

ANNUAL TOWN MEETING – June 5, 2021

INDEX

<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
1. Annual Town Election Results	Reported	
2. Election – Not Required by Ballot	Election	
3. Salaries of Elected Officials	Approved	
4. Fiscal Year 2022 Budget – \$205,050,163	Approved	
5. Fiscal Year 2022 Capital Projects Fund – \$3,010,000	Approved	
6. Financial Housekeeping Articles A. Budget Transfers B. Supplemental Budget Appropriations C. Stabilization Fund D. Free Cash E. Unexpended Appropriations F. Unexpended Appropriations Capital Projects Fund G. Fiscal Year Revolving Accounts H. PEG Access and Cable Related Expenses	Approved	
7. Unfunded Pension Liability		
8. Minor Financial Articles A. Overlay Surplus Transfer B. Elderly/Disabled Transportation Program C. Support for Andover Day D. Spring Grove Cemetery Maintenance	Approved	
9. General Housekeeping Articles A. Grant Program Authorization B. Road Contracts C. Town Report D. Property Tax Exemptions E. Contracts in Excess of Three Years F. Accepting Easements G. Rescinding Bond Authorizations	Approved	
10. Unpaid Bills	Approved	

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<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
11. Chapter 90 Authorizations	Approved	
12. Granting Easements	Approved	
13. Stabilization Fund Bond Premium	Approved	
14. Water Treatment Plant Maintenance	Approved	
15. West Elementary School Design and Construction	Approved	
16. Interest on Late Payments	Approved	September 29, 2021
17. Authorize Electricity Supply/On Bill Credit Purchase Agreements at Sanborn School	Approved	
18. Authorize Lease of Land/Rooftop Space at Sanborn School for Solar Photovoltaic Facilities	Approved	
19. Authorize Agreements for Payment in Lieu of Taxes at Sanborn School	Approved	
20. Andover High School Design	Approved	
21. Retail Package Store Quota	Approved	
22. Means Tested Senior Citizen Property Tax Exemption	Approved	
23. Capital Projects from General Fund – 6,595,000	Approved	
24. Capital Projects from Free Cash – \$1,983,372	Approved	
25. Capital Projects from Water and Sewer Enterprise Funds – \$9,375,000	Approved	
26. Establish New Revolving Fund – Student Technology Rental	Approved	September 29, 2021

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<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
27. Debt Reduction	Approved	
28. Automatic Sprinklers	Approved	
29. Street Acceptance – Monarch Lane	Withdrawn	
30. Merrimack River Solid Waste Collection & Removal Project from Free Cash	Approved	
31. Town Election Date	Disapproved	
32. Terms for Boards, Committees & Commissions	Withdrawn	
33. Form of Government Ballot Question	Withdrawn	
34. Noise and Vibration Standards Bylaw	Disapproved	
35. Land Acquisition – \$4,025,000	Approved	
36. Amendment of Open Space Land Acquisition Bonding Appropriations	Approved	
37. General Bylaw Amendment – Outdoor Dining or Retail License Bylaw	Approved	September 29, 2021
38. Amend Andover Zoning Bylaw Article VIII	Approved	September 29, 2021

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ANNUAL TOWN MEETING WARRANT

Agreeably to a Warrant signed by the Select Board on May 3, 2021, 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

SATURDAY, THE FIFTH DAY OF JUNE, 2021

at nine thirty 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
May 19, 2021

ANNUAL TOWN MEETING

The meeting was held under two connected tents totaling 59,400-square in a field located behind West Middle School at 70 Shawsheen Road. Chairs were socially distanced. Voter check-in occurred at the four corners of the main tent.

The check lists were used in electronic form with the aid of PollPad computing devices, and Nine Hundred Sixty Four (964) voters were admitted to the meeting.

Sheila M. Doherty, Moderator, called the meeting to order at 9:30 A.M.

The Pledge of Allegiance to the Flag was led by Annie Gilbert, chair of the Select Board.

The invocation was given by Father Arthur Johnson of St. Augustine Parish.

The Moderator took a moment to remember the residents of the Town who have passed in the past year, particularly due to the COVID-19 epidemic.

Upon motion made and duly seconded it was VOTED to admit non-voters to the meeting, some of whom may be speaking. Seventy seven (77) 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.

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The Moderator announced the 18 voting sections of the tents.

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.

ARTICLE 1	ANNUAL TOWN ELECTION
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Annual Town Election: Moderator for one year, two Select Board members for three years, two School Committee members for three years, one Housing Authority member for five years, one Greater Lawrence Regional Vocational Technical School District Commission member for three years and two Punchard Free School Trustees for three years, or take any other action related thereto.

On request of the Town Clerk

The Town Clerk reported the following were elected:

Moderator	One for One Year	Sheila M. Doherty 9 Juniper Road
Select Board	Two for Three Years	Ann W. Gilbert 12 Gray Road Christian C. Huntress 17 Tewksbury Street
School Committee	Two for Three Years	Susan McCready 8 Dean Circle Tracey Spruce 23 Woodhaven Drive
Greater Lawrence Regional	One for Three Years	Marilyn Fitzgerald

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Vocational Technical School
District Committee Rep.

25 Washington Avenue

Trustees of the
Punchard Free School

Two for Three Years

Melissa M. Danisch
16 Bradley Road

Eric Stubenhaus
8 Enfield Drive

Housing Authority

One for Five Years

Daniel Grams
28 Corbett Street

ARTICLE 2	ELECTION NOT REQUIRED BY BALLOT
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To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

On request of the Town Clerk

Upon motion made and duly seconded it was VOTED by a majority vote that Kenneth Ozoonian of 98 Osgood Street be elected Trustee of the Cornell Fund for three years.

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

ARTICLE 3	SALARIES OF ELECTED OFFICIALS
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To establish the salaries of the elected officers for the ensuing year, or take any other action related thereto.

On request of the Town Clerk

Upon motions made and duly seconded it was VOTED by majority vote that the salaries of the elected Town Officers be established as follows:

- Town Moderator: \$250.00 for each Annual Town Meeting and \$60.00 for each Special Town Meeting except when it falls within the Annual Town Meeting.

- Select Board: Chair - \$1,800.00
 Members - \$1,500.00

- School Committee: Chair - \$1,800.00
 Members - \$1,500.00

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The Town Clerk presided over the vote for the Moderator’s compensation. The Moderator presided over the vote for the Select Board and School Committee compensation.

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

Finance Committee Report: Approval

ARTICLE 4	FISCAL YEAR 2022 BUDGET
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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, 2021 and ending June 30, 2022, or take any other action related thereto.

On request of the Town Manager

It was moved and duly seconded to raise and appropriate, including appropriations from available funds, the sum of \$205,050,163 less \$2,121,470 for a total of \$202,928,693 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, 2021 and ending June 30, 2022.

The Town Manager, School Committee chair, Finance Committee chair, and Select Board chair each made presentations regarding the proposed budget.

The Town Meeting considered the budget by discussing separately each of the budget’s line items: Public Safety, General Government/IT/CD&P, Department of Public Works, Public Facilities, Library, Community Services, Unclassified, Andover School Department, Sewer, Water, and Obligations.

