

2011 Annual Town Meeting

Wednesday, April 27, 2011

[Singing of "America"]

MODERATOR: Thank you very much to the members of the American Legion Post 8. And you've already given her a round of applause but thank you very much, Meghan that was absolutely beautiful. One of our own singing one of our own. Thank you so very much. Meghan Burke. It is my distinct privilege now if you could remain standing to introduce to you Reverend Jeffrey Gill from the Christ Church.

GILL: Let us pray. Almighty God from whom comes every good and perfect gift and in whom we live and move and have our being we give you thanks for this Town of Andover and for this Town Meeting in which we share in this unique and wonderful opportunity to be engaged in decisions that affect our common life in this community. As we daily see and hear from around the world the cry of people for a voice in their government help us never to take for granted the right to participate in this form of self-government that we enjoy, or to ignore the responsibilities of our democratic processes. Be with all those who hold offices in the Town of Andover, our Selectmen, our Town Manager, the Boards, Committees and staff. Be with our schools and all who teach and learn or serve in any way in them. Be with all our public safety officials and staff as they serve the interests and needs in our community. And with all those who serve in any way to make this town the place we aspire for it to be. And most of all, be with all the citizens of this Town that we may each do our part to contribute to the health and well-being of our beloved community. Give all who take counsel here tonight during this Town Meeting the spirit of wisdom, charity, and justice that we may faithfully serve the interests and needs of all people. Break down barriers that divide us and work in a spirit of unity toward that place of goodness truth and love, which is the heritage of all your people. We ask all this so that in all our earthly affairs we might reflect your eternal and heavenly glory. Amen.

MODERATOR: And if I could ask you to please now, just have a moment of silence for those members of our community who were here with us last year if you could remember in particular, the father-in-law of our Town Manager, Buzz Stapczynski's

father-in-law, passed away this past week and the mother of Town Counsel Tom Urbelis who recently passed away also. Thank you. If you'd be seated please.

Those of you who are just coming in there are plenty of seats over here on my left, your right, and there are a number of seats over here on my right, your left. Mr. Urbelis the admission of non-voters please.

URBELIS: Madam Moderator I move to admit Larry Murphy, Marinel McGrath, Joe Piantedosi, and others who may enter hereafter some of whom may be speaking.

MODERATOR: All those in favor of admitting non-voters to our meeting please raise one hand. Thank you. Those opposed. Thank you the eyes have it. Please admit the non-voter to the non-voter section. I'd ask you please if you would to please turn off all cell phones. We would ask you not to eat or drink other than water in the field house. And for those of you who are unfamiliar the rest rooms are down there in the back. Mr. Urbelis waiver of service please.

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

MODERATOR: All those in favor of returning to the Warrant, referring to the Warrant Articles by number please raise one hand. Thank you. Those opposed. The ayes have it. There are a number of voting sections. We have blocked off, because we didn't know how many people were coming, the very back sections. But the voting sections are 1, 2, 3, 4, behind section 1 is 5, 6, 7, 8 and then 9 through 15, if we need them, are in the back. I'd like to introduce to you the members of the stage. We have two members who are on the stage, actually we have several, we have two members of the Town employment, key figures, one to my left, Larry Murphy who is our new Town Clerk. We'd like to welcome him. To his left it Town Counsel, Tom Urbelis and to his left, your right is the Finance Committee. And we also have Dr. Marinel McGrath, the Superintendent of Schools, and we certainly want to wish her a warm welcome to our annual Town Meeting. And down to my right, your left, is the School Committee, the Board of Selectmen, the Town Manager and the Director of Finance. Over to my left, your right, is the Ombudsman, Attorney Christopher Verountas. If you have any questions or you want to amend an article he has the triplicate forms, the three-part forms, he will certainly help you with the wording and if you also need...do you have hearing assistance devices there? No. Okay. Don't go to him for that. I'd like to say

something about the tone of our Meeting as I have in the past. Andover has historically been a meeting of civility and respect and I would ask that we continue that. That I will not allow any member of the voting public to make innuendoes or character assassination to any Board members or any elected officials or any employees of the Town. If you wish to disagree with a member of the Boards or, or officials you are perfectly free to do so but I will insist that you do so respectfully. I will do everything I can to be sure each voter is treated with respect and that your questions are answered when you have them. If you want to take a look at the back cover, the back inside cover, of the Finance Committee report you will see that there are rules and regulations that may be helpful for you if this your first meeting. When we take a vote you must be at a seat. You cannot be in the back or in the aisles when we take a vote. You must have a sticker on to verify that you are a voter. Counters if you would please make sure that anybody you are counting does have a sticker on. We do have pro and con mics. The pro mic is over here; the con mic. if you're getting up to speak to an article and you are for it, please go over there to the—is that the pro mic over there? I'm sorry, the pro mic is over here and the con mic is over here. So if you're going to speak to, for an article, go to the pro mic. If would like to speak against it, if you could go to the con mic. If you are making a presentation if you would do so here in the middle microphone. And if you have a question or a point of order if you would use microphone three. I think if we could try to direct that and be consistent with that would mean a much more orderly meeting. I will accept a motion to move a question from anywhere in the hall but it must be seconded and you must be recognized. I would ask this of you though, if you are going to move, if you're going to get up and ask us to move the question, I would ask you if you could please wait until the person who is speaking has finished and not do so in the middle of someone speaking. So in between speakers if you want to move the question. I'm absolutely open to it. I do want to make sure we're fair and we've at least heard both sides of the, of the issue at least at some length before we move the question. All questions and comments must be directed to the moderator. I will make sure you get the answers or the person who should be answering that question speaks to it. If you want to amend an article and the article has been moved and you wish to amend it we will first look at the article, I mean the amendment, the amendment will be placed up here after you give us a copy of it...we will first vote on the amendment. If the amendment passes that becomes the article. If the amendment fails we go back to the original article. Is that, does that make sense to everybody? The budget numbers that will be moved are not

necessarily the numbers that you have in the Finance Committee report. So if you take a look up here you will see the numbers as they're being moved and these are the numbers that we will vote on. The same with some articles. There are some articles that may have had minor changes in their language so it may be different, what's being read to you may be different than what we're actually moving. If that's the case the person, what the person is reading is the motion. As has been a recent, well not so recent any longer, but a history of Andover, we have put time limits on our speakers and we've done that at each meeting. So I would like to make a motion this evening that for this Town Meeting that we impose a time limit of five minutes for presenters of an article and three minutes for the speakers from the audience. The Moderator will let the speaker know when they have 30 seconds left of their time. These limits can be extended at the discretion of the moderator. Can I have a show of hands please if that's something you're interested in doing again this year? All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it. Thank you very much.

First of all before we start how many of you are brand new to a Town Meeting in Andover? Great, thank you. Welcome. We're happy to have you here. I would like to make a statement to you that just at the outset I found out this morning that there are a number of articles—are you getting a lot of feedback with my voice? I'm getting all kinds of feedback with my voice. Can you not hear me? Can you hear me over here? And you can't? I'll talk to you people then. No...[laughs] Can we kind of check this out, whoever's doing the sound? Maybe if we can move this speaker around over here? But there are a number of articles that are being withdrawn tonight. It is conceivable, as I look at the Warrant, it is conceivable that we could finish tonight if the Meeting would want to extend the time. So as we go forward I'm gonna check with you at ten o'clock, we'll see how much time we have, or how many more articles that we have, and if it's something that you're interested in pursuing, or not coming back tomorrow night, we will plug through and do that. So I'll just tell you, it's conceivable, I'm not saying, I always think some things are gonna go easily then we get hung up for 45 minutes on something and then that's not the case but it's conceivable that we could finish tonight. All right let's go. Article 1, Mr. Murphy.

MURPHY: Thank you, Madam Moderator. The Annual Town Election was held on Tuesday, March 22nd 2011. There were five races on the ballot. For a one year term as Moderator, Sheila M. Doherty received 1,539 votes and she was declared the winner

and was sworn to office. There was also a three year term for the Board of Selectmen, Mary Kelvie Lyman received 1,455 votes. She was also declared the winner and duly sworn to office. There was a two year term on the Board of Selectmen also on the ballot. You may recall Selectmen Jerry Stabile resigned from office last year and this two year term was to fill his, the balance of his term of office and there were three candidates for that race: Larry Bruce received 260 votes; Daniel H. Kowalski received 711 votes; and Paul J. Salafia received 935 votes. Mr. Salafia was declared the winner and was likewise duly sworn to office. There was a three year term on the School Committee. Dennis Forgue received 1,035 votes and Donald H. Gottfried received 912 votes. Mr. Forgue was declared the winner and sworn to office. And for a five year term on the Housing Authority, Daniel T. Grams received 1,461 votes. The total ballots cast was 2,019 which represented a 9.7% turnout of registered active voters of the Town of Andover.

MODERATOR: Thank you. Article 2, Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. I move Article 2 with Richard J. Bowen, 12 Bannister Road, be elected Trustee of the Cornell Fund for three years.

MODERATOR: Article 2 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 3, Mr. Major.

MAJOR: Ms. Moderator I move that the Town Moderator receive a salary of \$250 for each Annual Town Meeting and \$60 for each Special Town Meeting except when it falls within the Annual Town Meeting.

MURPHY: And I'll ask for the vote count on this. All those in favor—did we have a second, I'm sorry? Seconded. The motion's been made and seconded. All those in favor please raise your hands. All those opposed please raise your hands. The ayes have it.

MODERATOR: Thank you very much. Mr. Major on...are you moving the—oh, I move the next one sorry.

MAJOR: You're gonna do that one.

MODERATOR: I move that the following annual salaries be paid to our elected officials, for the Selectmen, that the Chairman receive \$1,800 and the members receive \$1,500, for

the School Committee, the chairman receive \$1,800 and the members receive \$1,500. Finance Committee report please.

RIGBY: Having worked with this group of officials and the Townspeople who have worked on the committees I can ensure you these rates are a bargain. I want to personally thank them for the personal time they've taken away from their families as a sacrifice to the Town. The Finance Committee recommends approval.

MODERATOR: Okay. Any discussion on that please? All those in favor please raise one hand. All those opposed. The ayes have it the motion carries. Article 4 is our budget and as most of you know, if you don't let me explain this—is the sound better over here? Okay good. The purpose of the Finance Committee, the sole purpose of the Finance Committee is to advise this Town Meeting, which is why the Moderator is the one who appoints the Finance Committee—I don't run it, I don't direct it, I don't tell them what to do and what not to do. But the Finance Committee's job is to make recommendations so in that light, the Chairman of the Finance Committee will give an overall report of the budget this evening and each of the Selectmen, the Selectmen and the elected officials at the appropriate time will give theirs. So Mrs. Marden please.

MARDEN: Thank you. I am very pleased to report to you this evening that the Board of Selectmen, the School Committee and the Finance Committee have all voted to recommend approval of the Fiscal 2012 budget as presented in Articles 4 and 5. Andover voters and taxpayers expect the three boards to work together with Town and School administrators to bring a fiscally responsible balanced budget to Town Meeting; a balanced budget that meets the needs of our community and gets the most in services from each available tax dollar. In February when the Town Manager released his budget, showing a \$5 million deficit he called the boards to work together to bring a balanced budget to Town Meeting with his theme, "We are all in it together." Improved communications, a renewed spirit of cooperation and a strong to commitment to working out any differences, brought us to where we are today. By the time the Finance Committee report went to the printer the deficit had been whittled down from \$5 million to approximately \$941,000. Revenue and expenditure estimates had been refined to better, as better information came available. We had agreed to level fund Article 5, pay-as-you-go funding for capital projects. Departmental Budgets have been reviewed in exhausting detail. A quick summary like this makes it all

sound so easy but the recommended budget is in reality the product of way too many meetings, lots of hard work, and some very difficult compromises. When the Finance Committee report went to the printer we thought we would be publishing an update when the three Boards agreed to a single budget. Amazingly that was not necessary. There are only two changes in the fiscal 2000 budget shown on pages 26 and 27 in the Finance Committee report, Sewer/ Other Expenses will be moved at a lower number. Andover's actual Greater Lawrence Sanitary District assessment is less than originally estimated. The School budget total remains the same, but the motion on the School budget will include specific dollar amounts for Personal Services and Other Expenses. The School Committee will be presenting its budget before you vote on those line items. So what happened to the \$941,000 deficit? What's important for you to understand that the budget balancing plan does not require any further reductions in the School budget. The State's circuit breaker program reimburses school districts for certain special education expenditures. This money goes directly to the School department and does not require appropriation by Town Meeting. It's not factored into the setting of the property tax rate. It does pay for mandated special education expenditures that would otherwise have to be part of the School budget. But when the School budget was originally submitted a circuit breaker reimbursement rate of 40% of eligible costs was incorporated. While other state aid and assessment estimates used in budget preparation were based on the Governor's budget, the circuit breaker was funded at the fiscal 2011 level, a conservative approach. When the House Ways and Means budget was released two weeks ago and included circuit breaker funding at the same 62% reimbursement rate as the Governor's budget it is expected that the Senate will follow suit and may even do a bit better. So the three Boards agreed to increase our circuit breaker estimate by the \$941,322 needed to cover the deficit. Now we have knowledge that there is some risk in budgeting that level of reimbursement, but the Board of Selectmen, the School Committee and the Finance Committee are committed to regularly monitoring revenues and expenditures and working together to address any potential deficits as they arise. Remember at this point in time you're still working with a lot of estimates. There are a number of moving pieces that must fall into place with property rate set in November. Andover is actually in much better shape financially than many other communities. In this difficult economic climate we are pleased to be able to propose a budget that after covering fixed costs provides a 2.4% increase for Town departmental operating budgets. The net

reduction of 1 and a half FTEs is being handled through attrition. The 2.7% increase in the School budget, not including the increase circuit breaker funding, actually shows, actually allows for additional staffing, a net increase of six. A recurring theme in recent budgets is that we can no longer afford business as usual. However a real change in the way we deliver services does not happen overnight. As we have adapted to the new economic realities our perspective has gradually shifted away from a focus on one year budgetary reductions, which were always defined in terms of layoffs and service cuts, to a longer term reorganization plan. Our perspective has shifted away from how do we get through this year with kind of an assumption that whatever we cut will eventually be restored, to looking for operating efficiencies that can yield permanent savings. The biggest change in the Town and School budgets for fiscal 2012 is the creation of a new Information Technology Department headed by a new Chief Information Officer, who will report to both the Town Manager and the Superintendent of Schools. The budget for this new department is going to be included in the general government appropriation. The responsibility for all technology functions, the existing technology personnel, and the technology funding for Town and School departments have been shifted from individual departmental budgets to the new IT department. There is no budget increase to do this for the first year. The planning for this change began over two years ago. A committee of local volunteers with technical backgrounds was charged with examining Andover's current operations and making recommendations about how Andover might be better, make better use of rapidly changing technology. Based on their recommendations, a consultant, Blum Shapiro was hired to design an appropriate organizational structure and implementation plan. After reviewing the plan, the Board of Selectmen and School Committee charged the Town Manager and School Superintendent with making it happen. The new department is included in the fiscal 2012 budget. The Chief Information Officer has been hired but it will take time to fully realize the potential benefits of this consolidation. Overall the Town Manager has pursued a strategy of orderly consistent progress by taking advantage of retirements and vacancies to reorganize the delivery of public services. While the budgets for Plant and Facilities and Public Works might look to you like business as usual, no real change from last year, the truth is much different. The retirement of the two directors has set in motion an operation study of these departments which will validate the current organizational structure or propose reorganization. Like the creation of the

IT department this kind of change doesn't happen in one budget cycle. The School department is also moving toward significant changes in the way that services are delivered. All departments understand that if they want to add new staffing or programs they're going to have to mine some savings from their current operations. Now just in, some other news, Andover retained its AAA bond rating from Standard and Poor's and received very favorable interest rates in its recent bond issue. Andover's strong professional management practices were cited in the report. The financial stability of our community is not defined by one year's budget. It requires solid financial planning and significant discipline over a period of time. While the Finance Committee frequently talks about the importance of maintaining adequate reserves in the context of protecting Andover's bond rating the high cost of this year's unusually snowy winter provides a perfect example of why having adequate reserves is so important. If we did not have the free cash that provides a supplemental appropriation to cover this year's snow removal costs, they would have just simply subtracted from the amount available for the 2012 budget. When talking about having a multi-year perspective, it's important, it's just impossible to overstate the importance of the contract negotiations with Town and School employees. In addition to pay increases, changes in contract language specifying work rules or benefits have an enormous budgetary impact. Reorganizations to improve service delivery frequently require impact bargaining with the unions. As we continue our work towards sustainable budgets the Town Manager's theme, "We are all in it together," must include a partnership with our Town and School employees. In fact that phrase "we're all in it together" also includes Andover taxpayers. After all it's your money and your approval is needed before any of it can be spent. There are people from every department here this evening prepared to answer your questions as we take up each line item. The Board of Selectmen, the School Committee, and the Finance Committee all recommend approval of Articles 4 and 5 as presented.

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

VISPOLI: Yes, Madam Moderator. Thank you. On behalf of the Board of Selectmen I first would like to start off by thanking all the people who worked together over many months in developing the budget plan being presented here tonight. This budget would not have been possible if not for the hard work, diligence, and cooperation of all three boards, the Town Manager, the School Superintendent, their respective

staffs as well as department heads and the school principals who are responsible for delivering services this budget provides for. All these dedicated Town and School officials serve on behalf of the citizens of Andover and deserve our thanks for a job well done. Also on behalf of the Board of Selectmen as Joanne said we were pleased to be able to say that all three boards are in agreement on fiscal year 2012 operating budget that is about to be presented to you this evening. It's always our goal to bring a well thought out and balanced budget plan to Town Meeting each year. One that's realistic, affordable, and sustainable, one that continues to maintain the expected level of services and the one that the voters of Andover can endorse in good conscience and is balanced. We all began this process in agreement that the goal was to bring you a balanced budget for this Town Meeting. It is one, if not the most important, things we as Andover public officials are charged and expected of you each year. But in the end of the day together we delivered a balance budget that will continue to maintain Andover's standards and standing as a great place to work, live and raise your families. Andover recommended operating budget is \$137.4 million for fiscal year 2012. The total budget plan is \$143.7 million if you add the capital projects appropriation articles and other various non-appropriated costs as summarized on page 17 of the Finance Committee report. As said earlier it takes many long months to develop a well-thought out and balanced budget proposal for Town Meeting. As Joanne has said it really is an on-going process, one which really does not end with your vote here tonight. It is essentially a year-long process that begins in the development of the first preliminary review and expense forecast in October, moves on to the submission of requested budgets from departments and school principals, and then to the recommended preliminary budgets of the Town Manager and School Superintendent, budget hearings, forum and public input sessions, final budget adjustments and the votes by the Board of Selectmen, School Committee, and Finance Committee then on to Town Meeting for approval. Just an example there were at least 44 budget meetings on this budget since January. But the process doesn't end there, the State budget is finally set in late June or early July which sometimes requires us to make budget adjustments at Special Town Meetings when the legislature's unable to allocate the amounts previously stated prior to Town Meeting. The process finally wraps up in November with the setting of the tax rate and the Department of Revenues' approval of the overall revenue plan to fund the Town Meeting approved budget and other expenses of the Town the whole process then repeats

itself year after year certainly a multi-step process with lots of uncertainty and external factors impacting the decision making along the way. Tonight's recommended budget is for fiscal year 2012, we all know that FY13 will be in some ways more of a challenge which is why we have taken steps to look and begin to implement systemic and sustainable ways to reduce the cost of delivering services. Some of these range from, as Joanne said, consolidating all the Town and School information technology operations conducting an independent organizational review of both DPW and Plant and Facilities Departments, we had both department heads recently retire and have not rehired their replacements until we view the opportunities for potential consolidations. And we'll continue to explore opportunities to either leverage technology or other efficiencies to lower costs while keeping a high-level of quality services that you expect. This process will and must continue. Tonight's proposed balanced budget is a result of the Boards you see here tonight working together over the course of many weeks and many meetings. This did not happen easily or without compromise by all parties. Many things were discussed and the pros and cons of each item was weighed carefully prior to the three boards reaching agreement and making their recommended votes. Again the end result is a balanced FY12 recommended operating budget plan that is supported by the Finance Committee, the School Committee and the Board of Selectmen together. A budget that is realistic, affordable, sustainable and one that continues to maintain expectable level of services that you and the voters can endorse with good conscience. We ask for your approval for the proposed budget plan tonight.

MODERATOR: Thank you. Okay Article, or line item number one, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that line items one and two Public Safety in the following amounts: line one Personal Services in the amount of \$12,956,728 and line two Other Expenses, \$1,305,000 for a total of \$14,262,088 this includes \$287,264 parking receipts, \$70,000 detail fees, and \$1,000,000 ambulance collections.

MODERATOR: Line items one and two have been moved in the amount of \$14,262,088.

COLEMAN: Question

MODERATOR: Just let me get the, if I can please, get the Committee reports and then we'll get into questions. Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions on this Article, on these line items? Mr. Deso. Number two mic please.

DESO: Tom Deso, 81 High Street. I support the budget. I would also like to commend the boards and committees who worked so hard to come to a balanced budget. I think someone else deserves our thanks and support. I know we've heard a lot of negative things lately particularly from the teachers' union regarding contracts, etc. But I also know that there are other bargaining units, unions and work groups in the Town and the School side that have stepped forward and assisted the Town in coming to this balanced budget and I would like to ask the Town and the School departments if they could please tell us what departments are helping, what bargaining units and employee groups are helping, helping us through this budget difficulty. Thank you.

MODERATOR: Anybody on this?

STAPCZYNSKI: Yes, Madam Moderator I can address that from the seven town unions. Of the seven town unions, four have them have voted to officially...have a contract a one-year contract for fiscal year 11, the year we're in, with absolutely no change to the contract compensation wise or language wise and that is the Andover Independent Employees Association, the Andover Police Patrolmen's Union, the Andover Superior Police Officer's Association, the Dispatchers, and I know that, I've had conversation with the Andover Department Heads and I think they would go along with it and the Andover Firefighters Union, I am told is voting either today or tomorrow and I trust they will do the right thing. [APPLAUSE]

MODERATOR: Mr. Forgue.

FORGUE: Sure. In FY10, the Independents, the Custodians, Principals, and the Central Office Administrators all did make concessions on their agreements and allowed us to work with that budget. This year we are currently in mediation with the EAA and the Custodians, the Secretaries in the school buildings and the Food Service unions will start negotiations shortly and we again are very hopeful that negotiations with those three groups will go very positively.

We appreciate them stepping up to the plate and be willing to begin those negotiations.

MODERATOR: Thank you. Any other discussion? Line item one and two. Yes, sir. Get to a mic if you would please.

COLEMAN: Don Coleman, High Street. I came in when you were mentioning people passing and sympathy, did you mention Fred Teichert?

MODERATOR: I did not.

COLEMAN: I want to know him. He was a love in this Town a proud Veteran. I'd like to acknowledge him like you did the other politicians

MODERATOR: Mr. Coleman can we finish this part, then I'll let you-

COLEMAN: Yes I will but he deserves the same respect.

MODERATOR: You're right I did not do that.

COLEMAN: Excuse me, Madam.

MODERATOR: You're right, I am-

COLEMAN: He deserves respect, too. Can I question is the insurance proposal included in this number 4?

MODERATOR: Right now before is line item one and two and someone can answer that for me, but I don't believe the insurance is in that line item. No it is not.

COLEMAN: We must have coverage on the Police and Firemen in this Town.

MODERATOR: Well it wouldn't be in this particular budget line item.

COLEMAN: Is that later?

MODERATOR: It must be yes.

COLEMAN: But parking meters would be, Madam?

MODERATOR: I'm sorry?

COLEMAN: Parking meters.

MODERATOR: Are parking meters in this line item?

VISPOLI: The receipts are. The receipts for revenue.

MODERATOR: The receipts for that are.

COLEMAN: I'd like to mention that please. The Madam Chairwoman of the Finance Committee I am glad you mentioned we are going through trying times. The news says we're going through a recession. We see "for sale" signs in Town. We have our friends who are being laid off jobs, are fired. We should have some empathy for them. Especially with this budget. And these parking meters are killing the economy of Main Street. I see poor mothers with children. One lady I saw with two babies trying to put their child on top of the yellow boxes in front of the Andover Book Store. And this is ludicrous. It's easier to go up to the mall in Salem, NH and during these hard economic times when we need jobs at every store, restaurant, pharmacy on Main Street, I would think we could try to curtail these parking meters and have no-payment days like the Governor has had twice to encourage our economy. And even our neighbors in New Hampshire are smart enough to lower their gasoline tax to get all of us Massachusetts residents to go over the border and pay for gasoline there.

[GAVEL]

MODERATOR: Okay—

COLEMAN: So I'm just asking can we try to lay off these parking meters for the health, safety, and welfare of these mothers who have children, the elderly who are trying to get their prescriptions filled at CVS and help people to get jobs in this Town. Think of the people who are laid off and unemployed and think of the empty stores on Main Street, Park Street, and Barnard Street. Those are empty. They're not able to pay taxes or rent. We're not getting any money from those property owners when they're not able to rent those properties. So I would hope you would have some empathy for the people who cannot afford and are aggravated by those parking meters.

MODERATOR: Thank you, sir. Item number one and two in the amount of \$14,262.088 all those in favor please raise one hand. Those opposed. Thank you the ayes have it, the motion carries. Line item three and four. Mrs. Lyman.

