

2012 Annual Town Meeting

Monday, April 30, 2012

MODERATOR: The hour of seven p.m. having arrived it is my distinct honor to call to order the 2001, I mean I'm sorry, the 2012, do you want to revisit that one, the 2012 Andover Town Meeting. All the committee meetings, the board meetings, the editorials, the comments have been made; it is now time for the voters to speak. Thank you all for coming tonight. I would ask you all as we start to please stand for the presentation of the flag.

[PRESENTATION OF FLAG]

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

[PLEDGE OF ALLEGIANCE]

MODERATOR: We honored tonight, if you'd remain standing please, to have joining us a young man who is a student at our Andover High School. Nicholas Kalantzakos.

[Singing of "America"]

MODERATOR: If you could remain standing please. We are very honored this evening to have the Reverend Margaret Goad from the Ballard Vale United Church to offer us an invocation.

GOAD: Let us pray. Creator of all people be with us as we gather together for the benefit of our community and all who live here. Instill in all gathered here honesty, integrity, vision, and the love of justice. We pray that every person gathered tonight might become aware of the dreams, fears, and hopes that unite us in our desire for an Andover that reflects our history, an Andover that fully serves our present needs, and an Andover that invites the possibility of a creative, productive, harmonious future. For this we pray. Amen.

MODERATOR: And if while we're standing we could just take a moment please to remember those in our community who have been very involved in our Town who are no longer with us. Who were here last year and who have passed away. Amen. Thank you. Please be seated. Those of you who are just coming in if you could sit up towards the front please so we can make it easier for the counters when we have votes. Mr. Urbelis.

URBELIS: Madam Moderator I move to admit the following non-voters: Lawrence Murphy-

MODERATOR: Can we get this mic on please.

URBELIS: Madam Moderator I move to admit the following non-voters: Lawrence Murphy, Marinel McGrath, Paul Semanski, and others who may enter hereafter some of whom may be speaking.

MODERATOR: Motion has been made and seconded to admit non-voters. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it. Would the non-voters please come in and sit in the non-voting section. I'd ask you all please if you would please turn off your cell phones, or at least silence them. No smoking, food or drink other than water here in the Field House. A couple of housekeeping issues: the restrooms are in the back of the room where the handicapped sign is, they're right through that door. Mr. Urbelis the waiver of return of service please.

URBELIS: Madam Moderator, I move to waiver 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 Article by number and subject matter please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. Tonight our voting sections will be as follows: Section 1, 2, 3, and 4, behind the opening there, aisle way, will be 5, 6, 7, and 8, and we're not sure we're gonna need 9, 10, 11, 12, 13, 14, 15, but if we do they would be back there. I'd like to introduce to you please the people who are on the stage: to my right, your left, is the School Committee and the Superintendent of Schools, the Board of Selectmen, the Town Manager and the Finance Director. This is the Finance Director's very first annual Town Meeting so we welcome her, Donna Walsh; to my left, your right, is the Finance Committee, Town Counsel, Attorney Urbelis, and the Town Clerk, Attorney Murphy. Ombudsman is over here to my left, your right, Christopher Vrontas. He is available to help you if you have any amendments to any of the Articles. He has the triplicate forms if you want to make an amendment; he'll help you with any issues that you would like to bring before the meeting and need to have some help with phrasing. As we begin our meeting I just want to remind everyone the tone of the meeting. I will not tolerate or allow innuendo, accusations, any kind of insinuation of wrong doing or character assassinations. I can assure you that if you address this meeting I will absolutely uphold and have others address you with respect and I would insist anyone who

address this meeting will do the same. In the back of the book of the Finance Committee are the rules and procedures if you need to refresh yourselves with those. How many of you are here for the very first time at a Town Meeting.

Excellent. Thank you all very much. Glad to have you.

[APPLAUSE] I certainly hope it's the first of very many. When we do take a vote, if it's a standing vote, or a hand vote, you must be at a seat. If you are not your vote will not be counted. We have pro and con mics. There's a pro mic, so if you want to get up and speak for an Article you would use the pro mic. If you want to speak against an Article you would please go to the con mic. The number three mic is for point of order; if you're confused, if you have an issue, if there's too much noise in the room, if you can't hear what's going on, you can certainly use that number three mic. If you are making a presentation to the meeting you would use this number one mic. So if you are a presenter of an Article please use number one, the pro and con, and the number three mic is for questions and points of order. This Meeting is being recorded. There is an official recording of the Meeting therefore if you do address the Meeting at all please identify yourself with your name and your address. And I would ask the members of the stage if they would do the same so that whoever is transcribing knows exactly who it is that is speaking. Any questions that you have from the floor are to be directed to me, to the Moderator. I will then make sure that they get answered to the best of my ability. If you want to offer an amendment to any Article we need it in triplicate. We will first vote on the amendment; if the amendment passes that will be the new Article, if it fails we will go back to the original Article and discuss that. There will be budget numbers moved tonight, as I'm sure you know. They will be shown I believe up on the screen, budget numbers will be shown up on the screen? They may possibly be different than what's in your book. But what we are moving are the numbers up on the screen. Just so everybody is, there may have been some last minute changes since the book was published. In the past we've had a tradition here at the Andover Town Meeting of putting time limits on presenters and on people who are making comments. To that end I would like to make the motion and see if that's something the Meeting would like to continue. So I would like to move that for this Town Meeting 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. These limits can be extended at the discretion of the Moderator. That motion has been made and seconded, all those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. If you are speaking and you have 30

seconds left I will start tapping the podium so you'll know your 30 seconds are coming to an end so you can wrap it up. And before we, Mr. Major and Mrs. Gilbert, before we begin our Meeting tonight...there's a couple of recognitions that we'd like to make. The Town of Andover has the Virginia Cole Community Service Award and it is an award that is given to somebody who's had outstanding long-term contribution to the Town, in an elected, appointed or volunteer role or any combination of those. Virginia Cole was a woman who was involved, many of you I'm sure remember her, know her, were good friends of hers, who had an outstanding history of contribution to Andover, and we're very proud to have named this community service award after her. Mr. Major and Mrs. Gilbert will make the presentation tonight.

MAJOR: On behalf of the Town...on behalf of the Town Moderator and Chairwoman of the School Committee, myself, it is my honor to-

MODERATOR: --hold on one second. Is that not on?

MAJOR: That's now on. On behalf of the Town Moderator, the Chairwoman of the School Committee and myself it is my pleasure to-

MODERATOR: ---they still can't here you.

MAJOR: Still not on.

MODERATOR: Can you turn the volume on from that? Thank you.

MAJOR: Should I talk--okay, I need to talk right into it. Trustworthy, knowledgeable, and helpful are three adjectives that describe our 2012 Virginia Cole Award recipient. Our award recipient is an author, an orator, and a trusted resource. This person has imparted knowledge on nearly every citizen within the Andover community. I dare say their writings have landed on the kitchen tables of nearly every Andover household. This person has institutional knowledge that is highly sought after by leaders across the Commonwealth of Massachusetts. This person has been a trusted voice at Town Meeting for the last three decades, because their ability to transform complex budgetary issues into simple, logical, and comprehensive descriptions. Our award recipient has represented a stable foundation within Andover's Town government, for many years having worked with countless Town Managers, Department Heads, Selectmen, School Committee and Finance Committee members. Their extensive financial knowledge and friendly demeanor has enabled this person to be an influential advocate for balanced budgets

that are both agreeable and practical. This person has imparted their sweat equity to ensure that capital projects proposed before Town Meeting are well vetted and worth of our votes. Because of their unselfishness and self-sacrifice Andover has successfully built and renovated school and town buildings; expanded the Town's sewer and water lines; repaved and repaired roadways and sidewalks, acquired conservation and recreational properties, and purchased the vehicles, equipment and supplies that enable Town and School employees to effectively and efficiently perform their jobs. Our award recipient has been a member of the Andover Finance Committee for over 30 years. Her level of municipal financial knowledge is second to none. She is seen as the go-to resource for anyone who's interested in understanding the purpose of historical budgetary changes or for investigation the long-term impact of new initiatives. Please join, Sheila, Annie and I in warmly recognizing Andover's 2012 Virginia Cole Award Winner Joanne Marden.

[APPLAUSE]

MARDEN: Okay now I guess I'm expected to say something other than thank you so much. And I surely didn't expect this but I think you should all know that means a lot me because Ginny Cole was the one that got me into this. Like many other women in Town she encouraged us to get involved and volunteer for Town boards and try to make a difference in the community and so thank you everyone.

MODERATOR: Truly without a doubt one of unsung heroes. Joanne thank you so much. But don't think this is your end of involvement or your volunteer work that you're not still gonna be involved. Thank you. Mr. Teichert.

MAJOR: --- Vice Chairman, Mary, if you could grab the other award and could all members of the Board of Selectmen please come join me on the floor.

MODERATOR: Quickly please. As they come down I forgot to do something that I generally do and I apologize how presumptuous. My name is Sheila Doherty and I am the Town Moderator for the Town of Andover and I wanted to make sure you knew that I do know my name. Thank you.

MAJOR: The Board of Selectmen would like to have Selectmen Ted Teichert come forward please. [APPLAUSE] Now the Board of Selectmen would like to say thank you for the tremendous service and dedication of Ted Teichert to the Town of Andover. Not only has he served as a Selectman for the last 12 years but Ted puts his heart and his energy into absolutely

everything that he does. He's been such a strong proponent of building new fields for our kids. He's been a strong proponent of being able to say thank you and congratulations to our kid when they win State Championships and they do good deeds. If it wasn't for Ted we wouldn't have revitalized things like, Andover Days, that we all so much enjoy. We've revitalized the Holiday Happenings that first weekend in December. And he's also taken it upon himself to carry the torch of Jerry Silverman for the Jerry Silverman Fireworks Fund. Ladies and gentlemen please put your hands together and warmly recognize, Selectman Ted Teichert.

TEICHERT: Thank you. You guys are overdressed. You know I just want to thank you to you residents out there for your support over the last 12 years. It's a great place to kinda grow up in and work in and be part of this Board so thank you very much.

MODERATOR: Thanks Ted. Thank you all very much. Let's get on to the Warrant. Article 1, Mr. Murphy please.

MURPHY: Thank you Madam Moderator. The annual Town Election was held on March 27, 2012. Polls were open from 7:00 a.m. to 8:00 p.m. There were a total of 2,046 ballots cast. For Moderator there was one candidate on the ballot, incumbent Sheila Doherty. Ms. Doherty received 1,542 votes; she was declared the winner and subsequently sworn to office. For the Board of Selectmen there were two seats open for three years each. Incumbent Brian P. Major received 1,181 votes; Larry Bruce received 293 votes; Ann T. Cobleigh received 681 votes; Daniel H. Kowalski received 1,145 votes; and Paul L.D. Russell, Jr. received 330 votes. Mr. Major and Mr. Kowalski were declared the winners and they were both duly sworn to office. For School Committee there were two seats for three years each; we had two incumbents on the ballot: David A. Birnbach who received 1,282 votes and Ann W. Gilbert who received 1,416 votes. They were each declared winners and were duly sworn to office. For the Greater Lawrence Regional Vocation Technical School District Committee one seat for three years, incumbent Marilyn M. Fitzgerald was the only candidate on the ballot she received 1,477 votes and was also duly sworn to office. Now this was the first year that we elected the Trustees of the Punchard Free School to staggered terms, so there were two seats on the Board of Trustees for three years each; incumbents Earl G. Effinger received 1,191 votes and incumbent Eric Stubenhaus received 1,255 votes. They were both declared winners and duly sworn to office. There were also two seats for two years. Donald F Schroeder

received 1,211 votes and James E. Sutton received 1,195 votes. They were both declared winners and were duly sworn to office. And lastly we had one seat on the Board of Trustees of the Punchard Free School for one year. John H. Atchison, Jr. who is also an incumbent received, was the only candidate on the ballot for that seat. He received 1,239 votes, was declared the winner, and duly sworn to office.

MODERATOR: Thank you, sir. Article number 2. Mr. Major.

MAJOR: Thank you Madam Moderator. I move that Kenneth B. Ozoonian, 98 Osgood Street, be elected Trustee of the Cornell Fund for three years.

MODERATOR: Motions been made and seconded. Any discussion? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 3 will be in two motions. Mr. Murphy would you make the first? And conduct the vote. Oh, I'm sorry. Mr. Salafia.

SALAFIA: Madam 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: Is there a second? All right the motion has been made and seconded that the Moderator receive a salary of \$250 for each Annual Town Meeting and \$60 for each Special Town Meeting except when it falls within the Annual Town Meeting. All those in favor please raise one hand. All those opposed. The ayes have it.

MODERATOR: Thank you very much. The second motion is I will make it. Thank you. I move that the following salaries for elected officials for Selectmen, the Chairman, \$1,800 per year; for each member of the Board of Selectmen \$1,500 per year. For the School Committee, for Chairman, \$1,800 and for each School Committee member, \$1,500 per year. Finance Committee report, Mr. Serrao.

SERRAO: The Finance Committee recommends approval of Warrant Article number 3.

MODERATOR: Are there any questions? All those in favor please raise on hand. Thank you. Those opposed. They ayes have it the motion carries. We'll start now with the budget. First we'll get a report from the Finance Committee—let me—before we start that let me just say one thing to you. We have 44,

we have a very short Warrant this year. We have 44 Articles. And in the course of this Meeting there will be five Articles that will be withdrawn. If we get to a 10:00 time frame and we only have a few more to do I am gonna ask you if you would be willing to finish the Meeting tonight to save the money of running a second night. If we get into discussion and people want to keep it going that's fine to. But I just want to let you know as we go I will be checking with you at 10:00, there'll be an eyeball alert test that we'll do to see if everybody's still with me and see if we can move forward. The Finance Committee as you know their responsibility, their sole purpose, the only reason that they are appointed to the Finance Committee is to advise the Town Meeting. So for the budget purposes we will start with their recommendation and advice to the Town Meeting then the Board of Selectmen Chair will have a couple of comments to make regarding the municipal budget and the Superintendent and the School Committee Chair will have comments to make on the school budget. So Mr. Stumpf if you would please.

STUMPF: Thank you Madam Moderator. Good evening ladies and gentlemen. Before moving to the budget overview I would like to take just a minute to thank a few people. In particular the Board of Selectmen and the School Committee members, Chairman Major and School Committee Chair Annie Gilbert and School Superintendent and her team, the Town Manager and his team, and of course the Finance Committee members. In preparing for tonight's budget we had our first tri-board meeting last fall where we began reviewing revenue and expense assumptions and we discussed the health insurance reform and also planning for the information technology. We have been working diligently in an effort to bring forward a balanced budget and I'd like to thank everyone who participated in that effort. And I'd also like to thank the Town Clerk and all the Town employees involved with preparing the venue for tonight; there's a lot of tremendous behind the scenes work that needs to be put together in bringing the Meeting together so thank you for the Town Clerk and everyone on his team. And most importantly thank you to everyone in attendance this evening and showing up and participating in Town Meeting process. With that I have the pleasure of providing an overview of the Town's recommended budget and other recommendations that may have a financial impact on the Town. My overview will consist of the following main points: first, some good news, we had a lot of good news from a financial perspective and I'll share that with you this evening; on the revenue side, we'll provide an overview of the primary revenue sources and some of the main drivers; on

the operating expenses, we'll review the major expense components; and on the capital improvement program we'll share some of the various components of the CIP and the funding sources. We'll touch base briefly on the reserves, where our reserves currently stand, and our policy and how we are as far as meeting our goal. And then lastly, we'll take a minute to look ahead at what we might see in the future years for those items. On the good news side, last fall we find out that we had \$600,000 additional revenue in new growth that was attributable primarily to personal property. This revenue is continuous revenue and will be around for years to come. Also on the snow and ice that everyone knows we've had a very mild winter and that has resulted in a \$600,000 surplus in our snow and ice expense account. Historically over the past 20 years we've had as many surplus years as we've had deficit years in the snow and ice so this surplus is viewed as a one-time surplus. On the energy side, our Plant and Facilities team has developed and implemented energy-savings programs that have reduced our energy usage by approximately \$150,000. The Town buildings are equipped so that they may use the most effective energy source. On debt service our Town's triple "A" bond rating has enabled us to borrow money at very favorable interest rates. Our most recent short-term borrowing rate was .346% and our long-term rate was 1.8% these low rates should save approximately one million dollars over the next ten years. Our schools have invested in in-district programs that has significantly reduced our out-of-district expenditures. And last but not least our Town adopted the new health insurance reform legislation which would generate savings of approximately four percent or over \$500,000 compared to last year. On the revenue side, property taxes are projected to increase 2.9% or \$220 for the average residential property tax bill. Property taxes as a percentage of the Town's total revenue continues to increase. State aid while estimated to be \$400,000 more this year than last year as a percentage of the Town's total revenue it is lower than it was three years ago. As with State aid while general local revenues are up slightly the revenue as a percentage of the Town's total revenue is down versus three years ago. And then with free cash there will be no money used from free cash to fund the operation budget or other Articles this year. The Town began an effort years ago in essence to wean ourselves off of the need to use free cash for operating budget items and has accomplished that goal. On an operating expense side by far the Town's single largest expense is the salary and benefits of the School and Town employees. Andover's labor contracts are based upon 15 separate collective bargaining agreements. While negotiations with all unions are still

being discussed the recommended budget has money set aside for anticipated contract settlements. The recommended budget for the School Department includes 13.94 new full-time equivalents plus additional dollars to replace federal stimulus money which will no longer be available. The Town Department staff includes no new positions and 2 are recommended to be eliminated. Another health insurance related item is OPEB stands for Other Post Employment Benefits and is in essence the cost assigned to health benefits earned by employees and paid after retirement. Fiscal year 2013 is the first year OPEB is included as a separate line item in the operating budget. This future obligation is estimated to be approximately \$214 million while there is no requirement to fund this future obligation having it included in the operating budget will place a greater focus on it and stimulate discussion on options to best reduce it. Debt service is the Town's relatively fixed obligation. There are three different types of debt: exempt debt, non-exempt debt, and water/sewer debt. An analysis of the debt in future projections were used when considering the various capital improvement projects during this year's budget process. On capital improvement programs the pay-as-you-go portion of the CIP has been increased significantly over the last two years. In prior years this amount was lowered in order to balance the budget. This portion of the CIP is used for equipment replacement and facilities maintenance. The recommended increase will avoid deferring necessary maintenance which costs more in the long term. And then we have a special dedicated fund specifically the cable franchise fee will provide funding to update the Town's technology infrastructure. This is a multi-year investment that will not increase taxes and will provide Town employees with resources to improve their overall effectiveness and efficiency. On reserves, free cash and stabilization are the key portions of a Town's reserves. The Town has been working to discontinue the use of free cash in the operating budget and as mentioned this year has achieved that goal. Currently the combined balance of free cash and stabilization is slightly below our policy midpoint and that is why there is a recommendation to increase our stabilization fund by \$232,000. Sufficient reserves provide for unanticipated expenditures and also are a measure of good financial planning. In looking ahead, on property taxes while there may be many variables that impact residential tax bills a reasonable effort- a reasonable estimate based upon historical trends is a 3.5% increase within proposition 2 ½. In addition there may be an increase due to exempt debt. An example is the new Bancroft Elementary School which has been

approved but is not projected to increase tax bills until fiscal year 2014. On an expense side looking forward salary and benefits and our collective bargaining agreements and the terms of those agreements once settled will drive the salary and benefit increases. The monetary portions of the contracts, cost of living increases, longevity and other incentives, as non-monetary work rules will determine the future salary and benefit expense which is the single largest expense in the Town's operating budget. In closing I'd like to thank you for your attention and most importantly for joining us at this year's Annual Town Meeting.

MODERATOR: Thank you, Mr. Stumpf. You all need to know the untold hours your Finance Committee puts in with no benefit other than the heat and light you provide in the rooms in which they meet. So I think we all appreciate very much the work that you do. [APPLAUSE] Thank you. Mr. Major.

MAJOR: Thank you Madam Moderator. This body on an annual basis graciously provides the dollars that are required in order to put forth capital projects and so I'd like to briefly give you an update on the status of some of those capital projects. The first Bancroft Elementary School, two weeks ago Andover agreed to mitigations with proponents of a lawsuit that was holding up the beginning of the school's construction. With this lawsuit closed we expect to begin construction of the initial roadway improvements within a few weeks. And have the official school ground breaking this fall after summer vacation. Very special thank you goes out to Selectmen Paul Salafia who negotiated the settlement agreement between the parties as well as to Chris Huntress who created the landscape architectural design that satisfied all parties involved and enabled the lawsuit settlement. The Blanchard Street ball fields. Previously the Board of Selectmen decided that the new ball fields would be named after Buster Deyermond since they were replacing the current Deyermond Field complex. This month the Selectmen signed a long-term lease agreement with the Andover Little League and the Andover Soccer Association. Three weeks ago we broke ground at the site and the two leagues presented the Town with six figure checks as their initial contributions toward construction funding. We expect to have the fields operational by the fall of 2013. The Cormier Youth Center. Since the passage of the youth center agreement at the Special Town Meeting last December the Town and the Andover Youth Foundation have taken many steps to bring this private-public partnership closer to reality. In January the Andover Youth Foundation presented a check for \$400,000 to the Town

to cover all design costs. In February the Town Manager and the Board of Selectmen appointed a seven-member youth center building committee. This committee is currently in the processes of hiring a firm to design the new facility. The Ballardvale Fire Station. As many of you know in March the Selectmen removed this project from this Town Meeting's Warrant. Its removal does not minimize the necessity for replacing the station due to its age, poor structural condition, and the lack of size to support standard fire apparatus and EMS equipment. The current site is not suitable to suit the stations replacement because of its small acreage and equipment turning difficulties associated with Andover street / Clark Road intersection. After Town Meeting the Selectmen will decide what process will be used to select the proposed site for the future home of this station. And lastly the town yard. Last week there was a lot of discussion and debate as to whether this project should come before Town Meeting, untimely the majorities of the Board of Selectmen and the Finance Committee voted to not recommend approval of the Campanelli Drive alternative. They had questions about the land acquisition costs and the overall project costs. Some of the members opposing Campanelli Drive preferred to keep the town yard downtown although others voting against this particular proposal said they did not want their particular votes interpreted as opposing any relocation of the town yard. Even though this project is being recommended for withdrawal this evening it remains arguably the most critical capital project currently requiring Town Meeting approval. The current facilities near the railroad tracks on Lewis Street are in deplorable conditions and require substantial capital investments to simply maintain the facilities in questionable status. Over twelve years ago the Selectmen declared that these ten year temporary facilities built in 1965 must be rebuilt since then we've had three different Town Yard Task Forces study 35 Town-owned sites, ten privately owned industrial properties as well as the possibility of rebuilding on the current Lewis Street site. In all 45 private and public parcels have been analyzed for rebuilding the town yard. Each site has been reviewed using criteria such as acquisition costs, construction costs, usable acreage, function efficiencies, ease of construction, location, property tax gain or loss, and neighborhood impact. After 12 years of analysis one point that our Boards are all in agreement on is that we are challenged to find the perfect location to rebuild the town yard if it exists at all. In fact the Town Yard Tax Force has stated to our Boards that in their view there is no perfect site although the best site is the Campanelli proposal. They also state that there is no

other plausible site which will accommodate this functionality without major obstacles such as construction expense, land acquisition costs, functional inefficiencies and neighborhood intrusion issues. As a community we must find a solution for our town yard because this facility and the people who work there maintain our community's infrastructure. This facility ensures that our 215 miles of roads are plowed and sanded in the winter; 280 miles of water and sewer pipes are cleaned in the spring; 95 acres of ball fields, parks and lawns are mowed in the summer; and ten million dollars' worth of vehicles, trucks, and mechanical equipment including all of our fire trucks, ambulances, and police cars, are serviced, repaired, and ready to respond to emergencies throughout the year. Given that the current Lewis Street site is too small to consolidate most of the town yard functions the Town has evaluated options for relocating it out of the downtown area. A benefit of complete relocation is that we then have the opportunity for transit-oriented development at the Lewis Street parcel. In fact an environmental engineering firm has determined that with about one million dollars of site cleanup that the Lewis Street site could be used for commercial and/or residential development. This could lead to an exciting expansion of our downtown and excellent growth of our property tax revenue. This opportunity adds to the complexity and the excitement associated with when, how, and where we rebuild our town yard facilities. The conundrum that we are faced with is that we have yet to find a location to rebuild the town yard that is agreeable to all Board members. Although the potential for expanding the downtown and its tax base is both exciting and potentially important to Andover's future. In the Finance Committee report, I'm sure you each have a copy with you, [BREAK IN TAPE] as Andover's population has grown over 50% since the facilities were constructed in 1955. And three, the current downtown site is too small and irregularly shaped to construct the new facilities therefore the downtown property could be better used if redeveloped. Given that this is the final report after 12 years of effort the responsibility of identifying a solution lies squarely on the shoulders of the Board of Selectmen. Given that we are dealing with a safety issue for our employees and that we are one catastrophe from crippling the operation of our Town's infrastructure this is a very important task that will require our primary focus in the coming months. After Town Meeting the Selectmen, the Finance Committee, the Planning Board, will convene with the Town Yard Task Force to determine the next steps that will enable us to determine a final solution that we could present before you at a future Town Meeting. Thank you.

MODERATOR: Thank you, Mr. Major. Mrs. Gilbert.

GILBERT: Thank you, Madam Moderator. Is this on?