It was moved by Mr. Levine of Kenilworth Street, and duly seconded to amend General Government/IT/CD&P, line item 3, separate from rest of the budget. A simple majority vote required for passage, the Moderator declared the Motion to Amend Failed.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

The FY 2022 Budget was approved as follows:

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<u>Department</u>	<u>Amount</u>
Public Safety	\$ 18,309,886
General Government	\$ 9,401,734
Public Works	\$ 9,736,410
Public Facilities	\$ 3,833,786
Library	\$ 2,982,397
Community Services	\$ 2,425,195
Unclassified	\$ 355,326
Schools	\$ 92,593,452
Sewer	\$ 5,292,679
Water	\$ 9,120,867
Obligations	\$ 50,998,431
GRAND TOTAL	\$ 205,050,163
<i>less dedicated Revenues</i>	<u>(\$ 2,121,470)</u>
NET TOTAL	\$ 202,928,693

2021 ANNUAL TOWN MEETING SPECIAL ARTICLES

SPECIAL ARTICLES FROM FREE CASH

Article 6B	Supplemental Appropriations (Snow & Ice)	\$ 500,000.00
Article 10	Unpaid Bills	\$ 6,673.19
Article 24	Capital Projects from Free Cash	\$1,983,372.00
Article 27	Deficit Reduction	\$ 38,606.91
Article 30	Merrimack River Solid Waste Collection & Removal	\$ 75,000.00
Article 35	Acquisition of 138 Chandler Road	<u>\$1,025,000.00</u>
	TOTAL	\$3,628,652.10

SPECIAL ARTICLES – TRANSFER OF FUNDS

Article 6H	From Cable Franchise Fees to support PEG access services and other related expenses	\$ 394,250.00
Article 8A	From Overlay Surplus to fund expenses related to the FY2022 valuation of personal property accounts of locally assessed gas distribution companies	\$ 10,000.00
Article 8D	From the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto	\$ 6,000.00
Article 13	From the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest	

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	Payments	\$ 100,000.00
Article 20	Andover High School Design repurpose from Article 1, 2013 ATM to be used to pay costs for the Andover High School Design Project	<u>\$ 1,238,419.73</u>
	TOTAL	\$ 1,748,669.73

UNEXPENDED APPROPRIATIONS CAPITAL PROJECTS FUND

Article 6F	Article 5, 2016 Annual Town Meeting – CP Fund	\$ 11,342.38
	Article 5, 2017 Annual Town Meeting – CP Fund	<u>\$ 20,264.00</u>
	TOTAL	\$ 31,606.38

SPECIAL ARTICLES – GENERAL FUND NON-EXEMPT BORROWING

Article 23	Capital Projects from General Fund Borrowing	\$ 6,595,000.00
Article 35	Acquisition of 138 Chandler Road	<u>\$ 3,000,000.00</u>
	TOTAL	\$ 9,595,000.00

SPECIAL ARTICLES – GENERAL FUND EXEMPT & NON-EXEMPT BORROWING

Article 7	Unfunded Pension Liability (Exempt Portion \$87,500,000 – Ballot Vote 6/15/21)	\$175,000,000.00
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SPECIAL ARTICLES – GENERAL FUND EXEMPT BORROWING

Article 15	West Elementary School Design and Construction (Ballot Vote 6/15/21)	\$151,661,968.00
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SPECIAL ARTICLES – WATER/SEWER FUND BORROWING

Article 25	Capital Projects from Water and Sewer Borrowing	\$ 9,000,000.00
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SPECIAL ARTICLES – FISCAL YEAR 2022 REVOLVING ACCOUNTS

Article 6G	Community Development & Planning Department	\$ 20,000.00
Article 6G	Memorial Hall Library – Lost/Damaged Materials	\$ 20,000.00
Article 6G	Health Clinic	\$ 60,000.00
Article 6G	Division of Recreation	\$ 750,000.00
Article 6G	Division of Youth Services	\$ 400,000.00

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Article 6G	Field Maintenance	\$ 150,000.00
Article 6G	Division of Elder Services	\$ 225,000.00
Article 6G	Police Communications	\$ 50,000.00
Article 6G	School Photocopy Fees	\$ 10,000.00
Article 6G	Compost Program	\$ 60,000.00
Article 6G	Solid Waste	\$ 40,000.00
Article 6G	Stormwater Management	\$ 5,000.00
Article 6G	Fire Rescue	\$ 100,000.00
Article 6G	Health Services	\$ 100,000.00
Article 6G	Professional Development Institute	\$ 50,000.00
	TOTAL	\$ 2,040,000.00

SPECIAL ARTICLES FROM TAXATION

Article 5	Capital Projects Fund Appropriation	\$ 3,010,000.00
Article 8B	Elderly/Disabled Transportation Program	\$ 12,000.00
Article 8C	Support for Andover Day	\$ 5,000.00
	TOTAL	\$ 3,027,000.00

WATER ENTERPRISE FUND

Article 14	Water Treatment Plant Maintenance	\$ 300,000.00
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SPECIAL ARTICLES FROM WATER & SEWER RESERVES

Article 25	Capital Projects from Water Enterprise Funds	\$ 125,000.00
Article 25	Capital Projects from Sewer Enterprise Funds	\$ 250,000.00
	TOTAL	\$ 375,000.00

A true record
ATTEST

Austin P. Simko
Town Clerk

ARTICLE 5	FISCAL YEAR 2021 CAPITAL PROJECTS FUND
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To see if the Town will vote to raise by taxation and appropriate the sum of money for the purpose of funding the Fiscal Year 2022 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to raise by taxation and appropriate the sum of \$3,010,000 for the purpose of funding the Fiscal Year 2022 appropriation for the Capital Projects Fund, including the leasing of equipment.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 6	FINANCIAL HOUSEKEEPING ARTICLES (A THROUGH H)
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- A. **Budget Transfers** To see if the Town will vote to transfer from amounts previously appropriated at the September 2020 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

- B. **Supplemental Budget Appropriations** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the September 2020 Annual Town Meeting, or take any other action related thereto.

On request of the Town Manager

- C. **Stabilization Fund** To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003 and Chapter 218 of the Acts of 2016, or take any other action related thereto.

On request of the Town Manager

- D. **Free Cash** To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2022 tax rate and to affect appropriations voted at the 2020 Annual Town Meeting, or take any other action related thereto.

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On request of the Finance Director

- E. Unexpended Appropriations** To see what disposition shall be made of unexpended appropriations and Free Cash in the treasury, or take any other action related thereto.

On request of the Finance Director

- F. Unexpended Appropriations Capital Projects Fund** To see what disposition shall be made of unexpended appropriations in the Capital Projects Fund, or take any other action related thereto.

On request of the Finance Director

- G. Fiscal Year 2022 Revolving Accounts** To see if the Town will vote to authorize the following expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2021, or take any other action related thereto:

Revolving Fund	FY2022 Limit
Community Development & Planning Department	\$20,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$750,000
Division of Youth Services	\$400,000
Field Maintenance	\$150,000
Division of Elder Services	\$225,000
Police Communications	\$50,000
School Photocopy Fees	\$10,000
Compost Program	\$60,000
Solid Waste	\$40,000
Stormwater Management	\$5,000
Fire Rescue	\$100,000
Health Services	\$100,000
Professional Development Institute	\$50,000

On request of the Finance Director

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H. PEG Access and Cable Related Expenses To see if the Town will vote to appropriate cable franchise fees and other cable-related revenues to support PEG access services, cable related expenses, and oversight of the cable franchise agreements for fiscal year 2022, which begins on July 1, 2021, or take any other action related thereto.

On request of the Finance Director

Upon motion made and duly seconded it was VOTED to withdraw Articles 6A, 6C, 6D, and 6E.

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

Upon motion made and duly seconded it was VOTED that:

1. Per Article 6B, I move to appropriate \$500,000 from free cash and to transfer \$500,000 to Snow & Ice.
2. Per Article 6F, that the Town close out the sum of \$31,606.38 from the following appropriations:

\$11,342.38 – Article 5, 2016 Annual Town Meeting – Capital Projects Fund
\$20,264.00 – Article 5, 2017 Annual Town Meeting – Capital Projects Fund
3. Per Article 6G, to approve as printed in the warrant.
4. To approve Article 6H as printed in the warrant and further that the Town appropriates \$394,250 for cable related purposes.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 7	UNFUNDED PENSION LIABILITY
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To see if the Town will appropriate a sum of money for the purpose of funding the unfunded pension liability, so-called, of the retirement system of the Town, and for the payment of all costs incidental or related thereto; to determine whether this amount shall be raised by borrowing or otherwise provided that no amounts shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts required to repay any indebtedness authorized by this vote from the limitations on property taxes set forth in G.L. c. 59, §21C.; to determine

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whether a reserve fund shall be established in connection with the undertaking of any such borrowing, or take any other action relative thereto.

