

In The Matter Of:
Andover Town Meeting
Day Four

May 13, 2014

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TOWN OF ANDOVER

ANNUAL TOWN MEETING

May 13, 2014

Day Four

Transcription of Audio Recording

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P R O C E E D I N G S

1
2 MODERATOR DOHERTY: Okay. The hour of 7:00
3 p.m. having arrived, it's my distinct privilege to
4 reconvene the 2014 Town of Andover Annual Town
5 Meeting.

6 THE FLOOR: Madam Moderator?

7 MODERATOR DOHERTY: Yes, sir.

8 THE FLOOR: On a point of order?

9 MODERATOR DOHERTY: Go right ahead.

10 THE FLOOR: Richard Howe, 3 Robandy Road.
11 Madam Moderator, I note that there are less than
12 200 voters here tonight out of some 22,000
13 registered voters in Andover, less than 1 percent.
14 Most governmental bodies, including many open town
15 meetings, require a quorum to conduct the public's
16 business.

17 Madam Moderator, is there a quorum present
18 tonight?

19 THE PANEL: We don't need it.

20 MODERATOR DOHERTY: The Town of Andover, sir,
21 does not have a quorum provision in our Town
22 Meeting.

23 THE FLOOR: Why is that?

1 MODERATOR DOHERTY: Why is that? It was
2 abolished a number of years ago, many years ago.
3 The requirement for a quorum does not exist.

4 THE FLOOR: Thank you.

5 MODERATOR DOHERTY: Thank you, sir. If you
6 would not mind sitting in rows Section 1, 2 or 3
7 for voting purposes, it would be helpful. I can't
8 force that. It just would be helpful.

9 THE PANEL: Okay.

10 MODERATOR DOHERTY: Mr. Urbelis, the admission
11 of nonvoters, please.

12 MR. URBELIS: Madam Moderator, I move to admit
13 Lawrence Murphy, Paul Semanski, Ed Tate and other
14 nonvoters from the end of the hall hereafter, some
15 of whom will be speaking.

16 MODERATOR DOHERTY: There's been a motion and
17 seconded to admit nonvoters. All those in favor
18 please say aye.

19 THE FLOOR: Aye.

20 MODERATOR DOHERTY: Those opposed? Thank
21 you. Please admit the nonvoters.

22 Mr. Urbelis, waiver of service, please.

23 MR. URBELIS: Madam Moderator, I move to waive

1 return of service and allow the Moderator to refer
2 to the Warrant Articles by number and subject
3 matter.

4 MODERATOR DOHERTY: All those in favor of
5 referring to the Warrant Articles by number, please
6 say aye.

7 THE FLOOR: Aye.

8 MODERATOR DOHERTY: Thank you. Those opposed?
9 The ayes have it. The motion carries.

10 I would ask you, please, if you would turn off
11 your cell phones or at least put them on mute. And
12 no smoking, of course, in the building. This is
13 not a marijuana district. You cannot do that.
14 And no food or drink in the auditorium other than
15 water. Thank you.

16 The voting section tonight will be Section 1,
17 Section 2 right here before the yellow tape,
18 Section 3, 4, 5, 6, and I believe 7 and 8 will be
19 closed, but they are up in the back of the hall.

20 Stage is the Planning Board, the Board of
21 Selectmen, the Town Manager, the Finance Director.
22 On my left, your right, is the Finance Committee,
23 Town Counsel, and Town Clerk.

1 The Ombudsman is not here yet, but when he is,
2 he'll be sitting at that table. We do have pro and
3 con mics; however, if you want -- if there isn't a
4 lot of discussion, and you want to be a pro and you
5 are closer to the con mic, feel free to use that
6 tonight. We usually try to do that just when there
7 are a large number of people.

8 If possible, if we could reserve the two
9 platform mics there on the walkthrough for
10 questions and point of order.

11 The first night of our meeting we did call for
12 time limits on our discussions: 5 minutes for
13 presenter, 3 minutes for someone who wants to speak
14 for or against an Article, and we will hold to that
15 going forward.

16 Most of what we will be discussing will be
17 shown on the screens, either to your left or right
18 or behind me up on the stage for your reference.

19 The motions that are being brought and shown
20 on the screen may be different than what's in your
21 notes, what's in your Finance Committee book. It
22 could be different, but the motion that we are
23 bringing is the one up here on the screen.

1 Again, as you are coming in, if you would sit
2 in Section 1, 2 or 3, it would be helpful for the
3 voters voting, but those in rows are very coveted,
4 I know.

5 I want to thank those of you who are here
6 tonight, and I want to thank those of you who have
7 been here for four nights. Thank you very much.
8 This has been a long meeting. There's a lot of
9 business before the town this year. Lots of issues
10 that have been discussed and gone back and forth,
11 and I appreciate you coming out on a fourth night.
12 I know it is taxing, and I appreciate you being
13 here. Thank you.

14 So we're starting on Article 48.

15 Mr. Kowalski.

16 MR. KOWALSKI: Madam Moderator, I move to
17 approve Article 48 as printed in the warrant.

18 MODERATOR DOHERTY: Article 48 has been moved
19 and seconded. Mr. Kowalski.

20 MR. KOWALSKI: Madam Moderator, the Board of
21 Selectmen recommends approval for this Article.
22 This Article has three parts.

23 Part one requests the creation of a

1 stabilization fund entitled, "Ledge Road Landfill
2 Stabilization Fund," in accordance with Mass
3 General Law, Chapter 40, Section 5B.

4 This Stabilization Fund is being established
5 for the purpose of paying costs associated with the
6 future closing of the Ledge Road landfill.

7 Part two requests that one million dollars,
8 plus applicable interest be transferred from the
9 Town's General Stabilization Fund to the newly
10 created Stabilization Fund. This one million
11 dollar appropriation was ear-marked for the
12 landfill at the 2013 Annual Town Meeting, but put
13 into the General Stabilization Fund as the Town had
14 not yet established the Ledge Road Landfill
15 Stabilization Fund.

16 Part three requests an additional one million
17 dollars be appropriated and transferred from free
18 cash into the Ledge Road Stabilization Fund.
19 These funds will ultimately been used to reduce the
20 amount the Town will need to borrow in the future
21 for this project.

22 MODERATOR DOHERTY: Thank you. The Finance
23 Committee report, please, Mrs. Kruse.

1 MRS. KRUSE: So since the goal of that Article
2 is to put money aside so that when the time comes
3 --

4 MODERATOR DOHERTY: If you could speak right
5 into a microphone, please, so people can hear.

6 MRS. KRUSE: When the time comes to cap the
7 land fill, we will be able to pay some of it with
8 cash and not have to borrow the full amount, which
9 saves the town money and, therefore, the Finance
10 Committee recommends approval.

11 MODERATOR DOHERTY: Any questions or issues on
12 this?

13 THE FLOOR: Ron Pasquali, 47B Whittier Street.
14 My wife Rosemary says don't ask too many questions.

15 MODERATOR DOHERTY: Is Rosemary here?

16 THE FLOOR: No, she's not.

17 MODERATOR DOHERTY: Can we pick her up? Go
18 ahead, sir.

19 THE FLOOR: In my other life, I was working
20 around landfills, so we must have engaged with some
21 engineering firm that gave us a ballpark figure
22 of the total cost to cap this. So this is, like,
23 shoving two million dollars in a hole.

1 I want to know, number one, is it going to be
2 10 million dollars, is it going to be 5? That's
3 the first question.

4 Second is, when the landfill is capped, it has
5 to be monitored, so I want to know is this cost
6 going to take care of the post monitoring?

7 And, three, because I know the law, they are
8 going to ask us to have this done by a certain
9 time, so what's the time line?

10 I mean, I might be in a grave, you know, and
11 we're still putting money into this. So can we
12 go -- what's the total cost, what's the post
13 monitoring requirements because the methane's there
14 and we're concerned about the leaching afterwards.

15 And, lastly, is it, do we have to do this
16 within five years, 10 years, what it is? That's
17 what I'd like to know.

18 MODERATOR DOHERTY: Okay. Let's get some
19 answers for you.

20 MR. STAPCZYNSKI: Yes, Mr. Pasquali, we are in
21 the permitting process with DEP. Our consultants
22 are monitoring the site now for the effluent on the
23 site, and also for any gas coming off the site.

1 And Mr. Cronin can get into the details, but we are
2 on good terms with DEP. We're complying with all
3 their requirements. We are not under a consent
4 decree like some municipalities, some landfills
5 are. So we are, in a word or two, in process.

6 Chris, if you want to fill in the gaps there,
7 please.

8 THE PANEL: Sure. The Town Manager basically
9 summed it up, but I'll add a few things. We're
10 looking at about 9.2 million dollars.

11 THE FLOOR: 9, 2, thank you.

12 THE PANEL: To fully close that landfill, and
13 that money will include monitoring afterwards.

14 MODERATOR DOHERTY: Thank you, sir.

15 THE FLOOR: Thank you.

16 MODERATOR DOHERTY: All set? So it requires a
17 two-thirds vote. Let's see if we can do it by
18 hands.

19 All those in favor, please raise one hand?
20 Thank you. Those opposed? The ayes clearly have
21 it by far more than than a two-thirds.

22 Does anyone challenge that? Thank you. I
23 would declare it as a more than two-third's vote.

1 Article 49, please, Mr. Salafia.

2 MR. SALAFIA: Yes, Madam Moderator, I move
3 approval -- I move to approve Article 49 as printed
4 in the warrant.

5 MODERATOR DOHERTY: Article 49 has been moved
6 and seconded. Go right ahead, sir.

7 MR. SALAFIA: Article 49 has two parts, unlike
8 the last one with three parts. Part one requests a
9 creation of a stabilization fund entitled, "Bond
10 Premium Stabilization Fund."

11 In accordance with the Mass General Law,
12 Chapter 40, Section 5B, the Stabilization Fund is
13 being established for the purpose of paying
14 principal and interest on nonexempt outstanding
15 debt.

16 Massachusetts Department of Revenue
17 Regulations allow municipalities to reserve and/or
18 apply premiums received on borrowing to exempt
19 debt. However, there are no such regulations
20 allowing municipalities to do the same for
21 nonexempt debt.

22 The funds from this Stabilization Fund may be
23 used when the coupon rate of interest is higher

1 than the actual interest rate to mitigate the
2 impact on the General Fund budget.

3 Part two requests that \$600,000, plus
4 applicable interest be transferred from the Town's
5 General Stabilization Fund to the newly created
6 Stabilization Fund. This \$600,000 appropriation
7 was voted in 2013 Annual Town Meeting, but was put
8 into General Stabilization Fund as the Town had not
9 yet established a Bond Premium stabilization Fund.

10 MODERATOR DOHERTY: And the recommendation,
11 please.

12 MR. SALAFIA: Yes, the Board of Selectmen
13 recommends approval.

14 MODERATOR DOHERTY. Thank you. Finance
15 committee report, please? Mrs. Marden?

16 MRS. MARDEN: The Finance Committee recommends
17 approval of this Article. Recently, in order to
18 receive higher interest rates, purchasers of
19 Andover's bonds have paid what's called a bond
20 premium. When the effective interest rate is
21 calculated, they add that bond premium to the
22 amount borrowed. The effective interest rate for
23 our March 2014 bond issue was 2.89 percent. We

1 were all really pleased.

