

In The Matter Of:

*Commonwealth of Massachusetts, Town of Andover
Transcript of Town Meeting, Night 3*

May 07, 2014

*Duffy & McKenna Court Reporters
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COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER

Date: Wednesday, May 7, 2014

Transcribed November 11, 2014

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1 MODERATOR DOHERTY: The hour of 7:00
2 p.m. having arrived, it is my distinct pleasure
3 to call to order the continuance of the 2014
4 Andover town meeting. Thank you all for coming
5 tonight. I know there are many other things in
6 your minds and spirit that you might want to be
7 doing tonight besides this, but I appreciate
8 you all being here. Thank you.

9 There are a couple of items, for those of
10 you who don't know who I am, my name is Sheila
11 Doherty, and I am the moderator for this town
12 meeting, and it is my distinct pleasure to
13 serve in that capacity.

14 Mr. Urbelis, please on non-voters.

15 MR. URBELUS: Madam moderator, I move
16 to admit non-voters, Christopher Cronin, Paul
17 Sebanski and others, some of whom may be
18 speaking.

19 MODERATOR DOHERTY: Non-voters have
20 been, it's been moved and seconded to admit
21 non-voters. Could you please raise one hand.
22 All those in favor. Thank you. Those opposed.
23 The ayes have it, the motion carries, please
24 bring in the non-voters.

1 Mr. Urbelis, please, the waiver of return
2 of service.

3 MR. URBELUS: Madam Moderator, I move
4 to allow the Moderator to refer to the warrant
5 by number and subject matter.

6 MODERATOR DOHERTY: It's been moved
7 and seconded to refer to all warrant articles
8 by number rather than read them and explain
9 them in full. All those in favor, please raise
10 one hand. Thank you. Those opposed. Thank
11 you. The ayes have it, it carries.

12 I'd ask you please if you would turn off
13 your cell phones or at least silence them
14 during this meeting. Of course there's no
15 smoking in the building. Even though we are
16 discussing a marijuana zone, there's no
17 smoking. There's no food and drink other than
18 water in the meeting.

19 Let me run through very quickly the voting
20 sections. Section one, two, three, four is up
21 there, behind the yellow tape there is five,
22 six, seven, and the non-voting section is, I
23 mean the non-resident section is section eight.

24 I'd like to introduce you very quickly to

1 the people on the stage, not that you can't
2 read very carefully or very distinctly, but the
3 planning board, the board of selectmen, the
4 town manager, and the finance director are to
5 my right, your left. The finance committee,
6 the town counsel and the town clerk are to my
7 left, your right.

8 Over here to my left is Attorney
9 Christopher Bronsis. He is the ombudsman. He
10 will be in a position to help you if you want
11 to amend any article, he can help you with the
12 wording. If you do offer an amendment, we need
13 three copies of it. He has the three-part
14 forms so you can get those from him.

15 If you want to take at some point, look
16 through on your finance committee report on
17 page 127, it does go through some of the
18 procedures for our meetings. If we have a
19 vote, whether it be by hand or standing, you
20 must, you must be at a seat. You can't be
21 standing on the side, you can't be standing in
22 the back. You must be at a seat. I would ask
23 you please, if you're inclined to leave, if we
24 are in the middle of a vote, please wait till

1 the vote is completed so that we can try to
2 respect the integrity of the vote. Once the
3 vote has been taken and I announce the vote, if
4 you need to leave or get up or move around,
5 feel free to do it at that time.

6 We do have pro and con mics. We have a pro
7 con here, a con mic, a pro mic in the back and
8 a con mic. Those would be if you are for an
9 article you would go to a pro mic. If you want
10 to speak against an article, you would go to
11 the con mics. On the landing here on the
12 handicapped landing, there is a point of order
13 mic. If you have a point of order, a question,
14 an issue, feel free to use those. The point of
15 order mics are not intended for dissertations.
16 They are intended for asking a question or a
17 point of order. If you want to give an opinion
18 on an article, I'd ask you please to go to one
19 of the pro or con mics.

20 I think those of you who have been here
21 other nights know that we have got anything
22 that's going to be projected up on the screens.
23 We are also able to see the people in the back,
24 and I thank the town clerk and his team and the

1 cable TV folks. I think they have done a
2 wonderful job this year of making it accessible
3 and easy for us to see. Thank you.

4 And lastly I would like to just reiterate
5 and have us continue on the civility and tone
6 of the meeting. You know, some people said on
7 Monday night it was the most difficult meeting
8 we've ever had. I have to differ, it's not.
9 Some of you can remember far more difficult
10 meetings. We've had far easier meetings, but I
11 think at the end of the day by and large for
12 the most part it was respectful, it was civil,
13 and there was certainly disagreement, and
14 that's healthy.

15 I would love to think we will get through
16 the meeting tonight. Generally we don't start
17 anything after 10:00. We do have several of
18 the last articles that are being withdrawn. I
19 would ask the meeting's indulgence if you can
20 bear with me if we can get through it. If it
21 gets too late, we'll come back tomorrow night,
22 but my hope would be that we could get through
23 the meeting tonight. We'll see how that goes.
24 Yes, sir? Could you pull up mic three, please.

1 Mic three, please.

2 Right here. So if you have a question and
3 you're at mic number three, would you please go
4 to mic number one.

5 MR. LANDRY: All right. I don't like
6 this angle, but I'll take it.

7 MODERATOR DOHERTY: There you go.

8 MR. LANDRY: Okay. Bob Landry,
9 Seminole Circle. As agreed I'll take just a
10 few minutes, I will read just two sentences,
11 pause for you, Madam Moderator, and then
12 continue just for two more minutes. "Madam
13 Moderator, I rise to make a motion for
14 reconsideration relating to the motion under
15 article four concerning line items 19 to 24,
16 fixed expenses, on the basis that a legal
17 opinion read by town counsel prior to the vote
18 confused voters and mistakenly created the
19 impression that a vote for the health insurance
20 amendment would be illegal when it certainly
21 was not. In my view, this meets the definition
22 of an error as noted in the moderator's memo to
23 town meeting on page 126 of the finance
24 committee's report to the 2014 town meeting."

1 I'm going to pause, do you want me to go on?

2 MODERATOR DOHERTY: Go ahead for
3 another two minutes.

4 MR. LANDRY: Two minutes, that's all I
5 need.

6 MODERATOR DOHERTY: Go ahead. And
7 then I'll rule on that.

8 MR. LANDRY: Thank you. "Last Monday
9 night, I moved an amendment to reduce the
10 health insurance line item of the budget by
11 \$680,000. The motion was deemed to be in order
12 and I spoke to the amendment. Immediately
13 after my presentation, the town moderator
14 recognized town counsel who read a legal
15 opinion entitled "Legality of Underfunding
16 Health Insurance."

17 Allow me to make just four points: First,
18 the opinion was read by town counsel over the
19 vocal objections of many in the meeting because
20 the attorney that prepared the opinion, Phil
21 Collins, was not present to explain the opinion
22 or to answer questions.

23 Second, the subject line of the opinion
24 itself, legality of underfunding health

1 insurance, created the impression for some that
2 a town meeting vote to cut the health insurance
3 budget was somehow illegal.

4 Third, the legal opinion stated that under
5 an existing collective bargaining agreement,
6 health insurance benefits are enforceable as a
7 matter of law. This is true, but has no
8 bearing on the right of the town meeting
9 members to cast a vote of disapproval.

10 And finally, the legal opinion concludes
11 that "Any motion to underfund the town's
12 request for sufficient appropriations will be
13 of no force or effect." Several lawyers I
14 spoke to disagree. At least one lawyer who was
15 present in the room, was quoted in Saturday's
16 Eagle Tribune as follows: "I read this guy's
17 opinion and what it says is that the town fails
18 to appropriate adequate funds to cover its
19 share of healthcare costs, then town officials
20 must do certain things. They would have to
21 raise funds through taxation or get the money
22 some other way. The conclusion that a vote
23 would be null and void and have no effect is
24 not correct, he added. It has a lot of effect.

1 It has the effect of forcing the town to raise
2 money by taxation to fund the appropriation.

3 In conclusion, the timing and content of
4 this legal opinion had the effect of making the
5 vote itself appear to be illegal, which easily
6 could have been the difference in the small
7 nine-vote margin of the results. Thank you.

8 MODERATOR DOHERTY: Thank you, sir.
9 I'd like to make a couple comments before I
10 rule on that request. One is the town of
11 Andover has had a very long standing of at
12 least several centuries, I'm not sure, since
13 our inception of not entertaining motions to
14 reconsider. We don't reconsider an article
15 once we've voted on it unless we need to
16 correct a significant oversight or there was
17 an issue in legality. Now, why do we do
18 that? Why does the town of Andover do that?
19 Some towns don't. Many towns, many towns have
20 the same policy we have. So they take a look
21 at, in order to reconsider, there's no notice
22 to the voters of the town of Andover if we turn
23 around and reconsider an article. It's not the
24 same meeting. Those who are voting to

1 reconsider haven't had the input of the
2 original discussion. They have not had the
3 back and forth that happened on a given night.
4 And if it was allowed, this meeting could go on
5 for months because somebody could stand up and
6 say, you know what, I really don't like the
7 vote we took on the tax relief for the seniors.
8 I want to reconsider that. And a whole
9 'nother meeting, a whole 'nother group, a whole
10 'nother time could be packed and stacked.
11 Another issue would be the Ballardvale Fire
12 Station. If someone said, you know what, I
13 think we should reconsider that. If you want
14 to reconsider a vote that is taken at this
15 meeting, your recourse, any voter's recourse,
16 is to get the appropriate number of signatures
17 and have a special town meeting so that every
18 voter in the town knows the boards and the
19 elected officials that would report have the
20 opportunity to discuss in open session and in
21 open hearings what the issue is and how it may
22 or may not be reconsidered.

23 I found nothing illegal or wrong with the
24 vote that was taken. The fact that there was

1 an opinion read, sought by the town manager and
2 read by town counsel, and others may or may not
3 agree with it, I don't find to be an egregious
4 error. So for that reason, I would vote your
5 request, sir, out of order. We will not
6 reconsider. Thank you. Article 34.

7 SPEAKER: Ms. Moderator.

8 MODERATOR DOHERTY: Yes.

9 SPEAKER: I would like to speak.

10 MODERATOR DOHERTY: To that issue,
11 Ma'am?

12 SPEAKER: You haven't finished. Yes,
13 I would like to speak.

14 MODERATOR DOHERTY: No, we've closed
15 that discussion, Mary. Thank you.

16 SPEAKER: You can't close discussion.

17 MODERATOR DOHERTY: I just did.

18 SPEAKER: I have a point of order.

19 MODERATOR DOHERTY: What's your point
20 of order?

21 SPEAKER: My point of order is I would
22 like to speak with your observations about the
23 issue and it has to do with town policy.

24 MODERATOR DOHERTY: Mary, I've made a

1 ruling on that. You certainly can take it up
2 at a public meeting with the selectmen.

3 SPEAKER: I would like to speak on it
4 under point of order.

5 MODERATOR DOHERTY: Mary, no. Thank
6 you. Article 34, please. Mr. Macaux. Is Mr.
7 Macaux moving Article 34?

8 MR. MACAUX: I've moved that the
9 Article 34 as printed in the warrant.

10 MODERATOR DOHERTY: It's been moved
11 and seconded that Article 34 be moved as
12 printed in the warrant. Mr. Matarrazo.

13 MR. MATARRAZO: Thank you, Madam
14 Moderator. My name is Paul Matarrazo, I'm the
15 director of planning for the town of Andover.
16 We're here this evening to discuss Article 34,
17 medical marijuana overlay district. This
18 evening we're here to discuss a sensitive topic
19 regarding the regulation of medical marijuana.
20 Tonight town meeting voters will be presented
21 with five articles related to this issue.
22 Article 34 which is the present article,
23 specifically is going to talk about the rules
24 and regulations. Article 35 is a moratorium,

1 and articles 36, 37, and 38 are site specific,
2 and we'll get into those later when those
3 articles come up this evening.

4 So how did we get here? Back in November,
5 2012, the Massachusetts Medical Marijuana
6 initiative was approved by voter referendum,
7 63 percent affirmative and 36 percent against.
8 Here in Andover, the referendum was passed by
9 59 percent and 37 percent against. In January
10 of 2013, the Humanitary Medical Marijuana Use
11 Act took effect.

12 So what is a registered marijuana
13 dispensary? Well, according to the Department
14 of Public Health, it's a not-for-profit entity
15 that dispenses, cultivates, or prepares
16 marijuana and its related products for
17 registered qualifying patients. Any approved
18 RMD is stringently regulated through the
19 Department of Public Health as well as the
20 local host community. To date the attorney
21 general has opined that communities can't
22 outright ban these facilities, however,
23 communities can plan ahead, and regulated
24 veered zoning is really what we are looking to

1 do here this evening.

2 The purpose of the medical marijuana
3 overlay district is to provide for the suitable
4 placement of RMDs in Andover to help minimize
5 adverse impacts on adjacent properties,
6 historical districts, neighborhood schools and
7 other locations where children congregate.

8 Back in the fall, the town manager had
9 requested that a town working group be
10 established. You can see that many of the town
11 staff are participating and developed the
12 guidelines that's really the basis for the
13 zoning article that's before you this evening.

14 After months of investigation, the working
15 group held a series of public meetings since
16 the fall of this past year to solicit further
17 comments from the public and area businesses,
18 and the overlay before you this evening is
19 intended to afford the town additional control
20 in regulating the siting of the RMD should one
21 choose to come to town.

22 Now, presently in Andover today, an RMD
23 would be considered a medical use. I know it's
24 a little hard to see in this map, but there are

1 areas in light blue that essentially an RMD
2 could locate today. Those areas include
3 downtown, Shawsheen Square, Shawsheen Plaza,
4 Ballardvale, Doctor's Park, and a number of
5 industrial districts. Again, this evening we
6 are trying to set the rules should a location
7 look to come to town that they're playing by
8 the town's rules. Again, articles 36, 37, and
9 38 are highlighted here as to the locations
10 that will be discussed later on this evening.

11 Again, Article 34 essentially is being put
12 in place with classified medical marijuana and
13 could set up specific locations as to where
14 these areas could be located. These areas,
15 like I said, would include downtown. Now, for
16 the town really to do nothing is not an option.
17 Today this use is allowed in a number of the
18 town's districts. We are looking to put in
19 place rules and regulations that are amenable
20 to the town should a dispensary look to come to
21 Andover, it's under our guidelines and control,
22 not at the discretion of a developer looking to
23 come through the door and drop a dispensary in
24 a location that's not acceptable to the town.

1 And with that I'd welcome any comments or
2 questions that you may have.

3 MODERATOR DOHERTY: Let's get the
4 selectmen's report, please, Mr. Salafia.

5 MR. SALAFIA: Yes, thank you Madam
6 Moderator. The board of selectmen recommends
7 approval of Article 34, mainly because it
8 identifies, it allows Andover to identify
9 appropriate locations in the town that lawful
10 medical marijuana facilities might be sited.

11 The Massachusetts Attorney General has
12 issued a decision that cities and towns cannot
13 enact an outright and total ban on registered
14 marijuana dispensaries, but can, however, adopt
15 zoning bylaws to regulate their locations and
16 minimize their impact on adjacent properties
17 such as playgrounds, schools, residential
18 neighborhoods and other such places that minors
19 might congregate. It is very important to note
20 that if this article does not pass, the town of
21 Andover would not be able to control the
22 location of these facilities.

23 MODERATOR DOHERTY: Thank you. The
24 planning board report please, Mr. Macaux.

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MR. MACAUX: The planning board supports approving Article 34 as printed. We believe that it, as Mr. Matarrazo explained, represents a fine balancing between the need to regulate the location and siting of these facilities, at the same time, not prescribing restrictions that are so restrictive that they would trigger a violation or challenge under state law, and we believe this represents appropriate balance for that.

MODERATOR DOHERTY: Do you want to address this article, Ma'am? Just bring the mic down.

MS. DALEY: I have a couple questions. Can you hear me?

MODERATOR DOHERTY: I can, thank you.

MS. DALEY: My name is Nancy Daley, and I live at 3 Hearthstone Place, Andover, Mass. I am concerned about our description of Article 34, because we mix -- what's in Article 34 is bylaws, zoning bylaws, but then we talk about locations in it. So I would like it clarified whether Article 34 is just

1 establishing zoning bylaws or are we
2 establishing locations? Because our
3 description at the end says Article 34
4 identifies appropriate locations, and, in fact,
5 what Article 34 really identifies is zoning
6 bylaws. So I'm afraid that if we approve one,
7 are we, in effect, approving all, and I would
8 like that clarified.

9 MODERATOR DOHERTY: Okay. Go ahead,
10 Paul.

11 MS. DALEY: And my other question,
12 I'll just finish and then maybe he can answer
13 it all at once.

14 MODERATOR DOHERTY: Go ahead.

15 MS. DALEY: And if we don't approve 34
16 and we approve 35, does 35 in effect give us
17 more time to develop better zoning laws to
18 protect our town because that's a moratorium
19 till October, 2014. So I know we're supposed
20 to address each one separately, but they're all
21 kind of intertwined and I just want the public
22 to know exactly what we're voting on.

23 MODERATOR DOHERTY: Go ahead.

24 MR. MATARAZZO: Very good question.

1 The Article 34 is specifically the zoning. It
2 doesn't identify any specific locations.
3 Should town meeting voters approve article 34,
4 it would set the table for a discussion as to
5 the locations that will be discussed later on
6 this evening.

7 MS. DALEY: And the difference between
8 34 and 35?

9 MODERATOR DOHERTY: If I may. If 35
10 does not pass, if tonight the meeting says no,
11 we don't like the wording in this bylaw, then
12 we almost have to pass 35 because we have to
13 come up with a bylaw. Go ahead. Town Counsel.

14 MR. URBELIS: And if that happens,
15 that means we will be mandated to have a
16 special town meeting because we'll only be able
17 to go until the end of the moratorium period at
18 which point we would have to by then have a
19 town meeting to pass a bylaw similar to 34. 34
20 as Paul mentioned, was about a six-month
21 project of the zoning, the bylaw task force
22 and with a police chief, the board of health
23 director, myself, Paul, building inspector
24 putting together 34 as well as 36, 37 and 38.

1 34 is important because if we don't pass it and
2 we don't pass the moratorium, 34, it's rather
3 extensive and comprehensive in that it has many
4 restrictions, many conditions, requires a
5 special permit, requires a special hearing in
6 front of the planning board for anybody that
7 comes in for one of these permits, and as you
8 can see in 34, there's all kinds of conditions
9 that have to be met. If we don't pass it,
10 those conditions don't exist.

11 MS. DALEY: Can I just clarify? But
12 if we don't pass it, we have, nobody can submit
13 for a permit until the end of that moratorium
14 and hopefully by the end of October, October
15 14th, I think it was, is it October 14th? When
16 that date comes along, hopefully we will have a
17 complete set of nice zoning bylaws to help us.
18 Is that accurate?

19 MR. MATARAZZO: That is accurate, but
20 what I would say in development of this overlay
21 district, we utilized information that has been
22 already passed by other communities and other
23 bylaws that have been approved by the attorney
24 general. So it's something that we just didn't

1 make up from scratch and reinvent the wheel.
2 We went with something that was tested and
3 approved by the attorney general and put our
4 own spin on it to make sure that the Andover
5 population was protected should a facility look
6 to come to town.

7 MODERATOR DOHERTY: Yes, sir. Do you
8 have a question?

9 MR. BENEDICTS: Kevin Benedicts, two
10 Hearthstone Place, Andover. I just had a
11 couple clarifications. Nancy's questions
12 answered a couple that I had. One of my first
13 questions, and I have never spoken at town
14 meeting, but everybody that I had followed up
15 with since hearing about this last Tuesday, in
16 our neighborhood, nobody was aware of it. So I
17 guess question number one is just
18 clarification. How were people notified,
19 because I have not found anybody yet that knew
20 about this potential zoned area being in our
21 part of town?

22 MODERATOR DOHERTY: No one knew about
23 the zoning article or the locations?

24 MR. BENEDICTS: No one knew about the

1 locations.

2 MODERATOR DOHERTY: Okay. We're
3 talking now about the zoning article, the
4 process, maybe you can explain.

5 MR. MATARAZZO: Yes, I do have a
6 slide for this. Again, since the fall I
7 believe starting in November there have been
8 nine public meetings dating back to November.
9 As for the formal article itself, notices went
10 out to direct abutters, and people located
11 within these districts themselves. And I know
12 in working with the board of selectmen, they
13 made a point that, you know, try to get the
14 message out. We actually even held a joint
15 meeting with the selectmen I believe in the
16 winter sometime, and more recently we were with
17 the League of Women Voters talking specifically
18 about this issue. What you have up here is a
19 series of public meetings which the town has
20 conducted in order to solicit public input as
21 well as this is just a list of information
22 that's been in the newspaper to try to get the
23 word out to solicit public comment about this
24 particular topic.

