

2010 Annual Town Meeting

Wednesday, April 28, 2010

MODERATOR: [GAVEL] The hour of 7 p.m. having arrived it is my distinct honor and privilege to call to order the 2010 Andover Annual Town Meeting. My name is Sheila Doherty. Thank you all for those of you who elected me as your Moderator. Give you all just a couple of moments please to have a seat. And as soon as you all have a seat I'm going to ask you stand for the posting of the flag. Please rise.

[POSTING OF THE FLAG]

Thank you to our own American Legion Post 8. And now it's my honor to introduce to you Reverend Rabbi Goldstein from Temple Emanuel who will lead us in an invocation. Rabbi.

GOLSTEIN: As I look out on the assembled I cannot help but feel the painful absence of three prominent members of our community: former Selectmen; Charlie Wesson, Jerry Silverman, and long-time Town Moderator, Jim Doherty. Each represented the best of our Town each in their own way worked tirelessly to insure the well being of our citizens. And we must now carry on their legacy. Becoming the vessels through which their loyalty to our community, their commitment in our system of government, their unyielding love for the people of Andover, their faith in our wisdom to make the right choices, lives on. So tonight as we participate in this wonderful exercise of democracy we call Town Meeting, just as our forefathers and mothers have done for well over 300 years. We seek guidance from the one source of our being. We ask you to bless with forbearance and fortitude the elected leaders of our Town who give so much of their time and energy. And all the professionals who manage the affairs of our community with determination and strength. And may those who teach our children be granted patience, endurance and insight. And may the brave and courageous men and women who protect us be kept far from harms way. And for all of us, as we conduct the business of our Town may we act with honor, civility and tolerance never forgetting that the eyes of our children our always upon us. And finally to paraphrase the words of poet, Judy Chicago, may compassion be wedded to power so that softness may at last come to a world that is harsh and unkind. May all share equally in the earth's abundance and then all will care for the sick and the weak and the old,

nourish the young and cherish life's creatures and then all will live in harmony with each other and the earth, and then everywhere will be called Eden once again. May it be so and let us say Amen.

[AMEN]

MODERATOR: If you remain standing please. If we could have a moment of silence for those who were here with us a year ago and who are no longer. IN addition to those mentioned by Rabbi Goldstein, let us remember also Robert King a long-time teacher at Andover High and member of the Finance Committee and Michael Dalton a member of our Fire Department. Amen. And now if Mr. Vispoli you would lead us in the Pledge of Allegiance please.

PLEDGE OF ALLEGIANCE

MODERATOR: Thank you. And one more if you could stay standing for just a moment longer. I'm sorry. We have with us this evening a member of the junior class of the Andover High School. A young woman by the name of Sarah Brown, who has been given a wonderful gift of voice and will share it with us this evening, singing the Andover home song, "America."

SINGING OF "AMERICA"

MODERATOR: Thank you please be seated. Thank you very much, Sarah. What a beautiful voice. Before we start on some of the procedural issues, can I get a raise of hands please of all those of you who are here for the first time at an Andover Town Meeting. [APPLAUSE] Thank you very much. We certainly want to welcome all of you to this very unique form of government. And for all of those of you who have been here before and come back thank you very much for caring in our Town and caring the focus with which we are governing. I'd like to ask Town Counsel please to move that we accept non-voters.

URBELIS: Madam Moderator I move that the following non-voters: Bernie Tuttle, Paul Materazzo, Jack Petkus and others be allowed to enter the Town Meeting some of whom may be speaking.

MODERATOR: All those in favor of admitting the non-voters please raise one hand. Thank you. Those opposed. The ayes

have it the motion carries. Could the non-voters please be escorted over to the far corner of the room. Please note that you were given a voter patch, a voter sticker, when you came in. It's critically important that you have that on anytime we take a vote. Your vote will not be counted if that sticker is not visible. I'd like to have you reference if you will the inside back page of the Finance Committee Report which gives you some procedures at a glance of Town Meeting. I'll go over some of them before we start, but if you have some issues or questions you may want to take a reference or a look there before we move on. You must be at a seat to be counted. If you're standing in the back, if you're out in the hall, if you've grabbed a cigarette down on Shawsheen Road you won't be included in part of the voting. You must be at a seat to be voted. We do have pro and con mics. A pro con here to your right. And a con mic, an opposition mic, over here on my, on your left. Please use those. The front mic please to be used by those who are presenting an Article or moving an Article. And there is a point of article, point of order mic, there in the middle of the room, here in the center hall. That mic please should be used only for points of order. What's a point of order? A point of order is: I don't think what we're doing is legal; I think there's too much noise, Madam Moderator; there's too much noise, can you stop 'till we can all hear; Madam Moderator I think there's a procedural issue here, that needs to be addressed; and Madam Moderator I have a question that we have to have answered before we go on. It is not a mic and I will stop you if you start with a pro or a con position. You need to get in the pro or the con. Some people are very, very clever in how they can question, move their question, or ask their question that they feel is for or against an Article. I would ask you please to respect everybody and use that as point of order only. I will accept a motion to move the question from anywhere in the room however it must be recognized. It must be seconded, and we will vote to move the question. If there has not been sufficient discussion I will not accept the motion until there has been an even amount of discussion going on on a particular Article. Any questions if you have please if you would direct them to the Moderator. And I will make sure the appropriate person answers the question. If you're looking to do an amendment, to an Article, if someone brings an amendment we must first vote on the amendment. So if there's an article on the floor and somebody moves an amendment, we vote on the amendment. If the amendment passes than that becomes the Article, and we discuss that.

If the amendment fails, we go back to the original Article. I'm not sure we'll have amendments, but I just want to make sure procedurally everyone understands. The budget numbers. There was a Finance Committee Report that was prepared some time ago, several weeks ago, and sent out to you. I just want to let you know some of the numbers that are being moved tonight will be different than what's in your Finance Committee Report. We cannot increase those numbers, we can only decrease those numbers, if they're being moved in a warrant Article. But I would suggest that you listen to the numbers that are being moved and the correct numbers will be up on the screen. So if you're looking at your Finance Committee Report and something different, there may have been a change in meetings that have been held in the last several weeks. One moment please. I would ask you please if you could all turn off your cell phones. I would ask you if you would please text at a minimum. And I will know when you're texting. Because I'll see you texting to him and I'll see the reaction. I would ask you please not to have any food or drink other than water here in the, in the field house and we can move forward from there.

I would like to talk a little bit before we start about the tone. I think we all are very aware of the political climate throughout the country, throughout the State, and certainly locally. I expect we will have some very lively discussions. I want to make sure all of us know the ground rules. I will not let anyone attack you and I would expect that there would be no innuendos or sly comments, or character assassinations done to anyone who works for the Town or serves on a Town board. I will immediately call you out of order if that happens. I think we can all disagree till the cows come home on an issue but we don't need to be disagreeable. I think there are issues that are before us that can be contentious. And I understand that. But I also think that we owe each other the common courtesy and the respect and the dignity that would become our Town. So that's my thirty second commercial on that. I would like to put before the Town Meeting again a motion that we have consistently done in the last several years for time limits on presentation and speakers. So I would like to get a sense of the Meeting please on the following. That I would like to move that for this Town Meeting that we impose a time limit of five minutes for presenters of an Article and three minutes for speakers from the audience and that these limits, these limits can be extended at the discretion of the Moderator. See if this will help you. In addition to

that, the Moderator will gavel the speaker when their time is up. With that help, Rod? Can I have an indication...that motion has been made and seconded. All those in favor of that please raise one hand. All those opposed. Thank you. As we move forward when you come to thirty seconds before your time's up I'll start tapping softly so you know. I don't want to distract your train of thought but when your time is up I will gavel the time. Okay? Alright are we ready to go?

PASQUALE: Madam Moderator? Madam Moderator?

MODERATOR: One moment sir I'm just not finished with some of the other items we need to do. Okay go ahead.

PASQUALE: Two things Madam Moderator. We cannot see your face or anybody's face on the screen because of the lights here. I have a concern when we start putting slides up people won't see the information. Number two. You're normally break it up into sections, number one-

MODERATOR: I'm going to do that right now. Could we have someone in the back please who's got control of the light switches see if you can turn off this first row? Waiver of service please, Mr. Urbelis.

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

MODERATOR: All those in favor of allowing us to refer to the Articles by number please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Let me introduce the, let me let you know what the voting sections are. Over here to my left, your right, section one, two, three, four. Immediately behind that five, six, seven, eight. And in the very back, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and then the non-voters. If I can please if you would allow me to introduce the participants on the stage. To your left, my right, is the School Committee, the Board of Selectmen, the Town Manager, and the Finance Director. Over here to my left, you right, is the Finance Committee, Town Counsel, and Town Clerk. I'd also like to introduce the Ombudsman who is Christopher Vrontas. He is available over here at this table if you have an amendment and you want help wording it. He also has the three-part forms if you're going to make an amendment

we need a triplicate copy of that. I think that's it. Thank you.

Article 1, Town Clerk will please announce to us the election results.

HANSON: Good evening everyone. The number of ballots cast in the Town Election on March 23rd was 1,639 out of 22,449 people that we registered which is about a 7.2% The offices that were voted on the ballot for the election, was for Moderator, one seat for one year, Sheila M. Doherty received 1,230. Sheila M. Doherty was declared the winner and was sworn to the office of Moderator. For the Board of Selectmen, two seats for three years. Gerald Stabile, Jr. received 972 votes, Alex Vispoli received 1,155 votes, Lawrence J. Bruce, received 652 votes. Gerald Stabile, Jr. and Alex J. Vispoli were declared the winners and we sworn to their office of Selectmen. For School Committee, two seats open for three years. Richard J. Collins received 960 votes. Paula Colby-Clements received 1,087 votes. Richard J. Collins and Paula Colby-Clements were declared the winners and were sworn to the office of School Committee. For Greater Lawrence Regional Technical School District one seat was open for two years, this was to replace beloved Gerald Silverman and Marilyn M. Fitzgerald received 1225 votes. Marilyn M. Fitzgerald was declared the winner and sworn to the office of the Greater Lawrence Regional Technical School District. And for Andover Housing Authority, one seat open for five years. Francis A. O'Connor received 1,137 votes and Francis A. O'Connor was declared the winner and was sworn to the office of the Andover Housing Authority. Thank you.

MODERATOR: Thank you, Mrs. Hanson. Article 2. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that Calvin G. Perry, 25 Timothy Drive, be elected Trustee of the Cornell Fund for three years. Board of Selectmen recommends approval of this Article.

MODERATOR: Article 2 has been moved and seconded. Board of Selectmen approved it. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Article 3. Mrs. Hanson needs to move my salary.

HANSON: I move that the Town Moderator receive a salary of \$250.00 for each Annual Town Meeting and \$60.00 for each

Special Town Meeting except when it falls within the Annual Town Meeting. Any second? All those in favor, raise your hand. All those opposed? The ayes have it. Thank you.

MODERATOR: Thank you very much. I move the following salaries be put into place for the coming year for elected officials as follows: for the Selectmen, the Chairman \$1,800 per year and for the members of the Board a salary of \$1,500. For the School Committee for the Chairman a salary of \$1,800 and for the members of the School Committee a salary of \$1,500. The motion's been moved and seconded. All those in favor. Those opposed. The ayes have it the motion carries. Can you all see the screen now? Is the lighting better? Thank you. Can you hear me all right as we're going forward? Thank you. Okay, we're going to start in with the budget. I've asked the Chairman of the Finance Committee to do an opening statement. An opening state of the finances if you will. She will be followed by the Town Manager, by a member of the School Committee and again by a—actually a member of the School Committee will speak at the point we do the school budget. So, Mrs. Marden if you would go ahead, that would be great.

MARDEN: Thank you, Madam Moderator. I am very pleased to be able to report to you this evening that the Board of Selectmen, the School Committee and the Finance Committee are all approving of the same fiscal 2011 budget. [APPLAUSE] New budget pages like this are available this evening to replace pages 26 and 27 in the Finance Committee Report. As the Moderator told you all of the motions will be on the slides. When our report went to the printer, we were working on a budget gap of approximately \$2.7 million. Contrary to popular belief we don't just find the money somewhere. Recommended budget is product of lots of hard work, too many meetings, and very difficult choices. Balancing the budget actually goes way beyond making sure the planned expenditures do not exceed projected revenues. It's also about achieving the right balance among competing interests in the community. Whether you talk about setting priorities or political trade offs, balancing the budget involves competition for scarce resources. Balancing the budget also means finding the right mix of capital and operating expenditures, the right balance between spending on salaries and benefits and spending on supplies, equipment and facilities so the Town and School employees have the things they need to safely and effectively do their job. Balancing the budget requires an understanding

of the interdependency of Town and School departments. No department can deliver its services without funds allocated in other parts of the budget. Balancing the budget involves balancing long-term and short-term considerations. Sustainability versus just getting through the next year. Balancing the budget is so much more complicated than many of you want to believe. Now the budget process begins in the fall with the development of the Capital Improvement Program. While I would argue that important decisions about the budget are made all year long, most people focus on the process that begins with the release of the Town Manager's budget the first Friday in February. Can I have my Town Manager's budget slide? The Town Manager recommended a Fiscal 2011 budget of nearly \$140 million. Key revenue assumptions at that time were: one, that Andover would tax to its proposition 2 ½ levy limit, two, that there would be no use of free cash or other reserves for operating budgets, three, that we would use the Governor's budget number assuming level funding of State aid, and four, that local receipts would increase due to last fall's adoption of the local meals tax and the increase in local hotel/motel tax. Now the budget must allow for non-appropriated costs, these are State assessments, overlay, and other expenditures that are not actually voted here at Town Meeting. The Manager budget also includes detailed budgets for each of the items included under obligations. These are all joint accounts for both Town and School. The enterprise budgets for water and sewer are set up so those services are fully self-supporting with water and sewer user fees. The point of this particular way of summarizing the Town Manager's budget is to put it in a format patterned after Andover's revenue and expenditure model. To show the amounts that are subtracted from revenues to get down to the amount available for operating budget. This year the operating budget based on revenues could increase 2.26%. Can I have the second? As a starting point the Town Manager allocates the amount available for operating budgets proportionately to Town and Schools giving them equal percentage increases. The Town reduce, the Town Manager then reduces Town Departmental budgets to bring them home, in line with available revenue. At this point the Superintendent's budget hasn't even been reviewed by the School Committee. The Town Manager includes a recommendation for the School budget based on the percentage increase based on available revenues. Thus we end up with a \$2.7 million gap. Can I have the third one? The three Boards begin their budget reviews. There are many

changes over the ensuing weeks. This slide shows only the larger ones, there are literally dozens of pluses and minuses to various revenue and expenditure items in the budget as we work through the process. Sometimes changes are reversed as we go through these months. Numbers are updated as new information becomes available and errors are corrected. So when the House Ways and Means Committee released its version of the cherry sheets, we had to change the budget numbers from the Town Manager's budget and reduce the amount of State aid that we would expect. When the School budget was under review there were a number of numbers that changed as they were refined based on additional information. Town and School officials work throughout this process consistently to bring costs down. And there are a couple of really big success stories here for this year that I'm sure you'll be happy with as taxpayers. The Town's bond rating was upgraded to AAA. This resulted in getting excellent interest rates and not just on the new debt but allowing us to refinance existing debt realizing significant savings on annual principle and interest costs. When exempt debt is refinanced to a lower cost the savings are passed directly on to the taxpayer. When sewer and water debt service costs are reduced it takes pressure off water and sewer rates. Until the legislature changes the State law, cities and towns in Massachusetts must negotiate any changes in employee health insurance plan design with public employee unions. However, Town and School officials are always determined to do whatever they can to reduce health insurance costs. And by changing the administration of the health insurance plan from BlueCross to MIAA a savings of over \$700,000 for the next fiscal year will be achieved. In the end difficult choices have to be made. The CIP was reduced to level funding even though we know that putting off capital projects frequently costs us more in the long run. Fire and Police will not be able to fill some of their open positions. Fewer teachers will mean larger class sizes. The use of one-time federal money for operating costs may create a problem for us next year. And once again we may be under budget in special education. I think that I'm speaking for all three Boards when I say that throughout this year's budget process there has been a renewed spirit of cooperation and compromise. A real feeling that we're all working toward what we believe are in the best interest for the community as a whole. So here are our recommendations. Can I have four? The numbers in the handout match the numbers you will be asked to vote. As you

can see the Town budgets are up a total of 2% and the schools 3.6%. And then the next one. This slide is to remind you that while most of the discussion's about Town and School operating budgets they're only a part of the total recommend budget for Fiscal 2011. This summary also shows the changes from the Town Manager's original budget recommendation. Some are decisions to fund one thing rather than others, like reducing the funding for the CIP or increasing the funding for schools. And some are based on information which only became available in March and April like the final supplement appropriations number. All of these have been agreed to by the three Boards. There are many people here this evening that are well prepared to answer any questions you might have. And the next one. This is just to show that everything balances. And is a similar summary of how revenues have changed from the Town Manager's budget. We believe that the budget we are recommending is balanced, that's it's based on realistic cost and revenue estimates, and that it's fiscally responsible, sustainable, and affordable. It's a budget that can provide the services needed by our community. We know that some of these numbers will change. If that happens we're all committed to continue working together to meet future challenges. And now just one more thing. There's actually a sentence missing from the top of page 3 in the Finance Committee Report. I don't know if any of you read that far to have missed it. But it's way too important to be left unsaid. Voters need to understand that all Town and School labor contracts expire June 30, 2010. The next round of contract negotiations is critical. No cost of living increases has been built into the budget recommended by the Board of Selectmen, the Finance Committee and the School Committee. It's just impossible to overstate the importance of the upcoming negotiations. In Fiscal 2010 several of the bargaining units made concessions that made it possible to reduce the number of layoffs. They deserve our thanks. The Board of Selectmen, the School Committee, the Finance Committee along with Town and School administrators have realized that working together we can find ways to best meet the needs of our community, all at reasonable costs to the taxpayer. We hope you will join us in that effort by voting approval of our recommendations this evening. But it's only going to succeed if Andover's public employee unions join us in making these budgets work. Thank you.

[APPLAUSE]

MODERATOR: Thank you. Now for those of you who are not aware, and that was longer than five minutes, the sole purpose, but the sole purpose of the Finance Committee is to advise this Town Meeting. They are the people who do the leg work, the questioning the reviewing, the tearing apart on our behalf. And their job is to report to the Town Meeting their recommendations. I felt it was very important that since that is the purpose of the Finance Committee that they have the have to do that which is why they had an extended period of time. We'll hear next please from Mr. Vispoli, the Chair of the Board of Selectmen.

VISPOLI: Thanks Madam Moderator. We yielded some of our time to Joann. I would like to reiterate the theme of cooperation, compromise which has gone into the development of the FY2011 budget that Joann just presented. The Finance Committee, the School Committee and the Board of Selectmen worked very hard over the past year, especially during the last 45 days, to arrive at an FY11 budget that's balanced within available revenues. It's been a busy year. In fact there has been no off season since we last met. This is the fourth Town Meeting that Andover's had in the last 12 months. I think that might be a record. As you may recall last year's Town Meeting we left with a half a million dollar imbalance over available funds. Over the course of the summer we learned that our State aid was reduced by \$662,000 and our local revenues were \$525,000 less than anticipated. These factors and others caused us to begin FY10 with a budget deficit of \$2.1 million. Two special Town Meetings, one in August another in November, were needed to reduce the Town School budgets and bring them into line with available revenues. In February when the Town Manager presented his recommended budget for Fiscal Year 2011, it was balanced based on available revenues. This was the starting point for our budget deliberations, especially over the last three months. We all agreed and worked together with the goal of presenting a balanced budget to you here at Town Meeting. I want to take this opportunity to thank the Board of Selectmen, the Finance Committee, and School Committee for the spirit of cooperation and compromise that has resulted in all of us recommending a balanced budget to you the voters. We'll be happy to address any questions you, we, that you may have as we move through the budget line items. Thank you.

MODERATOR: Thank you, sir. Okay let's go. Item number 1 and 2, Mr. Vispoli.

VISPOLI: Yes Madam Moderator, I move line items 1 and 2 Public Safety in the following amounts: 1, Personal Services \$12,854,082; 2, Other Expenses \$1,295,910, for a total of \$14,149,992. This includes \$278,864 in parking receipts, \$70,000 in detail fees, and \$955,000 in ambulance collections.

MODERATOR: Items number 1 and 2 have been moved and seconded in the amount of \$14,149,992. Mr. Vispoli, the Selectmen's recommendation.

VISPOLI: We recommend approval.

MODERATOR: Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Item number 3 and 4, Mrs. Lyman

LYMAN: Thank you Madam Moderator. I move line items 3 and 4 General Government and Community Development in the following amounts: 3, Personal Services \$4,237,482 and 4, Other Expenses in the amount of \$1,395,358 for a total of \$5,632,840, which includes \$20,000 in receipts from wetland filing fees.

MODERATOR: Item number 3 and 4 have been moved in the amount, total amount of \$5,632,840. The Selectmen's report please.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Finance Committee please Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: All this in favor please say, Aye. Those opposed. Thank you. I just wanted to give you a little option there. Item number 5 and 6. Mr. Teichert.

TEICHERT: Thank you, Madam Moderator. I move line items 5 and 6 Public Works in the following amounts: Personal Services \$1,628,398 and Other Expenses \$3,582,800 for a total of \$5,211,198.

MODERATOR: Item number 5 and 6 have been moved and seconded in the amount of \$5,211,198. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Marden.

MARDEN: Finance Committee recommends approval.

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

STABILE: Thank you, Madam Moderator. I move line items 7 and 8 Plant and Facilities in the amounts, in the following amounts: Personal Services, \$3,079,484; Other Expenses \$1,361,941 for a total of \$4,441,425, which would include \$55,000 in rental receipts; \$34,000 perpetual care income and \$60,000 from cemetery fees.

MODERATOR: Item number 7 and 8 have been moved and seconded in the amount of \$4,441,425. Mr. Stabile.

STABILE: Yes, the Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden?

MARDEN: The Finance Committee recommends approval.

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

LYMAN: Thank you, Madam Moderator, I move line items 9 and 10 Library in the following amounts: Personal Services \$2,018,772 and Other Expenses \$576,400 for a total of \$2,595,173.

MODERATOR: Item 9 and 10 have been moved and seconded in the amount of \$2,595,173. Mrs. Lyman.

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: And Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Do you have a question on that sir?

PASQUALE: John Pasquale, 47B Whittier Street. Point of information. This is really directed to the Library Director. I favor the Article but on page 32, I would like an explanation, if we're putting \$2.5 million into the library, why is the statement made that the library no longer meets State certification standards. What aren't we doing right?

MODERATOR: Who can answer that question? Want to come over to the mic please.

STAPCZYNSKI: Beth take a mic please. Beth Mazin the new Library Director was appointed earlier this year to replace long-time Director, James Sutton.

MAZIN: What it means is that we don't meet the, we need to expend 13% of our budget on library materials. That's a State standard. We are meeting that with money that we get from other sources. We get State aid that comes in separately and we have some other sources of income to make that 13%, gifts and other things. But we are not making from out appropriated budget. Otherwise—that's what that refers to.

PASQUALE: So it's financial. It isn't anything to do with anything structurally in the, in that building that we're not doing.

MAZIN: No. We're getting—we are funded adequately and we've added different sources of income. The Friends raise money for us, we get donations, we get State Aid coming in in a separate account. We're all right.

PASQUALE: Thank you.

MODERATOR: Thank you very much. Line item 9 and 10 has been moved and seconded. All those in favor please raise one hand. Thank you. The ayes have it the motion carries. Line item 11 and 12. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move line items 11 and 12 Community, Youth and Elder Services in the following amounts: Personal Services in the amount of \$1,220,987 and Other Expenses in the amount of \$437,619, for a total

appropriation of \$1,658,606, which includes \$605,000 in user fees and \$66,500 in grants.