MODERATOR: Yes it is.

GILBERT: Thank you. I'd like to begin the School Department presentation by giving a brief update on the status of contract negotiations with the Teachers' Union insofar as they relate to the Fiscal Year '13 school budget. The School Committee and the Andover Education Association have signed a tentative agreement which reflects resolution on all open contractual issues between the two parties, with one exception, the work schedule for teachers at Andover High School. To bring this single issue to resolution a process called fact finding is now underway. Last Monday, April 23rd, a hearing was held before an independent fact finder appointed by the Division of Labor Relations. At this hearing both the School Committee and the Andover Education Association had an opportunity to present grounds for their positions on the teaching schedule at Andover High School. On May 15th the fact finder will issue a report with her findings and the two parties will have an opportunity to negotiation over that report for a period of 30 days. It is important to note two things: first, the schedule for students at Andover High School will not change next year, the number of blocks, the length of blocks, the number of offerings there are, and the number of courses students can choose will not be impacted by fact finding; the one issues that is being addressed through the fact finding process is how many classes High School teachers will teach each semester; second, while the process fact finding continues there is nothing that prevents the two sides from coming to agreement at any time and we very much hope that we are able to do so. The Fiscal Year '13 school budget being presented to you this evening had to be built while the process of negotiations was ongoing. This budget therefore incorporates reductions of approximately \$500,000 based upon a change to the teachers' work schedule at Andover High School. If there is not change to the teachers' work schedule these budget reductions would need to be found elsewhere in the school budget and the impacts would be felt at other levels of the school system. As I said earlier the fact finding process regarding the High School teaching schedule is underway and we do expect resolution in the near future. Change is always a challenge and the difficult nature of these contract negotiations is has led to some misconceptions about the school budget we present tonight. The reality is that the Fiscal Year '13

budget represents the largest single year increase to the school budget in many years. It reflects no reduction in the level of services we will offer our students, rather it increases the total number of our staff, it makes targeted investments in strategic plan initiatives at all levels, it significantly increases professional development funding for teachers, and it further expands our in-district special education programming. In addition approval of Warrant Article 22 will allow us to make a major district-wide investment in digital learning, enhancing the educational experience and achievement opportunities for all students. We see this school budget as a step forward for our district and we appreciate the support we have received from the other Boards and from the community. At this time I'd like to turn the microphone over to Dr. McGrath who will provide a more detailed explanation of the FY13 school budget.

MCGRATH: Thank you, Madam Moderator and Chairman Gilbert. Good evening everyone. As I begin the presentation of the FY13 school budget I wish to thank the leadership team, School Committee, tri-boards, staff and citizens who attending our budget meetings for their contributions in developing the FY13 budget. Your questions and input were invaluable to us as we worked to develop a responsible and sustainable budget for next year. This slide delineates where we, what we are we requesting for FY13. Our primary challenge was to develop a forward thinking yet sustainable budget. We were faced with the loss of \$770,000 in federal grant funding and an additional \$2.1 million in collective bargaining obligation so finding ways to become more cost effective was critical. On March 28th the School Committee finalized the balanced budget agreement with the Board of Selectmen and the Finance Committee and on April the 12th they voted to approve an appropriated budget of \$65,864,399. As Miss Gilbert said this budget request represents an increase of 4.1% for roughly \$2.5 million over our current FY12 appropriated school budget. The \$65.8 million budget request being presented for consideration this evening includes \$52.5 million for all instructional and administrative salaries and stipends for regular education and special education, it also includes all collective bargaining obligations, step increases, longevity payments and degree and in-service credit changes. It also includes \$13.8 million for expenses with includes items such as instructional materials, professional development, and transportation to name a few. While there have been recent notices in the newspapers inferring that the School Committee and the Town are not investing in the school district I share with you the reality

that this budget increases funding again for our school by 4.1%. This represents the largest percent increase in the last six years and the third largest budget increase in the school budget in the last ten years. This budget maintains level services for all students and current class sizes. This budget also increases the total number of district staff including those whose positions were previously funded through federal funding which expired at the end of this school year. Funding for focused staff professional development in the areas of technology, data analysis, student assessment, and differentiated instruction for all students. This budget also expands in-district special education programs which first and foremost enable our Andover students to remain in their neighborhood schools while also yielding a cost savings. The budget also supports funding for our strategic plan as well as all of our statutory and regulatory un-funded mandates as well as our High School reaccreditation requirements. As previously mentioned this budget increases the total number of district by 13 FTE positions which includes, to highlight a few, a social worker for each middle school, a school resource officer and library assistant at the High School, a director of digital learning for the district as well as staffing for the expansion of in-house programs for students with special needs. This, the FY13 budget supports our strategic plan. The next two slides delineate the restoration of, or new positions this budget supports our strategic plan and are intended to keep our district moving forward. To that end, in some cases, we made changes to existing programs to enhance student learning and academic achievement, support teachers, and facilitate the creation and the sharing of best practices by aligning available resources with our strategic plan focus areas which are highlighted in yellow. To address these goals we will hire middle school social workers. Last year we had to reduce the guidance counselors at each school. This year due to the social and emotional needs of our students we will replace the guidance counselor role with licensed social workers. The social workers will provide individual student and group counseling through school related issues, consultation to parents concerning school related emotion, social or behavioral issues and information about referrals to outside services and other agencies. We will invest in our world language program in grade six through twelve. Last year we eliminated the exploratory foreign language program in exchange for a full year of language study in the sixth grade. This year as a result of recommendations from our world language task force we will add French to grade six and seven so students may choose to study either Spanish or

French for an entire school year. We will also hire a program advisor to coordinate the grade six through twelve program and to meet our requirements for High School reaccreditation. We will further expand our in-district special education programming by developing the elementary program for language disabilities which will be located at the Sandborne School, expanding the excel program at the High School, and implementing a new program for our eighteen to 22 year old students in partnership with the North Andover Public Schools and Northern Essex Community College. These initiatives are driven by our core beliefs regarding inclusion. And we will also substantially increase our investment in staff professional development by providing focused programming to staff in the areas of technology supported student learning, data analysis, and data team development, student assessment, and differentiated instruction for all students, all of which will have a direct impact on student learning and achievement. Our plan also calls for an investment in technology supported learning and to that end we are most excited about funds being transferred from the Town so that we can hire a director of digital learning. The primary responsibility of this individual will be to lead and support our teachers as they provide more individualized and project based learning experiences for students so that our students can develop and apply analytical and creative thinking, work collaboratively, and become effective communicators. We are equally excited about Warrant Article 22 which you will hear about in more detail later this evening from our CIO Paul Puzanghera. The School Committee and I support the approval of this Article because if approved our students and teachers will benefit from a major investment in technology which will bring full wireless capability to all of our school buildings as well as digital display systems and updated computing devices for our teacher and classrooms. This investment will accelerate educational innovation in all of our classrooms. Through the efforts of our, of school leaders, the School Committee and with the support Town Boards and community, five years ago we began to invest in in-district programming for our students with significant educational challenges because it's simply in the best interest of our students. The primary reason for implementing and sustaining in-district programs is because we know our students do their best when they remain in their neighborhood schools where they feel truly connected to their school, the students, and the school culture. For our older students the eighteen to 22 year olds, our director of student services, Joyce Langeret [?] has said it best this program is a true transition for our students because they will be here in Andover being trained, getting

jobs and becoming truly connected to our community as adults. This line provides the reasoning for our continued investment in our in-district special education program development. Our investments in previous in-district programs have resulted, resulted in reversing the trend of the number of out-of-district placements and an actual reduction of students in out-of-district placements thereby reducing costs to the operating budget. Additionally, our programs to date have stabilized our per pupil costs for students, reduced our reliance on out-of-district placements, created an opportunity for us to tuition in students from other public schools, two to date, thus turning a cost center into a revenue generating opportunity and we are able to reduce the risk of high-fluctuations in our out-of-district expenses. As you can read on this slide we are pleased to report to you that as a result of the savings we have garnered from the development and expansion of our in-district programming we will be able to establish and out-of-district tuition reserve account for FY13 because the FY13 reduced the out-of-district request of \$227,000 or 4.6%. The corresponding decrease in out-of-district transportation is reduced by \$86,000 or 5.4%. The implementation of the elementary program for students addresses the needs of a population at high risk for out-of-district placement. And the implementation of the eighteen to 22 year old program will result in current Andover students in out-of-district placements returning to Andover for their education in September of 2012. As I end this presentation I leave you with a slide of our mission statement. As a school district we have certainly had our challenges this year but we've also had many successes and there are many opportunities yet to be realized. As a school district and community we have an obligation to prepare our students for their future despite the challenges that come our way. We are bound together and our mandate is to work together to meet our students' needs. I recognize that there are people here this evening who believe we are asking for too much and there are people who are disappointed that we are 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 Superintending I am as responsible for insuring 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 remember last year I said about our kindergarten students

lest not forget that our business is to teaching and learning and that the children that entered kindergarten this fall will graduate from high school in 2024. We must ensure that our students are successful academically and that they experience school as an intellectual adventure where they develop the habits of mind, analytical reasoning and creative thinking, working collaboratively and becoming effective communicators. Those are skills that are necessary for their future. Our students deserve a school system that keeps pace with their needs. They must need international standards in order to contribute and succeed. At this time we are struggling in that realm. This budget does enable us to build upon our foundation and to continue to try to evolve a school system to meet the needs of every child, every day, every way. Our questions for going forward this evening, what do we want for our school system? What steps will we take as a community to achieve our vision and mission in these challenge times to support our students and our teachers? How will 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 before you this evening. Thank you.

MODERATOR: Thank you, Mrs. Superintendent. [APPLAUSE] Items one and two, Mr. Vispoli. Mr. Vispoli items one and two.

VISPOLI: Yes Madam Moderator. I move line items one and two, public safety in the following amounts: number one, personal services, \$13,153,753; two, other expenses, \$1,395,994, for a total of \$14,549,747 this includes \$35,000 in parking receipts, \$70,000 in detail fees and \$1,025,000 in ambulance collections.

MODERATOR: Items number one and two have been moved in the amount of \$14,549,747 been moved and seconded. Any discussion or questions? Finance Committee report please, Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

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

SALAFIA: Madam Moderator, I move line items three and four general government and community development including Town / School IT consolidation in the following amounts: item three, personal services, of \$5,226,908; item four, other expenses, in the amount of \$1,649,751 for a total of \$6,876,659 which

includes \$24,000 in receipts from wetland filing fees and \$27,390 from water reserves and \$27,397-390 in sewer reserves.

MODERATOR: Line items three and four in the amount of \$6,876,659 has been moved and seconded. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Any questions? Yes, sir. If you can get to the mic please. Go ahead and use the number three mic, John.

PASQUALE: Thank you, Madam Moderator, I apologize-

MODERATOR: --Please identify yourself if you would.

PASQUALE: John Pasquale, 47B Whittier Street.

MODERATOR: Thank you, sir.

PASQUALE: The other night when I was at the Selectmen's meeting, Mr. Stumpf and Buzz said if you have any questions we'll be glad to answer them for you. Fortunately I didn't have the questions that night, but I have now. On page 32, I'm looking at other expenses and accounts, I'm voting for the Article but I want to raise what's got Mr. Pasquale's mind. I go to the Town Manager and he sets the example for other expenses, ladies and gentlemen, he holds the line. I go down to the finance, Donna, welcome to the Town, but you're up by \$40,000. I go to the Town Clerk, Larry, welcome to the Town, you're up by \$12,000, other expenses. We have an acting DPW Director, Chris, I'm an equal opportunity employer up here, highway, \$50,000 other expenses, I go to the Engineering Department \$25,000, Maria-

MODERATOR: Is there a question, Mr. Pasquale?

PASQUALE: Yes, I don't want to go through every one of these line items, they've probably been discussed but to me, either being they're new in the Town or they just put these numbers in and they'll come back later on and say oh, I got wonderful free cash. I don't think these budgets are tight enough when they're set the first place. That's what I want to drive a message across. That's the Town Manager's responsibility. Every one of these people reported in here. It sticks out. We've got over \$150,000 right there in other expenses. Thank you for listening.

STAPCZYNSKI: Would you like me to respond?

MODERATOR: Go right ahead.

STAPCZYNSKI: Yes, Mr. Pasquale, happy to answer your questions at any time. As you know the Selectmen, Finance Committee and in some cases School Committee meet in session, joint session, to review these budgets line by line. I can answer every single one of those requests that you had. If you like we can go through it.

PASQUALE: I don't want you to take the time at Town Meeting. You know I go to the meetings. I know what you do. I want you to start on focusing on how we're spending other expenses, cause I think they're out of control. Those amounts that we're asking for. That's the end of the discussion as far as I'm concerned.

STAPCZYNSKI: Thank you for your opinion.

MODERATOR: Thank you, sir. Any other comments? All those in favor of line items three and four please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mr. Kowalski line item five and six.

KOWALSKI: Madam Moderator I move line items five and six municipal services, DPW, Plant and Facilities in the following amounts: five, personal services \$4,714,026; six, other expenses, \$5,203,713 for a total of \$9,917,739 including \$68,475 in rental receipts and \$42,000 in cemetery revenue.

MODERATOR: Line items five and six in the amount of \$9,917,739 have been moved and seconded. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Any questions? Yes, ma'am.

DELUCIA: Point of clarification. I'm Diane DeLucia from 86 Tewksbury Street. Can you please any clarification on any monies that were shifted within the municipal services budget for the purposes of contracting out the maintenance of Spring Grove Cemetery and as a walk through has already been scheduled for tomorrow morning can you share with us any feedback that you have received from the cemetery's Board of Trustees and from the cemetery's plot owners.

STAPCZYNSKI: Yes, Madam Moderator, I certainly can. I think what Ms. DeLucia's referring to in that the Plant and Facilities section of municipal services I have recommended the elimination of a laborer two position. In that department the laborer two works in the cemetery, Spring Grove Cemetery. We have three individuals working there and as luck would have it prevailing wage laws do not apply to grass cutting and lawn maintenance. As most of you know who've been to numerous Town Meeting's you've heard us here on the stage talk about prevailing wage and how that drives the cost of municipal projects up, up and up. Some people think it's 20% some people would say it's 25%, others would say it adds an additional 30% to any construction project that we have having to pay prevailing wage, but for a variety of reasons lawn cutting, lawn services, do not require a prevailing wage. I took advantage of the retirement, this is certainly only a retirement, nobody's getting laid off here, this is a retirement, to move that \$45,000 from the expense line into the, excuse me, from the personal service portion of the cemetery division budget into the expense line and we will, we have a request for proposals on the street; we sent them to numerous grass cutters, lawn maintenance companies in the general area. It's advertised, so if you know anybody who wants to propose, why they can get in touch with my office, we'd be happy to send them the package of information if they would like to propose, I think the ending date for that is May 10th. Thank you for the opportunity to advertise that. And we're going to see if we get some bidders on this. It's a wonderful opportunity for us to outsource a portion, not all, our cemetery is 30 acres, and we're going to see if we can get somebody to, company to do either ten or fifteen of those acres. Happy to answer any questions.

MODERATOR: Okay does that answer your question? Okay. All those in favor of line items five and six please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. Mrs. Lyman.

LYMAN: Madam Moderator, I move line items seven and eight library in the following amounts: personal services, \$1,828,689; other expenses, \$603,900 for a total of \$2,432,589.

MODERATOR: Line items seven and eight have been moved for an amount of \$2,432,589. Moved and seconded. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Are there any questions? All those in favor of line items seven and eight please raise one hand. Thank you very much. Those opposed. The ayes have it the motion carries. Mrs. Lyman, eight-nine and ten.

LYMAN: Madam Moderator I move line items nine and ten, community, youth and elder services in the following amounts: personal services, \$1,207,365; other expenses, \$439,484, for a total of \$1,646,850 and this includes \$536,000 and \$55,000 in user fees and \$61,000 in grants.

MODERATOR: Line items nine and ten have been moved in the amount of \$1,646,850. Mr. Stumpf.

STUMPF: 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. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move line items eleven and twelve, unclassified, in the following amounts: line eleven, compensation fund, in the amount of \$500,000; and line twelve, reserve fund, in the amount of \$200,000 for a total appropriation of \$700,000.

MODERATOR: Line items eleven and twelve have been moved in the amount of \$700,000. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise your other hand. Those opposed. The ayes have it the motion carries. Thank you. Mrs. Gilbert.

GILBERT: Thank you, Madam Moderator, I move line items thirteen and fourteen, Andover school department, in the following amounts: personal services, \$52,522,838; other expenses, \$13,341,000—sorry, \$13,341,561 for a total of \$65,864,399.

MODERATOR: Line items thirteen and fourteen have been moved in the amount of \$65,864,399. Mr. Stumpf.

STUMPF: Yes, thank you, Madam Moderator. In reviewing the school budget as well as all other budgets, the goal is to provide one that is fiscally responsible, and which provides sustainable funding at a reasonable cost to the tax payers.

The recommended school budget, as you've heard, provides for new full-time equivalents and the retention of, of full-time equivalents that were previously funded by federal stimulus grants. The funding also covers anticipated compensation increases and an overall budget increase of 4.1% to provide adequate funding to support the School Committee priorities and address the needs of Andover students and schools. Finance Committee believes the recommended school budget meets the above stated goals at a reasonable cost to the taxpayer and therefore recommends approval of Article 4, the school department budget, in the amount of \$65,864,399.

MODERATOR: Thank you. Mr. Major.

MAJOR: The Board of Selectmen unanimously recommends approval.

MODERATOR: Okay. Do we have any comments? Yes, sir. If you could identify yourself please.

COOPER: My name is Thomas Cooper. I'm from 17 Hemlock Road; I'm a student from Andover High School and I'd like to make just a short statement.

MODERATOR: Excellent. Welcome, Thomas, go right ahead.

COOPER: I am speaking on behalf of student government. And overall we of course support the increase in the school's budget especially the addition of a resource officer position, help insure security at the High School by enforcing parking rules, monitoring entrances, hallways and exits, keeping students within the school grounds during the day. Hopefully it will also foster a more positive school environment for students as well as staff, come to view the position as one of advocacy as well as enforcement. Also, we support any and every technological improvement being made to the school. This helps a lot. These burdens will certainly make communication between the school and students' homes better. And I'm also very pleased to report that bandwidth is finally widened over the past weekend. Finally, the student government supports the High School's staffs efforts to prepare for the upcoming ES accreditation for the fall of 2012, but we always realize there will be room for improvement in some areas and I would like to say that student government is here to provide any input where needed and we --- excuse me, members currently serve on the School Council and our Vice-Chairperson sits on the School Committee. We speak for the student body and therefore can be

a valuable asset for decision making for the future of our school and our community. Thank you. [APPLAUSE]

MODERATOR: Thank you very much, Thomas. Appreciate you coming tonight. Yes, ma'am.

ROBB: My name is Mary Robb I live on Lowell Street in Andover I'm also a fourteen year veteran of the Andover High School faculty. And it's been my privilege to teach your sons and daughters over those fourteen years. But I'm addressing you this evening because I would like to give you information prior to your vote this evening. While both the School Committee Chair and the Superintendent stress that this is an increase in our school budget, a significant one from previous years, recent previous years, it is important that you understand that at least for the last 20 years when it comes to economic indicators among the approximately 350 communities in Massachusetts, the Town of Andover falls in the top ten percent, for per capita income and median home value, the top ten percent. When it comes to per pupil expenditure we fall at or below 50%. At or below 50%. For decades this community has received exceptional product for a relatively low price compared to 50% of the rest of communities in Massachusetts. We've reached the point of diminishing returns on that value about five years ago. So again, it is an increase in the budget, but I have to respectfully disagree that the quality of education and the level of services that our students are receiving will be the same next year. Especially if High School teachers pick up an extra class, we'll be teaching six classes a year. I would like to ask any of you who have clients in your business and your working lives the impact it would have for you to pick up 29 more clients a year. That is what we are being asked to do. We've already seen a diminishing capacity to provide services for a students; we lost eight members of our special education department last year, eight fully certified teachers. They were replaced, replaced by assistants who are dedicated and hardworking individuals but we are not providing the same services that we once did for our students. It is extremely frustration as a member of this community and a member of the faculty to see the balance being shifted and the level of quality in our schools, I understand the need for fiscal responsibility, but I do not believe that you voters have all the information that you need. Every year, twice a year, I invite the parents of the students in my class to come in and sit in on my classes whenever they'd like. Their sons and daughters threaten to do them bodily harm if they do, but they have that invitation. I

am extending that to all of you. Come and see what we do. Room 245, the second floor in this building, far end of the building, come and see what we do so you have all the information. Thank you.

MODERATOR: Thank you very much. Yes, ma'am.

LEIBERMAN: Thank you, Miss Moderator, first I'd like to say thank you.

MODERATOR: If you could tell us who you are please.

LEIBERMAN: Oh, I'm sorry Sheila. Linda Leiberman, 51 Pleasant Street. First I want to thank the Finance Committee because we're getting a balanced budget this year and I applaud of you. And I'd like to just make a comment and then ask a question. Mr. Major and the Board of Selectmen I'd like you to know I heard what you said and I'm sure everybody else did, we are a Town that is in real tradeoffs right now and we're making some decisions tonight specifically about two things. If we want to continue with our school and our education for our children and we're gonna vote that way there's something that we give up, and what we give up this year and potentially in the future years to come is both the town yard discussion that you brought up and also the fire [INAUDIBLE]. And I'd like you to know it's going to be for all of us in here, it's a tradeoff whether it's our children's education or community services. Now I have one other questions for the Finance Committee specifically or the School Committee. A couple of years ago when we started the discussion around a contract, when we were coming up to contract renewal and the pay raises that were going to our teachers, I'd like to know exactly what is the pay raise for the teachers that are coming into the budget right now? I understand the part, Mary, to the point about getting the teachers back the thirteen that you're asking for, I would like to know though for those of us in business, we know what we're giving our employees, I'd like to know what we're giving our employees in the school system this year. Thank you.

MODERATOR: Thank you. Who would like to answer that? Did you hear the question?

GILBERT: I'm sorry, I just want to clarify that I understand your question. Are you asking what the cost of living increase is for the teachers for this current year that we're in or for next year?

LEIBERMAN: Going forward.

GILBERT: Going forward. The, at this point, the agreement is, there was, like in Town departments, there was no increase for last year; that was zero percent. For this current year, one percent, and for next fiscal year, fiscal year 13, two percent.

MODERATOR: Okay. Line items thirteen and fourteen any other comments and questions?

KNOWLES: Excuse me. Excuse me. I'm standing here.

MODERATOR: Oh, I'm so sorry I didn't see you. I'm very sorry. Thank you for getting my attention go right ahead.

KNOWLES: Okay, hi. I'm Ann Knowles I'm at 51 Maple Avenue in Andover. And I just want to make a comment, it's mostly, there's no real question associated with this but I do want to talk to some of the things that will be lost as a result of this budget. One of the cuts that is being proposed is a cut to the entire grade nine environmental science course. And I just, as a member of this community, I can't believe that we are cutting basic science. I'd like to see this reviewed and Ms. McGrath can address that but...I just think it's a step backwards and that we really need to keep our sciences, the stem—all the technology and sciences are increasingly important in this society and in this day and age and I'd like to see them maintained at Andover High School and increased, not decreased. Thanks.

MODERATOR: Thank you. Yes, Mrs. Gilbert.

GILBERT: Thank you very much. I just wanted to make a clarification and then Dr. McGrath can speak to the actual change. The change to the ninth grade environmental program is in no way related the school budget or to any school funding issues or the school contract or to any collective bargaining issues. It's a programmatic change that has been discussed in response to changing students' needs, and Dr. McGrath could probably explain further.

MODERATOR: If you could quickly, then do you have a question sir.

FRIEDENSON: Yes I have a quick question.

MODERATOR: Okay. Go right ahead Dr. McGrath if you could answer that quickly please.

MCGRATH: Yes the programmatic change as Ms. Gilbert said it is not reflected in terms of the budget. We've had a growing concern for a number of years about the lack of continuity in English instruction at Andover High, particularly during the freshman and sophomore years when the development is a critical skill. The data are quite clear that our High School students writing progress is not, between eighth and tenth grade, is not on par with what our expectations would be, nor is in on par with the students in comparable school districts. And one of those reasons is the gap in instruction that occurs with the English curriculum as a result of our current scheduling. In response to this our administrative team has been developing a plan to offer a full year of English instruction to all ninth grade students, meaning they will have one semester of literature, one semester of a writing composition course. And in order to accomplish this currently our ninth graders take two science course; they will be taking one science course which is a physical science course and very sadly the environmental science course will revert to an elective program at that time.

MODERATOR: Thank you. Let's go right here and then one more and then we'll take a vote. Go right ahead, sir.

FRIEDENSON: My name is Bob Friedenson. I live at 109 Bellevue Road and I'd like a clarification on the increase in compensation. I believe we were told that there was a two percent increase of compensation in the budget but when I look at the numbers it seems that the total average compensation increases for the staff by more than two percent. Are we talking about step and track increase not included in a compensation increase?

GILBERT: No those—

FRIEDENSON: What is the true number in terms if I were a working teacher that I will receive as an increase in percentage compensation and how does that compare with the other Town employees?

MODERATOR: Thank you. Does someone have that answer?

GILBERT: The two percent increase that I mentioned to the earlier question was the cost of living increase, it does not, that does not represent the additional increase that

comes to the teachers through step, track, and longevity, increase that are part-

MODERATOR: Can you give them a sense of what that is?