1 MR. BENEDICTS: Thank you Madam
2 Moderator.

3 MODERATOR DOHERTY: I think he's going
4 to address your question. Go ahead.

5 MR. MAJOR: Just to be clear, the
6 board of selectmen believes Article 34 is the
7 better of the two. 34 puts the protections in
8 place. These are the best protections that we
9 as a community can have to protect our
10 interests against entities that want to bring
11 this medical marijuana type of a dispensary to
12 our community. If we don't pass 34 and we
13 decide to pass 35, it just puts a temporary
14 moratorium in place, so that means that in a
15 few months, we have to be right back here
16 voting on 34 again. So it would require a
17 special town meeting in order to pass 34. So
18 our belief is that the best alternative is to
19 pass 34 and then withdraw 35.

20 MODERATOR DOHERTY: Just as a point of
21 clarification, 34 is only setting up, all we're
22 talking about in 34 is the zoning bylaw. The
23 rules and regulations that will control anybody
24 coming in. There is no discussion there on

1 where the zones will go. It's just saying, we
2 can't say where they're going to go until we
3 know what the criteria is. So you have to have
4 the zoning law, the zoning regulation in place
5 there before you can determine where you want
6 to put a facility or where you want to allow
7 those facility to be. Did you have a follow up
8 question?

9 MR. BENEDICTS: No, my only other
10 follow-up would be I was disappointed to see a
11 500 foot limit used in 34. I'm in real estate
12 development for a national developer, and I've
13 polled a national committee I'm on, and that's
14 more of an urban city block mandate. Usually
15 in more of a rural setting, you can expand that
16 greatly because 500 feet is, not myself, but
17 many of you that golf on a regular basis can
18 hit a ball further than that. So, you know, on
19 a back road in West Andover I really don't
20 consider that much of a buffer from several
21 youth facilities, for example, that are near
22 the area that is being considered where we are
23 that are within 1500 to 1800 feet away.
24 That's, it's shorter distance than people

1 think. So I just think that's too small a
2 number.

3 MODERATOR DOHERTY: Does that 500 foot
4 golf ball have to be straight?

5 MR. BENEDICTS: It tends to go right.

6 MODERATOR DOHERTY: Yes, sir. Then
7 I'll get to you, sir.

8 TOM PASQUALE, 47B Whittier Street.
9 I'm voting in the affirmative for it, because
10 of zoning, but I read everything. I read the
11 other articles. But what perturbs me is the
12 whole thing about compliance, because let's
13 supposing we got some figures in there like
14 it's a 15 or \$20,000 fine if you're -- and that
15 leads me to the question of who is responsible,
16 the town or the state of Massachusetts, and
17 what's the appeal process?

18 MODERATOR DOHERTY: Responsible for
19 what, please?

20 MR. PASQUALE: Well, if we say that
21 somebody we put them over there and they're
22 doing something that we don't want and it's a
23 \$15,000 fine, I just made that number up
24 because nobody ever talks money. Somebody's

1 going to get fined. It's not stated. So I'd
2 like to see some place that it gets stated and
3 is it our jurisdiction or is there an appeal
4 process that this individual can go to the
5 state of Massachusetts and overrule it?

6 MODERATOR DOHERTY: Let me get you an
7 answer.

8 MR. PASQUALE: Thank you, Mr.
9 Counselor.

10 MR. URBELIS: Okay. The zoning bylaws
11 are enforced by the building inspector. Some
12 folks in this room may be familiar with the
13 building inspector and his fine procedure, and
14 if there is a fine that was issued that he
15 considers is appropriate and if it isn't paid,
16 then the selectmen can authorize going in the
17 court to have the court enforce it.

18 MR. PASQUALE: But that's not spelled
19 out in any of this, not in this one or the next
20 couple things having to do with marijuana.
21 That's my point. I'd like to see it spelled
22 out that somehow that's the individual that's
23 going to rule on this, that's all I'm bringing
24 up.

1 MR. URBELIS: It is. It's in the
2 zoning bylaw in the enforcement section which I
3 believe is section nine or ten of the zoning
4 bylaw. It says that the building inspector is
5 the person that enforces the zoning bylaw.

6 MR. PASQUALE: Thank you. Thank you.

7 MODERATOR DOHERTY: Yes, sir.

8 MR. PICKING: Just a question.

9 MODERATOR DOHERTY: Sure, go ahead.
10 If you can identify yourself, please.

11 MR. PICKING: Chas Picking, River
12 Road.

13 MODERATOR DOHERTY: Thank you.

14 MR. PICKING: The purpose of Article
15 34 of which I'm in favor is to set locations
16 suitable to minimize adverse effects and
17 nobody's talking about what the supposed
18 adverse effects are. If as the presenter
19 mentioned, the purpose was to make safe
20 availability of legal medication to patients
21 who live in town, I'm wondering what the
22 attitude of the town officials is what these
23 adverse effects are. Why it shouldn't be, for
24 instance, downtown for people who have trouble

1 driving three miles because of their pain, you
2 know, can take their walker and go down to CVS
3 or some local place to get it. But just what
4 are the assumptions you're saying that this, a
5 dispensary will have such adverse effects that
6 you have to put it on the map at one end then
7 the other.

8 MODERATOR DOHERTY: Let me get an
9 answer for you, please. Again, those with the
10 questions, if you can just ask the questions
11 quickly. Anybody have an answer to that? Mr.
12 Matarazzo?

13 MR. MATARAZZO: I would just say, you
14 know, when we first started the conversation,
15 we looked at a number of zoning districts and
16 we started, you know, kind of at the 30,000
17 foot level. The light blue designations which
18 included the downtown were in consideration
19 from the beginning. But after consultation
20 with the police chief and others, you know, we
21 really tried to not mix this type of medicine
22 availability with, you know, the children
23 congregating around this use. Trying to mirror
24 what the Department of Public Health has set

1 forth in their regulations. Although we agree
2 as staff or not, we're mirroring the Department
3 of Public Health's rigorous requirements.

4 MR. PICKING: So the town is saying
5 basically that it's stigmatizing anybody who
6 would take advantage of this legal opportunity
7 for a medication that is law by saying that
8 we're going to put them, you know, one place or
9 another. I'm not talking about what place
10 right now, I'm talking about the fact that
11 nobody says what the adverse effects are. What
12 is really the problem of saying if there were a
13 dispensary downtown or in Shawsheen Square or
14 something like that, it's just oh, no, no, we
15 can't have it here, let's put it out as far as
16 we can toward Wilmington, as far as we can
17 toward Methuen, that's it, don't worry about
18 it.

19 MODERATOR DOHERTY: Okay. Thank you.
20 Do you have something to say, Nancy? Go ahead.

21 MS. DALEY: My name is Nancy Daley, 3
22 Hearthstone Place. I have lived in this town
23 my entire life, and I have always felt that we
24 strive to be a family friendly community that

1 looks to improve our standing. I also
2 understand that since the state of
3 Massachusetts approved the establishment of
4 medical marijuana treatment facilities, we need
5 to define zoning bylaws within our town in
6 order to protect and preserve it. In addition,
7 I know the town supported legalizing medical
8 marijuana in the last election, and just
9 because our town supported it, does not mean we
10 want it here. People should be careful what
11 they vote for.

12 After review of the proposed Article 34 and
13 the bylaws as they relate to medical marijuana
14 treatment facilities, it is obvious to me that
15 these bylaws identified in Article 34 are not
16 strict enough to protect and preserve the
17 Andover community. We already know that the
18 town is recognizing there is a drug problem
19 through the request of the drug counsellor by
20 the youth center, drug sweeps in schools, and
21 through our own police log. Just last week the
22 superintendent of Lawrence Vocational School
23 made these remarks that were in the Andover
24 Townsman, it says, and I'm going to paraphrase

1 him--

2 MODERATOR DOHERTY: I can't let you
3 quote someone who's not here to confirm or deny
4 his statements. Thank you.

5 MS. DALEY: Okay. Well, he made
6 remarks related to that during the drug sweep
7 the number one drug they do find--

8 MODERATOR DOHERTY: Wait a minute, you
9 can't quote him.

10 MS. DALEY: I'm not quoting him.

11 MODERATOR DOHERTY: Okay.

12 MS. DALEY: I'm just saying what was
13 in the paper. I'm just saying what was in the
14 paper. That the number one drug they do find
15 with kids is marijuana because it has been,
16 it's viewed as it's okay because of the new law
17 that was passed in Massachusetts.

18 That brings me to the zoning bylaws written
19 in Article 34, and I would like to say simply
20 that they're not strict enough. As I read
21 them, I feel we are addressing ordinary
22 business. We're addressing it as if it's an
23 ordinary business that wants to open shop in
24 Andover because they're addressing issues like

1 parking, lighting, water supply, but a medical
2 marijuana treatment facility is like no other
3 business in Andover. It's not only a
4 dispensary, it is for an addictive drug that
5 will bring other addictive behaviors into our
6 town, but it also gives the businesses the
7 right to grow and cultivate that drug.

8 We are in a prime location with two major
9 highways running through our town, and we
10 should make it extremely difficult for people
11 who want to open these establishments. In
12 looking at these bylaws, they are not written
13 in such a way that will protect our community
14 and its future generations.

15 Furthermore, we as a town should not be
16 suggesting locations as in Article 36, 37 and
17 38. Our bylaws should be written in such a way
18 that it is to preserve all family and
19 neighborhood communities, not just certain
20 parts of the town.

21 MODERATOR DOHERTY: About 30 seconds
22 more Nancy, go ahead.

23 MS. DALEY: I've got a few more. I
24 have to make some points.

1 MODERATOR DOHERTY: 30 seconds, go
2 ahead.

3 MS. DALEY: Why, can we just finish?
4 Not only allowing medical marijuana facilities
5 to be visible, my opposition to Article 34 is
6 that it's not strict enough, and these are some
7 points that are not addressed in there.
8 Imagine if they're visible on your child's
9 school bus route or when they're walking to
10 school. We should put some limitations in
11 there that restrict that they can't be on a
12 school bus route. Imagine your kids just
13 driving along looking out at their window at
14 the medical marijuana facility.

15 Restrictions on visibility from a main road
16 should be included in there and there should be
17 security 24/7. It should be a gated community
18 such as what we have with Raytheon that no one
19 can just go in there.

20 We have not, letting abutters know within
21 100 feet is not sufficient enough. There needs
22 to be a wider abutter to let the abutters know
23 that are further out.

24 Also in the bylaw it says there can be home

1 delivery. There is no regulations on what that
2 means. So now we're going to be allowing
3 transport of this drug around town. Another
4 concern that I have--

5 MODERATOR DOHERTY: I need to ask you
6 to wrap up, please.

7 MS. DALEY: Well, you didn't deal with
8 the waste in there, the waste coming from there
9 and traffic and odor as well.

10 MODERATOR DOHERTY: We do have time
11 limits, Nancy. They were voted the first night
12 for three minutes. I'm trying to be patient
13 with you. I'll give you 15 seconds more.

14 MS. DALEY: Okay. I would recommend
15 that we look at Article 34 and we take some of
16 the good things from 34 and we table them and
17 we vote no against Article 34 and we vote for
18 Article 35 and roll those good things in and
19 incorporate more strict guidelines.

20 MODERATOR DOHERTY: Thank you. Who
21 down here wants to speak? If you can identify
22 yourself, please.

23 MR. MACAUX: Eric Macaux on behalf of
24 the planning board. I just want to address a

1 couple of the broad themes of the comment that
2 was just made. Because it is something that we
3 discussed and we took very seriously about how
4 restrictive can we be, how restrictive should
5 we be for a use that is a lawful use in the
6 state of Massachusetts. And I think that is
7 something that we can't lose sight of that this
8 is something that as a commonwealth, we did
9 vote as a lawful business activity, and now the
10 question before us is where can that business
11 activity take place? And there's a limit to
12 what kinds of restrictions we can place around
13 that lawful activity before we trigger a
14 challenge under state law; and that is the
15 balance we've been trying to thread and we've
16 had numerous meetings over the course of the
17 last few months to try to thread.

18 MODERATOR DOHERTY: Thank you. This
19 gentleman over here. Point of order, and I did
20 not mention this before the meeting and I
21 apologize. At the first meeting we did have a
22 vote that presenters of an article would have
23 five minutes to make their presentation, and
24 anyone who wanted to speak to the article would

1 have a maximum of three minutes. So if we
2 could just reiterate that in our minds in going
3 forward. Go ahead.

4 MR. SWEENEY: Thank you. I'm Brian
5 Sweeney, I live on Woodman Road. Couple of
6 questions I have for clarification. One of
7 them is the RMD requires a prescription; is
8 that not correct?

9 MR. MACAUX: Correct.

10 MR. SWEENEY: It requires a
11 prescription. So I believe in the last week's
12 meeting there was discussion about this extra
13 counsellor at the youth facility, and part of
14 it was to avert the, as one person described
15 it, the epidemic of opiate addiction in town.
16 And I was just wondering if CVS and Walgreen's
17 and these other places fell under the same sort
18 of parameters because they do distribute
19 opiates and far more addictive than marijuana.
20 Marijuana isn't addictive, it's habit forming
21 from my understanding.

22 MODERATOR DOHERTY: If we could get an
23 answer to that question, that would be great.
24 Does somebody have it? Go ahead.

1 MR. MATARAZZO: So to get back, it's
2 actually not a prescription, it's a
3 recommendation. So in CVS, when you go in to
4 get your prescription, it's an actual doctor
5 giving you that prescription. In this case
6 it's a recommendation from a doctor, different
7 type of way that this type of medicine is
8 allocated. So CVS technically would not carry
9 it because they're dealing with prescription
10 oriented type basis. So this is a different
11 type.

12 SPEAKER: Ken answered my question.

13 MR. SWEENEY: One more clarification.
14 What is a recommendation over a prescription.
15 Obviously I know what a prescription is, but is
16 it verbal, is it written?

17 SPEAKER: It's my understanding it's a
18 set of requirements that's set up by the
19 Department of Public Health in working with the
20 doctors. A set of guidelines in order for
21 someone to get a recommendation, they have to
22 meet these minimum qualifications that are set
23 up by DPH.

24 MODERATOR DOHERTY: Perhaps the town

1 counsel can answer that a little more clearly.

2 MR. URBELIS: This gets into kind of a
3 gray area because under federal law, possession
4 of marijuana is a crime. So what has happened
5 in other states and we're seeing it here, when
6 this law was being implemented or regulations
7 were being implemented by the Commonwealth's
8 board of health is can a doctor prescribe
9 something that under federal law is illegal?
10 And probably technically no and that's why Paul
11 said it's a recommendation. You do need
12 something from a doctor in order to get this,
13 and there've been, I won't get into it because
14 I'm certainly not qualified, but there are
15 studies, medical studies for medical purposes
16 for this. So it gets a little dicey as to
17 exactly how it is implemented, but the
18 Commonwealth's board of health, health
19 department has issued extensive regulations of
20 way above and beyond what we have here as far
21 as zoning bylaws with regard to the way these
22 medical dispensaries will be operated and
23 controlled and are able to dispense them.

24 MODERATOR DOHERTY: Thank you, sir.

1 Yes, sir. We'll take this last question and
2 then we'll vote. Go right ahead.

3 MR. HAMM: Bill Hamm here, Wildwood
4 Road.

5 MODERATOR DOHERTY: Thank you, sir.

6 MR. HAMM: My first series of town
7 meetings and I'm sorry I never learned quite
8 how to speak like a true Andoverite, although I
9 have been here 33 years.

10 MODERATOR DOHERTY: You're close
11 enough.

12 MR. HAMM: So pardon me if I have a
13 little accent.

14 MR. DOHERTY: We're glad you're here.
15 Go right ahead, sir.

16 MR. HAMM: I just have a quick
17 question. I just need to know how to read this
18 finance committee report. I can't find
19 anywhere where it tells me whether the grayed
20 out area is or is not part of the article.

21 MODERATOR DOHERTY: The grayed out
22 area is an explanation, is it not?

23 MR. HAMM: Supposed to be an
24 explanation of where we're using it, but--

1 MODERATOR DOHERTY: It's an
2 explanation.

3 MR. HAMM: Is there somewhere that's
4 written? If not I suggest--

5 MODERATOR DOHERTY: That's not part of
6 the bylaws, sir, that's just part of the
7 explanation.

8 MR. HAMM: I suggest then that the
9 finance committee in this report, or I can't do
10 it now, but in future reports make it extremely
11 clear what exactly we're voting on and what is
12 explanation. I can't find it anywhere in here.
13 Maybe I just don't know where to look, it's a
14 request. And just one other comment on this.
15 It's important that we vote on what's said in
16 this document, not on the explanations that are
17 given. Some of those explanations are very
18 valuable.

19 MODERATOR DOHERTY: That's a very
20 valid point, sir. We will take that--

21 MR. HAMM: I hope everybody realizes
22 they're voting on what's written in this
23 document.

24 MODERATOR DOHERTY: Ready to vote?

1 Sir, it needs to be very quick, go right ahead,
2 and sir, yours has to be quicker. Go ahead.

3 MS. PAVLOSKA: Four Cardinal Lane,
4 Andover, Mass. I'm sorry for taking the time.
5 I haven't been to many meetings and I'm quite
6 anxious at this point. I don't like public
7 speaking, but I live on Cardinal Lane and have
8 for the past seven years. There are 15
9 beautiful children who live on the street. We
10 might be living right outside of 500 feet zone.
11 So again, I would like to advocate on behalf of
12 myself first of all and then my husband and
13 then other people that think likewise to
14 reevaluate the 500 feet zone because there's a
15 lot of bus transportation busing kids to and
16 from school, so I think that one of my
17 predecessors spoke to it. And then also
18 there's a preschool on Pontich Road and I guess
19 that preschool is right outside of that 500
20 feet zone.

21 MODERATOR DOHERTY: Thank you. Go
22 right ahead.

23 MR. HUNT: Ed Hunt, 23 Somerset Drive,
24 Andover. I would like to understand what the

1 rationale is for the 500 feet and why, which
2 is, you know, everyone can run a 440, it's not
3 very far. And why a half a mile or a more
4 appropriate distance--

5 MODERATOR DOHERTY: Let me have him
6 answer that question for you, sir. Go ahead.

7 MR. MATARAZZO: As part of the working
8 group we talked about a distance. As a minimum
9 recommendation, the department of public health
10 recommended 500 feet. We contemplated raising
11 that level, but after consultation with the
12 police chief, he was comfortable with the 500
13 foot distance from the locations that we're
14 talking about.

15 MODERATOR DOHERTY: All right. Let's
16 get ready to vote. Just to clarify, Article 34
17 is not specifying any location. It is setting
18 up the zoning. Okay. So Article 34 is setting
19 up the zoning. We do need a two-thirds vote.
20 Let's see if we can do it by hand, if we can't
21 we'll take a standing vote. All those in favor
22 of Article 34 please raise one hand. Thank
23 you. Those opposed. The ayes have it by far
24 more. Does anyone want to challenge that?

1 Then I will declare it to have passed by more
2 than a two-thirds vote. Article 35 please, Mr.
3 Macaux.

4 MR. MACAUX: I move to withdraw
5 article 35.

6 MODERATOR DOHERTY: Article 35 has
7 been moved and seconded to withdraw. All those
8 in favor please say aye. Those opposed. The
9 ayes have it, the article is withdrawn.
10 Article 36, please, Mr. Macaux.

11 MR. MACAUX: I move to approve Article
12 36 as printed in the warrant.

13 MODERATOR DOHERTY: Article 36 has
14 been moved and seconded. Mr. Matarazzo. If we
15 could have mic number two on, please. Can you
16 pull that up, Paul.

17 MR. MATARAZZO: Now that Article 34
18 has been approved, the town would be looking to
19 vote on a specific location. Article 36 is
20 River Road area. I have a quick presentation
21 just to situate you with the area. The area as
22 you can see in the map above has an arrow.
23 It's directly off of I93. It's presently in
24 the industrial ID-2 zoning district. As you

1 zoom in you can see the number of industrial
2 companies are located in the area, and this is
3 just an aerial of the location.