2 If you were to look at the debt schedule,
3 however, the rates vary from year to year, some as
4 high as 5 percent. This new Bond Premium
5 Stabilization Fund will allow bond premiums to be
6 applied to debt service in future budgets so that
7 the payments will be closer to what they would have
8 been at the effective interest rate.

9 Last year, Town Meeting voted to put a
10 \$600,000 bond premium received in the General
11 Stabilization Fund as a temporary solution for
12 timing reasons. The Finance Committee recommends
13 approval of Article 49.

14 MODERATOR DOHERTY: Thank you. Any
15 questions? This requires a two-third's vote as
16 well.

17 All those in favor, please raise one hand?
18 Thank you. Those opposed? The ayes have to
19 clearly by more than a two-thirds vote.

20 Does anyone question that? I declare it as
21 such then. Thank you.

22 Article 50, please, Mrs. O'Donoghue.

23 MS. O'DONOGHUE: Thank you, Madam Moderator.

1 This Article requests to use funds from the Town's
2 General Stabilization Fund to supplement the
3 General Fund debt service budget. Due to bond
4 market conditions, the most recent borrowing
5 generated a significant premium. Massachusetts
6 Department of Revenue Regulations do not allow
7 municipalities --

8 MODERATOR DOHERTY: Excuse me,
9 Mrs. O'Donoghue, I'm sorry. You need to move the
10 Article.

11 MS. O'DONOGHUE: Oh.

12 MODERATOR DOHERTY: You didn't move it.

13 MS. O'DONOGHUE: My apologies.

14 MODERATOR DOHERTY: That's okay.

15 MS. O'DONOGHUE: The Board of Selectmen
16 recommends approval of this Article.

17 MODERATOR DOHERTY: No, you need to move it.

18 MS. O'DONOGHUE: I move to approve Article 50
19 as printed in the warrant.

20 MODERATOR DOHERTY: Thank you. Article 50 has
21 been moved and seconded. Any other items you'd
22 like to comment on?

23 MS. O'DONOGHUE: Sorry for jumping ahead.

1 MODERATOR DOHERTY: Our Finance Committee
2 report, please, Mrs. Marden?

3 MS. MARDEN: The Finance Committee recommends
4 approval of the transfer of \$116,500 from the
5 Stabilization Fund to offset debt service.
6 Because of the timing of the bond sale, the bond
7 premium received in March will not be appropriated
8 to the new bond premium, the Stabilization Fund,
9 until next years' Town Meeting. Therefore, this
10 Article proposes an appropriation from the General
11 Stabilization Fund to cover the difference in
12 interest costs for 2015.

13 Next year Town Meeting will be asked to
14 transfer \$116,500 from free cash back into the
15 General Stabilization Fund and appropriate an
16 amount equal to the remainder of the bond premium
17 to the new bond premium Stabilization Fund created
18 by the previous Article.

19 The Finance Committee recommends approval of
20 Article 50.

21 MODERATOR DOHERTY: All right. Any questions?
22 This requires a two-thirds vote as well.

23 All those in favor, please raise one hand?

1 Thank you. Those opposed? The ayes have it by far
2 more than a two-thirds vote.

3 Anyone challenge that? Thank you. I declare
4 it, the motion carries.

5 Article 51, please, Mr. Major.

6 MR. MAJOR: Thank you, Madam Moderator. I
7 move that the Town appropriates the sum have
8 \$125,000 to pay costs of paving the parking lot
9 area of the Deyermond Sports Complex on Blanchard
10 Street, including drainage and any other costs
11 incidental and related thereto, and that to raise
12 this appropriation, the Treasurer, with the
13 approval of the Board of Selectmen, is authorized
14 to borrow set amount under and pursuant to Chapter
15 44, Section 7, Clause 6 of the General Laws or any
16 other enabling authority, and to issue bonds or
17 notes of the Town therefore.

18 MODERATOR DOHERTY: Thank you. Article 51 has
19 been moved and seconded. Mr. Major, go right
20 ahead.

21 MR. MAJOR: The Board of Selectmen recommends
22 approval of this Warrant Article. This is the
23 newly dedicated Buster Deyermond Sports Complex

1 that was dedicated last weekend. This complex,
2 which is newly constructed, has a temporary surface
3 that's just a gravel surface. And so we've got an
4 opportunity for \$125,000 to pave that entire
5 surface and to finish the job that we started.

6 So, again, the Board of Selectmen recommends
7 approval.

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

10 MRS. MOFFITT: Thank you, Madam Moderator.
11 Since the Deyermond Sports Complex has just
12 recently been completed with a new, though,
13 temporary gravel surface parking lot this season,
14 the Finance Committee recommends disapproval of
15 this Article for this year.

16 MODERATOR DOHERTY: All right. This requires
17 a two-third's vote. Any questions or comments?

18 Yes, sir. What's that phone number?
19 What's Rosemary's phone number? He's not hearing
20 me. Go ahead.

21 THE FLOOR: John Pasquali, 47B Whittier
22 Street. I'm voting against it. I've spent three
23 weeks studying the problem over there. First and

1 foremost, the parking area is four inches below the
2 grass in the front. There's two entrances left and
3 right. The flag, when it's blowing, blows south to
4 north so no dust is blowing out there. The houses
5 across the street, there's six of them. I went
6 over there and measured. They are 35 feet from the
7 road, plus the road. There's no dust over there.

8 Now, if you go to Tremont -- I know you know
9 how to build a road. Chris, I know you enough. I
10 have no question about that, but we don't need
11 that. We're going to use this eight months of the
12 year. It's cheaper for us to go to Tremont, have
13 them come down on Saturday morning with the hot
14 tar, spread it. Then you go in there with the pea
15 stone, and you got the base. The Roman's used that
16 technique on the Appian Way and nobody complained
17 about any dust. So I don't know if there's a dust
18 problem. There's no dust problem.

19 Everybody wants everything new around here
20 because it's brand new. We ought to wait and hold
21 off. Let the cars pack the thing down. But you
22 can -- you know I'm right when I'm saying about
23 putting the tar down there, and you don't have to

1 put sand or anything on top of it and it's sealed.

2 By the way, did you go where the old German
3 field was? Is there a parking lot up there, by the
4 way? No. So I'm saying don't vote for this. In
5 the future do something temporarily, you can hold
6 the dust down, period.

7 MODERATOR DOHERTY: Thank you, sir. Is there
8 a gentleman here who would like to speak? Go right
9 ahead, sir.

10 THE FLOOR: Pete (inaudible) Summer Street.
11 The notes say \$125,000, the text says \$250,000.
12 Which is it?

13 MODERATOR DOHERTY: Can you -- can you speak
14 into -- I'm sorry, sir, we have a hard time hearing
15 you.

16 THE FLOOR: I got it.

17 MODERATOR DOHERTY: There you go.

18 THE FLOOR: The note's saying \$125,000. The
19 text of the proposal says \$250,000, which is it?

20 MODERATOR DOHERTY: The question that was
21 moved was 125. But go right ahead, Mr. Major.

22 MR. MAJOR: The original estimate was
23 \$250,000, but with the paving contracts that we

1 have to purchase the asphalt, we can get it for a
2 cheaper amount, and we already have the leaching
3 catch basins in place, so that doesn't have to be
4 part of the job, so the cost at this point is
5 \$125,000.

6 THE FLOOR: Just so I understand it, but
7 doesn't the Article say \$250,000?

8 MODERATOR DOHERTY: But the amount that was
9 moved is \$125,000. That's what we are voting on
10 tonight. Thank you, sir.

11 MR. MAJOR: Just one further point.
12 Mr. Pasquali mentioned that the previous Deyermond
13 ball complex was not paved. It is paved.

14 MODERATOR DOHERTY: Okay. Mrs. Carbone.

15 THE FLOOR: Yes. Mary Carbone, Cyr Circle.
16 Actually, I have already voted against this at the
17 Selectmen's meeting and the reason being that we've
18 been spending an awful lot of money on that field
19 since inception. When we purchased the land
20 initially, I think it was about two million and
21 some-odd dollars. Then the additional parcel was a
22 significant amount as well. So I am against
23 anymore money being paid on this project.

1 We should concentrate on the younger children
2 in the playground before we keep getting into
3 situations like this. Thank you.

4 MODERATOR DOHERTY: Thank you, ma'am. All
5 right. This requires a two-thirds vote as well.

6 Would you like to speak? Go right ahead.

7 THE FLOOR: Ruth Naylor, Mayflower.

8 MODERATOR DOHERTY: Yes, Ruth.

9 THE FLOOR: I am opposed. I would like
10 environmentally not to have anymore paving. I've
11 been up to that field. The baseballs are going
12 over the top and hitting people over the top. So
13 we need wire, whatever it is, mesh, across the top.
14 And there's no place for kids or families to buy
15 food, so there's other ways to spend money on that
16 place than a parking lot that can be just as well
17 fixed by, whatever that gentleman just said.
18 Thank you.

19 MODERATOR DOHERTY: Okay. Yes, sir.

20 THE FLOOR: Bob Landry, Seminole Circle. I
21 wasn't going to speak to this Article, but I
22 literally, an hour ago, dropped off my son at this
23 baseball field for a game and I pulled out of that

1 parking lot. And I think this is just a matter of
2 priorities. I happen to agree with the Finance
3 Committee on this one. I think there's just --
4 there's no rush to do this. The parking lot's
5 fine. It's relatively new. I just don't think we
6 ought to be in a hurry to finalize everything when
7 there's other priorities that need to be taken care
8 of. So I encourage a no vote.

9 MODERATOR DOHERTY: Okay. Any other comments?
10 This requires a two-third's vote.

11 All those in favor, please raise one hand?
12 Thank you. Those opposed? The no's clearly have
13 it by more than a two-thirds vote.

14 Does anybody question that? The motion is
15 lost. Thank you.

16 Article 52, please, Mr. Kowalski.

17 MR. KOWALSKI: Madam Moderator, I move that
18 the Town appropriates the sum of \$1,500,000 to pay
19 costs of constructing, adding to, remodeling,
20 reconstructing, and making extraordinary repairs
21 to, and equipping various school buildings and
22 roofs, including any other costs incidental and
23 related thereto, and that to raise this

1 appropriation, the Treasurer with the approval of
2 the Board of Selectmen is authorized to borrow said
3 amount under and pursuant to Chapter 44, Section 7,
4 Clause 3A of the General Laws or any other enabling
5 authority, and to issue bonds or notes of the Town
6 therefor.

7 MODERATOR DOHERTY: Thank you. Article 52 has
8 been moved and seconded. Mr. Kowalski.

9 MR. KOWALSKI: Madam Moderator, the Board of
10 Selectmen recommends approval of this Article.
11 Article 52 seeks 1.5 million dollars to fund a
12 number of the major repairs and improvements for
13 school buildings and property. Carpeting
14 replacement at the Collins Center, replacement of
15 boys and girls lockers at the Andover High School,
16 ADA complaint restrooms at Doherty Middle School,
17 new playground turf at High Plain Elementary
18 School, repair of the exterior masonry issues at
19 Shawsheen Elementary, replacement of South School
20 gym skylights, resurfacing of playground and
21 additional parking at South Elementary School.
22 Replacement of boilers at West Middle School to
23 complete Phase Two of the heating system

1 replacement, and additional ceiling fans in the
2 Woodhill Middle High Plain Elementary schools.

