

2005 ANNUAL TOWN MEETING

Monday, April 25, 2005

FIELD HOUSE

ANDOVER HIGH SCHOOL

CALL TO ORDER, 7:00 P.M.

OPENING PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ADMITTANCE OF NON-VOTERS

**MOTION TO DISPENSE WITH READING OF WARRANT AND RETURN OF SERVICE
BY TOWN COUNSEL**

**MOTION TO PERMIT MODERATOR TO REFER TO WARRANT ARTICLES BY
NUMBER AND BY SUBJECT MATTER**

ELECTION

ARTICLE 1. To elect a Moderator for one year, one Selectman for three years, one School Committee member for three years and one member of the Andover Housing Authority for five years.

All of the above candidates are to be voted on one ballot. The polls will be open from seven o'clock A.M. to eight o'clock P.M.

After the final action on the preceding Article One, the said meeting shall stand adjourned by virtue of Chapter 39, Section 20 of the Massachusetts General Laws, to Monday, April 25, 2005, at seven o'clock P.M. in the Field House, Andover High School, Shawsheen Road, in said Andover, then and there to begin acting upon articles that follow in this warrant.

ELECTION NOT REQUIRED BY BALLOT

ARTICLE 2. To elect all other officers not required by law to be elected by ballot.

~ ~ ~ ~ ~

The John Cornell Fuel Assistance Fund was established by Article 17 of the 1893 Annual Town Meeting. Five thousand dollars was left to the Town to be used for the needy and poor to purchase wood or coal. In 1995 the Trust documents were modified by the Probate Court of Massachusetts to permit the use of these funds for all types of fuel for heating, cooking or electrical purposes. Three trustees, chosen on a staggered basis, by vote at the Annual Town Meeting, administer the funds.

~ ~ ~ ~ ~

On request of the Town Clerk

SALARIES OF ELECTED OFFICIALS

ARTICLE 3. To establish the salaries of the elected officers for the ensuing year.

~ ~ ~ ~ ~

The 1998 Annual Town Meeting voted to establish the following salaries for elected officials effective July 1, 1999: \$1,500 for each member of the Board of Selectmen and the School Committee, and \$1,800 for each chairman. The Moderator is paid \$250 for the Annual Town Meeting and \$60 for each Special Town Meeting. These salaries are not specified by Town Bylaw, but must be voted each year by Town Meeting.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

On request of the Town Clerk

THE BUDGET

ARTICLE 4. To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006 or take any other action related thereto.

There will be 14 motions on the Budget:

General Government	Sewer
Community Development & Planning	Water
Community Services	Library
Elder Services	Unclassified Expenses
Plant & Facilities	Andover Public Schools
Public Safety	Greater Lawrence Technical School
Public Works	Fixed Expenses

To make it easier for voters to follow the motions on the budget, the Finance Committee has printed the FY2006 Budget on two pages. These motions represent the statutory appropriations. Increases or decreases in actual costs and changing priorities during the fiscal year can result in shifts of funds from one line to another within departmental budgets, but the totals cannot exceed the amounts voted by Town Meeting. Included are columns showing the actual expenditures for FY2003 and FY2004, and the FY2005 Budget voted by last spring's Town Meeting. The next column shows the FY2006 recommendations of the Board of Selectmen and Finance Committee.

Historically, the Capital Projects Fund was voted as part of the Plant and Facilities departmental budget. While it is still considered to be part of the FY2006 operating budget, the Capital Projects Fund is now voted in a separate warrant article (Article 5). The Town's auditors have recommended this approach so that any balance in the fund at the end of a fiscal year can be carried forward to finish projects not completed by year end. The use of a separate warrant article makes it easier to track projects and spending.

The Town Manager's Recommended Budget for FY2006 is available at the Town Offices, the Library, and on line at the Town of Andover's web site. The information in the Finance Committee Report is the best available at the time of printing. There are always changes in the month prior to Town Meeting. Estimates of costs and revenues will be refined, additional information will become available, and boards and committees will change some of their recommendations. The Finance Committee looks forward to providing additional information in response to questions at Town Meeting.

ARTICLE 4 BUDGET APPROPRIATIONS	\$113,778,547
WARRANT ARTICLES	
5 – Capital Projects Fund	2,177,000
25 – Accumulated Employee Benefit Account	400,000
27 – Fireworks	9,000
36 – Water Distribution Improvements	250,000
39 – Elderly/Disabled Transportation	12,000
55 – Salt Study	20,000
NON-APPROPRIATED COSTS	<u>3,038,303</u>
TOTAL FY2006 BUDGET	\$119,684,850

BUDGET HIGHLIGHTS & DETAIL

GENERAL GOVERNMENT DETAIL				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	SELECTMEN/ FINANCE COMM/ TOWN MGR RECOMM FY2006
TOWN MODERATOR				
Personal Services	250	250	250	250
SELECTMEN				
Personal Services	13,861	14,883	14,100	14,100
Other Expenses	13,300	10,734	12,250	12,250
TOWN MANAGER				
Personal Services	272,167	265,708	263,266	263,523
Other Expenses	18,507	14,225	14,300	14,300
COMM. on DISABILITIES				
Personal Services	1,780	1,050	1,900	1,900
Other Expenses	4,955	2,596	5,175	5,175
TOWN COUNSEL				
Other Expenses	259,962	321,930	275,000	300,000
FINANCE COMMITTEE				
Personal Services	400	2,344	0	0
Other Expenses	25,719	20,448	25,600	25,600
TOWN ACCOUNTANT				
Personal Services	299,916	329,001	306,549	313,151
Other Expenses	69,995	71,549	64,050	64,550
FINANCE AND BUDGET				
Personal Services	960,835	1,098,664	1,068,545	1,085,679
Other Expenses	250,483	203,850	239,549	278,259
TOWN CLERK				
Personal Services	258,826	277,239	286,886	274,918
Other Expenses	67,235	55,164	51,340	52,130
VETERANS SERVICES				
Personal Services	51,752	58,211	56,425	56,425
Other Expenses	14,894	14,102	15,365	15,365
PATRIOT/CIVIC/CELEB.	32,648	30,764	28,500	28,500
DAMAGES				
PERSONS/PROP.	514	283	2,000	2,000
EMPLOYEE BENEFITS	258,893	260,381	279,600	295,800
GENERAL GOVERNMENT APPROPRIATIONS				
Personal Services	1,859,787	2,047,350	1,997,921	2,009,946
Other Expenses	<u>1,017,105</u>	<u>1,006,026</u>	<u>1,012,729</u>	<u>1,093,929</u>
TOTAL	2,876,892	3,053,376	3,010,650	3,103,875

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

General Government

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for various minor increases in departmental operating costs.

GENERAL GOVERNMENT				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET 2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	1,859,787	2,047,350	1,997,921	2,009,946
Other Expenses	1,017,105	1,006,026	1,012,729	1,093,929
Total	2,876,892	3,053,376	3,010,650	3,103,875
Number of Employees	32.75	32.25	32.05	32.05

Community Development and Planning

Staffing Changes: The FY2004 budget required a reduction of a .5 FTE. This was accomplished by having one employee in each division work 4 longer days with the 5th day off (.88 FTE). That reduction of time resulted in a reduction of services to the public. The FY2006 budget proposes to reinstate the .5 FTE and return the level of service back to its previous level.

Budget Highlights: This budget request maintains the current level of services, while accounting for various minor increases in departmental operating costs. The Title V Revolving Account is being closed out. The balance is applied to this budget as part of Offset Revenues.

COMMUNITY DEVELOPMENT & PLANNING				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET 2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	1,167,247	1,274,869	1,214,874	1,246,213
Other Expenses	122,003	95,804	100,325	117,880
Total	1,289,250	1,370,673	1,315,199	1,364,093
Number of Employees	21.9	20.4	20.4	20.9
Offset Revenues	6,000	6,000	6,000	70,000

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

Community Services

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for various minor increases in departmental operating costs. Increased user fee revenue will offset departmental expenses. Article 15 authorizes a revolving account to supplement the departmental budget.

COMMUNITY SERVICES				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET 2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	404,588	418,237	402,456	407,112
Other Expenses	232,592	237,218	218,570	235,170
Total	637,180	655,455	621,026	642,282
Number of Employees	4	4	4	4
Offset Revenues	441,000	507,000	513,820	517,000

Youth Services

Staffing Changes: This budget provides for salary and health insurance for an additional 1 FTE for a full-time program assistant position to be funded from program and user fee revenue.

Budget Highlights: This budget also accounts for various minor increases in departmental operating costs. Article 15 authorizes a revolving account to supplement the departmental budget.

YOUTH SERVICES				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	179,244	210,391	204,682	244,365
Other Expenses	27,156	44,327	20,700	35,480
Total	206,400	254,718	225,382	279,845
Number of Employees	3	3	3	4
Offset Revenues	0	0	0	38,700

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

Elder Services

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for various minor increases in departmental operating costs. Article 15 authorizes a revolving account to supplement the departmental budget. The cost of health insurance for employees funded with user fees is included in the departmental budget.

ELDER SERVICES				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	568,618	617,821	610,788	621,201
Other Expenses	132,986	110,837	112,000	147,933
Total	701,604	728,658	722,788	769,134
Number of Employees	14.2	13.3	13.0	13
Offset Revenues	145,100	162,000	162,000	202,000

Plant and Facilities

Staffing Changes: This budget reflects the reduction of 1 FTE at the Spring Grove Cemetery.

Budget Highlights: This budget accounts for significant increases in fuel, utility, and materials costs. The Capital Projects Fund formerly voted as part of the Plant and Facilities budget was moved to Article 5 in FY2005. Municipal Facilities includes the cost of health insurance for employees funded with user fees.

PLANT AND FACILITIES				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	2,729,564	2,773,269	2,752,275	2,809,817
Other Expenses	1,288,102	1,200,429	1,119,710	1,213,412
Total	5,520,716	5,346,136	3,871,985	4,023,229
Number of Employees	55.2	52.9	52.9	52
Offset Revenues	225,000	255,000	225,000	163,552

CAPITAL PROJECTS FUND

See Article 5.

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

PLANT & FACILITIES DETAIL				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
MUNICIPAL FACILITIES				
Personal Services	87,608	93,067	91,355	82,640
Other Expenses	221,408	237,638	225,660	254,162
ADMINISTRATION				
Personal Services	356,971	392,687	300,759	374,644
Other Expenses	28,683	16,832	18,900	18,900
PARKS AND GROUNDS				
Personal Services	386,144	436,697	432,888	436,057
Other Expenses	75,330	81,074	72,300	75,800
SPRING GROVE CEMETERY				
Personal Services	200,700	200,966	200,615	160,615
Other Expenses	59,580	21,336	25,200	25,200
FORESTRY				
Personal Services	182,992	164,615	194,240	191,761
Other Expenses	29,070	19,189	21,050	26,050
BUILDING MAINTENANCE				
Personal Services	822,923	784,798	796,520	809,925
Other Expenses	220,443	237,454	189,175	227,075
MECHANICAL/ELEC				
Personal Services	458,050	478,571	465,918	476,899
Other Expenses	364,680	343,581	342,200	337,100
VEHICLE MAINTENANCE				
Personal Services	213,978	221,868	218,980	224,526
Other Expenses	288,909	243,325	225,225	249,125
MAINTENANCE PROJECTS				
Personal Services	20,198		51,000	52,750
Other Expenses	1,503,050	1,372,438		

Library

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for significant increases in fuel, utility, and materials costs.

LIBRARY				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	1,704,764	1,870,079	1,791,893	1,834,166
Other Expenses	549,756	545,129	524,200	530,680
Total	2,254,520	2,415,208	2,316,093	2,364,846
Number of Employees	32.6	30.9	31.2	31.2

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

Public Works

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for various minor increases in departmental operating costs. This budget also reflects a significant one-time reduction in solid waste costs due to the expiration of the 20-year agreement with NESWC, and the transition to a new contract with Wheelabrator of North Andover. It is anticipated that the last three months of the NESWC contract will not require a disposal payment. Supplemental funding will be needed for Highway for FY2005 due to the above average snowfall this winter.