4 MODERATOR DOHERTY: Article 36,
5 please, Mr. Salafia. Recommendation from the
6 selectmen.

7 MR. SALAFIA: Yes, thank you, Madam
8 Moderator. The board of selectmen is
9 recommending disapproval of Article 36, because
10 if it were to be passed, we would amend the
11 town of Andover zoning map to establish a
12 medical marijuana overlay district on a portion
13 of River road. The board of selectman is not
14 supporting this article because we felt that
15 with the recent influx of new companies,
16 hundreds of new employees, and possible new
17 amenities due to the River Road overlay
18 district which we passed last year, a medical
19 marijuana facility would not be appropriate in
20 this particular area of town. Thank you.

21 MODERATOR DOHERTY: Thank you.
22 Planning board recommendation, please.

23 MACAUX: The planning board recommends
24 approval of Article 36. Based on our review

1 and our study of this along with other boards
2 and committees of the town we feel that the
3 River Road area represents perhaps one of the
4 better locations in town to locate one of these
5 facilities should it choose to come to
6 Andover.

7 MODERATOR DOHERTY: Thank you.

8 Article 36 has been moved and seconded. We
9 need a two-thirds vote. All these in favor
10 please raise one hand. Thank you. Those
11 opposed. Let's take a standing vote, please.
12 We do need a two-thirds. All those in favor of
13 article 36, the River Road overlay district
14 please stand.

15 SPEAKER: Look in front, find out who
16 your counter is. When they make eye contact
17 with you and click you, sit down so they can
18 see through you behind you.

19 MODERATOR DOHERTY: Once the counter
20 has passed your vote, please have a seat.

21 COUNTER: Section 1, please.

22 SPEAKER: Section 1, 16, 1-6.

23 COUNTER: 16, Section 2.

24 SPEAKER: Section 2, 36, 3-6.

1 COUNTER: Section 3.

2 SPEAKER: Section 3, 7.

3 COUNTER: 7, Section 4, please.

4 SPEAKER: Section 4, 35, 3-5.

5 COUNTER: 35, Section 5.

6 SPEAKER: Section 5, 28, 2-8.

7 COUNTER: 28, Section 6, please.

8 SPEAKER: Section 6 has 33, 3-3.

9 COUNTER: 33. There's nobody in

10 seven. Is there any voters in 8? Bob.

11 SPEAKER: Section 8 is five.

12 COUNTER: 5. Charlie in the hall,

13 somebody got the check-in people?

14 SPEAKER: Yes, I do.

15 COUNTER: How many?

16 SPEAKER: Six.

17 COUNTER: Six. And the stage please?

18 SPEAKER: The stage is eight.

19 MODERATOR DOHERTY: Was there anything

20 in section 7? Did you have any in section 7?

21 COUNTER: No one in seven.

22 MODERATOR DOHERTY: Thank you. Just

23 checking. And the hall, please again.

24 COUNTER: The hall was six and the

1 stage was eight.

2 MODERATOR DOHERTY: Thank you. All
3 those opposed please stand.

4 COUNTER: Section one, please.

5 SPEAKER: Section one, 10.

6 COUNTER: 10. Section two.

7 SPEAKER: Section two, 11.

8 COUNTER: 11. Section 3, please.

9 MODERATOR DOHERTY: Section 3.

10 SPEAKER: Section 3, 4.

11 COUNTER: 4, Section 4.

12 SPEAKER: Section 4, 34, 3-4.

13 COUNTER: 34, Section 5, please.

14 SPEAKER: Section 5, 11, 1-1.

15 COUNTER: 11. Section 6, please.

16 SPEAKER: Section 6 has 7.

17 COUNTER: 7. Section 7 has none.

18 Section 8, the nonvoters.

19 SPEAKER: One.

20 COUNTER: One voter in the nonvoter.

21 And the hall, please, hall report.

22 SPEAKER: Cal, 14, 1-4.

23 COUNTER: Thank you. And the stage,
24 please.

1 SPEAKER: 12, 1-2.

2 MODERATOR DOHERTY: Those having voted
3 in the affirmative are 174. Those in the
4 negative are 104. It failed to secure a
5 two-thirds vote. The motion is lost. Article
6 37, please, Mr. Macaux.

7 MR. MACAUX: I move that the, move to
8 approve Article 37 as printed in the warrant.

9 MODERATOR DOHERTY: Can someone
10 clarify that motion.

11 MR. MACAUX: I'm sorry. I move to
12 approve Article 37 but amend the article by
13 deleting the reference to the plan.

14 MODERATOR DOHERTY: If you could move
15 the article in and then I'll entertain an
16 amendment.

17 MR. MACAUX: I'm sorry. Move the
18 Article 37.

19 MODERATOR DOHERTY: Article 37 has
20 been moved and seconded as printed in the
21 warrant. Go right ahead if you want to make an
22 amendment.

23 MR. MACAUX: Yes. Thank you, Madam
24 Moderator. Move to amend the article by

1 deleting the reference to the plan titled
2 "Proposed Medical Marijuana Overlay District,
3 Lowell Junction Road, dated February 27th,
4 2014," and replacing it with a plan titled
5 "Proposed Medical Marijuana Overlay District
6 Lowell Junction Road dated February 27th, 2014
7 revised April 1, 2014."

8 MODERATOR DOHERTY: The amendment has
9 been moved and seconded. Do you want to
10 explain the amendment? Go right ahead. Again,
11 could you get number two mic and could you
12 speak into it, please, Paul.

13 MR. MATARAZZO: The reason for the
14 amendment this evening in discussion with the
15 board of selectmen, they had recommended that a
16 portion of the industrial district be moved
17 from outside the district to provide an
18 additional buffer from residents along River
19 Street. As you can see in the map here, the
20 areas in this general vicinity have been taken
21 out of the map. Again, this is what was
22 printed in the warrant, this is the proposed
23 amendment.

24 MODERATOR DOHERTY: So the proposed

1 amendment is all we're speaking to right now.

2 Do the selectmen have a recommendation?

3 MR. SPEAKER: Yes, we do Madam
4 Moderator. The board of selectmen recommends
5 approval of the article as amended.

6 MODERATOR DOHERTY: All right. Any
7 discussion on the amendment to the article?
8 All those in favor of accepting the amendment
9 please raise one hand. Thank you. Those
10 opposed. The ayes have it. The amendment is
11 now the main article. Go ahead Mr. Matarazzo
12 if you'd like to explain the article.

13 MR. MATARAZZO: Again, once again, now
14 that we've approved Article 34, the actual
15 zoning of the rules, we're here this evening to
16 ask that town meeting voters consider approval
17 of Article 37 to allow for the siting of such
18 facilities off of Lowell Junction Road. That's
19 off of I93. Many of you may be familiar with
20 Pfizer, Proctor and Gamble located in this
21 general vicinity. This is in the industrial IA
22 district, and this is an aerial of the area.
23 It's bounded by the town of Wilmington, town of
24 Tewksbury, Ballardvale Street with I93 running

1 through the site.

2 MODERATOR DOHERTY: Thank you. Mr.
3 Salafia, the board of selectmen's
4 recommendation.

5 MR. SALAFIA: Yes, Madam Moderator.
6 The board of selectmen recommends the approval
7 of Article 37 as amended.

8 MODERATOR DOHERTY: Thank you. Anyone
9 want to address this? It does need a
10 two-thirds vote. Mr. Ford, we missed you the
11 other night. Congratulations on all your years
12 of service to the school committee. We gave
13 you a huge round of applause and John Travolta
14 accepted in your absence and he had a hard time
15 with your name, but go right ahead.

16 MR. FORD: So does everybody else,
17 including my children. Thank you very much.
18 It was very kind and I received some really
19 nice comments about what was said. And Annie,
20 thank you very much, I appreciate it. Sorry I
21 couldn't have been here.

22 MODERATOR DOHERTY: That's quite all
23 right. Go right ahead. If you could identify
24 yourself.

1 MR. FORD: Thank you. You already
2 did.

3 MODERATOR DOHERTY: I know.

4 MR. FORD: Dennis Ford, 18 Reservation
5 Road. My question, to be in compliance, does
6 the town need to approve more than one
7 district? There are three different articles
8 and the question has been raised whether we
9 need more than one. Because I think in another
10 particular area of this nature, I think the
11 IRS, the IRS property is actually another
12 district for another particular zoning area.

13 MODERATOR DOHERTY: So the question is
14 do we have to approve more than one. Mr.
15 Matarazzo, do you want to address that?

16 MR. MATARAZZO: The answer is no. We
17 do not have to approve more than one. The
18 thought was that the more areas that we had for
19 this use we would actually comply with the
20 attorney general.

21 MODERATOR DOHERTY: Paul, I think they
22 can hear you better if you pick up that mic.

23 MR. MATARAZZO: The answer is no, we
24 do not have to approve more than one district.

1 The intent was to provide a choice to the
2 residents of town as well as to afford
3 additional opportunity to be in compliance with
4 the attorney general's requirements should we
5 be challenged on this article.

6 MODERATOR DOHERTY: Sir, do you have a
7 question?

8 MR. HUNT: Ed Hunt, 23 Somerset Drive.
9 So we have two remaining choices. Which one's
10 the better one and what's the rationale for
11 choosing one over the other?

12 MODERATOR DOHERTY: Well, we only have
13 Lowell Junction Road in front of us right now.
14 So the merits of that can be discussed and then
15 we'll go on to the next.

16 MR. HUNT: So why is this one
17 preferred over the other ones and why?

18 MODERATOR DOHERTY: I think the answer
19 was it wasn't preferred, it's an option. Any
20 other?

21 MR. HUNT: So does that mean that the
22 board, doesn't matter, has no preference of one
23 or the other? I'm asking for your opinion.

24 MODERATOR DOHERTY: Which board are

1 you asking?

2 MR. HUNT: All of the boards.

3 SPEAKER: Madam Moderator?

4 MODERATOR DOHERTY: Go right ahead,
5 sir.

6 SPEAKER: What was the question?

7 MR. HUNT: We have two warrants ahead
8 of us, right, the one we're voting on now and
9 another one.

10 SPEAKER: We had three choices.

11 MR. HUNT: We now have two.

12 SPEAKER: We voted to not approve one
13 of them as you just heard, and we have on the
14 other two we are voting approval. We did not
15 prioritize.

16 MODERATOR DOHERTY: Let me get the
17 answer from the planning board, sir, if I can.

18 MACAUX: Similarly, the planning board
19 does not prioritize. We view these as choices
20 for the town. And as Mr. Matarazzo stated,
21 having two on the table allows us a better
22 chance of complying and surviving any potential
23 challenge if there were one under the attorney
24 general's decision.

1 MODERATOR DOHERTY: Sir, do you have a
2 question?

3 MR. LEMAY: Yes. Peter Lemay, 7
4 Keystone Way, Andover. Can you explain the
5 difference in the transportation between the
6 two, because this one does not have highway
7 access on and off ramps where the next one
8 does. So does transportation highway access
9 where if you ended up putting it on the third
10 location which we're not discussing but does
11 have transportation questions, explain the
12 rationale because it would be guaranteed
13 someone would put it there since it would be
14 very quickly on ramp, off ramp and also very
15 close to a school.

16 MR. MATARAZZO: This site does have
17 access, although be it not direct access off of
18 I93, exit 41, route 125 via Ballardvale and
19 Wilmington as well as Exit 42 through the
20 Ballardvale neighborhood to access this
21 facility. But there is no bus service or train
22 service to this area. There may be some
23 shuttles that are run by the local
24 transportation management association.

1 MODERATOR DOHERTY: Sir, do you have a
2 question?

3 MR. BRODERICK: Yes. Pete Broderick,
4 4 Surry Lane. What if we vote down all three?

5 MODERATOR DOHERTY: If you vote down
6 all three.

7 MR. URBELIS: If we vote down all
8 three, then this town meeting didn't exist as
9 far as marijuana regulation is concerned.
10 We're back to square one because we have a
11 medical marijuana bylaw with no location. So
12 it's back to square one as if we had no control
13 over the regulations, no special permit.

14 MR. BRODERICK: So 34 doesn't apply?

15 MODERATOR DOHERTY: 34 has been voted
16 on. It is now our bylaw.

17 MR. BRODERICK: So we voted on 34, so
18 there are bylaws, correct?

19 MODERATOR DOHERTY: We have a bylaw,
20 now we need to determine what districts within
21 the town.

22 MR. BRODERICK: Right. So I'm saying
23 if we vote down all three does that force you
24 guys to go back to the drawing board and come

1 up with other locations?

2 MR. URBELIS: What it means is that
3 tomorrow morning, as if we were this morning,
4 which is a medical marijuana dispensary could
5 go in a whole lot of places that we may not
6 want it to go in and it will certainly not go
7 in with any of the restrictions that are passed
8 in Article 34.

9 MR. BRODERICK: Okay. My take is from
10 this, we should make this, if we have to vote
11 on a couple places, it should be an undesirable
12 place. It shouldn't be a place that has a ton
13 of access in and out to make it attractive to
14 say this is a beautiful location to go. So if
15 we're, I look at this location I say it doesn't
16 have great access, it doesn't have a lot of
17 homes around it, and if we have to vote on one
18 I'd go with this one.

19 MODERATOR DOHERTY: Do you have a
20 question?

21 MR. BENEDICTS: Valid point. Kevin
22 Benedicts again, Hearthstone Place. And to
23 that point in that these are just in random
24 order, I know we're not talking about the next

1 article yet, but it could end up being a
2 decision maker if people don't follow all the
3 information available. The other location, and
4 it's a very valid point. This is not a
5 convenient location. It's the most industrial
6 of the three locations. The other location is
7 within 1700 feet of a early education special
8 needs school. It's within 200 feet of a
9 highway drop off area. It's within 500 feet of
10 residential neighborhoods. It's within a half
11 a mile of our brand new little league and
12 soccer fields. It's also within half a mile of
13 a skating rink that services the youth. So the
14 other facility has much more going against it
15 than an industrial facility, and I just want to
16 get those points out there.

17 MODERATOR DOHERTY: Thank you, sir.
18 This will be the last person to ask a question
19 and then we'll take a vote. Go right ahead,
20 sir.

21 CHRISTIAN PAVARRO: 6 Keystone Way. I
22 have a question regarding, I've heard that you
23 want more than one zoning site so that it makes
24 it, for lack of a better word, harder for the

1 attorney general to do whatever. Explain the
2 process that would have to be brought by the
3 attorney general to force us to do anything.
4 Is it from the person who wants to put their
5 dispensary there? How does that come to a vote?
6 It seems a little bit of a scare tactic. What
7 is the legal basis behind that?

8 MODERATOR DOHERTY: If I could clarify
9 the question. You want to know what the
10 attorney general can do if we choose no place.

11 MR. PAVARRO: Yes. And what the
12 process would be and to bring that about.

13 MODERATOR DOHERTY: Let me get that
14 answer for you. Thank you.

15 MR. URBELIS: The attorney general
16 won't do anything. It will be, the crunch time
17 will come when someone wants to come in and put
18 one of these facilities in and we don't have
19 any regulations and we don't have any
20 designated area that they can go to. They can
21 put them in without any of those regulations
22 that we just voted on in Article 34 and they
23 can put them in in a whole lot of more places
24 then if you add up 36, 37 and 38.

1 MR. PAVARRO: Well, explain that a
2 little in more detail. We have bylaws, you're
3 telling me 34 was passed. Why is it that now
4 you're saying that 34 is obsolete if we don't
5 pick a place?

6 MODERATOR DOHERTY: Can you repeat the
7 question. I'm sorry, you're just very muffled
8 on your mic.

9 MR. PAVARRO: Article 34 we've set
10 bylaws.

11 MODERATOR DOHERTY: Right.

12 MR. PAVARRO: Okay. Regarding how far
13 it can be from things. I imagine all these
14 bylaws have all the restrictions on where it
15 can be put.

16 MODERATOR DOHERTY: Correct.

17 MR. PAVARRO: So if you're saying that
18 we don't pick any of these zones, however, it
19 makes 34 obsolete. How does that, how does one
20 offset the other?

21 MODERATOR DOHERTY: Well, if I can
22 maybe explain what the town counsel just said.
23 We have a bylaw that has all the, the recipe,
24 if you will, to put a facility in. We haven't

1 limited where you can put them. So by rights
2 someone could come in and say, gee, I'd like to
3 put it at 21 Elm Street. There's nothing in
4 the town that says that's a restricted area,
5 there's nothing in the town that says I can't
6 put it there, but I have to follow this bylaw
7 that they passed. Is that correct? So if we
8 don't designate an area, they still have to
9 follow the restrictions of the zoning bylaw,
10 but they could put it anywhere you could put a
11 commercial entity.

12 MR. PAVARRO: And this is the argument
13 this gentleman is making over here where if we
14 don't pass more than one it could be argued
15 they could put it anywhere?

16 MR. URBELIS: The way the bylaw is
17 written, the zoning bylaw talks about an
18 overlay district. Currently we don't have an
19 overlay district. If we don't vote 37, 36, 37
20 or 38, we will not have an overlay district.
21 So any and all of those restrictions,
22 conditions, procedures in 34 wouldn't apply to
23 someone coming in because they wouldn't be
24 putting it into an overlay district because

1 there is no overlay district if we don't pass
2 any of these.

3 MR. PAVARRO: And I understand about
4 that, but this gentleman stated that by having
5 more than one overlay district, it restricts
6 the attorney general from doing what? Why is
7 more than one overlay district better than just
8 having one?

9 MR. MATARAZZO: I believe as the
10 planning board representative also stated,
11 should there be a challenge, the town would be
12 better poised and better positioned to respond
13 to any challenges that the AG may present
14 should an application move forward, because we
15 have additional land area for this type of use.

16 MR. PAVARRO: And who would bring that
17 challenge, the person wanting to put the
18 dispensary in or the AG?

19 MR. MATARAZZO: At the advice of
20 counsel--

21 MODERATOR DOHERTY: Repeat your
22 question.

23 MR. PAVARRO: The challenge, he speaks
24 of a challenge, who would bring that challenge?

1 You've spoken of the AG, would the person
2 wanting the dispensary--

3 MR. URBELIS: The person challenging
4 it would be the person who wants to put a
5 medical facility in and the town and building
6 inspector would have to give it to them if
7 there's no regulations.

8 MR. PAVARRO: I understand that.

9 MR. URBELIS: And there's no district,
10 the building inspector would have to give them
11 the permit to do it.

12 MODERATOR DOHERTY: Does that answer
13 your question? Hypothetically somebody could
14 say, attorney general, they've left me with the
15 worst possible option to possibly put my
16 facility. That would be the challenge someone
17 would make to the attorney general. So so much
18 for my last comment, go right ahead.

19 PAULA COLBY CLEMENTS: Madam
20 Moderator, Paula Colby Clements, 119 Chestnut
21 Street.

22 MODERATOR DOHERTY: Go right ahead.

23 MS. COLBY CLEMENTS: I just have a
24 question since there's been a lot of talk about

1 challenges made to the attorney general. There
2 were three districts that were presented. Is
3 there any information that exists right now in
4 the Commonwealth that indicates if you approve
5 too small of an area for an overlay district,
6 that perhaps you won't withstand a challenge at
7 the attorney general's office?

8 MR. URBELIS: There is nothing yet.
9 That will be based on a court decision, because
10 what the attorney general does, she doesn't
11 look, she doesn't make the analysis of what
12 area your town is regulating. What she will do
13 is check to see is the bylaw on the face of it
14 okay? And we're confident this one is, 34 is
15 because it's based upon things she has
16 approved. The challenge to that would come,
17 similar to challenges that exist with regard to
18 adult uses, that challenge would come when
19 someone tries to put it in somewhere other than
20 the district and says, hey, you effectively
21 have zoned me out because the size of your town
22 is such and you're minimizing the use, you have
23 effectively precluded me. And I don't mean to
24 get too technical or legal on you here, but

1 that was a very successful challenge that
2 someone made in Revere with regard to adult
3 uses which had a very small area compared to
4 the size of their city, and that, and Revere's
5 restrictions were disallowed by a court. It
6 wasn't the AG, it was a court who said in
7 reality you didn't give us enough room.

8 MODERATOR DOHERTY: Okay. This is the
9 last person then we will vote. Go ahead.

10 PETER LEMAY: 7 Keystone Way. We
11 already voted on the bylaw that now requires a
12 special permit, so in essence, would the
13 attorney general, somebody would have to then
14 appeal the special permit if it was denied. So
15 the board would have to give them the special
16 permit, they would then appeal the special
17 permit. Is there any reason that you believe
18 that having only one district is going to
19 create a problem for us, especially if it's the
20 larger of the two?

21 MODERATOR DOHERTY: The question being
22 if we only had one district, is there any
23 reason to believe that's going to hurt us in a
24 challenge. Is that your question, sir? Thank

1 you.