GILBERT: Yeah, so I'm going to give you the numbers. The salary increases for step, track, and longevity are in, the total amount for the teaching staff is \$1,266,772 and then the salary adjustment which is the two percent COLA increase is \$860,000.

FRIEDENSON: So we weren't really talking that a total increase in a region of three and a half to four percent. Not an increase of two percent.

GILBERT: Yes the two percent is just simply for the cost of living increase.

FRIEDENSON: Thank you so much.

MODERATOR: Okay, we'll take one more comment please and then we'll vote. Go right ahead.

MEDEIROS: Thank you, Moderator. Name is Ed Medeiros I live at Washington Park Drive. I have a question referencing page 30 of the Finance Committee report. Under the schools for the FTEs from 2012 to 2013 is an increase of 33.9% FTEs. I know in your budget it's thirteen but 20 of those FTEs were from grants that you received last year that are now being added to the budgets and finances but I noticed that this year you have 35 FTEs that are going to be covered by grants. Does that mean next year we're going to be looking at 35 FTEs being added to the budget which would be about another \$3 million? Am I correct on that?

STUMPF: Madam Moderator.

MODERATOR: Raise your hand. Oh, go ahead I'm sorry, John.

STUMPF: I'll take a shot at it, the simple answer is no. The federal stimulus money expires at the end of this fiscal year. Those are the 19 FTEs which previously funded by a grant and now in fiscal 2013 they need to be funded through the operating budget in Article 4.

MEDEIROS: I understand that. But also on page 30 it is stating that there is 35 FTEs being funded by grants this year, so looking forward to next year are those 35, is that

grant going to be expiring and we're going to be adding 35 FTEs to the operating budget?

GILBERT: Excuse me, sorry, John can I? For next year those 35, I was looking at the Finance Committee report, it's easier to see on the school budget report, those 35 FTEs, those are funded through on-going entitlement grants; they're not grant monies that will go away next year the way the competitive grants that we had and the stimulus money that we had went away this year.

MEDEIROS: So these 35 that are being funded by grants will continue next year under grants.

GILBERT: Those will continue.

MEDIEROS: Thank you.

MODERATOR: Yes, sir, you two gentlemen then let's please [BREAK IN TAPE]

UNKOWN SPEAKER: ...and the phasing of others such as Latin at the middle school a mediocre system continues to play an ongoing game of catch up. Always striving to maintain the status quo. Andover can afford to invest in our public schools, the dividends will be, will far exceed those found in the current financial markets. Thank you. [APPLAUSE]

MODERATOR: Thank you, sir. Yes, sir.

DOUBLER: My name is Roy Doubler [?]. I live at Mooreland Avenue in Andover.

MODERATOR: Thank you.

DOUBLER: I don't know if I'm the only person in this room who wants to offer a con opinion. The budget is going up and the only reason that I'm standing up here now is because is the largest item on the menu here I don't want to single them out necessarily but, when I hear statements like people getting cost of living increases, I mean that's a very nice thing to do but I work in the private sector, nobody I know is getting a cost of living increase, nobody has a guaranteed job. [APPLAUSE] My taxes, my property taxes have gone up every year since I've been living here for the last 20 years. It's harder now to make a living than it has been at any time in my history. The cost of everything in our nation is rising. It's more difficult for people to make a living now than it

ever has been. And we seem to have the opinion that, and it's written into our laws, that two and a half percent automatic increase every year, built in, doesn't have to be voted on, just happens. Am I the only person in this room that thinks that it's possible for us to spend less money one year than we did the year before? It's possible for our taxes to go down? Instead of going up. Is there not some way that intelligent people like we all are can't figure out how to do the work that we're trying to do and I believe that you are all very sincere and dedicated people, trying to do the best jobs you can. But can't we do our jobs and have it cost the taxpayers of this Town less money? If we can figure out how to make this happen, we have to. The school board presented a menu of things that they want to do. Who could complain? I want to give the students everything they could possibly have. Heck, I'd give them each a car once they pass the driver's test, give a nice safe car, why don't we do that? You know there is a limit to what we can do and at some point somebody's got stand up and say, hey, why does it always have to go up? Why can't it go down? Why can't we tax less, spend less, why does it always have to be more, more, more? I don't know what else I can say, but I'm in the private sector and I think I'm paying for a lot of what I'm hearing here and I don't get the kind of benefits that you folks get automatically. I love teachers, all my parents, relatives, have always been teachers, I've taught college for seven or eight years. It's a wonderful experience, I didn't make any money but, it was rewarding. So, I'm not opposed to the teachers in here. I love education. Folks, we just can't keep going up, up, up, and up. All the time. [APPLAUSE]

MODERATOR: Okay, line item number thirteen and fourteen has been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it the motion passes. Thank you. Line items fifteen and sixteen, Mr. Kowalski.

KOWALSKI: Madam Moderator, I move line items fifteen and sixteen, sewer, in the following amounts: fifteen, personal services, \$431,203; sixteen, other expenses, \$2,124,705 for a total of \$2,555,908 which includes \$307,000 in sewer reserves.

MODERATOR: Line items fifteen and sixteen have been moved in the amount of \$2,555,908; it's been moved and seconded. Mr. Stumpf.

STUMPF: 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 clearly passes. Line items seventeen and eighteen. Mr. Kowalski.

KOWALSKI: Madam Moderator I move line items seventeen and eighteen, water, in the following amounts: seventeen, personal services, \$1,496,505; eighteen, other expenses, \$2,327,900, for a total of \$3,824,405.

MODERATOR: Line items seventeen and eighteen have been moved in the amount of \$3,824,405. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Are there 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. Line item nineteen. Mrs. Fitzgerald. Marilyn? The middle mic here please. Go ahead.

FITZGERALD: Marilyn Fitzgerald, 25 Washington Avenue, I move line item nineteen, Greater Lawrence Technical High School in the following amount, \$455,616 as the assessment.

MODERATOR: Line item nineteen has been moved in the amount of \$455,616. Mr. Salafia.

SALAFIA: Board of Selectmen recommend approval.

MODERATOR: Mr. Stumpf.

STUMPF: 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, Mrs. Fitzgerald. Mr. Vispoli, line items 20 through 25.

VISPOLI: Yes Madam Moderator I move that lines 20 through 24, fixed expenses, in the following amounts: line 20, debt service, \$11,585,101; line 21, general insurance, \$661,613; line 22, unemployment compensation, \$100,000; line 23, retirement fund, \$5,496,244; line 24, health insurance fund, \$13,790,000, \$500, let me say that again \$13,790,500; line 25, OPEB fund, \$300,000 for a total of \$31,933,458.

MODERATOR: Line items 20 through 25 have been moved in the amount of \$31,933,458. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Are there any questions? Comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. For your information we have just approved an annual budget of \$138,796,115. Article 5. Mr. Major.

MAJOR: Thank you, Madam Moderator, I move to approve Article 5 as printed in the Warrant.

MODERATOR: Article 5 has been moved and seconded. Is there anything you want to add to that?

MAJOR: I do Madam Moderator. Historically the Capital Projects Fund has been moved as part of the Plant and Facilities operating budget. We've now separated this out into its own Warrant Article. And this is being driven because our Town auditors have recommended so. This allows us to, number one, if we have a capital project that does not complete in the fiscal year, we can continue to use the money allocated for that project, to finish the project; and number two, it allows us to more accurately and precisely track the expenses and the project status so that we have more transparency for the projects that we're undertaking.

MODERATOR: Thank you.

MAJOR: And with that the Board of Selectmen recommends approval.

MODERATOR: Thank you. And the Finance Committee please? Mrs. Marden the new reward recipient of the Virginia Cole Award.

MARDEN: The Finance Committee recommends approval of the appropriation of \$2,020,000 to the Capital Projects Fund. In reality Article 5 is an important component of the Town's annual budget for fiscal 2013. Continued delivery of quality project services requires that our employees have the tools, equipment and facilities to safely and effectively do their jobs. The projects listed make up less than half of the \$4.2 million worth of projects originally requested by departments. Andover's policy goal has been to allocate 2% of its general fund operating budget for capital projects. In recent years reductions in the CIP were needed to balance the

budget. The Finance Committee is pleased to be able to recommend an increase for fiscal 2013 as an important step towards an appropriate level of funding for Andover's annual investment in its capital assets. We voted unanimously to recommend approval of Article 4.

MODERATOR: Thank you, Mrs. Gilbert.

GILBERT: School Committee recommends approval.

MODERATOR: Any questions. Yes, sir.

PASQUALE: John Pasquale 47B Whittier Street. Could somebody explain to me where the physical fitness equipment is goin'. Who's it for?

STAPCZYNSKI: I can handle that. Fire Chief Mansfield would you take the mic please?

PASQUALE: While he's coming to the mic, part of the question's gonna be does the Police Department have physical fitness equipment?

MANSFIELD: Good Evening, Mr. Pasquale.

PASQUALE: Nice to see you.

MANSFIELD: Nice to see you. The physical fitness equipment is going to be utilized for both fire and police personnel in the Public Safety building at 32 North Main Street. Since the building was constructed back about seven years ago, both police and fire personnel have been offered used equipment since the inception of the building. And that equipment is no longer serviceable for us and it's costing us more money to service it than it is to keeping it going. So that's where the equipment is going.

PASQUALE: You answered my question.

MODERATOR: Thank you, sir. Clearly we want them to be able to carry us all out if we need that. So whatever you need you get it. [LAUGHTER] Article number 5 has been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it, the motion carries. Article 6, Mrs. Lyman.

LYMAN: Madam Moderator. I vote that the Town vote to transfer funds from the following 2011 Annual Town Meeting, Article 4

appropriations: \$163,000 from FY2012 Retirement and appropriate the sum of \$163,00 for FY2012 Insurance.

MODERATOR: There's been a motion for, one motion for Article 5 in the amount of \$163,000. Do you want to do the second motion too, and we'll take them both together?

LYMAN: Certainly. Madam, Moderator. I move that the Town vote to transfer funds from the following December 5, 2011 Special Town Meeting, Article 6 appropriations: \$500,000 from FY2012 Reserve Fund and appropriate the sum of \$500,000 to the FY2012 School Budget.

MODERATOR: Thank you. Mr. Stumpf.

STUMPF: Thank you, Madam Moderator. The \$163,000 is a transfer to cover actual Workers' Compensation claims. The Town's Workers' Compensation account is funded through the general insurance line item in the operating budget. Since our Workers' Compensation fund is nearly depleted additional money is needed to be transferred. The \$500,000 transfer to the school department is to cover costs of a possible collective bargaining agreement for Fiscal Year 2012. This \$500,000 was appropriated to the reserve account, to the reserve fund, at the December 2011 Special Town Meeting. One of the intended uses for the money was possible contract settlements. In order for this money to be available for the school department to use Town Meeting needs to approve this budget transfer. The Finance Committee recommends approval of Article 6 in the amount of \$663,000.

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

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Any questions or comments? All those in favor of Article 6 please raise one hand. Thank you. Those opposed. Thank you. The ayes have it, the motion carries. Article 7. Mr. Salafia.

SALAFIA: Madam Moderator I move to withdraw Article 7 from the Warrant.

MODERATOR: Article 7 has been moved, there's a motion to withdraw Article 7, moved and seconded. All those in favor, please raise one hand. Thank you. Those opposed. The ayes have it the Article is withdrawn. Article 8, Mr. Vispoli.

VISPOLI: I move to appropriate and raise by taxation the amount of \$232,000 to the Stabilization Fund in accordance with MGL Chapter 40, Section 5B as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003.

MODERATOR: Article 8 has been moved and seconded in the amount of \$232,000. Is there a Selectmen's report.

VISPOLI: Selectmen recommend approval.

MODERATOR: Thank you. Is there a Finance Committee report, Mr. Stumpf?

MARDEN: I have it.

MODERATOR: Oh, I'm sorry. Mrs. Marden.

MARDEN: The Finance Committee recommends approval of the appropriation of \$232,000 to the stabilization fund. Maintaining healthy reserves is critical to Andover's financial stability. Reserve levels are important to the bond rating agencies as evidence that a community is able to pay its bills. With the amount of bonding previously authorized for Bancroft School and other projects, as well as the proposed projects on the Warrant this evening, any reduction in interest rates resulting from Andover's AAA bond rating does make a difference. But perhaps more importantly having adequate reserves is very important to local residents and taxpayers because they provide the availability to handle large unforeseen expenses without forcing layoffs or reducing critical services. The Finance Committee voted unanimously to recommend approval of Article 8.

MODERATOR: Yes, sir.

ZIPETO: John Zipeto, 14 Canterbury Street. Just a couple of observations and a question. First on, and I'll refer to page 18 of the Warrant, which indicates that the level of the stabilization fund is the highest it's been in the past, I believe, ten years. And that the free cash level, at this, up to 2012 apparently, is at some of its lowest levels or referring to 0.9% of the budget. Regarding the stabilization fund, I know in the past, and I assume it continues that every year those funds accumulate interest. I think last year it indicated something in the order of \$150,000 again from interest because it's an interest bearing account. And also in prior years a transfer of money from the Phillips Academy fund, I think it's in the order of \$110,000 or \$120,000 would

automatically transfer over to the stabilization fund. That is I believe what has happened in the past. I add that up, it's \$270,000 and my question is, is it okay, instead of raising and appropriating this money, to allow it to continue on as free cash. It's certainly, nothing is going to harm the stabilization fund, the reserves will maintain whatever that level is, but it would seem to me, that it's appropriate to add a little more cushion to the free cash account. I don't know if there is anyone who would speak to that question for me I would appreciate it.

MODERATOR: Is there somebody who would like to speak to that?

VISPOLI: Yes, Madam Moderator.

MODERATOR: Mr. Vispoli.

VISPOLI: We had a lot of conversation, John, about this. And from a strategic standpoint we thought that the stabilization fund was the best spot for it. It's and it was recommended by our auditors as well that we make sure the stabilization fund is funded. It's just, it makes it more deliberative to get it out, and we wanted to make sure that it went to the right spot. This is a result of over a million dollars in savings that the Town realized with the health insurance plan design change that the State had enacted last year. So we took that and we used that for three different things and one that definitely put some aside and make sure that it was in an account that was for long-term stabilization. It was a deliberate decision to do that.

MODERATOR: All set?

ZIPETO: Yes thank you.

MODERATOR: Okay. Thank you. This requires a two-thirds vote. All those in favor please raise one hand. Those opposed. The ayes clearly have it, I will declare it far more than a two-thirds vote. Does anyone want to challenge that declaration. Thank you. Motion passes by more than a two-thirds vote. Article 9. Mr. Kowalski.

KOWALSKI: Madam Moderator, I move to withdraw Article 9 from the Warrant.

MODERATOR: Article 9 this motion and seconded to be withdrawn. Do you have a report with that?

KOWALSKI: This is being withdrawn because there are no unexpended appropriations.

MODERATOR: We love that.

KOWALSKI: Thank you.

MODERATOR: All those in favor of withdrawing Article 9 please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 10. If you take a look in your Finance Committee report, pages 46-48, if you're following along with us. There are a number of general articles, general housekeeping articles that need the consent of Town Meeting every year. We generally take these if we can in one vote. If there are any items there between 10A and 10F we'll hold those out and vote the others. But if you are in agreement we will, we will vote all those articles, all those housekeeping articles together. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move to approve the consent agenda Articles 10A through 10F as printed in the Warrant.

MODERATOR: Are there any objections to that? Mr. Merritt.

MERRITT: The Finance Committee recommends approval.

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

MAJOR: Thank you, Madam Moderator. Because we don't have any bond authorizations to rescind, I move to withdraw Article 10G from the Warrant.

MODERATOR: Article 10G, there's a motion and seconded to withdraw Article 10G. Any questions or comments? All those in favor please raise one hand. Yes, sir. We're already in the middle of a vote, if you get to a mic very quickly, please. No you don't have to run and hurt yourself. You're talking to 10G, correct sir.

MARSHALL: Yes, I'm talking about the 10G, the rescinding of bond authorizations.

MODERATOR: If you could identify yourself, please.

MARSHALL: Oh, excuse me, Bob Marshall, 4 Samos Lane in Andover.

MODERATOR: Thank you, Paul [?] go right ahead.

MARSHALL: I've noticed on page 106 which is an analysis of the bond—let me just move this back—

MODERATOR: It's got a screw up in the middle.

MARSHALL: I've got it this way. There's a million dollars missing here. Is that a big number for you?

MODERATOR: Who has it?

MARSHALL: I'd like to know, too. If you look at the page 106, if you look at the top captions, you will see that the period involves activity from 2012, Fiscal Year 2012, to I think, my eyes are bad, 12-2212. Well if you look at last year's Treasurer's report there were items on there, one of which was one million dollars outstanding that now has gone. And I understand where it may be, but if you look at these reports from one year to another this one here impacts upon the bond reauthorization that happened back in December of last year. But items are missing from this report, a million dollars in one particular item, and I'm just wonderin' how the balancing gets done when all of a sudden a million dollars was dropped. It looks like there was an internal report generated probably at the end of last year, November or December, but it's not requested anywhere other than a line item that got added in another report of the Town.

MODERATOR: Mr. Major. Okay thank you sir, for your question.

MAJOR: Bob, which item are you saying is missing?

MARSHALL: Well there's a couple of others, you know, I won't argue about \$50,000, \$50,000, there but, last year I talked about—

MODERATOR: Do you have a specific, do you have specific line item there that you want to address that they can answer—

MARSHALL: Well it's the whole line item has disappeared. It had to do with the South Main Street sewerage project. There was a million dollars in contention there, but I think it's been rescinded but it's not reported anywhere between these two year reports on the Treasurer's report.

MODERATOR: And we're voting...okay. Let them work on that. The vote that we're taking now is to rescind any bond authority. They certainly have, owe you an explanation and I don't think they can give it to you right now-

MARSHALL: No. There are other items on that.

MODERATOR: But they should get that answer back to you, sir.

MARSHALL: Thank you.

MODERATOR: So the 10G has been moved and seconded to be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 11. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move to approve Article 11 as printed in the Warrant.

MODERATOR: Article 11 has been moved and seconded. Selectmen's report.

MAJOR: The Selectmen recommend approval.

MODERATOR: Finance Committee, Mrs. Kruse.

KRUSE: Finance Committee recommends approval.

MODERATOR: Are there any questions or comments? All those in favor please raise one hand. This requires a two-thirds vote. Those opposed. The ayes clearly have it by far more than a two-thirds vote, I would declare it as such. Does anyone want to challenge that declaration? Thank you very much the motion carries. Article 12. Mr. Vispoli.

VISPOLI: Yes Madam Moderator, I move to withdraw Article 12 from the Warrant.

MODERATOR: Article 12 is removed, is motion to be withdrawn from the Warrant. Finance Committee, Mrs. Kruse?

KRUSE: Finance Committee recommends approval.

MODERATOR: Any questions? No unpaid bills, we all like that. All those in favor, please raise one hand. Those opposed. They ayes have it, the motion carries. Article 13, Mr. Salafia.

SALAFIA: Madam Moderator, I move to approve Article 13 as printed in the Warrant.

MODERATOR: Article 13 has been moved and seconded. Mr. Salafia the Selectmen's report please.

SALAFIA: Board of Selectmen recommends approval.

MODERATOR: Finance Committee, Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions or comments? This also requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries by more than a two-thirds vote. Does anyone challenge that declaration? I move that it be, or I declare it as such, the motion carries. Article 14. Mr. Kowalski.

KOWALSKI: Madam Moderator, I'm deferring this Article to Selectmen Teichert.

MODERATOR: Would you move the Article so we can get the...

KOWALSKI: Madam Moderator, I'd like to move to appropriate and raise by taxation the amount of \$12,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities.

MODERATOR: Article 14 has been moved and seconded. Mr. Teichert.

TEICHERT: Ladies and gentlemen I stand here with Myrna Silverman, Jerry's wife, asking you to support \$12,000 for the Town's contribution for fireworks celebration on the evening of July 3rd. The fireworks are named in the honor of Jerry Silverman, who for over 50 years took upon himself to raise the funds necessary for Town's annual fireworks celebration, from private and public sources. I thank you for your support over the years and also throughout the Town you'll see jars like this that Jerry made up—look pretty fancy, don't they?—throughout the area different business for your support. You can also send your check or cash or I don't know if we do credit cards, Buzz? to the Town of Andover as well, saying they're for the fireworks. Once again I appreciate your support.

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

FORTIER: Yes, thank you, Madam Moderator. The Jerry Silverman Fireworks Program is an important part of Andover's Fourth of July celebration and the Finance Committee unanimously 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. Mrs. Silverman good to see you.

TEICHERT: Thank you, and Jerry thanks you.

MODERATOR: Article—no soliciting at a Town Meeting, sir, I'm so very sorry. [LAUGHTER] Article 15, Mr. Major.

MAJOR: Thank you, Madam Moderator, I move that Article 15 A through M, revolving accounts, be approved as printed in the Warrant.

MODERATOR: Article 15 has been moved and seconded. If you take a look at page 51 and on, I believe its 51...51. These are a number of accounts that have in/out money, revolving accounts, from fees or...income generating processes of different departments and needs to be authorized by the Town Meeting. If you have any questions about any of the items A through M we will withhold whatever particular one you have. Otherwise Article 15 A through M has been moved and seconded. Finance Committee report, Mrs. Kruse.

KRUSE: Finance Committee recommends approval.

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

LYMAN: Madam Moderator, I move to appropriate and raise by taxation the sum of \$8,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program.

MODERATOR: Article 16 has been moved and seconded. The Selectmen's report please.

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

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

FORTIER: Thank you, Madam Moderator. Approval of this Article will continue to help fund critical transportation needs for our disabled and senior citizens and the Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Those opposed. The ayes have it, the motion carries. Article 17, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move to approve Article 17 as printed in the Warrant.

MODERATOR: Article 17 has been moved and seconded. Mr. Vispoli, the Selectmen's report, please.

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

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

KRUSE: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor, please raise your other hand. Thank you. Those opposed. The ayes have it, the motion carries. Article 18. Mr. Feldman.

FELDMAN: The Town Yard Task Force Committee chartered by the Board of Selectmen asked for funding for studies approved by prior Town Meetings was asked to recommend an option for replacing the existing town yard facility at Lewis Street in a building that is now too small in size, on a site that is too small, and a condition beyond any feasible repair to properly house the operations of the staff and equipment required to maintain the Town's roadways, utilities, sewers, grounds, and playing fields. This Committee gathered information from prior Task Force, Task Forces, along with valuable input from the Town Plant and Facilities staff, the Highway Department staff as well as engaging the engineering firm of Weston & Sampson, a company that has built 74 similar facilities over the last 12 years in New England. We determined that a seven acre site was needed to support a building of 57,500 square feet that would properly serve the needs of the Town today and the future. Other conditions included selecting a site that would minimize construction costs, have good access to roads and highways, and not be located in the middle of a dense residential neighborhood.

Prior Committees also found the option of using Town land was inadequate. Last year, this Committee sought out privately owned options. We received four responses from the RFPs. One dropped out—

MODERATOR: Excuse me, Mr. Feldman. We need to have a motion before I can have you go through this. I need you to make a motion on Article 18. We've had quite a bit of input on this Article through Mr. Major—so.

FELDMAN: I have one more paragraph to go.

MODERATOR: Okay. I'm sorry to interrupt you—would you just at least move the motion so that we have it in the context of your comments.

FELDMAN: The motion will be to move the Warrant, the Article from the Warrant.

MODERATOR: So, there's a motion on Article 18 to be withdrawn. Go ahead to continue your...I'm sorry to interrupt you, but go ahead.

FELDMAN: Okay, thank you. As part of our analysis we also revisited the option for redeveloping Lewis Street site into a higher and better use to benefit the downtown. The Committee reviewed plans for a mixed-use development generated by the Planning Department several years ago, and commissioned an independent appraisal of that three acre site. This was recently completed and would value the site at \$3.3 million in Town site. The Task Force Committee had presented our finding to the Town's Committees, Board, business communities, newspapers and in public forums. This month we made our presentation to the Board of Selectmen and the Finance Committee for the Campanelli Drive site, off of River Road. The majority of both the Board of Selectmen and the Finance Committee have voted not to support this recommendation and the Task Force Committee has decided for the benefit of this Town Meeting to support withdrawal of Article 18.

MODERATOR: Article 18 has been moved to be withdrawn. Thank you, sir. Are there any comments about the withdrawal, about the withdrawal? That's what's before the Meeting, is the withdrawal. Go ahead. Why don't we start here and we'll go right around. If you could identify yourself, please.

KAPPLER: Warren Kappler, 17 Alden Road. I don't know that I'm pro or what. But I had made a suggestion to the one of the Selectmen and was remiss in not following up. My thought that we could possibly put a town yard out at the old...window store up there...Brockway Smith, and also include the Fire Department out there.

MODERATOR: Okay, I respectfully have to—we're not discussing this Article, we're discussing the withdrawal. The Committee has chosen no to bring it forward for debate and so consequently we will be discussing the withdrawal. If you do not want this—this is the way this would work, if the Meeting does not want to accept a withdrawal and you want to discuss the Article tonight, then you vote down the withdrawal. You say, no, you can't withdraw it; you have to go ahead and present it. Does everyone understand that? So if you want to discuss the merits of the town yard as written in this Article, that's not what's before us right now. It's only the withdrawal. So if you want to encourage or discourage the withdrawal, I'm happy to hear your comments. Otherwise we will vote on the withdrawal. If that's defeated, then we'll go ahead and have the presentation on the...on the Warrant Article. Are you going to address the withdrawal?

