COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER

Date: Wednesday, May 7, 2014

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Transcribed by: Lynne A. Beck, LCR #69
Licensed Court Reporter
MODERATOR DOHERTY: The hour of 7:00 p.m. having arrived, it is my distinct pleasure to call to order the continuance of the 2014 Andover town meeting. Thank you all for coming tonight. I know there are many other things in your minds and spirit that you might want to be doing tonight besides this, but I appreciate you all being here. Thank you.

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

Mr. Urbelis, please on non-voters.

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

MODERATOR DOHERTY: Non-voters have been, it's been moved and seconded to admit non-voters. Could you please raise one hand. All those in favor. Thank you. Those opposed. The ayes have it, the motion carries, please bring in the non-voters.
Mr. Urbelis, please, the waiver of return of service.

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

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

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

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

I'd like to introduce you very quickly to
the people on the stage, not that you can't
read very carefully or very distinctly, but the
planning board, the board of selectmen, the
town manager, and the finance director are to
my right, your left. The finance committee,
the town counsel and the town clerk are to my
left, your right.

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

If you want to take at some point, look
through on your finance committee report on
page 127, it does go through some of the
procedures for our meetings. If we have a
vote, whether it be by hand or standing, you
must, you must be at a seat. You can't be
standing on the side, you can't be standing in
the back. You must be at a seat. I would ask
you please, if you're inclined to leave, if we
are in the middle of a vote, please wait till
the vote is completed so that we can try to respect the integrity of the vote. Once the vote has been taken and I announce the vote, if you need to leave or get up or move around, feel free to do it at that time.

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

I think those of you who have been here other nights know that we have got anything that's going to be projected up on the screens. We are also able to see the people in the back, and I thank the town clerk and his team and the
cable TV folks. I think they have done a wonderful job this year of making it accessible and easy for us to see. Thank you.

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

I would love to think we will get through the meeting tonight. Generally we don't start anything after 10:00. We do have several of the last articles that are being withdrawn. I would ask the meeting's indulgence if you can bear with me if we can get through it. If it gets too late, we'll come back tomorrow night, but my hope would be that we could get through the meeting tonight. We'll see how that goes.

Yes, sir? Could you pull up mic three, please.
Mic three, please.

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

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

MODERATOR DOHERTY: There you go.

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

MODERATOR DOHERTY: Go ahead for another two minutes.

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

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

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

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

Second, the subject line of the opinion itself, legality of underfunding health
insurance, created the impression for some that a town meeting vote to cut the health insurance budget was somehow illegal.

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

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

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

MODERATOR DOHERTY: Thank you, sir. I'd like to make a couple comments before I rule on that request. One is the town of Andover has had a very long standing of at least several centuries, I'm not sure, since our inception of not entertaining motions to reconsider. We don't reconsider an article once we've voted on it unless we need to correct a significant oversight or there was an issue in legality. Now, why do we do that? Why does the town of Andover do that? Some towns don't. Many towns, many towns have the same policy we have. So they take a look at, in order to reconsider, there's no notice to the voters of the town of Andover if we turn around and reconsider an article. It's not the same meeting. Those who are voting to
reconsider haven't had the input of the original discussion. They have not had the back and forth that happened on a given night. And if it was allowed, this meeting could go on for months because somebody could stand up and say, you know what, I really don't like the vote we took on the tax relief for the seniors. I want to reconsider that. And a whole 'nother meeting, a whole 'nother group, a whole 'nother time could be packed and stacked. Another issue would be the Ballardvale Fire Station. If someone said, you know what, I think we should reconsider that. If you want to reconsider a vote that is taken at this meeting, your recourse, any voter's recourse, is to get the appropriate number of signatures and have a special town meeting so that every voter in the town knows the boards and the elected officials that would report have the opportunity to discuss in open session and in open hearings what the issue is and how it may or may not be reconsidered.

I found nothing illegal or wrong with the vote that was taken. The fact that there was
an opinion read, sought by the town manager and read by town counsel, and others may or may not agree with it, I don't find to be an egregious error. So for that reason, I would vote your request, sir, out of order. We will not reconsider. Thank you. Article 34.

SPEAKER: Ms. Moderator.

MODERATOR DOHERTY: Yes.

SPEAKER: I would like to speak.

MODERATOR DOHERTY: To that issue, Ma'am?

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

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

SPEAKER: You can't close discussion.

MODERATOR DOHERTY: I just did.

SPEAKER: I have a point of order.

MODERATOR DOHERTY: What's your point of order?

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

MODERATOR DOHERTY: Mary, I've made a
ruling on that. You certainly can take it up at a public meeting with the selectmen.

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

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

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

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

MR. MATARRAZO: Thank you, Madam

Moderator. My name is Paul Matarazzo, I'm the director of planning for the town of Andover. We're here this evening to discuss Article 34, medical marijuana overlay district. This evening we're here to discuss a sensitive topic regarding the regulation of medical marijuana. Tonight town meeting voters will be presented with five articles related to this issue. Article 34 which is the present article, specifically is going to talk about the rules and regulations. Article 35 is a moratorium,
and articles 36, 37, and 38 are site specific, and we'll get into those later when those articles come up this evening.

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

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

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

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

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

Now, presently in Andover today, an RMD would be considered a medical use. I know it's a little hard to see in this map, but there are
areas in light blue that essentially an RMD could locate today. Those areas include downtown, Shawsheen Square, Shawsheen Plaza, Ballardvale, Doctor's Park, and a number of industrial districts. Again, this evening we are trying to set the rules should a location look to come to town that they're playing by the town's rules. Again, articles 36, 37, and 38 are highlighted here as to the locations that will be discussed later on this evening.

Again, Article 34 essentially is being put in place with classified medical marijuana and could set up specific locations as to where these areas could be located. These areas, like I said, would include downtown. Now, for the town really to do nothing is not an option. Today this use is allowed in a number of the town's districts. We are looking to put in place rules and regulations that are amenable to the town should a dispensary look to come to Andover, it's under our guidelines and control, not at the discretion of a developer looking to come through the door and drop a dispensary in a location that's not acceptable to the town.
And with that I'd welcome any comments or questions that you may have.

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

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

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

MODERATOR DOHERTY: Thank you. The planning board report please, Mr. Macaux.
MR. MACAUX: The planning board supports approving Article 34 as printed. We believe that it, as Mr. Matarazzo 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
establishing zoning bylaws or are we
establishing locations? Because our
description at the end says Article 34
identifies appropriate locations, and, in fact,
what Article 34 really identifies is zoning
bylaws. So I'm afraid that if we approve one,
are we, in effect, approving all, and I would
like that clarified.

MODERATOR DOHERTY: Okay. Go ahead,
Paul.

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

MODERATOR DOHERTY: Go ahead.

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

MODERATOR DOHERTY: Go ahead.

MR. MATARAZZO: Very good question.
The Article 34 is specifically the zoning. It doesn't identify any specific locations.
Should town meeting voters approve article 34, it would set the table for a discussion as to the locations that will be discussed later on this evening.

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

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

MR. URBELIS: And if that happens, that means we will be mandated to have a special town meeting because we'll only be able to go until the end of the moratorium period at which point we would have to by then have a town meeting to pass a bylaw similar to 34. 34 as Paul mentioned, was about a six-month project of the zoning, the bylaw task force and with a police chief, the board of health director, myself, Paul, building inspector putting together 34 as well as 36, 37 and 38.
34 is important because if we don't pass it and we don't pass the moratorium, 34, it's rather extensive and comprehensive in that it has many restrictions, many conditions, requires a special permit, requires a special hearing in front of the planning board for anybody that comes in for one of these permits, and as you can see in 34, there's all kinds of conditions that have to be met. If we don't pass it, those conditions don't exist.

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

**MR. MATARAZZO:** That is accurate, but what I would say in development of this overlay district, we utilized information that has been already passed by other communities and other bylaws that have been approved by the attorney general. So it's something that we just didn't
make up from scratch and reinvent the wheel. We went with something that was tested and approved by the attorney general and put our own spin on it to make sure that the Andover population was protected should a facility look to come to town.

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

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

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

MR. BENEDICTS: No one knew about the
MODERATOR DOHERTY: Okay. We're talking now about the zoning article, the process, maybe you can explain.

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

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

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

MODERATOR DOHERTY: Just as a point of clarification, 34 is only setting up, all we're talking about in 34 is the zoning bylaw. The rules and regulations that will control anybody coming in. There is no discussion there on
where the zones will go. It's just saying, we
can't say where they're going to go until we
know what the criteria is. So you have to have
the zoning law, the zoning regulation in place
there before you can determine where you want
to put a facility or where you want to allow
those facility to be. Did you have a follow up
question?

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

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

MR. BENEDICTS: It tends to go right.

MODERATOR DOHERTY: Yes, sir. Then

I'll get to you, sir.

TOM PASQUALE, 47B Whittier Street.

I'm voting in the affirmative for it, because
of zoning, but I read everything. I read the
other articles. But what perturbs me is the
whole thing about compliance, because let's
supposing we got some figures in there like
it's a 15 or $20,000 fine if you're -- and that
leads me to the question of who is responsible,
the town or the state of Massachusetts, and
what's the appeal process?

MODERATOR DOHERTY: Responsible for
what, please?

MR. PASQUALE: Well, if we say that
somebody we put them over there and they're
doing something that we don't want and it's a
$15,000 fine, I just made that number up
because nobody ever talks money. Somebody's
going to get fined. It's not stated. So I'd like to see some place that it gets stated and is it our jurisdiction or is there an appeal process that this individual can go to the state of Massachusetts and overrule it?

MODERATOR DOHERTY: Let me get you an answer.