PUBLIC WORKS DETAIL				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
ADMINISTRATION				
Personal Services	206,185	299,399	208,300	209,854
Other Expenses	440	1,447	2,000	2,000
SOLID WASTE				
Personal Services	733	440	3,500	3,500
Other Expenses	2,596,571	2,146,839	2,128,000	2,009,000
HIGHWAY				
Personal Services	1,045,608	1,041,906	1,017,756	1,025,920
Other Expenses	1,568,487	1,133,828	1,319,400	1,347,400
STREET LIGHTING				
Electricity	210,050	229,330	220,000	240,000
ENGINEERING				
Personal Services	250,296	252,333	231,173	227,307
Other Expenses	10,346	5,355	5,850	5,850
Total	5,888,716	5,040,876	5,135,070	5,070,831
Number of Employees	24	23	22	22

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

Sewer Enterprise

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for significant increases in fuel, utility, and materials costs. Sewer operations and debt service are funded entirely with sewer revenues. A sewer rate increase is planned for FY2006.

SEWER ENTERPRISE				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM / SELECTMEN / TOWN MGR FY2006
Personal Services	305,314	330,365	360,097	358,314
Other Expenses	1,397,946	1,234,807	1,625,100	1,663,000
Total	1,703,260	1,565,172	1,985,197	2,021,314
Number of Employees	6.1	6.1	6.1	6.1

Water Enterprise

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for significant increases in fuel, utility, and materials costs. Water operations and debt service are funded entirely with water revenues. No rate increase is planned for FY2006.

WATER ENTERPRISE				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	1,407,993	1,498,630	1,570,275	1,653,455
Other Expenses	1,647,023	1,784,682	2,097,725	2,178,725
Total	3,055,016	3,283,312	3,668,000	3,832,180
Number of Employees	24.3	23.3	24.5	24.5

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

Police Department

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for significant increases in fuel, utility, and materials costs. This budget also provides funding for necessary overtime coverage due to vacancies. The cost of health insurance for employees funded with user fees is included in the Parking Control budget.

POLICE				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	5,267,698	5,546,885	5,479,768	5,588,025
Other Expenses	569,697	566,382	623,829	733,725
Total	5,837,395	6,113,267	6,103,597	6,321,750
Number of Employees	75	73	73	73
Offset Revenues	196,791	189,707	187,391	201,934

Fire Department

Staffing Changes: No staffing changes are planned for FY2006.

Budget Highlights: This budget request maintains the current level of services, while accounting for various minor increases in departmental operating costs. This budget also provides funding for necessary overtime coverage due to vacancies. Ambulance fees will also be increased to help offset the increasing costs of providing emergency medical care.

FIRE				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM/ SELECTMEN/ TOWN MGR FY2006
Personal Services	5,469,649	5,582,275	5,401,490	5,564,736
Other Expenses	243,132	243,157	322,300	276,100
Total	5,712,781	5,825,432	5,723,790	5,840,836
Number of Employees	74	72.5	72	72
Offset Revenues	600,000	700,000	750,000	850,000

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

Unclassified

The Compensation Fund is a reserve for salary adjustments for town employees only. (School department employees' salary adjustments are included in the School Department budget) Transfers from this Compensation Fund appropriation require the approval of the Board of Selectmen. Once monies have been transferred to departmental budgets, the amount shown is \$0. For FY2005 the amount appropriated is \$0. All town and school contracts expired on June 30, 2004 and negotiations are underway. The funds requested will be used to fund the wage settlements with Town unions.

The Reserve Fund is a reserve for extraordinary or unforeseen expenditures. Transfers require approval of the Finance Committee. Funds transferred are shown as actual expenditures in departmental budgets. The annual appropriation for the Reserve Fund has been \$200,000 for many years.

UNCLASSIFIED				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED FINANCE COMM / SELECTMEN / TOWN MGR FY2006
COMPENSATION FUND	0	0	0	695,000
RESERVE FUND	0	0	200,000	200,000
Total	0	0	200,000	895,000

Andover Public Schools

A proposed line item FY2006 budget and a letter from the School Committee outlining their goals for the coming year, explaining their needs and detailing staffing changes can be found on the pages that follow. As this report goes to the printer, the School Committee has voted to recommend:

23 Personal Services	\$40,644,372
24 Other Expenses	<u>10,752,711</u>
	\$51,397,083

This is \$706,872 more than the Town Manger's recommendation derived from the Andover's Budget Planning Model. The Board of Selectmen and Finance Committee will make their recommendations at Town Meeting. They will be continuing to work with the School Committee to review the FY2006 School Budget and evaluate potential sources of funding.

SCHOOL DEPARTMENT				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED TOWN MGR FY2006
Personal Services	36,957,763	37,097,316	38,206,785	
Other Expenses	10,450,404	9,836,015	10,392,602	
Total	47,408,167	46,933,331	48,599,387	50,673,467
Offset Revenues	40,000	40,000	100,000	100,000
Number of Employees*	739	703.1	724.6	732.8
Number of Students	6009	5998	6006	6026

*Employee counts are usually expressed in FTE amounts – Full Time Equivalents. For example, three part time employees each working three days per week (.6) would add up to 1.8 FTE. Grants and revolving accounts provide additional resources for the Schools in addition to the budget appropriated by Town Meeting. An additional 37.07 FTE's are funded with grants and 22.7 FTE's are funded from revolving accounts. The Personal Services budget number includes \$350,000 for rebuilding. The new positions to be added with these funds have not been identified and are not included in the FY2006 FTE number. While the reduction of 5.4 teaching positions at the High School is reflected in the staffing number, their replacement with stipends for teachers who teach one additional course is not.

DEPARTMENT BUDGET HIGHLIGHTS & DETAIL

FIXED EXPENSES				
	ACTUAL FY2003	ACTUAL FY2004	BUDGET FY2005	RECOMMENDED SELECTMEN/ TOWN MGR FY2006
DEBT SERVICE	12,347,659	12,484,314	12,915,086	12,366,907
STABILIZATION FUND	0	0	0	0
INSURANCE EXPENSE	669,197	646,989	741,000	761,134
UNEMPLOYMENT FUND	0	500,000	0	0
RETIREMENT FUND	3,549,044	3,628,132	3,735,549	3,961,248
HEALTH INSURANCE FUND	5,555,000	7,125,000	8,325,000	9,347,000
TOTAL FIXED	24,120,900	24,384,435	25,716,635	26,436,289

Fixed Expenses

Debt Service:

This is the appropriation for the annual principal and interest costs associated with various capital construction projects financed by borrowing. A detailed debt schedule can be found in the Annual Report.

Unemployment Fund:

The Town reimburses the state for actual unemployment claims paid to ex-employees of the town. Based upon the budget recommendations for FY2006, no additional appropriation is required for FY2006.

Retirement Fund:

The Town's Contributory Retirement System uses an actuarially based funding schedule to determine pension appropriations. The funding schedule must be adopted by the Andover Contributory Retirement Board and approved by PERAC, a state agency. A new funding schedule is effective for FY2006.

Health Insurance Fund:

Costs continue to escalate due to increases in the number of subscribers, the costs of medical services and prescription drugs, the financial impact of the uninsured and the impact of State & Federal mandates. Expenditures for FY2005 are running as much as \$300,000 higher than budgeted. For FY2006 an additional \$227,000 will be transferred from School Department revolving accounts to cover the cost of health insurance for employees funded with user fees. A total of \$66,400 has been included in various Town departmental budgets to cover the cost of health insurance for employees funded with offset receipts.

CAPITAL PROJECTS FUND

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of \$2,177,000 for the purpose of funding the Fiscal Year 2006 appropriation for the Capital Projects Fund or take any other action related thereto.

~ ~ ~ ~ ~

Historically, the Capital Projects Fund was voted as part of the Plant and Facilities departmental budget. While it is still considered to be part of the FY2006 operating budget, the Capital Projects Fund is now voted in a separate warrant article. The Town’s auditors have recommended this approach so that any balance in the fund at the end of a fiscal year can be carried forward to finish projects not completed by year-end. The use of a separate warrant article will also make it easier to track projects and spending. The appropriation is from taxation. During the course of the year, these projects may change as a result of costs and priorities.

FY2006 CAPITAL PROJECTS FUND

<u>Project/Item</u>	<u>Amount</u>
Telephone Equipment	\$ 64,000
Town Technology	75,000
Fire Vehicles	28,000
Library CCTV System	25,000
Town Projects – Building Division	250,000
Town Projects – PH&E Division	212,000
Town & DPW Vehicles	240,000
Wood Park Restoration Plan	25,000
Town Yard – Short term	75,000
Police Vehicle Replacement	156,000
Weapon Replacement	18,000
School Health & Safety	360,000
School Curriculum & Instruction	568,000
School General Maintenance	<u>81,000</u>
 Total Capital Projects Fund	 \$2,177,000

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

On request of the Town Manager



BUDGET TRANSFERS

ARTICLE 6. To see if the Town will vote to transfer from amounts previously appropriated at the 2004 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B or take any other action related thereto

~~~~~

This article authorizes the transfer of funds appropriated by the 2004 Annual Town Meeting from certain departmental budgets with projected surpluses to other departments to cover costs not anticipated in preparation of the FY2005 Budget. A specific list of transfers will be presented to Town Meeting.

~~~~~

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES___

The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO___

On request of the Town Manager as recommended by the Finance Director

SUPPLEMENTAL BUDGET APPROPRIATIONS

ARTICLE 7. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2004 Annual Town Meeting or take any other action related thereto.

~~~~~

A specific list of supplemental appropriations may be presented to Town Meeting.

~~~~~

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES___

The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO___

On request of the Town Manager as recommended by the Finance Director

FREE CASH

The State certifies a certain portion of a town's surplus revenues as legally available for spending by Town Meeting. This amount is known as Free Cash. The Town of Andover does not have a Free Cash account where it stores surpluses for a rainy day and collects interest. At any point in time, Andover might have Certified Free Cash and yet no real dollars in the bank.

The Free Cash balance is an important indicator of whether a town is living within its means. **A declining balance means that the Town is spending more on an annual basis than it is collecting in revenues.** Andover's policy is to maintain the combined balance of Free Cash and Stabilization Fund at 3% - 7% of General Fund revenues. Free Cash provides a reserve which can be tapped in case of emergency and provides enough cash in the bank to meet payrolls and pay the bills without having to borrow in anticipation of taxes. This goal is a widely accepted measure of good financial standing and a factor in Andover's Aaa bond rating.

The Finance Committee bases its recommendations about the use of Free Cash on actual revenue collections and expenditure levels for the current fiscal year - whether projected surpluses could be counted on to replenish Free Cash to the desired level. There was a one-time increase of approximately \$1 million in last year's Free Cash balance due to the redemption from tax title of the Haverhill Street property. The unexpected reduction in the Free Cash balance from the amount remaining after last year's Town Meeting to the amount certified as available for spending this year was due to a timing issue in the reporting of an expenditure in FY2004 with the associated revenue not being recorded until FY2005.