MODERATOR: Item number 11 and 12 have been moved in the amount of \$1,658,606. Mr. Major.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: All those in favor please raise one hand. 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: 13, Compensation Fund \$0 and 14, Reserve Fund \$200,000 for a total of \$200,000.

MODERATOR: Line item 13 and 14 in the amount of \$200,000 has been moved and seconded. Mr. Vispoli.

VISPOLI: Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Let's use your other hand, now. All those in favor. Those opposed. The ayes have it, the motion carries. Mrs. Gilbert from the School Committee. If you would like to give you input and summary.

GILBERT: Thank you, Madam Moderator. A year ago we presented you with a budget we described in a first step in a process of change. Over the last 12 months we have taken the next steps down that path. The challenge has been twofold: we must find ways to deliver an education that responds to the shifting demands of the global environment our children will enter, yet we must do so within the constraints of an economy who's bottom has quite simply dropped out from under us. To address those challenges this year we reduced overhead, we reduced programs, and we reduced head count. We worked to integrate curriculum. We built in-house special education programs and we worked

together with the Town to investigate opportunities for consolidating services. Most importantly, we invested in a comprehensive strategic planning process that has involved and engaged literally hundreds of teachers, administrators, parents, students and community members. An effort that has challenged us all to think deeply about the kind of education our students will need to navigate a future we cannot yet define. This process will culminate shortly in a three to five year road map for our schools. We look forward to presenting it to you. This brings us to the present. The balanced budget agreement we bring before you tonight does not represent a magic solution. It represents very hard choices made with one goal in mind: to preserve our core programming in the face of serious fiscal constraints. Joann Marden's early presentation addressed reductions in the CIP, the use of Federal stimulus dollars, a reduction of a total of 12 teaching positions at the High School and Elementary Schools, changes in the out of district special education tuition budget, and adjustments to budget assumptions made in partnership with the Town. Of the 12 teaching positions being eliminated seven will occur at the High School, resulting in increased class sizes which will affect all students and teachers. The remaining five positions will be reduced at the elementary level. This represents more of a load balancing effort and will result in virtually all classes being out or slightly above the mid-point of the School Committee class range policy. These reduction which allowed the School Committee to reach a balanced budget were made over the objection of Dr. Bach the Superintendent of Schools. Dr. Bach advocated for a significantly higher budget number and strongly disagrees with the elimination of 12 teaching positions. The School Committee took the position that a different path was warranted. Let there be no mistake, the reduction of 12 full-time teaching positions will hurt. Their loss will have an impact on student learning and every member of this Committee deeply regrets reducing staff at this time. However, we do acknowledge the very real need to provide services within available revenues. So when we were presented with the options of dismantling the options of the High School block schedule, eliminating Middle School foreign language, and raising elementary class sizes across the board, we chose instead to find solutions that collectively keep spending within our resources and preserve to the greatest extent possible the educational priorities the community has expressed to us. The news is not all bad. Looking ahead, our teachers' union contract is

due to expire on August 31st. And we see this as a pivotal opportunity to restructure a new agreement that is sustainable. As a Committee we are fully united in our resolve to create a contract that is fair and fiscally responsible not only to our teachers but to the taxpayers who will foot the bill. We anticipate a long and challenging process and we recognize how critical the outcome is, so we ask for the community's support. Meanwhile, we look forward to great excitement to July 1st, when we will welcome to Andover our new Superintendent of Schools, Dr. Marinel McGrath, who is sitting in this audience tonight. We have no doubt that her leadership will bring new energy and new ideas about how we deliver education in Andover. We also have no doubt that she will hear loud and clear the same message we heard from the more than 200 residents from all walks of life who crowded into the High School cafeteria last month for an open community discussion of our strategic plan. Their message was simple: education is a top priority and core value in Andover and investing in our children is critical to the growth and vitality of our community. Working together we believe we can navigate these current challenges and we look forward to better times ahead. Thank you for your ongoing support.

[APPLAUSE]

MODERATOR: Thank you. Thank you, Mrs. Gilbert. Dr. Bach.

BACH: Thank you Madam Moderator and good evening. I want to take a moment to extend to you my personal thanks for your ongoing support during my tenure for our schools. Every year that I've been privileged to serve as your Superintendent at every Town Meeting you've demonstrated how important our schools are to you. You have supported the directions the educators have believed we had needed to go to provide the educational programs our students need to be successful in a global society such as our engineering program, our literacy program, our Chinese offering at the High School, the Salem State TILE program that trains new administrators, support for teachers...attaining national board certification and on and on and on. You have voted to build new schools and I have full confidence you will support a new school coming on board with Bancroft in the fall. You have been there to applaud the High School when it received the Vanguard Award and the Compass Award. You have cheered us when our PE program was named first in the State and when year after year we have earned the

prestigious Dalton Award for our athletic program. You've been proud that we were four times an out-performing district by Standards and Poors. You've praised our students their outstanding performance on MCATs. And to date every student that is required to take the MCATs has passed that test, since it came into being. These achievements have not happened by accident, nor can any one person take the credit. They've been the result of a lot of effort of a lot of people: our educators, our parents and of course our students, they have been due to the entire support of you, this community. I've been proud to be one of those people. So one more thing. You need to know that when the vote comes it might not surprise you given what you've just heard, I will not be voting in favor of this year's schools budget. And because that will be obvious when I raise my hand in opposition I want you to know why. A simple statement. The three Boards did come to an agreement on this as you heard and for that reason I'm quite sure that the majority of you will vote in favor. I was willing to accept all the reductions up to a certain point—though not pleased of course. But when it came to the decision to cut the 12 teacher positions, seven at the High School, five at the elementary, I could not do that. The corresponding action decision to change the classroom staffing policy which will enable the class sizes to go up to 35 students, I could not support that. I believe deeply there could have been other solutions. I'm deeply concerned by the impact of these cuts. I'm especially concerned with the High Schools re-accreditation coming up, because MEASK [?] already has our school on warning. And when those teachers are laid off our High School Principal will be required to submit a MEASK, to MEASK the accrediting agency a substantial change form, which will put us in further jeopardy. I fervently hope that the School Committee, the administrators, and the teachers will work together in the coming weeks to find a way to avoid this loss. In the mean time I will not support the budget. I do look forward to voting yes in future years on a budget that does adequately fund our schools. And again I truly thank you for your support and commitment to our schools and I'll see you around town. Thanks a lot.

[APPLAUSE]

MODERATOR: Thank you, Dr. Bach. Item number 15 and 16 have been moved and seconded in the amount of \$61,888,421 all those in favor please raise one hand. Those opposed. Yes?

Is it regarding the vote we just took? Sure, go ahead. From a—Ma'am if I could just interrupt you for one second—I'm very sorry. Mrs. Gilbert's comments did not include a moving of the article yet, the line item. So it isn't even open for discussion and the vote would not have been valid. So if you want to stay there if you have a question, um, we will wait until the items have been moved and seconded. Get a School Committee recommendation, a Finance Committee recommendation and then we will open it for discussion. Okay? I apologize to the Meeting for that. I thought that that was part of it. Go ahead, Mrs. Gilbert.

GILBERT: I move line items 15 and 16 Andover School Department in the following amounts: for Personal Services \$48,629,563; Other Expenses \$13,258,958 for a total of \$61,888,421.

MODERATOR: Line item 15 and 16—unlike previously noted—has now been moved and seconded. And I apologize for that. \$61,888,421. Mrs. Gilbert. Recommendation from the School Committee, please.

GILBERT: School Committee recommends approval.

MODERATOR: Thank you. Mr. Stumpf.

STUMPF: Thank you, Madam Moderator. The Finance Committee recommends approval of the School Department in the amount of \$61,881,421. And we but forth this recommendation with the following words of caution. First and foremost, cost containment is absolutely critical. There's only so many dollars to go around. And 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. We encourage the School Committee to use the appropriated money wisely. And we look forward to working with them to look at all possible ways of reducing costs and / or increasing revenues. Secondly, Federal stimulus money will be received in FY11, in addition to the appropriated amount. And that stimulus money may not be received in fiscal year 12 and beyond. So wise use of the FY11 appropriated amount is that much more important. Thirdly, compensation increases are making the School Department budget unsustainable. We urge the unions and their leadership to work with the School Committee to find ways to improve work rules and control compensation

increases. And lastly, we'd like to recognize the team work shown between the chairs of the School Committee, the Board of Selectmen and Finance Committee bringing a balanced budget to the Town Meeting. And most importantly building a solid foundation upon which to build the fiscal year 11 budget and beyond so that we may all enjoy the benefits of the Town of Andover and what it offers to all of its residents. The Finance Committee recommends the approval of the School Department budget in the amount of \$61,888,421.

MODERATOR: Thank you. Mr. Major.

MAJOR: Board of Selectmen unanimously recommends approval of this Warrant Article.

MODERATOR: Thank you. Go ahead Ma'am with your question. If you could identify yourself and where you live please.

DESISTO: Hi, Madam Moderator. Audrey Desisto, 3 Jordan Lane. I would like the, Madam Moderator, or School Committee to please help answer how the use of the ARA and IDEA funds is not illegal. The grant money, the stimulus money is for special education. And reallocating a wrong percentage to general operations is a federal offense.

MODERATOR: Okay.

DESISTO: And I would like a response.

MODERATOR: With all due respect, I have no idea the answer to that question, but let me get it for you. Mr. Forgue?

FORGUE: Sure. Just to, an answer to your question, Mr. Tuttle our interim School Business Administrator has been in contact with the Department of Elementary and Secondary Education, in conferences around the rules surrounding this, these numbers. And has made the recommendation to us based on the information he received from them to date. And we are going forward according to the recommendations of the Department of, of Elementary and Secondary Education. And so if there are any adjustments in those guidelines we will act on those appropriately.

DESISTO: With me I have those guidelines. We are only allowed to use 50% of that money, allocating it towards other special education needs. We are not allowed to take \$700,000 of \$944,000 it is illegal. And I would like a

further explanation because I have the regulations with me, I have PowerPoint presentation if you would like to see it, I have, um, the grant spelled out and how it's supposed to be used, and I am against what you're doing, and I feel what we're doing is illegal, and I would just like to try and clarify if for the Town, because I don't want to see us making a mistake.

FORGUE: Well at this point I don't have a further response for you, only that we will be making any adjustments or changes according to the information we get from the State and through our Business Manager and we will be taking into consideration your concern and moving forward according to the directions we receive.

DESISTO: Two years ago I called the Town and I communicated with Ms. Bach, Claudia Bach, that we needed to do more grant writing. A year ago, 2009, FY09, we wrote \$1.7 million. For FY10 we wrote \$3.7 million worth of grants. The ARA IDEA grant is worth \$1.9 million rounded. What we're doing is that we're taking money that is supposed to be used for special education and we're moving it to general operations and again it's a federal offense. It's a violation of State Law and I would like it explained to me, because it's unclear and I feel awful that our Town would be making an offense. It's a criminal offense.

FORGUE: The only additional comment I can make for you is in what FY10 we did use the funds to support special education services among them the evaluation of therapy line and in other items along that freed up appropriated dollars that could then be used to close the budget gap. That's essentially the accounting mechanism, so that how it has worked. But we are using it to support special education services through the appropriated money to go towards the account.

DESISTO: If you look at the letter that was sent out to parents in the community yesterday addressing how they were going to balance the budget, line item 3 and it was in the outline that was presented to us, mentioned that there would be \$700,000 used from this ARA IDEA grant for general operations. So again, can they explain to me how they can take special education money and put in writing that they are going to move that funds to general operations, which is a violation of federal law.

FORGUE: Again I don't have a further explanation then what I've provided you.

DESISTO: [SHOUTING OVER MODERATOR] it's a violation and I don't want see our Town get into trouble and I'm sorry to interrupt year.

MODERATOR: I understand. I think the question's been asked. Your question's been answered. The School Committee has indicated that it is not their intent to do anything illegal. I think that's, at this point, the end of the discussion on that question, because otherwise I think we'll go around in circles.

DESISTO: Madam Moderator I would like a vote count on this if I could.

MODERATOR: Well we're, right now we have before us a vote on the budget. And there are a couple of other people who would like to speak and I will let them do that.

DESISTO: Thank you very much.

MODERATOR: Thank you. Yes, sir.

PENNINGTON: Bill Pennington, 46 Clark Road. I've been involved in schools for many years. Class size was always a priority from school Committee members, to the administration, to parents to teachers. I would like to know how you maintain the quality of education by increasing class size by reducing the number of teachers. Thank you.

[APPLAUSE]

FORGUE: Bill, it was not a situation that any of us wanted to approach, none of us wanted to increase class sizes either at elementary or the high school. But given the obstacles that we had in front of us that were provided to the Committee, which included going back to the 5 by 7 schedule, which we heard from teachers, administrators, students, parents, about the absolutely not wanting to go back in that direction, and the detrimental impact on the students. We, other recommendation was to illuminate the middle school language program and we received the same kind of message as well as a much broader increase in class sizes at the elementary school. So again and it's state in

Annie's comments on behalf of the Committee, we took what we found was a middle ground not one that we liked. The reality is if the teachers' union would like to be helpful in addressing this issue, frankly, we could discuss options whether it be furloughs, or looking at a 3 by 3 schedule that could close this gap and allow to avoid that kind of reductions. But right now without folks stepping up to the plate this is, these are the options that we had and the options that we've taken. But things could change between now and September depending upon, you know things that occur and the teachers' union and where we go.

MODERATOR: Yes, sir.

[INAUDIBLE SPEAKER]: Alan [INAUDIBLE], 2 Granli Drive. Again a question related to class size. With the seven teachers coming out of the High School, do you have more specifics about which kind of classes, how many classes, how is, you know when you talk about a class size of 35, if you could explain a little bit more about the way that will be deployed and the impact across the grades. And the second question in similar nature is, so here we are in 2010 what's your outlook for next year? I mean I know we've got the upcoming union negotiations. Don't know how quickly that'll be resolved. I hear that sometimes that can drag on. Do you have an outlook for the future? Next year are we gonna be faced with a similar situation just given the general trend of the economy and finances are still on a slow road to recovery.

FORGUE: Sure. Response to your first question. We, there is not a plan as of yet to work out in terms of how these changes will be implemented and that will be the responsibility of the administration, including at the High School and the new Superintendent coming in. So we'll wait to see how that will work through. Secondly, in terms of next year: we expect with again the new Superintendent and other administration that we will be using very broadly at how we deliver services in educational services in the community. We have to look at how we can do things differently. How we can potentially utilize and spend money in ways that we re-allocate dollars as we're spending. But we have to understand that we do have constraints in regards to available funds and to assure the community that we are spending dollars as wisely as we can. So I expect, in conjunction with the strategic plan, a full review of how we're providing educational services at all three

levels and with anticipation of having, continued valid, budget challenges. It will be an interesting year.

BIRNBACH:

MODERATOR: Okay. Oh, go ahead, David.

BIRNBACH: In terms of point of information. There are 606 full time teaching positions in the elementary, middle school, and high school. So a reduction of 12 out of 606 people is less than 2% reduction in head count. So we're not looking at massive increases in, in the student teacher ratios. This is, and we're depending and working closely with administrative teams, to look at where we can make these cuts in a thoughtful way to mitigate the risks, mitigate the spikes that people are concerned, rightfully so, in the classroom. These reduction based on reductions going on in public school systems around the country is minimal compared to some of the challenges that are out there and again as Dennis mentioned if the teachers' association helps us going forward by giving three, two days before the school year starts, and one day after the school year ends, in furlough days, meaning they just don't get paid for those three days, that's \$600,000 of money into the time that erases all of these challenges that we have here today. We're hoping that happens. We're not sure whether it will happen or not. But even if it doesn't happen the reduction still given the challenges we've had with finances in Town and at the State and Federal level this is a mitigated risk and I think we've worked very hard to try to reduce the challenges along the way.

[GAVEL]

MODERATOR: Are we ready to vote. One last comment. Go ahead sir.

CARUSO: Jerry Caruso, 12 Somerset Drive. I just had a question. Was, a forbidden word here is tax increase, how, did anyone run the numbers and determine exactly how those 12 positions could be saved by a tax increase across the board? General residential real estate tax increase. Was that, was that ever put forth as a, as part of the...

MODERATOR: Mr. Major.

MAJOR: Well actually we would need to have a Proposition 2 ½ override in order to do that but the amount of money we're talking about is approximately \$700,000. That's approximately 1% increase.

CARUSO: And has anyone run the numbers as to how many additional children are entering the school system in the next fiscal year. In addition to we're losing these staff positions. I know, I see development in the area, I'm part of some of it.

BIRNBACH: The numbers that we built the budget based on, is an increase in one head count out of 61,066 students school wide.

MODERATOR: Excuse me, Mr. Birnbach could you bring the mic closer to your ah-people can't hear you.

BIRNBACH: Sorry. So the, the budget assumes a K through 12 enrolment of 61,066 students, which is a net increase of one student over the current year. Very minimal.

CARUSO: Thank you.

MODERATOR: Okay, are we ready. Okay.

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

MODERATOR: I need that to be seconded. Are you saying anything that hasn't already been said?

CALLS [?]: Wait, can I ask a question? Am allowed to do that? This is my first time here.

MODERATOR: I'll allow one more question if you would indulge me, one more question. Ma'am you will be the last speaker and then we'll take a vote. We'll go with the movement of the question. Go ahead.

CALLS [?]: Cool. Thank you. My name is Dina Calls[?], 5 [INAUDIBLE] Way. My question is to the School Committee I guess. You had said, or Dr. Bach had said, that there would be 35 people per teacher in the classroom. I'm a student right now and I can tell you that we have almost 29 kids in a class at the High School and that's not really helping us. So when you say that, um, the increase is going to be negligible for the student to teacher ration. I don't

understand. I feel like I'm getting two numbers. I just want a little more clarification on that.

FORGUE: First of all the number of students in a room has not yet been determined. What has been the direction is that we will increase class sizes that allows us to reduce seven teaching positions. How that will work out, in what classes, we don't have the answer to that yet. And that will be determined by the administration. But we do appreciate the concern and sentiment. We did talk about the rooms, the sizes of the classrooms, and we do understand that this certainly will but a significant burden on the High School. And again we will continue to look at alternatives, and the four alternatives, to avoid any further actions, or even these if we can avoid them.

CALLS [?]: I know this may sound a little naïve, but is there any other place you can get the money from, you know, to compensate for that?

FORGUE: We've been looking.

MODERATOR: Okay, let's go ahead and vote. The line item-

UNIDENTIFIED SPEAKER: Excuse me. Can I just clarify one thing on the population of the High School. The High School-

MODERATOR: --Ma'am, we're ready to vote. Thank you. We're ready to vote. Okay. The total is \$61,888,421 has been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it the motion carries. Item number 17 and 18. Mr. Teichert.

TEICHERT: I move line items 17 and 18 Sewer in the following amounts: Personal Services \$437,503 and Other Expenses \$1,995,244 for a total of \$2,432,747.

MODERATOR: Item number 17 and 18 have been moved for a total of \$2,432,747. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Item number 19 and 20. Mr. Major.

MAJOR: I move line items 19 and 20 Water in the following amounts: Personal Services \$1,700,053 and Other Expenses \$2,176,400 for a total appropriation of \$3,000,876...\$3,876,453.

MODERATOR: Item number 19 and 20 have been moved and seconded in the amount of \$3,876,453. Mr. Major.

MAJOR: The Board of Selectmen

MODERATOR: Thank you. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Item number 21, Mrs. Fitzgerald.

FITZGERALD: Good evening. I have with me this evening a senior student at Greater Lawrence Technical School who is an Andover resident, Paolla Gutterez. She will be enrolling in Merrimack College in the fall [APPLAUSE] she is ranked number five in her class. And over the past several years as we have moved this item we have brought one of our top students with us that is also an Andover resident so thank you for being here this evening. And I move the line item 21 Greater Lawrence Technical High School in the following amount: \$484,924.

MODERATOR: Line item 21 has been moved and seconded in the amount of \$484,924. Mr. Major.

MAJOR: Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: Finance Committee recommends approval.

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

FITZGERALD: Thank you.

MODERATOR: Thank you, Marilyn. Line item 22, 23, 24, 25, and 26. Mr. Stabile.

STABILE: Madam Moderator I move line items 22 through 26 Fixed Expenses in the following amounts: Debt Service, \$12,002,493; General Insurance, \$640,500; Unemployment Compensation, \$204,000; Retirement Fund, \$4,712,555, Health Insurance Fund, \$13,362,241, for a total of \$30,921,789.

MODERATOR: Line items 22 through 26 have been moved in the amount of \$30,921,789. Its been moved and seconded. Mr. Stabile.

STABILE: The Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. You have just approved for your information \$133,493,204. Article number 5. Mrs. Lyman.

LYMAN: Thank you, Madam Chairperson—Madam Moderator. I move that Article 5 be approved as printed in the Warrant in the amount of \$1,246,000 from taxation.

MODERATOR: Article 5 has been moved and seconded. Mrs. Lyman.

LYMAN: Board of Selectmen recommends approval. Mrs. O'Donoghue from Finance Committee.

O'DONOGHUE: The Finance Committee recommends approval of Article 5 in the revised amount of \$1,246,000. This is the annual pay as you go funding from Fiscal 2011 tax dollars that will be allocated to a variety of projects throughout all departments, including building maintenance and repair, vehicle replacement, technology, and infrastructure upkeep. The recommended amount of \$1,246,000 is the same as last

year's appropriation. And will be use to fund school projects in the amount of \$520,000 and town projects in the amount of \$725,600. The Finance Committee recommends approval of Article 5.

MODERATOR: Thank you. Any questions? All those in favor please raise one hand. I'm so sorry. Yes, sir. Number 2, identify yourself, please.

POKRESS: Thank you, Madam Moderator. Bob Pokress, 3 Cherrywood Circle. I would just like to get a clarification from the Finance Committee, what the distinction is between the budgeting of the payment of capital projects under this Article versus payments that we as a Town make through the debt exclusions that we vote on elsewhere in the budget.

O'DONOGHUE: These items are pay as you go regular maintenance items, if you will. And the debt exclusions are in general more longer term projects.

POKRESS: Then for instance why would we have in this Article on a pay as we go basis a Police vehicle replacement, yet elsewhere in the budget we're being vote as a debt exclusion a fire vehicle replacement. It seems as if we're playing a little financial shell games between where we pay for essentially equivalent types of capital items.

MODERATOR: Okay I'm going to refer you to Mr. Piantedosi.

STAPCZYNSKI: Madam, Moderator, I can handle that.

MODERATOR: Wait, wait. Go ahead.

STAPCZYNSKI: The, Mary O'Donoghue is correct, the capital projects fund that we're voting on now is for replacement of items that have a life expectancy of a lot shorter than that which you would bond for. So in the case of the example Mr. Pokress mentioned, a police cruiser, we probably get five years or less out of a police cruisers life. With regards to an ambulance or a fire truck that we will be bonding for we will get five plus years in most cases and particularly in the event, in the case of a, of a fire truck, we can easily get 15 to 20 out of our fire truck. And therefore we bond them.

MODERATOR: Did you have a follow up question?

POKRESS: I just want to make sure I understand. Is it fair to say then items that have an expected life under five years would come under an Article such as this and over five years would be typically a debt exclusion type of approval.

STAPCZYNSKI: No, it wouldn't be a debt exclusion. It would be a bond issue.

POKRESS: I'm sorry, bond issue.

STAPCZYNSKI: But generally, yes. Generally you're correct. There's a few other factors, one of them is the price of, of the item that we're purchasing. Typically they are smaller prices than that of an ambulance or of a fire truck.

POKRESS: Thank you, Madam Moderator.

MODERATOR: You're welcome. Over here, sir.

KOWALSKI: Dan Kowalski, 24 Enfield. Is there a breakdown of what the \$1.2 million is? Because the fin comm book says \$1.8. And I really can't vote on something if I don't know what that \$1.2 million is for.