MR. PASQUALE: Thank you, Mr. Counselor.

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

MR. PASQUALE: But that's not spelled out in any of this, not in this one or the next couple things having to do with marijuana. That's my point. I'd like to see it spelled out that somehow that's the individual that's going to rule on this, that's all I'm bringing up.
MR. URBELIS: It is. It's in the zoning bylaw in the enforcement section which I believe is section nine or ten of the zoning bylaw. It says that the building inspector is the person that enforces the zoning bylaw.

MR. PASQUALE: Thank you. Thank you.

MODERATOR DOHERTY: Yes, sir.

MR. PICKING: Just a question.

MODERATOR DOHERTY: Sure, go ahead.

If you can identify yourself, please.

MR. PICKING: Chas Picking, River Road.

MODERATOR DOHERTY: Thank you.

MR. PICKING: The purpose of Article 34 of which I'm in favor is to set locations suitable to minimize adverse effects and nobody's talking about what the supposed adverse effects are. If as the presenter mentioned, the purpose was to make safe availability of legal medication to patients who live in town, I'm wondering what the attitude of the town officials is what these adverse effects are. Why it shouldn't be, for instance, downtown for people who have trouble
driving three miles because of their pain, you
know, can take their walker and go down to CVS
or some local place to get it. But just what
are the assumptions you're saying that this, a
dispensary will have such adverse effects that
you have to put it on the map at one end then
the other.

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

MR. MATARAZZO: I would just say, you
know, when we first started the conversation,
we looked at a number of zoning districts and
we started, you know, kind of at the 30,000
foot level. The light blue designations which
included the downtown were in consideration
from the beginning. But after consultation
with the police chief and others, you know, we
really tried to not mix this type of medicine
availability with, you know, the children
congregating around this use. Trying to mirror
what the Department of Public Health has set
forth in their regulations. Although we agree
as staff or not, we're mirroring the Department
of Public Health's rigorous requirements.

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

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

MS. DALEY: My name is Nancy Daley, 3
Hearthstone Place. I have lived in this town
my entire life, and I have always felt that we
strive to be a family friendly community that
looks to improve our standing. I also understand that since the state of Massachusetts approved the establishment of medical marijuana treatment facilities, we need to define zoning bylaws within our town in order to protect and preserve it. In addition, I know the town supported legalizing medical marijuana in the last election, and just because our town supported it, does not mean we want it here. People should be careful what they vote for.

After review of the proposed Article 34 and the bylaws as they relate to medical marijuana treatment facilities, it is obvious to me that these bylaws identified in Article 34 are not strict enough to protect and preserve the Andover community. We already know that the town is recognizing there is a drug problem through the request of the drug counsellor by the youth center, drug sweeps in schools, and through our own police log. Just last week the superintendent of Lawrence Vocational School made these remarks that were in the Andover Townsman, it says, and I'm going to paraphrase
MODERATOR DOHERTY: I can't let you quote someone who's not here to confirm or deny his statements. Thank you.

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

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

MS. DALEY: I'm not quoting him.

MODERATOR DOHERTY: Okay.

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

That brings me to the zoning bylaws written in Article 34, and I would like to say simply that they're not strict enough. As I read them, I feel we are addressing ordinary business. We're addressing it as if it's an ordinary business that wants to open shop in Andover because they're addressing issues like
parking, lighting, water supply, but a medical
marijuana treatment facility is like no other
business in Andover. It's not only a
dispensary, it is for an addictive drug that
will bring other addictive behaviors into our
town, but it also gives the businesses the
right to grow and cultivate that drug.

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

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

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

MS. DALEY: I've got a few more. I
have to make some points.
MODERATOR DOHERTY: 30 seconds, go ahead.

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

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

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

Also in the bylaw it says there can be home
delivery. There is no regulations on what that means. So now we're going to be allowing transport of this drug around town. Another concern that I have--

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

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

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

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

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

MR. MACAUX: Eric Macaux on behalf of the planning board. I just want to address a
couple of the broad themes of the comment that was just made. Because it is something that we discussed and we took very seriously about how restrictive can we be, how restrictive should we be for a use that is a lawful use in the state of Massachusetts. And I think that is something that we can't lose sight of that this is something that as a commonwealth, we did vote as a lawful business activity, and now the question before us is where can that business activity take place? And there's a limit to what kinds of restrictions we can place around that lawful activity before we trigger a challenge under state law; and that is the balance we've been trying to thread and we've had numerous meetings over the course of the last few months to try to thread.

MODERATOR DOHERTY: Thank you. This gentleman over here. Point of order, and I did not mention this before the meeting and I apologize. At the first meeting we did have a vote that presenters of an article would have five minutes to make their presentation, and anyone who wanted to speak to the article would
have a maximum of three minutes. So if we
could just reiterate that in our minds in going
forward. Go ahead.

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

MR. MACAUX: Correct.

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

MODERATOR DOHERTY: If we could get an
answer to that question, that would be great.
Does somebody have it? Go ahead.
MR. MATARAZZO: So to get back, it's actually not a prescription, it's a recommendation. So in CVS, when you go in to get your prescription, it's an actual doctor giving you that prescription. In this case it's a recommendation from a doctor, different type of way that this type of medicine is allocated. So CVS technically would not carry it because they're dealing with prescription oriented type basis. So this is a different type.

SPEAKER: Ken answered my question.

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

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

MODERATOR DOHERTY: Perhaps the town
counsel can answer that a little more clearly.

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

MODERATOR DOHERTY: Thank you, sir.
Yes, sir. We'll take this last question and
then we'll vote. Go right ahead.

MR. HAMM: Bill Hamm here, Wildwood
Road.

MODERATOR DOHERTY: Thank you, sir.

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

MODERATOR DOHERTY: You're close
enough.

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

MR. DOHERTY: We're glad you're here.

Go right ahead, sir.

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

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

MR. HAMM: Supposed to be an
explanation of where we're using it, but--
MODERATOR DOHERTY: It's an explanation.

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

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

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

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

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

MODERATOR DOHERTY: Ready to vote?
Sir, it needs to be very quick, go right ahead, and sir, yours has to be quicker. Go ahead.

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

MODERATOR DOHERTY: Thank you. Go right ahead.

MR. HUNT: Ed Hunt, 23 Somerset Drive, Andover. I would like to understand what the
rationale is for the 500 feet and why, which
is, you know, everyone can run a 440, it's not
very far. And why a half a mile or a more
appropriate distance--

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

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

MODERATOR DOHERTY: All right. Let's
get ready to vote. Just to clarify, Article 34
is not specifying any location. It is setting
up the zoning. Okay. So Article 34 is setting
up the zoning. We do need a two-thirds vote.
Let's see if we can do it by hand, if we can't
we'll take a standing vote. All those in favor
of Article 34 please raise one hand. Thank
you. Those opposed. The ayes have it by far
more. Does anyone want to challenge that?
Then I will declare it to have passed by more
than a two-thirds vote. Article 35 please, Mr.
Macaux.

MR. MACAU: I move to withdraw
article 35.

MODERATOR DOHERTY: Article 35 has
been moved and seconded to withdraw. All those
in favor please say aye. Those opposed. The
ayes have it, the article is withdrawn.

Article 36, please, Mr. Macaux.

MR. MACAU: I move to approve Article
36 as printed in the warrant.

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

MR. MATARAZZO: Now that Article 34
has been approved, the town would be looking to
vote on a specific location. Article 36 is
River Road area. I have a quick presentation
just to situate you with the area. The area as
you can see in the map above has an arrow.
It's directly off of I93. It's presently in
the industrial ID-2 zoning district. As you
zoom in you can see the number of industrial
companies are located in the area, and this is
just an aerial of the location.

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

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

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

MACAUX: The planning board recommends
approval of Article 36. Based on our review
and our study of this along with other boards and committees of the town we feel that the River Road area represents perhaps one of the better locations in town to locate one of these facilities should it choose to come to Andover.

MODERATOR DOHERTY: Thank you.

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

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

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

COUNTER: Section 1, please.

SPEAKER: Section 1, 16, 1-6.

COUNTER: 16, Section 2.

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

SPEAKER: Section 3, 7.

COUNTER: 7, Section 4, please.

SPEAKER: Section 4, 35, 3-5.

COUNTER: 35, Section 5.

SPEAKER: Section 5, 28, 2-8.

COUNTER: 28, Section 6, please.

SPEAKER: Section 6 has 33, 3-3.


SPEAKER: Section 8 is five.

COUNTER: 5. Charlie in the hall, somebody got the check-in people?

SPEAKER: Yes, I do.

COUNTER: How many?

SPEAKER: Six.

COUNTER: Six. And the stage please?

SPEAKER: The stage is eight.

MODERATOR DOHERTY: Was there anything in section 7? Did you have any in section 7?

COUNTER: No one in seven.

MODERATOR DOHERTY: Thank you. Just checking. And the hall, please again.

COUNTER: The hall was six and the
stage was eight.

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

COUNTER: Section one, please.

SPEAKER: Section one, 10.

COUNTER: 10. Section two.

SPEAKER: Section two, 11.

COUNTER: 11. Section 3, please.

MODERATOR DOHERTY: Section 3.

SPEAKER: Section 3, 4.

COUNTER: 4, Section 4.

SPEAKER: Section 4, 34, 3-4.

COUNTER: 34, Section 5, please.

SPEAKER: Section 5, 11, 1-1.

COUNTER: 11. Section 6, please.

SPEAKER: Section 6 has 7.

COUNTER: 7. Section 7 has none.

Section 8, the nonvoters.

SPEAKER: One.

COUNTER: One voter in the nonvoter.

And the hall, please, hall report.

SPEAKER: Cal, 14, 1-4.

