

2011 Special Town Meeting

Monday, December 5, 2011

MODERATOR: Can I just let you know. I've just been told that there is quite a long line still coming in. So we will wait so that we don't have to go through our housekeeping issues. So if you could please give us a little bit more time, indulgence. There are plenty of seats down here in the front. Like seriously plenty of seats. So please feel free to come on down. Thank you.

[GAP IN TAPE]

We will be filling in the non-voter section so we in all likelihood will not have any non-voters in attendance tonight. If, if we have more people than we have seats, which is why I want you to make some room for everybody. If we have more people who want to attend than we have seats, we may have to reschedule the meeting to a larger venue. So—I know, I know. We will do everything we can to get this done tonight. So please—I know, I hear you, I hear you. So please make room for every available person. There is no coat that deserves a seat.

[PASSAGE OF TIME WITH NO ANNOUNCEMENTS]

Can I have your attention please? I appreciate more than I can tell you, your patience. And I think this is a wonderful outpouring across the board. Here's what we're trying to do. If there is a seat in your row, please put a body in it. I do not want the Fire Chief to shut us down because we're too busy. There should not be a single coat that has a seat in this auditorium tonight. We are in the process of seating up about a 100 seats behind me. I'm so sorry for the people who have to sit there and look at that view. But we will put them up there. And we will also—please bear with us—we are also going to try to put some seats in the orchestra pit, which people will have cricked necks but we will try to do it. There are about 200 people we think still coming in. People have parked as far away as the post office. So we are—I appreciate the impatience but I don't want to start to we have people settled. So as these seats are filling in, if you would be up there, we can't have people in the stairway and we can't have people on the side walls because you won't be counted. So as these chairs are being set up if you could in an orderly fashion

come on down and sit here and then there also will be some chairs that we're going to try to set up here. And there will be a feed that we'll do into the orchestra room. We'll have to move the non-residents. So I still see blue chairs. If you're coming-

[BREAK IN TAPE]

--really do need to have a very orderly dismissal.
[LAUGHTER] Because it just won't be safe if we don't.
GAVEL. The hour of seven p.m. having long since come and gone and the hour of 8:56 having arrived it is my distinct pleasure-7:56, I'm so very sorry, thank you-7:56 having arrived it is my distinct pleasure to call to order the 2011 Special Town Meeting for the Town of Andover. And thank you again all of you for your indulgence. Okay, I would like to start with an invocation. I won't ask you to stand but if you could please bow your heads. I'd like us all please to bring to mind those who have been here in the past and are not here with us this evening, those in our Town who work mercilessly and faithful for each and every one of us. For those who are making decisions prior to our meeting and those decisions we will make tonight, we ask God's blessing and guidance on each of us. Amen.

Pledge of allegiance Mr. Major.

[PLEDGE OF ALLEGIANCE]

MODERATOR: We have a very wonderful young woman. Her name is Emily Wadell who will sing for us the National Anthem. Go right ahead Emily, if you would. If you wouldn't mind standing-I'm sorry I should have told you to stand, but you know you've been sitting so long. This is good. Go right ahead, Emily. Thank you.

[AMERICA]

MODERATOR: Emily is obviously a significant member of the choral group here at Andover High. Emily thank you so very much for what you've added tonight. Okay I would like to ask you all to please turn off your cell phones. They are just going to wreak havoc on all of us. There is no smoking, of course, no food or drink other than water here in the Collins Center. We do not have any room for non-

voters so we will not vote to admit any. Mr. Urbelis the waiver of service, please.

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

MODERATOR: All those in favor of referring to the warrant articles by number please raise one hand. Thank you. Those opposed. The ayes have it. We will do that. There are voting sections here. They were very organized at one time. So we have Section 1 over here; Section 2 is right here in front of me up and through row L. So if you would please look on the floor in this section here, row L is the last row of Section 2, if you'd just take a look. Could someone who's on row L raise your hand? Okay. So anybody behind those people with their hand you're gonna be in Section 5. Section 3; Section 4; Section 5 M and forward; Section 6; 7; 8; a newly formed 9 and the cafeteria which will be 10. Those of you who are down here in the orchestra seats—9 these would be 9 back here, I'm sorry, yes—why don't we have you all join Section 1. Okay. So who's ever counting 1 would you also count the orchestra pit here. And the cafeteria will be Section 10. Let me introduce those of you—I was gonna say on the stage, but clearly...[LAUGHTER]. These are people who've finished their dinner. [APPLAUSE] I'm sorry, I'm sorry. On my left to your right we have the Finance Committee, we have the Town Counsel, Mr. Urbelis, and we have the Town Clerk without whom none of this organization would have happened today. Thank you very much, Mr. Murphy. We have the Board of Selectmen, the Town Manager, and we have this very fun, wonderful, new person, this used to be Tony Torrisi, it is now Donna Walsh, who is our new Director of Finance. This is her first experience of a town meeting. [LAUGHTER] Welcome. And for those of you who don't know, I should have introduced myself, my name is Sheila Doherty, and I was elected the Moderator for this Town—thank you. I am so honored to be here and thank you very much for the privilege. Now we do have pro and con mics which we will continue to do. This auditorium as you all know was built for those of you out there to look in here; it really wasn't built for projecting out. So let me try to organize this a little bit. Over here is microphone 1. That will be the presenters' mic tonight; so any presentations made will be made from the microphone 1. It will also be the pro mic. There will be a con mic—so if you want to speak for an issue that's your mic on this side, if

you want to speak against it there's a con mic up there. Over here microphone 4 will be a con mic. So you have a pro and a con on this end. You have a con and a pro, number 3 will be a pro mic. If those of you in the back have a burning desire to speak, somebody please get my attention and—I'm so sorry you're looking at the worst possible side of me—but those of you who are back here, if you could please get my attention or go ahead around to one of the mics. Those of you in the cafeteria. Robert Hughes, Bob Hughes, who is one of our Election Officers, is serving as a surrogate Moderator there, Deputy Moderator. And he will notify this gentleman. Can we hear them if they want to speak with the mic? No, can we hear them if they want to speak to us?

HUGHES: Madam Moderator we have a mic down in the cafeteria.

MODERATOR: Thank you. Thank you, Bob. So that will be the voice of Bob, not God. [LAUGHTER] Don't tell him I said that. The Moderator, I will introduce to you now the Ombudsman who is attorney Christopher Vrontas. If you have any issues, if you want to amend any articles to the Town Meeting it must be given to us in triplicate. Please see him and he's got the forms if you want to make any adjustments. I would like to make a motion that is highly unusual that the Moderator would do it, but I would like to make the motion as we do and have historically done for well over ten years of putting time limits on our speakers. So with your indulgence [APPLAUSE] I would like to move, this is your vote, this is the Meeting's vote, I would like to move that for this Town Meeting that we impose a time limit of five minutes for presenters of an article and three minutes for speakers from the audience. The Moderator will let the speaker know when they have 30 seconds left to their time and the way I will let them know is this...I'll softly start tapping. These limits can be extended at the discretion of the Moderator. Can I have the sense from the Meeting please if they would like to abide by that for this Meeting? If you are in favor please raise one hand. Thank you. How does that look in the cafeteria, Bob? The cafeteria did you take that vote, Bob?

HUGHES: Madam Moderator we were trying to separate sections here so can you repeat?

MODERATOR: Those in favor of time limits please raise one hand.

HUGHES: Okay.

MODERATOR: Those opposed please raise one hand. The eyes clearly have it here overwhelmingly. How about in the cafeteria?

HUGHUES: The same Madam Moderator.

MODERATOR: Thank you, sir. Okay. In order to be counted for a vote you must be at a seat tonight. You must have your sticker on. If you don't have a sticker... please make sure to have it visible to the counter. They will not count your vote without it. I will accept a motion to move the question anywhere in the hall. It must be seconded. But you must be recognized for that motion to go. All questions from the floor must be directed to the Moderator. You need to direct those questions to me and I will make sure they get directed to whomever you are asking. If you are going to amend an article, we have eight articles tonight, if you are going to ask for an amendment to an article, we will discuss and vote on the amendment first. If that passes that becomes the main motion. If it does not pass we go back to the original article. Now I need to say this and I know, I know, frustration level has been high, but the tone of the Meeting is something I feel really strongly about. For those of you that this is your first meeting I certainly welcome you, this has been a tradition in the Town of Andover for centuries. You can disagree with any position that anyone in this room has, any official or each other. However, I will absolutely insist that you do so respectfully. Any innuendo, any intimation of character assassination or wrongdoing just will not be tolerated by me. I will gavel you down as out of order and ask you to be seated. [APPLAUSE] I will absolutely insist that everyone be treated with respect. I promise you I will do everything I can to get your questions answered. But expect that we will do so in a respectful manner which has been the hallmark for the Town Meetings for the Town of Andover. Okay, let's get rolling. Here we go. Article 1, Mrs. Lyman.

