

2013 Annual Town Meeting

Monday, May 6, 2013

MODERATOR: The hour of seven p.m. having arrived it is my distinct pleasure to call to order the 2013 Andover Town Meeting. Before we begin tonight I would like you if you would to indulge me in a personal privilege moment. Today is a very, very significant day in the history of our Town. 367 years ago today, May 6th, in 1646 the Town of Andover was incorporated through a land grant from the Massachusetts Great and General Courts to form an inland plantation as opposed to a coastal plantation in parts of what is now Andover, North Andover and South Lawrence, to encourage settlement in an inland plantation--it's kind of like an industrial 2 zone or something --an inland plantation. The early colonists that were arriving were offered three years of immunity from taxes to come here to live. And they were also awarded immunity to different services with the exception of military service. This was in 1646. There were no formal Town Meetings until 10 years later; as the first one was recorded to be held in 1656 in the home of John Osgood in what is now North Andover. For 357 years the residents of Andover, 357 have gathered each year as we are doing tonight to conduct the business of our Town, to share our thoughts and ideas and to decide the level of growth we want and to authorize the spending of our funds. It is an awesome responsibility. It truly warms my heart to take so many of you take and shoulder [?] the continuance of this historic tradition in our form of government. Every one of us here tonight has an equal say in the decisions before us for this meeting. The collective wisdom of the Town Meeting in my humble opinion has almost always steered this community forward. It is very fitting that 367 years later with terrorist threats at our door, with gridlock in our central government and with multiple visions of what the future will be like, we are opening our 2013 Town Meeting to collectively once again govern ourselves and for our Town, and to direct our Town, for the greater good. I am so very proud and I am so very humbled on this our anniversary, to gavel open our meeting tonight. Thank you. [APPLAUSE] Thank you and Happy Birthday to our Town. Okay I would ask you please to stand for the presentation of the colors. If you could please clear the center aisle.

[PRESENTATION OF FLAG]

MODERATOR: Mr. Salafia if you would join us in the Pledge of Allegiance, or lead us, please.

[PLEDGE OF ALLEGIANCE]

MODERATOR: And if we could have our Andover High School students please lead us in our home grown song.

[Singing of "America"]

MODERATOR: The posting of our colors, you may be seated, today were done by the American Legion Post 8 with veterans from World War II, the Korean and Vietnam War. And our music, thank you very much, our future voters, from Makayla Banton, Elizabeth Chandler, Sophie Combs, Dylan Milis, Courtney Plati, Daniel Webber, Katya Sorterup-Kaminsky, Amanda Kamlet, Katy Kiernan, Taejasvi Narayan, Dylan Schneider and Stephanie Neffer. Thank you all very, very much. Is the Reverend John Zehring here? Maybe if I could ask you then to stand just for a brief prayer. Lord we ask you to be among us today. We thank you for the many gifts and blessings that you have given to this community, to our country. We ask you please to look over us, protect us, and let us be instruments of peace throughout our world. We'd like to remember please those who are deceased who are members or our community who have been members of this body in the past who are not here now. We thank you for the courage, and the bravery of the members of our community who assisted in the marathon bombing, for our public service employees who raced into the city. We thank you for their bravery and presence among us. Amen. Please be seated. Okay so I won't give up my day job. Mr. Urbelis, please, the admission of non-voters.

URBELIS: Madam Moderator, I move to admit Marinel McGrath, Lawrence Murphy, Steven Bucuzzo, and others who may enter, some of whom may be speaking.

MODERATOR: Motion has been moved and seconded to admit the non-voters. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the motion carries. Could you please direct the non-voters in to the non-voting section to my right? If you would please put your phones on silent. If you could take a moment please to do that I'd be grateful. If you wouldn't mind turning them off, that would be better, but at least if you could put them on silent. There's no food or drink other than water here in the Field House. And for those of you who don't know, down there to the back, right by the door where you came in, are the restrooms if they are needed. Mr. Urbelis the waiver of service please.

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

MODERATOR: All those in favor of referring to the Warrant Articles by number, please raise one hand. Thank you. Those opposed. Thank you. The ayes have it, the motion carries. Our voting sections tonight are: 1, 2, 3, and 4, behind them 5, 6, 7, and 8, and way in the back 9, 10, 11, 12, 13, 14 and 15, and behind 14 and 15 are the non-voter sections. I'd like to introduce to you the participants on the stage. To my right, your left, is the School Committee, Dr. Marinell McGrath, the Superintendent of Schools, the Board of Selectmen, Mr. Buzz Stapczynski, the Town Manager, Donna Walsh, the Town Finance Director. To my left, your right, is the Finance Committee, Town Counsel, Mr. Urbelis, and Town Clerk, Larry Murphy. The Ombudsman is Christopher Vrontas; you'll find him over here in this chair. If you could kind of give a waive Chris so we know where you are. Attorney Vrontas? Well, he's over there in deep philosophical discussion. If you would like to amend an Article, we have the three part forms that need to be completed in order for an amendment to come forward. That needs to come to me first. We will then allow you to read the motion and we will try to get it up on the screen so everybody can see it, if there is an amendment to an Article. My understanding, if I read the papers correctly, is that this Meeting will be three nights. I don't know that's true, or not true, but we will go at as moderate a pace as we can. I would ask each of you if you have something to say, if what you intend to say has already been said, please don't prolong the meeting. But if you have something to say we will certainly try to get everybody's opinions in. There are a number of things I know that are going to be heated discussions in the course of tonight's Meeting, as is almost always the case. You can disagree on any position by any official, or volunteer of a Board, has taken but I will not allow nor will I tolerate character assassinations, personal innuendos, or any kind of attachment of negative motives on anyone here. If you wish to disagree I will insist you do so respectfully. And I will do everything to assure that each speaker is shown the same level of respect and that your questions are answered. All questions are to be directed to the Moderator and I will direct the question then to someone to answer the question for you. If your question has not been answered, please let me know that and I will do everything I can to get the answer for you. If you are voting you must be seated or you must be at a seat. If you're in the back or you're standing out in the hall or standing around chatting to someone your vote will not be counted if you're not in one of these voting sections. We do

have tonight, as we have in the past and it's become a tradition, a pro mic and a con mic. The pro mic would be where if you want to speak for an article, in favor of it, you would go to the pro mic. If you want to speak against an article, you would speak at the con mic. If you are doing a presentation you may do so here in the front, down here in front of me. And there is a mic back there, mic number three, which is a point of order, question: Madam Moderator it's too noisy, Madam Moderator I can't hear, Madam Moderator I don't think the protocol that we're following is correct. Those types of, point of order, would be acceptable. If there is an amendment to any Article this is how we will handle that. If we have introduced and moved an Article that's in the Warrant and somebody wants to amend it that amendment has to be seconded. Once that amendment has been seconded we will discuss the amendment. If the amendment passes that then becomes the main motion and we go back to the discussion on the main motion. When we're doing the budget which is Article 4, I need you to really understand this if you can, the numbers in your Finance Committee book are not necessarily correct. Things have changed since that book went to press. All of the numbers that we will be voting on will be up here on the screen. So please, you may be looking at your book and saying I don't even know what these numbers are, but the numbers up on the screen will be the numbers that we are being asked to vote on. And lastly I would like to again ask for affirmation from the Town Meeting tonight regarding time limits on speakers. I move the following motion---

POKRESS: Point of order.

MODERATOR: Yes, sir.

POKRESS: Point of order, Madam Moderator. Bob Pokress, 3 Cherrywood Circle. Two procedural items:

MODERATOR: Before you get to that can I at least finish my opening statements and then I'd be happy to hear what you're saying.

POKRESS: Okay. Do I then have to amend what you're going to say?

MODERATOR: Well there's no motion on the floor right now, so there's nothing to amend. If you want to amend this motion, that's fine. Okay so I would put forward this motion that for this Town Meeting that we impose a time limit of five minutes for presenters of an Article and three minutes for speakers from the audience. The Moderator will let the speaker know when they have 30 seconds left of their time and these limits

can be extended at the discretion of the Moderator. Is that something you want to ... discuss?

POKRESS: There were two procedural items I wanted to bring to the floor, Madam Moderator.

MODERATOR: Does it have to do with this?

POKRESS: One of them does.

MODERATOR: Okay take that one first please.

POKRESS: Well since we are as voters the Town legislatures who must vet and approve all Town items brought to a vote at Town Meeting and for most people the presentations on the Articles will be the first time most of the voters will get to hear the specifics on a proposal, get to question the article's proponents about the details of the Article and speak to the pros and cons of every Article being up for a vote I'd like to request that rather than assigning an arbitrary time limit to the amount of time presenters of Articles can have to present their Articles and that voters can have to raise questions and discuss the pros and cons, that we defer to your judgment as to when a speaker should pass the mic on to someone else. There can be situations where a presenter or voter who has come up to the mic and has vital information associated with the Article might have an arbitrary time limit that would cut them off. And it's not fair to the voters who deserve to hear all possible information about the Articles before we vote since we're talking about some very big budget item requests these days to the tune of \$150 million plus rather than chump change.

MODERATOR: Thank you sir. Do you have something to say to this motion sir?

STRECKER: I don't know if it's possible for me to amend your motion. I think the time limits are really too long. If you can't say something in 30 seconds to a minute we have a problem. This gentlemen's point—oh, and the name is Robert Strecker [?], 30 Railroad Street, Andover. I think a time limit for somebody is presenting something that I went to the meeting last week about, on some of the issues; everybody had a chance to see that, everybody had a chance to read the book of all the...Warrants. Okay, apologize. So I'd like to amend your thing to have a three minute speaking time for somebody speaking about a Warrant, and then a one minute speaking time for somebody responding. And the Moderator can obviously give extra time by using some sort of hand signal, like raising your right hand, is how I would like to amend your proposal.

MODERATOR: If you have an amendment that you want to submit to us that I can put before the meeting I'm happy to do that. As a matter of course, as many of you know that on the larger Articles we have by prior arrangement agreed for the presentations to be longer. Are you going to give me an amendment to that sir? Are you giving me an amendment? I need it in writing. While we're waiting for that I need to let all of you know that in the Warrant the Special Town Meeting which will be held tomorrow, the Special Town Meeting was announced to be in the Collins Center, the theater center, and I do have the authority to change the venue if we think the numbers of people will be too large. Obviously we will have this room set up, we will in the midst of a regular Town Meeting within which we will have the Special Town Meeting. So I would like to put all of you on notice if you come back, or when you come back, tomorrow night, we will have the meeting here. And we will post signs at the Collins Center in case anyone is confused as to the location that the Meeting will be here, as opposed to being in the Collins Center. Yes, sir.

POKRESS: Madam Moderator may I at least introduce the other procedural item while you're waiting for the amendment.

MODERATOR: No I'd rather get this vote done and then I'll give you the floor on that. Okay? How are we doing on that amendment sir, you good? If you can bring that over to me please. The amendment is to amend the time for speakers to two minutes for Warrant Articles. I can't read your writing sir I'm sorry. For Warrant the minutes for...can I ask you to stand there and read this please?

STRECKER: I propose to amend the proposal on the floor to amend the speaker time limits to two minutes for people about Warrants and one minute for other speakers and the Moderator can make a hand signal of raising her right hand to allow speaker to continue on either side.

MODERATOR: All right. All those in favor of the amendment please raise one hand. Those opposed, please raise one hand. The opposition has it the motion to amend fails. All those in favor of the motion please raise one hand, that we do the limits. Thank you. Those opposed. Thank you. The ayes have it we will impose the time limits. Mr. Pokress.

POKRESS: Yes, Madam Moderator, the second procedural item that I would like to introduce is that our neighbors in North Andover have just implemented an excellent procedure to increase the transparency at their Town Meeting whereby every

person who is going to speak to an Article has to indicate whether or not they or an immediate family member will benefit in some fashion or have, or they have a financial interest in the outcome of the voting of that Article. I would like to request that we implement a similar procedure requirement for this and all subsequent Andover Town Meetings. Thank you, Madam Moderator.

MODERATOR: Thank you, Mr. Pokress. That's at the discretion of the Moderator and I'm not, I'm not prepared at this point to impose that. I appreciate your comments. North Andover is trying that. They're going to see how that works and how it holds up. And I'm happy to wait for that decision. Let's get started. Article 1 please Mr. Murphy.

MURPHY: Thank you Madam Moderator. The Town of Andover Annual Town Election was held on March 26th this year. There are total of 1,056 ballots cast. There were five races on the ballot. For a one year term as Moderator, incumbent Sheila Doherty was the only candidate on the ballot and she received 825 votes and was declared the winner. There were two three-year terms on the Board of Selectmen. On the ballot were Paul Salafia, incumbent Board of Selectmen member who received 647 votes, Alex J. Vispoli, also an incumbent member who received 844 votes and Larry Bruce who received 305 votes. Mr. Salafia and Mr. Vispoli were declared the winners. Also on the ballot were two three-year terms for School Committee. There were two candidates on the ballot: Paula Colby-Clements, incumbent, received 749 votes and Barbara L'Italien received 658 votes. Both were declared the winners. For the five-year term on the Housing Authority, there was one candidate on the ballot, Janice Burkholder, who received 788 votes and was declared the winner. And for a three-year term as Trustee of the Punchard Free School, Randall L. Hanson received 811 votes and was declared the winner. All candidates were duly sworn in and qualified to office.

MODERATOR: Thank you. Article 2. Mr. Salafia.

SALAFIA: I move that Calvin G. Perry, 25 Timothy Drive, be elected Trustee of the Cornell Fund for three years.

MODERATOR: Article 2 has been moved and seconded. Any comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 3. Mr. Salafia.

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

MURPHY: And I'll call for the vote on this, oh, is there a second? All those in favor. All those opposed. The ayes have it.

MODERATOR: Thank you very much. I move that the following salaries for elected officials be voted for this year: for Selectmen for the Chairman, \$1,800, for members of the Board, \$1,500 each; for members of the School Committee, for the Chairman, \$1,800 and for members of the, the normal members of the School Committee, the other members, \$1,500. Finance Committee report please Mrs. Moffitt.

MOFFITT: Finance Committee recommends approval.

MODERATOR: Any comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 4 as many of you know is the budget. And I've asked the Finance Committee Chair who is the individual, the Finance Committee as you know, sole responsibility is to report to the Town Meeting, that is their main function. The Board of Selectmen will give their report and the School Committee will give their report, then we will go into the line items. So I would like to have Mr. Jon Stumpf, Chairman of the Finance Committee open with remarks.

STUMPF: Thank you, Madam Moderator. Good evening Ladies and Gentlemen. Before delivering the budget overview I'd like to take a minute to thank a few people in particular the Town Manager, Superintendent and their teams, the Board of Selectmen, School Committee and the Finance Committee members. We've been working diligently in an effort to bring forward a balanced budget and I'd like to thank everyone for their efforts. I'd like to thank the Town Clerk and his team and all the Town employees involved in the preparing tonight's venue. And most importantly I'd like to thank everyone in attendance this evening and for participating in Town Meeting process. Tonight I have the pleasure of providing the overview of the Town's recommended budget and other recommendations that will have a significant financial impact on the Town. My overview will consist of the following seven main points: First, some good news, from a financial perspective, again this year we have a number of positive items; secondly, I'd like to provide an overview of the

anticipated revenue and our primary revenue sources; thirdly, the probably tax impact, if the Town Manager's recommended budget is approved; next, I'll review a few fixed costs on the major items proposed for the fiscal year 14; that will be followed by some fixed costs and future unfunded obligations which the Town will face; then a look at our major operating expenses and lastly, a look ahead. Concerning good news I'm pleased to announce that the School Department request and the Town Manager's budget recommendation are in balance. When the Finance Committee report went to press there was a difference of \$973,000. Through a combination of Schools lowering their request and the Town Manager increasing his allocation the difference has been closed. The Board of Selectmen, the Finance Committee voted earlier this evening and the finance—the School Department budget which will be presented in Article 4 is \$68.9 million. Additional good news is that the Town has maintained its AAA bond rate. This positive rating allows the Town to issue new bonds in December with an average interest rate of 2.24%. The Town also refinanced existing bonds with an average rate of 1.55% which will generate a savings for the Town of approximately \$450,000 over the remaining life of the bonds. Furthermore, the Town's health insurance budget request remains in check. The fiscal 14 request for health insurance is less than the fiscal 2012 actual expense, while the number of employees has actually increased and the Town is taking advantage of legislative changes, continuing wellness programs and other initiatives that have helped this expense item. Also [BREAK IN TAPE] ...23 and 7% of general fund revenue. As of July 1st 2013 that reserve percentage was 6.3%. On the anticipated revenues regarding revenue the Town Manager anticipates total revenue of \$157 million. This is based on property tax revenues increasing to the full extent of Prop 2 1.2 plus an additional \$1 million in debt service exclusion for the Bancroft School. State aid and general local revenues are forecast to increase slightly for approximately \$200,000 each. After subtracting fixed costs and other expenditures the net amount available for Town and School operating budgets reflects a 3.8% increase. Concerning the probable tax impact, if the Town Manager's budget is approved the average single family tax bill will increase 4.9% or \$394. This increase includes \$81 to pay for the exempt debt service for the Bancroft School and the full impact of the Bancroft School debt will appear on tax bills in 2015. Regarding fixed costs, debt service is one of the largest fixed costs and can be broken down into four segments: water and sewer debt is included in the water and sewer bills; the next segment, exempt debt service, is paid for outside proposition 2 ½.

Exempt debt is nearing historical highs and with future exempt debt requests on the horizon it's important that the taxpayers understand the tax impacts of projections such as the new town yard, a new fire station and improvements to the Andover High School. Lastly, non-exempt debt is paid out of operating budget and is subject to the limitations imposed by proposition 2 1/2. As non-exempt debt increases department budgets will have to be reduced and / or not grow as fast as they otherwise would to stay within proposition 2 ½ limits. Another large fixed costs is the health insurance appropriation. This provided insurance for Town and School employees and retirees with the exception of retired teachers. A zero percent rate increase is forecast for Fiscal 14. And this 14 appropriation is needed to cover an increase for out number of subscribers which has increased. On fixed costs there are a number, there are two large fixed costs that have an unfunded amount that is associated with them, the retirement fund and the Other Post-Employment Benefits or what is commonly referred as OPEB. The Town Contributory Retirement System uses an actuarial based funding schedule to determine pension appropriations. The actuarial valuation occurs every two years and the unfunded obligation is estimated at \$97 million. And it needs to be fully funded by the year 2040. To put this obligation in perspective we currently about 50% funded and in 1997 we were 54% funded so in 15 years our funded percentage has gone down. In addition to the pension obligation the Town has an unfunded obligation for OPEB. OPEB is primarily health insurance for retirees and the current unfunded obligation is estimated to be \$215 million. The only current funding retirement is the pay as you go basis with costs recognized and paid [?]. Actuarial valuations occur every two years. The combined \$312 million unfunded obligation is not unique to Andover, literally all the municipalities within the Commonwealth and across the country have similar if not worse scenarios. The Town Manager will present a long-term strategic plan for dealing with these unfunded obligations at the end of the Fiscal year. On the operating expense side by far the Town's largest and greatest asset is our employees and it also is our largest expense. Andover's labor contracts are based on 15 separate collective bargaining agreements; five of those agreements have already expired and are currently in negotiations and 10 are due to expire in 2014. Great care must be given to negotiate agreements that are fair to the employees while also affordable to the Town. In addition to proper care in crafting collective bargaining agreements the number of full time equivalents must be carefully managed. Between 2012 and the proposed 2014 budget the Town departments' full time

equivalents has remained essentially unchanged. For the same time period the School Department has increased their full time equivalents by 101; of these 20 were originally funded by the Federal Stimulus Grant and were moved to the School operating budget in 2013. An additional nine FTEs were added to the operating budget in order to reduce the costs of contract services provided by the Greater Lawrence Educational Collaborative. When all costs involved in hiring new full time equivalents are examined it's clear that our current financial path with regard to personnel costs is unsustainable. Going forward great care must be taken to consider total present and future costs when positions are contemplated. In looking ahead while there are many variables that impact residential tax bills a reasonable estimate for property taxes is based upon historical trends is 3 1.2 % increase within proposition 2 ½ in addition there may be increases due to exempt debt and the collective bargaining agreements and terms of those agreements will drive our future salary and benefit increases. Lastly, the design of the long term strategic plan to deal with the unfunded obligations will have an impact on future operating budgets. 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. Thank you members of the Finance Committee. Mr. Salafia the Selectmen's report please.

SALAFIA: Thank you, Madam Moderator. Good evening. The open Town Meeting is uniquely New England and Andover Massachusetts has the distinction of being the largest Town Meeting in the entire country and I'm told by our Moderator it might even be in the world, so I'm not sure about that. Our Town Meeting form of government allows each and every voter direct input into how we allocate your tax dollars and more than 60 Warrant Articles that you will be asked to vote upon in the next three nights. It's an opportunity not given to everyone the Board of Selectmen urge you to come to all three nights learn about your Town government and cast your vote for each and every Article. In preparation for this year's budget the Chairpersons of the Board of Selectmen, School Committee and Finance Committee conducted weekly meetings throughout the year. Those weekly discussion built a framework from which we were able to identify budget priorities and healthy debate on differences, solve problems and ultimately to agree on the balanced budget before you tonight. I want to thank Paula Colby-Clements, Chair of the School Committee and Jon Stumpf Chair of the Finance

Committee for their year-long commitment to that process and their focus on our final goals. The Board of Selectmen budget process begins with a structured review of all Town departments. We ask that each Department Head appear before the Board with a detailed presentation comparing several criteria from last year's budget to their request for the upcoming year. We ask that they justify budget variances, increase or decrease in any of their, any number of their FTEs which means full-time employees, organizational changes, requests for vehicles or equipment and the like. This rigorous review is conducted for the following Departments: Police, Fire, Community Development and Planning, Public Works, Plant and Facilities, Library, Elder Services, Youth Services, Health, Community Services, Finance & Budget, and our newly created IT Department. Each Department Head is required to present their previous year's accomplishments, their plans for the next year and capital improvement requests and also answer many questions from the Board. Although these reviews require dozens and dozens of meeting over several months we feel it is a necessary information gathering process after which the Board of Selectmen can prioritize the limited resources and spend your tax dollars most wisely. And, right after this short, this Town Meeting, this same year-long process will begin again. Additionally, in the next three nights you will be considering important votes on the rezoning of several areas of Town. These proposed changes will help to revitalize our community, strengthen our Town economy, and provide additional revenues to carry Andover into the future. Among the 61 Articles you will also be asked to vote on the purchase of conservation land, maintain our water and hydrant system, and of course, a Town Meeting favorite, the Jerry Silverman Fireworks Fund. Please attend all three nights. Your vote is important to the open meeting process. Thank you.

MODERATOR: Thank you, sir. Ms. Colby-Clements please. School Committee report.

COLBY-CLEMENTS: Thank you, Madam Moderator. In the interest of time I would like to make a few comments on behalf of the Superintendent and the School Committee. The budget we present this evening continues to support and advance the goals of the strategic plan for the Andover Public Schools, while it insurance level services allows us to meet all contractual obligations and provides for all mandate programs, this budget also allows us to address in FY14 some of the recommendations made in the NEASK [?] High School accreditation report. In addition the requested amount

reflects a number of reorganizations that have allowed us to capture savings and to make modest investments in our strategic plan. Some highlights of the FY14 budget include: funding for the much needed strategic [?] plan investments in our fine arts program including a new fine arts program advisor and 2.75 full-time equivalent positions in the areas of band, orchestra, and chorus; finding for phase one of a new in-district special education program called transitions that provides programming for emotionally vulnerable high school students who are currently unable to attend the school, funding for 3.0 FTE teaching positions at Andover High School, specifically for the reduction of class sizes in English and Social Studies departments so that students can receive more individualized instruction in classes that require extensive writing. This is the first budget in a number of years that does not have layoffs or reductions in services. It is our hope that we have reached a point of stability that will allow us to move our district forward in an innovative way for our students. This stability coupled with the fact that our technology infrastructure approved at last year's Town Meeting will all be in place for the next school year which will provide many opportunities for a more rapid acceleration of curriculum that really make our students future ready. At this time we'd like to thank Superintendent McGrath and her leadership team for the many hours of time and creativity that went into bringing this budget forward tonight. We'd also like to thank the Town Manager, the members of the Board of Selectmen, Finance Committee and the Chairs of the Board of Selectmen and Finance Committee for their collaboration. Thank you for your time.

MODERATOR: Thank you very much. Okay we'll move forward now with Article 4 and we will be approving line items of the budget. Again a reminder the budget line items, or the figures that are up-not currently-but they will be up on the screen as we are moving this will be the ones that we will be looking at, not the ones that are in your Finance Committee report. Line item 1 and 2, Mr. Vispoli.

VISPOLI: Yes Madam Moderator...

LANDRY: Pardon me, Madam Moderator. Point of information.

VISPOLI: ...under Public Safety be approved, Line item 1, Personal Services, \$14,001,660; other expenses, \$1,460,120 for a total of \$15,461,780 this includes \$200,000 of parking

receipts, \$70,000 in detail fees, and \$1.150 million in ambulance collections.

MODERATOR: Line items 1 and 2 have been moved and seconded in the amount of \$15,461,780. Yes, sir, do you have a point of order?

LANDRY: Yeah, Madam Moderator. Bob Landry, 4 Seminole Circle. I intend to offer an amendment to a line item that comes later in Article 4. I've been advised by the Ombudsman to let you know that now. Should I submit the amendment now?

MODERATOR: No when we get to the, cause each of the line items are going to be moved separately.

LANDRY: Okay.

MODERATOR: So when we get to that one, I'm happy to ---

LANDRY: Very good. Thank you.

MODERATOR: ---to entertain that.

MESHNICK: Madam Moderator, my name is Andrew Meshnick, 11 Rolling Ridge Road.

MODERATOR: And yes, sir.

MESHNICK: And I move to amend Article 4 to add the following language after the word interest to accept sections 3 through 7 of MGL Chapter 44B to add the following language at the end of the Article. It's the Community Preservation Act. It's an provision in Massachusetts General Law that the Town of Andover can adopt that relates to raising revenue for very specific purposes.

MODERATOR: Does that have anything to do sir with Line Items 1 and 2?

MESHNICK: Article 4 of the budget relates to raising revenue and appropriate revenue.

MODERATOR: Right. Is there a department that that would fall into?

MESHNICK: It could fall under the purview of the conservation corp.

MODERATOR: And is that in General Government? Conservation?

STAPCZYNSKI: It is.

MODERATOR: Can I ask you to, can I ask you to take a look at that when Line item 3 and 4 are up for debate?

MESHNICK: Line item 3 and 4 it would be in order?

MODERATOR: I'm sorry?

MESHNICK: It would be in order in line item 3 and 4?

MODERATOR: They're telling me that's where the conservation is, is in line item 3 and 4, in the General Government budget.

MESHNICK: So it would be in order to bring up.

MODERATOR: If you could defer that until we come to that, those line items.

MESHNICK: Most certainly. Thank you.

MODERATOR: Thank you, sir. Yes, sir.

POKRESS: Thank you, Madam Moderator. Bob Pokress, Cherrywood Circle. I have a question for the Town Manager, the Selectmen and the Finance Committee. Would the Town Manager please indicate the dollar amounts associated with this personnel services line item that has been included in the budget in order to cover the costs to the Town of post-retirement benefits that will be generated during the upcoming fiscal year associated with the personnel services in this line item? Would the Selectmen please confirm whether or not this amount has been vetted by the Selectmen as to whether or not it's sufficient to cover all future costs associated with the retirement liability and per-retirement liability these personal services will generate in the coming fiscal year. And will the Finance Committee indicate whether or not they have verified this amount being set aside by the Town Manager this year as to whether or not it covers the post-retirement benefits that will be generated by these personal services.

MODERATOR: So if I understand your questions, if I can clarify it. You want to know in the \$14 million how much of that is post-retirement benefits?

POKRESS: Yes, ---

MODERATOR: ---And you want to know, and you want to know if the Selectmen have verified that and if the Finance Committee have verified it.

POKRESS: If the Selectmen have vetted that number and if the Finance Committee has done their own analysis to verify whether that amount is sufficient.

MODERATOR: There are three questions; let me get the first one. Do we know what the number is? Do we know what the number is?

STAPCZYNSKI: No. We don't know what the number is for this line item for our OPEB benefits.

MODERATOR: Okay. So then the Board of Selectmen has not vetted that, nor has the Finance Committee, anything. No, sir, I don't have an answer for your question.

POKRESS: Now so just so everyone in the rooms understand what you're saying is that we are not setting aside as part of this year's budget a sufficient amount to cover future retirement benefit costs that will be generated this coming year and that the Town residents are going to be on the hook for millions more in unfunded liabilities above and beyond what Chairman Stumpf just indicated we're already on the hook for.

MODERATOR: My understanding of your question, and please correct me if I'm wrong, my understanding of your question was how much in that \$14 million is for post-retirement benefits for current employee. Is that correct?

POKRESS: My question is related to personal services which are part of Article 4 how much is the Town Manager with the vetting by the Selectmen and verification by the Finance Committee setting aside for the post-retirement benefits that will be added to this coming fiscal year. I've heard professionals in the industry indicate that as a Town given the total level of personal services [INAUDIBLE] on an annual basis we are adding -wait let me just finish-we are adding somewhere between \$10 and \$15 million a year to the unfunded liabilities, so my question is-

MODERATOR: Okay rather than having you make a speech to us sir which I appreciate you are passionate about this; let me try to get your question answered.

POKRESS: Thank you.

MODERATOR: Okay. Go ahead-

MAJOR: --thank you, Madam Moderator. The Board of Selectmen a couple of years ago we brought this issue before you that we do have this unfunded liability and over the last couple of years we've appropriated between \$300-\$400,000 per year to put into a fund that will help us pay for it. Does that cover our costs? No it doesn't. Yet. We've challenged the Town Manager to put together a plan which he will present back to the Board of Selectmen by the end of this fiscal year, by the end of this June. We're proactively putting this money aside with your permission and with that we have not allocated those dollars to any particular line item, to any particular department. We're just doing so as a lump sum payment into this account.

POKRESS: Does the Finance Committee disagree then that we're gonna be increasing the amount of our unfunded liabilities somewhere to the tune of \$10-15 million this year because we're only making a token, symbolic contribution to that amount per the Town Manager's proposed budget?

STUMPF: Mr. Pokress, I tried to address in my opening statements that the OPEB is a line item in Article 4, it's further down the line, and that is where, as Selectmen Major mentioned, we are setting aside a little bit each year to address the future obligations that we have. And there is no funding requirement similar to a pension. But we are being proactive as Mr. Major said in setting up a trust and funding that trust and the Board of Selectmen as a goal for the Town Manager he will present to them a long-term strategic plan for dealing with our unfunded obligations.

MODERATOR: Mr. Salaf-Major.

MAJOR: Yea, one more point. Our employees have worked diligently with us in order to try to get those costs under control. And in our last sets of contracts our employees have agreed to make changes to the contract so that they're playing more for health insurance, they're paying more for other aspects of what would impact the OPEB liability. So this is two prong approach. We are putting some money aside

but we are also working without employees so that we can reduce what that overall obligation is. We will be putting together this plan and that will be spelled out more specifically by the end of this fiscal year.

MODERATOR: Mr. Stapczynski.

STAPCZYNSKI: Yes. Madam Moderator, just to add a little more information to this OPEB discussion. This year in the budgets or the budgets being voted as recommended by the Selectmen and the Finance Committee we will be allocating \$402,000 to our OPEB fund: \$325,000 from the General Fund and \$77,000 from the Water Fund. At the present time we have \$1,006,245 in our OPEB, in our OPEB trust fund for this purpose. So we are putting money away for this and as stated I will have a report with more information for the Board and the Finance Committee the end of this fiscal year.

MODERATOR: Okay let's move forward on Article-line item 1 and 2 which are the items before us. Sir, do you have something specific to these two line items?

MEDEIROS: Yes. I have a question for clarification. I'm Ed Medieros, Washington Park Drive.

MODERATOR: Yes, sir.

MEDEIROS: Below your amount you say you have includes \$200,000 for parking, \$70 for detail and \$1,150 million for ambulance collections. Does that mean that the \$15,461,000 is net of these numbers?

MODERATOR: Yes, it includes those numbers.

MEDEIROS: So the actual operating expenses without those revenues is \$16 almost \$17 million. Is that correct?

MODERATOR: I believe it is.

MEDEIROS: So these are net numbers?

MODERATOR: Yes, sir. All those in favor of--wait a minute I'm sorry, I was getting one answer here, and one answer here.

MARDEN: These are total budget numbers and they include those dollars that are listed below.

MEDEIROS: Right, but--

MARDEN: Total budget is what we're voting. We have to appropriate those monies that come in like from ambulance fees and from parking fees and so on to apply them to the budget. But that's the total budget you're voting, not the net.

MODERATOR: Oh, I see. Does that clarify?

MEDEIROS: No, I'm in the slow class I guess. So are we saying that on the other expenses; the---I don't understand where this revenue is sitting? Is it sitting on the revenue side or does the revenue netted against these expenses and this is a net number with the revenue? The revenue's been applied to offset expenses. Is that correct?

MARDEN: Yes.

MEDEIROS: Yes. So if I look at salaries in essence \$14 million we could have salaries of \$15 million.

MARDEN: No, no. This is a total number.

MODERATOR: The total we're moving is \$14,001,660 for personal services; \$1,460,120 -

MEDEIROS: I understand that but I'm just trying to understand is that a net number of the revenue?

MARDEN: No.

MAJOR: It's a total number.

MODERATOR: The Town Manager can--

STAPCZYNSKI: --yes, sir if you look on pages 26 and 27 of this book--

MODERATOR: Finance Committee report.

STAPCZYNSKI: Finance Committee book, you will see the net taken out at the bottom of page 27. Sir if you look you see grand total \$147 million and you see less budgeted revenues \$2 million 5. That's where it's taken out; that's where it's netted out. So you're seeing the numbers as they are in the budget without any revenue applied against it. Here is where the revenue nets out so the appropriation for all those departments is 144.

MEDEIROS: Thank you.

MODERATOR: All right. Line items 1 and 2 have been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Line items 3 and 4, Mr. Major.

MAJOR: Thank you, Madam Moderator. This is for General Government, Community Development and Planning, and Information Technology. I move line item 3, personal services, in the amount \$5,445,845 and line item 4, other expenses, in the amount of \$1,956,214 for a total appropriation of \$7,402,059 which includes \$25,000 in receipts from wetland filing fees.

MODERATOR: Line items 3 and 4 have been moved and seconded in the amount of \$7,402,059. Yes, sir.

MESHNICK: Madam Moderator, pursuant to your prior ruling I move to amend Article—

MODERATOR: If you could please identify yourself please.

MESHNICK: Andrew Meshnick, 11 Rolling Ridge Road and I'm a senior at Andover High School.

MODERATOR: Thank you, Andrew.

MESHNICK: I move to amend Article 4 to add, line items 3 and 4, to add the following language after the word, interest in at the top of the Article, to adopt Section 37 of the MGL Chapter 443 and to add the following language at the end of the Article. And I have three copies of the language.

MODERATOR: If you could bring that up to us please.

MESHNICK: Most certainly.

MODERATOR: Thank you, sir. Correct me if I'm wrong please, sir. The amendment that is being offered is to add a surcharge tax, a preservation tax, is that correct?

MESHNICK: Is that correct?

MODERATOR: Okay. That would need to be a whole separate Article. It cannot be done within the budget that we're moving at this time.

MESHNICK: Could it be to amend a specific conservation issue?

MODERATOR: Honestly I would have to defer to Counsel. If you feel you want to bring it up at that time we can. The Preservation Act would be a whole separate article that the Town Meeting would need to vote on to attach it do, because it is a surcharge, it is not part of the budget. I'm being told it's out of order. Thank you. Want it back? You sure? You have a copy of what you wrote?

LUFFMAN: Madam Moderator. Point of Order. Greg Luffman, 13 Florence Street. It is my understanding that the introduction of an additional tax is outside of the four corners of the Warrant regardless of what Article it is put in.

MODERATOR: You are absolutely correct but I don't something in front of me for any Article at the moment I only had it for this one. Now what were we saying about three nights for this meeting. I'm just, I'm just, this is great. Article 3 and 4 have been moved and seconded. Any questions or comments? Finance Committee report.

STUMPF: Finance Committee recommends approval.

MODERATOR: All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mrs. Lyman, Article, Line items 5 and 6.

LYMAN: Thank you, Madam Moderator. Municipal Service, DPW and Plant and Facilities I move in the amount of: personal services, number 5, in the amount of \$4,882, [BREAK IN TAPE] in rental receipts as well as \$52,000 in cemetery revenue.

MODERATOR: Line items 5 and 6 have been moved and seconded in the amount of \$10,221,087. Finance Committee report please.

STUMPF: Finance Committee recommends approval.

MODERATOR: Do you have something you'd like to say to this sir?

PASQUALE: Yes, Madam Moderator. John Pasquale, 47B Whittier Street. I'm intrigued by the work rental. So I would like to know, we got \$77,000 where in the Town are we renting? What are we renting? Property? Equipment? I've yet to hear anything said because there must be more money than \$77,000 someplace that we're getting from rentals. So I'd like to

know what are we getting with this rental? Where's it coming from?

STAPCZYNSKI: Yes, Mr. Pasquale. We rent ball fields. We rent the Town House, the library---the Post Office that's there, that's about \$15,000 that we get on an annual basis. We rent the upstairs of the Town Hall, the Town Hall, itself. We get rental revenue from that. So we have a number OF sources of revenues that are included in this amount of \$77,000.

PASQUALE: Now, the follow on question is, how much is the total in rentals that we get? I see you pulling \$77,000 out of something; I'd like to know what the total rentals are coming in to the Town.

STAPCZYNSKI: That would be \$77,000.

PASQUALE: That's all?

STAPCZYNSKI: Correct.

PASQUALE: So we used it all up?

STAPCZYNSKI: We, yes, we use it as an offset to the budget like you see here.

PASQUALE: No, you're missing the point. Do we have anything left in a category called rentals? Is it zero, or is there money in there?

STAPCZYNSKI: Zero.

PASQUALE: Okay. Thank you.

MODERATOR: Yes, sir.

DESO: Madam Moderator.

MODERATOR: Over there on the con mic. Thank you.

DESO: Tom Deso, 81 High Street. I just want to make sure this is the section of the budget that presumes the consolidation of Plant and Facilities and DPW. Is that correct?

STAPCZYNSKI: It is correct.

DESO: Okay, um, I realize this Article will pass but I would just like to give a little history and indicate why I'm going

to vote against this Article. About two years ago the Board of Selectmen gave the Town Manager one of his goals upon which his salary would be based to consolidate these two departments. The reason for that consolidation was because the two Department Heads were retiring about approximately the same time and it seemed to be a convenient time to appoint one director. At the time the School Department expressed concern about the value of doing this, certainly the Finance Committee did. And it seems that the Board of Selectmen has proceeded with this goal despite those objections. And up until a couple of weeks ago there were several additional meetings of the Board of Selectmen and it still seemed to be unsure that even though I'm sure they're gonna go in this direction, there seem to be some ambivalence on the part of the Board as to whether or not they wanted this done. I just think this is a bad idea and I would hope that the Town going forward would not consolidate these two departments. Thank you.

MODERATOR: Line items 5 and 6 have been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Line items 7 and 8 please Mr. Kowalski.

KOWALSKI: Thank you, Madam Moderator. Madam Moderator I move approval line item 7, library, personal services in the amount of \$1,902,582, line item 8, library, other expenses, in the amount of \$620,000 for a total of \$2,522,582.

MODERATOR: Line items 7 and 8 have been moved and seconded in the amount of \$2,522,582. Finance Committee report please, Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

MODERATOR: Any questions? Comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mr. Salafia. Line items 9 and 10.

SALAFIA: Madam Moderator, I move Community, and Youth and Elder Services. Line item 9, personal services, in the amount of \$1,273,316; line item 10, other expenses of \$463,270 for a total of \$1,736,586 which includes \$543,000 and \$55,000 in user fees and \$61,000 in grants.

MODERATOR: Line items 9 and 10 have been moved and seconded in the amount of \$1,736,586. Mr. Stumpf.

STUMPF: Finance Committee recommends approval.

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

VISPOLI: Yes, Madam Moderator—

MODERATOR: Before your go through—is there a hum that we can get rid of? We have air conditioning in this room? Okay. Thank you. It's picking up the motor. Okay. Go ahead Mr. Vispoli. Thank you.

VISPOLI: As the night goes on we'll probably need it. The, I move line, lines 11 and 12, unclassified expenses. Line 11 compensation fund is zero; line 12, reserve fund is \$200,000 for a total of \$200,000. I recommend approval.

MODERATOR: Line items 11 and 12 have been moved and seconded in the amount of \$200,000. Mr. Stumpf. Finance Committee report.

STUMPF: Finance Committee recommends approval.

MODERATOR: Any comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Mrs. Colby-Clements, line items 13, 14, total.

COLBY-CLEMENTS: Thank you, Madam Moderator. Madam Moderator I move the total sum of \$68,927,593 for Andover Public Schools which is shown on the screen is the total of line items 13 and 14.

MODERATOR: The school budget has been moved in the amount of \$68,927,593. Has been moved and seconded. Finance Committee report, please.

STUMPF: 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 taxpayers. The recommended school budget provides 29 new FTEs, funding to provide resources for level services, compliance and part of their strategic plan request and an overall budget increase to provide adequate funding to support the School Committee priorities that address the needs of Andover students and schools. The Finance Committee believes the recommend school budget meets the above stated goals at a reasonable cost to the taxpayer

and therefore recommends approval of Article 4 and the School Department budget.

MODERATOR: School Department budget has been moved and seconded. Any questions? All those in favor please raise one hand. Thank you. Those opposed. Thank ayes the have it; the motion carries. Line items 15 & 16, Mrs. Lyman.

LYMAN: Thank you, Madam Chair. I move sewer in line item 15, personal services, \$300,921 and line item 16, other expenses in the amount of \$1,937,500 for a total of \$2,238,421.

MODERATOR: Line items 15 and 16 have been moved and seconded in the amount of \$2,238,421. Finance Committee report please.

STUMPF: The Finance Committee recommends approval.

MODERATOR: Any questions? All those in favor please raise the other hand. Thank you. Those opposed. The ayes have it. The motion carries. Mr. Kowalski line items 17 and 18.

KOWALSKI: Madam Moderator I move approval of line item 17 Water, personal services, in the amount of \$1,804,485; line item 18, Water, other expenses, in the amount of \$2,495,340 for a total of \$4,299,825.

MODERATOR: Line items 17 and 18 have been moved and seconded in the amount of \$4,299,825. Mr. Stumpf. Finance Committee report.

STUMPF: Finance Committee recommends approval.

MODERATOR: Yes, sir, do you have a question on this?

PASQUALE: Yes I do Madam Moderator.

MODERATOR: Go right ahead; could you identify yourself again please.

PASQUALE: John Pasquale, 47B Whittier Street.

MODERATOR: Thank you, sir.

PASQUALE: I see the water number is up by \$400,000. It perturbs me that I go to the Selectmen's meeting surreptitiously somebody keeps mentioning we way me be having an increase in the water rates. So I want to know if you're up by \$400,000 what's on the increase for the increase in the

water rates to the citizens of Andover. We just had one in the past couple of years and I see you using this as a source of revenue. So I'd like to know what's on the books.

MODERATOR: Somebody have that answer?

STAPCZYNSKI: Yes, Mr. Pasquale, the Selectmen, I have informed the Selectmen that we will be coming to the Selectmen at their next meeting, May 20th for a first reading of a water and sewer rate increase. We had a discussion several months ago when the budget was being reviewed in depth. The Selectmen had a number of questions about a water and sewer rate increase. We typically been increasing into the water and or the sewer rates every year or two and we're looking at a rate increase coming up for this next fiscal year. That's what I will be recommending to the Selectmen upcoming.

PASQUALE: Thank you, Mister. I just brought something up that I think some people are surprised to hear and I wasn't even going to the Selectmen's meeting and I was getting inside your thinking. This is, I don't support what you're gonna do. I'm telling you right now, going to look for an increase in the water rates.

MODERATOR: We don't have a water increase before us right now.

PASQUALE: Well its coming.

MODERATOR: I understand. Thank you. All those in favor of line items 17 and 18 please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mr. Lavoie please. Line item 19.

LAVOIE: Madam Moderator.

MODERATOR: If you could identify yourself and your address please.

LAVOIE: John Lavoie, Superintendent Director of Greater Lawrence Technical School, resident of Andover as well. Madam Moderator I make a motion that line item number 19 obligations to Greater Lawrence Technical School be moved in the amount of \$314,244.

MODERATOR: Line item 19 has been moved and seconded in the amount of \$314,244. Mr. Stumpf, the Finance Committee report please.

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. Thank you, Mr. Lavoie. Mr. Salafia items 20 through 25.

SALAFIA: Yes, Madam Moderator. I move fixed costs, fixed expenses, in the amount of \$34,176, line 20 which comprises of line items 20, debt service of \$13 thousand 035 323 [sic].

MODERATOR: \$13 million.

SALAFIA: \$13 million. I'm sorry. I wish it was \$1300. General insurance of \$680,653; unemployment compensation of \$200,000; retirement fund of \$5,935,944; health insurance fund of \$14 million and OPEB of \$325,000.

MODERATOR: And this includes...?

SALAFIA: Again for a total of \$34 thousand 176 920 [sic] which includes \$349,735 from the cable funds.

MODERATOR: Line items 20 through 25 have been moved and seconded in the amount, total amount, of \$34,176,920. Mr. Stumpf please the Finance Committee report.

STUMPF: Finance Committee recommends approval.

MODERATOR: Thank you. Do you have a question?

RIGBY: I do Madam Moderator.

MODERATOR: Can you identify yourself please.

RIGBY: Greg Rigby, 131 Rattlesnake Hill Road. Could somebody explain to me just two things? One is, Mr. Stumpf mentioned that the pension fund is almost 50% funded, its 49.7% funded. That's the actuarial valuation but if we do the mark to market value its 45.7. Have we advised, one have we advised Town employees that their pension fund is at risk? And two, if this were a private corporation we would have had our pension shut down once we dropped below 80% funding. And Andover's only been out 78% funding in recent history. Can you just, have we given any advice to the Town employees that their pensions are at risk?

STAPCZYNSKI: The specific answer is no. We followed the law in terms of what we have to appropriate on an annual basis. We have regular audits done, regular projections on what are needs are for the funds. Perhaps, Jim Cuttichia the Chairmen of the Retirement Board would like to fill out a little more of my explanation but we have a Retirement Board that meets monthly and reviews these matters. In fact, several years ago we took the recommendation of the Finance Committee, they took and they voted to move the assets into the State fund, into PRIT and we again, we followed the laws and regulations of the Commonwealth on this.

MODERATOR: Before you continue, Jim, just a point of order, if I can. If this in fact is a fan that's causing this humming can we shut it off? And if it's not it seems to be coming from the speakers up here. But it is, is it annoying to the rest of you, besides me? Thank you. If there's a fan going on, can we turn it off? It almost sounds like there's a humming sir from each of these speakers. Is that...

[INAUDIBLE FROM THE AUDIENCE]

MODERATOR: Who has their cell phone on? Turn it off.

[LAUGHTER] We know that's what it is.

[INAUDIBLE FROM THE AUDIENCE]

MODERATOR: Pardon?

[INAUDIBLE FROM THE AUDIENCE]

MODERATOR: I'm sure it is. I'm sure it's very annoying for everybody here. And I didn't mean to interrupt everybody but go ahead Jim if you would, if you'd like to clarify.

