

2013 Special Town Meeting

Monday, February 11, 2013

MODERATOR: The hour of seven p.m. having arrived it is my distinct pleasure to call to order the February 2013 Special Town Meeting for the Town of Andover. Welcome everybody thank you all very much for coming out. I'd like you now to please stand. Mr. Salafia if you'd lead us all in the Pledge of Allegiance.

[PLEDGE OF ALLEGIANCE]

Thank you. Mr. Urbelis the admission of non-voters please.

URBELIS: Madam Moderator I move to admit Lawrence Murphy, Steven Bucuzzo, Rod Smith and others who may be entering the hall tonight some of whom may be speaking.

MODERATOR: Thank you. All those in favor of admitting non-members please raise one hand. Non-voters I'm sorry. Thank you. All those opposed. The ayes have it. The non-voting members will be up there in Section 8. If you are here with children if you would please sit in Section 8 with the children as they are non-voters. And let the counters know that you're there and you are a voter, that you have your sticker, and you can, you can move forward from there in having your vote counted. Please I'd ask you if you would turn off your cell phones or certainly turn them on silent or vibrate so that we don't disturb the meeting. There's no smoking or drinking or eating in the auditorium other than water. Mr. Urbelis please the waiver of return of service.

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

MODERATOR: All those in favor of returning the waiver of service and referring to the Warrant Article by number please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. I'd like to go through with you if I can the voting sections. There are eight voting sections. They'll be one here, here, up until row L, three, four, five, six, seven and eight. So if when we take a vote, if we take a standing vote, if you would please be sure that your vote has been counted the row that you are in, once you've seen the counter count your row please be seated so they can go on to the next row beyond you. Tonight we will have pro and con mics. If you'd wait Mary till we finish the announcements

please. We don't have anything on the floor yet. There is a pro mic over here; there is a con mic over here to my right, your left. There is another pro mic up there in the back and a con mic over here. So there is a pro and con on each side of the stairs. If you are going to speak for the Article if you'd please go to a pro mic; if you're going to speak against it if you'd please get yourself situated at a con mic. I would like to take a vote of the Meeting in terms of whether or not you would be willing to accept time limits which has become our tradition. So I would like to get an indication from the Meeting and make this motion. I would like to rule that the Moderator, that we will impose a limit of five minutes for a presenter, three minutes for any speaker and that those limits will be imposed at the discretion of the Moderator. The Moderator will notify you when you have a minute left of your, of your remarks. All those in favor of limiting the speakers, please raise one hand. Thank you. Those opposed. The ayes have it the motion carries. We do have over here to my left, your right, do we have the Ombudsman? We do not. When we have him I'll let you know he's here. Like to introduce to you the stage participants: to my right is the School Committee and the Superintendent; the Board of Selectmen and the Town Manager; the Town Treasurer, the Finance Committee, Town Counsel and the Town Clerk. And for those of you who do not know who I am my name is Sheila Doherty and I'm very pleased tonight to be the Moderator of this Town Meeting. Couple of housekeeping issues. You may all have seen that there is, or heard, there will be school tomorrow in the Town of Andover. Some of you parents may have paid the Superintendents and the DPW people to make sure that would happen. But there will be school tomorrow. And I would like to just on a note of personal privilege just give kudos to our Chris Cronin and our Department of Public Works. I know things are not perfect with our streets and sidewalks but we are in so much better shape than so many others so I would love to see if you agree with me a round of applause for their efforts. [APPLAUSE] Which were easily a 36-48 hour almost non-stop on those individuals. So thank you. Mr. Deso. Article 1. And if I can tell you that by previous discussions I did give Mr. Deso an opportunity or tell him that we would allow him to speak for no more than ten minutes on the presentation tonight of this Article. Go right ahead sir.