MODERATOR: I believe Mrs. O'Donoghue can go over that again for you.

KOWALSKI: Please.

MODERATOR: Do you have that, Mary.

O'DONOGHUE: The items listed in your Finance Committee book do reflect a decrease from what was originally put forward by the Plant and Facilities Director and other departments. And I believe that a determination would be made by Town Manager and the School Superintendent as to which items on that list are more critical and will need to be address in the Fiscal 11 budget. So to answer your question, I can't tell you specifically on the list what's in or out, but that determination will be made by our town experts.

KOWALSKI: So we're just voting an amount not how that amount will be spent on specific items.

O'DONOGUE: That is correct. You have an overall list if you will and some of those items on that list will be taken out and not, not taken care of this year. In other words, we're deferring some of our-

LYMAN:--I'd like to point out page two of this Capital Improvement Plans, outlines the projects that we have been reviewing. This is a project that starts in November each year that we begin reviewing all the different requests. So some of these will be eliminated, some will be partially filled, and some will be filled in full. But if you turn to page two in the book you can see an outline of the projects.

MODERATOR: Do you have a follow up sir?

LYMAN: The Capital Improvement-

KOWALSKI:--just by my point, my question, the reason for my question was, you know, if we're spending \$70,000 on trash cans, I have a problem when we do that and we lay off ten - --12 teachers.

LYMAN: And that has been recommended for removal.

KOWALSKI: Okay. Thank you.

LYMAN: Thank you.

MODERATOR: Okay. Do you have a question Ma'am.

ZAHOR: Yes I do.

MODERATOR: If you can identify yourself-

ZAHOR: Bonnie Zahor, 2 Granli Drive.

MODERATOR: Thank you, Bonnie.

ZAHOR: Yeah. I actually on this list see that school capital projects are listed as one lump sum, but the Town projects are outlined at a greater detail. So as we think about what's at risk I wonder if someone could speak to what was in that original amount for the schools just so that people understand what will be on the table for consideration of...delay.

STAPCZYNSKI: Perhaps, someone from the School Committee can answer what's on that list.

MODERATOR: Mr. Forgue. Oh, I'm sorry, Dr. Bach.

BACH: There're three, there're three big chunks. And then as I think somebody pointed out in the CIP book it's broken down more specifically. But there is a Plant and Facilities piece for a, for all type of things, painting, carpeting, all kinds of projects that need to be done. And there's a text book piece and there's a technology piece. The Plant and Facilities piece is much larger. And I think the question that was asked over here earlier was a good one. We have not yet, because this deduction has come so quickly for us, we have yet to meet to make the decision on how to break those down. But those are the three big categories and I think each of those categories will see some reductions. Does that answer your question, Bonnie?

MODERATOR: Yes, sir.

STUMPF: Glen Stumpf, 99 Haverhill Street. Obviously we're deferring quite a bit of maintenance. Do we have some kind of dollar figure on how much, I don't know, accumulated maintenance debt we're building in this?

MODERATOR: Do you have that, Buzz?

STAPCZYNSKI: No...sir, that's a very good question and we wrestle with that every year. I don't have a simple number to give you or the folks tonight about what our deferred maintenance is except that if, again if, as someone said previously, if you have the CIP in front of you, you will see a five year plan for the acquisition of equipment and for the maintenance of our, of our assets. So I can't give you a number right now, but every year we do try to handle the most emergency, the number one emergencies that fit within our available funds.

STUMPF: Thank you.

MODERATOR: Okay. All those in favor of Article 5 please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 6. Mr. Stabile.

STABILE: Thank you, Madam Moderator. I move that the Town vote to transfer funds from the following 2009 Annual Town Meeting- Article 4 appropriations: \$33,000 from General Government, Other Expenses; \$9,000 from Community, Elder & Youth Services, Other Expenses; \$32,000 from Plant and Facilities, Other Expenses; \$30,000 from Public Safety, Other Expenses; \$85,000 from Public Works, Other Expenses; \$46,000 from Sewer, Other Expenses; \$52,000 from Water, Other Expenses; \$13,000 from Library, Other Expenses. That's a total of \$300,000 and we appropriate the sum of \$300,000 for General Government, Personal Services. The Board of Selectmen recommends approval.

MODERATOR: Ah, let me take into having the move. The Article 6 has been moved and seconded. Mr. Stabile.

STABILE: The Board of Selectmen recommends approval of this Article and I'd like to speak to it.

MODERATOR: Go right ahead sir.

STABILE: In general this Article authorizes the transfer of funds appropriated for the current fiscal year from certain departmental budgets with projected surpluses to other departments to cover cost not known when the operating budgets were originally approved last year. Specifically, this motion transfers various amounts within Town Department budgets for FY10 to the accumulated benefits account within the general government appropriation for the purpose of paying portions of unused accumulated sick leave that is owed to employees who will be retiring prior to June 30th, 2010. In the past, this accumulated benefits obligation was funded outside of the operating budget from available revenues, which allowed surpluses to be carried over to the next fiscal year. Which also reduced the need for transfers and supplemental appropriations for this purpose. However, in recent years this obligation has been funded within the Town's operating budgets due to limited free cash amounts. This method of appropriation requires any surpluses to be turned back to the general fund at the end of each year. It is very difficult for the Town to get an accurate picture of, on which employees will retire and what will be owed them for unused sick leave a year in advance. The Town has also been working actively within collective bargaining with its seven employee unions to eliminate this sick leave benefit over time. It made substantial progress during the last round of contract

negotiations towards the this goal reducing sick leave accumulation over time and reducing the Town's liability by millions of dollars.

MODERATOR: Thank you. Mrs. Milne. The Finance Committee.

MILNE: The Town is contractually obligated to pay for accumulated benefits when employees retire. This year more people retired than we expected and there was a \$300 short fall. These transfers will pay for this deficit. And the Finance Committee recommends approval.

MODERATOR: Okay, any questions? Yes, Ma'am.

SHAPIRO: [INAUDIBLE] Shapiro, 93 Haverhill Street. I'm just, I don't really get this very well, but I'm kind of confused as why we would take \$9,000 from Community, Elder, and Youth Services if there's a surplus and put it in other expenses instead of giving it to Youth Services, when they need that kind of money. Instead of cutting their budget.

MODERATOR: Somebody like to address that?

STAPCZYNSKI: Yes, I can, I can address that. When I released my budget, the beginning of February, every Department, including Youth Services received a memo saying that we wanted all department to start withholding money because we were foreseeing six months, seven months, into the fiscal year that we were going to have some shortfalls. So everybody rises when we have additional funds, and all Departments have to tighten their belt when we have needs like this. So on a proportional basis, all Departments were required to tighten their belt and contribute to this shortfall. This is not new. We do this, you know, periodically, but last year also, in fact the Departments had to tighten their belts even more severe than what you see on the screen here because of a variety of shortfalls that we experienced at the end of the fiscal year.

SHAPIRO: Okay. It just seems like a lot for a Department that already gets very little and does a lot for the Town. Thank you.

MODERATOR: Thank you. Mr. Pasquale.

PASQUALE: Madam Moderator, I'm just a little confused, and I need some information. I understand when we have excess

funds according to a line item we call it free cash. Now is this free cash in every one of these items?

STAPCZYNSKI: No. Free cash. First of all it's not free, and it's not cash. But free cash is a slang term that we use here in Massachusetts for undesignated fund surplus at the end of a fiscal year. And, no, this is not free cash. Now could it be free cash at the end of the year? If anyone of those line items is not fully expended, yes. After it's reviewed by Mr. Torrisi and Mr. Smith the Town's, the Town accounted. Yes, it could turn into free cash. But this is not free cash at this moment.

PASQUALE: Thank you.

MODERATOR: Okay Article 6. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it, the motion carries. Article number 7. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that the Town vote to transfer \$900,000...[BREAK IN TAPE]...Health Insurance, \$50,000 to FY2010 Unemployment Compensation; and \$650,000 to FY2010 School Department-Other Expenses appropriation.

MODERATOR: Article number 7 has been moved and seconded. Mr. Major.

MAJOR: Yes. The Board of Selectmen unanimously recommends approval of Article 7 in the amount of \$900,000. The three Boards sitting before you on stage are in total agreement on our recommendation of this Article with our eyes wide open. Unlike Articles 4 and 5 that appropriated monies for next year's budget, this Article appropriates money for this current year's budget. Each year we build a budget based on a series of assumptions. And each assumption represents our best estimate for what each revenue and expense will be for the year. Most of the time these estimates are pretty close. There're some instances when the estimate is significantly different from the actual expenditure. This year we had three assumptions that differed greatly from our expectations. First, we had more employees and their family members sign up for the Town's health insurance, to the tune of \$200,000. Second we had more students that attended out-of-district special education. And those cost raised about \$650,000. And third we had unemployment expenses greater than expected due to Town and School lay-offs to the tune of \$50,000. This

Warrant Article represents that the \$900,000 be funded from our case reserves. This is not a request that is made lightly. Each of the Boards does so with our eyes wide open because we collectively realize that in doing so we will reduce our cash reserve from \$1.6 million to an unprecedented low amount of \$700,000. Against an operating budget of \$130 million, this sum represents about 10% of where our cash reserves should be. Two prior decisions made this request easier for us to ask. First, a fiscally prudent action that the Town of Andover recently took to finance our long term bonds. This action lowered our bond rate to 2.49%--that's pretty awesome--2.49% for 20 year bonding. And that will save us \$1.3 million over the next 20 years. This action also provides us with a \$500,000 cash payment as an incentive for us accepting the winning firm's bid. This cash payment will be certified into our cash reserves this summer. The second action, is an agreement between the School Committee, the Finance Committee, and the Selectmen. This agreement insures that we will carefully monitor all the Town and School expenditures on a monthly basis. This will allow us to proactively react to any unplanned fluctuation in spending. Doing so will maximize the internal use of budget transfers we just had in Article 6, to solve next year's budget over-expenditures. In summary, these two actions will ensure that more than one half of tonight's appropriation will be replenished in our cash reserve account this summer. And also provide the best opportunity to limit the use of this Warrant Article next year to solve next year's problems. In conclusion again the Board of Selectmen strongly recommends approval of the Warrant Article.

MODERATOR: Thank you, Mr. Major. Mr. Stumpf from the Finance Committee please.

STUMPF: The Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor--question? Yes, sir.

POKRESS: Bob Pokress, 3 Cherrywood Circle. Thank you, Madam Moderator. Beginning of Town Meeting, Joann Marden going over her comments prior to our discussion of the budget made it very clear that the Finance Committee feels very strongly that we should not use free cash, and I believe she said so in her report that we got with the Warrant Article, not use free cash to cover over-spending

on the part of the Town. What I see in this Article is a case where Town leaders have said one thing at previous Town Meetings, written checks that were bigger than the amount of money we had budgeted them to spend, and now come back to the Town via this Article asking our permission to take the money out of the reserve, that's really supposed to be used for real emergencies. When I look around Town and I consider just as one example the extremely unsafe condition of the Bancroft School which I don't think anyone questions needs some form of replacement or major repairs and think about a situation where a roof might cave in out of the blue and we might be faced with very large expenses very unexpectedly. By spending this money on those items we wouldn't have the money when we really need it. Hence I would urge the Town to vote no on this Article and force the administrators to come to terms with spending habits that really need to be reined in. Thank you, Madam Moderator.

MODERATOR: Thank you, sir.

MARDEN: Madam Moderator, can I respond?

MODERATOR: Go right ahead. Sure.

MARDEN: Our statement at the Finance Committee is that we don't want to use reserves, free cash for on-going operating costs. And one of the reasons that we want to preserve free cash is to deal with situations like the one we face with this particular Article. In each of these cases, in each of these three cases, we're dealing with expenditures that were not anticipated in the development of the Fiscal 2010 budget last year. If we had to absorb \$600,000 in a school budget in the last two months of the fiscal year I really don't know how they would do that. So, having the free cash balances allows us to handle these over expenditures, these one-time, hopefully, these one-time things, for the current fiscal year and avoid serious impact on the operating budgets because there were things that happened that we couldn't foresee, or in some cases, we couldn't control. So, I would urge your approval of this Article.

MODERATOR: All those in favor of Article 7, please raise one hand. Thank you very much. Those opposed. Thank you. The ayes have it; the motion carries. Article 8, Mr. Teichert.

TEICHERT: Madam Moderator, I move that Article 8 be withdrawn from the Warrant.

MODERATOR: It's been moved and seconded that Article 8 be withdrawn from the Warrant. All those in favor please raise one hand. Those opposed. The ayes have it; the motion carries and it is withdrawn. Article number 9. Mr. Vispoli.

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

MODERATOR: It's been moved and seconded that Article 9 be withdrawn from the Warrant. All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Thank you. Article number 10. Article number 10 is ah—Mrs. Lyman why don't you move it please for me if you would.

LYMAN: Thank you, Madam Moderator. What we have here is the consent agenda for Town housekeeping articles and as a Town Meeting we need to pass these as an assembly every year. And in an effort to make this a little bit more efficient what I'm going to do is move it in two motions. And motion one is, I move that the Town approve the consent agenda, Articles 10A through 10F.

MODERATOR: Article—does anyone object to anyone of those items in Article, in items number 10A though 10F? If you do we'll pull that out and we'll vote for the others. If you're okay with 10 through A, 10 through F. Thank you. We'll proceed with the vote. Mrs. Lyman do you have a recommendation from the Selectmen?

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Kruse.

KRUSE: The Finance Committee recommends approval.

MODERATOR: Thank you. All those in favor of Articles number 10A through 10F, please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Mrs. Lyman.

LYMAN: Motion number is 10G. I move that Article 10G be withdrawn from the Warrant.

MODERATOR: It's been moved and seconded that item number 10G be withdrawn from the Warrant. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article number 11. Mr. Major.

MAJOR: I move that the Town approve Article 11 as printed in the warrant.

MODERATOR: Article 11 has been moved and seconded. Mr. Major

MAJOR: Yes. This Article authorizes the Board of Selectmen and the School Committee to accept grants of easements for streets, water, drainage, sewer and other utility purposes or any other public purpose on the terms and conditions of the Board and the Committee deem are in the best interest of the Town.

MODERATOR: Thank you. Mrs. Kruse.

KRUSE: The Finance Committee recommends approval.

MODERATOR: Okay, this requires a two-thirds vote. So I will try to do that with a hand vote. If not we'll do a standing vote. Okay? All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it by more than a two-thirds majority and I would declare it as such. Is there any objection to that declaration? Thank you. Item number 12. I love this item. Mr. Teichert.

TEICHERT: I move that Article 12 be withdrawn from the Warrant.

MODERATOR: No unpaid bills?

TEICHERT: No Ma'am.

MODERATOR: Article 12 has been moved and seconded to be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Article 13. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that the Town approve Article 13 as printed in the warrant.

MODERATOR: Article 13 has been moved and seconded. Mr. Vispoli.

VISPOLI: Board of Selectmen recommends approval of this Article.

MODERATOR: Okay. Mr. Merritt from the Finance Committee.

MERRITT: Finance Committee recommends approval.

MODERATOR: Any questions? 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 by more than a two-thirds vote I would declare it as such unless there is an objection. Thank you. I declare it more than a two-thirds vote. Item number 14. Mrs. Lyman

LYMAN: I move that Article 14 A through N, the revolving accounts, be approved as printed in the Warrant.

MODERATOR: Article 14 has been moved and seconded. Go ahead, Mrs. Lyman.

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: Are there any objections that we would take all of these accounts in one vote which would be A through N? Again if there is a reason that we should leave one out we'll vote on that separately. Are there any accounts you want to leave out? Mr. Vispoli.

VISPOLI: No.

PASQUALE: Vispoli's on the stage.

MODERATOR: Mr. Pasquale, I'm so sorry. Go ahead.

PASQUALE: I'm not that sensitive. [LAUGHTER] May I direct a question to Joe Piantedochi [sic] on item F for the fields maintenance. The question is the property that we acquired 15 Blanchard Street, all that land-

MODERATOR: Before you go through this question, is that the only account you would question?

PASQUALE: I want-yes.

MODERATOR: Okay. Then let us vote through, for everything else and then we'll come back to that one. Would that be agreeable to you?

PASQUALE: Fine.

MODERATOR: Okay. Item number, Mr. Fortier please from the Finance Committee.

FORTIER: Yes. Thank you, Madam Moderator. Good evening. Paul Fortier of the Finance Committee. The revolving accounts are generated-

MODERATOR: Can you please the mic, the second last mic down please. Or bring it closer to you.

FORTIER: How's this.

MODERATOR: Thank you.

FORTIER: All right. Thank you. Revolving accounts are funded by revenues generated through user fees, donations related to specific departments. The money is used to offset expenses associated with department activities and reduces reliance on taxation. Spending limits have been increased for several departments which helps to fund new programs and activities. And the Finance Committee recommends approval of Article 14, revolving accounts.

MODERATOR: Thank you. I'd like to take a vote please with everything but account number F. We'll withhold that one. So A, B, C, D, E, G, H, I, J, K, L, M, N. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Mr. Pasquale, go right ahead, thank you.

PASQUALE: The question I wanted to ask Joe Piantedochi [sic] and I'm aware that they keep cuttin' his budget for fields and maintenance. With the property we've acquired at 15 Blanchard Street, Joe, is there any development going on that you have to spend money this year and this \$100,000 doesn't cover it? Cause I see another Article where they're lookin' for a new parking spaces and everything over there.

MODERATOR: Could we have this mic right down in front of me on?

PIANTEDOSI: This Article is for general field maintenance for all the fields around town. It's not money that we're gonna use for development of 15 Blanchard Street. We appropriated \$425,000 at last year's Town Meeting for that purpose and we've also worked out arrangements with two of our youth sports group that are going to fund the balance to do that. And the money in this, I might add, is collected from fees that we accessed for renting fields and the youth sports groups of our Town charge a \$5 per head per season fee to, that they pay us, and all of the money goes into this revolving fund and in the capital budget it funds a whole number of field projects. We meet with these groups by-monthly. We sit down, we talk about projects that need to be done, and we improve all the fields around Town with this money. So this is how that money is spend.

PASQUALE: Fine. Then I would vote...personally, I would like to vote for F, so put it up for vote.

MODERATOR: Thank you, sir. We'll now vote on item number 14F as in Frank in the amount of \$100,000. All those in favor please raise one hand. Thank you. Those opposed the ayes have it; the motion carries. Article 15. Mr. Cyrier. Thank you.

CYRIER: James Cyrier, 21 Pomeroy Road. I move that \$54,000 is appropriated from free cash for repairing Fosters Pond Road and Pomeroy Road, including costs incidental or related thereto; and further, that, the provisions of M.G.L. Chapter 40, section 6N, and Town Bylaw Art. 12 chapter 46, the full cost of said services be allocated, based on a fixed uniform method, and those allocated amounts be assessed against, and collected from, those property owners abutting the improvements to be made in accordance with this vote; and that the Board of Selectmen is authorized to take any actions necessary or convenient to carry out this project.

MODERATOR: Article number 15 has been moved and seconded. Go ahead.

CYRIER: Um, these roads are private ways, ah, Fosters Pond and Pomeroy Road. We all are tax payers like you who pay taxes to have the roads improved. Unfortunately, ours are private, we have to pay for them ourselves. We're asking that the Town allow us to use free cash and then assess betterments to those abutters to pay for this improvement.

MODERATOR: Thank you, sir. Mr. Stabile from the Board of Selectmen

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

MODERATOR: Mrs. Milne, please.

MILNE: The Finance Committee recommends approval.

MODERATOR: Are there any questions or comments? Yes, sir.

BALDWIN: Mark Baldwin from 5 Pride Circle in Andover. I just have a quick question. Of the abutters it refers to those who have signed below which I don't have in this report. But of what you know, how many abutters are approving this? Is it unanimous?

CYRIER: It is not. By Mass General Law 40 we have to have 75% abugtters approved of the improvement and we have gotten 85% of the signatures who have signed on to this improvement.

MODERATOR: Any other questions? All those in favor of Article 15 please raise one hand. Thank you. It needs a two-thirds vote. If you could do that again please, it does need a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it I vote it to be well in excess of the two-thirds. Does any one challenge that declaration? Thank you. I declare it more than a two-thirds vote.

CYRIER: Thank you.

MODERATOR: Thank you, sir. Article 16. Mr. Miller. Thank you, sir.

MILLER: Good evening, my name is Harry Miller I live at 12 Standish Circle. The motion...

I move that the Town appropriate an additional \$55,650 from Free Cash to the 2011 Fiscal Operating Budget Street Lighting Account number 14--excuse me--014242-5211 for the purpose of turning 626 street lights back on that were turned off in Fiscal 2010 and that the Town shall take every affirmative action to ensure the restoration of the street lights be permanent. Before delivering my formal

comments I'd like to thank Mr. Stapczynski and the Board of Selectmen for their service over the years. As a 20 year resident of the Town of Andover I've always been impressed by the management of the Town services and the quality of life we enjoy here. The mission for the Town of Andover states the importance of protecting the safety of persons and property, maintaining the Town's infrastructure and delivering innovative municipal services. The Town Manager's 2011 goals include the statement to continue to provide outstanding customer service, and innovative solutions to the challenges of delivering quality municipal services. And finally the Division of Street Lighting objectives include a review of alternatives to acquiring street lights in order to realize cost saving opportunities created by the deregulation of the electric industry and investigating areas for potential savings through change of light output where appropriate, converting to more efficient lamps or the elimination of unnecessary fixtures. In sum, one would believe that the taxpayer interests in the Town are truly being reflected. On the issue of street lighting however the above principles seem to have been compromised or if you're a cynic ignored. To put the question of turning the lights off in context, consider the following: 33% of the lights in Andover have been turned off in the last year with an additional 50 plus lights being considered for shut off this year. The cost for managing this basic service is two-tenths of one percent of the proposed Town budget. On the matter before us under Article 16, the cost of turning the lights back on with continued service the sum total of this Article is less than 4/100 of a percent of the 2011 proposed budget. When our lights were turned off there was no direct notification to the residents affected. When our lights were turned off the Town was just finishing a massive spending project in the improvements to the downtown area. And I have to say the work is beautiful. That said I'd suggest the excessive spending for decorations and street [sic?] and the very high cost of the new lights installed along Main Street even with State funding assistance would have easily offset the costs of maintaining our basic lighting services. Please keep in mind the actual savings achieved for turning off the lights was just \$40,000. In our neighborhood consisting of Mayflower Circle, Myles Circle, Standish Circle, which are all surrounded by heavily wooded areas, we have 11 street lights; ten of them were turned off. That's 90% of our lights turned off, with no consultation or direct notification of residents affected. Moving on,

when we look at the elective Town spending, I'd like to draw your attention to several Articles before Town Meeting this year that Town Manager recommends we spend money on. Among them, Article 51 continuing spending on Wood Memorial Park for \$75,000 for trees and fences. Article 52, spending \$400,000 on acquisition of a parcel of land to expand to recreation area. And as yet to be determined as to where our Town Manager will make a recommendation the acquisition of conservation land for outdoor recreation, under Article 55, for \$480,000. The total for the above nice-to-have projects \$955,000—these aren't basic necessities they're nice to have projects that have nothing to do with basic services such as lighting. With all do respect to the well meaning people who might like the Town to approve these Articles, I'm sorry, but candidly it makes little sense to approve these measures when our basic services are being compromised, especially in today's economy. Our priorities must be better aligned with reality. Just as a reminder the cost to turn the lights on permanently \$55,650 4/100 of one percent of the 2011 proposed budget. The cost of lighting in Andover is just \$290,000 per year or just under 2/10 of one percent of the Town budget. That's a fraction of the cost of the nice to have projects noted earlier. As a comment on how we measure our priorities and the choices we make it would appear that a number of Departments in Town actually took a pay cut this last year in the face of the recession. It doesn't look like this fiscal year is going to be any better and that's a shame. When we couple this with the reduction in bases services like street lighting why would we consider spending nearly \$1 million on nice to have projects? Somehow our priorities seem misaligned. That said I do applaud Town management's desire to reduce our costs but cutting basic services that provide safety and comfort to the taxpayers is not the place. For one, I'd welcome the Town's proposals on how to reduce the cost of lighting services [GAVEL] but I don't believe we've seen any proposal that meaningfully puts forward or examines how to generate energy savings that could be accomplished with lower wattage lighting or more efficient types of lighting in [GAVEL] contrast to turning the lights off. Thanks.

