated cost is \$1.8 million. We think we can do it cheaper than that—we hope. The Town portion of that would be \$425,000. We already have commitments from little league, and there's representatives here from little league, that on July 1st upon successful agreement with the Town, which we're pretty close with, will give the Town \$350,000 to get started on this. Soccer has already committed \$50,000. That sum of money will get the fields and the parking area built. The other amenities will come. There's a commitment to fund raising on this, on this project to get it done one hundred percent. And I think we can point out that we've had two other very successful public private partnerships right here in the High School site. The new turf field which was \$650,000. It was paid for with private funds, as well as the field houses that were done out there. I'd be happy to answer any questions and if the two folks from soccer and little league want to step up here, please do.

MODERATOR: Thank you. Mr. Pasquale do you have a quick question?

PASQUALE: I'd like to have a point of privilege for a moment.

MODERATOR: Go right ahead, sir. What is your privilege?

PASQUALE: I'd like to honor, Mr. Piantedochi. Today when I walked in he had a cane in his hand. Like me I have a back problem. Mr. Piantedochi was in New York today receiving an award. It was on behalf of the Town of Andover. So I'd like to have him speak and I'd like to give him a round of applause for all his efforts.

[applause]

MODERATOR: Thank you, sir.

PASQUALE: My point of information though—

MODERATOR: Oh, you didn't tell me you had one of those.

PASQUALE: He knows I always fatten the cow up before the...

[laughter]

MODERATOR: I did not say that. And that is not respectful. Go ahead.

PASQUALE: This, this slide leads into, you know, I want to see a written commitment. I don't want to see a Bernie Madoff, arm around, and say, we're with you for \$350 or \$50. So I'd like to see all of that in writing. But the balance, the mathematics. The \$18025 the number 4 and the other \$975. So I'm asking this question. That means next year your gonna be coming for \$975 not another, oh, Mr. Pasquale by the way we forgot to put the facilities in there for the...toilets and stuff so it's gonna be \$1.5. I want to know how realistic this whole \$1.8 is. I guess I don't want to see an over run on this project.

PIANTEDOSI: I don't think you're gonna see an over run. As I said, I believe that the amount of money that's shown up there and the commitments that are made will build a field with grass, with a parking area, and other amenities. Some of the...other things that we may not be able to afford with this money, would include some field lighting, which the little league is, you know, determined to do a fund raiser to make sure that they get the money to do that. So, I'm

pretty confident that the money that's up there, and the commitment that these two organizations have already made. That this will get done and it won't require any additional money from the taxpayers.

PASQUALE: Now, supposing you got the money July 1st, the question I have is, there was some chemicals in the property, so are we inta having to do a lot of excavation of something out of there before we can proceed to build.

PIANTEDOSI: The first thing we will do is hire an LSP, that's an licensed site profession. We'll go in there, we know that there is a pesticide background level in the, on the property. We do know there are a number of ways of dealing with it, including digging a hole under the parking lot, putting it there and capping it over. Or, if it's cost effective, we could remove it from the site. We don't believe that that's going to be a very large cost.

MODERATOR: Okay. Thank you, sir. I believe this gentleman here...have you been waiting at mic 3? Go right ahead, and then Tom...

WILLARD: Bob Willard, 73 Tewksbury Street. I'd like to remind all of the voters that in an year when we are scheduled to layoff dozens of teachers and a few police and a few fire department people, and make lots of other cuts to essential services, that spending a half a million or maybe two million dollars, depending on how you count, for baseball just doesn't seem to cut it. Thank you.

MODERATOR: Thank you. Go ahead.

DESO: Tom Deso, 81 High Street. I actually just have a question.

MODERATOR: Go ahead.

DESO: In the financial impact of Article 57 in that box it indicates that the Town will borrow \$425,000 over five years. And the peak appropriation will be \$45,000. How do we get the \$425 and divide it by five and have a maximum of \$45,000.

MARDEN: There must be an error in one of those numbers. Let me just look it up.

DESO: I assume it's a \$100,000.

MARDEN: It's probably a typo. It's probably 15.

MODERATOR: Can she get back to you in one moment? Let me take another question?

DESO: Maybe it's—sure. Yea, I just like to know is it five years or 15 years?

MODERATOR: We'll get the answer to that question in one moment. Let me take another one up here at mic number two please.

DRYFUS: Hi, Lauri Dryfus, 17, 7 Somerset Drive. Excuse me. I am actually the vice-president of food service for Andover little league. And I want to point out, just as a comment about the \$425,000. The \$350,000 that's noted up there has been saved by the little league and it's in a capital fund. We've been planning this for many years. We're trying to get some help from the Town to get the process going. And I believe, and Mr. Piantedosi can speak to this, that we're planning to do a lot of additional fund raising. We're not asking the Town for 1.8 million we're looking for the 425. If we don't start this now, we will have kids that will have no where to play ball, coming 2012. And we really need to get those two fields replaced and the league is committed to the funding to get the lighting and to get the fields built after we get the base of work done with the 425,000. And Laura Ruiz who is also on the board and is down at mic one, can speak to this as well.

MODERATOR: Thank you. Yes, sir.

RUIZ: Laura Ruiz, vice president of Andover little league. One Possum Hollow Road. First of all I want to thank on behalf of Andover little league the effort that the Town has made to help us out in this difficult situation. The Andover little league has 1200 kids playing in it. 1500 games played per year and Deyermond Field has 30% of that load. The loss of Deyermond is a major concern for us and as Lauri just said, that knowing that this was coming about, we have been raising funds for several years. And our, we are committed to making this work as a private public partnership. And we're committed to, to the raising of funds to make this, the field work. We feel it's a great

opportunity to, for the Town and for the little league and again we look forward to working with the Town and proceeding with this.

MODERATOR: Thank you, sir.

MARDEN: Yes, it is 15 years.

MODERATOR: It is 15 years the term of the payout is. It's a typo in the Finance Committee report. Does that answer your question? Thank you, sir.

PIERCE: Faye Pierce, 10 Blanchard Street. I have a question about the traffic situation. I know that the street is projected, the driver is projected to go in right at a dangerous corner that's had a number of accidents every year. And so I'm trying to find out exactly what your plan is for the traffic situation during the games and also any signs of police protection for the kids. Because I know Bancroft, I've been to little, I've been to soccer games at Bancroft a long time ago, but the traffic situation during games is terrible and now you're going to add to this situation. There's a lot of traffic that goes through that area all the time and they're speeders. And nothing seems to slow them down. Not even the trees on the corner.