FREE CASH HISTORY

Year	Certified Free Cash Going into Annual Town Meeting	Free Cash as a % of Budget	Amount Spent by Town Meeting	Amount Remaining after Town Meeting
1993	1,179,116	2.1%	379,983	799,133
1994	2,158,766	3.3%	354,300	1,804,466
1995	2,208,322	3.2%	480,500	1,727,822
1996	3,493,524	4.7%	2,167,834	1,325,690
1997	2,399,209	3.1%	765,645	1,633,564
1998	4,272,761	5.1%	2,128,435	2,144,326
1999	5,337,761	5.8%	4,151,008	1,186,753
2000	3,652,583	4.3%	2,810,319	842,274
2001	3,829,165	4.2%	2,848,953	980,212
2002	3,767,004	4.0%	2,923,476	843,528
2003	3,340,240	3.5%	2,855,082	485,158
2004	4,413,574	4.5%	1,316,648	3,096,926
2005	2,188,732	2.1%	1,305,000*	883,732

* Finance Committee recommendation

FREE CASH

ARTICLE 8. To see what amount the Town will vote to permit the Assessors to use in free cash to reduce the Fiscal Year 2006 tax rate and to affect appropriations voted at the 2005 Annual Town Meeting.

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES___

The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO___

On request of the Town Manager as recommended by the Finance Director

UNEXPENDED APPROPRIATIONS

ARTICLE 9. To see what disposition shall be made of unexpended appropriations and free cash in the treasury.

~~~~~

Unexpended balances in Special Article accounts are carried forward from year to year as contrasted with the budget account balances that are usually lapsed at the end of the fiscal year into surplus revenue. When the purpose for which a Special Article appropriation was made has been accomplished, the balance remains in the account until it is either re-appropriated or lapsed into surplus revenue. In either case, a specific vote of the Town Meeting is required. The motion will list specific transfers.

~~~~~

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES_____

The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO_____

On request of the Town Manager as recommended by the Finance Director

GENERAL HOUSEKEEPING ARTICLES

ARTICLE 10. To see if the Town will vote the following consent articles or take any other action related thereto:

~~~~~

These articles are general housekeeping articles that Town Meeting is asked to approve every year by law and are routinely voted without discussion. If Town Meeting approves these in a group vote it will cut down on the number of votes required at Town Meeting. The Town Moderator will ask the Town Meeting voters if anyone would like to hold on a specific article and, if so, that article will be held out for discussion and a separate vote will be taken. Otherwise, they will all be accepted by a single vote, except for Article 10H, which will have a separate motion.

~~~~~

GRANT PROGRAM AUTHORIZATION

10A. To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program or take any other action related thereto.

~~~~~

This article authorizes Town Officials to apply for and to accept Federal or State grants requiring Town Meeting approval that might become available during the coming fiscal year. Without Town Meeting authorization, these grants could be lost or jeopardized due to the delay resulting from either having to call a special Town Meeting or wait for the next Annual Town Meeting for approval.

~~~~~

On request of the Town Manager

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

ROAD CONTRACTS

10B. To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year or take any other action related thereto.

On request of the Town Manager

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

TOWN REPORT

10C. To act upon the report of the Town officers or take any other action related thereto.

~~~~~

This article refers to the Annual Town Report prepared by the Town Manager. As the result of a bylaw passed by the 1984 Annual Town Meeting, a summary of the 2004 Annual Report has been included at the end of the Finance Committee Report.

~~~~~

On request of the Town Manager

The BOARD OF SELECTMEN recommends approval. YES___

PROPERTY TAX EXEMPTIONS

10D. To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2006 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5 or take any other action related thereto.

~~~~~

Annually, Town Meeting has voted to adopt a state law providing for property tax exemptions for older citizens, surviving spouses, minor children of deceased parents, or the blind who meet specific income eligibility and/or medical requirements. This article would allow these exemptions to be increased, under certain conditions, to provide some protection from large increases in property taxes.

~~~~~

On request of the Board of Assessors

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

CONTRACTS IN EXCESS OF THREE YEARS

10E. To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or take any other action related thereto.

~ ~ ~ ~ ~

Contracts for goods and services, which are entered into under the provisions of G.L. Ch.30B (The Uniform Procurement Act) cannot exceed three years unless authorized by Town Meeting. If an opportunity arises for a longer-term contract which is in the best interest of the Town, the opportunity may be lost if the Town has to wait until the next Town Meeting for approval of the contract. This article would authorize such contracts upon approval of the appropriate elected body.

~ ~ ~ ~ ~

On request of the Town Manager

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

ACCEPTING EASEMENTS

10F. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept grants of easements for streets, water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interests of the Town or take any other action related thereto.

On request of the Town Manager

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

GRANTING EASEMENTS

10G. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interests of the Town or take any other action related thereto.

On request of the Town Manager

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

RESCINDING BOND AUTHORIZATIONS

10H. To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings or take any other action related thereto.

~~~~~

Sometimes, when financing plans are completed, it becomes evident that the Town has authorized more borrowing than will be needed for a project, and the authorization to borrow additional funds can be rescinded. Borrowed balances can only be used for similar purposes with Town Meeting approval.

~~~~~

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES__

The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO__

On Request of the Finance Director

SCHOOL BUILDING REPAIRS & RENOVATIONS

ARTICLE 11. To see if the Town will vote to appropriate \$1,500,000 for the purpose of paying costs of school building reconstruction and renovation and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3A) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~~~~~

This article requests funding for nine major school building renovation and repair projects that need to be addressed in the immediate future. They include:

| <u>Project</u>                                                                | <u>Amount</u> |
|-------------------------------------------------------------------------------|---------------|
| Rebuild exterior stairs to Doherty Middle School Memorial Auditorium          | \$250,000     |
| Bancroft Elementary School bathroom remodeling, roofing & electrical upgrades | 525,000       |
| AHS bathroom and Collins Center stage floor renovations                       | 350,000       |
| West Elementary partial roof replacement                                      | 250,000       |
| West Middle bathrooms                                                         | 50,000        |
| Shawsheen School bathrooms and flooring                                       | 50,000        |
| Architectural/engineering/structural design funds                             | 25,000        |

~~~~~

Financial Impact of Article 11	
<u>Approval</u>	<u>Disapproval</u>
Town borrows \$1,500,000 to be repaid over 15 years.	No change in FY2006 tax bill.
No increase in FY2006 tax bill.	Money not needed for debt service in future years
Peak year of debt service in FY2008 would require appropriation of \$154,000.	would be available within Proposition 2 ½ for other Town/School needs.
Would account for approximately \$11 of FY2008 average tax bill.	

The BOARD OF SELECTMEN recommends approval of \$1,500,000 from borrowing. YES__

The FINANCE COMMITTEE recommends approval of \$1,500,000 from borrowing. NO__

The SCHOOL COMMITTEE recommends approval of \$1,500,000 from borrowing.

On request of the School Committee

SCHOOL SAFETY & SECURITY

ARTICLE 12. To see if the Town will vote to appropriate \$235,000 for the purpose of paying costs of purchasing and installing security cameras, remote lock systems, keyless lock sets and an access control system for all of the Town's School buildings, including the Town's School Administration Building, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7 Clause (9) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~~~~~

This article would accelerate the present program which has been partially implemented to install a networked access control system at all entry points in all School Buildings along with closed circuit TV camera's at major entry points to afford protection to students, staff and property.

~~~~~

Requires a 2/3 vote

Financial Impact of Article 12	
<u>Approval</u>	<u>Disapproval</u>
Town borrows \$235,000 to be repaid over 10 years.	No change in FY2006 tax bill.
No increase in FY2006 tax bill.	Money not needed for debt service in future years would be available within Proposition 2 1/2 for other Town/School needs.
Peak year of debt service in FY2008 would require appropriation of \$63,000.	
Would account for approximately \$5 of FY2008 average tax bill.	

The BOARD OF SELECTMEN recommends approval of \$235,000 from borrowing.

YES___

The FINANCE COMMITTEE recommends approval of \$235,000 from borrowing.

NO___

The SCHOOL COMMITTEE recommends approval of \$235,000 from borrowing.

On request of the School Committee

UNPAID BILLS

ARTICLE 13. To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years or take any other action related thereto.

~~~~~

In order for a bill to be paid in the normal course of events, it must be submitted during the fiscal year in which the Town obligation was incurred or shortly thereafter. If a vendor does not follow this procedure, the bill must be presented to a Town Meeting for its approval before payment. A four-fifth's majority vote is required for the bill to be paid. If there are no unpaid bills this article will be withdrawn.

~~~~~

The BOARD OF SELECTMEN will make its recommendation at Town Meeting.

YES___

The FINANCE COMMITTEE will make its recommendation at Town Meeting.

NO___

ROAD/SIDEWALK EASEMENTS

ARTICLE 14. To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements or take any other action related thereto.

~~~~~

Chapter 90 provides state money for road construction. This article authorizes the acquisition of any necessary easements for any road or sidewalk project funded by the state or federal governments.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval.

YES___

NO___

On request of the Town Manager

REVOLVING ACCOUNTS

ARTICLE 15. To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2005 or take any other action related thereto:

~~~~~

The Town Moderator will ask Town Meeting voters if anyone would like to hold on a specific revolving fund and, if so, that fund will be held out for discussion, and a separate vote will be taken. A revolving account allows fees and donations to be used for related expenses without a specific appropriation by Town Meeting. For example, activity fees collected from participants in Community Services programs are used for tickets, related trip expenses and other program costs. State Law requires that Town Meeting vote annually on this type of revolving account setting a dollar limit and specifying who is authorized to make expenditures. In any fiscal year the limit on the amount that may be spent can be increased with the approval of both the Board of Selectmen and Finance Committee. This article combines the various departmental revolving funds formerly voted separately into one article in order to cut down the number of votes required at Town Meeting.

~~~~~

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2006 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$40,000
B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$20,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$260,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$175,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$50,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$200,000
H. Public Safety	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. Memorial Hall Library Audio/Visual	MHL Director	Purchase of audio/visual materials	Rental of audio/visual materials	\$36,000

The BOARD OF SELECTMEN recommends approval.

YES _____

The FINANCE COMMITTEE recommends approval.

NO _____

On request of the Finance Director



REVOLVING ACCOUNTS (M.G.L. CH. 44, § 53 1/2)

	CDP Legal Notices Acct 5556	CDR Health Clinics Acct 5557	DCS Special Services Acct 5552	Youth Services Acct 5553	P&F Field Maintenanc Acct 5622	Elder Services Acct 5554	Police Antenna Uses Acct 5230	Library Audio/ Visual Acct 5561
Balance 7/1/2003	46,177	13,382	154,618	78,006	12,170	46,016	23,848	
FY04 Receipts	14,100	13,288	214,294	148,024	51,422	80,702	6,965	
FY04 Expenditure	230	10,311	223,567	151,705	29,156	68,228	12,067	
Balance 6/30/2004	60,047	16,358	145,344	74,325	34,437	58,490	18,747	0
Receipts to 12/31/2004	5,600	2,103	58,835	46,035	26,812	35,147	1,713	17,389
Expenditure s to 12/31/2004		6,425	172,077	73,805	35,964	36,834	1,595	12,454
Balance 12/31/2004	65,647	12,037	32,102	46,555	25,285	56,803	18,865	4,935

SOLID WASTE & RECYCLING TRUST FUND

ARTICLE 16. To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for special legislation for the creation of a Solid Waste and Recycling Trust Fund for the Town of Andover. All proceeds from the sale or disposal of solid waste and recycling materials, and the balance of the Town's Tip Fee Stabilization Fund and any other funds received from the dissolution of the North East Solid Waste Committee, shall be deposited into said fund. The Town Treasurer shall be the custodian of said fund and may invest the proceeds as provided for by Section 54 of Chapter 44 of the General Laws. Any interest or dividends shall be added to and become part of said fund. The Treasurer shall report annually on said fund in the Annual Town Report. Any Annual or Special Town Meeting of said Town may appropriate by majority vote from said fund to pay any of the Town's financial obligations associated with solid waste and recycling, or for any other lawful purpose by two-thirds vote, or take any other action related thereto.

~ ~ ~ ~ ~

This article authorizes the Town to seek special legislation to establish a new interest earning trust fund for receiving and segregating the proceeds from the sale and disposal of solid waste and recycling materials, as well as from Andover's account balances received from the dissolution of the North East Solid Waste Committee. This fund would be used to help manage future increases in solid waste and recycling costs by reducing the annual tax impact budget appropriation for those services. Appropriations from this fund for solid waste or recycling purposes require a majority vote of Town Meeting. A 2/3 vote is needed for an appropriation from this fund for any other lawful purpose.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

The SCHOOL COMMITTEE recommends disapproval.

SOLID WASTE & RECYCLING STABILIZATION FUND

ARTICLE 17. To see if the Town will vote to create a Solid Waste and Recycling Stabilization Fund for the purpose of paying solid waste and recycling costs including costs incidental and related thereto, and to see if the Town will vote to transfer a sum of money from available funds and appropriate to the Solid Waste and Recycling Stabilization Fund all in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

To Be Withdrawn

TRANSFER NESWC FUNDS TO YOUTH CENTER

ARTICLE 18. To see if the Town will vote to raise by transfer from and appropriate the balance of the Town's Tip Fee Stabilization Fund and any other funds received from the dissolution of the North East Solid Waste Committee, to be used with other funds to be provided by gift, grant or otherwise for the purpose of constructing, originally equipping and furnishing a youth center, and for other costs incidental and related to the project and its financing, or take any other action related thereto.

The BOARD OF SELECTMEN recommends disapproval.

YES___

The FINANCE COMMITTEE recommends disapproval.

NO___

On petition of Brayden Hass, Andover Youth Action Council, and others

TAKING BY EMINENT DOMAIN LAND ACQUIRED FOR CONSERVATION PURPOSES

ARTICLE 19. To see if the Town will authorize the Board of Selectmen to take by eminent domain, to be held in the care, custody and control of the Conservation Commission, the following parcels of land, which were purchased by the Town for conservation purposes; and to award no damages for said eminent domain takings; or take any action related thereto.

Parcel 1. 226 Andover Street

That certain parcel of land in Andover, Essex County, Massachusetts, bounded and described as follows:

That certain parcel of land in Andover, Essex County, Massachusetts, containing 4.232 acres (184,337 square feet), more or less, shown as Parcel 2B on Plan of Land entitled "Plan of Land in Andover, MA, property of 230 Andover Street, LLC & Shawsheen Rubber Co., Inc." Scale 1"=5, dated August 18, 2004, drawn by Donohoe and Parkhurst, Inc. recorded at North Essex Registry of Deeds as Plan No. 14899.

Parcel 2. 226 Andover Street

That certain parcel of land in Andover, Essex County, Massachusetts, containing 1.000 acres (43,560 square feet) more or less, as shown as Parcel 2A on Plan of Land entitled "Plan of Land in Andover, MA, property of 230 Andover Street LLC & Shawsheen Rubber Co., Inc.," Scale 1"=50', dated August 18, 2004, drawn by Donohoe and Parkhurst, Inc., recorded at North Essex Registry of Deeds as Plan No. 14899.

Parcel 3. 15 Pettingill Road

A certain lot of land with the buildings thereon situated in that part of Andover called West Andover and being lots 7, 8, 9, 10, 11, 12, 13, 14, 16, 17 and 18 on a plan of land in said West Andover surveyed by O.F. Osgood, C.E., dated September 1888, and recorded with North District Essex Registry of Deeds, Plan No. 0106, to which plan reference may be made for a more particular description.

Parcel 4. 33 Oriole Drive

The land in said Andover being shown as Lot numbered seven (7) on plan of land entitled: "Subdivision and Acceptance Plan of Land in Andover, Owned by Fred W. Doyle" drawn by Andover Engineers, Inc., dated October 1956, recorded with North Essex Registry of Deeds as Plan No. 3449, said premises being substantially bounded and described as follows:

- SOUTHERLY: By Oriole Road, one hundred fifty (150) feet;
 - WESTERLY: By a stone wall and an old roadway on four courses, totaling four hundred fifteen (84/100) (415.84) feet;
 - NORTHERLY: By lot numbered ten (10), sixty feet; and
 - EASTERLY: By lot numbered eight (8), four hundred four and 39/100 (404.39) feet.
- Together with any and all rights in and to the old roadway lying to the West of the above within conveyed premises to its Northerly boundary.

Or take any other action related thereto.

~ ~ ~ ~ ~

The Town has already acquired these properties and this vote is just a formality to eliminate potentially unknown title issues.

~ ~ ~ ~ ~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of Town Counsel



STREET ACCEPTANCES

ARTICLE 21. To see if the Town will vote to accept and name as a public way any or all of the following six (6) streets: Douglass Lane, Hitchcock Farm Road, Jordyn Lane, Mortimer Drive, Stirling Street and Whittemore Terrace as further described below:

A. Douglass Lane and Mortimer Drive, as shown on a plan approved by the Andover Planning Board entitled “Subdivision Plan of Land in Andover, Massachusetts, Douglass Crossing”, dated March 31, 1997 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 13137;

B. Hitchcock Farm Road, as shown on a plan approved by the Andover Planning Board entitled “Subdivision Plan of Land in Andover, Massachusetts, Hitchcock Farm Road”, dated December 23, 1987 and recorded in the Essex North District Registry of Deeds as Plan Number 11191;

C. Jordyn Lane, as shown on a plan approved by the Andover Planning Board entitled “DEFINTIVE PLAN SUDIVISION, JORDYN LANE ESTATES IN ANDOVER, MASSACHUSETTS (Essex County)”, dated August 4, 2000 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 13969;

D. Stirling Street and Whittemore Terrace, as shown on a plan approved by the Andover Planning Board entitled “DEFINTIVE SUBDIVISION PLAN OF LAND, STIRLING WOODS, ANDOVER MASSACHUSETTS”, dated January 20, 1998 and recorded in the Essex North District Registry of Deeds as Plan Number 13424;

or take any other action related thereto.

~~~~~

Each year articles appear in the Warrant which propose new streets for acceptance as public ways by Town Meeting.

These streets are the roadways which serve new residential subdivisions approved by the Planning Board. They must be built to standards established by the Planning Board and the Department of Public Works as set forth in the Rules and Regulations Governing the Subdivision of Land in Andover.

Every new street is covered by a Subdivision Performance Guarantee to ensure that the road has been properly constructed prior to its acceptance as a public street. The performance guarantee, commonly called a "bond", represents a substantial amount of the developer's money held by the Town against default.

At public meetings prior to Town Meeting each new street is reviewed by the Planning Board, and considered by the Board of Selectmen for "lay out". Only if the road has been properly built, and all required legal documents found to be in good order, will the Planning Board and Department of Public Works recommend to the Board of Selectmen that a street be laid out.

Occasionally a street appears on the Warrant as a question to see if the Town will vote to take the road by eminent domain. This normally occurs when a developer, through due process, has been found in default by the Planning Board, and his performance guarantee has been seized by the Town to complete the work. In this instance the eminent domain procedure is used by the Town to ensure complete and clear title to the street.

~~~~~

**The BOARD OF SELECTMEN recommends approval of 21A.
B, C & D were not laid out.
The PLANNING BOARD recommends approval.**

**YES___
NO___**

On request of the Board of Selectmen



**CHANDLER ROAD AND CHONGRIS CIRCLE
LAYOUT ALTERATION**

ARTICLE 22. To see if the Town will vote to approve the actions of the Board of Selectmen in altering the layout of Chandler Road and Chongris Circle as public ways, as shown on plan of land entitled "Street Alteration Plan, Chongris Circle & Chandler Road, Andover, Massachusetts, prepared for Woodhill Construction Co., Inc., scale 1"=40', dated 3/8/04," drawn by MHF Design Consultants, Inc., which plan is on file with the Town Clerk, and in connection therewith, accepting those parcels of land shown on said plan as Parcels A, C, and D, to be conveyed to the Town for road widening purposes, and to pay no monetary consideration therefor, or take any other action related thereto.

~~~~~

Article 22 alters the layout of Chandler Road and Chongris Circle to allow for the construction of sidewalks and/or widening if it is needed in the future. Acceptance of the parcels will not result in any cost to the Town of Andover.

~~~~~

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD will make its recommendation at Town Meeting. NO__

On request of the Public Works Director



**LEASE RENEWAL
FEDERAL AVIATION ADMINISTRATION**

ARTICLE 23. To see if the Town will vote to authorize the Board of Selectmen to enter into a renewal of the lease between the Town and the United States of America, Federal Aviation Administration, of land at the Town of Andover Water Treatment Plant, for the purpose of maintaining an Outer Marker and a Compass Locator Antenna servicing the Lawrence Municipal Airport, for a term of up to five years, on terms and conditions the Board deems in the best interest of the Town or take any other action related thereto.

~ ~ ~ ~ ~

The purpose of Warrant Article 23 is to have Town Meeting authorize the Board of Selectmen to enter into a lease agreement between the Town and the Federal Aviation Administration for the purpose of locating and maintaining an Outer Marker and Compass Locator Antenna at the Water Treatment Plant on Lowell Street. This device services the aviation needs of the Lawrence Municipal Airport. The term of the lease would not exceed five (5) years.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval.

YES___

NO___

On request of the Town Manager



ACCUMULATED EMPLOYEE BENEFIT ACCOUNT

ARTICLE 24. To see if the Town will vote to raise by taxation or by transfer from available funds and appropriate a sum not to exceed \$400,000 to the Accumulated Employee Benefit Account for funding accrued employee vacation and sick leave liabilities upon being eligible for retirement under the Andover Contributory Retirement System and terminating employment with the Town, or take any action related thereto.

~~~~~

Under collective bargaining contracts with the Town of Andover, employees are paid a portion of their accumulated unused leave when they retire, based upon formulas outlined in the various collective bargaining agreements. This unused leave must be paid when the employee becomes eligible for retirement under the Andover Contributory Retirement System and terminates his/her employment with the Town.

~~~~~

Financial Impact of Article 24	
<u>Approval</u> Reduces Free Cash balance by \$400,000. No FY2006 tax bill impact.	<u>Disapproval</u> \$400,000 available for spending by a future Town Meeting.

The BOARD OF SELECTMEN recommends approval of \$400,000 from Free Cash. YES

The FINANCE COMMITTEE recommends approval of \$400,000 from Free Cash. NO

On request of the Town Accountant

MUNICIPAL WATER AGREEMENT – 459 RIVER ROAD

ARTICLE 25. To see if the Town will vote to authorize the Town Manager and Board of Selectmen to enter into an Agreement or Agreements with the City of Lowell and the Town of Tewksbury to provide water services to users of those services on the property located at 459 River Road, in the Town of Andover, and being more specifically identified as Lot 5 on Assessors Map 229, on terms and conditions deemed by the Town Manager and Board of Selectmen to be in the best interests of the Town, including a term of up to twenty-five (25) years, but with specific condition that the use of the land to be served by said water shall be limited to ten (10) single family homes, and the two existing buildings known as the Christian Formation Center and the Franciscan Friary, and that the use of the existing buildings shall be limited to religious, educational or charitable non-profit uses, and expressly prohibiting any other uses such as restaurants, nightclubs, gaming or retail, and that the owner(s) of the property shall record a restriction concerning the allowed uses at the Registry of Deeds; also gallons restrictions will be placed on each property as follows: one the 10 single family homes – 5,240 gallons, for the Christian Formation Center – 8,000 gallons and for the Franciscan Friary – 7,800 gallons; and that the Selectmen are authorized to accept such restriction on terms and conditions they deem in the best interest of the Town or take any other action related thereto.

The following explanation was submitted by the petitioner:

The property located at 459 River Road is owned by the Order of Saint Francis (“Owner”), and consists of two (2) buildings, namely the Christian Formation Center and the Franciscan Friary. The property has been served by Town water since its construction in the mid-1930’s. This warrant article will allow the Town Manager and/or the Board of Selectmen to enter into an agreement with the City of Lowell and the Town of Tewksbury, to provide water service to the two (2) existing buildings and the addition of ten (10) single family homes to be built on the site. The Owner, not the Town, will bear all costs associated with this article. Further, the voters of Andover approved a similar article to provide sewer service to the property (Article 16) last spring.

The BOARD OF SELECTMEN recommends approval.

YES___

The PLANNING BOARD recommends approval.

NO___

On petition of Robert McCabe and others

AUDIT COMMITTEE

ARTICLE 26. To see if the Town will vote to authorize the Selectmen to petition the legislature to amend the Town's Charter by adding at the end of the first sentence of Section 5 the words "except the Audit Committee", or take any action related thereto.