3 MODERATOR DOHERTY: Thank you. And what's the
4 recommendation of the Selectmen, please.

5 MR. KOWALSKI: Board of Selectmen recommends
6 approval.

7 MODERATOR DOHERTY: Thank you. And the
8 Finance Committee report, please, Mr. Serrao.

9 MR. SERRAO: Madam Moderator, the Finance
10 Committee recommends approval of Article 52.

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

13 MRS. GILBERT: The School Committee recommends
14 approval.

15 MODERATOR DOHERTY: Okay. Yes, sir.

16 THE FLOOR: I have a question. Point of
17 order. As we look at this --

18 MODERATOR DOHERTY: Your name, please.

19 THE FLOOR: Sorry. Cal Perry, Timothy Drive
20 in the town.

21 MODERATOR DOHERTY: Thank you.

22 THE FLOOR: Looking at this issue, it seems
23 that it was brought up last night that a lot of

1 issues seem to flow one into the other. And you
2 can read the gray -- the gray descriptions in -- on
3 Article 39, Article 43, and this Article is, to me,
4 they could be almost flip-flopped.

5 We've got a quarter of a million dollars in
6 one, half million dollar in another, and a million
7 five here. Now we are getting two million two, in
8 three different places where we don't see them and
9 they should be pushed together.

10 We are going into our fourth evening because
11 we have three issues to read, instead of just one.
12 And I think, first of all, I'd like to know why
13 they have to have three issues that cover,
14 basically, the same product, and then why it's not
15 in one Article.

16 MODERATOR DOHERTY: Go ahead.

17 MR. STAPCZYNSKI: Yes, sir. Mr. Perry,
18 wonderful suggestion. The reason you are seeing
19 the Warrant Articles broken out like this is
20 because, as I said yesterday and perhaps the day
21 before, the capital improvement plan that I produce
22 every fall lists the CIP projects and we -- we
23 break them out, town, projects for town buildings,

1 school projects for school buildings. It may be
2 more efficient to lump them together, but I think
3 our tradition has been to break them out, have them
4 follow the CIP, so that if you have the CIP book,
5 it flows with the book.

6 I like the idea about lumping them together.
7 I think it may be more efficient and we can talk to
8 the -- I'll talk to the Selectmen and the Finance
9 Committee about, perhaps, that approach for next
10 year.

11 MODERATOR DOHERTY: Any other issues? This
12 requires a two-thirds vote as well.

13 All those in favor, please raise one hand?
14 Thank you. Those opposed? The ayes clearly have
15 it by far more than a two-thirds vote, and I would
16 declare it as such.

17 Does anyone challenge that declaration? The
18 motion carries.

19 Article 53, please, Mr. Major.

20 MR. MAJOR: Thank you, Madam Moderator. I
21 move to approve Article 53 as printed in the
22 Warrant.

23 MODERATOR DOHERTY: Article 53 has been moved

1 and seconded. Go ahead, sir.

2 MR. MAJOR: The Board of Selectmen recommends
3 approval. This Warrant Article takes \$85,000 out
4 of our water cash reserves and uses that \$85,000 to
5 replace older vehicles. These are vehicles that
6 are used every day in service to the Town.

7 Now, one of the things we do extremely well is
8 to maintain our fleet of vehicles in this community
9 and to keep them running as long as we can, but we
10 do have some that need to be replaced. So, again,
11 the Board of Selectmen recommends approval.

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

14 MRS. MARDEN: Finance Committee recommends
15 approval.

16 MODERATOR DOHERTY: Thank you. Any questions?
17 This is a majority vote.

18 All those in favor, please say aye.

19 THE FLOOR: Aye.

20 MODERATOR DOHERTY: Those opposed?

21 THE FLOOR: Opposed.

22 MODERATOR DOHERTY: Okay. The ayes have it.
23 The motion carries. Thank you.

1 Article 54, Mr. Salafia.

2 MR. SALAFIA: Yes, Madam Moderator, I move to
3 approve Article 54 as printed in the Warrant.

4 MODERATOR DOHERTY: Article 54 has been moved
5 and seconded. Mr. Salafia.

6 MR. SALAFIA: Yes, the Board of Selectmen
7 recommends approval of this Article.

8 Article 54 amended the current banner Bylaw,
9 Article 12, Section 44, by deleting subsection 3,
10 design and construction, and replacing it with
11 revised language that gives the Board of Selectmen
12 the authority to establish, design and construct
13 standards for banners across Main Street.

14 It was found that the existing language is too
15 restrictive -- too restrictive and does not
16 adequately address the reality of banner design and
17 construction.

18 MODERATOR DOHERTY: Thank you. Any other
19 comments? Would you like to make a comment,
20 Mr. Main Street banner? Yes. There you go.

21 Do you have anything further to add?

22 THE FLOOR: (Inaudible) -- it won't cost any
23 money. I'm Mark Spencer, 13 Sunset Rock Road.

1 The banner has been -- has had a long, long
2 history. A Banner Bylaw was passed several years
3 ago. It allows banners across Main Street, solely
4 for the purpose of promoting community events. And
5 about two years ago we finally got our banner up,
6 so it would be a fair statement to say that it took
7 less time to complete the Big Dig than to put a
8 banner over Main Street.

9 The Banner Bylaw was the most thoroughly
10 vetted and researched Banner Bylaw in the country.
11 It took many, many hours of Google, of calling
12 other town officials, of working with the Town
13 Selectmen, working with many of the town
14 departments and community groups to get the best
15 Banner Bylaw we can.

16 There was just one flaw in that, and that is
17 we put the code of how the banner is constructed in
18 the Bylaw. If you think about it, it doesn't make
19 a whole lot of sense. If you are going to build a
20 house, the Bylaw will tell you how far you have to
21 set back the house, but if you want to know how to
22 build it, well, that's in a code. That's in the
23 Building Code.

1 If you want to put a restaurant, how many
2 seats you can put in the restaurant is in the
3 Bylaw, but if you want to know how to cook food,
4 that's in the Health Code.

5 So the code for the banner, the construction
6 details and how it's to be hanged was in the Bylaw
7 when it, in fact, should be a code, and those of
8 you who have followed the news know that we've had
9 two banners and two wardrobe malfunctions.

10 So this started off as an academic exercise to
11 take the banner -- the code for the Bylaw out
12 of the Bylaw and put it in a separate code that the
13 Selectmen would vet and approve. It's -- it is now
14 -- it's not in the abstract anymore. We need to do
15 this. We need to have a banner that can go across
16 Main Street.

17 The intent is not to hide the construction
18 details from the public or to weaken it in any
19 sense. In fact, it makes it stronger than ever.
20 What it does is it just simply allows us to form an
21 educated opinion to be able to change the code of
22 the Bylaw to the code of putting up the banner so
23 that it stays put.

1 I used to dream of world peace --

2 MODERATOR DOHERTY: Thank you --

3 THE FLOOR: -- in my lifetime. Now I just
4 dream of a banner that doesn't fall down. Thank
5 you.

6 MODERATOR DOHERTY: Thank you, sir.

7 All those in favor --

8 Oh, sorry, Mary. Go ahead.

9 THE FLOOR: Yep. Mary Carbone, Cyr Circle.
10 I'm aware of the fact about the banner, and I've
11 addressed it before at a Selectmen's meeting.
12 We've the banner up twice and both times the
13 banner's attached from a private property, a
14 business property on one side and the same business
15 owner property on the other side.

16 So I would like to know who's absorbing the
17 insurance coverage for the banner because, in both
18 cases, I think there was damage done when the
19 banner went down.

20 MODERATOR DOHERTY: And that's a point of
21 information I'd be happy to have you ask the
22 Selectmen. That's not part of this Article.

23 THE FLOOR: Well, it is. It has to do with

1 the banner.

2 MODERATOR DOHERTY: No, it -- no, that's
3 beyond the scope of the Article. What we are
4 looking to do is change the bylaw.

5 THE FLOOR: Okay. When can I --

6 MADAM MODERATOR: I'm sure the Selectmen --

7 THE FLOOR: When can I address what I would
8 like to know?

9 MODERATOR DOHERTY: I'm sure the Selectmen
10 would be happy to answer that to you at a meeting.
11 Thank you.

12 Okay. Let's take a vote. All those in favor,
13 please raise one hand? Thank you. Those opposed?
14 The ayes have it. The motion carries.

15 Some of you may remember when we used to use
16 rope and just run it through the windows and raise
17 the banner and nothing ever happened. They were
18 wonderful.

19 THE PANEL: It always worked.

20 MODERATOR DOHERTY. Article 55, please.

21 MS. O'DONOGHUE: Thank you, Madam Moderator.
22 I move to appropriate and raise by taxation the sum
23 of \$25,000 for the purpose of paying the cost of

1 the maintenance, mowing, surveying, land
2 management, security gates and other improvements
3 to foster the use of land currently owned by the
4 Town and under the care and custody of the
5 Conservation Commission and all other costs
6 incidental and related thereto.

7 MODERATOR DOHERTY: Thank you. Article 55 has
8 been moved and seconded. Mr. Cooper.

9 MR. COOPER: Thank you, Madam Moderator. My
10 name is Donald Cooper, 4 Eagle Way. I'm chairman
11 of the Conservation Commission. The Conservation
12 Commission needs funds to manage and maintain the
13 lands under its care. In the last eight years,
14 we've made a considered effort to open up our lands
15 and make it known that they are available for
16 enjoyment by the public. We've had a great
17 increase in use. People were so delighted that we
18 have open space right here in town that they are
19 using it like never before. But increased use
20 means it takes more effort to maintain.

21 The good news is that we find ourselves
22 blessed with lots of volunteers. Scouts, garden
23 clubs, trail clubs, church groups, Phillip's

1 Academy groups are happy to do the maintenance
2 work, but we don't even have the money to pay them
3 to buy tools for them or supplies they need to keep
4 the trails in repair, to buy wood to put up
5 boardwalks to allow walking through muddy areas, to
6 put up signs, and to do other things to keep our
7 open space usable.

8 With volunteers, we get a lot of return on our
9 money, but they do need supplies and tools. The
10 big ticket items are a couple of things that
11 volunteers just cannot do. Most notably, we have
12 fields that because we do not have the funds to pay
13 for mowing are reverting to forest, and we're
14 losing those views, the usability of those spaces
15 as fields, and their habitat for wildlife, like
16 Meadowlarks and other birds that require habitat in
17 fields.

18 Our prime example of this is our 52-acre
19 reservation at the end of Brunderneck Road
20 (phonetic.) The loss of this field habitat was a
21 big concern of the Virginia Cole awardee, Al
22 Retelle, who kept after me to do something about it
23 and now finally, with this Article, we are.

1 For your information, the Commission has
2 renamed that property for Al, and the new Retelle
3 Reservation will be dedicated this summer with a
4 sign made by a volunteer, Bob Decelle, our special
5 projects manager, and he buys the wood himself.

6 We need money to survey our property lines
7 also when they are in dispute. We think that this
8 money will allow Bob Decelle and our other 50
9 volunteers and the Commission to keep our open
10 space open and attractive for the people of
11 Andover. So we'd appreciate your support. Thank
12 you.

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

15 MS. O'DONOGHUE: The Board of Selectmen
16 recommends approval of this Article.

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

19 MS. KRUSE: Finance Committee recommends
20 approval.

21 MODERATOR DOHERTY: Thank you. Any questions
22 or comments? All those in favor, please raise one
23 hand? Thank you. Those opposed? The ayes have

1 it. The motion carries.