CUTTICHIA: Basically...Jim Cuttichia, 127 Greenwood Road, I'm Chairman of the Retirement Board. Basically the Town Manager's explanation addresses it. But in relation to us being at risk; we're not at risk. Our pension fund has dropped in the last five years but we've made some changes to address that. Last year was the beginning of I hope a turnaround where we had returns in excess of 13% that were not included in this study. We're on par to have double digit returns again this year. Secondly, the system has been changed over the years. Employees now pay upwards of 11% of their pay toward the pension system. If an employee gets hired at Town Hall tomorrow and works for you for 32 years he or she will pay virtually—actually they will be paying their

entire pension. Their contributions and the returns on their contributions will pay for their contributions. The unfunded liability is mainly costs that were incurred during the first 40 years of the system where there was no funding schedule. In 1986 and a funding schedule was, a funding schedule began, and we currently have a funding schedule that funds us by the year 2040. I also believe and I can't guarantee this, but I also believe if you look at the market, stock market, in the past and you will see that we have always met our 8% return that we were trying to meet. There are periods of time, certain years, certain periods where we fall far short of that and there are certain periods of time where we exceed that greatly. The last five years is a period of time where we have fallen short of that but we have maintained that approximately 8 plus percent rate of return over the 27 years that we've been keeping records. We have lowered our estimated return to 7.75% in order to be conservative. But our pension fund, I bet to differ with Mr. Rigby, our pension fund is not in jeopardy. I believe that we have an adequate funding schedule. Our actuaries have been used by many other communities and prior to that we used State actuaries. So we've had in the last six or seven years, we've had three different sets of actuaries look at our books and we've come out with a funding schedule that is appropriate for this Town.

MODERATOR: Thank you, sir.

CUTTICHIA: Sorry for going so long.

MODERATOR: That's quite all right thank you.

RIGBY: Thank you, Jim.

MODERATOR: Are we all set?

RIGBY: Just one follow up. Thank you, Jim. I appreciate that. You are using a 7.75% projected rate of return to 2040. PRIT up until this year has had a return of 6.44% before expenses over the last five years. So just so that you understand that we haven't met that yet. And the last observation would be that, you know we've moved the goal post three times since I've been in Town from 2022 to 2028 and now to 2040 when the State requires us to be fully funded. Are we looking for another move from the State again?

CUTTICHIA: Actually-

MODERATOR: You know the issue before us is the budget right now for this fiscal year. Right. It's not what you're projecting in the year 2024. So I would like to bring us back to the current line item that we're talking about. Is that about this budget here sir? You have another, you have an issue?

LANDRY: I move to amend this motion.

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

LANDRY: Bob Landry, Seminole Circle.

MODERATOR: Thank you.

LANDRY: I have the amendment here.

MODERATOR: Go ahead. If I could have a copy of it please. Go ahead if you'd like to read the amendment we'll also put it up on the screen for you Steve. You're talking about line item-

LANDRY: line item 24---

MODERATOR: line item 24 that we're about to vote on. Go right ahead sir.

LANDRY: To amend Article 4 Town Meeting fiscal year 2014 operating budget line 24 reducing it by \$1.1 million from the budget request of \$14 million to \$12,900,000.

MODERATOR: Do I have a second to that amendment please? Okay that amendment has been moved and seconded to reduce line item 24 by \$1.1 million from the budget request of \$14 million so that the results would be \$12,900,000. Is that correct?

LANDRY: That is correct.

MODERATOR: Great. Would you like to speak to the amendment?

LANDRY: I would and have a couple of slides that I was allowed to put up, I don't know if they're ready or not?

MODERATOR: Go right ahead.

LANDRY: Okay. You could put the first slide up I guess. Is somebody gonna put up the slides for...okay.

MODERATOR: Who has them? Steve do you have their slides? For this? Was that it?

LANDRY: That's it.

MODERATOR: Okay go right ahead.

LANDRY: Thank you very much. Madam Moderator for the past 13 years I've been helping business owners control the cost of the group health insurance plan they offer to their employees. I little over a year ago I began looking at the health insurance plan the Town offers to Town employees. Here's what I found and why I'm offering this amendment. As you can see on the slide in front of you Andover spends over \$16 million on health insurance premiums for employees and retirees. This is more than 10% of the entire \$150 million annual operation budget. The Town offers very generous Blue Cross Blue Shield plans with the largest provider networks, low co-pays, and low deductibles. The Town also reimburses employees for most of the larger co-pays and deductibles. Town employees pay just 18% of premiums for single coverage and 23% for family coverage; well below private sector employees. We spend more on health insurance than we spend on the Police and Fire Departments combined. Next slide please. Some of the ways that you control health insurance costs are up on this screen: competitive bid, in the private sector you companies go out every year to insurance companies to see what the market will bear and to keep this cost under control. Up until a month ago the Town had not put the health insurance out to bid since 2008; five years ago. What happened during four of those years? In 2009 the rates went up 4%, 2010 they went up 8%, 2011 up 6.2%, 2012 up 11.5%. The average dollar impact of those increases was a \$1 million for additional health insurance premiums. When you go out to bid and you can save even one point it's a \$160,000 annual in savings for the Town. The second category is premium split. How you share the premiums with your employees. As I mentioned Town employees only pay 18-23% of HMO premiums even though State law says you only have to pay 50%. We pay well over that. If we made one change and asked Town employees to simply pay 35% of their medical premiums that one policy change alone would save \$2.2 million a year. Another option is multiple plan options. In the private sector employers the size of Andover, 1,000 employees or more are offering choices to employees, four or five different plans, high low

deductibles, limited network plans. The cost of those premiums can be 15-20% less. And what are we doing in Town? We offer two full network very expensive Blue Cross HMO PPO plans that quite frankly don't even give the employees a lot of choice. Just a 5% savings, if you could offer a choice of plans moving even a small subset of employees into some of these limited network plans that most private sector employers are doing you could save easily 5%, that would be another \$800,000 a year in annual savings. [GAVEL] And finally, municipal health reform. In 2011 the State law gave Towns a tool where outside of collective bargaining Towns could implement and make changes to the health plans. We did implement this last year, I would argue a lot of these changes were more form over substance we change from co-pays to deductibles but employees are still getting those deductibles and a lot of those co-pays reimbursed. We did not go to ---

MODERATOR: [GAVEL] Mr. Landry, I need to ask you please to wind up your comments.

LANDRY: Okay.

MODERATOR: Thank you.

LANDRY: Okay. But on that point this is meant to be annual option for the Town. The Town Manager signed a three year agreement that said that we will put a stand still on this. We will not be able to take action on, under this rule again for three years, until 2015. Finally, the last slide in summary. We are overspending more than \$2 million a year on unnecessarily generous health insurance which crowds out funding for other priorities. Ask the employees like I said 35% would save \$2.2 million a year. Approving this amendment will bring the Town closer to aligning the Town's health insurance coverage with that provided by private sector's lawyers. Please vote yes to approve this amendment.

MODERATOR: Any other comments? Thank you, sir. Any other comments on the amendment. [APPLAUSE] Any other comments on the amendment. Thank you. We will now vote on the amendment, if the amendment...

STAPCZYNSKI: Do I get a chance to speak on this?

MODERATOR: Well sure you do. Go right ahead.

STAPCZYNSKI: All right. Yes, Miss Moderator. First of all you should know that the, several years ago we did take advantage of the State's health insurance reform legislation. And the Selectmen voted to partake in that. We met with the unions and we reduced our coverages, we mimicked the plans, one of the plans the State recommended, most popular plan, the Tufts Navigator Plan. We went with that plan and in fact the...in my budget, I'll just read from it, the...our budget this year-- [APPLAUSE]---yes I did. Our budget was estimated for health insurance to be up \$14.3 million. We were looking at about a 4% rate increase when the industry was looking at about a 6% rate increase; we were estimating a 4% increase. When our numbers finally came in this year we got at 0% rate increase. We went out to bid again. After that we looked at what other insurances, insurance programs could offer us, mimicking again the Tufts Navigator and no one could beat a 0% rate increase. So the \$14 million number we think is a solid number. Also, you should note that the \$14 million is actually less than what we've had for premiums in 2012. In 2012 our cost for health insurance was \$14 million three. So we are actually \$300,000 less now than we were two years ago. Also at that time we had 1,344 employees or subscribers in the plan. Today we're looking at 1,400 subscribers in the plan. So I would ask that you defeat this amendment. The number that we have is the appropriate number. We are under an obligation to care for our employees in terms of health insurance. This is a good program and I would urge your supporting of the \$14 million. Thank you.

MODERATOR: Okay, let's take a vote here. All those in favor of the amended number of \$12,900,000 for line item 24 please raise one hand. If you could have a seat please, Mr. Landry, so you're at your seat so we can count your vote. If you are in favor of the amendment please raise one hand. Thank you. If you are opposed? I think the opposition wins but could we do it one more time. All those in favor of the amendment please raise one hand. Those opposed. Let's take a standing vote please. All those in favor of the amendment please stand.

[INAUDIBLE FROM FLOOR]

MODERATOR: Okay you're all set there.

[BREAK IN TAPE]

Section 1: 4; Section 2: 4; Section 3: 15; Section 4: 1;
Section 5: 4; Section 6: 25; Section 7: 27; Section 8: 7;

Section 9: 9; Section 10: 12; Section 11: 13; Section 12: 22;
Section 13: 2; Section 14: 3; Section 15: 0; Hall: 4; Stage:
1.

MODERATOR: All those opposed to the amendment please stand.

Section 1: 15; Section 2: 19; Section 3: 19; Section 4: 11;
Section 5: 19; Section 6: 19; Section 7: 23; Section 8: 6;
Section 9: 13; Section 10: 17; Section 11: 20; Section 12: 6;
Section 13: 19; Section 14: 5; Section 15: 2; Hall: 11;
Stage: 15.

MODERATOR: 239 having voted against the motion and 153 having
voted for the amendment the amendment fails. Let's go back to
[APPLAUSE] line items 20 through 25 in the amount of
\$34,176,920 all those in favor please raise one hand. Thank
you. Those opposed. Thank you the ayes have it; the motion
carries. For a summary information purposes we have just
voted a budget of \$147,501,097 less revenues of \$2,583,490
for a total budget of \$144,917,607. Thank you very much.
Article 5. Mr. Major, please.

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

MODERATOR: Article 5 has been moved and seconded. Mr.
Stapczynski. Are you speaking to this?

STAPCZYNSKI: Yes. On an annual basis the Town appropriates a
portion of our budget, this year it's ...\$2,280,000 for our
capital projects. These are to acquire police cruisers, to do
repainting in classrooms, to maintain the Town Offices,
public buildings and that kind of thing. You'll see in the
book under Article 5 an array of the projects that we we'll
be covering with this \$2.2 million. I'll be happy to answer
any questions that people may have.

MODERATOR: Yes. Mr. Major.

MAJOR: Just to clarify for folks. This type of expenditure is
common every year but how we're doing it is new. So usually
we roll all this into the Plant and Facilities operating
department. This year our auditors to do it differently and
to actually break it out into a separate Warrant Article so
that if we have monies left over at the end of the year, and
we have unfinished projects, we can then finish those
projects in the following year with those dollars.

MODERATOR: Finance Committee report please. Mrs. Marden.

MARDEN: The Finance Committee recommends approval of Article 5 in the amount of \$2,280,000 from taxation. It's very important to include funding for our capital needs in each year's annual budget. Many years ago a goal was established of appropriating 2% of the general fund for these capital projects. As budgets became tighter and the pressures to maintain services and avoid layoffs grew we fell further and further behind that goal because we balanced our annual budgets by reducing the amount allocated for the CIP. The 2014 appropriation is back to 1.5% of the general fund budget. Efficient and effective delivery of services requires regular investment in facilities and equipment so that public employees have the things that they need to do their jobs. Andover has a lot invested in its public buildings. Providing adequate funding for maintenance is critical for protecting that investment. We know from our experience that underfunding building maintenance and deferring timely replacement of equipment only ends up costing us a lot more in the long run. The Finance Committee recommends approval of Article 5.

MODERATOR: Thank you. Ms. Colby-Clements.

COLBY-CLEMENTS: Thank you, Madam Moderator. The School Committee recommends approval.

MODERATOR: Okay. Any questions? Mr. Pasquale. If you could identify yourself, please. Not that we don't all know you.

PASQUALE: I'll just give you my address. John Pasquale, 47B Whittier Street.

MODERATOR: Thank you.

PASQUALE: I wanna ask a question about this MUNIS financial software improvements. We have in the Town brought a gentleman in to be responsible as the guru of all the information technology and I follow what he's been doing and I find out we're just getting a committee formed for this information. My thinking, this here comes under information technology, so I want to know if this \$70,000 passed by him and he gave his approval? Because see I see financial things and I say wait a minute somebodies in watching the store here. So was he involved in this decision? That's what I want to know.

MODERATOR: Actually—

PASQUALE: If he's here I'd like him to address it.

WALSH: I would like to address that.

MODERATOR: Please identify yourself.

WALSH: Oh, I'm Donna Walsh the Finance Director of the Town and actually that's my project. Paul's staff works with me to do it. And what we're trying to do is modernize and upgrade our financial system and our processes and procedures. So this is the software that the Town uses and we're just purchasing additional modules and modernizing everything but. So Paul isn't, I'm really in charge of that project.

PASQUALE: So he has nothing to say about this?

WALSH: Other than providing me with the staff and the hardware that I need.

PASQUALE: But he was involved?

WALSH: He wasn't really involved in this project, no.

PASQUALE: Okay, alright thank you. You answered my question.

MODERATOR: Thank you, sir. Any other comments or questions? All those in favor of Article 5 please raise one—yes, sir, go ahead.

SEBASKY: Just one question I appreciate—

MODERATOR: If you could identify yourself please.

SEBASKY: Oh, Greg Sebasky, 15 Muirfield Circle. I appreciate the fact that you're now identifying these capital items separate from the Plant and Facilities budget so we have visibility. I guess my questions is, and maybe it's not for this meeting but, what would it take for the Town to require the Town Manager to present a five-year capital improvement plan so we can see as citizens the prioritization of a project over a period of time to insure preventive maintenance is being done so we don't result in significant costs downstream as the Chair of the Andover Green Advisory Board we see many projects we'd like to fund that could save the Town significant amounts of money in energy costs and we simply don't see those items getting provided for.

MODERATOR: Let me get you an answer to your question. We'd be happy to do that. Go ahead.

STAPCZYNSKI: Yes. I do have an obligation by way of Town by-law that was passed in about 1990 by Mr. Bowen who is sitting probably right next to you. He had the foresight to require that the Town Manager produce a capital improvement fund, a five-year capital improvement plan. Every year it comes out just about Halloween, the end of October. And it's a little scary because it has big numbers but it does list a myriad of projects laid out over a five-year period. We have, I have modified at the request of either the Selectmen or the Finance Committee to have a more complete picture of what our five-year plans are. It's transparent; it goes on line probably November 1 or 2. And it gets a full review by the Selectmen, Finance Committee, School Committee particularly at the first meeting that we have, we have a tradition of having a tri-board meeting the first Monday in December when we go through it. I have to have a public hearing on the CIP. And if the Green Advisory Board would like to partner with Plant and Facilities to include a building maintenance project the deadline for the CIP project submittals to me is the Friday after Labor Day.

SEBASKY: So the answer is it doesn't get voted on here. We can't be sure that the items on this list apply back to the original plan.

STAPCZYNSKI: These are rather minor items. They do appear in the CIP. What we'd be taking about are items like the... some of the things we'll be moving on the West Middle School repairs, the Doherty Middle School site improvements, large vehicle replacements, those kinds of things that you would find in the CIP and will be voting in either out of borrowing or out of free cash tonight.

SEBASKY: Okay, thank you.

MODERATOR: Thank you, sir. Any other questions? All those in favor of Article 5 please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Article 6, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator I move that the Town vote to transfer funds from the following 2012 Annual Town Meeting Article 4 appropriations: \$178,000 from FY2013 retirement and appropriate \$21,000 to the FY2013 unemployment compensation fund, \$27,000 to the FY2013 general government, veterans

services and other expenses of \$130,000 to the FY2013 legal account. \$56,000 from FY2013 general Lawrence Technical High School appropriation and appropriate the sum of \$56,000 to the FY13 general insurance fund.

MODERATOR: Article 6 has been moved and seconded. Who's going to speak to this? Is there any further explanation you want to have out there, or is that...?

STAPCZYNSKI: People are ready to vote?

MODERATOR: Nope. I want to get the report from each of the Boards. Selectmen your recommendation please.

VISPOLI: Board of Selectmen recommends approval of this Article.

MODERATOR: Finance Committee report please, Mrs. Anderson.

ANDERSON: Finance Committee—oops, can you hear me? Finance Committee recommends approval.

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

LYMAN: Thank you Madam Chair, I move a supplemental budget appropriation of \$254,567 from free cash to the FY2013 public works expenses for snow, ice and removal.

MODERATOR: Article 7 has been moved and seconded. The Selectmen's recommendation please.

LYMAN: We recommend approval. We'd like to tell you that the good news we had thought it was going to be more and this came in at a lesser amount. So we're happy about that.

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

ANDERSON: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor of Article 7 please raise one hand. Thank you. Those opposed. Thank you. The ayes have it; the motion carries. Article 8, please, Mr. Kowalski.

KOWALSKI: I move to appropriate \$2,000,000 from free cash and to transfer \$2,000,000 to the stabilization fund in accordance with Mass General Law Chapter 40 Section 5B as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, with the intent but not the effect to reserve \$400,000 as a general reserve, to reserve \$600,000 to offset bond premium debt service and to reserve \$1,000,000 to cover the costs, to cover landfill and capping costs.

MODERATOR: Article 8 has been moved and seconded. Selectmen's recommendation please.

KOWALSKI: Selectmen recommend approval.

MODERATOR: Finance Committee report please. Mrs. Marden.

MARDEN: Finance Committee recommends approval of Article 8 for a total of \$2 million from free cash into the stabilization fund. \$400,000 is just a general reserve to provide Andover ability to pay for unanticipated emergencies expenditures. Achieving long-term financial stability for our community was a recurring theme in this year's Finance Committee deliberations. Our discussions frequently focused on making sure we understood and could explain how this year's decisions would impact future year's budgets and property tax bills. Andover's new debt analysis tool allowed us to try out several different scenarios for scheduling capital projects and calculating how different sets of assumptions effect future budgets. You know as we build our understanding of debt service we became aware of two significant issues that we thought should be addressed. One has to do with bond premiums received with Andover's recent bond issues. In order to receive higher interest rates purchasers of our bonds will pay a premium. The extra cash goes into the general fund. When we calculate the effective interest rates for that bond sale the premium is added to the amount borrowed. So it's been widely reported that the interested rate in December 2012 bond issue was 2 point something percent, but if you look at the debt schedule the interest rates are 3 or 4%. Well the Finance Committee asked if there could be a mechanism to apply those bond premiums to debt service so the actual payments that Andover would make would be closer to the advertised interest rate. We've not worked out the details but we want to make sure that \$600,000 of that \$2 million, that represents bond premium money, that's kind of being parked into the stabilization fund until we develop a real mechanism for using it to offset the debt service costs. By next year's Town Meeting we expect to have

a plan for moving that money to its own special purpose stabilization fund and making appropriations from that fund to offset the debt service so that the taxpayers of Andover will really be receiving the low interest rates that we're telling them they are. The other issue of concern to the Finance Committee that came up in our discussions of debt service is the cost of landfill capping. That borrowing was authorized a number of years ago. It's definitely the elephant in the room when we are looking at scheduling non-exempt debt. Having to pay that bill will either severely restrict our ability to fund the most critical capital projects without reducing operating budgets or force us to use debt exclusions to pay for them. Article 8 proposes that \$1 million from free cash be earmarked to offset landfill capping costs. If we can take advantage of increases in free cash to build up a stabilization fund for this purpose we will be in a much better position when we actually begin construction on the project. We expect that next year's Town Meeting will be asked to set up a special purpose stabilization fund for landfill capping and we'll transfer this same \$1 million into that new fund. We hope you approve of these plans. The Finance Committee recommends approval of Article 8.

MODERATOR: Thank you. There's a pro and a con mic over there. Go right ahead. Middle. You're right at the question one.

CHENOFSKY: Amy Chenofsky, 6 Snowberry Road. I just wanted to ask if you have a ballpark figure of what sort of a cost we're looking at as far as the landfill closure?

MODERATOR: I'd like to...delay that question because it's not part of the Article that we're talking about right now it's just moving funds to the stabilization.

MARDEN: Right but we already appropriated, and I would ask the Finance Director or the Town Manger to correct my number but it's like \$8 or 9 million for that purpose. It's in that ballpark.

STAPCZYNSKI: Correct. Yes, we have appropriated \$9 million for the capping of the Ledge Road Landfill.

MODERATOR: Okay. Stabilization fund Article 8. All those—it's a two-thirds vote, let's see if we can to it by hand vote. 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. Would anyone challenge my declaration of that?

If not I would so declare that Article 8 has passed by far more than a two-thirds vote. Article 9, Mr. Salafia Please.

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

MODERATOR: It's been moved and seconded to remove Article 9 from the Warrant. All those in favor please raise one hand. Thank you. Those opposed. Article 9 has been withdrawn. Article 10 please Mr. Salafia. I'm sorry, Mr. Major.

MAJOR: Thank you, Madam Moderator. Whereas we have zero unexpended appropriations, I move to withdraw Article 10 from the Warrant.

MODERATOR: Article 10 has been moved and seconded to be withdrawn. All those in favor please raise a hand. Thank you. Those opposed. The ayes have it the motion is withdrawn. Article 11. This is an consent agenda of a number of Town housekeeping issues that we need to approve every year. They're listed in your Finance Committee report on pages 49 to 51. Unless there is an objection from anybody in the room, I would like to take them all together. If there is an objection on any one account or any one item we can hold that out and vote on the others. Would that be agreeable? Anybody object? Mr. Major please, motion number 1, which requires a majority vote.

MAJOR: I move to approve the consent agenda Articles 11A through 11F as printed in the Warrant.

MODERATOR: Are there any objections? It's been moved and seconded. Finance Committee report please, Mr. Merritt.

MERRITT: The Finance Committee recommends approval of Articles 11A through F though we took no explicit position on 11C the Town Report as it has no financial dimension to it.

MODERATOR: And Mr. Major is there a report from the Selectmen.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Any comments? All those in favor of items 11A through F please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mr. Major.

MAJOR: I move Article 11G as follows: that the Town vote to rescind the following unissued bond authorizations: \$260,000, Article 55, 2010 Annual Town Meeting, conservation land acquisition and \$300,000, Article 33, 2012 Annual Town Meeting, DPW vehicles.

MODERATOR: Thank you. Article 11 item number 11G has been moved and seconded. Mr. Major, the Selectmen's report please.

MAJOR: The Board of Selectmen recommends approval.

MODERATOR: Mr. Merritt the Finance Committee report.

MERRITT: The Finance Committee recommends approval.

MODERATOR: Because this is a bond issue item I need a two-thirds vote, let's see if we can do it by hand. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes clearly have it by far more than a two-thirds majority. Would anyone want to challenge that declaration? Thank you. Not hearing or seeing one I would declare that to be far more than a two-thirds vote. Article number 12 please Mr. Salafia.

SALAFIA: Yes, Madam Moderator, I move to approve Article 12 as printed in the Warrant.

MODERATOR: Article 12 has been moved and seconded. Selectmen's report please.

SALAFIA: The Selectmen vote to approve Article 12.

MODERATOR: Thank you. And Mr. Merritt.

MERRITT: The Finance Committee also recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. Could we do that again I'm sorry it does need a two-thirds vote. All those in favor. Thank you. Those opposed. The motion carries by far more than a two-thirds vote. Does anyone challenge that declaration? Thank you very much I declare it to be far in excess of a two-thirds vote. Article 13, Mr. Salafia please.

SALAFIA: Actually I think it's

MODERATOR: I think you're gonna move it and they're gonna explain it.

SALAFIA: It's being moved by the School Committee.

MODERATOR: Ms. Colby-Clements, please.

COLBY-CLEMENTS: Thank you Madam Moderator, I move that the Town transfer from free cash and appropriate the sum of \$1,397.51 to pay longevity reimbursements for the period ending June 30, 2009 and June 30, 2010 from the School Department to Claudia Bach for contractual obligations.

MODERATOR: Article 13 has been moved and seconded. School Committee want to give their report first or would the Selectmen like to give their recommendation first?

SALAFIA: The Selectmen voted five - zero to disapprove.

MODERATOR: To disapprove?

SALAFIA: Yes.

MODERATOR: School Committee?

COLBY-CLEMENTS: This is an issue as the motion states that dates back to 2009, 2010. Apparently it came to our attention there was an issue where Dr. Bach had not filed her contract with Human Resources and it come to the attention this year that there was an unpaid longevity payment for two years. Paul Semanski, the Assistant Superintendent of Finance, researched it, worked with Human Resources and has reported to us that in fact it is a contractual obligation and has confirmed with Human Resources that in fact has never been paid. So at this point it is owed.

MODERATOR: It is owed. Does the School Committee have a recommendation? Finance Committee please, Mrs. Anderson.

ANDERSON: The Finance Committee agrees that it's a contractual obligation and the least expensive to settle it is to settle it and therefore we recommend approval.

MODERATOR: Any questions or comments? This requires, if you can believe it or not, a four-fifths vote. So we might go right down the center of somebody's arm at this point. All those in favor please raise one hand. Thank you. Those opposed. I don't know what four-fifths is. [LAUGHTER] I don't

know what the number is. I don't know what the number is I need. I can't declare it. I need to take a vote. I can't declare it. So all those in favor please raise on, I mean please stand. We need to have a count. It's a four-fifths vote. I could have asked for a math teacher in the house and do the subtraction.

PERRY: There's a bunch standing in the back. Who's got that section?

MODERATOR: Somebody have section 10?

SECTION 1: 20; Section 2: 20; Section 3: 32; Section 4: 11; Section 5: 16; Section 6: 34; Section 7: 28; Section 8: 8; Section 9: 15; Section 10: 22; Section 11: 27; Section 12: 23; Section 13: 13; Section 14: 3; Section 15: 3; Hall: 22; Stage: 13.

MODERATOR: Those opposed please, rise. [BREAK IN TAPE]

Section 1: 1; Section 2: 5; Section 3: 5; Section 4: 1; Section 5: 2; Section 6: 15; Section 7: 14; Section 8: 6; Section 9: 2; Section 10: 4; Section 11: 0; Section 12: 2; Section 13: 2; Section 14: 1; Section 15: 0; Hall: 0; Stage: 8.

MODERATOR: 310 having voted in the affirmative and 68 having voted negative the Article passes. Article 14, please, Mr. Kowalski.

KOWALSKI: I move to approve Article 14 as printed in the Warrant.

MODERATOR: Article 14 has been moved and seconded. Selectmen's report please.

KOWALSKI: Board of Selectmen recommends approval.

MODERATOR: Finance Committee please. Mrs. Marden.

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please of Article 14 please raise one hand. Thank you. Those opposed. The ayes have it. It needs to be more than a two-thirds vote; I declare it as such. Are there any challenges to that declaration? Thank you. I do declare it to be far more than a two-thirds vote. Article 15, please. Mr. Major.

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

MODERATOR: The revolving accounts by State law, the Town Meeting has to approve the existence of these accounts. The revolving accounts are set up to receive user fees and to pay expenditures by specific departments. Any increase in the amount each year must be approved by the Board of Selectmen and the Finance Committee. So we're looking at item number 15A through M of the revolving fund and they are in your Finance Committee report, I apologize I don't know the page, but they're right there at Article 15. 53? Thank you. Page 53. Does anybody object to us taking those in total? Finance Committee report please. Mrs. Kruse.

KRUSE: Finance Committee recommends approval.

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

SALAFIA: I move to approve Article 16 as printed in the Warrant.

MODERATOR: Article 16 has been moved and seconded. Is there someone who's going to speak to this? Land transfer. Yes, sir.

HUNTRESS: Madam Moderator, my name's Chris Huntress—

MODERATOR: Are you making a presentation for this?

HUNTRESS: I am ready to speak.

MODERATOR: Why don't you come to the center mic then please? Thank you.

HUNTRESS: My name is Chris Huntress, 17 Tewksbury Street, and also the Chair of the Andover Youth Services Building Committee; I'm sorry Andover Youth Center Building Committee. The Article in front of you this evening is for a shift in the dedication of the land that's been set aside for the new youth center. As the project received approvals and from this, from this entity in 2011, Special Town Meeting, there was a dedicated parcel of land, [INAUDIBLE] behind Doherty Middle School that was approved for that use. As we advanced the project and got survey and wetland information in it was shown that the building location that was approved at that

meeting was within the buffer zone for the wetland, for the wetlands, and as such the new plans have shifted the building location 35 feet. The request is not for any additional land; it's just taking the same box that we had and moving it north by 35 feet to stay outside of the 50 foot no-build zone that's established by the local, by the Andover Conservation Commission. It's the same requirement that any public or private project would be required to, to meet. So it's for that reason that we are in front of you here tonight and we ask for your support. Thank you.

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

SALAFIA: Yes Madam Moderator. Since this is a simple accommodation to the Andover Conservation Commission to move the building envelope out of the 50-foot wetland the Board of Selectmen recommended approval of this Article.

MODERATOR: Thank you. School Committee report please. Mrs. Colby-Clements.

COLBY-CLEMENTS: Thank you, Madam Moderator. The School Committee has consulted with Dr. McGrath who has received input from Principal Robin Wilson, Plant and Facilities, and the Youth Center Building Committee. We're satisfied that this land transfer will not have a negative impact, not negative educational impact, and we are satisfied that won't impact the safety of our students and for that reason the School Committee recommends approval.

MODERATOR: Okay. Any other comments or questions? All those in favor, this requires a two-thirds vote, please raise one hand. Thank you. Those opposed. The ayes clearly have it by far more than a two-thirds vote. Does anyone challenge that decoration--declaration? Decoration. If not I would declare it as being far more than a two-thirds vote. Article 16 passes. Article 17, please. Mr. Bowen. How are you tonight?

BOWEN: Thank you, Madam Moderator. Good evening, fellow Town Meeting members.

MODERATOR: Before we start could you move the Article please.

BOWEN: I will.

MODERATOR: Thank you.

BOWEN: I move that the Town appropriate \$500,000 from free cash for the repair, rehabilitation, and restoration and related expenses of the Ballardvale Fire Station.

MODERATOR: Article 17 has been moved and seconded. Go right ahead, sir. You've got your five minutes.

BOWEN: Thank you, Madam Moderator. Good evening fellow Town Meeting members for a second time. I am Richard Bowen, Article 17's principle sponsor. I have lived at 12 Bannister Road since 1964 when I was invited to come to Andover and where my wife of 62 years Lucy and I have raised our six children. We plan on remaining there for a while longer. I hope that you all have read the explanation of Article 17 contained in the Finance Committee report. My remarks will touch on only one aspect of that explanation. Article 17 is not based upon sentiment although much could be said about the station's 122 history. It is based upon what I consider to be a simple and compelling fact. It has been and remains my contention that should its replacement be located on a site east of its present site response time for fighting a fire on virtually all properties served by the present facility will increase and therefore the risk of loss of life and damage to these properties and their occupants will also increase. Fire insurance industry experts estimate that for every 40 seconds that a fire remains unchecked and waiting for suppression it doubles in size and intensity. I have made these representations to the Board of Selectmen, to the site committee, to the Finance Committee and to the Town Manager and from all of whom I've had no response. I hope that you will get a response if one is necessary. I submit to you all so that if the principle justification for relocating the Ballardvale Fire Station to an eastward location such as South Main Street is a determination by Town authorities that this portion of the station's present service area is under served by virtue of its distance from the present facility. It must not be moved at the expense and to the detriment of the western [?] portions of Ballardvale Fire District including Lowell Junction. Perhaps, and I'm sure you don't want to hear this, it's time for consideration to be given to the inevitable reality of a fourth fire station as an appropriate answer to the needs of the eastern and southern sections of the Town. Let me conclude by saying that I care about the community in which I live, and which my wife and I have chosen to live and to raise our children. The Ballardvale Fire Station has been a part of that community to us and countless others over its 122 years. Its future is not

now in your hands, where it belongs. Please vote yes on Article 17 and thank you for listening to me.

MODERATOR: Thank you, Mr. Bowen. [APPLAUSE] Selectmen's report please. Mr. Kowalski.

KOWALSKI: The Board of Selectmen recommended disapproval of this Article. The Board of Selectmen felt that approving this Article would force the Town into rehabilitating the existing Ballardvale Fire Station. The Ballardvale Fire Station Committee has made the recommendation to replace the station and is in the process of identifying the best location for the station. Moving from a rehabilitation strategy, moving from a replacement strategy to a rehabilitation strategy would require discussion between the Ballardvale Fire Station Committee and the Board of Selectmen. After the strategic direction of the town yard is defined the Board of Selectmen will work with Town officials to prioritize capital projects and determine a course of action and time frame for the Ballardvale Fire Station project.

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

FORTIER: Thank you, Madam Moderator. The Ballardvale Fire Station has served the Town well for more than 120 years but at this time the Finance Committee feels that any money spent should go to a new station. The current station is too small, is in need of repair, and should be replaced. Additionally, it should be noted that the \$500,000 figure comes from a petitioner and is not the result of a formal estimate or proposal from a licensed professional. Now we applaud Mr. Bowen's attempt at saving the Town money by rehabbing the current station but we feel it's a Band-Aid approach to solving the problem. The Finance Committee unanimously recommends disapproval of this Article.

MODERATOR: Okay. Do we have some comments? Yes.

DIRBY: Diane Dirby-

MODERATOR: Mic number two please, if you could turn that on? Hellooo. Can we turn a mic on over here please? Bill sit down thank you. [LAUGHTER]

DIRBY: Are we on yet?

MODERATOR: There you go. Go ahead.

DIRBY: Okay. Diane Dirby, 63 Center Street. I'm a member of the Ballardvale Historic District Commission; I'm also a resident of the Ballardvale Historic District. At a recent meeting of the Ballardvale Historic District Commission we had a presentation by Mr. Bowen explaining his Warrant Article. We also had a recent presentation by a resident of the Historic District who's a former fireman. He presented his ideas and sketches for expanding and improving the current Ballardvale Fire Station which would allow for a second vehicle bay, standard length fire truck and, among many other improvements, it would resolve the difficult intersection at Clark Road and Andover Street. What I heard from the Commission members was that we would be happy to have the fire station remain where it. That location does provide much faster response time to houses within the Historic District. We are very interested in the possible expansion of the current fire station and an improved intersection at that corner. We all agree that we would like to see the possibility of expansion and improvement of the current fire station given further study. There's certainly a potential for significant cost savings which is always good. I see this Warrant Article to opening the door to reconsider and evaluate reuse of the current of the Ballardvale Fire Station. I hope you'll join me in support of this Article. Thank you.

MODERATOR: Thank you. Yes, sir.

POKRESS: Bob Pokress, Cherrywood Circle.

MODERATOR: Thank you, go ahead.

POKRESS: I'd like to urge voters to support this Article because there are many nonessential capital items that are yet to be discussed that are in this year's Warrant. This is the only capital item I would personally consider to be in the essential category because for years and years and years at all the Town Meetings that I've attended we've heard the folks sitting up at the grandstand basically wring their hands concerning the situation involving the current Ballardvale Fire Station yet we are no closer to solving that issue than at least 10 years ago or maybe 15 years ago when I first started to hear this get brought up at Town Meeting. Mr. Bowen's Article is a good step in the right direction; a prudent step to at least get some action started to deal with renovating and improving the current Ballardvale Fire Station rather than the proposals that always seem to be in the \$10 to 15 million dollar range to move the fire station to some

other location and build a much grander facility than the one we currently have down in Ballardvale. I'm confident, from what I've seen and heard, that a half a million dollars will go quite a long way to extending the life of the current Ballardvale Fire Station, give the Town the opportunity to examine what other types of improvements could be made there and save the Town substantial amounts of money compare to the move the fire station alternative that always hear about. I urge voters to approve this Article. Thank you.

MODERATOR: Thank you, sir. [APPLAUSE] Mr. Stapczynski.

STAPCZYNSKI: Yes, Ms. Moderator. I am compelled to make a few comments on this. You heard me earlier thank Mr. Bowen for putting a CIP capital improvement plan process in place and it's a highly disciplined process. Now I find myself wondering why Mr. Bowen circumvented the process in which he instituted. This is basically an end run around a very disciplined CIP process that we have, that citizens can submit CIP projects through the course of the summer so it can get into the plan and get put on a five-year program to be properly vetted. That's my first point. The second point is that right now things are voted as, or recommended by the Selectmen or Finance Committee in the budget, the capital projects; we will have \$892,000 reverting back into free cash, or remaining in free cash. If we take this \$500,000 we'll end the Meeting with \$392,000 in free cash. So it is coming out of monies that we'd like to think are in our reserve account and we could use for future purposes. And the third point is that the, I would like to, I would like this project to really be referred to the group at which it has been charged with replacing the Ballardvale Station or thinking of options for the Ballardvale Station and that's the Ballardvale Station...Task Force headed by Dan Katz a resident of the Ballardvale area. So, I think there are three issues here you really need to think about before we vote on this request. Thank you.

MODERATOR: Yes, sir.

SEMANSKI: My name is Adam Semanski I'm at 6 Chester Street in Andover. I'll echo the prior comments and just add a quick anecdote. Mr. Bowen had discussed how he's been a long time member of the community. My family and I we're fairly recent additions to the community.

MODERATOR: You're welcome.

SEMANSKI: Thank you very much. And a few years ago when our daughter was one year old she took an unfortunate fall in our home and sustained a concussion and we live just up the block from the current location of the Ballardvale Fire Station and the engine and firefighters were there within seconds. Frankly before wife could even hang up the phone with 911, they were there before she was even calling me in Boston where I work to come up. And the location and response to where we were in Ballardvale was, was invaluable in helping us in that situation. And a concern that I have is that I've waited many times at the Ballardvale railroad crossing for a long five minute long freight train to pass by and could only think of where our daughter would or would not be today had a fire engine or rescue squad had to wait at that intersection. So just a short little anecdote and would echo the prior comments in support.

MODERATOR: Okay, thank you. Do you have some comments there? Great. Do you have a question?

RIGBY: I do Madam Moderator.

MODERATOR: Go right ahead. Identify yourself please

RIGBY: I'm sorry. Greg Rigby, 133 Rattlesnake. Think they'd know me by now.

MODERATOR: I know. If they don't know John Pasquale you still have to identify yourself. Go right ahead.

[INAUDIBLE FROM AUDIENCE]

MODERATOR: I'm not. It was with utmost respect. Go right ahead Greg.

RIGBY: This is the second time I've heard reference to the five year capital plan and when I was on the Finance Committee we last year asked for a five-year plan and the best we could get was a three-year plan which really was a division of one year of money. Is that a different plan than the five-year that we did not see when I was on the Finance Committee?

STAPCZYNSKI: Yes. It is a different plan. And I'll refer you to the five-year plan you will see that the request made by the Finance Committee was honored this year.

RIGBY: So we haven't had it every year since-

MODERATOR: Okay, that's not the Article we're talking about. It's not even close, whether we or not we do or don't have a five-year plan. We have a \$500,000 request--

RIGBY: [INAUDIBLE OVER MODERATOR]

MODERATOR: and this gentleman would like to speak to it.

RAFFI: Barry Raffi, 13 Center Street.

MODERATOR: Yes, sir.

RAFFI: It was said earlier that the station committee is considering sites. The station committee has been in effect for nearly five years and it's the belief of a lot of people that they're running out of options. To work with the current station is an excellent option, a lot of people believe. And the plan that you heard about expanding the current station was thought out a little too late to make Town Meeting however the committee, the station committee does know if it and this is a very viable option that was ... protection in the Historic District and not delay the response to the Historic District and work with a historic building and so on and then we ask you to consider this.

MODERATOR: Thank you, sir. Take one more. Have you be the last speaker. Go right ahead, ma'am.

HOWARD: Kathryn Howard, Hazelwood Circle. Not only does this support the Historic District but it provides emergency services to 93 accidents at the traffic light at Dascomb Road. And I think it made perfect sense to leave it where it is; people are used to having it in that location. You don't have to struggle with a new neighborhood and try and convince them to have a fire station in their back yard and I really feel that any consideration of South School as a location should be, should not be considered. If anybody has been to South Elementary School during parent drop off, I mean during student drop off, student pick up, any of the events where they have no parking, it would be nearly impossible to get down those streets with an emergency vehicle with the cars lined up and parked all over the property. And in addition it shouldn't be located next to a school because the purpose of the school---

MODERATOR: I don't think the Article is talking about that, is it?

HOWARD: Well the Article isn't but it's very possible that the Town, that we could choose to pass this Article, renovate the station and disband this task force and let them use their time to tackle some of the other problems in Town. Perhaps study traffic back logs. So, I think this Article should be approved. Thank you.

MODERATOR: Okay. Thank you. Are we ready to take a vote? Do you have a question sir?

LUFFMAN: Yes, point of order. Greg Luffman, 13 [Farnstreet?]. Since this was to come out of free cash instead of borrowing does it still require a two-thirds vote as stated in the Warrant? Or does it—

MODERATOR: No, sir, it requires a majority vote.

LUFFMAN: Thank you.

MODERATOR: Thank you. And that was a good point to ask, thank you. Yes, sir.

VROUNTAS: Chris Vrontas, 379 River Road. I'm just wondering if the Fire Chief has a view of this?

MODERATOR: You just want—I'm sorry?

VROUNTAS: I'd like to know what the Fire Chief thinks about this—

MODERATOR: Chief do you have an opinion on this? Silly me to ask that the way I did.

MANSFIELD: Personally—

MODERATOR: If you could identify yourself.

MANSFIELD: Mike Mansfield, I'm the Fire Chief. Personally I'm not gonna weigh in on whether or not I have an opinion or not. However I will speak for the Fire Station Replacement Committee. The Fire Station Replacement Committee at this point in time vehemently opposes the approval of this Warrant Article due to the fact that there's not been a lot of work put into the Article to determine whether or not there's going to be enough money to actually move forward with the proposal. Secondly, the fire station committee has commissioned two different studies over the last four years to try to determine where the best location is to relocate

the fire station based upon calls of service, needs for service, response times, and other things that get looked at and considered with these studies. I am sympathetic to the Ballardvale community and want to work with the Ballardvale community in moving forward with relocating the fire station. They have, the committee has not specifically chosen the best location to put the fire station as of today. They have some options; they're still looking at those options and trying to come up with the best way to move forward with this, with this project. And that's where it is right now.

MODERATOR: Thank you, sir.

MANSFIELD: I hope that answers the question.

MODERATOR: Are you ready to vote? Article 17 please all those in favor, we need a majority vote, please raise one hand. Thank you. Those opposed. Oh, I think it's close, but I think it's lost. Can we do it one more time please? All those in favor please raise one hand. Those opposed. I think we should take a count. I'm sorry but it's just too close from a visual. All those in favor of Article 17 please stand. Watch it will be 300 to nothing but I'm sorry, it just looks too close.

Section 1: 7; Section 2: 5; Section 3: 14; Section 4: 1;
Section 5: 3; Section 6: 28; Section 7: 32; Section 8: 8;
Section 9: 6; Section 10: 15; Section 11: 15; Section 12: 17;
Section 13: 3; Section 14: 3; Section 15: 2; Hall: 2; Stage:
1.

MODERATOR: That's it. All those opposed please stand.

[BREAK IN TAPE]

Section 1: 12; Section 2: 19; Section 3: 22; Section 4: 8;
Section 5: 17; Section 6: 19; Section 7: 16; Section 8: 6;
Section 9: 11; Section 10: 11; Section 11: 15; Section 12: 8;
Section 13: 15; Section 14: 0; Section 15: 2; Hall: 2; Stage:
20.

MODERATOR: 162 having voted in the affirmative. 162 having voted in the affirmative; 203 having voted in the negative, the motion is lost. Article 18. Mr. Vispoli, please.

VISPOLI: Yes, Madam Moderator. I move that \$2.5 million is appropriated to pay the costs of making various school site safety, circulation and infrastructure improvements 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 therefor.

MODERATOR: Article 18 has been moved and seconded. Is there a Selectmen's report.

VISPOLI: Board of Selectmen recommends approval.

MODERATOR: Planning Board, Mrs. Duff.

DUFF: The Planning Board recommends approval but we will leave the financial consideration up to the Board of Selectmen and the Finance, and the Fin. Committee.

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

MARDEN: Finance Committee recommends approval of Article 18. This Article funds needed site improvements around Doherty Middle School to address safety concerns, comply with ADA standards, and update drainage to meet current environmental regulations. This project will be timed to coordinate with the construction of the youth center. Site work for the youth center will be part of this project but will be paid for with youth center construction funds. Doing both projects at the same time will achieve significant savings. A project of this type around a school must be done over the summer. If by any chance the youth center construction does not begin this year, the site will be secured and ready for its future construction. If the Doherty site improvements are not funded this year the need will not go away and the costs will only increase. The Finance Committee recommends approval.

MODERATOR: Thank you. School Committee report please. Mrs. Colby-Clements.

COLBY-CLEMENTS: Thank you, Madam Moderator. Doherty Middle School site improvement plan was already in place as part of the master plan to address repair, traffic safety, and compliance issues at our school. Doherty Middle School project was originally scheduled to be completed several years from now while phase one of the High School site improvement was scheduled for FY14. When the Town approved construction of the youth center it made sense to pull the

Doherty Middle School project for several reasons: saves the Town money by combining the youth center site work and the Doherty Middle School site work into one bid package however as stated all youth center site [INAUDIBLE] paid by the Youth Foundation; it avoids the need to rip up the site twice; it insures that when the youth center breaks ground in late summer it will have adequately addressed parking and traffic flow needs so that students, staff, and Senior Center patrons will have a safe environment when school begins in the fall while construction of the youth center is underway. Given that we are looking to embark on a space needs redesign of the High School it makes sense to hold off on the current High School site work. For those reasons the School Committee recommends approval.

MODERATOR: Thank you. Yes, sir.

[INAUDIBLE]: Scott [INAUDIBLE], 88 Abbott Street. I moved to Town about 25 years ago and if we taxes were going up 2 1/2 % each year I should be paying about \$1.85 for the \$1 that I started with. My taxes are now four times what they were 25 years ago. I would urge all the citizens here in Andover to take a very serious look at everything that we're adding. This would add \$14 to our taxes it says in the booklet. And if you look at many of the other Articles they'll add a little bit each time. If you keep taking a little here and a little there pretty soon you've got some real serious money. And when you have to float a bond for this it keeps on taking from you over and over again. Now I'm not saying that my taxes should have only gone up to a \$1.85, that maybe they should go up, we certainly need to improve the Town and everything. However, certain expenditures that we're looking at, like let's say you're painting your house, if you have unlimited funds it would be great to paint your house every year, but most of us don't have unlimited funds. And the same thing going on here for the School Committee, for the Doherty School improvement. We don't need to do this right now, I don't think. We need to look at what we're spending and we need to make sure that we're spending it on the right things. Taking this money that could be used for other resources in school, in Fire, in Police, in our safety, need to be evaluated. I recommend not to go forward with this.

MODERATOR: Thank you, sir. Do each of you have...thank you. Do each of you have a question or a point of order? Or are you going to give an opinion on the Article?

WHEDON: Question.

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

WHEDON: Brad Whedon, lower Summer Street.

MODERATOR: Thank you.

WHEDON: \$2.5 million will be bonded but what is the total cost of this project and how much will the Youth Foundation pay?

MODERATOR: Thank you.

STAPCZYNSKI: Is Chris Huntress here? Chris would you come up?

MODERATOR: One moment please.

STAPCZYNSKI: Perhaps we have a slide for this? Do we have a slide that could show the site? That might be instructive.

HUNTRESS: Thank you, Madam Moderator. Again Chris Huntress, 17 Tewksbury Street, Chairman of the Youth Center Building Committee. The question was, I believe, how much of the costs that the youth center is ready, and willing and able to incur—

WHEDON: No, actually that wasn't the question. The question was what is the total cost of this project and School Committee has indicated that the Andover Youth Foundation is going to subsidize some of this. I want to know exactly how much the Youth Foundation is gonna pay above and beyond the \$2.5 million that's being bonded?

HUNTRESS: Well, I can tell you, I may have to defer a portion of this question back to Ed, but I can tell you that the Andover Youth Foundation and the Andover Youth Center Building Committee we're responsible for two items in this bid process. The first is \$162,000 which will extend utilities from Bartlet Street back to the location of the youth center. The second is \$304,000 which preps the sub base and the foundation for the building itself. Those are incurred costs that are budgeted presently through the construction of the youth center and will not be, will not be, a part of the overall Doherty construction, it will be a part of the project I'm sorry but it will not be funded by the Town it will be funded by the youth center construction. For the balance of your question I would have to defer to Ed Ataide.

MODERATOR: Does that answer your question?

WHEDON: So its \$2.5 million to be bonded plus \$162,000 plus \$304,000 from the Youth Foundation, is that correct, or incorrect?