LYMAN: Thank you, Madam Moderator. I move that the Town vote to approve Article 1 as printed in the Warrant.

MODERATOR: Article 1 has been moved and seconded. Mr. Murphy.

MURPHY: Thank you, Madam Moderator and thank you all for coming out for this Article. I never expected so much interest but-[LAUGHTER] let me say at the outset, that this Article has to do with petitions to call a Special Town Meeting or to place an Article on an Annual Town Meeting. And let me say at the outset that I have absolutely no issues at all with the form of the petition that was submitted to call this Meeting. But we have in the past have petitions that were submitted where we have the body of the article on one piece of paper and signatures, separate signature pages that are submitted with the article. That's certainly not acceptable for any State-wide petition or for nomination papers. And so what this, the problem that we have is that we have to certify the signatures of those people and we don't know, if they're submitted on a separate piece of paper, if the individual who signed had an opportunity to read and to understand the petition. So basically what this Article is proposing is a By-law amendment that would simply require that the signatures appear on the same physical piece of paper as the warrant article which again would bring it in line to standards for State-wide petitions and nomination papers. And that's it in sum and substance.

MODERATOR: Any questions? Comments? All those in favor of Article 1 please raise one hand. Those opposed. Clearly the motion carries here. How about in the cafeteria, Bob?

HUGHES: Same Madam Moderator.

MODERATOR: Thank you. I declare that as far more than a majority vote and the motion carries. Article 2, Mr. Deso.

DESO: Madam Moderator I live at 81 High Street and I'm a member of the School Building Committee. I move that the Town vote to approve Article 2 as printed in the Warrant with the deletion of the words, "and to appropriate funds and pay the owners of said property for said temporary easements, or take any other action related thereto."

MODERATOR: Article 2 has been moved and seconded. If you have your Finance Committee report in front of you, the last two lines of Article 2 are what are being deleted. Go ahead, sir.

DESO: Madam Moderator with me is Joe Reilly. He's another member of the School Building Committee and he's going to present information on this Article.

MODERATOR: Go right ahead.

REILLY: Good evening, Madam Moderator. Joseph Reilly, 3 Cottonwood Circle. Slide 1. This is a overall slide of the West Knoll Road extension for the Bancroft Elementary School project. To orientate ourselves this evening, the upper right would be the Bancroft Elementary School and down to the left of the yellow line would be the existing West Knoll Road. What's shown in yellow is the proposed West Knoll Extension Road. And what's shown in green, which will be further defined and highlighted in further slides, is the extents of the temporary easements that we'll be seeking here this evening. In order to facilitate the construction of the West Knoll Road certain temporary construction easements are necessary. The easements would allow the Town to enter onto certain of the abutting properties to accomplish the road construction. No portion of the Road will be located on any of these abutting properties. The Warrant Article has been brought by the Bancroft School Building Committee in the event that the Town is unable to secure voluntary easements and in the case that the Town is unable to obtain the consent of the Mortgagee holders to the grant of temporary easement. The time frame for the substantial completion of this work is estimated to be approximately three to six months after the start of the road construction. Any funds that would be paid as a result of the taking we believe would be nominal and would come out of the Bancroft School budget building project. It remains the Town's and the Bancroft School Building Committee's hope that the temporary easements can be negotiated voluntarily but this Warrant Article provides the Board of Selectmen the option to complete an eminent domain taking if needed. Next slide. The next four slides depict the four abutting properties and the extent of the proposed West Knoll Road Extension as well as the abutters' area of the eminent domain taking. The areas in green are the proposed work limits of construction that would be necessary to facilitate the road construction with those said areas restored to their existing conditions following the completion of the construction work. Thank you.

MODERATOR: Thank you, sir. Yes, ma'am. If you could please identify yourself. Is there a switch there on the top? Is

this mic on, here? The tell me it's on, go ahead and speak. They have to turn it on when they know you're there.

KENDRICK: My name is Suzanne Kendrick and for 18 years my husband and I lived at the top of West Knoll Road where access to Bancroft School will now take place. My memory is that for the traffic between West Knoll Road and Bancroft Road the original easement was to permit the egress of emergency vehicles. Recently the Town has voted to allow all traffic from Bancroft School to pass down West Knoll Road. There's been many times when West Knoll Road residents had to go to the Zoning Appeal Board over access and frontage problems caused by Town actions. Tom Urbelis and Steve Collier were intimately aware of these. To protect the residents at the top of West Knoll Road from similar future problems I request two simple things: firstly, that the minutes regarding this Article if it passes tonight, reflect that these are temporary construction easements that may not in any circumstance become permanent; secondly, I further move to amend Article 2 to state that once the Selectmen have obtained these temporary easements they should have no longer than two years to complete the work before the easements lapse. Two years seems reasonable to me to pave a road and replace shrubbery.

MODERATOR: So we have before us an amendment to the Article in front of you. The amendment would state that if passed tonight, Article 2 would reflect that these are temporary easements and may not in, under any circumstances become permanent and that if Article 2 passes that it states that once the Selectmen have obtained these temporary easements they shall have no longer than two years to complete the work. Is that your amendment?

KENDRICK: Yes it is.

MODERATOR: Are there any comments from the Selectmen about the amendment?

REILLY: I'd like to respond if I could.

MODERATOR: Go right ahead.

REILLY: We have absolutely no problem with the first request, there, as a matter of fact, the Article indicates that these would be temporary construction easements, and

that's certainly our intention. So we have no problem with that part. Regarding the second paragraph, on the timing, we have actually had discussions with the abutters and the only issue we would have there is that the nature of the discussion it would take probably three to four, maybe five months, to build the road once we start. However we will have to do a final coat on the road, which wouldn't require us using easements. We also will have to do remedial work to the abutters' property, vegetation, realignment of driveways etc., and that work may not be able to be done during the paving of the road depending on the season. If we can't plant during the planting season we have to wait for the following spring. In addition to that, it's our anticipation and we'll be offering a one year warranty to all of the items on the project including the plantings. So our concern would be if we would have any issues to have to go back and take care of any remedial work that's been done during that warranty period that we be able to access the property to do that. It's not our intention to keep these easements any longer than necessary. So we would therefore ask that that part of the amendment not be approved.

MODERATOR: So, you are opposed to the amendment?

REILLY: Yes.

MODERATOR: Are there any comments from the Selectmen to this amendment? Anybody, anybody...?

KENDRICK: I would think that 24 months might cover that. If it's five months for the paving and then replacing shrubbery that gives you at least two seasons if not into the third season. But it may take you longer.

MODERATOR: So we have an amendment before us. Any other questions or comments to the amendment? No. If you say yes to this amendment of this time limit on this easement then we go back and that becomes the main motion for Article 2 and we'll vote on that. So, all those in favor of the amendment please raise one hand. Thank you. Bob, do you have a sense on downstairs, I mean in the caf?

HUGHES: Yes, Madam Moderator.

MODERATOR: Thank you. Those opposed please raise one hand. This is in opposition to the amendment. Could I ask you to do this again please? All those in favor of the amendment

please raise one hand. Those opposed. Bob, do you have a sense of where it's going? The ayes clearly have it here. How bout down there?

HUGHES: I'd say opposed has it down here.

MODERATOR: The opposed has it down there. We need a majority vote, so. Well, let's take a standing vote we've got to do it. Okay, all those in favor please stand.

PERRY: Mr. Moderator? Madam Moderator?

MODERATOR: Who's asking for me? Yes, sir.

PERRY: I want to make sure who's counting the pit?

MODERATOR: Section 1 is counting the pit.

PERRY: Okay does the Section 1 counter understand that?

MODERATOR: He's right there. He does understand it. He shook his head yes to me.

PERRY: And Madam Moderator? Are you counting the elected officials?

MODERATOR: No, the Town Clerk should be counting the elected officials.

PERRY: Mr. Murphy, the check-in people in the hall are gonna come in through Mr. Fran Rittershaus. He's gonna bring the hall in to you.

Look to your counter and when he sees you and makes eye contact sit down so he can see the next row.

MODERATOR: Who's counting the orchestra pit, please? Where's the counter for Section 1? Did you get the orchestra pit? Did you get down here?

DOW: I thought you said 2 was going to do that.

MODERATOR: No. 1 is gonna do the orchestra pit. So all those in favor of the amendment please stand in the orchestra. Thank you.

Section 1: 34; Section 2: 90; Section 3: 38; Section 4:...

MODERATOR: They're still counting. Go to 5 please.

Section 5: 98; Section 6: 91; Section 7:...

MODERATOR: Section 7 is still counting. Why don't you back to Section 4, please?

Section 8: 112; Section 4: 115; Section 7: 128;

MODERATOR: Stage.

PERRY: No I want the auditorium. The cafeteria excuse me.