2 Article 56, please. Mr. Cooper, are you
3 moving this one also?

4 MR. COOPER: Yes, I am. Don Cooper, 4 Eagle
5 Way. Should I make the motion, Madam Moderator?

6 MODERATOR DOHERTY: If you would, please.
7 Thank you.

8 MR. COOPER: I move to approve Article 56 as
9 printed in the warrant.

10 MODERATOR DOHERTY: Article 56 has been moved
11 and seconded. Go right ahead, sir.

12 MR. COOPER: Madam Moderator, I move to amend
13 Article 56 to delete the second line of the chart
14 which reads, "Assessors map, number 146, lot at 153
15 Chandler Road, 12.67 acres."

16 MODERATOR DOHERTY: There's been a motion to
17 amend and seconded to delete the second line of the
18 chart in -- the is that the Finance Committee
19 report?

20 MR. COOPER: Yes.

21 MODERATOR DOHERTY: The chart, the second line
22 of the chart in the Finance Committee report, which
23 states, "Assessor's map, number 146, lot 8 at 153

1 Chandler Road, 12.67 acres."

2 MR. COOPER: Could I speak to the reason for
3 that?

4 MODERATOR DOHERTY: Go right ahead, sir.

5 MR. COOPER: Mr. Sarcazian (phonetic) the
6 owner of that property, got back to us after we
7 went to print for this Article asking that his
8 property be removed from the list and we're
9 complying with that request.

10 MODERATOR DOHERTY: Okay.

11 Yes, sir, do you want to address the
12 amendment?

13 THE FLOOR: No.

14 MODERATOR DOHERTY: Okay. Any -- any issues
15 with the amendment that anyone wants to discuss?

16 All those in favor of deleting that location
17 from the map or from the chart, please raise one
18 hand? Thank you. Those opposed? The ayes
19 clearly have it. The line -- the second line has
20 been deleted.

21 Go ahead, Mr. Cooper, with the rest of your --
22 with the rest of your motion.

23 MR. COOPER: Thank you. This Article moves

1 \$800,000 in borrowing capacity from a 2001 Town
2 meeting approved Article, which was not used when
3 Reichhold parcel one was sold to a higher bidder.

4 This \$800,000 could be used to acquire open
5 space listed in the Article. These properties are
6 noted in the Town's open space and recreation plan,
7 and the Town's Master plan. Having this list
8 responds to requests that we have received to know
9 in advance what properties are being considered for
10 acquisition as open space.

11 Notably, on the list is the former Phillip's
12 Academy boat house property on the Merrimack River,
13 which is expected to be on the market shortly.
14 This could be a real gem for the Town to acquire
15 for use as a rowing facility and as prime river
16 front recreation area.

17 By the way, all property owners on the list
18 were asked to allow us to list their property. Any
19 owner, like Mr. Sarcazian, although he was a little
20 late getting back to us, who indicated that they
21 were not interested, their land was not included on
22 the final list.

23 For many years until about 10 years ago, the

1 Town Meeting had a long-standing tradition of
2 appropriating money up front for acquisition of
3 open space. With this Article we are trying to get
4 back to that way.

5 More recently, we have only been coming to
6 Town Meeting with specific properties an
7 designating specific prices. Interestingly, with
8 the real estate recession that we are now out of,
9 we have still had some success in acquiring
10 properties because they stayed on the market for so
11 long, and didn't go up in price.

12 You might recall that it took two Town
13 Meetings to acquire the Foster's Pond lots from Ed
14 Dilore.

15 Well, the real estate recession is over as
16 demonstrated by Reichhold selling parcel one to a
17 construction company for more than the Town had
18 voted to pay.

19 This Article will allow the Town to act more
20 quickly to purchase open space when one of the
21 listed properties becomes available rather than
22 waiting for a future Town Meeting, which can be up
23 to a year away. Timing is becoming more important.

1 As far as bargaining position, we are in a
2 better bargaining position than if an Article is
3 approved for a single parcel because that fixes
4 action the price to the appropriation.

5 This is the only real estate bargaining
6 situation I know of when one side's position is
7 public knowledge. It removes the Town's ability to
8 negotiate a lower price or respond to a competing
9 offer. Can you imagine trying to buy a house where
10 you and your spouse's conversations were witnessed
11 by the other side, and you didn't know what they
12 were thinking?

13 One thing this Article is not, is a shift of
14 power to the Conservation Commission. The
15 Selectmen is the only body in Town that can
16 purchase land, period. So the Selectmen will
17 always be in charge of what we buy and when to buy.

18 This authorization does not change the Town's
19 debt model because this borrowing capacity has been
20 in the model since it was approved in 2001. And,
21 of course, it does not add to taxes until a parcel
22 is actually purchased and the money borrowed.

23 The Conservation will continue to seek

1 matching state funds whenever possible as it did
2 successfully with the Foster's Pond lots, and as it
3 did successfully with Reichhold parcel one. But,
4 of course, those state funds were never used
5 because the land was sold out from under us.

6 Now, the Town and Avis have a significant
7 amount of open space, but we need to keep up with
8 the pace of development in Town. We need to keep a
9 balance between open space and development of
10 commercial and residential properties, particularly
11 high density residential.

12 Our open space is feeling the use by our
13 increased population and/or successful efforts to
14 open it up. As the list of properties indicates,
15 there's still many desirable open spaces in town
16 which should be acquired to preserve important
17 habitat and expand our town conservation land.

18 This is important to keep the essential nature
19 of Andover that makes it such a desirable town to
20 live in. We urge your support of this Article.

21 Thank you.

22 MODERATOR DOHERTY: Thank you, sir.

23 Yes, sir. You have a point of order or a

1 question?

2 THE FLOOR: No, I want to read something in
3 the pro for the --

4 MODERATOR DOHERTY: Go right ahead.

5 THE FLOOR: Thank you, Madam Moderator.

6 MODERATOR DOHERTY: If you can identify
7 yourself.

8 THE FLOOR: My name is Frank Moldari, I live
9 at 29 Bartlett Street. I'm also the president of
10 Andover Rowing Club. I feel that a yes vote on
11 Article 56 would benefit the Town because it would
12 provide us the opportunity to add to our
13 conservation land by purchasing the Phillips
14 Academy boat house that sits on the bank of the
15 Merrimack River. This is a property identified as
16 57R River Road.

17 Currently, Andover board is 6.1 miles along
18 the Merrimack River and the purchase of this
19 property is a once in a life time opportunity
20 because if it sells to another buyer, it is
21 developed and may never be available again.

22 In private hands, this parcel would isolate
23 Andover's current conservation land that borders to

1 the right from the land that is west of the 93
2 bridge.

3 Currently, there is a jogging path that
4 connects the conservation lands together. The land
5 is water accessible and comes complete with storage
6 facility and dock systems. The facility's multi
7 use and can serve both the fire and safety
8 department and the Town's recreation departments in
9 the following ways: Every year the fire department
10 has had to respond to calls for assistance related
11 to the activities on the river. Without direct
12 access to the river, response time is severely
13 compromised and could result in putting someone's
14 life in a life or death situation.

15 In addition, the possible cut backs in river
16 patrols from surrounding towns, Andover would not
17 be able to rely on outside assistance.

18 The PA boat house will provide the fire
19 department a facility to keep their launch, thereby
20 the ability to patrol and respond to crisis' under
21 -- on Andover 6.1 miles of waterfront.

22 Other nearby towns would share the shore line
23 of the Merrimack river, such as Lowell, Methuen and

1 Lawrence, in addition to having a dedicated safety
2 presence also provide recreational programming for
3 kayaking, canoeing, sailing and rowing. These
4 towns have capitalized on the beauty of the river,
5 and have worked to make it accessible to all their
6 residents.

7 Andover has the organization in AYS and DCS to
8 offer similar opportunities to our residents.
9 These programs can serve a wide range of groups
10 from youth to seniors.

11 The PA boat house facility will allow AYS and
12 the Rec department a secure facility in which to
13 store their boats and base their summer programs.

14 Finally, the sport of rowing has been growing
15 steadily every year. Andover residents make up a
16 major part of the crew teams based in Methuen and
17 Lawrence. We estimate that 75 rowers, youth and
18 adult are members of these teams. With membership
19 and program fees, plus donations, that means over a
20 \$100,000 per year leaves Andover to support rowing
21 programs based in Methuen and Lawrence.

22 With a PA boat house, property we can cash --
23 with the PA boat house property, we can capture

1 this revenue back to Andover, thereby funding its
2 purchase and building a high school and adult
3 program.

4 Plans are now under way to acquire equipment
5 through Andover Rowing Club and we are working with
6 AYS to design a pilot program.

7 Thank you for listening, and please vote yes
8 on Article 56.

9 MODERATOR DOHERTY: Thank you. One of the
10 things that I would like to remind the meeting, we
11 are not talking about a specific property under
12 this Article. Just one moment, please. One
13 moment.

14 We are talking about an appropriation of
15 funds. So to develop on a particular property as
16 if that's right before us, just keep in mind what
17 this Article is. Okay?

18 And unless you have a point of order, I need
19 to get the Selectmen and the Finance Committee
20 reports.

21 THE FLOOR: No. Go ahead.

22 MODERATOR DOHERTY: Okay. Why don't you have
23 a seat and I'll be happy to call on you then.

1 Finance Committee -- I mean, the Selectmen,
2 please, Mr. Vispoli.

3 MR. VISPOLI: Thank you, Madam Moderator. The
4 Board of Selectmen voted initially to withdraw

5 MODERATOR DOHERTY: Could I just ask those of
6 you standing -- the people behind you can't see.
7 The handicapped folks right there in front of you
8 can't see if you stand right in front of them. So
9 if you could have a seat until they're finished
10 with their report. Okay. Thank you. Go ahead,
11 Mr. Vispoli.

12 MR. VISPOLI: Thank you, Madam Moderator.
13 The Board of Selectmen recommended withdrawal of
14 this Article. The \$800,000 was approved last Town
15 Meeting for a specific land acquisition. The final
16 piece of the Reichhold parcel.

17 As the town manager spoke to Town Meeting last
18 year, he talked about the desire to take that land
19 and make it ball fields and active and passive
20 recreation, and the Town Meeting passed the request
21 based on that specific purchase for that specific
22 parcel.

23 As Attorney Cooper said, the parcel was sold

1 to a private developer at a higher -- at a higher
2 price. Also there were terms and conditions issues
3 that the private developer was able to comply with
4 that the Town wasn't, and there was a timing issue,
5 as the Town was applying for a grant that we
6 ultimately got, but it was about a month late.

7 In this -- cases like this in the past, we
8 have rescinded the authorization to borrow for a
9 specific item that didn't happen. In this case,
10 since the purchase did not go through, the
11 recommendation is to follow that process, since it
12 was voted on under a specific set of
13 recommendations.

14 This Article requests the Town Meeting allow
15 the borrowing of \$800,000 to remain open and
16 authorized for use for land to be determined.
17 There's a list printed in the Finance Committee
18 book, less the one that was pulled out today, to
19 determine what it would be.

20 The approval for this would you fall, as I
21 said, to the Board of Selectmen, Board of five, so
22 you'd have essentially three members that could
23 make this decision.

1 The Board of Selectmen supports the Town
2 Meeting process for such purchases. Each project
3 passes or fails on its own merit. And Town Meeting
4 has a decision-making authority and gets a total
5 picture of the total value proposition of such a
6 purchase.