LYMAN: I move line items three and four General Government & Community Development in the following amounts: Personal Services in the amount of \$5,370,989, Other Expenses, \$1,540,301 for a total of \$6,911,290 which includes \$24,000 in receipts from wetland filing fees and \$27,044 in water reserves, and \$27,044 in sewer reserves.

MODERATOR: Line item three and four has been moved in the amount of \$6,911,290. Mrs. Lyman.

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Thank you very much. Line item five and six. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move line items five and six Public Works in the following amounts: line item five Personal Services in the amount of \$1,663,249 and line item six Other Expenses in the amount of \$3,682,302 for a total appropriation of \$5,345,551.

MODERATOR: Line item five and six has been moved in the amount of \$5,345,551. Mr. Major.

MAJOR: Board of Selectmen recommends approval.

MODERATOR: Finance Committee.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion or questions. Yes, Mr. Coleman.

COLEMAN: Is the new DPW Director here.

MODERATOR: Can you please identify yourself.

COLEMAN: High Street

MODERATOR: You need to do that each time I'm sorry for the record.

COLEMAN: I was just here ten minutes ago.

MODERATOR: I understand, I know you haven't changed-

COLEMAN: I have a question-

[GAVEL]

MODERATOR: Who are you please?

COLEMAN: Don Coleman.

MODERATOR: Thank you. And where do you live?

COLEMAN: High Street

MODERATOR: Thank you, go right ahead. Go right ahead.

COLEMAN: Who is the Department of Public Works Director now?

STAPCZYNSKI: We have an interim Director, John Bean, he'll be happy to answer your questions, Mr. Cole-

COLEMAN: Where is he? Is he here?

STAPCZYNSKI: He's here.

COLEMAN: Where is he?

STAPCZYNSKI: He's here.

COLEMAN: Yeah, I've talked to him on the phone before. Why have 48 flagstones been left for six months in front of the post office annex on Main Street?

MODERATOR: Mr. Coleman we're moving a budget, not talking about process. So if you have a-

COLEMAN: Well that should be included. Town Meeting includes process.

MODERATOR: If you have a question specific to this line item in this budget I'm happy to let you ask the question. If you're asking a question in terms of process of operation, it would have to come at another time or-

COLEMAN: When will be discussing anything else about Public Works? This is the only time it's mentioned on the agenda.

MODERATOR: Well certainly at a Selectmen's meeting you could ask that question.

COLEMAN: They don't allow you to address them.

MODERATOR: Well-

COLEMAN: Look at Mary Carbone. I'm not going to be insulted like her. I'd like to know about those 48 flagstones please.

MODERATOR: And I understand. It's an out of order question to what's before us at this moment.

COLEMAN: Will you ask the Director of Public Works to remove them?

MODERATOR: Thank you sir. Line item five and six have been moved in the amount of \$5,345,551. All those in favor please raise one hand. Thank you. Those opposed. The line items carry.

MODERATOR: Line item seven and eight. Mr. Teichert.

TEICHERT: Madam Moderator I move line items seven and eight Plant and Facilities in the following amounts: in Personal Services \$3,110,159; in other expenses \$1,342,341 for a total of \$4,452,500, which includes \$68,475 in rental receipts and \$60,000 in cemetery fees.

MODERATOR: Line item seven and eight have been moved in the amount of \$4,452,500. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions on these two line items? All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Line item nine and ten. Mr. Salafia.

SALAFIA: Yes Madam Moderator I move line items nine and ten the Library in the following amounts: Personal Services for \$1,833,122; Other Expenses, \$593,900 for a total of \$2,427,022.

MODERATOR: Line item nine and ten have been moved in the amount of \$2,427,022. Mr. Salafia.

SALAFIA: Board of Selectmen recommends approval.

MODERATOR: Finance Committee. Mrs. Marden, please.

MARDEN: The Finance Committee recommends approval.

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

VISPOLI: Yes Madam Moderator. I move that lines, items 11 and 12 Community and Youth and Elder Services in the following amounts: 11 Personal Services, \$1,216,381; and 12, Other Expenses, \$444,479 for a total of \$1,660,860, and this includes \$550,000 and \$55,000 in user fees and \$69,300 in grants.

MODERATOR: Line item 11 and 12 in the amount of \$1,660,860 has been moved and seconded. Mr. Vispoli.

VISPOLI: The Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions or comments? Yes, sir. Please identify yourself.

COLEMAN: Don Coleman, High Street. I recently returned from Carmel California and I was proud to see a community building close to the library as well as a public safety center and I'm proposing tonight could the Council of Aging as well as the Youth Council meet in the next month to see if we could have a compromise to have a community building that both parties would enjoy.

MODERATOR: Again I appreciate your comments, we're voting on the budget.

COLEMAN: No, I know it. But this could be included please. This is our greatest generation, Madam. From World War II. They deserve our love, respect and admiration.

MODERATOR: Mr. Coleman, I absolutely cannot disagree with what you are saying. But I can't allow you to-

COLEMAN: Then why can't we discuss it?

MODERATOR: Because it's not the appro-

COLEMAN: When all the people are here.

MODERATOR: This is not the appropriate forum for that discussion. We are voting the budget right now. This is not an---

COLEMAN: Is elder affairs listed further in the-

MODERATOR: This is not an operational discussion. This is a budget discussion we're having.

COLEMAN: I think you violating Massachusetts General Laws and I will notify the Attorney General.

MODERATOR: I appreciate that. Thank you.

COLEMAN: We have a right to discuss what's going on in this Town. It's not all money.

MODERATOR: Thank you, Mr. Coleman.

COLEMAN: It's the health, safety and welfare of our elderly people.

MODERATOR: Thank you Mr. Coleman. Line item eleven and twelve in the amount of \$1,660,866 has been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. Line item thirteen and fourteen, Mrs. Lyman.

LYMAN: I move line items thirteen and fourteen Unclassified Expenses in the following amounts: Compensation Fund in the amount of \$250,000; and the Reserve Fund in the amount of \$200,000 for a total of \$450,000 the Board of Selectmen-oh, excuse me.

MODERATOR: Line item thirteen and fourteen has been moved and seconded in the amount of \$450,000. Mrs. Lyman.

LYMAN: The Board of Selectmen recommends approval.

MODERATOR: Thank you. Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Thank you. Before we move the school figures, the school budget figures, school department figures, I'm going to ask Mr. Forgue, the Chairman, and Dr. Marinel McGrath if they would please give a report on the school department figures. Mr. Forge.

FORGUE: Yes. Good evening. Given that we are joined for the first time tonight with our new Superintendent, Dr. Marinel McGrath, the School Committee has asked Dr. McGrath to make this presentation on our behalf and so I will turn the mic over to Dr. McGrath.

MCGRATH: Thank you Madam Moderator and Chairman Forgue and citizens of Andover. As I begin the presentation of the FY12 School budget I wish to thank the Andover faculty and staff, leadership team, School Committee, tri-boards and citizens who attended our budget meetings. Your questions and input were valuable to us as we worked toward a responsible FY12 budget. I like to begin budget presentations with our vision and mission. It is important that we have a context for the School budget. As we know a budget is much more than numbers. It is a shared vision and reflection of a community's values. Every organization needs a bold vision, a clear and inspirational picture of what it wants to achieve over a long, longer time frame. Visions serve to energize the organization and push the thinking beyond the current capabilities conventions and organizational structures. Remember that a mission reflects an organization's heritage. It is enduring and it embodies the organization's soul and its reason for being. It serves as a guiding star which is always to be pursued. Take a moment to think about the following: the children who entered kindergarten this past fall will graduate from high school in the year 2023. What does our school system need to look like by that time? Can we begin to build the foundation in this challenging financial climate? And how do we turn dreams into reality for the sake of our students? This visual depicts the challenges and opportunities before us. Despite the challenges we are obligated, as we work together, to meet the needs of every child, every day, every way. Balancing educational excellence and fiscal prudence is our charge given the times we are in today. Our core curriculum is our foundation. As a system we

pride ourselves, on the focus on the development of the whole child, which is possible because of our enhanced curriculum. In our quest to become a model school district we are compelled to begin a paradigm shift, a paradigm shift in a field, education, that is not often too comfortable with change. This brings us to the innovation level. In these difficult financial times we must build upon our strong foundation and continue to evolve our school system. We are breaking away from a time when one teacher autonomously functioned in one classroom. When one school served as its own empire. When one school system functioned in isolation from its surrounding community. And when schools in the United States operated in isolation from the world. Next year we will utilize \$90,000 of one-time federal grant money to fund pilot projects to explore opportunities to enhance our students' educational experiences. This initiative will take the form of an in-house competitive grant process whereby individuals and teams of teachers write a proposal for consideration. The projects must focus on the teaching and learning that more closely mirrors our global environment and will incorporate new tablet and whiteboard technologies and instructional practices and curriculum development that result in project based learning for our students. This slide delineates the budget we are requesting for FY12. On April the 14th the School Committee finalized the balanced budget agreement with the Board of Selectmen and Finance Committee and voted to approve an appropriated budget of \$62,784,577. This represents an increase of 2.7% or roughly \$1.6 million over our current FY appropriated School budget. The \$62 million appropriated budget being presented for consideration this evening includes: \$49,176,074 for all instructional administrative salaries and stipends for regular education and special education; it includes all collectively bargained step increases, longevity payments and degree and in-service credit changes; and \$13.6 million for expenses which include items such as instructional materials, professional development and transportation to name a few. Sadly we will also have staff reductions next year. The leadership team worked diligently to look for opportunities within our financial crisis. They spent hours identifying innovative and creative ways to capture additional cost savings within the organization. We were guided by the district's vision, mission and goals as we identified reductions so as to impact students in the least adverse manner possible. In some cases we will redesign structures for delivering instruction, combine or reduce course offerings, and share personnel to ease the impact. In every case these decisions were difficult for everyone since each decision impacts individuals, groups

of students, staff, families and our community. The FY 12 budget includes a plan to change the delivery services of the high school special education program when integrating special education students into high school classes. This will mean the reduction of eight special education teachers at the high school. By redeploying some of our special education staff, hiring additional special education assistants, and scheduling students with individualized ed plans first during course enrolment we feel confident that we will meet our students' needs. This budget also eliminates the middle school guidance counselor positions. School social workers remain at all three middle schools and the districts goal is to bring forward a request for additional middle school social workers next year to address student social and emotional needs. In the meantime our middle school teaching teams which are the core of our middle schools, with support from the social workers and administrators will ensure that student needs are met. The good news regarding the reductions is that the School Committee has maintained a safety net for our students. When the School Committee voted the final budget, they agreed that should the Principals and I determine that there is a staffing need at any level I can request the use of the turn-over savings which traditionally result from retirements and / or leaves of absence to fund additional staff to address those student needs. This flexibility is necessary as we conclude scheduling at the high school and monitor the enrollment of new students. While the FY12 budget approved by the School Committee does include some painful reductions in services it also sets the stage for redesigning your delivery. The FY12 budget also has a net increase of six new positions. To that end we will make changes to existing programs that we will, we believe will enhance student learning and academic achievement, support teachers and facilitate the creation and sharing of best practices by aligning available resources with district priorities. These changes include, at the high school a technology specialist. This position will provide the support and training necessary to enable teachers to further integrate technology into classroom instruction. The change to the middle school foreign language program is not the result of a budget reduction, it actually requires additional staff. The elimination of the exploratory foreign language program in favor of a full year of language study in Spanish for sixth graders reflects the district decision to better serve the overall goal of foreign language proficiency. The equivalent of four art and music specialists will be added at the elementary level. This will allow reading and learning specialist and Principals who are currently covering

teachers' contractual planning time to return to their primary responsibilities which will result in meeting the needs of students who either struggle or who are at risk in reading and mathematics and for Principals to focus their time on instruction and supervision. This budget also includes staff for special education programs. Over the past four years the district has designed and implemented very successful in-house programs so our students can continue school in Andover rather than in out-of-district schools. Program expansion is needed at the pre-school, kindergarten and grade 9 for students who are matriculating to the next grade or the next level. Additionally an increase in student enrollment warrants the addition of some special education teachers and therapists at some elementary schools and West Middle School. And so we're back to where we began with a focus on our vision and mission as a school district. I recognize that there are people here this evening who believe that we are asking for too much. And there are people who are disappointed that we're not asking for more in this budget. I know that many of our citizens are finding it a challenge to manage their household budgets as the cost of living continues to rise and there are those who would make sacrifices to spend more on education. However, as Superintendent I am responsible for ensuring that our students receive the best possible education we can provide as I am for the bottom line. Our community desires and demands a high-quality school district while the education of our students is and must be my focus the fiscal constraints are real. As we tackle next year and the coming years let us not forget that our business is teaching and learning and let us remember that the children who entered kindergarten this past fall will graduate from high school in the year 2023. We must ensure that our students are inspired and that they experience school as an intellectual adventure as they develop the habits of mind that are necessary for their future. What do we want our school system to look like by that time? What steps must we take to achieve our vision and mission in a challenging financial climate? How do we turn our dreams into reality for the sake of our students? In closing I thank you for listening this evening and for your consideration in supporting the School Committee budget request this evening. Thank you.

MODERATOR: Thank you, Dr. McGrath. Mr. Forgue. Line item 15 and 16, Mr. Forgue.

FORGUE: Madam Moderator I move line items 15 and 16 Andover School Department in the following amounts: personal

services, \$49,176,074; other services, \$13,608.503; for a total appropriation of \$62,784,577.

MODERATOR: Line item 15 and have been moved in the amount of \$62,784,577. School Committee Report please. Do you recommend...?

FORGUE: The School Committee recommends approval.

MODERATOR: Finance Committee, please. Mr. Stumpf.

STUMPF: Thank you, Madam Moderator, thank you Madam Moderator, Jon Stump the Finance Committee liaison for the Schools. Good evening ladies and gentlemen. The Finance Committee recommends approval for the School Department in the amount of \$62,784,577. We would like to share a few comments some of which have already been mentioned by the Board of Selectmen and or the School Committee. First and foremost we would like to recognize the teamwork shown between the chairs of the School Committee, Board of Selectmen, Finance Committee, as well as the Town Manager and the Superintendent. We have many challenges ahead of us and working together as a team provides a better opportunity for success. Secondly cost containment is absolutely critical in all areas of the school budget. Obviously with salaries being the largest portion of the school budget we urge the unions and their leadership team to work with the School Committee to find common ground on compensation and benefits as well as ways to improve work rules so our educational system may be more efficient and effective. A reasonable question may be is the Town of Andover providing sufficient resources to the School Department so they may maintain the high-quality of education for all. In answering this question it's important to know that in addition to the Article 4 appropriation, fees, circuit breaker revenue, Federal and State grants will provide approximately an additional \$1.3 million more e in fiscal year 12 then in fiscal year 11. In total the school district will have approximately 4.5% more dollars to maintain the high quality of education in fiscal year 12. Therefore the Finance Committee recommends approval of Article 4 for the School Department budget in the amount of \$62,784,577.

MODERATOR: Thank you, Mr. Stumpf. Mr. Major

MAJOR: The Board of Selectmen unanimously recommends approval of this budget.

MODERATOR: Thank you. Any questions about this Article?
Let's start over here. Go right ahead.

CARL: Paula Carl, Cheever Circle I just want to say that I am voting against this budget because I think it is not in the best interest of the students. I think the loss of the special education instructors in the high school is a big mistake and I feel very concerned that the school is being dismantled, the quality of our education and the number of people losing their jobs, it affects the children at the school, their relationships with teachers and guidance counselors and special ed teachers is very important. And I feel that the concerns of the parents at all the meetings were ignored by the Departments and I'm extremely disappointed.

MODERATOR: Thank you. Up here at mic number 2 please.

SAMBENGI[?]: Hi, my name is Chichanda Sambengi[?]

MODERATOR: Where do you live please Chichanda[?]

SAMBENGI[?]: 7 Patriot Drive. On behalf of the Andover High School Student Government Association I'd like to give my support for the Andover Public School budget plan for fiscal year 2012. Included in the budget are significant cuts but we believe that the Superintendent, School Committee and other Town officials have created the most viable and effective budget plan possible. We would however like to highlight the cut of eight special needs teachers from the High School staff. The cut of these highly trained professionals will manifest itself directly in Andover High Schools classrooms and immediately and negatively affect the education of all the students. Our hope that is the expected budget flexibility, the Superintendent will be able to reinstate these essential positions into the Andover High School community. Finally, we would like to thank the Town for its continued support of Andover High and the other schools. As Andover begins its reaccreditation process the community's continued support will be essential. So thank you and please vote in favor budget after this.

MODERATOR: Thank you very much. Nicely put. Mary do you have something for this Article for this line item? Do you have a point of order?

CARBONE: No I have a point of privilege.

MODERATOR: Go ahead. Can we have mic 3 put on, please. Okay. Go ahead, Mary. I'm sorry Mrs. Carbone. They tell me it's on. Number 3 mic on please.

CARBONE: My name is Mary Carbone, Cyr Circle.

MODERATOR: Thank you.

CARBONE: I would like to preempt my address tonight by thanking the Town unions that have come forth in good faith to try and balance a budget that is consistently every year out of line. And those unions are: Policeman, Police Patrolman, the Police Superior Officers, the Public Safety Communicators and the Andover Independent Employees Associations. They gave up part of their finances and their income to balance the budget. So with that said, I'm going to go further. I had the opportunity as some of you know, I have attended many meetings in the community, I attended at least two tri-board meetings this year. Basically I usually attend all of them, but it's theatrics in my opinion. Bottom line is, on two occasions because they were in throws of balancing the budget at that time I related to my thoughts and I requested that they freeze the contracts for one year so that we could get the community in order.

MODERATOR: Mrs. Carbone I understand that this is a point of personal privilege but it needs to be focused on the School Department numbers that-

CARBONE: It is focused on the School Department.

MODERATOR: Okay, it sounds much more universal than that. Go ahead.

CARBONE: Yes it is focused on the School Department. We have had children attending School Committee meetings actually in tears because they were losing their music teacher. We have had SPED individuals at the School Committee speaking to their shortfall. Never once has the school union come forward and offered to reduce that budget by a certain amount so that those things could be achieved. So I just want to say tonight that I have a copy of the school contract here, henceforth, it shall be called the pink report. The pink report. There's a lot of issues in the that contract that maybe residents of the community would like to peruse and read. Because residents of the community cannot be treated in the manner that they are being treated. We have gone through economic times here and the school union has been lavishing in a three

year contract while the residents of the community have been suffering through the economy. That just doesn't seem right. The residents are the employers of the community and they deserve better treatment and should be treated a lot better than they have been. So, I am asking, personally asking, the school union to step forward in good faith and show their worth. And I thank you for listening.

MODERATOR: Thank you, Mrs. Carbone. Yes, over here please. Over at mic number 4.

HARAN: Kerry Haran, 4 Iroquois. I'm just speaking out against the budget, specifically in regards to the special education cuts. I had a son who's in the elementary school and it very much concerns me to see the special education cuts that are, are happening at the High School. To think that special education trained specialist can be replaced by quote assistants in completely erroneous. People go to college and specialize in special education for a reason; to be able to deal with these children and with their disabilities, and to be able to say that you can take a qualified special education teacher and replace them with assistants is absolutely ludicrous. You can't run a school system that way by replacing—it's like saying you can replace a general ed qualified high school teacher by throwing an assistant in there to run their classroom. It is not the same thing at all. You're just diminishing the quality of education and you're giving those special education kids less of a chance for them to get the same quality education that all the other kids at that High School are getting. You're diminishing their chances of getting into a good college. You're diminishing their chances of getting a good education. In addition to cutting out middle school guidance counselors; that's one of the most precarious times for kids is middle school. And to think that those kids are not gonna fall through the cracks without guidance counselors there to help them out and save them I think that you are making a very, very egregious mistake. I really vote strongly against the budget as proposed.

MODERATOR: Thank you. Yes, Ma'am go right ahead.

DESISTO: Hi, Madam Moderator. My name is Audrey Desisto and I live at 311 Lowell Street.

MODERATOR: Hi, Audrey.

DESISTO: Hi. I run a very large Special Olympics program in the Town and therefore I know a lot of the children that have special needs and do attend the school system. I am very much opposed to the budget. I support wholeheartedly everything Kerry just said. And in addition to what she said I'd like to add that if we remove eight special education teachers from the High School we will be removing the inclusion program at the High School and we will also be replacing them with aids or assistants who will need training. The training is not in the budget. The training would be a large number and therefore is not being represented. In addition what we don't have our arms around is the exact amount of grant money that will be coming into the Town. I've been on the phone with the Department of Education all day and the number is not exact and therefore we don't know what the exact revenue is in regards to grants so I can't support the budget because we don't really know what the revenue is. And I can't support a budget that is diminishing the special education program in the Town almost completely. And we've just started to build a program in the middle school and High School basically we only have a foundation at this point. We have a large population of kids with special needs in the middle school and heading up towards the High School and the program just won't be there. So what that's going to do, that's going to drive all of the kids out of district and when you start driving more children out of district, and it's a large number of kids, we're going to be driving up that out-of-district budget number that we can't afford to do. So I want everybody to consider what's going on here. And when you have parents that aren't happy and services that aren't being delivered, you're going to have a lot of out-of-district placements and a lot of legal fees. So, that's what everybody needs to keep in mind.

MODERATOR: Thank you. Any other comments? Line item 15 and 16 have been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes clearly have it. The motion carries. Line item 17, 18. Mr. Teichert.

TEICHERT: Madam Moderator, I move line items 17 and 18 in the following amounts: personal services, \$416,740; and other services, \$2,075,955; for a total of \$2,492,695 which includes \$360,000 in sewer reserves.

MODERATOR: Line item 17 and 18 have been moved and seconded in the amount of \$2,0492,---sorry, that was that lady's time up--\$2,492,695. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Thank you, Mrs. Marden please.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions on these line items? All those in favor please raise one hand. Thank you. Those opposed. They ayes have it the motion carries. Mr. Salafia.

SALAFIA: Madam Moderator I move line items 19 and 20 Water in the following amounts: personal services, \$1,591,548; and other expenses, \$2,288,400 for a total amount of \$3,879,948.

MODERATOR: Line item 19 and 20 have been moved and seconded in the amount of \$3,879,948. Mr. Salafia.

SALAFIA: Board of Selectmen recommends approval.

MODERATOR: Thank you, Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any discussion? All those in favor please raise one hand. All those opposed. The ayes have it the motion carries. Mr. Lavoie please. Come right out down here to the front mic. Mr. Lavoie is the new Superintendent at the Greater Lawrence Regional Technical School District. Thank you. Welcome to the Meeting in that capacity. Go right ahead.

LAVOIE: Thank you, Madam Moderator. I move line item 21 Greater Lawrence Technical High School in the following amount: Greater Lawrence Assessment, \$444,503; total, \$444,503.

MODERATOR: Thank you. Line item 21 has been moved and seconded in the amount of \$444,503. Mr. Lavoie do you recommend that number to us.

LAVOIE: I recommend \$444,503.

MODERATOR: Thank you. Mr. Vispoli.

VISPOLI: The Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: Finance Committee recommends approval.

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

LAVOIE: Thank you.

MODERATOR: Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move line items 22 through 26 fixed expenses in the following amounts: 22, Debt Service, \$12,112,692; 22, General Insurance, \$661,613; 24, Unemployment Compensation, \$100,000; 25, Retirement Fund, \$5,085,067; 26, Health Insurance Fund, \$14,355,000; for a total of \$32,314,372.

MODERATOR: Line items 22 through 26 have been moved and seconded in the amount of \$32,314,372. Mr. Vispoli.

VISPOLI: The Board of Selectmen recommends approval.

MODERATOR: Mrs. Marden.

MARDEN: The Finance Committee recommends approval.

MODERATOR: Any comments or discussion? All those in favor please raise one hand. Those opposed. Thank you. The ayes have it the motion carries. For your information, we have voted tonight a budget of \$134,827...I'm sorry let me do that again--\$134,827,279. Thank you. Article 5, Mr. Salafia.

SALAFIA: I move to raise by taxation and appropriate the sum of \$1,246,000 for the purpose of funding the fiscal year 2012 appropriation for the Capital Projects Fund.

MODERATOR: Line, Article 5 has been moved and seconded. Mr. Stapczynski.