2 SPEAKER: No. Again, it's all
3 relative as I explained. If it comes to a
4 court challenge and someone says you restricted
5 it too much, that's why the task force and the
6 planning board said here's three, three are
7 fine, town meeting go vote. Do you want these
8 one, two or three? You can take two of them,
9 you can take three of them to locate them where
10 town meeting thinks they ought to go.

11 MODERATOR DOHERTY: All right. This
12 requires a two-thirds vote as well. All those
13 in favor please raise one hand. Let's see how
14 we do. Thank you. Those opposed. The ayes
15 clearly have it by far more than a two-thirds
16 vote. Does anyone want to challenge that?
17 Thank you. I would declare it to be far more
18 than a two-thirds vote.

19 Article 38, please, Mr. Macaux.

20 MR. MACAUX: I move to approve article
21 38 as printed in the warrant.

22 MODERATOR DOHERTY: Article 38 has
23 been moved and seconded. Mr. Matarazzo.

24 MR. MATARAZZO: Article 38 is a siting

1 location off of Dascomb Road. Essentially it's
2 the lower triangle from Dascomb Road bounded by
3 I93, the town of Tewksbury, and Dascomb Road.
4 Going closer to the site it's located in the
5 ID-2 zoning district, and this is an aerial of
6 the site surrounded by industrial properties
7 with residential on the other side of I93.

8 MODERATOR DOHERTY: Thank you.

9 Selectman's report, please, Mr. Selectman, Mr.
10 Salafia. Go right ahead, sir.

11 MR. SALAFIA: Madam Moderator, the
12 board of selectmen recommends approval of this
13 article.

14 MODERATOR DOHERTY: Thank you,
15 planning board recommendation, please. Mr.
16 Macaux.

17 MR. MACAUX: Planning board recommends
18 approval of this article.

19 MODERATOR DOHERTY: Do you have a
20 question regarding this article?

21 MS. POSTAL: Yes, I'd like to make a
22 statement.

23 MODERATOR DOHERTY: Go right ahead if
24 you could please identify yourself.

1 MS. POSTAL: Sure. I'm Karen Postal
2 of 9 Hearthstone Place. I have a statement and
3 then a question for the board of selectmen. My
4 statement to my fellow Andover citizens is that
5 I'm a mother of three who lives very close to
6 this district, and although what you see in the
7 triangle is industrial, what surrounds it is a
8 community with many children. There is a
9 preschool that's close by, there are brand new
10 little league fields that are near, and I would
11 like to make an appeal to my fellow Andover
12 citizens to help protect my children and the
13 children that will be affected quite a bit by
14 voting in a medical marijuana district here.

15 I also have a question for the board of
16 selectmen. I notice that with the first
17 location overlay, you all recommended
18 disapproval. It sounded to me like you wanted
19 to protect the business interests in that zone,
20 and I am puzzled about why you don't want to
21 protect the children and families that are
22 close to this overlay. And I would like an
23 explanation about your reasoning.

24 MODERATOR DOHERTY: Does anyone on the

1 board want to speak to that? Go ahead, Mr.
2 Salafia.

3 MR. SALAFIA: We initially, we had a
4 reconsideration of our River Road approval
5 simply because there's a lot of new businesses
6 there, a lot of new employees and a lot of new
7 businesses are being proposed to go in. We
8 thought, as you say, that it would be best to
9 not put that in the mix in that area. We also
10 looked at this area on Dascomb and with the
11 planning board's recommendation, we studied it
12 very closely and thought that this was an
13 appropriate place.

14 MODERATOR DOHERTY: Does that answer
15 your question? Thank you. Yes, sir.

16 MARK SENSINGER: Good evening, Madam
17 Moderator, my name is Mark Sensinger, I live at
18 11 Cardinal Lane.

19 MODERATOR DOHERTY: Thank you, Mark.

20 MR. SENSINGER: I live on one of these
21 streets that abuts this area, and as my
22 neighbor, Ms. Povloska, very eloquently stated,
23 there are many children on this lane as well as
24 the one directly across Surry Lane. One block

1 further to the east is Partridge Hill Lane,
2 again, another street with many, many children.
3 There is a school bus route that goes directly
4 through this proposed district. Living as we
5 do right off of the highway, those of us who
6 live on Cardinal Lane are already plagued with
7 strangers pulling off the highway, tossing
8 garbage, abandoning nonworking vehicles. I'm
9 asking you to vote no on this, to not add this
10 additional burden to those of us in the area.
11 And as to the concerns for enacting too
12 stringent a restriction on a legal product, I
13 would remind everyone that bottled water is a
14 legal product, Styrofoam cups are a legal
15 product, and plastic shopping bags are a legal
16 product. And if towns can just ban these
17 outright, I would not be so concerned as to
18 challenges that would arise from more
19 restrictive measures taken to protect the
20 children of our community. Thank you.

21 MODERATOR DOHERTY: Thank you. Yes,
22 sir. Do you have a question?

23 MR. BROWN: Yes, I do. David Brown,
24 31 Glenwood Road. I will observe that this

1 entire discussion has a certain sort of surreal
2 Reefer Madness quality to it that I find rather
3 odd in this day and age. But my question is
4 much more specific.

5 MODERATOR DOHERTY: How do you know
6 that?

7 MR. BROWN: I don't. Other than I've
8 seen the movie.

9 MODERATOR DOHERTY: Go right ahead.

10 MR. BROWN: But my question is one of
11 the objections that the selectmen made to the
12 area above River Road was that it was in the
13 new ID2 zoning district that was recently
14 enacted which allows for a much broader range
15 of mixed uses in the district. And this
16 particular parcel is also in an ID2 zoning
17 district. And I wonder whether that fact
18 entered into the calculation as to a potential
19 uses.

20 MODERATOR DOHERTY: Is that your
21 question?

22 MR. BROWN: Yes, that's my
23 question. Thank you.

24 MODERATOR DOHERTY: Did the fact that
this is also in an ID2 enter into the

1 discussion with the selectmen?

2 MR. SALAFIA: We actually, we did
3 discuss it. We just thought that having, being
4 able to recommend two districts was important
5 because of possible appeals and that this
6 particular area was more appropriate. So we
7 did consider it.

8 MODERATOR DOHERTY: Okay. We'll go
9 one, two, three here. What's your question,
10 please?

11 MS. COBLY: Ann Cobly, 21 Magnolia
12 Ave. And I would just like to know what the
13 square area is of this area and particularly
14 how it compares to the size of the other
15 parcels and how much available, you know, lots
16 are there for a business to locate there to
17 begin with because it looks pretty small.

18 MODERATOR DOHERTY: Paul, can you
19 answer that? How big is this in proportion --
20 I'm sorry, sir, thank you. How big is this in
21 proportion to the other districts?

22 MR. MATARAZZO: This Dascomb Road
23 triangle is about 60 acres. The previous
24 article which town meeting voters voted to

1 approve is about I believe 600 acres.

2 MODERATOR DOHERTY: Yes, sir.

3 MR. PASQUALE: Forgive me Madam
4 Moderator, I can't walk all over there. I'm
5 voting against this. My strategy, I'd like to
6 share just my strategy. My strategy is just go
7 with one option. I'll tell you why I voted
8 against River Road. I voted against River Road
9 because I'm very familiar with the crime and
10 what goes on in the hotels up there. And if
11 you check the police reports like I do, that's
12 where they spend an inordinant amount of their
13 time, and that's just making it more
14 convenient. Let's not have anything closer to
15 93 than there is now. So the junction is
16 ideal. Somebody's going to ask us, where is
17 the junction and you're going to say you have
18 to go up 93, you get off, you got to go by
19 Proctor and Gamble and then there's a road that
20 goes down and the left. Make it difficult for
21 them to come and find it. Not make it this
22 easy by putting two sites up there. By the
23 way, I'm very impressed they're putting it
24 right where the town manager lives.

1 MODERATOR DOHERTY: There you go. Go
2 right ahead sir. This will be the last one
3 then we'll vote. Go right ahead.

4 MR. LEMAY: Peter Lemay, 7 Keystone
5 Lane. Can you have someone comment on from a
6 security standpoint that I understand that
7 sometimes what happens at these sites, why
8 access is important, is that then there is a
9 transfer over. Someone gets the drugs, and
10 then they immediately leave out and then they
11 go transfer at the location. So we're going to
12 be on and off the highway. We're going to have
13 a parking lot right there. Somebody from
14 security say is this going to affect our cost
15 by putting it right here, from security to
16 watch it?

17 MODERATOR DOHERTY: Thank you, sir.
18 You ready to vote? Article 38 requires also a
19 two-thirds vote, let's see if we can do it with
20 a show of hands. All those in favor of article
21 38 please raise one hand. Those opposed.

22 MODERATOR DOHERTY: I think we need,
23 since it's a two-thirds I think we need a
24 standing vote. I think it's very close. All

1 those in favor of article 38 please stand.
2 When your counter has passed you, please sit
3 down.

4 COUNTER: Section 1 please.

5 SPEAKER: Section 1, 13. 1-3.

6 COUNTER: 13. Section 2.

7 SPEAKER: Section 2, 23. 2-3.

8 COUNTER: 23. Section 3.

9 MODERATOR DOHERTY: 2-3 on section 2?

10 COUNTER: 2-3 on section 2.

11 MODERATOR DOHERTY: Thank you.

12 COUNTER: Section 3, please.

13 SPEAKER: Section 3, 8.

14 COUNTER: 8, Section 4.

15 SPEAKER: Section 4, 22, 2-2.

16 COUNTER: 22. Section 5.

17 SPEAKER: Section 5, 20, 2-0.

18 COUNTER: 20. Section 6.

19 SPEAKER: Section 6 has 14, 1-4.

20 COUNTER: 14. Nobody in 7. Section

21 8.

22 SPEAKER: Section 8, 2.

23 COUNTER: 2, somebody in the hall,

24 please.

1 SPEAKER: Cal, 2.

2 COUNTER: 2. And the stage, please.

3 SPEAKER: Stage is nine.

4 COUNTER: Stage is nine. Got it.

5 MODERATOR DOHERTY: Thank you. All
6 those opposed please stand. Once they have
7 passed your rows please be diligent and watch
8 your counter. It makes it so much easier for
9 them to count.

10 SPEAKER: All set. Section 1 please.

11 MODERATOR DOHERTY: Has section 6
12 gotten these voters over here? Section 6, have
13 you gotten these voters over here? Did you
14 count those voters, section 6? Thank you, sir,
15 you're all set. Thank you. They didn't know if
16 you had gotten to them yet. Okay. Go ahead.

17 COUNTER: Section 1, please.

18 SPEAKER: Section 1, 16, 1-6.

19 COUNTER: 16. Section 2.

20 SPEAKER: Section 2, 26, 2-6.

21 COUNTER: 26, Section 3.

22 SPEAKER: Section 3, 3.

23 COUNTER: Section 4, please.

24 SPEAKER: Section 4, 65, 6-5.

1 COUNTER: 65, section 5.

2 SPEAKER: Section 5, 37, 3-7.

3 COUNTER: 37. Section 6.

4 SPEAKER: Section 6 has 33, 3-3.

5 COUNTER: 33. There are none in
6 section 7, and section 8, Bob.

7 SPEAKER: Section 8, 4.

8 COUNTER: 4. And in the hall, please.

9 SPEAKER: In the hall is 17, 1-7.

10 COUNTER: 17, and on the stage,
11 please.

12 SPEAKER: Stage is 11, 1-1.

13 COUNTER: 11 on the stage.

14 MODERATOR DOHERTY: Those having voted
15 in the affirmative have 113, those in the
16 negative 212, the article fails. Article 39.
17 Thank you. Article 39, please, Mr. Major.

18 MR. MAJOR: Thank you Madam Moderator.
19 I move that the town appropriates the sum of
20 \$236,000 to pay costs of various electrical,
21 heating, ventilation and air conditioning
22 replacements and upgrades to town and school
23 facilities including the payment of any other
24 costs incidental and related thereto, and that

1 to raise this appropriation, the treasurer,
2 with the approval of the board of selectmen is
3 authorized to borrow said amount under and
4 pursuant to chapter 44 section 7 clause 3B of
5 the general laws or any other enabling
6 authority and to issue bonds or notes of the
7 town therefor.

8 MODERATOR DOHERTY: Thank you.

9 Article 39 has been moved and seconded. Mr.
10 Major, the selectmen's report, please.

11 MR. MAJOR: The board of selectmen
12 recommends approval. Each year we seek energy
13 savings opportunities in any of our buildings.
14 This year we're appropriating, or trying to
15 appropriate, \$236,000 in order to implement
16 many of these different savings such as boiler
17 replacements in the library, kitchen hood
18 controls over at Andover High School, having
19 variable frequency drives at the public safety
20 center and at the high school, et cetera. Now,
21 when we can get a return on investment, that's
22 a bonus. In this case, the return on
23 investments, about \$35,000 of annual savings
24 because of these changes, so the payback is

1 just under eight years. So again, the board of
2 selectmen recommends approval.

3 MODERATOR DOHERTY: Thank you.
4 Finance Committee report, please, Mrs. Moffitt.

5 MRS. MOFFITT: Finance Committee
6 recommends approval.

7 MODERATOR DOHERTY: Thank you. School
8 Committee report, please, Mrs. Gilbert.

9 MRS. GILBERT: Madam Moderator, School
10 Committee recommends approval.

11 MODERATOR DOHERTY: Thank you. Any
12 questions or comments to this? Do you have a
13 question on this, Mary?

14 MS. CARBONE: Yes.

15 MODERATOR DOHERTY: Go right ahead.

16 MS. CARBONE: My name is Mary Carbone,
17 Cyr Circle. I would like to know why this
18 article isn't included in the CIP.

19 MODERATOR DOHERTY: Do you have an
20 answer to that?

21 STAPCYNSKI: Yes, yes. It is included
22 in the CIP.

23 MS. CARBONE: Then why is this a
24 separate article?

1 STAPCYNSKI: Because we are very
2 aggressive on our energy initiatives. Andover
3 is a green community, we wanted to call these
4 initiatives out so that the town meeting, the
5 finance committee, the selectmen and school
6 committee would fully understand what we're
7 doing to promote our energy efficiency in our
8 municipal buildings.

9 MS. CARBONE: So in additional to the
10 total in the CIP, this is an additional
11 funding, right?

12 STAPCZYNSKI: No, this is a, in past
13 years it may have been folded into another
14 warrant article. We wanted to call it out this
15 year so that town meeting and the town meeting
16 members would have a full knowledge of what
17 we're doing in energy efficiency projects and
18 programs.

19 MS. CARBONE: Okay. Thank you.

20 MODERATOR DOHERTY: Thank you. Yes,
21 sir, your question. Go right ahead, sir.

22 MR. HAMM: Bill Hamm, Wildwood Road.
23 I have several questions on this.

24 MODERATOR DOHERTY: If you could lift

1 the mic up.

2 MR. HAMM: That might help everybody,
3 yes, including myself.

4 MODERATOR DOHERTY: Thank you.

5 MR. HAMM: This and several other
6 articles like it -- well, the first question I
7 have is to I suppose our town manager. He
8 mentioned or somebody mentioned that there was
9 a savings of \$38,000 or something over a period
10 of time. My question is simply this, who gets
11 that money?

12 MODERATOR DOHERTY: Who gets that
13 savings?

14 SPEAKER: I see Mr. Cronin is here and
15 Mr. Coscio, they could answer specifically
16 which account that savings goes to.

17 MODERATOR DOHERTY: Mr. Cronin.

18 MR. CRONIN: The electric savings
19 would go towards the operating budget. We
20 wouldn't be spending the money on electricity.

21 MODERATOR DOHERTY: Would go to the
22 operating budget, sir.

23 MR. HAMM: I have other questions.

24 MODERATOR DOHERTY: Go right ahead.

1 MR. HAMM: This particular article
2 appears to relate to possibly unforeseen capital
3 expenses or capital expenditures and the like.
4 But there's a number of other articles here,
5 there's ten of them all together. I won't read
6 them, but they all appear to ask for money for
7 foreseeable items that anybody would anticipate
8 being in their budget, like I know my
9 refrigerator is going to wear out in ten
10 years--

11 MODERATOR DOHERTY: I need you to get
12 to your question and speak to just this
13 article.

14 MR. HAMM: My question is simply this,
15 why is this kind of article here as a separate
16 debt requisition when people can see that it's
17 coming? Why do we have to pay interest on this
18 kind of request? It's that simple. Why isn't
19 this in the normal budget?

20 MR. STAPCZYNSKI: Yes, sir, it is in
21 the normal budget. Our normal budget includes
22 not only the operating budget, Warrant Article
23 4 that we voted on last Monday night, but also
24 a capital budget that I produce every fall, and

1 it comes out the end of October, beginning of
2 November, and it lists a number of the things
3 that you'll see tonight that we'll be voting
4 on. And that's the capital budget, and these
5 are things that are, that last 15, 20 and some
6 cases 30 years. And in the case of these
7 projects, this falls into the definition of a
8 capital project.

9 MR. HAMM: Okay. I have no problem
10 with that, but I do have a bit of a problem
11 with the cost of this financing not being
12 identified except as a special item, article.
13 Now, maybe that's normal business practice
14 here, I don't want to proceed in occupying a
15 lot of time here, but it just doesn't feel like
16 good management to me. I'm sorry, just a
17 comment.

18 MODERATOR DOHERTY: Okay. Thank you,
19 sir. Yes, do you have a question?

20 MS. DAN: Candy Dan, Rockadundy Road.
21 I just want to make sure I'm reading it
22 accurately. If I read the notes, it sounds
23 like this borrowing will cost us on the order
24 of \$29,500 a year, and it's likely to save us

1 \$35,000 a year. If I have that right, I'd just
2 like to encourage you to do more of this.

3 MODERATOR DOHERTY: Thank you very
4 much. Great observation, thank you. Yes, sir.

5 MR. ARY: Yes. I'm Max Ary from
6 County Road, and I had a question about having
7 this as a debt item. Does this fall within the
8 two and a half percent levy limit, or is this
9 another mechanism whereby the budget can be
10 expanded without being subject to the existing
11 limits?

12 STAPCYNISKI: Yes, sir. This is within
13 our Prop 2.5 debt limit.

14 MODERATOR DOHERTY: Any other
15 questions? Yes, sir.

16 MR. LAFKA: Member Green (inaudible)
17 As Candy Dan pointed out, I was the only one
18 who was thinking that you should go aggressively
19 for many of these things because they do save
20 money. And we have a plan I know, but I was
21 just wondering whether we could have the
22 replacement that a person who can concentrate
23 on energy savings initiatives like this coming
24 soon. That's the question. So that we can get

1 more such benefits more aggressively.

2 MODERATOR DOHERTY: Do we have someone
3 who focuses on --

4 STAPCZYNSKI: Yes, we're very
5 fortunate, Mr. Coscio, Janet Coscio's really
6 our energy expert and has been doing quite a
7 bit of work actually with the mill and with the
8 green communities to promote energy efficiency
9 within our buildings and take advantage of
10 grants and rebates that are available to us
11 through the utility companies. So Janet, thank
12 you very much.

13 MODERATOR DOHERTY: All right. Are
14 you ready to vote? This requires a two-thirds
15 vote. Let's see if we can do it by hand. All
16 those in favor please raise one hand. Thank
17 you. Those opposed. The ayes clearly have it
18 by more than a two-thirds. Does anyone
19 challenge that declaration? If not, then I
20 would declare it as passing with more than a
21 two-thirds vote.

22 Article 40, please, Mrs. O'Donohue.

23 MRS. O'DONOHUE: Thank you, Madam
24 Moderator. I move that the town appropriate

1 the sum of \$200,000 to pay costs of purchasing
2 technology and software, including the payment
3 of any other costs related there to. And that
4 to raise this appropriation, the treasurer,
5 with the approval of the board of selectmen, is
6 authorized to borrow said amount under and
7 pursuant to Chapter 44, Section 7, clauses 28
8 and 29 of the general laws or any other
9 enabling authority, and to issue bonds or notes
10 of the town therefor.

11 MODERATOR DOHERTY: Article 49 has
12 been moved and seconded. Mrs. O'Donohue.

13 MRS. O'DONOHUE: During the past year,
14 the town has dramatically reduced the hardware
15 requirements of its server computers by
16 implementing virtualization technology.
17 Virtualization technology allows a single
18 larger computer to support the functions of
19 multiple independent computers simultaneously.
20 This has allowed us to achieve a nearly
21 ten-fold reduction in the number of servers
22 required to support our centralized
23 applications.

24 Article 40 seeks funding to utilize similar

1 technology to reduce the cost of maintaining
2 our desk top and laptop PC fleet.