DESO: Good evening. My name is Tom Deso. I live at 81 High Street and I am the chair of the School Building Committee. The bad news is I have to read this entire Article verbatim. The good news is my presentation won't be much longer than

the Article. Article 1. Bancroft School Funding. I move that the Town appropriate the sum of \$5,715,000 in addition to the \$43,835,000 appropriated at the December 6, 2010 Special Town Meeting for the design and construction of a new 680 student K-5 Bancroft Elementary School, approximately 106,486 square feet on Bancroft Road including off-site improvements that are part of the project to be constructed pursuant to a construction contract procured in accordance with the provision of MGL Chapter 149 or a contract utilizing construction management at risk delivery method in accordance with provisions of MGL Chapter 149A as determined by the School Building Committee and which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years said sum to be expended under the direction of the School Building Committee and to meet said appropriation the Treasurer is authorized to borrow said sum under MGL Chapter 44 or any other enabling authority, that the Town acknowledges that the Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, provided further that any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of: (1) 44 percent of eligible, approved project costs as determined by the MSBA or, (2) the total maximum grant amount determined by the MSBA, all as provided in the Project Funding Agreement dated September 1, 2011 between the MSBA and the Town.

MODERATOR: Article 1 has been moved and seconded. Go ahead Mr. Deso. Thank you.

DESO: Waiting for slides here. Okay, thank you. On behalf of the School Building Committee I'd like to thank everyone for coming this evening to help do the Town's business. With us tonight are Lorraine Finnegan of SMAA Architects, our project architect, Bill Endicott of Skanska USA, the project manager for our construction firm, and Tripp Elmore, with Doran Whittier our onus project manager. They and the Building Committee members are seated down here to my, in front of me. I'd like to begin with a very short history of this project. We are building a new Bancroft Elementary School as a result of a process that began in 2006. The Mass School Building Authority accepted our request to replace the Bancroft School with State funding assistance. They subsequently agreed that we could build a 680 student capacity school allowing us to

incorporate the K-2 population of the Shawsheen School. Town Meeting approved our plan in December 2010 and funding through a debt exclusion was approved in an election in January 2011. We are now at the point where construction is well underway. We have completed the West Knoll Road access to the School. The foundations are complete and the steel structure will be finished by the end of this week. Construction is 25% complete. All trade contractor and sub-contractor bids have been received at this point and we have a firm handle on our costs. We are now at the point where based on the previously approved project amount we cannot award any more sub-contracts. We must have the additional funding we are asking for tonight to award these final contracts and to complete the School. For those of you who don't get a chance to get down to Bancroft I wanted to show you a couple of pictures. This is the foundation work that began in the fall; I'm guessing from the trees there we're looking probably at October. Here you see a couple of iron workers up on the building getting ready to bring a beam into place. I believe we're actually looking, I'm not sure the direction of this one, but in this slide we are looking from the existing Bancroft driveway towards Route 28 and that tall structure you see at the left end of the picture will be the front entry of the building. As I said the steel work will be completed this week. This is an aerial shot that was taken by Skanska that shows the current Bancroft School at the bottom of the slide, the new construction just above it, Bancroft Road up at the top of the slide with the old Bancroft driveway to the right. Just a little bit about the budgeting process we underwent during design of the building. As required by MSBA we had two independent estimators prepare estimates at several key points in our planning. Each of these estimates had to be reconciled within three percent. After each estimate the School Building Committee with the help of the architect and the construction manager brought our budget in line with the estimators by value engineering and by use of the planning contingency. I'll speak a little bit about more, more about that in a moment. In the late spring of 2011 we were on budget and prepared to go to bid. Just before bidding two Main Street residents appealed the Andover Conservation Commission ruling to the Department of Environmental Protection. At the same time they filed a lawsuit in Superior Court challenging the Town's Wetlands By-law. Both DEP and the Court ruled in our favor but the abutters appealed. We fully expected that both of these Courts would rule in our favor but even more appeals were likely. The SBC studied options to begin construction without affecting the areas under appeal. We found a way to proceed