STAPCZYNSKI: Thank you, Madam Moderator. I would like to take two or three minutes of the Town Meeting's time to do something we've been doing over the years and that's providing you a very brief update on a number of capital projects that have been voted in a variety of bonding line items, bonding warrant articles over the years. If I may, Miss. Moderator. The Bancroft Elementary School project: the School Building Committee developed a preliminary plan, design, and cost estimates were a 680 student K-5 school, the Mass School Building Authority approved the project with a 43% reimbursement rate and the use of construction

management at risk project; a December Town Meeting, Special Town Meeting which many of you were at, approved a \$44.7 million authorization for this project and a prop 2 ½ debt exemption vote in January approved this project as well. The School Building Committee is now in the design development process with our architect and we will be retaining a construction management firm in a short period of time. With regards to the I-93 interchange project: The tri-Town community leaders from Andover, Tewksbury, and Wilmington have completed a draft land use vision for the development of the area, they have developed a form based code that was approved by the three communities, and this past year we were honored to have US Secretary of Transportation, Ray LaHood, in Andover for a brief visit, he spoke about the project, afterwards he pledged his support for Federal funding of it. The Task Force conducted several facilitated discussion with Boards and the stakeholders in the area, and the Selectmen and Planning Boards of the three communities voted to support the so-called "tight diamond" interchange configuration for the project; at the present the State and Federal environmental review is taking place. With our Town Yard which we're calling a multi-services facility: the Town Yard relocation study is ongoing; the Task Force is currently soliciting proposals for potential sites for the relocation of the Town Yard, in fact yesterday was the due date and a number of them have come in; later in the meeting \$35,000 is being requested under Article 18 that will be used to help analyze these possible sites; and the Task Force will evaluate the proposals which may lead to a future town meeting article or articles to purchase property and / or construct the facility. Moving on, the school and municipal facilities roof replacement program is nearing an end four projects were done most recently those at Andover High School, Wood Hill Middle School, High Plain Elementary School and the Water Treatment Plant; to date 758,000 sf of old roofs have been replaced thanks to the support at the Town Meeting; two final projects are planned for this year at the Doherty Middle School and at Memorial Auditorium. Ballardvale Fire Substation relocation: study is ongoing, a citizen-lead committee has conducted a needs analysis and developed a variety of sites, identified them and have prepared preliminary cost estimates; the committee has recommend a preferred site at South School property where the ball field is at the corner of Andover and Woburn Streets; they have met with the School Committee, the Selectmen, and the neighbors to present the merits of this proposed location; they are now looking, excuse me, they are now continuing their outreach efforts. Ledge Road Landfill capping: the assessment phase

for the capping of the Ledge Road Landfill closure is being done in accordance with Mass DEP Solid Waste Management Regulations; related reports have been submitted to DEP; the landfill closure construction is expected to commence if all the approvals are gained by DEP in 2013. And finally the Blanchard Street playfields: the design and layout has been completed which includes three little league baseball diamonds and one large multi-purpose soccer field, 170 parking spaces and space and time for a concession stand; Andover Little League and Andover Soccer Association have agreed to pay more than half of the cost of the project which is estimated to be \$1.9 million; I want to thank you for your support at the Town Meeting and the Special Town Meeting for the adjacent property, which we were able to acquire just several weeks ago. Thank you.

MODERATOR: Thank you, Mr. Stapczynski. Selectmen report please.

SALAFIA: Madam Moderator, the Board of Selectmen recommend approval.

MODERATOR: Thank you. Finance Committee report please.

ODONOGHUE: Article 5 covers those projects funded from general fund revenue and the recommended appropriation for fiscal 12 is \$1,246,000. The specific projects outlined in the Finance Committee Report represent the Town's priorities for the various departments for fiscal 12. The original request for \$1,963,000 was reduced by \$717,000 during the budget process due to the ongoing constraints of Andover's available funds during these challenging fiscal times. The Finance Committee recommends approval of Article 5 in the amount of \$1,246,000.

MODERATOR: Thank you. School Committee report please, Mr. Forgue.

FORGUE: The School Committee recommends approval.

MODERATOR: Thank you. Any questions or comments? Yes.

PASQUALE: John Pasquale, 47B Whittier Street. The point of information Madam Moderator, by the way happy Easter to you. Thank you sir. I attended several of the meetings but somehow I looked at this page 44 and I said to myself, this is just a snapshot of the capital budget. And there's three items there, I'd like to depict to enlighten Town Meeting. I look

at an item that says, we're gonna replace some vehicles, \$70,000—that makes sense. But I read the whole town booklet, so then I go to Article 43, the Water Department they're gonna get \$70,000 and I'm saying why didn't they put it here? The Finance Committee is gonna give us answers maybe it's coming out of water reserves or [?]. I'm would say that should have been in there. Next I go to Town buildings and I say Pantidochi [sic] gonna do all of this for \$150,000 until I read Article 34 that we're gonna vote on for a half a million dollars. And when I go to look at Article 34 I question property—you can read it, you can go look at it—all these different items, and I'm saying why aren't they put in there? Why are we going out to bond items like this, we're putting walls up. I now go to the DPW, Town Vehicles, \$129, I open up the book to Article 23, \$300,000. So you're looking at a small snapshot but this is all money. We're going out to bond a lot of things and I want to know the rational that was going on at the discussions, 'cause I couldn't go to all the meetings. And I appreciate the effort you go into, but we're bonding some things that don't make sense to me we're bonding. And I'm saying, why isn't the water truck in with the other \$70,000 vehicles. Could I please get some answers to enlighten the Town Meeting, 'cause we're talking about much more money than \$1.2 million tonight.

MODERATOR: Okay. Thank you. Mr. Stapczynski.

STAPCZYNSKI: Yes. To answer your question. The Article 5, the Capital Projects Fund Appropriation is money that's coming from taxation, it's what we call pay-as-you-go. These are smaller types of projects that do not require bonding; the life expectancy of these vehicles for instance, or the items that we're going to be doing are shorter in nature than the items that you'll see in bonding. If we're going to bond something it's typically going to have a life of 15-20 plus years. So, that, when we review the Articles we look at what the specific item is, its life expectancy, so what you're seeing here are items that we replace on rather routine kind of basis. What you're seeing in the Warrant Articles are large capital projects that we can legitimately fund over a longer of time out of debt service. Now, with respect to the questions you asked about water, the water vehicles, you're absolutely right, that's being paid for out of water reserves. You know, perhaps we could include it in here, but you'd see it in additional \$70,000 on this and then the bottom line would be reduced by \$70 because some of that would not be taxation some of that would come out of water reserves. So...

PASQUALE: I don't want debate anymore but that bundling effect there are some items in there that I would debate with ya like smoke detectors ought to be in this line item, not bonding. End of discussion.

MODERATOR: Okay thank you sir. Any items of discussion, here? All those in favor of Article 5 please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 6—now you might possibly have seen someone who looked just like me—say that it was conceivable we could get done tonight. I think she lied to you. [LAUGHTER] Okay, Article 6.

POKRESS: Point of order, Madam Moderator.

MODERATOR: Mr. Pokress.

POKRESS: Thank you, Madam Moderator. Bob Pokress, Cherrywood Circle. I'd like to make a, I guess what is called a point of privilege, request. We just voted on an operating budget and at least a partial capital outlays budget. I think everyone [BREAK IN TAPE] with the fact that we have a very significant unfunded debt obligation.

MODERATOR: I need to know what your point of privilege is, your question, please.

POKRESS: Just wanted to preface...with regard to the many Articles that now follow that involve financial votes, expenditures by the Town, I would like to request for those Articles involving explicit dollar expenditures that the Selectmen and the Finance Committee are recommending approval on, that they indicate on each one whether they consider that particular expenditure either essential or merely nice-to-have. Thank you, Madam Moderator.

MODERATOR: Thank you, sir. So that request is noted. If it can be fulfilled that's fine, if it cannot be that's fine too. Let's go on to Article number 6. Mr. Vispoli.

VISPOLI: Yes Madam Moderator, I move that the Town vote to transfer funds from the following 2010 Annual Town Meeting—Article 4 appropriations: \$180,000 from FY2011 Debt Service and the, and appropriate the sum of \$180,000 for FY2011 Health Insurance.

MODERATOR: Article 6 has been moved and seconded. Mr. Torrisi are you speaking to this?

TORRISI: Thank you, Madam Moderator, Tony Torrisi, Finance Director, this Article transfers funds from unexpended funds in our debt service appropriation to cover a shortfall in our health insurance appropriation for this fiscal year, is a...will be in addition to in Article 7 we'll be voting an additional amount of money for health insurance because of the deficit this year. During the course of the year people come on and off the health insurance plan. When the budget is approved at Town Meeting in April we project the number of enrollees based upon the amount of enrollees that exist at that time. As I mentioned changes occur during the year and this transfer covers those changes.

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

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

MODERATOR: Thank you. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Any questions or comments? Thank you. All those— all those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article number 7 Mrs. Lyman.

LYMAN: I move that the Town voter to transfer \$620,000 from Free Cash and appropriate a sum of \$500,000 to FY2011 Public Works-Other Expenses and \$120,000 to FY2011 Health Insurance.

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

TORRISI: Thank you again Madam Moderator. Tony Torrisi, Finance Director. As I mentioned previously part of this motion is to cover the health insurance deficit, the other amount will cover the snow deficit. As Mrs. Marden indicated in her earlier presentation, free cash is a funding source that we utilize to cover unanticipated expenditures that may occur during the year. As we I believe we're all aware this was very difficult snow year and this transfer will help us balance the budget this year for this over expenditure in snow and also complete the coverage for health insurance

MODERATOR: Okay. Selectmen's report please.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: The Finance Committee. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Thank you. All those in favor please raise one hand. Those opposed. Thank you. The ayes, have it, the motion carries—carries. Article 8, Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that Article 8 be withdrawn from the Warrant.

MODERATOR: Article 8's been moved to be withdrawn, it's been seconded. All those in favor of withdrawing Article 8 please raise one hand—

PERRY: I have a point of order—

MODERATOR: Yes. Hold on one second. Yes, sir.

PERRY: Before you vote. I would like to be an explanation made to the difference between voting to withdraw an Article or presenting the Article and defeating the Article. What is the difference? What is the outcome difference to us as Townsfolk?

MODERATOR: The Article is in the Warrant as submitted. The Town Meeting, can vote, if somebody would like to, if the proponent, in this case the Town, wishes to withdraw it, the Town, the voters can say yes we will let you withdraw it. If the Town Meeting says no we don't want you to withdraw it, you vote down the withdrawal. You say no, you cannot withdraw it, you must proceed with the Warrant Article as it was submitted and then we have to have the discussion on the Warrant Article.

PERRY: And if the Warrant Article is defeated what...I guess I'm getting old...[DROPPED MIC]

MODERATOR: In this case there would be no difference—I thought he did before the mic went on, I'm so sorry. Hold on. Cal could you—I'm sorry—identify yourself again, please, Dr. Perry. Some people didn't hear you before the mic went on. If you'd identify yourself again.

PERRY: Can you hear this now? What, is there a

MODERATOR: Would you identify yourself again please. Identify yourself.

PERRY: I'm sorry. Cal Perry, Timothy Drive. 25...Is there a difference to us if it's defeated on the floor as opposed to withdrawn, wouldn't the Article be---

MODERATOR: In this case there would be no consequence because it's no dollars, it's a zero dollar sum. So there's no difference if you defeat the withdrawal or if you defeat the Article there's no difference. We're...there's no transfer of cash--is that what this is--there's not transfer of cash, so there's no, if there is another Article that's being withdrawn and you choose not to withdraw it, then the proponent has to proceed with presenting the Article. Then you can vote it down or vote for it.

PERRY: That being the case it's defeated. If it's withdrawn it can be brought back in though.

MODERATOR: The Town...not at this meeting it cannot be. You okay? It's been moved that the Article be withdrawn. All those in favor of withdrawing Article 8, please raise one hand. Thank you. Those opposed. The Article is withdrawn. Article number 9. Mr. Teichert.

TEICHERT: I move that Article 9 be withdrawn from the warrant.

MODERATOR: It's been moved and seconded that Article 9 be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. Article 9 is withdrawn. Article 10. Let me just give you a couple of second explanation. You take a look at pages 48-50 in the Finance Committee Report there are a number of consent agenda items that the Town Meeting is required to vote in each year. We would like to vote on these in a group we would like to vote on items 10A through F all at once. If anyone has an objection to anyone of those 10A through F we will withhold it and vote on that separately. If you do not wish to vote for all of them at once then defeat the request. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that the Town approve the consent agenda, Articles 10A through 10F with a majority vote required.

MODERATOR: Is there any objections to that? 10A through F. Does anyone want to withhold anything? Okay. Mr. - it's been moved and seconded, Mr. Vispoli the report.

VISPOLI: Yes the Selectmen recommend approval.

MODERATOR: Mr. Torrasi, do you have anything to add to that? And Finance Committee, please, Mrs. Kruse.

KRUSE: The Finance Committee recommends approval.

MODERATOR: So we're voting on items 10A through F, as in Frank. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, motion 2 this Article. I move Article 10G as follows: that the Town vote to rescind the following unissued bond authorizations: \$500 this is from an Article number 48 at the fiscal year 2002 Annual Town Meeting, Main Street Improvements; \$648 from Article 34, the 2005 Annual Town Meeting, Water Treatment Plant; and \$1,000,000, Article 2A in the 2004 Special Town Meeting South Main Street Area Sewers.

MODERATOR: Item number 10G has been moved and seconded. Mr. Vispoli.

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

MODERATOR: Mrs. Kruse, Finance Committee report please.

KRUSE: Finance Committee recommends approval.

MODERATOR: Thank you. Because this is a bonding issue it needs to get approval, bond counsel requires a two-thirds majority. All those in favor please raise one hand. Thank you. Those opposed. It is very clear to me that it is far more than a two-thirds majority and I declare it so. Does anyone object to that declaration? It passes more than a two-thirds majority. Thank you. Article 11. Mrs. Lyman.

LYMAN: I move to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions of the Board and the Committee deem in the best interests of the Town.

MODERATOR: Article 11 has been moved and seconded. Mrs. Lyman.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: The Finance Committee. Mrs. Milne.

MILNE: The Finance Committee recommends approval.

MODERATOR: Thank you. Again. Any questions or discussion? This again requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. It is clearly passed by far more than a two-thirds majority and I would declare it so. Does anyone object to that declaration? I declare it to be more than a two-thirds vote. Thank you. Article 12. Mr. Major. Unpaid bills.

MAJOR: I'm proud to say that the Town of Andover has zero unpaid bills, so I move that this Article 12 be withdrawn from the Warrant.

MODERATOR: Article 12 has been moved to 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 very much, the Article is withdrawn. Article 13. MR. Teichert.

TEICHERT: Madam Moderator, I move to authorize the Town to acquire any necessary easement by gift , by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program or road or sidewalk improvement.

MODERATOR: Article 13 has been moved and seconded, Mr. Teichert.

TEICHERT: The Board of Selectmen recommends approval.

MODERATOR: Thank you. This also requires a two-thirds vote are there any questions or discussion? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by clearly more than a two-thirds majority and I declare it so. Does anyone object to that declaration? Thank you very much. It passes by more than a two-thirds majority. Article 14. Mr. Salafia.

SALAFIA: Madam Moderator, I move that Article 14A through N - Revolving Accounts, be approved as printed in the Warrant.

MODERATOR: Article 14 has been moved and seconded this items are on page 52-54 in the Finance Committee Report. We will take all 14 unless there is an objection to hold out on one. Thank you. Mr. Salafia the report from the Selectmen please.

SALAFIA: The Board of Selectmen recommend approval.

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

HOWE: Thank you Madam Moderator, the Finance Committee has considered these revolving accounts in the course of our discussions with the various Department Heads and while there've been a few small adjustments necessary from year to year we support their approval. Finance Committee recommends approval.

MODERATOR: Thank you. Any questions or comments. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries. It required a majority vote. Article 15 Mr. Vispoli.

VISPOLI: I move that the Town vote to transfer the sum of \$342,911.97 from Overlay surplus and appropriate to the following fiscal years Allowance for Abatements and exemptions Accounts: FY 2010: \$242,911.97 and fiscal year 2011 \$100,000.

MODERATOR: Article 15 has been moved and seconded. Mr. Vispoli.

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

MODERATOR: Mr. Torrasi do you have any input that you need to give there?

TORRISI: Tony Torrasi, Finance Director, I think the explanation in the Finance Committee Report is quite accurate this is a housekeep article, transfers funds from, from unused overlay accounts for the Board of Assessors to use for subsequent overlay, subsequent exemptions that may be necessary.

MODERATOR: Thank you. The Finance Committee report please.

KRUSE: The Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. Article 16, Mrs. Lyman.

LYMAN: I move that \$925,000 is appropriated to pay costs of construction, adding to, remodeling, reconstruction and making extraordinary repairs and equipping various school buildings and roofs, including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 16 has been moved and seconded. Mrs. Lyman the Selectmen's report.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: The Finance Committee.

ODONOGHUE: Article 16 addresses the ongoing maintenance and improvements to Andover's school buildings and property the list of projects is outlined in the Finance Committee Report on page 55. The Town would borrow \$925,000 for these projects to be repaid over 15 years. The Finance Committee recommends approval of Article 16.

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

FORGUE: The School Committee recommends approval.

MODERATOR: The Acting Plant and Facility Director is available if anyone has questions on this Article. If there are none...all those in favor please raise one hand. Thank you. Those opposed. Ah—could we, I'm sorry, could you raise your other hand, we'll do it again. It's got to be a two-thirds vote. All those in favor. Thank you. Those opposed. The ayes have it by far more than a two-thirds majority. I would declare it so. Does anyone have a question or an issue with that declaration? Article 16 passes by more than a two-thirds. Thank you. Article 17. Mr. Major.

MAJOR: Please mind with me while I read this—

MODERATOR: Make sure he doesn't miss anything!

MAJOR: I move that the Town appropriate the sum of \$1,540,407 for the Roof Replacement and Window Replacement Project for the West Middle School at 70 Shawsheen Road, Andover, MA. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the Town Manager and to meet said appropriation the Town Treasurer is authorized to borrow the sum of \$1,250,000 under MGL Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project cost the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of 39% of eligible, approved project costs, as determined by the MSBA, or the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. And that the balance of \$290,407 is to be transferred from Article 41 School Building Maintenance and Renovation of the 2010 Annual Town Meeting. And I can explain this. [LAUGHTER]

MODERATOR: Article 17 has been moved and seconded. Mr. Major go right ahead.

MAJOR: Let me try to make it easy for you. You see the top number up there \$1,540,000 and change, from that we had \$290,407, the bottom number, that was part of a \$2.5 million appropriation from last year for school projects. In fact that included, that \$290,000 included architectural money for this roof project. So we're gonna take the money we appropriated last year subtract that from the big number 1-5-5, \$1,540,000, that's why the middle number—do we still have the appropriation, okay—the middle number was \$1,250,000, that's the amount that we're looking to bond this year in addition to the \$290,000 that we approved last year. Now in all of that I also talked about the MSBA, the Massachusetts School Building Authority. They have agreed to fund up to 39% of this project; that's over \$600,000 we're expecting to get in a grant. So of that total project of \$1.5 million we're looking to get \$600,000 in a grant, we're gonna pay approximately \$900,000 for the project. I hope that helps.

MODERATOR: One moment please, sir. Finance Committee report please.

ODONOGHUE: I'd just simply like to ad, to remind you, that the Town is required to appropriate the entire cost of the project at Town Meeting, however it would bond only the Town's share of the project the \$939,648 thousand to be repaid over 15 years. The Finance Committee recommends approval of Article 17.

MODERATOR: Thank you. School Committee report please.

FORGUE: The School Committee recommends approval.

MODERATOR: Thank you. Do you have a question?

POKRESS: A question. Bob Pokress, Cherrywood Circle. The amount that's being requested here is very comparable to the amount in fact that the Town was asked last year in Article 41 to cover roughly close to \$1 million worth of roof repairs which presumably were still under warranty for the construction of two schools on off High Plain Road. My question for the Selectmen, the School Committee, and the Town Attorney is that we were promised that the proceeds from going after the builder, which we were subsidizing by approving that Warrant Article last year, would be applied to future expenditures or reduce our tax base. So, my question, because I know Selectman Major answered my question on this point last year, is, is there a likelihood of that \$975,000 being recovered this year so it can be applied to these expenses and if you're not sure, could we at least get a status on the recovery of that \$975,000?

MAJOR: We can, in fact Joe Piantedosi or Director of Plant and Facilities is prepared to actually show what happened with that court case around trying to get reimbursement for that, that's the Wood Hill and High Plain roofs. The amount that we recovered or reclaimed was much less than that \$940,000, Joe do you want to?

MODERATOR: Before you do that are we talking in this Article about the Wood Hill School or are we talking about the West Middle School?

MAJOR: The Wood Hill was last year's Article, and he's just asking would be applying the reimbursement from that—

MODERATOR: The \$290,000?

MAJOR: We will not be applying it to this project. That will go to help pay that previous debt. The money that we reclaimed will go to repay the previous bond. Do you have that number, Joe? \$150,000. Yes.

MODERATOR: Okay. What we have before us is an Article regarding the West Middle School, if that pertains to this please go right ahead, Mrs. Carbone.

CARBONE: Point of Order. Mary Carbone, Cyr Circle. Actually, I did question this a while back. The taxpayers paid for the roofs twice: nine hundred and some odd thousand initially and then it was a court case because of leaking seams in the roof and when it went through the process we actually got back probably I thought it was around \$59,000. So, what we actually did was, we paid for those roofs twice.

MODERATOR: But that's not this school. Correct?

MAJOR: Correct.

MODERATOR: We're talking about, we're talking about the West Middle School Article that's before us now. Any other articles-any other items? All those in favor, please of Article 17, please raise one hand. It requires a two-thirds vote. Thank you. Those opposed. The ayes have it the motion carries by more than a two-thirds vote I would declare it so. Does anyone question that declaration? Article 18. Mr. Salafia.

SALAFIA: Yes, Madam Moderator I move to appropriate \$35,000 from Free Cash for the purpose of studying options for the location, development and financing of a Municipal Services Facility, commonly known as the Town Yard, and its associated programmatic space needs.

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

FELDMAN: Rick Feldman, Belcrest Drive, representation the Town Yard Task Force. It's made up of Town volunteers...first slide. Thank you. With assistance from the Town officials has determined that the present facility on Lewis Street, long-used to house the highway, forestry, water and sewer vehicle maintenance, and parks and grounds divisions is no longer suitable to the Town's current requirements. The Town Yard Task Force has determined the present facility is too old, too small, and too fragmented. The metal building was built

in 1965 as a temporary facility to support a Town, then with a population of 20,000 people. The building is now structurally unsound, failing, and the Town's Building Inspector along with an outside engineering consultant have determined that further repairs are no longer an option. Facilities at Lewis Street are way too small. It cannot house all the vehicles required to maintain the Town of now over 30,000. We have to currently store too much equipment outside and that contributes consistently to their wear and premature replacement. In addition the management of the maintenance functions is significantly hampered by the array of too many ad hoc makeshift locations housed around the Town. Next slide, please. This shows the inside of the Lewis Street facility. Next slide, please. This shows the failing of a structural column that has just been, with rust and again is structurally challenged. Next slide, please. This shows the structural cracks to the outside of the concrete building. Next slide, please. This shows an outside equipment that is rusting and again should be stored in the future inside. Last year the Town advertises for proposals to replace the present facilities. At that time we did not receive any proposal that was fiscally prudent and the Town Yard Task Force reconvened to draft a new request for proposals that would give us better options. As of yesterday, we received four proposals that the Town Yard Task Force will evaluate in the upcoming weeks. The funds we are requesting tonight will be used for professional services so the Town Yard Task Force can properly evaluate these proposals and report back to the Town at a future Town Meeting with a recommendation for our solution. This will ultimately be a major decision for a future Town Meeting and the requested funds are required to allow to engage outside expert services to help us carefully review these options. Thank you.

MODERATOR: Selectmen's report, please Mr. Salafia.

SALAFIA: Yes, Madam Moderator, the Board of Selectmen unanimously recommends approval of Article 18. This Article'll provide the Town Yard Task Force with funds needed to contract engineering and other professional services to properly evaluate proposals for the replacement of the present Town Yard, which is now way beyond repair. With this information the Town Yard Task Force will be able to bring a more informed recommendation to a future Town Meeting. The Board of Selectmen again voted unanimously to support this Article.

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

KRUSE: Yes, thank you. The Finance Committee also recommends approval of this Article. The money in this Article will be used to evaluate the next round of proposals for a new Town Yard site. This evaluation will allow the Town Yard Task Force to determine if a proposed site can support the necessary Town Yard functions and to develop a full understanding of the cost of that proposal. You may remember that in past years Town Meeting has voted study money for a Town Yard that money has been used for two studies: one is to evaluate the current Town Yard to evaluate the structural deficiencies and also the space needs; the other study was done on a potential Town Yard site at 146 Dascomb Road, that study, after the, that evaluation was done the Town Yard Task Force decided that that study was not solid enough to bring to Town Meeting and they withdraw the Warrant Article right before Town Meeting last year. Those two evaluations are still valid, and the Town Yard Task Force will rely on them as they go into this next round of site evaluations. This sort of evaluation made possible by this study money allows us to make good decisions, do a careful evaluation, hire outside experts when you need to, and don't propose to spend the big bucks until you're comfortable with the proposal you'll bringing forward. In summary the Finance Committee thinks that this Article will allow all of us to make a better decision on a future proposal for a Town Yard site we recommend approval.

MODERATOR: Mrs. Duff, Planning Board report please.

DUFF: The Planning Board recommends approval.

MODERATOR: Any discussion? Go ahead, Mary.

CARBONE: Mary Carbone, Cyr Circle. Actually I am in disapproval of the concept of this Article and the money that's being spent on it. Actually I agree in total that the Town Yard is in deplorable condition, there's no question about that. No one should have to work under those conditions. I have been in the Town Yard on a couple of occasions. But bottom line is, if that Town Yard land is so lucrative for a developer to incorporate that land into the downtown business district that's a whole different ballgame. Actually I have suggested that we leave the Town Yard exactly where it is, build a building on that Town Yard in a tiered effect, and putting administration on the second level and

put the vehicles that are needed for the Town Yard on the ground level. Also we have the Public Safety Center vehicles that gas up in that Town Yard. So I think it's very important that we keep the Town Yard centrally located on that compound. Thank you again.

MODERATOR: Thank you. Yes, Ma'am.

Is this appropriate place if you have a question?

Yes. Go right ahead.

Bonnie Sahorik, 2 Granli Drive. I'd just like clarification on how much we've spent, we've been hearing about this issue for a while, how much we've spent so far to study it? And whether there's a high-confidence that this money that we're now spending will actually get us to resolution.