HUNTRESS: No, I'm sorry, I can't help on that. The total is \$2.5 million, of that, those two items that I read, \$162,000 and \$304,000 would come out of the \$2.5. So it would be \$2.5 minus those two items.

WHEDON: Again so what is the total cost of this project, the site improvement project, and how much is the Youth Foundation contributing to the total cost?

MODERATOR: Ed can you answer that question please?

ATAIDE: Ed Ataide, Superintendent of Buildings. The total cost is the \$2.5 minus the \$162, minus the \$304.

MODERATOR: Which is? Do you have that figure? See four-fifths seemed a little harder now didn't it.

ATAIDE: I don't have that.

MODERATOR: \$2,034,000 even. \$2,034,000 is what they're telling me.

WHEDON: Okay, but we're being asked to bond \$2.5 correct?

STAPCZYNSKI: Yes, we're asking to bond that and that will be offset by a contribution from the Andover Youth Foundation.

WHEDON: So explain to me why we're bonding \$2.5 if the Youth Foundation is going to accept what appears to be about \$466,000, why don't we bond less than \$2.5 million?

STAPCZYNSKI: Cause we have to bond for the whole project. That will be offset.

WHEDON: Okay. And do you have an agreement with the Youth Foundation that they will pay the \$466 part of that \$2.5 million.

STAPCZYNSKI: Yes.

WHEDON: Okay. Thank you.

MODERATOR: Yes, sir.

POKRESS: A question, Bob Pokress, 3 Cherrywood Circle. I attended one of the Finance Committee meetings and as recently as two weeks ago there was quite frankly a state of confusion among the Finance Committee as what the real numbers were. People couldn't get answers to simple questions. One of the members of the Finance Committee in frustration said-

MODERATOR: Mr. Pokress what's your question?

POKRESS: I'm getting my question.

MODERATOR: Thank you.

POKRESS: My question is would the School Committee, and the Finance Committee and the Selectmen please advise us whether you took your votes as to what you were going to recommend, what your votes were, and for those people that voted no as to approving this Article, why you voted no and in effect are recommending not to approve this Article through your no votes among yourselves.

MODERATOR: Thank you, sir. Anybody have those votes? They want...

SALAFIA: I believe the Selectmen voted 5 - zero in favor.

MODERATOR: Finance Committee do you know how you voted?

ODONOGHUE: The Finance Committee voted six-two in favor. I was one of the votes did not vote for this project because I was not clear on the numbers that were presented. And I had a question with regards to the amount of contingency that was included in the Doherty Middle School portion of the project, which at that time, this meeting was just over about a week ago, total that we were given was \$1.8 for the Doherty School portion of the project with contingency of \$360,000 or 20%. I felt that that was very generous and just wasn't, didn't feel comfortable voting yes for it. I am in favor of the project but I'm not clear on the numbers.

MODERATOR: Okay. Yes sir.

LACAVA: Madam Moderator. Frank Lacava [?] 36 Pine Street.

MODERATOR: Yes, sir.

LACAVA: First time speaking.

MODERATOR: Thank you, sir.

LACAVA: Five months ago the Board of Selectmen promised the Town that \$2 million was gonna be the maximum amount of taxpayer dollars spend on the youth center. And I'm wondering if you could clarify for me the amount of money that is in this Article for the youth center, is that part of the \$2 million, or is that in addition to the \$2 million?

HUNTRESS: The part of the money that is within this that the Youth Center Building Committee will be responsible for is part of the \$2 million and part of the monies that are donated by the Andover Youth Foundation. This would not be in excess of those \$2 million.

LACAVA: So it's not this amount of money plus the \$2 million.

HUNTRESS: No it is not.

LACAVA: Thank you.

MODERATOR: I apologize I did not get to Mr. Pokress' question an answer from the School Committee if they have their dissenting votes. How your vote went.

COLBY-CLEMENTS: School Committee voted three approve one opposed and one abstained.

MODERATOR: And is the individual who voted no wish to express why?

FORGUE: Sure that's fine.

MODERATOR: Can we get a microphone please, School Committee.

FORGUE: Okay, yes I'm Dennis Forgue, School Committee member, 18 Reservation Road. I did vote against this and my reasons are this. First of all I am very much in favor of the youth center project and one of the things that in our villages, our discussions, was we assured by Mr. Huntress that if this Article would fail that the school, that the youth center would still go forward. Secondly, if you look at the project by itself there's a lot of merit to it. You get all this work at one time, I'm sure there was some cost saving. However, if you step back and look at the larger picture in terms of the financing impact on the operating budget as well as what

we're doing with all the CIP articles, you know, here were my concerns. Right now this is a non-exempt article we are looking at \$5 and a half million worth of non-exempt debt during this Town Meeting. In addition to that in our February Special Town Meeting we passed a \$5 million for Bancroft, only \$1.4 million of that was not covered by the original override. So if we have to borrow the entire \$5 million, \$1.4 million will also go to non-exempt debt. That brings us to a total of about close to \$7 million. If we were to borrow at a rate that was within our available funds projected for next year we would borrow at about \$3.5 million. So we're borrowing twice the amount of what our growth would impact. That means that it decreases the amount of money that's available for operating revenues, for operating budgets on both the Town departments as well as the Schools. Looking at other Articles we when we come later-

MODERATOR: Mr. Fogue, I'm gonna hold you to this particular Article, please. As to your vote.

FORGUE: It impacts how we make decisions.

MODERATOR: I'd like you please to stay on this point. Thank you.

FORGUE: We are, I was simply saying that, ifI would suggest we're underfunding other Articles in lieu for this which I don't consider an essential project. It was graded number 5 among ten schools and bumped up for this so it's not something that needs to be done now. And there are other Articles that are being underfunded and we'll talk about that later on. That was my decision ---

MODERATOR: Is there anyone else on the School Committee that wishes to share their opinion in the negative? Or are you good?

BIRNBACH: David Birnbach. Dennis and I had a long talk. I abstained cause I wanted to get more information about the pros and cons. As Dennis stated the School Committee didn't necessarily put this project in and of itself, the Doherty improvements, to be as high on the list as it is on now. We have other initiatives that we have some concerns about where we gonna be coming to Town Meeting next year and the year after for preschool expansion, where we're gonna have to accommodate 100 plus students which is gonna require a new building and addition to that we're looking at what enhancements we can make to Andover High School inside the

building, not necessarily how it looks great from the outside but how it can be retrofitted and transformed on the inside to bring it up to the, some of the learning requirement that we have with our students going forward. And Dennis and I have concerns that there may not be enough money to fund those types of initiatives if we're spending money, especially on the non-exempt debt, related to the Doherty project.

MODERATOR: Thank you, sir. Let's go over here.

HOWARD: Katherine Howard, 49 Hazelwood Circle. I'm opposed to this Article. You don't put the cart before the horse. I don't see how you can talk about putting in roads and sidewalks and curbing and drainage if you don't have a structure that's finalized. There may be something that comes up during the construction that changes some of these improvements that are being talked about. And I think this Article should be defeated.

MODERATOR: Okay, thank you. Go over here please to the pro mic.

GRAHAM: Hello my name is Lauren Graham from 28 Corbet Street.

MODERATOR: How are you Lauren?

GRAHAM: I'm on the pro side. I don't know from the Article it said the ADA which is the American Disability Act and I myself have been dealing with a hip problem for the past two years because of softball injuries. And I've been trying to return to my favorite spot. And I guess the Article it's against the law not to have handicapped areas and I just think that should be thought of that there's people that would like to access the area that may not be able to otherwise.

MODERATOR: Thank you, very much. Do you have a question sir?

[INAUDIBLE]: Yah, I have an amendment Andy [INAUDIBLE], 5 Cattle Crossing.

MODERATOR: I'm sorry?

[INAUDIBLE]: I have an amendment to this Article.

MODERATOR: Okay.

[INAUDIBLE]: I move to amend the Article by deleting all language after appropriations, the word appropriations and replace it with the following language: the Town may raise revenue by taxation or transfer of available funds.

MODERATOR: Okay can we have a copy of that please sir. The appropriation that you're looking at is on the second line of what was read? That's the appropriation word you are looking to-

[INAUDIBLE]: I don't have the Article. The only Article I have is printed in the Warrant. You could put that up there. That to meet this appropriation-that word appropriation there.

MODERATOR: ...to meet this appropriation, and you want to insert that after that that's on the one, two, three, fourth line.

[INAUDIBLE]: That's right.

MODERATOR: Okay. So that you're, so that you are, can be put both on the screen? Is that possible? No.

[INAUDIBLE]: That's not my handwriting by the way. That's the Ombudsman. I had mine printed out but he changed the Article on me.

MODERATOR: So if I could read this as I believe you intended.

[INAUDIBLE]: Okay.

MODERATOR: If you could listen to what I'm reading.

[INAUDIBLE]: It's on the side one. It's on the side. I can't read that.

MODERATOR: I move that \$2.5 million is appropriated to pay the costs of making various school site safety circulation and infrastructure improvements and for the payment of all other cost incident and related thereto and that to meet this appropriation the Town may raise revenue by taxation or transfer from available funds. Is that-

[INAUDIBLE]: Sounds good.

MODERATOR: That's your amendment?

[INAUDIBLE]: That's the amendment.

MODERATOR: Okay. Can I get a second for that amendment please? Thank you. The amendment has been moved and seconded would you like to speak to it sir?

[INAUDIBLE]: Yes. My concern is just how it's funded; that we're borrowing money to do that. The Finance Committee supplied me some figures about what it costs to borrow money. To borrow \$2.5 million is gonna cost just in interest \$787,500 more or less and that doesn't even count the finance charges. So with that \$787,000 we get no services. It's just paying interest. And is part of the bigger issue of using borrowing for things like maintenance that we probably be using borrowing for. There are six Articles in this Town Meetin along that ask for borrowing of over \$7 million and the interst-

MODERATOR: We're talking aobut Article 18 right now sir.

[INAUDIBLE]: Yes, I understand that. And this Article is going to add to that problem with \$787,000 just for intereset on this. I'm not for or against the Article. I'm not speaking about the Article. If you want to do it and if we have the money from taxation, fine, let's do it. If we don't have the money, it's an emergency, that's what free cash is for. Just my Article just says let's put away the credit card and save some money. We can save \$787,000.

MODERATOR: Your amendment then is to have no...you have no intent to borrow any of this \$2.5 million. Correct?

[INAUDIBLE]: Does anyone want to speak to the amendment.

FROM THE FLOOR: To the amendment.

MODERATOR: Let's start with the Finance Committee please sir and then we'll get to you in one second. Go right ahead. We're only speaking about the amendment at this time.

MARDEN: We do not have the capacity within 2 ½ to appropriate \$2.5 million in addition to what we've already appropriated this year. We do not have \$2.5 million in free cash after the appropriation that we made this year. So we can't do it this way. And I know that we have as a Finance Committee a lot of concerns about how fast we're borrowing money within 2 ½ our so called non-exempt debt but when you buy your houses you don't buy them with cash because you don't have enough cash,

you have to spread the payments over a number of years in order to be able to afford it. And when a Town borrows it as the additional desire to spread the cost over the taxpayers who will be here over the next 15 or 20 years because they will be benefiting from what we are buying. So, I have to be against the amendment, because I don't even—all I can see that is if we voted yes on this amendment at some point we have to come back and rescind this Article because we wouldn't be able to set the tax rate until we did.

MODERATOR: Any other issues—thank you, Mrs. Marden—any other issues to the amendment? All right let's take a vote on the amendment. If you want to vote please have a seat. Note where you are in line and you can certainly get back to that put if you could please have a seat. The amendment requires a majority vote. All those in favor of the amendment, please raise one hand. Thank you. Those opposed. The no's clearly have it; the amendment is lost. Now we go back to the original motion, the original Article.

STAPCZYNSKI: Madam Moderator could I just jump in—

MODERATOR: Go right ahead.

STAPCZYNSKI: Ladies and Gentlemen I'd like to just take a step back for a moment because I'd like to put this into a context. For those of you who are at an Annual Town Meeting about 10 or 12 years ago we put together a plan to address the roofs in all of our schools and that plan cost multi-million of dollars we addressed every single school and every single roof. Every year we brought a plan back; some of the roofs were a million, some were two, some were perhaps even \$3 million to do a roof, and this building would be one example, the largest facility we have in Town. And all of our roofs are now in good shape and with a little luck they'll stay that was for another 20 years. The next thing on the agenda for our facilities was the site work. For those of you who have dropped kids off or picked kids up or been around our buildings we have put almost no money into our site work. We started this project several years ago, we had all of our sites reviewed and last summer we did the West Middle School. This summer we are asking the funds to do the Doherty Middle School and every year we'll be coming forward with an appropriation perhaps not as much as this, this is one of the larger of the projects, the High School of course would be a big one and we would divide that and actually in half, we couldn't do the whole project in one summer here. So this is part of a larger context. And what we want to do is address

our drainage, like you do at your own home, get the water away from the building and into a drainage system and of course drainage systems drain into the wetland and the wetland, the conservation laws are very particular about how you drain or not drain into the wetland; we have those hurdles to overcome. In the case of the Doherty Middle School have ADA issues there are no handicapped parking within the allowable ADA vicinity, parameters, of the school. That has to be addressed. We have to separate the busses from the parent pick up for safety. We've had this vetted by the Police Department and the traffic safety officer to make sure our busses can pick up and drop off students while parents are doing the same with their students. As well as curbing, appropriate sidewalks and then the necessary repaving. So this is part of a larger project, a larger, multi-year program that we're going to be addressing at every single school. It's been vetted by all Town departments. Ed Ataide has worked with the consultants to narrow the price down to what we think is a reasonable amount; he went out to bid on this project several weeks ago, and the numbers came in actually more than we had...excuse me wrong project—I'm ahead of myself, sorry. I'm misplacing my metaphor here. This project should it be approved today will go out to bid and we intend to start it July 1 the day after school goes out and have it completed as much as possible prior to the opening of school the end of August. Be happy to answer any questions.

MODERATOR: Great. Mr. Deso.

DESO: Tom Deso, 81 High Street. I just have a question, I want to make sure, and Town Manager just sort of referred to it. These bids haven't open yet; they're opening after Town Meeting. So I assume the numbers that were given to us were estimates and I would just like assurance that the numbers that the Andover Youth Foundation, Youth Center Building Committee would cover would be whatever the actual costs are, not the numbers that were presented to us. I just like that to have that clarified.

STAPCZYNSKI: Yah, --well hopefully we have good cost estimates but as we did in Article 11G if there are available funds remaining we will rescind whatever additional money may be there.

DESO: And if the bids are higher [INAUDIBLE]---

STAPCZYNSKI: Well, and that was one of the debates that was referred to with the Finance Committee hopefully we have

sufficient contingency so we don't come back. Quite honestly Ladies and Gentlemen, I'm getting tired of coming back.

DESO: My question specifically refers to the alternates that the Youth Foundation has agreed to pay. If those alternates come in at whatever number, I just want to be sure is that the Youth Foundation is going to pay the amount of those alternates.

HUNTRESS: If I could, Tom? It's our responsibility to pay for that cost. Those are estimates that have come in; if they come in higher we have contingency... [BREAK IN TAPE]...youth center where we have an alternative plan if this isn't approved. But maybe Chris or Ed could comment on the contingency plan. My concern would be is if it's, if a much needed project to complete the CIP work is not done than it will be a longer time until the whole project is finished. Just I don't give people the wrong idea that this somehow is directly related to the youth center, the youth center's paying its portion and I think the concern was to get the whole project done at the same time.

MODERATOR: Mary do you have a specific question?

CARBONE: Yes, I do. My name is Mary Carbone, Cyr Circle. Actually I'd be lacking tonight if I didn't address this issue. The Town Manager just finished talking about roofs and so forth and repairing issues. At the time when we were voting, asking to vote on the Bancroft rebuilding project I addressed this at the Town Meeting. We went into litigation for the two schools in West Andover and the roofs were leaking there, at least one, one building. And we had to pay twice for those roofs and nobody seems to address the issues in this Town or pay attention. They listen and they think that everything is gospel that they're getting from the stage. I think otherwise. So I thank you again for listening and pay attention.

MODERATOR: Thank you, Mary. Thank you. Alright. Are you ready to vote? Let's go ahead and vote. All those in favor of Article 18 please, raise one hand. Thank you. Those opposed. The requires a two-thirds vote; it is clear to me that it is. Could I have one, could we do it again? All those in favor. Those opposed. Does anybody challenge my declaration that it's' more than a two-thirds vote?

[VOICE FROM FLOOR]: I do.

MODERATOR: You do. Okay let's go ahead and take a standing vote then. All those in favor please stand. Article 18.

Section 1: 14; Section 2: 19; Section 3: 25; Section 4: 11; Section 5: 11; Section 6: 28; Section 7: 19; Section 8: 7; Section 9: 11; Section 10: 17; Section 11: 20; Section 12: 10; Section 13: 16; Section 14: 4; Section 15: 3; Hall: empty; Stage: 16.

MODERATOR: Those opposed please stand.

Section 1: 3; Section 2: 7; Section 3: 12; Section 4: 0; Section 5: 4; Section 6: 19; Section 7: 25; Section 8: 5; Section 9: 0; Section 10: 6; Section 11: 6; Section 12: 15; Section 13: 2; Section 14: 1; Section 15: 1; Hall: empty; Stage: 4.

MODERATOR: 241 having voted in the affirmative. Yes, I did. 241 in the affirmative; 110 in the negative, the motion carries. 67% of the vote. [APPLAUSE] My intention tonight please if you could bear with me, would be to go to 10:30. We've got a long meeting. If you could please bear with us for another 15 minutes. Article 19, please. Mrs. Lyman.

LYMAN: Thank you, Madam Chair. 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 19 has been moved and seconded. And the Selectmen's recommendation please.

LYMAN: The Board of Selectmen recommends disapproval of this Article. This Warrant Article will provide \$4,000 to pay for incidental costs incurred by Town Departments during civic events such as Andover Days when Main Street and associated side streets must be closed. Any associated overtime costs should be paid from Departmental budgets is our belief.

MODERATOR: Finance Committee report please.

ODONOGHUE: Finance Committee recommends approval.

MODERATOR: Anybody else want to weigh in?

[UNKNOWN VOICE FROM STAGE]: Board of Selectmen recommends approval. It's a misprint.

MODERATOR: Can you please restate your recommendation then.

LYMAN: Board of Selectmen recommends approval of the Article.

MODERATOR: Thank you. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Thank you very much. Article 20 please, Mrs. Lyman.

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

MODERATOR: Thank you. Selectmen's report.

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

MODERATOR: Finance Committee report please Mrs. Anderson.

ANDERSON: Finance Committee also recommends approval.

MODERATOR: Any comments? All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 22, Mr. Major.

MAJOR: Madam Moderator if you may I would like to defer to former Selectmen Ted Teichert and Myrna Silverman to make this motion.

MODERATOR: Number 21, could you move it please? Are you moving it?

TEICHERT: Madam Moderator I move Article 21 to see if the Town will appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks program as part of the Fourth of July festivities and / or taken any other action related thereto.

MODERATOR: Article 21 has been moved and seconded. Do you wish to speak to the Article Mr. Teichert?

TEICHERT: I have strict instructions from Jerry that he ask for your support for this year's July 4th festivities. And I stand here on behalf of Myna and myself. Also you'll see around Town, we have the new jars out here, kind of spiffed them up a little bit, nice and clean, you'll see them around and we appreciate your support.

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

MAJOR: Board of Selectmen recommends approval.

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

FORTIER: The Jerry Silverman Fireworks are an important part of the Town's 4th of July celebration and we feel this tradition should continue and the Finance Committee recommends unanimously approval.

MODERATOR: Any comments or questions? All those in favor of the Jerry fireworks—Jerry Silverman Fireworks please raise one hand. Thank you. Those opposed. The ayes have it the motion carries.

TEICHERT: Jerry thanks you.

MODERATOR: Article 22, please Mr. Major. Mr. Major please Article 22.

MAJOR: Thank you, Madam Moderator. I move to appropriate and raise by taxation the sum of \$25,000 for the purpose of designing, constructing and installing a monument that memorializes the dedication and naming of the Deyermond Sports Complex.

MODERATOR: Article 22 has been moved and seconded. Who's speaking to the Article.

BURKE: Madam Moderator.

MODERATOR: Yes, sir?

BURKE: Michael Burke, Director of Veterans Services. I have an amendment to the...Article 22. I move to amend Article 22 to change the amount to be appropriated from \$25,000 to \$20,000.

MODERATOR: Could I have a copy of that please.

BURKE: You bet.

MODERATOR: Thank you, sir.

MAJOR: Second.

MODERATOR: There's been a motion made to amend the amount of Article 18 from \$25,000 to the amount of \$20,000. It has been

seconded. Any questions as to the amendment. All those in favor of the amendment please raise one hand. Thank you. Those opposed. We now have a \$20,000 item here. Mr. Burke do you have any comments to make?

BURKE: Thank you, Madam Moderator. When we first put this Article in it was to meet the deadlines for the Warrant requirements. The \$25,000 was in line with what we were looking at for similar monuments. But we've staffed through a number of committees. We have worked very closely with the monument company that's worked with us in the past and the design that we brought through a number of committees to include approval from the Design Review Board. And if you feel a need to put a slide up, there's a couple of slides, Steve. But the point is, we've got the point that we know that the monument that's been approved by the committees can be done for under \$20,000 and we hope to save even more money through a competitive bid process. We certainly want to get the Town's support for this. If there's any pro or con I can answer any questions but I know Madam Moderator we are on a tight schedule and I know we have a very patriotic community here. Please vote in the affirmative.

MODERATOR: Mr. Selectmen's...Mr. Selectmen's report, please. Who's giving that.

MAJOR: The Board of Selectmen recommends approval of this Warrant Article and just as a reminder Buster or Warren Buster Deyermond was the Town of Andover's last casualty in the Vietnam War. He was killed in action on July 14, 1969 and the current Deyermond complex is named for him. And the Board of Selectmen has decided that the new field complex at, over on Blanchard Street will carry on the name for Buster.

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

MARDEN: Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor of Article 22 please raise one hand. Thank you. Those opposed. The ayes have it clearly the motion carries. Article 23. Mr. Cuticchia.

CUTICCHIA: Madam Moderator, Jimmy Cuticchia, 127 Greenwood Road, Chairman of the Andover Contributory Retirement Board. I'd like to move Article 23 as printed in the Warrant.

MODERATOR: Art idle 23 has been moved and seconded. Go ahead.

CUTICCHIA: By way of explanation, we're asking for a small increase in what the retirees can receive in their monthly allowance; it amounts to \$5 a month maximum. There has not been an increase to the COLA base since 1998. As I said the increase amounts to \$5 per month for eligible retirees. I would say approximately 40 or 50% of our retirees may not even get that amount of money. State Retirees or Mass Teacher Retirees automatically get an increase on their COLA base and if their increase amounts to right now \$2.50 more per month. There is currently legislation pending where the State Retirees and Mass Teacher Retirees will have their COLA base increased to the \$5 month that we are asking for now. Approximately 85% of the Massachusetts cities and towns have approved an increase in the COLA base and just by way of example, social security is not a pension fund, it's a pension supplement, but social security recipients get an increase on their whole pension not just a portion of their pension. Our retirees only receive an increase on a portion of their pension, currently the first \$12,000. We're asking that that calculation be made on the first \$14,000 which will allow us that \$5 per month. If an Andover retiree is eligible for social security they receive the reduced amount. Most of our retirees get paid only 33% of their social security due after their Town pension. If by change before they got hired in the Town and the worked under the social security system they may be entitled to a small amount even though they contributed the full amount their social security pension is reduced significantly. Approval of this Article will increase the appropriation by approximately \$161,000.

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

LYMAN: The Board of Selectmen recommends disapproval of this Article. While I wouldn't disagree with any of the facts as they were just presented, the bottom line is that we would add approximately \$161,000 to the annual retirement appropriation and the Board of Selectmen recommends disapproval as a result.

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

MARDEN: The Finance Committee also recommends disapproval of this Article. This is one of those seemingly small decisions that has a significant impact on future budget. The Finance

Committee is very concerned about Andover's unfunded pension and OPEB liabilities. Added to our pension obligation at this time before we even figured out how to fund what we've already committed to, just doesn't seem responsible to us. This year our retirement budget is almost \$6 million. The currently adopted funding schedules, has the retired...the required contribution of the Town increase faster than our revenues. And that only includes a COLA increases already approved. Available revenues will not make up for the projected increases. The amount added to the individual pensions is small but the annual appropriation as Lyman said for the retirees will have to go up by \$161,000 and that number increases every year after. If you're going to vote for this I'll hope you'll at least ask yourself what should be cut from our current budget in order to fund this new benefit. For the Finance Committee adding to our pension obligations when we do not have a sound plan for paying for Andover's existing commitments makes no sense. We recommend a no vote on Article 23.

MODERATOR: Okay. Article 23. All those in favor please raise one hand. Thank you. Those opposed. The opposition is prevailing the motion is lost.

CUTICCHIA: Thank you.

MODERATOR: Article 24. Mr. Kowalski.

KOWALSKI: I move that \$150,000 is appropriated from free cash for the purpose of purchasing Public Works vehicles.

MODERATOR: Article 24 has been moved and seconded. Is there a Selectmen's report?

KOWALSKI: The Board of Selectmen recommends approval of this Article. DPW currently has a number of vehicles that have been postponed for replacement since FY2008. The Highway Division is working with a vehicle maintenance division will review the condition of vehicles and determine the best use of the \$150,000 appropriation.

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

MERRITT: The Finance Committee also recommends approval.

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

SAXON: Yes, Madam Moderator. Keith Saxon, 15 Whethersfield Drive. A question for Mr. Cronin and whether truck number 7 in the DPW fleet will be replaced in FY14 with these funds.

CRONIN: No, truck number 7 is not identified to be replaced with this amount.

SAXON: So there's no circumstance where it would be replaced in FY2014?

CRONIN: No.

SAXON: Okay, great, thank you.

MODERATOR: Any other questions? Sir, do you have one? Go right ahead.

STRONG: David Strong, 64 Burnham Road. Do you have the age and the number of vehicles that will be replaced with this money.

CRONIN: Yeah, I'm anticipating replacing three vehicles: two skid steers, what you would know as Bobcats, they were scheduled to be replaced in 2011; and an F450 that was scheduled to be replaced originally in 2010.

MODERATOR: Thank you. All those in favor of Article 24 please raise one hand. Thank you. Those opposed. Thank you. The ayes have it the motion carries. Article 25. Mr. Kowalski.

KOWALSKI: I move that \$245,000 is appropriated from free cash for the purpose of purchasing a fire-rescue ambulance including cost incidental and related thereto.

MODERATOR: Article 25 has been moved and seconded. Selectmen's report please.

KOWALSKI: The Board of Selectmen recommends approval of this Article. The amount of \$245,000 is being requested to replace fire-rescue ambulance three which was purchased in 2002 and has reached the end of its reliable life. The Fire-Rescue Department maintains a fleet of four ambulances; the two newest vehicles are on 27-7 day to day active use, the two older vehicles are kept in operational reserve status and are used when the newer vehicles are down for maintenance or on occasion when additional resources are needed during regional incidents. Ambulances are moved from day-to-day use to reserve status when a new vehicle is purchased. The oldest or

least reliable vehicle either sold or applied as a trade in value.

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

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

MODERATOR: Thank you. Any questions? Go right ahead with a question.

LEEDS: Jeffrey Leeds, 3 Pilgrim Drive. And my question through you to the Selectmen is, have, has any of the Selectmen or have all the Selectmen in the vetting process inspected this vehicle that's scheduled to be replaced and if so, what are your particular individual findings?

MODERATOR: If any individual Selectmen has actually looked at the vehicle?

LEEDS: That's correct.

SALAFIA: No, actually we have not physically looked in each one of the vehicles that needed to be replaced but we rely on a fairly rigorous review from our Department Heads to give us their recommendations. We rely on that.

KOWALSKI: But, might I add as well, that I don't think that any of the five Selectmen are qualified to assess the physical condition or the operational status of a motor vehicle, any motor vehicle.

POKRESS: Madam Moderator?

MODERATOR: We all want to comment on that. Yes, sir.

POKRESS: Madam Moderator. Bob Pokress, Cherrywood Circle. I did inspect the vehicle last week. I went down to the Fire Station, my background I was a former commanding officer of a military base during my military years, and one of my responsibilities was to inspect every building and every vehicle each week. We had diesel vehicles, diesel vehicles are designed to prove hundreds of thousands of miles of service. This vehicle has a mere 104,00 of service on it. IT's a baby as far as diesel vehicle goes, diesel vehicle goes. There's not a spot of rust on that vehicle. Most organizations would view it as a mint condition vehicle given

what I saw of the vehicle. This is the backup to the backup as was stated a few moments ago. This is not a vehicle that by any measure can be considered an essential replacement, one where we're gonna be spending a quarter of a million dollars, that could be better used for other essential needs that this Town has and is differing, rather than replacing a vehicle that is essentially in mint condition and which I as a military officer, as a commanding officer, would gladly keep in service for another half-dozen or more year. Thank you. [APPLAUSE]

MODERATOR: Thank you, sir. Mr. Pasquale.

PASQUALE: John Pasquale, 47B Whittier Street. I've been inside ambulances and they've got all this medical equipment, so I guess I'm asking the question: for \$245,000 what is the trade-in we're getting on this present thing and are we gonna take the equipment that's in it and put it in the new one, or are we buying everything brand new.

MODERATOR: Thank you, sir, we'll get the answer to that questions

PASQUALE: Thank you very much, Miss Moderator.

MODERATOR: You're very welcome.

PASQUALE: We're getting close to 10:30 [LAUGHTER]

MODERATOR: We are. We would have been a couple of more things along...

MANSFIELD: Thank you, Madam Moderator. Mike Mansfield, the Fire Chief. In answer to your question, I couldn't, I can't tell you off the top off my head what we're going to be receiving for trade-in value for that vehicle because we haven't gotten to the point yet. When we do purchase new vehicles, usually the equipment inside the vehicles inside the vehicles also needs to be replaced as well. Not just the stretcher or the stair chair or a lot of the things that are utilized by the Fire Rescue personnel day-in and day-out but also radio equipment and things like that. So this does increase the costs of the overall unit. The units are usually in service for at least 12 years. If approved this unit will be a front line vehicle and one of the front line vehicles will be put in reserve to be utilized when one of the other vehicles is out. These vehicles are one of the most utilized vehicles within our fleet and they do take a lot of wear and

tear. And even though they have a...they may appear to have a low mileage number on them it's the actual wear and tear on the motor that's considered by, it's idling time and so forth by the number of hours that are on the motor as well. So that's what we look at as well, not just the miles.

MODERATOR: Okay all those in favor of Article...25. Please raise one hand. Thank you. Those opposed. I believe the ayes have it. All those in favor please raise one hand again please. Those opposed. Let's take a vote and this will be the last, our last Article tonight. All those in favor please stand. Could you please refrain from leaving while we're taking this vote it is so distracting. If you could please have a seat.

Section 1: 10; Section 2: 8; Section 3: 14; Section 4: 7;
Section 5: 12; Section 6: 6; Section 7: 9; Section 8: 3;
Section 9: 3; Section 10: 3; Section 11: 4; Section 12: 3;
Section 13: 6; Section 14: 0; Section 15: 0; Hall: empty;
Stage: 21.

MODERATOR: All those opposed please stand. You must be at a chair to be counted.

Section 1: 12; Section 2: 13; Section 3: 13; Section 4: 2;
Section 5: 2; Section 6: 16; Section 7: 18; Section 8: 4;
Section 9: 0; Section 10: 1; Section 11: 6; Section 12: 8;
Section 13: 2; Section 14: 1; Section 15: 4; Hall: empty;
Stage: 1.

MODERATOR: 109 having voted in the affirmative, 103 having been voted in the negative, the motion carries. Mr. Urbelis could I have a motion please.

URBELIS: Madam Moderator I move to adjourn this Town Meeting to 7:00 tomorrow night same place.

MODERATOR: Motion's been moved and seconded to adjourn all those in favor. Those opposed. The motion is carried. The meeting is adjourned until 7:00 p.m. tomorrow evening. Please remind your fellow citizens the Special Town Meeting will be here in this venue.

Tuesday, May 7, 2013

MODERATOR: The hour of 7 p.m. having arrived it is my distinct honor to reconvene the 2013 Annual Town Meeting. Mr. Urbelis please on the non-voters.

URBELIS: Madam Moderator I move to admit Rodney Smith, Donna Walsh, Kathy Urquhart and others who may enter hereafter, some of whom may be speaking.

MODERATOR: It's been moved and seconded to admit non-voters. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. The motion carries. Non-voters well be seated in, to my right, your left, in the back. I don't know if we have any tonight. Thank you. Okay. Mr. Salafia and Dr., I mean, Mrs. Colby-Clements.. Every year you know there is a nomination process for the Virginia Cole Award. For those of you who did not know Virginia Cole, you missed out. For those of us who do, did know Virginia Cole she was an amazingly active, involved, fair women of integrity who really loved this community and gave her heart and soul to it. The Town made a decision several, many years ago to make an award to a person or persons who have been involved, who have given back to this community. And the Chairman of the Board of Selectmen, Mr. Salafia, and the Chairman of the School Committee and myself are the final decision makers from the nominees that come forward and they would like to present the award tonight.

SALAFIA: Well good evening everyone. I was first introduced to tonight's Virginia Cole Community Service Award over 20 years ago when she and my wife Margaret served on the state-wide board of the Massachusetts Society of Prevention of Cruelty to Children, the MSPCC. At that time it was clear to me that she had a deep devotion to serve the needs of children and her need to perform community service. Tonight's recipient of the Virginia Cole Community Service Award is Tina Girdwood. I hope she's here. [APPLAUSE]

MODERATOR: Is she here tonight?

STAPCZYNSKI: Not yet.

MODERATOR: Well you know this is a surprise award. And if you're late we have to go to the next---no.

SALAFIA: You have to be present to win.

MODERATOR: While we are waiting hopefully for Tina to arrive this evening we do have another recognition that the School

Committee would like to make and why don't we go ahead with that and...we'll move forward from there.

COLBY-CLEMENTS: I'm gonna talk slow to see if Tina shows up. Tonight the School Committee would like to recognize the many years of service that Richard "Coach" Collins has given to the Andover Public Schools. Unfortunately Coach Collins cannot be here tonight but we would like to take a moment to acknowledge him now. [APPLAUSE] Most of you probably know Coach Collins served on the Andover School Committee for 15 years. He finished his last term at the end of March this year. His years of service in the Andover Publics Schools span from September of 1959 to July of 1996. He taught in the Social Studies Department from 1959 up until the time he retired; was appointed Department Chair of Social Studies in 1986 and served as Department Head for a number of years. He coached track and football and he won't let me forget that from 1970 until he stepped down in 1996. So extensive is his service to the Andover Public Schools that the Field House we sit in tonight is named after him. Coach Collins was a valued member of our school community and the School Committee thanks him for all his years of service. He has been a leader, a mentor, and a friend to more soles in this Town than I can possibly count. We're honored to have served with him and wish him Godspeed as he finally truly retires and enjoys time with his family and enjoys a well-deserved and well-earned rest. Thank you, Coach Collins.

MODERATOR: This will be on TV. This recognition will be a part of the broadcast on TV. Could we do one more recognition so he really knows how we appreciate him? Thank you.
[APPLAUSE]

COLBY-CLEMENTS: And we have made a plaque for him that Vice-Chair Dennis Forgue is holding up and we will be delivering that to his home for him. Thank you.

MODERATOR: Thank you very much. As humbled as he would be by that I think it's important for him to have the opportunity to see that. Thank you all very much. Go right ahead, Paul.

SALAFIA: Now when Tina comes in I'm gonna do this all over again I need you all to ask surprised when I do it.
[LAUGHTER] Is that deal? All in favor? Let's watch for her, but everybody just don't tell her.

MODERATOR: Unless someone's already called her and said come on down. Thank you all very much. I'd like to remind you this is a continuance of last night's meeting and for those of you who were here thank you so very much for coming back. For

those of you who were not, we missed you, and we'd like to move forward. At 8:15 tonight, as most of you know, we do have a Special Town Meeting. If we are in the middle of an Article we will finish that Article and that vote. We will adjourn this meeting and we will start the Special Town Meeting, we will then close that Meeting and come back to this one. Please turn off all your cell phones or at least put them on silence if you wouldn't mind doing that. There's no food or drink, smoking in the field house. The restrooms are in the back of the hall. The voting sections are 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and I think the non-voting section is 16 which is back there also. Thank you.

Stage participants: to my right is the Planning Board, the Board of Selectmen, Town Manager, and the Finance Director; to my left, your right, is the Finance Committee, Town Counsel, and Town Clerk. There is the Ombudsman, Christopher Vrontas. He is available if anyone wants to make an amendment to an Article. If you want to take a look at the back page of the Finance Committee Report, your red book, it does give some rules and guidelines for how this meeting is conducted. When we do vote you must be at a seat. Either a sitting vote you have to be sitting, or if it's a standing vote you must be at a seat. If you're in the aisles or you're in the side of the room we cannot count your vote. We have pro and con mics. This meeting is being recorded; the official transcript is from the recording. It is very important regardless of how often you get up that you identify yourself and give your address, please. The pro and con mics: if you want speak to an article, for it, you go to a pro mic; if you want to speak against it, you could go to the con mic. There is a mic here in the center aisle, mic number 3, if you have a point of order, such as Madam Moderator I can't hear, Madam Moderator there's a humming going on in the room, Madam Moderator there's too much noise around me, can we quiet it down, or if you have a specific question, not, it's not an opportunity to give a speech pro or con. If there's a specific question you have regarding the article you can do that from mic 3. Most of what we will be discussing will be up on the screen, so certainly pay attention. If there is a discrepancy between the numbers that you have in your Finance Committee book, because, please remember that that is printed before all the final "I"s are dotted and "t"s are crossed so there may be different numbers in your Finance Committee than what is being moved and what is up on the screen. We will be voting on what is on the screen and, up, what is up on the screen and what has been moved. I would like to remind you again of the tone of this Meeting. I know that there are a number of very contentious issues that people feel very passionate and very strongly about. And that's great and I have no problem with the

discussion. I will however insist, absolutely insist, that if you disagree you do so respectfully. That any character assassinations, any innuendos of wrongdoing by either a member of a board or committee or an employee of this Town, I will not tolerate it. I will not have character assassination be a part of this Meeting; it's not the Andover way. If you have facts and figures to back up a statement you want to make I'm fine with that. I will also guarantee you that I will do everything I can to make sure that comments made to you, or about you, are respectful as well. Last night we did take a motion, a vote, and we agreed that the presenters of an Article would be given five minutes, anybody who would like to speak pro or con to that would be given three minutes. There are a couple of Articles that we will be listening, hearing either tonight or tomorrow night because if their complexity I have agreed to give longer time and I will let you know that when they come forward. So let's get roiling. We have about an hour before the Special Town Meeting. Except we need to...I forgot all about the Virginia Cole Award that we need to present tonight...so we have to make a presentation to somebody who, again, Virginia Cole was a woman who was an endearing, endearing, woman who in Andover who was very, very involved—I can remember as a child knowing the name, not knowing the face, and as I grew and became a young adult I got to know her—she was an amazing woman who gave so much to this community. So there is a community service award in her name that is awarded every year at Town Meeting. Mr. Salafia.

SALAFIA: Thank you, Madam Moderator. Good evening once again. I was previously introduced to tonight's Virginia Cole Community Service Award winner over 20 years ago when she and my wife Margaret served on the state-wide board of the Massachusetts Society for Prevention of Cruelty to Children, the MSPCC. It was at that time that you could see her deep devotion to the needs of children and her need to perform community service. Tonight's recipient of the Virginia Cole Community Service Award is Tina Girdwood. [APPLAUSE] Chair of the School Committee speak to her years of serving in the Andover Schools but I've always been amazed in Tina's interest in almost anything in Andover: AVIS, League of Women Voters, Andover Garden Club, and well the list is countless. I always know when there's something big going on in Town because a get a call from Tina and we have this [INAUDIBLE] her great energy, her patient, spirited and respectful style has earned her credibility and respect amongst the citizens of Andover young and old. Congratulations, Tina.

COLBY-CLEMENTS: I first met Tina when I was President of the Andona Society and she was Andover Coalition for Education,

better known as ACE. We began collaborating and joining funds to help support educational programs at Andover High School at that time. I was immediately struck by her commitment to, and passion for, supporting educational initiative in our schools. About that time I was aware that Tina had served on the Andover School Committee, I was not aware of the depth and breadth of her civic contributions to our Town. With respect to her service within the Andover Public Schools, in addition to the School Committee and ACE Tina has served on the Andover Recycling Committee as President has served on the School Building Committee was President of the Bancroft School PTO and has served on the Dollars for Scholars program. Her dedication to children and to the Andover Public Schools is nothing short of astounding. It is a privilege to recognize Tina with the Virginia Cole Community Service Award. Tina embodies every trait a community could hope for in a citizen: she is engaged, caring, patient, and persistent but always gracious. She initiates action, takes on tough challenges, and sees things through to completion. She is well deserving of the great respect and admiration our community has for her. Congratulations Tina on this well-deserved and perhaps long overdue recognition of your service to this Town. [APPLAUSE]

GIRDWOOD: This is definitely not my strong point but it means a lot, Virginia Cole was a very close friend.

MODERATOR: Congratulations, Tina. Thank you all very much. Tina congratulations very well deserved. Mr. Kendrick. Article 26.

KENDRICK: Mics all working? Can you hear me? My name is Charlie Kendrick I live at 8 Forbes Lane in Andover. I am also the Franciscan Overlay--

MODERATOR: Can I have you move the Article, please.

KENDRICK: And I am here first of all to move the first Article [INAUDIBLE] Article 26, the first motion. To move the Warrant, let me get the exact one, I'm here to introduce a couple of motions, the main motion to move to approve Article 26 as printed on the Warrant.

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

KENDRICK: The next motion I want to make which is up on the screen...is to move to amend the main motion, by striking the

word "assisted" as it appears preceding the words "living units" in section 88, 8.8.5.8 of the Senior Residential Community Overlay District. It's there because there's a typo in the middle of this document; the word doesn't belong there, so we suddenly realized--

MODERATOR: It's on page 62 of the Finance Committee Report.

KENDRICK: --had to delete the word. Well that's the only reason it's here.

MODERATOR: On page 65 of the Finance Committee Report we are deleting the word, or the amendment is to delete the word "assist" apparently it was scrivener's error that should not have been. Is there anybody who would like to speak to the amendment? All those in favor of the amendment to delete the word assist please raise one hand. Thank you very much. Those opposed. The ayes have it the amendment carries. The Article will now be with that one little word missing, "assist." Okay Mr. Kendrick, time starts.

KENDRICK: Thank you, Madam Moderator, so what's this Article designed to do. Why are we here and why do we need your vote. The Article is here, as soon as I get my pages straightened out, because 20 years ago the Andover zoning and planning people realized that they had a problem because there was not housing appropriate and desirable for the senior community. And so they began in 1992 a series of planning exercises that have gone on for over 20 years in an attempt in fact to create a special kind of zone for senior citizens so that they would hand around after they retired or come and join the community from outside if their children lived here, and their grandchildren. So that is the history of 20 years of trying to do this, now while this was going on some couple of other major things were happening in the community. One, it was getting older. You can see by this population overview that 2010 the whole sort of left side from about 10:00 to 6 was made up of a group of people who were over 55. That's 25% of the population and growing. And meanwhile, the other kind of housing pattern that was developing was, as it has been in the rest of the country, that 75% of all households didn't have any children under 18. So what that means is the housing stock that seniors could move to just wasn't there. And that was the situation they kept trying to correct. Next slide. So in 2004, in the community plan in 2004 this same group identified a piece of land way out there on your left side, which is the Franciscan Seminary. It's been there forever, and they thought it would be a good place to try and actually

do some of this rezoning. And very shortly thereafter the Franciscan's themselves decided that they had to sell the land because they needed the capital. So we had all of a sudden a place to do this. And so then the Planning Board and the Selectmen created this task force to try to figure out what such an overlay would look like. Next slide. Here is an aerial view of the property. 113 acres of which over 70 belong to the Franciscans. The top of that slide is the Merrimack River; the bottom of the slide running from the lower left on up is River Road; and the land is between those two ends with a big piece of Avis property up in the upper left hand corner. Next slide. If you look at the same piece of land as a topographical sketch and a show of the marshlands and the terrain that's actually there in the 113 acres, you can see an awful lot of it is not usable. All of that land that has got green or yellow or any kind of coloring is either too steep or marshland or owned by somebody else that prevents its use. In fact that the area that isn't colored that way only represents about 53 acres of the land we're talking about. It's beautiful land by the way. Next slide. So what the task force did over a couple of months by talking to the community was to develop a set of goals which are actually the underpinning for the Article 26 as it stands today. And I'm just going to let you read them, if you can see them from there, and I hope you can, and the ones on the side. The first five articles address the senior community and what it should look like and how you do it, and how you do it quickly and easily. The last slide, the last point rather address the rest of the community because what this thing does as a corollary to it is: one the real estate tax revenues to the Town go up because this piece of land doesn't pay an real estate taxes and this kind of a community raises significant taxes and more than you would in a single family 40 acre, 40 single acre housing project. Two, the, you got shops you wouldn't get in a normal, normal residential development because of all the services that are provided for a senior community. Three, it's a senior community. There's nobody on the place under 62 years of age, so it doesn't put a great burden on the school system. It has, it also in the Warrant or in the Article is the part of the Article that protects that land you saw earlier permanently, not just temporarily like it is today, for pedestrians along the river, along pieces of land that run between River Road and the river so you get that as an additional benefit for the whole community to use. With those kinds of, with those kinds of assets for the community we respectfully suggest it's a good deal for everybody so we would like you to vote for it. Any questions?

MODERATOR: Well before we get to questions let's get the Selectmen's report please. Mr...

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

MODERATOR: The Planning Board report please Mr. Doherty.

DOHERTY: Thank you, Madam Moderator. Built in the 1930's the Franciscan's Center has long been a hidden gem of Andover. For decades it was a seminary for the Franciscan Friars and more recently a center for religious retreats. Sadly however that building has sat out on the western tip of Andover without a purpose. Tonight we have a chance to breathe some life back into that magnificent building by passing Article 26. As far back as 1992 the Town of Andover Master Plan identifies a need for alternative housing for the elderly. The Plan went as far as specifically stating the Town should consider amending the zoning by-laws to permitting the development of housing aimed at the change lifestyles of senior center. The most recent 2012 Master Plan time and time again refers to alternative and affordable housing for our seniors. This is our opportunity to, for, to satisfy those needs tonight. The Franciscan's have gone on record as saying the will, they would not like, they don't want to leave Andover with just another subdivision. Make no mistake something will happen out there. This Article will help us determine what that might be. The Planning Board recommends approval.

MODERATOR: Thank you, Mr. Doherty. Mr. Vispoli do you have a statement to read from the Board of Selectmen please.

VISPOLI: Yes Madam Moderator. One of the criteria that has come back in the last three citizen surveys that we've taken, probably the lowest marks we've had is the difficulty it is to retire in Andover, to stay in Andover, where people have raised a family from a cost standpoint and an option stand point. A few years ago there was an over 55 zoning proposal that was proposed and it, it passed with the slimmest of margins. The Franciscan Overlay Task Force and the Planning Board have submitted this Article to address the need for senior housing. The need for senior housing in Andover was first identified in the 1992 Master Plan and it's been on the Town agenda every year for the past 20 years, with little progress in addressing this concern since that time. Today the Town of Andover with 26 of its population over 55 faces a long-term shortage of senior housing. The approval of the overlay district will help Andover address both the need for

more housing designed for the Town's retirees and senior citizens as well as the need for services to support the segment, that segment of the population. The creation of the Senior Center Residential Community Overlay District is intended to establish Andover centric guidelines and facilitate a high-quality senior community off of River Road.

MODERATOR: Thank you. This requires a two-thirds vote. Are you going to—Mr. Pasquale do you have a question?

PASQUALE: Madam Moderator. John Pasquale, 47B Whittier Street. I'm in favor of this, however, I've got a couple of questions. First, is this a developer that's gonna be the person that's taking this over, or is this gonna be Town buildings we put up? That's not too clear.

MODERATOR: This is a zoning Article sir. This is not, there's nothing attached to this other than a zoning change in our zoning by-law that something could go in there.