to construction in early 2012 and received approval for that plan from the MSBA. The abutters then contacted us and a settlement was reached. We had the estimators take a final look at the construction budget. Not surprisingly after a one year delay we needed to make adjustments. We undertook another round of value engineering making more changes to bring us back to budget. We incurred additional costs for the delay and for items agreed to in the settlement, vehicle costs and redesign costs as a result of the value engineering were substantial. All in all we have approved more than \$3 million in value engineering changes. When the bidding began in 2012 we realized the budgets were not holding. Estimates are always based on recent trends in the market. So we undertook an analysis of market positions. It became apparent that the recession of 2007, 8, and 9 had taken a toll on the construction market. Private sector work had virtually dried up, public sector work had decreased significantly; contractors either went out of business or cut back on their work force. Prices remained very competitive as the work pool was competing for a much smaller pie. In 2012 things began to change public and private opportunities increased significantly but the labor had been reduced by the economic forces of the recession. In early 2012 the cost of construction materials, labor and transportation all spiked. More projects available to a smaller bidding pool meant that bidders could now begin to raise their prices. Coupled with increased material and transportation costs bids began to skyrocket. While some of our bids were coming in on budget, most were coming in 15% to 20% over budget and the number of bidders for each category was much lower than we expected. In some cases we only received one bid for a category. During our analysis we attempted to find comparisons with other recent construction in our area. Several projects including those listed at the bottom of this slide are experiencing similar budget problems. This slide shows the breakdown of our original budget on the left and the additional funds we are requesting at this Special Town Meeting. The \$580,000 for administration costs staff costs for the Town's project manager and cost of the litigation and settlement issues. The major portion of the request is the \$4,490,000 for construction/trades included in this amount is \$100,000 to restore the playground equipment that was removed as part of our last value engineering process. The balance is to fund contract amounts for the remaining trades that have not yet been awarded. \$144,000 in associated construction costs will cover insurance, bonding, and other general requirements associated with the balance of contract awards. The last two items are construction contingency and owner contingency. I'd

like to explain them in a bit more detail. MSBA requires that four contingencies be carried on all projects. Two of them, design and escalation are meant to be used during the design phase of the project to cover costs as they are closely quantified as the planning develops. Escalation contingency is meant to cover market conditions from the beginning of the design phase until the beginning of construction. Both of these contingencies go to zero dollars at the conclusion of the design process as they are incorporated into the construction budget. These contingencies are no longer available during construction. Construction and over contingencies are meant to be applied during construction to cover unanticipated costs. The construction contingency is used for costs directly associated with the building; the owner contingency is meant to be for other costs such as additional testing, report, etc., costs that are not directly associated with construction. We currently have a balance of just under \$2 million remaining in our construction and owner contingencies. In this request we are asking for an additional \$200,000 in construction contingency which is approximately 5% of our additional construction costs. We are also including \$300,000 in additional owner contingency to cover the possibility of delays in completion of the project that are out of control such as weather conditions. This money would be used to keep our team of architect, construction manager, and onus project manager on board until completion of the School. Any contingency funds that remain at the end of the project would reduce our final costs. In addition we have been informed by our utility companies that the Town will be eligible for up to \$175,000 in energy rebates for this project. The Town has agreed that these rebates will be used to further reduce the project costs. Finally, I'd just like to say that since mid-October members of the Building Committee have met with many Town Boards and Committees to update them on the status of the project. In addition, we have given regular updates to the Board of Selectmen, Finance Committee, and the School Committee. The members of the School Building Committee, as well as our project team, are here to answer any questions you may have. Thank you very much.

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

SALAFIA: Madam Moderator. The Board of Selectmen unanimously voted to support Article 1.