MODERATOR: Who can answer that?

SALAFIA: I can probably take that. I'm the liaison to the Town Yard Task Force. And if you remember \$100,000 was appropriate in the past; \$60,000 of that has been spent. That \$60,000 was, correct me if I'm wrong, Joe, is, was used for a need study. And all of that is very relevant information and that will...your question was that initial, additional \$35,000 take us through. I think there is a high level of confidence that the Town Yard Task Force will be able to evaluate, and this was in much discussion at their meetings, will be able, with the money remaining, will able to evaluate the existing sites. Now, some sites came in as the deadline yesterday and this money will be used for just to study and get further, much more information. As you all know, information in this forum is what you want and in order to avoid a multi-million dollar mistake I think the Town Yard Task Force is being very prudent to try to give you the best information possible. And that's what this money is for, to make sure that if and when they come back to make a recommendation...the options are not clear yet it could be to anyone of a new site or possibly rebuild where we are. We just don't know what, what those will be, but the remaining money will be used to give you the best information possible on any of the options that we will look at in the future.

MODERATOR: Does that answer your question? Okay thank you. Yes, sir.

SEBASKI: Yes thank you, Madam Moderator. Greg Sebaski, 7 Cobblestone Lane, also Chairman of Andover's Green Advisory Board. The Green Advisory Board has voted in full support of this Warrant to fund the money to study these proposals in more detail. We've talked a lot tonight about reducing costs and expenses in the Town, which is but is in somewhat of a downward spiral as we've heard about with the schools and other activities, this is one opportunity if we can determine through the evaluation a ways to raise new tax revenue for the Town by potentially redeveloping that site in terms of smart growth around a transportation center for both retail and housing this would be a wonderful opportunity for the Town to increase its revenue base at a time when there's relatively new construction, which we think is a very sustainable program, so the Green Advisory Board is in full support of this Warrant. Thank you.

MODERATOR: Thank you, sir. Yes, sir, do you have a question?

MARSHALL: I have a question, Bob Marshall, Samos Lane.

MODERATOR: Yes, sir.

MARSHALL: I look at the Warrant here that's in the printed copy from the Treasurer's report that basically says we're looking at \$100,000 in the top section here than in the grey shaded area it talks about \$35,000 being approved from the balance of, what do they call it, unspent. So are we voting on 35 only?

MODERATOR: Yes. We're voting on 35 only at this point.

MARSHALL: So that's going to be the gospel right there. No up amounts.

MODERATOR: Right. This Article is for an appropriation of \$35,000.

MARSHALL: The four people, proposals that did come in---

MODERATOR: Originally—I don't mean to interrupt you. But as I understand it, originally, \$100,000 was there and it has since been reduced to \$35,000. So the original Warrant Article, if you recall when we started the Meeting I told you the Warrant Article that the Town always has the option to lower a dollar amount, they cannot increase what was put in there.

MARSHALL: I understand that.

MODERATOR: Okay. So this was less. Okay.

MARSHALL: The four new request came in. I think proposals came in from four new vendors. I assume they're new vendors, and not repeats of the ones before. Are they? Can somebody tell me whether they're four new ones?

FELDMAN: These proposals just came in yesterday, so really we haven't had a chance to review with the committee all these. We will get together in the next couple of weeks and get back to everybody in the Town. So they're really just, they're all complicated proposals, to give you a quick answer, you know everybody has a little bit different angle to it, so we can't give you a say, this proposal one, two, or three until we get together with the committee.

MARSHALL: I think I'd like to know about how much prep work on this project there's been. We're going through four iterations of this, you know, about the Town Yard. I don't know how much we spent. But, \$35,000 to look at the same numbers we paid \$60,000 a year ago, doesn't make any sense to me unless one of those four new proposals is new to the Town, has not seen it before.

FELDMAN: These are new proposals. These include new proposals.

MARSHALL: Thank you.

MODERATOR: Thank you, sir. Are you ready to vote? All those in favor of Article 18 please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries, by more than a majority vote. Article 19, Mr....like I'm saying, Ms. Ralston—I'm sorry I thought it was going to be Mr. Cooper. Thank you.

COOPER: I'm Don Cooper of 4 Eagle Way, on the Andover Conservation Commission. And with me is Gail Ralston also of the Andover Conservation Commission. The Conservation Commission is withdrawing Articles 19 and 20 tonight.

MODERATOR: Can we make that motion and then I'll let you discuss it.

COOPER: I move that Articles 19 and 20 be withdrawn from the Warrant—

MODERATOR: -I'm sorry can we do that one at a time. One Article at time.

COOPER: Conservation Commission moves that Article 19 be withdrawn from the Warrant tonight.

MODERATOR: Article 19 has been moved and seconded to withdraw. Would you like to tell us why?

COOPER: Yes I would.

MODERATOR: Go right ahead, sir.

COOPER: The land we wanted to purchase would enhance and complete the Foster's Pond Reservation, which we started with 42 acres in 1997 and added 5 acre pond-front parcels that we bought on the authorization of Town Meeting last year. We do not have an attractive enough deal to present to you tonight. The owner is at too high a price. Two days ago we received an appraisal that's closer to the price that we were offering the owner than that the owner is at. Sometimes this kind of information needs a while to sink in before it's appreciated. So we're still open to negotiation about this property and we sincerely hope that we have a good deal for the property to present to you at a future Town Meeting. And actually I'm gonna change that, this is a long-time Andover family that we're dealing with here. So I hope at future Town Meeting we have a fair deal to present to you and if we do we will bring it to you and hopefully we can look for your approval. Thank you.

MODERATOR: Thank you, sir. Article 19 has been and moved and seconded to be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it, the motion has been withdrawn. Article 20, Mr. Cooper, thank you.

COOPER: The Conservation Commission asks that Article 20 be withdrawn from the Warrant tonight.

MODERATOR: Article 20 has been moved to be withdrawn. And seconded. Do you have any comment on that?

COOPER: This is an Article that's pendent on Article 19 so if Article 19 is withdrawn, 20 should be withdrawn.

MODERATOR: Okay. All those in favor of withdrawing Article 20 please raise one hand. Thank you. Those opposed. The motion

has been withdrawn. I would be remiss tonight if I did not mention that 50 years ago in our Town Meeting, the Town Meeting at that time voted into existence our Conservation Commission. You just saw two of the members who have picked up the mantle and carried it and through the wisdom of our forefathers and mothers 50 years ago, we have well over 2,000 acres of land that has been preserved and conserved in Andover and I think we all should be proud that we are at least trying to maintain the character of our Town. Thank you very much. [APPLAUSE] Editorially, I do hope in 50 years people will look back and say the gee they really got it right 50 years like we so often say that now about our predecessors. Article 21, Mrs.—would you all like to take a stand for a moment and sit down. Go ahead. Why don't we take a stretch. We're half way through so let's just take a stretch. Seventh inning stretch if we will. The hockey game is 2-2. Okay let's have a seat and get back to work. This wasn't a license to leave. Quick have a seat so we know who's leaving. Thank you. Article 21 please. Mrs. Lyman.

LYMAN: I move to appropriate \$25,000 from Free Cash to conduct studies to determine the feasibility of locating solar energy or other renewable energy facilities on municipally owned properties.

MODERATOR: Article 21 has been moved and seconded. Mr. Materazzo are you speaking to this?

MATERAZZO: Yes. Good evening. My name is Paul Materazzo, Director of Planning for the Town of Andover. With me tonight I have Girish Rao from the Andover Green Advisory Board. Over the past year representatives from the Advisory Board, Plant and Facilities and the Planning Board have been investigating the feasibility of utilizing municipal land for solar energy facilities. Said opportunity would allow for the installation of ground mounted solar photovoltaics at several strategic Town owned properties at no cost to the Town with opportunities for substantial returns. In preparation of the Town solar team advancing various energy facility installations for Town Meeting this past fall, representatives from both the Board of Selectmen and the School Committee have requested that a business plan be provided. In attempt to address their inquiries as well as questions that have been raised by area residents, the Advisory Board has submitted Article 21 for consideration. The study is intended to help guide the Andover Green Advisory Board as well as various Town staff in identifying suitable parcels and evaluating site constraints and

limitations, while helping develop a business plan that will outline projections in revenue. The findings from this study will help set the table for a subsequent Town Meeting where Town Meeting voters may be asked to consider renewable energy facilities on Town owned property. I'd like to turn the mic over to Girish Rao, who's gonna just quickly update you on some of the findings that we've had over the past year.

RAO: Thank, Paul, Madam Moderator. Girish Rao, 249 Highland Road. I'm an Andover resident and a member of the Andover Green Advisory Board. Preliminary engagements with our renewable energy vendors have indicated returns anywhere between \$4,000 to \$25,000 annually for an acre of land zoned for development. Assuming that the Town can identify seven acres of renewable, seven acres for renewable energy development, the cost of the feasibility study can be recovered in the first year itself. Further looking, locking in a long-term contract with renewable vendors would ensure a steady revenue stream for the Town [inaudible] contract. The feasibility serves to establish guidelines for the Town in regards to parcels of the land that the Town will identify for renewable energy development. It will provide economic analysis for potential [INAUDIBLE] projects. The feasibility study will provide guidance for [INAUDIBLE] system ownership model, for example power [INAUDIBLE] like [INAUDIBLE] or municipal ownership, or land deeds and their related risks and rewards. Voting yes for this Article will allow the Town to move forward tapping into these potential revenue streams. Thank you.

MODERATOR: Thank you, sir. Board of Selectmen, please. Mrs. Lyman.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: The Finance Committee. Mr. Fortier.

FORTIER: Thank you, Madam Moderator. Paul Fortier for the Finance Committee. A renewable energy facility on Town owned land could result in new property taxes as well as deeply discounted electricity rates for the Town. Identifying parcels, identifying limitations of those parcels and then developing a business plan is key to this initiative. We feel this is money well spent and the Finance Committee recommends approval of Article 21.

MODERATOR: Thank you, sir. Mrs. Duff, please, the Planning Board report.

DUFF: The Planning Board recommends approval of this Article.

MODERATOR: Thank you. Let's start over here you were the first one standing. Go right ahead Ma'am.

HART: Louise Hart, 11 Heather Drive, Andover, and I should say President of HI5 Renewable Energy Systems and a former director of the Massachusetts Solar Action Office. I look at this Article with interest because all established and operating renewable energy companies in Massachusetts provide such services for free. They do not charge. In fact I've done it for communities in two states at this point. And certainly could volunteer the services of HI5 Renewable Energy Systems for this purpose and it would be no charge to the Town. It has no obligation when we do it. It is in fact just to promote the use of renewable energy. I do agree the use of renewable energy can in fact be an income stream for the Town and I would welcome that opportunity to help the Town of Andover.

MODERATOR: Thank you. Yes, sir.

PASQUALE: John Pasquale, 47B Whittier Street. Point of information, Madam Moderator.

MODERATOR: Yes, sir.

PASQUALE: On Earth Day, April 22nd I had the privilege to attend [BREAK IN TAPE]

RAO: --returns on your investment for this kind of projects individually. What happens to the Town, there are far more complicated things to look at so the money being appropriated is to vet all aspects the things and to see what are the grants available. But I think [INAUDIBLE] opportunity and we should take it very seriously.

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

MATTHEWS: Laurie Matthews, [INAUDIBLE] River Road. I know that other towns, first of all I'll say this a great idea we should definitely go for it, other towns have used their capped landfills as a site for, and I just wanted to know if our landfill was a, that was in consideration?

MODERATOR: The Town Manager can address that.

STAPCZYNSKI: Yes, Ma'am. Just so that you know that is something we're actively looking at. We're working actually with the Merrimack Valley Commission. They are going up and down the Merrimack Valley to a look at landfills and other municipals potentials. Ours happens to be rated very high and they did an analysis of it recently, a what they call a fatal flaw analysis of that site, and we estimate when it is finally capped and closed in several years it will be an ideal location for what they call a bright field or a solar array. So we definitely have plans for that location.

MODERATOR: Thank you. Any other questions or comments? Yes, Ma'am go right ahead.

[INAUDIBLE NAME]: [INAUDIBLE] at 14 Lincoln. I just want to speak in support of what the previous woman said. I totally we should be looking at it, but I think she's right that we ought to be looking at either doing the study internally or partnering with someone who would do it for free. I think we're too quick to spend money on studies and \$25,000 might not seem like much but it would go a long way in funding an additional teacher at one of our schools so I just again I think we should pay attention to what she was saying that there probably is a free service out there that we could pursue.

MODERATOR: Okay. Thank you, very much. Article 21 has been moved and seconded. All those in favor please raise one hand. Okay. Those opposed. Could we do that one more time. I need a majority vote. All those in favor please raise one hand. Those opposed. I think we need to take a vote. It's probably going to come out strongly one way or the other, but I can't tell. So all those in favor please stand. If you are going to vote please be at a seat. All those in favor please stand.

Section 1: 8; Section 2: 18; Section 3: 19; Section 4: 20;
Section 5: 18; Section 6: 18; Section 7: 14; Section 8: 17;
Non-Voting: 1; Hall: 1; Stage: 20.

MODERATOR: All those opposed, please stand.

Section 1: 4; Section 2: 13; Section 3: 10; Section 4: 4;
Section 5: 13; Section 6: 22; Section 7: 39; Section 8: 14;
Non-Voting: 3; Hall: 0; Stage: 3.

MODERATOR: 154 having voted in the affirmative; 125 having voted in the negative, the motion passes. Article 22, Mr. Major. Mr. Major?

MAJOR: Thank you, Madam Moderator. I move to authorize the Town Manger to solicit and award contracts for purchasing electricity generated by solar energy facilities or other renewable resources, in accordance with the provisions of applicable Massachusetts General Laws, for terms exceeding three years but no greater than twenty years, in any renewable extension or option provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen.

MODERATOR: Article 22 has been moved and seconded. Mr.—who's speaking to this, Mr. Major, are you? Go right ahead.

MAJOR: The Board of Selectmen recommends approval of this. Right now we can only do contracts in this Town of three years or less, so this allows us to expand that and really take advantage of lower cost options for a longer terms period of time and we do that now with your permission for other energy sources.

MODERATOR: Finance Committee report, please.

FORTIER: Yes, thank you, Madam Moderator. The Finance Committee recommends approval of Article 22.

MODERATOR: Thank you. Mrs. Duff, please.

DUFF: The Planning Board recommends approval of this Article.

MODERATOR: Okay. Yes, sir, go right ahead.

RIGBY: Greg Rigby, 131 Rattlesnake Hill Road. We're talking about making a change to the contracting powers of the Selectmen to allow them to contract for 20 years. Right now they can only do three years at a time, but as Selectmen Major just said if they want to do a longer period of time they can bring it before Town Meeting for approval. So I don't see any reason why they couldn't do that in the future as well. Keep in mind that although I commend the people who are in favor of green energy, and I think it's a way to go in the future, we are at the very beginning of a technology curve and when you put this kind of technology in the field it gets cheaper as time goes on. If they were to take this technology and put it out there now and we contract for 20 years and new technology comes down the road we're stuck with a 20 year contract. So I think although in the future a 20 year contract may make sense at this point I don't see in granting that unless something really changes, in which case

it could come before Town Meeting. State of Massachusetts has already spent \$60 some million on a solar company that packed up and left, so I would be very cautious about using taxpayer dollars to fund a project that should stand on its own, in its own right as a commercial venture.

MODERATOR: Go ahead, Joe.

PIANTEDOSI: Joe Piantedosi, Acting Director of Plant and Facilities.

MODERATOR: Doesn't he look like the same one as opposed to the acting [LAUGHTER]. Go right ahead.

PIANTEDOSI: The way this works is private developers apply for Federal grants, State grants and they put solar fields in and they have to find a person or an entity to buy the power from them. They sell the power at reduced rates, and in order to do that, in order for them to get their loans and their funding to do that, they have to have a long term contract from an entity such as the Town to do this. The rate that they would be charging would be lower than what we're playing in the long term would be lower. If you've looked at your electric bills over the last 10 or 12 years they're not going down and the keep going up. So if we're able to secure a very favorable cost, and some of the numbers that I've looked at are much more favorable than what we're paying and would be very favorable in the long term, that's something that the Town would benefit from and it would protect us from long term upswings. And this would only be for a portion of our electricity purchase not for all of it.

MODERATOR: Thank you, Joe. Yes, sir.

POKRESS: Bob Pokress, Cherrywood Circle. I'd like to echo Mr. Rigby's comments a few minutes ago. I've spent my entire career working in research and development in high technology over 30 years. I'm a Bell Labs alum. And I previously was head of R & D for what is now Verizon. And what I have learned from that entire career is technology is driving the costs of everything that touches and power generation is the next area in which technology is going to have a major influence on the cost of power generation. As technology has reduced the cost of telecommunication, those of you over 35 remember how expensive phone calls were as recently as 15 years ago. Now most companies are giving away phone service as a loss leader to get you signed up for other services that they offer. And that's a direct result of technology.

Technology will have the same impact on power generation, or renewable power generation, as it has had on other industries and we can carefully and reliably expect 14 generations worth of new technology for renewable power over a 20 year period. So as Mr. Rigby indicated to lock ourselves in on a 20-year contract when we can look forward to at least 10 to 15 new generations of technology over that period would be highly irresponsible give that in two to three year cycles we will see generation, power generation that is related to technology coming down on a per kilowatt hour basis. We certainly would always have the option to switching sources of power on shorter term contracts as we do today. I urge people to vote no because it would be a wrong-headed move to lock us in for a long term for something whose costs will come down because of the effect of technology on it. Thank you.

MODERATOR: Yes, sir.

CUTICCIA: I have a question.

MODERATOR: Go right ahead.

CUTICCIA: I have a question, Madam Moderator. Jimmy Cuticcia, Greenwood Road Andover, I'm Chairman of the Andover Housing Authority. The question is to Joe. Joe would the Housing Authority be able to sister on with you in the purchase of this, these products if you do get this approved?

PIANTEDOSI: Yes, if the Housing Authority can approve contracts for the purchase of electricity for long periods of time. Because that's what this is all about.

CUTICCIA: Right but would we be able to join in with you to make a larger group purchase and in essence improve --

PIANTEDOSI: --yes, that is something that is possible.

CUTICCIA: I would suggest that I bring this back to the Housing Authority for a review and we've had past experience working together on these types of projects. I haven't seen the cost of power go down during my tenure at the Housing Authority or paying my electric bill at home. You're right, new, new technology may drive the price down, but the price is up now and if we continue paying a high price that we're paying now, the offset also has to be considered toward the future. This allows them to have a 20 year contract, it doesn't say that they necessarily have to have a 20 year

contract if I'm not mistaken and this gives us the ability to look at that we pay at the Housing Authority many thousands of dollars for electricity so if we can find a way to reduce that cost it's a positive thing.

MODERATOR: Excuse me. [GAVEL]

LYMAN: Madam Moderator?

MODERATOR: Go right ahead, Mrs. Lyman.

LYMAN: Mr. Cuticcia I'd like to say that the Board of Selectmen would like to ask you to bring it forward as an agenda item, we'd be very much interested in talking to you about joining forces to make that happen.

MODERATOR: Yes, sir. Right down there.

FINK: Greetings, Madam Moderator. Steve Fink, 26 Bateson Drive.

MODERATOR: Can you turn on mic number two. Go right ahead. If you could identify yourself again please.

FINK: Too tall, Madam Moderator. Steve Fink, 26 Bateson Drive, from Sustainable Andover. I'd like to make two quick comments I too was at the presentation Joe Piantedosi gave on Earth Day and that man saved us a million and a half dollars on our energy costs. Not what might happen but what actually happened. So when Joe tells me we're going to save some money I tend to look into what he's saying and listen carefully. And I would like us all to stand up and applaud Joe.

MODERATOR: Well you can applaud him but you don't need to stand up. [APPLAUSE] Go right ahead.

FINK: Second point though. In my role in Sustainable Andover I've had a chance to look a couple of these proposals and I agree with Joe, we're not talking about committing the Town for its entire electric bill for 20 years, we're talking about creating a mechanism to allow a solar farm to be built in Andover, which would be linked to the schools, which are an educational benefit, which will our costs in the short term. We're talking about substantial reduction in the cost of electricity for that small proportion of the Town's power. But it is a move forward to sustainable energy which will benefit the schools and benefit the Town's cost. And it's nowhere near the reach that the opposition's painting here. I

think Joe's right. We've been looking at the specific proposals and I think he's completely on target. Thank you, Madam Moderator.

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

HART: Yes, Louise Hart, 11 Heather Drive, Andover, Mass, still president of HI5. In support of Mr. Piantedosi, Mass General Laws, okay, the Green Communities Act of 2008 specifically states that for renewable energy contracts for up to 20 years are allowed. That's the State law now, and the reason it's there is simple. Mr. Piantedosi was correct, the way in which large solar installations are put in and I can speak because we're doing 350 megawatts in six states, is that after you have in fact done your evaluations, done your business plan and identified all your equipment, as part of the financing when you're dealing with a community, especially, you establish a contract. And 20 years is what the banker, and the funders, lenders expect; 15's minimum, 20's standard now in the industry. The savings are there for the community. And I will also mention that the State has projected out for anyone who's interested that our electric bills as horrendous they are now are going to just about double in the next 10 years. So doing something to hold down the price of energy on a community level actually saves the Town itself.

MODERATOR: Thank you. If you have something new to offer. I think you were up first, go right ahead.

ROBINSON: Erik Robinson, 193 Shawsheen Road. I just want to know does the Town currently enter into longer term contracts and if so what's the term?

PIANTEDOSI: We were the first Town in the Merrimack Valley to have contracts where we buy third-party energy, electricity and natural gas, and typically are contracts go three years out. And we buy our electricity, right now from a company called Trans Canada; we buy our natural gas from a company called Hess. We shop around before we do this and get the best rate and we currently have one of those contracts that goes out for at least three years and we tend to look at market situations when the price is down, take advantage of that, and look in those prices. So that's what we've been doing to save money in our energy purchase.

MODERATOR: Does that answer your question, ma'am? Last one then we'll take a vote. Go right ahead, sir.

BROWN: David Brown, Glenwood Road. If we listen to the expanded arguments of some of the opponents we'd never buy a new computer because next year's computer will offer 10 times as much memory, be 10 times faster, and be half the price. Don't buy a new car because next year's car is gonna have twice the gas mileage. This Article does not obligate the Town to go into long term contracts. It gives the Board of Selectmen the flexibility to enter into a longer term contract when they deem it's in the best interest of the Town. Part of that consideration for the Selectmen I'm sure will be, how fast is this technology changing, if we go 10 years are we going to be setting ourselves up for not getting as good a deal as if we go five and then do another one. I think we should trust the judgment of our elected officials, let's give them the flexibility to make the best deal in their judgment. I urge you to vote for this Article.

MODERATOR: Are you ready to vote? All those in favor of Article 22 please raise one hand. Thank you. Those opposed. Thank you. The ayes clearly have it, the motion passes. Article 23, Mr. Teichert.

TEICHERT: I move that \$300,000 is appropriated to pay costs of purchasing various Public Works vehicles, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town of therefor.

MODERATOR: Article 23 has been moved and seconded. Mr. Teichert, Selectmen's report please.

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

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

MERRITT: The Finance Committee recommends approval.

MODERATOR: Any comments or questions? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. It needs a two-thirds vote. I've declared it to be clearly in excess of that. Does anyone question that declaration? The motion carries. Thank you very much. Article 24, Mr. Salafia.

SALAFIA: Madam Moderator, I move that \$100,000 is appropriated to pay costs of engineering services necessary to evaluate bridges in Town and to pay costs of bridge repairs, including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7(4) of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 24 has been moved and seconded. Mr. Salafia the Selectmen's report please.

SALAFIA: Selectmen recommend approval.

MODERATOR: Mr. Merritt, the Finance Committee report.

MERRITT: The Finance Committee recommends approval.

MODERATOR: Okay. Any discussion? Go ahead, Mr. Pasquale.

PASQUALE: John Pasquale 47B Whittier Street. This is information. I realize what I'm going to say the Town doesn't own, I'm talking about railroad bridges.

MODERATOR: Okay that's not before us right now.

PASQUALE: But it's a bridge.

MODERATOR: I don't believe that's included in this appropriation. I won't let you speak to railroad bridges, we don't own them. It's not germane to the discussion.

PASQUALE: Madam Moderator, I don't want to drag it out. I just want to know if they would contact the people in the railroad to look at the 3 bridges. Okay.

MODERATOR: Okay.

PASQUALE: If you go down to the Horn Bridge in the morning and look up you'd be very nervous.

MODERATOR: I understand. Any other questions or comments? Yes, sir.

MARSHALL: Bob Marshall, Samos Lane. When I looked at this Article, the red flag went on. I basically said, bridges,

they must be, there's something else going, I remember passing couple articles a couple of years ago on bridges and yes I look on page 117 where the outstanding capital items are and there's two line items there. For Warrants that were in 2007 and 2008 for bridges. Now what I can't tell what tell is what streets, what bridges those were, or what streets they're on. But it seems to me we have \$700,000 still sitting out there. Not used. You can turn to page 117 if you have your books here and you'll see it—outstanding CIP items. So I don't know whether there's a duplicate or what. I do happen to know too, some of that money is out on bonding, just recently. So I don't know what's going on.

MODERATOR: Let me see if we can find out for you. Does anyone have an answer to that? One moment please.

MARSHALL: This is a point where you should identify exactly what it is and not just be general.