MODERATOR: Sum it up quickly? Go ahead.

MILLER: Aaah, okay. Let me just move forward. Why put the taxpayers of Andover in a position to have to accept sub-par basic services. This isn't a poor community, but a

Town seeking ways to reduce its operating expenses responsibly. I leave you with one last thought, 2/10 of one percent. That's what it costs to have the lights on. 4/100 of a percent that's the cost to turn the lights back on that were shut off. I'd like to ask you to use your common sense and turn the lights back on. Thank you.

MODERATOR: Thank you. Mr. Stabile.

LYMAN: I'd like to speak to it?

MODERATOR: Oh, you'd like to speak to it? Go ahead, I'm so sorry.

LYMAN: No problem. Thank you, Madam Moderator. I'd like to say that the Board of Selectmen recommends disapproval of this Article. At this time would you like to hear are positions or...

MODERATOR: Yes.

LYMAN: Okay. I do want people to know in the audience that we did hold public hearings and that we did print which streets would be affected. We did listen to the concerns. We had Police Officers and the DPW go out in the night and look at the lights where people were concerned. We also did our own independent analysis, looking at street corners making sure that safety was taken into concern. And we also want to address the concern that was raised about having nice to have items that may be substitution for our lights. You should know things like Wood Park are not being paid for with Town appropriation money. This was money that was received many years ago given to the Town to keep good care of this property so that the money for that was not in substitution of lights. And I'd also like to say the downtown area improvements was used with State money. This was not Town money. So while I understand as a Town resident it may appear that we are spending our money in one area that you would not see as important as lights, however they're totally different funds. One would not be able to be substituted for the other. So, I'd like to address that. This is part of our budget cutting measures. We asked the Departments to cut back, we are trying to look for areas in every possible way. When you say it's only \$40,000 that's, we are scrubbing our budgets, and if \$40,000 is available to us to keep a Police Officer on the street for safety we see that as more important. And that's

why we moved forward the way we did and we held the meetings to talk to the residents to let them know what we were doing and we moved forward as you saw with turning of the lights. So that's, the Board of Selectmen does recommend disapproval.

MODERATOR: Thank you, Mrs. Lyman. Um, Mrs. Milne. Wait where am I? I'm so very sorry. Yes, Mrs. Milne.

KRUSE: The Finance Committee recommends disapproval of this Article. Prior to considering financial issues the Finance Committee first weighs the merits of the issue. The point that we found particularly compelling about this particular Article, was that if this set of streets and houses was built now they would not get street lights. There are several other areas in Town that similar, neighborhoods in Town similar to these, that have never had street lights. The Finance Committee considered the proponent's concerns about the importance of street lights for pedestrians and drivers and joggers who are out at night. Some pedestrians carry flashlights when they're out. Many of us who walk at night when we spot the headlights of a car we'll get off the road completely and if you think about a curb in the road when the car is behind the curb you can't see it but at night it's headlights shine out if you know the car's there. So really it's the headlights of the car and not the street lights that help you detect an oncoming car. Another issue raised by the proponents, concerns the possibility of increased crime in neighborhoods because of street lights being turned off. According to everything we've been told, this is not the case. Crime is not higher in streets without street lights then on streets with street lights. The Finance Committee also considered the proponents suggestion that someone might sue because these street lights have been turned off, well, people can sue about anything, but the Town Counsel has concluded that Andover is not exposing itself to excess liability by turning off the street lights. So after weighing the merits of the situation and deciding the street lights were not needed for safety for financial protection, the Finance Committee then considered the big financial picture. Saving money was of course the driving force behind last year's decision to turn of these street lights. Having these street lights off saves about \$40,000 a year. We want to remind everyone that these street lights are already off. To turn them back on would take a one time charge of \$15,000 plus an additional \$40,000 this year and every subsequent year. If this

Article passes we will have to, we will pay for turning the street lights on with free cash for this year only and free cash it has been mentioned is sort of the unappropriated funds, it's one time money. To continue to pay for street lights in future years we will have to find and cut \$40,000 out of some other part of the budget. And if there's one thing you should have gotten out of tonight, the money is tight and departments are being cutback and that would be a very difficult thing to do. As Selectman Lyman mentioned, Wood Memorial Park money is from a trust fund, not available for street lights. Other things that are coming up: the ball fields, and the conservation land would be paid for with bonded money. That money's also not available to pay for street lights every year. So, the final decision here is up to you, the Town Meeting voter, the Finance Committee thinks that Andover does need to contain costs. If this Article passes Andover would need to find, cut ongoing expenses to the tune of \$40,000. And for these reasons the Finance Committee recommends that you vote against this Article.

MODERATOR: Thank you. Chief Pattullo are you ready to speak to this. Mr. Dolly could I acquiesce that mic, Cal could we have that mic please. Chief. Stay right there sir. I'll get to you in one second. We're going to have the Chief speak first.

DARLING: My name is Chester Darling, 9 Mayflower Drive. The first go around of the turn off of the lights in Town occurred and there were 626 lights turned off. Some people complained and 17 lights were turned back on. There is a second round, a second cycle, of turnoffs planned by the Town and they number now, proposed 51 more lights will be turned off. For instance on Lowell Street, Route 133, 31 lights were turned off in the first cycle. In the second cycle another 13 lights will be turned off. That's a total of 44 lights on Route 133, Lowell Street, which is thickly settled, heavily traveled and are there a lot of driveways there. I have commented and noted that there may be some law suits involved, that's not the focus of my objection although a great deal has been made of it. Lawsuits can be brought and have been brought where street lights have been involved. In Reading, an adjoining Town, the Selectmen ordered that every other street light be shut off and several years later one of the street lights failed, one of the remaining street lights failed, and a lady was trying to cross the darkened street and was run over, killed. The

lawsuit started went back and forth and went before Judge Watson, Middlesex Superior Court. The Town did not prevail as far as the protections afforded by Massachusetts Law to Towns and Municipalities as far as the Governmental immunity was concerned. The case went back to the litigant and it was settled. I have the documents here and the docket sheet if anyone wants to look at it. The reason, the principle reason for my objection and filing is that public safety is a feature here I'm concerned that the trigger for a lawsuit may occur. That's somebody being injured or killed. And that is the issue before you tonight. I sincerely would hope that you folks would give it some real consideration. If you take a look at what happened, well intentioned as they are, they want to save a few dollars, I appreciate that, but the consequence has been a darkening of the Town, whole neighborhoods have been [GAVEL] thrust into absolute darkness. [GAVEL] As Mr. Miller may have mentioned we can't be good neighbors anymore we can't watch our neighbor's houses. Children, motorists are all exposed to the dangers and the hazards inherent in shutting off all of these lights. I would hope that you folks would agree with us, the petitioners, that the Town meant well, they wanted to save some money [GAVEL] I can appreciate that [GAVEL, GAVEL, GAVEL] but not at our expense. Public safety is the issue here. Please turn on the lights. Thank you.

MODERATOR: Thank you sir. [APPLAUSE] Chief Pattullo.

PATTULLO: Thank you. This was actually done with the DPW. They were requested to look at ways to reduce their budget. In conjunction with the Police Department we spend three months having our Safety Officer evaluate the lights around Town.

MODERATOR: Excuse me chief. Could you speak more loudly. Could we turn this mic up?

PATTULLO: You'll have to excuse my voice up here a little bit as well. We spent three months, the Safety Officer evaluating lights around Town to determine those that would not impact safety. And those were lights on straight-aways where there were multiple lights, multiple illuminations. No lights were turned off at intersections or locations of high accidents or where there were many road transition areas. The potential for cost savings is what we talked about \$40,000. The public safety impact is really minimal.

We've been for the past several years shutting off the lights around all of our school buildings. And it's a dark school initiative. We've done that to decrease vandalism and we've had no increase in vandalism. I think I have a couple of slides that we can show, just in general about vandalism around Town. I don't know if we can put those up or not. But since we've done a five year analysis we've actually seen a decrease in vandalism over the past five years. And since October we used October as the date to April, because that's when we shut off these lights, October, and these lights have been off since October. The year before when we had lights on we had about 100 incidents of vandalism. This year with the lights off we had about 75. Now I'm not saying that all those incidents were on streets where we shut off these lights because we did a whole Town. Other indicators, we did have a slight increase for larceny of motor vehicles where people enter vehicles and steal from those. The other concern was crashes and we've actually seen a little decrease this year in crashes during the same time period as when we had street lights turned on, compared to when we turned them off. Again like I said we did not turn off any lights that were in areas that were at intersections or places where we've had accidents in the past. So, I don't see that there is an impact in public safety. Obviously there is probably a problem with people if they walk in these dark areas. But most of our streets in Town especially the cul-de-sac and side roads, especially in the West Andover area where they've had the cul-de-sacs put in, do not have street lights and never have. Thank you. [APPLAUSE]

MODERATOR: Mr. Urbelis will speak. Then if you'd like to speak to this issue if you could line up either at the pro or con we'll start, we'll start that in one moment. Thank you. Thank you for your patience. Thank you, Mr. Urbelis.

URBELIS: Thank you, Madam Moderator. Attorney Darling suggested to you that the Town might have liability here for turning out the street lights. I would respectfully disagree with Attorney Darling. 2002 the Massachusetts Appeals Court, which is a higher court than the court that Mr. Darling was speaking regard to the Reading case, well the Massachusetts Appeals Court said the following: "The location of utility poles is a discretionary function and the Town is immune from any claim based upon the exercise or failure to exercise such a function." They said that Chapter 238, which was the Chapter that Attorney Darling

was referencing as far as potential liability, with all due humility some of the exemptions in Chapter 258 were amended in the mid-90's and I participated and drafted some of those exemptions on behalf of Massachusetts City Solicitor and Town Counsel Association, we worked with the legislature to put in specific exemptions for discretionary functions for municipalities. And this case that I'm referencing which is an Appeals Court case, came down in 2002, and that's the language that the Court used. So I would respectfully disagree with Mr...Attorney Darlings' assertion. Furthermore, last month we sent Attorney Darling a copy of this case, Massachusetts Appeals Court case, which held that the Town would not be liable for turning off street lights and asked if there was any subsequent or contradictory Appeals Court or Supreme Judicial Court ruling that would change that conclusion that the Appeals Court made in 2002. And we haven't received anything yet. So, as far as I know that's the last statement by a Massachusetts Appellate Court that the location of the poles is discretionary, the Town would not have, the Town would be immune from liability under Chapter 258.

MODERATOR: Thank you. Okay, let's start over here with the pros. We'll go back and forth. Okay.

[INAUDIBLE FROM THE FLOOR]

MODERATOR: I will give you an opportunity, Sir...Sir, I will give you an opportunity and the end of the discussion. I promise you before we vote I will give you that opportunity. Please. There've been people who've been waiting 15 minutes, now. Let's let them have a say. I promise you Sir I will give you that opportunity. Go ahead over here.

CARBONE: Yes, Good evening Town Meeting. My name is Mary Carbone, Cyr Circle. I have to admit to all present here tonight and some of you maybe know me and some may not. I have been attending the Selectmen's meetings and other meetings in this community for a long time, but last March I was at the Selectmen's meeting and they were—we had an unbalanced budget last year. So the decision was made to cut street lights because it was huge. It was huge, big dollar figure to be saved. So, I have been fighting since a year ago March and going to every Selectmen's meeting to the podium speaking to the Board of Selectmen and pleading in many ways for them not to shut the street lights off.

Actually, Town Meeting voted a year or so ago, maybe two year, maybe three years or so ago, \$500,000 for the Main Street corridor and part of that \$500,000 was for new lights for the downtown area and I couldn't figure that out. I mean we're having our lights shut off in the neighborhoods and we're lighting up the downtown area brightly. But for all practical purposes I could continue on with this story. I don't want to take up the time of Town Meeting tonight, respectfully, but I would like to say I'm not in agreement with the dollar figure in this Article. If I had my way I would amend it to \$1 and let everyone on the stage go back and find the money the way they found the money for everything else in this community. For all practical purposes I want to tell the community, after tonight if there's a no vote here. There are 51 more lights going to be shut off in this Town. And I am sure that people in this community are gonna come forward and be vocal and hopefully so and I thank you very much for listening tonight and please vote yes. Thank you.

MODERATOR: Thank you, Mary. Yes.

WHEELER: Frances Wheeler, 4 Hillcrest Road. It seems pretty obvious that a lot of attention has been paid to making sure that safety has not been negatively effected by the shutting off of the lights and some have come back on when they've been, the decision to have them off has been appealed. So as far as I'm concerned, shutting these lights off creates an ongoing opportunity to reduce our energy consumption, which makes us a more sustainable community. [APPLAUSE] [GAVEL] It decreases light pollution, which in the 25 years I've lived in Town is an increasing problem-- [APPLAUSE]

MODERATOR: If you could please hold your applause till everyone's finished speaking.

WHEELER: --making it harder to see the night sky it seems with every passing year. And on top of that we save money. I'm opposed to this Article.

MODERATOR: Thank you. Mr. Pokress.

POKRESS: Bob Pokress, 3 Cherrywood Circle. Thank you. Madam Moderator. I really don't have much to add in support of this Article, which I do favor, that Mr. Darling and Mr. Miller have not already very eloquently articulated for

everyone here. You can debate questions related to carbon footprints I guarantee you the carbon footprint for Town activities for everything beyond lights is orders of magnitude greater than the carbon footprint being generated by our running a few hundred lights in Town. What I do believe is that lighting in communities is actually one of the earliest for of civic public services provided by communities and cities going back to the 18th century as a way of encouraging, not or generate not only safety which has already been addressed by Mr. Darling and Mr. Miller
[BREAK IN TAPE]

MODERATOR: Thank you, Bob. Sure go ahead...on the bottom of the actual mic.

POKRESS: I support this amendment though--

MODERATOR: I'd like you please to move the amendment first.

POKRESS: Okay. I move to amend Article 16 to replace the words, quote, to transfer the following funds from the free cash line item account, close quote, with the words to pay for turning on the 626 street lights with funds from budget line items 2, 4, 6, 8, 10, 12, and 16 on a pro rata basis as applied. If you take a look at those--

MODERATOR: One moment please. The motion on Article number 16 has been amended. That amendment has been seconded. Go ahead and speak to the amendment please.

POKRESS: The purpose of this amendment would shift to the operating budget line items--

MODERATOR: Mr. Pokress? I'm sorry. I have to rule your amendment out of order because we have already voted on those budget line items.

POKRESS: Madam Moderator, I'm not suggesting we change the budget items at all. I'm proposing that the payment of the costs to turn the street light back on would come out funds already appropriated under those line items given that those line items represent expenses and various Town administrative matters.

MODERATOR: You want those expenses within those amounts that have already been appropriated to be--

POKRESS: That's absolutely correct, Madam Moderator. That's the purpose of the amendment. The purpose of the amendment as I've just indicated to Madam Moderator is that this line item Article 16 if approved would be paid for out of the quote other expenses line items for the Town which is where items such as lighting and the thousands of other day-to-day operating expenses other than salaries get paid for. And so by amending this Article rather than using free cash, which we should be using just for emergency situations, this line item would get paid for out of the operating expenses for our Town's budget.

MODERATOR: Mr. Pokress, I'm being advised by...give me a minute here...I'm being advised by Town Counsel and by others and the point is very valid, that we have already voted on these line items and each of those line items had an expense to it. So to allow this motion, just hear me for a minute, Mr. Pokress, to allow this motion would have the de facto effect of reconsideration which we don't do on a line item on any Articles at our Town Meeting. To go back to those...I think this should have been done at the point we were doing the budget items.

POKRESS: Madam Moderator, I can only pose this as a question given that we have various Town administrators who oversee day to day spending of numerous operational line items why this does not qualify as one of the many items, which we don't have visibility into here at Town Meeting. We don't have the Town Manager to come in to spell out for us everything item by item everything they spend money on and we trust them to make day to day decision that result in their spending money on certain things maybe not certain things based upon the exigencies of the---

MODERATOR: I absolutely understand your passion and I can't say on some degree I don't disagree with you. However I will move the amendment out of order because it is a reconsideration of what we've already passed. [GAVEL] So we will go back to the original motion. If you have anything further to say to that I'll give you another 30 seconds on that. Thank you. Con over here. Oh, I'm sorry yes Ma'am.

[INAUDIBLE NAME]: 5 Embassy Lane. I'd like to call the question as printed in the Article.

MODERATOR: As printed in the Warrant.

[INAUDIBLE NAME]: As printed in the Warrant, excuse me.

MODERATOR: Is there a second to that? There is a two-thirds vote to end discussion. All those in favor of ending discussion now, please raise one hand. Those opposed. I did commit to...we will end discussion...I did commit to Dr., Mr. Darling that he could rebut a comment that was made. I will honor that. Mr. Darling if you would do it one minute please as we do have a motion to consider Article, move the question. Thank you, sir.

DARLING: You've heard my name mentioned several times by Town Counsel. I was sent a letter from the Town Manager and included in that was a copy of the case that Town Counsel mentioned several times associating comments I made about the case. This case is a 2002 case and apparently Town Counsel participated in modifying the Statute that was applied. The facts of that case were very simple and I'll be just a moment. There was a dangerous intersection in the Town we're talking about here. A man was killed there. The Selectmen knew it was a dangerous intersection. Because they did not act they were protected by Chapter 258 Section 10, 10B. Is that what we want in this Town that they can take refuge behind the Statute that provides them immunity when one of our Town members or children gets run over? I don't think so.

MODERATOR: Thank you, Sir. Okay we have a motion to move, we're going to move the question. All those in favor—Mary, unless it's a procedural question..

CARBONE: aaah, Miss. Moderator. I would like to offer an amendment if I could at this time.

MODERATOR: No. We've already...meeting has already indicated they want to move the question. Thank you. All those in favor of Article 16, thank you, we have to close discussion on this after we vote it, move to vote it. All those in favor of closing discussion please raise one hand. Thank you. Those opposed. They ayes have it the discussion is closed. I declare it way more than a two-thirds vote. Does anyone object to that? Thank you. I declare it as more than a two-thirds vote. All those in favor of Article 16 please raise one hand. Those opposed please. The no's have it by far. The motion is lost. Article 17. Mr. Teichert.

TEICHERT: I move that the Town approve Article 17 in the amount of \$12,000 from Free Cash for the Jerry Silverman fireworks.

MODERATOR: Article 17 has been moved and seconded. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Thank you. Mr. Merritt.

MERRITT: The Finance Committee recommends approval.

MODERATOR: Thank you. Any questions? All those in favor please raise one hand. Those opposed. Thank you. The ayes have it the motion carries. Article 18. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that the Town vote to transfer the sum of \$78,128.02 from the Insurance Proceeds in Excess of \$20,000 Account to appropriate to the Municipal Building/Insurance Fund, said sum being the amount of insurance proceeds received on damages to a fire truck, or take any other action related thereto.

MODERATOR: Article 18 has been moved and seconded. Mr. Vispoli.

VISPOLI: Board of Selectmen recommends approval of this Article.

MODERATOR: Mr. Fortier.

FORTIER: Thank you, Madam Moderator. Insurance proceeds in excess of \$20,000 must be appropriated at Town Meeting. In this case the total is \$78,128.02, was spent to repair a fire truck. This vote is to transfer that amount to the municipal building insurance fund. Finance Committee recommends approval of Article 18.

MODERATOR: Thank you. Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 19, Mrs. Lyman.

LYMAN: I move that the Town vote to transfer the sum of \$351,404.13 from the Overlay Surplus and appropriate to the following fiscal years Allowance for Abatements and

Exemptions accounts for fiscal year 2004, \$26,323.14;
fiscal year 2005,\$9,599.95; fiscal year 2008, \$154,246.16;
and for FY2009 \$161,234.88

MODERATOR: Article 19 has been moved and seconded. You want...

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 20. Mr. Stabile

STABILE: Yes Madam Moderator. I move that the Town approve Article 20 as printed in the Warrant.

MODERATOR: Article 20 has been moved and seconded. Mr. Stabile.

STABILE: Board of Selectmen recommends approval of this Article.

MODERATOR: Um. Mr. Stumpf.

STUMPF: Thank you, Madam Moderator. This Article simply accepts the law that allows communities to set aside funds for future liabilities earned by public employees and paid to them after retirement. Typically these are health and life insurance benefits. This Article does not require funding at this time. And the Finance Committee recommends approval of Article 20.

MODERATOR: Are there any questions? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 21. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that the Town vote to transfer the sum of \$100,620 from Sewer reserves and \$157,500 from Free Cash and appropriate the sum of \$258,120 to the Other Post Employment Benefit Trust Fund, that we just established, established under the provisions of Chapter 479 of the Acts of 2008 as approved under Article 20 of the 2010 Annual Town Meeting.

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

MAJOR: The Board of Selectmen recommends approval of this Warrant Article. With the last Warrant Article you gave us the permission to set up this trust fund. We have, what we just had a actuarially, actuarial study done of our other post employment benefits for health insurance etc. And right now we have a long-term liability of about \$245 million. The Town of Andover at this point has collected zero against that long-term liability. This Warrant Article allows us to begin that process of appropriating dollars into this trust fund. Now how we gonna fund that? And it's the two sources that we're asking for in the Warrant, um. The first one is the \$157,500, is the sale of five properties that we had this year. These were properties, tax title properties, that the Board of Selectmen deemed were not necessary and usable by the Town so we sold those in public auctions and we received that sum \$157,500 for them. So when that money flows into our cash account, our cash reserves, so with your permission of this Article will then transfer that into this trust fund. The other sum of \$100,602 is a payment that we previously received from the Greater Lawrence Sanitary District. So that's money that we've already received and again with your permission with this Warrant Article we'll transfer that sum of money into this new trust fund. So it's the initial \$258,000 of funding for a \$245 million liability.

MODERATOR: Okay, thank you. Mr. Stumpf. Can we get the Finance Committee before we get your question? Okay, thank you. Mr. Stumpf.

STUMPF: Thank you, Madam Moderator. As Mr. Major mentioned this is simply the seed money to begin a long journey towards funding approximately \$245 million. But this journey is a journey that we must begin and the Finance Committee recommends approval of Article 21.

MODERATOR: Mr. Rigby.

RIGBY: Thank you, Madam Moderator. Grey Rigby 131 Rattlesnake Hill Road. I just have a question for either the Finance Committee or the Selectmen. And this is a, this would just be a unfunded liability, or almost like an unfunded pension liability, which we deal with in business all the time. We watch companies fail leaving unfunded

liabilities like this on the table for tax payers to pick up. What are we doing in the future to reduce the reoccurrence of these unfunded liabilities? And what's the plan going forward so not only are we funding what we've already incurred but what are we going to do with the unions and other Town employees to reduce incurring these liabilities?

MAJOR: Thank you. That's and excellent question. Over the last few contracts-

MODERATOR: And you would like to answer it.

MAJOR: I'm sorry.

MODERATOR: Go right, ahead.

MAJOR: Sorry, Madam Moderator.

MODERATOR: That's quite all right sir. Go, right ahead.