7 Under this proposed Article, any purchase
8 would not be decided by Town Meeting, but the
9 majority of the Board of Selectmen. Board of
10 Selectmen believes that the Town Meeting process is
11 appropriate for future purposes like these based on
12 their own merits. This is not -- this is not
13 speaking against open space. We've voted for open
14 space in the last, at least, dozen years. Nothing
15 stops us from taking a parcel when it becomes
16 available, putting the merits out there, putting it
17 before the voters for such a purchase.

18 So on this particular Warrant Article, the way
19 it's written, the Board of Selectmen, again,
20 recommended withdrawal.

21 MODERATOR DOHERTY: Just a point of
22 clarification. In one of the items you said this
23 money, I believe we were told, and was originally

1 appropriated in 2001, not last year. This partic
2 -- there was some last year.

3 MR. VISPOLI: Okay. That is correct, yes.

4 MODERATOR DOHERTY: This particular amount.

5 MR. VISPOLI: Correct.

6 MODERATOR DOHERTY: -- was originally
7 appropriated in 2001.

8 MR. VISPOLI: You're right, you're right.

9 (Parties speaking over each other.)

10 MODERATOR DOHERTY: -- in 2001.

11 MR. VISPOLI: Of course there was some
12 additional money that was, I think it was 500,000.

13 MODERATOR DOHERTY: There was more last year,
14 but this particular amount was appropriated in
15 2001.

16 Finance Committee report, please, Mr. Serrao.

17 MR. SERRAO: Thank you, Madam Moderator. The
18 Finance Committee recommends disapproval of Article
19 56.

20 Article 56 seeks to repurpose \$800,000 of
21 authorized borrowing from its original use and
22 instead permit it to be borrowed to pay the costs
23 of acquiring all or any portion of a long list of

1 specified parcels of property.

2 The authorized borrowing of \$800,000 was
3 originally approved under Article 12 of the Warrant
4 of the 2001 Annual Town Meeting. It was approved
5 for the purchase of the Reichhold property which is
6 no longer available as it was purchased by a third
7 party.

8 In considering this Article, the Finance
9 Committee viewed negatively the concept of
10 repurposing borrowing approved and authorized by
11 the Town's residents for one project to a different
12 project.

13 We also viewed negatively the fact that the
14 listed properties, 20 individual, which would be 19
15 with the amendment, total approximately 317 acres,
16 or 304 based on the amendment.

17 Clearly, \$800,000 is not enough funds to
18 acquire 304 acres of land in Andover, nor is it
19 enough to acquire many of the individual properties
20 listed.

21 In essence, Town residents are being asked to
22 approve the purchase of 304 acres of land without
23 sufficient funds available to do so.

1 Based on this, the Finance Committee
2 recommends disapproval of Article 56.

3 MODERATOR DOHERTY: Thank you.

4 Mr. Vispoli has a point of clarification.

5 MR. VISPOLI: I just want a point of
6 clarification. The Board ultimately recommended
7 disapproval on this Article.

8 MODERATOR DOHERTY: Thank you.

9 Mr. Landry, you were first, I believe? And
10 then the women behind you, and then these gentlemen
11 over here.

12 THE FLOOR: Bob Landry, Seminole Circle. This
13 \$800,000, is this in addition to an existing
14 \$400,000 that's available for the same purpose?

15 THE PANEL: Yes.

16 THE FLOOR: Okay. So this would bring the
17 amount from 400 to 1.2 million available for the
18 purchase of desirable conservation land.

19 THE PANEL: Correct.

20 THE FLOOR: Okay. I just -- I guess I just
21 have concerns with just the notion of -- I'm, as
22 you said, I am for open space and conservation. I
23 support that. I think it's just the mechanism by

1 which this is being done that concerns me.

2 Creating the equivalent to a line of credit to
3 go out and purchase. Now, and I understand the
4 negotiating part of it. Yes, it does help your
5 negotiating posture, but as we've learned over and
6 over as this past Town Meeting, the Town doesn't
7 operate like the private sector, and I think the
8 concern with the unintended consequences. You give
9 a million two line of credit, and with the simple
10 majority of the Conservation Committee and as well
11 as the three members of the Board of Selectmen, you
12 can end up spending all this money on a project,
13 perhaps the boat house or something like that,
14 where the Townspeople haven't had a chance to fully
15 vet that, and to really weigh in on any particular
16 project, especially if it's a major one.

17 And the other thing that I find interesting
18 that's never factored in is, whenever the Town
19 acquires privately-owned property, there's an
20 opportunity cost of the tax revenue that should be
21 factored into the cost.

22 You know, I just did a quick
23 back-of-the-envelope calculation that every time we

1 acquire a private property that we're receiving
2 taxes on, every \$10,000 in tax revenue is
3 effectively a \$200,000 added to the purchase price
4 because you are giving up that stream of income.

5 So I just have serious concerns about
6 repurposing and creating a line of credit of this
7 size where the project that ultimately happens does
8 not get fully vetted by Town Meeting. Thank you.

9 MODERATOR DOHERTY: Thank you. Yes, sir.

10 THE FLOOR: David Brown, Glenwood Road. I
11 find the comments of the Finance Committee and the
12 Board of Selectmen a little mystifying. It's true
13 that the Town Meeting does, you know, have the
14 authority to authorize bond authorization in the
15 first place, and we did that, and I think we
16 equally have the right, if we choose to do so, to
17 reauthorize that money that was not spent for
18 another purpose that is similar in nature.

19 And nobody is suggesting that the Town is
20 going to try to acquire all the properties on this
21 list for \$800,000. This is a shopping list.
22 We're not going to buy all of them. We may not
23 have the opportunity to buy any of them.

1 It gives the Town and the Board of Selectmen
2 and the Conservation Commission the authority to
3 act when the opportunity arises without waiting for
4 another Town Meeting, at which point, the
5 opportunity may well be lost.

6 Mr. Vispoli says that the decision to purchase
7 a particular property should be responsibility of
8 Town Meeting. But, again, the opportunity may be
9 lost by the time Town Meeting comes around. And,
10 in effect, what I hear him saying is, you shouldn't
11 trust the Selectmen to make this decision. And we
12 elected you, all of you, presumably, because we
13 trust you to act responsibly and make decisions in
14 the best interest of the Town, and accept that
15 responsibility, use it wisely.

16 I urge Town Meeting to vote for this Article.

17 MODERATOR DOHERTY: Thank you, sir. Mr.
18 Major.

19 MR. MAJOR: I have -- Brian Major, 11 Odyssey
20 Way. Steve, if I could put up -- I have two
21 slides, please.

22 I stand with the minority position of the
23 Board of Selectmen on this particular Article. I'm

1 in favor of appropriating this \$800,000 and putting
2 it into the account. Basically, what we are asking
3 for tonight is to approve the strategic list that
4 you have in the Warrant tonight, and then
5 appropriate that \$800,000. We're not going to
6 spend it, or we won't borrow that money until we
7 get to a point that we have a contract.

8 Now, as others have said, this enables us to
9 have real-time conservation land purchase
10 decisions. There was a parcel of land -- now this
11 wasn't conservation -- but there was a house for
12 sale on Whittier Court that just went up for sale a
13 couple of months ago. The Town -- it's directly
14 across from the senior center and it's right next
15 to our ball fields. It would have been a great
16 parcel for the Town to consider, but we couldn't
17 because we didn't have money in the bank available
18 to be able to purchase a parcel like that. So we
19 lost out on an opportunity.

20 This will give us an opportunity to not lose
21 out. We've got some strategic parcels and they are
22 listed right there in the -- in the book for you
23 tonight.

1 Go to the second -- second slide. Now, as the
2 Town Moderator mentioned, we're not talking about a
3 particular parcel, but this one is of very much
4 interest to me. I think this one is very much a
5 strategic parcel for the community, the Phillips
6 Academy boat house. It's 7.8 acres right along the
7 Merrimack river. It's adjacent to 10 acres of
8 conservation land. From a public safety
9 perspective, we do not have access to the Merrimack
10 in this community, so this would give us that one
11 access.

12 From a recreation perspective, DCS, AYS, elder
13 services, they are all very much interested in
14 beginning a boating program.

15 From an education perspective, all of our
16 public schools, the technical school, the private
17 schools, they could all use this as an opportunity
18 for education.

19 And we can also have a family program for --
20 that includes a boat launch. So this is the type
21 of opportunity that we put before you.

22 Again, it comes down to getting a good
23 agreement with whoever's selling. The Conservation

1 Commission will negotiate in public, or they'll
2 have public discussions around this before they
3 vote. And the same thing with the Board of
4 Selectmen. The Board of Selectmen will have public
5 discussion before we actually, and ultimately vote.
6 So I recommend approval.

7 MODERATOR DOHERTY: Thank you, sir. Mr. Hess.

8 THE FLOOR: Yes. John Hess, 145 Chestnut
9 Street. Most of my points have been made already.
10 I'd just like to emphasize that and let Town
11 Meeting know that the reason this has come forward
12 with a list of properties, rather than one
13 property, first off, because we were afraid that if
14 we had one property, we might not be able to have
15 the right bargaining position or have timely
16 purchased that property.

17 In the past, the Town did approve as much as a
18 million to a million and a half to this fund and
19 for no specific properties. Although, in the past
20 several years, Town Meeting has wanted to know what
21 property the money was for. So this was kind of a
22 compromise so that Town Meeting knows what
23 properties are most likely to be purchased using

1 the money from the Conservation Fund.

2 So I would encourage you to please support
3 this Article. Thank you.

4 MODERATOR DOHERTY: Thank you, sir. Yes,
5 ma'am.

6 THE FLOOR: Jane Giffen, Castle Heights Road.
7 I have a question --

8 MODERATOR DOHERTY: If you could really speak
9 right into the mic. We have a hard time hearing
10 you.

11 THE FLOOR: Jane Giffen, Castle Heights Road.

12 MODERATOR DOHERTY: Thank you.

13 THE FLOOR: I have a question on the
14 financing. We're talking \$800,000 here with over
15 25 percent interest for 20 years. It's a quarter
16 of a million in interest. How does this get
17 established and why is this such a long bond? 20
18 years for \$800,000, that sounds crazy.

19 MODERATOR DOHERTY. Does somebody have an
20 answer to that?

21 THE PANEL: I'm sorry, your question was why
22 is it over 20 years?

23 THE FLOOR: Yes. And why is it at a quarter

1 of a million dollars to borrow \$800,000. That's
2 over 25 percent interest over the 20 years.

3 THE PANEL: Without a calculator.

4 THE PANEL: Can I answer that?

5 THE PANEL: Oh, sure.

6 THE PANEL: The reason that we usually bond
7 land over 20 years is that that, all those people
8 over that course of time will have the benefit of
9 what we're buying.

10 MODERATOR DOHERTY: But I think she's --

11 THE PANEL: -- permanent, we usually borrow it
12 over the longer period of time. And while it's a
13 higher interest cost, it's also lower annual
14 payments. So it makes it more affordable for
15 annual budget purposes.

16 But you should really look -- this isn't --
17 one of my concerns with the way some of this has
18 been presented is, we cannot use that previously
19 bonded -- that previously authorized \$800,000 at
20 this point because it was -- it was appropriated
21 for the Reichhold property, which is no longer
22 available.