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

STUMPF: Thank you, Madam Moderator. Good evening ladies and gentlemen. Regarding Article 1 the Finance Committee voted unanimously to recommend approval. In reaching this vote there were four major items considered. The first item was that the actual costs have progressed to a point where stopping the project is not a viable option. The new building foundations are in the ground and three story steel shell structure is being finalized. Secondly, if this \$5.7 million requests is not approved now the construction costs will continue to increase. The improved business climate in the municipal construction sector will cause future bids to come in higher. The School Building Committee needs approval of this additional funding in order to award bids that are due to expire at the end of the month. Third, the cost escalations were driven by factors outside the control of the School Building Committee and or the Town. The School Building Committee had numerous neighbor outreach meetings and over 100 open meetings. Fourth, although construction costs have increased the cost of borrowing money is lower today than a year ago. This favorable borrowing market and the fact that the Town has maintained its AAA rating from Standard and Poor's will help reduce the overall project costs. In December 2010, the original estimated additional tax bill increase to the average taxpayer was \$179. The current estimate is \$181, including the additional exempt debt borrowing. The Finance Committee recommends approval of Article 1 and the appropriation of \$5,715,000.

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

COLBY-CLEMENTS: Thank you, Madam Moderator. The School Committee recommends approval and we commend the School Building Committee for the very thorough and transparent process they have conducted throughout the course of this project. During hundreds of hours of public meetings they have considered the input of residents, educators, staff, and consulting professionals during the design phase and they have undergone multiple rounds of cost estimation, budget reconciliation and value engineering to keep costs in line during construction. Not only are more than satisfied that every available option has been considered throughout this process we appreciate the Building Committee's diligent efforts to keep both our community and our State partners well informed. The School Committee thanks them for their

efforts to make this much needed new school a reality and we unanimously recommend approval of Warrant Article 1.

MODERATOR: Thank you. Now again I'll repeat this is a pro mic, a con mic, a pro mic, a con mic. So if you have any comments if you please line up at the appropriate mic and we'll go from there. Yes, ma'am.

CARBONE: Miss Moderator, I have a point of order.

MODERATOR: Go right ahead.

CARBONE: I would like to suggest and that this meeting be moved so that we will have a true consensus of the residents, taxpayers, and voters in the Town of Andover. Actually I don't believe we have a true consensus here tonight but there are many people that would like to have been here but because of weather conditions and emergencies called both at the State level and the local level. I believe that it's not appropriate for the Town to have called the Special Town Meeting tonight and I'm asking that it be continued to another date at a better time when the senior citizens who have a great deal to say in the Town of Andover are able to get here and voice their opinion and I thank you for listening.

MODERATOR: Mrs. Carbone this is a duly posted and a duly stated meeting. I understand your concern at the time it was posted there was no...no notice of a huge snow storm or the aftermath thereof but it is a duly posted meeting. If you are making a motion that you have in writing that I can I present to the voters we will take a vote on that. Otherwise I can't disburse or dispense or recess this Meeting.

CARBONE: I making a motion I'm making a point of order and it's up to you to make the decision about the outcome of that. Thank you.

MODERATOR: Nothing having been before me I have no authority to recess the meeting. It would be the voters and there's no motion before the voters. It has been a duly called Meeting by the Board of Selectmen and we are here to night, everybody has the opportunity to be here tonight, albeit some people with hardship—all of us with hardship, so the Meeting will go forward unless there is a motion before---

CARBONE: --the people who are going to benefit from this Article are here. I'm sure if that. But there are many people

that would like to speak, maybe in favor of it also, but maybe against it. And I don't think---

MODERATOR: --Mary that's true with any Meeting of a Town Meeting so I appreciate your point of order I cannot move on it. We're gonna move forward with the Meeting.

CARBONE: This is a blizzard night. Thank you.

MODERATOR: Thank you. Yes, sir.

ROBB: Don Robb, 36 York Street. I doubt if any of us came here tonight wanting to vote for this Article. We are all terribly disappointed. It's almost \$6 million of Town money. But I would point out that we really have no alternative. This is one of those situations where we can't point a finger at ineptitude on the part of our Town officials or anything of that sort. A set of circumstances arose and we have to face it as a Town. The need for a new Bancroft hasn't gone away. That building is getting older by the day, another snow storm is piling up on the roof and weakening those beams and we have to do something about it. We either do it tonight at this price or we will be faced with doing again at the regular Town Meeting in May at a higher price because the cost will only go up. Given all of that, it is the most prudent decision that this Town Meeting could make to move ahead on this and vote yes on Article 1.