3 MODERATOR DOHERTY: Thank you.
4 Finance committee report, please, Mr. Serrao.

5 MR. SERRAO: Thank you, Madam
6 Moderator. The finance committee recommends
7 disapproval of Article 40. Article 40 is a
8 request by the information technology
9 department for funds in the amount of \$200,000
10 for virtual desk top deployment. In 2012, the
11 town approved more than two million dollars for
12 the purchase of hardware and software to the
13 school department and the town. Initially, the
14 plan was to purchase PCs, specifically Hewlitt
15 Packard PCs that run the Windows operating
16 system. 100 of these PCs were leased, but then
17 the school changed course and decided to lease
18 Apple computers, which run on a completely
19 different operating system from PCs. There are
20 PC based software applications that
21 historically have not run effectively on Apple
22 computers. Virtual desktop technology, the
23 subject of this warrant article, is another
24 hardware course change, first from PCs to Apple

1 products and now to thin clients. From a
2 strategic and fiscal perspective, it would be
3 best for the town for the school department to
4 determine its software strategy and needs, and
5 then based on those decisions, to determine the
6 best hardware strategy to deploy this software.
7 Given that a definitive software strategy has
8 not been formulated, or if formulated, shared
9 with the town, the finance committee recommends
10 disapproval of Article 40.

11 MODERATOR DOHERTY: Thank you. Mrs.
12 O'Donahue, did you have a recommendation from
13 the board of selectmen?

14 MS. O'DONAHUE: Yes, the board of
15 selectmen recommends approval of this article.

16 MODERATOR DOHERTY: Thank you. And
17 school committee, please, Mrs. Gilbert.

18 MRS. GILBERT: Madam Moderator, an
19 increasing number of enterprises are turning to
20 desk top virtualization as a way to provide
21 computing to their work force while keeping
22 costs down. Approval of this article would
23 provide several benefits, including reducing
24 maintenance costs by enabling our IT department

1 to create virtual desk tops which do not
2 require individual maintenance. With desk top
3 virtualization, fewer staff are needed to
4 manage desk tops and trouble shoot user
5 problems. Because software licensing
6 requirements are typically smaller, there are
7 also cost savings on applications. In
8 addition, annual state exams will soon need to
9 be administered electronically, and desk top
10 virtualization will allow us to do this by
11 using existing computers.

12 Desk top virtualization allows for easier
13 management, maintenance, and trouble shooting.
14 It increases desk top security and it will
15 allow employees both in the schools and the
16 town departments to work remotely or off hours
17 from their own devices to securely access their
18 applications. The school department does have
19 a plan, and it recommends approval of this
20 article.

21 MODERATOR DOHERTY: Thank you. Any
22 discussion here? Mr. Rowley?

23 MR. ROWLEY: Mike Rowley, 2 College
24 Circle. This whole \$200,000 is the result of

1 the school department deciding to go with the
2 Apple instead of Windows.

3 MODERATOR DOHERTY: Is that your
4 question?

5 SPEAKER: That's a different article.

6 MR. ROWLEY: No. What I'm getting at
7 is they just discussed it. The finance
8 committee just said what I just stated. Am I
9 incorrect?

10 MODERATOR DOHERTY: Is that correct?

11 MR. ROWLEY: Did you not state that
12 they went with Apple instead of Windows? They
13 changed direction from the 100 that they
14 purchased first. I'm speaking to you because
15 you spoke. I'm sorry, I don't know your name.

16 MODERATOR DOHERTY: If you could
17 direct your question to the moderator, please,
18 and I'll make sure you get your question
19 answered.

20 MR. ROWLEY: What I'm trying to get at
21 here is that because of the direction that the
22 school department went, they didn't listen to
23 the IT director who recommended going with the
24 Windows because I heard that whole program

1 being presented, so now because they went with
2 what they went with which cost us more money to
3 go into this Apple program, now we have to pay
4 another \$200,000 to go continue forward. And
5 to me that's a travesty. We just keep being
6 asked for more and more money. Like you said,
7 we appropriated two, two and a half million
8 dollars towards this previously and now we're
9 being asked for \$200,000 more. So I say no.

10 MODERATOR DOHERTY: Okay. Thank you,
11 sir. Any other questions or comments? Yes,
12 sir.

13 MR. PECK: Madam Moderator, Jason
14 Peck, 28 Brady Loop. I had a quick question.
15 We're voting on the white part, right, not the
16 gray part?

17 MODERATOR DOHERTY: Correct.

18 MR. PECK: So is there anything to
19 prevent them from using the \$200,000 for things
20 besides virtualization?

21 MODERATOR DOHERTY: I don't believe,
22 this is not a school department--he wants to
23 know if there's anything to prevent that
24 \$200,000 to go to anything other than

1 virtualization.

2 MR. PECK: So they can spend it on
3 anything they want, correct?

4 STAPCYNski: Well, if I may, there's a
5 number of things including virtualization as
6 part of this \$200,000, and Mr. Pusingara, the
7 IT director of the town is here. Perhaps you
8 can talk about what other things are included
9 in this project.

10 MR. PUSINGARA: Paul Pusingara, chief
11 information officer for town and schools. This
12 \$200,000 is specifically for desk top
13 virtualization. It is part of a larger
14 initiative that was spoken to earlier for
15 improving our overall infrastructure. But as
16 in all of these articles, this CIP is directed
17 towards, these funds are to the IT department,
18 they are not to the school department.

19 MR. PECK: Okay. So if it's for
20 virtualization, then how come they didn't just
21 write for virtualization in the article?
22 Because it looks to me like we're voting to
23 give \$200,000 to the IT department period to be
24 used in whatever means they deem necessarily.

1 MR. STAPCYNski: No. The article is
2 written in such a way that it will pass the
3 muster of bond counsel, so often times it looks
4 rather bland. But what we will be going
5 forward with, what we go by is the intent of
6 the warrant article and the capital project
7 that it supports, and in the CIP request, it
8 was for town and school virtualization. So
9 we're limited to that.

10 MR. PECK: I understand. Thank you.

11 MODERATOR DOHERTY: Thank you, sir.
12 Yes, sir.

13 MR. PASQUALE: Tom Pasquale, 47B
14 Whittier Street. I'm voting against it. I
15 have a good friend over here, since he's been
16 in the town, very, very intelligent, he's very
17 right brained. Every time he puts something
18 up, Mr. Pasquale goes into left brain
19 technology, which means nobody's done a
20 cost/benefit analysis yet. The chairman over
21 there, the school committee says there will be
22 fewer bodies needed. So how many bodies are
23 going to be taken out of the school budget if
24 we put \$200,000 into these computers?

1 That's what I want to know. I want to see real
2 concrete numbers, cost/benefit, and I support
3 the position of the finance committee and the
4 rest of us. We're just writing another blank
5 check because he said we need it. I don't buy
6 it.

7 MODERATOR DOHERTY: Yes, sir. Right
8 here. What's your question, sir. If you could
9 talk right into the mic.

10 MR. BELLOW: Summer Street. My
11 question is similar. Has there been a
12 cost/benefit analysis, and how much money will
13 be saved if we invest this \$200,000?

14 SPEAKER: If you indulge me for a
15 minute, I'll just do two slides and the second
16 slide I'll speak to the benefits and I can
17 speak a little bit to the cost with that. This
18 article is for desk top virtualization. Over
19 the past two years, I came to town meeting in
20 2012 and appropriated some money to improve our
21 overall data center infrastructure. When I
22 arrived, our data structure infrastructure
23 looked like this, dozens of servers, multiple
24 data centers, antiquated equipment. Through

1 the kubishes (sic) of town meeting, this is
2 what our data center looks like today. We've
3 replaced 76 servers with one rack of servers.
4 We've replaced four data centers with two. Our
5 data centers are now 100 percent redundant. We
6 run our entire infrastructure on those two
7 racks of equipment. It's been a dramatic
8 improvement in our overall efficiency, reduced
9 the amount of hardware we have. Reduced
10 everything that we once did four of we now only
11 do one of. So that's been a dramatic
12 improvement. The next step in the process is
13 to move forward with desk top virtualization
14 where we're hoping to replace all of the
15 computing power that on average costs \$800 to
16 \$1000 per unit on individual client machines
17 with more machines that cost two to \$300 and to
18 move that power of computing to the server
19 farm. We've already invested in the server
20 farm. We've already invested in the network
21 upgrade infrastructure, we simply have to buy
22 the virtualization licenses now to allow us to
23 run the desk top infrastructure just the way we
24 run our server infrastructure on this new

1 overall equipment.

2 So the benefits that we perceive here, to
3 your point, this will allow all town employees
4 and school employees to work at home as well as
5 in the office. It will allow them to have full
6 access to the munis system, all of our
7 enterprise systems, all of our school systems
8 that they don't currently have, improving the
9 productivity of the individual users. It will
10 allow us to provide Windows software. The
11 point has been made that we have transitioned
12 from a primarily Windows based environment in
13 the schools to primary MacIntosh environment.
14 We have a substantial investment in software on
15 the Windows platform. If we don't move, if you
16 don't spend the money here, you're going to
17 spend the money by us replacing all of the
18 Windows applications with equivalent MacIntosh
19 applications because we have a huge investment
20 in CAD cam, in music software, in specialized
21 engineering applications, math applications and
22 so forth, and those applications have to
23 continue to run to serve the educational
24 purposes. Right now we have, and we're either

1 going to buy them one by one and replace them
2 on the MacIntosh, or we can do this in a
3 unified way. This also gives the flexibility
4 as we approach our next refresh cycle of
5 machines, instead of refreshing all of our
6 machines with \$800 or \$1000 PCs and laptops, we
7 can begin to contemplate thin client
8 architectures, chrome books, other type of
9 lower cost per unit architectures. So we very
10 much hope to be able to reduce the overall cost
11 in that direction.

12 Just one more moment, Madam Moderator. We
13 also have not yet addressed our student
14 computing architectures. The virtualization
15 architecture will allow us to extend the life
16 of our fleet of our 2000 plus PCs that now
17 average nine-plus years old in the schools and
18 allow that to be replaced by a combination of
19 thin clients in the school at a very low cost
20 per terminal and allow us also to introduce a
21 bring your own device program whereby we can
22 extend Windows based software to students who
23 are running MacIntoshes or other machines
24 without having to buy the software for them.

1 And finally, as the school committee said, we
2 will be allowed to reduce the cost of our
3 testing architecture. Without this we're going
4 to have to spend perhaps a half million to a
5 million dollars in acquiring new equipment to
6 subscribe to a new state requirements.

7 MODERATOR DOHERTY: Thank you, sir.

8 MR. PASQUALE: So let me just ask a
9 follow up question. Had there been a
10 cost/benefit analysis?

11 MR. PUSINGARA: So all, if you would
12 like, I do not have numbers associated with
13 each of these benefits, if you'd like, I
14 certainly can cost them out, but as you can
15 see, just the last alternative alone could run
16 us up to a million dollars.

17 MR. BELLOW: I guess my final question
18 is if it's that important, why haven't you done
19 that analysis?

20 MODERATOR DOHERTY: Well, he hasn't
21 done it, sir. Thank you for your question.
22 Yes, sir. Your question.

23 MR. CARTER: Thank you. Tim Carter,
24 422 River Road. I have two questions. First

1 is are you virtualizing the Windows environment
2 only, or both IOS, sorry, Mac and Windows; and
3 second, what is the plan for migrating the
4 existing fleet, and to which we've invested a
5 considerable amount of money into this new
6 virtualized environment.

7 MR. PUSINGARA: So the Apple does not
8 permit the OS 10 operating system to be
9 virtualized and distributed that way, so we can
10 only virtualize Windows environment. So
11 therefore, Windows applications will run on
12 Windows machines, IOS machines, OS10 MacIntosh
13 machines, Chrome Books or thin clients.

14 MR. CARTER: The second question was
15 what's the plan for migrating the existing
16 fleet of PCs, laptops, et cetera.

17 SPEAKER: So there are three fleets
18 really. There is our administrative fleet
19 which we have voted and which we'll be
20 addressing in Article 47 where we replace our
21 machines every four years. There is a teacher
22 fleet which now is primarily MacIntosh which is
23 also on a four-year refresh cycle, and that's
24 about 600 machines, and then we have 2000-plus

1 machines that are distributed in the schools
2 today that are for student use. So the
3 proposal here is right now those machines are
4 all at end of life. They're all running
5 Windows XP, they're tremendous security risks.
6 We either have to replace all of those
7 machines, or with desk top virtualization, we
8 can extend their life two, three, four, maybe
9 even longer, to run the existing Windows
10 applications plus all of the PARCC testing.
11 And so we can keep those machines for a very
12 long period of time. The expectation is that
13 over time, we will be introducing a bring your
14 own device program where students are able to
15 bring devices from home to supplement their
16 student learning and we will slowly winnow out
17 the existing fleet so it's much smaller and
18 much focused on high value applications.

19 MODERATOR DOHERTY: Okay. Yes, sir.
20 Up here. Thank you.

21 MR. ARY: This is Max Ary from County
22 Road. I just wanted to say I am delighted to
23 see that the IT department is working on this
24 virtualization. This is the future, and it

1 allows for rapid adaptation to changes in
2 technology. You know, we have a serious
3 problem in that most of these budgets are debt
4 that's used for these capital acquisitions of
5 computing equipment is five years' long. And
6 anybody who pays any attention to computing
7 knows that the lifetime of a piece of hardware
8 as far as being, representing state of the art,
9 it's gone after two to three years and you're
10 just trying to get what you can out of it in
11 the last couple of years of its supposed life.
12 But virtualization is a much more scalable
13 environment where the server can be maintained
14 incrementally and you just provide a level of
15 computing power and storage services, and it's
16 extremely flexible, it's much more power
17 efficient than having thousands of full desk
18 top machines. I mean, it's just, this is the
19 future. Thank you.

20 MODERATOR DOHERTY: Thank you, sir.

21 Yes, sir. Your question.

22 MR. CORDORARO: Chris Cordoraro, 70
23 Holt Road. I'm no expert on this. I do work
24 at a hospital that is doing this or has done

1 this. It's wonderful. It means that I'm able
2 to use applications using any computer,
3 Windows, tablet or MacIntosh. It separates me
4 using the application from the hardware. I
5 used to have to go to an office to use it, now
6 I can use it anywhere. This is the way of the
7 future. We're actually behind the ball here.
8 Anybody, we've several times had people ask
9 that we run this town like private enterprise.

10 MODERATOR DOHERTY: Yes.

11 MR. CORDARARO: Every private company
12 does this. It saves money. It works very
13 well.

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

16 MR. HUNT: Ed Hunt, 23 Somerset Drive.
17 I generally support this. How many licenses is
18 this going to be, support, you talk about all
19 these machines that we have, is this just the
20 initial ten percent and we have to come back
21 next year and spend another \$400,000, what's
22 the total cost of this program if we want to do
23 everything you're talking about?

24 SPEAKER: So this proposal represents

1 my best estimate of the number of simultaneous
2 licenses. It is not license per user, it's
3 license by simultaneous session, and I believe
4 the allocation here is for 500 simultaneous
5 sessions.

6 MODERATOR DOHERTY: Okay. Are we
7 ready to vote? Article 40 requires a
8 two-thirds vote. All those in favor please
9 raise one hand. Thank you. Those opposed?
10 Thank you. The ayes clearly have it by more
11 than a two-thirds vote. Does anyone challenge
12 that vote? Then I would declare it to be more
13 than a two-thirds vote, thank you. Article 41,
14 please. Mr. Stapczynski.

15
16 MR. STEPTICI: Yes. Madam Moderator,
17 I move that the town appropriate \$150,000 to
18 pay the cost of town playground improvements
19 and replacements including the payment of any
20 other cost incidental and related thereto, and
21 that to raise this appropriation, the
22 treasurer, with the approval of the board of
23 selectmen, is authorized to borrow said amount
24 under and pursuant to Chapter 44, section 7,

1 clause 25 of Mass general laws or any other
2 enabling authority and to issue bonds or notes
3 of the town therefore.

4 MODERATOR DOHERTY: Article 41 has
5 been moved and seconded. Who is speaking to
6 this?

7 SPEAKER: Yes, Madam Moderator, the
8 board of selectmen had initial concerns about
9 this article when first proposed, specifically
10 around the fields and courts. We took a look
11 at it and took a positive recommendation on
12 this which is different than what the Fin Com
13 book says. We had a condition that said that
14 we would support this article if it would stick
15 to this article and there would be no other
16 fees or no other spending that would come next
17 year or in future years from town meeting.
18 That any costs around the fields, the courts,
19 would come from private funding, for instance,
20 the leagues. So the board of selectmen is
21 recommending approval of this. This is part of
22 a six-year plan to replace all playgrounds.
23 \$150,000 will address an immediate need to
24 replace address worn equipment at Penguin Park,

1 and to install new, accessible playground
2 equipment and walkways at the Ballardvale
3 playground. The equipment being removed does
4 not meet current safety codes, and is in need
5 of replacement. The goal of this program is to
6 update all of Andover's playgrounds to the
7 current ADA and safety standards. The way this
8 is separated is \$100,000 of this \$150,000 will
9 be dedicated towards the Ballardvale
10 Playground, and the \$50,000 will be for Penguin
11 Park, and the board of selectmen recommends
12 approval.

13 MODERATOR DOHERTY: Thank you. The
14 finance committee report, please, Mrs. Moffitt.

15 MRS. MOFFITT: Madam Moderator, The
16 finance committee recommends approval.

17 MODERATOR DOHERTY: Thank you. Any
18 other boards? Yes, sir.

19 MR. PETERSON: Madam Moderator, my
20 name is Eric Peterson, 23 Blueberry Hill Road.
21 I'm new to the town of Andover and to this
22 experience.

23 MODERATOR DOHERTY: Welcome. Are you
24 having fun yet?

1 MR. PETERSON: This is amazing. I
2 just want to say, this is amazing. I have
3 never felt more American than to have
4 experienced this over the past three days.

5 MODERATOR DOHERTY: Then we have
6 succeeded. That's great, we have succeeded.
7 Go right ahead, Eric.

8 MR. PETERSON: My family moved here in
9 July, I'm sorry, June of last year. And we
10 were just thrilled to choose Andover. We had a
11 lot of places, obviously, to choose from.
12 Moving to Massachusetts, we're also new to
13 Massachusetts, so thrilled to come here. So I
14 wanted to speak to this point about the
15 playgrounds because we chose Andover because of
16 the family and the schools and what we thought
17 was a very family friendly environment, we
18 believe it is. And so we moved in June, and
19 just really three days after we moved to
20 Andover, still going through the move, my wife
21 took my children to this Andover playground, to
22 Ballardvale, and they were very disappointed in
23 what they found. A lot of the playground was
24 falling apart. The equipment was broken,

1 rusted, unsafe to play on. And they tried to
2 make the best of it. Unfortunately about 20
3 minutes into playing on the playground, my
4 daughter fell from one of the kind of
5 dilapidated playground playsets and she broke
6 her arm. She spent, the next 24 hours was very
7 adventurous for us, she spent the night in the
8 hospital. She had to have surgery to have her
9 elbow stabilized and some pins put into it, and
10 this was our introduction to Andover starting
11 with the playground. And, so, you know, not to
12 belittle the point, but I'm very, very strongly
13 in favor of improving our playgrounds in the
14 town of Andover. I think it's important that
15 we invest in our children and we give them
16 places to play and not only that, but we get
17 them outdoors as much as possible and the
18 playgrounds just weren't giving us that. So,
19 you know, I recognize the importance of being
20 fiscally conservative, that's very important to
21 me as well. But I think whether you're elderly
22 and simply unable to enjoy these playgrounds
23 because of the compliance or if you're just a
24 child and quite frankly it's just dangerous to

1 play on these playgrounds, that's just shameful
2 to us. So it's my first time coming to a town
3 meeting and I'm glad I had an opportunity to
4 speak on this and I would vote very much in
5 favor of this and ask everyone to do the same.
6 Thank you.

7 MODERATOR DOHERTY: Thank you, Eric.
8 Welcome to Andover. Yes, sir.

9 MR. SUTTON: I'm Jim Sutton, I live on
10 Farwood Drive, and I'm asking your support for
11 this article. It's been several years since my
12 own grandchildren were little enough to play at
13 Penguin Park, but even two or three years ago,
14 the playground equipment there was quite worn
15 out and needed to be replaced and not much fun.
16 There are very few places in town where you can
17 go with kids two to five, and they really need
18 a place like Penguin Park, so please vote for
19 this article.