PIANTEDOSI: That's an excellent question. We did have a meeting with a neighborhood group and that question did come up. As you can see there are two planned entrances and egresses to the parking area. One of the things that we said we would do as we planned this field out, working with the neighbors, that we would look at the vegetation along the street to make sure there are no blind spots. We would also sign the roadway to let people know there's a driveway crossing up here. And whatever reasonable safety things we could do to make this a safe entrance to the, to the parking lot. We think that just from the comments we got at the public meeting with the neighbors and also looking at the site that we can work this plan out and address that issue so it won't be a safety hazard.

MODERATOR: Okay, let's have these two gentlemen be the last two speakers and then we'll go to a vote. Oh, I'm sorry sir, I didn't see you. Okay those three. Go right ahead.

SAWAYA: Ken Sawaya 5 Twin Brooks Circle in Andover. I'm honored to be a part of this process to influence

government thank you all for all the time that you put into this. I really mean that. I believe we can influence the youth of our Town through sports. I see it every day. I also know through my own experience how much sport helped me growin up here in Town. How it kept my feet on the ground and kept us out of trouble growing up. I believe that we shouldn't price our children out of sports. And not have access to facilities to play games and sports. We knew the Deyermond Field was not a long term solution. We've purchased land at the Blanchard Street location for future fields. A town with this many families, this many children going through our athletics programs, a town with this much affluence, should have ball fields available for the kids to play on. It's time to allocate the resources toward the development of this land. Now's the time to make the investment for our children and the future. I strongly recommend we vote positively for this Article.

MODERATOR: Thank you, sir. Mic number 3, please.

ROBB: Don Robb, 36 York Street. I have two concerns. One is, we have a project with a projected cost of \$1.8 million. Tonight we're talking about funding \$825,000 of that \$1.8 million. I'm really concerned about voting for a project that has almost a million dollars still to be raised to be spent at some future point. And I fear, what will happen is we will be back at another Town Meeting and we will be told, well we've already started the project so now we need to complete it and the Town will need to come up with another \$925,000. And then I look at the other Articles that we are bonding this year and I see that each and every one of them is a major safety or deterioration concern about buildings that are unsafe, necessarily have to be replaced. And I look at the financial constraints we're under and I say we have to start spending wisely. We have to put off those things that are nonessential. And while I believe that sports are very important in this Town and should be supported fully, I have to say that this year I think that is a lower priority and one that we should reject in this Article.

MODERATOR: Thank you, sir. Over here and this is the last one. And then we'll take a vote. Go ahead.

GRYGIEL: Carl Grygiel, Andover Soccer president, 7 Carisbrooke Street. Andover Soccer stands firmly in place with Andover little league and the Town on this public and

private partnership. I understand the concerns of all residents about the costs associated with this program. And if you look deeper into the details there are various amenities such as benches and fences that Andover soccer is not going to purchase in the initial phase of this development as well as other amenities such as full stocked rest rooms or concrete blocked buildings, which can be accommodated much easier through the use of port-o-potties and at a lower cost. Over 1800 children play each season for Andover soccer. We've been the largest sports program in the Town of Andover for over 35 years. Without this field space, Andover soccer would have to cut back and illuminate games and practice opportunities for children in Town that play from age 6 to age 18. We look at this as a once in a lifetime opportunity. There is not another parcel this size in Town that is ready to be developed into fields and playing spaces. We stand ready with \$50,000 as of July 1. We stand ready with another \$50,000 over the next five years. And to the gentleman who asked for the proof in writing. That vote was taken place on May the 11th and is in the minutes of the Andover board, Soccer Board meeting. And I'd be glad to share that with you, it's also on our website. I urge people to vote wisely on every effort, but importantly on this one, this is one the entire community will benefit from. Thank you.

MODERATOR: Thank you, sir. Okay, let's vote. All those in favor of Article 57 please raise one hand. Needs a two-thirds vote. Thank you. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. Thank you.

[applause]

Article 58. Mr. Stabile.

STABILE: Yes. I move that the sum of \$650,000 is hereby appropriated for the purpose of paying costs of designing, constructing, remodeling, reconstructing and making extraordinary repairs to War Memorial Auditorium 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 (3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town there of.

MODERATOR: The, Article 58 has been moved and seconded. A report from the Selectmen please, Mr. Stabile.

STABILE: The Board of Selectmen recommends approval of Article 58.

MODERATOR: Thank you. Finance Committee report please. Mrs. O'Donoghue.

ODONOGHUE: Thank you, Madam Moderator. The Doherty School Auditorium is and has been for some time in serious need of attention. This Article seeks to address the safety repair issues related to the interior and exterior of the auditorium, many of which have been...[break in tape]...thousand dollars which represents the balances from two prior Town Meeting Articles. The Finance Committee recommends approval of Article 58.

MODERATOR: Thank you. Are there any questions or comments? All those in favor—do you have a question or a comment?

POKRESS: Yes. Question.

MODERATOR: Go right ahead.

POKRESS: Madam Moderator. Bob Pokress, 3 Cherrywood Circle. Has any consideration by the Town been given to seeking private funding to cover this renovation and providing naming rights as an honorarium in exchange for the funding so that the Town doesn't have to pick up the tab on this particular item? It would seem to me, given the historic nature of Town Hall and the auditorium in Town Hall that it might be something worthy of private funding in exchange for providing naming rights for the auditorium.

MODERATOR: Does anyone have an answer to that questions?

MAJOR: Actually, as was pointed out by Michael Burke, our Veterans Officer for the Town of Andover, on Monday during the Memorial Day services, the actual name and the name that will not change, it is the World War I Memorial Auditorium.

[applause]

MODERATOR: Okay, let's take the vote. Oh, Mrs. Carbone, are you looking to address this Article.

CARBONE: Ah, yes.

MODERATOR: Go ahead, Mrs. Carbone.

CARBONE: My name is Mary Carbone, Cyr Circle. I would like to share an observation with the Town Meeting. We have addressed many issues, but tonight we're gonna be talking about Veteran's Memorial Auditorium. We have talked about many issues but this is one of them. Has to do with crumbling stairs, an auditorium that's falling apart. Last night we talked about a town yard that hasn't seen repair in years. We're also talking about sidewalks that we can't, we don't have in the Town. So, I wanna throw all those thoughts out to Town Meeting tonight, to let them think about the 80% portion of the pie. And where that 80% portion is going. And I'll give you an answer right now. It's going to contracts. So we are not doing anything to our infrastructure in this community. And I thank you for listening.

MODERATOR: Okay, let's take a vote. Oh! Go ahead, sir.

DOWNS: My name is Bill Downs.

MODERATOR: Can I -- Mr. Downs, let me just interrupt you for one second. If you're up on the back if you could please just do exactly what he did. Either wave me down or let me know the number on your mic. Because I really can't see up there. Go right ahead, sir.

DOWNS: Forgot what I was gonna say.

MODERATOR: I'm sorry.