MODERATOR: Thank you, sir. Any other comments? Are you ready to vote? Yes, sir.

KOCH: Madam Moderator. Peter Koch, 297 Salem Street. I rise in support of the, appropriating \$5.7 million for the timely completion of Bancroft School with one caveat. The Townsman in May of 2012 reported that Board of Selectmen Chairman Paul Salafia was personally involved in a clandestine effort on behalf of the plaintiffs in the Bancroft School abutters' suit. Chairman Salafia was reported to have dealt secretly with an unnamed agent for the lead plaintiff in that suit before it was abruptly dropped resulting in a bonanza for the abutters and a \$7. - pardon me a, \$5.7 million upcharge that brings us here tonight. Taxpayers of Andover have a right to know who it was that Chairman Salafia covertly met with, the details of that meeting, the authority by which Chairman Salafia acted, the lawfulness of his actions---

MODERATOR: ---Mr. Koch. Mr. Koch I would like to. [GAVEL] Mr. Koch. Your comments do not appear to be within the confines of this, of this Warrant Article in front of us.

KOCH: Well they are germane to the expenditure of \$5.7 million which is the issue before us. I'd like to just continue with one sentence please. To date Chairman Salafia has refused to publicly disclose any of that information. In the interest of transparency I call upon the Town Manager [GAVEL] with the assistance of Town Counsel [GAVEL, GAVEL, GAVEL] for a [CONTINUES SPEAKING OVER MODERATOR]---

MODERATOR: Mr. Koch. Mr. Koch! [GAVEL]

KOCH:--publicly detailing the role of Chairman Salafia in this matter. Thank you.

MODERATOR: Mr. Koch. You are out of order.

KOCH: I'm done! Thank you.

MODERATOR: Thank you very much.

DESO: Madam Moderator could I just make a brief response? Or would you rather not?

MODERATOR: Not to something that's out of order. Thank you. Any other comments? Are you ready to vote? I'm very sorry sir, thank you. Go right ahead.

POKRESS: Bob Pokress, Cherrywood Circle. Thank you, Madam Moderator. First off I'd like to just offer my own personal tip of my hat to Tom Deso and the other members of the Building Committee [APPLAUSE] for the work they've done. And I would like to just mention that I share Don Robb's sentiment on what needs to be done at this evening's Meeting. However, this particular vote sadly is one in a continuing series of bail outs that Town leadership has come to town voters to ask for over the past 20 years. [SOFT APPLAUSE] I'm sure that I can start with a short list that includes the cost overruns with the High School renovation, here about 15 years ago, the cost over runs with the replacement for the Police Department and Fire Station, the cost overruns involving the roof of the Wood Hill Middle School and High Plain Elementary School where we were promised by the Selectmen that the Town, at the Town Meeting where the asked to dig into our pockets for \$2 million at that point in time to replace the roof, that quite frankly the builder should

have been responsible for, that we're now being asked again to bail out a project that in this case is way over budget. Again I share Don Robb's sentiments this is something we have to do as a Town because we need to replace the School. But my question for Town leadership is the following: as always, these votes are presented in such a way that we are being asked to spend more money on top of everything else that has been previously been budgeted, why is it an impossibility for this Town, like every household here in Andover that is faced with a financial issue, where you have an unexpected cost or a major cost that comes in that you have to adjust your expectations and cut out certain things in order to deal with that cost overrun. My question is what does Town leadership intend to do to cover the costs that are involved with this \$5.7 million roughly that we're being asked to approve in order to make room for it by cutting other things in the operation budget or planned capital requests that we're gonna be asked to vote on in April so that this is as close to tax neutral for Town residents as possible? [APPLAUSE]

MODERATOR: Is there anybody who would like to address that question?