MODERATOR: The cafeteria, Bob, do you have that figure yet? Do we have the stage yet?

Section 9: 111;

PERRY: We're still waiting for the cafeteria.

MEDEIROS: Excuse me. Section 7 could we confirm that vote?

PERRY: Yes I will. Section 7 I had 128.

MEDEIROS: That's correct. Thank you.

PERRY: We're looking for the cafeteria and the check-in people in the hall and the elected officials. Fran Rittershaus in the hall are you coming up with a number?

MODERATOR: Dr. Perry we have the stage.

Stage: 0.

MODERATOR: How are we doing in the cafeteria, Mr. Hughes?

PERRY: That's a zoo down there. [LAUGHTER] It's gonna be tough. Well they're not lined up there it's going to be a difficult count. They're sitting on the floor and...

MODERATOR: It's not so easy being Moderator, Bob, is it?

HUGHES: I'm sorry Madam Moderator. The sound is fading in and out down here. We're having a lot of trouble hearing you.

MODERATOR: I'm so sorry.

Cafeteria: 63

HUGHES: And if there's any way can improve the sound quality down here people are having trouble hearing the debate.

MODERATOR: Somebody can work on that?

PERRY: The only thing we're missing is the check-in people in the hall.

MODERATOR: Anybody have the check-in people in the hall? Just go right to that mic. The check in people in the hall, please.

PERRY: What you got in the hall?

RITTERSHAUS: Can't hear you down there.

PERRY: How many?

RITTERSHAUS: Can't hear you down there.

PERRY: Count from the hall?

RITTERSHAUS: No count because we can't hear it.

PERRY: Okay. Do you want to get the no and see what the numbers look like...

MODERATOR: Yes. Let's do that. Could they hear what the amendment was?

RITTERSHAUS: No they can't. The speaker is at one end and the people down the other end can't hear it.

MODERATOR: They're gonna need... Because we had to take one of the speakers down to the cafeteria, if you could have them move down. If people come in they'll just have to go down and check them in.

PERRY: Leave one person at each precinct and let them come close.

MODERATOR: And let the others come closer.

PERRY: They only need one.

MODERATOR: Are you all set, Cal?

PERRY: I want him to bring back the numbers—Fran, bring back the numbers from the clickers so we know how many people signed in totally.

MODERATOR: Okay all those opposed to the amendment please stand.

Section 1: 45; Section 2: 69; Section 3: 41; Section 4: 47;
Section 5: 38; Section 6: 73; Section 7: 32; Section 8: 68;
Section 9: 107; Stage: 15;

HUGHES: Still working.

PERRY: Speak up when you have a count, Bob.

Cafeteria: 128

MODERATOR: Is that for or against, Bob? Is that opposed?

HUGHES: Against.

MODERATOR: Okay.

PERRY: And now we need the hall.

MODERATOR: Do we have any numbers in the hall?

PERRY: He went back down I'm not sure if he's back up yet. We're missing the hall on both sides of this count. Is it closer than 20? Because there's only about 20 people out there.

MODERATOR: Can someone let us know if there's anything coming from the stage, please? I mean from the hall. There isn't anything coming? Could someone please let us know.

PERRY: Jerry, can you check the hall?

LABARRE: He's on the way.

PERRY: Okay the hall. Do you have a pro, a for or against count this time?

RITTERSHAUS: Against.

PERRY: Okay against. How many?

RITTERSHAUS: Ten.

PERRY: And do you have any for?

RITTERSHAUS: Ten... [LAUGHTER]

PERRY: That's the 20 people I promised. We have ten yes and ten no in the hall.

MODERATOR: Those voting in the affirmative for the amendment were 890. Those voting in the negative was...673. The amendment carries. That will now become part of Article 2. So Article 2 is as amended with the time limits on it, on the easements. Mr. Vispoli, do you have a report please for Article 2?

VISPOLI: The Board of Selectmen recommended approval of the original Article.

MODERATOR: The original Article doesn't exist anymore. How do you feel about the amendment?

VISPOLI: The Board of Selectmen approves it. Recommends approval.

MODERATOR: Finance Committee please.

ODONOGHUE: Finance Committee recommends approval.

MODERATOR: School Committee do you have a report?

GILBERT: School Committee recommends approval.

MODERATOR: Okay. Any questions or comments from anyone? Anyone in the hall—in the cafeteria have any issues? All those in favor of Article 2 as amended, please raise one hand. It is clearly more than a two-third vote here. I should go down and check that.

I'm in the cafeteria. Clearly in both rooms it is overwhelmingly a two-third vote. Does anyone here object to that? Wait a minute. I have to do those opposed. Those opposed in this room please let me know, raise one hand. To Article 2. Thank you.

Thank you. All those opposed in this room please to Article 2 please raise one hand. The eyes clearly have it in both rooms the motion passes.

Not that anyone is at all interested but...[LAUGHTER]...Article 3, Mrs. Costagliola.

COSTAGLIOLA: Thank you, Madam Moderator. My name is Diane Castagliola. I'm the Chairperson of the Andover Youth Foundation and I live at 15 Belknap Drive. I move that the sum of \$2,000,000 is appropriated to pay costs of designing, construction, and furnishing a youth center, (approximately 20,000 square feet), including the payment of costs of a related parking area and all other costs incidental and related thereto (the Project) behind the Doherty Middle School on Bartlet Street provided that the Selectmen have received at least \$2,200,000 as a grant from the Andover Youth Foundation to pay costs of the Project on terms and conditions the Selectmen deem to be in the best interests of the Town, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$2,000,000 under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Article 3 has been moved and seconded. And by prior arrangement I did speak with the Andover Youth Foundation. They came and asked me if they could have up to 10 minutes for their presentation. I told them that they could. Up to.

COSTAGLIOLA: I'm gonna be quick. We're gonna fly through this. We're not gonna be two minutes—we're not gonna be 10 minutes. But I can be two. Okay. We're gonna quickly go through the slides. I want to get to the building, if we could get to slide number 1. I'll speak as we're going—the Andover Youth Foundation has been around—well first of all I'd like to thank everybody for being here. I'd like to thank all of the Town officials who have worked with us on this collaborative effort. And I'd like to thank our volunteers and the Andover Youth Foundation and most importantly Andover Youth Services. Next slide. The Andover Youth Foundation has been around for seven—11 years. Our primary mission has been to establish a youth center and we've also partnered with Andover Youth Services for AYS programs. Next slide, please. This plan that you're about

to see tonight has been a collaborative plan that has been worked on with input from all the Town boards, elected officials, Town departments and the Town Manager. It is the conceptual design that we feel meets the needs of the community and it works within the confines of the tax levy limit and is a top priority in the capital improvement plan. It's also—the building's economically feasible and operationally sustainable. Next slide, please. The current site was approved at the 2007 Annual Town Meeting and it is behind Doherty Middle School. It creates a community campus and is within walking distance of the two middle schools, the High School, the Senior Center, DCS and downtown Andover. This is an aerial view of the current site. These were done by Chris Huntress, an Andover resident. And you'll notice the site is in the upper right-hand corner of the screen. Next slide, please. This is the building as it would appear on the site with the reconfigured parking area. Next slide, please. This is the site development plan and this shows the 20,000 square foot footprint on the parking area behind Doherty Middle School. What it also shows, we were charged with, there are 64 parking spots there now. Our charge was not to lose any of those spots. We actually added seven additional spots. And if you'll notice the parking – the 50 plus parking spots were moved closer to the Senior Center. In order to accommodate the bus traffic that goes back there for Doherty Middle School the road will also be widened slightly. Next slide please. This is the proposed first floor, the floor plan of the first floor. The plan shows two main anchor components: a 9,000 square foot gym; a 3,000 square foot performance space. Seven multi-purpose rooms, the food prep area, a gallery, which will be for unstructured activities, a lobby, staff rooms and a reception area. I'd also like to say that this design was put together by Marc Yanowitz and Joe LaGrasse. Mark Yanowitz is from Deco Designs and Joe LaGrasse is from LaGrasse Associates. They worked tirelessly within, with Andover Youth Services to develop a plan that would meet the needs of their programs and also meet the diverse need of the community, including the seniors and other Town departments. When they were working with this plan they vetted the construction area through Town departments they worked very closely with Plant & Facilities. And they also worked very closely with Bill Fahey in designing this space. Next slide, please. This is for future expansion. It's based on fund raising. It's the second floor, which can based on how our additional fund raising comes across it will—could potentially be 5,000 or

7,000 square feet of new space. Next slide, please. This has been a thorough process that was collaboratively vetted with many Town departments especially Plant & Facilities. The cost estimates that you see below have been validated by three professional independent sources. Right now the estimated construction cost of the project is \$4.2 million. The grant from the Andover Youth Foundation as per our agreement is a minimum of \$2.2 million. We are asking tonight, what Article 3 has written, for the Town to appropriate with borrowing \$2 million toward the project. The Andover Youth Foundation has \$1.8 million in available funds. New fundraising will provide an additional \$820,000 to cover remaining costs and contingencies. Next slide, please. Projected operating expenses. The utilities and supplies, the maintenance cost of the building are \$90-\$100,000. The estimate costs for utilities are based on \$2 a square foot which comes to \$40,000. And this was a number that came up with, through Plant & Facilities and the maintenance supplies and cleaning are at a cost of \$60,000 per year. The Andover Youth Services will potentially, have potential revenue sources through membership, additional AYS programs, alternate communitive programming and rentals for a total of \$60,000. The Andover Youth Foundation through its commitment through our agreement with the Town will supply \$30,000 annually towards the operating budget.

