

SPECIAL TOWN MEETING – December 1, 2022

INDEX

<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
1. West Elementary School Construction	Approved	
2. West Elementary/Shawsheen Pre-School Construction Project	Approved	

SPECIAL TOWN MEETING – December 1, 2022

SPECIAL TOWN MEETING WARRANT

Agreeably to a Warrant signed by the Select Board on October 17, 2022, to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at the Andover High School, Shawsheen Road, in said Andover, on

THURSDAY, THE FIRST DAY OF DECEMBER, 2022

at seven o'clock A.M. to act upon the following articles:

Pursuant to the foregoing Warrant, I the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said Warrants have been posted and published fourteen days.

Ronald Bertheim, Constable
October 31, 2022

SPECIAL TOWN MEETING – DECEMBER 1, 2022

The check lists were used in electronic form with the aid of PollPad computing devices, and four hundred sixteen (416) voters were admitted to the meeting.

Sheila M. Doherty, Moderator, called the meeting to order at 7:00 P.M.

The Pledge of Allegiance to the Flag was led by Alex Vispoli, chair of the Select Board.

The invocation was given by Sheila M. Doherty.

The Moderator took a moment to remember the residents of the Town who have passed in the past year.

Upon motion made and duly seconded it was VOTED to admit non-voters to the meeting, some of whom may be speaking. Thirty four (34) non-voters were admitted during the meeting.

The Moderator asked that all cell phones be silenced so as not to disturb the meeting.

Upon motion made and duly seconded, it was VOTED by majority consent to dispense with the reading of the Warrant and return of service of the Constable and to refer to the Warrant Articles by number and subject matter.

The Moderator announced the six voting sections of the hall.

The Moderator introduced the stage participants to meeting members.

The Moderator introduced Atty. Peter Caruso as the Town Meeting “Ombudsman,” and reminded meeting members that he would help them with questions regarding Town Meeting procedures and amendments to articles.

The Moderator outlined the Rules and Procedures of Town meeting to the members, including that voters must be seated to be counted and must have their voter stickers visible. The Moderator also explained the use of Pro, Con and Point of Order microphones during the meeting.

The Moderator took a vote to limit presenters of articles to five minutes of speaking time and speakers to three minutes, subject to her discretion. The Motion passed by a majority vote.

The Moderator then took up the Warrant.

SPECIAL TOWN MEETING – December 1, 2022

ARTICLE 1	WEST ELEMENTARY SCHOOL CONSTRUCTION
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To see if the Town will vote to appropriate, borrow or transfer from available funds, an additional amount of money to be expended under the direction of the West Elementary School Building Committee for the design and construction of a new Pre-K through Grade Five Elementary School with an approximate square footage of 191,000 square feet located at 58 Beacon Street, Andover, Massachusetts inclusive of abatement and demolition of the existing school structures on said property, new parking lots, multi-purpose fields, and all other costs incidental and related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 40.47 % of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, provided that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Andover and the MSBA. Or take any other action relative thereto.

On request of the West Elementary School Building Committee

Upon motion made and duly seconded it was VOTED that the Town of Andover appropriate the amount of \$16,404,655, in addition to the \$151,661,968 previously appropriated, to be expended under the direction of the West Elementary School Building Committee for the design and construction of a new Pre-K through Grade Five Elementary School with an approximate square footage of 191,000 square feet located at 58 Beacon Street, Andover, Massachusetts inclusive of abatement and demolition of the existing school structures on said property, new parking lots, multi-purpose fields, and all other costs incidental and related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). To meet this appropriation, (i) \$1,400,000 is authorized to be transferred from free cash, (ii) \$463,731 is authorized to be transferred from available funds remaining in Article 45 of the 2018 Annual Town Meeting, and (iii) the Town Treasurer is authorized to borrow \$14,540,924 under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 40.47 % of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote, together with the amount previously appropriated by the Town, shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Andover and the MSBA.

It was moved by Bethany Beck of 102 Osgood Street and duly seconded to amend the article to remove the following items: “Greenhouses, Operable Partitions, Turf Field Equipment, Athletic Field Equipment & Window Treatments.” A simple majority vote required for passage, the Moderator declared the Motion to Amend Failed.

VOTE: A two thirds vote required for passage, the Moderator declared the Motion Passed by a vote of 388 in the affirmative and 28 in the negative.

Select Board Report:	Approval
Finance Committee Report:	Approval
School Committee Report:	Approval
West Elementary School Building Committee Report:	Approval
Council on Aging Report:	Approval
Andover Green Advisory Committee Report:	Approval

SPECIAL TOWN MEETING – December 1, 2022

ARTICLE 2	WEST ELEMENTARY/SHAWSHEEN PRE-SCHOOL CONSTRUCTION PROJECT
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To see if the Town will vote to appropriate the sum of \$463,731 remaining from Article 45 of the 2018 Annual Town Meeting so that such funds may be used for the West Elementary/Shawsheen Pre-School Construction project, including all costs incidental and related thereto, or take any other action related thereon.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to withdraw Article 2.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a majority vote.

On motion of Town Counsel, Thomas J. Urbelis, made and duly seconded it was voted by a majority vote to dissolve the Special Town Meeting at 8:08 P.M.

A true record
A T T E S T

Austin P. Simko
Town Clerk