STAPCZYNSKI: Yes, Mr. Pokress in the Finance Committee report is a letter from the School Building Committee, a letter from the Finance Committee that goes into the details about why we are here tonight. I won't bore you or the audience with all the details but the process that we followed is not one that we made up. We're following a process that was set out by the Massachusetts School Building Authority to assist and actually to direct cities and towns on school construction projects. We worked with them for months on a number but due to a variety of issues that were raised both in the letter from the School Building Committee and the Finance Committee we find ourselves here tonight. Where are going to find the money, I think is your question. The Department of Revenue has allowed a portion of this, again in the letter \$4.2 million, to be considered as debt that's exempt from Prop 2 ½, the remaining \$1.8 million we will have to find within our budget. I don't have an instant answer tonight, but we certainly will be scheduling that into the capital plan for the next few years. We have time to work on that. One of the issues that we have with the whole budget is the construction is not done. So we're not sure how far into the various contingencies we will have to invade, so there may be need for less than the \$1.8 million to borrow in non-exempt debt.

POKRESS: I'm not sure you answered my question which is is it the intent of Town leadership, yourself and the Selectmen, to find in the plan for the upcoming budget and subsequent budgets room for this addition \$4.4 million of borrowing that we have to take on in order to finish the School so that from a tax point of view it is as close to tax neutral as possible. Meaning you have to make cuts elsewhere in the budget to make room for this from a tax point of view just like every homeowner in, in not just Andover, but any part of the country would have to make adjustments in their household budgets when an unexpected expense—that is an important expense—occurs.

STAPCZYNSKI: I heard you and I told you that the \$4.2 is exempt from the limits of Prop 2 1/2. And what I thought I said was that the remaining \$1.8 million we would schedule within the existing debt should we need to borrow that additional amount.

MODERATOR: Okay? Yes, sir.

RIGBY: Good evening, Madam Moderator. Thank you.

MODERATOR: Can you identify yourself, please?

RIGBY: Greg Rigby, 131 Rattlesnake Hill Road, former member of the Finance Committee. I have, I also agree we have to get Bancroft done. It's dangerous the way it is and it's been put off too long. So I am in support of it. I have a small amendment to make to the Article as it stands. I have already spoken with the Ombudsman. I can read the Amendment now and then put it up front if you like?

MODERATOR: If you would please.

RIGBY: Okay. To insert the following-

MODERATOR: Actually would you mind giving it to me? And then read it after you've given it to me.

RIGBY: You mean the one copy I have?

MODERATOR: Isn't it in triplicate?

RIGBY: There's three yah. Just one moment

MODERATOR: Could someone bring that up please? Goes way back to second grade I'm just more visual than audio. Thank you. Go right ahead.

RIGBY: Thank you Madam Moderator. To insert following the \$5,715,000 to insert the following: a maximum of which may be borrowed as approved by the December 6, 2010 Special Town Meeting and the remainder of which the \$1,478,471 would be funded within the levy limit of the Town. I believe that's basically what the Town Manager just said. I just put the exact-

MODERATOR: Okay there is a, you're moving to, you're making a motion, is there a second to this motion? The motion's been moved and seconded. Do we have a scanner? No we don't. So let me read it to you again. A maximum, inserting after on the first line, if I'm correct, Mr. Rigby, after the first line of \$5,715,000 we would insert: a maximum of which may be borrowed as approved by the December 6, 2010 Special Town Meeting and the remainder of which, \$1 point...\$1,478,471, will be funded within the levy limit. That motion has been moved and seconded. Now let me tell you how we work this for those of you who don't know. When there is a motion, when there is an amendment made to an Article I need a majority of the voters here to say you want this amendment to go forward. The proponent then will speak to it, explain it, explain how he's putting into it; we have a discussion on the amendment only. Now with this amendment we leave the Article, we go to the amendment and what that does to the Article, and then we vote on the amendment. If the amendment passes, it becomes part of the Article. If it is defeated we go back to the original Article. Does anyone have questions on what this does? Okay. Mr. Rigby go ahead and explain if you'd like. I'll give you three minutes on this, if you like.