[BREAK IN TAPE]

...nets out to a net zero to the Town in terms of operating costs. Next slide, please. Okay, the next step. What we're asking you the voters to support is the appropriation of \$2 million dollars through bonding, Article 3 as written. If we are successful this project becomes a municipal project under the supervision of the Town Manager. All public buildings procedures will be followed, including the formation of the Town Building Committee. The public will also be actively engaged as the process moves along. I'm gonna have Bill Fahey speak right now. I'm sorry I went so quickly. I know you've been here so long. We can go back to the building and any other questions you have after the presentation. Thank you.

[APPLAUSE]

MODERATOR: Mr. Fahey there's three minutes left in your presentation. A record for you.

FAHEY: I'll try to set it. Well, I...clearly I feel overwhelmed by the level of support that I believe is in the house tonight. 17 years ago I was in this hall with a group of young people that were sitting in the back. We asked for the community to support for a youth center. We were 63 votes short. What was clear to me from the leaders, clear to me from the people of Andover you need to keep believing in the project. Keep working at. Go and build a program and come back and ask us then about the youth center. And we've done that tonight. I can't tell you how many texts I have on my phone right now from kids in California, New York, Germany all over the United States wishing me luck; thinking about community; thinking about the place that they grew up. And I'm gonna tell you right now, man, this is what this is about, right now. Every time we find a place we belong we call it community. And that's what we've been doing for 17 years. That's what you all recognize. I can't thank you enough for being here tonight.

[APPLAUSE] [GAVEL]

MODERATOR: Thank you, Bill. The meeting—thank you very much, sir. Selectmen's report please.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Finance Committee report please, Mr. Fortier.

FORTIER: Thank you, Madam Moderator. Paul Fortier from the Finance Committee. This Article has been the subject of lengthy debate by the Finance Committee and we ultimately voted to recommend approval by a vote of four to three. The members opposed to this Article were not opposed to a new youth center but rather how it should be financed—not-exempt debt versus exempt debt. Additionally, concerns were raised about covering the annual operating costs for this youth center. Our feeling that after more than 15 years this is the right time to go forward with this project for the following reasons: the real possibility that nearly all the money donated for the express purpose of building the youth center could disappear by the end of the year, the generous donors have been very patient but they want to see a commitment from the Town. If not there are plenty of other willing charities that could use the money immediately. Interest rates are at historic lows and given the Town's AAA bond rating we could borrow at very attractive rates over the 20 year term to pay for the

Town's portion of the project debt. Several projects within the general fund non-exempt category will be coming off the books within the next several years and this will free up funds to pay for this project within the proposition 2 ½ tax levy limit. With the grant agreement between the Youth Foundation and the Town the Town's risk is minimized due to the fact that all the Youth Foundation's milestones must be met and money spent before a penny of Town money is spent. The contract between the two parties is solid and protects the Town in the event the Foundation meet its requirements. Finally the Foundation has committed to an annual donation of \$30,000 to help pay for operating expenses. Additionally given the added space made available by the new youth center, Andover Youth Services revenue should increase through additional program offerings, further offset operating costs. So, we feel this is a solid affordable plan and the Finance Committee recommends approval of Article 3 in the amount of \$2 million for the Cormier Youth Center.

MODERATOR: Thank you. School Committee report please. Go ahead and speak they'll turn the mic on as you do.

GILBERT: Hi, Annie Gilbert, 12 Gray Road, speaking for the School Committee. I'm just gonna give part of little schpeal. For the last few months there's been a healthy debate in our community about whether we can afford the proposed new youth center and if so how it should be financed. There is no question that Town and School operating budgets have been under extraordinary pressure in recent years and now more than ever we have an obligation not only to scrutinize every proposed expenditure but also to take advantage of creative funding opportunities and community partnerships wherever possible. Many have asked us what impact a new youth center will have on the school budget. Our answer is that the programming Youth Services is not in competition with what our schools do it is an extension of what our schools do. 18 years ago Andover Youth Services was formed to create opportunities and sense of community and connection for young people who felt disengaged. Since then Youth Services staff has reached out, identified needs where existed and built its programs around them and in the process it has successfully reached an important population of youth who were at that time very much in danger of slipping through the cracks. In many ways our needs today are even greater and a new youth center will allow AYS to expand its programming and reach more

kids. As a school district we know that what happens outside the school day is every bit as important to the success of a child as what happens during the school day. In this respect, Andover Youth Services has built a model that works very much in tandem with our own mission. The proposed new youth center now gives us the opportunity to scale up this model paving the way for a stronger partnership between Youth Services and the public schools. Now more than ever we can appreciate the value that will bring to our youth and the long term benefits of community as a whole. The School Committee recommends approval of Article 3. Thank you.

MODERATOR: Thank you. [APPLAUSE] Planning Board report please.

DUFF: The Planning Board recommends approval of Article 3. [APPLAUSE]

MODERATOR: Mr. Major.

MAJOR: This project epitomizes the notion of combining private and public resources to solve public needs. Most projects that are presented to Town Meeting require 100% of the funding to come from taxpayers. This project combines a \$2.2 million grant from the Andover Youth Foundation with a maximum \$2 million contribution from the Andover taxpayers to create a facility that will help support the programming needs of our youth, our senior and school populations. Steve can you put that slide up, please. We've created a contract with the Andover Youth Foundation that limits the Town's contribution to \$2 million and ensures a structurally sound facility that can be used by multiple organizations. This contract has seven important components. Well let me start. The youth center will be a Town construction project that will be supervised by the Town Manager and coordinated by a Town sponsored Building Committee. Number 2, the architectural design phase of the project will be 100% funded by the Andover Youth Foundation. Number 3, the remaining Andover Youth Foundation grant funds must be received by the Town in cash, prior to the Town signing a construction contract. Number 4, 100% of the AYS grant funding will be spent prior to one penny of the Town's contribution. And this funding for the Town is expected to hit around 2014. Number five, any and all project overruns are the responsibility of the Andover Youth Foundation. Number six, the Andover Youth

Foundation will fully fund a contingency account for possible construction overruns that maintains a minimum of 5% of construction costs at all times. And finally the Foundation will contribute \$30,000 annually to cover building's utility costs. Whereas this is a volunteer organization that has raised and donations hundreds and thousands of dollars to support the operation of AYS over the last decade the Board of Selectmen believes strongly that they will continue this relationship. This project is perfectly placed behind Doherty Middle School and will complete the community center campus. It's location is within walking distance of Doherty and West Middle School the High School, the Senior Center, Town Offices and the downtown. Its design expands the number of parking spaces so it makes it easier for those who commute to this community center campus. As leaders of Andover our goal is to stretch each tax dollar to gain maximum benefit. For less than \$0.50 on the dollar we are able to construct a facility that will support the needs of Elder Services, Community Services, our schools and Youth Services. This is a smart project for Andover. 17 years ago we Town Meeting asked AYS to go forward and construct a program and then come back to seek permission to construct a youth center. As can plainly be seen AYS held up there end of their bargain. It's now time for us to complete the deal. Again the Board of Selectmen recommends approval of this Warrant Article.

[APPLAUSE]

MODERATOR: There are a number of you I'm sure who have something you want to say, I'm gonna start over here and we'll just go around the room this way. So, sir if you could identify yourself.

ROBB: Madam Moderator, Don Rob, 36 York Street. I am speaking tonight as chair of the Council on Aging. The Council on Aging supports the idea of facilities to serve the needs of Town residents including our youth. However, as an abutter to the proposed youth center we have several concerns about the project. First, the proposed site is already impacted with Town facilities: a middle school, school administrative offices, playing fields, a senior center, to the extent that parking is woefully inadequate. Though we have repeatedly asked about parking under the new plans we were told only that seven or eight more spaces will be created. We have no idea how they will be created,

or where or to whom the spaces will be allocated after construction. Second, we are told that the youth center will be available to all sorts of community groups: the schools, senior center, DCS and more. But again no details have been provided. We do not know what spaces might be available nor when, nor under what conditions they might be used. In short, on the issues of parking and availability not enough information has yet been presented. Finally, we share with Selectman Brian Major a dream of a community center that would serve more adequately the variety of needs in the Town. For these reasons we cannot at this time support the construction of a youth center. I hope that the Town will take this opportunity to step back and examine more realistically the construction of a real community center.