DOWNS: My name is Bill Downs, I live at 147 Elm Street, Andover, Mass. Just a clarification. As a member of Finance Committee said this was the Doherty Memorial Auditorium. And Mr. Burke, said it's the Veteran's Memorial Auditorium. But through the past history it's been known as the Memorial Auditorium dedicated to the Veteran's of World War I.

MODERATOR: Correct. Thank you, sir. I appreciate that clarification. Let's take a vote. All those in favor, of Article 58, this requires a two-thirds vote, please raise one hand. Thank you. Those opposed. The ayes have it the

motion carries by more than a two-thirds vote. Does anyone question that call? Thank you very much.

Article 59. Mr. Teichert.

TEICHERT: I move that the Town appropriate, \$525,000 to be expended under the direction of the School Building Committee for 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 for the Bancroft School, located at 15 and 21 Bancroft Road, Andover, Massachusetts 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 the Bancroft Elementary School which solutions may include options to alleviate the overcrowding at Shawsheen Elementary School; and for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority and to authorize the Town to indemnify and hold harmless the MSBA for claims arising out of the implementations of the Feasibility Study and the MSBA grant; that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow the said amount under pursuant to Chapter 44 and Chapter 70B of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore. The MSBA's grant program is not-entitlement, discretionary program based on need, as determined by the MSBA, and any costs that the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be solely responsibility of the Town and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

MODERATOR: Thank you. Article 59 has been moved and seconded. Before we start this Article there is a similarity between this Article and the Article following it. As is our tradition and as I would, I will move forward tonight, we will discuss one article at a time. So if you have comments to make, I will, I have spoken to the presenters he will make to a reference to this next Article but we will not be discussing it till we get to it. If you have an issue pro or con to Article 59, Article 59 alone,

then please feel free to get up and speak one way or the other to that. If you have an issue with Article 60, then when we get to Article 60 you can speak to that. By prior discussion and because of the complexity of this the proponents have asked for seven minutes in their presentation. And it is, it is significant and I have told them at my discretion, which you all gave me on the first night, that he would have seven minutes with his team to make this present, presentation. Mr. Johnson, go right ahead.

JOHNSON: Thank you. Is this mic on? Can you hear me?

MODERATOR: Yes if you could make sure you could speak right into it.

JOHNSON: Can you hear me? That sounds good. Thank you. Thank you, Madam Moderator. Well I'm here tonight, my name is Mark Johnson, I'm here tonight as a member of the School Building Committee. On our way, if you could put on the power point please. For the last two years, two and a half years, the Town has been looking at the physical condition and the overcrowding condition of each of the schools in Andover. Tonight, we were coming before you looking for the money need to complete the feasibility study for Bancroft School based upon changes for the requirements for a feasibility study since Town Meeting last year allocated \$300,000. On our way to Town Meeting we've had a number of meetings with the Mass School Building Authority. And we have found that we have an unexpected opportunity. And this opportunity is to try to address certain conditions at Shawsheen Elementary School as part of the feasibility study for Bancroft Elementary School. Now to go back a year, when I presented the original request for funding to Town Meeting, we had submitted a statement of interest to the Massachusetts School Building Authority for three schools. The first was Bancroft, based upon the structural conditions that we believe makes the replacement of Bancroft imperative. Second was for Shawsheen Elementary School based on two reasons. One was the overcrowding at Shawsheen. And second was the structural deficiencies and the failure to comply with the ADA and the economic and the fact that economically it doesn't make sense to bring Shawsheen up to code or do a major renovation. And the third was the High School. MSBA required that Andover prioritize the schools. And prioritize the problems. Bancroft Elementary School had the most serious problems.

That was the one that we submitted to MSBA. And we're very fortunate that MSBA accepted the statement of interest for Bancroft. There are a number of statement of interests, over 100 statement of interests from a number of communities and we're very fortunate that we had the go ahead to go into a feasibility study for Bancroft. At the same time we refreshed or resubmitted the statement of interest for Shawsheen because the problems at Shawsheen still remained. The overcrowding and the fact that Shawsheen does not comply with current building regulations. In meetings with the MSBA over the last 60 to 90 days the raised the question as to whether or not we wanted within the Bancroft study to address the overcrowding at Shawsheen. And they indicated that they would consider it within the scope of the feasibility study. Next slide, please. As a result the Building Committee submitted two articles to Town Meeting. Article 59 seeks an additional \$525,000 to complete the study, the feasibility study for Bancroft, which would include completing the Bancroft study as well as another component within the Bancroft study which is addressing the overcrowding at Shawsheen. Article 60 seeks \$320,000 to complete just the Bancroft study alone. If Article 59 passes that Article 60 will be withdrawn. Since the last Town Meeting the Building Committee has worked with the MSBA we've looked at the Bancroft site, we have looked at other sites in Andover. We believe that the current Bancroft site is the site that makes, currently makes the most sense. We're very fortunate to be one of three communities where MSBA has approved a Town employee in our case Joe Piantedosi to be the onus project manager for the life of the project. That took a number of meetings with MSBA and will save Andover an estimate \$300,000—an estimated \$600,000 over the life of the project. Next slide, please. The passage of Article 59 will not result in the closing of Shawsheen. Shawsheen will remain. There is no appetite on the Building Committee on the School Committee and I'm sure within the Town to have a 1,000 student elementary school. What this Article does allow, it allows for the flexibility and the options. It allows us to go forward with a feasibility study, looking at different ways to reduce the population at Shawsheen. If the MSBA does not approve the scope of the feasibility study which would include Shawsheen then the maximum of money that would be spent pursuant to this Article is \$320,000 which is the same amount as Article 60 which is what we believe is needed to complete the feasibility study. Town Meeting

last year allocated \$300,000. We have spend \$12,000 to date, so the \$288,000 plus the \$525 if Article 59 passes or plus \$320,000 if Article 60 passes is what we believe is a maximum that would be required to complete the feasibility study. The MSBA, if we go forward with construction, will reimburse us a minimum of 41%. There are add-ons that we're looking to be eligible for, but the minimum amount should be 41% of the cost of the feasibility study. Next slide, please. Shawsheen is overcrowded. It currently has 288 students. It has, it's a choice school for grades, for grades K through 2. For pre-K it's the only pre-K school in Andover. It has a projected enrollment of 325 students next year. If you go into Shawsheen, it's amazing the conditions that the teachers work under. And it's amazing the community that Shawsheen has among the parents and the students. There's insufficient space for the population. There's some teaching being done in hallways. It has a comparable class size for other elementary schools in Andover, with much smaller rooms. And it is not practical financially to renovate Shawsheen. The option at this time is to reduce the number of students at Shawsheen. It is also not expected, it'd be highly unlikely for MSBA to approve another building project in the foreseeable future in Andover while the Bancroft project is going on. Building Committee has looked at this as an opportunity to bring to the community to try to address Shawsheen a lot sooner than Shawsheen would be able to be addressed in the future. Next slide, please. Bancroft is in need of replacement. It's 40 years old. It's one of the only wood-framed school buildings in Massachusetts. It doesn't meet the code in a lot of ways. The Town has spent since 2006 over \$1.8 million in structural retro fits. It has student overcrowding. There's a lack of dedicated teaching spaces. And the projection of the number of students who'll be attending Bancroft has been increasing. Under the current MSBA guidelines, which have a certain number of square feet per student, it should have 80,850 square feet. It has 60- I'm sorry it should have 80,850 square feet, it has 64,000 gross square feet. Next to Shawsheen it's the most, it's been the most expensive school to maintain, costing since 2003 \$7.89 per square foot as compared to High Plain which was a new school in Andover of \$1.83 per square foot. Next slide, please. The Plant and Facilities Department has spent a tremendous amount of resources trying to maintain the structural components of the school to ensure that it's safe for the students. Next slide. The trusses have cracked in a number of places and structural repairs have been made