MAJOR: Over the last few contracts with our unions we've worked in conjunction with our union partners to try to reduce those long-term liabilities. And we've done so quite successfully. We've worked in good solid partnership. We're going to continue to do that to make further advancements in those reductions of those long-term liabilities. So that's the first step. The second step is right now it is an unfunded liability and as Mr. Stumpf mentioned this is the initial seed money that starts us along, along this long and arduous road. We will create a plan. So this year we just got the study numbers. We're gonna put some seed money toward it, hopefully, with your approval. This year we'll work on how do we build out that plan so we can get into a regular rhythm of appropriating money toward this trust fund.

MODERATOR: Thank you.

STAPCZYNSKI: And there's a, thank you Brian that was a good explanation, just to but a bit more meat around that. The, so those of you who were here last year, we voted to have the Medicare coverage mandatory for all new retirees. That will reduce our liability considerably. We estimated, estimate that to be about \$40 million. By having all new retirees over the age of 65 go into Medicare on a mandatory basis. Also, we have made some changes to our our Blue

Cross and Blue Shield plan and we are moving from the indemnity insurance that is available to some of our employees to a PPO it is like an indemnity but the liability for that in the long term liability is considerably less than if we had stayed with a traditional quote, un-quote indemnity plan. So those are two things that, steps we're taking to put us in a better position to address our long term OPEB liability.

MODERATOR: Thank you. Yes, sir. If you could identify yourself.

KOWALSKI?: Dan Kowalski, 50 Enfield Drive. Question. That 100, roughly \$100,000 from Greater Lawrence Sanitary District. Would that have gone into free cash or would it have gone into the sewer enterprise fund?

STAPCZYNSKI: Yes. That would have gone into to free cash in the sewer enterprise fund. It wouldn't have gone into the general fund free cash, it would have gone into the free cash for sewer enterprise.

MODERATOR: Does that answer your question?

KOWALSKI?: Yes it does, thank you.

MODERATOR: Thank you. Yes, sir.

CONSALVE?: Arthur Consalve[?], 181 Jenkins Road. This unfunded liability that we're putting money aside for, this does not include pension, this is just health care and life insurance. Is that correct?

MAJOR: Correct it does not include pension.

CONSALVE?: What about is it possible to find out is the unfunded liability for pensions? We're talking about a quarter of a million dollars on the-

STAPCZYNSKI: Rod Smith? Town Accountant are you in the audience? Yes. Rod should take the mic and address the question.

MODERATOR: It should be on the bottom. There you go.

SMITH: I'm not, I don't have the actual number ahead of me, on me right now, but we were just about 80% before the market crashed in 2008. But we're recovering. Right now we're probably somewhere around 60-65% funded at this point. We are on, on our current funding schedule, scheduled to be fully funded by the year 2026. And that's the current goal, but we are going to have an actuarial study done as of January 1, 2010. We'll have a new number out later this year. It will be available probably mid-summer.

MODERATOR: Thank you, sir. Yes, sir.

FRIEDENSON: Bob Friedenson, 109 Bellevue Road. Mr., Town Manager, when you mentioned that the health insurance costs for retired employees were first going to Medicare if they're over 65, does that also apply to school employees who are retired or just the Town employees.

STAPCZYNSKI: Yes, in fact, school teachers when they retire at the present time they go into the GIC, the Group Insurance Commission, and they have been receiving or have been required to be in Medicare from the get go, from many many years. It's municipal employees that we're just changing over now.

MODERATOR: Thank you. Okay, are we ready now on Article 21? All those in favor, please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. Right about now you're probably saying, how long is she gonna go on? And I can promise you we won't start a new article after ten o'clock. So let's see where we can, a, let's see where we can go. Article 22. Mr. Teichert, please.

TEICHERT: Madam Moderator, I move that the Town vote to appropriate and raise by taxation the sum of \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

MODERATOR: Article 22 has been moved and seconded. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Thank you. Mr. Stapinski

STAPINSKI: Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor please raise one hand. Thank you very much. Those opposed. The ayes have it the motion carries. Article 23. Mr. Vispoli.

VISPOLI: Madam Moderator, I move that the Town approve Article 23 as printed in the Warrant.

MODERATOR: Article 23 has been moved and seconded. Mr. French are you going to address us on that? You need to turn the switch on the bottom of the mic. Yeah, Cal just leave that on.

FRENCH: I think that many of us are familiar with the comment of a thousand mile journey starting with a single step. This is a case of about a five mile journey starting with many steps that started in 19-around 1990, 1992.

MODERATOR: Can I just interrupt you for one second and ask you to identify yourself for us all. Thank you. For the record.

FRENCH: I'm speaking for the Conservation Commission. My name is Alan French, 17 Moreland Avenue.

MODERATOR: Thank you, sir.

FRENCH: So along about 1990 and probably earlier there was a process for establishing something we call the Shawsheen River Greenway. This takes a long time, this is a small step in that journey. And I...it's been moved as printed in the Warrant there's a nice map on the page. I don't see a need to say any more other than to ask for your approval, and certainly answer any questions that you may have.

MODERATOR: Thank you, sir. Mr. Salafia, do you have a Planning Board report?

SALAFIA: Planning Board recommends approval.

MODERATOR: Thank you. Mr. Vispoli do you have a Selectmen's report?

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

MODERATOR: Article 23 has been moved and seconded. All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Thank you, Mr. French. Oh, I'm sorry, I have to declare it a two-thirds, I'm so sorry. Could we do that vote one more time? All those in favor please raise one hand. I'm very sorry. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. I would declare it as such unless someone challenges that. Thank you. I declare it to be in excess of two-thirds vote. Article 24. Mr...Yanowitz is speaking. If you could identify yourself.

YANOWITZ: Yes Mark Yanowitz a member of the Planning Board. I move the Town approve Article 24 as printed in the Warrant.

MODERATOR: Article 24 has been moved and seconded. And Greg if you could...

SEBASKY: Thank you, Madam Moderator. My name is Greg Sebasky, 7 Cobblestone Lane. Andover has a real opportunity in pursuing this stretch code for the Town for new building construction. If you look at the slides on the screens now you'll see that this is one of the five criteria that the Town become a designated green community under the Green Communities Act of Massachusetts that was initiated last year. This designation will allow Andover to compete for money out of a \$10 million fund that the State has offered. That is per year. And each Town can secure up to a million dollars in funding per year for credible projects that focus on reducing energy usage and costs for the Town. And in a Town that spends about \$4 million per year in the budget on energy costs for electricity, other energy for its buildings, autos, so forth, this is a major opportunity for the Town. This stretch energy code is gonna become law in 2012 in any case. So the Towns have become the first movers to get there this year and get participating for this \$10 million in funding for 2010 and 11 before the overall criteria is effective for all Towns. We see that the stretch code saves money for home and building owners on costs of operations with approximately a five year pay back using current energy prices. And we could go into more detail for those of you who'd like. And again, as I said, acting early allows Andover to compete with fewer Towns for this \$10 million. Um, as of March, you'll see on the slide, that we had very few Towns that had adopted the stretch code. I found out this morning from the Department of

Energy, we're now up to 18 Towns have gone through the town meeting process confirming the stretch code. We don't know by the middle of May when the deadline is reached how many more Towns will be competing but we'd like Andover to be one of those. If you go to my next slide. Again reiterating \$10 million in grants alone to qualifying communities. This is the only one of the five criteria that has to come to Town Meeting. The other four are handled by other bodies in Town. The first three have already been done. The fourth one should be done this week by the Board of Selectmen this week, which is authorization to purchase only fuel efficient vehicles. And the fifth requires approval by this body for the stretch code by a vote tonight. And I can't overstate based upon the conversation we just had about the turning back on the lights, that having done that would have put us even further in a deficit against item number 3, which is for us to establish a credible plan to reduce our energy use by 20% over five years from a baseline that was established 2008. And our Plant and Facilities head, Joe Piantedosi's done a wonderful job. For those of you who don't know he's already bringing us down 8% below that baseline in just one year. And so I think we've got a credible plan laid out. The applications for the grants can be submitted as soon as we qualify, hopefully this week, as a green community. And they need to be submitted by May 28th, I have the application forms here and Andover will be participating for a significant share of that \$10 million. It's a very important opportunity for Andover.

MODERATOR: Thank you. Mrs. Lyman.

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: Are there any questions? All those in favor of Article 24 please raise one hand. All those opposed. The ayes have it the motion carries.

SEBASKY: Thank you.

MODERATOR: Article 25. Mr. Johnston.

JOHNSTON: Thank you, Madam Moderator. My name is Hooks Johnston. I was appointed to the Town Yard Task Force by the Board of Selectmen and have had the privilege of working on this for three years with Paul and Joe and some very talented people, Joe Peterow[?], my friend Joe. It is

my intent to move the withdrawal of Article 25, 26 and 27. So Madam Moderator, I move we withdraw Article 25, please.

MODERATOR: Article 25 has been moved to be withdrawn. It has been moved and seconded. Do you want to make any comments?

JOHNSTON: Yep. The map to my left is a drawing of the area under discussion. I put it there simply so that you could view the internet address so you could inquire in detail more about this zone overlay 40-R smart growth zone because I will not be talking about that. Although we are withdrawing this, recommending that this be withdrawn, I want the Town Meeting to know that the town task force the Board of Selectmen, and the Planning Board have all endorsed this. We believe it is very desirable, responsible growth opportunity for residential, professional, additional parking for our soon, double-rail train station, and an opportunity for our center to truly grow as commercial. Not have our bordering Towns take advantage of that. We take this action because this is tied to the relocation of the town yard. We'll soon be moving, unfortunately, that that be withdrawn as well. We'll tell you about that then.

MODERATOR: Article 25. There's a motion to withdraw. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. The Article is withdrawn. Mr. Johnston.

JOHNSTON: Madam Moderator, I move the withdrawal of Article 26.

MODERATOR: It's been moved and seconded that Article 26 be withdrawn from the Warrant. Anything further you want to say on that? Okay. All those in favor of withdrawing Article 26 please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. The Article is withdrawn. Article 27.

JOHNSON: I move the withdrawal of Article 27.

MODERATOR: It's been moved and seconded that Article 27 be withdrawn as printed in the Warrant. Is there a report or anything on that, sir? No? All those in favor of withdrawing Article 27 please raise one hand. Those

opposed. The ayes have it the motion carries. Article 28.
Mr. Johnston.

JOHNSTON: It is my intent to withdraw Articles 28 and 29.
So I move the withdrawal of Article 28.

MODERATOR: Article 28 has been moved and seconded to be
withdrawn. Do you want to make any comment on that?

JOHNSTON: Here again, virtually all the Boards and the
public that we have talked to throughout the past three
years is in support of this. We have a necessity to
relocate a town yard that is in terrible shape and much too
small. Built in 1965 in temporary buildings, the Town was
roughly half the size it is now. We're delaying this action
because the recommendation the Town Yard Task Force brought
forward came out only recently due to the lengthy bidding
laws, which Joe could give you a four hour lecture on. And
we simply did not have time to answer some questions posed
by the Board of Selectmen, primarily the board of finance.
So it is our intent that we will pursue the questions they
the have posed, which are good ones, both on the value of
the property, use, and the resulting revenue from the
rental potentially as well as the tax revenue that will
come from the development of the space. So it is our goal
that we will withdraw now, we plan to be back in the fall
with a very, very compelling argument that I hope will gain
support [INAUDIBLE] and hopefully you too. Thank you for
the opportunity to serve on the Board.

MODERATOR: Article 27 has been moved and seconded to be
withdrawn. All those in favor please raise one hand. Thank
you. Those opposed. The ayes have it the motion carries.

JOHNSTON: I know move the withdrawal of Article 29.

MODERATOR: I said 27. I said 27 on that last Article. I'm
sorry, it was Article 28 that was being withdrawn. I
apologize. We can only withdraw it once, 27. So if we could
vote again for the withdrawal of Article 28. All those in
favor please raise one hand. Thank you. Those opposed. The
ayes have it the Article is withdrawn. Article 29.

JOHNSTON: Madam Moderator. I move the withdrawal of Article
29 as well.

MODERATOR: Article 29 has been moved and seconded to be withdrawn. Comments? All those in favor please raise one hand. Thank you. All those opposed. Meeting has approved that the Article be withdrawn.

MAJOR: Madam Moderator. Point of information.

MODERATOR: Go ahead sir.

MAJOR: Before Mr. Johnston sits down. Mrs. Johnston has served this Town in various capacities including being chairman of the Planning Board many, many, years. Oh, conservation, excuse me. And then when, when, the last three years with distinction driving this Town Yard Task Force. He will soon be moving out of Town and I think we owe him a debt of gratitude. So, I'd like to [APPLAUSE]

MAJOR: Don't we have to vote to let you move--

MODERATOR: Wait a minute, wait a minute, can you do that.

JOHNSTON: [INAUDIBLE] no, no the two are not related. Please don't connect those dots. It's been a privilege to be a part of this Town. And I honestly feel that I will be back and I want you to wish my wife a happy birthday.

MODERATOR: Oh, happy birthday Susan.

JOHNSTON: And I'm here.

MODERATOR: But she gave it up for this.

JOHNSTON: So I may need help at home later. [LAUGHTER]

MODERATOR: [APPLAUSE] Article 30. Mr. Major.

PASQUALE: Madam Moderator.

MODERATOR: Yes, sir?

PASQUALE: I wish we adjourn the Meeting 'till tomorrow. That we stop with this Article.

MODERATOR: You would like us to stop with this Article?

PASQUALE: I'd like us to stop now, because I feel it's gonna go way beyond ten o'clock this session.

MODERATOR: Is that the pleasure -it's not quite ten-is it the pleasure of the Meeting that we adjourn until tomorrow night? Yes, sir?

[UNIDENTIFIED SPEAKER]: Um, is there some reason that the previous speaker is exempt from the requirement that he identify himself when he speaks?

MODERATOR: I'm sorry, no there is not.

[UNIDENTIFIED SPEAKER]: He hasn't yet this evening.

MODERATOR: Mr. Vispoli? He has a number of times.

PASQUALE: Pasquale.

MODERATOR: Oh-Pasquale. Why do I keep doing that? I'm so sorry. I'm so very sorry. Why do I do that?

PASQUALE: John Pasquale, 47B Whittier Street. I apologize dear sir. I know you're always on me for that. Thank you very much for reminding me.

MODERATOR: Thank you. Is it the pleasure of the meeting that we adjourn? All those in favor raise one hand. Those opposed. That's fine. We'll adjourn until tomorrow night at 7:00 p.m., same time, same place. Thank you all very much for your participation tonight.

2010 Annual Town Meeting

Thursday, April 29, 2010

MODERATOR: [GAVEL] The hour of 7 p.m. having arrived it is my distinct pleasure and honor to resume the 2010 Town of Andover Annual Town Meeting. We would ask those of you who are in the back if you would like, I mean, in the far back we are trying to keep those sections open. So that we'll be able to more easily do a count this evening. Thank you all very much for coming back. My name is Sheila Doherty. And it has been my honor to be elected the Moderator for this Town Meeting. Mr. Urbelis if you could make a motion for us.

URBELIS: Madam Moderator, I move to admit Steve Bucuzzo, Jack Petkus, Paul Materazzo and other non-voters who may enter the hall hereafter some of whom may be speaking.

MODERATOR: There's been a motion made and seconded to allow non-voters into our Meeting. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. If they could please be escorted into the non-voting section. Yes do you have a question?

CARBONE: I have point, point of order.

MODERATOR: Would you like me to do it now or wait? Is it for this, ah, allowing of voters in?

CARBONE: No. I'll wait till you're ready and then...

MODERATOR: Okay. Thank you, Mary. Mr. Urbelis if you could please on the waiver of return of service.

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

MODERATOR: All those in favor of allowing us to refer to the Warrant Articles by number please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. I would ask you please if you would turn off all cell phones. And I know this is a difficult thing I asked it night if you could please refrain from texting.

Especially back and forth in the meeting. There's no smoking, no food or drink other than water, in this field house. The restrooms are down in the back of the hall to the left, if you need to use those. We do have our voting sections tonight. They'll be section 1, 2, 3 and 4, 5, 6, 7, 8, 7 and 8 and at this point 9, 10, 11, 12, 13, 14, and 15 we would like to hold in abeyance and not use if we don't have to. It will just make any counting go quicker tonight. Thank you. I'd like to introduce to you who, the players on the stage this evening. Over here to my right, your left is the Planning Board, Board of Selectmen, Town Manager, the Director of Finance. Over here on my left, to your right, is the Finance Committee, Town Counsel, and the Town Clerk. There's also an Ombudsman, I really always have a hard time with saying that word, who isn't at his seat. Is he here tonight? Mr. Vrontas. When he comes he'll be sitting over there. He has the three-part forms for any amendments and if you would like help in wording them or you need those three part forms he will have them there. We do have a pro and con mic here in the hall. Over here is the pro, and the con. If you are for or against an article if you could please be at the pro or con. The microphone right here in front of me we would like to reserve please for those who are doing the presentations. If you have a question, or if you have a point of order, you may use that number three mic. I will accept a motion from the floor to move an article, move any question. It must be seconded. We will have a vote to end discussion, however if there has not been adequate discussion by all parties I will ask you please to hold on that, on that question. There is a request on my part regarding the tone and civility of our Meeting. I believe all of us can disagree on any issue. But there is no need to be disagreeable. There's no need to be, ah, innuendos of wrong doing or ulterior motives on the part of any employee or any volunteer in the Town. It's not the Andover way. I will do everything I can to respect you. And I will do everything I can to respect the participants of the Meeting. We did vote last night, and it will continue this meeting to have a five minute limit on presenters, to have a three minute limit for discussion by those at the pro and con mics. Before we proceed, how we doing?, before we proceed there's an honor that, um, we have on the second night. Mary do you have—go ahead with your question, on procedure.

CARBONE: Well it depends. If you want me to wait until you start the Articles.

MODERATOR: I would prefer you wait until I start the Articles. If you wouldn't mind a seat and I promise as soon as we start that I'll recognize you.

CARBONE: Okay.

MODERATOR: We're gonna make, do a couple of awards tonight. Those of you who have been to our Town Meeting in the past know that each year we give the Virginia Cole Community Service Award. And it is an award that is given each year in gratitude for outstanding and long-term contributions to the Town of Andover. Those of us who knew Ginny Cole know that she that tirelessly gave to our community in many ways. Her legacy can be seen in so many different areas of this Town to this day. The standard of service that she set is memorialized each year at this Meeting by giving this award to a citizen who had mirrored her commitment to service. Nominations are made every year by many people. The selection committee is made up of myself, as the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the School Committee. This year at our town meeting in preparation for coming before you there was an agreement between all three Boards on the budget, there was an agreement between Planning and Selectmen on a number of things. There seemed to be an area of cooperation that was just, everybody was able to put the cards on the table and come to agreement. So that you won't be disappointed, I want you to know we could not agree on one person for this award this year. We could not. Those who were nominated were outstanding citizens. We could not choose between two. So we will co-offer the award this year in the spirit of compromise. And it really it is not anything more than total recognition of the contributions of two of our most outstanding citizens. I am very pleased personally tonight to presents this award to an individual, one of the individuals, who truly is one of the unsung heroes among us. This individual was born and raised here in Andover. He is part of the greatest generation. He started the Andover Hockey League. He coached Little League in this Town long after his own children were through the program. When Andover had a volunteer Fire Fighters in the 50's and 60's this gentleman was ready to serve, to put himself at risk for others. He served for years on the Ballardvale Historic Committee and the Cornell Trust Fund. He started at the age of 16 as an errand boy in the Andover Post Office and he retired as its Post Master. This gentleman truly is one of

the most humble people I have ever known. And yet there isn't a baby boomer in this room who was raised at any time in their life as well as their parents who will not know this man. As the Town of Andover's parades began and the Clan McPherson Bagpipe Band passed by...and I can see your smiles...this gentleman was the tall, bigger than life giant, who held the baton, and lead the parade with pride, stature, and dignity, one could only imagine. The excitement and delight of seeing his band and how your heart pounded when the drums passed by, instilled in many of us a sense of community. And a love for the fact that as he passed by we all celebrated. This was our Town. I also know that there are so many other acts of kindness and service that were made throughout his life about which we will never know. On behalf of a very grateful community I am personally, very personally, so proud to award the 2010 Virginia Cole, excuse me, Community Service Award to Edward J. Martin. [APPLAUSE]

MODERATOR: Mr. Vispoli.

VISPOLI: Thank you, Madam Moderator. Where is the Chair? Dennis Fergie could you come up as well. This was a, this was, even though we couldn't agree this was a true partnership. So I'd like Dennis to join me as I speak about the, the next honoree. Thank you, Dennis. We a, we had two extraordinary people that rose to the top in the discussions and they were many nominees. This person that I'm gonna talk about is somebody that clearly doesn't like the spotlight and I say unsung hero is probably a good way to describe him and he'll probably be angry at me for reading this but. Al Koch, is a [APPLAUSE], Al Koch is an unsung hero by choice. In his 86 years he's never run for an elected office or served on a town board. He's never been president of any organization. He just gets job after job done without fanfare. Volunteering with Avis, the Boy Scouts, Andover Historical Society, his church and the Lawrence History Center. He's been a critical part of every Avis endeavor since 1960 and has served on every committee, land purchase, trail, boardwalk building, publicity, membership campaigns, searching for new trustees, and making all the big decisions. He has been a Trustee, now a Trustee Emeritus, a Warden, an historian and a photographer. An Eagle Scout Leader, his boys have built upward of 30 Avis trails, benches and bridges. Dane Smith past President of Avis said, Al has consciously shunned the limelight preferring to see others take the recognition and

praise for accomplishments that would not have happened without Al Koch. He's a critical piece of the Avis boardwalks since he figured out how to make a heavy steel bamber, we now use to drive boardwalk supporting posts deep into the earth. And everybody involved with that knows what that is. Much of his community service revolves around scouting. He's been in scouting for over 40 years. The last 30 as a member of the Yankee Clipper Council Boy Scouts of America. At 86 he still guides Eagle Scouts, Troop 79 and 76 that choose to complete their community projects. Troop Leader Joe Osbourne said Al goes to great lengths to honor Scouts who achieve Eagle status, getting letters from Congressmen and making scrapbooks for them. Twice a year he gets all of Andover troops together to replace the flags on the graves of Andover's Veterans. A history buff he bought the Scouts with the help of money making events at Andover Historical Society at the Lawrence History Center he used darkroom skills to print old photographs of the immigrant city to sell at the center's gift shop. He is intimately involved with his church where his Pastor, Reverend Richard Conway, says he's always there and ready to help. When the Parish decided to recycle, Al volunteered and still goes to the Parish every morning to sort and arrange bottles and cans earning several thousand dollars from his efforts. He's a World War II Vet. Part of the Greatest Generation as well. Three battle stars including the Battle of the Bulge. Al Koch is the kindest man, one you can count on to help you in any venture. But first with a twinkle in the eye he'll utter a dead pan comment and make you laugh. Al Koch.

[APPLAUSE]

[TAPE BARELY AUDIBLE FOR A LARGE PORTION OF MEETING]

CARBONE: My name is Mary Carbone ...[INAUDIBLE]... number two the calculating of finance ...[INAUDIBLE]... the reason that ...[INAUDIBLE]... and in my mind ...[INAUDIBLE]... some paperwork ...[INAUDIBLE]... after Article 16[?] we had a resident of the community making a ...[INAUDIBLE]... amendment on an Article 16[?] and he related to line items ...[INAUDIBLE]... clearly, I was offended that as a resident of the community as it relates to the handling of that issue and when I read that budget line item today my mind clearly hit me and said huh, that's exactly what should have happened last night regarding the initiation of those amendments. And it should have been a recess of time ...[BARELY AUDIBLE]... should have been a recess although

we voted on the budget things came after Article 4. Article 16...[BARELY AUDIBLE]

MODERATOR: ...[INAUDIBLE]... Mary ...[INAUDIBLE]... I can appreciate your concern. I can appreciate what ...[INAUDIBLE]... But I don't feel the need ...[INAUDIBLE]...