[APPLAUSE]

MODERATOR: Thank you, sir. Yes, sir. Please identify yourself.

ENXING: My name is Dan Enxing, 1 Rindge Road, Andover Mass.

MODERATOR: Thank you, sir.

ENXING: I'd just like to say that, especially tonight, this is a tribute to Bill Fahey and the Youth Services and what they've done for the kids and the limited resources they've had so far. I don't know if anybody's been watching the news or reading the papers but if there's ever a time that we could use a youth center to have our kids go somewhere it's now. [APPLAUSE]

HUGHES: Madam Moderator, point of order. Cafeteria.

MODERATOR: Yes, sir. Go ahead, Bob.

HUGHES: --if you could hold on for a minute until we can find out what the problem is.

MODERATOR: Okay.

[SILENCE]

ENXING: Does this count against my three minutes?

[LAUGHTER]

MODERATOR: Yes. Luck of the draw, I'm very sorry

[LAUGHTER]

[SILENCE]

MODERATOR: Do we know what the point of order is, Bob?

HUGHES: Just that nobody could hear what was going on down here. I believe it's back on now.

MODERATOR: Can you hear us now? Can you hear me?

HUGHES: Yes, we're good.

MODERATOR: Dan can you just say a few words and make sure they can hear you please.

ENXING: Can you hear me now?

MODERATOR: Can you hear him? Bob, can you hear the speaker?

HUGHES: Yes, thank you.

MODERATOR: Okay. Thank you. Go right ahead sir, you've used a minute.

ENXING: I just had a couple more points. One is that you know we are talking about money and it's a substantial amount of money but part of the problem as I've been following this youth center along for the last 12 years is that a lot of people have been afraid to make generous donations because it hasn't made the progress that they've hoped. So they kind of stood back and said well we're not quite sure if we want to do that. But I can assure you that once the shovel hits the ground and they start building this youth center we'll have more donations and the costs to maintain the building will be very minimal to the Town. And then lastly I just have to say that you know I know personally my three teenage boys and what Youth Services has done and been there for them has been unbelievable. Bill Fahey and all the people at the Youth Services they help change lives but they've actually saved, saved quite a few lives and that's worth a lot more than \$2 million.

[APPLAUSE]

MODERATOR: Are you all set? Are you all set? Thank you, yes. Next. Over here please.

CARBONE: My name is Mary Carbone, Cyr Circle. I have been a resident of Andover since 1976 and a member of the community and a taxpayer and a concerned resident. Actually, I am going to let my feelings be known tonight in a short period of time. I would like all the people here to know tonight that we are not denying the youth of this community anything as witnessed by our budget and the school contracts and other issues. So with that said in 1993 there was a young lady sitting in the audience of the Selectmen's meeting and she said I, we are not asking for a building we are just asking for services. Well we gave them services. And it's a department now and they have a fleet of vehicles and the head of that department makes a very good salary so I don't think we're denying the youth of the community anything. In fact we're very thoughtful of them through our tax dollars. So I would like to leave you with that thought tonight and hopefully a vote against this will not be denying the youth of our community because I have two sons and I also have three grandchildren. Thank you.

MODERATOR: Thank you. Mr. Deso.

DESO: Madam Moderator. Tom Deso 81 High Street.

MODERATOR: Can we make sure this number one mic's on please. Go ahead.

DESO: While I continue to believe that funding this project with operating money is inappropriate in these difficult budget times. I also realize the hour. Most of us who came here on time for a seven o'clock Town Meeting expected to be home by now. I therefore have decided with apologies not to offer my amendment this evening. Thank you.

[APPLAUSE]

MODERATOR: One second. Is there anyone downstairs, Bob, that would like to speak?

HUGES: Yes Madam Moderator.

MODERATOR: Go right ahead. If you could please identify yourself with your address.

SIMPSON: My name is Laura Simpson, 4 Peachtree Path. Can you hear me? It's Laura Simpson, 4 Peachtree Path.

MODERATOR: Yes we do hear you, Laura. Go right ahead.

SIMPSON: I think that this is not the time to be taking on more debt. Specifically the Town has a very large unfunded liability we, in regard to health care and pensions for retired Town employees. So it is not fiscally responsible to expend more money in this Town at this time. And the second point is that a special meeting to ask for money when it should be asked for at the Town Meeting which is the designated annual meeting separates out this from the funds that should, that are available and then allocated. I ask you, in conclusion, to please think and vote no.

MODERATOR: Thank you. Yes, sir.

MOSCA: Mike Mosca, 44 Pleasant Street.

MODERATOR: Go ahead, Mike.

MOSCA: Madam Moderator, our deliberation and vote this evening is about a new youth center. It is not about depriving our children but rather about maintaining our Town's future financial stability and viability in these challenging economic times. In June 2009 the State found itself in a budget shortfall, raised the sales tax and gave cities and towns the ability to raise hotel and meals taxes. Andover almost immediately passed both local tax increase initiatives which have brought in significant additional revenue. Our Town budget crisis also led us to turn of 626 streetlights which one would assume were originally sited to enhance the safety and security of residents. In the first year we had a net savings of about \$27,000 and are anticipating final ongoing savings of about \$50-\$60,000 a year. At present Andover has close to \$10 million in authorized debt not yet borrowed, \$21 million in future debt and about \$240 million in unfunded pension debt. Additionally our \$26 million project share of the Bancroft School project, which has been delayed, will likely result in higher costs and will begin hitting our real estate bills in 2015. Its debt service is projected to more than double our total debt service from \$2 million to \$4.25 million. Our School Committee is saying that our High School is overcrowded and that action will have to be taken soon to alleviate the situation. We've recently learned

that we have a future \$2 million structural deficit in our schools operating budget due to the loss of federal stimulus funding. That is even before we factor in the costs of our teachers and associated union contracts which are yet to be determined. State Chapter 70 education aid has declined since fiscal year 2009. Additionally, our new IT Director says that much of our school and town computer hardware is outdated and needs to be replaced. Meanwhile we have two very large, new 40B projects in the formative stages and a huge approved project on River Road on the way to completion that will surely exacerbate our school crowding problems. The youth center project itself is a Trojan horse. A second floor elevator shaft will be devoid of an elevator that will cost us over \$70,000 to install at a future date. The second floor build out will cost us future capital improvement dollars which will push out other capital improvement maintenance fees. Capital project maintenance expense will go from about \$39,000 to over \$100,000 with the Andover Youth Foundation responsible for only \$30,000 by contract. If the AYF expense amount is not indexed for inflation their share of future expenses will soon be eclipsed by those of the residents. Future build outs will also likely increase staff, furniture, and maintenance costs. A Town's free cash is an indication as to whether it is living within its means and an optimum level is 5%. Our free cash has dwindled steadily from a high of 5.8% in 1999 to a low of 1.2% in 2011. On November 22nd while providing Andover with an AA1 rating Moody's stated that the future rating outlook for Andover is negative. According to the Mass Department of Revenue in fiscal year 2011 Andover's single family tax bill ranked 31st highest among 338 reporting cities and towns.

MODERATOR: Sir, you're past your time at this point.

MOSCA: Can I just make one—

MODERATOR: You can make a very quick summary if you would.

MOSCA: Okay. We have implemented every taxation option available. We have shut off our street lights. Our free cash is the lowest in over a decade. We have no other revenue source that we can tap. We are at the crossroads of needs verses wants where any financial misstep, legal action, or act of God will place us in the grip of continuous prop 2 ½ overrides. If approved this appropriation will push our completion of other worthy

projects and leave us no financial cushion. Folks, even Andover can reach a point where it can no longer afford new capital projects that will push us to the brink of a financial precipice. I believe that we are at the point [GAVELING LOUDLY, NOW] that we must -

MODERATOR: Sir-

MOSCA: defeat this initiative to secure our financial future.

MODERATOR: Thank you. [APPLAUSE] Yes, ma'am. I would remind you please, I would remind you there is a three minute limit on your comments. Go right, ahead.