PASQUALE: I agree but this is pretty detailed, so I read the whole thing through and I just want to get the questions out, they can answer them later. Okay. The second has to do with the word "perpetuity" of ownership because I don't see how the enforcement is gonna get done for these residents. In Florida there's 19,000 lawyers just in Del Ray that have to handle the seniors because of the word perpetuity when it, seriously, when it gets transferred—we're all not gonna live forever. Some of the questions I just want to make sure we cover the enforcement if something doesn't go right in there. Who's responsibility is it gonna be the Town or the developer?

MODERATOR: Let them answer the question. Go head. Who's got the answer to that?

KENDRICK: The answer is the Town. This is set up to define the rules that any developer who comes in or their plan will not be approved. The Planning Board actually issues permits to do this that run with the land before the developer whoever it is gets to stick a shovel in the ground. That's why it's the word perpetuity there—it runs with the land. It is not true of the rights of way that are there now by the way.

PASQUALE: I understood that but then it said we're gonna have somebody from the Planning monitor this. There's a little confusion. I want to make sure we vote this thing down the

road we're not taking care of the little fine points where the lawyers get involved.

MODERATOR: Identify yourself.

MATERAZZO: Paul Materazzo Director of Planning. Just to answer Mr. Pasquale's question. In the proposal I believe the specific language to require in perpetuity that these units be only available for residents of 62 or over are a minimum of one of those owners be 62 of owner, 62 or over, I'm sorry. What we don't want is to have this creep to something else that's not really what we want in the community. The goal is solely for, to provide for senior population housing.

MODERATOR: Thank you. Go right ahead sir, please.

[BREAK IN TAPE]

[UNKNOWN SPEAKER]: ...Article. We feel that senior housing and services are a complement to the work we do there and for Melmark we think the senior live in facility will offer vocational opportunities for the students we serve. And would become a good match for what we do up there. I urge passage of this Article.

MODERATOR: Thank you and thank you for the wonderful work you do for, in our Town. Anybody over here? Yes, go ahead.

DRISCOLL: Madam Moderator

MODERATOR: Yes, ma'am.

DRISCOLL: I'm Alix Driscoll, 11 Forbes Lane. I'm speaking for the Conservation Commission. The Commission has enthusiastically, unanimously supported 26 and the next one 27. We believe that this allows us to protect a large amount of open space, open space that would not be permanently protected otherwise. And it fits in right well with our open space master plan. Thank you.

MODERATOR: Great. Thank you very much. Do you have a question ma'am?

GREGORY: Yes. Laurie Gregory 5 Embassy Lane. My question involves the age restriction which is number 13 on the top of page 57 [?] where it says that in addition to having one resident at the least age 62 no resident shall be under the age of 18. And I'm wondering whether the committee has

addressed the issues with if there is one owner over 62 that dies what happens. And what happens if you have a grandparent for whatever reason becomes the guardian of a young child. What happens to the housing in that situation and how is that gonna be addressed?

MODERATOR: Who can address that question?

KENDRICK: Somebody 62 or over has to live in whatever the apartment or the house is. So if the situation changes and if there's nobody 62 years old or over than that house will be turned over. And that's true by the way, using different mechanisms, for both the rental properties, somebody could do a rental property, or somebody could do for sale property. We're not defining which kind of property specifically goes on it because we haven't seen the proposals and that's what the developer has to figure out and what the Planning Board will approve. But there is a lot of language running through the Article to make sure that the concern that you have, which is very real by the way, is taken care of. The other thing I might say for any of you who've seen a senior community of this size and type most of the time you don't have to enforce anything just because of the way the community develops over time and the culture that it provides for itself and its residents. So it's not as fearsome a thing as you might expect. But the Article is designed to take care of it.

MODERATOR: Let's go to the next question please.

[INAUDIBLE NAME]: Hi, there Lynn [inaudible] 21 Brundrett Avenue.

MODERATOR: Lynn could you just pull the mic down a little bit please.

[INAUDIBLE NAME]: Is that better?

MODERATOR: Thank you. Thank you.

[INAUDIBLE NAME]: I think it's great that we're looking into senior housing and I'm very much for it and I've lived in Andover all my life. The only think I do have a little bit of a question about is the age of the 18 year old living in the house. It seems as though when I was reading the Article, I don't know if I misunderstood that some of these housing units can be purchased and owned by the elderly person, so if

that person owns the house, would that 18 year old still be able to live there afterwards or they do have to move out?

KENDRICK: I'm not sure I got your question, you mean while the senior...citizen is there..

MODERATOR: If the senior citizen were to die, if I understand your question, if the senior citizen were to die, there's an 18 year old or younger person who's living in the house, do they have to move out? Do they have to sell?

KENDRICK: And the answer's yes. Because you have basically an unsupervised child.

[INAUDIBLE NAME]: Okay so they do have to. Thank you.

MODERATOR: Go ahead.

BURBERRY: Lauren Burberry, 5 Embassy Lane. Just a follow up question. It seems to clear that there's gonna be some enforcement mechanism do we anticipate litigation that the Town would bring in order to force a sale of property? And has anyone looked at the litigation cost that would be involved and how often this sort of situation might present itself.

MODERATOR: Mr. Materazzo on that one please.

MATERAZZO: I quick follow up as part of the by-law proposal under 8.8.5.14 specifically talks about restrictions shall be recorded prior to issuance of any building permit so the questions that you're raising would have to be wrestled out well before the first shovel's in the ground. And they would have to be reviewed and approved by counsel as well as the Planning Board. We can't anticipate all of the nuances that would involve but we're gonna try to cover all the bases so that the Town is appropriately protected.

MODERATOR: If we could number 3 again please? Number three mic.

BURBERRY: If I understand it correctly this proof of perpetuity language means it states with the real estate going forward so if for example we have someone who dies that is above age 62 and it passes to an heir who is say below 62 than we're gonna have to force the sale. That is not something that you can anticipate before the property is built upon but is obviously something that is fairly likely

to occur. So I would imagine number one you could figure out the likelihood of events of this type occurring and number two you could have a guesstimate of what the litigation cost would be if you had to do it on a per basis, private basis [?]. It seems to me it is going to happen than the question is how often is it gonna happen, how much is it going to cost, and this is something that the Town is looking at forever, potentially because it runs with the land so until there would be a change which might well be a taking I don't anticipate that this is going to be something that the cost is gonna disappear.

MATERAZZO: And just a response. We're gonna try to learn from best practices from other communities that have the same language that's in place. We're not looking to reinvent the wheel. These communities are being developed across the Commonwealth; this is not new. So we're looking to use that same language, work with our Town Counsel, to make sure the Town is appropriately protected.

BURBERRY: And have other Town, have other Towns have this problem? Do you have any knowledge to this issue?

KENDRICK: Repeat the question please.

BURBERRY: He suggested that you're learning from other Towns and using the same language, and my question is, have the other towns that have done this, have they had to address a problem of this nature and if so what have we learned from this experience?

KENDRICK: What I've learned since I've actually seen that situation in another community [DIFFICULT TO HEAR] is it's not difficult to remove those people from that dwelling even if they own it, because it's in the deed. It's an enforceable covenant.

BURBERRY: Correct but wouldn't there have to be litigation? A court's gonna have to sign off on a change of ownership unless there's a sale by agreement.

KENDRICK: And in the only instance that I know, that was not true. There was no litigation. The language was tight enough in the original permit so there was no litigation. It's perfectly clear what happens when there are no seniors as residents.

MODERATOR: Okay. If we could move on on this please. Mrs. Stott. Mic number 2 please. Could we have the mic number 2?

STOTT: I'm Susan Stott, 30 Pasho Street. I'm speaking for AVIS which voted to support this Article. The AVIS Spalding Reservation is 16 acres in this overlay district that is already permanently protected. AVIS for years has had a lease with the Franciscan Brothers for 300 feet back from the river for a trail, part of the Deerjump or the extension of the Deerjump Reservation. This Article provided protection for at least 500 feet back from the river and 30% of the land area. We look at it as a way to not only to add to the permanent protection of the Merrimack River and that's why AVIS has supported the Article.

MODERATOR: Mrs. Carbone do you have a question?

CARBONE: Yes. My name is Mary Carbone, Cyr Circle. Excuse me. While I do agree that St. Francis Seminary is a lovely building--

MODERATOR: Mary I have to ask you if there's a question.

CARBONE: I have a question.

MODERATOR: Go right ahead then.

CARBONE: Actually my question is, and it is the next Article that has to do with an overlay issue. I want to know if this is the beginning of putting up the other overlays that are on the Warrant.

MODERATOR: All we're talking about right now, we're not even talking about an overlay right now.

CARBONE: It has to do with this--

MODERATOR: When we do I'd be happy to have you ask any questions you have, but this is only about a by-law change. Right now in Article 26.

CARBONE: Right. But I'd hate to senior citizens stuck way out here. They deserve a little better than that.

MODERATOR: Okay thank you, Mary. Do you have a question, sir-- I mean a comment, and then we're gonna go to a vote.

STRUCKER: My name is Robert Strucker, 30 Railroad Street. I've come from California and New York State where litigation in these situations is not tight enough. I'd be happy to volunteer as a paralegal to help the Town to research the laws of the 50 states--

MODERATOR: Thank you, sir.

KENDRICK: Thank you.

STRUCKER: I would like everybody to vote for it. It does need some changes, it's not perfect, it's a covenant for the deed for the land and, but I do recommend that we vote for it.

MODERATOR: You ready to vote? Article 26 requires a two-thirds vote. All those in favor please raise on hand. Thank you. Those opposed. The ayes have it by far more than a two-thirds vote. Does anyone question that declaration? If not then I declare the vote to have been way in excess of two-thirds vote. Article 27. Mr. Kendrick.

KENDRICK: Thank you, all. Article 27. Is to amend the Town's zoning map to reflect what you just did in Article 26.

MODERATOR: Could you please move the Article.

KENDRICK: So I move to approve Article 27.

MODERATOR: Article 27 has been moved and seconded. Go ahead please with your explanation. Or was that it?

KENDRICK:..my job description, but it is...whenever you do a zoning regulation you have to have, you have to have a map, you have to have meets and bounds, you have to be able to describe it physically on a map. And that's what we're voting for.

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

VISPOLI: Yes, Madam Moderator, the Board of Selectmen recommends approval of this Article. The Franciscan Overlay Task Force and the Planning Board that have submitted this Article to allow for the appropriate amendment to Article 8 in Section 2.2 of the Andover Zoning By-law in conjunction with the Senior Residential Community Overlay District that identifies the specific site proposed for the new zoning.

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

DOHERTY: Madam Moderator, the Planning Board of course recommends approval of this, this Article.

MODERATOR: Any questions on the changing of the map. Requires a two-thirds vote also. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it by far more than a two-thirds vote. Does anyone challenge that declaration? If not I declare it to be more than a two-thirds vote. Thank you very much. Article 28. Mr. Salafia please.

SALAFIA: Madam Moderator, Madam Moderator, I move Article 28 as written in the Warrant.

MODERATOR: Is there more that needs to be read on that?

SALAFIA: I'm sorry, to see if the Town will vote, hope I have this...I move that \$300,000 is appropriated for the purpose of paying costs of constructing, adding to, remodeling, reconstructing, 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 7(3A) 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 28 has been moved and seconded. The Selectmen's report please.

SALAFIA: The Board of Selectmen recommends approval.

MODERATOR: Finance Committee report please.

ODONOGHUE: This Article addresses ongoing repairs and maintenance for various Town buildings and facilities. The funding was originally requested at \$600,000 but was reduced to \$300 during the budget process. The Article funds the bare minimum of what is needed to keep up with our maintenance needs. And those maintenance needs to not go away. It will address the replacement and painting of some windows at the library; masonry at the Town Office; sidewalk and curbing replacement at the Public Safety Center and renovation of the bathrooms in the School Administration Building. The financial impact of the Article would have the Town borrow \$300,000 to be repaid over 15 years. This would account for

approximately \$2 of the fiscal 2016 average residential tax bill. The Finance Committee recommends approval.

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

AINSBOROUGH[?]: Yes I do.

MODERATOR: Go right ahead.

AINSBOROUGH[?]: Scott Ainsborough, 88 Abbott Street in Andover, of course. This says reconstructing, remodeling, extraordinary repairs a little bit below it says painting, library windows, masonry, etc. I'm not quite sure those were extraordinary repairs and I want to know why we're borrowing to do standard maintenance in the Town as opposed to putting that in the budget. [APPLAUSE]

MODERATOR: If you could please, if you could please refrain so we can move forward on all counts please.

STAPCZYNSKI: In fact it is in the budget it was a CIP Warrant Article so that is in the budget. And the term that you referred to "extraordinary" repairs is what the lawyers would say is a term of art, when they refer to Chapter 44, Section 7, subsection 3A. We have to use the language that's provided by bond counsel and so we provide bond counsel with the project that we want to bond and the he provides the language. So that's way you see that there, that language there. Little history on this project. It started out as \$600,000. We had a number of things we wanted to accomplish this year but through negotiations with the Finance Committee and the Selectmen they suggested that I re-look at the bonding projects and reduce some of them. So this was reduced in half from \$600,000 to \$300,000. For the regular Town Meeting attendees you will note that every year we appropriate money like this, by borrowing, for projects that will last 15, 20, 30 years.

AINSBOROUGH[?]: Okay I understand what a capital improvement is when we want to make some major change to as structural building. Painting and repairing sidewalks does not seem to be a capital improvement, right?

STAPCZYNSKI: Well I would disagree with you. Sidewalks properly installed, curbing properly installed will last many, many years far in excess of 15 or 20 years. And the painting again properly done in the facilities will last a long time as well.

AINSBOROUGH[?]: I understand that. I'm not at the con mic but I would express my displeasure that the Town is borrowing to do this as opposed to budgeting.

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

MOSCA: Yes Mike Mosca.

MODERATOR: Mike Mosca, Pleasant Street, West Andover. My question is does anyone have an idea of what the total cost of this Article will be over the 15 years?

STAPCZYNSKI: The total cost including interest?

MOSCA: Yes.

STAPCZYNSKI: Bear with us we are referring to our debt analysis tool. \$41,250 would be the interest over the life of 15 years, 20 years? Over the 10 year life.

MOSCA: Thank you.

MODERATOR: This requires a two-thirds vote. All those in favor of Article 28 please raise one hand. Thank you. The ayes have it...oh, let's do it one more time. Okay wait a minute let me speak. All those in favor of Articled 28 please raise one hand. Those opposed. Let's take a count. I believe it's going to pass but let's take a count. All those in favor please stand. When you see the counter pass you please sit down so they can get a clear view. Were you just gonna say the same thing? I'm sorry.

Section 1: 31; Section 2: 19; Section 3: 14; Section 4: 15;
Section 5: 23; Section 6: 18; Section 7: 23; Section 8: 19;
Section 9: 17; Section 10: 17; Section 11: 15; Section 12:
13; Section 13: 14; Section 14: 4; Section 15: 3; Hall: 8;
Stage: 22.

MODERATOR: All set. Those opposed please stand. Again please be at a seat if you want your vote counted.

Section 1: 0; Section 2: 4; Section 3: 6; Section 4: 2;
Section 5: 6; Section 6: 20; Section 7: 26; Section 8: 2;
Section 9: 4; Section 10: 12; Section 11: 10; Section 12: 13;
Section 13: 4; Section 14: 4; Section 15: 3; Hall: 5; Stage:
1.

MODERATOR: 275 having voted in the affirmative; 122 having voted in the negative, the motion carries. Article 29 please. Mr. Lavoie and Mrs. Fitzgerald.

LAVOIE: John Lavoie, Superintendent Director, Greater Lawrence Technical School, Andover resident 30 Foster Circle, Andover.

FITZGERALD: Marilyn Fitzgerald, 25 Washington Ave, the Andover representative to Greater Lawrence Technical School District.

LAVOIE: I would like to make a motion to move Article 29 as printed the total project cost is estimated at \$6,138,088 of which \$79.5, 58% would be funded by the State with communities funding the remaining 20.42% of the project. In order to move the project forward Greater Lawrence Technical School must receive approval from its member communities, of Andover, Lawrence, Methuen, and North Andover. Andover's share of the debt service would be included in its annual assessment.

MODERATOR: Article 29 has been...wait. Okay. Can one of you read the actual motion. Thank you.

FITZGERALD: I move to approve the indebtedness authorized by the Regional School District Committee of the Greater Lawrence Regional Vocational Technical School District for the purpose of paying costs of reconstructing and making extraordinary, there's that word again, HVAC repairs at the District High School located at 57 River Road in Andover and for the payment of all other costs incidental and related thereto, the Project, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for school construction grant from the Massachusetts School Building Authority (MSBA).

MODERATOR: Article 29 has been moved and seconded. And for the record the words "there's that word again" was not part of the original motion...just don't want to confuse any, any record. Article 29's been moved and seconded. Mr. Kowalski do you have a Selectmen's report please.

KOWALSKI: The Board of Selectmen recommends approval of this Article. Selectmen's report has been read already.

MODERATOR: The Finance Committee report, Mrs. Moffitt.

MOFFITT: This represents, this represents Andover's share of the cost of the HVAC renovation at the Greater Lawrence Technical School. One-fifth of the completed project is to upgrade the ventilation in the swimming pool area which is used in the morning by the Andover High School students and the increase in the efficiency of the new system should save on energy costs with those savings going toward educational programs. The Finance Committee recommends approval.

MODERATOR: Thank you. Do you a question sir?

PASQUALE: John Pasquale, 47B Whittier. I did some simple math, took one-fifth of the \$6 million and that comes out to be \$1.2 million. I want to know if the four Towns are gonna share this equally, or is our bill goanna be—I'm interested in what Andover's gonna take out of their pockets to put in this.

FITZGERALD: Andover's share, if we get the approval from MSBA, and we're pretty far into the process, Andover's share over 10 years would be \$22,717. And that's based on the formula of the number of children. It's why our...assessment is lower that Lawrence or Methuen. So it would be \$22,000 total over the course of 10 years.

PASQUALE: Thank you.

MODERATOR: Thank you. Any other questions? All those in favor of Article 29 please raise one hand. It requires a two-thirds vote. Thank you. Those opposed. The ayes have it by far more than a two-thirds vote, does anyone challenge that? I so declare it. The motion passes. Thank you both very much. Article 30 please Mr. Salafia.

SALAFIA: Yes Madam Moderator I approve Article, I move to approve Article 30 as printed in the Warrant.

MODERATOR: Article 30 has been moved and seconded. Who are we having speak on this?

SALAFIA: I'll open the remarks.

MODERATOR: Go right ahead sir.

SALAFIA: Article 30 proposes rezoning of a 24 acre, triangular shaped parcel of land located from the entrance of

Dundee Park to Whole Foods to the library and back again to the entrance of Dundee Park. There's supposed to be a slide up there which you can see. The site has been referred to as the golden triangle because of its rich development potential. The present 3 plus acres of town yard land is located within that district and it's approximately 12% of the total proposed rezoning site. At last year's Annual Town Meeting, citizens voted to, a clear majority in recognition of the need to build a town yard however the Article fell short 31 votes of the two-thirds votes needed. Going forward the Board of Selectmen decided to adopt a project hoping to find the most cost efficient solution possible. We conducted a thorough review of the decades of existing information and tonight we are coming back to you with a two-step plan. Step one. Rezone the 24 acre golden triangle site. The result of which will dramatically enhance the value of all the properties including the town yard site. Once rezoned we propose selling the town yard site and using the proceeds to reduce the costs of rebuilding the town yard on another site. Step two. If the zoning passes we will select one of the private and / or Town owned sites to rebuild the town yard and at a fall Town Meeting next year we will seek approval to relocate and build a new public works facility at the lowest possible cost to the taxpayers. The Board of Selectmen decided on this course of action after conducting a yearlong series of workshops during which we considered the following important issues: first of all, was there even a need to do this? Well the present town yard was built in 1965 for a population of 17,000 people as a temporary building that was estimated to last only 10 years. Today, 48 years later we are a Town of 33,000 and the town yard is not only inadequate but it is in severe disrepair. Professional inspections have revealed it to be in rapid decay and in need of immediate replacement. Should we rebuild on site or on another parcel? The Board of Selectmen sent out yet another request to identify more possible sites that might be available. We did a comprehensive review of dozens of public and private sites and thoroughly reviewed rebuilding at the present Lewis Street location. What would the estimated cost be in either case? A recent study done by Weston and Sampson showed that by rebuilding at the present location would be \$20 plus million. And although the building should fit they would not be adequate or meet the Town's present future needs. Other sites were larger, more able to accommodate the Town's future needs and would likely be less costly if we used the proceeds from selling the present Lewis Street site. What was the value of the present site and how could we make the site more valuable? I recent assessment of the town yard site indicated

that the present value was \$1,361,000 but if [BREAK IN TAPE]... \$3.7 million depending on its use. This would give the Town millions in additional dollars to reduce the overall project costs. The Article before you tonight contemplates a redevelopment of the full 24 acre golden triangle which has peaked interest from developers, banks, state agencies, and the MVTA. We asked if there was pollution on the site, and if so, could it be remediated. As part of the Board of Selectmen review we had Cooperstown Environmental do a comprehensive study. I will let the environmental professionals from Cooperstown here tonight answer your specific questions, but the study concluded that any pollution issues posed no significant risk, could easily be dealt with and became a non-issue to potential future developers. Okay so what are the benefits of rezoning and relocation: one, the proposed rezoning would revitalize the entire 24 acre golden triangle district bringing new tax revenues to the Town. Billions of dollars from the proceeds of the sale of the three acre town yard site would reduce the overall project costs which I've previously stated, site contamination would be resolved with the financial assistance of a future developer and with the State and we all know the railroad, the intersection at the railroad crossing right outside of Dundee Park, well that would also likely be improved with the financial assistance of the future developer and the MBTA. Local jobs would be created and new real estate taxes estimated in the, in above \$600,000 would be generated, and that's just from the town yard, the rest of the development, or the rest of the 24 acres would generate more real estate taxes. Andover's Planning Director, Paul Materazzo and Tim Vaill, the Chairman of the Economic Development Council, are here to give you more information.

MATERAZZO: Thank you, Paul, and I'll try to be as brief as possible and, if you could put the slide back on form [?] please. Just to take you a little closer to where we're at here, we're bounded by North Main Street, Pearson Street, essentially the area that's within the circular area. It's about 24 acres of which three acres are presently the town yard, an acre and a quarter is the MBTA property. This is an existing condition. Really today we have three different zoning districts, three different sets of rules, so any type of development that goes in the area is really cumbersome because of all the different rules and regulations that are in place here. You have deficient infrastructure. We are well aware of Andover's, one of the most dangerous intersections in Town: Essex and Pearson Street. And as for land values,

from a Town Planning Board perspective, you know, having a town yard adjacent to a commuter rail in such close proximity to a vibrant downtown truly isn't the highest and best use for the community and in actuality affects abutting land values as well as restricts future development in the area. So what are we talking about? This is just a sample of, of what's out there today, and for those who ride the commuter rail this is the base of Andover every day. What are we talking about? Really the future expansion of the downtown. Again, I'll just [?] quote, while proactively planning for Andover's future and expanding the downtown. Benefits of the new zoning. Really we're looking to create consistent zoning, bringing these three districts together to provide an Andover-centric set of rules for development that would encourage design review, design guidelines, parking requirements, height limitations, all of which the community has put forth and put together. All would be facilitate through a rigorous special permit process through the Planning Board. If approved would really help stimulate, new economic growth that would help set the table for new retail, office, commercial, and community space as well as create new taxes, revenue sources, and new jobs. Expanding our downtown. You know from a planning stand point we're not expanding our downtown to Phillips Academy, it's just not happening. Where are we going to look to expand to Chestnut Street, with a residential zone? Where we gonna expand? Looking to expand to the train station, and that's what we're talking about this evening. Infrastructure improvements. We have one of the most dangerous intersections in Town. We're talking about addressing that problem head on. Partnering with the project developer and working with the State to address that long-standing traffic concern with that this community's been wrestling with for years. With that, I'd like to turn it over to the Economic Development Chair, Tim Vaill, to talk a little more about this Article.

VAILL: Good evening my name is Tim Vaill. I live at 9 Bancroft Road, right next to the beautiful new Bancroft School. I'm representing the Economic Development Council here in Andover. This Council represents the downtown businesses as well as the industrial areas as well as all the citizens to look after the economic development of the Town. We're working to create a climate in the Town that makes it very attractive to grow; and growth provides jobs, better schools, and improves shopping. Our goal is to make Andover the best place to work and live. We very strongly support this zoning proposal. We're excited about the unique opportunity to expand our downtown, and it will complement

our existing downtown businesses over time. Value will also be created in this area and the surrounding properties. As was mentioned earlier by Chairman Salafia the current assessed value is only about \$1.3-1.4 million. But the developed value is gonna be in excess of \$3 billion. And the estimated new tax dollars over \$500,000; that can pay for a lot of things in our Town. Also the opportunity to attract new business to the area and create jobs for those of us in Town is very important to us. Also with the railroad present this becomes what is called a transit-oriented district. And that could attract State funds to help us as well with some of the infrastructure projects that Paul has mentioned to you a minute ago as well as with our local highways. And the area becomes a transportation hub to the surrounding communities as well as downtown Boston. I have a great amount of comfort as a taxpayer that we have a very robust Planning Board here sitting up on the stage. And the go through a very rigorous process with any developer that comes in or any business that wants to come in, they have to go through our very rigorous processes. So this is just not open the gateway for anybody who wants to come along; they have to go along with the rules and regulations and the culture that we've established in this Town. So we have some tough standards and the Planning Board is here to protect those standards. So as a taxpayer I'm very, very excited about this particular project as well as a member of the Economic Development Council and we strongly support and urge you to support this Article. Thank you.

MODERATOR: Thank you, sir. Before we go on on this...there are a couple of people who just came in this side door which means they would not have registered. I don't know who you are but I would ask you to please go up to the back and get a sticker and register if you do not do that. I'm going to have to insist that we all get checked as to having stickers. We have to maintain the integrity of the vote here tonight. So it's nice to have the air coming in but we really, we really can't have people—officers can you keep an eye on that, please going forward. Thank you. And I would ask the checkers if you would just take a moment to just check the people in your section and make sure everyone has a sticker. I'm so sorry to do that but I think it's so important that we maintain the integrity here at the...If you do not have a voting sticker you must be sitting in the non-residents section. Okay is there anything in addition to the Selectmen's opening statement for a report on this Article? Mr. Salafia? Are the Selectmen all set on their report? Planning Board report please, on this Article, Mrs. Duff.

SALAFIA: Actually I did not give you the vote. The vote was four, one in favor.

DUFF: The Planning Board voted 100 percent in favor of this Warrant Article and there are a number of different factors that, that, led to our strong support. Among them are rezoning this parcel creates value on the site. It's a new revenue stream, and a new economic opportunity terms of taxes, demand, and interest in other businesses in our Town. Currently this property generates zero dollars and we have a wonderful opportunity to increase our tax revenue if this project is built. This project is really too valuable to continue to be used for municipal purposes. It will enrich and complement our downtown. We anticipate that adding this new economic opportunity will increase the demands for products and services from our existing downtown making it more vibrant and lively. It's a unique opportunity to actually expand the boundaries of our downtown and to reconnect to the train station. The Planning Board does not believe that locating a DPW facility in the heart of downtown next to the train station is the highest and best use of the land and in this case even the abutters who came to several of our public hearings were also supportive and positive about the future development of this property. They look forward to the offsite intersection improvements at the Pearson Street, Railroad Street, and Essex Street intersection that would be leveraged as part of the new development. This in itself is a win win for the Town. For all these reasons and more the Planning Board urges you to support this Warrant Article.

MODERATOR: Thank you very much. Now obviously there are a number of people who would like to speak to this Article. What I would ask you to do, and this is a, this is a huge thing to do, if somebody has said what you want to say, please don't repeat it so we can hear as much information as we can. You have a limit of three minutes, if you don't need it by all means don't use it, but you will have a three minute limit to speak. So this side started lining up first so Mrs. Carbone why don't you go ahead and start.

CARBONE: My name is Mary Carbone, Cyr Circle.

MODERATOR: Thank you.

CARBONE: I am speaking to this Article because I am adamant about what is going on in this community and I would like to say that there have been many Board of Selectmen meetings

that it's been, they've had hearings on, but no resident of this community was allowed to speak including Mr. Bob McQuade who's long passed, and who was head of DPW who was also in favor of the town yard staying exactly where it is. I have been in the town yard. I have visited the town yard. That town yard deserves a lot more than it's getting; the employees are working in deplorable conditions and it's been going on for years, we've done many studies of that town yard which have been shelved in the community. There is no one that has a greater feeling about this issue; we can build a town yard on that site and we can do it as it relates to the present acreage that we have there. If put the vehicles on the ground level and administration up above in a tiered effect it can be done and it could be done very easily. But we have a group of individuals that have formed in this community that have over burdening ideas about what should happen in this Town. Right now our downtown business center is not flourishing that nicely. We have talked about the I-93 project. We have a lot of variables. The Town Planning Board has great visions here for changing in our zoning and overlay issues which is going to be detrimental in many cases. But I am sharing my thoughts as a resident, a concerned resident, who has been concerned since 1979, as it relates to what transpires in this community. And I think we are on overload now about the visions of what could happen. So I am asking every resident of this Town Meeting tonight if I never come again, hopefully I will, I'd never come again, that this is one particular issues and vote in favor of the workers that are working there, they deserve better than this. They don't deserve to be stuck in a little room with a desk in a corner. That's no place for an employee to be working. Every other department in this community has grandiose environments and schools are developed and we're rebuilding schools and so forth so we have to, we have to take a deep concern for this project and I am definitely voting against this transient issue. Thank you.

MODERATOR: Thank you, Mrs. Carbone. Yes, sir.

SUNDBERG: My name is Richard Sundberg, I live at-

MODERATOR: If we could please get the mic on. If you could identify yourself please.

SUNDBERG: My name is Richard Sundberg I live at 4 Woburn Street. I'm here today to join my voice with that of the Planning Board and the Board of Selectmen and the Economic

Development commission in supporting the approval of this Article. I spend my work day on Railroad Street where I operate a business and I think that this Article presents a very significant opportunity for the Town. It's a unique and rare opportunity to do something significantly better economically with a very important parcel that's on the very border of our downtown. I think this could create significantly greater vibrancy in that area of Town. It could be, improve the economics and the tax base in that area. And I think it would be a very could development for the Town long-term. Thank you.

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

TEICHERT: Yes I do. Ted Teichert, 5 Dufton Road, first time, long time.

MODERATOR: First time, what?

TEICHERT: long time. [LAUGHTER] I'm a little nervous up her, but...

MODERATOR: I'm sure, I am so sure. Go right ahead.

TEICHERT: A couple things of clarification. Chairman Salafia mentioned there was three sites you're considering to move the town yard to if it does. Can you explain what those three sites are?

SALAFIA: I didn't say three. We have reviewed several sites and we have not selected, we have not, we have not-

TEICHERT: So we don't know where it's going then.

SALAFIA: Not yet. We know of several sites obviously but we've reviewed, we've viewed many, many sites but once we know the value of our land we'll know what we can afford on the next land, if in fact we buy it.

TEICHERT: Okay, 'cause I think it's hard to-

MODERATOR: If I could remind the Meeting, and I understand the...thread that holds some of these questions together but, the Article before us is rezoning the current town yard.

TEICHERT: But you have all the information to decide-

MODERATOR: It doesn't mean the town yard has to move, it's just rezoning that plus-

TEICHERT: --help me decide this issue I need some information.

MODERATOR: All right sir. But if you could stay with the zoning, with the zoning please.

TEICHERT: And then if I could call on Chris Cronin, a couple issues I have, if possible?

MODERATOR: Go ahead with your issues, he's listening.

TEICHERT: Mr. Cronin at the current site, can you make the town yard work or not?

CRONIN: Yes, we've operated the town yard there and we can continue to operate a town yard there. It's certainly doesn't have the size I would like, it doesn't afford us the, the recycling component that we're hoping to have, I'd like to see the Town move toward the brine system for deicing purposes but to answer your question in that context, yes we could certainly operate a town yard there.

TEICHERT: And if it does move out to the outskirts is it more difficult to you to operate, for your operations elsewhere rather than in Town?

CRONIN: We're getting into a question of-

MODERATOR: Again, again. I appreciate the questions Mr. Teichert but that's not the question before the Meeting at the moment. Go right ahead sir.

PONTE: Thank you, Madam Moderator. Joe Ponte, 16 Alden Road. Last night we alluded to a number of items that smelled of having an elephant in the room. Well boy Jumbo has landed. We have an elephant in the room here with this one. I'm hearing big numbers. \$20 million; I'm hearing maybe we could get at \$1 million seven. Has anybody calculated a break even on this project? Has anybody looked at all the assumptions that are made? This is a house of cards. Everything is based on an assumption, on an assumption. This is a very, very soft Article. And you know if you vote it you put a chain of events in motion that I think is going to be irrevocable. They'll come after you Town Meeting after Town Meeting. Oh, we zoned it; let's spend the \$20 million. Of course every

year it'll click up five. The breakeven point I don't know if anybody's willing to bet their pension on the rostrum there but we would bring it in at what you're alluding to and if the break even occurs in less than ten years. Vote no on this Article otherwise it's gonna bring us down. And remember less sometimes is better. We don't have to make this boom town. Let's keep it Andover.

MODERATOR: Thank you, Joe. Over here please.

JANOWITZ: Marc Janowitz, 20 Wild Rose Drive. I support this motion and Article because I feel it's an example of good planning and in our long-term interests. Anyone who's looked closely at the town yard knows the existing buildings are in significant disrepair and the size of the Town property can only serve a portion of the Town maintenance needs forcing the Town to inefficiently spread equipment and personnel to various other sites. If you talk with the actual crews they lament that a lot of their time is devoting to moving equipment as they struggle to maintain their vehicles and other equipment due to lack of space and property facilities. The bottom line is that inadequate facilities that are decentralized cost us money. And our crews can never operate anywhere close to optimal efficiency under this present situation. But perhaps more significantly the existing town yard is simply located on land that has much more value than its present use can every provide. With the property being adjacent to our exiting downtown, close proximity to the public library, the commuter rail, this area could provide for vibrant expansion of mixed use developments that I would strongly argue is good for our community. It can expand and complement our existing downtown areas offering a variety of residential commercial options to residents and businesses. The Town could certainly benefit from selling an estimated \$3.3 million piece of property but I would note that the Town will benefit must greater over time by the tax revenue of a development that could maximize the value of this site. With mixed use development we will generate annual tax sales that could certainly pay a large portion, of, of a new property's lease. So whether we're trying to achieve personal goals or community goals proper planning demands that one recognize long-term benefits from their actions. Rezoning this area is in our long term interest and is an excellent example of good planning.

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

ISRAEL: I have a few questions.

MODERATOR: I'll let you ask one and then I'm gonna go just so we can keep it even okay?

ISREAL: Scott Israel, 88 Abbot Street and I also own a business in Dundee Park. I'd like to know where the projections are coming from for the revenue. I think you said something about maybe selling the land for \$2 million possibly getting \$500,000 a year for tax revenue yet moving the yard that would cost \$20 million, it seems that if I view those numbers that a half a million dollars a year tax revenue you're gonna have to go for about 40 years till you can pay off the \$20 million. Considering that we can't even fill the space across from CVS where are we getting this projection of \$500,000 of tax revenue?

SALAFIA: I'm deferring to Paul Materazzo simply because he knows the exact people who did the study.

MODERATOR: Go ahead, Paul.

MATERAZZO: Paul Materazzo, Director of Planning if could please put up the slide. As part of the community outreach and planning process we developed a conservative development proposal for just the town yard holdings. Based upon that analysis and working with our Town Assessor the projections range anywhere from \$450,000 to north of \$600,000. Last year as part of this proposal we did hire an appraiser to do a study as to what the land would be valued for under existing conditions and if the zoning were to pass. And if the zoning were to pass as to Mr. Salafia has said earlier tonight there's a range between \$2.5 million and \$3.7 as valued. And based upon the conservative estimate that we used as a model working with the Cecil Group we projected \$3.3 million. Again we won't realize the true number until we put a solicitation on the street to see what the market would really spend on the parcel.

MODERATOR: Okay. Thank you. Yes, sir.

LUFTMAN: Thank you, Madam Moderator. Greg Luftman, 13 Florence Street and I have some slides.

MODERATOR: Thank you. Sir you understand you have three minutes.

LUFTMAN: Where are the slides?

MODERATOR: We'll be happy to show a few slides, I understand there are number of them, but I just want to make sure you understand you have three minutes.

LUFTMAN: A closer look, okay it's a closer look at the Zoning By-Law. We just based the Senior Residential Community Overlay District and among the purposed were to preserve the Town's residential character and to encourage the preservation of open space. By contrast the ATODB, this Article, has no mention of preserving residential character and no mention of open space. Even...even in the mixed-use district there's a provision for encouraging the provision of open areas, in mixed-use districts there also a maintenance provision, all landscaping and screening should be maintained by the property owner. This Article is silent on that. Okay. In Section 7.3 of the Zoning By-laws new multi-family dwelling construction there is also a provision that a minimum of 60%--keep going, next slide, next slide, okay there you go--at least 60% open space in lot areas. By contrast, next slide, in this district the maximum building footprint is 75% of the lot. Next slide. The ATODB is city zoning, it will allow development beyond the scope of what we understand to be Andover. Next slide. Consider the following items all on page 73 of your Finance Committee report there's a definition of development project approval for which, next slide, is on, by special permit issued by the Planning Board, and on the bottom of page 73 it says when a project is issued a building permit the provisions of the underlying zoning district shall no longer be applicable. So if a project egregiously includes something you thought the Zoning By-laws were protecting you from there will be no recourse. The Planning Board special permit trumps the Zoning By-laws. Going on to the next slide. On page 74 a table of allowed uses, this is on page 74 item two, personal service establishment. More hair salons. Number three, baking establishments. That might be of interest to banks on North Main Street. Best of all, next slide--that slide, this sort of nebulous this major non-residential project. Next slide, at the top of page 75 under density is number one, residential, the permissible residential density is 40 dwelling units per acre on the next--an acre is 43 thousand and change square feet so the density specification allows one dwelling unit per little over a thousand square feet comparing again to the Senior Residential District Zoning By-law we just considered the maximum density of any item in that was 3,000 square feet of lot area for each bedroom in any of the facilities. Next slide. So, the allowed dwellings in this unit will be up to three times the allowed density of bedrooms allowed in the

senior district. This is city zoning. This is much more dense than what we're used to. Forget about this 65 feet high is---

MODERATOR: If you could close, bring your remarks to a close please.

LUFTMAN: Just quickly with the slides please. Next, next, next, next one, please, next one.

MODERATOR: Sir, I'm going to have ask you to stop. It's been way past the three minutes.

LUFTMAN: This will impact Andover please vote against it.

MODERATOR: Thank you. Yes, sir. Go right ahead.

NAVKA: Anil Navka, 14 Rock O'Dundee Road. Part of [INAUDIBLE] member. As a-

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

NAVKA: Yes. As a part Green Advisory Board [?] but I strongly recommend that you vote for this Article for the simple reason that it'd be good to have all those trucks that are going in and out very close to the center of the Town not really adding much to the quality of air. This is an excellent proposal to have all these trucks away from the center of Town and replacing with a business activity that is trying to pull [DIFFICULT TO HEAR] the whole Town together. That's a great proposal. Let's vote for it. Thank you.

MODERATOR: Thank you, sir. Yes, sir.

GORI: Hello, my name is Father Peter Gori, I live at 43 Essex Street and I'm the Pastor at Saint Augustine's Church which is one of the larger properties that's been left out of the triangle, when you put that map back up there on the screen. I find that a little bit peculiar and disconcerting given that there's a lofty prediction that real estate values are going to be enhanced by this. I don't know why St. Augustine's property was left out of the triangle. Neither do I know why the intended area doesn't include the stretch of School Street and Lupine Road where the old depot is there. It seems to be, that would be a very logical extension of this. I'm fascinated with the acronym because Paul Materazzo and I have been at odds over this for some time. And it's a, an amusing event that the acronym is A-T-O-D-D. The other thing I'm concerned about and have been all along is the

safety issue. I am very pleased that this current iteration of the Warrant Article beefs that up a good bit. I am very encouraged that we're being, we're all being asked to trust our robust Planning Board and they are well deserving of the compliments that have been paid them. However, I do think that the, I would be more please if the Warrant Article include greater requirements for the public safety. Even the Selectmen's report, Mr. Salafia read to us, says that it is likely, that was the adverb he used, it is likely that that Railroad / Pearson Street intersection would be improved. I would like something more than likely although I definitely trust the Planning Board's discretion in this.

MODERATOR: Thank you, Father. Con [INAUDIBLE]. I'm sorry I'm not stopping for a lot of answers to questions because I'd love to give as many of you a chance to speak as we can. If there are compelling questions that need to be answered at the end I would be happy to do that, but, go ahead sir.

POKRESS: Bob Pokress, 3 Cherrywood Circle. I'd like to just ad to what Mr. Ponte said a few minutes ago, he made a very good point that this is one set of assumptions on top of others, on top of others, on top of others. Any one of which if it turns oiut to be a bad [FEEDBACK]...will result in a significant finanancila cost to the Town. We're not talking about a white elephant here; we're talking about a white elephant of galactic proportions. And in the best case [BREAK IN TAPE]...generations to come. I would like to point out that in the course of doing my own due diligence in this matter I decided to go into the Highway Department and the Fire Station in Town, they're right next to the town yard, and ask the folks who, if you'd like to stick with these terms, the customers of the town yard because they're the folks who rely on the town yard for various types of mechanical services to support what they do and the vehicles that they use. And one hundred percent of the numerous folks that I spoke to were very vocal in saying that they consider moving the town yard from its current location which we heard the current head of DPW say would work if we wanted to renovate it, they consider moving the town yard to be a very, very bad decision on the part of the Town. And that included one of the officers for the Fire Department who thinks it to be a very bad decision to move the town yard from its current location. One of the interesting things that he pointed out to me was that given the very low gas mileage that our fire vehicles get we would spend approximately 30 to 35 gallons just on the round trip to go from the Fire Station to a proposed new town yard in order to fill the tank up and at the current cost of gas

we're talking about \$100 just to move a truck to the pumps in the new location, bring 'em back in order to top of the tanks and they do that with every vehicle almost every day. That would also take each of those vehicles out of service for about forty minutes because they can't run with their sirens going and the lights blaring they would have to go at normal traffic speeds observe the traffic laws-

MODERATOR: Can we stick with the Article please?

POKRESS: Well this is all about the impact of moving town yard, Madam Moderator.

MODERATOR: But we're not moving town yard, we're rezoning land here.

POKRESS: Zoning is related to moving town yard. We wouldn't have this Article up here if it wasn't a pet project.

MODERATOR: I understand. Can you bring your remarks to a close please thank you?

POKRESS: I will. The scheme to move the town yard to another location as I mentioned before is a white elephant of galactic proportions. If we think we've seen request for bailouts in the millions of dollars in recent years that have really turned people off to capital projects this one will dwarf those. I would urge everyone to vote no on this Article so that we as a Town can focus on the genuine needs that our Town has rather than waiting any further time, energy, or Town money on a project that's as bad an idea now as it was last year when we voted it down and in previous years and let's just do the needed maintenance on the current yard and move on to genuine Town needs. Thank you.

MODERATOR: Going forward with comments the Article before is a zoning article it is a not whether we are moving or not moving the town yard. I am going to impose a further limit in the interest of time of two minutes per speaker. So if you could please adjust your-because I just think in fairness there are a number of people who want to speak to this and we need to let them do it. We are already nearly a half an hour beyond where we're supposed to have our Special Town Meeting. Thank you, sir. Two minutes. Go ahead.

FILBIN: Rick Filbin, Knollcrest Drive. As a chairman of the former and the most recent Town Yard Task Force committee and representing also the conclusions of other prior task force

committees. We had concluded after two years of study, at least this particular one, that to repair, rebuild, renovate on this site for a town yard was not in the best interest, long term interest of Andover's finances. The reality here is despite some conclusions people are making here is that to rebuild on a three acre site is costing a premium in construction. And these \$20 million numbers to locate another location is inaccurate because having the opportunity of a large piece of property and building six, seven acres is a much more economical solution than trying to reutilize this property. So what this rezoning does here, it gives the Town the greatest opportunity to create the best value and long-term benefits to the Town and eventually we have to have a new town yard whether it's in this a location or two locations or three locations, we will come to determine that a prior, future Town Meeting. But the reality here is that the cost to rebuild is not a good solution. We have to have this opportunity to rezone and I think that from my own experience in the development business the proper best uses probably will be mixed-use; there'd be apartments, residences, all things that will support the vitality of downtown. And that's why I think myself and other people of my committee support this rezoning. Thank you.

MODERATOR: Thank you. Do you have a specific questions sir?

FRISCHMAN: Yes.

MODERATOR: Go right ahead.

FRISCHMAN: My name is Michael Frischman, address is 11 Crescent Drive, Andover. For. And unlike my peers I am speaking directly to the Article, namely I have an amendment that I'd like to present.

MODERATOR: Go right ahead, sir.

FRISCHMAN: Do you want the copy now or after?

MODERATOR: Please, so that we can see that it's in order. Thank you.

FRISCHMAN: One of the bedrocks of all discussion about downtown Andover is parking. And I want take a little nibble out of it if possible. On page 77 section 8.7.9, off-street parking, number four, I would like to amend that section of the Article to delete all language after, after the word "fraction" in the last full line and replacing it with the

language "shall not require an increase until the next full number is reached." That means that instead of having, requiring two parking spaces, if you've got 1.5 you don't need two parking spaces until you get to 2.1. Thank you for your consideration.

MODERATOR: Mr. Frischman if you could wait just a moment. Is this alright for an amendment? If you could explain what it is you're looking to do with this.

FRISCHMAN: I'm looking to make the bite for additional parking spaces just a tiny bit less oppressive on downtown business people.

MODERATOR: Okay. So on page 77, if I'm correct, please, please, correct me if I'm wrong, on page 77, section two?

FRISCHMAN: Well there's a two at the top the section is 8.7.9

MODERATOR: ---8.7.9, section two, off-street parking.

FRISCHMAN: And then number four, computation of spaces.

MODERATOR: Okay.

FRISCHMAN: And I would like to change that, as I said, to-

MODERATOR: After fractional, after fraction-

FRISCHMAN: After the word fraction in the middle of the second line of the, that section, I would like to replace that language-

MODERATOR: ...shall not require an increase-

FRISCHMAN: --until the next whole number is reached-

MODERATOR: till the next whole number is reached. Okay is there any comments on that? The amendment, is the amendment seconded please? The amendment has been moved and seconded. Any questions or comments on the amendment? All those in favor of the amendment please raise one hand. Thank you. Those opposed. The opposition certainly carries it. The amendment is defeated. Thank you, sir. Mr. Rigby.

RIGBY: Thank you, Madam Moderator. Greg Rigby, 131 Rattlesnake Hill Road. If I may, give me one second, I want to apologize to the Town Manager. I went online last night

and did find your five-year plan and I did read it. It's fifteen pages long; there are two pages of spreadsheets that are the projects over five years. The town yard is a \$44 million projection over the next four years. The town yard isn't even in here as a potential-

MODERATOR: Is there a zoning issue on Article 30 you'd like to address.

RIGBY: Yes because this is a, this zoning is actually going to open up the possibility of moving the town yard, to putting something else in place of town yard. And the break even on this project, based on Mr. Feldman's numbers from his task force last year, is a little over 30 years and that doesn't include debt service. So more than 30 years and that's using the maximum amount of tax revenue \$600,000 a year. So I would urge you to vote no on this, and, because it's just gonna cost us a ton of money. And keep in mind we still have another \$44 million of projects that doesn't include town yard or the pre-K.

MODERATOR: Okay. There is noise coming out of my voice-my mouth, right? This is a zoning article. It is not a town yard article. I understand the ramifications of it. All of us understand the ramification. But if we're going to be true to this meeting this is a zoning article, it is not an expenditure, it is not a town yard, it's not a facilities, it's a zoning, whether or not we want to rezone a section of our Town. I will call out of order anyone who is moving in any other direction. Go right ahead please.

FROM THE FLOOR: Madam Moderator.

MODERATOR: No. If I can keep going with this. Thank you. Go ahead.