STAPCZYNSKI: John Bean, Interim DPW Director are you versed to answer this question. No, you're not, okay. Sandy? This is an Article that we ask for every year or two because we are responsible for all the other bridges in Town and this is to allow us to do the required maintenance.

MARSHALL: But you haven' done any lately.

STAPCZYNSKI: We have, and if you'd letter explain she will.

MODERATOR: Let them explain it to you. Hold on.

GERRAUGHTY: Sandy Gerraughty, Business Manager, Department of Public Works. A few years ago we did as for bonding of \$600,000 and that amount of money was specifically for the Andover Street bridge because of the deficiencies that have been identified by Mass Highway. We are still in the process at this point in time of evaluating and coming up with plan and the engineering design to take care of that. Because we don't want to shut down Andover Street completely. So that's going to be a little bit of a challenge down in Ballardvale to make sure that we can still have traffic. That was the \$600,000 for that bridge. This is \$100,000 of the regular Articles that we do every year or every other year after deficiencies are determined by Mass Highway so we can go out and get engineering and look at what we need to do to them. So there is a large amount out there but it is specifically earmarked for Andover Street Bridge and it still in the process.

MARSHALL: There are two items on that outstanding list and there's \$100,000. Is that different too?

GERRAUGHTY: That is part of one of the regular ones which we are still working on because have, after last May's, excuse me last March's floods, we have some issues that have been identified on a couple of other bridges that we've applied for FEMA money and we unfortunately did not receive it. They were denied. So we are still working. That money is being used on other bridges now we have to look—every year we get report from Mass Highway identifying problems or deficiencies or if the bridges are good and we need to identify them on an on-going basis.

MARSHALL: Has any real work been done? Expenditures made? On those two outstanding items?

GERRAUGHTY: On those two outstanding items. I don't have that with me, we can get you that answer. We have been doing some engineering studies.

MODERATOR: Okay but I think she has answered your question.

MARSHALL: Yeah, I think she has.

MODERATOR: Okay thank you. Are there any other questions? Can we move to vote? Is it something new you want to offer here? If you can identify yourself.

OCONNOR: Excuse me. My name is Frank O'Connor, 18 Dale Street, in Ballardvale. The bridge at Andover Street and the bridge on Essex Street are relatively new. They're not 10 years old. And with the money that was spent for design is there not a reasonable expectation the would take into account ice flow and flood pressures to have reasonable life of more than five or 10 years so that we wouldn't have this conversation every third or fifth year. Thank you.

MODERATOR: Go ahead. Mr. Bean.

BEAN: John Bean, I'm the interim Director of Public Works. We are responsible for six bridges. Sandy Gerraughty, Business Manager, just discussed Andover being a special case with many deficiencies. This is an incremental program to fund professional analysis, structural analysis, and design of preventative maintenance repairs. As a 27-year Direct of Public Works, I can tell you that this is very cost effective money. If you had to replace these bridges it would be much

more expensive than this. This will extend the life of these bridges. I believe that this is primarily the next bridges for study are Central Street, Essex and Ballmoral. Stevens Street it's my understanding has been done.

MODERATOR: Okay. We all set to vote? All those in favor of Article 24 please raise one hand. Requires a two-thirds. All those opposed. The ayes clearly have it by far more than a two-third, unless someone objects I will declare it so. I do declare it paid-passed with more than a two-thirds vote. Thank you. Article 25, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that \$85,000 is appropriated to pay costs of designing and constructing a municipal parking lot, including the payment of any and all costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7, Paragraph 5 of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 44 has been moved and seconded. Mr. Vispoli you have a recommendation for the Board of Selectmen.

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

MODERATOR: Mr. Rigby the Finance Committee report please.

RIGBY: The Finance Committee recommends approval of this Article.

MODERATOR: Any questions or comments? All those in favor. It requires two-thirds. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by significantly for than a two-thirds vote. I will declare it as such unless someone objects. Thank you very much. Article 25 passes. Article 26. Mr. Vispoli.

LYMAN: I move that \$75,000 is appropriated to pay costs of design and engineering costs for making drainage improvements on High Plain Road at Fish Brook, including the payment of all, of any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7, Subsection 22 of the General Laws, or pursuant to any other

enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 26 has been moved and seconded. Mrs. Lyman a report from the Board of Selectmen, please.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Mrs. Milne the Finance Committee report.

MILNE: The Finance Committee recommends approval.

MODERATOR: Thank you. Are there any questions or comments? All those in favor please raise one hand. It requires a two-thirds vote. Thank you. Those opposed. The Article passes by far more than a two-thirds vote and I declare it such. Does anyone question that declaration? Thank you very much. Article 26 passes. Article 27, Mr. Teichert.

TEICHERT: I move to transfer from Free Cash and appropriate the sum of \$12,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities. I'd like to talk to it too, please.

MODERATOR: Article 27 has been moved and seconded. Mr. Teichert the recommendation, please.

MODERATOR: First of all the Board of Selectmen recommends approval of this Article. The fireworks are named in honor of Jerry Silverman, who for over 50 years took it upon himself to raise the funds necessary for the Town's annual fireworks celebration from both private and public sources. He used to come to this meeting and hold up this jar asking for your support and we continue to move on and do the same thing. You will see this jar around Town and your support is kindly appreciated. And we recommend approval.

MODERATOR: Finance Committee, Mr. Merritt.

MERRITT: Finance Committee recommends approval.

MODERATOR: Any questions? Yes, sir.

POKRESS: Not really a question, a request. Jerry Silverman--

MODERATOR: --I'm sorry Mr. Pokress will you identify yourself.

POKRESS: I'm sorry, Bob Pokress, Cherrywood Circle. I would like to just request in this public forum while the School Committee is on the podium that considering that Jerry Silverman was an lifelong professional educator and gave so much to this community as a volunteer that we do a little bit more in recognition of his contributions to this Town than just naming the fireworks after him. I'd like to request the School Committee give serious consideration to naming the replacement school for the Bancroft after Jerry Silverman.

MODERATOR: Okay. Article 27 has been moved and seconded. All those in favor please raise one hand. Thank you. All those opposed. The ayes have it the motion carries. Thank you. Article 28. Mrs. Lyman.

LYMAN: I move to appropriate and raise by taxation the sum of \$12,000 for the purpose of continuing to provide for elderly and disabled transportation subsidy program.

MODERATOR: Article 28 has been moved and seconded.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Mrs. Milne the Finance Committee please.

MILNE: The Finance Committee recommends approval.

MODERATOR: Are there any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 29. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move to withdraw Article 29 from the Warrant.

MODERATOR: It has been moved and seconded to withdraw Article 29 from the Warrant. All those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Article number 30, Mr. Teichert.

TEICHERT: I move to transfer the sum of \$100,000 from Water Reserves and the sum of \$300,000 from Free Cash and appropriate the sum of \$400,000 to the Other Post Employment Benefit Trust Fund 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 30 has been moved and seconded. Mr. Stapczynski are you speaking to this Article?

STAPCZYNSKI: If need be. This is—I'll just say a word—this is our ah post employment benefit for employees. Municipalities are just becoming aware of this, it's a liability. For those of you in the private sector your companies have been accounting for this in their balance sheets for many years. We are now required to acknowledge it and we are of one of only a handful of municipalities in the Commonwealth that are now addressing it and appropriating money to account for this liability.

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

TEICHERT: The Board of Selectmen recommends approval.

MODERATOR: Mr. Stumpf the Finance Committee report.

STUMPF: Thank you Madam Moderator. This Article continues the Town's commitment to fund the long-term liabilities earned by the public employees and paid after retirement. Typically these are health and life insurance benefits. This year represents the second year of funding to address the approximate \$245,000,000 unfunded liability. Finance Committee recommends approval of Article 30.

MODERATOR: Any comments? All those in favor please raise one hand.

MARSHALL: I have a comment, may I?

MODERATOR: Yes, sir. Go right ahead.

MARSHALL: Bob Marshall, Samos Lane. What is the policy gonna be on a ongoing basis, on an annual basis about this \$100,000 on this fund? I notice that last year you took it out of the Sewer Department. Are we gonna alternate back and forth, or what?

STAPCZYNSKI: Well it's---the short answer is that every year we are going to be taking something out of one department or another. This is the third, I think, second or third year that we've done this. So, we know that we're taking it out of the operating budget for the town departments. And every year we'll see where we can appropriate the money, either water or sewer reserves.

MODERATOR: All set?

MARSHALL: That's it. Thank you.

MODERATOR: Thank you, sir. All those in favor of Article 30 please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 31..Mrs. Diff are you moving that Article? Whoever's movers moving it if you could come quickly.

SALAFIA: I am.

MODERATOR: Who's "I am?"

SALAFIA: Oh, I thought I was.

MODERATOR: No, you're not. Oh, sorry.

VISPOLI: You're a Selectmen now, Paul.

DUFF: I move that the Town approve the Zoning By-Law amendment - Off Street Parking Requirements as printed in Article 31 of the Warrant and further than non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws.

MODERATOR: Article 31 has been moved and seconded. Mrs. Schwarz.

SCHWARZ: There haven't been very many power points so I'm gonna do one for you. Article 31, and I just wanted to cover the reason-

MODERATOR: If you can please identify yourself.

SCHWARZ: I'm sorry. Lisa Schwarz with the Planning Division. The Planning Board took some time over the last year to take a look at our parking regulations and they found out through their research, our downtown is about 94% built out. And the Town wants to encourage the vacant space that is currently downtown. So we thought that over the years we've had many different applicants come forward because they want to move into a space that's downtown but they can't meet the current parking requirements. Because they can't create parking where there isn't parking on their lot. So go to the first slide. Some examples here show you, what we've been looking at what do we want for our downtown and we want a compact, walkable downtown. Go to slide two. So we spent the last eight months doing research with different communities and what the EPA recommends, what Smart Growth America recommends and we came up with some new numbers for our Zoning By-Law. Next slide.

One side this is what our current By-Law requires and on the other side is the, what we're proposing. So for example under retail space; we have current retail space in downtown, our parking requirements are currently one space for 250 square feet. So if you had a 2,400 square foot space, a new tenant coming in to an existing space would have to provide 10 parking spaces. For that existing current space that can be very overwhelming for a new business coming to Town and we don't know of any of those business have looked at our Zoning By-Laws and walked away. So the new proposal is one space for every 600 square feet. So for that same 2,400 square foot space, we would require 4 parking spaces, which they may or may not have, but there's still a process through the Planning Board to come in for relief. But we thought that that would be more reasonable for existing space downtown. Next slide. And I ran through another example for an ice cream shop if it wanted to come downtown; showing you what the existing requirements are and what they would be required to show, to show to the Planning Board. And we're not sure; it's just an example, if somebody was to come to Town what would happen. So, with the new requirements under this scenario, instead having to provide 10 parking spaces they would have to provide five parking spaces. Many of our existing buildings downtown do have parking lots in the back for current employees and for the employer. It's providing those new spaces that they find very difficult. We do have three very large municipal parking lots downtown, so we'd like to encourage customers to park in the parking lots and employees and the employers to park behind the building. And the last slide. And so we think that the proposed changes will provide reasonable requirements for new businesses coming into Town. We want to encourage new business coming into our vacant spaces. We'd like to encourage a park once and walk mentality and also the use of our municipal parking lots. And we also would like to encourage some shared parking within existing buildings. Thank you.

MODERATOR: Thank you. Mr. Salafia the Selectmen's report.

SALAFIA: The Selectmen recommend approval.

MODERATOR: Mrs. Duff the Planning Board report please.

DUFF: Planning Board recommends approval.

MODERATOR: Thank you, very much. Any questions or comments? Go ahead, Mrs. Carbone.

CARBONE: Mary Carbone, Cyr Circle. A point of information. I can recall back at a Planning Board meeting regarding Shawsheen Plaza when Grassfields had come forth to remodel their establishment and they were sent back because they were lacking in five parking spaces. And I thought well that just doesn't seem reasonable because you have a multitude of businesses in that Shawsheen Plaza, so how did they calculate who's parking there at any given time of the day? So could you kindly explain to me? As it relates to the Shawsheen Plaza or a similar area?

MODERATOR: Is this including the Shawsheen Plaza? Go ahead.

SCHWARZ: I think for Grassfields they have to look at the existing lot that Grassfields is on. Grassfields is on a separate lot than the rest of the plaza. So when Grassfields comes forward they have to show the parking on their lot. And the way the current By-Law is, again, it provides, it's requiring an existing business to provide unreasonable parking, meet unreasonable parking requirements. And so what we're hoping to do is try to encourage the use of shared parking and having the Planning Board be able to take a look at the parking as a whole.

CARBONE: How do you calculate the Shawsheen Plaza in total? And who parks in what spot? That gets very questionable. As to what businesses—

MODERATOR: I think the answer though that the parcel you're talking about, Grassfields, has its own lot. It's not, it may appear to part of the Shawsheen Plaza—

CARBONE: It's part of the ownership of the total plaza. But thank you.

MODERATOR: Go ahead.

LUFFMAN: My name is Greg Luffman, I live at 13 Florence Street. First I want to commend the Planning Board and the Planning Department for their efforts at looking at the whole issue of parking and trying to make it easier for new business to come into existing spaces. I do have some concerns about this. And perhaps I can make this by reference, first of all, if people think about the Andover Townsman building, which by the way I think was very nicely done, but it has several parking spaces tucked in underneath the second floor of the building. And similarly the building that was recently built at what had been Mr. Prinsky's

Junkyard, has parking spaces tucked in under the second floor of the building. This essentially allowed for a larger building to be built than would have been able to be built otherwise and if one extends that concept one could conceivably have an office building where the entire building, except for an elevator lobby and stairwell lobby on the first floor, with basically parking underneath the building. With all the snow we had last winter it would make a lot of sense to do that. But the result would be a building that would be from lot line, to lot line, just an office building on the second floor. If you look at item number 15 in the table on page 70, it's [BREAK IN TAPE] So I might ask first, if there is parking that's really open to the outside is that considered as first floor gross floor space or is that excluded?

SCHWARZ: If there's parking underneath the building that is not included in the calculation toward square footage.

LUFFMAN: Okay, I would like to offer an amendment to this Article. I have it in triplicate.

MODERATOR: If you could bring it up please. Thank you. If you could give a copy to...

LUFFMAN: To keep this very brief I decided to write it this way: Amend Article 31 by restricting by restricting its applicability to existing and new buildings for which the gross floor area on street level floor is at least 90% of the gross floor area or on any other floor, for buildings for which the gross floor area on street level floor is less than 90% of the gross floor area on any other floor, the current parking space requirements shall continue to apply. There is-- I'm sorry that was the end of the amendment.

MODERATOR: Okay. There is a motion on the floor to amend Article 31. So we---

URBELIS[?]: Where would this go, sir? In the By-Law?

MODERATOR: Whereabouts would this go in the By-Law please?

LUFFMAN: This would go within each one of the entries, item number 3, item number 6, item number 7, item number 12 and item number 15.

MODERATOR: Can we get that up for the, um...?

LUFFMAN: I will admit it is complicated in making a change when you're making a change to several entries of the table. The point of this is merely to close the loophole whereby a developer could build a building that was an office building only that had just parking on the first floor and essentially did not have any space for retail or personal service establishments which is what I understand you are trying to encourage to come into the Town. And I agree with you trying to encourage that, but if you have a building which is entirely or substantial parking on the first floor than you get less benefit in terms of relaxed parking space requirements for retail. And what you get is, you get just the effect of more parking space, or more lenient parking space requirements for what would be a large office building.

MODERATOR: Sir, in order to, in order to accept this amendment it has to be in a form such that we can add it right into the current Article. I'm not sure, and I certainly would bow to legal counsel on it, that this in its-do you want to speak to it?

SCHWARZ: Part of the research that we did-

MODERATOR: ---Before we discuss the amendment I need to find out if the form is such that we can accept it. Go ahead, Lisa.

SCHWARZ: The research that we conducted is that the existing downtown and general business district is 94% built out. And there are some cases where a building may be significantly renovated and they would still have to provide parking. But there other precautions, they still have to go through the Planning Board Special Permitting process for major non-residential projects. They also have to go through the Design Review Board process. And both of these processes will be looking at the site plan, the building, where the parking's locate, and the circulation.

MODERATOR: Okay. Article 31 has been amended. Let's take a vote on the amendment and decide if that's going to be part of the motion.

LUFFMAN: Point of information. Did you say that this been accepted as an amendment?

MODERATOR: I will accept it as an amendment, if-I will allow the vote on this amendment. I can't accept it, the Meeting needs to accept it. So we are voting now on this amendment.

If this amendment is passed it will become part of the Article. If it is defeated we go back to the Article. Okay. Does everyone understand? We are not voting on the total Article we're voting on this amendment. All those in favor of the amended Article please raise one hand. Thank you. Those opposed. The amendment is defeated. The Article remains as it was originally. Are we finished our discussion on that? Go ahead sir, if you have something new to offer, please go ahead.

ROBINS: Quick question, Art Robins, 15 Gleason Street. What has been your analysis of the capacity of the parking lots in Town to absorb the extra parking that might be needed if this By-Law change succeeded in attracting new businesses.

SCHWARZ: I have two parts to the answer. There is currently a process for an applicant when they come forward, if they look at the Zoning By-Law and see that they don't have enough parking for their business that they want to bring to Town, they can apply for a special permit for a reduction in the number of parking spaces. And they go before the Planning Board and they have to go through the process of having it advertised typically they'll have to pay for attorneys. It's very costly to go through the process of getting the Special Permit for the reduction of parking spaces. Over the last 10 years the Planning Board has been very consistent in granting the Special Permit for the reduction in parking. However, we're not quite sure how many business have come and looked at our Zoning By-Law and were scared off by having to go through the permitting process, which is never a guarantee. So the Planning Board took a look at all the Special Permits that they've granted over the last 10 years and decided that maybe instead of having every applicant that wants to come into a new vacant space in downtown having to go through the Special Permit process maybe we could change our table of parking requirements so they could look at the parking requirements, look at their business and feel that it's reasonable to meet that requirement, instead of walking away.

MODERATOR: I'm not sure that's the question you asked. Is it, sir? No.

SCHWARZ: And, I'm sorry, we do have sufficient capacity in the existing parking lots. We went out over a series of November, December, and January, through the high shopping period to see how many spaces were available at different times during the day and there were a significant amount of

parking spaces available. Sometimes people just have to walk a little bit.

MODERATOR: Okay. Does that answer your question, sir? Are you ready to vote on this one? All those in favor of Article 31 please raise one hand. It requires a two-thirds vote. Thank you. All those opposed. The ayes have it the motion carries by more than a two-thirds vote, I'll declare it as such unless someone questions that declaration. Thank you very much the motion carries. Now, we are at a very interesting point. We probably have—we could adjourn the meeting now and come back tomorrow or we could forge through and finish around 11:30. What would you like to do? How many would like to adjourn now and come back tomorrow? Please raise one hand. Okay that's clearly the majority. Could I have a motion as such, please?

URBELIS: Madam, Moderator, I move to adjourn the Town Meeting till 7:00 tomorrow night, same time, same place.

MODERATOR: Thank you very much. Motion has been moved and seconded to adjourn. Thank you very much. See tomorrow evening at 7 p.m., right here.

2011 Annual Town Meeting

Thursday, April 28, 2011

MODERATOR: The hour of 7 p.m. having arrived it's my honor to reconvene the 2011 Annual Town Meeting of the Town of Andover. For those of you who were here last night, I am extremely grateful that you've returned. Thank you. For those of you who were not here last night, welcome. We look forward to your input. Mr. Urbelis, please, the admission of non-voters.

URBELIS: Madam Moderator, I move to admit Larry Murphy, Ray Tode, Derick Whitt, and others who may enter the hall hereafter some of whom may be speaking.

MODERATOR: All those in favor of admitting non-voters, please raise one hand. Those opposed. The ayes have it. Please admit the non-voters. Can all of you in the sections that you're sitting in hear me? If you cannot, and if I sound like I'm in the Peanuts cartoon, would you let me know that? Whom, whom. Is everybody okay with the sound? You can all hear alright? Thank you. We have some recognitions that we would like to

make tonight. And I would like to ask the Chair of the Board of Selectmen, Mr. Vispoli, if he would do the honors.

VISPOLI: Thank you, Madam Moderator. Normally what we'd do is recognize service of folks that were on the boards, Board of Selectmen or School Committee, Fin Com. Tonight before we do that I'd like to recognize someone that's given 32 years to the Town. He's our current Director of Finance; this is his last Town Meeting as the Town's Director of Finance, one of the top Finance Directors in the State of Massachusetts, Tony Torrisi. [APPLAUSE]. So Tony Torrisi's got a unique skill, not only is he fantastic technically but he's got a fantastic way to work with people on different sides, it's a very, as you can imagine when you get the budget and he's seen it all, he's got the ability to keep decorum to keep things light and no matter who works with him they come away very positively and feeling good about the Town and Tony. So we can't have, really, a better person in this role, and those are big shoes to fill. I'm not sure we're gonna let him go that easily. As you know we have a history of kind of keeping people around after they resign, but thank you, Tony. [APPLAUSE]

For the Board of Selectmen, gonna recognize Jerry Stabile. This is one of the reasons why he left the Board last year after getting reelected to his second term. In the summer due to business reasons he had to divide his time and decided to step down. But we want to recognize his three plus years on the Board of Selectmen. He did a fantastic job. He's an Andover son. He comes from a family of Andover service. His father, Jerry Stabile, Sr., was a fireman in Town for many years. He has two brothers that serve on the Fire Department. He came on the Board with fresh energy, fresh ideas. He's responsible for kinda pointing in the direction to restructure the Town Manager's contract, and started that process. He also looked for different ways to drive down costs in the area of health insurance and drove several bill initiatives. And he was a real pleasure to have on the Board and we were all disappointed to see him resign. But he's still around. I spoke to him today. He's somewhere in an airplane. I'd like to ask his brother Lt. Robert Stabile, Bob, to come up and accept this small token of the Town's appreciation of your brother, Jerry. [APPLAUSE] You don't want to say anything? As everyone probably knows when Jerry resigned the Board had to make a decision, do we keep a seat open for six or seven months as we go into budget season? Or do we put somebody on the Board for the remaining of the term and then come up for election? We decided unanimously that due to the work load as it started to pile in September that the best thing to do was to make sure we had a full Board.

And we put a request out to the citizens for folks that were interested. And we got a lot of good folks; folks that prior service, people that wanted to jump in and help. And we appreciated them all. We ended up choosing someone to fill the seat that everyone said was a no brainer when we did it, and that's John Hess. John can you come up? [APPLAUSE] John served the Board of Selectmen for 10 years and four years ago decided he was going to do some other things with his wife Kathy. Is Kathy here tonight? Kathy are you here? Passing out water.

HESS: Dollars for Scholars needs you dollars. Buy water in the hall.

VISPOLI: Well this award goes to Kathy as well. John jumped right in to help his first meeting he was contributing. It was like he never left the Board. He really helped us out. It was amazing how he jumped right in like he had never left. He's a team player. He's probably the most unselfish person I've ever worked with on any board or committee that I've been on. He's firm, he's respected, he's fair, he's deliberate and he's knowledgeable. And on behalf of the Board of Selectmen we'd like to thank John Hess for stepping in during the budget cycle. Thank you, John. [APPLAUSE]

Now this is a very special award. I'd like to call the chair of the School Committee, Mr. Dennis Forgue, to come up and help me present this award. The way this works, is every years there's nominations and it's been announced at different meetings and it's on the Town's website and it calls for the Virginia Cole Community Service Award nominees. And what happens is there's a committee that's formed, recommendations are made to the Town Moderator, the Chair of the School Committee and the Chair of the Board of Selectmen. And this year a great, a great recipient. This is somebody that coached a church basketball league in the Town since 1969. In fact he's still coaching the girls travel team. If anybody has children that has been in this facility and that aren't blessed with height, I won't say like Dennis and I, but that want to play basketball and where do you go to play basketball, there're intramurals, it's the church league, and it's been renamed. He's organized all the coaches and referees. He was the president of the league for 28 years. He scheduled all the school gym times for the practices and games. Built the teams each season. Expanded the program to include girl's teams for the past several years. Expanded the program to include a wider age range. Made sure that the schools were orderly, that the doors were open for play. Kids grew up in a wholesome environment under his supervision. He stressed the fund of the game while building skills; which is

still the legacy of this, this league today. As a father figure to many Andover youth and parents and a role model extraordinaire: Robert French, Bob French. Bob can you come up? [APPLAUSE] I want to say that anybody who has a son or daughter that plays in the league...hold that up, Bob? If anybody has a child in the league the league's name has been changed, as you can see, this was my son's shirt, the Bob French league, run by the DCS Department in Andover. Bob French.

FRENCH: [INAUDIBLE] It came at an appropriate time because the alumni from the league, that's the girl's high school team, won the State championship two years in a row, which is unprecedented and all those girls came out of this program. People used to ask me why before this facility was built, why I went out Monday night at Sandborne School, and Tuesday night at Doherty, and Wednesday at West Middle, and Friday at West Elementary and back again Saturday at West Middle. It's because I enjoyed helping children have fun. And I enjoyed volunteering it made a lot of satisfaction for me and I'm very happy to receive this award. Thank you. [APPLAUSE]

VISPOLI: Is Carol here?

FRENCH: The one thing I forgot. Is the lady, my wife, Carol, who has put up with someone like myself.

VISPOLI: Does Carol play basketball? [INAUDIBLE] Well congratulations and thank you for the legacy you've left the Town and that you still do today. Thank you.