on an ongoing basis. Next slide. I've learned that this is how you fix a cracked truss. Next slide. If you go into the school you'll see a number of cracks that have this taped up to it and that's so that Plant and Facilities on at least a monthly basis can go into the school to determine whether or not the cracks have expanded. And if they expand then a structural engineer is brought in to make sure the proper repairs are made. Next, next slide please. The roof is a fascinating roof. It looks like a toboggan run, it has over 30 different roofs. The problem with that is if there's a certain amount of snow that's accumulated on the roof. It has to be removed by hand or else the school can not be occupied because of the structural weight of the snow creates and unsafe condition. In the last year over \$15,000 have been spent by the Town in removing snow from the roof. Next slide, please.

MODERATOR: Excuse me, Mr. Johnson. You're about three minutes over now. I've got people pointing to their watch. Do you have any idea how longer you're gonna be?

JOHNSON: Probably another three minutes and we should be able to...

MODERATOR: Alright, three more minutes sir.

JOHNSON: At this point I'd just like to turn this over to Joe Reilly a member of the Building Committee, just to go over briefly the scope of the feasibility study.

REILLY: Thank you, Mark. Madam Moderator, my name is Joseph Reilly, member of the School Building Committee, 3 Cottonwood Circle. Scope of the feasibility study will entail the engaging of a design professional design team. That design team will under take the feasibility study which is the first step of the design process and the completion of construction documents. Feasibility study will allow us to evaluate the condition of the existing school and define the repairs and / or the reconstruction and / or the development of a new school based on the program requirements for Bancroft Elementary School. Next slide. Feasibility study will look space program, educational needs and the overall educational program for Bancroft Elementary. We're not looking to create a signature school. We've made that commitment to the MSBA. During the feasibility study process we will look at cost, phasing logistics, we'll look at the potential for using

the existing site as well as look at other potential sites in the Town. We have already taken the time to evaluate other potential sites in the Town, have come to the conclusion that the existing Bancroft Elementary School site would be the best site to continue further evaluating. At the conclusion of the feasibility study we'll move into schematic design documents. Next slide. At this point in time, following the approval of this Article, we would solicit a request for feasibility study from design professionals. That feasibility study and the request for services would be undertaken during the course of the summertime. Following selection of a design professional, feasibility study process would occur between the summer and early 2010. It's anticipated that we'll be back in the 2010 meeting requesting approval to move forward with the preferred design option following an agreement with the MSBA and the Town. It's anticipated that it will be two years to construct, the replacement of the Bancroft Elementary School anticipated for September 2012. Thank you.

MODERATOR: Thank you.

JOHNSON: Madam Moderator, I have one last line and then I'll turn it back to you.

MODERATOR: Thank you, sir.

JOHNSON: Next slide, please. This is our opportunity. The MSBA in 2008 received 423 statements of interest from 122 school districts. In 2009 they received 47 new statements of interest and 178 refreshed statement of interest. Unless either 59 or 60 is approved tonight the Bancroft project will end. It is the Building Committee's believe that we have an opportunity tonight to try to address problems in two schools and we've come before Town Meeting on Article 59 with the hope that there's support within the community to do that. But either 59 or 60 need to pass tonight for the project to continue. Thank you.

[applause]

MODERATOR: Thank you, Mr. Johnson. Okay. Again we will only be speaking to Article 59 at this time. And then we will move to 60 after we resolve this one. The Selectmen's report please.

TEICHERT: Board of Selectmen recommends approval of this Article.

MODERATOR: Thank you. And the Finance Committee report please Mrs. O'Donoghue.

ODONOGHUE: Yes, the Finance Committee also unanimously recommends approval of this Article.

MODERATOR: And School Committee report. Mrs. Gilbert.

GILBERT: Thank you, Madam Moderator. Annie Gilbert, 12 Gray Road. Member of the School Committee. The School Committee stands firmly behind the over arching need to proceed with the Bancroft feasibility study whether it includes Shawsheen options or not. However, we feel it's very important that the community consider the opportunity we now have to address the space needs of two schools in a way that could enhance the long-term educational programming of both. As you heard in the SBC's presentation, passage of Article 59 will allow additional options to be generated during the Bancroft feasibility study, that would alleviate overcrowding at Shawsheen. After reviewing these options the School Committee would vote on a final educational model, which may or may not include the Shawsheen options, in mid to late fall 2009. It's important to note the following; at this time no options have been formally proposed by the School Department or considered by the School Committee. The School Committee will not support any model that does not put the educational needs of the students first. This School Committee will not vote on a final educational model without significant input from the community. Ultimately funds for this construction project must be appropriated by the voters of Andover through a debt exclusion override. It is therefore very important that the School Committee work closely with the community to approve an educational model that we all can support. We appreciate that change can be difficult for school communities but we also feel that change creates opportunity and that it's necessary to be as forward thinking as possible when addressing both the space and educ-educational needs of the school district. Especially in these fiscally challenging times. The School Committee recommends approval of Article 59.

MODERATOR: Thank you very much. Okay. Let's start up here. This gentleman's been waiting for the beginning of time. Go right ahead, sir.

WILLARD: Bob Willard, 76 Tewksbury Street. I have a question for I guess Mark Johnson, Mr. Johnson. Bundling Shawsheen in with Bancroft is going to make it look like a much more expensive proposition to the State. I'd like to know in your opinion if bundling increases the risk that we will not get State money even for Bancroft. Thank you.