RIGBY: I don't think I'll take three minutes, but...The reason for my amendment is pretty, is simply that, I want to make sure that any additional overruns above and beyond the roughly \$4.2 million that we can spend, that those overruns are funded by the Town through the levy limit and do not go on to some additional form of, of bond that is not within the levy limit, or...I always get these mixed up...exempt debt, I believe is what it's called. So that it doesn't go into those kinds of borrowing that add to the tax bill over and above the levy limit. It's simply a way to put a control in so that the number is specific, we know what it is, and the taxpayers can deal with this if management wants to change it down the

road. Then we know specifically what we've agreed to and we'll see then what changes they may want to make.

STAPCZYNSKI: I have some questions for him.

MODERATOR: Go right ahead. Mr. Stapczynski.

STAPCZYNSKI: Yes, Mr. Rigby. Madam Moderator may I have that again just to make sure I have his exact request here. You're amendment is addressing the \$1,478,471 correct?

RIGBY: Right. I got that number from the School Committee.

STAPCZYNSKI: Thank you. Now, you're saying here that the remainder of this, let's call it \$1.4 million, will be funded within the levy limit. Now. Does that, are you implying that it is borrowing within the levy limit?

RIGBY: By any way or means that you can appropriate the money. You can borrow within the levy limit. That's fine.

STAPCZYNSKI: Borrow within the levy limit?

RIGBY: Within the levy limit.

STAPCZYNSKI: Or what I want to be very clear is, I don't want to preclude, because I don't know what's gonna happen in two or three years when we're finally paying this bill, but if it could come from reserves, if it could come from other sources than borrowing. I don't want to be hemmed into a corner for future decisions that we may make in terms of where to find this money. It could come from an available fund of some sort and may not necessarily be borrowing two or three years from now. I'd like to, if you don't mind Ms. Moderator, just ponder this with Counselor Urbelis in terms what this may mean to our relationship and our agreement with Mass School Building. We have a partnership with them with respect to the financing and Tom do you have?

MODERATOR: Ponder among yourselves.

STAPCZYNSKI: Can we ponder this Mr. Urbelis?

MODERATOR: Go right ahead.

URBELIS: I don't think I have to ponder it. This, the money that we're raising here anyway isn't gonna be reimbursed by

the MSBA anyway. So I'm not sure this amendment makes any difference to the MSBA.

MODERATOR: To the MSBA. Okay.

DESO: Madam Moderator?

MODERATOR: Just a moment. Anybody else on the Selectmen or School Committee have any comments? Finance Committee? Jon?

STUMPF: Thank you Madam Moderator. Two thoughts. One, I just took a quick look at the numbers and the number, numbers a little off so it's a small thing but we need to fix the amendment. Secondly, I don't see the purpose of the amendment because the Department of Revenue limits the amount that we can add to exempt debt. So by default we have to handle the non-the remaining portion within Proposition 2 ½.

MODERATOR: Mr. Deso.

DESO: Yes.

MODERATOR: Am I saying your last name correctly?

DESO: What did you say?

MODERATOR: "Deso."

DESO: Yes that's correct.

MODERATOR: Thank you, sir. Go right ahead.

DESO: That's what my mother called me.

MODERATOR: Go right ahead.

DESO: I'd hate to put a damper on this and while I don't have any problem in principle with the amendment, the reason I had to read the entire motion is because that motion is provided by the MSBA. I believe if we passed an amended motion we're gonna have a problem with MSBA. So, I'm concerned that this motion in amended form might be seen by MSBA to be a valid motion. Thank you.

MODERATOR: Okay do we have any other comments on the motion? Yes. Go right ahead. Please step right up to the mic please so we can all hear you. Thank you.