On request of the Town Manager and Finance Committee

Upon motion made and duly seconded it was VOTED that the Town appropriates \$175,000,000 a sum of money for the purpose of funding the unfunded pension liability, so-called, of the retirement system of the Town, and for the payment of all costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 306 of the Acts of 2020 (“Chapter 306”) and any other enabling authority, and to issue bonds or notes of the Town therefor, and that in connection with the approval of the issuance of bonds or notes by the Secretary of Administration and Finance in accordance with said Chapter 306, there is hereby authorized the establishment of a pension stabilization fund in accordance with G.L. c. 40, §5B, to the extent required by the Secretary of Administration and Finance in connection with such approval. No amounts shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts required to repay \$87,500,000 of the principal of this borrowing, together with the interest thereon, from the limitations on property taxes set forth in G.L. c. 59, §21C. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. No amounts shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts required to repay any indebtedness authorized by this vote from the limitations on property taxes set forth in G.L. c. 59, §21C.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by a vote of 586 in the affirmative and 77 in the negative.

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 8	MINOR FINANCIAL ARTICLES (A THROUGH D)
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- A. Overlay Surplus Transfer** To see if the Town will vote to transfer \$10,000 from Overlay Surplus to fund expenses related to the FY2022 valuation of personal property accounts of locally assessed gas distribution companies, or take any other action related thereto.

On request of the Finance Director

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- B. Elderly/Disabled Transportation Program** 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.

On request of the Council on Aging

- C. Support for Andover Day** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$5,000 for the purpose of paying a portion of the municipal costs associated with Andover Day in the downtown, or take any other action related thereto.

On request of the Town Manager

- D. Spring Grove Cemetery Maintenance** To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

Upon two motions made and duly seconded it was VOTED, first, to approve Articles 8A, 8B and 8D as printed in the warrant, and, second, to appropriate and raise by taxation the sum of \$5,000 for the purpose of paying a portion of the municipal costs associated with Andover Day in the downtown.

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

Select Board Report:	Approval (A-D)
Finance Committee Report:	Approval (A-D)
Council on Aging Report:	Approval (B)

ARTICLE 9	GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)
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To see if the Town will vote the following consent articles, or take any other action related thereto:

- A. Grant Program Authorization** To see if the Town will vote to authorize the Select Board 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.

On request of the Town Manager

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- B. Road Contracts** 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

- C. Town Report** To act upon the report of the Town officers, or take any other action related thereto.

On request of the Town Manager

- D. Property Tax Exemptions** 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 2022 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

- E. Contracts in Excess of Three Years** 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 interests of the Town by a vote of the Select Board or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

- F. Accepting Easements** To see if the Town will vote to authorize the Select Board and the School Committee to accept grants of easements for streets, water, drainage, sewer, public access and utility purposes or any public purpose 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

- G. Rescinding of Bond Authorizations** To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings, or take any other action related thereto.

On request of the Finance Director

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Upon two motions made and duly seconded it was VOTED, first, to approve the consent agenda, Articles 9A through 9F, as printed in the warrant, and, second, that the Town hereby votes to withdraw Article 9G.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 10	UNPAID BILLS
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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.

On request of the Town Accountant

Upon motion made and duly seconded it was VOTED that the Town transfer from free cash and appropriate the sum of \$6,673.19 to be paid to the following: \$3,283.19 LEC Environmental Consultants Inc.; \$3,315.00 Derek Leider Masonry LLC; and \$75.00 Maritza Martinez.

VOTE: A four-fifths vote required for passage, the Moderator declared the Motion Passed by a vote of 496 in the affirmative and 4 in the negative.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 11	CHAPTER 90 AUTHORIZATIONS
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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.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED 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.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

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Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 12	GRANTING EASEMENTS
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To see if the Town will vote to authorize the Select Board and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose 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

Upon motion made and duly seconded it was VOTED to approve Article 12 as printed in the Warrant.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval
School Committee Report: Approval

ARTICLE 13	STABILIZATION FUND BOND PREMIUM
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To see if the Town will vote to transfer the sum of \$100,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

On request of the Finance Director

Upon motion made and duly seconded it was VOTED to approve Article 13 as printed in the Warrant.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 14	WATER TREATMENT PLANT MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$300,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs related to the water distribution system and the

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Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

Upon motion made and duly seconded it was VOTED to approve Article 14 as printed in the Warrant.

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

Select Board Report: Approval

Finance Committee Report: Approval

ARTICLE 15	WEST ELEMENTARY SCHOOL DESIGN AND CONSTRUCTION
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To see if the Town will vote to appropriate, borrow or transfer from available funds, an 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 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½) and 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 School Committee

Upon motion made and duly seconded it was VOTED that the Town of Andover raise and appropriate the amount of One Hundred Fifty One Million Six Hundred Sixty One Thousand, Nine Hundred and Sixty Eight \$151,661,968 Dollars for the purpose of paying costs for the construction of a new Pre-K to Five West Elementary School, 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 including the payment of all costs

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incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town of Andover may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the West Elementary School Building Committee . To meet this appropriation, the Town Treasurer, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Andover 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 of Andover incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Andover; provided further that any grant that Town of Andover may receive from the MSBA for the Project shall not exceed the lesser of (1) 45.85 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and 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.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

School Committee Report: Approval
Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 16	INTEREST ON LATE PAYMENTS
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To see if the Town will vote to add to the general by-laws the following:

“Pursuant to General Laws Chapter 40, Section 21E due dates for water and sewer bills and charges shall be thirty days after the bills and charges are mailed. For all water and sewer bills and charges which remain unpaid after the due date, interest at the rate of 14 per cent per annum shall accrue” or take any other action related thereto

On request of the Finance Director

Upon motion made and duly seconded it was VOTED to approve Article 16 as printed in the Warrant.

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

Select Board Report: Approval
Finance Committee Report: Approval

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ARTICLE 17	AUTHORIZE ELECTRICITY SUPPLY / ON BILL CREDIT PURCHASE AGREEMENTS AT SANBORN SCHOOL
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To see if the Town will vote to authorize the School Committee to enter into one or more electricity supply, on-bill credit or similar agreements with the owner(s) of solar voltaic facilities to be installed at the Sanborn School for such terms of years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities

Upon motion made and duly seconded it was VOTED to approve Article 17 as printed in the Warrant.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 18	AUTHORIZE LEASE OF LAND/ROOFTOP SPACE AT SANBORN SCHOOL FOR SOLAR PHOTOVOLTAIC FACILITIES
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To see if the Town will vote to transfer the care, custody and control of the land and buildings located at 90 Lovejoy Road shown on Assessors Map 153 as Lot 3 and known as the Sanborn School, to the School Committee for school-related purposes and for the purpose of (i) leasing building rooftop space and any unused, open-land areas for installation of solar voltaic facilities and (ii) granting easements on, over and under said parcels of land in connection with such solar photovoltaic facilities, with such leases and easements to be for such terms of years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities

Upon motion made and duly seconded it was VOTED to approve Article 18 as printed in the Warrant.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval
Planning Board Report: Approval

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ARTICLE 19	AUTHORIZE AGREEMENTS FOR PAYMENT IN LIEU OF TAXES AT SANBORN SCHOOL
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To see if the Town will vote to authorize the Select Board to enter into one or more agreements for payments in lieu of taxes pursuant to G.L. c. 59 s.38H(b) with the owner(s) of solar voltaic facilities to be installed at the Sanborn School for such terms of years, and on such terms and conditions, as the Select Board deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities

Upon motion made and duly seconded it was VOTED to approve Article 19 as printed in the Warrant.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 20	ANDOVER HIGH SCHOOL DESIGN
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To see if the Town will vote to appropriate the sum of \$1,238,419.73 by repurposing funds remaining from Article 1 of the 2013 Special Town Meeting so that such funds may, instead, be used to pay costs for the Andover High School Design 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 approve Article 20 as printed in the Warrant.