JOHNSON: In order for the, in order for the feasibility study to look at Shawsheen as well as Bancroft, the board of directors of the MSBA have to vote on a feasibility study scope. That will be the initial reaction from MSBA officially on a joint study. If they go forward and agree with that scope it will be done with the understanding that it makes sense to look at both needs of the Shawsheen and Bancroft. At the end of the feasibility study there has to be an agreement between the Town and MSBA as to the scope of what is being built. There'll be continuous meetings between the Town and MSBA throughout the entire process. If at the end of the process there is an agreement to build a school which is larger because it accommodates some portion of the Shawsheen population that will not have any effect on MSBA's approval because they would have been part of the process for a good six, seven months at that point.

MODERATOR: Does that answer your questions sir? Thank you. Yes Ma'am over here.

L'ITALIEN: Barbara L'Italien, Barbara L'Italien, 5 Harper Circle. I just wanted to give a bigger picture perspective as your state representative. There were a number of communities that filed these statements of interest as was mentioned on one of the slides. There were about 70 sites that were approved. All of those have been committed to be fully funded if they are approved. So this is our opportunity, this is our time. The other piece that I want to mention in terms of this Article 59 over Article 60, as was mentioned in terms of flexibility and options, is the fact that if this approved, Andover can not go back to the School Building Authority for a period of ten years. So I think that if we're looking to maximize our flexibility and recognize that we have a growing student population then we really ought to consider Article 59 and to work in that regard. As was mentioned there's about a 41% floor in terms

of the reimbursement but there's some exciting things that SBA's already worked on and talked about with the Building Committee including adding in green features which would boost the reimbursement levels, potentially being a model project, they're being looked at to work in terms of their design and become a model. And they've already really broke new ground in terms of becoming the...in house project manager. That was, ours was the first in the entire State. So, I think there's a tremendous level of confidence that's being placed in the School Building Committee from the view of the School Building Authority. And I think they're doing a wonderful job. And again we get to do this one, because if we don't want to do it there are other communities that will. There is a guarantee that there will be funding for the 70 projects that were selected two years ago and if we don't go as broad as we need to we cannot go back for a period of ten years. Thank you.

MODERATOR: Thank you. Yes, sir. And then we'll come up here

CARTER: Thank you, Madam Minority, Moderator. Tim Carter, 42 River Road. I have two questions. The first is that the presentation included projections for next year's student population. I'm interested to know what those projections would be for the next five or x number of years. Are they generally trending up or down?

MODERATOR: Somebody have the answer to that question?

FORGUE: I'm Dennis Forgue, member of the School Committee. Also previously a member of the School Facilities Task Force that preceded the School Building Committee in the review of all the schools in the Town. And as part of that process we did do an extensive review of the projected enrollment. And we're projecting that the enrollments will continue to increase on a relatively, you know, not a large basis but will continue to grow. We're actually having some very large growth in the very early grades right now. For example, kindergarten this year, our kindergarten population grew at a rate, let's see, going back to that exact number, but usually we have a rate of in migration, basically the issue is one-third of our students coming into our kindergarten this past September moved in to the community since they were born. So usually that's about 15% in this case it was 50%. So it's a very significant rate that's higher than anywhere else in the State of

Massachusetts. And so we're projecting that it's going to continue to rise.

MODERATOR: Your next question please.

CARTER: Yes. The, it just seems that the amount of the money required to study this project is extraordinary. I'm curious to know more details about the actual ending work product. What is actually delivered for \$525,000? Do we have building designs that we can build to? Or do we have to come back to appropriate more money to design this thing before we can build it?

MODERATOR: Mark can you address that?

JOHNSON: I certainly can. Once the MSBA and Andover agree on the most cost effective and educationally sound option, which is what happens toward the end of the feasibility study, we then proceed with the development of a schematic design option. And one of the reasons we're back looking for additional money is that the schematic design was not required previously as part of the feasibility study. It would have been required as part of the construction budget. What is required as part of the schematic design is a detailed scope of the proposed project, architectural and site drawings a description of the major building construction systems which are proposed for the project, a detailed budget cost estimate, a projected cash flow, permitting requirements, a proposed project design and construction schedule including considerations of any phasing of the project and sustainable design goals including minimization of environmental and transportation impacts and ways that the proposed project can meet these goals and any elements of construction demolition or waste. Now, what's being, what's being asked for tonight at Town Meeting is the additional money that we believe is the maximum that would be needed. If we don't need to spend all of the money, we won't. We've been you know very careful on what we've spent. The \$12,000 we've spent to date has gotten us site plans a wetlands delineation, approval of the wetlands line by the Conservation Commission, various areas of the site that we can build. And we've been very careful with the spending of the money. We're back tonight for additional money because of the schematic design requirements that have changed since the last Town Meeting. Now one advantage to having to come back—

MODERATOR: I, I think, is your answer? He's good. He's got his question answered.

JOHNSON: Okay.

MODERATOR: I'm sorry. Up there on...

ROBB: Don Robb, 36 York Street. I have every reason to want to support the Bancroft portion of this Article. Bancroft has been in disastrous shape for at least 30 years and it is high time that we replace that building. Nothing else will do. My concern is that we've wrapped too much into this Article. The major problem at Shawsheen right now, there are others, but the major problem is overcrowding. That can be handled without spending a penny. All that has to happen is the School Committee votes at its next meeting to limit enrollment at the choice school. And simply say the other schools will have a few more students. And there is room in the other schools to do that. This will allow us to concentrate our efforts on fixing the enormous project of Bancroft. So I'm urging that we vote this Article down.

MODERATOR: Okay.

ROBB: And allow ourselves to debate what we need to do about Bancroft. We can come back to Shawsheen. The Building Committee has submitted a request to MSBA for Shawsheen, by next Town Meeting we will know whether or not that has been approved. At a year from now we can address the beginnings of a long-term solution for Shawsheen which is gonna need it. But it is less imperative and we are in a time of financial crisis. I would like to see us limit our expenditures and limit our focus to one thing that absolutely has to happen. So I urge that we vote down this Article and concentrate on the next Article.

MODERATOR: Okay, let's have one more and see if you're ready to vote. Go ahead.

HOWE: My name is Jennifer Howe, 10 Barrington Drive. I guess what I'm curious about is the Article 59 for Shawsheen. It's been said that it won't turn into a thousand student school. And I realize it's just for the feasibility study, however, my kids are at Bancroft. I really don't understand what the proposed solution is. You say that Shawsheen won't be shut down and we won't have a 1,000 person school, so I'm curious what the proposed plan

there is. And my second question is, as far as \$320,000 for Bancroft when it was said it's additional money, my understanding is that that isn't additional money, it's just coming from a different phase. So if Shawsheen was not brought here, my understanding is that Bancroft would most likely get voted to pass here as it has been planned in the past. So I think there's a lot of confusion about the Shawsheen piece, what that's going to do to the Town.