CARBONE: Yes.

MODERATOR: Go right ahead.

CARBONE: My name is Mary Carbone, Cyr Circle. I have been fairly vocal on the subject over a period of time. But first I want to say thank you to the Task Force for their time and effort. I'm definitely against the town yard being---

MODERATOR: Are you against the withdrawal? Or for the withdrawal? That's what's before us.

CARBONE: I am for the withdrawal.

MODERATOR: Thank that's all, that's all you can speak to, not anything else. Do we want to withdraw it, or don't we?

CARBONE: For the time being are you going to take input afterwards?

MODERATOR: Not if it's withdrawn. It's not before the Meeting [?]

CARBONE: Well...I'm for the withdrawal.

MODERATOR: Okay, thank you. And that goes—I'm not, it's not just for Mary, that goes for everybody, okay? Address the withdrawal, sir.

SUNDAY: Andrew Sunday from 29 Maryland Road.

MODERATOR: Thank you, sir.

SUNDAY: I am against the withdrawal because I think we should have the opportunity to vote for this. The Task Force has done quite a job. I've read quite a bit in the paper. I've been attending Town Meeting for over 15 years. Are we gonna have another year where we're gonna find something better than this? Let's take the opportunity to vote for it. Up or down. We did this a few years back with the Blanchard Street fields. We overrode the motion to withdraw and today we're going to have fields. Why don't we do it again? [SOME APPLAUSE]

MODERATOR: Okay so you want to, you want to vote down the withdrawal. Do you have a comment?

SILBERSTEIN: I'm also against--

MODERATOR: If you could identify yourself, we all do know you, but if you would.

SILBERSTEIN: That's okay. Debbie Silberstein, 28 Burton Farm Drive.

MODERATOR: Thank you.

SILBERSTEIN: I'm also against withdrawal of the Article and would specifically like to ask Mr. Feldman, aside from the recommendations of the two Boards not to support Article 18 and 19, why is the Task Force supporting the withdrawal, or requesting that it be withdrawn?

MODERATOR: Go ahead, you can answer.

FELDMAN: I can answer? There was a determination at this point that given all the information that we had, very valuable information, not to bring this to the Town Yard Task Force, our recommendation to the Town Meeting at this time without having the support of the Finance Committee and the Selectmen.

MODERATOR: Okay. Mr. Zipeto.

ZIPETO: John Zipeto, 14 Canterbury Street. I, as the gentleman who spoke before, I have followed this for several years here. Up and down, whether it be over on...to speak to the questions is that I would recommend not to withdraw this Article. A lot of work has been done and I appreciate your sensitivity and your respect for the Board of Selectmen and the Finance Committee and I engender that as well. But it can be a vote of the Town. At this point I would encourage you with your group to bring it before the Town Meeting and let the Town Meeting decide whether this proposal is ----

MODERATOR: So you're recommending that the withdrawal be voted down.

ZIPETO: Yes.

MODERATOR: Okay. Thank you. Yes, sir. Again if you could go to pro and con mics if you've got something to say. Thank you.

HOWE: I'm Richard Howe from 3 Robandy Road. I have a question and a statement. The question is what is the rationale for requesting Mr. Feldman to withdraw this Article on the part of the majority of the Board of Selectmen and the Finance Committee? It seems to me that a strong point is made, not only in the report that the Task Force submitted in the Finance Committee report, but also by Selectman Major earlier this evening when he summarized this issue. So I'd like to ask those members who were the majority of the Board of Selectmen and the Finance Committee to outline briefly their reasons for this. If those are not convincing to the members of Town Meeting than I hope we will proceed with a full discussion of this issue.

MODERATOR: Did the Finance and the Selectmen, Board of Selectmen take a vote on whether to withdraw or not?

MAJOR[?]: We did tonight.

MODERATOR: And has the Finance Committee? The Finance Committee has not taken a vote on whether to withdraw or not. They took a vote on their support but not on the withdrawal. That's all that's before us right now, is the withdrawal. If we do, if you vote down the withdrawal, then we go to a full discussion and you can find out why they voted in the way they did.

HOWE: Excuse me. My understanding from Mr. Feldman's statement is that the reason why the recommendation was to withdraw this Article is because of the lack of support on the part of the majority of the Selectmen and the majority of the Finance Committee. Therefore, I think it's quite reasonable to ask before this Article be withdrawn, before we vote on it, what are the reasons for that lack of support.
[APPLAUSE]

MODERATOR: If there was a vote, if there was a vote to withdraw by the Board of Selectmen I'd be happy to let you report why you took that vote.

SALAFIA: Madam Moderator we did take a vote to support the withdrawal...I don't believe that is his question. His questions...

["IT IS" FROM THE FLOOR]

MODERATOR: Wait a minute, wait a minute, wait a minute. The procedural process—I absolutely hear what you're asking. The way you hear what you're asking is to vote down the withdrawal. If you don't want to vote down the withdrawal, or if you want to proceed with this being withdrawn, then it shuts off discussion. If you want to go through with hearing all of the issues that went into it, then don't withdraw it and we'll discuss it. Was there a reason why you voted to withdraw it? I'm just asking if there was.

SALAFIA: I believe that the reason was solely that we did not support it. [LAUGHTER]

MODERATOR: Okay. Okay. Are you ready to vote on this withdrawal?

["YES" FROM THE FLOOR]

MODERATOR: Okay, let's take a vote on the withdrawal please. If the rest of you, please, could sit down. If you could have a seat please, Mrs. Carbone, so we can take a vote. Mrs. Carbone, could you sit down so we could take a vote.

CARBONE: I'm waiting until you decide.

MODERATOR: No. We're going to take a vote right now on the withdrawal. All those in favor of withdrawing Article 18 please raise one hand. Thank you. Those opposed. I think it's very close; I'd like a standing vote just to make sure. But

it's certainly very close. All those in favor of the withdrawal please stand.

PERRY: People in the front rows of the last six sections are going to be counted by somebody in the section in front of you. There's going to be eight people responding. So those people in the front rows of those closed voting sections, please make sure that you make yourself known to the person who going back bumping his hand up and down.

MODERATOR: Those of you on the stage who are standing, he does have your vote.

Section 1: 5; Section 2: 9; Section 3: 20; Section 4: 1; Section 5: 12; Section 6: 33; Section 7: 23; Section 8: 6; Stage: [INAUDIBLE]; Section 14: 7; Hall: 2.

PERRY: I want section 14 to report with section 8.

MODERATOR: Okay. All those opposed to withdrawing, please stand.

Section 1: 9; Section 2: 18; Section 3: 18; Section 4: 22; Section 5: 27; Section 6: 21; Section 7: 37; Section 8: 24; Hall: 1; Stage: 9

MODERATOR: One moment please. Those having voted in the affirmative to withdraw is 130; in the negative is 186. The motion is lost. We will go forward with Article 18. [APPLAUSE] Mr. Feldman, I would like to have the motion made- Attorney Urbelis does he need to read his motion...Mr. Major can you read the motion for us please.

MAJOR: Yes, Madam Moderator, I move that \$18,250,000 is appropriated to pay the costs of: 1, purchasing approximately 15.16 acres of land at 5 Campanelli Drive, and the private way known as Campanelli Drive shown as "Lot 3" and "Campanelli Drive" on a plan entitled "Definitive Subdivision Plan, River Road Business Center, Andover, Mass." Dated February 5, 1986, drawn by Bradford and Saivetz and Associates, Inc., which plan is recorded with the Essex North Registry of Deeds as plan number 10256, and which plan is on file with the Town Clerk's Office and as further shown on Assessors' map 142, lot 6 and that the Selectmen are authorized to acquire the foregoing land by gift, option, purchase or eminent domain, for municipal purposes, upon terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town and, 2, designing,

engineering, construction, originally equipping and furnishing the new town yard facility, including the payment of any and all other costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3A) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however, that no sums shall be borrowed or expended for this purpose unless and until the Town shall have voted to exclude the amounts required to be raised to repay any borrowing pursuant to this vote from the limitations of Chapter 59, Section 21C of the General Laws, also known as Proposition 2 ½.

MODERATOR: Thank you sir. I appreciate you doing that. Article 18 has been moved and seconded. Mr. Feldman.

FELDMAN: Good evening. I'm Rick Feldman of the Town Yard Task Force. I want to thank this body here for giving us the opportunity to present or report in our findings which we feel are pretty conclusive but we still look forward to having a debate on the floor. If you guys will indulge me I'll just do a brief presentation we have. The key thing was we were asked to study is why we really need a new town yard given what we have right now. Key points: what's going on with the existing facility? Why not rebuild? Where we are right now? What are our other options, and what's the best thing for the Town of Andover? This is the existing town yard right now, behind the public safety building, off behind the railroad tracks. This is the Lewis Street site, in this yellow line there, also kind of right behind Depot Pizza. Existing town yard as was mentioned before was built in 1965 as a temporary facility. It was built for a community for 20,000; we're now over 32,000 people probably in population. It was again a facility that was way too small at the time. It was a stopgap situation. The building has been failing. Every year we throw some valuable operating dollars just to keep it in a current state. But short of a Chicken Little theory right now, it has really no more life span, in the existing way it's built right now. These slides again, I apologize not that being easy to see right now. Right now we have all our equipment that we can fit in there kind of backed in; it's not a very operational and efficient way of operating a town yard facility. We have structural cracks on the surrounding buildings on the same site. This is equipment that was bought a couple of years ago. We had to open up a block wall just to fit it in. Here you see the rusted

structural columns that have been just band-aided over the years just to keep this building alive. It's inefficient and it's probably unsafe in our conclusion also for the workers there. It's certainly not great for the equipment. Again some structural cracks in the building. Equipment stuffed in here. Rusted columns outside. Or equipment that should be stored inside. All this equipment should be inside--this shortens the life of the equipment. Consultants have come out and said that equipment stored outside costs three times as much over its life span as if it were stored inside. Again a rusted column. This is the insulation right now on the inside wall. These are deplorable conditions from the opinion of our task force. What's the town yard [?] describe in terms of all the divisions. More important we have 215 miles of roadways, 2.7[?] of fields, 180 miles of water mains. This is the investment we have in the Town and the town yard is the arm that really maintains this investment. Why not rebuild the town yard site at Lewis Street? A lot of reasons. One, the current site right now is three acres. We determined that we need seven plus acres to properly house all the equipment we need. To rebuild on the Lewis Street site would be trying to have a very inefficient probably four or five buildings as you can see the shape of the site is not really that easy to work with. We would have to probably build another facility of 22,000 square feet over by Greenwood in a more residential neighborhood behind the West Andover fire station. Again this option on Lewis Street--too small, too inefficient. And there's really no cost savings. We estimate the costs to rebuild the Lewis Street and the adjacent building--not the adjacent but the distant building--on Greenwood would be about \$15.5 million. The other opportunity. If we can relocate from downtown and put a town yard on the periphery of the downtown away from the heart of residential neighborhoods the Town has the opportunity of redeveloping something at Lewis Street. Here you have the opportunity for vibrancy to help with the downtown retail and you could have residential population. Right now the State is endorsing transit oriented development, referred to as TODs. There are tax breaks for doing that. Many other communities have been very successful, Newton, Somerville, [?] right now, when you can have enhanced lifestyle development in downtown that not only gives you an opportunity for better retail opportunities by having customers, it gives an opportunity for people who want to still stay in downtown to live in an apartment complex or a condominium complex here across from the railroad tracks. Then some pictures that was done in a study by the Planning Department a couple of years ago just actually coming up with a plan of a future overlay district that would solve this

issue. This slide's a little complicated. It's just really the summary. There's tremendous benefits of having something better in our downtown than having a town yard with trucks and facilities. Potential revenue. We talked about, we just had a recent appraisal as part of our commission of this study. The appraisal just came in really this last week. And they valued the 3 point acres site there the cost would be \$3.3 million if it was sold to a private developer to develop a mixed use development. The potential tax revenue was estimated, and I think it's conservative, \$561,000 a year just an annual basis of the revenue that could be thrown off [?] with development in this redeveloped Lewis Street site. As mentioned by Mr. Major before, this Task Force and the prior Task Force, have studied close to 35 other sites, private and the publicly owned sites, to see if there was a viable alternative to relocate the town yard given our needs of acreage, size, distance from residential. They were eliminated for a lot of reasons. Mostly because most of these were located in the heart of a residential neighborhood and we felt that wasn't probably the right thing to put on anybody's back yard. These are just some of the site that were looked at over the last couple of years. This site search we went out for an RFP; we came back with four proposals. As I mentioned one was eliminated automatically. The Town last year was proposing the Brockway-Smith site and that property was over, development of \$24.6 million to develop that site and was determined at the time that's was too expensive an operation to propose to this Town Meeting for the Town of Andover. So we went back to the drawing board, came up with some other options. Why Campanelli Drive? The Campanelli Drive is virgin land; it is off River Road in an industrial, office park area. There's an office building there. It's close to the Marriott Courtyard. It's not in the middle or the heart of a residential district. It has good access to roadways and highways. Again it had probably the most benign impact to the neighborhood. And it had the proper size and it had additional fringe benefits. This is the I-93 area up here. And again you have, and I always get this [inaudible], River Road there, thank you, all for the site. Show me the Voc School; show me where the Voc School is. That's the Voc School there, and the football field next to it. Then show Campanelli Drive, with the Marriott Courtyard. Blown-up a little greater here[?]. The Voc School is the bottom of the slide there, the football field, and then the site, Campanelli Drive there. Great access. Flat piece of property. Good construction area. We had our consultants go through probably 20 different schemes to try to make this site work. Constantly doing engineering at one point a couple

of years they thought that we needed 90,000 square feet, it was brought down to 75,000 square feet, then 59,000 square feet. We've been cutting back and forth and we're coming up now with 57,500 square feet. We also were not planning to build a Taj Mahal. While we have a lovely public safety building and schools here, this is the town yard; we can get some great advantages of doing a pre-engineered building. It's been done before recently in other communities around the State. We have a footprint of what we can do to be economically feasible to the Town. This also includes a salt shed, gas, fuel depot, and storage of all facilities as well as maintenance. Right now we have [INAUDIBLE] to have a wash bay that cleans the vehicles. We have all the salt stuck on these trucks and this no facility would be state of art. Just an example, this is an pre-engineered building. What's always been important when you do these projects is that you always have the risk of an architect unfortunately in terms of costs overrun. We're trying to take the architectural component out of this project by having a pre-engineered building. The, again the cost of Campanelli Drive we're projecting with the cost of land purchase of \$18.5 million. Additional benefits. Right now this is the Merrimack River. There's currently a pathway that goes behind the Voc School, that goes toward the Merrimack River, there. We can open up access to that site by having parking on the town yard facility for again the conservation users and as well as really the Town to utilize a lovely site. This is just a pathway right now from the back of the Voc School towards the Merrimack River. This is where the old Phillips Boat House is at the edge of the river. Again benefits for the Town. Right now we're looking for safety or efficiency. It's a great opportunity. At the existing garage. This could be the new facility. Cost comparison. If you rebuild the Lewis Street it still comes out to \$17 million, close to \$17 million, and you don't have the advantage of redeveloping and selling the Lewis Street site. So the costs come out to be the same. In quick conclusion, I appreciate the time here from the Moderator, this Task Force has studied this extensively, had a lot of input from the consultants, from the staffs of the Town. This is more than just the best option; we feel this is the only option at Campanelli Drive. And it's a great opportunity to redevelop the Lewis Street site. This really works. We know that this is an expensive proposition. The costs are not gonna get less over the years. Construction time right now, this is a good time to be building. We have pretty good studies because we have a company that's worked with us that's built these facilities left and right the last 12 years. We know how to do it and again it's a culmination of

the experience of this Task Force Committee and everybody support it, we strongly recommend this is the best option for the future of Andover. And I appreciate your time.

[APPLAUSE]

MODERATOR: Thank you, Mr. Feldman. As you get ready to speak, if you want to speak for the Article please go to the pro mic; if you want to speak against the Article please go to the con mic. This middle is only going to be for points of order or specific questions to the Article. The Selectmen's report please, Mr. Vispoli.

Vispoli: Yes, Madam Moderator. The Board of Selectmen recommends disapproval of this Article.

MODERATOR: Okay. Thank you. He said—
[VOICE FROM THE FLOOR]

VISPOLI: Disapproval.

[VOICE FROM THE FLOOR]

MODERATOR: Can you hold on a second? Do you want to give an explanation?

VISPOLI: Sure. One thing, the Board of Selectmen is unanimous and has been for a while on the need. There's absolutely no question as Rick and Brian mentioned in the beginning. This is something that's been discussed, and looked at different options for the past more than four years, but four years since we've had a Task Force. Moving it out of the town center has a lot of benefits, and they've been mentioned tonight. One of things that, one of the things that it was voted down for, and there's probably different reasons and I think different folks will speak on it, one was the, ultimately the cost of the acquisition of the land. The land in question sold in 1997 at \$1.1 million; in 2004 \$1.5 million; and in 2007 \$1.6 million—actually July or August. And the proposal was to pay \$3.4 million. One of the things that, one of the things that we're charged to do is make sure that all of our money is spent the most efficient way possible. The real question was, what premium do we expect to pay for property? And I think there was, there was definitely a conversation the last meeting, in a public meeting, there were several executive session meetings between the Board of Selectmen and the Finance Committee, but at the end of the day that was the reason that, one of the reasons why it was

disapproved. It was unclear on what the, what the return would be but the question was does the Town want to be in the business of paying such a premium for that property. This does not discount the need. This does not discount the opportunity of the study and the location being a good location. And I thank the Task Force and the prior Task Force, prior to the one that Rick has headed up. So, at the end of the day and there was a meeting with the property owners to see if there was any kind of flexibility on that. And there was no flexibility on it. There was absolutely none. So that's one of the reasons why it was disapproved by a majority of the Board of Selectmen.

MODERATOR: Okay. Thank you, Mr. Vispoli. Mrs. Marden, the Finance Committee report please.

MARDEN: The Finance Committee voted six to three to recommend disapproval of this Article. Article 18 authorizes the appropriation of \$18,250,000 for a new town yard with an additional \$250,000 to be voted in Article 19. On page 63 in your Finance Committee report is a sample debt schedule showing what the Town would have to pay in principle and interest each year if it borrows \$18.5 million for 20 years assuming a 3% interest rate. \$1.5 million is a large payment for the Town of Andover on an annual basis. Because this Article is contingent on excluding the debt from proposition 2 ½ we have also included information to figure out, to help you figure out, how much this project would add to your property tax bill. For the Finance Committee to recommend approval of a project with such a large price tag, for us to recommend that you vote to increase your individual property tax bills to build a new town yard, we would have to be very sure that what is being proposed is the right plan for Andover. We agree that there are serious problems with the existing facility on Lewis Street. But we do not believe that moving the town yard to Campanelli Drive is the only possible solution. We do not like paying a premium for the land on Campanelli Drive. We question the cost effectiveness of locating a town yard at the outskirts of Town, so far from where a lot of the work has to be done. In a time when we are constantly looking to make our operations more efficient, this appears to make our operations more inefficient and many of the logistical problems that have been brought up have yet to be addressed. We question the timing of this decision when both our Public Works and Plant and Facilities Departments are operating without permanent department heads and there is talk of significant reorganization. There's a lot of speculation about the development potential of the Lewis

Street site, but no specific plan to evaluate. In any case, any potential revenue is way down the road. It must be noted that the \$3.3 million appraisal is for a clean piece of land, it's the value after the Town has cleaned up all hazardous materials and all buildings removed. We have no idea how much that will cost. At this time the Finance Committee cannot support the project. We recommend disapproval of Article 18.

MODERATOR: The Planning Board report please. Mr. Feldman if you can yield your mic for a little bit. We'll call you up when we need you. Thank you. Mr. McDonnell.

MCDONNELL: Thank you. The Planning Board voted originally to recommend approval of this Article. And we didn't prepare a written statement because of other issues. The Planning staff put a significant amount of effort into this town yard relocation at 5 Campanelli Drive and I just want to reiterate that we took into consideration Mr. Feldman's presentation when he was providing that presentation to us and we believe it is a vital and important part of the development of the downtown to move the town yard out of that area. That's why believe that as the Planning Board has stated that the 5 Campanelli Drive site is the best option that we have at this time. Planning staff has been working on this issue for a number of years. We believe that the economic conditions at this time are right. The opportunity to purchase the property, it's \$3.5 million for the purchase price. Recognizing there are some issue associated with the cleanup that might be necessary, we still believe that the \$3.5 million that we can recover on this for the sale of the property will be an important recovery for the Town of Andover. So, in terms of the overall outlay for the land purchase, we believe there's more or less an offset. So basically from the Planning Board's perspective it just the building costs. So the building costs out at 5 Campanelli Drive are going to be about \$16 million. So basically if you rebuild downtown that's about \$16 million. So basically we agreed that looking at all the options now's the time. We don't believe we'll get a better opportunity; if the economy trends upward we're not gonna find another piece of property in the \$3.5 million range at the acreage we need. So we believe that this is the best option and now's the time to do it.

MODERATOR: Thank you sir. Okay before we get into a discussion, my predecessor taught me something that was really very important. And that was to let you know that if someone has already made your point you will lose votes by

making it again. So if somebody says what you were going to say please defer to that statement and let us move on with the meeting. If you keep repeating the same point you will lose votes. Just keep that in mind. I will hold you each to three minutes as we voted at the beginning. Please do not be offended our hurt or have your feelings hurt. I'm gonna hold you to three minutes. Do you have a point of order, sir?

PERRY: I do.

MODERATOR: Go ahead.

PERRY: There have been two speakers who've spoken about the possibility of the land being appropriate for future use other than the land at Lewis Street. And that's been a yard, a gas...a repair spot for 45 or more years. I think you can go in there at some spots and actually wring oil out of that sand. I don't think there's any way in the world that you're gonna get a permit to build anything but a repair spot on that land---

MODERATOR: Okay, okay is there a question there?

PERRY: I do. Has anybody made a reasonable guess at what it's gonna cost to clean up versus the three million dollars they think they're gonna sell it for? I betcha it could be more than three million.

MODERATOR: Does anyone know what it's going to cost us to clean up that site? On the task force, or the Finance Committee, or the Board of Selectmen? To answer that question.

FELDMAN: I can respond a little bit. We actually know more about that site than you might think. You know there has been, you know the information that usually comes out of 21E, there's a current AUL (?) that the Town Manager will speak to. So we have some environmental history. Again until you really start digging...but I'm not sure I agree with you that it could be several million dollars because if the three acre site, the State encourages brownfield development right now and we still feel it's a very manageable situation that, while it's a cost that comes out of the overall value of the property it's a cost borne by the private buyer, future developer, again it's not out of the question. We don't think that that is the alarm button that should stop this from moving ahead with this development.

MODERATOR: So we don't have that specific answer?

STAPCZYNSKI: As Rick said we had 21E done on the property on 2006-2007. We have a consulting firm, Response Environmental Inc. did that work for us. We removed material from the site; we removed underground tanks from the site. They produced what's called an activity and use limitation that's been approved by DEP. And basically our only limitation on the site is the property, use of the property for "residential or childcare purposes herein with direct contact with identified soils impacted with oil or hazardous materials could occur, including but not limited to agricultural activities, private or public educational facilities, nursing or playground, and or daycare." So those are basically the limitations that we have. And as I said it was in direct contact with the soil. As many of you know who may be in the construction business, a number of these 21E kinds of problems are solved with pavement. Anything we do on this site has to be regulated by a licensed site professional, licenses site professional would oversee anything we do, or anything a buyer of the property would entail.

MODERATOR: Okay. If we could please keep our responses to the question that was asked. No we don't exactly know but there has been some progress. Go right ahead, Mr. Howe.

HOWE: Richard Howe, 3 Robandy Road. I'm a previous member of one of the earlier task forces and one alternative would be to keep having task forces until a majority of the Town has served on the task force and they would then be persuaded. [LAUGHTER] But unfortunately I'm afraid that by the time that happened we would have lost several of our key Town employees. I'm most concerned about the working conditions. And I've heard nobody say that they are not serious. Indeed if an OSHA representative were here tonight looking at the shots Mr. Feldman showed I think we'd be in serious danger of being cited for unsafe working conditions for our Town employees. I worry that in the middle of a winter storm one of those buildings is going to collapse and there will be people inside. This is a worry that has been expressed by Finance Committee and the Selectmen but there is no alternative being offered. The alternative before us is clearly the most cost effective possibility and I, the only suggestion I have is that, seems to me there ought to be a way to net out the sale cost, the net proceeds from the sale of Lewis Street, against the overall cost of the new purchase and the new project. Assuming it were to pass, there's no reason why the land could not be sold with a new owner taking

possession at some future point and those funds could then be used against the total cost of this project. I hope the Selectmen and the Finance Director will explore that possibility. I think this is a serious, serious issue. I've still heard no alternative that is a cost effect, that is more cost effective than those put forward by the task force. It's not enough to say that I'm opposed to it because I think Town Meeting will vote it down, or I think it would pass a referendum. That's not leadership on the part of our elected officials. I'm looking for people who will stand up for the Town employees' rights, for the long-term vision of a downtown that's vibrant and that produces maximum tax benefits for the taxpayers of the Town. That's not the kind of leadership we've had from the majority of the Board of Selectmen and I regret it and I congratulate Selectman Major and Salafia for their support of it. I hope that the others will take it upon them to come up with a reasonable solution and I think they will find themselves gone back to this alternative since it has been studied by three task forces and a number of other individuals with good sound engineering assistance over the period of at least six year. [APPLAUSE]

MODERATOR: Thank you, Mr. Howe. Mrs. Carbone.