CARBONE: Well in my opinion I think it was ...[INAUDIBLE]...what they wanted to do. And now that we, they should have been given the opportunity regarding the line items, even though we had approved the budget. This came after the budget.

MODERATOR: I appreciate ...[INAUDIBLE]...

CARBONE: Thank you.

MODERATOR: Article 30 ...[INAUDIBLE]...

PASQUALE: ...[INAUDIBLE]... 47B Whittier Street ...[INAUDIBLE]...

MODERATOR: ...[INAUDIBLE]... start of the meeting, first night...[INAUDIBLE]...

PASQUALE: Okay, thank you.

MODERATOR: Thank you. Article 30, Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that ...[INAUDIBLE]... appropriated ...[INAUDIBLE]... for ambulance ...[INAUDIBLE]... related thereto, ...[INAUDIBLE]... meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow ...[INAUDIBLE]... General Laws, chapter 44, section 7(9) or any other ...[INAUDIBLE]... Board of Selectmen is authorized ...[INAUDIBLE]...

MODERATOR: Article 30 has been moved and seconded ...[INAUDIBLE]...

MAJOR: Board of Selectmen recommends ...[INAUDIBLE]... this Warrant Article allows us to replace the 2001 ...[LARGE PORTION INAUDIBLE]...

...[LARGE PORTION COMPLETELY INAUDIBLE]...

POKRESS: Madam Moderator.

MODERATOR: ...[INAUDIBLE]...

POKRESS: Bob Pokress, Cherrywood Circle. ...[INAUDIBLE]...

...[LARGE PORTION COMPLETELY INAUDIBLE]...

STAPCZYNSKI: ...[INAUDIBLE]...

MODERATOR: ...[INAUDIBLE]...Those opposed. The ayes have it by a maj-I declare by more than a two-thirds vote. Unless someone has an objection with that ...[INAUDIBLE]...

Article 31. ...[INAUDIBLE]...

...[LARGE PORTION COMPLETELY INAUDIBLE]...

MODERATOR: Article 31 has been moved and seconded. Mr. Vispoli.

VISPOLI: ...[INAUDIBLE]...

MODERATOR: ...[INAUDIBLE]... Finance Committee report ...[INAUDIBLE]...

RIGBY: ...[INAUDIBLE]... Greg Rigby ...[INAUDIBLE]...

STAPCZYNSKI: On the page ...[INAUDIBLE]... look at that as an alternative ...[INAUDIBLE]... over the years ...[INAUDIBLE]...

RIGBY: ...[INAUDIBLE]... Thank you very much.

MODERATOR: ...[INAUDIBLE]... All those in favor please raise one hand. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. Is there any one who would challenge that? ...[INAUDIBLE]... Mr. Teichert.

TEICHERT: Madam Moderator, I move that \$500,000 ...[INAUDIBLE]... sewer mains ...[INAUDIBLE]...Treasurer ...[INAUDIBLE]...is authorized to borrow \$500,000 ...[INAUDIBLE]...

MODERATOR: Article 32 has been moved and seconded. Mr. Teichert, Selectmen's report.

TEICHERT: ...[INAUDIBLE]...

MODERATOR: ...[INAUDIBLE]...

...[LARGE PORTION COMPLETELY INAUDIBLE]...

MODERATOR: All those in favor please raise one hand. Those opposed. The ayes have it the motion carries by more than two-thirds. Is there anyone who objects to that? Article 33, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. ...[INAUDIBLE]...enabling authority ...[INAUDIBLE]... Board of Selectmen is authorized ...[INAUDIBLE]... taxes necessary ...[INAUDIBLE]... to carry out this project.

MODERATOR: Article 33 has been moved and seconded. Mr. Vispoli...

VISPOLI: Yes, Madam Moderator. Board of Selectmen recommends approval. ...[INAUDIBLE]... change out schedule ...[INAUDIBLE]...highest quality ...[INAUDIBLE]...

MODERATOR: Finance Committee report.

...[INAUDIBLE]...

PASQUALE: ...[INAUDIBLE]... first of all, 33 tons ...[INAUDIBLE]... I wanna know where does this go? ...[INAUDIBLE]...

PETKUS: ...[INAUDIBLE]...

PASQUALE: Second part of my question is ...[INAUDIBLE]...sodium levels ...[INAUDIBLE]... been doin' a lot of monitoring of fish ponds, so I want to know trappin' any of the sodium ...[INAUDIBLE]...

PETKUS: ...[INAUDIBLE]...

MODERATOR: ...[INAUDIBLE]... I don't think it's necessary ...[INAUDIBLE]...

[INAUDIBLE EXCHANGE]

MODERATOR: Okay, any other questions? All those in favor, 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 two-thirds and I declare it that ...[INAUDIBLE]... Article 34. Mrs. Lyman

LYMAN: Madam Moderator. I move that \$250,000 is appropriated for replacing ...[INAUDIBLE]... water treatment plant ...[INAUDIBLE]... the appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$250,000 under General Laws Chapter 44 Section H or any other enabling authority, and that the Board of Selectmen is authorized to take any actions necessary or convenient ...[INAUDIBLE]...

MODERATOR: Article 34 has been moved and seconded. Mrs. Lyman.

LYMAN: Board of Selectmen recommends approval.

...[INAUDIBLE]...

MODERATOR: All those in favor please raise one hand. Those opposed. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. ...[INAUDIBLE]... Article 35. Mr. English.

ENGLISH: Will English, 25 Essex Street. I'll move to withdraw this Article.

MODERATOR: Article 35 has been moved to be withdrawn ...[INAUDIBLE]...

ENGLISH: Well I was hoping the kids would talk after, Sheila.

MODERATOR: Article 35 is moved to be withdrawn. All those in favor. Those opposed. The ayes have it the motion is withdrawn. ...[INAUDIBLE]...

[UNKNOWN SPEAKER]: Thank Mrs. Moderator. My name is Lauren ...[INAUDIBLE]... opportunity to be involved with the Andover Youth Services. The Youth Service program has been a vital part of Andover for 16 years. They've worked side by side with young people ...[INAUDIBLE]... This year when the AYS in the Town's Budget received a major cut the Andover Youth Council along with Andover residents and a former ...[INAUDIBLE]... stand up for what was right, a program that had given so much to us and the community ...[INAUDIBLE]... Multiple avenues including letter

writing, holding signs ...[INAUDIBLE]... campaign to save AYS. With the help of these supporters ...[INAUDIBLE]... Selectmen Alex Vispoli, Gerry Stabile we were able to ...[INAUDIBLE]... we are withdrawing our Article and are excited ...[INAUDIBLE]... Andover's young people will have another fantastic summer with Andover Youth Services. We would like to thank you for all your support. ...[INAUDIBLE]... building a youth center has long been a goal for this group of dedicated residents for over 10 years ...[INAUDIBLE]...as the late, Ted Kennedy said ...[INAUDIBLE]... dream shall never die. Thank you.
[APPLAUSE]

MODERATOR: Thank you very much. Yes, ...[INAUDIBLE]...

CARBONE: ...[INAUDIBLE]...I would like to know where the additional \$30,000 came from that was added to the budget-

MODERATOR: Ah, Mary the Article has been withdrawn it is not on the floor anymore.

...[INAUDIBLE EXCHANGE]...

MODERATOR: Article 36. MR. Salfia.

SALAFIA: Madam Moderator, I move that the Town approve Article 36 as printed in the Warrant.

MODERATOR: Article 36 has been moved and seconded.
...[INAUDIBLE]...

[TAPE AUDIBLE FROM THIS POINT FORWARD]

MATERAZZO: Paul Materazzo, Director of Planning for the Town of Andover. In working with the Inspector of Buildings we've identified a regulatory conflict between the Andover Zoning By-Law Article 8 and the Commonwealth of Massachusetts State Building Code. The Andover Zoning By-Law does not currently regulate earth retaining walls as structures. This Article will change the definition of structure in the local Zoning By-Law to agree with the State Building Code.

MODERATOR: Thank you. Any questions?

...[INAUDIBLE]...

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 well in excess of the two-thirds. Any one challenge that? I declare it that, more than a two-thirds vote. Article 37. Mr. Teichert.

TEICHERT: Madam Moderator. I move that the Town approve Article 37 as printed in the Warrant.

MODERATOR: Article 37 has been moved and seconded.

STAPCZYNSKI: Ms. Moderator. The Town and AVIS are requesting the Town Meeting approve a transfer of ownership of certain parcels of land. AVIS will transfer a total of 21.41 acres of land, 16.2 acres known as the Pettingill Reservation located off Pettingill Road, and 5.2 acres from the Rafton Reservation on the west side of I-93. This is mainly wetlands and has been affected by the arsenic contamination coming off the Town's Ledge Road Landfill. Having this land in the ownership of the Town will permit a more coordinated remediation project. Once the clean up is complete to the satisfaction of DEP this land will be transferred from the care and custody of the Board of Selectmen to the care and custody of the Town's Conservation Commission. So this, excuse me, the Town will transfer a total of 13.27 acres of land, three parcels of low-valued wetlands, two on Monahan Lane and one on Heather Drive, and 10.93 acres of land between the MBTA railroad tracks off Andover Street and the Shawsheen River. This particular piece of property is known as the Abbot Well site and is located between two AVIS properties along the Shawsheen River. These parcels are surplus to the needs of the Town. If you look in the book, you will see on pages 90 and 91, on pages 90 and 91, you will see the parcels of land that we are talking about. The Board of Selectmen signed a tolling agreement with AVIS about a year ago to put off any law suit that they might want to pursue because of the contamination of the Pettingill property from the Town's Ledge Road Landfill. Over the course of the last year we've had half a dozen, perhaps nine, meetings with AVIS officials to bring us to this meeting here today. We had the Town Assessor evaluate the value of the acreage that is being transferred from the Town to AVIS and from AVIS to the Town and it's about equal. The properties that we are talking about are about \$500,000 in value being

transferred on onto the other. I'll be happy to answer any questions although I see Susan Stott moving toward a mic. I presume she's going to be the AVIS official who'll be speaking on this tonight.

MODERATOR: I was getting nervous when I saw you at the con mic, I thought, oh, my God the world is upside down.

STOTT: I didn't want to walk this far. Susan Stott, 3 Pasho Street. I'm speaking on behalf of all the AVIS trustees. And as our Town Manager has mentioned AVIS and the Town have been in conversation for quite a while about this exchange. I think this is an example of the collaboration that AVIS and the Town have shared for as many years as I've been in Town. Although the Town is getting more acres than AVIS is, AVIS is getting some key sites that will provide access to some of their new reservations as well as the parcel that was mentioned on the Shawsheen River that connects the two existing AVIS reservation Shawsheen and Vale. And I think we're quite sure that once the land is cleaned up it will be gave to the Conservation Commission so the purpose for which we had the Pettingill property and a very small portion of the Rafton Reservation will continue. On behalf of the AVIS board of trustees I urge you to support this Article.

MODERATOR: And when you are the recipient of the Virginia Cole Award you get to speak from the front mic sir. Thank you Mr. Koch, go right ahead. If anyone speaks in this mic, don't turn it off. Let's leave it on. Okay.

KOCH: My name is Albert Koch. You all know what it is by now because I've been picked on a half a dozen times. But I'm a resident of Osgood Street in Andover, West Andover. And I have been for almost 40 years. And in almost all that time, I knew and I worked with Harold Rafton particularly in the interest of AVIS. And I'm a life member of AVIS and with that experience I strongly urge you to vote in the affirmative for this Article, number 37. Please vote yes. And when you do thank you very much.

MODERATOR: Thank you, sir. [APPLAUSE]

[BREAK IN TAPE]

MODERATOR: Okay please be seated. Oh, no. If you've been counted please be seated.

PERRY: Section 1: 11; Section 2: 33; Section 3: 41; Section 4: 19; Section 5: 22; Section 6: 40; Section 7: 41; Section 8: 23; Hall: 23; Stage: 25.

MODERATOR: If you can all be seated, be seated before we take the no votes. All those opposed, please stand. Do you want to go through it with the sections, please.

PERRY: Section 1: 0; Section 2: 0; Section 3: 0; Section 4: 0; Section 5: 0; Section 6: 0; Section 7: 0; Section 8: 0; Hall: 0;

MODERATOR: I know you are anticipating, anxious to hear the results here. 278 having voted in the affirmative, zero having voted in the negative, the motion carries. Thank you very much. Article 38. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move the Town approve Article 38 as printed in the Warrant.

MODERATOR: Article 38 has been moved and seconded. Come right on up.

DRISCOLL: Alix Driscoll, 11 Forbes Lane, speaking for the Conservation Commission. This method is not as expensive as, to the applicant who has to send out notices to the abutters when one is planning on doing wetlands alterations, or alterations in jurisdictional area. So we want to give the Town an opportunity to give the homeowners a less expensive and less cumbersome way of sending out letters to the abutters. Are there any questions?

MODERATOR: Planning Board recommendation please.

SALAFIA: Planning Board recommends approval.

MODERATOR: This is only a majority vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 39. Mrs. Lyman.

LYMAN: Madam Moderator. I move that the town approve Article 39 as printed in the Warrant.

MODERATOR: Article 39 has been moved and seconded. Mr. Walsh are you speaking to it, or...?

LYMAN: I defer to Mr. Walsh.

MAHONEY: Good evening, my name is John Mahoney, of 10 Chapman Ave. Mike Walsh couldn't be here at this time.

MODERATOR: Sorry I called you, Mr. Walsh. But I do that a lot at this meeting apparently. Go right ahead.

MAHONEY: I'm with the Conservation Commission, I'm here to speak tonight on Article 39, which proposes a change in our Wetlands Protection By-law. Our wetlands by-law was approved by Town Meeting in 1999. And included provisions for, for the Conservation Commission to use outside consultants to perform a peer review for particularly large complex projects that are put before the Commission. This peer review allows the use of an outside consultant to verify information being provided to the Commission and to offer an independent opinion as to whether a proposed project complies with our wetlands regulations. For the past 10 years the Commission has been using this peer review for large and complex projects and the system has worked very well. In fact, it works so well that the State law has been revised to give all Conservation Commissions across the State the right to use an outside consultant for peer reviews. In effect the Massachusetts State Law has caught up to our By-law. So tonight we're asking the Town Meeting to update the portions of the By-law that deal with consultant fees for peer review to reflect State Law. And to eliminate the redundant clause in the By-law. The Conservation Commission respectfully asks for Town Meeting support of this change to our By-law and we're happy to answer any questions that you may have regarding this Article.

MODERATOR: Thank you. Selectmen's report please.

LYMAN: Board of Selectmen recommends approval.

MODERATOR: Planning Board report please.

SALAFIA: Planning Board recommends approval.

MODERATOR: Okay. Are there any questions regarding this? Hold on. Sir do you have a question about this Article?

UNIDENTIFIED SPEAKER: [INAUDIBLE] How is the, how is the peer review or the consultant chosen by the Conservation Commission?

MAHONEY: May I defer to the Director of the Conservation Commission?

DOUGLAS: Bob Douglass, Director of Conservation. All of the Massachusetts Law relating to hiring consultant, or hiring or spending monies spend on that, for example, most of the consultants are in the 500 to \$450,000 range and in that case its usually best management practice. Which consultant's best suited for the case and one that usually comes in as the lowest bidder.

UNIDENTIFIED SPEAKER: How about for consultants over that \$450,000?

DOUGLAS: I can't remember a case where we've had a consultant that's over the \$500,000 limit. But if there is, than that requires three bids.

MODERATOR: Okay. Mr. Pasquale.

PASQUALE: John Pasquale, 47B Whittier Street. Somewhere I read in the wetlands you can't build within 100 feet of the wetlands. I got this number 100 feet.

DOUGLAS: That's incorrect, Mr. Pasquale. Anything within 100 feet of wetlands is regulated, but as long as it conforms with State, Local and Federal Law construction is permitted within 100 feet of a wetland.

PASQUALE: Stick with the 100 feet. Because here it says, you don't have to go get anybody until its 250 feet. So that portion between the 100 and 250 does that mean you don't need a consultant?

DOUGLAS: Yeah, that actually, I believe in your...synopsis there refers to a distance of a delineation. For example if there is a wetland that is part of a property we require that lime to be marked as a delineation. One side of its upland one side of its wetland. So that's a linear thing, not a distance from a wetland.

MODERATOR: Thank you. Article 39 requires a majority vote. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. Article 40. Mr. Stabile.

STABILE: I move that \$126,000 is appropriated for purchasing Public Works vehicles; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$126,000 under G.L. c.44, §7(9) or any other enabling authority; and that the Board of Selectmen is authorized to take any actions necessary or convenient to carry out this project.

MODERATOR: Article 40 has been moved and seconded. Are you speaking to this Mr. Stabile? Go right ahead.

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

MODERATOR: Finance Committee, please. Mr. Merritt.

MERRITT: The Finance Committee also recommends approval.

MODERATOR: Are there any questions? Requires a two-thirds vote please. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries by more than a two-thirds vote and I would declare it as such unless someone objects. Thank you. I declare it as more than a two-thirds vote. Article 41. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that \$2,525,000 is appropriated for 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 or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,525,000 under G.L. c.44, §7(3A) or any other enabling authority; and that the Board of Selectmen is authorized to take any actions necessary or convenient to carry out this project.

MODERATOR: Article 41 has been moved and seconded.

MAJOR: The Board of Selectmen recommends approval of this Warrant Article. It contains eight different sub pieces. The first one is \$800,000 for the replacement of the Andover High School roof. The second \$250,000 for two steam boilers at Sanborn. The third \$200,000 for auditorium lighting and electrical upgrades at Sanborn. \$70,000 for school security system upgrades. \$50,000 to replace 760

smoke detectors. \$50,000 to resurface the Lovely Field track. \$50,000 for school energy conservation projects and then the big money \$975,000 to replaced the roof at Wood Hill and High Plain at those two schools. So you're probably asking yourself, we just built 'em so why are we replacing the roofs? Immediately upon construction we saw difficulties, or...poor craftsmanship in the roofs and we took actions against both the contractor as well as the manufacturer of the product. This roof is under warranty and it's currently in litigation. So we have this under litigation but it's absolutely critical that we replace this roof now, because of the leakages that are happening. So we are asking you to fund the replacement of the roofs. We have litigation for the costs of this and however long it's gonna take us to get that money back from the litigation process so that's why we have to replace those roofs in addition to these other projects.

MODERATOR: Mr. Howe, please. Finance Committee report.

O'DONOGHUE: The Finance Committee recommends approval of Article 41 as presented.

MODERATOR: Thank you. Are there any questions?

POKRESS: Bob Pokress, 3 Cherrywood Circle. Madam Moderator I'd like to move an amendment to this Article. But we're all very hopeful that we will be successful in the litigation that Selectmen Major has described to us. Presuming success in that litigation that \$975,000 has technically been a loan from the taxpayers of Andover to the Town. I would like to move to amend the Article so that we receive a rebate for the amount we get back from the party that we're litigating against assuming that we win that litigation.

MODERATOR: Okay. I'll have to take a look at the amendment. Are there any other questions? He needs to just make some changes to his amendment. Go ahead sir.

WILLIAMS: Gary Williams, 168 River Road.

MODERATOR: If you could talk as clearly as you can that would be helpful.

WILLIAMS: Sorry.

MODERATOR: That's okay.

WILLIAMS: As far as the borrowing of the two and a half million why does it take twenty years for repaying and I'm assuming that probably many of these replacements will not last that full twenty years, am I incorrect?

PIANTEDOSI: Joe Piantedosi, Director of Plant and Facilities. All of the roofs that we have been installing since then have twenty year warranties and will last twenty years. It is our hope since the manufacturer of this roof no longer makes this material that any replacement will, even if we have to pay a little more, will be a twenty year warrantied product.

WILLIAMS: Does that include the boilers as well?

PIANTEDOSI: It is our hope that boilers will last over twenty years.

WILLIAMS: Okay. Thank you.

MODERATOR: Yes, sir.

RIGBY: It's Greg Rigby, 131 Rattlesnake Hill Road. Just a brief question. The life of the roof is twenty years? I seem to recall that in the last twenty years we've replaced all or a portion of a part of the High School roof already. I do remember a project a couple, several Town Meetings ago where we did have money allocated for the High School roof, I believe. And is that being replaced again now. And if so what happened to the life expectancy of that.

PIANTEDOSI: The High School roof is a multi-phase project. So this is actually, I believe the third or fourth phase of replacing, this phase will complete it. And the roof that we are replacing on the High School is actually right above us and in the science wing which is now a little over fifteen years old. It was a fifteen year roof when it was installed. And again it will be replaced with the new energy efficient white PVC roof that we have all over Town that have twenty year warranties. They are the heavy gage PVC roofs that our experience with them so far is that the ones we have have lasted over twenty years.

RIGBY: Okay great thank you.

MODERATOR: Thank you Joe. Go ahead Mr. Pokress.

POKRESS: Madam Moderator, I move that Article 41 be amended to add at the end: if Andover is successful in its litigation regarding the roof repairs the amount paid in taxes paid by the tax payers will be rebated to the Town tax payers within 120 days of the receipt of the court award.

MODERATOR: There's been an amended made. You'll see it up on the board. Town Counsel has an opinion he would like to express.

URBELIS: Thank you, Madam Moderator. Madam Moderator my opinion this amendment is out of order for two reasons. One is any time we go to bond money especially \$2.5 million, bond counsel is, tend to be very particular types of folks and I am very concerned that this kind of an amendment would give bond counsel an awful amount of problems with allowing us to appropriate this \$2.5 million. But secondly, and I think even more compelling, what this amendment appears to try to do is appropriate money at a future Town Meeting and this Town Meeting cannot appropriate money from a future Town Meeting. We cannot tell a future Town Meeting as to what to do with regard to money that may come into the Town's coffers. So for those reasons I believe this amendment is out of order.

POKRESS: I'd like to respond. I think the attorney should be representing the taxpayers of this community rather than a faceless entity called the Town of Andover. We're being asked to approve paying on a loan that is intended to pay for repairs, a large portion of which we may get back to us as a result of success in this litigation. Otherwise you are asking us to vote on something where in effect you're appropriating approximately a million dollars in taxes from us from something you otherwise wouldn't need if you weren't suing that party in court right now. This is our money. If we are successful in the litigation we deserve to get it back.

MODERATOR: All right we have another comment on the amendment. The microphone please, Mr. Torrissi.

TORRISI: Yes. Thank you Madam Moderator. Anthony Torrissi, Finance Director. For those of you who were here last night you may remember there was a warrant article transferring

money from an account we call "insurance recovery." In effect if we do receive money from a settlement case that money would effect go into an account and it would stay there until you, Town Meeting, reappropriates the monies. That obviously cannot happen until we physically receive the money. It would not be used for any other purpose. It can't be used until you reappropriate the funds as you did last night.

POKRESS: But again, I'll reiterate. The only reason there is \$975,000 as part of this warrant is because the roof people, the installers and the folks that manufacturer it, were defective in their work. And had they not been defective in their work, you would be asking for about 60% of what is in this article. Again, I will reiterate this is our money. If we are successful in litigation we deserve to get back the money we in effect are lending the Town. Until this settlement, until this court case is resolved, hopefully in our favor. I would really like to see this amendment go forward for a vote. This is our money, we should have a say not only in if it gets spent right now but if it should be returned to us if we are successful in court.

MODERATOR: At this point we are speaking to the amendment. Is there any other...? Mr. Major.

BARBANTI: I just have a quick question. Charles Barbanti, 14 Blanchard Street. My question is almost a continuation. I'm wondering who's managing these projects. I mean, who's managing these projects. Taking responsibility for these.

MODERATOR: Can I ask you to put that on hold one second? Because we're talking about the amendment right now.

BARBANT: Sure.

MODERATOR: Thank you, sir.