MODERATOR: So as I understand your questions, and I would ask Mr. Johnson if you're going to answer this that you only ask the questions she asked, I mean answer the questions she asked, your questions are:

HOWE: What is, what is the proposed plan-

MODERATOR: What is the proposal for the Shawsheen School.

HOWE: [speaking over Moderator] ...it's not shutting down and we're not getting a 1,000 person school.

MODERATOR: What your second question is...

HOWE: The \$320,000 that you said was additional money my understanding was that, is that it wasn't additional money, it was money that was coming from a different phase of the project.

MODERATOR: Okay. Okay. If you could just answer just those two questions please.

JOHNSON: Just those two.

[laughter]

MODERATOR: Say...what?

JOHNSON: Just those two questions.

MODERATOR: Just those two.

JOHNSON: I'll take them in reverse order.

MODERATOR: As a good attorney once said to me, only answer the questions they ask. Go ahead.

JOHNSON: Are you finished?

[laughter]

MODERATOR: I still have a, I still have two and a half minutes. Go ahead.

JOHNSON: The, when I talk about the \$320,000 coming, is money that would have been spent on another phase. What I'm referring to is that it's money that would have been spent as part of the project, only it would have initially been money that would have come out of the construction budget that we're looking to come back next year at Town Meeting for. So it isn't as if it's money that never would have been spent for the project, it's just coming from the construction phase into the feasibility phase. And one advantage of that is we end up with a much more accurate budget. So that's the answer to the second question.

HOWE: Are we asking the Town to provide another \$320,000 tonight or is it..

JOHNSON: That's correct. That is correct. Because one of the changes in the requirements of MSBA from the last Town Meeting was that the schematic design be done as part of the feasibility study. And as a result monies that would have been, we would have come to Town Meeting asking for as part of the construction budget we need to have as part of the feasibility study budget. The end result being, we'll have a much greater, more accurate estimate of what the construction cost will be because we will have the schematic design before we come back to Town Meeting for the construction money. In terms of what are the options for Shawsheen, and, and unfortunately there was a headline that talked about a 1,000 student school and I've got people thinking that we're gonna put a 1,000 student school on the Bancroft site. I can tell you that the Bancroft site won't hold it. There's not enough buildable area on it to put a 1,000 student school nor does anybody think that a 1,000 student elementary school make sense. But what we're doing as part of the feasibility study is hiring professionals to help us look at what the various options are and my hope is that for the money that we're spending on this, we are gonna get some ideas that we haven't thought of, there'll be some brainstorming, there may even be some suggestions for reallocating the student population at Shawsheen that takes some of the burden off the building. And if we can do that in a way that makes sense

for Shawsheen and a way that makes sense for the Bancroft project then we may be able to extend the life of Shawsheen.

MODERATOR: We're talking about renovations to Shawsheen.

JOHNSON: We're not talking about any renovations to Shawsheen as part of this Article. We're talking about looking at ways to reduce the population at Shawsheen and, and ideas that have been talked about, there's a possibility of moving the pre-K program over to Bancroft. There is, but there is no, no idea that we're coming to Town Meeting for tonight saying that this is what we're going to do. But we know we have an overcrowding problem at Shawsheen, we know we, we're doing a building project at Bancroft and we have an opportunity that we didn't expect to have to be able to deal with the overcrowding at Shawsheen as part of this project. If Town Meeting wants to do that. The Building Committee felt that it's important to give the Town the opportunity to vote on that so in two or three years if something happens at Shawsheen and Shawsheen has to be closed down, someone doesn't stand up and say well why didn't we look at this as part of the Bancroft project. And our hope is that we can come up with some solutions and maybe innovative solutions to maybe reduce the student population at Shawsheen and be able to, and to be able to work that in and study it as part of the feasibility study for Bancroft.

MODERATOR: Does that answer your question?

HOWE: Not really but thank you.

[laughter]

MODERATOR: Are we all set, you all ready to vote?

JOHNSON: I'm happy to try again.

L'ITALIEN: Madam Moderator, I just have a point of clarification.

MODERATOR: I need to know who's speaking to me.

L'ITALIEN: Up here.

MODERATOR: Thank you.

L'ITALIEN: Barbara L'Italien, 5 Harper Circle. Mr. Robb's comments seem to suggest that if we want to just go with the next Article tonight that in a couple of years we could come back and vote on Shawsheen. If we're looking for State funding, State reimbursement under the SBA program, if we go with Bancroft only we have to wait 10 years in order to be eligible to receive any further reimbursement under the School Building Project. So we cannot come back in two years and decide we want to do that as well. I just wanted to clarify.

MODERATOR: Okay, thank you.

I have a question.

MODERATOR: I really would like, I really think that the Town Meeting is ready to vote. Are you?

[affirmative noise from floor]

UNIDENTIFIED SPEAKER: I have a question because I am very confused.

MODERATOR: Go right ahead sir. Go right ahead sir.

UNIDENTIFIED SPEAKER: I apologize for my confusion.

MODERATOR: Don't apologize, go right ahead.

UNIDENTIFIED SPEAKER: I see a number of \$525,000 for combined schools and I believe we both need to deal with the overcrowding of Shawsheen and the reconstruction of Bancroft or replacement. It seems that there's \$320,000 being asked for Bancroft, which leaves \$205,000 just for study to improve the overcrowding situation at Shawsheen. Can somebody please explain to me why we need \$205,000 to alleviate overcrowding at Shawsheen if we're doing no renovation.

JOHNSON: I'd be happy to. The additional money for Shawsheen is not only to study the various options at Shawsheen but to include the Shawsheen into the schematic design plans that will be required at the end of, at the end of the feasibility study. It's more than studying overcrowding and looking at solution it's additional architectural work that will need to be done in order to

incorporate whatever the agreed upon solution is if it includes Shawsheen.

MODERATOR: Yes sir, do you have a quick question or comment?

GREENWOOD: I think I have a very quick question. Floyd Greenwood—

MODERATOR: This will be the absolute last question okay then I'll take, I'll take the motion to move.

GREENWOOD: 22 Rose Glen Drive. Could some body just, just briefly explain how the State reimbursement works. How much of this potentially going to be reimbursed by the State of Massachusetts. Thanks.

MODERATOR: Who's gonna answer? Mark okay thank you.

JOHNSON: Andover will be reimbursed a minimum of 41%. There are certain add-ons to this reimbursement rate, for example, Andover has a very good maintenance record through Plant and Facilities and MSBA can award an additional 2% above the 41% for that. We've looked at construction manager risk as part of this project, that would get us an additional 1%. The energy efficiency, a green school can get us up to an additional 2%. We've looked at with the State, being a model school and if we are a model elementary school for the State, which means our design plan could be used in other communities, that would give us an additional 5%. The Building Committee has had meetings with the MSBA to talk about the additional percent. Our hope is we'll be a whole lot higher than 41% but because 41% is the minimum that's the number we're using tonight at Town Meeting. One change has been made is once construction has been approved by the Town the reimbursement is ongoing not at the end of the project but it goes, it's a reimbursement that is given to the Town during the course of the project instead of waiting until the end, which is how it has been in the past.