KELLER: Thank you, Madam Moderator. I'm Ellen Keller, 39 Bannister Road. I'm also employed by Ozzie Properties the management company for Dundee Park. We support the rezoning proposal as both a resident and a business partner as I have seen direct evidence that this type of commercial redevelopment has lasting positive effects on the local economy. By way of example the Dundee Park property was once a deteriorating industrial mill site. Some of you may remember it in the late '90s. But after substantial redevelopment including environmental remediation the complex is and remains about 90% occupied as primarily an office complex. You do not need to be 100% full to be successful.

What was formerly a fore, in foreclosure paying Andover a paltry tax base is now a vital contributor to the tax rolls. All businesses are attracted to and enjoy easy walking distance to Andover's downtown and the train station. In fact in 2011 we secured a lease with an architectural firm based in Portland Maine and it was specifically the proximity of the train station and the connection to the Downeaster that made Dundee Park especially attractive. This tenant has since expanded its initial footprint by an additional 30%. With insufficient availability of suitable space downtown rents are being driven upward on Main Street. And we have detected a shift in the focus and type of tenants we have been in successful in recruiting to Dundee Park. Typically the uses have included general business, medical, professional offices, but recently we have increased interest, rather interest, in space for education, music and dance instruction, health and fitness, martial arts, in other words we are seeing tenants that are more retail and recreational in nature. We believe that the market is ready to accept the extension of Andover's downtown beyond its traditional borders. Being with easy walking we have now found ourselves housing residents' businesses as well as accommodating recreational and retail needs and we only see this potential growing. The natural next step is to be in a position to provide housing in this new and developing neighborhood. These facts support the Town's plan of expanding the mixed-use district in the town yard with a new development district and it brings the current town yard up to its highest and best use. We are extremely excited to see this expansion of the Andover's commercial tax base by energizing the local economic vitality of our own community. All boats rise with the tide. This is sound municipal management and we support a successful town yard rezoning partner as a neighbor. Thank you.

MODERATOR: Thank you. Do you have a quick question sir?

LEEDS: Yes I do. My name is Jeffery Leeds, 3 Pilgrim Drive. My question to the Finance Committee is I understand your vote on this question was not unanimous and accordingly I would like to know the reasons from those who voted no, if they would please state those to the benefit of the Meeting.

STUMPF: Your question was what did the Finance Committee vote on this?

LEEDS: Yes. Their vote on this question.

STUMPF: The Finance Committee did not take a position on this Article. Historically the Finance Committee has not taken a position on zoning articles because there's not substantive information which can be analyzed. As you've heard tonight there's a lot of numbers being bantered around but there's not substantive numbers for us to be able to give an accurate assessment or analysis of it. So we discussed it but we did not take a position on this Article.

MODERATOR: Thank you, sir. Mrs. Lyman

LYMAN: Thank you, Madam Moderator. I'm Mary Lyman, 50 School Street. I'm a member of the Board of Selectmen; I'm a minority vote on this. I sat through all the meetings to discuss, in the beginning our mandate was, how are we going to take care of DPW? We left Town Meeting last year saying how can we take care of DPW and its employees and now we're backing into an zoning issue. So the zoning issue leaves us with a question, is this the highest and best use? Well I guess we could ask that question of many parcels in Town, is it the highest and best use? And in face we've spent thousands of dollars asking a consultant this question. No one examined the other side but we did spend thousands of dollars examining whether or not this is the highest and best use. And I can tell you that as of February no one had even looked at the impact on the schools. We have Andover High overcrowded and we're talking about building more housing never having looked at the impact on the schools. We also in February hadn't even really costed out the impact of the toxic waste. The zoning means that somebody inherits this toxic waste in [?] we own it forever. No matter what happens the Town is responsible and that is inarguable. So when I asked myself what is good fiscal management and what is best for the Town as a member of the Board of Selectmen I have to urge the Town to think of all that was said tonight. And the answer is no, this is not the best thing for the Town of Andover.

MODERATOR: Thank you. Unless there is a significant objection I'm inclined to do one more round and then call for a vote. If there is a, an objection to that, then I will certainly entertain it. Attorney Caruso.

CARUSO: Madam Moderator.

MODERATOR: Thank you, sir.

CARUSO: Peter Caruso, I live at 59 Salem Street and-

MODERATOR: Could he have the mic on please? There you go.

CARUSO: Peter Caruso, I live at 59 Salem Street and I have an office at 68 Main Street. I'm here tonight both as a resident and also as the President of the ABCA, that's the Andover Business Community Association, formerly known as the Andover Business Center Association. The Association firmly votes for this zoning amendment. You look at your downtown, we have a tiny downtown, this is an opportunity to grown downtown and it's not gonna cost us any money, I don't care what's being said tonight, this is a zoning amendment. It is not a town yard amendment; it is a zoning amendment. Now by going forward with this all this does is expand the downtown which the downtown merchants need, frankly, the residents need also. Now also just to put this in focus, I'll put on my lawyer hat for a minute, this is I believe a zoning amendment, it is not a town yard amendment. I know Paul Salafia said initially there's a step process; but it is a zoning amendment. It's purely to rezone an area that now has three zones in it. If you rezone it it does not mean, and people have to understand this, it does not mean that the town yard moves. It doesn't. All this does is to provide for a business atmosphere and a better business area. This is an option; this is an option that doesn't cost us any money tonight at Town Meeting; it is an option that's put before the Planning Board, the Board of Selectmen and the Finance Committee and that has to be [INAUDIBLE] but the numbers tossed around tonight, but the business community, the downtown merchants thoroughly support this Article and I believe by doing this it merely opens up our options and doesn't cost us a dime even though there's been some diversion on the town yard. This is an option. Thank you.

MODERATOR: Thank you, sir.

[UNKNOWN SPEAKER]: Jim [INAUDIBLE], Forest Hill Drive. I have a question on the clarification for the permitted uses. It says for the retail sales, and medical center and clinic. Is there some clarification with regards to the, these business when it comes to the sale and distribution for legalized marijuana? We certainly don't want this type of an establishment in downtown Andover. So are there guidelines around that, so one of those establishments doesn't come through this idea or do we have to do an amendment.

STAPCZYNSKI: Well, sir, you've hit on a wonderful topic that's not before us today. Many of our neighboring municipalities are voting to not rezone for a period of time,

or a moratorium on medical marijuana facilities in their communities; we're not one of them. I'm not sure how else to say that except we're not one those communities that is asking for a moratorium. The Department of Public Health has not issued the final regulation. That may take months so I think your question although interesting and may bring a smile to some of our faces I think is premature.

MODERATOR: Thank you. Yes, sir.

MORRISON: Thank you, Madam Moderator. Steve Morrison, 79 Lowell Street.

MODERATOR: Yes, David, go right ahead.

MORRISON: I attended one of the town hall meetings for this, that resulted in this Article. First and foremost it is a wonderful opportunity; it's unique and everything else. It has huge potential. One of my basic problems is the market timing. We're still recovering; we're not at a real estate top. I from a, from a realization of what an asset is worth I would rather wait until there is a market top, and we're not there. We're still recovering. I don't see an immediate need for it. They admitted as much at that meeting that yes, the current town yard could be made to suffice and I do believe that more thought is indicated for a longer term plan that will truly maximize the value of that to Andover. This seems like a relatively new idea that's you know gained steam and it's about to roll downhill. I think it requires further study. I would rather see the market and the real estate recovered more before we do anything about it. At the meeting, make no, make no mistake about it, at the meeting it was clearly stated more than once, it will be treated by the Selectmen as a mandate to move the town yard if you approve of this. That was stated clearly. Keep that in the back of your mind. But from a zoning perspective also I just don't think this is the time to do it; I would rather wait until we hit a real tipping point and we can really maximize the value that's there.

MODERATOR: Thank you, sir. Are you ready to close discussion? All those in favor of closing discussion would you please raise one hand. It's overwhelming. Thank you all very much for your comments. Article 30 requires a two-thirds vote; you must be at your seat. And I have a suspicion we will be taking a standing vote—but I could be wrong. But let's see how it goes. All those in favor of Article 30 please raise one hand. Thank you. Those opposed. Did some of you vote

twice? Could you do it one more time please? I believe we need to take a standing vote. All those in favor please raise one hand. Let's take a standing vote. All those in favor please stand.

Section 1: 29; Section 2: 16; Section 3: 13; Section 4: 13; Section 5: 22; Section 6: 20; Section 7: 27; Section 8: 15; Section 9: 20; Section 10: 12; Section 11: 16; Section 12: 23; Section 13: 21; Section 14: 13; Section 15: 8; Hall: 10; Stage: 17.

MODERATOR: Thank you. All those opposed please rise.

Section 1: 4; Section 2: 7; Section 3: 11; Section 4: 4; Section 5: 10; Section 6: 30; Section 7: 26; Section 8: 9; Section 9: 9; Section 10: 17; Section 11: 22; Section 12: 8; Section 13: 13; Section 14: 3; Section 15: 1; Hall: 11; Stage: 6

MODERATOR: Those voting in the affirmative are 295; in the negative 191, the Article is lost. Article 31 please Mr. Salafia. Because Article 31 is related to Article 30 I would like to just finish that off if we can and then we'll go into the Special Town Meeting. Article 31. Could we get this mic on please?

SALAFIA: Madam Moderator, I move to withdraw Article 31.

MODERATOR: It's been moved and seconded to withdraw Article 31. All those in favor please raise one hand. Thank you. Those opposed. The motion is withdrawn. Mr... Urbelis, if you could please...

URBELIS: Madam Moderator, I move to recess this Town Meeting till after the Special Town Meeting.

MODERATOR: There's been a motion moved and seconded to recess this Meeting to go into a Special Town Meeting. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it we are in recess.

2013 Special Town Meeting
Tuesday, May 7, 2013

MODERATOR: Okay, if you are registered to vote only for this Special Town Meeting. You must have one of these cards. Those of you who are voting, I mean who are counting, if you have

one of these cards if you could please go over to section 15 in the back, please. The front row of the non-voting section. So that we'll know...some people registered to vote too late for this Meeting but they registered in time to vote for the Special. If you are leaving I'd ask you to do so quietly please so we can get started with our meeting. So, welcome to the Special Town Meeting for the Town of Andover 2013. So glad you're here. For those of you who have been waiting I appreciate your patience. Mr. Urbelis if you could please—this will start out just as regular Town Meeting.

URBELIS: Madam Moderator, I move to admit Lawrence Murphy, Rodney Smith, Donna Walsh, and other non-voters who may be entering the auditorium hereafter all of whom may be speaking.

MODERATOR: There's been a motion to, moved and seconded, to admit non-voters. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it, the non-voters are being admitted and they are going to be asked to sit over in this section over here. Anyone who is here with children, or with a non-voter, I would ask you please to go over in the front row of the non-voting section. We can only have registered voters in the voting section of the hall. Please turn off your cell phones if you're new or at least put them on silent. Mr. Urbelis.

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

MODERATOR: All those in favor of referring to the Warrant Article by number please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. There's a pro and con mic. If you're just arriving, if you didn't catch on before. If you want to speak to an Article you'd go to the pro mic. If you want to speak against an Article, if you have a specific question, not an option, but a question, you may ask it at the, at the—I'll get to you in one second—you can ask at number three mic. I would like to make a motion for this Special Town Meeting that we impose a limit of five minutes for presenters of any Article and three minutes for speakers from the audience. The Moderator will let the speaker know that they have 30 seconds left of their time and that will be by tapping. These limits can be extended at the discretion of the Moderator. All those in favor of that Article, I mean of that motion, please raise one hand. To limit speakers. Thank you. Those opposed. The ayes have it, we will have that limitation.

[SEPARATE TAPE FOR SPECIAL TOWN MEEETING. BREAK IN TAPE.]

MODERATOR: ...in the aisles if you are along the back walls your vote will not be counted; you must be seating, seated to do that. So, do you have a procedural question, ma'am?

BANTA: Yes I do.

MODERATOR: Go right ahead. Mic three please.

BANTA: Chris Banta from Gavin Circle. Could you please re-explain what the use of the pink cards are? I think those of us who came in for the beginning of the meeting weren't sure if we needed to register separately.

MODERATOR: Sure. If you had one of these cards and you would have had it if you registered in time for this Special Town Meeting but you had not been registered in time for the general Town Meeting. So if you came in tonight and they gave you one of these pink cards you're eligible to vote in the Special Town Meeting which we are in the midst of now and we would ask you to sit in the front row, could someone raise a hand where that is? Over there, the front row of the non-voting section and your vote will be included. So if you have one of these stickers and you've been voting all along and you are registered to vote for both meetings. Thank you for that clarification, asking for that clarification. Does everyone understand that? Thank you. Article 1, is Mr. Salafia making this motion? Mr. Major please. You need to read the Article, Paul. You need to read this, the motion.

SALAFIA: Madam Moderator I move to create a stabilization fund titled "Elder Services Program Stabilization Fund" in accordance with the MGL Chapter 40 Section 5B for the purpose of supplementing not supplanting the Elder Services operating budget but only for the development and implementation of new programs, services and activities as recommended by the Division of Elder Services and approved by the Town Manager. Appropriations from this account are restricted to interest only and may not be used for the payment of full-time or part-time salaries or to supplant the operating budget; and two, to appropriate and transfer the sum of \$700,000 from the Cornelius Wood Fund to the foregoing stabilization fund.

MODERATOR: Article 1 has been moved and seconded. Are you speaking to that? Brian if you would, Mr. Major.

MAJOR: A couple of weeks ago the Board of Selectmen had an absolutely incredible collaborative presentation that came before us. It brought together the youth and the seniors to take a look at how to best utilize the \$1.4 million that remains in the Wood Trust, that's been in the care and custody of the Town for many, many years. And it, there was a third component of this too. Mrs. Rosalyn Wood also attended that meeting and strongly supported this presentation. That is that we take \$700,000 and use that to support the Council on Aging programs and we take the other \$700,000 and use that to support the completion of the construction of the Cormier Family Youth Center. We the Board of Selectmen voted unanimously to support this Warrant, these two Warrant Articles that are before us. We feel that this is a great way to bring together the private and public sector to truly solve the public need.

MODERATOR: Thank you sir. Mrs. Grecoe are you speaking? If you could come on down.

GRECOE: Ann Grecoe, 49 Whittier Street, Council on Aging, Co-Chair. The fastest growing population in Andover are seniors. Currently one in six Andover residents are over 60 and one in three are over 50. As the number of Andover residents presently or soon to be over 60 steadily increases, we face the challenge of identifying resources for an increasingly diverse older population. Cut backs in funding and services at the Federal and State levels to the Division of Elder Services budget and the negative effects of the economy continue to impact the elderly population first and often most severely. The Council on Aging unanimously supports this Article and with the support of Mrs. Wood ask that Article 1 be approved for the transfer of funds from the Cornelius A. Wood Foundation to the stabilization fund for Elder Services.

MODERATOR: Thank you. Finance Committee report please. Mrs. Anderson.

ANDERSON: Can you hear me? So its official we are getting older. More than 11,000 Andover residents are now over 50. That's up 27% in the last decade. And 40% of our homeowners are over 60. Andover's Division of Elder Services provides an extraordinary range of programs and services designed to meet the needs of these residents and they do it with very little funding from the Town. For every \$1,000 in tax dollars you pay \$500 goes to support the school operating budget and our 6,255 students. While less than \$4 finds its way to Elder Services and our 11,000 seniors. The Town was fortunate

indeed to be a beneficiary of the will of Cornelius A. Wood in 1973. The Finance Committee believes that appropriating half of the available sum now in that account to establish Elder Services Program Stabilization Fund is a very appropriate municipal use. And we unanimously recommend approval of Article 1.

MODERATOR: Thank you very much. Yes, sir.

DESO: Tom Deso, 81 High Street. I strongly support this Article. The first of two in the Special Town Meeting. For years we have heard wishes for collaboration between senior and youth in our community. I won't go into detail concerning the dissention and lack of trust that built up over past actions. I wish tonight to applaud the current leaders who have brought this collaboration to reality despite the past. Council on Aging, through Don Robb and Ann Grecoe, the Chair and Co-Chair, have come together with the youth of Andover as represented by Chris Huntress the Chair of the Andover Youth Center Building Committee support this partnership. They have meet with Evelyn Wood and reached an agreement which she enthusiastically supports. The net effect of approval of this Article will be to create a stabilization fund dedicated to programs for seniors in our community. The fund will generate in the neighborhood of \$20,000 per year in interest in perpetuity. This money will provide programs and services to seniors at no cost to them and it will allow programming that does not have vie for precious operating budget dollars. Again I would encourage your support of this Article. Thanks to the Council on Aging, the Youth Center Building Committee, and Mrs. Wood. We now can truly have the collaboration between youth and seniors in Andover. Let's build on this effort to achieve what has been paid lip service for far too long. Thank you.

MODERATOR: Thank you very much. Mrs. Carbone.

CARBONE: Mary Carbone, Cyr Circle. I would like to relate to a vote that Town Meeting took firstly last year. There was an agreement between the Town of Andover and the Andover Youth Foundation and that had to do with a dollar figure \$2 million from the Town and \$2.2 from the Foundation—

MODERATOR: Mary. Excuse me, Mrs. Carbone. You might be more appropriate in Article 2.

CARBONE: Yes I understand that.

MODERATOR: Rather than Article 1 which is what we're on now.

CARBONE: Okay so I'll stand back and let this individual---

MODERATOR: I'm happy to have you bring that up with Article 2.

CARBONE: I will wait.

MODERATOR: Okay thank you. Yes, sir.

MILLER: Michael Miller, 5 David Drive. As a member of the Board of the Andover Youth Foundation and a senior myself

MODERATOR: Already?

MILLER: Oh, yeah. I'm proud of the collaboration that we've had in bringing this together we've always thought to work with seniors to try and make a community center or at least a place or a campus where both seniors and youth can interact and collaborate, and, and, this type of effort is something is that we strongly support. So I urge you to support this Article.

MODERATOR: Thank you. Yes, sir.

PERRY: Cal Perry, Timothy Drive. I just had a question about the original grants of money that came from the Wood Fund. What was the desire on the part of the grantor? Not as what it's derived to today but what was the original wording, or a synopsis on the original wording from the grant. Who was it for? What was it for?

STAPCZYNSKI: Yes, Ms. Moderator I think I can address that.

MODERATOR: Okay.

STAPCZYNSKI: In the demise of Cornelius Wood there were a number of gifts given to the Town. Two. One had a requirement and that was for a suitable monument for William M. Wood and we have met that requirement with the, with the installation of the monument at the Wood Memorial Park. The second one was more general. It was for municipal purposes; it was undesignated. It was for any municipal purpose. They didn't specify, no conditions other than general municipal purposes.

PERRY: And the residue of the Trust after the Memorial Park was for general purposes?

STAPCZYNSKI: The first one.

PERRY: After the memorial the residue of the Trust was for general purposes.

STAPCZYNSKI: It wasn't the residue. It was a, again, it was a percentage of the Trust went for the memorial and then another percentage went for general municipal services.

PERRY: Who decided the percentages?

STAPCZYNSKI: The percentages were by the Wood Family, by Cornelius in his last will and testament.

PERRY: He gave a specific percentage for general purposes.

STAPCZYNSKI: Correct.

PERRY: And how did we decide it would be 50% old folk, 50% young folk?

STAPCZYNSKI: How did we decide the 50%?

PERRY: Yes.

STAPCZYNSKI: All right, that's another matter. The money that-

PERRY: Who decided the 50%?

MODERATOR: Let him answer. If you would please.

STAPCZYNSKI: I will address that. In discussion with Chris Huntress who is Chairman of the Youth Center Building Committee and Ms. Rosalyn Wood, they had discussion along with Don Robb, Co-Chair of the Council on Aging Board, about the use of the Trust money. And those three individuals came to the Board of Selectmen about a month ago. Selectman Major referred to that meeting. At which time they proposed this split, 50-50 to the Board of Selectmen.

PERRY: And that's the residue of that Trust?

STAPCZYNSKI: That's the residue of the trust for \$1,418,000 or thereabout.

PERRY: Thank you.

MODERATOR: Yes, sir.

KEFFERSTAN: Hello. I am Stan Kefferstan and everybody behind me I am representing the-

MODERATOR: Sam do you live in town?

KEFFERSTAN: I live in Town.

MODERATOR: Can you tell us where?

KEFFERSTAN: I live on 115 Haverhill Street.

MODERATOR: Thank you, Sam, welcome.

KEFFERSTAN: I am an Andover High School senior and as well as many of the people behind me. We are the youth of Andover and we are just here to represent and demonstrate our support for both of these Article. You know I have grown up here and lived here my entire life and I have to say it's an amazing town to grow up as a child. And my whole life I've watched the telethon, my family and so many others have donated, and this is exactly what we need to push it over the edge and get the shovels in the ground. And seeing that-

MODERATOR: Sam I don't mean to, to, I love that you're here and thank you for coming, but we're talking about Article 1 for the seniors. How do the youth feel about that?

KEFFERSTAN: Um. I just like to say I know that these two Articles are linked so..

MODERATOR: But they're separate Articles. So we're talking about Article 1 right now. And I'd be happy to have you give us an opinion on that.

KEFFERSTAN: Well I certainly [LAUGHTER] I definitely support Article 1 and I think that the Elder Services programming could definitely use the support from the Wood Trust Fund.
[APPLAUSE]

MODERATOR: Thank you, Sam.

[INAUDIBLE NAME]: I'm gonna finish what Sam was saying. I'm Merissa [INAUDIBLE] I live on 13 Wabanaki Way.

MODERATOR: Yes ma'am.

[INAUDIBLE NAME]: And we're just in support of this Article. As the youth center is gonna be so beneficial for all future generations of youth to come we think that this Article's beneficial for all of the seniors to come and all the future generations of adults that will move on up and especially for the seniors now. They definitely deserve it.

MODERATOR: Thank you. Thank you very much.

MOSCA: Mike Mosca, Pleasant Street. I had a question. The question is what was the original amount that was given to the Town?

STAPCZYNSKI: In total I think between the two gifts, folks the amazing ability of compounding interest, \$110,000 over a period of time. We received them over—we received the bequeath in four or five allotments over four or five years from like '72 to '70 to '79, but \$110,000. Started with \$110,000.

MOSCA: Okay so the balance that's beyond the \$110,000 is under the Town's auspices that we've received the interest.

STAPCZYNSKI: Correct. Interest bearing accounts.

MOSCA: And have there been any other disbursements from this fund?

STAPCZYNSKI: Yes, the memorial, ...three or four years ago we had a warrant article and there could have been the grand piano in the Collins Center in 1982 or 1983 I think the Wood family permitted the use of that money. A use of money to acquire a, to purchase the grand piano when the Collins Center opened in the mid-80's. But outside of that I know of no others.

MOSCA: Thank you.

MODERATOR: Okay, thank you. Are we ready to vote? All right. All those in favor—if those of you who, if you could all please go to the non-voting section if you are non-voters. Thank you very much. Would happy to have you come back for Article 2. As soon as they're seated we'll take the vote. At the risk of having my head handed to me at some point in the future I would like to acknowledge Mrs. Wood who is here and thank her very much for the ongoing, continuing...[APPLAUSE]. Thank you. Thank you very much. The ongoing impact of William Wood and his family on his Town is carrying on even through

today. Thank you very much Rosalyn, very much. All right. All those in favor of Article 1 please raise one hand. Requires a two-thirds vote. Thank you. Those opposed. The ayes have it the motion carries by far more than a two-thirds vote [APPLAUSE] does anyone challenge that declaration? Then I declare it to be more than a two-thirds vote. The reason that needed a two-thirds vote is because we were creating a stabilization fund. Article 2. Mr. Huntress, are you moving this Article? Or is one of the Selectmen?

SALAFIA: I think I am.

MODERATOR: Okay, go ahead. Why don't you get right here ready to present, Chris, if you would. Go ahead, Paul.

SALAFIA: Madam Moderator, I move to transfer the sum of \$700,000 from the Cornelius Wood Fund, Trust Fund and appropriate the sum of \$700,000 for the design, construction and furnishing of a youth center behind Doherty Middle School on Bartlet Street including the payment of all costs of a related parking area and all other costs incidental and related thereto.

MODERATOR: Article 2 has been moved and seconded. Mr. Huntress.

HUNTRESS: Thank you very much. My name is Chris Huntress, 17 Tewksbury Street and also the Chair of the Andover Youth Center Building Committee. Standing with Ann Grecoe tonight we represent the Andover Youth Center Building Committee and the Andover Council on Aging who have partnered together to sponsor this Article for your consideration. The new Andover youth center will provide a home for shared space and new programs for both Andover youth and seniors. Like Article 1 Article 2 is a request to allow the Andover Youth Center Building Committee to use 50% of the funds in the Wood Trust to help complete the new Andover youth center being proposed behind Doherty Middle School and next to the existing Senior Center. This proposal allows for an opportunity to complete the building in a single phase without requesting additional taxation, borrowing, or bonding. This decision to make this request is not one which the building committee entered into lightly. Since Town Meeting vote in December of 2011 the building committee has been working diligently to hire an architect, advance the plans for a new building. Throughout those 18 months we've been shown that the cost of public construction has escalated significantly. In an effort to scale back the costs of the construction the building

committee has made significant efforts to reduce the scope of the building. These efforts include: reducing the building size from 25,000 square feet to 21,000 square feet, changing the building design to a single floor elimination the need for an elevator and two stairwells, exploring the opportunity to use a pre-engineered structure, developing a base bid and a series of alternate bids, and simplifying the building footprint and structural details. We also explored the opportunity to break the construction into two phases allowing for a multi-purpose room or gymnasium to be built at a later date. Ultimately the building committee realized that the added costs associated with the building, with building a new structure in two phases would significantly increase the final cost of the project. The addition of the funds from the Wood Trust along with the reduction in scope outlined above allow us to bring the project back into a single phase and deliver to the Town of Andover a new youth center of which you will be proud. This proposal has received the support of the Andover Council on Aging, the Board of Selectmen, the Finance Committee and equally important to many the Wood family. In presenting this proposal to the Selectmen we were privileged to have Ms. Rosalyn Wood, widow of Cornelius Ayer Wood, Jr. with us. I thank you and I would ask for your support on this Article. Thank you very much.

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

SALAFIA: Madam Moderator, the Board of Selectmen unanimously voted approval.

MODERATOR: Mr. Fortier, the Finance Committee report.

FORTIER: Thank you, Madam Moderator. Good evening. The Finance Committee voted to recommend approval of this Article by a vote of seven to two. Those members who voted against approval felt that these funds should be deducted from the amount in the original agreement.

MODERATOR: Excuse me, Mr. Fortier, could you bring the mic closer to you.

FORTIER: Sure.

MODERATOR: Thank you.

FORTIER: Again those members who voted against approval felt that these funds should be deducted from the amount in the original agreement between the Selectmen and the Youth

Foundation. The Wood Fund has been sitting in the Town's coffers growing for a long time waiting for a worthy project and the majority of the Finance Committee feels that the youth center is that worthy project. When Mr. Wood, who was described as a great benefactor of youth, so generously established this fund his intent was not to supplement Town department operating budgets or help fund long-term unfunded liabilities, rather the intent was to enrich the lives of the citizens of this Town by helping for worthwhile projects and programs. Excuse me. Much like the Bancroft School the youth center project has been plagued by escalating construction costs. And the use of half of the Wood Fund will help to ensure the center becomes a reality. Unlike the Bancroft School project however the use of the Wood Fund money will not result in additional borrowing or increased property taxes. Additionally, no Town or School operating budgets will be impacted. With Mrs. Wood's blessing this collaboration between the Town, the Council on Aging, the Youth Foundation, and the Youth Center Building Committee will result in a building which will benefit not only the youth of Andover but also the seniors and the community as a whole and the Finance Committee recommends approval.

MODERATOR: Thank you sir. Mrs. Carbone.

CARBONE: Yes, I will continue with what I was going to say previously. Mary Carbone, Cyr Circle. I would like to relate to the fact that Town Meeting was given information at a previous meeting and they were asked to vote on situation, an agreement, of which the Town would contribute \$2 million towards a youth center. And the Youth Foundation would contribute \$2 million, too, and the agreement maws [?] that the Foundation had to use their funds before any of the Town Meeting money was touched. So, I was wondering where that puts us, is that agreement null and void now? Or, where are we going with the agreement the Town Meeting already approved? In addition to that I have a spreadsheet which I requested from the Town Manager, it's a matter of public record, and there's a balance here, additional amount needed for AYS is \$694,300. So is there a balance in the Foundation amount because I am a firm believer that until we have all monies in hand no ground will be, should be broken and it has nothing to do with my feelings for the youth of this community or the seniors. We cannot break ground on another structure that we're going to have to finance. And I thank you again I'm waiting for an answer as it relates to the agreement.

MODERATOR: And your question—

CARBONE: --is—

MODERATOR: And your question—

CARBONE: The question is what happened to the agreement that was voted on?

MODERATOR: Is the agreement still in effect is that what your question is?

CARBONE: Yes. Because the Wood Trust would add to that agreement for the Town.

MODERATOR: Go ahead, Mr. Urbelis.

URBELIS: The agreement dating February 6th 2012 contemplated the numbers as you described if this passes obviously that agreement's going to have to be changed and approved by the Board of Selectmen.

CARBONE: When would that happen? I mean we have firm figures here, a figure of \$2 million and now we're adding \$650, so..

[INAUDIBLE SPEAKING]

HUNTRESS: The Andover Youth Center Building Committee, Mary, and Town Counsel had a conversation about that and we have agreed not to go out to bid until such time as the Selectmen, not to go out to bid for construction, until such time as the Selectmen have reviewed and approved an amendment to that original agreement.

CARBONE: So that should be coming up soon then? That should be addressed at—

URBELIS: We've already started looking at it and in anticipation of a possible affirmative vote and yes if it gets voted tonight we'll be working on it right away.

CARBONE: Okay. Thank you.

MODERATOR: Thank you. Yes, sir.

RIGBY: Greg Rigby 131 Rattlesnake Hill Road. I just have two questions. One is could we hear from the dissenting votes from Finance Committee and what their rational was?

MODERATOR: The dissenting, the dissenting votes.

FORTIER: There was two dissenting votes and one of the members is not present this evening, but Eugenie could...

MOFFITT: Eugenie Moffitt. I just felt that in light of the agreement the Town had agreed to donate \$2 million to this project. This was above and beyond the agreement so it went against it. [APPLAUSE]

RIGBY: My second question is-

MODERATOR: Could I ask you to get in back so the person behind you can ask...I just think in fairness...go ahead sir, your question?

WHEDON: Brad Whedon, Summer Street. Mr. Huntress I think this is for you. Is this a LEED certified project?

HUNTRESS: We are working with-is this mic on? Can you hear me?

MODERATOR: Can we have the front mic on please? There you go.

HUNTRESS: We are working with the architects they are reviewing the opportunities for LEED certification throughout this project. We're presently in design development now. So as far as we can get into that process we will certainly go. What I can tell you is that we're exploring opportunities for solar power and other alternative energy sources within the building.

MODERATOR: Okay again this is an Article about the Youth Foundation-I mean the Wood money. Yes, sir.

CARUSO: Jerry Caruso, 12 Somerset Drive.

MODERATOR: Yes sir.

CARUSO: I just want to speak in favor of this Article. It's wonderful to support the youth, my daughter was a member of AYS, and they, I received, she's away at college two years now, she sent me a text message, don't forget to support, go to Town Meeting and support the youth center and vote on it. They go on Facebook, she's still a part of the youth group in this Town; she comes back in the summers on holidays and she still gets together with that youth group that she was part of at AYS. And it's something that they've carried on for a

long time and I really think the Town has to get over the hump here and move forward on this project. [APPLAUSE]

MODERATOR: Thank you sir. Mr. Rigby. Go ahead you have another question?

RIGBY: Greg Rigby, 131 Rattlesnake Hill Road. The other question was simply understand Mr. Urbelis and the AYF are gonna work on changing the contract and would one of the amendments to that contract be that we break ground before we have full funding from Andover Youth Foundation as was promised in the original contract? And do we have an estimate of how much more money we're gonna put into this from the Town side above the \$2 million that was originally promised if by the Selectmen at the 2011 Special Town Meeting?

URBELIS: I can't tell you how the agreement's going to change until we actually do it. As far as the anticipation of numbers that's just something I don't know. Maybe somebody else could answer that.

RIGBY: Are we going to change it so we could break ground before the finances are in hand which was the original, that was, that was the crux of the original agreement?

URBELIS: Oh, no, well, I can tell you I've certainly gotten indication from the Selectmen that that will be one of the conditions that the money will be in hand before we break ground and I think the Youth Center Committee's committed to that, right, Chris?

HUNTRESS: That's correct.

RIGBY: That's the money without the Wood funds, right?

URBELIS: No that's, that's the, the agreement will be modified based upon the vote tonight if it passes. One of the conditions that we don't anticipate changing is that before we break ground all money is in hand. That the Town has all money that is anticipated to be needed for the project.

RIGBY: And included in that is the Wood money that's gonna offset part of the money that was originally coming from the Youth Foundation.

URBELIS: Well that would be part of it. I can't tell you how the breakdown of what's going to get spent when based upon

construction projects, I mean I can't tell you that right now I just don't know.

RIGBY: Okay.

MODERATOR: Okay. Yes, ma'am.

GRAHAMS: Hello, my name is Lauren Grahams and I-

MODERATOR: I'm sorry your first name again?

GRAHAMS: Lauren.

MODERATOR: Thank you Lauren. Go ahead.

GRAHAMS: I'm from 28 Corbett Street and I'm on the pro side for this. You see me around Town all the time. I'm a camp counselor, I'm a nanny, I'm always taking care of our youth. I love them. They love to be around each other. This youth center will give them the opportunity to hang out with each other; have great bonds with each other; play games together, which they only really have at school. It's getting our community more together and more involved and that's something I support. [APPLAUSE]

MODERATOR: Thank you. Yes, sir.

MURPHY: Thomas Murphy, 51 Bartlet Street. 15 year resident. My question is to the fact that, so I just want to make sure I'm understanding that, and everybody in this room understands, when we vote on this Article they take the money and they can utilize that towards there \$2.2 million that they were supposed to actually get themselves which they've been unable to do. And you're gonna rewrite the agreement from the fact that I went to Town Meeting, the majority of these people probably went to that Town Meeting, we voted as a community as to how it would work, is that they would come up with \$2.2 million on their own, not pillage it from some other account and they would, Andover would match \$2 million. But what you're saying is, is our community came out, we vote, we told you our world and now we're gonna rely on the Board of Selectmen which is in the pocket of the youth center. You know so that's my con side of the mic. I just want to make sure can you confirm that that is exactly what would happen? 'Cause otherwise we wasting our time here this evening-

MODERATOR: Let them answer the question, sir. Let them answer your question.

HUNTRESS: If I could. Andover Youth Foundation was required under that original agreement to raise \$2.2 million. In effect with the statement they've given me here, dated May 6th, they've had the benefit of raising \$2.7 million to date. So they have met there commitment. [APPLAUSE]

MODERATOR: Yes, ma'am. Over here.

[INAUDIBLE]: Hi, Bonnie [INAUDIBLE LAST NAME], 2 Granli Drive. I'd just like to make two points. First of all I believe that given the generous donation of the Wood family we should respect their wishes in this particular Article and so I, I put great stock in Mrs. Wood support of this, of this Article. I'm a little confused as to why the two Articles weren't bundled together given the intent to collaborate in this way. And I'm a concerned at the divisiveness in the room right now; you know the level of support for the senior funding was tremendous. I support that 100% and I also support the needs of the youth of this community. I think it's a tremendous advantage that the youth center is being built very close to the Senior Center and I would like to continue to see collaboration between the youth in support of senior programming, in support of the seniors in this community. And I think this is an opportunity to get us started down that path.

MODERATOR: Thank you. Are you ready to vote? All those in favor of closing discussion please raise one hand. Thank you. Those opposed. Thank you, we will close discussion; we will vote. If the non-voters could take their seats quickly please but don't run. That's the school teacher in me. Don't run. Okay again you must be at seat to vote. This is a majority vote. If you all could take your seats as quickly as possible please. All those in favor please raise one hand. Thank you. Those opposed. It is clearly overwhelmingly passed. [APPLAUSE]. Thank you. Mr. Urbelis.

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

MODERATOR: There's been a motion made and seconded to dissolve this Special Town Meeting. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it. Mr. Urbelis.

2013 Annual Town Meeting (Resumed)
Tuesday, May 7, 2013

URBELIS: Madam Moderator I move to resume the Annual Town Meeting.

MODERATOR: Motion to resume the Annual Town Meeting. All those in favor. There you go. Those opposed. We'd love to have you all stay for the Annual Town Meeting to finish the Town's business. If you insist on leaving please do so quietly and respectfully of the business of the Town. Mr. Major, Article 32. If you're leaving if you could do so quietly.

MAJOR: Thank you, Madam Moderator. I move that \$400,000 is appropriated from free cash for the purpose of paying costs of tennis court renovations at Andover High School and for the payment of all other costs incidental and related thereto.

MODERATOR: Article 32 has been moved and seconded. Go ahead Brian, or whoever's speaking to this, go right ahead.

FRYKENBERG: Hello, my name is Brian Frykenberg, 5 Appletree Lane. I'm immediately going to turn the floor over to my associate Rich Nill. We both represent a group called Friends of Andover Tennis. Thank you very much.

NILL: Great. So Brian Frykenberg has been the tireless leader of a group of citizens who've been working for the last two years to advocate for renovation of the Andover High court. We call ourselves—oh, I need the slide advanced. Okay. So we call ourselves the Friends of Andover Tennis. And this is a sensitive device here. We're really the players' families, coaches of the Andover High School Boys and Girls Tennis teams past, present, and future. We're also the Andover tennis playing public of all ages. You may have seen some folks on the courts when you arrived to Town Meeting tonight on this beautiful spring evening. This is where we play. So we're talking about the High School's seven tennis courts located right outside the, the facility here. It represents two-thirds of the Town's total tennis courts. There are four more courts over at Rec Park. It's not an exaggeration to say that the High School courts have become a source of Town embarrassment. You can just ask the players who travel around to the rest of the facilities in the Merrimack Valley Conference. They're 24 years old, and when this photo was taken they were unsafe. This is a classic tennis court crack

photo. And in order to facility safe play for this season there was a temporary patch applied and you'll see that out there right now. The problem is that the asphalt has dried out over the years. And this climate, the solution that's needed now is to dig up the top layer of asphalt and replace it with new. So none of us on the, in our committee are really tennis court experts so Brian especially has brought in a number of folks, numerous meetings out on the courts to get their opinions. So I know he's had court construction and maintenance companies out there over the last two years, court facilities architect, the Plant and Facilities Department has been there, we've had experts from California Products Corporation which is the manufacturing company located in Andover, one of the world's largest manufacturer of court surfacing materials. And last but not least he's met with the Andover High tennis coaches and Athletic Director out at the courts. So we know what needs to be done. But just to make sure, we brought in a world renowned court expert for his opinion and his opinion is on the next slide. I went by it already. Trying to go back. Oop. There he is. [LAUGHER] So obviously John McEnroe was not here that clever photo is courtesy of an Andover High student James Emory. Thanks James. So what is the project? It is to put either six or seven courts where the seven courts are now on the existing footprint. The total estimated cost is \$400,000 before donations. It might look something like this; this is a rendition that shows one of these seven doubles courts converted to a singles court in order to get us some space to increase, a little bit of space between the courts. The project does include bid drawings [?] so that we know what we're getting and that we get the best price. They'll be some basic court improvements for those of us who use the courts that we have an opportunity to take care of. So one of them is this very narrow space in between the courts. Not a problem for the very skinny high school kids, but for us adults it's a challenge and for some of us even turning sideways is not the answer. Also, the courts have excess drainage and there is an uphill and downhill side and we'll take care of that. The ditch that runs around the perimeter is really just a source for accumulating trash; so that will go away. We'll move the new fence into the asphalt. And a new fence is part of the project 'cause it's definitely needed. What are group has done is we've had four fundraisers over the last two years; we've raised \$40,000, mainly through a website that's shown on the upper right of this slide here. You're welcome to go there and donate. You can see a list of our generous donors. Now this is the last side. So, what we're proposing is a private public funding proposal which

means \$40,000, \$40,000 donated to the project by our group towards renovation. There's another 1200, \$12,500 in materials donated value being pledged. The project will be bid and managed by the Town. It's nothing fancy; it's just a basic tennis courts that you find in any well, well-maintained Town in line with other school sports facilities in Town. It's definitely lagging. So with your support we hope to begin construction this summer. Thank you. Hope you support it. [APPLAUSE]

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

MAJOR: The Board of Selectmen unanimously recommends approval of this Warrant Article. Traditionally we have strongly supported efforts to bring the private and public sectors together to solve public needs. And as Mr. Nill was just highlighting we've got a situation where we've got the opportunity to bring public money and private money. The kids have sat down; well they've worked to raise \$40,000 to put for this cause. And local companies are stepping forward to donate some materials toward this project. So we truly have a private public partnership to solve this public need. And as for the need, these courts were built over 22 years ago. And this gives us the opportunity to not only resurface the courts but to also ensure that we improve the drainage, put up the new fencing, and make sure that the courts are ADA compliant. So again the Board of Selectmen unanimously recommends approval.

MODERATOR: Thank you. Finance Committee report please. Mrs. Moffitt.

MOFFITT: The Finance Committee recommends approval. Again the courts are poor condition. They are used not only by the High School team but summer youth tennis and the wider Andover tennis community. Combined with the fact that the Friends of the Andover Tennis Fund have raised money through donations and a grant which will be gifted to the Town of Andover the Finance Committee recommends approval.

MODERATOR: Thank you. The Planning Board report please Mrs. Duff.

DUFF: The Planning Board recommends approval but will leave the financial considerations up to the Board of Selectmen and to the Finance Committee.

MODERATOR: Thank you. And School Committee report please.
Mrs. Colby-Clements.

COLBY-CLEMENTS: Thank you, Madam Moderator. School Committee unanimously supports this Article and we'd like you to note that because of the unsafe condition of the courts the MIAA may not allow competition to be played on these courts in the future if we don't repair them. Thank you.

MODERATOR: Yes, sir. Go right ahead.

EDELSTEIN: Hi, my name's Peter Edelstein, I'm a 25 year resident of 4 Russett Lane. I'm a 45 plus year passionate tennis player. I represent many adults in the Andover community who can't play at the High School because the courts are simply not playable. We do play in adjoining towns who have renovated their courts: North Reading, Methuen, North Andover. So I urge you to pass this Article. I'm also the father of a former captain of the Boys Tennis Team and my son has asked me to be here tonight to vote for this Article. The kids cannot play on these courts as you've heard. It's a great sport and they deserve better than what we have right now. Thank you. [APPLAUSE]

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

POKRESS: Yes I do. Thank you Madam Moderator. Bob Pokress, Cherrywood Circle. I have not made up my mind on this Article until I hear an answer to the following question. I'd like to direct my question to the proponents of this Article. And just as a piece of context, even though it doesn't affect my family because I became an empty nester before this fee was imposed. I'd like everyone to keep in mind that parents of school aged children are paying up to \$600 a year in bus fees in order for their children-

MODERATOR: Your question please.

POKRESS: I'm just giving a context-

MODERATOR: Your question please, If you have-

POKERESS: My question for the proponent, my question for the proponent, is-

MODERATOR: If you have an opinion you can go to these on either side-

POKRESS: I'd like to pose my question Madam Moderator.

MODERATOR: Go right ahead.

POKRESS: My question for the proponents is would you support charging a fee for all adults, not students, but for all adults who wish to use the Town tennis courts as a way to further offset the cost of repaving the tennis courts.

MODERATOR: If you would like to answer the question go right ahead.

FRYKENBERT: Brian Frykenberg, 5 Appletree Lane. I'm really not sure the questions are, I'm not sure logically how to relate those questions.

POKRESS: It's a very simple question just like people pay fees to participate, would you support a Town fee for adults to use the tennis courts? No fees for children or students, just for adults who wish to use the tennis court as a way to offset some of the Town expense to repave it. Given that we pay fees for our students to participate in extracurricular activities.

A very short answer to that is that these are public courts. There are different kinds of use of public courts, if it were something like a clinic then I think that the Town would be entirely in line, it's up to the Town of course, not me to charge a fee, but for anyone-

POKRESS: Then I'd like to redirect my question to the Selectmen would they support a fee structure for adults to use the tennis courts.

MODERATOR: Sir, you are going to redirect your question to me.

POKRESS: Madam Moderator would the Selectmen please comment on whether they would support a fee for the adults to use the tennis courts? To offset the costs.

MODERATOR: Thank you, sir. Would one of the Selectmen like to answer that question? Thank you.

MAJOR: Sure, I will. I cannot speak for the whole Board but I can say that I would not support the notion of charging a fee to the adults who want to use the courts. [APPLAUSE]

MODERATOR: Thank you very much. Right here.

LIVINGSTONE: Hi, I'm Suzanna Livingstone I live on Lovejoy. Am I allowed to have an opinion here?

MODERATOR: I'm sorry.

LIVINGSTONE: Can I have an opinion on this microphone?

MODERATOR: Go right ahead.

LIVINGSTONE: Okay. I would like to say but you said you wouldn't support charging adults but you support charging kids for extracurricular activities and the bus fee so I just so that's an opinion. Anyway, my-

MAJOR: I've never voted for that.

MODERATOR: Go right ahead, ma'am.

LIVINGSTONE: \$400,000 is a lot of money and I think it's amazing that they come up with \$40,000 and I am, I support those efforts. However, there is still \$400,000 that we will have to foot. Yesterday lady over there in the Finance Committee upon somebody's objection said that it's like a mortgage. Town will borrow or tax, you know whatever it is, and pay it off like we pay mortgages. I, I couldn't sleep, and I thought about it all night and what I, this is my first Meeting, first time speaking, yesterday was my first time here. And what happens here is pretty amazing to me because all these financial decisions are made by people who you know just a few, most of the Town isn't really here and somebody here said you know how taxes went up that's what we're paying, we're paying this in taxes. We own house in Andover for 13 years now. When we bought it it was \$3400 taxes now it's 47. I don't know how much farther we can go. Somebody earlier said that economic is slowly recovering. Not for my industry. I am on top of my career. I command a high salary. I took a \$10,000 cut last year, not because I wanted, not because my boss wanted, but because we simply had less clients because those people as they lose insurance they don't choose to spend money where I work. So you know I'm frustrated to see that the Finance Committee only has two members who mind that agreement was not kept on the special committee. Agreement is an agreement and if we cannot keep, if we do not invalidate the agreement than what good is the agreement to make a next one agreement. Agreement is for what, be broken. I am happy to see that two people voted this

even though I support youth and seniors together. I think that's a fantastic idea. But I oppose financial

MODERATOR: We're not talking about those Articles anymore—

LIVINGSTONE: I know but I'm just saying—

MODERATOR: Your time is up. So if you'd like to do a ten second summary go right ahead.

LIVINGSTONE: Well I, I oppose the \$400,000 for this because it doesn't seem like a priority. The outside works \$2 and a half million we approved yesterday for outside work and it didn't include the tennis courts which is where the students practice. So I think this is not a priority.

MODERATOR: Thank you. Yes.

GARVEN: Hi, My name is Amy Garven, I live on 13 Forbes Lane and I'm an Andover High School senior—

MODERATOR: Welcome to the Meeting.

GARVEN: Thank you. I'm on the Girls Tennis Team and I'm speaking on behalf of all people behind me and all the other people who are on the tennis team here. All though I'm not going to be participating on the team next year 'cause I'm a senior, I do think it's really important that we get this passed and the \$400,000 for the courts because the courts are in awful shape. I mean you saw the pictures like there are tar going through all the courts and the fence is completely dilapidated and the courts are sloped and we have great programs here both boys and girls teams and I can say that speaking from experience that like the court conditions definitely hinder our playing and I think it's not...Just also, as far as representing Andover High School. It's one of the first things you see when you drive in. And let's face it like it's an eyesore. It's been 22 years since we've redone these courts and I think it's really time. I think as far as representing our school for the tennis team when other teams come it's a little embarrassing to show off our courts to them. And it's also not just the High School students that are using the courts like we said it's for the community too. Like before practice and matches we all see people hitting on them and I just think it's really important to get Andover active and encourage people to be active and think that redoing these courts will be a great way to do that.

[APPLAUSE]

MODERATOR: Thank you very much for your comments. Mr. Major you have something you want to say?