20 MODERATOR DOHERTY: Thank you, sir.
21 Yes, sir, hold on a second, you were standing
22 there next.

23 SPEAKER: I want to reiterate a lot of
24 these points.

1 MODERATOR DOHERTY: Could you identify
2 yourself.

3 MR. MURPHY: Dan Murphy, Red Spring
4 Road.

5 MODERATOR DOHERTY: Do you have a
6 question or do you want to speak to the
7 article?

8 MR. MURPHY: I want to speak to the
9 article.

10 MODERATOR DOHERTY: Pro or con?

11 MR. MURPHY: Pro.

12 MODERATOR DOHERTY: Go right ahead.

13 MR. MURPHY: I live close to one of
14 these parks and I see people that enjoy it on a
15 daily basis and to keep the upkeep, it's a
16 social experience to keep everyone, you know,
17 the grandmothers bringing the grandkids there,
18 and to keep these parks up it's more than
19 important.

20 MODERATOR DOHERTY: Okay. Thank you,
21 sir. Thank you very much. Yes, sir.

22 MR. PASQUALE: John Pasquale, 47B
23 Whittier Street. I support this 1000 percent.
24 I had the opportunity to talk to Marie Magglio,

1 this was her dream. I've also had a lot of
2 interviews. I've spoken to parents, I've
3 spoken to children. Some of them call me papa
4 now because I go in the playground. Things
5 have changed over here. And I'd like to see
6 some things, not just put \$100,000, but I want
7 to make sure we understand things that have to
8 happen. These are from the children that can't
9 come here to tell you. So we know that we've
10 got a safety problem and it's going to get
11 worse on Andover Street when the new
12 Ballardvale station opens because we're going
13 to have two pieces of equipment and double the
14 personnel. It's an aged playground. The last
15 time we did something was 20 years ago. The
16 citizens got the money, in fact, Jay Leno put a
17 nice piece of change into it to get some things
18 done over there, so it's incumbent we keep it
19 up.

20 Parking. There's no parking. It's
21 illegal. It's illegal to park on the sidewalk
22 where it is right now because it says fire
23 lanes, no access. I spoke to the neighbors on
24 the south side, that's a private driveway, they

1 don't want any cars over there so you can't go
2 over there. When I listened to the Ballardvale
3 fire station, this may be getting ahead, but we
4 got to start thinking now because the chief's
5 going to say I got to have a place to put the
6 fire truck while they're doing the building and
7 the contractors are going to show up. So I'm
8 saying to Chris, the plan, we ought to take the
9 land and get some parking spaces up on the
10 north side of this playground.

11 MODERATOR DOHERTY: We're talking
12 about \$150,000 expenditures for the playground
13 equipment. I understand, if you could address
14 that, please.

15 MR. PASQUALE: Okay. Next area is
16 what we call violation of American disabilities
17 act. Now, the playground is an average four to
18 six feet below the road. To go down this steep
19 incline, if a child's got crutches, wheelchair
20 or he's my age, there's no handrails, there's
21 nothing. It has to be addressed. Underneath
22 all of the equipment today, it's all big
23 troughs. If any child falls, you heard one
24 incident here that the gentleman divulged. I

1 mean, we're in liability. The field ought to be
2 flat. They took me out to center field. They
3 said you ever play baseball, Papa? I says
4 yeah. The ball goes over and it dips down
5 almost four feet so when the child retrieves
6 the ball he can't see where he's throwing it.
7 We need a level field. There's big ledge rocks
8 over there, no grass.

9 MODERATOR DOHERTY: Mr. Pasquale, I'm
10 going to ask you to wrap up.

11 MR. PASQUALE: I'd like you to listen,
12 because--

13 MODERATOR DOHERTY: Your time is up,
14 sir, and there are more people who are waiting
15 to speak. Your time is up, so if you could
16 please--

17 MR. PASQUALE: Well, I want to see
18 that we're going to do something about the
19 parking and we're going to do something
20 tangible over there. We put \$300,000 into a
21 wall behind the Doherty School with a railing
22 on it just so the soccer balls wouldn't go over
23 it.

24 MODERATOR DOHERTY: Okay. We can't do

1 anything until you let us vote. Yes, ma'am.

2 MS. DICICERO: Emily Dicicero, 3
3 Walnut Ave. I just want to say that I'm new to
4 Andover as well, and I moved my family halfway
5 across the country because of Andover's
6 appreciation for the next generation and I want
7 to thank the selectmen for revisiting this. I
8 think it's very important.

9 MODERATOR DOHERTY: Thank you. And
10 this is going to be the last speaker up here
11 and then we'll vote.

12 MS. CHEELY: Hi, I'm Lulu Cheely,
13 Burnham Road. I have two questions, mostly for
14 clarification. One, whether or not you're
15 going to have a design review process for
16 playground improvements? Primarily because
17 \$150,000 is not enough money in my opinion to
18 get the most value out of these play spaces.
19 Secondly, can you clarify what you mean by
20 there won't be any money that will be
21 appropriated for this next year? That concerns
22 me because if you're simply going to be taking
23 a couple pieces of equipment and sticking them
24 in the playground, you're not really doing much

1 to enhance the quality of the play environment
2 for Andover, you're simply replacing parts.
3 Thank you.

4 MODERATOR DOHERTY: Chris, can you
5 address that quickly, please?

6 SPEAKER: Very quickly, the \$100,000
7 we're requesting for the Ballardvale playground
8 is in addition to \$200,000 already, and that
9 will get us, John, thank you for your support
10 with this, that will get us eight parking spots
11 as well. As far as the ball fields and what
12 Chairman Visboli, former Chairman Visboli had
13 to say, they are looking for money from Andover
14 Little League for that.

15 MODERATOR DOHERTY: I think that's
16 soon to be former Chairman Visboli.

17 SPEAKER: Thank you, Chris.

18 MODERATOR DOHERTY: All right. Let's
19 take a vote on this please. Article 41, all
20 those in favor, it's two-thirds vote, please
21 raise one hand. Thank you very much. Those
22 opposed. The ayes clearly have it by far more
23 than a two-thirds vote. Does anyone challenge
24 that declaration? I declare it to be more than

1 a two-thirds vote. Article 42, please. Mrs.
2 Gilbert.

3 MS. GILBERT: Madam Moderator, I move
4 that the town appropriate the sum of \$319,000
5 to pay costs of making various school site
6 safety circulation and infrastructure
7 improvements, including the payment of any
8 other costs incidental and related thereto, and
9 that to raise this appropriation, the treasurer
10 with the approval of the board of selectmen is
11 authorized to borrow said amount under and
12 pursuant to Chapter 44, section 7, clauses 3A,
13 six and 25 of the general laws or any other
14 enabling authority and to issue bonds or notes
15 of the town therefor.

16 MODERATOR DOHERTY: Article 42 has
17 been moved and seconded. Is there a school
18 committee report?

19 MS. GILBERT: Yes, Madam Moderator.
20 This request is specifically related to West
21 Elementary School, but it is also part of an
22 ongoing seven-year plan that addresses ADA
23 compliance, parking, sidewalk and drainage
24 issues at a number of our schools. Traffic

1 flow and safety improvements are also part of
2 this design. The school committee recommends
3 approval.

4 MODERATOR DOHERTY: Thank you.
5 Selectmen report Mr. Kawelski.

6 MR. Kawelski: Madam Moderator, the
7 board of selectmen recommends disapproval of
8 this article. This warrant article requests
9 \$319,000 to complete a design only for the site
10 renovation of West Elementary School. The
11 board of selectmen felt that if we committed to
12 spend these design only funds, we would be
13 obligated to spend an additional 3.2 million
14 dollars to do the actual work next year. The
15 board of selectmen feels that in order to
16 minimize the impact to the taxpayer, we need to
17 better balance debt associated with this
18 project and other major capital projects that
19 are on the horizon, therefore, the board of
20 selectmen recommends disapproval at this time.

21 MODERATOR DOHERTY: Thank you. The
22 finance committee report, please, Mrs. Moffitt.

23 MS. MOFFITT: Madam Moderator, this is
24 the third year of a seven-year master plan to

1 update all of Andover's school sites, and this
2 is the third location, West Elementary School,
3 to be addressed in this plan. The finance
4 committee recommends approval.

5 MODERATOR DOHERTY: Any questions or
6 comments? Do you have a question, ma'am?

7 MS. MULVEY: No, I have a comment.

8 MODERATOR DOHERTY: Go ahead.

9 MS. MULVEY: Nancy Mulvey, High Plain
10 Road. I have been a neighbor of West
11 Elementary School for 44 years. My children
12 attended in the 1970s. I currently walk the
13 grounds at least twice a day with my current
14 dog and have over many, many years. West
15 Elementary School was built, the original part
16 of it in 1950. That means that it is the
17 oldest, other than Shawsheen School, which is
18 going to be phased out soon, it is the oldest
19 operating school building in Andover. It has
20 been enlarged twice, once in the 1960s and then
21 a major addition in the 1970s which literally
22 just pushed out the existing old building. As
23 was stated in the article itself, the grounds
24 are really in really disreputable condition.

1 The paving, the patching, the cracks, the
2 curbing that is missing, is not only
3 unattractive, it is unsafe for anyone walking
4 there, for kids accessing buses, for the many
5 who access the playground and the fields. I
6 urge you to vote approval for this, because
7 really if you go around and look at all of the
8 other schools in Andover, West El needs help.
9 Thank you.

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

12 MR. CARTER: Tim Carter, 422 River
13 Road. I'd really like to understand what it is
14 about a design that costs \$322,000 to do. In
15 any reasonable sense, this is three or four
16 full-time employees for a year. Why is the
17 cost so high? Because we're not getting any
18 tangible results out of it, the material or the
19 building will still be in the same shape it is,
20 the sidewalk will still be broken, the curb
21 will still be missing, and we'll have spent
22 \$320,000. Thank you.

23 MODERATOR DOHERTY: Let me get you an
24 answer to that question. Who has the answer to

1 that question? Mr. Cronin, do you have the
2 answer to that? If you could have that mic
3 handier for you, that would be great.

4 MR. CRONIN: This study would not only
5 include traffic flow, the conditions of the
6 sidewalk, parking lot, playing fields, et
7 cetera, but it would also do all the storm
8 water management which is now necessary for
9 design. Thank you.

10 MODERATOR DOHERTY: Yes, ma'am. Go
11 right ahead.

12 MS. AXELROD: Jane Axelrod, 8 Mound
13 Ave. This sounds like a really worthy project,
14 and more money. The school already has a 70
15 million dollar budget, and I would like to know
16 when the bloodletting ends. This town has
17 allowed collective bargaining to get a choke
18 hold on it and we are now entertaining
19 unsustainable costs. These are all wonderful
20 and good needs, and where do we get all the
21 money from this? My money tree is empty, I
22 don't know about the rest of you, but I want to
23 know, when is the end to this constant need for
24 schools, and when all the other agencies in the

1 town seem to do with maybe ten percent of what
2 they use, I love the idea of it, it's
3 wonderful. If I won the lottery, I'd turn the
4 money over to you, but I'm putting children
5 through graduate school and I have my own
6 costs, and where do the costs come to an end.
7 When do the taxpayers stop carrying this kind
8 of burden?

9 MODERATOR DOHERTY: Thank you. Mr.
10 Forgue, and then let's take a vote after your
11 comments, sir. Do you have a question, sir?

12 MR. FORGUE: I have a question.
13 Dennis Forgue, 18 Reservation Road. The
14 finance committee voted to approve this
15 article. Can we have an explanation of that
16 position?

17 MODERATOR DOHERTY: Is there an
18 explanation from the finance committee?

19 MS. MOFFITT: Yes, Madam Moderator,
20 because it's part of a plan, a seven-year plan
21 to look at all of the schools in town, we
22 approved it because it's just the next step.
23 You know, we've done West Middle and we did the
24 Doherty School and now we're addressing West

1 Elementary. Is that satisfactory?

2 MODERATOR DOHERTY: Does that answer
3 your question?

4 MR. FORGUE: Not completely. Can I
5 ask a follow-up question?

6 MODERATOR DOHERTY: Go right ahead.

7 MR. FORGUE: I was really more asking
8 how they came to that decision, and my
9 understanding is they did make use of that tool
10 that exists that was developed, and made some
11 decisions based on that, but I wasn't there for
12 that discussion. So if somebody could address
13 that, that would be helpful.

14 MODERATOR DOHERTY: If you could
15 address that quickly, that would be great.

16 MR. STUMPF: Thank you, Madam
17 Moderator, John Stumpf. If I could try to
18 address that, as Janey already said, it's part
19 of a long-term plan. And one of the things
20 that we've been instituting over the last two
21 or three years is the implementation of the
22 debt tool which helps us identify the
23 non-exempt debt as well as exempt debt and the
24 impact it has on the taxpayers and the impact

1 it has on the operating budget. The board of
2 selectmen bring up a very valid point. There's
3 only so many dollars that the debt tool says we
4 should be spending on non-exempt debt, and this
5 project is a non-exempt item. Ballpark it's
6 like 4 million dollars a year, and so when we
7 do the improvement, if we do it as non-exempt
8 debt of 3.2 million dollars, it's going to use
9 a significant portion of that fiscal '16 four
10 million dollar non-exempt debt. So there's no
11 question that we are using the tool. We are
12 learning from it every year, and we are using
13 it to make good long-term decisions.

14 MODERATOR DOHERTY: Okay. Article 42,
15 please, requires a two-thirds vote. All those
16 in favor please raise one hand. Thank you.
17 Those opposed. Let's take a standing vote,
18 please. All those in favor of Article 42
19 please stand. When they've passed your row,
20 please sit down.

21 COUNTER: Okay. Section 1, please.

22 SPEAKER: Section 1, 22, 2-2.

23 COUNTER: 22. Section 2.

24 SPEAKER: Section 2, 25, 2-5.

1 COUNTER: 25. Section 3, please.
2 SPEAKER: Section 3, 11, 1-1.
3 COUNTER: 11. Section 4.
4 SPEAKER: Section 4, 28, 2-8.
5 COUNTER: 28 in Section 4. Section 5,
6 please.
7 SPEAKER: Section 5, 20, 2-0.
8 COUNTER: 20. Section 6.
9 SPEAKER: Section 6 has 17, 1-7.
10 COUNTER: 17. Nobody in seven,
11 Section 8.
12 SPEAKER: Section 8, 3.
13 COUNTER: 3. And the hall, please.
14 SPEAKER: 5.
15 COUNTER: And the stage.
16 SPEAKER: Stage is 14, 1-4.
17 COUNTER: 14 on the stage.
18 MODERATOR DOHERTY: All those opposed
19 please stand. All those opposed.
20 COUNTER: Section 1, please.
21 SPEAKER: Section 1, 7.
22 COUNTER: 7. Section 2.
23 SPEAKER: Section 2, 14, 1-4.
24 COUNTER: 14. Section 3.

1 SPEAKER: Section 3, 0.

2 COUNTER: Section 4. I'm sorry.

3 Section 3 was 0. Section 4.

4 SPEAKER: Section 4, 32, 3-2.

5 COUNTER: 32. Section 5.

6 SPEAKER: Section 5, 17, 1-7.

7 COUNTER: 17. Section 6.

8 SPEAKER: Section 6 has 20, 2-0.

9 COUNTER: 20. Section 7 is still
10 empty. Section 8.

11 SPEAKER: 0.

12 COUNTER: In the hall, please.

13 SPEAKER: 1.

14 COUNTER: And on the stage.

15 SPEAKER: Stage is 6.

16 COUNTER: Stage is 6.

17 MODERATOR DOHERTY: 145 having voted
18 in the affirmative, 95 having voted in the
19 negative. The motion is lost. Article 43,
20 please, Mr. Major.

21 MR. MAJOR: Thank you, Madam
22 Moderator. I move that the town appropriates
23 the sum of \$467,000 to pay costs of
24 constructing, adding to, remodeling,

1 reconstructing, and making extraordinary
2 repairs to and equipping various town buildings
3 and facilities, including the payment of any
4 other costs incidental and related thereto, and
5 that to raise this appropriation, the
6 treasurer, with the approval of the board of
7 selectmen, is authorized to borrow said amount
8 under and pursuant to Chapter 44, section 7,
9 clause 3A of the general laws or any other
10 enabling authority and to issue bonds or notes
11 of the town therefor.

12 MODERATOR DOHERTY: Article 43 has
13 been moved and seconded. Mr. Major, the
14 selectmen's report, please.

15 MR. MAJOR: Yes. The board of
16 selectmen recommends approval. This, like many
17 of the other articles that we've listened to
18 recently, are the capital projects that we have
19 to maintain the assets that we have in this
20 community. And that's one of the blessings
21 that we have over the years that the town has
22 given us permission to maintain the assets so
23 that before they break down and crumble, we
24 have the ability to rehab them. And in this

1 case, we've got projects in Rec park, we're
2 going to expand the concrete floor and the
3 roof. Over at the center at Punchard, the
4 senior center, we're going to be putting in a
5 handicapped accessible door as well as new
6 carpeting. At the town house, adding painting
7 and parking lot improvements. Memorial Hall
8 library, master key system improvements, and at
9 Red Spring Road where we have our maintenance
10 garage, we're going to enlarge the garage door.
11 So, again, the board of selectmen recommends
12 approval.

13 MODERATOR DOHERTY: Finance committee
14 report, please, Mrs. Moffitt.

15 MS. MOFFITT: Madam Moderator, the
16 finance committee recommends approval of this
17 article for the repairs and maintenance of town
18 buildings.

19 MODERATOR DOHERTY: Thank you. Any
20 questions or comments? All those in favor
21 please raise one hand. We need a two-thirds
22 vote. Thank you. Those opposed. The ayes
23 clearly have it by more than a two-thirds vote.
24 Is there anyone who challenges that? Then I

1 declare it to be more than a two-thirds vote.
2 Article 44, please, Mr. Salafia.

3 MR. SALAFIA: Yes, Madam Moderator. I
4 move to approve Article 44 as printed in the
5 warrant.

6 MODERATOR DOHERTY: Article 44 has
7 been moved and seconded. Mr. Salafia.

8 MR. SALAFIA: Yes, Madam Moderator.
9 This article requests that funds that were
10 originally voted for one purpose to be allowed
11 to be used for a similar purpose. The original
12 funding from water enterprise funds voted in
13 article 27 of the 1996 annual town meeting was
14 to be used to repaint the water tanks on Holt
15 Hill and Wood Hill. That project is complete
16 and \$37,892.97 remains unexpended. This
17 article would permit those funds to be used for
18 inspection, specification writing and for
19 bidding for rehabilitation work on various town
20 water storage tanks.

21 MODERATOR DOHERTY: And the
22 recommendation--

23 MR. SALAFIA: I'm sorry, the board of
24 selectmen recommends approval.

1 MODERATOR DOHERTY: Thank you. Mrs.
2 Marden, the finance committee report.

3 MS. MARDEN: The finance committee
4 recommends approval.

5 MODERATOR DOHERTY: Thank you. This
6 requires just a majority vote. Any questions?
7 All those in favor please raise one hand.
8 Thank you. Those opposed. The ayes have it,
9 the motion carries. Article 45, please, Mrs.
10 O'Donahue.

11 MRS. O'DONAHUE: I move to raise and
12 appropriate the sum of \$260,000 to pay costs of
13 purchasing public works vehicles including the
14 payment of any other costs incidental and
15 related thereto, and that to raise this
16 appropriation, the treasurer, with the approval
17 of the board of selectmen is authorized to
18 borrow said amount under and pursuant to
19 Chapter 44, section 7, clause 9 of the general
20 laws or any other enabling authority and to
21 issue bonds or notes of the town therefor.

22 MODERATOR DOHERTY: Article 45 has
23 been moved and seconded. Mrs. O'Donahue,
24 please.

1 MS. O'DONAHUE: Article 45
2 appropriates \$260,000 for DPW vehicles. The
3 DPW currently has a number of aging vehicles
4 that have been postponed for replacement since
5 fiscal 2008. The highway department working
6 with the vehicle maintenance division, reviews
7 the status of all vehicles to determine the
8 best use of the appropriation. These vehicles
9 are used for plowing and treating of roads in
10 winter, hauling loads of stone, gravel and loam
11 as well as debris and hauling barrels, cones,
12 signs, et cetera. They are also used during
13 emergencies both weather and flood related as
14 well as for traffic control. The board of
15 selectmen recommends approval of this article.

16 MODERATOR DOHERTY: Article 45,
17 selectmen's report, please, Mrs. Moffitt. I'm
18 sorry, the finance committee.

19 MS. MOFFITT: The finance committee
20 recommends approval.

21 MODERATOR DOHERTY: This requires a
22 two-thirds vote. All those in favor please
23 raise one hand. Go right ahead if you can ask
24 a question. Sorry.