BIDA: Hi, I'm Jude Bida from 311 Lowell Street. I want to first of all thank everyone for coming out here tonight to exercise their right to vote and take part in our democracy. So, whatever your vote is thank you for coming out for your support. I grew up here, went to the schools and moved as far away as possible but found myself back in Andover to raise my child. I came back here because this is where my family is, my network, my support, my community. I find myself increasingly nervous for my daughter's future. As if being a teenager in my experience wasn't hard enough. School pressures, social pressures, cliques, hormones are plenty of pressures, but now adding to that globalism, online media, text mania, and I'm sure being a teenager today is close to impossible. I have definitely found a few more grey hairs in my head just knowing my daughter is going to grow up in this world 10 years from now. I've heard everyone's rebuttals and issues as to why this youth center should not be built. And while I understand and appreciate every one of them I won't defend any of them but would challenge all of them. One of my favorite things my mother always said is, "I do everything for my children." My mom right there. No matter what she would always raise above, persevere, push and care for us no matter how sick, how tired, how poor she was. I hope I can carry this with my children, with my future. When it's about our children and when our children need this, then we need to rise above and do anything that we can. There is no argument. We need to make this happen. Our children need it. And the statistics in sexual activity, in drug use, and everything else that's going on is enough evidence to support why this needs to happen. If your argument is that all the money should be put into education, well you know what I don't

disagree with you, but we need to remember that education doesn't only happen within the confines of our school. It happens from life, from experience, from the programs that the AYS offers. If your argument is cost and I hear, I hear everything everyone says. And I hear this isn't the economy. But the reality is in a struggling economy, the reality is more of two income families and where does that leave our kids. They become latch key kids with nothing to do, no place to go after school. Idle hands are the devil's playground, aren't they? So if you question the cost I'm gonna challenge at least 140 of you to put your five-day-a-week Starbucks habit aside and that alone in one year will cover the costs that we are looking for. 140 of you! There's more than plenty of you here that have a \$5 Starbucks habit a day. Put it aside and we can fund our youth.

MODERATOR: If you could wrap up your comments please.

BIDA: Yup. Bottom line this is for our children, for their future there should be no argument. I turn to one of my favorite books, The Five People You Meet in Heaven, and my favorite quote, which is each affects the other and the other affects the next and the world is full of stories and the stories are all one. And your one vote tonight will affect generations of youth and will affect all of us because those youth grow up to be our leaders. Thank you. Vote 'yes'.

UNIDENTIFIED SPEAKER: Madam Moderator, I move the question. I move the question.

MODERATOR: Let's just have a couple more people, have the opportunity to speak and then we will move the question.

[GROANS FROM MEETING]

[GAVEL]

MODERATOR: Excuse me. Excuse me. There are a number of people who waited for an awful lot of people of you to come and I think they, we have, without only going around once we should at least go around twice and see who people are downstairs. Okay. Back here. We will take the question shortly. Go right ahead sir.

PERRY: Cal Perry, 25 Timothy Drive in Andover. I'd love to be standing at the other mic. I'd love to say that this building, this youth center is something that we have to have. It is something we need. It was something, it's a need versus a want-this is a want. We are not in a position financially to take care of this building now. We are talking about...as if the commitment from this Youth Foundation, we're not talking about the Rockefeller Foundation we'll talking about a youth of well-meaning people who dug deep and very generously come up with a million and a half, two million dollars. They are committing to \$30,000 a year thereafter. The contract reads that if Andover isn't satisfied with their commitment they can back out. The end of that statement, the end of the sentence is and then pay the whole bill themselves. We are not in a position to do this. This is the Town that turned off street lights. This is a wonderful project, not at this time. Thank you.

MODERATOR: Okay. If you don't have something new to offer please don't offer anything. Go right ahead.

MCCALL: Hello. My name is Sean McCall. I live on 4 Langley Lane and I am speaking tonight on behalf of the Andover Youth Council, that is now in the hallway. With me I have:

HELLER: Eden Heller, 66 Whittier Street.

Anna Shrestinian, 76 Woburn Street.

MCCALL: The Andover Youth Council or AYC is a group of dedicated young adults of the Town of Andover who work in collaboration with the Andover Youth Services to provide opportunities for youth and everyone in the community. From working the AYS tree lot to running can drives in school we strive to help our Town any way, shape or form. AYC originally began as a group advocating the creation of a youth center almost 17 years ago. To put it into perspective, I'm only 18 years old and I've spent nearly my entire life as an Andover resident as have many of my fellow AYC members. This is gives us an entirely new perspective in this room. As we approach adulthood and begin moving on to a new time in our lives, we not only have a perspective of an adult in this community but of a child as well. We have recently experienced what it means to be a youth in this community. Some of us are three-season athletes, Laura [?] is a three-season actress. Some

of us work in a toy store, others at the Depot. Whatever we may do, I believe I can speak for all of us when I say that, AYS has provided us an unequivocal sense of community and belonging in our Town. I have found more about what it means to be a resident of Andover and who I am as an individual in the past year I have been with AYS then I had in the previous 17 years of my life. Andover is a wonderful community with an incredibly talented and unique youth population. Andover's youth is what makes this Town so special but AYC believes that we as a Town have begun to loose site of that. There is an incredible amount of pressure on the youth of this Town to succeed both in and out of the classroom. With so much stress the youth of this Town needs a place where they can be themselves, where they can be a kid. Yes there are programs in place, AYS, DCS and all the other organizations in Town have done an incredible job of keeping the youth involved. Yet there is something missing. I cannot look back on my childhood and feel a belong to the Town itself, to a place. The Cormier Youth Center would fill that void. Most of us will be away in college before the youth center is built. However we would like to provide the future youth of our Town the opportunities that we may have never had. One place that can provide an instant outreach to support community, friends, family, you name it. Your money would be going to an unbelievable organization that has proven itself to improve the lives of thousands of kids in this Town. This year the Andover Youth Council has adopted four words in an effort to describe what we should be as a group. Those words are: motivated, dedicated, united, and brave. We believe it is time we help the youth of our Town become just that. We believe that it is time that the youth has a place to go in this community. We believe that the kids should have a voice. We believe in our Town. We ask that the Town believe in us. Thank you.

[APPLAUSE]

MODERATOR: Thank you. Thank you. Mr. Hughes, is there anyone in the cafeteria who would like to speak?

HUGHES: It doesn't appear so.

MODERATOR: Okay.

[APPLAUSE]

COLEMAN: Madam Moderator?

MODERATOR: One moment please. I just need to remind everyone if you are sitting in the hall you must be a registered voter in the Town if you're not you really do need to move or it will invalidate the vote. So if there's anyone here, who is sitting here now, who is not a registered voter of the Town of Andover, I'd ask you please to leave. Are you ready to vote?

[APPLAUSE]

COLEMAN: I request a secret ballot Madam Moderator. I request a secret ballot. Please take a total of the-

MODERATOR: Could you please identify yourself.

COLEMAN: Don Coleman, High Street. 25% of all attending have a right to a secret vote if they vote upon it.

MODERATOR: Let me-

COLEMAN: Please take the mood of the voters.

MODERATOR: Thank you, Mr. Coleman. Please have a seat. There has been a request for a secret ballot. Let me explain to you this process--first of all it has to be seconded. Okay. It has been moved and seconded. If we go to a secret ballot we will take a vote. There is a 25% of the room, of the two rooms, need to vote to do that. If we have less than 25% then we don't go to secret ballot. Let me tell you what happens if we have a secret ballot. We will lock down the room. You cannot leave; you cannot get up out of your seat. You must stay in the room, both here and in the cafeteria. There will be boxes, ballot boxes, that will be brought up to the front. We will go, we have two...suppose this is a piece of paper, perforated, one yes, one no. You would put your vote if you're voting "yes" in the voting ballot box. You would put "no" in the discard box. You will go row by row coming down and voting for that. I anticipate it would take somewhere, with this crowd, it the area of an hour and a half. And nobody would be able to leave the room. I don't say that to discourage you but I want you to understand, I want you to fully understand, what a secret ballot is. So we need 25% of the voters, so...yes, sir.

MAJOR: She may not want to discourage you from voting no, but I definitely vote no---

[APPLAUSE]

MODERATOR: Okay, now wait a minute. Wait a minute. [GAVEL] There has been a legitimate request for this. Now I would like to try to take a...if I take a hand vote do I need to go down to the cafeteria also, Counsel? Um, oh, maybe I do want to discourage it. No, I'm only kidding. Let's take a vote. Let's taking a standing then. That's the easiest way to do it because then we can do the counting. All those in favor of a secret ballot please stand. And if we could please take a vote. If the counters if you could please vote. If you are waiting to speak please sit down, we have ended the discussion. The discussion is ended. So please be at a seat.

Section 1: 0;

PERRY: This is a negative vote, now, right?

MODERATOR: This is those who want, who do want the secret ballot. This is a positive vote.

PERRY: Section 1 has a zero.

Section 2: 0; Section 3: 0; Section 4: 4; Section 5: 2;
Section 6: 6; Section 7: 1; Section 8: 1; Section 9: 1;
Cafeteria: 0; Hall: 0; Elected Vote: 0

MODERATOR: Is that is? Those voting for the secret ballot are 15 members of our meeting so the motion is lost. We will not have a secret ballot.

[APPLAUSE AND GAVEL]

MODERATOR: I would ask you please to have a seat because we are about to vote. We've ended discussion, we are gonna go ahead to vote.