MODERATOR: Congratulations, Mr. French and thank you. Thank you, Mr. Vispoli. As we start our meeting this evening if you'd please to remain seated, but if we could have a moment of silence. Particularly for those victims of the tornadoes in our country, who have small towns, who have all the same issues going on in their towns that we all have every day, but certainly they've woken up this morning to a very, very different set of problems. So if we can send them some thoughts. And to correct a terrible error I made last night lets also please remember Mr. Ted Teichert, who passed away this past year also. Thank you. My error last night is that I failed to mention him and I should have. Just a couple of things to go forward. I want to remind you please of the time limits of speakers. If you are making a presentation you will be limited to five minutes, when you have 30 seconds I will start tapping the podium so you know. If you are standing up at the pro or the con mic, the pro mic or the con mic to give an opinion, you will have three minutes with which to speak. If you have a statement or comment to make about a particular

Article, or any questions, please use the center microphone. If you have a statement to make you will have the same three minutes. If you have a question I will do everything I can to make sure the question is answered for you. You must be seated or at a seat to be counted. You must have a voter sticker on in order to be counted. But you must be seated, I mean you must be at a seat; you can't be in the back standing up or in the aisles. I will accept a motion to move the question from anywhere in the hall. It must be seconded and you must be recognized. I would ask out of courtesy that if you are going to make a motion to move the question, which means to bring the discussion to an end and call for a vote, I would ask that you have the courtesy to wait till whoever is speaking finishes rather than cut somebody off in the middle of their discussion. Most of what we'll be discussing will be on the screen behind me. It may, if there's a motion made, it could possibly be somewhat different than what's in the Finance Committee Report. As long as the Article is not changed in substance but if there are typos, scribes errors and so forth they are allowed to be made. And I would remind everybody please the tone of this meeting has historically always been respectful. It has always been open to people's opinions. I will insist that you speak with respect to anyone you're speaking with, any public official, or volunteer to a board, with whom you have issues, I have no problem with that, but those issues must be expressed respectfully. And I will not tolerate any innuendoes or any insinuation of ulterior motives, unless you have specific facts to base that up. So let's go on to the Warrant. Any questions on the procedures? We left off on Article 32. I don't expect we will be here terrible long this evening. But then again last night I thought maybe we'd get through the meeting. So don't go by my judgment. Article 32. Mr. Vispoli, please.

VISPOLI: Yes, Madam Moderator, I move to accept an name as a public way any or all of the following street: Winterberry Lane: Winterberry Lane as shown on a plan approved by the Andover Planning Board entitled "Subdivision Plan of Land In Andover, Mass. Entitle Winterberry Lane" dated September 17, 2008, revised, and recorded in the Essex North District Registry of Deeds as Plan Number 16023.

MODERATOR: Article 23 has been moved and seconded. Planning Department, Planning Board report please, Mrs. Duff.

DUFF: The Planning Board recommends approval of Article 32.

MODERATOR: Mr. Vispoli, the Selectmen's report.

VISPOLI: The Selectmen recommend approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 33. Mrs. Lyman.

LYMAN: I move that \$300,000 is appropriated to pay costs of constructing and reconstructing surface drains, including the payment of all and all-any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7, Subsection 1 of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 33 has been moved and seconded. Mrs. Lyman the Selectmen's report, please.

LYMAN: The Board of Selectmen recommend approval.

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

HOWE: Finance Committee recommends approval, also.

MODERATOR: Mr. Pasquale.

PASQUALE: John A. Pasquale, 47B Whittier Street. Let me begin by praising you Madam Moderator, not only for the moderation but for the selection of the Finance Committee. I've had attended several meetings, the professionalism, dedication, the collaboration is outstanding. The put this bible together, I call it the bible, and as I read it I ask the question, who really knows what's in there in the details? So I'm starting with this Article because it has to do with borrowing, so I would look, Town Meeting to turn to page 121. 'Cause I'd like to get some questions answered. If you look at this booklet, here, we all know that free cash is our checking account. We all know that the stabilization, is my Morgan Stanley bank account. We all know we have a water fund, but if you watch what's happening later on, we're taking money out the water fund to pay for vehicles. It bothers me that we had to increase quote the water rates and then see that this number has gone way down. However what sticks out in the page, is we got what we call a sewer fund. And all of sudden in two years' time we picked up \$2.5

million. Nobody has ever explained to me at any meeting where's this money's came from. Neither have I heard of any program how we're gonna use it. So I'm saying as a business man, why aren't we taking the money out of the sewer fund for the storm drains and many other articles we're doing tonight? I bet we could take a million dollars out of that because if you go down 10 years earlier the highest amount we ever had in that was \$1,300,000. So what do we need all this money for that we're not getting any interest on when we can use it in the Town rather than going out to bond everything? That's the question to the Finance Committee. Be creative. Take the money out of there and it apply it to the water, or something else, and reduce the tax rate. Thank you.

MODERATOR: Thank you, sir. Any other comments this requires a two-thirds vote. All those in favor, please raise one hand. Those opposed. Can we do that again because it does require a two-thirds vote? All those in favor please raise one hand. It's very hard over this span of this big a building. I think we have it. All those opposed. Yes, I think we do, we do have it. The ayes have it—

COLEMAN: Madam could we have a tally, please?

MODERATOR: I need to have 25, 25% to do a standing vote. Seven people. Are there seven more people who would like a standing vote? Well are there seven more people? If you would like a standing vote, please raise your hand. Okay. Let's do standing vote. All those in favor please stand.

If the counter has passed you please feel free to sit down.

Section 1: 11; Section 2: 21; Section 3: 20; Section 4: 26;
Section 5: 16; Section 6: 19; Section 7: 23; Section 8: 8;
Non-Voting: 1; Hall: 3; Stage: 22.

MODERATOR: All set. Those opposed, please stand.

Section 1: 1; Section 2: 6; Section 3: 5; Section 4: 1;
Section 5: 5; Section 6: 23; Section 7: 19; Section 8: 5;
Non-Voting: 7; Hall: 0; Stage: 0.

MODERATOR: Those voting yes was 170. Those voting in the negative were 72. The motion carries by more than a two-thirds vote. Article 34, Mr. Teichert.

DESO: Madam, Moderator?

MODERATOR: Yes, sir. Mic number three please.

DESO: Point of order. Tom Deso, 81 High Street. I know this Article is finished, I'm fine with that. The previous speaker did ask a question. And I don't think it was rhetorical and would have like to have heard an answer. So I'm wondering if in the future if someone asks a question of the Finance Committee or the Board could be get an answer from them.

MODERATOR: Mr. Pasquale, was your question rhetorical, and your statements? Or did you want a specific answer? I apologize. I understood it was a suggestion of future actions.

PASQUALE: In a sense that what happens when I go to some of the meetings. It draws a blank and I keep waiting for an answer. So by the time they figure out the answer...I'd like someone to answer it. Because I think it's a profound question that we have all that money there, how we got it there, and how we're gonna use it, they haven't said.

MODERATOR: I apologize. I heard the end of your statements as being a statement. I did not understand you to be looking for an answer. I apologize. Thank you, sir. And thank you, Mr. Deso, for bringing it. I did not understand that as an outstanding question.

STAPCZYNSKI: Madam Moderator, we can respond to that.

MODERATOR: Well we voted on it already.

STAPCZYNSKI: Well but I can give an explanation, if you don't mind.

MODERATOR: Go ahead, go ahead.

STAPCZYNSKI: The question that Mr. Pasquale raised had to do with the source of the money. That water and the sewer are divided into enterprise funds. So I can't use water money to patch potholes; and I can't use sewer money to repair or improve minor storm drain issues. That's where it comes out of the tax rate. So for instance if we were doing sewers, yes, I would be using the sewer money and or sewer reserves. If I was buying trucks like we're going to do perhaps later in the meeting for the Water Department, I would take that out of the water money or water reserves. So we can't comingle. The money that we've appropriated tonight is coming

out of the tax rate; the appropriate place for that kind of project.

TORRISI: Tony Torrasi, Finance Director. We did have a significant increase in collections in sewer. But it was directly related to the sewer betterment project. You may recall that we had as a...very large sewer project in the South Main Street section of Town. A multi-million dollar project. Any resident that had sewer go by their property really had a couple of options on how to pay that: one, they could spread it out over 20 years, so we would receive small amounts of money over 20 years; but another instance is, people have the opportunity to pay it off in full, a large amount of money, or pay off quite a bit of that betterment. So this was a result of kind of a one-time collection. We still have that debt to pay off. So that money will be used to pay off the debt. It'd be a mistake to try and use that money to pay for current operating expenses because we have these debt payments coming up.

MODERATOR: Thank you, sir. Article 34. Mr. Teichert.

TEICHERT: Madam, Moderator.

MODERATOR: Yes, sir.

TEICHERT: I move that \$500,000 is appropriated to pay costs of construction, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and roofs, including the payment of all—any and all cost incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 34 has been moved and seconded. Mr. Teichert the Selectmen's report please.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: And Mrs. O'Donoghue the Finance Committee report.

ODONOGHUE: Thank you, Madam Moderator. Article 34 addresses the ongoing maintenance and improvements to our Town buildings and property. The list of projects for this year is listed—outlined in the Finance Committee Report on page 72.

The Town would borrow \$500,000 to be repaid over 15 years.
The Finance Committee recommends approval of Article 34.

MODERATOR: Are there any questions to this? All those in favor please raise one hand. Those opposed. The ayes clearly have it by far more than a two-thirds vote and I would declare it as such. Does anyone question that declaration? Thank you. Article 34 passes by more than a two-thirds vote. Article 35. Mrs. Herman. How are you tonight?

HERMAN: Madam Moderator?

MODERATOR: Could we have mic number one on, please?

HERMAN: Madam Moderator. I move Article 35 as printed in the warrant.

MODERATOR: Article 35 has been moved and seconded.

URBELIS: Hold on.

MODERATOR: I'm sorry. We need to have it read into the record.

HERMAN: I'm Karen Herman. I'm Chair of the Preservation Commission in Andover, Sunset Rock Road. I move that the Town approve the Zoning By-Law Amendment - Dimensional Special Permit/Historic Preservation as printed in Article 35 of the Warrant, and further that non-substantive changes to the numbering of this By-Law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws.

MODERATOR: Article 35 has been moved and seconded. Mrs. Herman, go right ahead.

HERMAN: Article 35 is an amendment to the Dimension Special Permit for historic preservation Zoning By-Law. May I have slide one? The intent of the Dimensional Special Permit passed in 2003 is to save historically significant building faced with imminent demolition, by moving them if preservation on-site is not possible. We are preserving our community's character in the face of increasing tear downs and limited available land. Slide two please. Since 2003 this unique By-Law saved five historically significant buildings from demolition. Three of them on-site and two of them moved to new locations. Per the Special Permit By-Law requirements, these projects, first approved by the Preservation Commission

and the Zoning Board of Appeals are then protected by preservation restriction granted by the Massachusetts Historical Commission then filed with the Registry of Deeds. After eight years of working with this Zoning By-Law we now understand that the Town and Massachusetts Historical Commission will not always agree with how Andover saves its historic buildings. But the State does understand and agrees with the purpose of our By-Law. They want no approval authority over local decisions. Andover has frequently moved historic building of all sizes and shapes to preserve them. With literally hundreds of examples we've been successfully saving buildings in this way for 365 years. The State prefers to use preservation restrictions to protect historic building that remain on-site with few alterations. Andover needs to ensure that moved buildings are protected. So what would this amendment do? The amendment provides three advantages: first, it ensures home rule, because the Town of Andover determines how best preserve and protect our threatened historic building through the Special Permit process; second, with the amendment the Zoning Board of Appeals has the options to choosing which type of preservation is the most appropriate for an approved project; three, the Town can then guarantee long-term protection for its approved historic building projects with the preservation restriction granted either by the Board of Selectmen or granted by the State. In its February 15th letter of support the Massachusetts Historical Commission recommends the Town adopt this amendment so that the Andover Zoning By-Law decisions remain, as they should, in local control, and so that we have the option to protect and preserve our historic buildings with the preservation restriction approved by the Selectmen. Andover decides which historic buildings to save and how it's done. Slide three, please. Passing Warrant Article 35 ensures that in the future that we have the most effective Historic Preservation Special Permit By-Law possible. It will also allow the recently approved historic house project at 16 Pearson Street to move forward to completion. This amendment does more than just address a single issue. It's an amendment that impacts historic preservation in the future and I urge that you vote yes on this amendment. Thank you.

MODERATOR: Thank you. Mr. Salafia, the Board of Selectmen's recommendation, please.

SALAFIA: Yes, Madam Moderator, the Board of Selectmen unanimously supported Article 35 for several important reasons. We felt it would strengthen home room, home rule, which simple means that our Town appointed Preservation

Commission would make the important decisions about how to best preserve Andover's historic building. Secondly, zoning amendment should never be isolated to one specific project but should apply generally to the entire Town. And, finally, the Andover Planning Board, along with the Massachusetts Historical Commission and Ballardvale Historic District Commission each supported Article 35.

MODERATOR: Thank you. Mrs. Duff, the Planning Board report please.

DUFF: The Planning Board had a primary role in the creation and the adoption of the Dimensional Special Permit By-Law. It has proven an effective tool for saving for threatened buildings, historic buildings. Zoning By-Laws sometimes need to be amended to provide flexibility or protections to strengthen the Town decision making process. For this reason the Planning Board recommends approval.

MODERATOR: Thank you. We'll start and go right across the room. Do you have a point of order, sir?

MARSHALL: Yes, Madam Moderator. Point of information. On the way in last night and again tonight I was—

MODERATOR: --I'm sorry can you identify yourself.

MARSHALL: Excuse me. Jim Marshall, 16 Abbot Street. On the way in last night and again tonight I was handed a number of flyers. Two of which were a vote yes for Article 35, excuse me one of which was vote yes and one which was vote now for Article 35. And in reading the "no" it would lead one to believe, certainly infers and leads one to believe that the Mass Historical Commission would not be in support in passage of this By-Law. And as I read the vote yes, it certainly states that the Massachusetts Historical Commission is in favor, or would support, the By-Law as written. So I'd just like a clarification.

MODERATOR: Well that sounds right for the State, doesn't it? It's a great question. Mrs. Herman can you answer it?

HERMAN: Yes. I do have a letter dated February the 15th, I do have a copy of it here, from the State. It's Michael Stein, it's a preservation officer, Director of Preservation Planning for the Massachusetts Historical Commission recommending that we adopt this By-Law.

MARSHALL: Thank you.

MODERATOR: Thank you, sir. Yes, sir.

MOSCA: Mike Mosca, 44 Pleasant Street.

MODERATOR: Thank you, Mike.

MOSCA: Madam Moderator. As a resident I am appalled by Article 35. This is an Article that on its face would appear to provide our Town with a desirable home rule initiative that would ostensibly bypass Massachusetts Historical Commission's bureaucratic permitting process. But sometimes things are not what they seem to be and I believe that this Article is such a case. It would appear that the impetus for this Article as arisen from the ashes of a decision rendered on December 30th by the Massachusetts Historical Commission to decline a specific approval requested by Andover Preservation Commission for 1 Shore Drive. The Historical Commission's decision provided a lengthy explanation for its denial of the application under its statutory authority as required under MGL Chapter 84 Section 81. A decision that cites the following historical preservation concerns with the intent of the Commission's preservation criteria. And this is a quote. The proposed relocation of the John Barry house, three miles from the Andover house, will cause it lose all integrity of its historic location, setting and historic association with Andover center. It also proposed that the relocation will include the demolition of the historic rear el of the house. Staff of the Massachusetts Historical Commission is of the opinion that the rear el is an integral character defining historic feature of the building. Finally the proposed rehabilitation of the main block of the John Barr house on the parcel at 1 Shore Drive would include major additions of a massing form, scale and height that are out of character with the historic main block of the John Barr house." The first denial among a number of successful applications to the Massachusetts Historical Commission appears to have been precipitated by this Article. One might conclude from the events leading up to and surrounding this Article that its intent is to use the historical preservation as a shield to bypass current zoning laws. With our present finances stretched to the limit do we want to shift this additional load on to an already overburdened Town resources? And finally would we begin to subvert the intent of historical preservation special zoning permits for lots that do not meet minimal dimensional requirements under the guise of

historical preservation? For these reasons I ask you to vote no on Article 35.

MODERATOR: Thank you, sir. Yes, sir.

BROWN: David Brown, Glenwood Road. I am a member of the Zoning Board of Appeals however I am speaking tonight as an individual but with the perspective of someone who deals a lot with zoning. The Zoning Board of Appeal has a quasi-judicial body that deals with the Zoning By-Law has not taken a position on this. I'd just like to stress a couple of points relative to this. First of all this Article does not create any new mechanisms for preserving properties or for granting a Special Permit. All of the criteria that are in the By-Law that the Board must consider in granting a Special Permit for historic preservation remain in place; all the safe guards remain in place. And most importantly the right of citizens who disagree with the Zoning Board's decision to appeal the decision within the statutory period remains intact; that's embodied in the State Law. And the case that has been referenced not appeal of the Zoning Board Decision was ever filed. Rather what this Article does it allows an alternative mechanism to ensure the preservation in perpetuity of a project once the Zoning Board has made its decision and granted the Special Permit. It provides a, in addition to the current option of endorsement by the Mass Historical Commission, it allows another process that still requires the approval of the Zoning Board, the Planning Board and the Board of Selectmen. As Mrs. Herman says this preserves local control and accountability. And the last thing I think as you consider your vote, look at this Article in the long term. This is about another tool for the preservation of properties when the Town decides that it's in the best interest of the Town to do so. Look beyond any one particular case and look to the future in the preservation of our historic properties in the future. Thank you.

MODERATOR: Thank you. Mr. Coleman?

COLEMAN: Don Coleman, High Street. I would like to know who owns that property first, Miss. Herman.

MODERATOR: We're not talking about a property-

COLEMAN: Yes. She mentioned a specific number on Pearson Street. Who owns that now, please?

MODERATOR: Okay, go ahead.

HERMAN: Ah, the owner is now Peter Schwartz owns the building and the Town of Andover owns the property.

COLEMAN: Excuse me?

MODERATOR: Town of Andover owns the land---

COLEMAN: So it's like Hampton Beach, the Town owns the land and the other gentleman owns the product[?]. I've never heard of such a thing.

MODERATOR: No, no. Somebody purchased the building. The Town owns the land. Is that, that's correct.

HERMAN: That's correct.

COLEMAN: On the same parcel, the same address?

MODERATOR: Yes, sir.

COLEMAN: And that has been approved by the Registry of Deed?

HERMAN: This is a project that was started some months ago to move this historic building to another location. As part of the project the house was purchased by, by the Schwartz's to move it, in order to move it. That's typically done with this kind of situation when you're gonna move a house off a lot, it changes ownership, the building changes ownership.

COLEMAN: So has the Town of Andover already approved to move that house of the lot.

HERMAN: Yes.

COLEMAN: By vote of Town Meeting, Madam?

HERMAN: No.

COLEMAN: Why?

HERMAN: Because it was approved through the Zoning Board of Appeals process it has nothing to do with Town Meeting.

COLEMAN: Yes it does! It's our tax money. You're not paying for that alone.

MODERATOR: No, no.

COLEMAN: I think so Madam. Has Town Counsel approved this? And was this put out for bid? I ask the Board of Selectmen to withdraw this until the Register of Deeds approves this deed and makes sure there are no encumbrances. And also check whether you need Town Meeting approval, which I think you do. This is the people's money. Not yours! [SLIGHT APPLAUSE]

MODERATOR: You asked a question of Town Counsel. You asked—

COLEMAN: --he didn't answer the question. I think I have a right to. Where's all this money coming from?

MODERATOR: --wait a minute. You asked a question of Town Counsel. Let him answer it please.

COLEMAN: This is outrageous.

URBELIS: It went out to bid. There was a bidder who bid on acquiring that building. Town Meeting has voted money to put in a parking lot there. Once that building is removed it will be used for a parking lot.

COLEMAN: When did they vote to have the parking lot?

URBELIS/MODERATOR: Last night.

COLEMAN: Did you explain this to all of us last night?

URBELIS: Last night.

COLEMAN: Did you explain all of this before we voted on the parking lot last night? I don't think so. Did you? Did Miss. Herman speak before we voted on the parking lot?

[INAUDIBLE VOICE FROM THE AUDIENCE]

COLEMAN: Did she? No. Did she—

MODERATOR: [GAVEL. GAVEL.] Direct your question right here, please. And that's the discussion we'll have.

COLEMAN: I beg your pardon. Did she explain this last night before we voted on the parking lot?

MODERATOR: The Article that we voted on last night has nothing to do with this issue.

COLEMAN: Yes, it does! You're using my money.

MODERATOR: I know it does in your opinion, clearly it must. But it does not. In terms of how this meeting is going forward. [BREAK IN THE TAPE] Any relevance.

COLEMAN: It certainly does.

MODERATOR: Whether the building is there or not the Town voted to but a parking lot there. Now if the building isn't moved, then a parking lot goes in, what happens to the building? So, you have more than exceeded your time Mr. Coleman. I'm going to move on.

COLEMAN: Excuse me one minute.

MODERATOR: No.

COLEMAN: Yes.

MODERATOR: No. [GAVEL. GAVEL. GAVEL.] Mr. Coleman please be seated—

COLEMAN: Page 122—

MODERATOR: We've answered your question, Mr. Coleman.

COLEMAN: The people rule in Andover! Not the Selectmen.

MODERATOR: Go ahead the con mic, please.

READES[?]: Chris Reades, 130 Elm Street. In considering the vote for this particular Article I think you have to look at the presentation we've already seen. What it clearly shows is that we've had a history of a cooperative environment between the Town and State. I didn't see anything in that presentation up there that said, we have this massive backlog, we can't work together. What I did see in this process is that we have one instance that is an exception where they didn't say yes, and it's causing problems. I don't think we necessarily should be legislating this by the exception. We have rules, we live by those rules. And they're fair for everybody. It's a check and balance. I don't think we should take this opportunity to conveniently change the rules so we can push this one through. The rest of us have to live underneath this existing platform. And to me it's disingenuous in this relationship that we have with the Town and particular builder that we want to cram this through. So that's why would vote no on this. Thank you.

MODERATOR: Thank you, sir. Let me hear some more folks. Go ahead.

SCHWARTZ: Peter Schwartz, Stinson Road. I'd like to clarify this Article will not change requirements of lot size, dimensional requirements or physical properties of projects. All those aspects of these projects will still need to follow the guidelines and receive approval from Andover Preservation, Zoning Board of Appeals and Andover Building Department. The Article only changes the entity to hold the preservation restriction recorded at the Registry of Deeds. I'd also like to clarify, this is not a single project issue, but rather impacts multiple future preservation projects here in Andover. To date the only objection to this Article stems from an abutter on single project. It would be a shame to have such an important Article turned down because of these baseless objections. Contrary to information that has been distributed this Article has the support of Mass Historical and is an important amendment to the By-Law and will provide additional tax revenue to the Town of Andover. Thank you.

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

MCGLYNN: Ellen McGlynn, 16 Shaw Drive. Pictures speak a thousand words. If you saw the picture outside you'd know the right thing to do.

MODERATOR: Thank you. Yes, ma'am-sir, I'm sorry.

BATCHELDOR: Jim Batcheldor, 53 Red Spring Road. I'm a member of the Preservation Commission. Mass Historic Commission does approve our procedure here. Andover's a little bit unique in the State of Massachusetts in that we have documented over 350 buildings in our community that have been moved. And we do not believe that we lose the history of the building by moving it from one site to another. There are over 30 buildings at Phillips Academy campus; there are another 40 buildings down at Shawsheen that have all been moved to make way for progress. And yet all those buildings still contain their historic integrity and the history they carry with it. Our issue is here is ultimately when the Mass Historic Commission was set up through the National Trust for Historic Preservation back in the '60's they were the clearing house to provide communities to list historic buildings for the National Register. So when this original By-Law was put together we chose to use the Historic Commission, Mass Historic Commission as kind of our clearing house to get preservation restriction through them. They have given us a

lot of feedback through multiple letters through the other buildings that we have managed to move in the Town. They in fact prefer, as we would, to have a building stay and remain on site and keep its historic context. That's not always possible. I think the issue with this one is, it's one that most people would bulldoze down because it's a small building. And we believe that it has something to say. It's not a simple task to pick up a building these days and move it. It's financially...it's a lot of money invested, to make that investment in restoring a building. I think we're a unique community. We're actually the front runners in the State of Massachusetts for their preservation laws right now. And this is just another tool for the community to have home rule. And I suggest that we vote in favor of this. Thank you.

MODERATOR: Thank you. Yes, sir.

OMALLY: I'm Marc O'Mally, I live at 301 South Main Street and I'm a direct abutter of one of these homes that was moved from South Main Street to a non-conforming lot. And they took a \$200,000 home they purchased for \$1, Phillips Academy and moved it down to South Main. And the developer built a \$800,000 home in a bad market. This is not about preservation of homes. If you're gonna bring them to a conforming lot, absolutely no problem. But to bring them to a non-conforming lot is opening up the door to development. That's specifically what's going on with this Article. It's a non-conforming lot. They're taking a façade of a building that...frankly, I look at Stevens Street and I look at the home—I don't even know what's the significance, historical, significance of that particular place is, it's just it's an old place. You missed the boat Miss Herman on the home that was the farm on North Street, absolutely beautiful farm house that was torn down for development; don't understand how it happened. There's another home across the street from the Greek Church; torn down last week. Older homes don't necessarily mean that they have historical significance. I vote no on this.