MAJOR: Just to re-word, what Mr. Torrisi's comments were. This is the people's money. When we win that litigation and we get that award, that will be our money. That money will come back into our general fund. At that point in time we bring that money back to you and we decide what to do with it. Whether to let it flow into cash reserves. Whether to use that money for expenditures, but that money will come back in a future Town Meeting. So you folks will decide

what to do with it. We just...this amendment sounds great and I'd love to support it, I can't because of the mechanics behind it.

POKRESS: I'm sorry but I quite frankly do not buy the argument that we cannot make a certain portion of what we are providing to the Town-

MODERATOR: Mr. Pokress we are not, not discounting the amendment. People are just voicing their opinions to the amendment, which certainly they are very-

UNIDENTIFIED SPEAKER: Madam Moderator. Point of order.

MODERATOR: Who is talking to me?

UNIDENTIFIED SPEAKER: Point of order. The Town Counsel has advised us that the amendment is not order. And I believe it is up to the Moderator to rule on his advice. Could you tell us whether the amendment is in order? If it is not in order then we should not be debating it.

MODERATOR: I am, I have heard Town Counsel I appreciate what he's saying and I'm sure all of you've have too. I would like to take this to a vote of the people here at the meeting and let them make this decision. Are you speaking to this...?

CARBONE: Mary Carbone.

MODERATOR: Are you speaking for or against it?

CARBONE: I'm speaking, point of order.

MODERATOR: Go ahead.

CARBONE: Actually, I have a point of order here. We've settled the lawsuit for the public safety center. And I believe there was a \$4 million attached to that. And that was settled possibly last June. Don't quote me on that. I would like to know where is that money?

MODERATOR: Is that to this particular article, Mary?

CARBONE: Well, it's...well it is. It's a settlement of lawsuit that has to do with a Town building. So thank you.

MODERATOR: Do you have any comment here?

BROWN: Yes, Madam Moderator, David Brown 31 Glenwood Road. It would appear that the proponent of this amendment would like the Treasurer's Office to cut all of us taxpayers a check and mail them out once the settlement is received. That seems to me to be a rather redundant process and one that's going to involve an awful lot of effort in figuring out who gets how much. Whereas the process of returning the money to the taxpayers is clear, as selectmen Major pointed out, this money, once it comes back into the insurance settlement fund would be put to Town Meeting to vote. And one of the things that we will be able to do at a future Town Meeting, would be to vote to transfer the funds to free cash for the purpose of reducing the tax rate, which will in effect give our money back to us if that's what we want to do with it then. So I urge everyone to vote against this amendment because it will simply create a lot more work and complication even if it...[INAUDIBLE] [APPLAUSE]

MODERATOR: Thank you. Okay one more comment please than we'll vote on the amendment. Go right ahead sir.

KOWALSKI: Can you tell me if we're going-

MODERATOR: Can you identify yourself please.

KOWALSKI: Oh, I'm sorry. Dan Kowalski, 24 Enfield. Can you tell me if we were to say remove that \$975 for that one roof that's under litigation, can you tell me what it's gonna cost us to do that a year from now? Or how long that litigation is expected? You know if you expect that this litigation's gonna take a year and it could cause a potential \$20,000 worth of damage then that might help decide as to whether we should vote on the \$975 or whether someone should suggest that we remove the \$975 from this article and defer that one specific roof.

PIANTEDOSI: We can't wait another year on this. The failure rate of this roof has increased substantially. The problem that we're having with this roof is that during the winter months when the heavy wet snow is on it, that's when the failures occur. The failures are the result of the seams of this roof not being properly welded and in the cold weather with the snow that's when the failures occur. There is urgency to do this or we risk having to close the school because taking water into a school building could

potentially introduce mold which is why we've been following this so carefully and pursuing it so aggressively with them. So if there was a way we could delay it, we will, but there is a risk of doing that. And that's why this is, is on the warrant.

KOWALSKI: Any idea about how long that litigation might take?

URBELIS: Let me answer that Joe. If history is any guide here with regard to litigation of this magnitude assuming which every side does prevail with the appeal, my guess is that this case could go four or five years.

KOWALSKI: Thank you.

MODERATOR: Okay let's take a vote. We're voting now on the amendment. The amendment is before—could we put the amendment up. The amendment is there before you. All those in favor of this amendment please raise one hand. Thank you. All those opposed. Thank you. The motion is lost. We'll go back to the original Article 41. Any other discussion? It requires a two-thirds vote. All those in favor of the original Article 41 please raise one hand. Thank you. All those opposed. The ayes have it, the motion carries by far more than a two-thirds. Does anyone challenge that? Then I so declare it more than a two-thirds vote. Article 42. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that \$163,000 is appropriated for 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 or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$163,000 under G.L. c.44, §7(3A); and that the Board of Selectmen is authorized to take any actions necessary or convenient to carry out this project.

MODERATOR: Article 42 has been moved and seconded. Mr. Major.

MAJOR: The Board of Selectmen recommends approval of this Warrant Article. There are three sections of this. The first is \$50,000 to replace carpeting at Memorial Hall Library. \$35,000 to replace fire suppression systems in the

Town Office and the \$78,000 to replace the stove and build a new walk-in freezer at the Senior Center.

MODERATOR: Thank you. Finance Committee report please. Mrs. O'Donoghue.

O'DONOGHUE: Thank you. In addition to what Brian had to say I would just like to point out that the original amount requested of \$465,000 would also have funded the following: ADA upgrades to the Andover Youth Services building, the renovation of the third floor of the Town Offices, and additional renovations to the Senior Center including ceiling shades, new kitchen floor and sound partitions in the cafeteria, and the addition of a basic intercom system. The amount has been revised to \$163 and the Finance Committee recommends approval of Article 42 in the amount of \$163.

MODERATOR: Thank you. Any comments? 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 clearly by more than a two-thirds vote. Is there anyone who challenges that? I declare it to be in excess of a two-thirds vote. Thank you. Article 43. Mr. Yanowitz.

YANOWITZ: Madam Moderator, I move that the Town approve Article 43 as printed in the Warrant.

MODERATOR: Article 43 has been moved and seconded. Who's speaking to this?

VISPOLI: I think Jacki Byerley the Town's Planner.

BYERLEY: Article 43 is to discontinue a portion of Cassimere Street when the original street was constructed there was a turn-around and an extension was placed on it through the subdivision approval of the Planning Board. A portion of that turn-around area is to be discontinued and returned to the abutting property, which it currently views as today.

MODERATOR: Selectmen's report please.

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

MODERATOR: Planning Board report please.

YANOWITZ: Planning Board approves.

MODERATOR: Any questions? All those in favor—go right ahead. Go ahead.

KOWALSKI: Hello. Oh, okay. Dan Kowalski, Enfield Drive. I'm just curious, was this land originally taken from the abutters? And made into the public way and is it now just being given back to the abutters or, um...

BYERLEY: It was actually originally owned by the developer of the extension of Cassimere Street, but to properly clean up, and it is going to be the abutter that will be deeding the property over, but to properly make sure we clean up that we take the street correctly in the correct layout, with the bounds, we're putting it in as a Town Meeting Article to ensure that it is all done legally.

KOWALSKI: So, who actually owns the property now.

BYERLEY: Not the Town.

KOWALSKI: Not the Town. Okay.

MODERATOR: Okay all those in favor. It's a majority vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 44. Article 44. Mr. Yanowitz.

YANOWITZ: I move the Town approve Article 44 as printed in the Warrant.

MODERATOR: Article 44 has been moved and seconded. Jacki, you want to speak to this, too?

BYERLEY: This is actually a clean up item. The 1954 Town Meeting approved the original portion of Cassimere Street but the documents were never recorded so we need to actually take the road and record the documents properly to make this a proper public way.

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

LYMAN: Board of Selectmen recommend approval.

MODERATOR: This requires a two-thirds vote. Please use your other hand. All those in favor, please raise one hand. Ah,

it looks different. Thank you. Those opposed. Thank you. The ayes have it, the motion carries. I declare it to be more than a two-thirds vote. Is there any objection? Thank you. I declare it to be in excess of a two-thirds vote. Article 45. Mr. Yanowitz. You're a busy man tonight.

YANOWITZ: I move the Town approve Article 45 as printed in the Warrant.

MODERATOR: Article 45 has been moved and seconded. Jacki.

BYERLEY: This is the proper procedure for a street acceptance in Town. We have a subdivision street of Woodman Ridge, the extension Cassimere Street along with the original portion that are requesting to be accepted as public ways.

MODERATOR: Planning Board report please.

YANOWITZ: Planning Board recommends approval.

MODERATOR: Thank you. Mr. Stabile.

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

MODERATOR: All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 46. Mr. Linblad.

LINBLAD: I'm Tim Linblad from 10 Lincoln Street. I move that \$225,000 is appropriated for the extension of a sanitary sewer line, including costs incidental or related thereto, on Lincoln Street; that the Board of Selectmen are authorized to acquire any necessary easements by gift, purchase or eminent domain; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$225,000 under G.L. c.44, §7(1) or any other enabling authority; further, that the Board of Selectmen, acting in its capacity as Sewer Commissioners is authorized to assess sewer betterments to those property owners abutting the improvements to be made in accordance with this vote, based upon the Uniform Unit Method; and that the Board of Selectmen is authorized to take any actions necessary to carry out this project.

MODERATOR: Article 46 has been moved and seconded. Go ahead sir.

LINBLAD: There are eight homes on the southern end of Lincoln Street that do not, that are not currently hooked up to the sanitary sewer system in the Town of Andover. The houses on the north end were developed in the 1950's and sanitary sewer system was put in at that time. Houses on Cyr Circle were developed around 1960 and a sanitary sewer system was put in for that location. The eight houses at the end were built individually in the period from 1860's up till 1950. And so each of those has an individual septic system. I'm bringing this Article primarily for, as a health issue. Properly maintained sanitary, septic system has about an average lifespan of about 20 to 30 years. These systems will fail eventually and will need to be replaced. These eight houses sit on very small lots and we have currently have eight systems operating on a little more than three acres of land and the size and configurations of these lots will eventually require systems, in order to put in a new system, will require extensive work on the properties in order to put them in, so I am requesting that we be hooked up to the sanitary sewer system.

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

TEICHERT: Board of Selectmen recommends approval of this Article.

MODERATOR: Thank you. Finance Committee Mrs. Milne.

MILNE: The Finance Committee recommends approval.

MODERATOR: Are there any questions? 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. Does anyone challenge that declaration? Thank you very much. Article 47. Mr. Salafia.

SALFIA: I move that the Town approve Article 47 as printed in the warrant.

MODERATOR: Article 47 has been moved and seconded.

[GENERAL INAUDIBLE DISCUSSION]

Are we moving to amend this Article? Yes...we are moving to amend this Article. Let me find out who's making that amendment.

SALAFIA: I move that the Town vote to amend—

MODERATOR: If you could get closer to the mic, please, Mr. Salafia. Thank you.

SALAFIA: I move that the Town vote to amend Article 47 by deleting sections 5.2.14.2b and Section 5.2.3.4 of the Article.

MODERATOR: Article 47 has been amended. Go ahead. We will speak to the amendment.

SCHWARZ: My name is Lisa Schwarz and I'm representing the Design Review Board.

MODERATOR: Can you hear her?

SCHWARZ: Article 47—the Design Review Board has proposed some housekeeping items to the Sign By-law to address inconsistencies, ambiguities, and omissions that have come to light over the past year. The whole section 5.2 was re-written in 2009. And just to go over a couple of the changes. There's a section in "Application and Review" that's misleading because of a comma. That was corrected. The section on signs in the mixed-use district, omitted a height guideline. The next section in "Attached Signs" did not address attached signs displayed on attached awnings. And also lastly, in the current By-law awnings are referenced but there is no definition. So a definition was added. There were two sections that were deleted due to the public hearing process after the Warrant, after the Article was submitted to the Warrant. Thank you.

MODERATOR: So we are voting on the amendment. If the amendment is passed it will become the motion. This Article requires a two-thirds vote. However, the amendment only needs a majority vote. Okay. So we're voting on the amended motion as was read by Mr. Salafia. All those in favor of the amendment please raise one hand. Thank you so much. The ayes have it the amendment now becomes the main motion. Do you have any comments on the main motion further, Lisa?

SCHWARZ: Nope.

MODERATOR: Thank you. All those in favor of Article 47 as amended please raise one hand. Thank you. Those opposed. The ayes have it, the motions carried by more than a two-thirds majority. Does anyone challenge that? I would declare it as such. Thank you. Article

[TAPE BREAK]

--Mr. Salafia.

SALAFIA: I move the Town approve Article 48 as printed in the Warrant.

MODERATOR: Article 48 has been moved and seconded. Mrs. Schwarz.

SCHWARZ: Because the definition of awning was added in Article 47, Article 48 in the "General Business and Mixed-Use Districts" incorporate that definition.

MODERATOR: Mr. Vispoli.

VISPOLI: Yes, the Board of Selectmen recommends approval.

MODERATOR: Mr. Salafia, Planning Board report.

SALAFIA: The Planning Board recommends approval.

MODERATOR: Any questions or comments? All those in favor, it requires a two-thirds vote again, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. And I declare it to be more than a two-thirds vote. Does anyone challenge that? Thank you, I declare it to be such. Article 49. Mr. Salafia, please.

SALAFIA: I move that the Town approve Article 49 as printed in the Warrant.

MODERATOR: Article 49 has been moved and seconded. Mrs. Schwarz.

SCHWARZ: Article 49 also, because Article 47 passed incorporates the definition of awning and that the other changes into "limited service" "IG" "IA" "ID" and "office parks" districts. This is fun stuff, huh?

MODERATOR: Article 49. Board of Selectmen please. Mrs. Lyman

LYMAN: Board of Selectmen recommends approval.

MODERATOR: Planning Board, sir. Mr. Salafia.

SALAFIA: The Planning Board also recommends approval.

MODERATOR: Thank you. This requires also a two-thirds vote because it's a By-law change. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it, the motion carries by more than a two-thirds vote. Does anyone challenge that declaration? I declare it to be more than a two-thirds vote. Article 50. Mr. Stabile.

STABILE: Yes I move that Article 50 be withdrawn from the Warrant.

MODERATOR: Article 50 has been moved to be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion is withdrawn. Yes ma'am.

MULVEY: Madam Moderator? Nancy Mulvey, 104 High Plain Road. I would just like to ask how the work in the Town House lot is proceeding without an authorization of money from this meeting. Because the meters have already been removed and pay-and-display has been inserted already.

MODERATOR: Who has the answer to that?

Can you repeat the question please? He didn't quite hear it where he was sitting.

MULVEY: The question is that the work has already been proceeding. A number of meters have been removed and pay-and-display has been inserted and installed without a vote of the meeting.

PATULLO: The meters that were installed in the old Town House lot were approved at a previous Town Meeting. The plan for that lot is to have I believe it is 10 meters instead of just the three, the two that are there now. So the meters that were removed were replaced with two pay-and-display meters. They only service about 25 spaces. Unlike the other lot where we have only two machines that

service the entire lot. People have complained that they have to walk a great distance to use those meters, so we're making the meters so you only have to walk three spaces to use the meter. So it's a shorter distance and they are up and running but that was a previous approval of a previous Town Meeting. This Article is meant to continue that plan so that we would have new meters in that lot replacing the defective meters. However, we cannot appropriate money unless there is meters-money in the fund. And there is not enough money in the fund to make the appropriation to continue with the project.

MODERATOR: Does that answer your question? Thank you. Article 51. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that the Town vote to transfer the sum of \$75,000 from the Wood Memorial Trust Fund and appropriate the sum of \$75,000 for the purpose of continuing the fence and tree restoration project including costs incidental and related thereto, or take any other action related thereto.

MODERATOR: Article 51 has been moved and seconded. Mr. Major.

MAJOR: Yes, the Board of Selectmen recommends approval. If you've driven down Main Street and you've gone by the Wood Memorial Park you'll notice that along Route 28 that fence has been restored it's the granite and wood fence and it looks absolutely gorgeous. We're also started to replace the trees. That was phase one. This that we're appropriating the \$75,000 is phase two. And it'll replace the granite and wood fence along Lowell Street and finish the tree restoration project. And just to make sure there's no confusion, 100% of this money is coming from the Wood Memorial Trust Fund which was funded 100% from the generosity of William Wood many years ago. I'm sorry, his father, right? Oh, Cornelius Wood funded it for his father. Thank you.

MODERATOR: And the recommendation of the Board of Selectmen?

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Thank you. Finance Committee, Mrs. Kruse.

KRUSE: Finance Committee recommends approval.

MODERATOR: Yes, sir.

PASQUALE: John Pasquale, 47B Whittier Street. I'm gonna ask a request of Mr. Piantedosi. Here's this beautiful piece of property on one side, and when Mr. Pasquale on the opposite side there are all these benches that I swear they haven't been painted since Mr. Wood sat on 'em. I'm asking please, Joe, you did it up before, see what you can do, because we're gonna have a lot of visitors. There's papers on the ground there. We want to try to---

MODERATOR: I appreciate your comments, it's not within the context of the Article we're talking about.

PASQUALE: It is an historical thing.

MODERATOR: I absolutely--

PASQUALE: It's an embarrassment to the Town to have seats like it is over there. Thank you, Miss Moderator

MODERATOR: I understand it's not in the context of the Article, though. Thank you, John. Article 51 has been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 52. Mr. Teichert.

TEICHERT: Madam, Moderator. The next Article is the acquisition of 3 Blanchard Street. It says \$400,000, but before the meeting the Board of Selectmen recommend a new appropriated amount of \$375,000 so with that, I move--

MODERATOR: Can you repeat that amount? \$325,000?

TEICHERT: \$375,000.

MODERATOR: \$375,000. Thank you.

TEICHERT: So with that, I move that \$375,000 is appropriated for the acquisition, and for costs related to such acquisition, of the land with the buildings thereon and demolition of the buildings thereon at 3 Blanchard Street, containing 1.04 acres, more or less, as shown on Assessors Map 199, Parcel 7, and described in the deed recorded at Book 5471, Page 243 at the North Essex Registry

of Deeds and to authorize the Board of Selectmen to acquire such land with the buildings thereon, by gift, option, lease, purchase or eminent domain, upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$400,000—I'm sorry \$375,000—under G.L. c.44, §7(3) or any other enabling authority; and that the Board of Selectmen is authorized to take any actions necessary or convenient to carry out this project.

MODERATOR: Article 52 has been moved and seconded. Mr. Teichert are you speaking to this.

TEICHERT: Yes, this Article would authorize the Town to acquire as I said the property at 3 Blanchard Street and to pay for demolition and the costs associated of the existing buildings on the site. 3 Blanchard Street abuts the Town owned property at 15 Blanchard Street that was acquired following the approval at the April 24, 2007 Town Meeting. Now this property will enhance the design of the proposed play field project by providing more off-street parking and an improved entrance point and better screening to the abutting properties. And the Board of Selectmen recommends approval.

MODERATOR: Okay. Planning Board, please.

SALAFIA: The Planning Board recommends approval. From a planning perspective the Board based their recommendation on safety parking and buffering. However, the Board chose not to recommend on the amount of the property and that shall be left up to the Selectmen and Finance Committee.

MODERATOR: Thank you. Finance Committee report please.

O'DONOGHUE: Yes the Blanchard Field Site Development is currently underway as we know as a result of the Town's purchase of 15 Blanchard Street in 2007 at a cost of over \$2 million. The resulting debt service for 2011 is already \$175,350. The proposed acquisition of 3 Blanchard Street as outlined in Article 52, would result in the Town borrowing an additional \$375,000 for this project with a further debt obligation of \$37,000 for the first year. Given the current budgetary climate with all Departments competing for scarce resources, we look for compelling reasons to support projects that are discretionary. The advantage of acquiring

this site at 3 Blanchard Street is primarily one of improved access to the 15 Blanchard Street site. We are not adding any new fields. At a time when the budget necessitates laying off teachers and deferring maintenance projects we are critically aware of the importance of maintaining a careful balance between our core obligations and our discretionary projects. The Blanchard Fields that the Town currently owns will create four new fields and 160 parking spaces. A proposal the Town can be proud of. Article 52 would essentially enhance this project primarily to improve access with no additional fields and comes with a relatively high cost, an average of \$28,925 for each of the next 20 years. We feel this money can be better spent, can be spent more prudently given our current budgetary constraints. The Finance Committee therefore recommends disapproval of Article 52.

MODERATOR: Thank you. This gentleman right here.

WEBER: My name is Robert Weber from 9 Devonshire Place. I actually live very close to this piece of property so I am familiar with it. If you travel down Blanchard Road you'll notice that right at the point that this property is located there is a very sharp turn to the right. It's very heavily wooded, it's very thick, so it's actually a blind corner that you're going around. Because it's so dangerous I actually called the Town about 18 months ago to ask them to put a yellow line down the middle of the road. And I talked to the Highway Department and they said they were unable to do that because the road was too narrow. So because of that they were not able to put a yellow line down there so the Town recognizes that it's a very narrow road. We already own 15 Blanchard Street. This property is completely adjoining to that and is actually on the inside of the curve. So if we own both of those pieces of property the Town will be able to take out all of the vegetation, make a nice clear path that people could see and actually widen the road which would—the amount of kids that would be playing over the next few years, I think is a great idea. So, I'm completely in favor of this and I ask for your vote in support of this property this evening. Thank you.

MODERATOR: Thank you, sir.

PIANTEDOSI: Joe Piantedosi, Director of Plant and Facilities. We have planning a development of this over a year and have had three meetings with the abutters on the

property and when this property came up it was a perfect solution to issues that came up with the current development. What you see on the overhead is an aerial view of 15 Blanchard Street which is right here, that's the property we own. And this is Blanchard Street, right here. This is 3 Blanchard, right there. The next slide is the current development plan that we presented to the neighborhoods and it shows 3 Blanchard Street property there. You can see how adding this to this site strategically makes a lot of sense in the long run and it's an opportunity that will be lost. The current development is the four fields as you heard. Here is the access point, right here, which is on the curve. Something that the neighbors and the abutters had concerns with. We have tried to mitigate that. The other problem is, because of the tightness of the site the parking area is right in plain view of all the abutters. There's not a lot of chance, this is screening here. And the parking is 160 spaces with four fields that are gonna get a lot of use. These are slides of the property it's a 47,100 square foot piece of land. There is a historic house on the property in the 1800's and a couple of other buildings on it. That's the access to it. Blanchard Street is right behind that car. And this is the new plan and how it would look if we bought this property. And basically you can see the entrance comes in as you heard along the straight section of the road. And additionally we pick up another 70 spaces for parking which can almost mitigate any impact to the neighbors, something they were concerned about, because of the additional parking space. We also have a better chance of screening as you can see. The parking is set further back on the site as a result of this parking. The best part is the purchase price. The Loosigian family who offered this to the Town at \$345,000 had an appraisal done that they gave us a copy of. Last week I received our appraisal which came in at \$322,000. To the credit of Wayne Loosigain, who is seated here tonight, he said my Dad who has lived here with his father for 90 years, they have farmed this land, they also owned 15 Blanchard Street, love children, and would really like to see this land go, be dedicated for children's use. So he did agree to lower his price to \$322,000 so we could purchase this. The \$30,000 for demolition is an estimate, that's a maximum cost. If we're successful in selling the house, it'll be less than that. The \$3,000 is for site investigation, which is a normal procedure that we use whenever we buy property. The \$20,000 is an allowance in the event we have to do any hazard mitigation as we rip the

property down. So it is possible that the total price would come in as much as \$15 or \$20,000 lower. And whatever the price is that's what we'll bond, because we won't spend anything more than we have to. And again I just want to emphasize that this is a real opportunity that would be lost if we don't do it because if the Loosigian's sell this property. It'll get torn down a big house will go up and we'll never have an opportunity to have such a wonderful field. Thank you.

MODERATOR: Thank you, sir. We just did a pro, we'll do a con. Go right ahead.