~~~~~

The purpose of warrant article #26 is to authorize the Board of Selectmen to petition the Legislature to amend Section 5. Multiple Offices of the Town Charter and to permit members of the Board of Selectmen, School Committee and Finance Committee to be appointed to an Audit Committee. Presently, the Town Charter prohibits members of the Board of Selectmen, School Committee or Finance Committee from holding multiple offices. They cannot be elected or appointed to another Town office or position. This proposed change only permits an elected Selectman or School Committee member and an appointed Finance Committee member to be appointed to an Audit Committee.

The Government Finance Officers Association recommends that cities and towns have Audit Committees in order to: a) "facilitate communication between management (and its internal auditors), the auditors and the governing board" and b) "enhance the auditor's real and perceived independence of management".

At the present time, there is an ad hoc committee that meets to perform the functions of an Audit Committee. This committee includes representatives from the Board of Selectmen, School Committee and Finance Committee. It is felt that this warrant article will enable an Audit Committee to be formed in accordance with an amended Town Charter.

~~~~~

The BOARD OF SELECTMEN recommends approval. YES__

The FINANCE COMMITTEE recommends approval. NO__

On request of the Town Manager

FIREWORKS

ARTICLE 27. To see if the Town will provide funding in the amount of \$9,000 for a Fireworks Program as part of the Fourth of July Program from available funds or take any other action related thereto.

Financial Impact of Article 27	
<u>Approval</u> Reduce Free Cash by \$9,000. No FY2006 tax bill impact.	<u>Disapproval</u> \$9,000 available for spending by a future Town Meeting.

The BOARD OF SELECTMEN recommends approval of \$9,000 from Free Cash. YES__

The FINANCE COMMITTEE recommends approval of \$9,000 from Free Cash. NO__

On petition of Gerald H. Silverman and others

SENIOR CENTER APPROPRIATION WITH DEBT EXCLUSION

ARTICLE 28. To see if the Town will vote to appropriate a sum not to exceed \$7,650,000 for the purpose of paying costs of constructing a Senior Center on the parcel of Town-owned land located at 56 Bartlet Street, including the costs of plans, project administration, site development, parking, utilities, original equipment, furnishings, parking and circulation improvements to the adjacent municipal campus containing the Town Offices, School Administration and Doherty Middle School Buildings and for the payment of all other costs incidental and related thereto; to authorize the Board of Selectmen to acquire necessary easements by gift, by purchase, by eminent domain or otherwise; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that no amounts shall be borrowed or expended hereunder unless and until the Town shall have voted at a Town Election to exempt the amounts required to pay any bonds or notes authorized by this vote from the provisions of Proposition 2½, so-called, or take any other action related thereto.

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The FINANCE COMMITTEE recommends disapproval. NO__

On request of the Senior Center Task Force

SENIOR CENTER

Article 28 provides funds for the construction of a 27,855 square foot Senior Center on town land south of Doherty Middle School.

The Senior Center provides health, nutrition, transportation, social services, education programs and recreation activities to more than 2,500 seniors and their families every year. The growing demand for senior services long ago surpassed the capacity of our existing Center. As a result, other locations around town have also been used for program activities. Even so, attendance at certain events must be limited, and some seniors are turned away. Programs have been curtailed for lack of space; and donated equipment cannot be used because there is no space available.

The Commonwealth of Massachusetts recommends that Senior Centers provide 3-6 square feet of space (depending on programs offered) per senior resident of the community. Andover's senior population of 5,300 and broad range of programs would rate 31,800 square feet, almost three times the current space. With the current space neither present nor future senior population is adequately served.

The new Senior Center is designed to provide appropriate space for all existing programs. It will also allow for the projected increase in senior population over the next decade, and will eliminate the need for all but one of the off-site locations. The building will be available in the evenings to all community groups, and will function as an emergency shelter for the town.

Though no new programs are planned, many existing activities will add extra sessions to accommodate current and future demand. These expanded sessions will not require more staff, since the cost of materials and instructors is funded by fees. The larger space will require additional custodian time, and an increase in utility costs. It is anticipated that operating costs (maintenance, custodial & utilities) in the building's first year will be approximately \$154,400, which is \$60,000 higher than in the current budget.

Article 28 provides for bonding the new Senior Center project. The debt service on these bonds will be submitted to the voters in a special debt exclusion election. If approved, this debt would fall outside the Proposition 2 ½ levy limit. The amount needed to pay off these bonds would be added to the tax rate each year, but only until the bonds are retired.

The anticipated impact on the average Andover home, currently valued at \$522,000, would be about \$51 in the highest year. It would then drop off gradually each year thereafter. The debt service on these bonds will not reduce the amounts available in the annual operating budget each year for schools, police, fire, and other municipal purposes.



LAND TRANSFER – SENIOR CENTER

ARTICLE 29. To see if the Town will vote to transfer the care, custody, control and management of a parcel of land containing 28,340 square feet more or less shown as Parcel A on a plan entitled “Exhibit Plan of Land in Andover, MA” by Hancock Survey Associates, Inc. dated January 20, 2005 to the Board of Selectmen for municipal purposes, said plan being on file in the Office of the Town Clerk, and if a Senior Center is not built on said property, then the land shall revert back to the School Committee, or take any other action related thereto.

~ ~ ~ ~ ~

Article 29 is required to provide a separate parcel of land under the control of the Board of Selectmen for the construction of the new Senior Center. Currently, Parcel A is under the control of the School Committee, which has already voted that the land is no longer needed for school purposes. This article extends the area transferred at last year’s Town Meeting.

~ ~ ~ ~ ~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

The SCHOOL COMMITTEE recommends approval.

On request of the Senior Task Force

SENIOR CENTER EASEMENTS

ARTICLE 30. To see if the Town will vote to authorize the School Committee to grant, and the Board of Selectmen to accept, any and all easements in and across real property at Doherty Middle School in order to construct and operate a Senior Center, including but not limited to easements for drainage, utilities, access, grading and communications or take any other action related thereto.

~ ~ ~ ~ ~

Article 30 allows the Selectmen to accept easements needed for utilities (water, gas, electric and telephone), some of which may cross school property.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval. YES__

NO__

On request of the Senior Task Force

**ZONING BYLAW AMENDMENT
EXEMPT MUNICIPAL SENIOR CENTERS FROM
DIMENSIONAL REQUIREMENTS**

ARTICLE 31. To see if the Town will vote to amend Section 4.1.3. (Exceptions and Special Requirements) of the Andover Zoning Bylaw by adding a new section 4.1.3.5. as follows:

“5. *Municipal Senior Center.* Land and structures used for a municipal senior center are exempt from the lot area, frontage, building setback and off-street parking and loading requirements of this bylaw.” or take any other action related thereto.

~~~~~

The Town is currently considering the development of a municipal senior center facility on Bartlet Street just south of the Doherty Middle School. Municipal facilities, although allowed in every zoning district, are not exempt from the provisions of the zoning by-law. In the case of the site currently under consideration for example, there would be conflicts with the requirement that all required parking be located on the specific site, and that access be from within the site’s frontage on Bartlet Street. This by-law would provide for exemptions from certain zoning standards solely limited to municipal senior centers, and would allow for the greatest reasonable flexibility with the use of the Bartlet Street site.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Senior Center Task Force

**ZONING BYLAW AMENDMENT
LANDSCAPING/BUFFERING OF MAJOR NONRESIDENTIAL
PROJECTS**

ARTICLE 32. To see if the Town will vote to amend Section 9.4.8.c. (Major Non-Residential Projects) of the Andover Zoning Bylaw by deleting “j” at the end of the sentence and replacing therewith the letter “k” and to see if the Town will vote to amend Section 9.5.4.3. (Procedure for Site Plan Certificate of Approval) of the Andover Zoning Bylaw by adding the following:

“k. provisions for landscaping and adequate screening and buffering.” or take any other action related thereto.

~~~~~

The current zoning by-law does not contain specific language that allows the Planning Board to consider and impose requirements for landscaping, screening and buffering in site plan reviews. This by-law will allow the permit granting authority to require screening and buffering on projects to ensure protection of abutting properties. This by-law would be applicable to both site plan reviews and special permits for major non-residential projects.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

MORaine STREET SAFETY IMPROVEMENTS

ARTICLE 33. To see if the Town will vote to appropriate \$113,000 for the purpose of paying costs of constructing sidewalks along the west side of Moraine Street, the relocation of the entrance driveway from Moraine Street to the High School track/football field area, the construction of an additional parking area on the east side of the road opposite the softball field, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~ ~ ~ ~ ~

This article will add a sidewalk to the westerly side of Moraine Street creating a continuous walkway from the end of the current sidewalk at the High School Parking Lot to the existing sidewalk on Red Spring Road. Additional parking would also be provided on the school grounds allowing for creation of accessible parking for sporting events at the adjacent stadium.

~ ~ ~ ~ ~

Requires a 2/3 vote

Financial Impact of Article 33	
<u>Approval</u> Town borrows \$113,000 to be repaid over 10 years. No increase in FY2006 tax bill. Peak year of debt service in FY2008 would require appropriation of \$15,000. Would account for approximately \$1 of FY2008 average tax bill.	<u>Disapproval</u> No change in FY2006 tax bill. Money not needed for debt service in future years would be available within Proposition 2 ½ for other Town/School needs.

The BOARD OF SELECTMEN recommends approval of \$113,000 from borrowing. YES ___

The FINANCE COMMITTEE recommends approval of \$113,000 from borrowing. NO ___

The SCHOOL COMMITTEE recommends approval of \$113,000 from borrowing.

On request of the Public Works Director

WATER TREATMENT PLANT IMPROVEMENTS

ARTICLE 34. To see if the Town will vote to appropriate \$6,500,000 for the purpose of paying costs of constructing two filter units, underdrain retrofit of existing six filters and replacement of the backwash pumping system at the Water Treatment Plant and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 8 Clauses (4) and (7C) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~ ~ ~ ~ ~

The recently enacted Disinfection Byproduct Rule reduces plant capacity by requiring water to have a longer contact time with the carbon filter media. The plates on the bottom of the existing filters have reached the end of their useful life and frequent plate failures have shut down individual filters for a minimum of seven days. If failures occur during high demand periods, mandatory water rationing would have to be implemented and fire protection would be compromised. The article will allow repair of the existing filters and addition of two new filters to provide the additional contact time for compliance with the Safe Drinking Water Act.

~ ~ ~ ~ ~

Requires a 2/3 vote

Financial Impact of Article 34	
<u>Approval</u> Town borrows \$6.5 million to be repaid over 20 years. Debt service funded with water user fees is included in water rate projections.	<u>Disapproval</u>

The BOARD OF SELECTMEN recommends approval of \$6,500,000 from enterprise borrowing. YES ___

The FINANCE COMMITTEE recommends approval of \$6,500,000 from enterprise borrowing. NO ___

On request of the Public Works Director

RE-ZONE PARCEL FROM ID TO OFFICE PARK

ARTICLE 35. To see if the Town will vote to rezone Assessor Parcel 18-103A on Assessor Map 18 from Industrial D to Office Park or take any other action related thereto.

Requires a 2/3 vote

The following explanation was submitted by the petitioner:

This warrant article would rezone a parcel of land that is part of the Doctors Park II from ID to Office Park so that its use can be consistent with the use of Doctors Park.

The BOARD OF SELECTMEN recommends approval.

YES___

The PLANNING BOARD recommends approval.

NO___

On petition of Mark B. Johnson, Esq. and others

WATER DISTRIBUTION IMPROVEMENTS

ARTICLE 36. To see if the Town will vote to transfer the sum of \$250,000 from water reserves and appropriate \$250,000 for the purpose of replacing and/or cleaning old water mains including costs incidental and related or take any other action related thereto.

~ ~ ~ ~ ~

This is an annual article that allows older unlined water mains to be replaced. At the current time we have approximately 41 miles of mains that are candidates for replacement. Replacements are determined each spring based upon water quality, quantity for fire protection, and history of breaks.

~ ~ ~ ~ ~

Financial Impact of Article 36	
<u>Approval</u> Reduces Water Reserve balance by \$250,000.	<u>Disapproval</u> \$250,000 available for spending by future Town Meeting on water projects.

The BOARD OF SELECTMEN recommends approval of \$250,000 from water reserves. YES___

The FINANCE COMMITTEE recommends approval of \$250,000 from water reserves. NO___

On request of the Department of Public Works Director

RE-ZONE PORTION OF FLEMING AVENUE

ARTICLE 37. To see if the Town will vote to amend the Andover Zoning Bylaw pursuant to Section 2.3 (District Boundaries) and make the appropriate changes to the Zoning Map on Andover, Mass. To re-zone to Single Family Residence A (SRA) from Industrial D District (ID) all of the remaining portion not currently zoned SRA of those parcels of land situated on the northerly side of Fleming Avenue being more particularly shown as Lot A and Lot B on a Plan of Land entitled "Subdivision & Acceptance Plan, Raytheon Park, Raytheon Mfg. Co., December 1963 Stowers Associates, Reg. Land Surveyors, Methuen, Mass." Recorded with Essex North District Registry of Deeds as Plan No. 4975 (a copy of which is on file with the Office of the Town Clerk). Said parcels of land being a portion of Lot 4A on Town of Andover's Assessor's Map 35 or take any other action related thereto.

The following explanation was submitted by the petitioner:

Andover Mills, LLC is the owner of this 13.75 acre parcel of land separated from the Brickstone Square Office Park by the B&M/MBTA railroad tracks. This “orphan” lot has been split-zoned since at least 1963 as approximately half SRA and half Industrial, with the result that it is suited for neither residential nor industrial use. The proposed rezoning would eliminate this outlying fragment of ID zoned land, and unify the zoning of the parcel to be entirely SRA, identical to all of the abutting land east of the railroad tracks.

The BOARD OF SELECTMEN recommends approval.

YES___

The PLANNING BOARD recommends approval.

NO___

On petition of Andover Mills LLC and others

**OVERLAY SURPLUS TRANSFER
FOR TAX ABATEMENT AND EXEMPTIONS**

ARTICLE 38. To see if the Town will vote to transfer a sum of money from Overlay Surplus and appropriate to various fiscal years' Allowance for Abatements and Exemptions accounts or take any other action related thereto.

~ ~ ~ ~ ~

The overlay is an account that is established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but is raised on the tax rate recap sheet. An overlay deficit occurs when the amount of overlay raised in a given year is insufficient to cover the abatements, exemptions and uncollected taxes for that year. Overlay deficits must be provided for in the next fiscal year. If the balance in the overlay account for a given year is in excess of the amount remaining to be collected or abated then it can be transferred into an overlay surplus account. Overlay surplus may be appropriated for any lawful purpose.

An abatement is a reduction or elimination of a property tax bill because of overvaluation or misclassification of a property. An exemption fully or partially removes the obligation of a person to pay property tax for specified circumstances that are established by statute. Examples include schools, houses of worship and cultural institutions as well as exemptions granted for qualified disabled veterans, blind individuals, surviving spouses and persons over certain ages that meet financial requirements.

There currently is \$670,623.50 in overlay deficit from fiscal years 2003 and 2004 and about \$680,621.08 in overlay surplus from fiscal years 2000, 2001 and 2002. Article 38 appropriates \$670,623.50 from the surplus to cover the deficit.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval. YES___

The FINANCE COMMITTEE recommends approval. NO___

On request of the Chief Assessor

ELDERLY/DISABLED TRANSPORTATION PROGRAM

ARTICLE 39. To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program or take any other action related thereto.

~ ~ ~ ~ ~

For more than 10 years the Town has provided certain transportation subsidies for our elderly citizens. These subsidies currently allow seniors 60 years of age and older and disabled persons to ride free on the MVRTA shuttle bus, and also provides transportation through a "call and ride" program called EZ-Trans. More than 575 Andover residents are listed in the EZ-Trans program, and more than 100 eligible residents use the MVRTA shuttle on a daily basis. This article will continue to provide critical transportation benefits to our senior and disabled residents.

~ ~ ~ ~ ~

Financial Impact of Article 39	
<u>Approval</u> \$12,000 from taxation. Included in projected FY2006 tax bill.	<u>Disapproval</u> Increases Excess Levy Capacity by \$12,000. Reduces projected average tax bill by \$1.

The **BOARD OF SELECTMEN** recommends approval of \$12,000 from taxation. YES

The **FINANCE COMMITTEE** recommends approval of \$12,000 from taxation. NO

On request of the Council on Aging

ZONING BYLAW AMENDMENT MANUFACTURING ACTIVITIES IN ID ZONE

ARTICLE 40. To see if the Town will vote to amend the Andover Zoning By-Law, Section 3.1.3. Table of Use Regulations, Appendix A. Table 1., Sections D.1. and 2. in the Industrial Districts by deleting the existing language under D.1. and D.2. for the Industrial Districts and replacing therewith the following:

<u>D. Manufacturing and Industrial Uses</u>	<u>IG</u>	<u>IA</u>	<u>ID</u>
1. Laboratory for research and development work, or establishment engaged in general manufacturing or other industrial work including fabrication, assembly, and uses accessory thereto generally characterized by or involving activities conducted outside of enclosed structures.	Y	Y	N
2. Laboratory for research and development work; or establishment engaged in specialized manufacturing, including fabrication and assembly, associated with computers, computer peripheral equipment, electronics, information systems and devices, communications and telecommunications, precision instruments, medical devices and equipment, pharmaceuticals, biologics and drugs, and uses accessory thereto including training activities, provided that all activities shall be conducted within enclosed structures.	Y	Y	Y

or take any other action related thereto.

~~~~~  
In 2001 the Town Meeting approved a recodification of the zoning by-law representing the first comprehensive overhaul of that document since 1964. One section of the by-law was inadvertently changed to prohibit manufacturing activities in the Industrial ID zoning districts, a use that had been historically permitted for more than 45 years. The change adversely affects companies such as Smith + Nephew, Brockway-Smith, Compaq Computers, California Products, Vicor, Phillips (formerly Hewlett-Packard), and Straumann. This amendment would reinstate manufacturing activities in the ID zones within enclosed structures, and at the same time more clearly define the types of activities intended.

~~~~~  
Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES___

The PLANNING BOARD recommends approval. NO___

On request of the Planning Board

FISH BROOK PUMP STATION IMPROVEMENTS

ARTICLE 41. To see if the Town will vote to appropriate \$300,000 for the purpose of paying costs of plans and design for the construction of a new extension pump building and wetwell and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 8 Clause (4) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~~~~~  
During the summer months when water demand is the highest the town is frequently unable to pump the volume of water allowed by permit. The problem occurs during low flows on both the Merrimack River and Fish Brook when not enough water gets into the pump station for transfer to Haggetts Pond. This article is for evaluation of the problem and design of a solution.

~~~~~  
Requires a 2/3 vote

Financial Impact of Article 41	
<u>Approval</u>	<u>Disapproval</u>
Town borrows \$300,000 to be repaid over 5 years.	
Debt service funded with water user fees is included in water rate projections.	

The BOARD OF SELECTMEN recommends approval of \$300,000 from enterprise borrowing. YES___

The FINANCE COMMITTEE recommends approval of \$300,000 from enterprise borrowing. NO___

On request of the Public Works Director

ZONING BYLAW AMENDMENT - PROJECTING SIGNS

ARTICLE 42. To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.10.3., Signs in the General Business District, by inserting after the first sentence, the text “In lieu of a freestanding sign, a projecting sign, excluding the sign structure, not to exceed nine square feet is permitted. The projecting sign shall be at least eight feet above the ground, and the top of the sign shall be no more than twenty feet from the ground level to the top of the sign.” and by adding the following definition to Section 10 “PROJECTING SIGN: A sign which is affixed to a building, is perpendicular to a building and extends horizontally no more than five feet beyond the surface to which it is affixed. No sign shall project vertically above the eave line of the roof.” or take any other action related thereto.

~ ~ ~ ~ ~

Currently, freestanding signs are allowed in the General Business District. However, many businesses do not have the land for a freestanding sign. It seems reasonable to allow a projecting sign, which hangs off of the face of the building from a bracket, in lieu of a freestanding sign. A projecting sign gives visibility to a business in the same way as a freestanding sign.

~ ~ ~ ~ ~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. **YES**___

The PLANNING BOARD recommends approval. **NO**___

On request of the Planning Board

**ZONING BYLAW AMENDMENT
CHANGE LANGUAGE FROM OVERHANGING SIGNS TO
PROJECTING SIGNS**

ARTICLE 43. To see if the Town will vote to amend the following sections in the Andover Zoning By-law: Section 5.2.14.2.b. by deleting the text “Overhanging signs should be used only in such circumstances as on side streets where overhanging positioning is necessary for visibility from a major street.”, and Section 5.2.11.3. by replacing the text “Overhanging signs” with the text “Projecting signs”, and Section 5.2.10.2. by deleting the text “or projecting from it.”, and Section 5.2.10.2. by replacing the text “an overhanging sign” with the text “a projecting sign” or take any action related thereto.

~~~~~

Article 43 creates consistent wording for projecting signs throughout the bylaw. Article 43 is directly related to Article 42.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

**ZONING BYLAW AMENDMENT
PROHIBIT INTERNALLY ILLUMINATED SIGNS**

ARTICLE 44. To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.11., Signs in the Mixed Use District, by adding the following subsection “8. Use of internally illuminated signs is prohibited.” or take any other action related thereto.

~~~~~

Internally illuminated signs are prohibited in the General Business District. This amendment expands the restriction to the Mixed Use District, which is adjacent to the General Business District and is partially residential. This bylaw prohibits the use of signs with a light source concealed or contained within the sign itself, which is visible when shining outward through a surface. Existing internally illuminated signs can remain. The intent is to curb the trend toward brighter, more aggressive signage in an area that is adjacent to historic downtown Andover.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

ZONING BYLAW AMENDMENT - PROHIBIT NEON SIGNS

ARTICLE 45. To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.4.5., Prohibited Signs or Devices, by replacing the text “No animated, revolving or flashing sign shall be permitted.” with “No animated, revolving, flashing, neon or similar gaseous tube illuminated signs shall be permitted.” or take any other action related thereto.

~~~~~

Currently the text reads as follows: “No animated, revolving or flashing sign shall be permitted.” The intent is to include the prohibition of exposed neon or similar exposed gaseous tube signs in all districts.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

**ZONING BYLAW AMENDMENT
REGULATE CONTRACTOR SIGNS**

ARTICLE 46. To see if the Town will vote to amend the Andover Zoning By-law 5.2.8., Signs in Residential Districts, by adding the following subsection “1. Not more than two contractor signs, each not to exceed twelve square feet, maintained on the premises while construction is in process and containing information relevant to the project. Such sign shall not be located closer than twenty-five feet from the edge of the roadway and shall be securely anchored. No part of any such sign or its structure shall be more than five feet above the ground. Such sign shall be removed within thirty days after completion of construction.” and by adding the following definition to Section 10 “CONTRACTOR SIGN: A temporary sign identifying the contractor’s pertinent information, intended to be displayed only in association with the construction, remodeling, or repair of a building or structure.” or take any other action related thereto.