MAJOR: Well I was just gonna clarify a couple points. One, it was mentioned about borrowing. We're not borrowing any money for this project. It's, we're taking the money out of free cash or out of our cash reserves. And then the other point is that the \$400,000 that we're appropriating we have to appropriate for the total expenditure. So we will actually pull out of free cash the \$400 less the amount that we get in donations. So the \$40,000 that we get from the Tennis Association as well as the donations that we get for materials. So we will actually pull out of our cash reserves less than the \$400,000.

MODERATOR: Are we getting close to being ready for a vote? Okay one more question and then we'll have a vote. Go ahead.

ROBIUX: Lynn Robiux, 21 Brundrett Avenue. I'm a graduate of Andover High School. I won't tell you what year it was. But I'm not a great tennis player but had a lot of fun on the tennis courts when I was at Andover High and I do believe the maintenance of the courts should be kept up and so it is wonderful. So I do agree with this proposal but my question is, I thought I had heard at one meeting that I attended that if there's a possibility, were there people skateboarding on these tennis courts? Is that happened? And if that is true, is there way to protect the courts after they are all renovated and keep skateboarders off? Or was I just misunderstanding, 'cause I may have heard wrong. I'm just concerned about making sure that the tennis court stays really well kept up once they're repaired.

MODERATOR: Any issue on that?

STAPCZYNSKI: Well. Not to our knowledge about the skateboarding there. We do have a skate park across the way that was built on former tennis courts at the West Middle School. So as far as I know there is no skateboarding there. Now do kids slip in and skateboard, they may. But that's not allowed.

ROBIUX: Okay thank you.

MODERATOR: Are you ready to vote. All those in favor of closing discussion please raise one hand. Thank you. Those opposed. Thank you. Before we take a vote I do want to thank the members of our High School student group for coming

tonight and participating in our Town Meeting. I appreciate your presence, all of you. Thank you. [APPLAUSE] All right. All those in favor of Article 32 please raise one hand. Thank you. Those opposed. The ayes clearly have it by far more than a majority. Motion carried. Article 33. Mr. Vispoli. Can you just move the Article please.

VISPOLI: Yes, Madam Moderator. I move, I move Article 33 land acquisition as printed 145, 141 Chandler Road.

MODERATOR: Article 33 has been moved and seconded. Are you speaking to the Article? Go ahead.

VISPOLI: Article 33 provides funding for the acquisition of 11.5 acres of privately owned land adjacent to the Ledge Road Landfill located at 141 Chandler Road. The land is divided into parcels. Parcel A is approximately 9.0 acres and is located at the south side of the landfill. Parcel B is approximately 2.5 acres and is on the west side of the landfill. The Town has done extensive testing on and around the Ledge Road Landfill. As a result of the testing it has been determined that both of these privately owned parcels have been impacted by the adjacent landfill in several ways. Either waste was placed on these parcels or runoff from the landfill has drained into and contaminated the parcels. The acquisition of these 11.5 acres is needed in order to do a complete cleanup of the contamination. The Town has obtained an appraisal and has been in discussions with the owners of the parcel. And the appraised sum of \$725,000 has been agreed upon subject to the Town Meeting authorization. In addition to, in addition the sum of \$50,000 is recommend for closing costs, fencing, etc. And the Board of Selectmen recommends approval for this Article.

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

KRUSE: The Finance Committee—can we have the mic on here? The Finance Committee recommends approval. The Town is responsible for the contamination on the property and so acquiring the property is a necessary step in the cleanup process.

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

DUFF: The Planning Board recommends approval but will leave the financial consideration up to the Board of Selectmen and to the Finance Committee.

MODERATOR: Thank you. Are there any comments to this? Yes sir, questions?

GOLD: Yes. Matt Gold, 5 Possum Hollow Road. I'm just curious why we have, I have not problem with the idea that perhaps we feel obligated to clean up the area and that's feasible, but I don't understand why we are obligated to actually buy the property unless we're gonna use it for something. So it's a two part question. Number one is is there some legal restraint against us offering to help clean up these properties without buying it? Number one. Number two is once we clean it up what's it going to be used for?

STAPCZYNSKI: Madam Moderator I can answer that. The, I'll answer the use question second. The reason we are buying these properties is because our consultant has advised us that the cleanup we will be doing would be more expensive if we had to go on Mr. Park's property that he owns. Therefore it's less expensive if we buy it and clean it up after we own it. So it was our best interest to buy the property prior to the cleanup. That's the answer to your first question. The second question is our long-term plan once we get our final DEP approvals in place, and the acquisition of these two parcels are part of that cleanup plan, is to use the front part of the parcel, the front part of the...the ball field now for a solar array. It's the perfect site for a solar array. And if you look on page 81, page 81 doesn't reflect it but we've had maps, perhaps they can put up a map, you'll see high tension wires transecting Mr. Park's property. Besides now trees on the site it makes with the transmission lines there an ideal site for a solar farm. So we'd have a solar farm on some of the property and then on the back side we would have a place to put trees that come down in the winter time, that kind of thing, until we grind it up. But most of the property that we're buying is we. And we cannot build on that.

GOLD: Sounds great. Follow up question. Although I assume that it would be nice to clean up these places are we legally enjoined to do so or is it just a good idea?

STAPCZYNSKI: No. We are legally required. We were legally required to close the landfill and they did that in the early '70's.

MODERATOR: Yes, sir.

MARSHALL: Bob Marshall 4 Samos Lane.

MODERATOR: Thank you.

MARSHALL: I'm intrigued by this Article and the wording in it. In the book here it says here that it's been recommended by Camp, Dresser and McGee back in 2010 that to acquire such land by gift, purchase, or eminent domain for municipal purposes. I just wanted, is it also, could we also acquire those properties by eminent domain?

MODERATOR: Go right ahead sir.

URBELIS: No that's standard language...[BREAK IN TAPE]

URBELIS: ...what we'll do is we'll get a deed from the owner but also what we do is kind of belt and suspenders is we will also have an eminent domain taking to clear any title issues.

MARSHALL: The second question I have is concerning the area adjacent to the two properties that we want to acquire. Has our testing done, checked out that area too? To make, do we have a clean bill of health on the area around those. I'm looking at a...

MODERATOR: Somebody know the answer to that question?

STAPCZYNSKI: On Mr. Park's property?

MARSHALL: The two parts that we're contemplating on purchasing.

STAPCZYNSKI: We have done testing on parcels A and B. I don't want to comment on Mr. Park's property which is directly to the, to the left of that.

MARSHALL: Is there a possibility that a contamination exists there too?

STAPCZYNSKI: I want to say a slim possibility. I don't know. I don't have those test results with me; we're buying the land that was recommended to buy by our consultants.

MODERATOR: All set?

MARSHALL: The other question, the last one I have is the contamination also arsenic?

STAPCZYNSKI: Arsenic is one of the contaminants yes.

MARSHALL: And we do realize that arsenic was an ingredient in, in fertilizing for many, many years. And that was a farmland up there.

STAPCZYNSKI: We've learned a lot about arsenic, Mr. Marshall, and it was in pesticides, herbicides, for years, and years.

MARSHALL: Okay thank you very much.

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

WHEDON: Brad Whedon, Summer Street. Let me get this clear. We're buying A and B. Mr. Park also owns more land. Will buying parcels A and B eliminate the Town's exposure with respect to the remainder of Mr. Park's land?

STAPCZYNSKI: Defer that to Mr. Urbelis and the agreement they would have with him, Tom if you care to comment on that, please.

URBELIS: Don't know. I don't know if testing's been done on the other land. What we do have test results from what are consultants have done on this land. So they did recommend that buy this.

WHEDON: Will there be language in the agreement with Mr. Park or his attorney that eliminates our exposure?

URBELIS:... to?

WHEDON: With respect to the remainder of his--what I'm getting at is--

URBELIS: To the respect to the remainder of his land?

WHEDON: Right.

URBELIS: No.

WHEDON: Okay. So, we could be back here again next year buying more land if it's found to be contaminated. Correct?

URBELIS: That's possible.

WHEDON: Okay thank you.

MODERATOR: Okay let's go for a vote. This requires a two-thirds vote. All those in favor of Article 33 please raise one hand. Thank you. Those opposed. The ayes clearly have it by more than a two-thirds. Does anyone challenge that declaration? If not I would declare it as far more than a two-thirds vote. Thank you. Article 34. Mrs. Lyman.

LYMAN: Thank you, I move to withdraw Article 34 from the Warrant.

MODERATOR: Article 34 has been moved to be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Article 35. Mr. Salafia.

SALAFIA: Yes Madam Moderator I move that \$130,000 is appropriated from free cash for the purpose of paying costs of a comprehensive school space needs study and for the payment of all other costs incidental and related thereto.

MODERATOR: Thank you. Article 35 has been moved and seconded. Dr. McGrath.

MCGRATH: Good evening. Overcrowding in Andover High School's a major concern for us. The high school was designed and built for 1,600 students and currently it holds 1,815 students. Analyzing future space reconfigurations and design options requires the services of architects and engineers. The slide that's before you had it's a three-fold project. The first bullet [INAUDIBLE] is for the High School. The scope of the High School space study will include an evaluation of both short and long-term space needs at Andover High School with the outcome of providing recommendations and conceptual designs for additional classrooms to existing areas such as mainly, perhaps the main foyer, the cafeteria, courtyard, the field, behind the field house or behind the Collins Center. The redesign of the current library footprint into a more flexible space utilization to support current and future learning approaches and seating capacity in the cafeteria and a third meal line to meet our enrollment needs. The second bullet pertains to the early childhood center part of the study which will review the useful life and functionality of Shawsheen as an early childhood education center and will include an assessment of the expandability of Sandborn School for the purpose with recommended options and cost estimates for a building committee to be established in

the future to evaluate. And thirdly, using FY13 data the elementary population following the opening of the new Bancroft School next year will be at 100% capacity. The current Shawsheen School is in need of immediate repair and some of these repairs are quite extensive. From a strategic facilities planning point of view the Shawsheen needs to be evaluated to determine if the building can meet both the accessibility and the educational needs, space needs for pre-kindergarten student population on the existing campus or to relocate the entire population. Thank you for your consideration of this Article this evening.

MODERATOR: Thank you. You have something you want to say? Go right ahead.

COLBY-CLEMENTS: School Committee recommends approval of this Article.

MODERATOR: Finance Committee report please.

ODONOGHUE: The Finance Committee recommends approval.

MODERATOR: Okay. Sir?

PERRY: It sounds from the review we've just gotten that we have a study that shows that we need space. I'm not sure that we need another \$130,000 to tell us that we need space. We know that. If you know, if you're gonna architecturally design something then get an architect. If you need space, you already know you need space.

MODERATOR: Okay, sir. Do you have a question?

POKRESS: Yes I do thank you, Madam Moderator. Bob Pokress, Cherrywood Circle. I'd like to ask the following question of either the School Committee or Dr. McGrath and the question is as follows: my understanding that the study is not to determine what the demographics or, or number of projected students will be over the coming years, you already have that information. I understand from one of the tri-board meetings I attend that the study was not to actually perform any engineering studies or architectural design for future space needs where someone would say here's what you need for the High School and you go take it out to bid right now. I speak now as a former School Committee member myself. What I don't understand is what is going to be performed on this study that existing school administrators cannot do as part of their jobs themselves. What are the deliverables that you are

gonna be requesting, I should say demanding, as part of an expensive consultant study to come in and tell you what you may already know?

MCGRATH: They will be for the conceptual designs of the High School because we have ideas in terms of how spaces currently in the building might be either reutilized, repurposed such as the foyer that's a grand space there. Also, out in the courtyard in terms in front of the cafeteria that is there's a possibility to push the building out so that we can get two more floors of classrooms. So that would require architects and engineers and that is something that Paul Semansky and myself neither one of us have architectural or engineering expertise in that area. For the Shawsheen it's the viability of that particular building. It's kind of built on one, two and a half, and two floors. Can we continue to keep it pre-k population in that school because of the accessibility needs and also the extensive repairs that are eligible for Mass School Building Authority reimbursement?

POKRESS: So just to be clear you will be getting engineering designs as deliverables on this project if it's approved.

MCGRATH: That is our intent yes.

POKRESS: Thank you.

MODERATOR: Thank you. Yes ma'am.

CASTAGLIOLA: Diane Castagliola, Belknap Drive in Andover

MODERATOR: Can I have the mic over here please? Pro mic. Number two. Go ahead.

CASTAGLIOLA: Hello. Oops there you go. Diane Castagliola, Belknap Drive. I just wanted to voice support for this Article. I think that it's prudent; it is responsible. We are always looking to make sure that when we go forward with things like this, and we've heard that we need to have oversight, we need to have transparency, and I think that by getting a professional opinion about how we need to move forward on some very serious situations. I've been a parent at the High School; I'm an employee at the High School. I have seen the population go from 1300 to 1800 in a short period of time and I think it's the right responsible thing we do before we embark on any sort of a building project which will cost us a lot more money. So I urge you to support this Article.

MODERATOR: Thank you. Do you have a question?

UNIDENTIFIED SPEAKER: I do.

MODERATOR: Go ahead.

UNIDENTIFIED SPEAKER: I actually support the need for long-term planning as it relates to school facilities. And in fact my question has to do with the limited scope of this particular study. It seems to be focused only on Shawsheen and the High School and I feel that it will preclude potentially, and would like to know if it precludes, looking at middle school space; whether we should have two or three middle schools; what the long-term plans for our school facilities should be? Things like sale of the Shawsheen property, you know, bigger scope.

MCGRATH: It does not include looking at the middle schools. At this point in time we do have sufficient space there. But it does in the third bullet look at the expandability of elementary space due to that 100% capacity that we will reach when the new Bancroft School is open. Also, I'd just like to remind people that this not a borrowing article it is a free cash article.

MODERATOR: Thank you. Yes, sir. After you we'll go ahead and take a vote. Go ahead.

GOLD: Matt Gold [?], Possum Hollow Road. I'm obviously in favor of improving; making feasibility studies, but it would seem to me that we have a resource in this Town of a number of architects and planners. And I wonder with all the good will towards the youth center, the elder center, whether the feasibility part and the gross idea part which this seems to cover, not the architectural part, could be done by volunteerism? And also, of course as has been said before, about the good offices of our officers, obviously the School Committee is not expected to have the technical expertise but we do have expertise in this Town. And I would reiterate what was said that, I think we should be paying for the architectural reality as an ongoing project and not, not spending it for ideas.

COLBY-CLEMENTS: I guess my response to that would be this: study will be done through Plant and Facilities and if there's anybody, if you know of anybody that wishes some of their time, they should contact Ed Ataide.

MODERATOR: All right are you ready to vote? All those in favor of Article 35 please raise one hand. Thank you. Those opposed. The ayes clearly have it; the motion carries. Right about now I would think somebody would have put an Article in to this Town Meeting for better chairs. [LAUGHTER] I would think. I would like to go—I know really someone wants to make that, no—I would love to get to Article 40. I don't think we will but I'd like to do a couple more at least until 10:30 if we can because our hope would be to finish tomorrow night. So if you can bear with me a little bit longer. Article 26, please, Mr. Salafia.

SALAFIA: Madam Moderator, I move that \$900,000 is appropriated for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to the, 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 the, under and pursuant to Chapter 44, Section 7(3A) of the General Laws or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

MODERATOR: Article 36 has been moved and seconded. The Selectmen's report please.

SALAFIA: Board of Selectmen recommends approval.

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

ODONOGHUE: This Article addresses ongoing repairs and maintenance for various school buildings and property. The funding was originally requested at \$1 million but was reduced to \$500,000 during the budget process. The Finance Committee originally approved the Article in the amount of \$500,000. In recent weeks it has come to our attention that the cost of the West Middle School heating system is approximately \$400,000 more than the request in the upcoming Article 38. This heating system has to be replaced as soon as possible. In order to insure the funding for it it is recommend that Article 36 be increased by \$400,000. Because the Article is printed in the Warrant in the amount of \$1 million, Town Meeting has the ability to appropriate up to that amount thereby allowing us to increase the previously recommended \$500,000 to \$900,000. Financial impact would have

the Town borrow \$900,000 to be repaid over 20 years. The Finance Committee recommends approval.

MODERATOR: Thank you. School Committee report please.

COLBY-CLEMENTS: Thank you, Madam Moderator. School Committee recommends approval.

MODERATOR: Thank you. 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 by clearly more than a two-thirds vote. Does anyone challenge that? If not then I would declare it as such. Article 37. Mr. Kowalski.

KOWALSKI: Madam Moderator. I move to approve Article 37 as printed in the Warrant.

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

KOWALSKI: The Board of Selectmen recommends approval of this Article. This program is an extension of the Town's historical four-year purchase cycle for administrative PCs. It is an extension to all school administration and all teaching personnel. Employee devices are the single most critical element to employee productivity for all of our knowledge workers. Machines that have inadequate performance or which are unable to run contemporary software dramatically reduce employee productivity and compromise the learning experience. As we deepen our commitment to the digital classroom initiative the quality of computing devices available to teaching personnel is crucial to creating and delivering high-quality curriculum. It is possible to move from leasing to outright purchase with little impact on the project economics either way should be noted.

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

MERRITT: The Finance Committee, the Finance Committee recommends approval.

MODERATOR: Thank you. And School Committee, please.

COLBY-CLEMENTS: School Committee recommends approval.

MODERATOR: Any—do you have a question, ma'am? Go right ahead.

GIFUN: Jane Gifun, Castle Heights Road. Are we talking about leasing or selling—buying this? One place says leasing, one says, place it says purchasing. I'm confused.

STAPCZYNSKI: We're talking about leasing computers ma'am.

GIFUN: Why not buy them?

STAPCZYNSKI: I think the economics of, of leasing works more to our advantage over time.

GIFUN: But in the gray area it says about four year purchase.

STAPCZYNSKI: Correct. Our CEO Paul Puzanghera's here. Perhaps he can address the question better.

MODERATOR: If he can do that quickly. Can you just do a quick summary please, Paul?

PUZZANGHERA: I can't speak to the discrepancy but the plan here is to move forward with leasing. We're trying to get on a standard four-year refresh cycle for up to 100 PCs for all out administrative personnel, 100 PCs for all of our teachers that would be replaced every four years to keep the machines contemporary, with contemporary operating systems, and functioning in a way that can deliver value for the professionals in our environment and to let teachers who have to teach our kids. Right now we've let our fleet age. The average age of the teacher fleet is seven to eight years. And we're trying to eliminate all of that and eliminate our lack of investment historically and get us on a standard operating and refresh cycle.

MODERATOR: Sir, do you have a question?

MARSHALL: Yes I do.

MODERATOR: GO right ahead.

MARSHALL: Bob Marshall, Samos Lane. Question number one is: you indicate leasing now is the preferred direction to go, how long is this lease gonna be for? And are these units different? Or are they all, are they all, are they all the same?

PUZZANGHERA: The leasing period for all Town and School PCs will be four years. The PCs for the administrative personnel

will remain Windows based machines, the School District, for the teachers will be all Apple / Macintoshes.

MARSHALL: And these units will talk to each other?

PUZZANGHERA: They will indeed.

MARSHALL: And they currently will talk to each other not some future date?

PUZZANGHERA: So they don't today because we don't have any but they will.

MARSHALL: They will. How many units are you ordering on the lease?

PUZZANGHERA: We've ordered 200 for the teachers. We will order another 200 next year which will complete the refresh for all teachers. And we order 100 per year for keeping all administrative personnel up to speed.

MARSHALL: The additional costs: Is some software being involved in adding new software to these packages? To hardware?

PUZZANGHERA: Indeed this Article only covers the hardware, the operating systems and core Microsoft Office. It does not include any application software.

MARSHALL: Do you have an estimate of what the application costs will be once these---

PUZZANGHERA: I do not. They vary widely across usage; each department has a different image profile and the application costs are borne by the individual departments not by IT.

MARSHALL: When are we expecting to take delivery of these units?

PUZZANGHERA: So, we've already taken delivery and delivered in FY13 100 new administrative PCs, 200 new Macintoshes. We would take delivery of the next [INAUDIBLE] in July or August.

MARSHALL: Thank you very much.

MODERATOR: Thank you, sir. All in favor of Article 37 please raise one hand. Thank you. Those opposed. The ayes have it.

The motion carries. Are you ready to go on a little bit more? Can you hang on another five minutes? It's getting harder and harder to get that hand up isn't it, I can tell, I can see that. Let's do one more if you wouldn't mind. Article 38. Mr. Vispoli.

VISOPOLI: Yes, Madam Moderator. I move that \$1.25 million is appropriated for the purpose of paying costs of upgrades to the West Middle School heating and ventilation system and for the payment of all other costs incidental and related thereto, and to authorize Selectmen to accept all gifts and grants related thereto, and that to meet this appropriation the Treasurer with 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. The Selectmen recommend--

MODERATOR: Article 38 has been moved and seconded. The Selectmen's report please.

VISPOLI: Selectmen recommends approval.

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

ODONOGHUE: Finance Committee recommends approval.

MODERATOR: And the School Committee report please.

COLBY-CLEMENTS: School Committee recommends approval.

MODERATOR: How you doin' John?

PASQUALE: I'm wide awake.

MODERATOR: There you go. Go right ahead. Could you identify yourself for the record?

PASQUALE: John Pasquale, 47B Whittier Street. I almost fell asleep over there but then I woke up and said I just thought I heard somebody in the Finance Committee say we got to put \$400,000 against this because cost of it's coming in more than 1 point 25.

MODERATOR: But what you missed was--no I'm only kidding.

ODONOGHUE: Let me explain. Mr. Pasquale.

MODERATOR: Go ahead.

PASQUALE: ---did I hear something correct?

MODERATOR: Let Mrs. O'Donoghue explain.

PASQUALE: Thank you Miss O'Donoghue.

ODONOGHUE: No problem. So last year, the total cost of this Article is actually \$2 million.

PASQUALE: Oh, great. [LAUGHTER]

ODONOGHUE: So let me give you the story.

PASQUALE: I wasn't asleep.

ODONOGHUE: Last year Town Meeting appropriated \$530,000 to fund the design and repair of this system. It is now evident however that the system is beyond repair and needs complete replacement. The projected cost to replace the system based on two recent engineering firm bids is \$2 million. Article 38 requests \$1.25 million for this project. The Town has \$225,000 remaining from last year's appropriation and Town Meeting, all of you, just voted an additional \$500,000 in Article 36 to complete the funding for this project. So there's your \$2 million.

PASQUALE: Thank you very much. I thought it was a shell game. I was wondering how we're gonna pay-

ODONOGHUE: No not at all.

MODERATOR: Never here, sir. All those in favor-you have another question, sir?

PASQUALE: I'd like to move that we adjourn after this.

MODERATOR: Well I need to get a vote on this Article. All those in favor of Article 38; it's a two-thirds vote, please raise one hand. Thank you. Those opposed. The ayes have it by far more than a two-thirds vote. Does anyone challenge my declaration? I declare it as a two-thirds vote. You ready to call it a night? All right. Mr. Urbelis.

URBELIS: Mr. Moderator, Madam Moderator, at the request of Mr. Pasquale I move that this Town Meeting be adjourned to tomorrow night, same time, same place.

MODERATOR: All those in favor please say yes.

FROM THE FLOOR: Yes.

MODERATOR: Those opposed? Thank you very much we'll see you here tomorrow night at seven. Please drink coffee before you come so that we can finish the meeting tomorrow night. Thank you very much.

Wednesday, May 8, 2013

MODERATOR: The hour of 7 pm having arrived it is my distinct honor to reconvene the 2013 Town of Andover Annual Town Meeting. I would like to tell you again please that the back rows, the fan in the back voting section are being closed this evening. So if we do need to take standing counts we can expedite that process. If we have more people coming in which hopefully we will as the Meeting starts I certainly would be happy to open those sections. Okay. You have some mics on folks. The admission of non-voters please. Mr. Urbelis.

URBELIS: Madam Moderator I move to admit Lawrence Murphy, Rodney Smith, Steve Bucuzzo and other non-voters who may enter hereafter some of whom may be speaking.

MODERATOR: All those in favor of admitting non-voters please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. If there are any non-voters to be admitted now other than Town staff and employees they would be admitted to the back of the hall. I'd ask you please to put your phones on silent. I would ask members of the stage on, all the way across, if you could please put your phones in your purse, in your pocket, in your wallet wherever. And those of you who love to text people during the Meeting if you would refrain from texting on stage I would appreciate that. The voting sections of the hall tonight are section 1, 2, 3, 4, 5, 6, 7, 8. It would appear we will be more than fine with eight sections tonight. If that's not the case certainly we will open more sections. Participants on the stage. To my right, 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, and the Town Clerk. Those of you who don't know my name is Sheila Doherty I am very privileged to be the Moderator of this Meeting. We do not have tonight an Ombudsman. Is that correct? So if, there are forms over on the Ombudsman's table. If you would like to amend an Article feel free to take one, write out your amendment and we will do everything we can to help you with the wording if you need that. In

order to be counted in a vote you must be at a seat or sitting in a seat depending on whether it's a standing or a hand vote. If you along the back hall or on the sides you will not be voted, I mean you will not be counted. We have a pro mic, over here to my left, your right. We have a con mic over here. I'm going to have a very, very strict use of the center mic tonight. It will be for questions only. It will not be for comments, statements, editorial opinions, it will be for specific questions. If you have one, absolutely, get up and use it. If you do not you must go to the pro and con- I'm not trying to tell you you can't talk. I'm just trying to tell you you can't use that mic to do it, to give an opinion. Also there was a couple of requests in the course of this meeting and I'd like to make a change in how we will respond to it. There were a couple of requests to ask of the elected Boards and the appointed Boards for minority opinions and I'm not going to allow that to go through. If a Board is giving their report to the Town Meeting if there were people who voted against the recommendation of the majority of the committee they certainly are free to go to either one of the mics and explain their position. And that's how we'll handle that. Most of what we will be discussing will be up on the screen. If you are looking at your finance book and there are figures that are different on the screen, what is being moved is what we're voting on, is what's on the screen. Again the Finance Committee Report before all the i's were dotted and the t's were crossed. So the actual numbers or figures or Articles will be up on the screen, that we will be talking about. There is a time limit that we have for speakers, five minutes for presenters, three minutes for anyone who wants to comment at the pro or the con mic. And again I would just remind everyone about the tone and civility of respect. And I will not allow character assassination or questioning of motives of any member of our Town nor will I of you. So let's get rolling. My intention tonight because it was in the paper. Is that we will finish tonight. In three nights. That is my hope. I would like, I'm going to try to keep a very tight rein on discussion. You will only be able to discuss the Article in front of us. No other issue. The Article in front of us. And hopefully with your, with your indulgence we will be able to get through the Meeting tonight. If we don't we will finish the Meeting on Monday night the 13th in the Doherty School auditorium. That's the only venue that we had available to us to use. So, it's my hope that we will get finished. So let's get rolling. Article 39, please. Mr. Salafia.

SALAFIA: Madam Moderator, I move to approve Article 39 as printed in the Warrant.

MODERATOR: Article 39 has been moved and seconded. Are you going to speak to it? Who's speaking to this Article?

SALAFIA: I think Brain Pattullo is supposed to speak to it.

MODERATOR: Chief. As he approaches the mic this may well be, well be the last meeting that Chief Pattullo will be attending as our Chief of Police. Not because it's your last meeting but in appreciation. [APPLAUSE]

PATTULLO: Thank you.

MODERATOR: Go right ahead sir.

PATTULLO: Thank you Madam Moderator. Article 39 is a continuation of our parking maintenance program. We're been replacing our individual parking meters with the pay and display machines downtown. These funds will expand that program into lot 3; lot 3 is the Park Street Village Lot. It's the second lot behind the Old Town Hall. We currently have one machine in there for all day parking. And this would replace the individual meters that are still there with two more or three more pay and display machines.

MODERATOR: Finance Committee report please. Mrs. O'Donohue.

ODONOGHUE: The Finance Committee recommends approval.

MODERATOR: Thank you. Do you have a question to this sir.

PASQUALE: John Pasquale 47B Whittier Street. Chief I hope this is the last time I gonna have to ask you questions too. I'm concerned and I want to ask this question about the parking fee. Now I direct your attention to page 26 Article 4 line item 2.

MODERATOR: Which we've taken up already sir.

PASQUALE: Yes but this is part of what I'd like to discuss.

MODERATOR: No this is where you ask a question to the Chief. I'm really going to hold people tight on this.

PASQUALE: Okay.

MODERATOR: Go right ahead.

PASQUALE: It said there that we spent \$70,000 out of the parking fees. So if we spend \$70,000 out of parking fees, I'm assuming that was all that was in that account. Now we're gonna go and get \$60,000 out of the parking fees, so is this double counting? That's the question.

PATTULLO: No it's not. Actually. On page 26 it's \$200,000 out of parking receipts. They're a direct offset to the Police Department budget; that includes the entire parking program. The entire parking program has to be funded out of parking receipts. So that's where the meter man, the part-timer, all the maintenance for all the equipment that we already have plus an officer, plus the clerk that works on parking. So the \$200,000 is in offset to the Police Department Budget. This is an additional \$60,000 that is in the funds. We have money in the fund but we can only take money out of the fund by appropriation at Town Meeting so there will be extra revenue in that fund even after the \$60,000 is taken out. That future, in the future those monies will be used for replacement of the parking vehicles and any other parking expenses that come up. Any parking monies that are expended have to come out of receipts that go into that fund.

MODERATOR: Thank you, sir. Let me move on to here we'll come back to you if you still have another question.

HOWARD: Catherine Howard, 4 Hazelwood Circle. I'm-

MODERATOR: If you could just step up to the mic a little closer.

HOWARD: I'm opposed to expanding the pay and display parking program. I was, I thought that the voters had opposed the expansion in Shawsheen Village. And I don't know how they suddenly appeared the parking lot behind Old Town Hall. But I do not feel that they are very user friendly. I think that they discourage visitors to our Town because it, not everyone is familiar with how to use them. I think that people that aren't, not necessarily handicapped but have difficulty moving around it's a hardship for them to get back and forth to their cars especially in winter conditions with ice and snow banks and what have you. And the other people that are affected are parents with children. If I recall correctly somewhere around age eight or age twelve you can leave your children in the car once they reach that age but if you have someone that is younger than that you can't leave your

children in your car. So how does a parent supposed to get to the pay and display and purchase their tickets and get back to the car safely in the parking lot with their children? I just don't think that it's very user friendly for a variety of residents.

MODERATOR: Thank you. Yes, sir. Question.

PASQUALE: John Pasquale, 47B Whittier.

MODERATOR: You're still living there, huh?

PASQUALE: It says reduce maintenance costs and increase revenues. We're in business we had to do an ROI, a return on investment, so the question is how much revenue do we get per meter? I mean we're gonna put all these meters in. We've got these nice words that say we're gonna get revenue [INAUDIBLE]. Who's keeping the records of how much we get per meter?

PATTULLO: Well the Town Treasurer keeps the record of exactly what's taken in on a weekly basis, but we average about \$7,000 a week in parking meter receipts. The reason it would say increase revenue is currently if you pull into a metered spot and you put money in that meter when you pull out that meter still retains the time on the meter. With the pay and display system that doesn't happen. However the problem in lot 3 is those meters are some 20 years old and the maintenance costs for those meters that we have to continually remove and send out and repair is an expense for us. The pay and display machines are a plug and play type of machine. If a printer is down or a coin machine is down we have spare parts that we have in the department we can just pull them out, plug it back in and that machine is up and running. Just to address a couple of other issues. Handicapped people do not have to pay for parking, anywhere. They're not required to put money in the meter, not re—they can park in any space with a handicap placard. They don't have to pay for parking.

MODERATOR: Okay can we move on please?

PASQUALE: Is Mr. Catone [SIC] and the lady, the parking, are they paid out of the parking fees or is that a sep—how are they paid?

PATTULLO: They're paid out of the \$200,000 offset that's in the Police Department budget.

PASQUALE: Okay. Thank you.

MODERATOR: Okay Article 39 all those in favor please raise one hand. Thank you. Those opposed. The ayes clearly have it. All those, let's move on to Article 40. Mr. Major please.

MAJOR: Thank you Madam Moderator, I move to transfer the sum of \$6,000 from the Spring Grove Cemetery perpetual care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto.

MODERATOR: Article 40 has been moved and seconded. Mr. Major do you have a Selectmen's report or comment?

MAJOR: Yes. The Board of Selectmen recommends approval. This Warrant Article, again we're taking the money out of, it actually comes from the interest that's in that perpetual care account. And we're gonna spend that money on improving the roadway within the cemetery, some masonry work along the historic wall that's there in the cemetery as well as to support other items in the cemetery master plan.

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

ODONOGHUE: The Finance Committee recommends approval.

MODERATOR: Any comments? All those in favor of Article 40 please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Article 41, please, Mr. Kowalski.

KOWALSKI: Madam Moderator, I move that \$1 million is appropriated for the purpose of paying 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 the land acquisition by conveyance or 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 41 has been moved and seconded. Do you have the report, Mr. Kowalski?

KOWALSKI: I do.

MODERATOR: Thank you.

KOWALSKI: The Board of Selectmen recommends approval of this Article. A significant portion of the Town's water distribution line infrastructure consists of unlined cast iron pipes. Many of these water mains are 75 years old or more and have reduced hydraulic capacity due to mineral deposits that build up on the interior of the pipes. Water enterprise borrowing would be used to replace major lengths of unlined water mains totaling approximately 28,000 linear feet. The replacement of these water mains will help prevent failures, improve capacity, prevent water loss, provide adequate fire protection and improve overall water quality.

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

MERRITT: The Finance Committee, the Finance Committee recommends approval.

MODERATOR: Thank you. Yes sir. Do you have a question?

NAVKA: Yes I do.

MODERATOR: A specific question? Yes, thank you, sir. If you could identify yourself.

NAVKA: Anil Navka, 14 Rock O'Dundee Road. [INAUDIBLE] stupid question is are we going to have any plans for leak detection controls that are [INAUDIBLE] new lines. Can we add those controls in, is it already included? Is that something that's planned? Or [INAUDIBLE]...That's my question.

CRONIN: No. Chris Cronin, Acting Director of Public Works. No we do not put on any automatic leak detection devices on these, on the new water mains we install. However we do have a leak detection survey that we do periodically. These mains, these old cast iron water mains, are very prone to breaking in. You already heard about the mineral deposits that make hydraulic capacity diminished. The mains will be all replaced with dovetail [?] lining, line water mains, eight inch minimum. And they're not prone to leaking but we do periodically survey for leaks.

MODERATOR: Thank you. All those in favor of Article 41 please raise one hand. I need a two-thirds vote. Thank you. Those opposed. The ayes have it by far more than a two-thirds vote. Does anyone challenge that declaration? If not so I will declare it more than a two-thirds vote. Article 42, please. Mr. Major.

MAJOR: Thank you Madam Moderator, I move that \$500,000 is appropriated for the purpose of paying costs of cleaning and lining or replacing water mains and for the payment of all other costs incidental or 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(5) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

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

MAJOR: Yes, the Board of Selectmen recommends approval of this Warrant Article as Selectman Kowalski mentioned we've got some pretty old pipes and our goal is to make sure we protect against catastrophic failures. We want to insure that we maintain good water quality for you folks, that we have solid protection from our, water pressure, for our fire hydrants, for fire protection and to ensure that we prevent water loss because of cracks in the pipes. And that's what this money goes to.

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

MERRITT: The Finance Committee recommends approval.

MODERATOR: All right. All those in favor, it requires a two-thirds vote, of Article 42, please raise one hand. Thank you. Those opposed. The ayes have it by far more than a two-thirds vote. Does anyone challenge that declaration? Seeing none I declare it to be more than a two-thirds vote. Article 43, Mr. Salafia.

SALAFIA: Madam Moderator I move to withdraw Article 43 from the Warrant.

MODERATOR: It's been moved and seconded to withdraw Article 43 all those in favor please raise one hand. Thank you. Those

opposed. The ayes have it the Article is withdrawn. Article 44. Mr. Kowalski.

KOWALSKI: Madam Moderator, I move to transfer the sum of \$50,000 from the Water and Sewer Reserves and appropriate the sum of \$50,000 for the purpose of purchasing water and sewer vehicles.

MODERATOR: Article 44 has been moved and seconded. Please note the amount is different than what is in your Finance Committee Report. Go ahead, Mr. Kowalski.

KOWALSKI: The Board of Selectmen recommends approval. A 2000, a year 2004 crane truck will be replaced with these funds. This crane truck will be an integral piece of equipment that will be used as part of the hydrant infrastructure maintenance program. The existing truck needs service to the engine and crane with an estimated cost of \$18,000 for a truck valued at under \$10,000.

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

MERRITT: The Finance Committee also recommends approval.

MODERATOR: Thank you. Any questions or comments? All those in favor please, a majority vote, of Article 44, please raise one hand. Thank you. Those opposed. The ayes have it; the motion carries. Article 45 please, Mr. Kowalski. This is like your night.

KOWALSKI: I like water. I move to approve Article 45 as printed in the Warrant.

MODERATOR: Article 45 has been moved and seconded. Can we have the Selectmen's report please?

KOWALSKI: We do.

MODERATOR: Thank you.

KOWALSKI: The Board of Selectmen recommends approval of this Article. A significant portion of the Town's water distribution line infrastructure consists of unlined cast iron pipes. Many of these pipes are 75 years old or more and have a reduced hydraulic capacity due to mineral spirits that build up on the interior of the pipes. The water division will conduct this annual improvement program to properly

maintain and upgrade the Town's water distribution infrastructure.

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

MERRITT: The Finance Committee also likes Andover's water and recommends approval.

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

HAUER: I do.

MODERATOR: Go right ahead.

HAUER: Jim Hauer, Hazelwood Circle. Dan by the way I drove here in a 2004 vehicle; it worked fine.

KOWALSKI: I'm sorry?

HAUER: You mentioned the crane truck in the last Article.

KOWALSKI: Yes.

HAUER: 2004. I drove here in a 2004 Buick. It worked fine.

KOWALSKI: I have a 2002.

MODERATOR: Okay, how about with your question.

HAUER: So for three Articles we've heard that the Town water system has a significant portion that's over 75 years old. Do we know what that percentage is?

CRONIN: We have records of that. I don't know that number off the top of my head. I'm sorry.

HAUER: Is it over 50 percent?

CRONIN: No. It's not.

HAUER: Is it over 40 percent?

CRONIN: No.

HAUER: So significant, you define significant as less than 40 percent?

CRONIN: Absolutely. Yeah, sure, sure. Go on sir.

MODERATOR: Any other questions?

HAUER: Yeah one other question.

MODERATOR: Okay go right ahead.

HAUER: And I'm not a government person as you all know. So why wouldn't you combine the last, all the Articles, water main replacement, water distribution maintenance, which seems to say the same thing, and water system flushing, which seems to be maintenance to me, as one Article?

MODERATOR: Do you have an answer for his question?

CRONIN: We break those up because the million dollar Article and the \$50,000 Article are different.

HAUER: How are they different?

CRONIN: Well, we fund them differently. One's and annual appropriation that we ask for and one we ask for as needed, as we use that money up. There's also...

MODERATOR: Any other questions sir?

HAUER: I think he was finishing up.

MODERATOR: Oh, I'm sorry, I'm sorry you paused.

CRONIN: No it's okay. It was a question for somebody else. It wasn't a question for me. Go on. I was commenting on something else.

HAUER: Thank you very much.

MODERATOR: Thank you.

PASQUALE: John Pasquale, 47B Whittier Street. Chris, when I was in industry, chemical plants, rather than rip all the pipes up we used to put the plastic lining in, in situ process. My question is have we considered this in the Town? Or do we have any pipes we put a liner inside?

CRONIN: We do that, and that was the previous Article that we've just approved. That minor maintenance Article.

PASQUALE: Okay. So we are doing that in the Town.

CRONIN: That's correct.

PASQUALE: Thank you.

MODERATOR: Article 45 has been moved and seconded. All those in favor please say, aye. Gotcha. Those opposed. Thank you. The ayes have it; the motion carries. Thank you. Article 46. Mr. Kowalski.

KOWALSKI: Madam Moderator, I move that \$1 million is appropriated for the purpose of paying costs of fire hydrant infrastructure maintenance 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(7C) of the General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

MODERATOR: Article 46 has been moved and seconded. Mr. Kowalski, the Selectmen's report.

KOWALSKI: The Board of Selectmen recommends approval for this Article. This project is the beginning of an ongoing program which will assess, identify, and prioritize fire hydrants in need of replacement, repair and / or maintenance. The project will include the following, but not limited to: replacing hydrants, changing the grade on the hydrants that need to be dug out, adding risers to hydrants that are too low and cannot be dug out, and regular maintenance, including lubrication, pressure testing and painting. Based on random sampling of hydrants it is estimated that 10-12 percent or 250-300 of the Town's hydrants will need to be replaced.

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

FORTIER: Thank you, Madam Moderator. Our fire hydrants are an important capital investment which should be maintained and / or replaced on a regular basis.

MODERATOR: If you can speak into the mic. Thank you.

FORTIER: Recently this has not been the case. As Mr. Kowalski mentioned this project is the beginning of an ongoing program to identify and maintain or replace hydrants most in need of

attention. We feel this is an important public safety initiative and the Finance Committee recommends approval.

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

BROWN: Yes. David Brown, Glenwood Road.

MODERATOR: Wait just a minute; it might be something Mr. Cronin needs to answer. Chris if you can...go ahead, sir.

BRONW: It this million dollar appropriation is the beginning of an ongoing program are we looking at a million dollars in coming years as the program continues or does the startup involve extraordinary costs? What's coming up down the road?

CRONIN: Okay. Quick answer to that is I'm very hopeful the million dollars will almost finish the hydrant program. My estimation is somewhere between \$950 and \$1.3 million. We have just passed two Articles that will be replacing some of those old hydrants. We also have a continuing program where we replace approximately 25 hydrants a year out of our budget as well as any that get hit by vehicles and covered by insurance. Now we have spent an awful lot of time and an awful a lot of money and we have a fantastic water treatment plant. We need to spend some time and some money updating our distribution system. The water treatment plant will put our 17 million gallons of water a day. Our distribution system will only accept 13 million gallons of water a day. And in July we're using every drop of that 13 million. We have concerns with the water mains, we have concerns with the hydrants, and the Fire Department has concerns with the hydrants and we're trying to get our infrastructure up to you folks.

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

HAUER: I do. Jim Hauer, Hazelwood Circle. I only had two questions when I came up but now, based on what you've said, Chris, I have three. How many hydrants do we have in the Town?

CRONIN: About 2500.

HAUER: And how much does it cost per hydrant to replace 'em?

CRONIN: We're estimating, depending on the hydrant, if you go right down to the shoe and back to the main and you need to buy a new valve for that..

HAUER: I'm okay with an average.

CRONIN: \$3,500, \$4,000.

HAUER: And my last question, based on what you just said earlier, you said we passed two Articles that will also fund replacing hydrants?

CRONIN: Well, for any water mains that we're replacing, so the two previous Articles that you passed--

HAUER: Right.

CRONIN: --we put hydrants; we put brand new hydrants at every 500 feet. That's the design that we use. So if we're replacing you know, 4,000 feet of water mains than we're replacing 8 hydrants.

HAUER: So we have those hydrant replacements in addition to the 250 or 300 you estimate here?

CRONIN: I'm not sure what your question--

HAUER: We have those new hydrants, I want to understand your question--your statement. So in addition to the 250 or 300 we also had the hydrants that we replace--

CRONIN: Yes. If we have 300 hydrants to replace and we're replacing 8 hydrants on one of these water mains we're replacing then we would have 292 to replace.

HAUER: Okay. Thank you.

MODERATOR: Yes, sir.

UNIDENTIFIED SPEAKER: Point of clarification. The, we refer to laws, are these laws of the Town of Andover or the State Laws of the Commonwealth?

CRONIN: I didn't refer to a law? I didn't refer to a law? Our design criteria---

UNIDENTIFIED SPEAKER: No, no, no--

MODERATOR: He's talking about Chapter 44.

UNIDENTIFIED SPEAKER: Forget about the speaker. Just in general, talk the attorney, are the laws of the Town of

Andover or the Commonwealth of Massachusetts that you refer to?

MODERATOR: When you're asking laws are you referring to Chapter 44, Section 8?

UNIDENTIFIED SPEAKER: Yes.

URBELIS: That's a State Law.

MODERATOR: Mass General Law. Article 46 requires a two-thirds vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it by far more than a two-thirds majority, or a two-thirds vote. I would declare it as such. Does anyone challenge that declaration? Thank you. I would declare it as more than a two-thirds vote.

CRONIN: Thank you.

MODERATOR: Thank you, sir. Article 47 please. Mr. Gibson?

GIBSON: Thank you, Madam Moderator. I am Craig Gibson—

MODERATOR: Greg I need you to, if you would please, move the Article.

GIBSON: Oh, I move to approve Article 47 as printed in the Warrant.

MODERATOR: Article 47 has been moved and seconded. Go right ahead, sir.

GIBSON: As I was saying I'm Craig Gibson, 17 Brookfield Road, and Chair of the Design Review Board. Can I have the slide please? Over the past several years the DRB has reviewed a number of signage applications for awning valance signage. And we've come to the conclusion that the current By-law is too restrictive. On the left is Irresistibles. The awning signage is three inches high. This currently conforms to the By-law. On the right is Starbucks; the awning signage is six inches high which currently does not conform to the By-law. Our proposal would change the By-law so that six inch high awning signage is allowed. Thank you.

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

SALAFIA: Yes Madam Moderator. The Board of Selectmen recommends approval of this Article. In reviewing signage applications over the past few years the Design Review Board has concluded that the current By-law provisions regarding awning valance signage are too restrictive. The current By-law allows for exempt variance signage to be up to three inches in height and non-exempt signage to be a maximum of four and a half inches in height. The Design Review Board proposes to increase the exempt valance signage to six inches in height also to ensure the larger signage does not overwhelm the valance itself the DRB proposes to require that the height of the valance signage not exceed 75% of the height of the valance. Well, as he showed you the references on the Irresistibles, Starbucks, and Orange Leaf as examples.

MODERATOR: Thank you. Planning Board report please Mr. Bergeron. Is he ready? Is somebody... Mic down here. Is the mic turned on? Thank you.

BERGERON: Thank you Madam Moderator. The Planning Board recommended approval of this Article.

MODERATOR: Thank you. Any questions or comments? 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. Is there anyone who would challenge that declaration? Thank you. Then I declare it to be in excess of a two-thirds vote. Article 48 please, Mrs. Lyman.

LYMAN: Thank you, Madam Moderator I move to appropriate and raise by taxation the sum of \$18,000 to develop a parking management action plan for downtown Andover.

MODERATOR: Article 48 has been moved and seconded. Are you speaking to that, sir? Come right up.

VAILL: My name is Tim Vaill, I live at 9 Bancroft Road next to the beautiful Bancroft School. The topic of parking is germane to everybody in Andover. I'd be willing to bet that virtually everybody in this room has parked their car in or near the downtown business district in the last week or two. Thus we all share this highly valued resource and want it to be the best. The purpose of this study is to determine the effectiveness and the efficiency of the current system of parking in downtown Andover. We have not looked at this question for over 20 years and things have changed: people have changed; stores, volumes, traffic patterns, technology

solutions. It's not a data collection effort. Indeed we'll use the previously collected data supplemented by some work done by the Planning staff on the street. We're working side by side with the Police Department and we'll come up with a joint solution at the end of the study. Some of you might say that our current parking system works quite well. Don't fix something that's not broken. Well if we arrive at that conclusion, which we may, then we'll move forward as is. But at least we will have intelligently analyzed it. The hope for this study is to answer these questions: Assuming moderate growth do we have enough parking in downtown Andover for the foreseeable future? Are we taking advantage of our current capacity? Do we have enough convenient parking for downtown Andover and is it fairly priced? Are we using the latest technology to make parking easy to aid our citizens? Is the parking enforcement fair, effective, and equitable for residents, employees, and out-of-town visitors? And what are the best long-range parking solutions from an economic development stand point as our planning for downtown continues? In summary parking is a valuable component of working, living, and shopping in the Town. And this study will enhance our understanding of the key issues and help us identify the right actions to take. The Board of Selectmen, the Finance Committee, the Planning Board and the Andover Business Community Association all support this Article and we respectfully ask for your support as well.

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

LYMAN: The Board of Selectmen recommend approval.