MODERATOR: Okay let's listen to these next two folks and then we'll take a vote.

TONKINS: Mike Tonkins, Wildwood Road. I'm voting no on Article 35. I know over the years many local developers have successfully incorporated historic preservation into their business models. In doing so they have enriched the Town of Andover and I hope themselves as well. I respect their initiative. These previous projects have operated within the

law established by the Town. One of these laws as we've heard requires the approval and endorsement of the Massachusetts State Historic Commission. I see this as a reasonable and justified use of checks and balances. Obviously the authors of the original were seeking an objective and well informed third-party assessment of the validity of any project in question. But this project, this current project is different. When held to the same standards to other projects of this nature, the project was found wanting by the State's Historical Commission. The disagreed with demolishing the rear of the house; the disagreed with moving the home; and the disagreed with major additions which they consider out of character for the historic main block of the house. In fact the State's assessment goes on to say that this project will render the building no longer eligible for listing in the National Register of Historic Places. So what's the Town's response to be? Article 35 says that the State's once valued input is no longer necessary; in fact it's suddenly irrelevant and out of touch—we welcome their input as long as they agree with us, but the first time they disagree, we completely disregard their input and we move to do away with such checks and balances. In short, I see a private real estate venture which does not meet the standards necessary to proceed within the current laws as they are written. So the parties involved are moving to change the law in order to lower standards and accommodate the project. I cannot support this and that's why I voting against Article 35.

MODERATOR: Thank you, sir. We'll have one more comment please. If you have, if you have something new to offer we'd love to hear it. If you could pull the mic down, Elizabeth, please. Thank you.

PARATHA[?]: Is that better?

MODERATOR: That's much better, thank you.

PARATHA[?]: Elizabeth Paratha, 20 Sherbourne Street. I want to say moving the house wouldn't ruin its historical thing and I think it would still pass. When you start taking off parts of the house, building another part of the house, all you've done is the same thing as if I'd gone into an old house ripped out the mantles and put them in a brand new house. Yes, I've saved the mantles but I've totally destroyed the house I don't see any need to protect what's left. Say this needs conservation? It's not conserved. It's no different than a new house.

MODERATOR: Thank you. Are we ready to vote? This requires a two-thirds vote. All those in favor please raise one hand. Those opposed. Let's do a standing vote, please; it's too close for me to decide. All those in favor please stand. You must be at a chair, at a seat, to be counted. I see a lot of scampering. Can you put mic one on please, down here.

Section 1: 10; Section 2: 12; Section 3: 20; Section 4: 24;
Section 5: 23; Section 6: 36; Section 7: 18; Section 8: 8;
Non-Voting: 6; Hall: 15; Stage: 15.

MODERATOR: Okay. All those opposed, please stand.

Section 1: 4; Section 2: 11; Section 3: 9; Section 4: 6;
Section 5: 7; Section 6: 33; Section 7: 43; Section 8: 30;
Non-Voting: 5; Hall: 0; Stage: 3.

MODERATOR: Those voting in the affirmative were 187. Those voting in the negative were 151. The motion is lost. Does not meet the two-thirds vote. Article 36. Mr. Vispoli.

VISPOLI: The Board of Selectmen request that this Article be withdrawn.

MODERATOR: Article 36 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. Article 37. Mrs. Lyman.

LYMAN: I move to withdraw Article 37 from the Warrant.

MODERATOR: Article 37 has been moved to be withdrawn, moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion is withdrawn. Article 38, Mr. Major.

MAJOR: Thank you, Madam Moderator. I move to transfer the sum of \$31,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$31,000 for the purpose of maintenance and roadway projects at Spring Grove Cemetery including costs incidental and related thereto.

MODERATOR: Article 38 has been moved and seconded. Mr. Major, the Selectmen's report please.

MAJOR: The Board of Selectmen recommends approval of this Article. This, the funding comes from the Cemetery Reserve

account. It does not come from taxation. And so, it's money that's used purposely for improving the cemetery.

MODERATOR: Thank you. Finance Committee report, please, Mrs. Milne.

MILNE: The Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 31. I mean I'm sorry, 39. Mrs. Duff.

DUFF: I move that the Town approve the Zoning By-Law amendment - Open Space Residential Design Special Permit as printed in Article 39 of the Warrant, and further that non-substantive changes to the numbering of this By-Law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws.

MODERATOR: Article 39 has been moved and seconded. Do you have a presentation that you need to make? Or questions?

BYERLEY: Jacki Byerley, Planner. The Open Space Residential Design Special Permit Article that is before you this evening is a tool that will be used to preserve our natural features when and if a should a development should take place. Can we go to the next slide? The purpose behind this is to [?] alternative from conventional subdivision design to the most environmentally sensitive design, allow creativity and encourage permanent preservation of open space.

STAPCZYNSKI: Speak right into the mic.

MODERATOR: And tilt it down to you. Thank you.

BYERLEY: Sorry. Is that better?

MODERATOR: Is that better can you hear her now? Those of you who couldn't hear? Just only a little bid, Jacki, so you need to speak right into it. Can you give us a little more volume on this mic one, please? No.

BYERELY: Well the purpose behind the Open Space Residential Design Special Permit Article before you this evening. Is to have an alternative from our conventional subdivision design, promote environmentally sensitive design, and allow creativity and to encourage permanent preservation of open

space. If you see in this next slide, this is just over an eight acre parcel of land that's been through a conventional design of five lots that have been carved out at just over the minimum requirement of that zone. The next slide will show you that same eight acres or just over eight acres that if they were able to apply for this Special Permit, that you'd get the continued five lots, there's no density bonuses, the lot areas would be able to be reduced two-thirds the required size of the zoning district. But we'd also gain, in this particular parcel it's just over three acres of open space that you can seed that will connect to the existing open space and provide a connection to the roadway. On the following one I have the two areas side by side to show you how that same area would hopefully be used by applying for the Special Permit should it pass this evening. Again, the number of lots do not change, the amount of area that is to be disturbed would be less because of the areas of the lot size being less, and 30% of that area would be preserved for open space and hopefully additional connections with our existing land. To conclude, benefits for it are further our goals within the master plan, further the goals of our open space plan, promoting the preservation of natural land features and reducing the construction and maintenance costs.

MODERATOR: Thank you. Do you have a specific order question or can I go this way? Are you gonna address—I just didn't know if you had a point of order. Mr. French. Go right ahead.

FRENCH: For many years.

MODERATOR: If you could identify yourself please. Thank you,

FRENCH: Alan French, 17 Moreland Avenue.

MODERATOR: Thank you, sir.

FRENCH: For many years for example under the able leadership of Margaret Pustell we've had organizations like Community Pass Committee, Trails Committee, many organizations that concerned that Andover become a walkable community. Not just walking for the fun of it, but walking to schools, walking to work, walking to our wonderful open space. So over the years as infill housing has taken place and the open space that had not been developed has been developed in various forms. We've been concerned with all these multi-lot developments. The process of how the open space is made available, where it's appropriate to public access. So when this proposal came up which we support, I support, we were concerned about how the

process by which we could consider the open space for, as part of trail system and part of our walking to schools program. And I feel that there's been a lot of process made over the last several years so I do feel that we are joining the issue with more cooperation between the Planning Board and the Conservation Commission to achieve a walkable community, a walkable community and therefore I ask you to support this addition.

MODERATOR: Thank you, Mr. French. In my haste to go from the Planning Department report I did not get the Planning Board recommendation so if I can have that please, Mrs. Duff.

DUFF: The Planning Board approves, recommends approval of this Article.

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

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Thank you. You can take that out of the thing if you need it to be higher.

BRUCE: Larry Bruce, 254 Chandler Road. I'm suspicious by nature. My question is as you present those two different lot plans, if one of those lot plans was a heavy amount of unbuildable property on it, wetlands, is it conceivable that after this you'd allow five lots to get in there away from the wetlands where five lots would not exist previously. Is this, could this be used as a mechanism to add additional lots in a marginal area?

MODERATOR: Go ahead Jacki if you could answer it, please.

BYERELY: No. I don't believe that would be the case. The wetlands are not to be included within the area; you still need to have a certain amount of upland to have a buildable lot. So if you can't get the five lots through a conventional design, you can't get the five lots through the open space design.

BRUCE: So there's no way that if this passes there would be an increase in density because of it.

BYERELY: I don't believe so. That's not the, that's definitely not the intent. You have to prove through a conventional design how many lots that you can get and that's the same amount of lots you can get through the special permit.

BRUCE: Thank you. You say not the intent, but I'm still suspicious.

MODERATOR: Thank you. Yes, sir.

CAFFERY: My name is Andrew Caffery, I live at 20 Stinson Road, I'm also an attorney here in Town and 1 Elm Square. And I feel compelled to speak against this Article. This Town currently has a By-Law, Section 7 that allows for cluster subdivisions on parcel of land of 10 acres or more. The proposed By-Law is modeled on the other one. It has many of the same purposes. The theory is to allow for smaller lots, less roadway, less infrastructure, in exchange for protection of open space that will be allowed for Town to benefit. I recently represented a group of neighbors who opposed, who were concerned about a cluster development in the neighborhood on 10 acres. While at the many public hearings the Planning Board listened to the neighbors' concerns and then ignored them. Both By-Laws speak to flexibility and creativity in design of the roadways and the subdivision, minimizing site disturbance and achieving the best possible relationship between the land and the development. In the cluster development recently approved by the Planning Board the only creativity was cramming eight building lots around an existing house with a pool and a tennis court. It's setting aside the bare minimum of three acres of open space. The open space is in two parcels, the parcels are unusable for recreational purposes, they are inaccessible and they're either steep or there wet. In fact Mr. French as a member of the Conservation Commission came to the Planning Board and asked that the Planning Board include a condition that the open space be connected by walking trails to a neighboring street and the Planning Board's reaction was, we don't think the people will want others walking by their houses. In the 10 acre subdivision most of the seven acres will be clear cut, there will be extensive blasting of ledge for the roadway and complete reshaping of the topography with cuts and fills of eight feet in some areas. Because there are so few parcels of 10 acres or more in the Town that are left, this proposal for a five acre lot cluster development is a developers dream. With a five acre parcel open space of 30% will be a mere 1.5 acres. This 1.5 acres does not have to be in one section, could be spread throughout the parcel. Further, 50% of the open space can be comprised of wetlands. Wetlands are protected and not buildable anyway. So the 1.5 acres may be as little as $\frac{3}{4}$ of an acre. Further storm water management systems such as detention or retention ponds may be located in the open space. If that happens how much open

space will be left? Is it really open space? It would be open anyway. Where is the benefit to the Town from this open space? Any open space would probably look like the backyards of the homeowners. Excuse me. The application process calls for the developer to prepare a yield plan to supposedly show the maximum number of building lots that could be developed under a conventional subdivision. Requirements of the yield plan are inadequate to show what could actually be built and gives the ability to the developer to fudge the results thereby giving him the opportunity to create greater lots under a cluster development than a conventional subdivision. The proposed By-Law sets out design standards-

MODERATOR: Mr. Caffery you time's up.

CAFFERY: One more minute please.

MODERATOR: 30 seconds.

CAFFERY: Proposed By-Law sets up design standards that read beautifully and sound great but are an illusion. Keep in mind that we are talking about five to 10 acre parcels of land. Keep in mind that currently any and all wetlands are protected and the structures cannot be built within 50 feet of them. The applicant must identify environmental sensitive areas in order to determine the potentially developable area of land which is not sensitive.

MODERATOR: [GAVEL] Mr. Caffrey. Mr. Caffrey you're way past you time now. I need you to summarize it very quickly please.

CAFFREY: I will. Looking at these design standards, what are steep slopes? What are mature woodlands? What is prime farmland? What is a meadow? Isn't every piece of undeveloped land a wildlife habitat?

MODERATOR: Mr. Caffrey. Thank you. Yes, ma'am.

DRISCOLL: Alex Driscoll, 11 Forbes Lane, speaking for the Conservation Commission. The Conservation Commission is unanimously in support of this. We like particularly the part about the open space that would go to the Conservation Commission, or that is land under control of the Conservation or to a non-profit, the principal purpose of which is the conservation of open space. I urge you to vote for this.

MODERATOR: Thank you. Can I get...this lady was waiting ahead of you, do you mind? Thank you. Go right ahead, ma'am.

FRIEDENSON: Alice Friedenson, 109 Bellevue Road. Think of Colorado, California or the state of Washington. Three areas that conjure mental pictures of open space. True for hikers and skiers but not for the individual homeowner where real estate even in expensive areas comes with little or no land. Even homes that physically touch adjacent homes. Let's not go down the slippery slope of reduction personal property in the name of creativity.

MODERATOR: Thank you. Yes, sir.

FRIEDENSON: I urge you to vote no.

CARVER: Tim Carter, 42 River Road. I have a question about what would be the motivation of the developer to choose this type of development. If I understand correctly that the plot plan must pass conventional and existing zoning to be considered for this. What's the advantage to choose this method over the conventional and existing zoning?

BYERELY: The benefit would actually be the reducing the construction and the maintenance costs, plus some studies do show that houses that abut open space are actually more marketable.

CARVER: Okay. But how is that going to be enforced. I don't understand, excuse my ignorance here, if the lot is the same size, and the building they put on the lot is essentially the same size, what is the difference between someone with a conventional zoned lot and this? What are the other restrictions that enforce a certain level of wilderness in their plot?

BYERELY: Not on their individual lot. It's actually the some property that may surround the subdivision as whole that would be the open space that would be preserved that would either be turned over to the Conservation Commission or to another non-profit that works to preserve the open space. It's not gonna be individually owned by the property owner.

CARVER: Apparently the piece I missed was then the lot sizes will actually be smaller at the end. What is owned by the individual will be smaller than what would have been owned by traditional subdivision.

BYERELY: It can be reduced down to two-thirds the size of the zone. This is proposed for two zoning districts in Town the SRB zoning district and the SRC district.

CARVER: Thank you.

MODERATOR: Can we have these last two folks be the last? If you don't have something new to add please don't.

LANGLOIS-HUNGER: Lynn Langlois-Hunter, 30 Sunset Rock Road. First let me say that we are very much in favor of preserving open space. I think what we bring to question on this, I mean we are the tree town here; this is the Town that is dedicated to preservation. But this Article does not benefit anybody who presently lives in the Town save the developers. It's going to put additional strain on our schools, it is going to be additional strain on public works, it is going to put additional strain on our public infrastructure. It will increase traffic in a Town that has already seen increased traffic just in the 12 years that I've been living here. And, you know, a conventional design, what is required to allow this to go through is not an actual demonstration of a true conventional design, it is a sketch plan which does not require the true topography, does not take into account the true nature of the land that it is being built on. And it is, it can allow, as I've seen, for more lots to be crammed onto a very fragile piece of land. This proposal allowed developer to put all of their unusable or undevelopable land into open space and then reduce the lot sizes of people's personal property to two-thirds the required size by the Town. Thereby maximizing development density. The open space is reduced by the 30% currently required for cluster development. This is because what happens is that they are allowed to put the unusable, unbuildable land into open space that they would be required to exclude from open space, exclude from building in the first place. So that ultimately means whether the house lots are larger or not means less open space over all. The proposal also allows for storm water management to be incorporated within the open space, which raises the following issues, who's responsible for maintaining that? And is that a good practice to discharge storm water into the wetlands which undermines their overall ecosystem? It also requires removal of additional trees. So I strongly urge you to vote no on Article 39.

MODERATOR: Thank you.

[FLOOR]: I move the question.

MODERATOR: I have motion to move the question. Has it been seconded?

[FLOOR]: Seconded.

MODERATOR: All those in favor of moving the question and stopping discussion and ending anybody else speaking please raise one hand. Thank you. Those opposed. Clearly the motion carries, so we will stop the discussion. Okay this does require a two-thirds vote. Let's see if we can do it with a hand motion. All those in favor please raise one hand. Thank you. Those opposed. I think I know, but I apologize, let's do a standing vote. I want to make sure. All those in favor please stand.

Section 1: 9; Section 2: 18; Section 3: 14; Section 4: 12;
Section 5: 8; Section 6: 10; Section 7: 11; Section 8: 7;
Non-Voting: 0; Hall: 10; Stage: 15.

MODERATOR: Okay. All those opposed, please stand.

Section 1: 4; Section 2: 10; Section 3: 14; Section 4: 14;
Section 5: 21; Section 6: 24; Section 7: 51; Section 8: 20;
Non-Voting: 9; Hall: 3; Stage: 6.

MODERATOR: Those voting in the affirmative were 114. Those in the negative were 176. The motion is lost. Article 40.

URBELLIS: Madam Moderator, I move to withdraw this Article.

MODERATOR: Article 40 has been moved to be withdrawn. Yes, sir would you like to speak to that.

FRIEDENSON: I am Bob Friedenson, 109 Bellevue Road. I'd like to speak against the withdrawal of this Article.

MODERATOR: All right. Prior to you're doing that can I ask the proponent to explain why he wants to withdraw it and then if you still want to vote against that I'll be happy to let you speak to that.

FRIEDENSON: Thank you.

MODERATOR: Attorney Lavoie.

LAVOIE: Thank you, Madam Moderator. For the record my name is Bob Lavoie an attorney practicing here in Andover with Devine, Millemet. I happen to reside in Amesbury but I've been practicing in Andover for a long time, I've appeared before Town Meeting several times. Over, when we filed this

early on, and more so later, we've been asked and cajoled, and probably rightly so that we withdraw this Article. I think the main reason was so that the Town itself would be afforded the opportunity to bring this Article forward. We are happy to do that. I just want to provide two pieces of facts. 90% of this Article follows verbatim from the Town's own words. Last year, many of the Town representatives may remember, the Town brought forward its own smart growth overlay district for Railroad Avenue for the location of the old existing Town Yard. For various reasons that was withdrawn; its time will come. There is a time for everything we recognize that this is not the time for our Article. This Article deals with 65 acres on River Road exist 43 on the interchange. It's on page 91 if people want an explanation or if people want to see what the area is. The other main reason why we brought it forward was 'cause Andover's own action plan describes this interchange as a place where moderate changes should be encouraged so as to bring forward more economic development in that area. So with those two things in mind, the Pateras Company, who I represent tonight, brought forth this Article in consultation with Town Officials we heard loud and clear early on that this should be a Town sponsored article. So we would like the opportunity to withdraw this so the Town itself can bring the Article forward. So I'd like to this that this Town already did 90% of the work. I don't think it's too much to think that we perhaps moved it ahead a few percent. We're very happy to have the Town finish the work on the this Article. I think everybody will be more comfortable. I think Town Meeting would be more comfortable so we would like the opportunity to withdraw this and I ask you to allow that to be done. Thank you.

MODERATOR: There's a motion before the floor right now—thank you, Mr. Lavoie, to allow withdraw this Article, sir, do you want to address that motion before the floor?

FRIEDENSON: Yes.

MODERATOR: Go right ahead.

FRIEDENSON: If we approve the withdrawal the private party can bring back this Article at a special town meeting or subsequent regularly Town Meeting. If we deny the withdrawal, this Article can only be brought back with due deliberation by the Town boards, Planning Board, and the Board of Selectmen come back to Town Meeting with their approval. I do not believe the process should allow private zoning Warrant

Articles. It should only be through our normal processes. Therefore if we vote we vote against the withdrawal, and then vote to deny this Article, the Selectmen and Planning board can bring this back at any time after careful deliberation. I thank you.

MODERATOR: Any other comments to that? There's a motion before us right now, again, let me just make sure everyone understands, is a motion to withdraw. If you vote the motion to withdraw down, then we have to vote on the Article. Does everyone understand that? If you vote to allow the withdrawal then we go on to the next Article. So all those in favor of the withdrawal, please raise one hand. Thank you. Those opposed to the withdrawal please raise one hand. The ayes clearly have it, the motion is withdrawn. Article 41. Mr. Spencer. How are you tonight?

SPENCER: I'm Marc Spencer, 13 Sunset Rock Road. I move to amend Article XII Section 44 of the Town of Andover General By-Laws "Banners in the General Business District by deleting the contents of subsection (2)e--

MODERATOR: If you could speak right into the mic please. So people can hear you.

SPENCER: By deleting the contents of subsection (2)e thereof and replacing it with the following: "banner may only be hung from free standing--

MODERATOR: Can you? They can't hear you. You need to get right up to the mic, Mark, please.

SPENCER: "A banner may only be hung from free standing poles or between two buildings as approved by the Board of Selectmen--

MODERATOR: Can you hear him?

STAPCZYNSKI: No.

MODERATOR: They can't--you really need to project.

SPENCER: I'll try.

STAPCZYNSKI: Turn it up.

MODERATOR: Can we have a little more volume on this?

STAPCZYNSKI: He needs to turn his volume up.

VISPOLI: Speak a little louder, Mark.

MODERATOR: You need to speak louder, Mark.

SPENCER: Okay. Is that good!

MODERATOR: Yes! That's great! See how that works. Go right ahead, sir.

SPENCER: The changes are the following: the banner may only be hung from free standing poles---

MODERATOR: Speak up.

SPENCER: --or between two buildings as approved by the Board of Selectmen. The Selectman shall determine the location of the banner. That's the end of the change and the Article goes on to say that: and further that non-substantive changes to the numbering of this By-Law be permitted in order it be in compliance with the numbering format of the Andover Code of By-Laws.

MODERATOR: See the reason they needed to have you speak, because the didn't have it up there.

SPENCER: Why am I here? If you were here in 2008 you probably saw me here promoting passage of a By-Law that would allow a banner in the general business district to promote the ample civic events that we've known come and love and that define Andover. And if you were here three years ago you'll probably remember a presentation I made, actually it was at the end of the Town Meeting you probably don't. But to recap at where we are with this one--

[FLOOR] Speak into the mic!

SPENCER: Why don't I just take the microphone.

MODERATOR: Yes why don't you. And you really need to speak as if you're talking across the room without the microphone.

SPENCER: Is that better? Okay. The banner was specifically designed just to promote the six or so signature events that have come to define Andover. I got involved in this because I was one of the originally people who started Andover Days and like many other groups we were terribly frustrated with the

participation of our signature events and were specifically prohibited from using banners when in fact every other Town in the Commonwealth at least for the 16 comparable communities were allowed to do so. So the banner was formulated to address that short coming. The Town interprets its By-Laws as saying that if it's not specifically allowed then it's disallowed. And we simply attempted to address that shortcoming. The result of our, that being, our Article is the result of exhaustive work in which we've researched banner articles and by-laws and policies from over 40 communities and we got input from attending countless meetings of 10 Town organizations. [BREAK IN TAPE] is the most thoroughly researched banner by law in the Western Hemisphere. Nonetheless we overlooked something. See because when we walked around the general business district we said, perfect for a banner between two buildings, yet in the downtown of Andover there are no, there were no two buildings that faced each other and had the required height from which could hang a banner. So all we could see were two poles and that's what, what the previous or the first By-Law stated. So something miracle happened and that is one building grew. Very rarely happens. That building is what we know as the Kaps building or the Bridal Center today. And because that building added another floor now we have an absolute amazing opportunity to take advantage of what we wanted, should've had, all along, which is a banner which avoids the use of big, heavy, massive poles and is able to be displayed cleanly in keeping in tradition with our downtown. So all we want to do tonight is change a few little words, which are as follows, sorry if you can't see that, that's section (2)e, and I'll never use red again. Section (2)e that sentence down there and it said a banner may only be hung from free standing poles, and all we want to do is add the words, "or between two buildings as approved by the Board of Selectmen. The Selectman shall determine the location of the banner." Simple. Just want to change the wording. Let me make it very clear, we are not stipulating that the banner must be hung between two buildings. We are just saying that the Selectmen in their due diligence when they decide where the banner should be hung should be given the option of using two buildings. Just so you might envision what that might look like...there's a top view of two poles holding a banner and on a bottom is the banner without two poles. I think the bottom one is better, but anyways that's up to the Selectmen to decide. We merely want to give them the right so that we they choose the location of the banners they have all their options available. Thank you.

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

VISPOLI: The Selectmen recommend approval of this Article.

MODERATOR: Mrs. Duff, the Planning Board's recommendation.

DUFF: The Planning Board recommends approval of this Article.

MODERATOR: Thank you. Yes, sir.

ROBB: Don Robb, 36 York Street. Can you hear me? I was several years the coordinator for Andover Days, which Mark made reference to. That was an event for the community by the community involving several Town Departments a number of non-profits, public civic organizations. One of our frustrations at that time was that we could not put a banner like this across Main Street in any way. And it was out of that kind of frustration that various groups starting working for the original banner law which was finally passed at Town Meeting. So what we're asking tonight in this particular Article is not that we allow banners, those are allowed by vote of Town Meeting, only that now we have the choice, we either do it from poles or we could do it across from two buildings. I think it will give us an opportunity to promote Town-wide events that was not open to us before. I think it's a good community building kind of thing; I know other towns do it regularly and successfully and I hope you'll agree that Andover should have that same opportunity. Thank you.

MODERATOR: Thank you, sir. Mr. Pasquale.