RIGBY: Greg Rigby, 131 Rattlesnake Hill Road. You know it is an opportunity but the Town this year had a real tough budget battle and we took money that I'm sure the schools would have loved to have had. We've taken money that both the Chief and the Fire Chief could have used for vehicles. And those are things that are more necessary and now we're looking at something that's a nice-to-have and we're asking the taxpayers to penny up to do that. And I think that the Town needs to learn to begin to build free cash so that we can take advantage of these things in the future without having to go back in tough times and borrow the money. So, for that reason I would urge people to vote against this. Because it's not something that we have to do. This is a nice-do-have and I just don't see that it fits in the current budget constraints.

MODERATOR: Thank you, sir. Yes ma'am.

UNIDENTIFIED SPEAKER: Can I ask that, before I make my point, could the picture be put back up?

MODERATOR: I'm sorry?

UNIDENTIFIED SPEAKER: Could the picture be put back up before I make my point?

MODERATOR: That one?

UNIDENTIFIED SPEAKER: Yeah.

MODERATOR: Okay. Go right ahead.

UNIDENTIFIED SPEAKER: I thought I would be voting against this but I haven't driven past the property and I don't

live far from it. So I went and drove down around that curve. And I think that it's wrong to position this as an enhancement. And I'm a little concerned about how much emphasis is being placed on concerns for the neighbors and how it makes it nicer and we get more parking. Because for me the reason that I am going to vote in favor of this is purely because of the safety issue. I have kids that are going to use that field. And I expect I'm going to be driving in and out and I really do feel that there is a risk that there will be accidents. And there are going to be a lot of people running around, a lot of distractions. So I think that the work that we do to make this a safe site, considering the level of investment that we're making, is well worth it.

MODERATOR: Thank you. Anyone else? Go right ahead, sir.

VIEHMAN: Norm Viehman, 16 Martingale Lane. I appreciate the efforts of the Finance Committee. In fact everyone on the table. They are operating in the way that we have wanted them to operate for years. Frugality and "Yankee" come out of the same peapod. And we've done a few things in this Town. We've hear congratulatory honors tonight and we hear to over and over again on things that individuals have contributed to the Town and there's something we can all do. I've been paying taxes here for 51 years, if I live as long as my mother it will be for another 26. I've been out of work a couple times in my career. I've been fortunate, I've been frugal, and I've pulled through. I watch my four kids paying for toys that just blow my mind. I know they are typical, particularly of families in Andover, even though I don't think any of them would afford to live here. I think, I would like to see the Town change its mindset, particularly the Finance Committee. But they will follow you. And think in terms of where you put your buck. And there's a book out recently on American students [GAVEL] are loosing direction. I would just like to suggest we think in turns of putting our bucks toward the community and the future and taking advantage of current opportunities. Thank you.

MODERATOR: Thank you, sir. Yes, sir.

KOWALSKI: Dan Kowalski, Enfield Drive. Just a couple of quick questions. One, is it possible to re-design the entry, I couldn't see it, but is it possible to re-design the entry so the entrance is not on a curve? That's my

first question. And I noticed that you're allocating \$20,000 to potential hazard abatement. Is there a known underground oil tank, or known hazards on the property that will definitely require that abatement? And could that abatement impact the design or the proposed design of the new layout?

PIANTEDOSI: There is no known hazard on the property. The \$20,000 that you saw for hazard abatement allowance is because today with all the strict laws when you tear a building down, you have to remove any hazards that exist in the buildings such as asbestos, PCBs, things like that. It is only an allowance. I have personally toured the buildings myself and didn't see anything that looked like it would be a hazard but we as part of the demolition, even things like lead paint, have to be mitigated. So it's an allowance for that. My gut feeling is it might be as low as \$3 or \$5,000. But until we do a thorough inspection the allowance is up there. As I said, if we don't spend it, it won't be charged to the bonding. As far as changing the entrance, we have spend a tremendous amount of time working with Huntress Associates, who's a local landscape architect, trying to, and listening to the concerns of the abutters, and what you see in that first plan is the best we could do to make this work and retain all the parking that we have in the circulation of the plan. The addition of this land just makes it work that much better. So the answer is we've looked at a number of different options along, along the way on this and, and that was the best one to make everything work.

KOWALSKI: So is the current design, with the entry on the curve, I'll say to appease the abutters? Or is that the only entry point that could made into this property, which I could acknowledge, a different design could be less desirable to the abutters.

PIANTEDOSI: The slide that's up there is the current design without 3 Blanchard Street. And as you can see, this is the frontage that we have. So we're somewhat limited as to what we can do. What we did to mitigate that, is it's a one-way in, only. Initially it was a two-way, we changed that to a one-way only. But, obviously, you don't have the site lines when you're on a curve that you would if you were on a straightaway with the acquired property.

KOWALSKI: Okay, so this is really the only design that...

PIANTEDOSI: That we could come up with that made, that made sense to get the maximum amount of parking and the fields on the site.

KOWALSKI: Okay. Thank you.

MODERATOR: Okay. Let's have this woman right here. And this gentleman here, and then we'll vote. Thank you.

POWERS: Can you here me?

MODERATOR: I can hear you fine. Thank you.

POWERS: Hi, my name is Kathy Powers [INAUDIBLE] and I grew up in Andover. And actually have been gone for 20 years. Five years ago my family and I moved back to Andover and I have to tell you when I put my first grader and second grader into soccer I was appalled that it was at the old dump. When I saw this plan last, when it was approved, I thought, finally it's great. But I see a lot of older people here. I don't see a lot of younger people that can't speak for themselves. We go to the other towns for baseball. We go to North Reading, Lexington, Concord, Marblehead and I say why can't we have something like this in our Town. So, my point here is just to say it's about time, make it as good as you can. And I don't think you're wasting any money. And our kids deserve better. Thank you.

MODERATOR: Thank you, Kathy. Yes, sir. Mr. Robb.

ROBB: Don Robb, 36 York Street. So far at this Town Meeting we have cut the school budget, we have seen that we'll be firing 12 teachers, we have cut the Police budget, the Library budget, the Fire budget, every other budget in this Town, below what the managers of those Departments feel we need. Now we are saying we can ignore all that because we want a site, more parking, and create a safer environment at a playing field. Where are our priorities? It's decisions like this that have led us to where we are right now. We are deferring maintenance. We are doing it again for next year. We are going to pay the cost as long as we keep deciding that, well this is a good opportunity to do something that we don't need. We need too many other things. I urge defeat of this Article.

MODERATOR: Okay. Who's speaking.

O'DONOGHUE: Madam Moderator? I have one more comment please. I would just like to reiterate again that the Finance Committee's concern with this project is the cost and remind you that in 2007 when we bought the 15 Blanchard property we paid just over \$2 million for I believe 12 acres of property and we are now about to possibly pay \$375,000 for one acre. I would just like you to take that into consideration as you consider your vote.

MODERATOR: Okay are we ready to vote. This requires a two-thirds vote, please. All those in favor please raise one hand. Thank you. Those opposed. Oh, I'm so sorry to do this to you but we do need to take a standing count. If the counters could please get in place. All those in favor please rise.

PERRY: Your counter should be in front of you. After he points at you and clicks, then sit down so he can get to the next row.

Section 1: 5; Section 2: 12; Section 3: 17; Section 4: 17;
Section 5: 13; Section 6: 27; Section 7: 24; Section 8: 8;
Hall: 0; Stage: 12.

MODERATOR: All those opposed please rise.

PERRY: Again look for your counter in front, after you sit down so he can look to the next row.

Section 1: 6; Section 2: 21; Section 3: 20; Section 4: 4;
Section 5: 11; Section 6: 25; Section 7: 22; Section 8: 16;
Hall: 6; Stage: 12.

MODERATOR: 143 having voted in the negative. 135 having voted in the affirmative. The motion is lost. I would like you to indulge for a moment, due to a traffic issue beyond the School Committee's control, they were not able to award a recognition to one of their former members. So I'd like to invite Annie Gilbert up, please. Just for a moment of your time. Thank you.

GILBERT: Thank you, Madam Moderator. Is this on? Okay. On behalf of the Andover School Committee it's my great pleasure to recognize Debra Silberstein, who stepped down last month after six years of service on the Andover School Committee. Three of those years as chair. Throughout her

tenure, Deb has been a tireless advocate for the children of Andover and has inspired many people from across the community to become involved in our schools and in our Town. I'd like you all please to join me in thanking Deb as I present her with this plaque on behalf of the School Committee.

SILBERSTEIN: I just want to say thank you to Town Meeting. I really loved every minute of service in local government, every minute of it. I also wanna just say it really does take a village for everything we do and I wanna say there are a few people, not a lot Sheila, that really meant a lot to me, that have really been mentors, and every time I come to a Town Meeting and they're not here, so I just wanna let you know that, Jim Doherty had tremendous influence on me, Jerry Silverman, and Charlie Wesson were always there to answer questions. And Mary French was also very inspirational. So I did wanna just make note of that. Thank you very much.

MODERATOR: Thank you, Debbie. Now if you would indulge me for one moment of personal privilege, and I do this at the risk of great personal demise. I realize. But we have amongst us someone who has been so instrumental to this Town Meeting. We all come and we show up, including the Board of Selectmen, the Planning Board, the Finance Committee, the School Committee, the counters, everybody. We show up. And we sit down and you sit down and everything's done. And Randy Hanson has been for the past 22 years the Town Clerk who has made all of this happen. When I know who to speak to, who's going to speak, it's because I have got a script before me that Randy has taken the time to prepare so that this meeting can go as smoothly as an open Town Meeting possibly can go. I can't tell you the hours and the issues—when I heard that she was going to retire in March, this would be April, in March I was stricken with fear. Because of all that she does. She is probably ready to kill me right now. But there's something on behalf of all of you that I want to make sure she has...[SHOWS FOLDING CHAIR]. These chairs that you all sit in, hours on end, Randy orders. And I want her to know, next Town Meeting she will be out there in one of these with the same level of discomfort that you have all experienced all these years. [APPLAUSE] We cannot thank her enough. Thank you very much. And I know Randy would be the first to tell you, but for her team and her team is wonderful, this would not be happening. So thank you for

that indulgence. Thank you, Deb, for your service. And let us move on with Article 55. Thank you. Are we at 55? Like I said Article 53. Mr. Vispoli. I wasn't looking at my script. Mr. Vispoli.

VISPOLI: Madam Moderator, can I make a motion that the Article 53 be withdrawn.

MODERATOR: Motion's been made and seconded that Article 53 be withdrawn from the Warrant. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion is withdrawn. Article 54. Mrs. Lyman.

LYMAN: I believe this should be moved by Mr. Salafia.

MODERATOR: I'm so sorry. Mr. Salafia.

SALAFIA: I move that the Town, I'm sorry, I move that the Town approve—

MODERATOR: I just told you about the script that's so wonderful, didn't I go ahead. I'm sorry could you do it again Paul. I interrupted you.

SALAFIA: I move that the Town approve Article 54 as printed in the Warrant.

MODERATOR: Article 54 has been moved and seconded. Who's speaking to this, Mary?

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

MODERATOR: Planning Board, your recommendation.

SALAFIA: Planning Board recommends approval.

MODERATOR: Any questions? Everybody all right? All those in favor please raise one hand. It requires a two-thirds vote. Thank you. Those opposed. Thank you. The ayes have it. I declare it a two-thirds vote unless anyone objects to that declaration. Thank you very much. I so declare it. Article 55. Mr. Cooper. Mr. Cooper did talk with me earlier about extending his five minute time just a slight bit, so I will give him that courtesy.

COOPER: I'm Don Cooper, I live at 4 Eagle Way and I'm a member of the Conservation Commission. I move that \$480,000 is appropriated for the acquisition of land near Fosters Pond as shown on Assessors Map 123, parcels 26 and 27, for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, and for expenses incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$480,000 under G.L. c.44, §7(3) or any other enabling authority; and that the Board of Selectmen is authorized to take any actions necessary or convenient to carry out this project.

MODERATOR: Article 55 has been moved and seconded. Go ahead, Mr. Cooper.

COOPER: The Conservation Commission is seeking permission to purchase 5.29 acres of land on Foster's Pond. The owner of this property is Ed Delourey. If I could have slide one. This is a close up of the land, but I want to go right to slide two, I think it's easier. This is actually slide three. Slide two is the second slide that you see up there. Yes. That gives a better perspective. The first thing I want to do is orient the land to you and I have Bob Douglas on the laser pointer. It's shown as parcels 30 and 32 on the PowerPoint above. The blue in the center of the picture is Foster's Pond and both lots 30 and 32 abut 1 Willard Circle. The land that we're interested in abuts on Foster's Pond itself. It has a marvelous lake front that would be ideal for a canoe launch and a picnic area. The purple land is Conservation Commission land, which was bought from Ed Delourey in 1997. And that's a 42 acre parcel. You'll notice that the Conservation Commission land which we presently own is landlocked. It does not have access to Willard Circle and since 125 is a limited access highway there is no access along 125 to our property. In turn the Conservation Commission property abuts the 170 acre Goldsmith Woodlands. The yellow property labeled FPA is owned by the Foster's Pond Improvement Association. And I'm gonna talk more about that in just a moment. As you can see from this layout, lots 30 and 32 in red are strategically located. Not only are they important open space in their own right they will also provide the Town with something that we've been lacking and that is practical access to the land that we bought in 1997. You may not know the Goldsmith Reservation does not allow canoe or kayak launches into Foster's Pond so the acquisition of this property would

open up the pond for this kind of public use. The Conservation Commission has negotiated a deal with Ed Delourey to purchase this property for \$467,000. And let me tell you how we got there. I've been negotiating with Mr. Delourey for over two years. Two years ago the property was on the market for \$800,000. You might remember at last year's Town Meeting we had a Warrant Article to purchase this property but we said ahead of time that we weren't going to bring to a Town Meeting vote unless we had a price that we thought represented a really good value for the Town. Last year at that Town Meeting I had a price from Mr. Delourey of \$600,000 and we didn't think that that was a good enough deal to present to Town Meeting. So you might recall that I did withdraw the Article.

[BREAK IN TAPE]

--the \$467,000 price was established is that it's the same price per acre as AVIS bought the Cavalero property at South Main Street and Gould Street within the past year or so. That property sold for \$88,235 per acre and this price I have with Mr. Delourey is the 9.-excuse me-5.29 acres times the Cavalero per acre price. In other words \$467,000. I'm happy to report that the people in the Foster's Pond neighborhood are very much in favor of this purchase. John Luginis the President of the Foster's Pond Improvement Association is going to speak tonight to tell you their position. In fact they are so much in favor of this Article that they will donate their land, the yellow property on the map, which is eight acres, to a conservation organization either AVIS, the Foster's Pond Corporation, or the Conservation Commission, to be permanently preserved as open space with public access. The Association has voted to do this only if the Town buys parcels 30 and 32 as additional incentives to the Town to make this purchase. What it does for the Town is it lowers our effective price per acre for this very attractive and usable property down to \$35,000 per acre. If I could have slide three. This is a little bit hard to see. But this land is developable. Mr. Delourey, this is his plan, it's a development plan that shows three house lots could be created. We have it on good authority from due diligence that we've done that with some legal work and improvements to Willard Circle the property is buildable for at least two house lots. We have an appraisal which we received yesterday which also concludes that the land is developable with a bit of work and places the market value of these lots at \$650,000. So the price

that we have with Mr. Delourey is a good deal this time. It's a product of the depressed real estate market and it's not likely to stay available at this price in the future. Lakefront property in Andover is extremely desirable and valuable. Our experience with the Shawsheen River frontage we bought as part of the Reichold purchase five years ago has shown that there is a tremendous public demand for waterfront property to enjoy and use. The final thing I need to tell you tonight, is that we have identified a Massachusetts self help grant that may reimburse us for part of the purchase price of this property. Self help grants are retroactive. That means, what that means, is the Town has to appropriate and purchase the property then the self help grant if we get it, reimburses the Town for 50% of the purchase price. We've been informed by the State that it's Andover turn for self help grants. We've been informed by the State that this is an eligible and very attractive property and that the money is there. So we're very optimistic. There's no guarantee. But if we get the grant help it would make for even a better deal, but it's a good deal in its own right, and the Town vote tonight cannot be contingent on a grant. I'm going to ask that the next slides be shown as sort of a slide show. I don't have time left to describe them. The first one is of campers last weekend on the Shawsheen River property that I just mentioned. There were over 60 of them. And the rest are of the property that we want to buy. For all of these reasons the Conservation Commission urges you to support this Article. Thank you.

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

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Planning Board. Mr. Chiozzi. Down at the end here of this table. I think it's on now Vinny.

CHIOZZI: The Planning Board recommends approval of Article 55. The Board feels that the two parcels are an appropriate acquisition from a planning standpoint, but we'll leave the values up to the Board of Selectmen and the Finance Committee.

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

HOWE: The Finance Committee met with several members of the Conservation Commission and we are persuaded that this purchase is a sound long-term investment for the Town. The property in question will provide important access to Foster's Pond for recreational and other purposes and to other protected conservation property in the area. In addition, as Mr. Cooper mentioned there is an excellent chance of securing State self help funding to help offset the cost of the purchase. This is a good deal and the Finance Committee recommends approval.

MODERATOR: Thank you. Yes, sir. If you could identify yourself.

LUGIS: John Lugin, 2 White Oak Drive. I am the President of the Foster's Pond Improvement Association. We're a very small neighborhood group. Most of our members live on Willard Circle. The Association also owns eight acres of undeveloped land in Andover/Wilmington that abuts the five acres described by Article 55. Our Association overwhelmingly supports Article 55. This is a rare and perhaps the last opportunity for the Town to acquire and preserve undeveloped waterfront property on Foster's Pond. We regard this decision as so pivotal that our membership has voted, in the event that this Town Meeting votes in the affirmative, to donate substantially all of our land to an established conservation organization to be perpetually preserved as open space with public access. Let me say again that this would be a donation with no cost to Andover or anyone else of eight acres of open space next to the five acres in Article 55. For the sake of current residents and future generations we urge you to look favorably on this Article and vote yes. Thank you.

MODERATOR: Thank you, sir. Okay are we all set..yes.

STOTT: Susan Stott, 30 Pasho Street. I'm speaking as an AVIS Trustee. One of my responsibilities is land acquisition for AVIS. As Don mentioned the price per acre is equivalent to the price that AVIS paid for the Cavalero acquisition to expand the Pegicac reservation along Gould Road about a year and a half ago. Similar to this proposed acquisition AVIS has made expansion and protection of existing reservations its highest land acquisition priority in the last ten years. AVIS largest reservation, the Harold Raton reservation is 226 acres. The combined 170 acres Goldsmith Woodlands and the 40 acre plus conservation is

one of the largest protected areas in Andover and of course it has Foster's Pond along with that. It's been mentioned that these two parcels provide public access and parking from the southwest of Foster's Pond. Without this acquisition the only public access to the existing Town conservation land, which has frontage on Foster's Pond, as well as a wonderful ridge line from which you can look out across the pond, is through the Goldsmith Woodlands from the parking on South Main Street. In addition to the public access you've heard that these parcels also have frontage on Foster's Pond. It has been said that the only way to protect land in the long run is to own it. On behalf of all the AVIS Trustees I urge to you to vote in favor of this Article.

MODERATOR: Thank you. Yes, sir.

GIBSON: Bill Gibson, 135 Argilla Road. As has been said tonight we're spending a lot of money on unnecessary projects or unnecessary acquisitions in a critical time. To allow some people to picnic, easy access for kayaking, and to put that ahead of 12 teachers, cramming 35 students into a classroom is, I believe, borderline immoral. I wish I brought my slide showing the children being crammed into the classrooms throughout our school, because that is what is going to happen. We rejected the last Article and I encourage us to so on this one. Maybe it's a great acquisition, but now is not the time when we're going to be laying off teachers and reducing our educational expenditures. So I urge you to vote no on this Article. Thank you.

MODERATOR: Thank you. Yes, Ma'am.

WHEELER: Francis Wheeler, 4 Hillcrest Road. I am lucky enough to paddle on Foster's Pond and around this property only because I have a friend who generously lets me use his dock. This is an incredible opportunity. I know this property probably as well as anyone in Andover. And it's a terrific opportunity to get this and once its turned into a housing lot we'll never get it back.

MODERATOR: Thank you. Go ahead.

KOWALSKI: Dan Kowalski, Enfield Drive. What's the assessed value of these two properties?

MODERATOR: Don hold on your mics not on. Go ahead now.

COOPER: The assessed value is a total of \$111,000. That's the current Andover assessment, but I would point out that the appraisal that we just got is \$650,000 market value.

MODERATOR: Yes, ma'am.

CHEELEY: My name is Willow Cheeley, Burnham Road. And I wanted to admit tonight that I actually did not grow up in Town. It took us three and a half years to find a house. And one of the reasons that we choose Andover was the wonderful community and the conservation land. I'd urge you to vote for this because it really gives the Town multi-dimensions and attracts a lot of people here to this Town to the tax base and to the continuation of this wonderful community. Thank you.

MODERATOR: In spite of the vote, which ever way it goes, welcome to our Town. Okay. This requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. Oh, the ayes clearly have it. Is there anyone who challenges - wait, wait, wait - is there one challenges my declaration of a two-thirds vote? Then I declare it to be more than a two-thirds vote. Motion carries. I want to thank all of you for your participation. We have one more Article. Please hang in there with us. Anyone who is offended by my not using their proper name or by any other action on my part, I am very sorry. But I certainly do appreciate your courtesy to each other and to me. Thank you very, very much. Article 56, Mr. Major, please.

MAJOR: Just quickly a point of information. Thank you Madam Moderator for an awesome Town Meeting. [APPLAUSE] Madam Moderator I move that the Town approve Article 56 as printed in the Warrant.

MODERATOR: Article, Article 56 has been moved and seconded. I almost made it. Mr. Major.

MAJOR: The Board of Selectmen recommends approval of this Article. This is basically just a wording change to reduce the confusion within Section 2-7.2.2.2.

MODERATOR: Planning Board report.

SALAFIA: Yes. Madam Moderator the Planning Board recommends approval. I don't need to add anything to the Selectmen, their recommendation was correct. It's basically just confusion in the wording. We're trying to correct that.

MODERATOR: Yes, sir. Do you have a question about the Article?

ANSON: Yes, Madam Moderator.

MODERATOR: Go right ahead, sir. If you could identify yourself.

ANSON: Yes. Ed Anson. 18 Riverina Road. I've seen this listed as being discussed as clarification of the existing By-law. But as I read it here it is a major change in the authority of the Planning Board. If you look closely at this it seems that it removes the authority of the Planning Board to require a reduction in density and adds their authority to allow an increase in density. Could somebody clarify this for me? Why is this being considered as a simply a clarification with such a major change in meaning?

SALAFIA: Actually this came up not to long ago. It was interpreted actually both those ways. So we felt as though we would change the wording to make it much more clear. It can be interpreted either way.

ANSON: Yeah, I interpret it as being clear as allowing a reduction of density and being changed to allow an increase of density.

SALAFIA: Take it from us. It came before us. The wording was confusing, has been confusing, to several applicants in the past. So we took it upon ourselves to try to make it, to make the wording, the intent of the By-law to make sure the wording matched the intent.

ANSON: Well, if the new wording is the intent, I'm against it then.

MODERATOR: I'm sorry, your last comment...the new wording is what?

ANSON: I'm simply saying if the new wording is the intent, then I guess I'm opposed to this Article.

SALAFIA: But it wasn't to make the wording, to make it more...more dense to clarify that we have the discretion to do so.

MODERATOR: Okay, this requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it. The motion carries by more than a two-thirds vote. Does anyone want to question that? I would declare it then as more than a two-thirds vote. Mr. Urbelis.

URBELIS: Madam Moderator I move to dissolve this Town Meeting.

MODERATOR: All those in favor of dissolving this Town Meeting please signify by saying yes. Those opposed. Thank you all very, very much.

[END]