It was moved by Kevin Coffey of 1 Stafford Lane and duly seconded to amend the article to “repurpose the funds of \$150,000 to further high school design and to return the balance of leftover funds to free cash.” Thomas J. Urbelis, Town Counsel, advised Town Meeting that the amendment was improper given that it provided for a diversion of formerly appropriated funds to free cash. The amendment was not voted on.

It was then moved by Kevin Coffey of 1 Stafford Lane and duly seconded to amend the article to “repurpose the funds of \$150,000 to further high school design.” A simple majority vote required for passage, the Moderator declared the Motion to Amend Failed.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion

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Passed by a majority vote.

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 21	RETAIL PACKAGE STORE QUOTA
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To see if the Town will vote to authorize the Town Manager to petition the legislature for a special act to authorize the Town to grant seven additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of chapter 138 of the General Laws and the licenses shall be subject to all of said chapter 138 except section 17, provided that the legislature may reasonably vary the form and substance of the required legislation within the scope of the general public objectives of the petition, or take any other action related thereto.

On request of the Select Board

Upon motion made and duly seconded it was VOTED to approve Article 21 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a vote of 220 in the affirmative to 56 in the negative.

Select Board Report: Approval

ARTICLE 22	MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION
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To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Select Board approves amendments to the bill before enactment by the Legislature. The Select Board is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF ANDOVER TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Andover there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any other exemptions allowed by the General Laws.

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SECTION 2. Real property shall qualify for the exemption under this act if all of the following criteria are met:

- (a) The qualifying real property is owned and occupied by a person who qualified and received the circuit breaker income tax credit the previous year under subsection (k) of section 6 of chapter 62 of the General Laws;
- (b) The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or owned jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- (c) The qualifying real property is owned and occupied by the single applicant or joint applicants as their domicile
- (d) The single applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Andover for at least the 10 consecutive years preceding the filing of an application for the exemption;
- (e) The maximum prior year assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the Department of Revenue; and
- (f) The board of assessors has approved the application.

SECTION 3. The Select Board shall annually set the exemption amount provided for in this act, provided that the amount of the exemption shall be up to a 100% match, and not less than a 50% match, of the amount of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant received in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption under this act shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, along with the supporting documentation of the filed income tax return of the applicant showing the circuit breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. The exemption provided for in this act shall begin in fiscal year 2023 and shall expire after five years; or take any other action with respect thereto.

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On request of the Council on Aging

Upon motion made and duly seconded it was VOTED to approve Article 22 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a vote of 249 in the affirmative to 6 in the negative.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 23	CAPITAL PROJECTS FROM GENERAL FUND BORROWING
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To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$6,595,000 to pay costs of purchasing capital equipment, making infrastructure improvements, or for purchasing services and materials related to capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
CDP-4	Historic Mill District-Circulation and Street Construction	\$500,000	C 44 Sec 7(1)
LIB-1	Ground Level Renovation - Makerspace	\$225,000	C 44 Sec 7(1)
FR-1	Fire Apparatus Replacement	\$360,000	C 44 Sec 7(1)
FR-4	Public Safety Bi-Directional Amplifier System	\$200,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$400,000	C 44 Sec 7(1)
TM-2	Sidewalk Program	\$950,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$605,000	C 44 Sec 7(1)
FAC-7	Town & School Energy Initiatives	\$530,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$2,825,000	C 44 Sec 7(1)

On request of the Town Manager, Director of Planning, Library Director, Police Chief, Fire Chief, Director of Public Works, and Director of Facilities

Upon motion made and duly seconded it was VOTED that the Town appropriates \$6,595,000 to pay costs of purchasing the capital equipment, making the infrastructure improvements, or purchasing services and materials related to such capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount in accordance with M.G.L. c. 44, §7, as described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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CIP #	Project	Amount	Statutory Citation
CDP-4	Historic Mill District-Circulation and Street Construction	\$500,000	C 44 Sec 7(1)
LIB-1	Ground Level Renovation - Makerspace	\$225,000	C 44 Sec 7(1)
FR-1	Fire Apparatus Replacement	\$360,000	C 44 Sec 7(1)
FR-4	Public Safety Bi-Directional Amplifier System	\$200,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$400,000	C 44 Sec 7(1)
TM-2	Sidewalk Program	\$950,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$605,000	C 44 Sec 7(1)
FAC-7	Town & School Energy Initiatives	\$530,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$2,825,000	C 44 Sec 7(1)

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval
 Finance Committee Report: Approval
 School Committee Report: Approval

ARTICLE 24	CAPITAL PROJECTS FROM FREE CASH
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$1,983,372 to pay costs of purchasing capital equipment, infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount
IT-1	Annual Staff Device Refresh	\$627,744
IT-2	Annual Student Device Refresh	\$418,128
IT-3	IT Platforms and Infrastructure	\$687,500
DPW-2	Minor Sidewalk Repairs	\$250,000

On request of the Chief Information Officer and Director of Public Works

Upon motion made and duly seconded it was VOTED that the Town appropriates \$1,983,372 to pay costs of purchasing or leasing, capital equipment or infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, and that to meet this appropriation, said amount shall be transferred from Free Cash.

CIP #	Project	Amount
IT-1	Annual Staff Device Refresh	\$627,744

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IT-2	Annual Student Device Refresh	\$418,128
IT-3	IT Platforms and Infrastructure	\$687,500
DPW-2	Minor Sidewalk Repairs	\$250,000

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

Select Board Report: Approval
 Finance Committee Report: Approval
 School Committee Report: Approval

ARTICLE 25	CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS
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To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$9,375,000 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
DPW-12	Water & Sewer Vehicles (Water Enterprise Reserves)	\$125,000	N/A
DPW-14	Water Main Replacement Projects (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-20	Water Treatment Plant Generator (Water Enterprise Reserves)	\$2,500,000	Ch 44 Sec 8 (4)
DPW-24	Minor Sanitary Sewer Collections System Improvements (Sewer Enterprise Reserves)	\$100,000	N/A
DPW-29	Fish Brook Intake Replacement (Water Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (4)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$150,000	N/A

On request of the Director of Public Works

Upon motion made and duly seconded it was VOTED that the Town appropriates \$9,375,000 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, and that to meet this appropriation, (i) \$125,000 is transferred from Water Enterprise Reserves, (ii) \$250,000 is transferred from Sewer Enterprise Reserves, and (iii) the Treasurer, with the approval of the Select Board, is authorized to borrow \$9,000,000 in accordance with M.G.L. c. 44, §§7 and 8, as described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or

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notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

CIP #	Project	Amount	Statutory Citation
DPW-12	Water & Sewer Vehicles (Water Enterprise Reserves)	\$125,000	N/A
DPW-14	Water Main Replacement Projects (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-20	Water Treatment Plant Generator (Water Enterprise Borrowing)	\$2,500,000	Ch 44 Sec 8 (4)
DPW-24	Minor Sanitary Sewer Collections System Improvements (Sewer Enterprise Reserves)	\$100,000	N/A
DPW-29	Fish Brook Intake Replacement (Water Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (4)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$150,000	N/A

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval
 School Committee Report: Approval

ARTICLE 26	ESTABLISH NEW REVOLVING FUND – STUDENT TECHNOLOGY RENTAL
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To see if the Town will vote to amend General By-Law Article XII Section 48.5 by establishing, authorizing and adding a new Revolving Fund entitled “Student Technology Rental” with the Chief Information Officer authorized to spend from the fund monies received by the Information Technology Department from families of Andover Public School students to rent computing equipment to assist them in their course of studies, and to authorize expenditures from the fund to pay the cost of acquiring and maintaining the equipment for fiscal year 2020 in the amount of \$12,800, and to authorize the amount of \$200,000 to be expended in fiscal year 2021 and subsequent years.