MODERATOR: Okay I will entertain that motion that was made earlier to move the question. All those in favor of moving the question please raise one hand, ending discussion. Thank you. All those opposed. Okay we will move the question. This requires a two-thirds vote. Article 59 all those in favor please raise one hand. Thank you. All those

opposed. The ayes clearly have it by more than a two-thirds majority the motion carries.

[applause]

Article 60. Thank you. Article 60 Mr. Johnson.

JOHNSON: We are happy to withdraw Article 60.

MODERATOR: There's a motion on the floor to withdraw Article 60 all those in favor please raise one hand. Those opposed. The ayes have it the motion is withdrawn. I would please encourage you all to stay until the end of the meeting tonight. So that we can finish with the Town's business. As you are all going to come back, aren't you?...

[laughter]

Article 61, Mr. Vispoli.

VISPOLI: Yes Madam Moderator. I move the Town approve Article 61 as printed in the Warrant.

MODERATOR: Article 61 has been moved and seconded. Selectmen's report please, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. The Board of Selectmen recommends approval of this Article.

MODERATOR: Finance Committee report please, Mr. Stapinski.

STAPINSKI: Madam Moderator the Finance Committee carefully considered this request of the Finance Director and unanimously recommends approval.

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

Article 62, please. Mr. Stabile...no, like I said, Mr. Cooper. I'm very sorry. Go right ahead.

COOPER: Madam Moderator I have a brief explanatory statement before I move the Article. Move for action on the Article.

MODERATOR: I would prefer you to move the Article first. Then I'll let you have what ever time you need.

COOPER: If I could have a minute. I could explain our reason for our action.

MODERATOR: Go ahead.

COOPER: I'm Don Cooper of 4 Eagle Way. I'm a member of the Conservation Commission. I'd hope tonight that I'd have an important question for you to answer to take important action on, but I don't. We filed this Article because we had some specific parcels of land in mind that would make wonderful additions to the Town's open space. We were mindful that these were tough economic times but we had hopes that the owners of the parcels might be motivated by those, by the depressed real estate market to give us a really great deal. We said that if we didn't have a great deal to present to you tonight that we, for these specific parcels, that we would withdraw the Article in recognition of the budgetary crisis that we find our Town in. Unfortunately we were not able to get the price down to a level that we considered a great deal. Therefore we will withdraw this Article. However, the Town's open space plan calls for additions to the Town's open space. It's the Conservation Commission's intent to come before you soon at a future Town Meeting to request that you fund our conservation fund so that we can acquire and have the means of acquiring open space to add to Andover's open green space. We appreciate the support that you've given us in the past. We're disappointed that we don't have a specific proposal for you tonight. But we look forward to your continued support in this important goal. Therefore I move that Article 62 be withdrawn.

MODERATOR: It's been moved and seconded that Article 62 be withdrawn. Thank you, Mr. Cooper. All those in favor please raise one hand. Those opposed. The ayes have it the motion is withdrawn.

Article 63. Pamela Dunn.

DUNN: Hi, Pam Dunn, 12 Prospect Road. I move to withdraw Article 63.

MODERATOR: Article 63 has been moved to be withdrawn and seconded. All those in favor of withdrawing the Article

please raise one hand. Thank you. Those opposed. The ayes have it the motion is withdrawn. Article 64 Ms. Dunn.

DUNN: I move to approve Article 64 as submitted.

MODERATOR: Article 64 has been moved and seconded. There was a mistake in your Finance Committee report on the Planning Board's recommendation. That should be that the Planning Board recommended approval. It was, it was, it's a misprint. It was incorrect in your book. So go ahead. Give us your presentation. Thank you.

DUNN: I'd like to give you a little background first. In October of 2007 a cell company applied for a variance to build a tower in our neighborhood on a small plot of state-owned land. The Zoning Board of Appeals denied the variance request. And the cell company then sued the Town. The Town settled the lawsuit agreeing to the variance without telling the abutters. We, the neighbors, in our own research then discovered that this tower was not necessary. They had sufficient coverage in the area. As it turns out the cell company was already a tenant on an antenna system in the area. A fact that they failed to disclose to the Town. Thankfully with the help of representative L'Italien we were fortunate to be put in contact with some people within the State who terminated the lease effectively terminating the tower. The telecommunications industry and the Federal laws governing it are complicated and exhaustive. Zoning boards are required to review this information but as happened in our case, these Boards do not always have complete information, sufficient expertise, or the knowledge to ask key questions. Our goal is two-fold. First we want to be sure that the citizens are informed and given an opportunity to participate in the decision process. Equally important, our second goal, is to provide a road map for current and future Zoning Boards so they can better understand the complicated application and approval process regarding this ever-changing industry. This past fall our neighborhood discovered that the processes the Town had in place and the information the current by-laws required of telecommunications companies was insufficient for the sitting Board to make an informed decision and to then defend its decision in court. The by-laws we propose tonight were drafted in cooperation with Town Counsel and reflect content similar to many surrounding Towns. These changes include language addressing information to be submitted by

telecommunications companies, evidence that alternatives have been sufficiently investigated, required technical specifications such as foundation information, more specific guidelines for balloon testing and the provision for public notice regarding settlement discussions. We respectfully request that you approve Article 64.

MODERATOR: Article 64. Okay. Selectmen's report on this please.

VISPOLI: The Board of Selectmen recommends approval on this Warrant Article.

MODERATOR: Thank you. The Planning Board. Ms. Anderson.

ANDERSON: The Planning Board also recommends approval and we would like to commend Ms. Dunn's persistence and commitment to improving this section of the by-law. Thank you.

[applause]

MODERATOR: Are there any questions or comments? This requires also a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. I would declare this a unanimous vote. You're all set. Thank you very much for your efforts.

[applause]

As with all efforts that have gone forward tonight, it has been amazing the talent and the...professionalism with which this Town conducts this business. I have to say. Article 65. Mrs. Lyman, please.

LYMAN: Thank you, Madam Moderator. I move that the Town will vote to transfer \$650,000 from Article 20...Article 20, 2003 Annual Town Meeting Water Treatment Plant Improvements and appropriate the sum of \$650,000 for the purpose of paying costs of replacing and repairing the Water Treatment Plant roof and for the payment of all other costs incidental and related thereto.

MODERATOR: Article 65 has been moved and seconded. Selectmen's report please.

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

MODERATOR: Thank you. The Finance Committee report please, Mr. Merritt.