COUNTER: Thank you. And the stage, please.
SPEAKER: 12, 1-2.

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

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

MODERATOR DOHERTY: Can someone
clarify that motion.

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

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

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

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

MR. MACAUX: Yes. Thank you, Madam
Moderator. Move to amend the article by
deleting the reference to the plan titled "Proposed Medical Marijuana Overlay District, Lowell Junction Road, dated February 27th, 2014," and replacing it with a plan titled "Proposed Medical Marijuana Overlay District Lowell Junction Road dated February 27th, 2014 revised April 1, 2014."

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

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

MODERATOR DOHERTY: So the proposed
amendment is all we're speaking to right now. Do the selectmen have a recommendation?

MR. SPEAKER: Yes, we do Madam

Moderator. The board of selectmen recommends approval of the article as amended.

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

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

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

MR. SALAFIA: Yes, Madam Moderator.

The board of selectmen recommends the approval of Article 37 as amended.

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

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

MODERATOR DOHERTY: That's quite all right. Go right ahead. If you could identify yourself.
MR. FORD: Thank you. You already did.

MODERATOR DOHERTY: I know.

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

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

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

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

MR. MATARAZZO: The answer is no, we do not have to approve more than one district.
The intent was to provide a choice to the residents of town as well as to afford additional opportunity to be in compliance with the attorney general's requirements should we be challenged on this article.

MODERATOR DOHERTY: Sir, do you have a question?

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

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

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

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

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

MODERATOR DOHERTY: Which board are
you asking?

MR. HUNT: All of the boards.

SPEAKER: Madam Moderator?

MODERATOR DOHERTY: Go right ahead, sir.

SPEAKER: What was the question?

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

SPEAKER: We had three choices.

MR. HUNT: We now have two.

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

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

MACAUX: Similarly, the planning board does not prioritize. We view these as choices for the town. And as Mr. Matarazzo stated, having two on the table allows us a better chance of complying and surviving any potential challenge if there were one under the attorney general's decision.
MODERATOR DOHERTY: Sir, do you have a question?

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

MR. MATARAZZO: This site does have access, although be it not direct access off of I93, exit 41, route 125 via Ballardvale and Wilmington as well as Exit 42 through the Ballardvale neighborhood to access this facility. But there is no bus service or train service to this area. There may be some shuttles that are run by the local transportation management association.
MODERATOR DOHERTY: Sir, do you have a question?

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

MODERATOR DOHERTY: If you vote down all three.

MR. URBELIS: If we vote down all three, then this town meeting didn't exist as far as marijuana regulation is concerned.

We're back to square one because we have a medical marijuana bylaw with no location. So it's back to square one as if we had no control over the regulations, no special permit.

MR. BRODERICK: So 34 doesn't apply?

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

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

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

MR. BRODERICK: Right. So I'm saying if we vote down all three does that force you guys to go back to the drawing board and come
up with other locations?

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

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

        MODERATOR DOHERTY: Do you have a
question?

        MR. BENEDICTS: Valid point. Kevin
Benedicts again, Hearthstone Place. And to
that point in that these are just in random
order, I know we're not talking about the next
article yet, but it could end up being a
decision maker if people don't follow all the
information available. The other location, and
it's a very valid point. This is not a
convenient location. It's the most industrial
of the three locations. The other location is
within 1700 feet of a early education special
needs school. It's within 200 feet of a
highway drop off area. It's within 500 feet of
residential neighborhoods. It's within a half
a mile of our brand new little league and
soccer fields. It's also within half a mile of
a skating rink that services the youth. So the
other facility has much more going against it
than an industrial facility, and I just want to
get those points out there.

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

CHRISTIAN PAVARRO: 6 Keystone Way. I
have a question regarding, I've heard that you
want more than one zoning site so that it makes
it, for lack of a better word, harder for the
attorney general to do whatever. Explain the process that would have to be brought by the attorney general to force us to do anything. Is it from the person who wants to put their dispensary there? How does that come to a vote? It seems a little bit of a scare tactic. What is the legal basis behind that?

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

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

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

MR. URBELIS: The attorney general won't do anything. It will be, the crunch time will come when someone wants to come in and put one of these facilities in and we don't have any regulations and we don't have any designated area that they can go to. They can put them in without any of those regulations that we just voted on in Article 34 and they can put them in in a whole lot of more places then if you add up 36, 37 and 38.
MR. PAVARRO: Well, explain that a little in more detail. We have bylaws, you're telling me 34 was passed. Why is it that now you're saying that 34 is obsolete if we don't pick a place?

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

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

MODERATOR DOHERTY: Right.

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

MODERATOR DOHERTY: Correct.

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

MODERATOR DOHERTY: Well, if I can maybe explain what the town counsel just said. We have a bylaw that has all the, the recipe, if you will, to put a facility in. We haven't
limited where you can put them. So by rights someone could come in and say, gee, I'd like to put it at 21 Elm Street. There's nothing in the town that says that's a restricted area, there's nothing in the town that says I can't put it there, but I have to follow this bylaw that they passed. Is that correct? So if we don't designate an area, they still have to follow the restrictions of the zoning bylaw, but they could put it anywhere you could put a commercial entity.

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

MR. URBELIS: The way the bylaw is written, the zoning bylaw talks about an overlay district. Currently we don't have an overlay district. If we don't vote 37, 36, 37 or 38, we will not have an overlay district. So any and all of those restrictions, conditions, procedures in 34 wouldn't apply to someone coming in because they wouldn't be putting it into an overlay district because
there is no overlay district if we don't pass any of these.

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

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

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

MR. MATARAZZO: At the advice of counsel--

MODERATOR DOHERTY: Repeat your question.

MR. PAVARRO: The challenge, he speaks of a challenge, who would bring that challenge?
You've spoken of the AG, would the person wanting the dispensary—

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

MR. PAVARRO: I understand that.

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

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

PAULA COLBY CLEMENTS: Madam

Moderator, Paula Colby Clements, 119 Chestnut Street.

MODERATOR DOHERTY: Go right ahead.

MS. COLBY CLEMENTS: I just have a question since there's been a lot of talk about
challenges made to the attorney general. There were three districts that were presented. Is there any information that exists right now in the Commonwealth that indicates if you approve too small of an area for an overlay district, that perhaps you won't withstand a challenge at the attorney general's office?

MR. URBELIS: There is nothing yet. That will be based on a court decision, because what the attorney general does, she doesn't look, she doesn't make the analysis of what area your town is regulating. What she will do is check to see is the bylaw on the face of it okay? And we're confident this one is, 34 is because it's based upon things she has approved. The challenge to that would come, similar to challenges that exist with regard to adult uses, that challenge would come when someone tries to put it in somewhere other than the district and says, hey, you effectively have zoned me out because the size of your town is such and you're minimizing the use, you have effectively precluded me. And I don't mean to get too technical or legal on you here, but
that was a very successful challenge that
someone made in Revere with regard to adult
uses which had a very small area compared to
the size of their city, and that, and Revere's
restrictions were disallowed by a court. It
wasn't the AG, it was a court who said in
reality you didn't give us enough room.

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

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

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

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

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

Article 38, please, Mr. Macaux.

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

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

MR. MATARAZZO: Article 38 is a siting
location off of Dascomb Road. Essentially it's the lower triangle from Dascomb Road bounded by I93, the town of Tewksbury, and Dascomb Road. Going closer to the site it's located in the ID-2 zoning district, and this is an aerial of the site surrounded by industrial properties with residential on the other side of I93.

MODERATOR DOHERTY: Thank you.

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

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

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

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

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

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

MODERATOR DOHERTY: Go right ahead if you could please identify yourself.
MS. POSTAL: Sure. I'm Karen Postal of 9 Hearthstone Place. I have a statement and then a question for the board of selectmen. My statement to my fellow Andover citizens is that I'm a mother of three who lives very close to this district, and although what you see in the triangle is industrial, what surrounds it is a community with many children. There is a preschool that's close by, there are brand new little league fields that are near, and I would like to make an appeal to my fellow Andover citizens to help protect my children and the children that will be affected quite a bit by voting in a medical marijuana district here.

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

MODERATOR DOHERTY: Does anyone on the
board want to speak to that? Go ahead, Mr. Salafia.

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

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

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

MODERATOR DOHERTY: Thank you, Mark.

MR. SENSINGER: I live on one of these streets that abuts this area, and as my neighbor, Ms. Povloska, very eloquently stated, there are many children on this lane as well as the one directly across Surry Lane. One block
further to the east is Partridge Hill Lane,
again, another street with many, many children.
There is a school bus route that goes directly
through this proposed district. Living as we
do right off of the highway, those of us who
live on Cardinal Lane are already plagued with
strangers pulling off the highway, tossing
garbage, abandoning nonworking vehicles. I'm
asking you to vote no on this, to not add this
additional burden to those of us in the area.
And as to the concerns for enacting too
stringent a restriction on a legal product, I
would remind everyone that bottled water is a
legal product, Styrofoam cups are a legal
product, and plastic shopping bags are a legal
product. And if towns can just ban these
outright, I would not be so concerned as to
challenges that would arise from more
restrictive measures taken to protect the
children of our community. Thank you.

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

MR. BROWN: Yes, I do. David Brown,
31 Glenwood Road. I will observe that this
entire discussion has a certain sort of surreal Reefer Madness quality to it that I find rather odd in this day and age. But my question is much more specific.

MODERATOR DOHERTY: How do you know that?

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

MODERATOR DOHERTY: Go right ahead.

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

MODERATOR DOHERTY: Is that your question? MR. BROWN: Yes, that's my question. Thank you.

MODERATOR DOHERTY: Did the fact that this is also in an ID2 enter into the
discussion with the selectmen?