CARBONE: My name is Mary Carbone, Cyr Circle. You know, Town Meeting, I just want to tell you I give up my own time for this community because I think it's a good thing to keep an eye on your government. And that's what I've done. But in this regard I truly believe that the town yard should stay exactly where the town yard is. It's in a central location. It services the schools; it services the downtown community. And actually I have a true feeling that it should be a compound in that area with public safety. But the true analysis of this is is that somebody wants that parcel of land for the downtown area. Well the downtown area isn't that lucrative. We see stores closing left and right and coming back and so forth. And we have the I-93 project coming on board that's gonna great deal of land out there. And we have the Shawsheen Plaza that is fairly empty. So with all that said we shouldn't be focusing basically on the Campanelli Drive project because the owners of that project, you'll have to listen to this, the owners of that project already got approval to build an office building there, but because of the recession they decided not to. So they're offering this parcel to the Town at double what they paid for it. So as municipal government we're gonna pick up those types of situations again instead of worrying about the taxpayers. The

town yard is right there. It's in deplorable condition, I agree. But what have we been doing all these years when it's been rusting. Overlooking it. And building other buildings in the community. In addition to that on Lovejoy Road regarding the parcel behind the Sandborn School for solar panels, we rejected that. So I'm earnestly asking that we reject this Article because Town Meeting you're gonna learn the lesson the hard way on this way. And thank you for listening.

MODERATOR: Thank you, Mary. Yes, sir...yes, sir.

FINK: This is Steve Fink, 26 Bateson Drive.

MODERATOR: Yes, Mr. Fink.

FINK: Glad to be here this evening. Been great watching the task force do some great work. I will not repeat other people's points of view. I come from this looking at three other communities that I know personally that have engaged in these kinds of projects and how successful they've been. I worked in downtown Boston. And for those of you know the downtown Boston area; know the great redevelopment that occurred there. The second project is Newburyport. We have great family ties to Newburyport and the redevelopment that's been going on in Newburyport has effected both their tax base and property values and the overall vibrancy of the community in a really important way. But probably the project that strikes me as the most interesting is what happened in Lexington. Lexington like Andover had a downtown town yard which they located outside the town yard. I'd like to point out that that project was much more expensive than the project that the town yard task force has come up with here in Andover. But what it's allowed Lexington to do, is to take that land, if you all know Lexington you know just what I'm talking about, that land is now part of, vibrant part of the revitalized Lexington community. For me the high-risk thing is actually not doing this project. Because we're going to look back 50 years from now or 100 years from now and thinking why didn't we take this opportunity to do something really demonstrable in terms of supporting the community, supporting the tax base, and supporting our vibrant downtown. So I think I'd ask everybody here to consider it from that 50 year point of view, looking back. Not only the here and now, but what it's going to look like then. Thank you.

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

FORGUE: Dennis Forgue, 18 Reservation. Just some points and clarification. It's my understanding that this proposal not only addresses Lewis Street but also the facilities at Red Spring Road and bringing those facilities out there as well as, I think, at the Spring Grove Cemetery. Is that accurate?

FELDMAN: Actually...this first phase right now is really taking the existing uses over at Lewis Street right now, lot of the equipment is stored outside, and putting them on the Campanelli Drive site. And about 4,000 square feet of storage that's at the cemetery site moving that there. But some of these other uses are not relocating in this first phase. This task force we did not study any costs associated with the phase two or three except for the fact that the site is large enough, mostly if we go vertical, to accommodate any other of those relocations in the future.

FORGUE: What are phases two and three?

FELDMAN: If you located Spring Grove, or relocated the offices of Plant and Facilities which is now at the Town Hall if that was an option, but that was not determined to be part of our task.

FORGUE: Thank you.

MODERATOR: Thank you. Yes, ma'am.

LANDIS: Joanne Landis.

MODERATOR: Could you repeat your name? I'm sorry.

LANDIS: Joann Landis. 277, 277—I'm too close?

MODERATOR: I think you need to come closer to the mic.

LANDIS: 277 North Main Street.

MODERATOR: Thank you.

LANDIS: My concern when I heard his Article was that he's gonna put a salt shed closer to the Merrimack River and we're asking the State to move their salt shed away from it?

MODERATOR: Is that true, Mr. Stapczynski? Yes that's a true statement.

STAPCZYNSKI: Correct. But the plans again for the facility would provide the necessary drainage to prevent any kind of spillage from going into the river, it would go into our drainage system first.

LANDIS: To me it's a big concern.

MODERATOR: Okay. Thank you, very much. Yes. Mrs. Kruse.

KRUSE: Peggy Kruse, 145 Argilla Road. I was, I served as the Finance Committee liaison to the town yard task force for the last couple of years. So I attended all of the meetings and generate some mind numbing bunches of numbers which I won't bore you with. But, I will just make a few points. The thing that motivates me to support this really is, the opportunity to move town yard out of the downtown and redevelop the downtown. I think that could be very good for Andover's tax base and for, for our property values. I want to make some bullet point responses to things. There was a comment that Campanelli is too far on the outskirts of Town. The reason that the task force came up with Campanelli on the outskirts of Town is it decided that there was no chance that Town Meeting was going to vote to move town yard into a residential neighborhood. The neighborhoods, the neighbors and the neighborhood would show up in force at Town Meeting and vote it down. So the task force eliminated, you know those 45 sites that they looked at, they eliminated sites that were in residential neighborhoods. Where you don't find residential neighborhoods is the outskirts of Town. So there's the logic to it, if you don't want it where it is, you move it to the outskirts. There was a comment about the hazardous materials and how much can we really expect to get, you know the 3.3 that is appraised for selling downtown; 3.5 for buying the Campanelli property, but we would have to take care of the hazardous material at town yard. We have to take care of that no matter what. If we redevelop downtown, rebuild town yard there, you know what, you start digging, you have to take care of that. If we sell it to somebody else it will come off the sales prices. So we are going to be, the Town is liable for that, no matter how you look at it. There's a concern voiced that the owner will make a profit on this land. Since buying it, the owner has had it permitted for a 100,000 square foot office building. And the going rate of a 100,000 square foot office building is \$35 a square foot. The owner expects at some point to sell this for \$3.5 million. The owner is in no hurry to sell it. And the owner is willing to sit back and wait. And as somebody said, if the owner had bought it for \$6 million and we could buy it for

\$3.5 million would we then be happy? It would be same \$3.5 million. So, couple of other points. People have talked about well there must be another place to move it. Some people aren't supporting this because Campanelli is too far, there has to be another place. We haven't really---oh, am I running out of time? My 30 seconds? I do want to mention there will be an override for this which you know I think everybody should understand. A far as it's pointed out in your tax, in the book, it would be \$106 for the average, \$106 in the peak year on the average homeowner's tax bill. But if we rebuild downtown with a satellite facility, to get the same space, it's \$87 in the peak year on your tax bill. From \$87 up to \$106 that's \$19 difference on your average tax bill. If you rebuild downtown or if you move to Campanelli.

MODERATOR: Mrs. Kruse, I got to, I'm gonna, thank you. Yes, sir.

KOWALSKI: Dan Kowalski, Enfield Drive. Couple of things. One I sincerely appreciate the work of the task force. Our employees certainly should not have to work in the conditions that they're working in. And I do believe there's a better use of this land. My primary concern is that the residents need to understand the long-term financial impacts of the many future debt exclusions, of Prop 2 ½ overrides that we're facing. One Bancroft has not yet hit the tax rolls. We are hearing about an overcrowded High School. We have potentially to secure an early education center so that we can close the Shawsheen School. We obviously know that the Ballardvale Fire Station is in a significant state of disrepair. The Ballardvale Fire Station study was predicated on the fact that we replace the West Fire Station. So we've got a lot of Prop 2 1/2 or overrides coming forward. What I think we need to do is we need to set the priorities of the community and I don't want as Town leaders to bring individual projects to the Town. I think we need to understand the long-term financial impacts of all of these projects on the individual resident taxpayer. We also need to ensure that we have additional revenue streams coming in to play. We hear about the potential tax revenue of redeveloping this land, but we're also have to consider the fact that we could potentially loose tax revenue should the owner of 5 Campanelli Drive, choose to put an office building there. Obviously as we redevelop land as well, it has impacts on other services. So I think that we've really got to look at this as a long-term 15, 20 year plan before we start voting on individual overrides.

MODERATOR: Thank you, sir. Dr. Samuels.

SAMUELS: David Samuels, 7 Ridge Hill Way. I think everybody's minds are not going to be changed at this point I call the question.

MODERATOR: Is there a second to that? Could we do one more of this and then we will vote? [GROANS] Do you think you've heard enough? Okay. Let's vote then. All those in favor of calling the question and ending discussion would you please raise one hand. Thank you. Those opposed. We will go ahead with the question. Thank you all if you could have your seats. Take your seats. This requires a two-thirds vote. Let's see if we can do it with hands before we decide need to do it with feet. Just giving people a chance to sit down. All those in favor of Article 18 please raise one hand. Thank you. Those opposed. Well, let's do it with feet. All those in favor of Article 18 please stand.

Section 1: 12; Section 2: 18; Section 3: 25; Section 4: 17;
Section 5: 17; Section 6: 29; Section 7: 37; Section 8: 18;
Hall: 0; Stage: 8.

MODERATOR: All those opposed to Article 18 please stand.

Section 1: 2; Section 2: 11; Section 3: 17; Section 4: 2;
Section 5: 15; Section 6: 30; Section 7: 32; Section 8: 11;
Hall: 4; Stage: 13.

MODERATOR: Those voting in the affirmative were 181. Those in the negative were 137. The motion is lost. Article 19. Mr. Feldman.

FELDMAN: The task force recommends withdrawal of Article 19 in light of Article 18.

MODERATOR: Article 19 has been moved and seconded to be withdrawn. Is there any discussion? All those in favor please raise one hand. Thank you. Those opposed. The Article is withdrawn. Article 20. Mr. Kowalski.

KOWALSKI: Madam Moderator I move to appropriate and raise by taxation the sum of \$4,000 for the purpose of paying a portion of the municipal costs associated with civic events in the downtown.

MODERATOR: Article 20 has been moved and seconded. Is there a...who's going to speak to this? Buzz are you? Civic events?

STAPCZYNSKI: Ladies and gentlemen the Town annual spends approximately \$5,100 for overtime costs to support the Andover Business Center Association and Andover Days. The event, as you know if you've attended it, has turned out to be a ground swell of community support. The Town has a number of activities that go on there as well as the businesses. It is a joint public and private partnership. We've talking about supporting them in a demonstrable way and therefore the request is before you for \$4,000 to support the overtime costs for the Police, the Public Works, the Plant & Facilities and the Community Development and Planning any inspections that have to go on at that site for the activities, the carnival, etc., that goes on there. So that is the purpose of the request for the \$4,000 to offset some of the burden of the Andover Business Center Association on this civic event.

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

KOWALSKI: The Selectmen recommend approval.

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

FORTIER: Yah, thank you, Madam Moderator. The Finance Committee sees this as an opportunity to show support for local businesses by offsetting some of the costs for associated with special civic events like the Holiday Happenings and Andover Days and recommends approval.

MODERATOR: Okay is there any discussion? Yes, sir. If you can get to a mic quickly.

MARSHALL: Bob Marshall, 4 Samos Lane. I'm looking at this and I remember an incident I had last year when a warrant was spelled out specifically like it is here, but the proposal today says taxation was emphasized as opposed to transfer from available funds. Okay. This here, to me \$4,000, which way it goes. But the way it can be written finally is one or the other and specifically it was requested that this be from taxation. Now, that may not mean much on \$4,000 item which way we go. But when we vote and somebody specific says ask for a, warrant to go through by taxation and find out it's different, when it's written up by the Town Clerk. It does impact any large amounts and that's what I was told a year ago when I did some research on another Article that it makes a difference. So when we have a warrant before us and there's multiple options we've got to be careful of what we select. Thank you. And I would appreciate any comments on that.

STAPCZYNSKI: Mr. Marshall, this Warrant Article, if you follow the Warrant and the motion, it's from taxation.

MARSHALL: That's what I mean. But another Article could be like the one last year was completely changed. I just wanted to—it does make a difference in some cases where the money comes from.

MAJOR: It does. And we tried to be as specific as possible with this Warrant Article.

MODERATOR: Any other comments to this Article? All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. I'd like to do, what was I thinking that I thought we'd get done tonight? What was I thinking? So, I would like to do one more Article and then let you go and we'll come back tomorrow. If you promise all to come. Article 21, Mrs. Lyman.

LYMAN: Madam Moderator I move to approve Article 21 as printed in the Warrant.

MODERATOR: Article 21 has been moved and seconded. Selectmen's report please.

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Finance Committee report please.

ODONOGHUE: The Finance Committee recommends approval. There is no impact to the Fiscal 13 tax bill with this Article.

MODERATOR: Any questions about this Article? Yes, Ma'am.

DELUCIA: Dianne DeLucia from Tewksbury Street.

MODERATOR: If you could identify yourself again in the middle mic. Speak right into it.

DELUCIA: Dianne DeLucia Tewksbury Street. For the rules and regulations of the cemetery, transfers from the perpetual care fund are supposed to be limited to interest only; can someone please confirm that this \$15,000 is nothing more than interest from the previous fiscal year?

STAPCZYNSKI: Yes. Miss Moderator I can confirm that the money that we're talking about here is only the interest and unexpendable portion of the trust. We have almost a million

dollars in the trust. We're making about a percent and a half on an annual basis with interest. Therefore we're talking about \$15,000 here.

DELUCIA: Thank you.

MODERATOR: Any other questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Can I entertain a motion to adjourn?

URBELIS: Madam Moderator I move to adjourn to 7:00 tomorrow night, same place.

MODERATOR: 7:00 tomorrow night right here. All those in favor. Thank you. Those opposed. See you tomorrow night at 7:00.

2012 Annual Town Meeting

Tuesday, May 1, 2012

MODERATOR: The hour of 7 p.m. having arrived it is my distinct pleasure to reconvene the 2012 Andover Town Meeting. Those of you who are coming in now if you could please come up to the front. We almost could have a big circle and have the Meeting tonight. Mr. Urbelis please.

URBELIS: Madam Moderator I move to admit Donna Walsh, Lawrence Murphy, Jonathan Phelps and other non-voters who may be entering the hall hereafter some of whom may be speaking.

MODERATOR: A motion has been moved and seconded to admit non-voters to this Meeting. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. If there are non-voters who need to be brought in please bring them in now. Mr. Urbelis?

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 returning, referring to the Warrant Articles by number please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. I would ask you please if you could turn off your cell phones, or at

least put them on mute. There's no food or drink in this auditorium other than water. I would like to introduce to you the people on the stage up here with me. To my right, your left, is the Planning Board, the Board of Selectmen, the Town Manager and the Finance Director. To my left, your right, is the Finance Committee, Town Counsel, Attorney Urbelis and the Town Clerk, Attorney Murphy. There will be I'm sure an Ombudsman over at this table who will help you with any amendments that you might wish to make to the meeting tonight. He has the three-part forms. Any amendments need to be on a three-part form. You must be at a chair in this, one of these voting sections to be counted. You cannot be in the aisles or the back of the auditorium, back of the hall. If you are going to address the Meeting, we have pro and con mics. If you want to speak for the Article or against the Article, if you have a point of order or a specific question you can use mic number 3. If you are a presenter if you would use this mic down here in front of me. This Meeting is being recorded. There is an official transcript that is generated from the recording. I would ask each of you and I don't mean to be rude to you, but I will ask you if you fail to, identify yourself so that we have a record of who is speaking. Identify yourself and where you live here in Town. Those of you on the stage if you would do the same please when you are speaking so that the official record is clear as to who is speaking. Most of what we will be talking about tonight will be up on the screens. There will be some items that will be moved, motions made, that may be slightly different than what's on the screen, but what we are voting on is, what is moved. Again, I would like to reiterate from last night that the tone of this meeting will be one of civility I will not tolerate personal attacks or insinuations by anyone to anyone here in the meeting. All questions are to be addressed to the Moderator and I will do everything I can to make sure that your questions are answered quickly and respectfully. There was a vote last night taken that there will be time limits and they will be strictly enforced this evening. Presenters of an Article will have five minutes to make their presentation and anyone who wants to speak to an Article will be limited to three minutes. When you have 30 seconds left I will start taping the podium to let you know your time is coming to an end. Now last night I made a prediction; I will not do that again. But let's see how far we get this evening with the Warrant Articles. We're on Article 22. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that \$2,500,000 is appropriated to pay costs of upgrading and extending the

Town's existing data, video and telecommunications infrastructure, including school and municipal wireless capabilities, network capacity, servers, storage, multimedia tools, video projection, telecommunications and personal computing 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 Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44 Sections 7, paragraph 9, 7, paragraph 28, and Section 7, paragraph 29 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Can you all hear what's being said? Clearly? Are these two mics on here, on the table? Are these mics on the tables, I mean these speakers on the table on? They are. Okay. Thank you. Mr. Puzzanghera. And because of the dollar amount here, I was asked and did say okay to a six minute presentation by our IT Director. Go right ahead, sir.

PUZZANGHERA: Good evening. I'm Paul Puzzanghera. I'm the Chief Information Officer for the Town and schools of Andover. I'm here tonight to talk on behalf of Warrant Article 22. What are we proposing? We're proposing a \$2.5 million bond issue which would enable us to completely refresh the information technology infrastructure of both the Towns and schools. This will be a six year bond. First year will be interest only, and five years will be principle and interest. What will we do with this investment? There are two major projects that we're hoping to undertake. Project one is an infrastructure reconsolidation. We're going to consolidate four data centers into two. We're going to consolidate our servers; we're going to introduce wireless networking into all the Town buildings. We're going to create new telephone systems, and improve our disaster recovery capabilities. The second project, \$1.5 million, is our digital classroom initiative. Our goal here is to enable each classroom in this district to have wireless access, updated teacher laptops, digital projectors and cloud based computing available for everyone in every classroom. This will prepare everyone for our 21st century learning and it will prepare everyone for our bring your own device initiative that we will be inaugurating a year from September. So the question on everyone's mind always when you're standing up here is: is this gonna cost me any money? And the answer is no. This \$2.5 million will not raise taxes nor will it require new fees. In addition we're expecting to have in excess of \$2 million in savings over the project life period. The payback on the infrastructure side

of this project 4.5 years. The funding from this Article comes from the cable franchise access fee which has been used previously to fund other information technology infrastructure projects within the Town. Principally our fiber optic network which connects all of our Town and municipal buildings. Where will this \$2 million savings come from? Well, it's going to come from a number of places. First we're going to save a bunch of money by consolidating our data centers and reducing all of our redundancies. We're also going to reduce our printer fleet dramatically. Right now we print over 17 million pages per year. We're going to reduce the cost per page and the number of pages, the number of printers. We're going to put a new digital phone system in to replace our analog phone system. We believe we're gonna save \$70,000 per year in telecommunications costs by moving to a new type of communications environment. We're also going to save money on our text books and media as we move to iPads and more digital distribution of content. Kids don't have to have all these physical text books in front of them. What are the problems we're hoping to fix with this \$2.5 million? Well there's five major areas and I'll go through each of them briefly. We're going to: reduce costs by illuminating redundancy, reduce risk, streamline our processes, improve classroom productivity, and create a new environment for 21st century learning. The first area is illuminating redundancy. When Noah got on the ark he was lucky because he had two of everything. In Andover we have four of everything. We have four IT staffs, we have four data centers, we have four separate email domains, we have four ways of backing up, we have four of everything. We need to reduce that, illuminate the redundancy, consolidate, streamline to create a new way of working. Right now there are endless problems that arise from having all this redundancy and this process will eliminate that entirely and save us a tremendous amount on an annual basis. Second issue is mitigating risk. When I first came to Town some of my staff offered to give me a tour of the data center. So, as we were looking around I saw off in this corner this very old box all covered in cobwebs. And I peered inside and I looked and it said Digital Equipment Corporation. So I knew that that box was 20 years old, well we can't be using it for anything important. Said, what do use it for? All \$140 million of the Town's revenue is processed through that 20 year old box for which we have no spare parts and no back up. I said, anything else you want to tell me? Well we don't have any disaster recovery plan. We don't have a business continuity plan. And we don't really have any redundancy in any of our systems and so if there's a natural disaster we're going to be down for not days, but

probably weeks. We can't pay our bills, we can't process payroll, we can't do anything. So this was the first image that came to mind for me. [VISUAL EFFECT?] We're very much operating without a parachute here. Opportunity number three, we need to streamline our processes. I've only been working in Town for about nine months and I've very much enjoyed my time here. Andover is a lovely, kind of quaint New England Town. We're a snow globe of a Town. Everything kind of wrapped up. But there are some things that maybe aren't so good to be quaint. We still use typewriters for everything. We have manual processes for everything. Our purchase orders are manual. Our time reporting is manual. Our work order system is manual. None of the Department Heads have access to real-time information from any of the financial accounting systems. We have shadow ledgers everywhere. So we have tremendous, tremendous inefficiencies. The good news is that spells opportunity. The opportunity to improve the way we do business in everything we do to reduce the time that we take to process every piece of information. And so there are lots of savings that are gonna come from this. We also have very old equipment in our system. More than 80 percent of our PCs in the schools are at least five years old, 30 percent are a full nine years old. We can't put new operating systems, we can't upgrade them in anyway whatsoever. We can't introduce new video equipment. We can't do any kind of 21st century learning on those devices. We see all of those things that are in the red zone. Only half of our teachers have a laptop. Which they can't go home in learn, they can't extend their day; they're completely isolated from the system. So a tremendous productivity loss for all of that. The final point is we want to create 21st century learners. We want to move from the traditional three "R"s, reading, writing, arithmetic to the new kind of learning environment where people use the four "C"s: critical thinking, communication, collaboration, and creativity. We want to prepare our learners for that next generation and we want to create new types of learning environments, and new changes, and new challenges, and new opportunity. This Warrant Article will provide us all of those. So in conclusion I ask you support for Article 22. We think this is good for everyone and there will be no additional taxes or fees required of anyone. Thank you very much for your time.

MODERATOR: Thank you, sir. One second please. If I could do a housekeeping item. I feel like I'm in a Charlie Brown listening to the teacher, "Whaaw, whaaw." I can hear nothing up here. Can we either turn off the exhaust so that we don't have to conflict with that? Whose, is there someone here who

can turn off the exhaust system? Thank you. Would you do that? If you all get freezing or dying of the heat, let me know, but I cannot hear anything and that's kind of important that I do that. Mr. Vispoli, please, the Selectmen's report.

VISPOLI: Yes, Madam Moderator. The Selectmen unanimously support Article 22.

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

RIGBY: Thank you, Madam Moderator. The three Boards have met with Mr. Puzanghera on several occasions as he began work on the Town-wide plan to modernize, upgrade the Town's information technology infrastructure. During the past nine months or so he's worked with the Department Heads to gain understanding of departmental needs to improve the efficiencies and prioritize the implementation plans to make use of better existing—to make better use of existing Town capabilities and to expand and update the hardware, software, and staff resources. We're pleased that he's done this with a critical eye towards the needs of the Town versus the limited financial capacity of the Town. This plan as presented will not raise any taxes. It begins to treat information technology upgrades as an expense level line item in future years. Thus forgoing the large infrastructure capital financing that we've used in the past for shorter-life assets such as PCs. The Finance Committee unanimously recommends approval of Article 22 as printed in the Warrant.

MODERATOR: Thank you, Sir. Mr. Birnbach, the School Committee report please.

BIRNBACH: Thank you. This \$1.5 million fulfills a critical need for our schools. Our CIO and leadership team have put together a thoughtful and technically sound plan. Staff development costs are covered through the operating budget that we approved last night. Supporting this Article will enable us to improve learning and teaching in our schools. We as you for your support of this Article. Thank you.

MODERATOR: Thank you, Sir. Let's go right through, let's go right through here. Go ahead, Sir.

GROSS: Hi, My name is Steve Gross. I live on Burnham Road, 46 Burnham Road in Andover.

MODERATOR: Thank you, Sir.

GROSS: I'm an IT professional and have been through many of these changes and upgrades in my career with State Government. And I basically support this initiative. It makes a lot of sense to me. My only question is about the cable fees and if, in terms of the funding, what I don't understand is, the cable fees, and how those fees are, I mean they must be directed in some other way today, how those fees are used, revenue neutral in this case. Thanks.

[BREAK IN TAPE. LARGE BLANK SECTION OF TAPE.]

STAPCZYNSKI: Yes. -

FRENCH: Madam Moderator, point of information.

MODERATOR: Before this question is answered do you need your information

FRENCH: Sometime before the vote.

MODERATOR: Oh absolutely. We'll get to you in one second. Go right ahead.

STAPCZYNSKI: Yes. Mr. Gross the, everyone who has cable, and we have a very high penetration of cable both Verizon and Comcast in this community, everyone pays a cable access fee as part of the cable bill that you get on a monthly basis. The Town gets that amount of money and we bank it. And we've used it as Paul Puzanghera says for several things. One of them is to pay the cable, Community Cable Access Corporation that is televising the meeting, recording the meeting today and televises other meetings around Town and runs a number of cable channels for us to enjoy. So some of the money goes to that. Some of the money has gone to the, the hardwiring of the community as Paul had mentioned and there is a balance that we would use from that amount for paying the principle and interest of the \$2.5 million of bonds that we're talking about here today.