On request of the Chief Information Officer

Upon motion made and duly seconded it was VOTED that pursuant to General Laws Chapter 44, Section 53E ½ the Town vote to amend General By-Law Article XII Section 48.5 by establishing, authorizing and adding a new Revolving Fund entitled “Student Technology Rental” with the Chief Information Officer authorized to spend from the fund monies received by the Information Technology Department from families of Andover School students to rent computing equipment to assist them in their course of studies, and to authorize expenditures from the fund to pay the cost of acquiring and maintaining the equipment for fiscal year 2020 in the amount of \$12,800 and to authorize the amount of \$200,000.00 to be expended in the fiscal year 2021 and subsequent years.

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

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

ARTICLE 27	DEFICIT REDUCTION
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To see if the Town will vote to appropriate a sum of money from available funds to cover deficits in special revenue and capital project funds or take any action relative thereto.

On request of the Finance Director

Upon motion made and duly seconded it was VOTED that Town transfer from free cash and appropriate the sum of \$38,606.91 to reduce the deficits in the following accounts:

- \$9,922.00 – Balmoral Dam (Fund #5296)
- \$16,109.04 – FY09 CIP Rec Park (Org #619701)
- \$1,457.45 – FY09 CIP Town Technology (Org # 619702)
- \$11,118.42 – A12 04 Acquisition of Lowell Junction Rd (Fund #6106)

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

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 28	AUTOMATIC SPRINKLERS
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To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 148, Section 26 H, relating to automatic sprinklers, or take any other action related thereto.

On request of the Fire Chief and the Inspector of Buildings

Upon motion made and duly seconded it was VOTED to approve Article 28 as printed in the Warrant.

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

Select Board Report: Approval

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ARTICLE 29	STREET ACCEPTANCE – MONARCH LANE
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To see if the Town will vote to accept and name as a public way the following street: Monarch Lane as further described below, and to accept deeds to the streets and all related easements:

Monarch Lane, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION (FORM C) SPECIAL PERMIT FOR CLUSTER DEVELOPMENT & EARTH MOVEMENT PLAN FOR MONARCH WOODS ANDOVER, MASS’ dated August 30, 2016 last revised August 8, 2017, sheet 4 of 15 (Recordable sheet 1 of 1) being recorded in the Essex North District Registry of Deeds as Plan Number 17784 and further shown as Lot 130 on Land Court Plans filed as Plan Number 10362N; or take any other action related thereto.

On request of Select Board

Upon motion made and duly seconded it was VOTED to withdraw Article 29.

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

ARTICLE 30	MERRIMACK RIVER SOLID WASTE COLLECTION & REMOVAL PROJECT FROM FREE CASH
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$75,000 to pay the costs for purchasing services for the collection and removal of floatable solid waste debris from the Merrimack River, and any tributaries thereto including immediately adjacent upland areas from where improperly discarded solid waste may fall into and/or otherwise enter these waterways, as well as the sorting, handling and ultimate recycling or proper disposal of such removed solid waste, including any other costs incidental and related thereto, or take any other action related thereto.

On petition of Lindsay Concemi and others

Upon motion made and duly seconded it was VOTED to approve Article 30 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a vote of 118 in the affirmative to 113 in the negative.

Select Board Report: Disapproval
Finance Committee Report: Disapproval

ARTICLE 31	TOWN ELECTION DATE
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VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a majority vote.

ARTICLE 33	FORM OF GOVERNMENT BALLOT QUESTION
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To see if the Town will authorize the Select Board to add the following ballot question on the form of government in the Town of Andover for the next Town local election:

Ballot Question:

Please select what form of government that you are in favor of for the Town of Andover's future:

- Open Town Meeting

All voters eligible to vote on budgets, bylaws and all matters brought before town meetings and approve indebtedness. Town meeting acts as legislative body while Select Board and Town Manager act together as the executive branch.

- Representative Town Meeting

Limited number of voters are elected, usually by precinct/district, to represent all voters in a representative town meeting (RTM). Representatives vote on bylaws and all matters brought before Town Meeting and approve indebtedness. RTM is legislative body while Select Board and Town Manager act as executive branch.

- Council/Manager

Voters elect Council and the Council appoints a Town Manager. Council is the legislative body. Town Manager is chief executive, appoints key officials, prepares budget, approves contracts, negotiates with unions, and oversees administrations.

- Town Council/Mayor

Voters directly elect a mayor and council. Council is legislative body. Mayor is chief executive who appoints key officials and all or some boards, and prepares budgets, approves contracts, negotiates with unions and oversees administration.

On the petition of Jose Albuquerque and others

Upon motion made and duly seconded it was VOTED to withdraw Article 33.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion

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Passed by a majority vote.

ARTICLE 34	NOISE AND VIBRATION STANDARDS BYLAW
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To see if the Town will vote and approve the following noise and vibration standard bylaw:

1.0 Applicability.

This Bylaw shall pertain to, but not be limited to, activity associated with the construction of Major Non-Residential Projects and Special Residential Projects as defined by Sections 10.00 and Section 7.0 Special Residential Regulations, of the Andover Zoning Bylaw. Specifically, this bylaw regulates outdoor sound amplifying equipment, motor vehicles, trucks, construction and demolition equipment, industrial and commercial sources of sound, and other manmade sounds that cause noise.

1.01 Definitions.

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.11994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this bylaw shall have the meanings as indicated below:

- (a) “Background sound level” shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged Intruding Noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- (b) “Construction” shall mean those activities requiring a building permit. Construction shall also include any site preparation, seismic surveys, grading, assembly, erection, substantial repair, alteration or similar action, including demolition, for or of public or private right-of-way, structures, utilities or similar property.
- (c) The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 micropacals.
- (d) “Emergency vehicle” shall mean any vehicle operated in an effort to protect, provide or restore public safety, including DPW Vehicles, ambulances, police vehicles and fire vehicles.
- (e) “Emergency work” shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service.
- (f) “Enforcing person” shall mean any police officer of the Town or any other Town employee designated by the Selectmen for this purpose. For complaints under this bylaw an enforcing person shall also include any authorized employee of the Office of Community Development & Planning.

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- (g) “Intruding noise” shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.
- (h) “Leq” equivalent sound level, is the level of a constant sound which, in a given situation and time period, would convey the same sound energy as does the actual time varying sound during the same period, as measured with a sound level meter measuring Leq.
- (i) “L10 Level” shall mean the A-Weighted sound level exceeded ten percent of the time.
- (j) “Person” shall mean an individual or individuals, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.
- (k) “Pure tone” means any sound which can be distinctly heard as a single pitch or a set of single pitches, as defined by the Environmental Protection Agency (EPA).
- (l) “Sound level” shall mean the instantaneous A weighted sound pressure level, in decibels, as measured with a sound level meter set to the “A” weighting scale, slow response.
- (m) “Sound level meter” shall mean an instrument meeting American National Standard S1.41983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

1.02 Designated land use areas.

The properties hereinafter described are hereby assigned to the following noise zones:

Land Use Area I:	All Residential Zoning Districts and the grounds of any school, day care, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery.
Land Use Area II:	All other properties.