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

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

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

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

MR. MATARAZZO: This Dascomb Road triangle is about 60 acres. The previous article which town meeting voters voted to
approve is about I believe 600 acres.

MODERATOR DOHERTY: Yes, sir.

MR. PASQUALE: Forgive me Madam

Moderator, I can't walk all over there. I'm voting against this. My strategy, I'd like to share just my strategy. My strategy is just go with one option. I'll tell you why I voted against River Road. I voted against River Road because I'm very familiar with the crime and what goes on in the hotels up there. And if you check the police reports like I do, that's where they spend an inordinate amount of their time, and that's just making it more convenient. Let's not have anything closer to 93 than there is now. So the junction is ideal. Somebody's going to ask us, where is the junction and you're going to say you have to go up 93, you get off, you got to go by Proctor and Gamble and then there's a road that goes down and the left. Make it difficult for them to come and find it. Not make it this easy by putting two sites up there. By the way, I'm very impressed they're putting it right where the town manager lives.
MODERATOR DOHERTY: There you go. Go right ahead sir. This will be the last one then we'll vote. Go right ahead.

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

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

MODERATOR DOHERTY: I think we need, since it's a two-thirds I think we need a standing vote. I think it's very close. All
those in favor of article 38 please stand.

When your counter has passed you, please sit down.

COUNTER: Section 1 please.

SPEAKER: Section 1, 13. 1-3.


SPEAKER: Section 2, 23. 2-3.

COUNTER: 23. Section 3.

MODERATOR DOHERTY: 2-3 on section 2?

COUNTER: 2-3 on section 2.

MODERATOR DOHERTY: Thank you.

COUNTER: Section 3, please.

SPEAKER: Section 3, 8.

COUNTER: 8, Section 4.

SPEAKER: Section 4, 22, 2-2.

COUNTER: 22. Section 5.

SPEAKER: Section 5, 20, 2-0.


SPEAKER: Section 6 has 14, 1-4.


SPEAKER: Section 8, 2.

COUNTER: 2, somebody in the hall, please.
SPEAKER: Cal, 2.

COUNTER: 2. And the stage, please.

SPEAKER: Stage is nine.

COUNTER: Stage is nine. Got it.

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

SPEAKER: All set. Section 1 please.

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

COUNTER: Section 1, please.

SPEAKER: Section 1, 16, 1-6.


SPEAKER: Section 2, 26, 2-6.

COUNTER: 26, Section 3.

SPEAKER: Section 3, 3.

COUNTER: Section 4, please.

SPEAKER: Section 4, 65, 6-5.
COUNTER: 65, section 5.

SPEAKER: Section 5, 37, 3-7.

COUNTER: 37. Section 6.

SPEAKER: Section 6 has 33, 3-3.

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

SPEAKER: Section 8, 4.

COUNTER: 4. And in the hall, please.

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

COUNTER: 17, and on the stage, please.

SPEAKER: Stage is 11, 1-1.

COUNTER: 11 on the stage.

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

MR. MAJOR: Thank you Madam Moderator.

I move that the town appropriates the sum of $236,000 to pay costs of various electrical, heating, ventilation and air conditioning replacements and upgrades to town and school facilities including the payment of any other costs incidental and related thereto, and that
to raise this appropriation, the treasurer, with the approval of the board of selectmen is authorized to borrow said amount under and pursuant to chapter 44 section 7 clause 3B of the general laws or any other enabling authority and to issue bonds or notes of the town therefor.

M Dodero: Thank you.

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

Mr. Major: The board of selectmen recommends approval. Each year we seek energy savings opportunities in any of our buildings. This year we're appropriating, or trying to appropriate, $236,000 in order to implement many of these different savings such as boiler replacements in the library, kitchen hood controls over at Andover High School, having variable frequency drives at the public safety center and at the high school, et cetera. Now, when we can get a return on investment, that's a bonus. In this case, the return on investments, about $35,000 of annual savings because of these changes, so the payback is
just under eight years. So again, the board of selectmen recommends approval.

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

MRS. MOFFITT: Finance Committee recommends approval.

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

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

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

MS. CARBONE: Yes.

MODERATOR DOHERTY: Go right ahead.

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

MODERATOR DOHERTY: Do you have an answer to that?

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

MS. CARBONE: Then why is this a separate article?
STAPCYNSKI: Because we are very aggressive on our energy initiatives. Andover is a green community, we wanted to call these initiatives out so that the town meeting, the finance committee, the selectmen and school committee would fully understand what we're doing to promote our energy efficiency in our municipal buildings.

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

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

MS. CARBONE: Okay. Thank you.

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

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

MODERATOR DOHERTY: If you could lift
the mic up.

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

MODERATOR DOHERTY: Thank you.

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

MODERATOR DOHERTY: Who gets that savings?

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

MODERATOR DOHERTY: Mr. Cronin.

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

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

MR. HAMM: I have other questions.

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

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

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

MR. STAPCZYNSKI: Yes, sir, it is in the normal budget. Our normal budget includes not only the operating budget, Warrant Article 4 that we voted on last Monday night, but also a capital budget that I produce every fall, and
it comes out the end of October, beginning of November, and it lists a number of the things that you'll see tonight that we'll be voting on. And that's the capital budget, and these are things that are, that last 15, 20 and some cases 30 years. And in the case of these projects, this falls into the definition of a capital project.

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

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

MS. DAN: Candy Dan, Rockadundy Road. I just want to make sure I'm reading it accurately. If I read the notes, it sounds like this borrowing will cost us on the order of $29,500 a year, and it's likely to save us
$35,000 a year. If I have that right, I'd just like to encourage you to do more of this.

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

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

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

MODERATOR DOHERTY: Any other questions? Yes, sir.

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

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

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

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

    Article 40, please, Mrs. O'Donohue.

    MRS. O'DONOHUE: Thank you, Madam
Moderator. I move that the town appropriate
the sum of $200,000 to pay costs of purchasing
technology and software, including the payment
of any other costs related there to. And that
to raise this appropriation, the treasurer,
with the approval of the board of selectmen, is
authorized to borrow said amount under and
pursuant to Chapter 44, Section 7, clauses 28
and 29 of the general laws or any other
enabling authority, and to issue bonds or notes
of the town therefor.

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

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

Article 40 seeks funding to utilize similar
technology to reduce the cost of maintaining
our desk top and laptop PC fleet.

MODERATOR DOHERTY: Thank you.

Finance committee report, please, Mr. Serrao.

MR. SERRAO: Thank you, Madam

Moderator. The finance committee recommends
disapproval of Article 40. Article 40 is a
request by the information technology
department for funds in the amount of $200,000
for virtual desk top deployment. In 2012, the
town approved more than two million dollars for
the purchase of hardware and software to the
school department and the town. Initially, the
plan was to purchase PCs, specifically Hewlitt
Packard PCs that run the Windows operating
system. 100 of these PCs were leased, but then
the school changed course and decided to lease
Apple computers, which run on a completely
different operating system from PCs. There are
PC based software applications that
historically have not run effectively on Apple
computers. Virtual desktop technology, the
subject of this warrant article, is another
hardware course change, first from PCs to Apple
products and now to thin clients. From a strategic and fiscal perspective, it would be best for the town for the school department to determine its software strategy and needs, and then based on those decisions, to determine the best hardware strategy to deploy this software. Given that a definitive software strategy has not been formulated, or if formulated, shared with the town, the finance committee recommends disapproval of Article 40.

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

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

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

MRS. GILBERT: Madam Moderator, an increasing number of enterprises are turning to desk top virtualization as a way to provide computing to their work force while keeping costs down. Approval of this article would provide several benefits, including reducing maintenance costs by enabling our IT department
to create virtual desk tops which do not require individual maintenance. With desk top virtualization, fewer staff are needed to manage desk tops and trouble shoot user problems. Because software licensing requirements are typically smaller, there are also cost savings on applications. In addition, annual state exams will soon need to be administered electronically, and desk top virtualization will allow us to do this by using existing computers.

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

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

MR. ROWLEY: Mike Rowley, 2 College Circle. This whole $200,000 is the result of
the school department deciding to go with the Apple instead of Windows.

MODERATOR DOHERTY: Is that your question?

SPEAKER: That's a different article.

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

MODERATOR DOHERTY: Is that correct?

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

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

MR. ROWLEY: What I'm trying to get at here is that because of the direction that the school department went, they didn't listen to the IT director who recommended going with the Windows because I heard that whole program
being presented, so now because they went with
what they went with which cost us more money to
going into this Apple program, now we have to pay
another $200,000 to go continue forward. And
to me that's a travesty. We just keep being
asked for more and more money. Like you said,
we appropriated two, two and a half million
dollars towards this previously and now we're
being asked for $200,000 more. So I say no.

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

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

MODERATOR DOHERTY: Correct.

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

MODERATOR DOHERTY: I don't believe, this is not a school department—he wants to know if there's anything to prevent that $200,000 to go to anything other than
virtualization.

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

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

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

MR. PECK: Okay. So if it's for virtualization, then how come they didn't just write for virtualization in the article? Because it looks to me like we're voting to give $200,000 to the IT department period to be used in whatever means they deem necessarily.
MR. STAPCYNSKI: No. The article is written in such a way that it will pass the muster of bond counsel, so often times it looks rather bland. But what we will be going forward with, what we go by is the intent of the warrant article and the capital project that it supports, and in the CIP request, it was for town and school virtualization. So we're limited to that.

MR. PECK: I understand. Thank you.

MODERATOR DOHERTY: Thank you, sir.

Yes, sir.