MODERATOR: Thank you. Yes, sir, your point of information.

FRENCH: Alan French, 17 Moreland Avenue.

MODERATOR: Yes, Mr. French.

FRENCH: My point of question is, when I first saw Article 22 when you say two million five hundred thousand it won't cost

anything, you say then why are we appropriating money. Now, I think what I understand, but I would like it confirmed and then I'd like to make a suggestion for the Finance Committee. That we are in effect investing \$2.5 million and the payback in five years, if what I understood the proponent to say, would be in terms of savings, cost savings, perhaps with some transfers from the money the Town Manager just referred to, which of course if it weren't transferred could be used for other purposes, so it seems to me, I'd just like it confirmed, that this is really a payback situation and we are appropriating some money. And whether the purchase orders are gonna be manual or computer driven, we're gonna issue POs to people and we're gonna pay for them. And what we are hoping is in five years we'll have our bait back. Now if that, if my understanding is correct, than I would like to just say as part of good management, I think increasingly it's up to the Town to monitor these types of actions. Where before Town Meeting we appropriate money with a promise of returns. Nobody knows the future exactly, but I think part of good management, and it seems to me lies within the Finance Committee prevue as well as the Town controllership is to make sure we monitor these things to make sure that actually our appropriation, which is an appropriation of \$2.5 million, does come back to us.

MODERATOR: Okay. Let me get you an answer to that question, sir. Go right ahead.

MAJOR: Mr. French. We are indeed spending \$2.5 million with this Warrant Article. It's not coming from taxation; it's not coming from our cash accounts, etc. It is coming from that cable fee that the Town Manger spoke about. So, in that cable account we're getting from you folks about \$650,000 a year. And it's that account that we're gonna appropriate the \$2.5 million from over the next couple of years.

FRENCH: So they'll be no bond issue, then.

MAJOR: No bond issue.

FRENCH: And it's ----

MAJOR: ---we will bond, but we're gonna pay for the bond through the cable account. Right.

FRENCH: Whatever, we should go on with it. My point is still that we are promised things, we are appropriating it one form or another, it's important to track these things. For example

last night we saw situations where people like me said, very often, and I haven't asked whether there's any grant money involved in this, very often grants support positions for the Town and at the end of the grant period the Town is faced with a difficult decision, do we let these people go or do we add them to our budget. And I would say nine times out of ten they become part of our actual operating expenses. That's all I want to say.

MODERATOR: Okay thank you, sir. Yes, sir.

FINK: Yes, thank you, Madam Moderator. Steve Fink, 26 Bateson Drive. I'm here on behalf of the students.

MODERATOR: Mic needs to be on please.

FINK: Can you hear me.

MAJOR: You need to speak right into it.

MODERATOR: Is the mic on? The mic's on.

FINK: Hello, hello. Try it again. Thank you, Madam Moderator. I'm here on behalf of the students. It's not often ...wondering about the schools that I have the kids going, say could you go to Town Meeting and speak for us because we can't about how important this project is for the schools. And I was just intrigued that I was hearing from students that a working at Doherty with the energy management project that you've been helping us with, Paul. And with the high school skids that are looking at all the green features that they'd like to be able to link into the internet and link in with their teachers to work on this. And I was just profoundly affected by these kids saying, Steve, get to Town Meeting and speak on our behalf. So I just wanted you all to know the students are solidly behind Paul and his project and I thank you for your time.

MODERATOR: Thank you, sir. Yes, sir.

CUTICCIA: Madam Moderator, I have a question. My name is Jimmy Cuticcia; I leave at 127 Greenwood Road.

MODERATOR: Yes, sir.

CUTICCIA: I don't know if this question is directed to the IT Director or the Superintendent but if a student can't afford to purchase an iPad while moving away from books, is there

some mechanism in place to assist them or to buy them the iPad?

MCGRATH: Yes, with all the technology just as with our user fees and such, students who are not able to afford such equipment we have guidelines, sliding fees, in terms of the Federal guidelines and then we offer the scholarships and the money that we would, they would not be without.

CUTICCIA: Is there a funding source for that? Or do we fund that through taxation?

MCGRATH: We fund that through our school budget.

CUTICCIA: Thank you.

MODERATOR: Yes, sir.

MCCALL: I'm Frank McCall, 4 Langley Lane. And I've been here for 18 years. I have the pleasure to say my kids have spent 18 years in the system and my youngest is graduating this spring. I'm also a teacher at West Elementary, fourth grade teacher. And we've been very fortunate over at West Elementary to have a great parent community. We have some very good technology over there, with smart boards, laptops. But even with that, my students right now, share those laptops with about 180 other students. So, and we do have a computer lab, that's shared with over 600 students. You can imagine that while we do have some access, it is nowhere near one to one computing. And as Paul said it's getting pretty aged. When I joined the system I had a 20 year career in an industry in my last position, I led an IT group of software developers and engineers. And when I came as a teacher eight years ago honestly I was shocked that my report cards were being done on carbon paper. And we just got rid of that three years ago. So, everything Paul's saying is right on, the technology upgrade would be tremendous. I'm very excited about the possibilities for students with one to one computing. I had the good fortune to go to Apple last year with Dr. McGrath and a number of other teachers. And the whole vision for one to one computing just would enable us as teachers really enrich the curriculum. To truly differentiate instruction. There are some wonderful opportunities—and we're not on the cutting edge—I mean there are lots of districts who are doing this, so fear not. I mean there are models out there for us to emulate. And lastly, I'll speak on behalf on just the tool as a professional. I'm one of the lucky ones; I have had a laptop since I joined the district. May of my

colleagues, as Paul said, I think 50 percent do not. And it's, I came from industry and was just almost unheard that professionally you wouldn't have that tool available to you. I was at professional development today, this afternoon, and I do have an iPad that I bring to class and kids use it and I use it, and I was over at South School, now West we have pretty good wireless over there, again, we've been fortunate, at South we did not. I did not have access so this will just increase my productivity as a teacher. So I ask for your support for this Article

MODERATOR: Thank you, sir. Mr. Bruce

BRUCE: Larry Bruce, Chandler Road. Couple questions. You mentioned \$600,000 in fees every years is raised, where did that money go for the last ten years, where is that \$6 million now?

STAPCZYNSKI: Yes, Madam Moderator, I can answer that. Over the course of the last few years we've been spending it for basically two things: one is the cable company, the cable non-profit that we have in Town, Andover Access Media, to about \$225,000 a year; and then the hardwiring the INet system that was put in place five or six years ago. It's, the principle and interest on that, the last payment is \$105,000. So we've been spending the money on that. We have a balance in the account, starting in July of this year of \$923,000. We expect that after payments are made and revenues are, I should say, revenues are received and payments are made, as the balance we expect in June 30th of this year of 2012 to be \$1,177,000. So it's really only gone to two functions. We've been banking the balance for a worthy project and this is where we are today with the worthy project.

BRUCE: So by your account you pretty much accounted for half of the funds?

STAPCZYNSKI: I've accounted for all of it. We've used it in those two functions and this is the balance.

BRUCE: How much are the laptops going to cost a piece?

PUZZANGHERA: We're estimating that they'll be between \$700-900.

BRUCE: My laptop cost \$350. Why would these cost \$700?

PUZZANGHERA: Because they need to be ruggedized for a school environment, because they have faster processors, because

they have wider screens, because they have a number of functions. We have the opportunity to buy them for \$350, but that wouldn't be what I'd recommend. They also come with full four year warranties which yours did not.

BRUCE: Okay. You mentioned a cost savings on telecommunications. Does the Town of Andover presently have Centrex lines under contract with Verizon?

PUZZANGHERA: Yes we do.

BRUCE: What's the annual expenditure on those contracts?

PUZZANGHERA: Between \$110-120,000 per year.

BRUCE: Is there a cost to get out of those contracts?

PUZZANGHERA: No.

BRUCE: What's the fee gonna be for the high-capacity lines to replace those Centrex lines?

PUZZANGHERA: We are estimating savings of 60-70%.

BRUCE: And finally you mentioned the efficiencies and alluded to possible staff reductions. How many headcount will be replaced by this technology?

PUZZANGHERA: There's no headcount reduction contemplated in this but there's significant productivity improvements that are expected across the board.

BRUCE: No headcount removed.

PUZZANGHERA: Not as part of this plan.

BRUCE: No headcount.

PUZZANGHERA: No.

BRUCE: Thank you.

MODERATOR: Are you ready to vote yet? Can we just have one, one comment here? If it's a question that's already come up.. I've got one comment over here, sir.

WILSON: Katie Wilson, 3 Bayberry Lane. As student of Andover high School I do believe that this plan will tremendously

help student population. I also take Democracy and Media Literacy so I know how much technology can impact society. But I'd just like to speak to the fact that in class we do use digital projections. However, we're not able to view them to the best of our ability because we don't have shades to block out sunlight in our classrooms. So, yah, thank you very much.

MODERATOR: One last question here and then let's vote. Sir.

MARSHALL: Bob Marshall, 4 Samos Lane, Andover. I too am an ex IT technician. Started back in-

MODERATOR: ---thank you, Sir. Your question, if you would.

MARSHALL: My question is there's no way, absolutely no way, implementing this project is gonna-it is gonna cost us money. There is no way. And there are hidden assets - there are hidden expenses in here that push off the expense to other users, users in the Town. And I'll repeat the new rules of engagement, this is from Paul's presentation not tonight but before, it pays for all infrastructure. Departments pay for all application software, which I assume also includes all the licensing for that application. There are other things here. Departments pay for all out-of-pocket repair costs. The FY13 Department must budget for any special PCs. This is a whole list of what we're going to be faced with in a conversion. We're going from a low level PC, knowledge based system, to trying to get somewhere in between so we can handle the technology that our kids deserve so much for. There is no way, I repeat, no way that this is not gonna cost us money. And I can attest to that over 40 years of working on R and D projects including EFTs network transfers and all the rest. I have the experience, actual experience. There is so much hidden cost in here. The education itself, teaching is gonna cost a pretty penny. You just don't do that. If you try to go remote and try to service the customer, all the Departments remote, you have additional costs. You've gotta be staffed for this move; it's big bucks. It should be looked at, it's important, I agree it is, but not the way it's going right here. And what if those user fees disappear from cable television? Thank you.

MODERATOR: Thank you, Sir. Ready to vote? This requires a two-thirds vote. If you're going to vote please be at a chair, at a seat. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it by far more than a two-thirds vote. [APPLAUSE] Unless someone would like to challenge that declaration, I declare it more than a

two-thirds vote. Article 23. Mr. Vispoli. I'm sorry. Mr. Salafia.

SALAFIA: Madam Moderator, I move that \$200,000 is appropriated to pay costs of Town playground replacements, and for that payment of all other costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under the pursuant to Chapter 44, Section 7, 25 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Thank you. The Selectmen's report please?

SALAFIA: Board of Selectmen recommends approval.

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

ODONOGHUE: Article 23 addresses year one of a five year plan to update the Town's playgrounds due to safety and compliance issues. This year's funding will cover the design and replacement of the Ballardvale Playground. The Town will borrow \$200,000 to be repaid over ten years, accounting for approximately \$2 of the average tax bill for 2015. The Finance Committee recommends approval.

MODERATOR: Any comments or questions? All those in favor please raise one hand. Those opposed. The ayes have it by far more than a two-thirds majority. I declare as such. Does anyone want to question that declaration? Thank you. I declare it more than a two-thirds vote. Article 24, Mr. Kowalski, please.

KOWALSKI: Madam Moderator, I move that \$400,000 is appropriated to pay costs of constructing, adding to, remodeling, reconstruction and making extraordinary repairs to and equipping various Town buildings and facilities, 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 Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 3S of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Thank you. Article 24's been moved and seconded. The Selectmen's report please, Mr. Kowalski.

KOWALSKI: Board of Selectmen recommends approval.

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

ODONOGHUE: Thank you, Madam Moderator. This Article addresses the most critical Town building repairs and upgrades necessary to maintain our facilities. This Article asks for the appropriation of \$400,000 for the following Town projects: \$75,000 for on-going exterior masonry repairs at the Town Offices building, \$90,000 to rebuilt the brick pavers in front of the Town Offices to include a handicapped accessible concrete surface, \$50,000 for exterior painting at Memorial Hall Library, \$60,000 for improvements at the Senior Center kitchen, and \$125,000 for a generator to service an emergency facility for the Town. The financial impact obligates the Town to borrow \$400,000 to be repaid over 15 years. The Finance Committee recommends approval.

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

PASQUALE: John Pasquale, 47B Whittier. It's really information I'm seeking. I'm voting for this Article, however, one of the most valuable assets in the Town is the wastewater treatment plant. We've sunk innumerable dollars into equipment. Now, when I walked over there with my 20/20 vision, there's a lot of things in disrepair over there, so I'm asking Maria if we could put this on the list to have you and Igor [sic] go over there and take an audit and recommend to the Town, because what I see gonna happen-

MODERATOR: Mr. Pasquale does this have anything to do with Article 24?

PASQUALE: It has to do with building and facility maintenance.

MODERATOR: Is it specific to the projects that were listed?

PASQUALE: No but I want to raise the point about lookin' at the wastewater treatment plant because that's what happened to the town yard.

MODERATOR: I appreciate your comments. Thank you, sir.

PASQUALE: Thank you very much.

MODERATOR: Any other comments? All those in favor please of Article 23 please raise one hand. Thank you. Those opposed. The ayes have it by far more than a two-thirds vote. I so declare it. If someone would like to challenge that vote...thank you. I declare it to be more than a two-thirds vote. Article 25. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that \$1,000,000 is appropriated to pay costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various school buildings and roofs, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said 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 or notes of the Town therefore.

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

MAJOR: The Board of Selectmen recommends approval. This appropriation will cover three different schools. At Doherty Middle School this will replace the carpet in the media center. At West Middle School this will take care of major pavement projects to the exterior of the school, including curbing, catch basins and major paving. And here at the Andover High School it will add a large central freezer as well as put security upgrades into the school.

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

ODONOGHUE: Thank you. This Article requires the Town to borrow \$1 million to be repaid over twenty years and would account for approximately \$7 of your average residential tax bill for Fiscal 15. The Finance Committee recommends approval.

MODERATOR: Thank you. Mrs. Gilbert.

GILBERT: Thank you. The School Committee recommends approval.

MODERATOR: Thank you. Any questions or comments? All those in favor of Article 25 please raise one hand. Thank you. Those opposed. The Article passes by way more than a two-thirds majority. I would declare it as such. Would someone like to challenge that declaration? The motion passes. Thank you.

Article 26. Joan are you moving the...who's going to move the Article? ...So if you would move the Article please.

HONEA: Jon Honea, 10 Chapin Ave, Avenue. I move to approve Article 26 as printed in the Warrant.

MODERATOR: Article 26 has been moved and seconded. Go right ahead. Jon.

HONEA: The Conservation Commission recommends approval of Article 26 as printed in the Warrant. The administrative taking authorized by Article 26 is fully supported by the owners of the dam and by the adjacent landowners. Taking possession of the Balmoral Dam will allow the Shawsheen River restoration project to move forward. This restoration project will allow fish such as native river herring and shad to swim upstream and spawn for the first time in more than 150 years. Furthermore removal of these unmaintained dams will improve public safety and recreation. Important, our extensive studies have shown that removal of the dams will not increase flooding. And finally, the administrative taking of the Balmoral Dam will not cost the Town anything.

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

MAJOR: The Board of Selectmen recommends approval. This dam was put in place about 100 years ago as an ornamental dam. And it's important to note that this Warrant Article has zero dollars appropriated to it. So the cost to actually perform the removal of these dams will be borne through grants and other monies that come external to the Town's budget.

MODERATOR: Thank you. Planning Department, Planning Board report. And I've been dying to say that—Mr. Doherty.

DOHERTY: Madam Moderator.

MODERATOR: Thank you, sir.

DOHERTY: Planning Board recommends approval.

MODERATOR: Thank you. Any questions or comments? Mrs. Carbone.

CARBONE: Yes. Mary Carbone. Cyr Circle. This particular Article relates to the Balmoral Dam but I have been vocal at the meetings regarding the other dams in the community namely

at Marland Place and in Ballardvale. These dams are attached to properties at the Registry of Deeds and I ---

MODERATOR: Mary, excuse me, Mrs. Carbone. Is this specific to the Balmoral Dam removal?

CARBONE: Yes, if you want to attach it to that.

MODERATOR: Is that what you, what you're speaking to directly?

CARBONE: I'm relating it to all the dams in Town that are attached to private owners that should retain responsibility for these dams.

MODERATOR: Is this dam attached to private owners?

CARBONE: I believe it was attached to a company. It previously was attached to the condominium complex.

MODERATOR: I will let you go ahead but on a very short--- that's not what we're talking about right now.

CARBONE: Mr. Douglas probably could.

MODERATOR: Okay, go ahead. Go ahead.

DOUGLAS: Bob Douglas Director of Conservation. I can speak directly to that. This dam was built as an ornamental dam as part of the Wood estate. It's, and it was sold as part, the dam itself, was sold when that company went under. It was owned for a while by a company called Textron [?] which you might know makes Bell helicopters and later on it became, it currently is owned by Milliken which is a company that does dyes for carpets and things like that. When we contacted them they didn't know that the owned a dam in Andover. And they were actually quite excited that we would take the liability away from them by taking it down. So, part the Article you're voting on tonight is the taking of that dam in order for the constructive removal of it. Also, the Article allows us to get a construction easement along another private property which is the Balmoral Condominium of which we have their permission to do the work partially on their land as part of the Article.

MODERATOR: Thank you sir. Yes, sir.

MARSH: My name is Bob Marsh, I live at Mulberry Circle at Andover. I am a member of the Board of Directors for the Shawsheen River Watershed Association. The Shawsheen River Watershed Association is a non-profit volunteer organization which, with a mission to protect, restore, and enjoy the Shawsheen. And we hope you'd all come out on it sometime. The Shawsheen River Watershed Association is in favor of removing the Balmoral Dam for the following reasons. Removing the dam will not increase any chance of flooding. It will eliminate a safety hazard. It will increase canoe and kayak access by over half a mile and will allow an easier boat access at Castle Hill Park where there is parking for about 15 cars. Thank you, Madam.

MODERATOR: Thank you, sir. Mr. Major.

MAJOR: Yah, I have one more point that's really important for everyone to understand. There's a, this company that owns the dam currently owns the liability associated with the dam. This Warrant Article gives us the ability to take the dam by eminent domain. We won't take the dam until the money is appropriated at some future point to actually take the dam down. So we're not going to take ownership of it until it can physically be removed.

MODERATOR: Thank you. And do you have a question, Ma'am?

GIFUN:...My name is Jane Gifun, 9 Castle Heights Road. I am concerned about liability. And here it sounds like we already, the Town has liability for this dam. I would tend to think not if we don't own it. So Brian what you're saying is, we will not own it, we will not have liability until it comes down and in the meantime Milliken will have the liability of that. Is that what I understand?

MAJOR: Correct.

GIFUN: And the other question is what happens to the beautiful wetlands up on Stevens Street. I am terrified those are going to come down, and you know we have a few little fish we maybe can see, but we're not going to be able to see the beautiful birds and everything that's already living there. Thank you.

MODERATOR: Go ahead, Mr. Douglas.

DOUGLAS: Bob Douglas, Director of Conservation. This Article is strictly for the Balmoral Dam, not for the Stevens Street

Dam. That dam is actually not owned by the Town and if it's owners choose to take that down that would be there responsibility.

GIFUN: It seems to me if the waters going to be running faster when you take the dam down that's going to drain the water out of that wetlands faster.

DOUGLAS: Right. And I really feel I can speak to the Stevens Street Dam because that's not part of the Article tonight.

GIFUN: Neither am I. I'm just saying wetlands period.

DOUGLAS: I'm sorry, repeat that?

GIFUN: I'm concerned about the wetlands period whether it's at Balmoral or up above that. Because it just makes sense if you're taking this down water is going to come down faster, it's going to drain faster out of all the wetlands behind this.

DOUGLAS: Right.

GIFUN: It's not gonna just impact that one little area. It's going to impact...

DOUGLAS: I think, at least what, through our studies have shown that when you take down a dam you're not increasing the water flow rate. It's the same amount of water that comes down the river and goes over the dam. So we're not actually depleting the river. That specific dam, the Balmoral, is very small in height and so it's impounded, which is to say the area that stacks up water behind is it actually very small and just reaches a, not a very far distance up stream. It doesn't reach for example as far as Washington Park or any of those wetland surrounding that area.

MODERATOR: Okay thank you. Yes, sir. Last one then we'll vote. Go ahead.

GROSS: Steve Gross, 26 Burnham Road, Andover. I want to say that I'm an avid fisherman, avid kayaker, I spend considerable amount of time out on the rivers, and I spend time on the Shawsheen. And most people probably don't even notice these dams, I would imagine. But they are definite hazard for boaters. And the opportunity to improve the flow of the water and to lower the temperatures of the water will definitely improve the habitat especially for see run river

heron. I'm also a member of organizations, I belong to the Shawsheen Watershed Association that Mr. Marsh just reported on. I also belong to the local of chapter of TU, that's Trout Unlimited. And both of these organization have signed on as one of many supporters to the project. I just want to speak up for this, very excited about it, been following this for three years and I hope it passes. Thank you.

MODERATOR: Thank you, sir, let's go ahead and vote on it then. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. I declare it to be far more than a two-thirds vote. Does anyone want to question that declaration? The motion carries by more than a two-thirds vote. Article 27. Jon. If you would please.

HONEA: I move to approve Article 27 as printed in the Warrant.

MODERATOR: Thank you. Mr...go ahead and give us the--do you have any comments to make on that?

HONEA: Yes.

MODERATOR: Go ahead.

HONEA: Again the Conservation Commission recommends approval of this Article 27. The administrative taking authorized by Article 27 is fully supported by the owners of the property and the adjacent landowners. Taking a temporary construction easement needed for removal of the dam will allow the Shawsheen River Restoration Project to move forward with the benefits I cited in the last Article. And again these administrative taking will not cost the Town anything.

MODERATOR: Thank you. Mr. Major.

MAJOR: Thank you, Madam Moderator. For all the previous discussion we had the last Article the Board of Selectmen recommends approval on this Warrant Article.

MODERATOR: Thank you. Planning Board report, Mr. Doherty.

DOHERTY: Planning Board recommends approval.

MODERATOR: Thank you, sir. Any comments? This requires a two-thirds vote as well. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by far more than a two-thirds majority. Anyone want to question that

declaration? If not I declare it has being passed by more than two-thirds. Article 28. Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that \$125,000 is appropriated to pay costs of Balmoral fence and masonry repairs 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 Selectmen, is authorized to borrow said amount under pursuant to Chapter 44, Section 7(3A) of the General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Article 28 has been moved and seconded. Mr. Vispoli are you giving a report for the Selectmen, please?

VISPOLI: Yes, the Board of Selectmen recommends approval.

MODERATOR: And Mr. Fortier for the Finance Committee please.

FORTIER: Thank you, Madam Moderator. This Article not only provides much needed masonry and iron fence repair but also brings the park up to code with regard to handicapped access. The 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 by far more than a two-thirds vote, I would declare it as such. Does anyone want to challenge that declaration. Thank you very much the motion carries. Article 29. Who's moving this? Go right ahead sir. Identify yourself.

GREENWOOD: Hi, my name is Floyd Greenwood. 22 Rose Glen Drive and a member of the Andover Conservation Commission. I move to approve the Zoning By-Law Amendment - Flood Hazard Overlay District as printed in Article 29 of the Warrant except for the language in subsection 8.2.6 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 29 has been moved and seconded. Would you like to speak to the Article, sir? Thank you.

GREENWOOD: A representative from the Federal Emergency Management Agency, FEMA, has informed the Town that a community that does not join the National Flood Insurance Program, NFIP, after being identified for one year as flood

prone or has withdrawn from the program or is suspended from it faces the following sanctions: one, no resident will be able to purchase a flood insurance policy, two, existing flood insurance policies will not be renewed, three, no federal grants or loans for development may be made in identified flood hazard areas under programs administered by Federal Agencies such as HUD, EPA, and SBA, or, no federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood. Five, no federal mortgage insurance or loan guaranties may be provided in identified flood hazard areas, this includes policies written by FHA, BA [?] and others. And six, federally insured or regulated lending institutions such as banks and credit unions must notify applicants seeking a loan for insurable buildings in flood hazard areas that there is a flood hazard and that the property is not eligible for flood-federal disaster relief. So to avoid these federal sanctions the Conservation Commission recommends approval of Article 29 as described earlier.

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

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

MODERATOR: Thank you. Mr. Doherty the Planning Board report.

DOHERTY: Planning Board recommends approval.

MODERATOR: Yes, sir.

BROWN: David Brown, 31 Glenwood Road. I have a question. The Article as moved calls the approval for the Article as printed in the Warrant with the exception of the last section, subsection 8.2.6. Is the intent of this motion that the existing 8.2.6 would remain in place? Or that it completely goes away?

MODERATOR: The Town Clerk can answer it's a very simple answer he can give you.