MODERATOR: Thank you. The Planning Board please. Mr. Doherty.

DOHERTY: Thank you, Madam Moderator.

MODERATOR: You're welcome, sir.

DOHERTY: Planning Board recommends approval.

MODERATOR: Thank you. And Mrs. Moffitt, the Finance Committee report.

MOFFITT: Finance Committee recommends approval.

MODERATOR: Thank you. We'll just go right through over here. Yes, sir?

LEEDS: Steven Leeds, William Street, Andover and Royal Jewelers on Main Street. The downtown in any community is the lifeblood, is the heart of the community, and we are looking to create a safe environment of easy parking, well-lit parking to enhance the consumer experience, to enhance the resident experience and also for the employees. The downtown parking situation as we currently have seems to have some restrictions and we think that a parking study would be able to bring forth an idea that maybe would solve that issue. And in addition again make this a better environment to enhance the entire experience for everybody shopping in the downtown.

MODERATOR: Thank you.

LEEDS: Thank you.

MODERATOR: Thank you, sir. Mrs. Carbone, go ahead.

CARBONE: Yes. Mary Carbone, Cyr Circle. I'm against this Article. I'm against spending \$18,000 of taxpayers' money to do a study for the downtown business community. Actually we have some large buildings in the downtown area and it's my personal opinion that the lease out square footage on the ground floor to businesses. So I truly believe that they should pass on the cost of a traffic study to accommodate people that are shopping in the facilities. So, I am against any of this and basically I think that all the large building owners should gather together and initiate their own study in the particular area of where there customers are gonna park. And we've just asked the Town to appropriate \$4,000 the other night for the festivities for downtown. I think we're forgetting that downtown-

MODERATOR: Are you addressing this Article?

CARBONE: Yes.

MODERATOR: Okay. Thank you.

CARBONE: Downtown is Route 28; it's a State road. I know it comes under the guidance of the Board of Selectmen but basically it's a State road. So it goes from Oshkosh to Oshkosh and I believe that the-if a building person wanted to go before the Planning Department these days or to build a building they'd have to have the appropriate amount of parking. And we don't have that in the downtown area. We've grandfathered a lot of businesses in the downtown that really don't have appropriate parking. Thank you.

MODERATOR: Thank you. Yes, sir, your question? Mr. Vaill you might want to come up to answer a question. Go ahead.

BROWN: I'm David Brown, Glenwood Road. Does the scope of the proposed study include an evaluation of the user friendliness and effectiveness of our beloved pay and display system that's being implemented in Town and will it, if so will it also look at other alternatives that might be put forward that would be more user friendly in the future?

VAILL: Yes.

MODERATOR: Yes. Yes, Mr. Pasquale.

PASQUALE: John Pasquale, 47B. Jim, I'm a big proponent of benchmark and best practices so what I don't see in the scope is that there are communities that don't do the parking themselves. They contract it out and they save substantial money. Example, believe it or not, is Lawrence, Mass.

MODERATOR: You're question please.

PASQUALE: I like to see that we start looking at other communities how they're handling their parking programs as part of the scope of the Article.

MODERATOR: Thank you, sir.

VAILL: That is part of the plan. One of the reasons we want to bring an outsider in is to give us some benchmarking against other communities and the best practices that they follow.

MODERATOR: Yes. Go right ahead.

FRIEDENSON: Alice Friedenson, 109 Bellevue Road. I'm really confused we just spent \$60,000 for a parking system. Aren't we doing things in reverse order if we're going to study parking?

MODERATOR: Yes, sir. Your comment.

STRYKER: Robert Stryker, 30 Railroad Street. I spent a half an hour with the Police Chief earlier this spring discussing this issue and did my own study. Basically for 16 years the business development association is not happy with the process. Certain personnel need some customer service retraining or improvement, friendliness basically. I don't

think, I think it's a waste of money to spend this money. I think I'd recommend having a citizen's committee to set up to do this including the business community and interested parties to discuss the issue and we could figure it out. We don't need to do historical studies, traffic studies, anything at this point. Thank you.

MODERATOR: Thank you. Article 48 has been moved and seconded. All those in favor please raise one hand. Thank you. Those opposed. Let's take a standing vote please. All those in favor please stand. When the counter has passed you please be seated so they can count the next row.

Section 1: 19; Section 2: 5; Section 3: 10; Section 4: 16;
Section 5: 13; Section 6: 13; Section 7: 5; Section 8: 4;
Stage: 20

MODERATOR: While, if anyone does not have an objection while we're waiting for the front hall yeses. Any one opposed please stand. We have the vote from the front hall?

Hall: 4

Section 1: 3; Section 2: 11; Section 3: 11; Section 4: 6;
Sections 5: 7; Section 6: 34; Section 7: 29; Section 8: 8;
Hall: 16; Stage: 1

MODERATOR: 109 having voted in the affirmative; 126 is in the negative. The motion is lost. Article 49 please, Mr. Vispoli.

VISPOLI: Yes, Madam Moderator. I move to withdraw Article 49 from the Warrant.

MODERATOR: Article 49 has been moved and seconded to be withdrawn. All those in favor please raise one hand. Thank you. Those opposed. Thank you Article 49 has been withdrawn. Article 50, please...Mr. Macaux...?

MACAUX: I move to approve Article 50 as printed in the Warrant. Regardless where one lives in Town encouraging a vibrant business presence in Andover's industrial district helps every Andover resident in the form of a tax rate, employment opportunities, and property values.

MODERATOR: Have you moved the Article?

MACAUX: I did.

MODERATOR: Okay. Thank you.

MACAUX: This value is recognized in the Town's overall fiscal health. Articles 50, 51---

MODERATOR: I'm sorry. I'm only going by my notes here. Is there a motion to amend this Article before we get into it?

MACAUX: Would you like us to present on it, or...?

MODERATOR: I think if we're going to amend it, if it's going to be a friendly amendment we should do that now so that we're all talking about the same thing. No.

MACAUX: No. We're not amending.

MODERATOR: Is there somebody amending this Article? I'm sorry.

MACAUX: I didn't realize there was an amendment.

MODERATOR: That's okay. Go right ahead, sir.

VAILL: Madam Moderator I move to amend the Zoning By-law Article 8 Section 4.0, Dimensional Requirements, subsection 4.1.4.3.b by inserting "Industrial 2 and" after "Industrial A and" 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 50 has been amended and seconded; do I have a second to the amendment? Is there anybody who will second the amendment? Thank you. Go ahead, Mr. Vaill, if you could explain the amendment.

MATERAZZO: Paul Materazzo, Director of Planning essentially what this amendment does is provide additional protection for abutting residents. It provides a 300 foot buffer from any retail establishments that seeks to set for in these ID2 districts that we're talking about this evening.

MODERATOR: Thank you. Any discussion on the amendment. All those in favor of the amendment please raise one hand. Thank you. Those opposed. Thank you. So we will voting the amendment version now becomes the main motion that we will be speaking to. Is Mr. Vaill speaking or is the Planning Board speaking?

VAILL: I am.

MODERATOR: You're doing the presentation. Thank you. My name is Tim Vaill and I still live at 9 Bancroft Road but I'm thinking about moving into the new Bancroft School. I'm speaking for the Economic Development Council and as a taxpayer. This Article seeks to improve convenience shopping for the residents and employees of the industrial areas of our Town. These are called amenities and include such things as medical offices, groceries, restaurants, health centers, dry cleaners, etc. The kinds of places that you and I like to frequent on the way to or from work. In a minute our town planner, Paul Materazzo will take you through the types of amenities contemplated. But first a little background. Some years ago our forefathers that the wisdom to set up some business or industrial districts in our Town. And since that time Andover has benefitted immensely from the tax revenues and local jobs provided there. We receive \$14 million a year in tax revenues from these areas and that pays for a lot of school teachers, road maintenance and soccer fields. But what worked well 50 years ago does not necessarily work well today. Now people like to get a cup of coffee on the way into work, or go to the gym at lunch, or pick up dinner on the way home. This applies both to employees at the companies located there, many of which are Andover residents, as well as through the neighboring families. We simply do not have convenience shopping for these people. As a result new building owners are beginning to pass us by as they head toward neighboring communities that do have such amenities such: as Westford, Burlington, and even Newburyport. If this persists the lack of new tax revenue will stifle growth and a potential loss of existing tax dollars will hurt us badly all over Town. We understand the concerns of neighbors and others who might worry about unfettered growth, traffic congestion, a McDonald's or a big box store, fortunately our Town has a formidable set of checks and balances whereby our Planning Board and our Design Review Board put every new business through a rigorous process to address these issues and all of those hearings are open to the public. That gives me a lot of comfort. So a combination of this need for convenience shopping and the very careful process we go to implement it makes this a desirable Town Meeting action at this time. In summary we support the zoning change for three strong reasons: first, to bring badly needed services to thousands of residents and employees who live and work in or near our industrial districts; second to make Andover more attractive for businesses to locate here allowing us to capture spending dollars and tax receipts to lessen the burden on our

taxpayers like you and me, and finally to improve overall property values for those areas and for the Town. Together let's take the next step toward long-term economic growth and benefits for the Town. We on the Economic Development Council ask for your support.

MODERATOR: Thank you, sir. Mr. Materazzo.

MATERAZZO: Paul Materazzo Director of Planning. I'm going to try to go through this quickly. Really we're talking about two areas: one at Dascomb Road, one at River Road.

MODERATOR: Can you all hear him?

MATERAZZO: We'll discuss those specific---

MODERATOR: Paul they can't hear you. If you could raise the mic.

MATERAZZO: We're gonna be talking about creating two ID districts one off River Road, one on Dascomb Road. Those will be further discussed in Article 51 and 52. The areas we're talking about are on the map shown in pink up above. So what are we talking about? We're talking about allowing medical facilities to come the existing ID districts. Presently today if someone wanted to set up a Lahey Clinic North that many of you see throughout the Commonwealth of interchanges you can't do it. It's essentially not allowed in the ID district today. From a planning perspective with some of the vacancies out in these ID districts it provides an opportunity to help reposition some of the oldest stock in these corridors. As for resale. We're talking about small scale retail, under 2500 square feet. Not talking big box, not talking about creating the Burlington Mall in these locations. Again pick your retain opportunity they'll, from CVS, from a sports club to a Starbucks. All these uses today are not allowed in the industrial corridor. And just as an example out at River Road in one of the ID districts there's about 12,000 people that work out in this area every day with limited service. Never mind the residents that are in close proximity that may also benefit from these areas. What's not allowed: big box super stores, really in working with the Planning Board, Economic Development Council, talking to area residents and business, this isn't the fabric of what we want out in these areas. That's really not what this Article is about. Quickly recap. Checks and balance system. All projects would have to demonstrate to the Planning Board that it's a positive economic benefit to the community consistent with the Town's

Master Plan. Scale massing and design would be subject to a design review process. We don't want these areas to become anywhere US; we want them to be Andover-centric, fit in with the community. As for traffic, as is today, in the existing By-law is any requirement that comes before the Planning Board they have to adequately address traffic. If a project comes in and it's gonna adversely impact the abutting street network the Planning Board is going to dispose of it and deny that application. No questions asked. As for landscaping we want to appropriately integrate any development into neighborhoods and I'll just leave this slide up as a recap and welcome your support for this Article.

MODERATOR: Thank you. The Planning Board report, please.

MACAUX: They stole all my material. So I'll keep it brief. But the Planning Board does echo the sentiments of Tim and Paul and would also like to punctuate that these Articles provide our Town with the flexibility to respond to new market trends and reality. And they encourage a responsible growth for the benefit of all of our residents regardless of where you live. As Paul and Tim mentioned it comes in the form of tax rates, employment opportunities, property values and I think the accessibility and availability of these amenities is something that employers demand now. As Tim mentioned it was more than half a century ago that this Town decided to make these ID2 proposed areas home for robust business communities and the needs of these communities have evolved since 1950's but our zoning laws have not. The Planning Board feels it is our responsibility to adapt in a responsible fashion to this change. To that end the Planning Board unanimously recommends approval of this Article.

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

VISPOLI: Yes, Madam Moderator. The Selectmen unanimously support this bill. We view this as a critical Article in the Town Meeting, the entire Town Meeting. The, the economy has changed certainly since the 1960's when these zoning articles were taken up by our forefathers as' been mentioned twice tonight. They saw the vision of seeing two interstates come through Andover and made some great zoning decisions. The economy has changed. Those office parks that were built during the high tech boom, the days of digital equipment and others, that economy has changed. Today other areas such as Cambridge and even Medford and Malden, places that have commercial bases they have transportation there seems to attract more of the technology companies. The Board of

Selectmen took a proactive approach a couple of years ago, from a business perspective, and looked at three things. The number one thing was retain our tax base. The 14 or 15 percent of our taxes that come out that Tim Vaill talked about earlier that gives us the flexibility to do the things we can do in Andover is critical. And we know that losing that tax base or the threat which we know is real is there probably takes generations to build back up so a number one goal was to retain and protect that tax base. The second is to encourage and look to help the companies that are here grow and then the third is to track new companies like we did with the TIF recently last year, to that end, empowered the group that Tim Vaill head's up, the Economic Development Council. We know it's changed; we know there's a real threat. We know that the companies there now are looking for different things; they've got other options. It's very competitive in this space. Just being in Andover isn't enough anymore and even being at the 495 and 93 is different. Companies have options and we know that companies are looking at their options right now. We view this as a critical situation. This is something that is really going to enhance the, the attraction to Andover and it's our opportunity to build on the decisions that were made in the '60's. This is really taking it to the next level. The other option is if we see this defeat and see companies we have the real opportunity to lose significant tax revenue which would fall back to the homeowners. So essential we have to make that up as homeowners and that's, you know, I didn't think that's the mix that we want to see. So I'd like to, you Board of Selectmen unanimously supports this Article, along with the other Boards tonight, and recommends and requests that you support this Article.

MODERATOR: Thank you, sir. Go right ahead.

SEBASKY: Thank you, Madam Moderator. Greg Sebasky, 15 Deerfield Circle. Also full disclosure I'm also the Chairman of Philips Electronics North America representing out 2500 employees in the River Road district. I have three slides that I'd like to use for discussion tonight to provide information to the residents here at the Town Meeting tonight about why commercial growth is so important with the risks we're facing as a Town to fund the priorities we discussed and funded over the last two nights, including tonight. The reason why commercial growth is important relative to residential growth is obviously less pressure on the school, at the same time the commercial tax rate is almost \$25 per thousand as opposed to the 1450 we pay as residents. Which

means the businesses bring in far more revenue per dollar of growth. Andover's growth and total revenues from all growth beyond the prop 2 ½ increase we get automatically every year is only 3.8% a year and our budgets have grown faster than that in some years and in recent years it's actually grown slower than 3.8%. And I think as some of the speakers have said Andover's become uncompetitive for commercial growth. We're not sitting at 25% vacancy rate in the Town, which means those values are diminished. Last night we missed an opportunity aside from any investment in the town yard to at least take 21 of the 24 acres to get commercial growth to drive revenues for the Town. We have no amenities, no amenities; we're a campus atmosphere now in many of these office parks in Andover and we're far from the universities and the 25-34 demographic that we are trying to attract now as business has moved away from large scale manufacturing to software and digital marketing. Those people are not available to us; they do not want to work in distant suburbs. And the unemployment rate for the skills we seek as a company is on the order of 3-4% and we do not get applicants for many of these jobs in Andover; they want to be close, closer to the city, closer to vibrant centers, closer to transportation whether that be the Medford / Burlington area, now even Westford has some advantages relative to software. And although we remain committed to Andover as a company and have been here for 26 years now and consolidates operations up from Waltham back in, or I should say 1994, honestly if we were making a campus decision today as a company, Andover would not be on that list based upon the skills that we need. I also want to show you that Andover because it is unattractive has failed to get its fair share of new growth in the State. There's one way to look at Andover's ability to grow relative to other towns in the State for commercial growth. If you look at this slide you'll see that over the last 20 years Andover's share of the statewide levy growth has declined from on the order of 1.2% [BREAK IN TAPE] ...of income. I'll finish up.

MODERATOR: If you could please do so quickly.

SEBASKY: Yes. Last slide. I think for full disclosure. This came up Monday night. We talked about a plan to fund the pensions by 2040 and think what residents need to understand is that the plan that I secured from your actuary shows that we have to increase our contributions to the pension plan 8% a year for the next 20 years and that liability is not begin to decline until after 2030. And just in the next-

MODERATOR: I really need to ask you to sum it up, please.

SEBASKY: I'm sorry. So growth is critical for Andover if you want to maintain the array of services we've seen in the past; we need commercial growth; we need this Article.

MODERATOR: Thank you, sir. Mary go ahead.

CARBONE: Yes. Mary Carbone, Cyr Circle. I was procrastinating about speaking to this Article but having attended so many Planning Board meetings over the years you get a little bit of an education. I have qualms about what I'm hearing here. I think a lot of the business activity complaints are driven by the economy in general. And as far as River Road goes that was zoned probably in the '50's, and don't quote me on that, for what it is, office zoning, office space. Those buildings were for office space. And the Planning Board acknowledged that. They're the ones that approved what was going out there. So now I have a personal feeling that they have some land left over out there that they did not develop because of the economy and they want to use that land to develop it for other issues. So for all of those reasons and the fact that those areas are near the Tewksbury line and probably convenience for what they want to achieve for snacks or whatever, I don't think we should be changing zoning in the Town because we'll have, we'll be turning the Town into a city. Then we'll have to change our form of government. And I don't think some people would like that. Thank you.
[APPLAUSE]

MODERATOR: Thank you. I'm gonna come to your questions in a moment. Go ahead, Mr. Pokress.

POKRESS: Bob Pokress, Cherrywood Circle. I believe this is probably the most important Article up for a vote at this Town Meeting because of its important related to commercial development in the Town. The reason I would like to urge everyone to vote yes on this Article is the following. Let me just give you a little bit of personal history. Back in 1989 I co-founded a high tech company. We took a look at setting up our offices in that sector, right near the River Road, Interstate 93 intersection. And we quickly wrote it off as a location to start our company and to get office space because there were not amenities. We knew we were gonna have to attract some of the best and brightest in the fields of computer science and double E to work in our company and we know that none of them would be interested in working at a location that, for all intents and purposes, is a vast waste

land as far as access to amenities goes. And contrary to what Mary just said no one is going to drive into Tewksbury or some other town to either get a sandwich or run an errand or get a cup of coffee if they want to take a break; they're going to look for something that is either within close walking distance or is most maybe a five minute drive from where their office park is to where a commercial park might be that would offer these amenities. My current offices are in Westford on Littleton Road and Westford just opened up park called Cornerstone Square which if anything has further cemented the companies that are currently there like mine because the amenities that it offers and it probably is going to attract more companies there because the amenities it offers. So we're actually going to be lagging further behind as our surrounding communities take the steps necessary to offer the kinds of amenities that people that are working in the kinds of companies we'd like to attract to Andover look for. I personally consider that sector up where River Road and Interstate 93 come together as probably the most undervalued asset that the Town of Andover has because it is in an ideal location to attract commercial businesses right off of Interstate 93 which will make it very convenient for people commuting in from out of town to be able to get to work. And if you take a look at the development of communities over the history of our country, cities and towns emerge first over waterfront property because water access was how you got to places you wanted to get to and how you wanted to ship your products; then they developed over road systems and in fact a 100 years ago Main Street in Andover was a major road system. But now the major road systems are roads like 495 and 93. And no one is going to situate a high tech company in the center of Andover; they're gonna look for something convenient off of 93. And we have ideal property in that sector-

MODERATOR: Please summarize your comments.

POKRESS: --I urge people to vote yes on this because it will be one of the healthiest things we do in our generation to enhance commercial-

MODERATOR: Thank you. Over here please. I'll get to your questions in a moment. Over here.

ROBIDEAUX: Hi, I'm Lynn Roubideaux, I live at 21 Brundrett Avenue which is right off of the River Road south corridor which is opposite of course the north corridor. I am looking at this as the Town has wants to bring in a lot of revenue.

Obviously we all need revenue. However, I don't know if the majority of people that are sitting here tonight, which is not probably the majority that lives in my neighborhood, but we are abutters of all the residents, of the industrial land and right now the traffic that goes through there from 93 into the industrial ID is really horrific. And it is very dangerous right now. Adding in amenities for the businesses I don't think will bring in the money that they're looking for because they're only going to be small amenities that are coming in which are already in other areas. Now I work in an industrial area and are amenities are all in our building. There are out sources that people that will come into your building in bring the amenities. It is the economy that has affected all businesses; there's layoff all across the country so yes the economy is playing a big, a big, big, part in why these buildings are empty. For this small so many acres of land to be taken the wildlife away and saying well we're going—it is already I understand slated for a big large building and you may ask why the residents would prefer to see a big large industrial building instead of amenities is because on the weekends we do have some peace and quiet. The residents will not have any peace and quiet on the weekends because obviously there'll be more incoming traffic. However we don't even know if that is going to be true because we live on the New Hampshire line and if you see where we're located, once you hit 93 you're just all set to go right off into New Hampshire which is where a lot of the people are coming in to work from. So as far as using the amenities in here we're at the very edge of Methuen and New Hampshire it is kind of a place where I don't think is really, in my opinion, and I don't know even the Planning Board, I don't think anybody can honestly say that this is gonna bring in a lot of revenue and it is just so critical to have. Once our ID land is gone and the economy picks up and people want to come in and build in Andover, just remember if you have a lot of land near your area the Planning Board and all these people here can come in and say we want to rezone land near your places because we'll want to put in a building to bring in more revenue for the Town of Andover. And also downtown Andover will be effected because people in our area do shop there, so it will bring people away from there too. Thank you.

MODERATOR: Thank you. Yes you had a question.

HAUER: Jim Hauer, Hazelwood Circle. I support the Article I think it's a very important but my question is this. Do we have a way to control the amenities that go in there? We all

know that in downtown Andover now you have a myriad of choices for cup of coffee but nowhere to buy a nail or a screw. We have a way of controlling this so we don't have 25 coffee shops in the area?

MATERAZZO: Unfortunately it's gonna be market driven. We can't say no to a Starbucks and yes to a Ace Hardware store. Obviously if there's a need for nails Ace Hardware's gonna come knocking.

MODERATOR: Thank you. Okay. For those of you who are still standing I know there's going to be a call shortly, I'm sure for the vote. If what you have to say has already been said please spare the Meeting having to listen to it again. Go right ahead sir.

CARUSO: Jerry Caruso, 12 Somerset Drive. Also a member of the Lincoln Institute for Land Policy in Cambridge. And I strongly support this Article. The gentleman from Phillips was pointing out and the gentlemen before me, these office parks nationwide, these zones are being created and are being rezoned because of those very points that the myth that office parks without amenities are really a thing of the past and that these businesses are trying to attract a certain group of people for employees and they are not able to do so. And that's a nationwide occurrence. And this kind of zoning amendment is strongly being voted and successfully being voted in other communities across the nation. Another point that I wanted to make is that this particular location is ideally situated. I mean it's based-

MODERATOR: We're not talking about a location right now; we're talking about the zoning language.

CARUSO: This, this language, this particular rezoning of the ID2 is on one side you have the tech voc you have River Road which-

MODERATOR: No sir, no sir. Article 50 is just the zoning language. The specific locations are in the next two Articles.

CARUSO: Oh...I also then want to point to the zoning language that it, there's already a right of the current commercial owners to expand over 300,000 square feet of a new building without having to go through any hurdles for new traffic control studies and if they, if this ID zone 2 goes forward that very commercial owner has to now jump through a lot of

hoops to get any of these amenities put in and approved and there has to be a little trust in this room to you, you know, your Planning Board and your current Boards that sit through meetings year-round trying to do the right thing for this, this Town. I just think any concerns that there's gonna be a wrong kind of amenity going on or there's gonna be too much traffic, there's gonna be minimal impact in this particular area, it's really, it's really ideally located. I don't want to repeat what prior people went on.

MODERATOR: Thank you, sir. Do you have a question here, please?

ROWE[?]: I have several questions. Andy Rowe [?], 5 Cattle Crossing. Is all our industrial land along 93 or is there more industrial land in Town?

MATERAZZO: There's multiple ID districts there are a predominantly along 93 but there're other areas along 133, Brickstone Square area, Andover Street, different types of industrial areas.

MODERATOR: Raytheon.

ROWE: So this zoning change could apply to any of those industrial areas? Could potentially?

MATERAZZO: Could apply potentially to other districts but this evening we're talking about two specific locations that will be discussed further in Article 51 and 52.

ROWE: Right. But the idea is to bring these amenities to industrial areas is that correct? And we have multiple industrial areas.

MATERAZZO: This, this Article was specifically written with two specific locations in mind.

ROWE: But it's not—

MODERATOR: If I could explain. The language in 50 is setting up in ID2 the language that this Town would use for an ID2 district.

ROWE: Correct.

MODERATOR: Any industrial zone currently that would be rezoned to include an ID2 that is not included in any of the

discussion tonight would have to come back to this Town Meeting to be approved. So if somebody says yeah, I want to do this on Lowell Street it would have to come back to the Town Meeting for approval. So the ID2 language that we would or would not approve in Article 50 does not mean that this can go blanketly out to any industrial zone in Town.

ROWE: Right, I understand that. I think I understand that. But the motivation is to bring amenities to industrial areas, correct? No matter where they are?

MATERAZZO: The goal of this Article is to bring amenities to two specific areas we have not contemplated-

MODERATOR: Not 50. 50 is the language.

MATERAZZO: 50 is the language.

ROWE: But the motivation that we're talking about is to bring these amenities to industrial areas is that not correct? No. It's just for these two areas.

MATERAZZO: We're only talking about Article, specific areas in 51 and 52 this evening. We're not talking anywhere else in Town.

FROM THE FLOOR: Madam Moderator I move the question.
[APPLAUSE]

MODERATOR: I have to have that seconded.

FROM THE FLOOR [MANY]: Second.

MODERATOR: Could I have a vote if you would like to close discussion. All those in favor of closing discussion? Thank you. We will close discussion and get ready for a vote. If you could get back to your seats please. But don't run. All those in favor of Article 50 please stand. Well, before we do that, have a seat. All those in favor of Article 50 please raise one hand, we'll see if that will work. Thank you. Those opposed. Clearly the ayes have it by far more than a two-thirds majority. Does anyone challenge that declaration? If not than I would declare it so. It does pass. Article 51, please.

UNIDENTIFIED SPEAKER: Madam Moderator I move to approve Article 51 as printed in the Warrant.

MODERATOR: Article 51 has been moved and seconded. Go right ahead Mr. Vaill.

MATERAZZO: Paul Materazzo, Director of Planning. Article 51 essential looks to establish and ID2 district on the southern portion of Dascomb Road. The area of pink on the lower end of this plan. To zoom in. This is the existing industrial district today. What we're looking to do is to incorporate the ID2 on the lower half. Again. Existing zoning today. ID2. The uses that would be allowed today would be still be in place tomorrow we're only looking to add those nine additional uses which this, this body has already approved if this specific area.

MODERATOR: Is that the, ah, anyone else?

MATERAZZO: The area's bounded on by Dascomb Road and the Town of Tewksbury town line. Today the area is housed by a warehousing facility that's predominantly vacant. And from a planning perspective should this area be approved it provides an opportunity to reposition this area and bring it back on the tax rolls for the community, creating new tax revenues and jobs.

MODERATOR: Is that it? Thank you. Planning Board report please.

UNIDENTIFIED SPEAKER: The Planning Board recommends approval of Article 51.

MODERATOR: Thank you. Selectmen's report please.

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

MODERATOR: Okay. Yes ma'am.

CORNELL: Nancy Cornell, Hearthstone Place. I'm speaking against rezoning the area of Dascomb Road. There's Kerry Plaza within sight of that area and it has many of the conveniences that you're talking about. It has two restaurants, two convenience stores, one pizza parlor, a drycleaners, a liquor store, a gas station, car wash, and two dunkin' donuts. Also, we're always talking about encouraging people to use the downtown area and to patronize downtown stores. If we build all of these businesses on the periphery of Andover I think that we'll take away from the downtown businesses. In addition to that there's a lot of trash that's

generated in this area. It has a park and ride and anyone who drives by can see all the trash that is generated by that situation and by the businesses in the area and the Town doesn't seem to do much in the way of cleaning up on a regular basis. So I would encourage voting no for rezoning the Dascomb Road area. Thank you.

MODERATOR: Thank you. Forgive me since we just a con, only at a different mic, are you going to speak in favor? Go right ahead and then we'll come to you. To keep it even.

BROWN: David Brown, Glenwood Road. Previous speaker mentioned the proximity of Kerry Plaza which is just across the line in Tewksbury, presence of the park and ride just north of this area. This is an ideal area for expanding the uses in the industrial zone. It's underutilized right now. It is, the proposed uses are compatible with things that are adjacent to it in Tewksbury. I encourage you to vote yes.

MODERATOR: Thank you. Yes ma'am.

CLEELAND: Dolores Cleeland, 103 Dascomb Road. And I'm wondering is this going to all back up to Kerry Plaza. We also have a gas station there and car wash and as the former speaker said. All the other amenities. So are we going to have duplications of these?

MATERAZZO: Just too quickly follow up. Any proposal in this district would have to go through a special permit process through the Planning Board at which time a traffic analysis would be provided and at that time a determination would be made as to whether the adjacent street network could handle and accommodate the use---

CLEELAND: Still doesn't answer my question? Are we going to have duplication? Kerry Plaza also has a very strong Police presence at night, are we going to have that as well?

MATERAZZO: All I can say is market conditions are gonna dictate what is going to be allowed in that location. And what I could say is in that particular location you know I was just at Hewlett Packard last week and I witnessed people at lunch time from Vicor walking through the parking lot, HP employees walking in the dozens and droves over the town line into Tewksbury to spend their dollars and that's an area that-

CLEELAND: --it's only a couple of feet. So we're going to be in basically, we're going to be, you know, challenging Tewksbury, right? We're going to have duplications of everything you're talking about. I mean we have two dunkin donuts over there, three restaurants, cleaners, liquor store, what else do you need?

MODERATOR: Okay, I don't know, do you have an answer?

MATERAZZO: I would just say in this particular area this zoning allows for grocery stores and---

CLEELAND: We have grocery stores--

MATERAZZO: developers have been looking at potentially, again, grocers, retailers, restaurants, those services for area residents and business that are looking for those services.

MODERATOR: Okay. Thank you.

CLEELAND: And Kerry Plaza is also a place where everybody knows your name, so to speak.

MODERATOR: Okay. Thank you, Ma'am. Yes sir do you have a question?

INAUDIBLE NAME: Andy [INAUDIBLE], 5 Cattle Crossing. I noticed that this parcel is on 93 and just this new zoning is gonna allow business that serve the general public. I noticed around River Road where we had that situation we have non-conforming signs for those business that deal with the general public. So my question is does the Town of Andover have any kind of policy regarding non-conforming signs on 93 because this is gonna open up the possibility of new signage in this area?

MODERATOR: On the Dascomb Road area? Is that what you're referring to?

INAUDIBLE NAME: That's correct.

MODERATOR: Thank you. Paul, do you have an answer?

MATERAZZO: We look to keep the signage consistent with the existing ID district today. So what you see today is what you get tomorrow. We're not looking to allow big billboards and to expand the existing requirements of signage. What's

allowed today in the ID district presently we're just bringing that forward to the ID2?

INAUDIBLE NAME: So the Chateau those signs, were those approved by the Planning Board?

MATERAZZO: Those I believe are grandfathered signs from way back when when they were developed. They were-

INAUDIBLE NAME: They were grandfathered?

MATERAZZO: I believe so, yes.

MODERATOR: Yes, sir. Mr. Caruso.

CARUSO: Madam Moderator.

MODERATOR: Yes, sir.

CARUSO: Peter Caruso, I live at 59 Salem Street. I have a business at 68 Main Street and I'm here both as a resident and also for the ABCA that's the Andover Business Community Association formerly known as the Andover Business Center Association. I am president of that Association. And we have taken a vote. It was mentioned here tonight that possibly these businesses would take away from downtown Andover. We fell as merchants in downtown Andover that will enhance Andover and will do a couple of good things for us: it will keep the people who work in these businesses in Andover and if they need to come to downtown Andover they can. One of the comments that we've heard from people who work in this area is that they don't have basic conveniences. They don't have within their, within their walking distance, within their businesses that they work in, a place to go for a snack, for a sub shop; they don't have a place to go for dry cleaning. They don't have medical. They don't have the basic amenities that you would normally have. As an example, I grew up in Lawrence, so if you worked the mills in Lawrence you would go downtown in Essex Street, one block away. We don't have that in this particular area. And I've also heard that the tenants, the actual landlords of these buildings, they are concerned that some of the tenants that they have not, it's not only form a good tax base for us but they also bring revenues into downtown Andover. They may in fact go to a town that has these amenities. So we have them now; let's keep them. Again, the downtown merchants do support this Article and we support it for those reasons and we strongly, we've been on the committees, we've been to the meetings, but if

there's any concerns of the downtown merchants may in fact be hurt, we again feel that they would be enhanced by keeping the workers here within Andover and also having them come down to us. So both the ABCA and I are in favor of this particular Article.

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

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

MODERATOR: Thank you. Are you going to add anything that hasn't been said? Okay.

LODER: Please don't cut me off.

MODERATOR: I'm not. But you know the longer we all talk the more votes you lose. Go right ahead.

LODER: Laylani Loder, 215 Beacon Street. And I will keep brief not as a member of the Planning Board or as a resident of Andover but rather as a commercial real estate professional. I work for one of the largest managers and owners of commercial real estate based out of Woburn. And for those of us who aren't familiar with lease rates and competition I can tell you that Woburn is obviously a very different flavor than Andover. And there is no excuse for Andover's lease being what they are other than we are not adapting and accommodating to the needs of the businesses in that area. We own property that is stand alone and we also own office parks and I can tell you I am drowned in this industry every day. Businesses will leave and contrary to some of the statements that were already made competition is healthy for us the consumers. Starbucks will pop up where there's a dunkin' donuts and lastly, just to point out, traffic, I understand that's a concern. We already have a situation with traffic. The purpose of these amenities actually contrary to popular belief it reduces traffic by allowing walkability. So from that perspective as someone who has to deal with these issues and manage them on a daily basis I can tell you that there's a benefit and if we don't make a change business will leave; not today, maybe not next year, but we will be here in a few years wishing that we had acted differently, so...

MODERATOR: Do I have a motion to move the question, is that? Second? Ending discussion. I'm sorry. Would all those in

favor of closing discussion please let me know? Thank you. Those opposed. All right. Article 51 requires a two-thirds vote. I'll wait 'till some of you get to your seats. Thank you. Would you like to take a seat Mr. Vaill so we can count your vote? No. We haven't voted on this one Article 51. All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it by far more than a two-thirds vote. Does anyone challenge that declaration? If not I would declare it as far more than a two-thirds vote. Article 52 please, Mr. Vaill.

VAILL: Madam Moderator, I move to approve Article 52 as printed in the Warrant.

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

MATERAZZO: Yes.

MODERATOR: Thank you.

MATERAZZO: Paul Materazzo, Director of Planning. The area that we're talking about this evening to incorporate ID2 is the northern side of River Road. That's essentially bounded from the Lawrence voc tech running to the Merrimack River. It will be shown on the slide up above here. Essentially it's the area in pink. Just to bring you a little closer. This is the existing industrial area today. It's home to companies such as Phillips, Putnam Investments, Transmedic and others. The daily population of about 12,000 employees with limited services in this district ranging from a Dunkin' Donuts, a Chili's and a Chateau. All are great resources but clearly there's an opportunity for additional complementary services to complement the business park. The area that we're looking to create this ID2 is the northern side of River Road. Again this is the ID today. We're just looking to incorporate the ID2 to add these additional uses. Now that you've approved the zoning we're looking to allow that zoning to take place in this area.

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

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

MODERATOR: Thank you. The Planning Board report please.

MACAUX: The Planning Board also recommends approval of the Article.

MODERATOR: Yes, sir. Very smart of you. Go right ahead.

SEBASKY [?]: Alex Sebasky, 12 Crescent Drive. I work for a software company in Andover that employs 20 people. This July we'll relocate our company to North Andover to a mixed use facility because it has restaurants, retail, and service amenities. Thank you.

MODERATOR: Thank you. Yes ma'am.

BRETON: Hi, my name is Catherine Breton; I live at 379 River Road.

MODERATOR: Hi, Catherine.

BRETON: Hi. I find it ironic that we're having this conversation tonight. We've spend a lot of time over the last couple of nights talking about how Andover is unique and about how we don't want to change the character of our Town. Last night we voted down the transportation district because there was a lot of concern about changing the character of the Town. These overlay districts will absolutely change the character of our Town. I don't think anybody here want's Andover's gateways to look like Woburn or Tewksbury or even Westford for that matter. The district in question the ID2 on River Road directly abuts residential property. Not my property I'm miles away. But the fact of the matter is there are houses directly across the street from this property. Today they look out on a grassy lawn. Tomorrow they might be looking out the dumpster behind the Cumberland Farms. It might surprise people who don't live in West Andover to find out there're plenty of amenities in West Andover. Just one exit north on exit, exit 46 in Methuen, there are dry cleaners and there are coffee shops and there's a market basket and at the far end of River Road in Tewksbury there are restaurants and there are gas stations and there are a couple of restaurants, a liquor store, a dry cleaner. We manage. Yes, there are employees who come into this part of Town but there also thousands of people who live there and I don't really think that it's fair to change the zoning in people's back yards. Everyone who bought a house in that neighborhood bought in with the understanding that they were abutting an industrial district, not abutting a CVS or a Starbucks, or anyplace else where people might loiter or spend time. Contrary to the assertions of people that this

won't hurt downtown, I also find that to be completely false, a completely false assumption. People in West Andover do patronize and drive that long five miles into downtown. People are less likely to do so if there are, if there's a CVS in West Andover. By way of example, my husband does a lot of business in Fayetteville, North Carolina, downtown Fayetteville is a lovely civil war era town but it's practically empty because the town is surrounded by strip malls. Which is really what we're approving here is the right for one property owner to put in a strip mall. I believe this Article was withdrawn from last year's Warrant and the Planning Board took it over but clearly this Article's designed to benefit one property owner. And that's fine but it shouldn't be done on the backs of people who live there. So I ask you to reconsider.

MODERATOR: Thank you. As you're lining up to speak could I ask you to limit your comments to two minutes please? Go right ahead.

BANTA: Madam Moderator, my name is Bob Banta, Gavin Circle. I work at Philips and I'd like to work virtually every day the only two times where, the two reasons I typically don't like to work: is one it's pouring down rain, or it's going to, but secondly, I need to go shopping some place. If we could have small retail or grocery stores that I can go to and then bike home that's what I'll do and that will be one less drive to work. Thank you.

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

CARBONE: Yes.

MODERATOR: Okay.

CARBONE: Mary Carbone, I have a question of Mr. Materazzo.

MODERATOR: Go ahead.

CARBONE: Is it your intention as the Director of the Planning Board to initiate, to continue to initiate changes like this in our zoning and the community? In the future.

MATERAZZO: Mary, I'm just following the goals that have been set forth by this community, that has been reinforced as part of the Town's 2012 Master Plan. It's really up to the community and Town Meeting to approve these initiatives in

which the community has set forth as part of their long-range vision for the Town.

CARBONE: We don't turn the Town into Salem New Hampshire, thank you.

MODERATOR: Yes, sir.

UNIDENTIFIED SPEAKER: I think you should remind the people that have raised objections that the Town and the Planning Board still retain control over the look and feel of what gets put in these districts. And also tell you my 22 years in Andover, 21 of those years was living just off River Road and now one year in a new home where decided to stay in Town after our children graduated from college. So we know the West Andover area very well; we've been making that drive back and forth across Town. We don't consider that to be a high quality of life and many of the residents of West Andover don't as well. And so I'd like to, to say this is about growth. The Town officials are trying to find a way to sustain the quality of life in Andover and the character of Andover, many of the things we value, good schools, the downtown, the quaintness we have in certain parts of Town by concentrating this development which will not only bring in meals tax, it will increase the value of the real estate in this districts and generate more tax revenue. I'm not gonna ask to put the slide back up but the point to be made is that we have certain options that we make every Town Meeting to make investments but that pension liability that was discussed Monday night is a huge liability for the Town and the plan as defined by the actuary does show that liability growing 8 percent—

MODERATOR: I understand sir that's so not what we're talking about right now.

UNIDENTIFIED SPEAKER: No. It is what we're talking about. It's growth—

MODERATOR: No we're talking about rezoning River Road.

UNIDENTIFIED SPEAKER: We're rezoning this for growth Madam Moderator. Excuse me. The rezoning is for growth, brings revenue to preserve the things that we want to invest in this Town. Without it you will not be making those investments. The numbers are very clear.

MODERATOR: Thank you, sir.

FLOOR MOVES THE QUESTION

MODERATOR: Do I have a second?

FLOOR SECONDS

MODERATOR: It's been moved and seconded to close discussion. All those in favor please raise one hand. Those opposed. Thank you. We'll move to vote. Article 52 all those in favor please raise one hand. Thank you. It requires a two-thirds vote. Those opposed. The ayes have it by far more than a two-thirds vote. Does anyone question that declaration? If not I would declare it to be more than a two-thirds vote. Article 53, please...Mr. Cooper, are you moving that? Thank you. One second, Don. Who's moving Article 53? Is Brian, Brian is moving Article 53.

MAJOR: Thank you, Madam Moderator, I move to authorize the funds appropriated by vote on Article 23 of the 2002 Annual Town Meeting to be expended for the purpose of acquiring a portion of the Reichhold property for conservation, open space, and passive recreation located at 77 Lowell Junction Road and shown as Parcel 1, 42058.38 plus or minus square feet, 0.97 plus or minus acres, conservation and Parcel 2, 124869.92 square feet, 2.87 acres, conservation on the plan of land entitled Proposed Division Plan of Land in Andover, Massachusetts, Essex County Prepared for the Town of Andover prepared by DGT Survey Group, North Shore, LLC, Newburyport, MA which plan is on file with the Town Clerk's Office and to authorize the Conservation Commission and the Board of Selectmen on behalf of the Town and or Conservation Commission to: 1, acquire said land and any portion thereof by gift, purchase (including but not limited to purchase using an appropriation made at the 2002 Annual Town Meeting, Warrant Article 23) or eminent domain and that to raise this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause 3 and or Chapter 44, Section 8C of the General Laws or any other enabling authority and to issue bonds or notes of the Town therefor or to take any other action related thereto; 2, file behalf, on behalf of the Town any all applications deemed necessary to seek reimbursement or grans under the Local Acquisitions for Natural Diversity, LAND Grant Program, Chapter 132A, Section 11 and / or other reimbursement or grant programs in any way connected with the scope of this Article and enter into agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said purchase or

grant; and 3, convey said land and buildings thereon to the Town under the provisions of Chapter 40, Section 8C and as it may thereafter be amended and other Massachusetts statutes relating to conservation to be managed and controlled by the Conservation Commission.

MODERATOR: Article 53 has been moved and seconded. For any of you does this remind you of when you were in grade school and there was a compression test after reading something. Thank you very much, Mr. Major. Go ahead, Mr. Cooper.

COOPER: Thank you Madam Moderator. My name is Don Cooper, I live at 4 Eagle Way and I am on the Conservation Commission. This Article 53 and Article 54 are related. They're to acquire one parcel of land from the Reichhold Chemical Company on Lowell Junction Road. The reason there're two Articles is that part of the parcel about 3.8 acres along the Shawsheen River will be open space under the management of the Conservation Commission. And the slide Mr. Douglas is pointing out the two parcels are concerned, that I'm concerned with in Article 53. The rest of the approximately 15 acres, about 11 acres will be in the general control of the Town for use as playing fields and other municipal purposes. The second slide should show the, a landscape architect's rendition of what the entire site'll look like. The areas are not being sold separately by Reichhold. We will either buy both of them or neither. The land is on the market for sale and it is zoned general industrial. This is part of a process which was started about the year 2001 and has resulted so far in the purchase of two of the three parcels owned by Reichhold in Andover. That occurred in 2006. One of the other parcels is the hugely popular Serio's Grove which is used by Boy Scouts and the Town for camping picnicking and canoeing and is one of the most used open spaces in Town. It has been improved by our volunteers and by numerous Eagle Scout projects with picnic benches and a pavilion. The other parcel we acquired in 2006 is on the opposite side of the river from this one. This land tonight is an important and desirable parcel of open space. It's prime river front property. As you can see on the next slide this acquisition will help us buy another piece of the Shawsheen River water front in Andover which is part of our open space and master plan. We'll be preserving it for public open space. People are drawn to the water and that is why it should be available for public enjoyment when combined with the playing fields which the Town Manager will talk about in the next Article this will be a show piece facility for the Town. This land was subject, the subject of a cleanup of hazardous materials

by Reichhold as was one of the parcels that we purchased seven years ago. The cleanup of this parcel was completed in December 2012, just six months ago. When the papers were filed with the DEP certifying that the cleanup was done and the land was safe for use. With the land clean Article, Reichhold has the market, has the land on the market for sale. As we did with the other parcels the Town has hired an independent consultant to double check that the cleanup was done correctly. That is in process; he will report his findings to the Selectmen prior to any purchase which will allow the Selectmen to make an independent judgment on the acceptability of the property. I'm not asking for money to purchase this conservation land tonight. The appropriations from the 2002 Town Meeting are sufficient to cover the open space cost. I am asking for permission to apply for a state grant which would cover up to half the cost of this open space. It's not guaranteed that we'll get the grant but it's the grant, but the grant is awarded not on need, it's based on the merits of the land. Here with the river front and the contiguous nature of our other holdings we meet every item on the State's checklist and so we have high expectations of getting a grant. The way this works is that we have to allocate funds to purchase the property and if we get the grant and know by the time that we close on the property whether we have it or not, if we get the grant we won't use that amount of the appropriation. So if you look at Warrant Article 11 in you book which was voted on Monday night, with the Foster's Pond waterfront property we bought several years ago we asked you permission, we applied for, and we got a grant for \$250,000. With Article 11 we remitted that amount of the appropriation; so we will never borrowed[?]. So in in Article 11 of this year we gave back \$250,000 of that appropriation and the plan is the same for this property. I'm doing the negotiations on behalf of the Town with Reichhold. We have a price from Reichhold which is less than our appraised value so it's a favorable deal we're hoping to get that price lower, but we may not. The other terms of the purchase have not been finalized and if Article 53 and 54 are approved the Selectmen are going to be responsible for making sure that the remaining terms of the purchase are favorable. So there is a possibility that even if we pass these two Articles and have the money the deal may not happen but I am optimistic. In summary this is a unique opportunity to purchase what will be important land for the Town to own, enjoy and protect from industrial development. And the Conservation Commission urges your support.

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

MAJOR: Yes, the Board of Selectmen recommends approval of this Warrant Article and as Attorney Cooper mentioned this Warrant Article simply gives permission for us to apply for a LAND grant and then to be able to apply that grant towards the purchase of this property.

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

DUFF: The Planning Board recommends approval but we leave the financial considerations up the Board of Selectmen and the Finance Committee.

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

KRUSE: The Finance Committee unanimously recommends approval of this Article. The conservation land under consideration will extend a long stretch of river front that the Town already owns and it will allow for a river trail to be used by walkers and joggers of all seasons, thank you, and all ages. In addition to approving the conservation land as you heard this also allows the Town to apply for a grant which we have a reasonable chance of receiving that will offset the total money that the Town needs to spend on the Article. You may have noticed that the full purchase price of this land has not yet been mentioned. As you heard, this Article and the next Article are intimately linked and the Reichhold is not going to sell the pieces separately. The tradition of Town meeting is not talk about two Articles at once and so in the remarks of the next Article you will be hearing about the full purchase price. The Finance Committee recommends approval of this Article.

MODERATOR: Now you all need to be aware that Article 53 is not talking about purchasing the land so I am not going to entertain any discussion about purchasing the land. Article 53 is authorizing, is the Town Meeting authorizing the Town to apply for a LAND grant. If you want to talk about the purchase of land [BREAK IN TAPE]...LAND grant in Article 53. Yes, ma'am go right ahead.

COBLEY: My name is Ann Cobley I live at 21 Magnolia Ave and I am this year's President of the League of Women Voters of Andover, North Andover. I'm speaking on behalf of the local League of Women Voters and the acquisition of the specified

portion of the Reichhold property aligns with several positions held by the League on the topics of sustainability, planning and land use, town recreation services and natural resources. The League of Andover / North Andover enthusiastically supports Article 53.