MR. PASQUALE: Tom Pasquale, 47B Whittier Street. I'm voting against it. I have a good friend over here, since he's been in the town, very, very intelligent, he's very right brained. Every time he puts something up, Mr. Pasquale goes into left brain technology, which means nobody's done a cost/benefit analysis yet. The chairman over there, the school committee says there will be fewer bodies needed. So how many bodies are going to be taken out of the school budget if we put $200,000 into these computers?
That's what I want to know. I want to see real concrete numbers, cost/benefit, and I support the position of the finance committee and the rest of us. We're just writing another blank check because he said we need it. I don't buy it.

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

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

SPEAKER: If you indulge me for a minute, I'll just do two slides and the second slide I'll speak to the benefits and I can speak a little bit to the cost with that. This article is for desk top virtualization. Over the past two years, I came to town meeting in 2012 and appropriated some money to improve our overall data center infrastructure. When I arrived, our data structure infrastructure looked like this, dozens of servers, multiple data centers, antiquated equipment. Through
the kubishi (sic) of town meeting, this is what our data center looks like today. We've replaced 76 servers with one rack of servers. We've replaced four data centers with two. Our data centers are now 100 percent redundant. We run our entire infrastructure on those two racks of equipment. It's been a dramatic improvement in our overall efficiency, reduced the amount of hardware we have. Reduced everything that we once did four of we now only do one of. So that's been a dramatic improvement. The next step in the process is to move forward with desk top virtualization where we're hoping to replace all of the computing power that on average costs $800 to $1000 per unit on individual client machines with more machines that cost two to $300 and to move that power of computing to the server farm. We've already invested in the server farm. We've already invested in the network upgrade infrastructure, we simply have to buy the virtualization licenses now to allow us to run the desk top infrastructure just the way we run our server infrastructure on this new
overall equipment.

So the benefits that we perceive here, to your point, this will allow all town employees and school employees to work at home as well as in the office. It will allow them to have full access to the munis system, all of our enterprise systems, all of our school systems that they don't currently have, improving the productivity of the individual users. It will allow us to provide Windows software. The point has been made that we have transitioned from a primarily Windows based environment in the schools to primary MacIntosh environment. We have a substantial investment in software on the Windows platform. If we don't move, if you don't spend the money here, you're going to spend the money by us replacing all of the Windows applications with equivalent MacIntosh applications because we have a huge investment in CAD cam, in music software, in specialized engineering applications, math applications and so forth, and those applications have to continue to run to serve the educational purposes. Right now we have, and we're either
going to buy them one by one and replace them
on the MacIntosh, or we can do this in a
unified way. This also gives the flexibility
as we approach our next refresh cycle of
machines, instead of refreshing all of our
machines with $800 or $1000 PCs and laptops, we
can begin to contemplate thin client
architectures, chrome books, other type of
lower cost per unit architectures. So we very
much hope to be able to reduce the overall cost
in that direction.

Just one more moment, Madam Moderator. We
also have not yet addressed our student
computing architectures. The virtualization
architecture will allow us to extend the life
of our fleet of our 2000 plus PCs that now
average nine-plus years old in the schools and
allow that to be replaced by a combination of
thin clients in the school at a very low cost
per terminal and allow us also to introduce a
bring your own device program whereby we can
extend Windows based software to students who
are running MacIntoshes or other machines
without having to buy the software for them.
And finally, as the school committee said, we will be allowed to reduce the cost of our testing architecture. Without this we're going to have to spend perhaps a half million to a million dollars in acquiring new equipment to subscribe to a new state requirements.

MODERATOR DOHERTY: Thank you, sir.

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

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

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

MODERATOR DOHERTY: Well, he hasn't done it, sir. Thank you for your question.

Yes, sir. Your question.

MR. CARTER: Thank you. Tim Carter, 422 River Road. I have two questions. First
is are you virtualizing the Windows environment only, or both IOS, sorry, Mac and Windows; and second, what is the plan for migrating the existing fleet, and to which we've invested a considerable amount of money into this new virtualized environment.

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

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

SPEAKER: So there are three fleets really. There is our administrative fleet which we have voted and which we'll be addressing in Article 47 where we replace our machines every four years. There is a teacher fleet which now is primarily MacIntosh which is also on a four-year refresh cycle, and that's about 600 machines, and then we have 2000-plus
machines that are distributed in the schools today that are for student use. So the proposal here is right now those machines are all at end of life. They're all running Windows XP, they're tremendous security risks. We either have to replace all of those machines, or with desk top virtualization, we can extend their life two, three, four, maybe even longer, to run the existing Windows applications plus all of the PARCC testing. And so we can keep those machines for a very long period of time. The expectation is that over time, we will be introducing a bring your own device program where students are able to bring devices from home to supplement their student learning and we will slowly winnow out the existing fleet so it's much smaller and much focused on high value applications.

MODERATOR DOHERTY: Okay. Yes, sir.

Up here. Thank you.

MR. ARY: This is Max Ary from County Road. I just wanted to say I am delighted to see that the IT department is working on this virtualization. This is the future, and it
allows for rapid adaptation to changes in technology. You know, we have a serious problem in that most of these budgets are debt that's used for these capital acquisitions of computing equipment is five years' long. And anybody who pays any attention to computing knows that the lifetime of a piece of hardware as far as being, representing state of the art, it's gone after two to three years and you're just trying to get what you can out of it in the last couple of years of its supposed life. But virtualization is a much more scalable environment where the server can be maintained incrementally and you just provide a level of computing power and storage services, and it's extremely flexible, it's much more power efficient than having thousands of full desk top machines. I mean, it's just, this is the future. Thank you.

MODERATOR DOHERTY: Thank you, sir.

Yes, sir. Your question.

MR. CORDORARO: Chris Cordoraro, 70 Holt Road. I'm no expert on this. I do work at a hospital that is doing this or has done
this. It's wonderful. It means that I'm able
to use applications using any computer,
Windows, tablet or MacIntosh. It separates me
using the application from the hardware. I
used to have to go to an office to use it, now
I can use it anywhere. This is the way of the
future. We're actually behind the ball here.
Anybody, we've several times had people ask
that we run this town like private enterprise.

MODERATOR DOHERTY: Yes.

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

MODERATOR DOHERTY: Thank you, sir.

Do you have a question, sir?

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

SPEAKER: So this proposal represents
my best estimate of the number of simultaneous licenses. It is not license per user, it's license by simultaneous session, and I believe the allocation here is for 500 simultaneous sessions.

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

MR. STEPTICI: Yes. Madam Moderator, I move that the town appropriate $150,000 to pay the cost of town playground improvements and replacements including the payment of any other cost incidental and related thereto, and that to raise this appropriation, the treasurer, with the approval of the board of selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, section 7,
clause 25 of Mass general laws or any other
enabling authority and to issue bonds or notes
of the town therefore.

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

SPEAKER: Yes, Madam Moderator, the
board of selectmen had initial concerns about
this article when first proposed, specifically
around the fields and courts. We took a look
at it and took a positive recommendation on
this which is different than what the Fin Com
book says. We had a condition that said that
we would support this article if it would stick
to this article and there would be no other
fees or no other spending that would come next
year or in future years from town meeting.
That any costs around the fields, the courts,
would come from private funding, for instance,
the leagues. So the board of selectmen is
recommending approval of this. This is part of
a six-year plan to replace all playgrounds.$150,000 will address an immediate need to
replace address worn equipment at Penguin Park,
and to install new, accessible playground
equipment and walkways at the Ballardvale
playground. The equipment being removed does
not meet current safety codes, and is in need
of replacement. The goal of this program is to
update all of Andover's playgrounds to the
current ADA and safety standards. The way this
is separated is $100,000 of this $150,000 will
be dedicated towards the Ballardvale
Playground, and the $50,000 will be for Penguin
Park, and the board of selectmen recommends
approval.

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

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

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

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

MODERATOR DOHERTY: Welcome. Are you
having fun yet?
MR. PETERSON: This is amazing. I just want to say, this is amazing. I have never felt more American than to have experienced this over the past three days.

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

MR. PETERSON: My family moved here in July, I'm sorry, June of last year. And we were just thrilled to choose Andover. We had a lot of places, obviously, to choose from. Moving to Massachusetts, we're also new to Massachusetts, so thrilled to come here. So I wanted to speak to this point about the playgrounds because we chose Andover because of the family and the schools and what we thought was a very family friendly environment, we believe it is. And so we moved in June, and just really three days after we moved to Andover, still going through the move, my wife took my children to this Andover playground, to Ballardvale, and they were very disappointed in what they found. A lot of the playground was falling apart. The equipment was broken,
rusted, unsafe to play on. And they tried to
make the best of it. Unfortunately about 20
minutes into playing on the playground, my
daughter fell from one of the kind of
dilapidated playground playsets and she broke
her arm. She spent, the next 24 hours was very
adventurous for us, she spent the night in the
hospital. She had to have surgery to have her
ear stabilized and some pins put into it, and
this was our introduction to Andover starting
with the playground. And, so, you know, not to
belittle the point, but I'm very, very strongly
in favor of improving our playgrounds in the
town of Andover. I think it's important that
we invest in our children and we give them
places to play and not only that, but we get
them outdoors as much as possible and the
playgrounds just weren't giving us that. So,
you know, I recognize the importance of being
fiscally conservative, that's very important to
me as well. But I think whether you're elderly
and simply unable to enjoy these playgrounds
because of the compliance or if you're just a
child and quite frankly it's just dangerous to
play on these playgrounds, that's just shameful to us. So it's my first time coming to a town meeting and I'm glad I had an opportunity to speak on this and I would vote very much in favor of this and ask everyone to do the same.

Thank you.

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

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

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

SPEAKER: I want to reiterate a lot of these points.
MODERATOR DOHERTY: Could you identify yourself.

MR. MURPHY: Dan Murphy, Red Spring Road.