~~~~~

This bylaw change defines contractor signs and regulates their size, location, and timely removal in residential districts.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES__

The PLANNING BOARD will make its recommendation at Town Meeting. NO__

On request of the Planning Board

ZONING BYLAW AMENDMENT- REGULATE A-FRAME SIGNS

ARTICLE 47. To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.4., Prohibited Signs and Devices, by adding the following subsection: “8. No A-frame signs, except as provided for in 5.2.6.5. *Temporary A-frame Sign Permit*, shall be allowed in any zoning district.” and by inserting the following definition to Section 10 “A-FRAME SIGN: A self-supporting, double-paneled, temporary sign, which panels are connected along one (1) edge and separated along the opposite edge.” or take any other action related thereto.

~ ~ ~ ~ ~

This bylaw change addresses the safety hazard caused by unsecured self-supporting temporary signs on public walkways. The amendment prohibits the use of self-supporting temporary signs.

~ ~ ~ ~ ~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

ZONING BYLAW AMENDMENT TEMPORARY A-FRAME SIGN PERMIT

ARTICLE 48. To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.6., Temporary Signs, by adding the following subsection “5. *Temporary A-frame Sign Permit*. The Building Inspector may issue a permit for the temporary placement of a freestanding A-frame sign which (i) announces a performance, an event, or is for directional purposes; ii) must be securely anchored so as to not blow over and is professional in appearance; iii) must be removed at the close of each business day and at the expiration of the permit; iv) may not obstruct a public or private walkway, or be placed on public property. The maximum area shall not exceed eight (8) square feet on each side, and a maximum height of five (5) feet above the ground. The temporary permit may impose limiting conditions, including among other matters the number allowed at each business property location.” or take any other action related thereto.

~ ~ ~ ~ ~

Article 48 is directly related to Article 47. It is an exception that allows such signs to be used in a temporary manner for special events or signs that are directional in nature, through a sign permit that is issued by the Inspector of Buildings. The permit will regulate the location, stabilization, and duration of the sign.

~ ~ ~ ~ ~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

DRAINAGE/FLOODING PROGRAMS – BALMORAL AREA

ARTICLE 49. To see if the Town will vote to raise by borrowing, by transfer from available funds or by any combination thereto and appropriate the sum of \$500,000 for the purpose of study, recommendation(s) and implementation of said recommendation(s) of the periodic home flooding/surcharging of drainage system affecting Burnham Road, Enmore Street, Arundel Street, Argyle Street, Carisbrooke Street, York Street and Balmoral Street and, including costs incidental and related thereto and to authorize the Board of Selectmen to acquire any necessary easements by gift, purchase or eminent domain and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said sum under and pursuant to Massachusetts General Laws Chapter 44, Sections 7 & 8 as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore or take any other action related thereto.

The following explanation was submitted by the petitioner:

Periodic surcharging of drainage system resulting in flooded basements and loss of property has compelled affected residents of the aforementioned streets to write this article. The affected home owners have witnessed three events of severe basement flooding over the past four years, experiencing the loss of boilers, hot water heaters, washers and dryers, personal items, and clean up – disinfecting of basement. There have been no events recorded prior to these past four years.

Comprising the drainage system is a stone culvert and catch basins. The stone culvert runs under the streets and interconnects with the catch basins. Most homes are connected to either the culvert or the catch basins system.

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends disapproval.

YES___

The FINANCE COMMITTEE recommends disapproval.

NO___

On petition of Mark Pacocha and others

**ZONING BYLAW AMENDMENT – LANGUAGE CORRECTION
WARRANT ARTICLE 39**

ARTICLE 50. To see if the Town will vote to amend the Andover Zoning Bylaw by inserting the number “2” in the section reference number approved under Article 39 at the 2004 Annual Town Meeting. The correct reference number will read: “4.1.3.2.b.” instead of “4.1.3.b.” or take any other action related thereto.

~~~~~

The 2004 Town Meeting approved Article 39, which was a by-law amendment that exempted uncovered stairs and bay windows from yard setback requirements. It was discovered that the article contained an incorrect reference to a section of the zoning by-law, specifically that the number “2” had been omitted. This amendment is intended to correct that error.

~~~~~

Requires a 2/3 vote

The BOARD OF SELECTMEN recommends approval. YES__

The PLANNING BOARD recommends approval. NO__

On request of the Planning Board

SIDEWALK RECONSTRUCTION

ARTICLE 51. To see if the Town will vote to appropriate \$858,000 for the purpose of paying costs of reconstructing sidewalks within the Town as more fully described in the Fiscal Year 2006 portion of the Town’s Sidewalk Master Plan, so-called, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~~~~~