MURPHY: Larry Murphy, Town Clerk. No if you look at the Warrant Article there is language in there that follows 8.2.6 reads quote bracket added 5/26/2009 ATM comma Article 67 closed bracket. What that is it's an editorial note on the history of the By-law. It shouldn't be in the text of the By-law itself. I don't believe, it was not the intention to

delete the entire text of 8.2.6 only that historical note, editorial note in the brackets. And I'd ask the move if that was not your intention just to delete the language in the brackets. And you'll see that the language that's up on the screen simply deletes the language in the brackets, the editorial note.

BROWN: So it was only the language in the brackets that was being----

MURPHY: Right the text remains.

BROWN: I think I just had my Emily Latello [?] moment.

MURPHY: I'm sorry?

MODERATOR: Are you all set.

BROWN: I think I just had my Emily Latello [?] moment for the evening.

MODERATOR: Nope that was a great question because it can be confusing.

MURPHY: I'm glad you cleared that up thank you.

MODERATOR: Any other questions. All those in favor, this requires a two-thirds vote as well. Article 29 all those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. Anyone want to question that declaration? Then I declare it to be more than a two-thirds vote. Article 30. Mr. Sebasky... are you? Gary go right ahead.

SEBASKY: Thank you Madam Moderator, I move to withdraw Article 30 from this Warrant.

MODERATOR: Article 30 has been moved and seconded to be withdrawn. Are there any questions or comments? All those in favor of withdrawing Article 30 please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries, the Article's been withdrawn. Thank you, sir. Article 31, Mr. Kowalski.

KOWALSKI: I move that \$200,000 is appropriated to pay costs of purchasing and installing Fire-Rescue communications equipment, 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 Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(14) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Article 31 has been moved and seconded. Have you noticed that the new guy on the block gets all the detailed wording that he has to read, all the paragraphs and subchapters, that's a...Mr. Kowalski go ahead give us the Selectmen's report if you would.

KOWALSKI: The Board of Selectmen recommends approval.

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

FORTIER: Thank you, Madam Moderator. This must be done. Federal Communications Commission has mandated that all municipalities be compliant with the new rebanding initiative by January first 2013 or face stiff penalties or fines. New equipment needed includes radios, antennas, and repeaters, and again it must be done so the Finance Committee recommends approval.

MODERATOR: Any questions. This requires a two-thirds vote. All those in favor please raise one hand. Thank you very much. Those opposed. The ayes have it the motion carries by far more than a two-thirds vote. I would declare it as such, unless someone would like to challenge it? If not thank you very much I declare it as passed by more than a two-thirds. Article 32. Mr. Salafia.

SALAFIA: Yes, Madam Moderator. I move to approve the Zoning By-law amendment, Specific Accessory Uses, Take-Out Services as printed in Article 32 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: Thank you. Article 32 has been moved and seconded. Mr. Salafia, do you have a report?

SALAFIA: The Board of Selectmen recommends approval.

MODERATOR: Thank you. The Planning Board report please. Mr. Chiozzi. Mr. Doherty?

DOHERTY: Planning Board recommends approval of this Article.

MODERATOR: Any questions about it, comments? Yes sir.

HENLY: Bruce Henly, 103 Ballardvale Road.

MODERATOR: If you could speak right into the mic please, Bruce, thank you.

HENLY: This seems to me to be a silly [inaudible] rule. Can you explain why we're going to prevent people from selling things at other times when [INAUDIBLE] have to be able to sit down?

MODERATOR: If you could repeat the question at the mic again please. Is this mic on over here? If you put it right up to you.

HENLY: Hello?

MODERATOR: There you go. If you could repeat your question.

HENLY: This rule makes no sense to me. I'd like to know what the explanation is. It seems like a pointless rule that's regulating things that don't need to be regulated.

MODERATOR: Jacki could you please explain that? Please identify yourself.

BYERLY: Jacki Byerly, Planner. Actually this is to clarify more and prevent people from having to go for a special permit through the Zoning Board of Appeals to allow take-out. So we're putting, placing [INAUDIBLE] as an accessory use so it's allowed by right when you actually have a sit down restaurant already so that if somebody calls in, wants to be able to bring their dinner home, they can do that without them applying for a special permit.

MODERATOR: Does that answer your question, sir?

HENLY: Madam Moderator, I'm sorry it doesn't. It seems to me that we are requiring them to have sit down service at the same time in order to be able to sell take-out. And that seems unnecessary. Why can't a restaurant sell in its off hours to people for walk in service?

SALAFIA: Can I answer that? The restaurant is already, this is to allow an existing already...a sit down restaurant that is already working to be able to give take-out as an accessory use. As the By-law stands around right now, this is somewhat

of a, of a housecleaning situation, in that right now if you open a restaurant in Town, you have to actually go before the Zoning Board to get a variance to give take-out, which I think, to you point, makes absolutely no sense. So at this point, once we correct this, if you choose to vote in the affirmative, that, that problem will go away. And if a new restaurant or an existing restaurant comes into Town has a sit down restaurant they are automatically allowed to have take-out.

MODERATOR: Yes, sir.

BROWN: David Brown, 31 Glenwood Road. I had a bit of a hand in the drafting of this Article and I'd like to...

MODERATOR: You like take-out, huh? [LAUGHTER]

BROWN: Not exactly...Well from some places.

MODERATOR: I'm sorry, go ahead.

BROWN: Anyway, the Zoning By-law currently has three different categories of restaurants that are defined. There's a full-service restaurant and it's defined as a restaurant who's primary activity is the sale of food for consumption on the premises. The second category is a fast food restaurant which is defined as a restaurant where the primary activity is the sale of food that's packaged and presented for consumption, immediate consumption, on or off the premises. And the third category is a drive-in, the definition of which harks back to the days of car hops on roller skates bringing trays to the window. We don't have any of those in Town, in fact those aren't allowed anywhere in Town, I don't believe. Um. A normal restaurant that allows take-out as a part of, part of the business has fallen into the category of in some instances of being considered to be a take-out restaurant, or leaving that component of, or fast-food restaurant, or that component of their business. So it's been a question of interpretation. And we've had till recently there's a, people wanted open a new restaurant in Shawsheen Plaza, which is in the zone where fast food restaurants are not allowed, the presence of McDonald's notwithstanding. So they needed a variance under the way that the By-law is written. What this Article does is clarifies that, where the take-out services incidental to the primary business which is sit down restaurant, it's allowed by right and they don't need to go for special relief.

MODERATOR: Thank you, sir. All those in favor of Article 32 please raise one hand. Thank you. Those opposed. The ayes have it the motion carries by far more than a two-thirds vote. I would declare it as such unless someone would challenge that declaration. Thank you. I declare it as being far more than a two-thirds vote. Article 33, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move that \$300,000 is appropriated to pay costs of [BREAK IN TAPE] Chapter 44, Section 7(9) of the Generals Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

MODERATOR: Article 33 has been moved and seconded. Mr. Vispoli the Selectmen's report please.

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

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

MERRIT: The Finance Committee also recommends approval.

MODERATOR: Thank you. Do you have a question, sir? Mr. French.

FRENCH: Point of information.

MODERATOR: Yes, sir.

FRENCH: Alan French, 72 Moreland Avenue. On page 43 we have something that I definitely approve of which is a grouping of capital projects under the Capital Improvement program but on this one, and in there there's the replacement of a fire rescues vehicle. I think to educate our Town Meeting it's important for you folks, the Finance Committee or the Selectmen to indicate why the DPW vehicles, which appear to me to be in the same category of a long-term capital investment, aren't included in 43 so we can get a more clear idea of what our total capital budget is.

STAPCZYNSKI: Be happy to address that. Mr. Cronin would you come up to the mic? You want to talk about highway vehicles specifically on page 43?

MODERATOR: He wants to know why they're not in the Capital Improvement---

FRENCH: I'm not opposing the purchase of vehicles but I'm opposing the idea of having, what appear to me, like objects in different places in the Warrant.

MODERATOR: You're asking why they're not all in the same capital-

STAPCZYNSKI: Correct.

FRENCH: Why weren't the DPW vehicles put in the Capital Improvement program where we could see what our total capital gains are?

STAPCZYNSKI: Chris let me start and perhaps you can [INAUDIBLE]. Well, in our capital plan we have two separate approaches. One of them is seen on page 43, the Capital Projects Fund that's out of current tax dollars and for our smaller vehicles, our trucks, our pick-ups, the police cruisers and what not, we will buy those on, on an annual basis as needed out of the Capital Projects Fund. For a truck that's gonna have the life of 10, 15 years, like we're talking about here on page 75, Warrant Article 33, these are, this is really a dump truck and a loader, a replacement dump truck and a loader, and their values are about \$150,000 each. So-

FRENCH: So the difference is the size.

STAPCZYNSKI: The difference is the size and the value of the vehicles---

FRENCH: [INAUDIBLE] Thank you.

MODERATOR: Thank you, sir. Mr. Vispoli. Go ahead. If you have a quick question.

PASQUALE: It's John Pasquale, 47B Whittier.

MODERATOR: I'm sorry, what did I say..? [LAUGHTER]

PASQUALE: And I'm not running for State Senate [LAUGHTER]

MODERATOR: Oh, come on! [LAUGHTER]

VISPOLI: Thank you, John.

MODERATOR: That was not a set up. Go ahead.

PASQUALE: I want to address my question to Chris. In my possession here is the memo that Chris wrote to Buzz. And it has to do with the \$600,000 of snow and ice that we didn't use. And Chris came up with a very, I got to give him credit, creative way to spend some of this money. And I think it's incumbent that the residents here know that in addition to these two vehicles here. I would like Chris to tell Town Meeting what the Selectmen agreed to include as, under the DPW, cause there's gonna be some more vehicles. Please.

MODERATOR: That has nothing to do with this Article.

PASQUALE: Yes it does.

MODERATOR: No, it does not. We're being asked to approve an appropriation of \$300,000.

PASQUALE: Well I'm asking the question, how many vehicles are we going to end up with other than these two. That's what I'm asking. It's only a fair question that we're talking money--

MODERATOR: Can we have a very simple answer to that, sir?

PASQUALE: Well there's three vehicles being purchased that the people don't know about it.

CRONIN: Mr. Pasquale—Chris Cronin, Acting Director of Public Works. We are not planning on purchasing two additional vehicles. What this does is it gives us an opportunity if we pass this to be prepared in case we have some significant weather event or other emergencies similar to what we have a few years ago, the Mother's Day flood that cost a lot of money, where we need to use some of this excess \$600,000 that we were very lucky not to have to spend during this very easy winter. The plan is to go forward with the memo, that you have in your hand, to replace the same loader and the same mac truck. Passing this Article will allow us to purchase those to vehicles in the event that we have an unforeseen event where we need to use the money. If we do not need to spend that money and we're able to purchase the vehicles under the snow and ice money that we have left over from this year, that money that we'd be passing with this Warrant Article will be rescinded at next year's Town Meeting.

MODERATOR: Thank you. Yes, sir. I mean, yes, ma'am.

PENOBSKY: Hi, Amy Penobsky, 6 Snowberry Road. I just have a question for Mr. Cronin. Each year we seem to be asked to purchase a few major vehicles. We've just unfortunately found

that we were not able to come to agreement on a new town yard. As of last night. And I'd like to know in your estimation given our current town yard limitations for being able to wash equipment and store equipment indoors, how much is the life span of each of these vehicles reduced? In other words how much extra are we paying every time we buy these vehicles?

MODERATOR: Again, that is outside this question. Chris if you have a very quick answer go ahead. Otherwise, I would like to move on with the Meeting.

CRONIN: The vehicles are being certainly damaged by not having a wash bay. These vehicles are being stored inside. And their life span is reduced without having a wash bay. I think we saw last night that there's certainly a huge appetite and a knowledge that we need a new town yard and we hope to get one someday. But right now we don't and I don't know when we will.

MODERATOR: Thank you. Article 33. All those in favor, this requires a two-thirds vote, please raise one hand. Those opposed. The ayes have it the motion carries by more than a two-thirds vote. I would declare it as such. Does anyone challenge that declaration? Thank you very much. Article 33 is passed. Article 34, Mr. Major?

MAJOR: Thank you, Madam Moderator. Brian Major, 11 Odyssey Way. I'm gonna be moving an amended motion here. You're gonna notice in yellow up here the words Schneider and/or twice. So that's gonna be part of this amended motion. I move to approve Article 34 as printed in the Warrant with the following amendment: by adding after the words "agreement with" in the first sentence, the words "Schneider Electric and/or" and by adding after the words "in return for such tax benefits, in accordance with the TIF Plan" in the fourth sentence the words "Schneider Electric and/or."

MODERATOR: Article 34 has been amended. I would like to vote, take a vote from you that you accept this Amendment in which case that will be the Article that we will address. So all those in favor of accepting the amended language, please raise one hand. Thank you very much. Those opposed. The ayes have it the motion is carried, the amended form is now what we'll be presented. Mr. Major you're going to present? Thank you, sir, go right ahead.

MAJOR: Thank you, Madam Moderator. This is an extremely exciting opportunity for the Town of Andover. This Warrant Article is about tax increment financing which is otherwise known as a TIF. What is a TIF? A TIF is a financing vehicle that encourages companies to come to Andover to add capital expansion and new employee growth. This is the first time that we're bringing a TIF proposal to this Town Meeting. But it's not the first time in the Commonwealth of Massachusetts. In fact, over 1800 TIFs have been approved by the State since 1993 and just in the Merrimack Valley during that time 65 different TIFs have been approved. This Warrant Article, and very important, gives the Board of Selectmen the authority to create a contract for the TIF with Schneider Electric for 800 Federal Street only. Any other TIF proposal has to come back before Town Meeting, before it can be agreed to with the Board of Selectmen. Next slide. So who is Schneider? Schneider Electric, they're a global specialist in energy management. They focus on making energy safe, reliable, efficient, productive, and green. And currently they have 65 employees in the Town of Andover. Next slide, please. So how did we get to the point that we're proposing this TIF agreement to you tonight? It all started two years ago. Two years ago Town Meeting had a discussion about creating an economic target area. Also known as an ETA. Town Meeting approved that. And having an ETA notification it sends that signal out to the business community that we want business to come to Andover; we want them to expand in Andover; we want them to generate jobs in Andover. Schneider Electric responded to that signal. They came to the Town. We then created a, a subcommittee that's made up of the Finance Director, the Planning Director, our chief Assessor and then a member from each of the primary boards: the Finance Committee, the Planning Board, and the Board of Selectmen. We sat down and worked with Schneider and the State to review the entire proposal. We created the proposal that's coming before you tonight. We made that proposal back to the three Boards where we got the approval to move forward. And ultimately that all represents phase one. Phase two, is now we're trying to get the authority to move forward. That begins with Town Meeting; Town Meeting has to say yes, we like the idea of the TIF. Then the Board of Selectmen has to sit down and nail the terms of the TIF with the, with Schneider Electric. And after all of that's signed, it still has to be petitioned to the State and the State has to approve the TIF before it can be formalized. Next slide, please. So what does this proposal look like? First and foremost this proposal is only with Schneider Electric and it's only for 800 Federal Street. This proposal is a five

year proposal, or five year plan. It is dealing with incremental tax revenue. What does that mean? Right now 800 Federal Street has a value of \$8 million. So they pay a tax of \$185,000, incremental tax would be any tax above and beyond that \$185,000. So this proposal—and I'll show you numbers that explain this in just a minute—this proposal includes 100% tax relief in the first three years and then 65% tax relief in years four and five and then zero percent tax relief in years six and on. Also businesses in addition to property tax, they pay a personal property tax, which is a tax on all the equipment that they have in the building. So the Town of Andover will receive 100% of the new personal property tax, we will also receive 100% of the building permit fees that we're expecting to be, we're estimating at \$400-600,000. And those building permit fees will come in year zero which begins this July 1. For all of this Schneider Electric is proposing to invest a minimum of \$20 million into economic development in Andover. They're going to expand the size of 800 Federal Street from 160,000 square feet to 220,000 square feet. They're gonna retain the 65 jobs that they have in Andover now. They're gonna relocate to Andover 525 additional jobs that are currently around the Northeast. And they will add a net increase of 75 brand new jobs that will be located here in Andover. Next slide, please. So where is 800 Federal Street? If you look behind me, you have, you go up I-93 north toward Methuen, before you get to the Merrimack River you have River Road, come off the exit, at the light you take a left, and at the light you can take a left to go into the Windham or you can take a right and go down Federal Street, parallel to I-93. 800 Federal Street is where that circle is, that red circle. It's at the end of the Street. Next slide, we'll show you what that area looks like a little closer up, you can see the building the parking lots, etc. Last slide. This slide shows what the numbers represent. Notice 2013, that's Fiscal Year 20123, that begins this July 1. So that's year zero. There's zero exemption in the first year, 100 in the next three years, and then 65% in the following two years. Note that the current valuation of that building is \$8 million. After the investment that's gonna go up to \$20 million and stay there. Then we take a look at the dollars. So column four are the TIF dollars, or the TIF benefit to Schneider. Columns five and six are the Andover taxes that we will receive. Notice in column five it says \$185,000 every year. That's the base taxes associate with an \$8 million valued building. So we will continue to get that every year of the TIF. In year one, or year zero, I show \$500,000, that's the estimate for the building permit fees. In years four and five I show \$100,000 that's the

incremental tax revenue that we would receive in years four and five. And then you'll see the \$285,000 that's the incremental tax revenue that we will permanently receive after year six. So we will end up having a building that is now bringing in a \$185,000, it will in the future bring \$470,000 of property tax. One more comment. If you take \$280,000 of incremental tax revenue over ten years that's over \$2.8 million. During the first \$1.2 million of that is being shared with Schneider Electric. So they're gaining benefit for \$1.2 million of that incremental tax. The Town of Andover gets \$1.6 million of that benefit. This is a great opportunity for Andover.

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

MARDEN: The Finance Committee voted unanimously to recommend approval of Article 34. Schneider Electric's proposed development will add jobs and increase economic activity in the River Road area. And most importantly, generate significant additional revenues for the Town. From the Finance Committee's perspective key elements of this plan are: there will be no reduction in existing property tax revenue, the agreement covers only the additional value resulting from the new construction; the short duration of the agreement, only five years, means that the company will be paying its full share of property taxes after just five years; the Town will collect significant building permit revenue due to the size of the proposed project. The TIF agreement only applies to the real estate. There is not reduction in personal property taxes on the furnishings and equipment. Other businesses in the River Road area like hotels and restaurants will benefit from the additional jobs and increased economic activity. And finally, this Article only authorizes a TIF for the property at 800 Federal Street. Any other business wanting to enter into similar agreements with the Town would have to be approved by future Town Meetings and only on a case by case basis. The Finance Committee voted unanimously to recommend approval of Article 34.

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

DUFF: The Planning Board recommends approval of Article 34 after a unanimous vote of its five members and one alternate. The Planning Board believes that entering into a TIF agreement for 800 Federal Street is an excellent economic development opportunity for the Town. Implementation of this

agreement adds new jobs and additional tax revenues, both personal and real estate taxes, and it also fosters an economic benefit for other already existing businesses in Town. It not only brings tenants to a building that has long been vacant, but expands the current square footage and also provides potential for other expansion. Schneider Electric is a large and well established company whose relocation to Andover would be an asset to the Town.

MODERATOR: Thank you. We'll go right across the room please. Go right ahead.

VALE: My name is Tim Vale. I live at 9 Bancroft Road in Andover. I'm speaking to you on behalf of Andover's new Economic Development Council known as the EEC. This Council was set up earlier this year with a mission to create an environment in Andover that supports a healthy mix of businesses and families. Our goal is to make Andover become the best in America to work and live. The purpose tonight is to talk a little about Article 34. Let me give you a little bit more background in English. There's an office building at 800 Federal Street, right off of River Road near route 93 that's been vacant for over seven years. This is a big building about 160,000 square feet. For the property the Town currently receives \$185,000 as mentioned. Under this proposal the Town will never give away any of those tax dollars; they will continue to come in. But if we do nothing to attract another tenant to the property that's all we'll probably ever see coming from 800 Federal Street. We can do better than that. The Warrant Article authorizes the Selectmen to negotiate a tax agreement between the Town and the tenant, which in this case involves Schneider Electric, to attract them to come to Andover. Schneider is currently looking at a number of other competing locations in Massachusetts and New Hampshire. Under this TIF the Town is willing to defer for a relatively short period of time some of the incremental tax dollars in order to attract Schneider to this property. In this case, Schneider will generate brand new tax receipts of \$285,000 a year, bringing us to a total of about \$3.4 million over the next 10 years, compared to the \$1.8 million we would get if the property remains vacant. But in order to get this new tenant, and then get the new tax revenue, we'd have to attract Schneider away from the other bidders. One way to do this is to allow those future tax receipts to ramp over time, which is what we're proposing in this TIF. In this case it will take five years to get to the new level. For the Town of Andover this would represent new tax dollars representing to about \$1.6 million over a ten year period. So what's the down

side to this proposal? Undoubtedly we'll see some increased traffic, pressures on Town services and additional use of our Town facilities. Of course we'll need to think about these impacts and we'll do that. However, this kind of economic growth will result in an increased use of our existing businesses including those in the downtown areas. It will generate job opportunities both at Schneider and at other companies supporting them. It will improve property valuations if some of Schneider's 600 employees choose to live here. And most importantly it will provide significant new tax dollars for the Town that can be applied in many ways to make Andover more attractive for our families. Let me just close by saying that if we're ever gonna our tax base significantly giving us badly new tax dollars for schools, transportation, soccer fields, etc. without unduly taxing the homeowners then we're gonna have to be more competitive in attracting business to the Town. The TIF being proposed tonight is a very attractive vehicle. It's an example of how we can invest in the future in a very painless way. In fact, it's a win-win situation for both our new business partner and all of us who live here.

MODERATOR: Thank you, sir. Mr. Bruce.

BRUCE: Larry Bruce, Chandler Road. Who is the current owner of that property?

MODERATOR: I don't know the answer to that but..

MATERRAZO: Paul Materazzo, Director of Planning. The present owner is Legget McCall. And they presently own the facility at 800 Federal Street.

BRUCE: Okay. So the tax break would go to the present owner correct?

MATERRAZO: Presently right now, as part of our negotiations, it would be a triple net lease with the Schneider Electric and Schneider Electric would be paying the taxes to the Town of Andover.

BRUCE: But the owner's responsible for the taxes, correct?

MATERRAZO: The details of the agreement with the owner of the property have not been finalized so tonight I can't specify the specifics of the---

BRUCE: I've got a couple questions about the property. We assess it for about \$9-8 million. It had a mortgage in 2002 for \$13.7 million. It was put into a trust in 2006 at \$11.4 million. But what happened right after that when it was mortgaged for \$58 million. Why are we giving a tax break to a company-to an owner- that took \$47 million in equity out of that property? When we're shutting off our street lights? What I'd like to propose is an amendment to this, this Article, please.

MODERATOR: Okay. Do you have a copy that you can read? Do you have a copy you can read? Paul would...I would you like to read it. Do you have a copy? Paul, would you mind giving that to Steve? Steve can you scan that in so people can see it.

BRUCE: This couldn't be more wrong. Here's my proposed amendment. It's apparent that the property owners of 800 Federal Street, Andover, Massachusetts, a property currently assessed at \$7 million 900 and 600,000 and two, two hundred thousand dollars [SIC] 7,9,0,6,2,0,0, received a mortgage for \$13,740,000 and recorded as such at the, recorded as such at the Essex County of deeds on February 15, 2002.

[GAVEL]

MODERATOR: I'm going, I'm going to declare this as totally inappropriate.

BRUCE: How's that?

MODERATOR: I'm not going to let you put the comments in about personnel here in the Town.

BRUCE: I believe I'm entitled to a Warrant Article amendment.

MODERATOR: I believe you're entitled to your opinion but we will not be putting in that-

BRUCE: --I believe you're not acting in accordance with the Law of the Commonwealth of Massachusetts.

MODERATOR: I appreciate that but I will not allow, and if the Attorney General would like to challenge me on it, that's fine. But I will not allow this at it stands. If you would--

BRUCE: I'll follow up.

MODERATOR: If you would like to amend it I'm happy to let you do that.

BRUCE: I wish to present it as stated.

MODERATOR: As stated.

BRUCE: And I'd like to know what law you're referencing that allows you this discretion?

MODERATOR: I'm not referencing any law, sir. I'm referencing-

BRUCE: What gives you the discretion to eliminate or to deny me this Amendment? Where in our By-laws are you allowed that?

MODERATOR: There's nothing to do with our By-laws, sir. It has everything do with common decency and comments made about individual employees here in the Town. I won't allow that to be part of an amendment at this time.

BRUCE: I'll take it to the Commonwealth. Thank you.

MODERATOR: Okay, that's fine. Are there any other...there's one woman here whose been standing and waiting. Let's let her, let's let her make a comment then we will move the question.

CARBONE: Mary Carbone, Cyr Circle. I just want a few questions answered. I've been at the meetings I've heard a little bit of the discussion on this. But as I know it the rule from the State is as it relates to distressed properties. Do we continue 800 Federal Street a distressed property? And who would the lease money be going to? Would it be going to Schneider? Or would it be going to the owner of the building?

MODERATOR: Who has the answers to those questions please?

MAJOR: As far as the lease, the lease would be between Schneider and the owners of the property. That triple net lease would go directly to the owner of the building.

CARBONE: That's not exactly what I answered, I asked.

MAJOR: And also, this contract would only be with Schneider. Between Schneider and the Town. This contract would not be with the landowner at all.