MERRITT: Thank you, Madam Moderator. The roof on the water treatment plant has exceeded its useful age and can no longer be economically repaired. The funding for this repair is derived from water user fees and will not effect taxation. And the Finance Committee recommends approval.

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

Article 66. Mr. Salafia.

SALAFIA: Madam Moderator, I move Article 66 as printed in the Warrant.

MODERATOR: Article 66 has been moved and seconded. Are you...who's giving the presentation on this?

SALAFIA: I'm going to make a brief statement-

MODERATOR: I'm sorry?

SALAFIA: I'm going to make a brief statement-

MODERATOR: Go right ahead.

SALAFIA: Then Paul Materazzo...Planning Board has submitted this Article for the purpose of encouraging targeted economic development within existing industrial zoning districts. Where all eight of the PDS sites are shovel ready, which means they already have permits, or have already been developed, and are sitting vacant, the Planning Board believed the Chapter 43D program is an excellent tool to stimulate new economic grown, create new jobs, as well as provide new tax revenue for the community. Paul Materazzo our Planning Director has a short presentation.

MATERAZZO: Good evening. My name is Paul Materazzo, Director of Planning. This Article 66 is being presented as the Chairman suggested to encourage new targeted economic

growth. All eight of the parcels are located with the existing industrial zoning district. A number of these properties are either sitting vacant, underutilized, or are shovel ready, permits in hand, have already gone through the regulatory process. With approval of Article 66 the community would help stimulate new targeted economic growth, enhance employment opportunities within the community, provide for new tax revenue, can, can be considered for priority consideration for future State funding related to these sites. And with this I would encourage Town Meeting voters to support this Article.

MODERATOR: The Selectmen's report please. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. The Board of Selectmen recommends approval of this Article.

MODERATOR: Thank you. And the Finance Committee report, Mr. Stapinski.

STAPINSKI: Madam Moderator, the Finance Committee commends the Planning staff and Board for taking the initiative to present this Article which will promote at no cost to the Town increased economic development and municipal revenue generation as such recommends approval of this Article.

MODERATOR: Thank you, sir. Yes, sir.

GUTTERMAN: Thank you, Madom Moderator. Damon Gutterman, 12 Lincoln Circle. I have a question. Two of the properties, 800 Federal Street and 40 Shattuck Road, appear to be in the Watershed Protection Overlay District. Would designation of these properties as priority development sites in anyway impede the implementation of that by-law.

MODERATOR: Mr. Materazzo? Can you answer that?

MATERAZZO: Paul Materazzo, Director of Planning. In no way fay-shape or form would designation impact the watershed. Any application for development would have to apply to the existing Zoning By-law. This is not a zoning change, this does not replace any existing rules. Any proponent would have to abide by existing zoning by-laws.

GUTTERMAN: Thank you.

MODERATOR: Any other questions? All those in favor. It just requires a majority vote. All those in favor, please raise one hand. Thank you. The ayes have it, the motion carries.

Article 67. Mr. Stabile.

STABILE: I move that the Town approve Article 67 as printed in the Warrant.

MODERATOR: Article 67 has been moved and seconded. Selectmen's report please.

STABILE: Board of Selectmen recommends approval of this Article.

MODERATOR: Planning Board report please.

SALAFIA: As well the Planning Board recommends approval.

MODERATOR: Are there any questions or comments? All those in favor please raise one hand. We need a two-thirds vote. Those opposed. The ayes have it the motion clearly carries. Thank you—in excess of two-thirds.

Article 68. Mr. Teichert.

TEICHERT: Madam Moderator, I move that the Town approval Article 68 as printed in the warrant.

MODERATOR: Article 68 has been moved and seconded. Go ahead, please give us the Selectmen's report.

TEICHERT: Board of Selectmen recommends approval of this Article.

MODERATOR: Thank you. Mrs. Duff?

DUFF: The Planning Board recommends approval of Article 68.

MODERATOR: Okay. Any questions or comments? All those in favor please raise one hand. Requires a two-thirds vote. All those opposed. The ayes have it. The motion carries by more than a two-thirds vote.

Article 69. Mr. Major.

MAJOR: I move that the Town approve Article 69 as printed in the Warrant.

MODERATOR: Article 69 has been moved and seconded. Go ahead Mr. Major with the report, please.

MAJOR: The Board of Selectmen recommends approval. This Article allows the Town to petition the General Court so that...we need the General Court's permission to allow the Conservation Commission to give the Board of Selectmen permission to get an easement across this Granli Drive property.

MODERATOR: Um, Mrs. Duff, the Planning Board requirement please.

DUFF: The Planning Board recommends approval of Article 69.

MODERATOR: Okay. This, because there is special legislation this either needs to be a standing count or a unanimous vote. Not that I'm telling you how to vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. The vote is unanimous. Thank you.

Article 70. Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. I move that the Town approve Article 70 as printed in the warrant.

MODERATOR: Article 70's been moved and seconded. The Selectmen's report please.

LYMAN: Board of Selectmen recommends approval of this Article.

MODERATOR: Okay. The Planning Board, ah, report please. Mrs. Duff.

DUFF: The Planning Board recommends approval of Article 70.

MODERATOR: Any questions or issues? This requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. This has been a very long meeting, I appreciate there has been a significant amount of issues that this Town has had to deal

with. Many people speak every year, and I say this as often as I can, speak of representative town meeting and I always believe that the third night of Town Meeting is truly representative Town Meeting. It is people who really, truly care about every issue that's going on in the Town and I respect the fact that you're all here. And I appreciate it. I want to thank you for your cooperation. Anything that I have said or done to offend anyone, I certainly, certainly apologize. But I also think that the issues that we've had to deal with over these last three nights, especially the marathon last night, I appreciate. And because of that we will get you out early tonight.

Article 71. Mr. Vispoli.

TEICHERT: Madam Moderator, can I have one comment please?

MODERATOR: Go ahead, sir.

TEICHERT: I wish to say thank you very much for moderating the last three nights of Town's meeting. And it would be nice to give her a round of applause, to Sheila.

[applause]

MODERATOR: Say, what?

TEICHERT: Maybe we'll see you in the fall.

MODERATOR: Maybe we'll see you in the fall. [laughter] I get that whole big extra dollars if I come in the fall. Okay, Article 71, Mr. Vispoli.

VISPOLI: Madam Moderator, I move that Article 71 be withdrawn from the warrant.

MODERATOR: Don't you just love that? Article 71 has been moved to be withdrawn. [applause] All those in favor please raise one hand to withdraw it. Those opposed. Mr. Urbelis?

URBELIS: Madam Moderator, I move to dissolve this Town Meeting.

MODERATOR: Motion has been made to dissolve the 2009 Annual Town Meeting for Andover. All those in favor. Those opposed. Thank you all very, very much.
[applause]