Maintenance of sidewalks has been deferred for a number of years and many are unsafe. This article will help get the Town back on a regular sidewalk maintenance program by addressing some of the areas most in need of repair.

~~~~~

Requires a 2/3 vote

Financial Impact of Article 51	
<u>Approval</u>	<u>Disapproval</u>
Town borrows \$858,000 to be repaid over 5 years.	No change in FY2006 tax bill.
No increase in FY2006 tax bill.	Money not needed for debt service in future years
Peak year of debt service in FY2008 would require appropriation of \$199,000.	would be available within Proposition 2 ½ for other Town/School needs.
Would account for approximately \$15 of FY2008 average tax bill.	

The BOARD OF SELECTMEN recommends approval of \$858,000 from borrowing. YES__

The FINANCE COMMITTEE recommends approval of \$858,000 from borrowing. NO__

On request of the Public Works Director

OFF-STREET PARKING PROGRAM

ARTICLE 52. To see if the Town will vote to transfer the sum of \$110,000 from off-street parking receipts and appropriate \$110,000 for the purpose of purchasing and installing a pay-and-display unit at Olde Andover Village, Shawsheen Square and Memorial Hall Library parking lots, an electric vehicle replacement for parking enforcement, pay and display shelters and a message board, including costs incidental and related or take any other action related thereto.

~ ~ ~ ~ ~

Approval of this article would allow placement of 1 (one) additional pay/display unit in the Olde Andover Village/Main Street lot to complete planned improvements; institute pay/display program at commuter lot in Shawsheen Square (1 unit); replace obsolete meters in Library lot w/1 (one) pay/display unit; replace current gas powered vehicle used by the Parking Enforcement Officer with an electric vehicle and replace one of the Department's electronic message boards.

~ ~ ~ ~ ~

Financial Impact of Article 52	
<u>Approval</u> Reduces Off Street Parking Reserve Fund by \$110,000. No FY2006 tax bill impact.	<u>Disapproval</u> \$110,000 available for spending by future Town Meeting on parking needs.

The BOARD OF SELECTMEN recommends approval. YES__

The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO__

On request of the Police Chief

ZONING BYLAW – INDEPENDENT LIVING RESIDENCE

ARTICLE 53. To see if the Town will vote to amend the Andover Zoning Bylaw by inserting the following:

I. Amend Section 10.0. Definitions, by replacing the definition of “Independent Living Residence” as follows:

INDEPENDENT LIVING RESIDENCE: A dwelling unit, either constructed or converted, which is intended for use and occupancy by persons who have achieved the age of fifty-five (55) years or older within the meaning of M.G.L. Chapter 151B, Section 4, Subsection 7 and 42 U.S.C. 3607(b)(2)(C). A development that contains such units shall be operated and maintained in all other respects in compliance with the requirements of the statutes above and regulations promulgated thereunder, and such development that contains such units may include common areas, a common dining facility, and a meeting space for the provision of social, psychological, recreational and educational programs.

II. Amend Appendix A, Table 1, Section 3.1.3 Table of Use Regulations, A.5.d, under SRC, to change the designation from “N” to “PB”.

III. Amend Section 7.4 Elderly Housing as follows:

Replace Section 7.4.4 with: To provide alternative housing options for a maturing population that require lower demands on Town services and lower burdens of property maintenance on residents.

Amend Section 7.4 by adding: 8. To help maintain a stable economy by preventing out-migration of residents who are an essential part of our community.

Amend Section 7.4 by adding: 9. To promote flexibility in land use planning in order to improve site layouts and protect natural features and environmental values.

Amend Section 7.4.8. Independent Living Residence – Dimensional Requirements and Design Standards by replacing the section in its entirety with the following:

The Dimensional Requirements and Design Standards for an Independent Living Residence development shall not be subject to the standards in the underlying zoning districts unless otherwise provided herein, but shall conform to the following standards:

1. Minimum Parcel Size. The minimum parcel size for an independent living project shall be 43,560 square feet, subject to other applicable minimum standards set by State and Federal law.
2. Density. The maximum allowable density shall be five thousand square feet of lot area per Independent Living Residence unit in SRA and SRB, with a maximum 60 units per independent living development. In SRC, the maximum allowable density shall be ten thousand square feet of lot area per Independent Living Residence unit with a maximum 50 units per independent living development.
3. Building Height. The construction of a new building containing one or more new Independent Living Residence unit shall not exceed forty-five feet in height as measured in accordance with the State Building Code in SRA and SRB, or thirty-five feet in SRC. The reuse, renovation or addition to structures existing as of the date of the adoption of this bylaw amendment may exceed the height limitation above but shall not exceed the height of such structures existing as of the date of adoption of this bylaw amendment.
4. Building Coverage. The maximum building coverage, including accessory buildings, shall not exceed thirty percent (30%) of the lot area for new construction or expansion of existing structures.
5. Building Setbacks. All buildings shall be set back a minimum of twenty feet from all property lines. This section does not preclude the reuse and renovation of existing structures which may not meet this setback as of the date of adoption of this bylaw amendment. The minimum separation distance between buildings shall be twenty feet.
6. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located. As part of the grant of a Special Permit under Section 7.4.2, the Planning Board may reduce the frontage requirement to not less than 40 feet of frontage on a public way, provided that a suitable private access road into the site area can be constructed with the reduced frontage in a manner deemed adequate for emergency vehicles.
7. Town Services. Any new development of Independent Living Residence units shall be serviced by public water of sufficient capacity to serve the project. If no public sewer is available and on-site sewage disposal systems are to be used, an inspection and maintenance plan shall be submitted to the Andover Board of Health for approval prior to occupancy of any unit. If the proposed development is proposed to have common dining facilities, the site shall

be serviced by public sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

8. Common Open Space. In all new independent living developments there shall be an area of common open space equal to at least thirty percent (30%) of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than fifty percent (50%) of the minimum required open space shall be situated within wetlands. A permanent conservation restriction running to or enforceable by the Town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation. Such restriction shall be in a form and substance as the Planning Board shall prescribe including the management of said conservation restriction by the Andover Conservation Commission, Trustees of Reservations, Andover Village Improvement Society, or other agency or body, all as subject to the approval of the Planning Board.
9. Parking. The minimum number of parking spaces provided on the lot shall be 2 parking spaces per independent living unit. The Planning Board, at its discretion, may require additional parking spaces to serve the needs of visitors and/or service vehicles.
10. Access and On-Site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.
11. Landscaping. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking lots, dumpster locations and loading areas except for their points of ingress and egress, shall be ten feet.
12. Affordable Component. For all new independent living developments, there shall be a percentage of the dwelling units set aside for persons that will be affordable to those households earning no more than 80% of the area median income, as defined by the United States Department of Housing and Urban Development (HUD). For site densities of four units per acre or less, the number of affordable units in said developments shall represent at least 10% of the total. For site densities of more than four units per acre, the number of affordable units in said developments shall represent at least 15% of the total. All new affordable dwelling units shall be subject to an affordability restriction described in a deed rider, restrictive covenant, or other document approved by the Planning Board and shall be recorded at the Registry of Deeds or the Land Court. The affordability restriction shall restrict occupancy of the dwelling units to qualified persons in perpetuity or for the longest period allowed by law to enable said affordable unit to qualify for the Town's subsidized affordable housing inventory in accordance with the regulations and guidance of the Massachusetts Department of Housing and Community Development. Nothing in the affordability restrictions shall conflict with generally accepted financing standards or Massachusetts law.
13. Age Restriction. All dwellings in a new independent living development shall be subject to an age restriction described in a deed rider, restrictive covenant, or other document approved by the Planning Board and consistent with Federal and State fair housing laws and requirements, and shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall restrict occupancy of the dwelling units to persons of at least the age of 55 or older, and their spouses and children, consistent with Federal and State fair housing laws and

requirements. In the event of the death of a qualifying owner/occupant, the surviving spouse of a qualifying owner/occupant, regardless of age, shall be allowed to remain until death or remarriage to a non-qualifying individual consistent with Federal and State fair housing laws and requirements.

or take any other action related thereto.

The following explanation was submitted by the petitioner:

The number of persons aged 45-54 in Essex County grew nearly 50% in the decade ending in the year 2000. Most of these individuals are now, or shortly will be, 55 and older. Many people are looking for a change in housing – they want to downsize from the larger homes they raised their families in to more affordable, more appropriately-sized residences that require less maintenance and are designed to meet their lifestyles. Andover has had an “Independent Living” ordinance in its Zoning Bylaw for almost 10 years; however, with no regulations defining its use, such projects have not been developed. Because of this, conventional subdivisions of large homes continue to be built on the scarce remaining developable land. This proposed Bylaw will create regulations that define the parameters for Independent Living projects. Any proposal offered under these regulations would still be subject to public hearing and Planning Board Special Permit.

Requires a 2/3 vote

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES___

NO___

On petition of Willard D. Perkins and others

BRIDGE REPAIRS

ARTICLE 54. To see if the Town will vote to appropriate \$250,000 for the purpose of paying costs of reconstructing the following Town-owned bridges and bridge abutments on the Shawsheen River: the Essex Street Bridge, the Andover Street Bridge, the Stevens Street Bridge, the Balmoral Street Bridge and the Central Street Bridge, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (4) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

~ ~ ~ ~ ~

This article will provide for the repairs of the Essex Street Bridge over the Shawsheen River. A recent State inspection revealed deficiencies that must be addressed in order to maintain its structural integrity.

~ ~ ~ ~ ~

Requires a 2/3 vote

Financial Impact of Article 54	
<u>Approval</u> Town borrows \$250,000 to be repaid over 10 years. No increase in FY2006 tax bill. Peak year of debt service in FY2008 would require appropriation of \$67,000. Would account for approximately \$5 of FY2008 average tax bill.	<u>Disapproval</u> No change in FY2006 tax bill. Money not needed for debt service in future years would be available within Proposition 2 ½ for other Town/School needs.

The BOARD OF SELECTMEN recommends approval of \$250,000 from borrowing. YES___

The FINANCE COMMITTEE recommends approval of \$250,000 from borrowing. NO___

The SCHOOL COMMITTEE recommends approval.

On request of the Public Works Director

MASS SALT BALANCE STUDY

ARTICLE 55. To see if the Town will vote to raise by taxation, by transfer from available, or by any combination of the foregoing, and appropriate the sum of \$20,000 for the purposes of engaging the services of environmental consultants to perform a mass salt balance analysis in the Fish Brook and Haggetts Pond watershed areas and issue a report of recommendations to protect the public health, safety and quality of life in the community of Andover, or take any other action related thereto.

~ ~ ~ ~ ~

This article will authorize the town to fund a study to include environmental testing for sodium and chlorides, loading rates, point and non-point source identification, and flow rates in the town’s public water supply watersheds of Fish Brook and Haggetts Pond. Application of road salt and salt storage areas located within the watershed areas are contributing to contamination of the town’s public drinking water supply with sodium and chloride. The Fish Brook Initiative Task Force, appointed by the Andover Board of Health, has been gathering data and collecting samples on a volunteer basis and will advise the Board of Health on utilization of the funds to conduct further analysis and testing and to issue a report of recommended action to be taken by the town to protect the health, safety, and quality of life in Andover from the potential adverse impacts of this contamination.

~ ~ ~ ~ ~

Financial Impact of Article 55	
<u>Approval</u> Reduces Water Reserve balance by \$20,000.	<u>Disapproval</u> \$20,000 available for spending by future Town Meeting on water projects.

The BOARD OF SELECTMEN recommends approval of \$20,000 from water reserves. YES___

The FINANCE COMMITTEE recommends approval of \$20,000 from water reserves. NO___

The SCHOOL COMMITTEE recommends approval of \$20,000 from water reserves.

On request of the Board of Health

CONSTRUCTION EASEMENT – WOOD MEMORIAL PARK

ARTICLE 56. To see if the Town will vote to authorize the Selectmen to request the legislature to enact special legislation in accordance with Article 97 of the Articles of Amendment to the Constitution of the Commonwealth and notwithstanding General Laws Chapter 30B, Chapter 30, Chapter 149 or any general or special law to the contrary, to (1) authorize the Town to grant a temporary construction easement to Yvon Cormier Construction Corp., a Massachusetts corporation for the purpose of constructing an underground sewer line through the William M. Wood Memorial Park shown as Parcel 6 on Assessors Map 53 and (2) change the use of the William M. Wood Memorial Park on a temporary basis to allow construction of an underground sewer line through said Park and allow the construction of an underground sewer line through the William M. Wood Memorial Park by Yvon Cormier Construction Corp., all of which is to be done with no Town funds to be used for construction of the underground sewer line through the William M. Wood Memorial Park, or take any other action related thereto.

The following explanation was submitted by the petitioner:

This warrant article would authorize the Board of Selectmen to request the State Legislature to authorize the Town to: (a) grant a temporary construction easement through the William Wood Memorial Park and (b) to allow a temporary change in the use of the Park so as to allow Yvon Cormier Construction Corp to construct an underground sewer line through the Park. No town funds would be used for the construction of the sewer line. Going through the Park will minimize the disruption to traffic during the sewer line installation.

The BOARD OF SELECTMEN recommends approval.

YES___

NO___

On petition of Mark B. Johnson, Esq. and others

TRANSFER FUNDS
TOWN YARD AND/OR SPRING GROVE CEMETERY

ARTICLE 57. To see if the Town will vote to transfer the sum of \$150,000 from Article 4, 2003 Annual Town Meeting - Plant and Facilities Capital Projects Fund - and appropriate \$150,000 for the purpose of remodeling, constructing, reconstructing, or making extraordinary repairs to the DPW and Plant and Facilities buildings at the existing Town Yard off Lewis Street and/or at Spring Grove Cemetery including costs incidental and related or take any other action related thereto.

~ ~ ~ ~ ~

This article proposes to transfer \$150,000 originally appropriated in the FY2003 budget for an addition to Spring Grove Cemetery to accommodate the Forestry Division presently located at the Town Yard to a new article to address needed corrective measures at the Town Yard off Lewis Street & Buxton Court. This article will be moved differently at Town Meeting restricting the use of these funds for construction and re-construction at the Town Yard. These funds are needed to rebuild the 100 plus year old Parks & Grounds Division building off Buxton Court that has serious structural and safety deficiencies and is inadequate for this operation.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval of Article 57 as amended to eliminate “and for Spring Grove Cemetery”. YES___
The FINANCE COMMITTEE recommends approval of Article 57 as amended to eliminate “and for Spring Grove Cemetery”. NO___

On request of the Plant and Facilities Director

HOUSING TRUST FUND

ARTICLE 58. To see if the Town will vote to accept Massachusetts General Laws Chapter 44 Section 55C establishing a municipal affordable housing trust fund or take any other action related thereto.

~ ~ ~ ~ ~

This article allows the Town of Andover to accept Massachusetts General Laws Chapter 44, Section 55C. Acceptance will permit the Town of Andover to establish a Municipal Affordable Housing Trust Fund (MAHTF). The Board of Selectmen shall appoint five trustees, including the chief executive officer, to manage the MAHTF.

It is important to create a MAHTF now because in the past five years, 71 units of owner occupied affordable housing have been developed under Chapter 40B and other means. These owner occupied units are deed restricted to be affordable in perpetuity. However, in the event of foreclosure, or if a unit is for sale and an income eligible buyer is not found in the designated time period, the monetary difference between the market price and the deed restricted affordable price, would be lost to the general fund. With a MAHTF, the money will have an appropriate place to go. It is important for the Town to have a MAHTF in place so that the affordable unit, already in existence and part of Andover’s subsidized housing inventory, is preserved. Also, the MAHTF can accept gifts, grants, and land specifically for affordable housing purposes. In sum, the MAHTF is a tool for Andover to help preserve its existing investment in affordable housing.

~ ~ ~ ~ ~

The BOARD OF SELECTMEN recommends approval. YES___
The FINANCE COMMITTEE will make its recommendation at Town Meeting. NO___

On request of the Andover Housing Partnership Committee

TRAFFIC SIGNALS – LOWELL STREET

ARTICLE 59. To see if the Town will vote to permit Raytheon Company to design, construct and maintain a traffic signal system in compliance with State and Town regulations. Proposed signals would be installed at the entrance to the property at 350 Lowell Street (Route 133) in Andover or take any other action related thereto.

The following explanation was submitted by the petitioner:

Employees of Raytheon who are residents of the Town of Andover have requested that this article be inserted in the Warrant for the annual Town meeting. They and their fellow employees have raised concern as to the safety at the intersection of the entranceway with Rte. 133.

Passage of this article would have no financial impact to the Town. Funding for the required Traffic study, Engineering, Permitting, Construction and Maintenance of the signal system would be provided by Raytheon Company.

The BOARD OF SELECTMEN recommends approval if the article is amended to read that Raytheon Company will have the responsibility for perpetual maintenance. YES___

The PLANNING BOARD will make its recommendation at Town Meeting. NO___

On petition of Stephen Knott and others

INTERMUNICIPAL SEWER AGREEMENT

ARTICLE 60. To see if the Town will vote to authorize, but not require, an intermunicipal agreement for a term not to exceed twenty-five years, pursuant to M.G. L. Chapter 40, Section 4A, as amended, with the House of Atreus Realty Trust and the Town of Tewksbury and the City of Lowell, (unless the Selectmen determine that the City of Lowell does not need to be a party), whereby the Town of Tewksbury will provide sewer services, and be paid by the landowners for such services, to Lots 12, 13, 14, 15, 16, 17, 25, 27 and 29 Crystal Circle which lots are located in the Town of Andover, with all such lots shown on a Plan of Land which is on file with the Town Clerk's Office, depicting the Crystal Circle Subdivision which is located in both Andover and Tewksbury, Massachusetts and to authorize, but not require, the Board of Selectmen, as the Sewer Commissioners and the Town Manager to enter into such an intermunicipal agreement in their discretion upon such terms and conditions as they may deem appropriate including requiring said sewers to be constructed in total and operational by January 1, 2007 or the agreement is null and void, the Town of Tewksbury will indemnify, defend and hold harmless the Town of Andover for all claims relating to the sewer line and sewer backup in the lots in Andover and a perpetual deed restriction for such lots stating that the Town of Andover shall have no responsibility whatsoever for the construction or maintenance of such sewers or the collection of payment for such sewer services or take any other action related thereto.

The following explanation was submitted by the petitioner:

This warrant article would authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Town of Tewksbury, and the City of Lowell, if necessary, whereby the Town of Tewksbury would provide sewer services for 9 lots in the Crystal Circle Subdivision. Each of the lot owners would be responsible for the payment of all costs incurred. The Town of Andover would have no responsibility whatsoever for the construction or maintenance of the sewer or the collection of payment for such sewer services.

The BOARD OF SELECTMEN will make its recommendation at Town Meeting. YES___

The PLANNING BOARD will make its recommendation at Town Meeting. NO___

On petition of Mark B. Johnson, Esq. and others