DESO: Point of order, Madam Moderator.

MODERATOR: Yes, Ma'am, sir.

DESO: Tom Deso 81 High Street. I know the difficulty. I just need to see and I'm sorry but I found that comment by

the Chairman of the Board of Selectmen unnecessary and inappropriate.

[APPLAUSE]

MODERATOR: Point taken. Thank you very much. Now--

UNIDENTIFIED SPEAKER: Parliamentary inquiry please Ms. Moderator.

MODERATOR: Go ahead for an inquiry.

UNIDENTIFIED SPEAKER: My inquiry is this. Does a request for a an individual ballot--

MODERATOR: --secret ballot--

UNIDENTIFIED SPEAKER: --secret ballot, as we just heard automatically end discussion on the matter?

MODERATOR: No, but prior to that sir, the question was called which is why someone had asked for a secret ballot.

UNIDENTIFIED SPEAKER: I didn't hear it called or seconded.

MODERATOR: All those in favor of moving the question please raise one hand. Overwhelming--Bob, how is it in the cafeteria?

HUGHES: The same.

MODERATOR: Those opposed.

UNIDENTIFIED SPEAKER: Let me say that I find this to be very unfortunate, Madam Moderator.

MODERATOR: Thank you, sir, for your comment. Okay, let's...couple of things before we vote on this. And this, this, I really can't tell you enough how sincerely I mean what I am about to say. Two things. There has to be an orderly, I'm hoping there will not be a mass exodus after this vote. I am hoping that. There is business of the Town that still needs to be conducted and I would so grateful if people would stay for that. It won't be long but there are several Articles later. Number two, if you do choose to leave, please understand that we have senior citizens in the audience, we have people with disabilities. There has

to be an orderly exodus of this hall. Please. Let's not have anyone get hurt. Number three, win or lose, or draw please let's have respect and dignity for all viewpoints in tonight's discussion. Okay. [APPLAUSE] Thank you. Once this vote has been taken--officers if you could clear the hall so if people are leaving--but please stay until the end of the meeting. It isn't going to be much longer. This has been the most--the longest part of the meeting I believe. Okay. This requires a two-third vote. Is this--Go right ahead sir. Point of information.

UNIDENTIFIED SPEAKER: The next Warrant Article is also---

MODERATOR: Everybody has the Warrant sir. We're going to vote--we're not even going to mention the next Article. People know it's there, let's go and we're gonna vote. Thank you very much. All right. All those in favor of Article 3...let's do a standing vote on this. All those in favor please stand. [APPLAUSE AND GAVEL] There will be order please. Can we please have order during the vote process, please? Let's please have order during this voting process. If your row has been counted please sit down.

Section 1: 75; Section 2: 126; Section 3: 74; Section 4: 119; Section 5: 103; Section 6: 103; Section 7: 119; Section 8: 162; Section 9: 209; Elected Officials: 11; Hall: 6;

MODERATOR: I have to say while we're waiting, what an amazing learning experience for our young people through this process, to understand Town Meeting. I was invited to do a town meeting, mock town meeting, at the Doherty Middle School. And I have to tell you, those of you who have eight grade students at the Doherty Middle School, what a credit they are to you. They were informed; they had done their homework; they articulated their pros and cons. It was very, very refreshing and rewarding to see that, that experience. Good stuff, thank you. How's that coming now. Are you guys eating down there?

Cafeteria: 315.

MODERATOR: Thank you. Alright. Those opposed, please rise.

Section 1: 12; Section 2: 40; Section 3: 15; Section 5: 45; Section 6: 70; Section 4: 57; Section 7: 59; Section 8: 29;

Section 9: 26; Hall: 14; Elected Officials: 6; Cafeteria: 28.

MODERATOR: 1,422 having voted in the affirmative; 401 in the negative. The motion carries.

[LOUD APPLAUSE] [GAVEL]

MODERATOR: Please if we could—so much for my little talk about not leaving. Look at all of you! Come on. Article 4. If you're going to leave please do so quietly, we still have business of the Town of Andover to conduct. Will someone please close those doors as people are leaving. Article 4, Mr. Salafia.

SALAFIA: Madam Moderator, I move to approve Article 4 as printed in the warrant.

MODERATOR: Let's try to get some of the noise out of that immediate hallway. Article 4 has been moved and seconded. Mr. Urbelis.

URBELIS: This Warrant Article corrects a scrivener's error that occurred in the 2007 Town Meeting. It was a private article submitted by the Youth Foundation and referred to the same land that's in question here and inadvertently referred to a parcel A. Well, on the plan that was submitted to the Clerk's Office it didn't have a parcel A although it's exactly the same land that's the subject matter of the vote here and was the subject matter of the vote then. But, this is basically just to correct a typing error that submitted on that private Article.

MODERATOR: Mr. Salafia report from the Selectmen.

SALAFIA: The Board of Selectmen votes to recommend to approval.

MODERATOR: Thank you. Mrs. Gilbert.

GILBERT: School Committee recommends approval.

MODERATOR: Thank you. Planning Board, Mrs. Duff?

DUFF: The Planning Board recommends approval.

MODERATOR: Are there any questions? Comments? All those in favor of Article 4 please raise one hand. Thank you. Those opposed. Do I need to go down to the cafeteria? Bob how's that vote there?

HUGHES: The ayes have it.

[LAUGHTER]

MODERATOR: Are you sure? In all seriousness, I do declare it as way more than a two-thirds vote. Is there anyone who objects, is there anyone who objects to that declaration in either room? I declare it more than a two-thirds vote. Thank you. [APPLAUSE] Article 5. Please hang in with us. Article 5, Mr. Teichert.

TEICHERT: Madam Moderator. I move that the Town vote to approve Article 5 as printed in the Warrant.

MODERATOR: Article 5 has been moved and seconded. Mr. Town Manger are you going to speak to this?

STAPCZYNSKI: Yes. Several years ago we appropriated funds to purchase property at Blanchard Street for ball fields. Last year at the Special Town Meeting we appropriated additional funds that in partnership with Youth Soccer and Little League to buy another acre to have a total of 14 acres for our soccer and Little League complex. As many of you know we will be capping the landfill at Ledge Road. When we do that we will be abandoning the Deyermond Fields and we intend to move the Deyermond Fields from Chandler to the proposed site at Blanchard Street. We partnered with the Soccer Association and Andover Little League to have the funds necessary to complete that project. In the course of our discussion with the Little League and soccer it was determined that we would go forward with a lease as opposed to a license for this project. What this does is this Warrant Article gives the Board of Selectmen the authority to enter into a lease that's in the best interests of the Town. Happy to answer any questions that people may have.

MODERATOR: Sir, do you want to speak to this?

FERRIS: Yes I do.

MODERATOR: If you could identify yourself please.

FERRIS: My name is Len Ferris, 23 Granli Drive. I'm actually a neighbor to the proposed park, Blanchard field park. I'm also a member of the Andover Little League Board of Directors and former President of the league for three years. Speaking on behalf of the Board we are very committed to working with Town Counsel, Town Manager, and the Selectmen finishing the lease agreement. It's also for, with regards to the approach that we're taking here, we believe it's very reasonable and very consistent with the private public partnership we've had for over four years, working to get these fields built. Andover Little League has committed over \$350,000 at the initial phase and is in the current process of raising over \$650,000 to finish the secondary phase of the park, which brings it to about a million dollars the Andover Little League supporters parents and other donors are putting in to support the building of the park. So on behalf of Andover Little League we want to renew our commitment to working together in good faith with the Town Counsel, the Town Manager and the Selectmen in getting this park done for the kids that play baseball in this Town. Thank you.

[APPLAUSE]

MODERATOR: Thank you. Mr. Teichert.

TEICHERT: Board of Selectmen recommends approval.

MODERATOR: Mrs. Cruise.

CRUISE: Finance Committee recommends approval.

MODERATOR: Could you put the lights on here please so we can get the Finance Committee report please.

CRUISE: Finance Committee recommends approval.

MODERATOR: Thank you. Yes, Mrs. Carbone.

CARBONE: My name is Mary Carbone, Cyr Circle. I have a question probably of the Town Manger. Could you please tell me what the taxpayers pay for the land on Blanchard Street, two parcels?

STAPCZYNSKI: Approximately \$2.5 million for that acquisition.

CARBONE: I believe it was \$2.8 million for the first parcel and I could think about \$800,000 for the second. Does that sound correct?

STAPCZYNSKI: No Mary, I think you're a little high on that.

CARBONE: A little high. Not too much higher. Actually, I would like to speak to this issue. This is another public private issue. It seems like we're selling out the Town of Andover. We ask people to purchase certain things and then the turn it into something else. I want, I have a problem with exclusivity as it relates to the ball fields. I know I've address this...right and I just feel that taxpayers paid for that land and they should authorize how that land is used. Years ago we had the Lovely Field that was an exclusive use just for track and football and soccer was not allowed on that field. But I've been there and I was there then and I fought for that field to be opened for the soccer team and presently it's being used for both the girls and the boys' soccer. So, for all practical purposes I don't think this is a great approval of this issue. Thank you.