1.03 Exterior Noise Standards.

It shall be a violation of this bylaw for a Major Non-Residential or Special Residential Construction project, as defined by paragraph 1.00, to create Intruding Noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such entity, which causes a sound level which exceeds the limits set forth for the receiving land use category in Table 1, without prior written approval from the Special Permit Granting Authority, when measured at or within the property boundary of the receiving land use. Daytime measurements are to be determined at an L10 level provided that at no time shall the exterior sound level in Land Use Area I exceed 90dBA or cause a PURE TONE condition for the receiving land use category.

Table I. Maximum Allowable Exterior Sound Level

Land Use Area	Daytime level	Nighttime level
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	7:00 AM to 6:00 PM	6:00 pm to 7:00 AM
Land Use Area I	70 dBA	55dBA
Land Use Area II	N/A	N/A

If the intruding noise is continuous and cannot reasonably be discounted or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1. Construction & Demolition

Notwithstanding the provisions of Section 1.03, the following are the maximum noise levels that may be permitted by the Special Permit Granting Authority for Construction and Demolition purposes:

- a. Unless otherwise permitted by the Special Permit Granting authority, the cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dBA. No individual piece of equipment shall exceed a maximum noise level of 90 dBA. **Noise levels shall be measured at or within the property boundary of the receiving land use.**

1.04 Site Plan Review & Special Permit Requirements.

Prior to the issuance of a Special Permit under section 10.00 Major Non-Residential Projects, or Special Residential Projects under Section 7.0 of the Andover Zoning Bylaw, approval of any potentially nuisance generating facility with potential to impact any Land Use Area I receptor, the applicant shall be required to demonstrate to the Special Permit Granting Authority the unlikelihood of noncompliance with such Noise Limits and Standards, or that proper mitigation measures will be taken as a condition of permit issuance.

The Special Permit Granting Authority may, at its discretion, require pre-construction background sound level readings during the daytime, night time and weekend hours from the applicant at the time of the public hearing. Pre-construction background noise levels are to be recorded with a sound level meter by a professional trained in providing such documentation.

1.05 Special provisions.

Limitation of Construction Activity: Noise associated with Construction is only permitted between 7:00AM and 6:00 PM on weekdays and 8:00am to 6:00pm on Saturdays, unless otherwise approved by the Special Permit Granting Authority.

Noise associated with the following activities shall be exempted from the provisions of this bylaw:

- (a) Emergency Work or Emergency Vehicles.
- (b) Activities, other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the appropriate jurisdiction including but not limited to school athletic and school entertainment events, and on church grounds, including but not limited to, bells or chimes.

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- (c) Occasional outdoor gatherings, public dances, shows, and sporting entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;
- (d) The maintenance of real property (not Construction), such as temporary use of power tools and equipment such as lawn mowers, snow blowers, chain saws and similar equipment, provided said activities take place between the hours of 7:00 AM and 10:00 PM on any day. The use of snow blowers during an active snow storm shall be exempt.
- (e) Motor vehicle back-up alarms required for site safety.

1.06 Vibration Limits and Standards

No party owning, leasing, or otherwise controlling a facility within the Town of Andover shall be allowed to:

- 1. Produce vibration which exceeds the combine-axis one-third octave band vibration accelerations of ANSI §3.29, Guide to the evaluation of human exposure to vibration in buildings. (Table one, as read in (meters/second)).
- 2. Produce sound levels in the 31.5 Hz octave band, and in lower bands, that exceed 65dB.
- 3. Exceptions: The above performance standards shall not apply to noise and vibration emitted during and associated with the following:
 - a. Parades, public gatherings, sporting or special short duration events.
 - b. Emergency, police, fire and ambulance vehicles.
 - c. Police, fire, and civil and national defense activities.
 - d. Temporary construction activity associated with a permitted facility, operating within normal daytime hours.

1.07 Prima facie violation.

Any measured noise exceeding the sound level standards as specified in Sections 1.03 Exterior Noise Standards shall be deemed to be prima facie evidence of a violation of the provisions of this Bylaw.

1.08 Penalties for violations.

- (a) Violations under this Noise Bylaw, in the discretion of the enforcing person, may be enforced by noncriminal disposition as provided in Chapter 40, Section 21D of the Massachusetts General Laws (“Section 21D”).
- (b) The penalty for a violation under 1.03 Exterior Noise Standards shall be a written warning for a first offense; \$100 for a second offense; \$200 for a third offense; and \$300 per

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offense, without limit, for each succeeding offense. Each day or part thereof shall constitute a separate offense.

- (c) Additionally under Section 1.03, at the discretion of the enforcing officer, all construction activities may be suspended following
- (d) initial warning until the violation is cleared to the reasonable satisfaction of the enforcing officer, or Special Permit Granting Authority.
- (e) An enforcing officer investigating a violation of this Bylaw, or any rule or regulation adopted hereunder, shall give the offender a written notice for the noncriminal disposition thereof in accordance with the provision of Chapter 40, Section 21D of the Massachusetts General Laws. The provisions of Section 21D are incorporated by this reference.

1.09 Manner of enforcement.

- (a) The enforcing officer(s) may include the Andover Police, Town of Andover Building and/or Health Officials, as necessary.
- (b) Violations of this Chapter shall be prosecuted in the same manner as other violations of the Andover General By-Laws provided, however, that in the event of an initial violation of the provision of this bylaw, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed or fully corrected within the time period specified in the written notice.
- (c) In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a complaint.

1.10 Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision hereof.

On the petition of Jose Albuquerque and others

Upon motion made and duly seconded it was VOTED to approve Article 34 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion

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Failed.

Select Board Report: Disapproval

ARTICLE 35	LAND ACQUISITION
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To see if the Town will vote to appropriate the sum of Four Million Twenty Five Thousand (\$4,025,000.00) Dollars for the acquisition of the land with the buildings thereon, and for costs related to such acquisition including but not limited to costs of demolition and removal of property from the buildings and land, such land and buildings being described as follows:

The land with the buildings thereon known as a portion of 138 Chandler Road and a portion of Assessors Map 147, Lot 4, shown as Lot 1 on Page 1 of Plan of land entitled “Plan of Land in Andover, Mass., Prepared for the Town of Andover, Date: April 26, 2021, Scale: 1”=80’,” by Andover Consultants, Inc., which Plan is on file with the Town Clerk, containing 1,617,193 square feet, more or less, as shown on said Plan; the land with the buildings thereon known as 140 Chandler Road and Assessors Map 147, Lot 5, shown as Lot B-1 on Page 1 of said Plan, containing 79,196 square feet, as shown on said Plan; and the land known as 0 Cross Street and Assessors Map 170, Lot 1 and Map 170, Lot 2, shown as Lot 2 on Page 2 of said Plan, containing 239,375 square feet, more or less, as shown on said Plan, for municipal purposes, and for any other costs incidental and related thereto, and to authorize the Select Board to acquire such land with the buildings thereon, by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Select Board to be in the best interest of the Town and to determine whether the amount appropriated by the Town under this Article shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided, or to take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED that the Town appropriate the sum of Four Million Twenty Five Thousand (\$4,025,000.00) Dollars for the acquisition of the land with the buildings thereon, and for costs related to such acquisition including but not limited to costs of demolition and removal of property from the buildings and land, such land and buildings being described as follows:

The land with the buildings thereon known as a portion of 138 Chandler Road and a portion of Assessors Map 147, Lot 4, shown as Lot 1 on Page 1 of Plan of land entitled “Plan of Land in Andover, Mass., Prepared for the Town of Andover, Date: April 26, 2021, Scale: 1”=80’,” by Andover Consultants, Inc., which Plan is on file with the Town Clerk, containing 1,617,193 square feet, more or less, as shown on said Plan; the land with the buildings thereon known as 140 Chandler Road and Assessors Map 147, Lot 5, shown as Lot B-1 on Page 1 of said Plan, containing 79,196 square feet, as shown on said Plan; and the land known as 0 Cross Street and Assessors Map 170, Lot 1 and Map 170, Lot 2, shown as Lot 2 on Page 2 of said Plan, containing 239,375 square feet, more or less, as shown on said Plan, for municipal purposes, and for any other costs incidental and related thereto, and to authorize the Select Board to acquire

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such land with the buildings thereon, by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Select Board to be in the best interest of the Town; that to meet this appropriation, \$1,025,000 be transferred from free cash and the Treasurer, with the approval of the Select Board, is authorized to borrow \$3,000,000 under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

It was moved and duly seconded to amend the article to insert the underlined passage as shown below:

To see if the Town will vote to appropriate the sum of Four Million Twenty Five Thousand (\$4,025,000.00) Dollars for the acquisition of the land with the buildings thereon, and for costs related to such acquisition including but not limited to costs of demolition and removal of property from the buildings and land, such land and buildings being described as follows:

The land with the buildings thereon known as a portion of 138 Chandler Road and a portion of Assessors Map 147, Lot 4, shown as Lot 1 on Page 1 of Plan of land entitled “Plan of Land in Andover, Mass., Prepared for the Town of Andover, Date: April 26, 2021, Scale: 1”=80’,” by Andover Consultants, Inc., which Plan is on file with the Town Clerk, containing 1,617,193 square feet, more or less, as shown on said Plan; the land with the buildings thereon known as 140 Chandler Road and Assessors Map 147, Lot 5, shown as Lot B-1 on Page 1 of said Plan, containing 79,196 square feet, as shown on said Plan; and the land known as 0 Cross Street and Assessors Map 170, Lot 1 and Map 170, Lot 2, shown as Lot 2 on Page 2 of said Plan, containing 239,375 square feet, more or less, as shown on said Plan, for ~~municipal purposes~~ open space, active and passive recreation purposes only, and for any other costs incidental and related thereto, and to authorize the Select Board to acquire such land with the buildings thereon, by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Select Board to be in the best interest of the Town and to determine whether the amount appropriated by the Town under this Article shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided, or to take any other action related thereto.

A simple majority vote required for passage, the Moderator declared the Motion to Amend Failed on a vote of 78 in favor and 130 opposed.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report:	Approval
Finance Committee Report:	Approval
Planning Board Report:	Approval

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Conservation Commission Report: Approval
 Open Space Task Force Report: Approval

ARTICLE 36	AMENDMENT OF OPEN SPACE LAND ACQUISITION BONDING APPROPRIATIONS
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To see if the Town will vote to appropriate \$1,215,270.75 to pay costs of acquiring all or any portion of certain additional listed parcels of real property or interest in such real property for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, and for expenses incidental or related thereto, together with any buildings that may be thereon, consisting of the acres, more or less, of land above or below water or both together with all flowage and other rights and easements which may exist, which parcels are described as follows:

2014 List of Approved Open Space Parcels

<u>Assessors Map</u>	<u>Lot</u>	<u>Address</u>	<u>Acreage</u>
183	11	83 Lowell Junction Road	3.08
123	30	25 Willard Circle	1.48
123	31	23 Willard Circle	0.90
125	2	57R River Road	7.80
24	4	12 Woodland Road	35.46
24	7	22 Woodland Road	24.60
24	8	28 Woodland Road	9.40
24	9	Woodland Road	8.93
24	10	Woodland Road	7.67
25	12	50 Woodland Road	14.67
25	30	74 Salem Street	18.00
25	44	Route 125	1.88
25	45	Route 125	10.60
25	45A	Route 125	3.56
95	1	141 Abbot Street	53.04

2020 List of Open Space Parcels To Be Added

<u>Assessors Map</u>	<u>Lot</u>	<u>Address</u>	<u>Acreage</u>
72	1	18 Red Spring Road	1.40
72	2	Red Spring Road	0.33
138	23	204 Andover Street	1.04
159	10A	Lowell Junction Road	3.00
159	10	Lowell Junction Road	1.00
158	1	Tewksbury Street	5.00
74	95	Lupine Road	0.10
158	2	Tewksbury Street	2.22

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158	8	84 Tewksbury Street	3.50
158	8C	86 Tewksbury Street	1.04
182	4	92 Tewksbury Street	4.38
182	5	4 Pine Cone Lane	1.03
182	5B	3 Pine Cone Lane	1.10
10	4A	15 Tucker Road	10.00
54	14	20 Stevens Street	3.44
54	13T	10 Stevens Street	6.62
54	48A	81 Gradall Lane	2.45
54	48	Essex Street	0.53
60	4B	320 South Main Street	12.80
60	4C	3 West Knoll Road	5.62
60	4D	320 South Main Street	2.01
73	17A	St. Augustine Cemetery	18.87
55	27	Essex Street	0.21
25	43	Route 125	1.00
228	4D	439 River Road	11.80

And

(i) to authorize the Select Board and Conservation Commission to acquire the property or interest in the property described herein by gift, purchase, or eminent domain, and to use such funds to acquire all or any portion of such real property or interest in such real property for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws on terms and conditions they deem to be in the best interest of the Town,

(ii) to meet this appropriation, (a) the Treasurer, with the approval of the Select Board, is hereby authorized to borrow \$1,200,000 and premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and (b) \$15,270.75, representing unexpended proceeds of bonds issued in December 2004 to fund a land acquisition project that is now complete or abandoned and for which no further liability remains, is hereby authorized to be transferred; and

(iii) to rescind the authorized yet unissued balances of (a) \$800,000 appropriated under Article 12 of the 2001 annual town meeting, as amended by Article 56 of the 2014 annual town meeting for land acquisition, and (b) \$400,000 appropriated under Article 23 at the 2002 annual town meeting for land acquisition; or take any other action related thereto.

On request of the Open Space Task Force

Upon motion made and duly seconded it was VOTED to approve Article 36 as printed in the warrant.

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It was moved by John Pasquale of 47B Whittier Street and duly seconded to amend the article to omit the 1.40 acre and 0.33 acre parcels at Red Spring Road. 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 more than a two-thirds vote.

Open Space Task Force Report: Approval
Select Board Report: Approval
Finance Committee Report: Approval
Planning Board Report: Approval
Conservation Commission Report: Approval

ARTICLE 37	GENERAL BYLAW AMENDMENT - OUTDOOR DINING OR RETAIL LICENSE BYLAW
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To see if the Town will vote to amend the General Bylaws of the Town Article XI Section 9, as follows:

OUTDOOR DINING OR RETAIL LICENSE BYLAW

SECTION 1 - LICENSE

Section 1.1 Purpose, Scope, Authority

The purpose of this bylaw is to provide for the licensing on public property of outdoor dining areas and the placement of retail furniture, products and/or fixtures of appropriate design, configuration, and appearance that will be an amenity to the Town during the spring, summer and fall. The Select Board may issue annual outdoor dining and retail licenses which shall be for or within the period from March 1 to November 30. Licenses shall be valid for one season and must be renewed annually. If a licensee previously issued an outdoor dining or outdoor retail license by the Select Board wishes to renew that license for activities substantially identical to those previously licensed, the Town Manager may issue the renewal license without action by the Select Board, provided the licensee submits all necessary materials required for renewal.

Section 1.2 Conditions of the License

The Select Board shall impose such conditions on each license as the Board determines to be appropriate and in the best interest of the Town. License fees shall be established by the Select Board. The Select Board may also make such regulations governing the outdoor dining or retail licenses as the Board considers to be necessary or appropriate to carry out the purposes of this bylaw.