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

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

MODERATOR DOHERTY: Pro or con?

MR. MURPHY: Pro.

MODERATOR DOHERTY: Go right ahead.

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

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

MR. PASQUALE: John Pasquale, 47B Whittier Street. I support this 1000 percent. I had the opportunity to talk to Marie Magglio,
this was her dream. I've also had a lot of interviews. I've spoken to parents, I've spoken to children. Some of them call me papa now because I go in the playground. Things have changed over here. And I'd like to see some things, not just put $100,000, but I want to make sure we understand things that have to happen. These are from the children that can't come here to tell you. So we know that we've got a safety problem and it's going to get worse on Andover Street when the new Ballardvale station opens because we're going to have two pieces of equipment and double the personnel. It's an aged playground. The last time we did something was 20 years ago. The citizens got the money, in fact, Jay Leno put a nice piece of change into it to get some things done over there, so it's incumbent we keep it up.

Parking. There's no parking. It's illegal. It's illegal to park on the sidewalk where it is right now because it says fire lanes, no access. I spoke to the neighbors on the south side, that's a private driveway, they
don't want any cars over there so you can't go
over there. When I listened to the Ballardvale
fire station, this may be getting ahead, but we
got to start thinking now because the chief's
going to say I got to have a place to put the
fire truck while they're doing the building and
the contractors are going to show up. So I'm
saying to Chris, the plan, we ought to take the
land and get some parking spaces up on the
north side of this playground.

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

MR. PASQUALE: Okay. Next area is
what we call violation of American disabilities
act. Now, the playground is an average four to
six feet below the road. To go down this steep
incline, if a child's got crutches, wheelchair
or he's my age, there's no handrails, there's
nothing. It has to be addressed. Underneath
all of the equipment today, it's all big
troughs. If any child falls, you heard one
incident here that the gentleman divulged. I
mean, we're in liability. The field ought to be
flat. They took me out to center field. They
said you ever play baseball, Papa? I says
yeah. The ball goes over and it dips down
almost four feet so when the child retrieves
the ball he can't see where he's throwing it.
We need a level field. There's big ledge rocks
over there, no grass.

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

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

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

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

MODERATOR DOHERTY: Okay. We can't do
anything until you let us vote. Yes, ma'am.

MS. DICICERO: Emily Dicicero, 3

Walnut Ave. I just want to say that I'm new to
Andover as well, and I moved my family halfway
across the country because of Andover's
appreciation for the next generation and I want
to thank the selectmen for revisiting this. I
think it's very important.

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

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

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

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

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

SPEAKER: Thank you, Chris.

MODERATOR DOHERTY: All right. Let's
take a vote on this please. Article 41, all
those in favor, it's two-thirds vote, please
raise one hand. Thank you very much. Those
opposed. The ayes clearly have it by far more
than a two-thirds vote. Does anyone challenge
that declaration? I declare it to be more than
a two-thirds vote. Article 42, please. Mrs. Gilbert.

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

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

MS. GILBERT: Yes, Madam Moderator. This request is specifically related to West Elementary School, but it is also part of an ongoing seven-year plan that addresses ADA compliance, parking, sidewalk and drainage issues at a number of our schools. Traffic
flow and safety improvements are also part of this design. The school committee recommends approval.

MODERATOR DOHERTY: Thank you.

Selectmen report Mr. Kawelski.

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

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

MS. MOFFITT: Madam Moderator, this is the third year of a seven-year master plan to
update all of Andover's school sites, and this is the third location, West Elementary School, to be addressed in this plan. The finance committee recommends approval.

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

MS. MULVEY: No, I have a comment.

MODERATOR DOHERTY: Go ahead.

MS. MULVEY: Nancy Mulvey, High Plain Road. I have been a neighbor of West Elementary School for 44 years. My children attended in the 1970s. I currently walk the grounds at least twice a day with my current dog and have over many, many years. West Elementary School was built, the original part of it in 1950. That means that it is the oldest, other than Shawsheen School, which is going to be phased out soon, it is the oldest operating school building in Andover. It has been enlarged twice, once in the 1960s and then a major addition in the 1970s which literally just pushed out the existing old building. As was stated in the article itself, the grounds are really in really disreputable condition.
The paving, the patching, the cracks, the curbing that is missing, is not only unattractive, it is unsafe for anyone walking there, for kids accessing buses, for the many who access the playground and the fields. I urge you to vote approval for this, because really if you go around and look at all of the other schools in Andover, West El needs help.

Thank you.

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

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

MODERATOR DOHERTY: Let me get you an answer to that question. Who has the answer to
that question? Mr. Cronin, do you have the answer to that? If you could have that mic handier for you, that would be great.

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

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

MS. AXELROD: Jane Axelrod, 8 Mound Ave. This sounds like a really worthy project, and more money. The school already has a 70 million dollar budget, and I would like to know when the bloodletting ends. This town has allowed collective bargaining to get a choke hold on it and we are now entertaining unsustainable costs. These are all wonderful and good needs, and where do we get all the money from this? My money tree is empty, I don't know about the rest of you, but I want to know, when is the end to this constant need for schools, and when all the other agencies in the
town seem to do with maybe ten percent of what they use, I love the idea of it, it's wonderful. If I won the lottery, I'd turn the money over to you, but I'm putting children through graduate school and I have my own costs, and where do the costs come to an end. When do the taxpayers stop carrying this kind of burden?

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

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

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

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

MODERATOR DOHERTY: Does that answer your question?

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

MODERATOR DOHERTY: Go right ahead.

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

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

MR. STUMPF: Thank you, Madam Moderator, John Stumpf. If I could try to address that, as Janey already said, it's part of a long-term plan. And one of the things that we've been instituting over the last two or three years is the implementation of the debt tool which helps us identify the non-exempt debt as well as exempt debt and the impact it has on the taxpayers and the impact
it has on the operating budget. The board of selectmen bring up a very valid point. There's only so many dollars that the debt tool says we should be spending on non-exempt debt, and this project is a non-exempt item. Ballpark it's like 4 million dollars a year, and so when we do the improvement, if we do it as non-exempt debt of 3.2 million dollars, it's going to use a significant portion of that fiscal '16 four million dollar non-exempt debt. So there's no question that we are using the tool. We are learning from it every year, and we are using it to make good long-term decisions.

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

COUNTER: Okay. Section 1, please.

SPEAKER: Section 1, 22, 2-2.

COUNTER: 22. Section 2.

SPEAKER: Section 2, 25, 2-5.
COUNTER: 25. Section 3, please.
SPEAKER: Section 3, 11, 1-1.
SPEAKER: Section 4, 28, 2-8.
COUNTER: 28 in Section 4. Section 5, please.
SPEAKER: Section 5, 20, 2-0.
SPEAKER: Section 6 has 17, 1-7.
COUNTER: 17. Nobody in seven, Section 8.
SPEAKER: Section 8, 3.
COUNTER: 3. And the hall, please.
SPEAKER: 5.
COUNTER: And the stage.
SPEAKER: Stage is 14, 1-4.
COUNTER: 14 on the stage.
MODERATOR DOHERTY: All those opposed please stand. All those opposed.
COUNTER: Section 1, please.
SPEAKER: Section 1, 7.
COUNTER: 7. Section 2.
SPEAKER: Section 2, 14, 1-4.
SPEAKER: Section 3, 0.

COUNTER: Section 4. I'm sorry.

Section 3 was 0. Section 4.

SPEAKER: Section 4, 32, 3–2.

COUNTER: 32. Section 5.

SPEAKER: Section 5, 17, 1–7.


SPEAKER: Section 6 has 20, 2–0.

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

SPEAKER: 0.

COUNTER: In the hall, please.

SPEAKER: 1.

COUNTER: And on the stage.

SPEAKER: Stage is 6.

COUNTER: Stage is 6.

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

MR. MAJOR: Thank you, Madam Moderator. I move that the town appropriates the sum of $467,000 to pay costs of constructing, adding to, remodeling,
reconstructing, and making extraordinary
repairs to and equipping various town buildings
and facilities, including the payment of any
other costs incidental and related thereto, and
that to raise this appropriation, the
treasurer, with the approval of the board of
selectmen, is authorized to borrow said amount
under and pursuant to Chapter 44, section 7,
clause 3A of the general laws or any other
enabling authority and to issue bonds or notes
of the town therefor.

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

MR. MAJOR: Yes. The board of
selectmen recommends approval. This, like many
of the other articles that we've listened to
recently, are the capital projects that we have
to maintain the assets that we have in this
community. And that's one of the blessings
that we have over the years that the town has
given us permission to maintain the assets so
that before they break down and crumble, we
have the ability to rehab them. And in this
case, we've got projects in Rec park, we're going to expand the concrete floor and the roof. Over at the center at Punchard, the senior center, we're going to be putting in a handicapped accessible door as well as new carpeting. At the town house, adding painting and parking lot improvements. Memorial Hall library, master key system improvements, and at Red Spring Road where we have our maintenance garage, we're going to enlarge the garage door. So, again, the board of selectmen recommends approval.

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

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

MODERATOR DOHERTY: Thank you. Any questions or comments? All those in favor please raise one hand. We need a two-thirds vote. Thank you. Those opposed. The ayes clearly have it by more than a two-thirds vote. Is there anyone who challenges that? Then I
declare it to be more than a two-thirds vote.  
Article 44, please, Mr. Salafia.

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

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

MR. SALAFIA: Yes, Madam Moderator.

This article requests that funds that were
originally voted for one purpose to be allowed
to be used for a similar purpose. The original
funding from water enterprise funds voted in
article 27 of the 1996 annual town meeting was
to be used to repaint the water tanks on Holt
Hill and Wood Hill. That project is complete
and $37,892.97 remains unexpended. This
article would permit those funds to be used for
inspection, specification writing and for
bidding for rehabilitation work on various town
water storage tanks.