23 It's not money sitting in the bank. It's a

1 bonding authorization. So unless we vote to do
2 something else with it, it doesn't get spent.
3 This should be looked at like it's a brand, new
4 \$800,000 authorization and you have the cost and
5 your Finance Committee report. That's all.

6 MODERATOR DOHERTY: I believe the question --
7 I don't believe that answered your question, did
8 it? Your question is why is the interest rate so
9 high.

10 THE FLOOR: Well, it did because it's over
11 such a long period of time. It just seems like --

12 MODERATOR DOHERTY: Okay.

13 THE FLOOR: We're talking one thing, but it's
14 actually well over a million dollars.

15 MODERATOR DOHERTY: Okay. Thank you. Yes,
16 sir.

17 THE FLOOR: Sam Washburn, Oriole Drive. I
18 encourage people vote for this Article.

19 MODERATOR DOHERTY: If you could -- Sam, if
20 you could speak right into the microphone, please.
21 If you need to take it off, that's fine.

22 THE FLOOR: Yeah. I encourage people to vote
23 for this Article. I'm going to vote for it. The

1 previous speaker made some good points about it.
2 When you -- when the Town buys lands like this, it
3 then no longer produces tax revenue. That's
4 certainly true. But think of it this way: We all,
5 most people in this room or many people in this
6 room own property in the Town, and one of the
7 things that makes Andover unique and increases your
8 property values is the fact that there is open
9 land, lots of conservation land, such as Avis and
10 others. And purchasing more of that will continue
11 to increase the value of your property.

12 So, yeah, you may pay a little bit more in
13 taxes, maybe a dollar or two a year, but maybe the
14 value of your home and your properties will go up
15 by a few thousand. So, you know, look at the big
16 picture.

17 Secondly, my family and I have been using the
18 Merrimack river, lake above the dam for many years.
19 It's a terrific resource. I would totally support
20 buying that Phillips Academy land if this Article's
21 approved and the committees that are involved
22 decide to do that.

23 Right now if you want to -- where you -- the

1 only place you can launch your boat, take advantage
2 of that resource is the South Lawrence boat ramp,
3 and it is not a pleasant place to be launching your
4 boat. There's broken glass. People drink there a
5 lot at night. They throw the bottles onto the
6 ground, into the water. You are in the water with
7 bare feet trying to maneuver your boat or you are
8 wanting your kids to do it, and you have to always
9 be watching out for the broken glass.

10 The Lawrence Police keep the place closed on
11 beautiful spring -- beautiful Memorial Day weekends
12 and things like that. They just don't seem
13 motivated to open it. They have this great, big
14 metal gate that closes it.

15 So if Andover had its own boat ramp area, we
16 would be -- we would have control of that ourselves
17 and I think we could manage it much, much better.
18 So I'm totally in favor of this Article. Thank
19 you.

20 MODERATOR DOHERTY: I am going to ask you
21 again. There's no specific property before us,
22 unless someone wants to announce from Phillips
23 Academy that that land is for sale tonight, there

1 are a number of other locations that we just need
2 to be cognizant of because I don't want anyone
3 coming back saying, I thought I was voting to buy
4 the Merrimack -- I mean to buy the Phillips Academy
5 property. That's not what's before us tonight.
6 Just so you all are aware of that.

7 Mrs. Stott, go right ahead.

8 THE FLOOR: Susan Stott, 30 Patient Street.
9 Just to address Mrs. Marden's comments about this
10 being, you know, she would prefer it was a new
11 appropriation. I think everybody has heard enough
12 discussion tonight so they understand that,
13 although this money is already in the Town's debt
14 model and has been for years, it is not in the tax
15 rate yet. It will not be there until we actually
16 spend it on something.

17 My second comment is that this particular
18 Article was modelled on what they are doing in
19 Bedford, and it was Joe Canidosi who used to be our
20 plant facilities manager who brought it to our
21 attention.

22 And Bedford has developed, since 1998, a list
23 of properties that it would like to buy, and it

1 puts them in a position to act quickly and be in a
2 good negotiating position when those properties
3 come up.

4 Lastly, some of the properties on the list we
5 are talking about are tax exempt, and so they are
6 not going to be coming off the tax rolls because
7 they are not on it.

8 And, lastly, just to emphasize that 10 years
9 ago we had much broader authorization for open
10 space. Open space bonding, as Mr. Cooper mentioned
11 of a million dollars at one point and a million and
12 a half at another that had no specific properties.
13 The Town Meeting at that time trusted the
14 Conservation Commission to search for properties
15 that were in the Town's best interest and recommend
16 them to the Board of Selectmen. We trusted the
17 Board of Selectmen to make good decisions about
18 those and they had the final say on the purchase.
19 Thank you very much.

20 MODERATOR DOHERTY: Thank you. Yes, sir.

21 THE FLOOR: Hello. Rick Livingstone, Love Joy
22 Road.

23 MODERATOR DOHERTY: Thank you.

1 THE FLOOR: To speak to both of these folks
2 here on the pro mic, we should trust our Selectmen.
3 And they've voted not to support this. We should
4 trust our finance chairs, and Finance Committee,
5 they voted not to support this.

6 I'm a Boy Scout, I'm a Boy Scout leader. In
7 fact, last night I was on the Merrimack. I did
8 take a look at the Phillips boat house. I also saw
9 where we draw water out of the Merrimack.

10 Where, as a Boy Scout Troop very close to the
11 Lawrence boat house, why don't we look at other
12 opportunities to partner with surrounding
13 communities to acquire that access on a mutual aid
14 basis, if that's a concern with the Town. I can
15 see where it was. It doesn't mean we have to keep
16 acquiring, acquiring, acquiring property.

17 As far as access to the boat house and to the
18 Merrimack Valley area, the Lawrence boat house
19 would be happy to have more participants in that
20 area and it's a great, great program.

21 And, lastly, if you look at the land mass in
22 Andover, it's a very large square foot area. We're
23 known as one of the largest towns in the area. And

1 we have one of the largest percentages of open
2 space as well.

3 Now, I love the open space, and I love the
4 outdoors, but we don't need to be taking anymore
5 property off our tax rolls and adding to more open
6 space. We have plenty enough as it is right now.

7 I vote no on this Article. Thank you.

8 MODERATOR DOHERTY: Thank you, sir. Yes,
9 ma'am.

10 THE FLOOR: Susan Robert, 37 Steven Street.
11 I'm here speaking tonight as an environmental
12 scientist and also as the president of the
13 Shawsheen River Watershed Association, and I'm not
14 speaking to the approval of any specific parcel.
15 I'm talking to just the general support for the
16 acquisition of open spaces.

17 And we believe the acquisition of open spaces
18 is an important item as they provide positive
19 environmental effects by helping to protect ground
20 and surface waters through reduction of soil
21 erosion, flooding and nutrient overloading in water
22 bodies caused by over development.

23 Further benefits of open spaces come in the

1 form of preservation of wild life habitat, improved
2 air quality and noise reduction.

3 The Shawsheen River Watershed Association
4 supports the approval of Article 56 as it allows
5 for the preservation of important wildlife habitats
6 in the Shawsheen River watershed.

7 I ask that you vote in favor of this Article.
8 Thank you very much.

9 THE FLOOR: Madam Moderator, I move the
10 question.

11 THE FLOOR: Move the question.

12 MODERATOR DOHERTY: Have you heard enough?

13 THE FLOOR: Yes.

14 MODERATOR DOHERTY: Could I have a show of
15 hands of those of you who would like to close
16 discussion? Thank you.

17 If everybody could have a seat, we'll take a
18 vote. This requires a two-thirds vote. So let's
19 see if we could do it with a show of hands.

20 All those in favor of Article 56, please raise
21 one hand? Thank you. Those opposed? The ayes
22 clearly have it.

23 Does anyone challenge that vote? Then I

1 would declare it as a -- as passed, Article 56.

2 Article 57, please, Mr. Kowalski.

3 MR. KOWALSKI: Madam Moderator, I move to
4 approve Article 57 as printed in the warrant.

5 MODERATOR DOHERTY: Article 57 has been moved
6 and seconded. Mr. Kowalski.

7 MR. KOWALSKI: Madam Moderator, the Board of
8 Selectmen recommends approval of this Article.
9 Article 57 corrects an error made on Warrant
10 Article 33 of the 2013 Annual Town Meeting.

11 That Article identified the purchase of 11.5
12 acres of land with the address listed as 141
13 Chandler Road, when it should have been identified
14 as 138 Chandler Road.

15 This Article does not effect, add or detract
16 from the actual acreage or location of the land
17 that the 2013 Annual Town Meeting authorized the
18 Board of Selectmen to acquire.

19 MODERATOR DOHERTY: And Selectmen's report,
20 please.

21 MR. KOWALSKI: Board of Selectmen recommends
22 approval of this Article.

23 MODERATOR DOHERTY: Thank you. Planning Board

1 report please, Mr. Bergeron.

2 MR. BERGERON: Thank you, Madam Moderator.
3 Planning Board recommends approval of this Article.

4 MODERATOR DOHERTY: Any questions or comments?
5 All those in favor? We need a two-thirds vote.
6 Please raise one hand. Thank you. Those opposed?
7 The ayes clearly have it by far more than a
8 two-thirds vote.

9 Does anyone challenge that? Thank you. I
10 declare it as passed.

11 Article 58, please, Mr. Major.

12 MR. MAJOR: Thank you, Madam Moderator. I
13 move to approve Article 58 as printed in the
14 warrant.

15 MODERATOR DOHERTY: Article 58 has been moved
16 and seconded. Go ahead, Mr. Major, please.

17 MR. MAJOR: Thank you. The Board of Selectmen
18 recommends approval of this Warrant Article.

19 Over the years, we've invested millions in our
20 water and school -- our water and sewer
21 infrastructure. This Warrant Article will allow us
22 to hire an outside firm to come in and take a look,
23 analyze our system, the maintenance costs, the

1 operating costs. They'll also be able to take a
2 look at our projected and actual consumption and
3 usage of the water and sewer systems. And,
4 ultimately, they are going to package that up
5 together and put together up to 5 alternative,
6 10-year rate analyses for us, or rate structures
7 that the Board of Selectmen can then use in our
8 capacity as water and sewer Commissioners in
9 determining how to move forward over the next few
10 years.

11 So, again, the Board of Selectmen recommends
12 approval.

13 MODERATOR DOHERTY: Thank you, Mrs. Marden,
14 the Finance Committee report?

15 MS. MARDEN: The Finance Committee recommends
16 approval.

17 MODERATOR DOHERTY: This is a majority vote.
18 Yes, sir,

19 THE FLOOR: Madam -- is this on? Okay.

20 MODERATOR DOHERTY: Go ahead.

21 THE FLOOR: I have -- my name is Greg Luckman.
22 I live at 13 Florence Street. I have some
23 concerns, especially about the wording of up to 5

1 rate structures. Rate structures mean, the way in
2 which it's mentioned, now I will quote Mr. Cronin.
3 He is here, and he can rebut me later on.

4 He said at a meeting a couple of weeks ago, as
5 it is right now, the people who use the most water
6 pay the most. And I listened to that and I said
7 well, yeah, that's the way it should be. Andover
8 prides itself on being a green community, trying to
9 conserve. Its minimized its energy usage. We just
10 voted for a fund for acquiring open space.

11 Shouldn't water conservation be part of this? What
12 does it mean to look at rate structures alternate
13 to having the people who pay the most -- use the
14 most, pay the most? Does that mean that we're
15 going to make frugal users pay more so that the
16 most profligate users can pay less?