MODERATOR: Thank you. Yes, sir.

STRECKER: Robert Strecker, 30 Railroad Street. I'm against this item and the next item until we find a way to fund our retirement liability 'cause a business person-

MODERATOR: All, all we're talking about is you don't want to authorize-

STRECKER:--I don't want spend any more money until we take care of another issue which is more important, which is the future of the Town of Andover.

MODERATOR: Okay. So we're talking authorizing the Town to apply for a grant on this Article.

STRECKER: I think there's a better use for the property that will generate more taxes.

MODERATOR: Okay but we're not talking about buying property right now. Yes, sir. You don't want to speak at this point. Do you have a question about the grants?

PASQUALE: Point of Privilege

MODERATOR: Go right ahead. What's your privilege?

PASQUALE: I wish to formally apologize--

MODERATOR: I am so sorry. Can you identify yourself again?

PASQUALE: John Pasquale-

MODERATOR: It's for the record. I'm sorry. Go ahead.

PASQUALE: Point of privilege I wish to apologize to some members of the Town Meeting. I have a medical problem; I just can't get to the microphone so when I stood up and I obliterated a few of the people behind me and I raised my great Italian voice that lady, she didn't know what, she got, she thought I was going berserk. And I didn't shut off discussion because I had an affrontal [?] with anybody but I

just listened very careful and it's getting repetitive.
That's why I put the motion up.

MODERATOR: Thank you, sir.

PASQUALE: Okay.

MODERATOR: Yep. Thank you. Sir do you have a question about the authorization of the LAND grand.

MORRISON: Yes I do.

MODERATOR: Go right ahead.

MORRISON: Steve Morrison, 79 Lowell Street.

MODERATOR: If you could speak a little bit towards the mic. Thank you.

MORRISON: Steve Morrison, 79 Lowell Street. I don't see a dollar amount here and it seems very open ended. The language that you showed and the Article was officially proposed with talked about previous appropriation from 2002, was it? But in here it just says an appropriate sum of money and then later on file on behalf of the Town, blah, blah, blah, blah, blah, issue notes and or bonds...there's not dollar amount here? There's no upper limit. So is there anything that's going to, going to...give us a bounded number here?

MODERATOR: Do you have the answer to that, Buzz?

URBELIS: There is, the, I don't have the exact, what is it about \$400,000 that's left in that Warrant Article, Buzz?

COOPER: \$450,000.

URBELIS: It's \$450,000. That's the amount that was appropriated prior.

MORRISON: That's the appropriation. But if we pass this can this go to a million dollars?

URBELIS: No. It can only go to what's in that fund. And we don't have a price yet that's been negotiated-

MORRISON: But for this Article there is an upper amount and that was previously approved?

URBELIS: Yeah, whatever that prior amount, about \$450 that was previously approved.

MORRISON: Super. Thank you.

URBELIS: Yep.

MODERATOR: Okay. Any other items...anybody over here? No. Yes, sir.

POKRESS: Bob Pokress, Cherrywood Circle. I'm confused because of the way these two Articles have been parsed and we can talk about part of one and not part of the other, my question is very simple, will this grant if approved provide for 100% funding of the purchase of the piece of property that is up for discussion in the next Article.

URBELIS: NO.

POKRESS: What is the difference between what we would get from the grant and what would be spent on that piece of property?

COOPER: I think I can answer that question. The reason that there are two Articles, one of the reasons that there's two Articles is that the State has two different grant funds. The grant fund for open space, which is the concern of this Article is called the LAND grant and the acronym is should be on the, or was on the screen. It will fund up to 50% of the cost of the conservation land. I don't think it's appropriate to talk about in open meeting about what are our dollar negotiations are. But I can tell you that the appraised value of the conservation land which is all that we can spend conservation fund monies on is less than the \$450,000 that we already have appropriated. It's much less actually. But the LAND grant as opposed to the PARC grant which is for parks and will be the subject of the next Article is, is for the open space and active recreation land.

POKRESS: Can we await as a Town getting a decision on these grant applications before we have to make a purchase commitment for the property so that we know exactly how much money we're getting ourselves into trouble spending if we don't get the grants.

COOPER: Well, I think that as a Town you can put your figure on the amount of money that you would be spending if you total up, the maximum amount, total past appropriations plus

the appropriations that are being asked for tonight. I'm not asking for any additional appropriations.

POKRESS: No that' not my question. My question is can we await a decision on the grant applications before we make any kind of legal commitment to buy the property so that we don't end up getting our heads in over the water for the purchase.

COOPER: The answer is no. The, both of the grants, both the LAND and the PARC grants are fashioned by the State as reimbursement grants. So they have to know, in other words what the State is saying is we want the Town to want the land and to appropriate the money and then we will reimburse them up to, in the case of the LAND grant, 50% of the, of the purchase price.

MODERATOR: Mr. Pokress, Mr. Pokress, just a moment. Mr. Major.

MAJOR: Let me see if I can just explain this real quick. In 2002 we appropriated \$450,000 for conservation purchase of this property. Of a portion of the property that we're talking about tonight. And so that's the maximum amount that we could spend. This Warrant Article gives us permission, if you approve it, gives us permission to apply for this LAND grant that would be a maximum of \$200,000 of grant money. If we're successful at getting the LAND grant then we would apply that and then up to say \$250,000 of the other money. But the maximum that we can spend is \$450,000 for the conservation portion of the land. So we can't spend one dime more than what we appropriated in 2002.

MODERATOR: And that money has already been appropriated is that correct?

MAJOR: Right. Correct.

MODERATOR: All we're asking here is for permission to apply for a grant. Any other questions? This requires a two-thirds vote. All those in favor please raise one hand. Thank you very much. Those opposed. Thank you. The ayes have it the motion carries by far more than a two-thirds. Does anyone question that declaration? If not I would declare it to have passed by more than a two-thirds majority. Article 54 please Mr. Major. Let's see how you do on this one.

MAJOR: Thank you, Madam Moderator, I move to appropriate the sum of \$550,000 in addition to the funds appropriated by vote

on Article 12 of the 2001 Annual Town Meeting for the purpose of expending an amount not to exceed \$100,000 from the appropriation of \$550,000 for the repair and or demotion of the buildings located on the property described in this Article and expending an amount not to exceed \$500,000 from the appropriation of \$550,000 (provided that in the aggregate the expenditures from this appropriation shall not exceed \$550,000) for acquiring a portion of the Reichhold property for recreation purposes located at 77 Lowell Junction Road shown as 500,391.51 square feet which is 11.40 plus or minus acres town land on plan of land entitled Proposed Division of Plan of Land in Andover, Massachusetts, Essex County prepared for Town of Andover prepared by DGT Survey Group - North Shore, LLC, Newburyport, MA which plan is on file with the Town Clerk's Office and to authorize the Board of Selectmen on behalf of the Town acting on its own or as the Recreation Commission to: one, acquire land and building thereon or any portion thereof by gift purchase (including but not limited to the purchase using the appropriation made at the 2001 Annual Town Meeting Warrant Article 12) or eminent domain and that to raise this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause 3 and or Chapter 44, Section 8C of the General laws or any other enabling authority and to issue bonds or notes of the Town therefore or take any other action related thereto; two, seek reimbursement or grants for the purchase of the land described above and designated as town land in the amount of the value of the land purchased not to exceed \$400,000 under the Parkland Acquisitions and Renovations for Communities, PARC Program (301 CMR 5) and or any others in any way connected with the scope of the Article and enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said acquisition and said reimbursement and grants; three, convey said land and buildings thereon or any portion thereof to the Town under the provisions of Chapter 45, Sections 14 and as it maybe hereafter amended and any other Massachusetts statutes relating to recreation to be managed and controlled by the Board of Selectmen acting as Recreation Commission, four, once acquired to lease said land and buildings or any portion thereof to a third party or third parties upon terms and conditions deemed appropriate by the Board of Selectmen; five, enter into a license or lease agreement to manage the property or any portion thereof consistent with the Urban Self-Help Act grant program.

MODERATOR: Way to go. Article 54. [APPLAUSE] That was very, very well done. There you go. Article 54 has been moved and seconded. Town Manager please.

STAPCZYNSKI: Well, Madam Moderator, ladies and gentlemen this is a grand day because it's the end of about a 14 year odyssey that started in the late '90's when the Selectmen asked me and the Conservation Commission to uptick our efforts to acquire conservation land. At that time Mary French, Peggy, Keck, Jerry Bird, Don Cooper, Tom Urbelis, myself, Jim Greer, the Conservation Administrator at the time, Susan Stott worked tireless to look at the Town and see what acquisitions would be appropriate. The Reichhold Company was interested in selling this property and I don't know how many of you know the Reichhold site but there was 47, 46-47 acres. They made phenolic resin. Now what's a phenolic resin? A phenolic resin is found in Formica, found in bowling balls, a ton of products that we don't see much of today. They had environment issues; they're one of those companies that was guilty of dumping right into the mighty Shawsheen River. And they were closed, basically closed down by DEP in the late '80's early '90's. They were forced to do the necessary clean up and they have. When we started talking to them in the late '90's I had dark hair and a nice dark beard so it's been quite an odyssey. But we're getting to the point where Reichhold informed us in the late fall, early winter, that they had filed a RAO, or a stamped response action plan for the site, they had cleaned it up. And that took them probably 20 years to get that point. We were here, maybe not in this building, probably in the...no in 2001 we would have been in this building, when we received approval to buy the 46 acres. We were originally looking for \$3.6 million we reduced it to \$2 million because we knew we were most interested in parcels 2 and 3. Steve would you put the map up please. Parcels 2 and 3. And why 2 and 3? Well, they were the ones that we could acquire that were not, that we could get DEP approval on because parcel 3, the Serio's Grove parcel had not been used at all by Reichhold and parcel 2 across the river off Tewksbury Street had. Now what went on on parcel 2? Parcel 2 was where the effluent from the plant was piped across the river and put in two or three big settling basins where the settled the effluent out and then they removed the residuals which I think they ended up calling these little moon rock that they called goobers or some such thing. And we, we worked with Reichhold over the period of time from 2001, 2002 until late in 2005 when we finally got approval, or they finally got approval from DEP so that we could acquire parcel 2; and we did that. And in the winter early spring of 2006 we

acquired parcels 2 and 3. We didn't acquire parcel 1 as Don said and I said previously because it hadn't been sufficiently cleaned up. They were in process. And they told us that we, when it was we would be on their list for potential buyers of parcel 1. Again this past fall I called the acquisition gentleman at Reichhold in North Carolina inquiring as to the status and he said yes they're ready to sell it and we talked price back and forth; Don Cooper was involved as our agent on this. I spoke with the gentleman several times and I will be showing the price in a minute or the estimated price. But as I said this is a result of a long series of work. Previously approved by Town Meeting in 2001, again in 2002, we acquired or we asked for additional money for open space acquisitions and I'd like to just point out what the sites are. Do you have the map up? Do you have the other map the one that shows the conservation...? The one after that. That one's perfect. Yes. Madam Moderator please stay seated I don't want to give you a cataract operation here. So...I feel much safer now. Mr. Cooper was talking about 3.8 acres of conservation land and this is the land that's sketch colored in green. There's practically 15 acres to the whole site. This is 3 and a high fraction. This is about 11 and a fraction. And we can acquire the entire site for an estimated \$1.6 million in acquisition cost. The Conservation Commission has \$450,000 at their disposal, \$400,000 in bonds not issued yet and \$50,000 in cash. And we would use \$260,000 for the area sketched in green. Now we've had an appraisal done on the site. The appraisal is for the whole site is \$1.7 million for the entire site. We're talking an estimated cost of \$1.6 million plus closing costs and maintenance costs totaling a \$105,000 so I'll be showing you a slide that has a total of \$1.7 million. Now, before I do that though I want to say that this site currently looks like a kind of used car that you'd get that needs a lot of work. As I said it was a former manufacturing site. Reichhold removed 80% of the buildings. What exists is a 27,000 square foot warehouse here and an office building with a small cinderblock building in back there. And they're currently renting space to a crane company for storage of cranes. The site is completely fenced because Reichhold does not want intruders or hikers or walkers on the site as it exists today and we would buy it as is. The warehouse unheated we would use for, again for those of you who were at the Town Meeting in 2001, I'd said we'd use for summer storage in the winter and winter storage in the summer. So if you go buy the town yard on Lewis Street today you will see equipment outside, plows, sander bodies, a whole host of other kinds of equipment that make the site unsightly. And the idea that I said in 2001 I'll say again

today is that we, we can use the warehouse for storage of materials and equipment to get it out of the weather. The money that I have set aside for repair and maintenance would be to keep that structure in decent repair as well as the office building that's there now. We wouldn't occupy the office building or the cinderblock building, in fact one of the thoughts would be to demolish the cinderblock building but certainly keep the brick office building and the warehouse. And then future plans, and I want to underscore future, future plans would be for a recreation site on this parcel. Would you show that, please? Now this is a concept drawing; not sure that it would look like this but what we're talking about are soccer fields, girls softball, parking, the brick, the brick office building lavatories, toilet areas, changing areas, this is the cinderblock building that we want to yet evaluate that. And then this is the 27,000 square foot warehouse. Parking of course. And again this is the riverfront area, conservation land that Mr. Cooper spoke about a few minutes ago. So this is a long-term vision. You gotta have a long-term vision when you buy land. Doesn't look like this today; may not look like this tomorrow; may not look like this for five years. In fact to get it to look like this or something similar to this I told the Selectmen and Finance Committee my recommendation would be to partner with the community and it would require a debt exemption vote to build a facility like this and the cost in today's dollars would be about \$2.7 million to do what we are proposing here. But that's not the question before the voters today. The question before the voter's today is \$550,000 bond issue to seal the deal and acquire finally acquire parcel 1. Steve would you put up the slide with the...? Madam Moderator I'm almost done but you've got to step aside here because I'm so afraid. Thank you. All right. So. We're talking an estimated price of \$1.6 million to acquire it. \$105 for closing costs, maintenance and repair cost to keep the building for a period of time. \$1.7 total funding needed. We have \$125,000 in cash available; \$50,000 from available Conservation Commission money from previous Warrant Articles and \$75,000 from previous open space Warrant Articles. And then a borrowing authorization that we have because of the 2001 and 2002 Annual Town Meeting, we have borrowing authorization at \$1,030,000. So these are authorized but unissued. Again that's \$230 for Conservation and \$800,000 from open space money. So the delta is the \$550,000 is at question for this Warrant Article. The total borrowing would be the \$1,030,000 plus the \$550,000 for a total borrowing of \$1,580,000. And for those of you following our DAT the debt analyst tool, yes, the debt tool, we do have this included in our debt tool

for projecting out costs future debt service. Happy to answer any questions.

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

MAJOR: The Board of Selectmen recommends approval of this Warrant Article. The Board sees this as a valuable piece of property for us to acquire as a community. And it keeps our options open. If we want to just keep it as, as recreational passive recreational we can do that. If we want to we can make it into active recreational as the Town Manager has put a proposal up there for. We can do that as well. We could even sell the land at some future date if we decided to. But this gives us a unique opportunity to get waterfront property along the Shawsheen River. And the Board of Selectmen recommends approval.

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

DUFF: The Planning Board recommends approval but will leave the financial consideration up to the Board of Selectmen and to the Finance Committee.

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

KRUSE: The Finance Committee recommends approval. Although the vote was split five to three. This Article authorizes \$550,000 to be spent on the new parcel but this money is only a portion of the money needed to complete the purchase. To reach the full price the \$550,000 from this Article will be combined with money from appropriations of prior Town Meetings for a total appropriation of \$1.9 million. Of that, sorry \$1.7 million. Of the \$1.7, about \$1.58 million will be borrowed and the remainder's available in cash in conservation and open space funds. It should be noted that the \$1.7 million covers the purchase of the land and also includes about \$100,000 for closing costs and immediate building repairs. Beyond those immediate repairs additional improvements are not being funded now. In particular if the proposed ball fields are built, which could be anywhere from six to fifteen or more years in the future, they could require an additional \$2.7 million to build. Because the price with the ball fields is so high the Finance Committee members who voted against this Article wanted to see the entire project: the land purchase, the rehabilitation of the

land of the property, and the ball fields, put to a debt exclusion override vote. The Finance Committee members who vote for this Article think that this is a strategic parcel and that this is our chance to buy it now. These members thing the decision of how or even whether to fund ball fields or whether to develop the land in some other way can be made by voters in a future year. The acquisition of this land at this time is a good long-term investment for the Town and the Finance Committee recommends approval.

MODERATOR: Thank you. Yes, sir.

HESS: Yes, good evening Madam Moderator. My name is John Hess 145 Chestnut Street. I'd just like to take one moment and thank you for running this Town Meeting this year; it's been going very well.

MODERATOR: Thank you, sir, I appreciate that. [APPLAUSE]

HESS: Many of you know I'm a former Selectman. I was on the Board of Selectmen when this came up in 2001, 2002 and I believe that we should complete the purchase of this property. Prior Town Meetings, our forefathers and foremothers, did purchase conservation land and open space for instance we wouldn't have the school in West Andover that we just built a few years ago if they didn't have the foresight at that time to purchase the land when they didn't have a specific need for it at the time. So we owe a debt to those who came before us. So we should not back down from our own responsibility to the future residents of the Town. We can afford this property. Our borrowing at this time is roughly 8% of our budget. In the past it's been as high as 10% and we've been able to manage that so I think we can afford this within our debt service. As has been said we have an opportunity to purchase this property now to preserve it and that opportunity will probably pass if we don't take this chance that we have now. We should not be short sighted and I encourage everyone to please vote to approve this Article.

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

LIVINGSTONE: Frederick Livingstone, 110 Lovejoy Road. And I want to thank you for your services as well; Town Meeting's going very nicely.

MODERATOR: Thank you very much I appreciate it.

LIVINGSTONE: I also want to thank our Town Manager for his tenacity over these many years trying to secure this property. This is to the Selectmen. How can you justify recommend the Town spend another half a million dollars to purchase even more land while only making token gestures to deal with the Town's unfunded liabilities that are in the hundreds of millions of dollars? And according to financial industry experts could be twice as much as the Town fathers currently are willing to acknowledge. Approaching an unfunded liability between \$600 million and \$800 million when realistic financial assumptions are considered. Thank you.

MODERATOR: Thank you, sir.

LIVINGSTONE: You should vote no on this Article.

MODERATOR: Mrs. Stott.

STOTT: Susan Stott, 30 Pasho Street. I'm also an AVIS trustee, the Andover Village Improvement Society. The AVIS trustees voted unanimously to support the passage of this Article. About ten days ago AVIS celebrated the dedication of the first leg of the Shawsheen River Greenway from Ballardvale to the Horn Bridge at Central Street. WE had more than 150 Andover residents who joined us including music and poetry from students at Andover High School who walked from the school after their Saturday classes. Provision [?] in the Andover Open Space and Recreation Plan is for a greenway that runs along the Shawsheen River from Tewksbury to Lawrence just as the trail along the Merrimack River runs from Tewksbury to Lawrence much of it on AVIS Deerjump Reservation. The second leg from Tewksbury to I-93 will probably be secured with the approval of the solar farm to the west of I-93 along River Road. The purchase of this third parcel from Reichhold, a project approved by Town Meeting for which funds were appropriated more than 10 years ago, is a major step in connecting those two legs from I-93 to Ballardvale. Unfortunately real estate values have risen in the more than a decade since the funds were approved. You can see if you look in your FinCom book that the average assessed value of a single family home has increased more than 70% since 2001. They value of this parcel will increase dramatically when the I-93 interchange is complete. If we do not approve this Article tonight the Town will not have another opportunity to do so. The Conservation Commission is active in actively using the first parcel purchased Serio's Grove as was mentioned for camping even in the winter. I know Alex Vispoli has seen the value to Andover residents for

himself as have many other Andover residents. If the Town controls the property then the river and the greenway can be protected. In the short term there's the possibility of grants and rental income to sustain the property. If we don't approve it tonight the Town will never control the future of this critical parcel of land and the banks of the Shawsheen River. I urge everyone here tonight to vote yes on Article 54. Thank you. [APPLAUSE]

MODERATOR: Thank you. Do you have a question on the Article?

LANDRY: Yes.

MODERATOR: Go right ahead.

LANDRY: Madam Moderator, Bob Landry, Seminole Circle. I see that the decision recommendation of the Board of Selectmen was—

MODERATOR: Excuse me, Mr. Landry. Could you just speak a little closer to the mic? Thank you.

LANDRY: I can see that the decision recommendation of the Board of Selectmen on this Article was not made until after the FinCom report came out. On a purchase of substantial number of acres of land, an issue that's been on the table for a while, I would have thought the vetting process would have been done. This kind of indicates to me a last minute decision where there may be some unsettled issues. And I'd just like to know if we can hear from any of the Selectmen that may have had reservations on this Article?

MODERATOR: I can certainly ask them to give you an indication of why it was after the FinCom committee. But I'm not gonna get into the back and forth unless somebody wants to come down and speak from the floor.

LANDRY: Okay. Could we ask if anyone had---

MODERATOR: Is that alright? Was there a reason why the decision was after, Mr. Major.

MAJOR: Yeah. As we're preparing for Town Meeting we've got a boat load of different activities that we've got to prepare for in getting the budget ready and everything else. And this just happened to be one of them. And we weren't able to—with a month to go before Town Meeting you can't get to everything that you need to. We try. We have lots and lots of meetings

but sometimes we need additional meetings after we go to press with the book to get our work done.

LANDRY: Okay. Madam Moderator, you did offer the opportunity for any of the Selectmen that did have reservations about this Article that if they would like to come to floor they can.

MODERATOR: If they would like to come to the floor they can do that. Okay. Thank you.

SALAFIA: The Board of Selectmen voted five zero in favor so..

LANDRY: It was a unanimous vote.

SALAFIA: Right. It was.

LANDRY: I have another question. Can I do that?

MODERATOR: Can I, Can I have you go behind that gentleman. And get in line again and we'll get to you when we do.

LANDRY: Sure. Absolutely.

MODERATOR: Thank you, sir. Yes, sir.

POKRESS: Bob Pokress, Cherrywood Circle. Under other circumstances I could see myself being in favor of voting yes for this Article but not tonight. I'm gonna urge people to vote no on it tonight for the following reasons. The Town Manager made a point on a number of occasions of making reference to a previous authorization which was 12 years ago. 12 years ago none of us sitting in this room knew that we would be looking down the barrel of hundreds of millions of dollars of unfunded liabilities when those articles were put up for us to vote on back then to approve that authorization. Now we're looking a substantial financial situation that we're facing as a Town. We don't have any answers as to how those monies are going to be made available to cover those huge unfunded liabilities. We have the situation where our School Department has been squeezed for over a decade.

MODERATOR: I would ask you to please address the Article.

POKRESS: Madam Moderator this is all related to the use of, spending of-

MODERATOR: It doesn't sound [INAUDIBLE] related to Article 54.

POKRESS: Madam Moderator I would like to make a point with a legislator from Town—

MODERATOR: Mr. Pokress if I will call you out of order if you do not stay within the confines of this Article.

POKRESS: I am staying within the confines! What I'm trying to make the point that this is a non-essential item given the huge unfunded liabilities we have; the fact that our school department is being squeezed all the time as far as the programs that are being made available. And yet we are being asked and hearing recommendations by the folks who are supposed to be setting priorities properly that this is important enough that it comes ahead of school programs and other projects that are getting short changed while we're buying a piece of property, [INAUDIBLE] quite frankly, is not gonna add to the Town. I'll just give you three interesting statistics that are related to conservation land. The average density in terms of number of people per square mile in Andover is 1,000. 1,000 people per square mile. In Lexington, the Town that we always use for points of comparison, their density is 2,000 people per square mile. In Winchester, another Town that we always like to use as a point of comparison, the density there is 3,500 people per square mile. And Belmont, which is one of the toniest communities in the Boston area, has a density of 5,300 people per square mile. So to say somehow or another we're short changed in the amount in the conservation land that we have as a Town is a misnomer. So I return to my original point. This is a non-essential item considering the real financial issues we face as a Town. And for that reason and that reason only I urge people to vote no on this Article. Thank you.

MODERATOR: Thank you. Yes, ma'am.

COBLEY: My name is Ann Cobley, 21 Magnolia Ave and President of the League of Women Voters of Andover / North Andover. And again as with Article 53 the League of Women Voters of Andover/North Andover supports this Article. And on a personal note I want to express my trust in the fact that I understand how all of the members of these Boards work very diligently throughout the year. I see it. Week after week I trust that they have the big picture in mind and I vote in favor of this.

MODERATOR: Thank you. Yes, sir.

FRIEDENSON: Bob Friedenson, 109 Bellevue Road. My heart says to support this Article however I detect an inconsistency with the two zoning Articles we just passed in order to generate more revenue from various industrial properties in the community. I'm just wondering how much money is being lost by converting this a public use versus the value if this were continued to be industrial land and we had some major corporation come in and use that property?

STAPCZYNSKI: Yes, sir. At the present time the taxes they pay on this property is \$60,000 and they're up to date on their taxes.

FRIEDENSON: No, I realize that but we've just converted some industrial land so that we may get additional revenues from other businesses and increase business in that area. If this property went to an industrial company who might want to come into Andover and might put in a couple of hundred thousand square feet and a thousand employees we might be bringing in revenue of hundreds of thousands of dollars a year or even more if that proper were continued to be used for industrial use.

STAPCZYNSKI: We have not done that kind of analysis, sir.

MODERATOR: Yes, sir, your question.

STRYKER: Point of information. Robert Stryker, 30 Railroad Street. Where's the property located? I'm just thinking if it's like farther away it could some a problem, recreation and public works. The warehouse could be used for multiple functions and solve another problem.

STAPCZYNSKI: Yes, Steve if you could show the map and I'll do my best, sir. It's the Lowell Junction area of Andover, south of River Street, not River Road, but south of River Street and...and let me see. This is interstate, Interstate 93 running north, here we go, running north and south. To put it in perspective this is the Gillette facility, here. This is the Pfizer facility, formerly Wyatt Biopharma, here. So you have Gillette you have Wyatt and then the property is right along the Lowell Junction line. Not to be confused with the wildcat line. The Lowell Junction line that joins the Haverhill line with the Lowell line.

STRYKER: Okay my comment is. Fellow members of the Town this property could be used for multi-uses.

MODERATOR: Is this a question or do you have an opinion?

STRYKER: No I just want to clarify...okay, an opinion.

MODERATOR: If you have an opinion I'd be happy to let you get in line and give it to us. Thank you. Yes, sir.

BRADY: My name is Jack Brady. I'm a resident of Cross Street in Andover and I'm also the President of the Shawsheen River Watershed Association. And the SRWA recommends approval of this Article. Thank you.

MODERATOR: Thank you, sir.

FROM THE FLOOR: Call the question.

MODERATOR: Are you ready for voting?

FROM THE FLOOR: Yes.

MODERATOR: Could I have a second to that please? All those in favor of closing discussion please raise one hand. Thank you. Those opposed. Thank you very much we will end the discussion. If you could get to your seats. This requires a two-thirds vote. All those in favor of Article 53 please raise one hand. I believe you have it. All those opposed. Very--does anyone want to challenge it? I'm so very sorry. All those in favor of Article 54, I'm very sorry, please, in favor of Article 54 please raise one hand. Thank you. All those opposed. I believe it carries by far more. Does anyone challenge the declaration? Someone challenging it? Do you want to challenge?

MARSHALL: Miss Moderator, I think it's an important item that the residents of the Town should know. I'm sorry that you cut it off briefly. But this property has limited use.

MODERATOR: No, sir, we've ending discussion.

MARSHALL: I know, but--

MODERATOR: We've ended discussion we've voting right now sir. It's out of order. We're voting. So all those in favor, does anyone challenge my declaration. Okay. All those in favor of Article 54 please stand. Once the counter has passed you if you'd please be seated.

Section 1: 19; Section 2: 21; Section 3: 21; Section 4: 29;
Section 5: 25; Section 6: 17; Section 7: 33; Section 8: 28;
Hall: 0; Stage: 15

MODERATOR: Okay. All those opposed please stand.

Section 1: 0; Section 2: 3; Section 3: 2; Section 4: --

PERRY: We need to recount four?

MODERATOR: All those opposed in section 4 please stand.

PERRY: Section 4 where you've got the counter walking down.

Section 4: 0; Section 5: 1; Section 6: 16; Section 7: 2;
Section 8: 3; Hall: 0; Stage: 4

MODERATOR: 208 having voted in the affirmative, 31 in the negative the motion passed by far more than a two-thirds vote and it is passed. [APPLAUSE] Article 55. Mrs. Lyman.

LYMAN: Thank you, Madam Chairman. I move that, the Board of Selectmen recommends withdrawal of this Article.

MODERATOR: Article 55 has been moved to be withdrawn and seconded. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. I'd ask you if you could please hand in there with us. We only have a few more Articles. Mr. Salafia, do you have something you'd like to...say to the meeting please.

SALAFIA: Thank you, Madam Moderator. I absolutely do. I'd like to take two minutes of your time and recognize a employee of the Town who's had an exemplary career, that's Chief Brian Pattullo. He still here? Oh, he is. Good. [APPLAUSE] The Chief began his career as a Patrolman with the Andover Police Department in July of 1981. He was promoted to Sargent in 1991. And then appointed to the position of Chief in 1998. He received his early education from Andover schools; he graduated from Andover High School in 1976. He received his Bachelor's Degree in Business Administration from Merrimack College in 1986 and Master's Degree in Criminal Justice Administration from Western New England College in 1998 and has attended the Law Enforcement Executive Development Series, FBI as well as Bateson College Leadership Institute. He's been an active member of many law enforcement organizations and related groups. He was chair of the Northeast Regional Homeland Security Council where he was

actively involved in school safety and security as well as the implementation of a critical assessment management system. He participated in a pilot group with other chiefs that developed a school threat assessment and response system that is currently in use on a State and national level. Additionally, as Chair of the NERAC he played an integral part, role in the development, continuity of operations plan and the continuity of government plans which can be utilized by municipal and private institutions. Chief Pattullo has served as director of the Emergency Management as well as the local emergency planning committee for the Town of Andover. He has served as President of both of the Northeast Council of Massachusetts Municipal Law Enforcement Council and the Essex County Chiefs of Police Association. Chief Pattullo is instrumental in the establishment of the Massachusetts Police Accreditation Commission—god you've done a lot of stuff. And served as President of that organization since its inception through 2013. Among his many affiliation are the International Association of Chiefs of Police, the Police Executive Research for [?] Massachusetts Chiefs of Police and New England Association of Chiefs of Police. In addition he served as Emergency Management Director and Director of Local Emergency Planning Committee. Chief Pattullo serves the Andover Federal Credit Union as a Executive Board President. Chief Pattullo is also an adjunct faculty member of Hesser College where he instructs in criminal justice coursework. He's a lifelong resident of Andover. He comes from a family dedicated to police service; his father Hector served in, for 37 years on the Andover Police Department, retiring in 1991 as a Lieutenant; and older brother Donald retired in 2008 with the rank of Detective Sargent; and his younger brother Clifford is employed by the Andover Fire Department. Chief, Brian, from the Board of Selectmen and all the citizens, I believe I speak for all of you citizens of Andover; we thank you for your long and dedicated service to the community.

MODERATOR: Thank you, Brian. [APPLAUSE]

PATTULLO: I'll keep it brief; everybody wants to get home but...Thank you very much it's been a great career here, 32 years with the Andover Police Department and Chief for the last 15. I know that my successor, Pat Keefe, will do an excellent job in keeping the Department moving forward. And I look forward to participating with him in that transition over the next couple of months. Thank you very much. Been a pleasure to serve you.

MODERATOR: Thank you, Brian. If I may just one quick anecdote. When we were growing up in town, Brian was growing up with us and my father said to us, his children, just

remember no matter what you do in this Town I went to high school and grade school with the Police Chief. So just remember that; I'll find out about it. And funny my brother used the same line: just remember whatever you do—with his kids—in this Town I went to school with the Police Chief so Brian thank you for your personal attention to all the members of the Town and keeping all our children honest. Okay Article 56. Mrs. Lyman, please.

LYMAN: Thank you, Madam Moderator, I move to approve Article 56 as printed in the Warrant.

MODERATOR: Article 56 has been moved and seconded. Are you speaking to this?

LYMAN: I'd be happy to.

MODERATOR: Is there a Selectmen's report. Go right ahead.

LYMAN: Yes. The Board of Selectmen recommends approval of this Article. The Article requests funding to perform components of a tri-annual revaluation of all properties in the Town of Andover as required by the Massachusetts Department of Revenue. The funds will be used to hire an outside consultant to complete the cycle of re-inspection of all residential properties and to value all commercial and industrial properties. The source of the funding is from overlay surplus as declared by the Board of Assessors.

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

KRUSE: Sorry about that. The Finance Committee recommends approval.

MODERATOR: Any questions or comments? All those in favor please raise one hand. Thank you. Those opposed. Thank you. The ayes have it; the motion carries. Article 57. Ms. Loder?

LODER: Yes, Madam Moderator. I move to approve Article 57 as printed in the Warrant.

MODERATOR: Article 57 has been moved and seconded. Are you giving the planning report, please? Are you giving the presentation?

BYERLY: No. Just a quick explanation for the Article is to amend the two definitions for retail sales establishment and

restaurant fast food. And that's actually just to be in keeping with, to clarify what a fast food restaurant is and allow bakeries, cheese shops that type of business to actually not open under the fast food definition but open under a retail definition.

MODERATOR: Planning report, recommendation, please? Planning Board?

LODER: We recommend approval.

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

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

MODERATOR: Any questions or comments? Requires a two-thirds vote. 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. Does anyone challenge that declaration? Thank you very much. The motion carries. Article 58. Who's moving this? Ms. Durant. If you'd like to do it down here, in front.

DURANT: Madam Moderator I move to amend to add one line to the original Article.

MODERATOR: No. Hold on one second. You need to read the motion.

DURANT: Read it as-okay. I move that the Town vote to accept from Donald and Lesley Durant the land shown as parcel A on Plan of Land 278R High Plain Road, Andover, MA 01810, scale 1 inch equals 40 feet, prepared for Donald and Lesley Durant by JM Associates of 325 Main Street, North Reading, MASS 01864 dated September 26, 2012 on file with the Town clerk's Office with said land to be in the care, custody and control of the Conservation Commission and to convey to Donald and Lesley Durant parcel A, parcel B as shown on said plan upon payment from Donald and Lesley Durant to the Town of Andover in the amount of \$8,5000 and to authorize the Town Manager and Board of Selectmen to petition the General Court for special legislation notwithstanding General Laws Chapter 30B or any general or special law to the contrary, authorizing said conveyance providing that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition and subject to the condition that these conveyances

shall be free and clear of all encumbrances but may be subject to such utility easements, restrictions, and other easements and rights as may be acceptable to the Board of Selectmen and subject to such terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover or take any other action related therein to.

MODERATOR: Article 58 has been moved and seconded. Do you want to make an explanation or presentation?

DURANT: Hello, I'm Donald Durant 278R High Plan Road. I'll try to keep this in plain English.

MODERATOR: If you could speak right into the mic.

DURANT: --give a little bit of history--

MODERATOR: Thank you.

DURANT: --for those who aren't familiar with the project. The land has been in the family since 1963. In 1970 Mr. Whitney placed the house on as spot in the property at the rear he thought was in boundaries supported by a stone wall. It turns out later on that the house was actually too close to the rear lot line. Mr. Whitney is my wife's father so the land still remains in the family. It's 24 years later; we've purchased the property and we're trying to correct this. We've been working with the Town for about two years through all the departments specifically Conservation, mostly we've satisfied all the requests and changes and legal requirements. The only change to the document that my wife read is that we are now, have the appraisal returns and we are going to be paying the Town \$8,500 and that is not listed in the financial report. That's the only change. If anybody has any questions. Hopefully this money can be used to buy more open space in Town.

MODERATOR: The Selectmen's report, please.

VISPOLI: Yes Madam Moderator, the Board of Selectmen unanimously recommends approval of this Article. The parcel to be conveyed to the Town of Andover, parcel A, is part of the Town drainage system originating from Route 495 area running into the homeowners driveway through their front yard and ending at Haggetts Pond. Parcel A is adjacent to the land owned by the Town and is under the control of the Conservation Commission. It will not be landlocked as result of the conveyance. Parcel A, land to be conveyed to the Town,

contains 9,983.6 square feet and parcel B the land to be conveyed to Mr. and Mrs. Durant contains 9,645.1 square feet.

MODERATOR: Thank you. Yes, sir.

COOPER: Donald Cooper, 4 Eagle Way, I'm on the Conservation Commission. The Conservation Commission supports this Article unanimously.

MODERATOR: Thank you. Any questions? This requires a standing vote because the court will require that to know what this vote of Town Meeting was. So all those in favor if you would please stand. You can go ahead and have a seat so you can be counted.

Section 1: 15; Section 2: 19; Section 3: 17; Section 4: 25; Section 5: 14; Section 6: 31; Section 7: 31; Section 8: 15; Hall: empty; Stage: 21.

MODERATOR: All those opposed please stand if there's anyone.

PERRY: Is there anyone standing at all?

MODERATOR: Could we have the section 8, can I have the section 8 number please? For the fore, positive.

PERRY: 15. We get zero. There's no, there's no standing, zero on all the zones.

MODERATOR: 188 having voted in the affirmative, zero in the negative the motion carries. You're very welcome. [APPLAUSE] You do understand you've accomplished the near impossible of getting a unanimous vote at this particular meeting. [LAUGHTER] Can that get in the paper please? Article 59, Ms. Loder.

LODER: I move to approve Article 59 as printed in the Warrant.

MODERATOR: Article 59 has been moved and seconded. Are you speaking to it?

LODER: No thank you.

MODERATOR: Who's speaking to it? Come on let's go. People are ready to...ready to roll.

BYERLY: Jacki Byerly, Town Planner. The Article is for the Watershed Protection Overlay District. We already actually [BREAK IN TAPE]

MODERATOR: Planning Board recommendation, please.

LODER: The Planning Board recommends approval of this Article.

MODERATOR: Mr. Vispoli, the Selectmen.

VISPOLI: Yes, Madam Moderator, the Board of Selectmen recommends approval of this Article. Purpose of the amendment is to have an updated map which shows the same watershed boundary as the reference 1985 plan with the addition of Haggetts Pond and Fishbrook watershed. The tributaries which are described in the second the paragraph of 8.1.2 establishment of the 2006 boundary revision referenced in the first paragraph of 8.1.2. The amendment is only revising the word in the first paragraph.

MODERATOR: Any question or comments? It requires a two-thirds vote. 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 would declare it. Does anyone want to challenge that? Thank you very much. I would declare it far more than a two-thirds vote. Article 60 please Mr. Mahoney. Sir you ready to move the Article? Thank you.

MAHONEY: I'm Barry Mahoney, Washington Park Drive. I make a motion to move the Town appropriate the sum of \$60,000 for the purpose of installing, operating and maintaining a streamgauging station on the Shawsheen River at Balmoral Street and further to authorize the Town Manager to enter into an agreement for the same with the United States Geological Survey.

MODERATOR: Article 60 has been moved and seconded. Would you like to speak to the Article sir?

MAHONEY: Yes, I would. I have a few slides. As everyone who lives in Andover knows the Shawsheen River has overflowed its banks several times over the last decade causing significant property loss as well as endangering public safety. I just want to give you a brief overview of significant flooding events over the last several years. The most recent one was in 2010. Prior to that 2006 was a major flooding event. But as you can see this river has flooded every few years or so

and it's inevitable that it will continue to flood. We need to prepare for that and that's the purpose of this gage, is to help us prepare for that eventual, inevitable event. Hopefully we'll be able to get anywhere up to one or two days' notice. Next slide. There is some history with this gauge. After the 2006 Mother's Day flood the State of Massachusetts installed a gauge on Balmoral Street in 2007. And that was operational and functional up until 2010 at which time the State consolidated much of their resources and discontinued their funding. However the Town, the Town got involved and signed a joint agreement with the USGS where there was what is called cooperative funding. This is where USGS and the Town each pay half of what the cost, what the annual cost is \$15,000 a year, so the Town paid or USGS put in half of that and the rest was paid for by Town, local businesses, associations and Town, departments in the Town. However the inevitable happened the gauge lost its funding in 2011, actually 2012 because of the sequester, so right now there is not funding for that gauge. Next, next. So what is this gonna get us? What's the benefits of this gauge? Twofold. Economic benefits and safety benefits. Generally it's well documented that the more notice you have of any impending natural hazard or disaster the more time you have to prepare the better you can limit the cost or your losses both in property but also in personal lives, personal injury. By having notice I'm talking 24-48 hours notice. You minimize the risk at which you put your first responders. For example, 2006 the Fire Department actually had to evacuate people in row boats. With a gauge, with a functional gauge we would have enough warning that we would prepare for that, notify people and really reduce, almost limit the possibility of loss of life or personal injury. Along with that with the prior notice becomes better traffic management. Here there are cost savings again having time to plan and organize. And finally having prior notice reduced the damage to homes, businesses and other structures. For example by having advance notice people can move their cars. In 2006 there were actually cars moving down the river, flowing down the river, and the Fire Department said that was a major concern in terms of the environment. Next slide. So in summary what we're asking for is we're asking to fund this gauge. This will give us significant forecasting. As I said anywhere from 36 to 48 hours. The benefits are twofold. If we do a cost benefit analysis we'll reduce or...we'll have savings by reducing the property damage and also reduce the casualty loss. And finally what's the cost of saving a life? I don't know how you do that. Just one more slide.

MODERATOR: If you could wrap it up please, sir. Take your time.

MAHONEY: This is an example of the type of forecasting that NOAH and the USGS can supply us. This is taken from the Wilmington gauge which is about 11 miles upstream and there are two graphs on the purple-

MODERATOR: You need to bring this to a close.

MAHONEY: The purple graph shows us the current level and the green is the forecast. Thank you.

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

KOWALSKI: Yes, Madam Moderator. Madam Moderator, the Board of Selectmen recommended disapproval of this Article. Now the Board of Selectmen was not convinced of the need for this specific system to do this type of monitoring. We have to consider that there are a lot of other technical resources that are available to our Town officials to predict types of events such as these. A stream, a gauge upstream was mentioned as well that also does provide us with some forewarning of events such as this so we weren't necessarily convinced that this was the proper solution to protect against this risk. The Board also was concerned about the monthly cost of maintenance of this system which was a \$1,000 a month or \$60,000 for five year period. Previously gauges have been funded by grants and the Board was looking to see some type of grant funding opportunity that might be available to help offset the cost of this Article.

MODERATOR: Thank you. The Finance Committee report please, Mrs. Moffitt.

MOFFITT: The Finance Committee has determined that there's not significant information to demonstrate the benefit to the Town of Andover at this type. The Finance Committee recommends disapproval.

MODERATOR: Thank you. Yes, sir.

COOPER: Don Cooper, 4 Eagle Way. The Conservation Commission voted to support this Article insofar as the information that the streamgauge would generate would be very useful to the Town and to the Conservation Commission. However, we did not

take a stance, we leave to the Selectmen and the Finance Committee on the financial aspects of the Article.

MODERATOR: Thank you, sir. Any other questions or comments? This requires a majority vote. Yes, sir.

ZIPETO: John Zipeto, 14 Canterbury Street. I think in general I support the Article, I guess a question that I have about this is that there will be a dam removed from the Shawsheen River in that area. I think in front of the Balmoral. So, if that were the case would that gauge be located in the same location as it has been right on the bridge on Balmoral Street?

MODERATOR: Are you asking me? I have no idea.

ZIPETO: I am asking whoever can answer that question. If you can and I direct the, I direct the question to you, Sheila.

MODERATOR: Does that have anything to do with the streamgauge?

ZIPETO: Yes it does.

MODERATOR: Okay sir, go right ahead. 'Cause I didn't understand the question. Does it have anything to do...go ahead.

ZIPETO: It does.

DOUGLAS: Good evening, Bob Douglas, Director of Conservation. The gauge actually has very recently been relocated and it was previously on the bridge, the historic bridge, it's been relocated and you will find it in the park next door adjacent to it.

ZIPETO: Okay. I did not know that. Thank you. That was my question.

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

MEDEIROS: Yes, I do. I'm Ed Medeiros, Washington Park. I support this Article and I encourage everyone else to support it but my comment is with the Board of Selectmen issues where they said that there is many other, or there is other, sources for the Town to get this information if we're going to be seeing a flood. This issue though is like in 2006 if that the Town knew that we were gonna have a flood in 2006

they did not relay this to the population and to the businesses in the area that were being effected by the flood. And they woke up on a, on Mother's Day morning to find that their cars were underwater and Powder Mill there the cars that were in the garage were floating inside the garage because the water was up to the roof. Balmoral had major issues. The nursing home, Marland Place, had to run around trying to find how to evacuate their patients so that they could get them into safe areas. And in Washington Park the Fire Department had to come in with rowboats to evacuate the individuals and there was plenty of damage. So with this gauge the information's available on site. All the businesses, the Balmoral, the nursing home, could all have this information online as well as the Fire Department and the Police Department so that they could plan their resources on how to deal with the flood—the flood's gonna be inevet—the flood's gonna happen. The issue here is getting advance notice so that people can evacuate and move their cars to make arrangements for their personal property to reduce the cost of insurance and personal claims. Thank you.

MODERATOR: Thank you. Yes, ma'am.

HAUER: Point of information.

MODERATOR: Go right ahead.

HAUER: Catherine Hauer, Hazelwood Circle. Does anyone know who funds the gauge in Wilmington and at what cost?

MODERATOR: Does anyone know who funds the gauge in Wilmington and at what cost? Go right ahead.

MAJOR: Yeah, it's actually, it's actually provided free of charge from the United State Geological Survey.

HAUER: Why are they free?

MAJOR: That's a great question.

HAUER: I have another question.

MODERATOR: Go ahead.

HAUER: Regarding those residents that were flooded in the last couple storms are they, are their residents fully recovered from the---

MODERATOR: I don't know that that, does that have any relevance to this Article?

HAUER: I fell that it does. It kind of shows the, if they're not recovered from the damages then it shows that an early warning system would be helpful.

MODERATOR: Well, how would we, how would we know that. Yes, ma'am.

GREENWOOD: My name is Connie Greenwood and I live in Washington Park and have for 18 years. I was in Andover when we had the flood of '36 and I was in a boat then going down the Shawsheen. [LAUGHTER] So believe me I know what the problem is. Every one of us, we have 57 apartments it's all [INAUDIBLE] people. 12 [INAUDIBLE] in each apartment and they were all flooded out. We lost everything! Everything, the cars floated away. They were totaled. Every piece of furniture I had was totaled. Everything was gone. I ended up for six months out of that house. We used to come every day and eat our lunch on the trash barrels while we got back into the house. And if you think that was fun some of those people never did get back cause they couldn't afford it. And the elderly, the elderly-

MODERATOR: Those other elderly is that what you're talking about?

GREENWOOD: --never did get back. So if you think this is a big amount, the money that you have appropriated these last three nights, and these are all seniors, that you could say no, I'm sorry for you. [APPLAUSE]

MODERATOR: Okay. Any other comments or questions? Article 60 is a majority vote. All those in favor of Article 60 please raise one hand. Thank you. Those opposed. The ayes clearly have it; the motion carries. [APPLAUSE] Before we get into, before we get to Article 61, number one, thank you all very much for sticking with us tonight and getting through this meeting. This has probably been some of, has had some of the most contentious Articles in a long time in a lot of Meetings. If I as the Moderator have offended anybody or was too heavy handed I apologize. My goal and focus has been to move the Meeting forward and I appreciate all of you courtesies and support in that process. Article 61 please, Mr. Kowalski.

KOWALSKI: Madam Moderator, I move to approve Article 61 as printed in the Warrant.

MODERATOR: Article 61 has been moved and seconded. Are you going to speak to this?

KOWALSKI: The Board of Selectmen recommends approval.

MODERATOR: Okay. And the Planning Board please. Recommendation.

[UNIDENTIFIED SPEAKER]: The Planning Board recommends approval.

MODERATOR: It's a street approval requires a majority vote. All those in favor please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. Mr. Urbelis.

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

MODERATOR: All those in favor of dissolving this Town Meeting please say aye. Those opposed. Thank you very, very much.