1 SPEAKER: We voted the other night for
2 capital projects, capital improvement things,
3 and one of them was police vehicles. Is this
4 not in the capital plans? Why is this article
5 separate from what the police department is
6 getting for vehicles?

7 SPEAKER: Yes, ma'am. The police
8 vehicles and sedans or the SUVs that they're
9 buying have a life of three to five years, and
10 we buy those on a rotating basis from our
11 capital projects fund. These vehicles that
12 we'll be buying have a 10 to 15 year life span,
13 and therefore we buy them through borrowing.
14 These are trucks and that kind of vehicle. We
15 don't include those in the capital projects
16 fund which is Warrant Article 5.

17 MS. GIFFEN: Thank you. And I forgot
18 to identify myself. I'm Jane Giffen, Castle
19 Heights Road. Thank you.

20 MODERATOR DOHERTY: Thank you. All
21 those in favor of Article 45, it needs a
22 two-thirds vote. Please raise one hand. Thank
23 you. Those opposed. They ayes clearly have it
24 by more than a two-thirds vote, is there anyone

1 who challenges that declaration? If not, I
2 would declare it as such. The motion passes.
3 Article 46, please, Mr. Vispoli.

4 MR. VISPOLI: Yes, Madam Moderator, I
5 move to approve Article 46 as printed in the
6 warrant.

7 MODERATOR DOHERTY: Article 46 has
8 been moved and seconded. Go right ahead, sir.

9 MR. VISPOLI: Yes. The board of
10 selectmen recommends approval of this article.
11 Article 46 transfers \$118,000 from off-street
12 parking receipts for three purposes. \$60,000
13 will fund replacing and upgrading the parking
14 meters in lot four of the library with a
15 non-meter system. This will reduce maintenance
16 costs and increase revenues. \$40,000 will be
17 used to replace the parking enforcement
18 vehicle. The current vehicle is ten years old
19 and is becoming increasingly more expensive to
20 maintain. The vehicle also lacks the current
21 safety and utility features. \$18,000 would be
22 used for a parking management assessment plan
23 implemented by the planning division. With
24 information and guidance gathered from the

1 stakeholders, the plan would provide
2 recommendation on how to maximize efficiency,
3 improve the customer experience, and expand
4 opportunities for additional growth in the
5 downtown and maximize revenue from the parking
6 program.

7 MODERATOR DOHERTY: And the
8 recommendation from the selectmen?

9 MR. VISPOLI: Recommend approval.

10 MODERATOR DOHERTY: Thank you.
11 Finance committee report, please, Mr. Barry.

12 MR. BARRY: Thank you, Madam
13 Moderator. Finance Committee recommends
14 approval of Article 46.

15 MODERATOR DOHERTY: Thank you. Yes,
16 Mrs. Carbone, do you have a question?

17 MS. CARBONE: Yes. Point of
18 information for the residents here tonight.
19 \$18,000 in this article was addressed last year
20 at town meeting. It was voted down. I know
21 because I spoke to it. And the reason I spoke
22 to it was that we have large buildings in the
23 downtown area. Those large buildings generally
24 lease or rent out the property on the ground

1 floor to other small businesses. It's my
2 personal opinion that those large building
3 owners should fess up and pay for this kind of
4 a situation. And it doesn't seem reasonable
5 that this \$18,000 is back here in the warrant
6 and it's approximately a year later. I want to
7 relate to the residents of this community, a
8 few years ago we did an overhaul of the
9 downtown with state funds. It cost four
10 million dollars to do over the downtown even
11 though there's rusty pipes under ground. Then
12 we asked town meeting for \$500,000 for new
13 lights in the downtown even though after the
14 fact we shut off the lights in this community.
15 So I just want to relate that at least the
16 \$18,000 be removed from this article as it was
17 last year.

18 MODERATOR DOHERTY: Thank you. Are
19 you making an amendment?

20 MS. CARBONE: Yes, I'll go and make
21 one.

22 MODERATOR DOHERTY: If you would, go
23 ahead.

24 MS. CARBONE: Thank you.

1 MODERATOR DOHERTY: If you would get
2 the wording to us. If you don't mind, I'm
3 going to let people speak to that again and
4 then you can make that motion.

5 MS. CARBONE: Sure. Thank you.

6 MODERATOR DOHERTY: Yes, ma'am.
7 Honestly I don't know if you're a man or a
8 woman, I can't see your face.

9 CATHERINE POWER: I'm opposed to
10 expanding the pay and display parking system.
11 I think the pay and display has been voted down
12 before. I still don't understand how the pay
13 and display parking got in behind old town
14 hall. I think it is not a user friendly
15 parking system. People that are from out of
16 town or from other countries are not familiar
17 with it. When the parking lots and sidewalks
18 are covered with snow mounds and ice patches,
19 it's very difficult to get to the equipment and
20 back to your car, especially in inclement
21 weather or if you have children. And I just
22 hope that everybody would join me in voting
23 against the expansion of the pay and display
24 parking. Thank you.

1 MODERATOR DOHERTY: Yes, sir.

2 MR. BROWN: Madam Moderator, David
3 Brown, 31 Glenwood Road. I had a similar
4 question. I would hope that the town would be
5 moving toward a remote parking system that does
6 not require the patron to trudge back to their
7 vehicle after paying for it. Such systems are
8 in use in a number of communities including
9 Davis Square in Somerville near the Harvard
10 Vanguard Medical facility. It's far more
11 convenient to just punch in your space number,
12 and pay your money and get on your way.

13 MODERATOR DOHERTY: Let's have the
14 chief address your question, please.

15 CHIEF KEEFE: Good evening. This is
16 the last phase, and this is for lot 4 which is
17 the library lot. We're looking at actually pay
18 by space so you just have to pay once and you
19 can continue on to the library or where else
20 you're going to be going. You don't have to go
21 back to your vehicles. The infrastructure is
22 already in place for the signage, so I think
23 that's the best bet for that parking spot right
24 now, parking lot, excuse me.

1 MODERATOR DOHERTY: Thank you, sir.
2 Mr. Barry, could you get a copy of the
3 amendment that Mrs. Carbone, or Peggy,
4 somebody. Could you give, Mary, if you could
5 read that and then give it to Mrs. Cruz so we
6 can get a copy of it here.

7 MS. CARBONE: Yes. My name is Mary
8 Carbone, Cyr Circle. I move to amend Article
9 46 by reducing the amount to be appropriated
10 for the parking study by \$18,000. Thank you.

11 MODERATOR DOHERTY: Okay. Is there a
12 second to that, please? Thank you. This
13 motion has been made and seconded. If we could
14 get a copy of the amendment, please. So any
15 discussion we have now will be just on the
16 amendment. Mrs. Carbone, could you please
17 explain why you want to do this one more time
18 very succinctly.

19 MS. CARBONE: Sure. This article was
20 voted on at last year's town meeting and it was
21 voted down. And I can't fathom why it would
22 appear again in this year's warrant. That to
23 me tells me what goes on in the town in some
24 areas. Thank you.

1 MODERATOR DOHERTY: Okay. We're
2 looking at just the \$18,000 reduction. Is
3 there anyone else who would like to address
4 that? Yes, sir.

5 MR. FENTON: My name is John Fenton,
6 180 Main Street, Andover.

7 MODERATOR DOHERTY: If you can get
8 right up to the mic. I'm having a very hard
9 time hearing you.

10 MR. FENTON: Sure. John Fenton, 180
11 Main Street, Andover.

12 MODERATOR DOHERTY: Thank you, John.

13 MR. FENTON: I think the purpose of
14 this study is to try to assess and figure out
15 how best to utilize the parking resources that
16 we have currently in town and whether they're
17 paid for as you go or any other service,
18 whether you put coins in or buy passes.
19 There's a number of different and efficient
20 ways to go about it and we have resources,
21 parking resources downtown, but they aren't
22 being efficiently allocated or used. And we
23 are generating revenue from the parking
24 currently, and the money that we're asking for

1 to pay for this study comes from the revenues
2 that are already being generated from the
3 existing parking. So what we're really looking
4 at is trying to get more efficient and
5 generating more revenue for the town, not less.
6 And it's a small amount of money to spend to
7 improve the overall situation, the parking
8 situation in the town.

9 MODERATOR DOHERTY: Okay. Thank you.
10 Chief, do you want to address this?

11 CHIEF KEEFE: Actually, I'll let Paul
12 speak. And the fact that the last time I
13 looked for a study when I took over was I could
14 find a study that was done in the early '80s.
15 This study is going to be done with a bunch of
16 different stakeholders involved, business
17 owners, you're talking the town, you're talking
18 enforcement, and you're also talking the
19 customers that spend time uptown. So
20 everybody's going to be involved in this study,
21 and hopefully we're going to get the best
22 possibility we can out of it.

23 MODERATOR DOHERTY: Paul, do you need
24 to address this very quickly?

1 MR. MATARAZZO: Paul Matarazzo,
2 director of planning. Essentially what we're
3 looking to do is to look at best practices that
4 are out there in the United States and across
5 the world. Like the chief has said, a
6 comprehensive study hasn't been done in nearly
7 20 years. We're not necessarily the experts on
8 everything, and so we welcome the expertise to
9 help us, you know, keep the vibrancy in the
10 downtown moving in the right direction.

11 MODERATOR DOHERTY: Yes, sir. Your
12 question or your point of order.

13 MR. TOTH: Mike Toth, 7 Dundis Avenue.

14 MODERATOR DOHERTY: Yes, Mike.

15 MR. TOTH: I have a two-part question.
16 One is or I'm curious that a golf cart costs
17 \$40,000 that we have in here for the parking
18 enforcement; and second of all, why wouldn't
19 the money we collect from the parking meters
20 pay for the golf cart?

21 MODERATOR DOHERTY: Well, we're
22 talking only about the \$18,000 study right at
23 the moment.

24 MR. TOTH: Oh, okay. I want to hold

1 that.

2 MODERATOR DOHERTY: But I'll be happy
3 to get you that answer. We're only talking
4 about the amendment at this moment. Are you
5 going to address the \$18,000 or are you looking
6 to address the article?

7 MS. GREGORY: Mine has to do with the
8 language of the article and what the Chief of
9 Police said. Laura Gregory, 5 Embassy Lane.
10 In the text of the article it says installing
11 pay and display units in the Memorial Hall
12 Library, and the Chief of Police has said that
13 his intent is not to use pay and display, and
14 I'm concerned that there's a discrepancy.

15 MODERATOR DOHERTY: Okay. Can I ask
16 you to hold that question until we vote on the
17 amendment? Then we go back to the article.
18 I'm sorry. But I think -- don't go away, we'll
19 get the answer to your question. We need to
20 address the \$18,000 study. Is there anyone
21 else who wants to address that amount of money?
22 So we're going to vote just on that amendment.
23 All those in favor of removing the \$18,000 from
24 the total appropriation please raise one hand.

1 SPEAKER: Madam Moderator.

2 MODERATOR DOHERTY: I'm in the middle
3 of a vote, John, thank you. All those in favor
4 of eliminating that amount please raise one
5 hand. Those opposed. Clearly the motion is
6 lost the \$18,000 will stay in it.

7 So the \$118,000 is what we're voting on.
8 If you could ask your question again, that
9 would be great. I apologize.

10 MS. GREGORY: Laura Gregory, 5 Embassy
11 Lane. My concern is that in the text of the
12 article, unless it's changed from what is in
13 the book and I missed it, it references
14 purchasing and installing pay and display units
15 in the Memorial Hall Library parking lot. And
16 I believe the Chief of Police spoke a few
17 minutes ago and said the intent was not to do
18 pay and display. My concern is that if we pass
19 this article, are we preventing the Chief of
20 Police from doing what he is planning because I
21 don't think that's necessarily what the group
22 is intending.

23 MODERATOR DOHERTY: Excellent
24 question. Chief, you want to address that?

1 CHIEF KEEFE: It reads below it says
2 nonmeter system, so we'll be following that.

3 MODERATOR DOHERTY: Did you understand
4 his answer?

5 SPEAKER: We can't hear.

6 MODERATOR DOHERTY: Could you explain
7 it again, please, Chief.

8 CHIEF KEEFE: I said it's going to be
9 a nonmeter system.

10 MODERATOR DOHERTY: It's a nonmeter
11 system.

12 MS. GREGORY: Madam Moderator, could
13 we maybe direct the question to town counsel as
14 to whether the Chief of Police will have the
15 ability to make that determination if we vote
16 the article the way it's drafted?

17 MR. BRONSIS: It would.

18 MODERATOR DOHERTY: It would limit, is
19 that what you're saying? It would. If we
20 could all speak in full sentences, I would be
21 grateful.

22 SPEAKER: Can I make an amendment on
23 the floor?

24 MODERATOR DOHERTY: Go ahead Chief.

1 Town Counsel has given an opinion that if we
2 are not going to use pay and display, it would
3 limit the Chief's ability to use these funds if
4 that's not what he's going to do. Is that
5 correct? If we're voting to use pay and display
6 and then we don't use pay and display he can't
7 use this money.

8 SPEAKER: Can I move to amend the
9 article?

10 MODERATOR DOHERTY: You can. Yes, Mr.
11 Pasquale.

12 MR. PASQUALE: Tom Pasquale, 47B
13 Whittier Street. Mrs. Carbone is right about
14 last year, but the trouble is the proponents
15 weren't the police department or the planning
16 department. It was the economic development.
17 Now, there's nothing in the wording here that
18 the economic development who originally wanted
19 the \$18,000, are they behind us? So that's the
20 question, or we ought to disband them. So when
21 are they going to get up and say we favor this?
22 Thank you.

23 MODERATOR DOHERTY: Yes. Yes, sir.

24 MR. FENTON: Once again, John Fenton,

1 180 Main Street. I am on the board of the
2 economic council, and we've all studied this
3 and worked rather hard on trying to figure out
4 a way to improve the parking situation downtown
5 such that residents will spend more time and
6 spend more money and support the vibrancy of
7 the downtown, and the economic development is
8 fully in favor of passing this warrant.

9 MODERATOR DOHERTY: Okay. Thank you.
10 How are we doing with that amendment? Great.
11 Yes, ma'am. Your question, right here, I'm
12 sorry, right here.

13 MS. NASON: Hello, my name is Marybeth
14 Nason, I live at 55 High Street. I just want
15 to say that the pay and display system that has
16 recently been introduced to downtown Andover is
17 horrible. I think it's very unpopular. I have
18 never spoken to anybody who likes it. So I
19 think I just heard the Chief of Police say that
20 there is a system where you can go and pay for
21 your parking and not have to return back to
22 your car. If that is optional, could you
23 retrofit what you've done to our downtown area
24 with that system?

1 MODERATOR DOHERTY: He has indicated
2 yes, he can. He has indicated he would like to
3 do that and he's trying to amend the motion
4 right now if he can write fast enough.

5 MS. NASON: That would be so welcome,
6 thank you very much.

7 MODERATOR DOHERTY: John, can you get
8 a copy of that from him as he reads it, please.
9 Can somebody get me a copy? I need one copy
10 and then you need to read it, Chief.

11 MR. PECK: I have a question, a quick
12 question.

13 MODERATOR DOHERTY: Sure, go ahead.

14 MR. PECK: Jason Peck, Brady Loop. On
15 Article 40 I asked why the software funds were,
16 didn't specialize virtualization, and in this
17 case we are specifying exactly what it's for
18 and now we have to change it. So I guess my
19 problem is why do we have these little gray
20 boxes in some and not in others and we mix it
21 all up? Why can't we just make all of this
22 part of the article? I think the argument
23 before was because of the bond. There's no
24 bond here. So I don't understand.

1 MODERATOR DOHERTY: Who can answer
2 that question? Not having written that report,
3 I can't answer that question for you, sir.

4 SPEAKER: Is your question is when do
5 certain articles have a gray box and other
6 times not?

7 MR. PECK: Yeah, why did we even have
8 a gray box in this case?

9 SPEAKER: Joanne, want to talk about
10 that?

11 SPEAKER: In general we provide the
12 explanations in the gray boxes for things that
13 we think are harder to understand or aren't
14 specific in the article. We try to translate
15 it into understandable or shorter language.

16 MR. PECK: Okay. Thank you.

17 MODERATOR DOHERTY: Okay. Let's try
18 to get this amendment. Go ahead, Chief, if you
19 can read it, please.

20 CHIEF KEEFE: I move to amend
21 article--

22 MODERATOR DOHERTY: I'm sorry, I know
23 you are the chief, but can you identify
24 yourself and where you live.

1 CHIEF KEEFE: Chief Pat Keefe, I live
2 Andover Street.

3 MODERATOR DOHERTY: Thank you, sir.

4 CHIEF KEEFE: I move to amend Article
5 46 to read delete the language of pay and
6 display units and to replace that language with
7 a nonmeter system.

8 MODERATOR DOHERTY: Motion has been
9 moved and seconded to delete, in Article 46, to
10 delete the language pay and display units and
11 to replace that language with nonmeter system.
12 Could I have a second to that, please. Thank
13 you. It's been moved and seconded. Anyone
14 want to address this amendment? Go right
15 ahead, sir.

16 MR. SWEENEY: I'm Brian Sweeney,
17 Woodland Road. What does nonmetered mean? It
18 means pay and display, it can mean a lot of
19 things. Can you please be more specific.

20 MODERATOR DOHERTY: Hold on. I'll get
21 you the answer. I am getting short because I
22 can sense that people are ready to move. So
23 Chief, if you can explain what nonmetered
24 system is. If you could define that for us,

1 please.

2 CHIEF KEEFE: For this lot we're
3 looking at, pay by space. So all the spaces
4 would be marked. You would look at the space
5 you're parked into, let's say parking space
6 two. You would then go to a central location,
7 pay for that lot space two, then continue on.

8 MR. SWEENEY: Can he then amend his
9 amendment to say pay by space instead of a
10 nonmeter system?

11 MODERATOR DOHERTY: Well, I think his
12 motion right now is nonmetered system. If you
13 don't want that, vote it down and you can amend
14 it the way you want. Well, I can't have two
15 amendments on the floor at the same time, sir.

16 MR. SWEENEY: Thank you.

17 MODERATOR DOHERTY: Mary, do you want
18 to address this amendment?

19 MS. CARBONE: No, I just wanted to
20 speak additionally to the whole situation.

21 MODERATOR DOHERTY: No. Hold on and
22 wait, please. All those in favor of the
23 amendment please raise one hand. Thank you,
24 those opposed. Thank you. The ayes have it,

1 the motion carries. We are now talking about
2 nonmetered system. Do you have a quick
3 question, please?

4 MS. CARBONE: No. I just wanted to
5 add to the whole situation. Somebody asked
6 about a council working in the downtown area.
7 And yes, there is an economic council working
8 in the downtown area, and it's working through
9 the planning department. So you can tune in,
10 we'll have many more warrant articles in the
11 future. Thank you.

12 MODERATOR DOHERTY: All those in favor
13 of the amended motion as voted for Article 46
14 for \$118,000 please raise one hand. Thank you.
15 Those opposed. Thank you, the ayes clearly
16 have it, the motion carries. Article 47,
17 please, Mr. Major.

18 MR. MAJOR: Thank you, Madam
19 Moderator. I move to transfer from the cable
20 franchise fee account and appropriate the sum
21 of \$256,074 and to raise by taxation and
22 appropriate the sum of \$103,632 for the purpose
23 of leasing town and school administrative and
24 teacher computer workstations and laptops

1 including any costs incidental and related
2 thereto.

3 MODERATOR DOHERTY: Thank you.

4 Article 47 has been moved and seconded. Do the
5 selectmen have a report? Go right ahead, sir.

6 MR. MAJOR: The board of selectmen
7 recommends approval of this warrant article.
8 One year ago, the selectmen, school committee
9 and finance committee agreed to a funding
10 mechanism to cover the cost of providing
11 laptops to all town and school professional
12 staff. It was estimated at that time that we
13 would need to acquire 100 laptops for town and
14 school administrative staff and 400 units for
15 teaching staff. The agreed to funding source
16 for the four-year lease payments was the cable
17 franchise fund. The cost to lease the 500
18 units and associated software was estimated at
19 about \$250,000 per year.

20 Subsequent to last year's agreement, the
21 school department decided to lease an
22 additional 160 units and pay for the first year
23 of the lease with monies left over from this
24 current year's operating budget. Additionally,

1 the cost of software for all of the town and
2 school units was higher than previously
3 estimated. This additional hardware and
4 software added over \$100,000 to the lease
5 expense. As we began preparing for next year's
6 budget that we approved last week, the question
7 became do we fund the lease of the additional
8 160 units and the added software costs through
9 the cable fund? A major concern with that
10 approach is that we would be depleting that
11 fund faster than previously agreed. So upon
12 further discussion and negotiation between the
13 three boards and the administration, it was
14 decided that the additional cost of
15 approximately \$104,000 would be paid for from
16 the school and town operating budgets,
17 therefore, this warrant article requests
18 \$256,000 from the cable fund and approximately
19 \$104,000 from taxation.