GREGORY: Laura Gregory, 5 Embassy Lane. I was involved with the School Building Committee as the Shawsheen PTO representative for a number of years and it did, was involved in some of the work early on with the MSBCA. And my concern is exactly what Mr. Deso was talking about in that my understanding is these articles are essentially written by the MSBCBA [SIC] and they've got multiple millions of dollars that they're providing to us and I don't want jeopardize that money by modifying the motion tonight. And we all know that the amount of tax dollars available is likely to get smaller from the MSBA and if we delay it our costs are going to increase and I would suggest that you vote no to the modification on the Article.

RIGBY: Madam Moderator.

MODERATOR: Just one moment. I want to have Town Counsel and then I'll let you speak.

URBELIS: I'd like to amend what I've said before. I, the MSBA is not really the agency that concerns me on this particular amendment. It's bond counsel. And I'm not sure bond counsel would sign off on this and I'm not going to give you an opinion that he would.

MODERATOR: Yes, sir.

RIGBY: Madam Moderator, in light of what Mr. Deso just said I want to withdraw the amendment because I don't want to endanger this so and I didn't realize that was a possibility.

MODERATOR: So the amendment is off the table. Thank you.
[APPLAUSE] All right are you ready to vote? Sir, go right ahead.

MARTIN: Craig Martin on 54 Morton Street.

MODERATOR: Yes sir.

MARTIN: I guess a question or a clarification before we rush to a vote on this and forgive my ignorance on Proposition 2 ½. Am I to understand that the \$4.2 million of the total that is covered under that levy, is that money that will result from increased taxes? Can we just say it out loud and say it's going to be increased taxes.

STUMPF: Yes.

MARTIN: And I guess as a citizen I'm curious as to before this process went forward why we went to construction before the litigation, with the litigation out there, before it was resolved and locked ourselves into a project of this scale before knowing for sure we could pay for it. And as a citizen it just concerns me that we come back after the fact and say oh, there's nothing we could have done when in fact we went forward with a project with a considerable amount uncertainty around it and as a result now you're coming back to us as taxpayers and saying, woops, you guys are gonna have to pay the bill. And I want everybody who's a homeowner here to be aware that that \$4.2 million is coming out of our pockets not yours. [APPLAUSE]

MODERATOR: Mr. Deso do you want to address that?

DESO: Yes, please.

MODERATOR: Go right ahead.

DESO: It's coming out my pocket as well and everybody up there's pocket I believe everybody's a resident. We did not begin construction before the lawsuits were settled. There were people on the Building Committee that wanted to begin construction before the lawsuits were settled but we thought it was prudent not to. The reason, the primary reason we're in this position is because we lost a year from when we planned on beginning construction from when actually could been, begin construction. The construction started approximately a year later after the suits were settled.

MODERATOR: Would you like to be the last speaker? Then we'll go to a vote. Right here the last one and then we'll vote. Go ahead.

FORD: Kerry Ford, 85 Summer Street. I was simply going to ask Madam Moderator to call the questions.

MODERATOR: Oh, good. Sure, I'll be happy to do that. All right are you ready to vote? You must be seated in a chair in a voting section in order for your vote to be counted. Again if you are in Section 8 with any children if you please could wait until we finish the vote all of you please so that we can have an orderly count. If you could wait before you leave until we finish the vote. Thank you. It'll just be another couple of minutes. I am gonna ask for a standing vote so there'll be no question---well let's try it and see if we can get, does require a two-thirds vote. All those in favor

please raise one hand. Those opposed. The ayes clearly have it by more than a two-thirds vote. Does anyone challenge that? If you do I'll take a standing count. Do you challenge it sir? Okay. The motion carries by more than a two-thirds vote. I declare it as such. The motion carries [APPLAUSE] Mr. Urbelis.

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

MODERATOR: There's been a motion made and seconded to dissolve this Special Town Meeting. All those in favor? Thank you. Those opposed. Thank you all so very much for coming out.