MODERATOR DOHERTY: And the
recommendation--

MR. SALAFIA: I'm sorry, the board of
selectmen recommends approval.
MODERATOR DOHERTY: Thank you. Mrs. Marden, the finance committee report.

MS. MARDEN: The finance committee recommends approval.

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

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

MODERATOR DOHERTY: Article 45 has been moved and seconded. Mrs. O'Donahue, please.
MS. O'DONAHUE: Article 45

appropriates $260,000 for DPW vehicles. The DPW currently has a number of aging vehicles that have been postponed for replacement since fiscal 2008. The highway department working with the vehicle maintenance division, reviews the status of all vehicles to determine the best use of the appropriation. These vehicles are used for plowing and treating of roads in winter, hauling loads of stone, gravel and loam as well as debris and hauling barrels, cones, signs, et cetera. They are also used during emergencies both weather and flood related as well as for traffic control. The board of selectmen recommends approval of this article.

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

MS. MOFFITT: The finance committee recommends approval.

MODERATOR DOHERTY: This requires a two-thirds vote. All those in favor please raise one hand. Go right ahead if you can ask a question. Sorry.
SPEAKER: We voted the other night for capital projects, capital improvement things, and one of them was police vehicles. Is this not in the capital plans? Why is this article separate from what the police department is getting for vehicles?

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

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

MODERATOR DOHERTY: Thank you. All those in favor of Article 45, it needs a two-thirds vote. Please raise one hand. Thank you. Those opposed. They ayes clearly have it by more than a two-thirds vote, is there anyone
who challenges that declaration? If not, I would declare it as such. The motion passes.

Article 46, please, Mr. Vispoli.

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

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

MR. VISPOLI: Yes. The board of selectmen recommends approval of this article.

Article 46 transfers $118,000 from off-street parking receipts for three purposes. $60,000 will fund replacing and upgrading the parking meters in lot four of the library with a non-meter system. This will reduce maintenance costs and increase revenues. $40,000 will be used to replace the parking enforcement vehicle. The current vehicle is ten years old and is becoming increasingly more expensive to maintain. The vehicle also lacks the current safety and utility features. $18,000 would be used for a parking management assessment plan implemented by the planning division. With information and guidance gathered from the
stakeholders, the plan would provide recommendation on how to maximize efficiency, improve the customer experience, and expand opportunities for additional growth in the downtown and maximize revenue from the parking program.

MODERATOR DOHERTY: And the recommendation from the selectmen?

MR. VISPOLI: Recommend approval.

MODERATOR DOHERTY: Thank you.

Finance committee report, please, Mr. Barry.

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

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

MS. CARBONE: Yes. Point of information for the residents here tonight. $18,000 in this article was addressed last year at town meeting. It was voted down. I know because I spoke to it. And the reason I spoke to it was that we have large buildings in the downtown area. Those large buildings generally lease or rent out the property on the ground
floor to other small businesses. It's my personal opinion that those large building owners should fess up and pay for this kind of a situation. And it doesn't seem reasonable that this $18,000 is back here in the warrant and it's approximately a year later. I want to relate to the residents of this community, a few years ago we did an overhaul of the downtown with state funds. It cost four million dollars to do over the downtown even though there's rusty pipes under ground. Then we asked town meeting for $500,000 for new lights in the downtown even though after the fact we shut off the lights in this community. So I just want to relate that at least the $18,000 be removed from this article as it was last year.

MOTERATOR DOHERTY: Thank you. Are you making an amendment?

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

MOTERATOR DOHERTY: If you would, go ahead.

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

MS. CARBONE: Sure. Thank you.

MODERATOR DOHERTY: Yes, ma'am.

Honestly I don't know if you're a man or a woman, I can't see your face.

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

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

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

CHIEF KEEFE: Good evening. This is the last phase, and this is for lot 4 which is the library lot. We're looking at actually pay by space so you just have to pay once and you can continue on to the library or where else you're going to be going. You don't have to go back to your vehicles. The infrastructure is already in place for the signage, so I think that's the best bet for that parking spot right now, parking lot, excuse me.
MODERATOR DOHERTY: Thank you, sir.
Mr. Barry, could you get a copy of the amendment that Mrs. Carbone, or Peggy, somebody. Could you give, Mary, if you could read that and then give it to Mrs. Cruz so we can get a copy of it here.

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

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

MS. CARBONE: Sure. This article was voted on at last year's town meeting and it was voted down. And I can't fathom why it would appear again in this year's warrant. That to me tells me what goes on in the town in some areas. Thank you.
MODERATOR DOHERTY: Okay. We're looking at just the $18,000 reduction. Is there anyone else who would like to address that? Yes, sir.

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

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

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

MODERATOR DOHERTY: Thank you, John.

MR. FENTON: I think the purpose of this study is to try to assess and figure out how best to utilize the parking resources that we have currently in town and whether they're paid for as you go or any other service, whether you put coins in or buy passes. There's a number of different and efficient ways to go about it and we have resources, parking resources downtown, but they aren't being efficiently allocated or used. And we are generating revenue from the parking currently, and the money that we're asking for
to pay for this study comes from the revenues that are already being generated from the existing parking. So what we're really looking at is trying to get more efficient and generating more revenue for the town, not less. And it's a small amount of money to spend to improve the overall situation, the parking situation in the town.

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

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

MODERATOR DOHERTY: Paul, do you need to address this very quickly?
MR. MATARAZZO: Paul Matarazzo, director of planning. Essentially what we're looking to do is to look at best practices that are out there in the United States and across the world. Like the chief has said, a comprehensive study hasn't been done in nearly 20 years. We're not necessarily the experts on everything, and so we welcome the expertise to help us, you know, keep the vibrancy in the downtown moving in the right direction.

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

MR. TOTH: Mike Toth, 7 Dundis Avenue.

MODERATOR DOHERTY: Yes, Mike.

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

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

MR. TOTH: Oh, okay. I want to hold
MODERATOR DOHERTY: But I'll be happy to get you that answer. We're only talking about the amendment at this moment. Are you going to address the $18,000 or are you looking to address the article?

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

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

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

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

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

MODERATOR DOHERTY: Excellent question. Chief, you want to address that?
CHIEF KEEFE: It reads below it says nonmeter system, so we'll be following that.

MODERATOR DOHERTY: Did you understand his answer?

SPEAKER: We can't hear.

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

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

MODERATOR DOHERTY: It's a nonmeter system.

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

MR. BRONSIS: It would.

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

SPEAKER: Can I make an amendment on the floor?

MODERATOR DOHERTY: Go ahead Chief.
Town Counsel has given an opinion that if we are not going to use pay and display, it would limit the Chief's ability to use these funds if that's not what he's going to do. Is that correct? If we're voting to use pay and display and then we don't use pay and display he can't use this money.

SPEAKER: Can I move to amend the article?

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

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

MODERATOR DOHERTY: Yes. Yes, sir.

MR. FENTON: Once again, John Fenton,
180 Main Street. I am on the board of the economic council, and we've all studied this and worked rather hard on trying to figure out a way to improve the parking situation downtown such that residents will spend more time and spend more money and support the vibrancy of the downtown, and the economic development is fully in favor of passing this warrant.

MODERATOR DOHERTY: Okay. Thank you.

How are we doing with that amendment? Great.

Yes, ma'am. Your question, right here, I'm sorry, right here.

MS. NASON: Hello, my name is Marybeth Nason, I live at 55 High Street. I just want to say that the pay and display system that has recently been introduced to downtown Andover is horrible. I think it's very unpopular. I have never spoken to anybody who likes it. So I think I just heard the Chief of Police say that there is a system where you can go and pay for your parking and not have to return back to your car. If that is optional, could you retrofit what you've done to our downtown area with that system?
MODERATOR DOHERTY: He has indicated yes, he can. He has indicated he would like to do that and he's trying to amend the motion right now if he can write fast enough.

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

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

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

MODERATOR DOHERTY: Sure, go ahead.

MR. PECK: Jason Peck, Brady Loop. On Article 40 I asked why the software funds were, didn't specialize virtualization, and in this case we are specifying exactly what it's for and now we have to change it. So I guess my problem is why do we have these little gray boxes in some and not in others and we mix it all up? Why can't we just make all of this part of the article? I think the argument before was because of the bond. There's no bond here. So I don't understand.
MODERATOR DOHERTY: Who can answer that question? Not having written that report, I can't answer that question for you, sir.

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

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

SPEAKER: Joanne, want to talk about that?

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

MR. PECK: Okay. Thank you.

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

CHIEF KEEFE: I move to amend article--

MODERATOR DOHERTY: I'm sorry, I know you are the chief, but can you identify yourself and where you live.
CHIEF KEEFE:  Chief Pat Keefe, I live Andover Street.

MODERATOR DOHERTY:  Thank you, sir.

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

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

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

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

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

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

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

MR. SWEENEY: Thank you.

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

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

MODERATOR DOHERTY: No. Hold on and wait, please. All those in favor of the amendment please raise one hand. Thank you, those opposed. Thank you. The ayes have it,
the motion carries. We are now talking about
nonmetered system. Do you have a quick
question, please?

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

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

MR. MAJOR: Thank you, Madam
Moderator. I move to transfer from the cable
franchise fee account and appropriate the sum
of $256,074 and to raise by taxation and
appropriate the sum of $103,632 for the purpose
of leasing town and school administrative and
teacher computer workstations and laptops
including any costs incidental and related thereto.

MODERATOR DOHERTY: Thank you.