17 That made me look at rate structures a little
18 bit, and there are a lot more than 5 possible rate
19 structures. There are possibly dozens of them out
20 there, many of them pioneered by places like
21 California and Washington that have severe drought
22 problems.

23 Some of those rate structures are supportive

1 of conservation efforts, but some of them are not.
2 Some of them are for encouraging growth. There can
3 be increasing block structures that you pay the
4 least for the minimal amount of water that you need
5 for drinking and for sanitation and for hygiene.
6 You pay more if you use more than a certain amount.
7 But there are also decreasing block structures
8 which are more on a private enterprise model where
9 companies give their best customers, the customers
10 who use the most, get a break on the price.

11 Unfortunately, water is a monopoly of the
12 Town, so that kind of private enterprise structure
13 would be the opposite of encouraging conservation.

14 We have not had a problem with water in the
15 last couple of years, but in some years the Board
16 of Selectmen have had to consider restrictions
17 on -- on usage.

18 So the question really comes up, what is the
19 goal behind choosing up to 5 rate structures? And
20 I think the Town Meeting needs to be more involved
21 in that rather than just the Board of Selectmen
22 have a series of rate structures to choose from
23 and, boom, all of a sudden, we see our water rates

1 changed.

2 So I would like to know better what I'm voting
3 on by voting to authorize studies of rate
4 structures. So, let's --

5 MODERATOR DOHERTY: Let us try to get some
6 answers for you, sir.

7 THE FLOOR: Okay. Thank you.

8 THE PANEL: Thank you very much. I must have
9 confused you. This study -- this is a very
10 comprehensive study that gets into our costs, our
11 long-term planning. But at the end of it, this is
12 really a conservation effort. The -- I echo you.
13 The high users are putting a tremendous demand on
14 our system. They should be paying for the upgrades
15 that are needed because of those demands. So the
16 lower users will, in all likelihood, pay less.

17 Steve, if you could put the slides up, I'd
18 appreciate it. So, if you are a low user, you
19 should be -- you should be voting for this Article.
20 If you believe in conservation of water, you should
21 be voting for this Article.

22 We want to accurately project our costs of
23 water and sewer, forecast that out 40 years or so.

1 We are well aware we have over a hundred miles of
2 unlined water mains in town. How are we going to
3 pay for those upgrades? For those of you who had
4 discolored water in the past, this should help
5 address some of that.

6 Next slide, please, Steven. It's going to
7 address our rate structure. It's going to address
8 what happens with our large users, whether they be
9 Raytheon, Proctor Gamble, North Redding.

10 But if you, as the private citizens, if you
11 are living alone, you are not using very much
12 water. You shouldn't be paying for, essentially,
13 what we have in this community of doubling or even
14 tripling our water demands in the summer.

15 You know, it's not very often I stand here.
16 Usually I just answer the questions. I'm very
17 passionate about this particular Article. It's a
18 very important Article to pass.

19 Next slide, please. These are the current
20 rates of these communities. You'll see in the far
21 right how many tiers they have.

22 Next slide. They'll also have seasonal rates.
23 So in the summer when we are having our issues with

1 huge demands, 14 million gallons a day compared to
2 the winter where may we be using 5 or 6 million
3 gallons a day, and you are having -- we're worried
4 about filling those tanks. We're worried about
5 discolored water. We're working the guys around
6 the clock. Okay? If you are using the water,
7 okay, but you should be paying for that. You
8 should be paying for the overtime. You should be
9 paying for the larger pipes that are needed. And
10 what we want to do is really incentivize you to use
11 less water. You don't need to be watering your
12 lawns when it's raining out. This should help stop
13 that because if you are irrigating your lawns, one
14 of the possible tiers would be additional money for
15 irrigation because that's really where all that
16 extra water is ending up. So that extra 6 million
17 gallons a day we're using in the summer, is ending
18 up on lawns. I encourage you to vote for this
19 Article. It's a very important Article. It's a
20 long-standing Article. We've been looking at this.
21 The first time we heard about this was in 1958, a
22 tiered Article -- a tiered system, rather.

23 We have a single rate system. It's

1 antiquated. It needs to change, and it will help
2 conserve water.

3 MODERATOR DOHERTY: Thank you, sir. Yes,
4 ma'am. Go right ahead.

5 THE FLOOR: Amy Chernofsky, 6 Snowberry Road.
6 I was active in the League of Woman Voters for a
7 number of years chairing and serving on the
8 committee that was renamed a few times. It was
9 environmental action, it was sustainability.

10 We brought a proposal to the Board of
11 Selectmen six or seven years ago where we had
12 actually charted the water rates of our comparable
13 communities, what quantity per capita was being
14 used, what people were paying, what the overall
15 consumption was in those communities. And we,
16 basically, pleaded with the Selectmen at that time,
17 as our Water Commissioners to think hard about this
18 and move toward a tiered system that would
19 encourage conservation, and that would
20 appropriately charge heavy users more to sustain
21 the system that they were putting the extra demands
22 on.

23 I applaud this study. I want this to happen

1 and move forward. And I simply ask Director Cronin
2 if he would please be certain in the language, if
3 this goes out to bid, that they are being very
4 explicit about conservation measures and
5 acknowledging the contribution that those measures
6 make as they hopefully then present us with lower
7 prices. Thank you.

8 THE PANEL: To answer that question, I
9 anticipate they'll be a number of public reviews on
10 this where our users, all of our rate users will be
11 invited to come to the table.

12 And, again, I can't say what's going to happen
13 at the end of this, where the rate study ends, but
14 all those slides that we showed you, every one of
15 those encourages conservation.

16 And, again, if you are a low user, you will be
17 paying less in all likelihood.

18 MODERATOR DOHERTY: Thank you. Yes, sir,
19 last --

20 THE FLOOR: Madam Moderator, one further
21 question. Greg Luckman again.

22 MODERATOR DOHERTY: Go right ahead.

23 THE FLOOR: As it stands right now, one good

1 thing about the rate is that the fixed costs that
2 are per user as opposed volumetric are completely
3 absorbed in the volumetric cost because our billing
4 is entirely volumetric. Will that continue to be
5 the case?

6 THE PANEL: It's difficult to say where it's
7 going to end. Certainly, there are communities
8 where there'd be a flat fee. I don't know if that
9 would be accepted here or not. It would be
10 volumetric.

11 For instance, the first hundred cubic feet you
12 use would be at one rate. The next thousand cubic
13 feet may be an additional rate.

14 MODERATOR DOHERTY: Thank you. Ready to vote?

15 THE FLOOR: Yes.

16 MODERATOR DOHERTY: All those in favor of
17 Article 58, please raise one hand? Thank you.
18 Those opposed? The ayes have it. The motion
19 carries.

20 Article 59, please, Mr. Delori. Is he here?
21 Thank you. No? Yes? Is there a Mr. Delori here
22 who could move this motion? Could I have a
23 citizen or a resident of the town move it? Thank

1 you, sir.

2 THE FLOOR: Madam Moderator, I move to
3 withdraw this Warrant Article.

4 MODERATOR DOHERTY: Article 59 is being -- has
5 been moved and seconded to be withdrawn. All those
6 in favor, please raise one hand? Thank you.
7 Those opposed? The ayes have it. The motion
8 carries.

9 Just for those of you who don't know, the
10 reason we have to vote an a withdrawal is the
11 Meeting has the option at any time to say no we
12 want to talk about this Article. And if the vote
13 -- if the Meeting does not vote to withdraw it,
14 then we must proceed and address what's in the
15 Article. So that's why we actually have a vote to
16 withdraw an Article.

17 Article 60, please, Ms. O'Donoghue.

18 MS. O'DONOGHUE: I move to approve Article 60
19 as printed in the warrant.

20 MODERATOR DOHERTY: Article 60's been moved
21 and seconded. Go ahead, Mrs. O'Donoghue.

22 MS. O'DONOGHUE: The current Sewer Master Plan
23 was last updated in 1979. Utilizing a private

1 consulting engineering firm, this project will
2 revisit, update and expand the 1979 Sanitary Sewer
3 Master Plan for the following three areas: Lowell
4 Junction Road for existing use and future
5 expansion, Dascomb Road at frontage for existing
6 use and future expansion, and River Road area for
7 future expansion. The Board of Selectmen
8 recommends approval of this Article.

9 MODERATOR DOHERTY: Thank you. Our Finance
10 Committee report, please.

11 THE PANEL: The Finance Committee recommends
12 approval.

13 MODERATOR DOHERTY: Thank you. The Planning
14 Board report, please, Mr. Bergeron.

15 MR. BERGERON: Thank you, Madam Moderator.
16 Thoughtful expansion of our tax base is a benefit
17 to all. As it currently stands, development
18 interest for the areas mentioned previously,
19 Dascomb Road, Lowell Junction and River Road would
20 have to seek sewer services from neighboring towns
21 at roughly six times the rate of what they would
22 have normally in Andover, or normal development and
23 just would have in Andover. So that is -- that is,

1 obviously, way too high; therefore a vote for this
2 Article would set the table for targeted economic
3 growth with the potential for return on investment.

4 The Planning Board has voted to recommend
5 approval of this Article. It has voted to take no
6 action on the amount.

7 MODERATOR DOHERTY: Thank you. All those in
8 favor, please, of Article 60, please raise one
9 hand? Thank you. Those opposed? Thank you. The
10 ayes have it. The motion carries.

11 Article 61, please, Ms. Dinoles.

12 MS. DINOLES: I move to approve Article 61 as
13 printed in the warrant.

14 MODERATOR DOHERTY: Article 61 has been moved
15 and seconded. Is there a Planning Board report?

16 THE PANEL: Jackie, are you going to speak to
17 this?

18 MODERATOR DOHERTY: It's on street acceptance.
19 Okay. The Planning Board recommends approval?

20 THE PANEL: The Planning Board does recommend
21 approval. This is just a routine street
22 acceptance.

23 MODERATOR DOHERTY: Thank you. Mr. Vispoli.

1 MR. VISPOLI: Yes, Madam Moderator, The Board
2 of Selectmen recommends approval.

3 MODERATOR DOHERTY: Thank you. I can't
4 remember the last time we had a street acceptance.

5 All those in favor, please raise one hand?
6 Thank you. Those opposed? The ayes have it. The
7 motion carries. Dawn Circle is now legal.

8 Article 62, please, Mr. Kowalski.

9 MR. KOWALSKI: Madam Moderator, I move to
10 approve Article 62 as printed in the warrant.

11 MODERATOR DOHERTY: Article 62 has been moved
12 and seconded. Mr. Kowalski.

13 MR. KOWALSKI: Madam Moderator, a recent
14 inventory and assessment of the water treatment
15 plant assets was conducted resulting in short and
16 long-range projections of maintenance and
17 replacements projects needed over the next 20
18 years.

19 Life spans of assets can range from four years
20 to 45 years. \$300,000 will fund the first phase of
21 a multi year project. The Board of Selectmen
22 recommends approval of this Article.

23 MODERATOR DOHERTY: Thank you. Finance

1 Committee reporter, please, Mrs. Marden.

2 MS. MARDEN: Finance Committee recommends
3 approval. We believe that it's important to build
4 money into each annual budget to take care of the
5 maintenance needs of the water treatment plant.
6 This amount of money was originally proposed to be
7 part of the water budget, but we saw it as being
8 something that should be treated just like we do
9 the other capital projects in Article 5.