Section 1.3 Design and Appearance

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The outdoor dining placement of tables and chairs containing nine (9) or more seats shall be separated from their surroundings by a perimeter fence or barrier. No such fences or barriers may damage the public property. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the licensee and shall be maintained in a safe and sanitary manner by the licensee. All trash receptacles shall be covered and trash removed nightly. All perimeter treatments, umbrellas, furniture and trash receptacles placed by the licensee must be removed at the end of each season.

Section 1.4 Pedestrian and Wheelchair Passage

In no event shall the placement of furniture, fixtures, products, umbrellas, perimeter fences or barriers create a pedestrian or wheelchair passage width of less than what is required by 521 CMR.

Section 1.5

Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.

Section 1.6 Other Licenses and Approvals

Approval of an outdoor dining or retail license shall not be construed as an approval of any other license or an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of premises duly licensed for the service of alcohol is expressly forbidden unless approved by the Select Board.

Section 1.7 Temporary Seating

Due to the seasonal and temporary nature of outdoor dining areas, the seating allowed by an outdoor dining license will not be considered an increase in the number of seats serving a business establishment, and will not be counted toward any off-street parking requirement.

SECTION 2 – SUBMISSION AND APPROVAL OF APPLICATION

Section 2.1 Filing Procedure

Application for an outdoor dining or retail license shall be made to the Select Board and a copy shall be submitted to the Inspector of Buildings, Board of Health, Andover Fire Rescue and the Andover Police Department for their reviews. When located within the General Business and Mixed Use Zoning Districts, the applicant shall consult with the Design Review Board prior to seeking a license. Each application will include the name, address and telephone number of the business owner, the proposed dates and times of operation, and a plan meeting the requirements of Section 2.2 below. The application shall be signed by the owner of the building or owner's representative or attorney.

Section 2.2 Plan Requirements

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A neatly drawn scaled plan and seven (7) copies shall be submitted with the application depicting the precise dimensions and location of the temporary and seasonal placement of outdoor dining areas and placement of retail furniture and fixtures; the arrangement of furniture, perimeter fencing, umbrellas, and any other obstruction, and the width of sidewalk/parking space/other public area to be used, and a description of the area available for pedestrian and wheelchair passage. The plan will also include a written description of the colors and materials to be used. Photographs or samples of proposed furniture and materials shall be provided upon request of the Select Board or Design Review Board.

Section 2.3 Insurance

The licensee shall carry or require that there be carried Workers' Compensation Insurance for all employees and those of its contractors and/or subcontractors engaged in work at the business or dining facility, in accordance with the State Workers' Compensation Laws. The licensee shall, prior to the issuance of the license, furnish a certificate of insurance with associated endorsements to the Town evidencing coverage for all insurance required by the Town. In addition, the licensee shall carry Commercial General Liability Insurance and, if applicable, liquor liability insurance, to cover the licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operations under the license. Such insurance shall cover the use of all equipment related to the provision of temporary and seasonal outdoor services. The Commercial General Liability Policy shall insure against all claims and demands for bodily injury and property damage with respect to the temporary and seasonal outdoor dining facilities and retail services, and shall be in such form and amount as determined by the Select Board. The Town shall be named as an "additional insured" in all policies for such insurance. All insurance policies shall be primary and noncontributory and shall contain a waiver of subrogation in favor of the Town. The licensee (and their heirs, successors and assigns in interest) shall also agree to hold harmless, defend and indemnify the Town of Andover and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the license. Where such insurance is renewed or replaced the licensee shall furnish the Town with a certificate of insurance and endorsements evidencing the same.

Section 2.4 Approval

The Select Board may approve an outdoor dining or retail license after determining that the design and location is suitable to its environs, and that all other requirements of the license have been met. The Select Board shall consider any comments made by the Inspector of Buildings, Board of Health, Andover Fire Rescue, Andover Police Department, Planning Division or the Design Review Board prior to rendering a decision.

Upon approval of an outdoor dining or retail license by the Select Board, the owner and operator of the business and the Select Board shall sign a License Agreement prepared for these purposes by Town Counsel and shall pay any applicable license fee prior to the commencement of any activities under the license.

SECTION 3 – SEVERABILITY

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Section 3.1

If any provisions, paragraphs, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect; or take any action related thereto.

On request of the Planning Board

It was moved and duly seconded to approve Article 37 as printed in the Warrant.

It was moved by Andrew Rouse of 5 Cattle Crossing and duly seconded to amend the article by adding a second paragraph to Section 1.6 “Other Licenses and Approvals” as follows: “Approval of an outdoor dining or retail license shall not be construed as an approval for signs to be placed on public property by a licensee. See Article VIII, Section 5.2 for the definition of a sign and for bylaws pertaining to signs.” A simple majority vote required for passage, the Moderator declared the Motion to Amend Passed on a vote of 96 in the affirmative and 48 in the negative.

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

Select Board Report: Approval

Planning Board Report: Approval

ARTICLE 38	AMEND ANDOVER ZONING BYLAW ARTICLE VIII
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To see if the Town of Andover will vote to amend Section 3.2.1 to the Andover Zoning Bylaw, Article VIII and amend the Andover Zoning Bylaw, Article VIII, Section 3.1.3 Table of Use Regulations Appendix A Table 1, and Section 10 Definitions by adding the following:

Amend Section 3.2.1 Specific Accessory Uses by adding a number 6 to read as follows:

6. Temporary and Seasonal Placement of Tables and Chairs and Retail Fixtures

A permitted commercial structure may place tables and chairs or retail fixtures and products on public or private property for the convenience of patrons as a use incidental and accessory to a permitted food or retail sales establishment where the principal activity is the service or sale of food for consumption on or off the premises, or the retail sale of merchandise. An application for temporary and seasonal placement of tables and chairs or for retail fixtures on private property shall be made to the Building Division on an annual basis and a copy shall be submitted to the Board of Health and Public Safety Officer for their respective reviews. The annual permit shall be issued by the Inspector of Buildings for or within the period from March 1st to November 30th. An application for public property placement shall be made in accordance with the General Bylaw Article XI Section 9 Outdoor Dining or Retail License Bylaw and Regulations.

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Amend Section 10 Definitions by deleting Temporary and Seasonal Placement of Tables and Chairs and replacing it with Temporary and Seasonal Placement of Tables and Chairs and Retail Fixtures and further amend the definition to read as follows:

TEMPORARY AND SEASONAL PLACEMENT OF TABLES AND CHAIRS AND RETAIL FIXTURES

The temporary and seasonal placement of tables and chairs or retail fixtures and products outside a permitted commercial structure for the convenience of patrons as a use incidental and accessory to a permitted food or retail sales establishment where the principal activity is the service or sale of food for consumption on or off the premises, or the retail sale of merchandise. Outdoor tables and chairs or retail fixtures shall not interfere with pedestrian access or access for emergency purposes.

Amend Appendix A Table 1 F.8 by replacing “Temporary and seasonal placement of tables and chairs” with “Temporary and seasonal placement of tables and chairs and retail fixtures,” and further amend BA to Y:

F. Accessory Uses (See Section 3.2)	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
8. Temporary and seasonal placement of tables and chairs and retail fixtures	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y

or take any action related thereto.

On the request of the Planning Board

Upon motion made and duly seconded it was VOTED to approve Article 38 as printed in the warrant.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval
 Planning Board Report: Approval

On motion of Town Counsel, Thomas J. Urbelis, made and duly seconded it was voted by a majority vote to dissolve the Annual Town Meeting at 5:27 P.M.

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A true record
A T T E S T

Melissa K. Ripley
Town Clerk