PASQUALE: John Pasquale, 47B Whittier Street. Nice to see you again Mark. Three years ago we talked about this. I'm not standing in the way of progress but there's a loophole here. And the loophole is you don't own the buildings. So therefore, I'm not a lawyer, but originally you were going to put them on poles that the Town owned the property. Selectmen do not own private buildings. So the wording has to be changed that the got to get the approval of the owners' of the property to go put hinges up there. For example, for example, I go and approach the owner, who I happen to know, and I say I'm going to make you an offer you can't refuse, I'm gonna buy you building. You come along and say I want to put a banner up and I say I don't have an agreement with you; I don't want anything on my building. So, you got to take into consideration that the Selectmen don't own private buildings and you got to get the wording in there that they

got to get authorization from the owners to put the banner up. Otherwise we got the Town Counsel, can we get a ruling? You know we don't need that.

MODERATOR: I believe Mr. Spencer has an answer for you, sir.

SPENCER: The Selectmen merely are entitled or empowered to select a site that they would like to see a banner. Obviously an owner that doesn't want a banner on his building, it ain't gonna happen. I'm here to tell you that the owner of both the buildings, which are in question, are owned by Mr. Tom Bellhue, who not only fully supports the banner going across Main Street. Even without our urging he put anchors on one of them. So..

[INAUDIBLE FROM THE AUDIENCE]

SPENCER: It's a non-issue. If the owner doesn't want the banner it's gonna hang.

COLEMAN: One quick question. Who has liability for this banner if it falls on a child's head? And it's over Main Street. Are we liable? Who's liable for this banner?

SPENCER: Well, that's what insurance is for. And I'm sure that when this meeting is concluded, Madam Moderator will be happy to-

COLEMAN: Who's insurance? The Town's or yours?

SPENCER: Whoever is liable will get the appropriate insurance. If it's on the Town, if it's on the Town side the Town may. If the, the cable attached the building as a matter of liability, the building owner would get the liability insurance. There is insurance for whichever party is deemed responsible.

COLEMAN: You better tell the building owner first. Or I'm sure we'll be sued.

MODERATOR: Go ahead, Brian.

MAJOR: Just clarity on that point. The private group that wants to put up the banner would then put together the insurance binder that would cover that. And that's already been built in we discussed that three years ago.

[INAUDIBLE FROM THE FLOOR]

SPENCER: This is just an excerpt from the Article.

MODERATOR: Okay, are we ready to vote? This requires a majority vote. All those in favor please raise one hand. Thank you. Those opposed. Thank you very much. The ayes have it, the motion overwhelmingly passes. Article 42. Thank you, Mr. Spencer. Article 42. Mrs. Lyman.

LYMAN: I move that \$500,000 is appropriated to pay costs of constructing, reconstructing or replacing water mains, including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 8, Subsection 5 of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 42 has been moved and seconded. The Selectmen's report please, Mrs. Lyman.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: The Finance Committee report please. Mr. Rigby.

RIGBY: This is part of the ongoing maintenance project of the water main systems and 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 by clearly far more than a two-thirds vote I would declare it as such. Does anyone challenge that declaration? Thank you very much. Article 42 passes. Article 43 Mr. Teichert.

TEICHERT: Madam Moderator, I move to transfer the sum of \$35,000 from Water Reserves and \$35,000 from Sewer Reserves and appropriate \$70,000 for the purpose of purchasing vehicles for the water and sewer divisions.

MODERATOR: Article 43 has been moved and seconded. Mr. Teichert, the Selectmen's report please.

TEICHERT: The Board of Selectmen recommends approval.

MODERATOR: Mr. Merritt the Finance Committee report.

MERRITT: The 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. Article 44. Mr. Teichert. Like I said, Mr. Salafia.

SALAFIA: I move that the sum of \$499,099.95 is appropriated to pay costs of replacing a Variable Frequency Drive Pump at the Water Treatment Plant, including the payment of any and all cost incidental and related thereto, and that to meet this appropriation the Town transfer the sum of \$59,099.95 from the following Town Meeting Articles: Article 34, 2005, Water Plan Improvements, \$1,657.66; Article 41, 2005 Fish Brook Pumping Station, \$16,173.89; Article 55, 2005 Salt Study \$756.88; and Article 35, 2007 Water Vehicle Replacement, \$164.65; Article 54, 2007, Salt Balance Study, \$14,576.42; Article 12, 2008 Fish Brook Pumping Station, \$25,770.45 for a total of \$59,099.95 and, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$440,000 under and pursuant to Chapter 44, Section 8(7C) of the General Laws, or pursuant to any other enabling authority and to, and to issue bonds and notes of the Town therefor.

MODERATOR: Article 44 has been moved and seconded. Mr. Salafia, the Selectmen's report please. You look just like Mr. Teichert, that's why...go ahead. Your report please.

SALAFIA: Selectmen recommend approval.

MODERATOR: Thank you, sir. Mr. Merritt.

MERRITT: Finance Committee recommends approval.

MODERATOR: Any questions? Yes, sir.

PASQUALE: Jon Pasuale, 47B Whittier Street. When I spoke last night I gave out some figures that I got from Joe Pantidocci [sic] Earth Day. As again I'll restate. The electric bill is \$90,000 at the Water Treatment Plant. I favor this Article but at a 7% return on \$900,000 its \$65,000 so that's wonderful. We're scratching the service. So I'm making a plea: you've got direct more attention to the waste, Water Treatment Plant over there to get better energy utilization, whether electricity or something else. It will help out water rates. Thank you.

MODERATOR: Thank you, sir. There's no question you're waiting for an answer for, is that correct? Article 44 requires a two-thirds vote. All those in favor please raise one hand. Thank you. All those opposed. The ayes clearly have it by far more than a two-thirds vote and I would declare it as such. Does anyone question or challenge that declaration? Article 44 passes by more than a two-thirds vote. Thank you. Article 45. Mr. Cuticchia.

CUTICCHIA: Madam Moderator I move Article 45 as printed in the Warrant.

URBELIS: No.

CUTICCHIA: I move to accept the provisions of Chapter 131, Sections 27 and 28, of the Acts of 2010 to amend Massachusetts General Laws, Chapter 32, Section 101, to increase the benefit provided therein to \$9,000 per year.

MODERATOR: Article 45 has been moved and seconded. Go ahead, Mr. Cuticchia.

CUTICCHIA: Thank you, Madam Moderator. I am Jimmy Cuticchia, I'm Chairman of the Andover Contributory Retirement Board. And this is Elena Kaufman, she is the Retirement Board Administrator. What we're doing is we're asking Town Meeting to take some corrective action. In 11/1 of '96 the employees who were disabled were allowed an option that protected their spouse. The employees who were disabled prior to that date were not allowed to take advantage of this benefit and their spouse could only receive \$6,000 annually if they predeceased them. This will allow us to make payments to the spouse of \$9,000. It only applies potentially to eight people. And only if they predecease their spouse. If there any questions, I'll take them.

MODERATOR: All right. The Selectmen's report, please.

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

MODERATOR: Thank you. The Finance Committee report please.

HOWE: The Finance Committee recommends approval of the Article.

MODERATOR: Thank you. Are there any questions? Comments? It 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 46. Mrs. Karfunkel. How are you tonight?

KARFUNKEL: Lois Karfunkel, 22 Orchard Crossing. Madam Moderator, I move Article 46 as follows: to amend the Town of Andover Code of By-Laws, Article XII Miscellaneous By-Laws, by adding the following paragraph to Section 7, Hunting: No person shall discharge or release an arrow from a bow or crossbow, or hunt on any public property in the Town of Andover; provided, however, that the provisions of this By-Law shall not apply to a law enforcement official in the performance of his or her duties, nor a class in archery instruction or competition, nor the lawful defense of the person, family, or property of any citizen, nor when discharge has been specifically authorized by the Commonwealth on State-owned property. The Town of Andover shall post notices summarizing the contents of this By-Law at selected entrances to Town Conservation Land in a manner that the Conservation Commission determines to be appropriate to carry out this By-Law's provisions; and further that non-substantive changes to the numbering of this By-Law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws.

MODERATOR: Article 46 has been moved and seconded. And we have a presentation. Go right ahead.

WILLARD: Point of information.

MODERATOR: Sorry?

WILLARD: Bob Willard, 76 Tewksbury Street.

MODERATOR: Go ahead.

WILLARD: Point of Information. Bob Willard, 76 Tewksbury Street. I've been told that as long as the Town of Andover does not have any financial involvement in bow hunting, such as charging for licenses that the Town of Andover will not have any financial liability in the event of accidents. And I would like some information from Town Counsel, if this is true—

MODERATOR: If you're going into a discussion of the Article, can you wait till we've had the presentation? Would you mind doing that? I would just be, I think we should at least have the presentation on the floor. You'll be the first one I'll

call on after the presentation. Thank you, sir. Go right ahead, Mrs. Cummings.

CUMMINGS: Deborah Day Cummings, 67 High Street. Hunting was prohibited—Hunting was prohibited in all Andover conservation properties in 1978 and again in 1985. Last October this ban was overturned to allow a trial of bow hunting on four conservation properties: Bald Hill, Wood Hill, Fish Brook North, and Haggetts Pond Reservations. Why was the hunting ban overturned? Local outdoorsmen and hunters raised concerns of deforestation, Lyme Disease, and deer vehicle collisions. This Article does not ban bow hunting from private land or State land. This Article only concerns conservation property. Lyme Disease is no more caused by deer than Swine Flu is caused by pigs. Lyme Disease is transmitted by the black-legged tick. The key host for the black-legged tick is white footed mice. The density of black-legged ticks directly depends upon the density of rodents, not deer. The density of rodents in turn is directly related to ground cover in forests. Deer are just one of a 120 different animals that the tick uses in its life cycle. Deer do not carry, nor do they transmit, Lyme Disease. Who is most vested in preventing deer / vehicle accidents? Auto insurance companies. Statistics from State Farm Insurance Company and Eerie Insurance have determined that the incidents of deer / vehicle accidents is attributed to three factors: vehicle speed, mating season, and hunting. Crunch the numbers. Based on the Town's estimated numbers, at last year's kill rate of 13 deer assuming a 0 population growth, bow hunting will take 54 years to get Andover's deer population under control. And keep in mind, studies show that as deer populations decrease, doe fertility and birth rates increase.

[UNKNOWN SPEAKER] Madam Chair.

CUMMINGS: What are our options and alternatives? Education has been proven most effective. In 2007, a study was published measuring the results of an education program conducted over three summers with 30,164 passengers traveling to tick-infested Nantucket. The result of this study showed a 60% reduction in risk among the people who received education on Lyme Disease prevention. Other options are: passive pesticide stations for deer, recommended by the American Lyme Disease Foundation, and found to be 92-98% effective; tick tubes, used to reduce larval tick numbers in white-footed mice; and local law enforcement specially trained and used as sharp shooters. Bow hunting is a loophole to Andover's hunting ban. Bow hunting will exacerbate the problem with

overpopulation and cause increased birth rates. Conservation land will become limited for two months and there is the risk of negative impact on future land donations. We ask you to consider this seriously and please vote yes on Article 46.

[UNIDENTIFIED SPEAKER] Madam, Chair.

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

LYMAN: Thank you, Madam Moderator. The Board of Selectmen recommend disapproval of this Warrant Article. We did have a thorough presentation from the State expert, Sonia Chrissenson, who explained to us in great detail why Andover was targeted as a place that would consider having bow hunting. It was, we proceeded with due process and we starting a pilot program. It is for hunters who have been tested on their skill level only. There are a limited number of licenses allowed. We had the group meet before us following the 11-week pilot and found that there were no incidents. And we also had the schools as a part of the process; they had their own hearing with the hunters. And we found the pilot to be successful. So, as a result the Board of Selectmen recommends disapproval.

MODERATOR: Thank you. Do we have somebody to report from the Board of Health? Candy. Why don't you come on up here?

MARTIN: Candace Martin, Board of Health Chairperson. The Board of Health voted to disapprove this-

MODERATOR: If you could speak up as loudly as you can, Candace, so everyone will hear you.

MARTIN: Our vote was based on the original Warrant Article that prohibited the bear trapping, so our vote as a Board included that consideration, so I just want to point that out. The Board felt that any methods to reduce Lyme Disease is critical especially for the number of cases that have increased significantly over the last few years. This Article we believe, there's evidence and studies to support that deer hunting and limiting the amount of deer in the population has reduced the tick level, and Lyme Disease in islands and peninsulas. We do not have proven results for inland. We are getting those by doing the pilot study last year and hope to continue with that study. We have an intern coming this summer that has been, that will continue the efforts from last year to look at Lyme Disease in our community; where the

reported cases have come from, how many people have been infected by Lyme Disease and the efforts will continue this summer to look at the base tick counts. We feel that long-term monitoring and any efforts to reduce Lyme Disease is important for the health of our community. With that the Board of Health recommends disapproval of this Article.

MODERATOR: School Committee, I believe you had a, did you have a report to make? No. If you don't that's fine. Any other committees or reports? Yes, sir, go right ahead with your issue.

WILLARD: Point of information. Bob Willard. The question is about the liability to the Town of Andover. I've been told that as long as the Town of Andover is not collecting any money from the bow hunting program that the Town of Andover has no liability in the event of accidents to either bystanders or to bow hunters doing things like falling out of the tree stands. And I'd like information from Town Counsel if that's true or not.

URBELIS: Who told you that?

WILLARD: The bow hunters.

URBELIS: Anybody that has \$250 can file a lawsuit in the Essex County Superior Court claiming that the Town is liable for anything. I cannot assure you definitively that the Town will not be liable if there's any kind of bow hunting on the property.

WILLARD: Thank you.

MODERATOR: Thank you. Let's start over here, please. Then we'll go back and forth.

RIVARD: Thank you, the name is Jessie Rivard from 90 North Main Street.

MODERATOR: Can you say your name a little louder please?

RIVARD: Jessie Rivard from 90 North Main Street.

MODERATOR: Thank you, Jessie.

RIVARD: The message I'd like to deliver is that this is a controlled conservation hunt. It took nearly three years of careful, thorough and consideration. It's been a

collaborative effort between the Town Conservation Committee, Town law enforcement, US Forestry Service, Massachusetts lead deer biologists, and numerous volunteers that have spent countless hours and efforts to ensure its efficiency and success. I spent many hours in the woods last season during the short season. Had many interactions with non-hunters. Every interaction was positive and changed the way that some initially felt about the program. As well as those participating in the goals and over impacts to our community. Our group of hunters have more restrictions and are monitored more closely than Mass General Hunting Laws. We're a professional and organized group; we're comprised of fireman, police officers, town workers, business owners, coaches of our children in Town, and active members of the community. We all care about the residents of Andover and the safety of our friends, family, and neighbors. It's an important objective and requires careful planning and follow through by a number of individuals and organizations that volunteer their time. In addition, myself along with many others in this group, are also instrumental and responsible for the identification and removal of approximately 15 illegal tree stands, which belong to illegal hunters that are coming from neighboring towns and neighboring states. We hold ourselves to a much higher standard than other hunters in state, in any other states, for that matter. All measures of marksmanship, ethics and regard to our environment have been taken to the highest levels to ensure the group we have is efficient and professional. All of the other options have been reviewed. Much of this information we saw in the presentation was very much misguided. I don't know how deer hunters can be responsible for motor vehicle accidents when you can't hunt at night at that's when deer tend to get hit. That's just one point. But sharpshooting, pesticides, trap and relocation, birth control, fencing and other measures, they're not considered to be economically feasible, and some aren't even legally, not allowed, in the State of Massachusetts. Many other towns in the State have and are currently undergoing the same traditional hunting methods which has proven to be the most effective in reduction deer population. Lyme Disease is directly associated with higher deer densities. This is a long and committed process; one that myself, and many others, have committed to following through, and I think it's time that we prioritize the citizens of Andover ahead of the heard because our health and the health of future generations depend on it. Last fall when the US Forestry Service conducted a understory study, they said that we are many years behind in establishing a plan to decrease this herd. The time's now because the problem will continue to compound

itself if we don't vote now on Article 46 and allow sufficient time for this program to develop and make a difference. And Madam Moderator, last night I was here and listened to you make a statement about how we're celebrating 50 years of maintaining Town conservation property and you received an overwhelming response, deservedly so, while this is exciting and noteworthy, our children and future generations may not have that same type of celebration or the ability to recreate on this property if it's not maintained against high deer density volumes and forest degeneration. I embrace the opportunity to protect our forest now and realize there is much work to be done. We can't afford to wait till it's too late and I encourage you all to vote no on Article 46.

MODERATOR: Thank you, sir. I would ask you all please, please, to keep to the three minute limit. If you have nothing new to offer, if what you want to say has already been said, would you please have enough consideration for your fellow voters and, and step aside. So if you have something new go right ahead.

ST JAMES: Thank you, Madam Moderator. My name is Justin St. James, I live on High Street. I'm also an Andover, also an attorney in Andover, but I'm a nice one. I hope everyone will vote yes on Article 46. As Deborah Cummings has shown us tonight, by the Town's own numbers the present policy will curb Lyme Disease or deforestation. A yes vote will require the Town to do its homework in finding real workable solutions to those problems. I ask everyone to vote yes on this measure. Thank you.

MODERATOR: Thank you, sir. Ms. Ralston.

RALSTON: Thank you, Madam Moderator. Gail Ralston, 44 Linwood Street on behalf of the Andover Conservation Commission. When the Andover Commission became aware of the dangers of our local deer overpopulation we sought the advice, experience, and opinions of many including professionals at the State level as well as other Massachusetts towns that have also wrestled with how to address this problem in an intelligent and professional manner. In fact since last fall, the Commission has had posted on the Town's website a special section just on deer hunt information that includes the State biologist's deer study as it applies to the State in general and to Andover specifically. For close to two years we considered the following; we have been informed by the State Forester that our forests are not regenerating hardwoods

because of over browsing by deer; the forests are not in a sustainable state and are dying. State wildlife experts have calculated that deer herds in Andover are three times as dense as is sustainable. As charged with the responsibility of land management for the 2,000 acres of Town-owned land in its custody, the Commission conducted multiple public hearings concluding that on the land management basis alone we needed to take measures to bring our forests back to a sustainable state. With that information and careful study the Commission voted to allow a monitored and a specifically defined bow hunting program in clearly publicized and limited locations. And the end of the specified period we reviewed the process and found in all areas the program proved to be successful from our point of view. In fact, as previously mentioned, there was an unexpected plus that during this time several tree stands from illegal and - unauthorized hunters were identified and removed. This alone has made for a much safer environment for the Town citizens. I should point out that we did consider alternative methods of addressing deer herd overpopulation but for the immediate future we found that these methods were not only costly but some even had the possibility of their own dangers to humans. While we recognize that there could be other benefits to deer overpopulation control that possibility was not the basis of our decision due to the fact that the area of public health is not within the Commission's jurisdiction. In conclusion, the passage of Article 46 would illuminate viable and proven options to the Commission's role as responsible land managers. For these reasons the Commission urges a no vote on 46.

MODERATOR: Thank you.

FLOOR: Move the question, please.

MODERATOR: Let's let a couple more people speak and then we will do that. Go ahead. Another pro over here.

VANDOREN: Carol VanDoren, 63 High Street. I am in favor of this Article because according to most recent research coming out from Harvard University last month. It's the white-footed mice that are the disease hosts and I do not believe that this will decrease Lyme Disease in Andover. Thank you.

MODERATOR: Thank you for your comments.

DALTON: Dear Madam Moderator, Robert Dalton.

MODERATOR: Go ahead, sir.

DALTON: 31 Old County Road. That study that was just referenced at the end of that study the deer population was still 60 deer per square mile; Andover is 30 deer per square mile. I wish we were able to bring in the professionals but this venue does not allow for it. But all the board members were able to listen to the State deer biologists and other biologists from the Federal Government before they made their decisions. I just want to address a few things specifically the population estimates that were discussed early. What you have to do when you come up with a deer population estimate you have to you just don't look at the whole square mileage of the Town. What counts is only the square miles of forested land where the deer actually live. Now, if you count just the forested land in Town Andover is 15 square miles. So in a bubble where no deer come in and out Andover should have around 450 deer in Town, not 900. By taking out female deer population management can occur quicker. Any progress is good progress. For each doe taken you take up to four deer out of the population the following year. So say you take out 13 does in one season, that's 39 deer you're taking out of the population the following year. So you can have a big impact. The year the season started very late. Next year they'll at least double the deer take, if not hopefully a lot more. The Town of Sudbury did the same thing Andover did, implemented 10 years ago. They take 25 deer a year off their properties and thief forests have stabilized and they've actually seen the forest regenerate and they state their Lyme Disease cases have stabilized. I actually called the State deer biologist this morning, Sonia Chistfordson, and she stated that the deer in Andover, even though we're having a lot of problems and there's way too many of 'em, they're actually still pretty healthy. And the deed in Andover right now are producing, um, they're currently very healthy and they're producing fawns at their maximum rate right now. Deer only have one to three babies - that's it. And right now the Andover deer are having three babies. So that the, the argument that the hunting will increase the fawn rate is not correct. She says that the environment in Andover you know can actually support many more deer because the deer will eat everything in the forest and then they get their supplemental food from people's lawns and landscaping and the supplemental food is what maintains the deer at a high population level. But again all the points by the present, at the presentation, these points were all addressed and this is actually the only legal option to the Town of the Andover. All the other, all

the other options that were addressed are not legally approved for use in Massachusetts. Thank you.

MODERATOR: Let's have one more from each side then we'll move the question. Go ahead, sir.

CUMMINGS: Yes, Doug Cummings, 67 High Street. Just a point of information here. From the Mass Wildlife site says that 30 deer per square mile is acceptable. And it talks about the fact that it isn't until you push well beyond that that it becomes a problem. So, I find it interesting that all of a sudden it's anything more than eight deer is a problem. So I think we need to keep that in mind. Secondly, I've looked at a ton of studies on line done by Towns in Massachusetts looking to do the same thing we are. Virtually all of the them required gun hunting as well as bow hunting to get the deer population under control because to stabilize a population you have to cull 35-40% of the herd. Right out of the gate. And 16 deer on 15 acres, which is four hundred and something deer as the last speaker pointed out, doesn't come close to stabilizing the herd. So I think this is sort of a spurious argument saying that a cull of 16 or 25 or 30 deer a year is going to take care of a problem that's going to require getting rid of 120 deer a year right out of the gate—a minimum of a 120 probably more like a 150. Secondly, from October of last year Health Director, Tom Carbone, this is from the "Andover Townsman" coming right out and say while he believes the deer hunt may make a dent in local disease incidents, Lyme Disease incidents, it will likely have no significant resolution to the problem. So I think that if, you know the Town and the hunters are saying that this is a problem of too large of a deer hurt and the lyme tick disease the data on the State sites, information from our own Town workers is saying just the opposite. And so I just want people to be aware of that. Thank you.

MODERATOR: Thank you, sir. Let's have one more speaker over here and we'll see if the meeting wants to vote. Go ahead sir.

BALDWIN: Madam Moderator, my name is Mark Baldwin from 5 Prides Circle.

MODERATOR: Thank you.

BALDWIN: I'm a lifelong resident of Andover. And at 16 I was a graduate from the hunter's safety so I've seen what these programs can do and the benefits that they can provide from

another of different areas. But I wanted to address the area of liability. As a local business owner I certainly face the issue of liability pretty regularly in construction. And I agree with out attorney that anyone with \$250 can file, file a lawsuit. The best way to prevent liability is to prevent injury, is to illuminate the situation. And if you look back historically, since they've been keeping records for 40 years there have been zero incidents with bow hunting in the State of Massachusetts. It is extremely safe. It benefits our community and it's a great educational program to move this forward. So I encourage you to vote no and allow this program to continue. Thank you.

MODERATOR: Thank you, sir.

FLOOR: I move the question, Madam Moderator.

MODERATOR: Are we ready to vote.

FLOOR: Yes.

MODERATOR: Alright. Let's vote. This requires-

[UNIDENTIFIED SPEAKER:] Madam moderator?

MODERATOR: Yes, sir.

[UNIDENTIFIED SPEAKER:] I'm sorry. Can I please be brief?

MODERATOR: Sir, we've, we've been asked to move the question.

[UNIDENTIFIED SPEAKER:] I'm sorry?

MODERATOR: We've been asked to move the question. And the meeting seems to be very, very adamant they'd like to do that.

[UNIDENTIFIED SPEAKER:] I'm sorry I'm partially deaf I can't hear you.

MODERATOR: We're going to move the questions. We're going to vote now. We will vote now. Okay. It's a majority vote. All those in favor please raise one hand. Say, what? Oh, I'm sorry let's move, whether we're gonna move the question. All those in favor of moving the question, ending discussion please raise one hand. I'm so very sorry. Thank you. All those opposed. The ayes clearly have it; we will move the question. I'm so very sorry. Article 46. All those in favor

please raise one hand. Those opposed. It is very clear to me that the no's have it, the Article fails. Article 47. Mrs. Duff. Could you--this is the last Article, could you please hand in with us, please. One last Article. Article 47.

DUFF: I move that the Town approve the Zoning By-Law Amendment - Political Signs as printed in Article 47 of the Warrant, and further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws.

MODERATOR: Article 47 has been moved and seconded. Mrs. Duff would you like to give us a report on the Planning Board's recommendation.

DUFF: The Planning Board approves--recommends approval of this Article.

MODERATOR: Mr. Major.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Are there any questions? All those in favor please raise one hand. Thank you. The ayes have it by far more than a two-thirds vote. I declare it as such. Does anyone challenge that? I declare it as passed by more than a two-thirds vote. Mr. Urbelis?

URBELIS: Madam Moderator, I vote to dissolve this Town Meeting.

MODERATOR: All those in favor of dissolving this annual Town Meeting please raise one hand and say yes. All those opposed. The ayes have it. Thank you all very, very much.