10 In other words, instead of voting it in the
11 budget, to vote it as a separate Warrant Article so
12 if the projects aren't completed during the fiscal
13 year, the money can still be used and doesn't
14 lapse -- and lapse to free cash.

15 So I think you should expect to see an annual
16 Article like this each year, just like we do
17 Article 5 for the other capital projects. The
18 Finance Committee recommends approval.

19 MODERATOR DOHERTY: Thank you. All those in
20 favor of Article 62, please raise one hand? Thank
21 you. Those opposed? The ayes have it. The motion
22 carries.

23 Article 63, please, Mr. Doherty.

1 MR. DOHERTY: Madam Moderator.

2 MODERATOR DOHERTY: Thank you, sir.

3 MR. DOHERTY: I move to approve Article 63 as
4 printed in the warrant.

5 MODERATOR DOHERTY: Article 63 has been moved
6 and seconded. Go ahead, please.

7 Is there any report from the --

8 MR. DOHERTY: Um, no doubt you've seen the
9 mobile vendors downtown selling their wares, their
10 food. At any given time, there's up to three,
11 maybe four.

12 Right now the Bylaws do not limit or have any
13 rules for these vendors. So what this Article is
14 going to do is it's going to allow the Selectmen to
15 establish rules, fees, locations, times, whatever
16 they deem necessary to put this -- just to -- I
17 don't want to say govern them, but to organize
18 these people and Planning Board recommends
19 approval.

20 MODERATOR DOHERTY: Thank you. Mr. Kowalski.

21 MR. KOWALSKI: Madam Moderator, the Board of
22 Selectmen recommends approval of this Warrant
23 Article.

1 This Warrant Article does not mean that the
2 Board of Selectmen will be implementing any rules.
3 It, in essence, provides the Board of Selectmen the
4 authority to implement rules if there is ever a
5 problem with mobile food vendor issues.

6 MODERATOR DOHERTY: Thank you. Any questions
7 or comments? All those in favor please raise one
8 hand?

9 Oh, sorry. I didn't see that. If you can --
10 it's because of the hat. I just didn't see you.

11 THE FLOOR: Sorry. Mark Stow, 161 Elm, owner,
12 chef of the Mess Hall food truck. And we support
13 this Bylaw and we agree and we'll be in whatever
14 rules that the Selectmen put up, we'll follow them
15 and abide by them, just so you know.

16 MODERATOR DOHERTY: Thank you, sir.

17 THE FLOOR: Thank you.

18 MODERATOR DOHERTY: Did you park outside for
19 when we're leaving? Is that part of these rules?

20 All those in favor of Article 63, please raise
21 one hand? Thank you. Those opposed? The ayes
22 have it. The motion carries.

23 Article 64, please, Mr. O'Brian.

1 MR. O'BRIAN: Madam Moderator, I move to
2 approve Article 64 as amended in -- as printed in
3 the Warrant.

4 MODERATOR DOHERTY: Article --

5 MR. O'BRIAN: Joseph O'Brian, Cedar Road.

6 MODERATOR DOHERTY: Thank you. Article 64 has
7 been moved and seconded. Go ahead, sir.

8 MR. O'BRIAN: A vote in favor would send a
9 message to our elected officials that we want to
10 reform campaign spending. This includes special
11 interests groups, such as superpacks and other
12 entities from having the same rights as
13 individuals. It would allow the government to
14 regulate contributions and expenditures by these
15 entities and require public disclosure.

16 I would also clarify that spending money to
17 influence elections is not protected free speech
18 under the Constitution.

19 The Supreme Court has ruled in favor of
20 allowing large sums of money to be spent to
21 influence the elections of our representatives,
22 Senators and the President in Washington.

23 This money has no limit and no public

1 disclosure of where it comes from. Regulation of
2 this funding is necessary to ensure that special
3 interest groups and wealthy individuals are not
4 able to have control of the politicians in
5 Washington.

6 In order for the people to get control back,
7 an amendment to our Constitution is required.
8 Article 64 would notify our Representatives in
9 Washington that Andover has joined with the other
10 180 towns in Massachusetts that have already
11 approved this, requesting them to work together to
12 pass an amendment to control the influence of money
13 in politics.

14 A level playing field is the best way to make
15 sure that the interest of us, the people, are first
16 and foremost.

17 MODERATOR DOHERTY: Thank you. Any comments?
18 Requires a majority vote. Yes, ma'am. Let's go.

19 THE FLOOR: Thank you, Madam Moderator. Mary
20 Rob, 116 Lowell Street. I'm also one of three
21 civics teachers at Andover High School.

22 Any number of research centers, peer research,
23 Gallop, and numerous political, philosophy

1 think tanks in Washington D.C. have all agreed that
2 our nation is more politically divided at any other
3 time in our history except just prior to the civil
4 war.

5 A large cause of this is an excess of money in
6 our political process. With all due respect to the
7 justices on the Supreme Court, I feel that they did
8 some really interesting judicial gymnastics to come
9 up with the decisions in the Citizens United in
10 McCutcheon cases.

11 And this is not an issue that has to deal with
12 whether you are Conservative or Liberal,
13 Republican, Libertarian, Democrat, Anarchist, what
14 have you. This is our most basic fundamental
15 right, and it is our political voice.

16 And, regardless of any other ideas you may
17 have about government intervention or entitlement
18 programs, what have you, the government should be
19 protecting our most essential right as a citizen
20 and that is our political voice.

21 And though the Supreme Court described this as
22 a free speech issue, at no time should any person's
23 political voice be louder than anyone other's for

1 any reason, regardless of race, gender, any
2 qualifier you want to use, including their wealth.

3 Your political voice is your power. And, in
4 this particular situation, I would strongly urge
5 you to vote in favor of this. Yes, it's symbolic,
6 but so were the earliest steps of the Civil Rights
7 movement, and this is a civil rights injustice
8 issue. Thank you.

9 MODERATOR DOHERTY: Thank you. Selectmen's
10 report please, Mr. Vispoli? I'm sorry.
11 Mr. Salafia.

12 MR. SALAFIA: Yes, Madam Moderator, the Board
13 of Selectmen recommends disapproval of this
14 Article.

15 MODERATOR DOHERTY: Yes, sir.

16 THE FLOOR: Robert Friedenson, 1009 Bellview
17 Road. There's an interesting need for this, a new
18 Constitutional amendment. And the reason is
19 because there's a document out there that says
20 Congress shall make no law. Yes, Congress shall
21 make no law respecting an establishment of religion
22 or prohibiting free exercise thereof, or abridging
23 the freedom of speech or of the press or of the

1 right of people peacefully to assemble and to
2 petition the government for a redress of
3 grievances.

4 Our founders did not trust the monarchy. They
5 did not trust parliament. They feared tyranny of
6 the majority. They wisely restricted the powers
7 of the federal government.

8 Can we really trust Congress to do the proper
9 thing with one of our basic rights? I believe in
10 your free speech, the free speech of your neighbor,
11 AARP, Planned Parenthood, Right to life
12 organizations, New York Times, Fox News, AT&T,
13 National Grid and Exxon, or unions. Or the free
14 speech of any other person or organization of
15 people. That's the foundation of our republic.
16 And that enriches this nation.

17 With over 90 percent of our members of the
18 House of Representatives residing in so-called safe
19 districts, it takes a lot of money to neutralize
20 the advantage of incumbency.

21 This proposed amendment should be called the
22 incumbent protection act. Please reject this
23 proposal.

1 MODERATOR DOHERTY: Thank you, sir. Okay.
2 Any other comments? This requires -- it's just an
3 opinion vote of this body.

4 All those in favor, please raise one hand?
5 Thank you. Those opposed? The motion carries.
6 Thank you very much.

7 Before we go on to last three articles, I do
8 want to -- I do want to make a couple of comments.
9 One is, I think there's an amazing revenue
10 generating opportunity before the Town that I think
11 I should make you aware of, and that is selling
12 T-shirts that say, "I survived the 2014 Annual Town
13 Meeting." I would like to be the first one to buy
14 one, but I want to -- I want to apologize to those
15 I may have offended during this meeting. I want to
16 thank you for your patience. I think there was an
17 awful lot shared. There was an awful lot
18 discussed. There were a lot of arguments and
19 issues, and I don't think that was a bad thing for
20 our town. But I do want you to know that thinking
21 on your feet is often difficult, and if I made
22 decisions that upset anybody, I certainly do
23 apologize for that, but I think I tried to be as

1 fair as I could to everyone at the meeting. So I
2 thank you for you patience. Thank you.

3 (Applause.)

4 MODERATOR DOHERTY: But, Bill -- Bill Fahee, I
5 do think it's a fundraising opportunity.

6 Okay. Article 65, please, Mrs. O'Donoghue.

7 MS. O'DONOGHUE: I move to approve Article 65
8 as printed in the warrant.

9 MODERATOR DOHERTY: Article 55 (sic) has been
10 moved and seconded. Go ahead, please. Do you have
11 a report?

12 MS. O'DONOGHUE: Article 65 amends the Town
13 Bylaws, Article 12, Section 11, Dogs, to be in
14 accordance with current state laws. The Board of
15 Selectmen recommends approval of this Article.

16 MODERATOR DOHERTY: Any comments or questions
17 about it? All those in favor, please raise one
18 hand? Thank you. Those opposed? The ayes have
19 it. The motion carries.

20 Article 66, Mrs. Williams? Is she here?

21 THE FLOOR: Madam Moderator.

22 MODERATOR DOHERTY: Yes.

23 THE FLOOR: Wayne Nader, Andover Street. I'm

1 also the animal patrol officer. Unfortunately, the
2 person that was going to speak on this Article had
3 a family emergency, is not here, so I will be
4 moving the Article for her.

5 MODERATOR DOHERTY: Go right ahead. Thank
6 you, sir.

7 THE FLOOR: I move to withdraw Article 66.

8 MODERATOR DOHERTY: Article 66 has been moved
9 and seconded to be withdrawn. All those in favor,
10 please raise one hand? Thank you. Those opposed?
11 The ayes have it. The motion is withdrawn.

12 Article 67.

13 THE FLOOR: Again, I move to withdraw Article
14 67.

15 MODERATOR DOHERTY: Article 67 has been moved
16 to be withdrawn. All those in favor? Those
17 opposed? The ayes have it. The motion carries.

18 Now, if we had stayed last night, we would
19 have been leaving about now but, Mr. Urbelis.

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

22 MODERATOR DOHERTY: There's been a motion to
23 dissolve this Town Meeting. All those in favor

1 please say aye.

2 THE FLOOR: Aye.

3 MODERATOR DOHERTY: Thank you. Those opposed?
4 The ayes have it. Thank you very much.

5 (The Meeting dissolved.)

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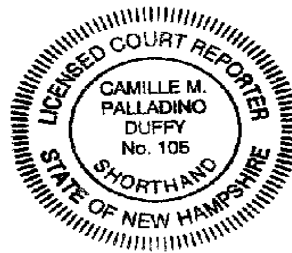
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C E R T I F I C A T E

I, Camille M. Palladino-Duffy, a
Licensed Court Reporter in the State of New Hampshire,
do hereby state that the foregoing transcript is a true
and accurate transcription of the recorded media to the
best of my knowledge, skill, ability and belief.



*Camille M.
Palladino-Duffy*

Camille M. Palladino-Duffy
LCR No. 105, RPR

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