CARBONE: This is getting too complicated and it seems really we would do anything in this community to pull out major money to, for a cop out for our budget, and to end to our budget. And the end result, when this is all said and done, the people of the community are going to be left with major difficulties. So I'm relating to this. I'm not against the Article; I'm just confused about situations that are initiated in here. And I think we have more questions that need to be answered regarding this because we're gonna be inundated with probably 600 more employees in that building that are gonna have an impact on the Town. We don't know if it will affect the school system if people may move here or not. So there's a lot of other questions to be answered. Thank you.

MODERATOR: Thank you. Yes, sir. Is this a point of order that you have?

LUFFMAN: Yes, this is a point of order.

MODERATOR: Go right ahead.

LUFFMAN: Greg Luffman, Florence Street. I'm confused. Mr. Major made his motion from the floor, which usually implies a disagreement with the Board of Selectmen. What was the Board of Selectmen's vote? Were they in favor of this?

MAJOR: The Board of Selectmen unanimously supports this Warrant Article. And I made the motion, made the presentation and the motion from the floor, just because then I could point up here to the screen. Hard to do so up there.

LUFFMAN: Okay. Thank you.

MODERATOR: I'm sorry I did not ask for the Selectmen's report either. Thank you. Sir do you want to close this out then we're gonna vote.

MOSCA: Mike Mosca, 44 Pleasant Street. I have in front of me that TIF that's authorized by MGL 40 paragraph 59 and it's implementing regulations etc., etc. Under this legislation landowners, landowners may be granted property tax exemptions. It doesn't say anything about parties to the contract, says the landowners. Can I have an explanation of how this is going forward?

URBELIS: The Warrant Article-

MODERATOR: If you could identify yourself.

URBELIS: Thomas Urbelis, Town Council. The Warrant Article does refer to an agreement between Schneider Electric and/or the landowner. The agreement would have to be approved by the State. And just to correct a technical clarification to what Mr. Major said it's possible that the landowner may be a party to this depending upon how the State wants to structure this.

MOSCA: Excuse me. Why do we have to put Schneider Electric in there if this was the landowner?

URBELIS: To cover all our bases because they may be a part to it.

MODERATOR: Does that answer your question?

MOSCA: I would like to just read a statement if I may?

MODERATOR: Go ahead. Is it under, you've got about two minutes left, sir.

MOSCA: The FIT program is outlined in our State smart growth, smart energy tool kit. It states that under this legislation landowners are granted property tax exemptions up to 100% up to twenty years. At the federal level we have all read or heard about the astonishing collapse of Celindra shortly after President Obama and his administration secured \$535 million in federal loan guaranties. At the State level we have also heard that at Governor Duval Patrick's urging \$58 million of our taxes were shoveled into Evergreen Solar and Fort Devins. Shortly thereafter Evergreen closed the factory moved to China and eventually declared bankruptcy. These are not the kind of financially investments that Andover either should or ought to emulate. People of corporations moving into and operating within our Town place demands on all of our resources. These incremental demands ultimately translate into costs that are eventually reflected in our real estate tax base. If a company is unwilling to relocate in our Town unless the receive abatements than either they like like Celindra and Evergreen Solar are on shaky financial ground or our Town taxes are excessive or non-competitive. In any case, it is challenging enough in these recessional times to come up with our own share of property taxes without having to dip into our pocket a second time to shell out someone else's. In a recent press release on April 24th the by partisan Tax Expenditure Commission formed last year by Governor Duval

Patrick to address the Evergreen Solar debacle and our legislature unanimously approve the final report that urged restraint on tax breaks. Further the report states that an analysis by State Auditor, Susan Bump, of 92 business tax breaks, some in existence for decades, found that only a handful had mechanisms for reviewing their effectiveness or recouping lost revenues if the exemptions failed to produce an economic benefit to the State. I submit that every person whether real or corporate has an obligation to pay their fair share for the use of resources today and that it would be neither fair, wise, or financially prudent to negotiate a property tax exemption that as articulated in this Article could be negotiated for up to 20 years. And finally it would appear from our State's recent audit analysis that for Evergreen Solar it would be difficult at best for our Town to recoup lost revenues if an exemption fails to produce an economic benefit.

MODERATOR: Thank you sir. Mr. Urbelis do you have anything more you need to say? Alright we ready to vote? All those in favor of Article 34 please raise one hand. Thank you. Those opposed. Can we do that one more time? I'm pretty sure it's a pro, but...all those in favor please raise one hand. Those opposed. The ayes have it the motion carries. Does anyone want to challenge that? Who does? Let's take a standing vote then. All those in favor please raise one—I mean please raise one body.

Section 1: 7; Section 2: 20; Section 3: 21; Section 4: 14;
Section 5: 5; Section 6: 24; Section 7: 26; Section 8: 14;
Hall: 2; Stage: 19.

MODERATOR: All right. Those opposed please stand.

Section 1: 1; Section 2: 2; Section 3: 7; Section 4: 4;
Section 5: 3; Section 6: 10; Section 7: 14; Section 8: 8;
Hall: 0; Stage: 0

MODERATOR: 152 having voted in the affirmative and 49 having voted in the negative. The motion carries. Article 35. Mr. Kowalski, please.

KOWALSKI: I move that \$1,439,000 is appropriated to pay costs of design, engineering, constructing, reconstructing or replacing water mains, and for the payment of all other costs incidental and related thereto, including, but not limited to, all costs associated with land acquisition by eminent domain, and that to meet this appropriation the Treasurer \

with the approval of the Selectmen is authorized to borrow said amount under and pursuant to Chapter 44 Section 8(5) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Article 35 has been moved and seconded. The Selectmen's report, Mr. Kowalski.

KOWALSKI: The Board of Selectmen recommends approval.

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

MERRITT: The Finance Committee recommends approval.

MODERATOR: Any questions or comments? This requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries by more than a two-thirds majority. Does anyone question that declaration? The motion is carried. Article 36. Mrs. Lyman.

LYMAN: Madam Moderator, I move that \$300,000 is appropriated to pay costs of the design, engineering, and permitting costs for constructing a filter backwash discharge tank at the Water Treatment Plant 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 Selectmen is authorized to borrow said amount under and pursuant to Chapter 44 section 8 subsection 7C of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Article 36 has been moved and seconded. Mrs. Lyman the Selectmen's report please.

LYMAN: The Board of Selectmen recommends approval.

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

MERRITT: The Finance Committee recommends approval.

MODERATOR: Any questions or comment? Requires a two-thirds vote. Is this specific to this Article, sir?

PASQUALE: Yes, it is Madam Moderator.

MODERATOR: Thank you, go right ahead.

PASQUALE: My background is I'm a chemical engineer working in chemical plants and I'm very familiar with working with the EPS

MODERATOR: John if you could just tell us again who you are for the record please.

PASQUALE: John Pasquale, 47B Whittier. I want to be certain that we're spending \$300,000 to fix the problem. Now the problem for me hasn't been defined. When you make a statement that the EPA did not review the general discharge permit that says we're in non-compliance for something. So are we in non-compliance with both the water because of the PH or there are minerals in there we got to extract because it sound like you're gonna put it in a holding tank and then I read it sounds like we're gonna do some neutralization.

MODERATOR: One second we'll have that answer for you. Go right ahead.

CRONIN: Chris Cronin, Acting Director of Public Works. We could certainly talk about this and the science of this for quite a long time, but to make in simple, currently right now...Okay we got to put the slide up there, very good. Currently this plant was built in the 70's and the accepted processes of...excuse me...and the accepted process of these was to take the back wash from the filter bed and to put it right back into the pond. We had had to reapply for various permits with the EPA as we expanded the plant. In 2000 they gave us a permit to do that, a five year permit; in 2005 they gave us a permit again, another five year permit. 2010 they did not give us the permit. So this particular Article is not we're building the tank it is for the design and permitting of the tank. And what we'll be doing is we'll be taking the backwash from the filter bed and putting it into a tank, a holding tank, letting the settlement settle out, the water goes back into the pond, which is an accepted method by the EPA, and the sedimentation will be pumped out and taken away. And that is the typical processing at this point. There are others but this is the most economical.

MODERATOR: Does that answer the question?

PASQUALE: Oh, it sure does. Did a nice job.

MODERATOR: Thank you. And he was only the acting director. [LAUGHTER] Article 36. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by far more

than a two-thirds vote. I declare it as such. Does anyone want to challenge that declaration? Thank you. It passes with more than a two-thirds vote. Article 37. Mr. Vispoli.

VISPOLI: Yes Madam Moderator. I move that \$250,000 is appropriated to pay costs of purchasing a sewer infrastructure maintenance vehicle, and for the payment of all other costs incidental and related thereto, and to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 Paragraph 9 of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Article 37 has been moved and seconded. Mr. Vispoli the Selectmen's report please.

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

MODERATOR: Mr. Merritt, the Finance Committee report please.

MERRITT: The Finance Committee recommends approval.

MODERATOR: Thank you. Do you have a question?

CARBONE: Yes, I'd like to relate to this Article. Actually we

MODERATOR: I'm sorry, Mary-

CARBONE: --Mary Carbone, Cyr Circle. We have been regionalizing with North Andover on this vehicle. And we have been absorbing costs involved with regionalization. So in this regard I assume the same \$250,000 for the vehicle itself instead of exchanging funds with North Andover is better than that. So actually I am in agreement with purchasing this vehicle. Thank you.

MODERATOR: Thank you. Any other questions or comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries by more than a two-thirds vote and I would declare it as such. Does anyone want to challenge that? Thank you. I would declare it passed by more than a two-thirds vote. You know the next one you're all gonna have to say that with me. Okay. You've heard it enough tonight. Article 38. Mrs. Gilbert. Thank you.

GILBERT: This is lengthy. I move that the Town appropriates the amount of \$530,000 for the purpose of paying costs of the conversion of the steam heating system to a hot water system at the West Middle School building located at 70 Shawsheen Road, Andover, MA and as shown on Andover Assessor's Map 72, Lot 54, including the payment of all costs incidental and related thereto, which proposed repair would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority, MSBA, the Project, said amount to be expended under the direction of the Town Manager. To meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow said amount under Mass General Law Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any project costs 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 (1) 39% of eligible, approved project costs, as determined by MSBA, or (2) 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 with respect to the project.

MODERATOR: Article 38 has been moved and seconded. School Committee report please. Mrs. Gilbert.

GILBERT: School Committee recommends approval.

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

SALAFIA: Yes, Madam Moderator, the Board of Selectmen recommends approval of Article 38.

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

O'DONOGHUE: The Finance Committee recommends approval.

MODERATOR: Any comments? All those in favor of Article 38 please raise one hand. Thank you. Those opposed. They ayes have it, the motion carries, by more than a two-thirds vote;

I would declare it as such. Anyone challenge that declaration? [BREAK IN TAPE] Article 39. Mr. Cuticchia.

CUTICCHIA: Madam Moderator, I move Article 39 as printed in the Warrant.

MODERATOR: Article 39 has been moved and seconded. Mr. Cuticchia go right ahead.

CUTICCHIA: Good evening I'm Jimmy Cuticchia I'm chairman of the Andover Contributory Retirement Board. The explanation in your Finance Committee book has changed slightly. There's been a slight change from the explanation, the number of survivors that are gonna be included in this are now 12. It was originally 14 but now the number's been reduced to 12. The survivors are currently entitled to a minimum retirement allowance of \$250 a month. Approval of this Article will allow the Town to increase their minimum retirement allowance to \$500 per month. This allowance has not been changed since 1984. And the Retirement Board recommends approval.

MODERATOR: Thank you. Selectmen's report please.

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

MODERATOR: Finance Committee report please. Mr. Rigby.

RIGBY: The Finance Committee recommends approval.

MODERATOR: Any questions, comments, editorial opinions? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 40. Attorney Johnson. Thank you.

JOHNSON: Good evening. I move to withdraw Article 40.

MODERATOR: Article 40 has been moved to be withdrawn. Moved and seconded. All those in favor please raise on hand. Those opposed. The ayes have it the motion carries. Thank you, Mr. Johnson. Article 41, please, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator, I move to approve Article 41 as printed in the Warrant.

MODERATOR: Article 41 has been moved and seconded. Selectmen's report please.

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

MODERATOR: Thank you. Planning Board report, please [INAUDIBLE].

UNKNOWN PLANNING BOARD SPEAKER: The Planning Board recommends approval of Article 41.

MODERATOR: Thank you. Any questions or comments? All those in favor of Article 41, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 42. Mr. Major.

MAJOR: Thank you, Madam Moderator. I move that \$1,100,000

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

MAJOR: The Board of Selectmen recommends approval of this project. This is a portion of High Plain Road that's narrow and frequently will flood out during heavy rains. So this project will enable us to build up the road and build such that it won't flood out. And that road does receive quite a bit of traffic because of the two new schools that we have out in that area.

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

KRUSE: Finance Committee recommends approval.

MODERATOR: Any questions or comments? Do you have a comment here? Thank you.

MITCHELL: Doug Mitchell, Doug Mitchell, 172 High Plain Road and a very frequent user of this area for walking. Can you tell me will at any point of time that highway be closed to either vehicular or pedestrian traffic?

STAPCZYNSKI: Mr. Cronin's telling me it will not be closed. We will make sure that vehicular or pedestrian traffic will be able to pass through during construction.

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

CARTER: I do. Tim Carter, 422 River Road. What is the distance of the road that's going to be affected by this? Basically, how much road are we fixing for \$1.1 million?

CRONIN: It will be approximately 600 feet of roadway that's improved. 300 feet on either side of the existing culvert.

CARTER: And how often does this area flood?

CRONIN: Depending on the rains, 100 year storms come every two or three years at this point. But certainly in the last eight years that I've been there that road's been closed three or four times. And it could be closed for a significant period.

CARTER: So three or four times over eight years.

CRONIN: Yep.

CARTER: And we're being asked to spend \$1.1 million for 600 feet of roads.

CRONIN: Well when you close down that 600 feet of road you close down over a mile.

CARTER: Sir, I live in that area—

CRONIN: I grew up out there as well.

CARTER: This is—I am incredulous. This is utterly ridiculous. Thank you.

MODERATOR: Okay. Mr. French.

FRENCH: Alan French, 17 Moreland Avenue. This is not a point of information. I cannot support this Article. It's my understanding that this identical proposal came up two or three years ago and was not supported by Town Meeting. I cannot believe that conditions have changed since that time. Yes, it does get flooded occasionally. I'm quite familiar though I don't live in West Andover. I think that this is one time, one expenditure, \$1 million that I'd rather put into open space.

MODERATOR: Okay. Thank you. Yes sir.

VROUNTAS: Chris Vrontas, 379 River Road. I drive this stretch of road every day. I have for about 17 years. Once in

a while it's flooded. I don't think it's worth \$1 million to borrow, to raise, whatever, it's not worth a million dollars to fix this road for every once in a great while there's some water that you need to go slowly through as you pass through. I recommend, I ask for voting down this Article.

MODERATOR: Thank you. Yes, ma'am. If you are pro or con if you could please go to the respective mics so I can keep it balanced. Go right ahead.

FRIEDENSON: Alice Friedenson, 109 Bellevue Road. I ride my bicycle in this area a lot and I'm trying to figure out exactly where the road is going to be repaired because as you go over High Plain Road it's absolutely horrific as a cyclist up until the point at which the State redid the bridge in there. And then the State took over and the road is fabulous. And you have dangerous situation...

MODERATOR: Thank you. Yes, sir—oh, I'm sorry. I'm so sorry, didn't know there was a question there.

CRONIN: Again it's about 300 feet on either side of that culvert. What you may recognize as physical landmarks would be the home driveways on either side, so on the Greenwood side it would almost to the bridge improvements. Part of the project also will be widening and taking care of some sight distance issues.

MODERATOR: Thank you. Yes, sir.

WHITMAN: Ted Whitman, Haggetts Pond Road in Andover. I grew up there in back in the 50's there was never any problems—

MODERATOR: If you could pull your mic up just a little bit, thank you.

WHITMAN: Back in the 50's there wasn't a problem. I agree there's a bad curve, but as far as the flooding goes that didn't start until they put the pumps down at Fish Brook to pump water from Fish Brook and the Merrimack River back into the Haggetts Pond. That's when the flooding started. And that's also, you know, they could just lower that level, wouldn't put so much water in they wouldn't have the flooding in that part of High Plain Road.

MODERATOR: Thank you, sir. Yes, sir.

MITCHELL: Doug Mitchell, High Plain Road. I use that walkway literally two or three times a week I can tell you it's not so much a flooding problem, it is a serious public safety issue for those of us who choose to either walk or ride our bike. Concerns about speeding traffic, about school buses, about a lot of things coming around that corner so if we could straighten out the road that would be a huge improvement. I am for it. I'm concerned about the wetlands related issues and I hope they're being taken care of appropriately.

CRONIN: There's been a number of; the permitting part has already been approved for this. And that was a significant part of the work, was to address the wetland issues.

MODERATOR: Thank you. Yes, sir.

MCCALL: Frank McCall, 4 Langley Lane. When this does flood out does it preclude the Fire Department from having access to that road?

CRONIN: I can defer that to Chief Murnane. Mansfield. Chief? When High Plain Road at Fish Brook floods out what does that do to your operations?

MODERATOR: When it floods out does it preclude the trucks from getting through? Yes. He's saying, yes. Okay let's just go with the few people who are here. And then we can vote. He said yes it does.

INAUDIBLE: Ed [INAUDIBLE] 23 Summerset Drive. I'd like to just echo the concerns about safety. We have school buses traveling that road every day, cars, kids riding their bikes to school. If this is not fixed we will certainly have an accident and I don't know if this project is worth a million dollars, but I know certainly a child's life is.

MODERATOR: Thank you. Okay are we ready to vote on Article 42. It requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it. Does anyone challenge that? Who said yes? You challenge it? Let's take a standing vote please. All those in favor please stand.

Section 1: 4; Section 2: 15; Section 3: 17; Section 4: 10;
Section 5: 7; Section 6: 16; Section 7: 18; Section 8: 12;
Hall: 2; Stage: 20.

MODERATOR: Those opposed please stand.

Section 1: 5; Section 2: 7; Section 3: 7; Section 4: 3;
Section 5: 2; Section 6: 13; Section 7: 15; Section 8: 7;
Hall: 0; Stage: 0.

MODERATOR: 121 having voted in the affirmative and 59 having voted in the negative the Article passes. Article 43. Mr. Salafia.

SALAFIA: Madam Moderator, I move that \$500,000 is appropriated to pay costs of cleaning lining or replacing water mains, 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 Selectmen is authorized to borrow said amount under and pursuant to Chapter 44 Section 8 Chapter 5 of the General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Article 43 has been moved and seconded. Selectmen's report please.

SALAFIA: The Board of Selectmen recommends approval of Article 43.

MODERATOR: Thank you. Mr. Merritt. The Finance Committee report.

MERRITT: The Finance Committee recommends approval.

MODERATOR: Are there any questions? This also requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries by far more than a two-thirds vote. I declare it as such. Article—is this our last Article? Oh...we were having such a good time. Let me just, let me just say two things before we go to this Article. Number one thank you all for staying and for being here as long as you are. If there's anyone offended by me personally, I apologize for that. I appreciate your patience and your tolerance. Those of you who have worked so hard to put this together the Town Clerk and his staff have done a wonderful job and I am deeply grateful to be able to just walk in and be able to start this Meeting. So thank you all very much.

MAJOR: Madam Moderator. Point of personal privilege.

MODERATOR: Go right ahead sir, if you could.

MAJOR: I'd like to just say thank you to you for an outstanding Town Meeting. [APPLAUSE]

MODERATOR: Oh, I don't know that's---thank you. Thank you, sir. Thank you Mr. Major. Go right ahead. Mr. Shapiro. Thank you.

SHAPIRO: Bob Shapiro, Haggetts Pond Road. I move to approve the General Bylaw Amendment, Payment Option of Obligations, as printed as Article 44 in the Warrant which says in part to authorize the Board of Selectmen to offer employees and contract as part of their pay in silver eagle coins or equivalent.

MODERATOR: Article 44 has been moved and seconded. Go ahead, Mr. Shapiro.

SHAPIRO: Okay. US Congress created the silver eagle coin and gave it an official legal tender value of one dollar. So Congress says that one silver dollar equals one paper dollar. The market has given this silver eagle coin a different value which fluctuates continuously. Today the exchange rate is about \$35 paper dollars to one silver dollar. This difference in valuations is given the employees of Andover and the taxpayers of Andover and opportunity to save money by using a process commonly called arbitrage. Arbitrage is used by every business, every business day. They pay a lower price from their suppliers and sell at a higher price to the customers. That's arbitrage. The mechanics of how employees would be paid partly in paper, and partly in silver, is simple and straightforward and in most respects would be transparent. Employees might receive two checks or two direct deposit slips but otherwise the process would appear the same as today. To implement this program the Town would need to find a partner such as a bank or a payroll company. For a fee the partner would process all the paperwork much as it is done today. In addition the partner would assume all the risk of the exchange rate which fluctuates constantly. How much is the benefit? It will differ somewhat from employee to employee but I expect that the percentage of tax withheld should fall by four to five percent for each employee. So participating Town employees would receive about four to five percent more purchasing power then they do today. The Town which would collect part of that withholding as silver but paid to the IRS as paper also would save about four to five percent. My guess is that after about two years we might see

maybe 40% of the employees participating in the plan and that would translate into a savings for the Town and for the taxpayers of about a million dollars a year. But all this may be getting ahead of what we're voting on today. What we're voting on is simply whether or not to give the Board of Selectmen the authority to offer this benefit to Town employees. Later on if the Board of Selectmen decide that the million dollar savings isn't worth the effort they simply can choose to not use that authority. If employees do not want to take advantage of this benefit. They simply may choose not to participate. It's completely voluntary. As a final note, our teachers have been patient, staying in their classrooms while a new contract is negotiated, wouldn't be a nice way of saying thank you by giving them a potential four to five percent raise without costing taxpayers a penny and actually saving money for the taxpayers. I recommend that you vote yes on this Article.

MODERATOR: Thank you, Mr. Shapiro. Can I ask you if you would be willing to accept a friendly amendment and I may need to have somebody on the Board of Selectmen offer this after the Clerk mentions it, it's just a scrivener's issues on you---

MURPHY: Mr. Shapiro, we like to have certain language in our By-law amendments that just allows us to reorganize the Code of By-laws from time to time. [INAUDIBLE FROM THE FLOOR] It is but you didn't move it. So if, my suggestion is that if you accept as a friendly amendment to add the words 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.

SHAPIRO: Sure, it's fine, it's fine.

MODERATOR: Could I have, it's been moved and seconded. Could I have that language change in the By-in the motion, thank you. All those opposed. Thank you. Thank you, Mr. Shapiro. Selectmen's report please, Mr. Kowalski.

KOWALSKI: The Board of Selectmen recommends disapproval of this Article.

MODERATOR: Okay. Mr. Rigby, the Finance Committee?

RIGBY: The Finance Committee recommends disapproval of the Article. The Finance Committee understands Mr. Shapiro's suggestion but absent any form existing today for consistent exchange, handling of commissions and fees, on the change-on

the exchange rates, and the risk of the time the income is earned and the time the silver dollars are delivered to the employees is placed the Town the employees at risk of market volatility which neither party can indemnify each other. I understand the reason for having the intermediary do that but I'm not aware of intermediaries that currently do that now. Finance Committee recommends disapproval.

SHAPIRO: Sure. As I stated the partner would take all the risk, so that part of it just doesn't apply.

MODERATOR: Any questions or comments? Go right ahead, Mr. Pasquale.

PASQUALE: John Pasquale, 47B Whittier Street. Are there any other towns in Massachusetts doing this?

SHAPIRO: Not that I'm aware of, no.

PASQUALE: I want to be honest with you. I know something about investing in something but it's almost like Bernie Madoff talking to me, I got a deal. So I'm not voting for it, but I'm very intrigued by it. [LAUGHTER]

MODERATOR: Alright are you ready to vote? Yes sir do you have a comment? Or a question?

UNKNOWN SPEAKER: Yes a question. Chris [INAUDIBLE] 70 Holt Road. The increase in purchasing power is that because the employee is getting a silver dollar that's officially being paid one dollar but getting \$35 so they are voluntarily decreasing their salary but getting silver instead of...?

SHAPIRO: The increase in purchasing power is because the nominal number of dollars that they're receiving is down so that the percent that they pay in their taxes goes down.

UNKNOWN SPEAKER: So in other words if I'm making \$35 an hour I'll accept a one dollar silver coin instead of \$35.

SHAPIRO: Yep.

UNKNOWN SPEAKER: Wouldn't that also mean that their Social Security benefits would also decrease because then they'd no longer be...their official salary, so all their, not only Social Security, but all the benefits which are indexed at a salary wouldn't they also be indexed down?

SHAPIRO: And it could yeah sure. And it depends on the individual employee. If an employee is about to retire they're probably not gonna want to participate but if they're 20 yeah it's a great benefit.

UNKNOWN SPEAKER: All right, thank you.

MODERATOR: Are we ready to vote? This requires a majority vote. All those in favor of Article 44 please raise one hand. Thank you. Those opposed. Oh and the no's clearly have it, sir. Thank you very much. The motion is lost. Mr. Urbelis?

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

MODERATOR: The motion to dissolve the 2012 Town Meeting all those in favor please say aye. Those opposed. Thank you very much the ayes have it. See you next year.