20 So again, the board of selectmen recommends
21 approval of this warrant article.

22 MODERATOR DOHERTY: Mrs. Anderson, the
23 finance committee report, please.

24 MS. ANDERSON: The finance committee

1 agrees with the reasons stated in Selectman
2 Major's report and also recommends approval of
3 Article 47.

4 MODERATOR DOHERTY: Thank you. School
5 committee report, please.

6 SPEAKER: School committee recommends
7 approval.

8 MODERATOR DOHERTY: Thank you.

9 SPEAKER: I'm sorry, Madam Moderator,
10 the IT director was meant to speak to this
11 article.

12 MODERATOR DOHERTY: Okay. Let me just
13 get a couple questions, then I'd be happy to,
14 happy to address that. Yes, sir.

15 MR. CARTER: Tim Carter, 422 River
16 Road. Two questions. First, since we've
17 earlier already voted for over \$200,000 I
18 believe the number was for virtualization
19 software and hardware, how does this money for
20 additional dedicated desktop machines fit into
21 that plan, or is there any plan at all? And
22 second, considering the large amount of money
23 that we're paying for software licenses,
24 particularly for Microsoft Office, have any of

1 the free available options that provide the
2 same functionality such as Open Office been
3 considered?

4 MODERATOR DOHERTY: Perhaps when he
5 gets to his presentation we can get those
6 questions asked for you. If we don't, let me
7 know. Mr. Rowley, do you have a question?

8 MR. ROWLEY: Am I correct that you
9 voted on this last week, the approval?

10 MODERATOR DOHERTY: We didn't vote on
11 this last week.

12 MR. ROWLEY: No, I'm talking to the
13 selectmen, the tri board meeting.

14 MODERATOR DOHERTY: If you could
15 address your question to me, please.

16 MR. ROWLEY: All right. There was a
17 tri board last week is my question, because I
18 didn't see it, that this article was discussed
19 in terms of paying from taxation the additional
20 funds for the 160 additional computers. That
21 was something that was discussed in open
22 meeting is the question.

23 MODERATOR DOHERTY: Is the question.
24 Is that correct?

1 MR. MAJOR: Yes. This was absolutely
2 discussed in open session, actually multiple
3 times.

4 MR. ROWLEY: Last week; is that
5 correct?

6 MR. MAJOR: I don't know about last
7 week.

8 MR. ROWLEY: I've been following you
9 people very closely.

10 MODERATOR DOHERTY: Well, it was
11 within the last month. You're asking him to
12 pin down.

13 MR. MAJOR: It was within the last
14 month we've had multiple discussions.

15 MODERATOR DOHERTY: You're asking him
16 to pin down. Is that your question when it was
17 discussed?

18 MR. ROWLEY: I would like to know when
19 it was discussed and when the tri board agreed
20 to pay out of taxation instead of out of the
21 school budget for the additional 160 computers.

22 MR. MAJOR: So that is one and the
23 same, taxation and school budget.

24 MR. ROWLEY: No, not in my mind.

1 MR. MAJOR: So what we agreed to was
2 that there's extra expense for the town units
3 and there's extra expense for the school units.
4 So the \$104,000, roughly 104, it was 103 and
5 change, that money is being split up about 70
6 percent being paid for from the school's
7 budget, operating budget, and about 30 percent
8 of that being paid for from the town's
9 operating budget.

10 MS. MULVEY: Madam Moderator.

11 MODERATOR DOHERTY: Yes.

12 MS. MULVEY: Nancy Mulvey, High Plain
13 Road.

14 MODERATOR DOHERTY: Yes, Nancy.

15 MS. MULVEY: I believe Mrs. Gilbert
16 indicated that the IT person had a
17 presentation. May we please hear the
18 presentation before we get all these questions?

19 MODERATOR DOHERTY: Nancy, what I'm
20 trying to do is get the question so that he's
21 sure to address them all. That's all I'm
22 trying to do. It's six of one, half a dozen of
23 another. Any other questions before we go to
24 the presentation before we go to the

1 presentation? Go ahead, sir. Paul. Do you
2 want to go ahead and start?

3 MR. PUSINGARA: Paul Pusingara, chief
4 information officer. Selectman Major did a
5 fine job of describing the basic mathematics
6 behind our article tonight. I'll just give you
7 the motivation. We collectively, all of the
8 boards in tandem, have agreed over the past two
9 years that we want to move to a predictable
10 replacement cycle for all of our employee
11 computers, and that means administrative staff
12 on school side, administrative staff on the
13 town side, as well as classroom teachers, as
14 well as all of the support staff in the school
15 side.

16 Previously this was a very helter-skelter
17 process. It was occasionally funded, mostly
18 not funded. The town usually had their support
19 staff replaced on a regular four-year cycle.
20 The administrative staff on the school side,
21 most of their machines when I arrived were
22 seven-plus years old. On the teaching staff,
23 only a third of the teachers had access to any
24 laptop, and the newest laptop in that fleet was

1 six-years old. So over the last two years we
2 have agreed to replace and create an ongoing
3 replacement cycle every four years for each
4 knowledge worker in town. Roughly, the number
5 we've been using is the number of allocating of
6 \$350 to \$400 per knowledge worker per year for
7 their complete end user computing environment.
8 And that means the machine, Microsoft Office,
9 and all of the management software required to
10 run that. So this is the third year of this
11 program that we're asking for funding for.

12 Each of the last two years we have
13 purchased 100 replacement desktops for school
14 and town administrators, that's about half the
15 fleet. So this year and FY 15 and FY 16 we
16 will complete that and have us fully move
17 forward. On the school side we move forward
18 more aggressively. The school teaching faculty
19 was incredibly deficient and we decided that we
20 need to do a wholesale renovation of the entire
21 teaching fleet. It was decided two years ago
22 that 200 machines were necessary to be replaced
23 immediately and that subsequent machines,
24 additional machines would be required in

1 subsequent years.

2 Last year we did the first 200 of those
3 machines last spring and then committed to the
4 next 200. We decided that since we were doing
5 such a major overhaul, that we should move
6 forward with all old machines on the school
7 side simultaneously, and both the IT department
8 and school department agreed that we should do
9 the 160 extra machines since we were always
10 doing the training. We were doing the upgrades
11 of the system. We were doing everything all at
12 once and to not do those machines would be more
13 chaotic and more costly than doing them all at
14 once. So we accelerated that program.

15 So what you see in front of you today, we
16 have on top the leases for the administrative
17 computers, 100 per year, roughly \$25,000 per
18 year for those leases. Then we see the three
19 leases on the school side, the initial 200 in
20 FY 13, 200 more in FY 14, and an additional 160
21 in FY 14. We have a small number of computers
22 allocated for FY 15 for new hires. We probably
23 will not use all of those.

24 The third group of line items here are for

1 software. To the first gentleman's point,
2 indeed, we are committed to Microsoft Office
3 and its derivatives, and to the Windows subset
4 of operating systems, and that requires us two
5 different things. On the town side, we do pay
6 by the machine, and so when we acquire a new
7 machine we need to acquire a new license for
8 Microsoft Office. On the school side, however,
9 we have an extremely cost efficient program
10 where for roughly \$32,000 a year, all teacher
11 machines are able to have Microsoft Office,
12 upgrade their Windows software, and have all of
13 their necessary what are called CALS, client
14 access licenses, to enable us to use Windows
15 databases and so forth. Along with that, 100
16 percent of our student machines provide
17 Microsoft Office for free, and in addition,
18 students actually could eventually take
19 advantage of the opportunity to purchase
20 Microsoft Office at home for a discounted rate.
21 So that's an extremely cost effective program.

22 As Selectman Major outlined, the first two
23 numbers are proposed to be paid for by cable
24 access fee and the remainder is by from general

1 taxation. There was a question earlier about
2 Open Office and other allocations. We have a
3 tremendous investment in the Microsoft Office
4 Suite. The folks in town have been working for
5 20-plus years. The training, the amount of
6 retraining and reconfiguration is not worth the
7 transformation, and particularly given the
8 efficacious economics of the school program, we
9 believe that staying with Office at least for
10 the foreseeable future is the appropriate venue.
11 However, we will be moving most likely to
12 Google Apps for Education for student computing
13 because we're not in a position to allocate
14 6000 Microsoft Office licenses for our student
15 population. Were there other questions I
16 needed to address?

17 MODERATOR DOHERTY: Yes, sir, go right
18 ahead. Up here in the back.

19 MR. HOWARD: Jim Howard, Hazelwood
20 Circle. I'd first like to say I think Mr.
21 Pusingara's done a fantastic job since he's
22 been here. So Paul, thank you. And I'm
23 opposed to this article. I'm fine with the
24 \$256,000 moved from the cable fund, but the

1 answer, folks, cannot continually be let's just
2 increase the taxes by \$104,000. I don't know,
3 it's beyond words obviously, that our town
4 government doesn't really understand that a
5 time for additional taxes over and over and
6 over again has gone by. So the answer just
7 can't be let's just raise the taxes by 104K
8 because it was easier to do it at that time, we
9 were training people.

10 I know, Mr. Pusingara, I think you were in
11 private business at one point, were you not?
12 If you didn't have the funds in your budget,
13 did you tell your senior management it's just
14 easier to spend the 104K now, let's do it.

15 MR. PUSINGARA: Actually I just used
16 to beat my salespeople to get more revenue.

17 MR. HOWARD: I resemble that fact.

18 MODERATOR DOHERTY: Okay. Thank you.
19 Are you all set. Thank you, sir. Do you have
20 another question, sir?

21 MR. CARTER: Yes, please. Tim Carter,
22 422 River Road. I listened to the presentation
23 and I still haven't seen any plan that rolls
24 out the thin client architecture that we paid

1 \$200,000 plus for earlier tonight. Where is
2 that on the time line? First question. Second
3 one is a comment about your commitment to
4 Microsoft Office. There's been several
5 significant changes in the interface in
6 Microsoft Office used over the recent history
7 which all require retraining. So the argument
8 about retraining, everyone sees a different
9 piece of software is a little bit specious, and
10 if someone had made that comment about leaded
11 gas back in the '70s, we'd still all be driving
12 leaded gas cars.

13 So the, back to the original question of
14 where in the plan or in the budget are the thin
15 client hardware that we paid money for earlier,
16 thank you.

17 MR. PUSINGARA: Thank you. So to
18 address Mr. Howard's question, though, about
19 \$104,000, the 160 computers which we're
20 discussing tonight, which are part of the
21 discussion tonight represent only \$46,000. The
22 106 is the total software budget that's needed
23 for all of the --

24 MODERATOR DOHERTY: Are you addressing

1 this gentleman's question?

2 MR. PUSINGARA: I'm addressing Mr.
3 Howard's first. Then I will address this
4 gentleman's question. Sorry.

5 MODERATOR DOHERTY: Go right ahead.

6 MR. PUSINGARA: As far as the question
7 about the thin clients, the funds for FY 15 are
8 to acquire the virtualization software that
9 will enable that to run on existing MacIntosh
10 machines, on home machines, on IOS machines,
11 there are no additional funds required for
12 that. We may come back in FY 16 as we do a
13 fuller evaluation of how the pilot works with
14 the virtualization and determine whether we are
15 able to determine the student fleet or whether
16 we are able to request funds to be able to
17 replace the student fleet with thin clients.

18 MODERATOR DOHERTY: Thank you. Yes,
19 sir, Mr. Rowley. Then we'll take a vote.

20 MR. ROWLEY: I'm not asking a
21 question. I'd like to have a few minutes to go
22 against this article.

23 MODERATOR DOHERTY: You've got three
24 minutes, sir, go right ahead.

1 MR. ROWLEY: All right. First of all,
2 you need to understand how this came about. A
3 presentation was made to the selectmen for 400
4 computers to be purchased for the school
5 department. They approved that using our cable
6 money. Why our cable money, you know, just
7 another way to increase the, what we spend on
8 our schools by taking the cable money. By the
9 way, this is an ongoing program, so it's always
10 going to be funded by the cable money instead
11 of coming out of our regular budget. Secondly,
12 somewhere along the line, our school
13 superintendent realized I need another 160
14 units. Okay. So she went out on her own and
15 got another 160 of these units.

16 Now, according to our article of last year,
17 11E, on contracts in excess of three years
18 because this is a four-year contract, she paid
19 for one year and it's a four-year contract
20 which means three more years have to be paid
21 for. She basically went against this article
22 that states that she should have come back to
23 the selectmen or the IT should have come back
24 to the selectmen, whoever, and asked for this

1 160 more units. That did not happen.

2 This is what irritates me. It never should
3 have been done, okay, without their approval.
4 There was a tremendous amount of contentious
5 discussion that went on between the finance
6 committee, the selectmen and the school
7 committee and our superintendent, and somewhere
8 along the line, all of them voted, okay, we'll
9 pay for it out of taxation, okay, instead of
10 making the school department budget be the
11 factor in paying the other three years for this
12 \$46,000. It's only \$46,000, but it's the
13 principle. It should never of happened. It
14 was like what gave her the right to do it?

15 Town Counsel says that there was no
16 breaking of law or rules. I don't believe
17 that. And the reason I don't believe it is she
18 is spending town money that isn't hers to
19 spend. So how could this not be against our
20 articles for her to do that? And it needs to
21 be impressed upon everybody that's how out of
22 control we are, okay, that our superintendent
23 decides she needs another 160 pieces. And by
24 the way, if you're a school administrator, how

1 do you make the mistake of 160 pieces?

2 MODERATOR DOHERTY: Mr. Rowley, thank
3 you.

4 MR. ROWLEY: Okay. Please vote
5 against this on principle.

6 MODERATOR DOHERTY: Mr. Major.

7 MR. MAJOR: Folks, I'd like to just
8 clean up the notion that there was, you know,
9 some misguided issue here. The school
10 department does not need the board of
11 selectmen's approval to make a purchase. When
12 we're talking about the 400 units for the
13 teachers and the 100 units for the
14 administrators, the agreement that we had was
15 the funding mechanism to be able to pay for the
16 hardware and the software and that we would
17 take that funding out of the cable fund. The
18 school department independent of that made a
19 determination that they needed 160 additional
20 units, that's fine. They have the authority to
21 do that. They get an appropriation from town
22 meeting and they can spend that money how they
23 need to.

24 Now, when we went back to the negotiation,

1 the question was we had \$104,000 of additional
2 expense so do we take that out of the cable
3 fund. The agreement between the three boards
4 was no, let's not do that. You decided to
5 acquire 160 additional units, pay for the
6 additional cost out of the operating budget.
7 So there wasn't a wrongdoing here, it was
8 simply that they decided that they wanted to
9 spend their money acquiring more units for
10 their teachers. So this is just to make sure
11 that we can fund all the units that we have
12 under contract.

13 MODERATOR DOHERTY: Okay. Are you
14 ready to vote?

15 MR. ROWLEY: I have a comment back on
16 what he just said.

17 MODERATOR DOHERTY: It needs to be
18 very short, Mr. Rowley.

19 MR. ROWLEY: Okay. I'll make it very
20 short. The point here is she entered into a
21 four-year contract. Okay. That required
22 according to what I read here in last year's
23 book, that a four-year contract, anything
24 longer than a three-year contract needs by town

1 vote of the board of selectman or the school
2 committee as appropriate or take any other
3 action related thereto. It was supposed to go
4 back to you and you know it.

5 MODERATOR DOHERTY: Thank you, sir.
6 Do you have a very quick question? Because I
7 think the meeting is ready to vote.

8 MR. ROWLEY: I don't know where you're
9 coming from.

10 MR. BUNTING: I think I'm just
11 confused probably.

12 MODERATOR DOHERTY: Who are you, I'm
13 very sorry.

14 MR. BUNTING: I'm sorry, David
15 Bunting, from Wagon Hill Road. Article 40, we
16 voted 200 grand to enable virtualization
17 technology to reduce the costs of maintaining
18 the desktop and laptop fleet. And now seven
19 articles later we are voting on money to
20 maintain the desktop and laptop fleet. And I
21 guess, am I confused or are these two articles
22 in conflict with each other at some level? It
23 seems--

24 MODERATOR DOHERTY: Does anybody have

1 an answer to that? Go ahead Mr. Major.

2 MR. MAJOR: Yes. So this warrant
3 article is for that previous agreement that we
4 had set up, a four-year lease on these laptops.
5 So this is into that four-year lease.

6 MR. BUNTING: So at some point will we
7 stop this cycle as we realize the benefits of
8 the 200 grand we just invested?

9 MR. MAJOR: Yeah, that's the beauty of
10 the virtualization is that eventually we'll be
11 able to, instead of having smart systems at
12 everyone's desk, we can actually have more dumb
13 systems. And the smartness is up in the cloud
14 that allows us to feed that intelligence to
15 those dumb systems and allows us to have a lot
16 more of those say \$200 systems than \$800
17 systems.

18 MR. BUNTING: Thank you.

19 MODERATOR DOHERTY: All right. All
20 those in favor of Article 47 please raise one
21 hand. Thank you. Those opposed. Can we do
22 that one more time, we need a majority vote.
23 All those in favor please raise one hand.
24 Those opposed. I believe the ayes have it.

1 Would you like a standing count?

2 AUDIENCE: Yes.

3 MODERATOR DOHERTY: Okay. All those
4 in favor please stand.

5 SPEAKER: The front section look to
6 your right here. Your counter's on this side.

7 COUNTER: Section 1, please.

8 SPEAKER: Section 1, 19.

9 COUNTER: 19, Section 2.

10 SPEAKER: Section 2, 32, 3-2.

11 COUNTER: 32, Section 3.

12 SPEAKER: Section 3, 6.

13 COUNTER: 6, Section 4, please.

14 SPEAKER: Section 4, 26.

15 COUNTER: 26. Section 5.

16 SPEAKER: Section 5, 18, 1-8.

17 COUNTER: 18. Section 6, please.

18 SPEAKER: Section 6 has 16, 1-6,

19 COUNTER: 16. Seven is still empty.

20 8, please.

21 SPEAKER: Section 8, 2.

22 COUNTER: And the hall, please, John.

23 SPEAKER: 2.

24 COUNTER: The hall is 2, and the

1 stage.

2 SPEAKER: Stage is 15, 1-5.

3 MODERATOR DOHERTY: All those opposed
4 please stand.

5 COUNTER: Section 1, please.

6 SPEAKER: Section 1, 6.

7 COUNTER: 6. Section 2.

8 SPEAKER: Section 2, 8.

9 COUNTER: 8, 8 in section 2. Section
10 3.

11 SPEAKER: Section 3, 0.

12 COUNTER: Zero, Section 4.

13 SPEAKER: Section 4, 20, 2-0.

14 COUNTER: 20. Section 5.

15 SPEAKER: Section 5, 18, 1-8.

16 COUNTER: 18. Section 6, please.

17 SPEAKER: Section 6 also 18.

18 COUNTER: 18 in section 6. Seven is
19 still empty. Eight.

20 SPEAKER: Section 8, zero.

21 COUNTER: Zero. And the hall, please,
22 John.

23 SPEAKER: Zero.

24 COUNTER: Zero. And the stage.

1 SPEAKER: Stage is six.

2 MODERATOR DOHERTY: Those voting in
3 the affirmative 134. Those voting in the
4 negative 76. The motion carries.

5 Now, we are starting Article 48. We have
6 three, possibly four articles that will be
7 withdrawn. I would like to know if the
8 meeting's pleasure is to soldier on or if you
9 would like to adjourn tonight and come back
10 tomorrow. Could I have a show of hands how
11 many would like to adjourn at this point.
12 There's my answer, thank you. Those opposed.
13 Mr. Urbelis, please.

14 MR. URBELIS: Madam Moderator, I move
15 to adjourn this town meeting to 7:00 tomorrow
16 night, same place.

17 MODERATOR DOHERTY: Thank you. All
18 those in favor of adjourning till tomorrow
19 night at 7:00 please say aye.

20 AUDIENCE: Aye.

21 MODERATOR DOHERTY: Those opposed.
22 We'll see you all back here at 7:00 p.m.
23 tomorrow night. Don't forget. Thank you all
24 very much.

(Meeting adjourned.)

C E R T I F I C A T E

I, Lynne A. Beck, a Licensed Court
Reporter for the State of New Hampshire, do
hereby certify that the foregoing is a true and
accurate transcript of the recorded media to
the best of my knowledge, skill, ability and
belief.

Lynne A. Beck, LCR

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