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

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

Subsequent to last year's agreement, the school department decided to lease an additional 160 units and pay for the first year of the lease with monies left over from this current year's operating budget. Additionally,
the cost of software for all of the town and
school units was higher than previously
estimated. This additional hardware and
software added over $100,000 to the lease
ing expense. As we began preparing for next year's
budget that we approved last week, the question
became do we fund the lease of the additional
160 units and the added software costs through
the cable fund? A major concern with that
approach is that we would be depleting that
fund faster than previously agreed. So upon
further discussion and negotiation between the
three boards and the administration, it was
decided that the additional cost of
approximately $104,000 would be paid for from
the school and town operating budgets,
therefore, this warrant article requests
$256,000 from the cable fund and approximately
$104,000 from taxation.

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

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

MS. ANDERSON: The finance committee
agrees with the reasons stated in Selectman
Major's report and also recommends approval of
Article 47.

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

SPEAKER: School committee recommends
approval.

MODERATOR DOHERTY: Thank you.

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

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

MR. CARTER: Tim Carter, 422 River
Road. Two questions. First, since we've
earlier already voted for over $200,000 I
believe the number was for virtualization
software and hardware, how does this money for
additional dedicated desktop machines fit into
that plan, or is there any plan at all? And
second, considering the large amount of money
that we're paying for software licenses,
particularly for Microsoft Office, have any of
the free available options that provide the
same functionality such as Open Office been
considered?

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

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

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

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

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

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

MODERATOR DOHERTY: Is the question.

Is that correct?
MR. MAJOR: Yes. This was absolutely discussed in open session, actually multiple times.

MR. ROWLEY: Last week; is that correct?

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

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

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

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

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

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

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

MR. ROWLEY: No, not in my mind.
MR. MAJOR: So what we agreed to was that there's extra expense for the town units and there's extra expense for the school units.

So the $104,000, roughly 104, it was 103 and change, that money is being split up about 70 percent being paid for from the school's budget, operating budget, and about 30 percent of that being paid for from the town's operating budget.

MS. MULVEY: Madam Moderator.

MODERATOR DOHERTY: Yes.

MS. MULVEY: Nancy Mulvey, High Plain Road.

MODERATOR DOHERTY: Yes, Nancy.

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

MODERATOR DOHERTY: Nancy, what I'm trying to do is get the question so that he's sure to address them all. That's all I'm trying to do. It's six of one, half a dozen of another. Any other questions before we go to the presentation before we go to the
presentation? Go ahead, sir. Paul. Do you want to go ahead and start?

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

Previously this was a very helter-skelter process. It was occasionally funded, mostly not funded. The town usually had their support staff replaced on a regular four-year cycle. The administrative staff on the school side, most of their machines when I arrived were seven-plus years old. On the teaching staff, only a third of the teachers had access to any laptop, and the newest laptop in that fleet was
six-years old. So over the last two years we have agreed to replace and create an ongoing replacement cycle every four years for each knowledge worker in town. Roughly, the number we've been using is the number of allocating of $350 to $400 per knowledge worker per year for their complete end user computing environment. And that means the machine, Microsoft Office, and all of the management software required to run that. So this is the third year of this program that we're asking for funding for.

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

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

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

The third group of line items here are for
software. To the first gentleman's point, indeed, we are committed to Microsoft Office and its derivatives, and to the Windows subset of operating systems, and that requires us two different things. On the town side, we do pay by the machine, and so when we acquire a new machine we need to acquire a new license for Microsoft Office. On the school side, however, we have an extremely cost efficient program where for roughly $32,000 a year, all teacher machines are able to have Microsoft Office, upgrade their Windows software, and have all of their necessary what are called CALS, client access licenses, to enable us to use Windows databases and so forth. Along with that, 100 percent of our student machines provide Microsoft Office for free, and in addition, students actually could eventually take advantage of the opportunity to purchase Microsoft Office at home for a discounted rate. So that's an extremely cost effective program.

As Selectman Major outlined, the first two numbers are proposed to be paid for by cable access fee and the remainder is by from general
taxation. There was a question earlier about Open Office and other allocations. We have a tremendous investment in the Microsoft Office Suite. The folks in town have been working for 20-plus years. The training, the amount of retraining and reconfiguration is not worth the transformation, and particularly given the efficacious economics of the school program, we believe that staying with Office at least for the foreseeable future is the appropriate venue. However, we will be moving most likely to Google Apps for Education for student computing because we're not in a position to allocate 6000 Microsoft Office licenses for our student population. Were there other questions I needed to address?

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

MR. HOWARD: Jim Howard, Hazelwood Circle. I'd first like to say I think Mr. Pusingara's done a fantastic job since he's been here. So Paul, thank you. And I'm opposed to this article. I'm fine with the $256,000 moved from the cable fund, but the
answer, folks, cannot continually be let's just
increase the taxes by $104,000. I don't know,
it's beyond words obviously, that our town
government doesn't really understand that a
time for additional taxes over and over and
over again has gone by. So the answer just
can't be let's just raise the taxes by 104K
because it was easier to do it at that time, we
were training people.

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

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

MR. HOWARD: I resemble that fact.

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

MR. CARTER: Yes, please. Tim Carter,
422 River Road. I listened to the presentation
and I still haven't seen any plan that rolls
out the thin client architecture that we paid
$200,000 plus for earlier tonight. Where is that on the time line? First question. Second one is a comment about your commitment to Microsoft Office. There's been several significant changes in the interface in Microsoft Office used over the recent history which all require retraining. So the argument about retraining, everyone sees a different piece of software is a little bit specious, and if someone had made that comment about leaded gas back in the '70s, we'd still all be driving leaded gas cars.

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

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

MODERATOR DOHERTY: Are you addressing
this gentleman's question?

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

MODERATOR DOHERTY: Go right ahead.

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

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

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

MODERATOR DOHERTY: You've got three minutes, sir, go right ahead.
MR. ROWLEY: All right. First of all, you need to understand how this came about. A presentation was made to the selectmen for 400 computers to be purchased for the school department. They approved that using our cable money. Why our cable money, you know, just another way to increase the, what we spend on our schools by taking the cable money. By the way, this is an ongoing program, so it’s always going to be funded by the cable money instead of coming out of our regular budget. Secondly, somewhere along the line, our school superintendent realized I need another 160 units. Okay. So she went out on her own and got another 160 of these units.

Now, according to our article of last year, 11E, on contracts in excess of three years because this is a four-year contract, she paid for one year and it’s a four-year contract which means three more years have to be paid for. She basically went against this article that states that she should have come back to the selectmen or the IT should have come back to the selectmen, whoever, and asked for this
160 more units. That did not happen.

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

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

MODERATOR DOHERTY: Mr. Rowley, thank you.

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

MODERATOR DOHERTY: Mr. Major.

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

Now, when we went back to the negotiation,
the question was we had $104,000 of additional expense so do we take that out of the cable fund. The agreement between the three boards was no, let's not do that. You decided to acquire 160 additional units, pay for the additional cost out of the operating budget. So there wasn't a wrongdoing here, it was simply that they decided that they wanted to spend their money acquiring more units for their teachers. So this is just to make sure that we can fund all the units that we have under contract.

MODERATOR DOHERTY: Okay. Are you ready to vote?

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

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

MR. ROWLEY: Okay. I'll make it very short. The point here is she entered into a four-year contract. Okay. That required according to what I read here in last year's book, that a four-year contract, anything longer than a three-year contract needs by town
vote of the board of selectman or the school
committee as appropriate or take any other
action related thereto. It was supposed to go
back to you and you know it.

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

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

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

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

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

MODERATOR DOHERTY: Does anybody have
an answer to that? Go ahead Mr. Major.

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

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

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

MR. BUNTING: Thank you.

MODERATOR DOHERTY: All right. All those in favor of Article 47 please raise one hand. Thank you. Those opposed. Can we do that one more time, we need a majority vote. All those in favor please raise one hand. Those opposed. I believe the ayes have it.
Would you like a standing count?

AUDIENCE: Yes.

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

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

COUNTER: Section 1, please.

SPEAKER: Section 1, 19.

COUNTER: 19, Section 2.

SPEAKER: Section 2, 32, 3-2.

COUNTER: 32, Section 3.

SPEAKER: Section 3, 6.

COUNTER: 6, Section 4, please.

SPEAKER: Section 4, 26.


SPEAKER: Section 5, 18, 1-8.

COUNTER: 18. Section 6, please.

SPEAKER: Section 6 has 16, 1-6,

COUNTER: 16. Seven is still empty.

8, please.

SPEAKER: Section 8, 2.

COUNTER: And the hall, please, John.

SPEAKER: 2.

COUNTER: The hall is 2, and the
stage.

SPEAKER: Stage is 15, 1-5.

MODERATOR DOHERTY: All those opposed please stand.

COUNTER: Section 1, please.

SPEAKER: Section 1, 6.


SPEAKER: Section 2, 8.

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

SPEAKER: Section 3, 0.

COUNTER: Zero, Section 4.

SPEAKER: Section 4, 20, 2-0.

COUNTER: 20. Section 5.

SPEAKER: Section 5, 18, 1-8.

COUNTER: 18. Section 6, please.

SPEAKER: Section 6 also 18.

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

SPEAKER: Section 8, zero.

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

SPEAKER: Zero.

COUNTER: Zero. And the stage.
SPEAKER: Stage is six.

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

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

Mr. Urbelis, please.

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

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

AUDIENCE: Aye.

MODERATOR DOHERTY: Those opposed.

We'll see you all back here at 7:00 p.m. tomorrow night. Don't forget. Thank you all very much.
(Meeting adjourned.)

CERTIFICATE

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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Commonwealth of Massachusetts, Town of Andover
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