MODERATOR: Thank you.

[UNITIDENTIFIED SPEAKER]: Madam Moderator?

MODERATOR: Can we just have one more comment then you can respond. Go right ahead.

BORENSTEIN: Thank you, Madam Moderator. Don Borenstein, 10 Avon Street. President of Andover Soccer Association. I would just like to respond slightly from the Soccer Associations point of view and I would second what Len Ferris said earlier on behalf of Andover Little League. It's been a great partnership, a great working relationship between the Town, Little League and Andover Soccer. We're not asking for total exclusive use of the proposed park. We're asking for shared use, something reasonable that we negotiate with the Selectmen on behalf of the Town. We've already very specifically talked about some summer use for the DCS programs and other programs. We just want some reasonable security that when Little League puts out there \$350,000 and Andover Soccer Association puts up their \$150,000 that we just finished raising this past season that we're guaranteed some level of reasonable use and

we're very much looking forward to negotiating those terms with the Selectmen. Thank you.

MODERATOR: Thank you. Mr. Teichert.

TEICHERT: I'd just like to respond that we're just basically duplicating the efforts that we do Deyermund Field and also the Board of Selectmen voted unanimously in favor of this Article.

MODERATOR: This also requires a two-thirds vote. Are there any other comments? Ready to vote? All those in favor please raise one hand. Thank you. Bob, how does it look in the cafeteria? Is there anyone left there? Bob do you have any indication on that vote or have you lost the cafeteria? Bob Hughes, are you in there? Are you there?

HUGHES: It appears that we're in favor.

MODERATOR: Overwhelmingly?

HUGHES: Yes.

MODERATOR: All those opposed. It would appear to me overwhelmingly that there is a two-thirds majority. Bob is that the case in the cafeteria?

HUGHES: Yes.

MODERATOR: Would anyone like to challenge that declaration. If not I would declare it as a two-thirds majority. Thank you very much. [APPLAUSE] Article 6. You don't need to go yet; we only have a couple more, come on. Article 6. We all know your licenses plates we know what you're wearing. [LAUGHTER] Article 6, Mr. Major.

MAJOR: I move Article 6 as printed in the Warrant.

MODERATOR: Article 6 has been moved and seconded. Article 6 you have to read it.

MAJOR: Madam Moderator, I move that the Town vote to appropriate a sum of money from taxation or available funds to supplement appropriations voted at the April 2011 Annual Town Meeting or take any other actions related thereto.

MODERATOR: Hold one second I don't think that's the motion. Now this is the motion we've been trying to do.

MAJOR: All right we'll take this one more time, Madam Moderator, I move that the Town vote to appropriate the sum of \$500,000 from taxation to the Reserve Fund.

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

STAPCZYNSKI: Actually I'll defer to Brian who has the Selectmen's statement which I think I encompasses what needs to be said.

MODERATOR: Go right ahead.

MAJOR: So this Article comes about because we had additional new growth that we did not expect when we were at Town Meeting back this spring. New growth is when we have additions to homes [BREAK IN TAPE]...Town Meeting participants have two choices. If you vote now you actually give yourself a \$36 tax break. What that means is we're collecting that \$615,000 if we don't appropriate it than everyone's tax bill will be dropped down about \$36, 3, 6. Now what we're recommending is we appropriate the \$500,000 and that we put it into our reserve fund. That gives us the most flexibility that we need in case we have unexpected expenses like last winter we had a very heavy snow and ice winter. Those additional costs have to come from somewhere and they come from our cash reserves. So, if we take this money, put it into our cash reserves, then if we don't spend it at all it rolls into our free cash at the end of year, so the Board of Selectmen recommends unanimously that approval on this Warrant Article.

MODERATOR: There's a lot of back, feedback...back feed I was going to say, I'm sorry. I don't know if that can be helped or stopped but...Finance Committee report please Mr. Stumpf.

STUMPF: Thank you, Madam Moderator. Good evening, ladies and gentlemen. Jon Stumpf from the Finance Committee. As Selectmen Major mentioned, mentioned about the new growth and how it came about, which is good news. The Finance Committee also feels that we need this additional \$500,000 supplemental budget appropriation. And for it to be available for use in 2012 it needs to be approved by the Special Town Meeting this evening. \$500,000 supplemental

budget appropriation is needed because our free cash, or reserve account, is currently at a dangerously low position, so about \$1.2 million. And to put that number in perspective, it's approximately 1% of our operating budget or, another way of looking at it, is about three days of reserve dollars. So we really need to have that and especially, as Mr. Major mentioned, last year we had an additional snow budget of over \$500,000—it's funny how those numbers are coincidental—but in addition to that there are out-of-district tuition, transportation and DPW dollars for managing floods and power outages as well as Town-wide settlements for contracts and other unanticipated expenditures that are all part of \$143,000 budget. The Finance Committee recommends the approval of Article 6 and the appropriation of \$500,000 into the reserve fund.

MODERATOR: Any questions? Yes, Sir.

MARSHALL: Ms. Moderator, my name is Bob Marshall, Samos Lane. Just a point of interest. I understand that this 641,000 additional new growth is a one-time entry on the books. Is that correct?

STUMPF: That—Madam Moderator?

MODERATOR: Go right ahead.

STUMPF: The new growth is not one-time money. It's money that is added to the tax base. It needs to be approved tonight to be used in FY2012's budget. It will be part of the tax base for Fiscal 2013 forward. There is a minor depreciation for personal property taxes that businesses take. So it will go down slightly in future years, but it is not one-time money, no.

MARSHALL: Isn't this like, basically like, an excise tax? Because it's revenue that came in—

STUMPF: Well it is a tax. It's taxed on business, commercial, industrial businesses' personal property. The furniture the fixtures within their organization; they're required to report to the Town and pay the taxes on an annual basis.

MARSHALL: And this money will be paid by the persons on this, on the appropriation, excuse me...the money would be

coming in continuously every year? Because it's been put into the levy which is max.

STUMPF: Well the tax bills will go out. And our collection percentage is very high, and we also set aside reserves for bills that go out and ultimately are not paid or abated, but yes it will be regular money that will come in annually.

MARSHALL: It is regular money and is it going into the base tax levy?

STUMPF: Correct.

MARSHALL: I don't understand that because it almost sounds like to me a tax, just like your excise tax is. This company is—are you gonna send in a check every year.

STUMPF: Yes, it is a tax. I don't want to say it's similar to the excise tax, because the excise tax has a different structure to it. But it is a tax and something that business are responsible to pay on an annual basis.

MARSHALL: Okay. You say it is definitely comin' in every year.

STUMPF: The bills are sent out on an annual basis.

MARSHALL: I know when the bills are sent out, but I'd like a direct answer, is this money, that all a sudden showed up in our pockets, okay for the Town, is this coming in from those customers next year, the following year?

MAJOR: This will be part of our tax levy from now on.

MARSHALL: I understand that, but it is it legitimately done?

MAJOR: The answer is yes.

MARSHALL: And Counsel is going to stand behind this?

STUMPF: Well any tax bill that goes out, there's a risk it may not be paid. But we have a reserve set aside for that risk like all other bills. So, as Selectman Major said, yes it will be paid.

MARSHALL: Okay I'm against this bill because I think it's another way to increase the levy with no verification whatsoever.

MODERATOR: Okay, thank you. Thank you. Any other comments? We're ready for a vote? All those in favor of Article 6 please raise one hand. Thank you. Those opposed. Thank you. The ayes clearly have it here. Bob, how's the cafeteria look?

HUGHES: The ayes have it.

MODERATOR: Great. The ayes have it the motion carries. Thank you very much. Article 7, Mrs. Lyman. Almost done, come on, almost done.

LYMAN: Thank you, Madam Moderator. I move that the Town vote to withdraw Article 7 from the Warrant.

MODERATOR: There's been a motion and seconded to remove, to withdraw Article 7. All those in favor please raise one hand. Those opposed. Bob how does the cafeteria feel about it?

HUGHES: The ayes have it.

MODERATOR: Thank you very much. Article 7 is withdrawn. Article 8, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move that the Town vote to withdraw Article 8 from the Warrant.

MODERATOR: It's been moved and seconded that Article 8 be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. How's it going in the cafeteria?

HUGHES: The ayes have it.

MODERATOR: The ayes have it, the motion is withdrawn. I want to thank all of you for your patience tonight for your dedication in coming out. [APPLAUSE] Mr. Urbelis. The motion's been made to adjourn this meeting. All those in favor please raise one hand. Thank you. Those opposed. Thank you very much. The meeting is adjourned.