



## “Simplified Warrant”

### The Basics of Town Meeting

- North Andover’s open Town Meeting is based upon the traditions established by the citizenry of New England communities, acting as legislators of their local governments.
- The Town Moderator presides over Town Meeting using simplified Rules of Parliamentary Procedure
- Each registered voter in attendance has an equal voice in the decision making process.
- Most issues discussed and considered at Town Meeting require a voice vote where the simple majority rules.
- Anything can be proposed provided that it does not violate the law or town charter.
- The Annual Town Meeting Warrant is the formal public notice of business to be considered at Town Meeting. The Warrant contains Articles, which specifically define an individual issue to be considered at the meeting.
- It is important to recognize that because the Town Warrant is actually “a bunch of proposals”, the details of the individual Articles within the Warrant can and will likely change at or before Town Meeting. Therefore, articles are not “final” until actually presented at the Town Meeting.
- In particular the financial information within the warrant, i.e., the proposed budgets, while are typically based on the previous year’s actual operating information, is subject to change up to and at town meeting.
- Each Article contains a description of the proposed action as well as the recommendation of the Town Leadership (i.e., the recommendation of the Board of Selectmen as well as the recommendation of the Finance Committee on articles with financial impact). When an Article has financial impact, the Finance Committee includes an explanation of the possible impact on the town’s operating budget.
- The order in which the articles are presented sometimes changes based on motions made at town meeting. It is important to understand what each article means and how it relates to other articles.
- This year’s Warrant contains 45 Articles, which can be categorized into two sections. Articles numbered:
  - 1-26 are the Financial Articles
  - 25-45 are a mixture of Zoning Articles and Citizen Petition Articles
    - ◆ Financial Articles are specific to financial or budget issues
    - ◆ Zoning Articles are specific to issues related to land use
    - ◆ Citizen Petition Articles are articles created and submitted by Citizens; as a point of information, it only takes 10 signatures from registered voters to put a citizen petition article on the warrant.

The purpose of this document is to provide the “average citizen of North Andover” with a brief and concise overview of the Town Meeting Process and the specific items that will be considered at Town Meeting on May 13, 2008. This document is not intended to replace the detailed explanation of the individual business items contained in the Warrant, nor offer an Opinion or Recommendation by North Andover United with respect to the business articles to be voted on at the North Andover Town Meeting.



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### The Articles of the Warrant

#### ARTICLE 1

Article Type - Financial

Name – Reports of Special Committees.

Purpose and Explanation - To see if the Town will vote to hear the reports of any appointed special committees. This article is typically nothing more than a formality and is usually voted on quickly without an actual reading of the reports.

#### ARTICLE 2

Article Type – Consent Articles

Name – Reports of Receipts and Expenditures

Purpose and Explanation – See if the Town will vote to accept the report of receipts and expenditures as presented by the Selectmen in the 2007 Annual Town Report

#### ARTICLE 3

Article Type – Consent Articles

Name – Authorization of the Town Manager or Superintendent of Schools regarding contracts in excess of three years.

Purpose and Explanation – Authorize the Town Manager and Superintendent of Schools to solicit and award contracts, except personnel contracts, for terms exceeding three years, etc.

#### ARTICLE 4

Article Type – Consent Articles

Name – Authorization to Accept Grants of Easements

Purpose and Explanation – Authorize the Board of Selectmen and the School Committee to accept grants of easements for access, water, drainage, sewer, roadway and utility purposes and conditions the Board and Committee deem in the best interest of the town.

#### ARTICLE 5

Article Type – Consent Articles

Name – Authorization to Grant Easements

Purpose and Explanation – Authorize the Board of Selectmen and the School Committee to grant grants of easements for access, water, drainage, sewer, roadway and utility purposes and conditions the Board and Committee deem in the best interest of the town.

#### ARTICLE 6

Article Type - Financial

Name – Compensation of Elected Officials

Purpose and Explanation – To see if the Town will vote to fix the salary and compensation of the elected officials of the Town. The Finance Committee believes that the elected officials deserve and should be paid for their services to the town. See the Warrant for the specific amounts for each of the elected officials.

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### ARTICLE 7

Article Type - Financial

Name – Amend General Fund Appropriation for Fiscal Year 2008

Purpose and Explanation – To transfer from accounts with surpluses to accounts with deficits for FY2008 and to reduce or eliminate the need to carry deficits into the FY2009 budget

### ARTICLE 8

Article Type - Financial

Name – Amend Capital Improvement Plan Appropriation for Fiscal Year 2003 – Stevens Estate

Purpose and Explanation – Change previously approved items for the maintenance and improvement of the Stevens Estate Capital Improvement Plan.

### ARTICLE 9

Article Type - Financial

Name – Prior Years Unpaid Bills

Purpose and Explanation – To see if the Town will vote to raise and appropriate a transfer from available funds sums of money for the purpose of paying unpaid bills of prior years. See the Warrant for specific unpaid bills and their corresponding amounts

### ARTICLE 10

Article Type - Financial

Name – General Fund Appropriation Fiscal Year 2009

Purpose and Explanation – This is the main financial article as it is the proposed budget for Fiscal Year 2009. See the Warrant for specific numbers, which are subject to change up to and including Town Meeting. See the Warrant for specific information.

### ARTICLE 11

Article Type - Financial

Name - Water Enterprise Fund Appropriation – Fiscal Year 2009

Purpose and Explanation – This article effectively sets the water rates for the new fiscal year. Remember that for all intentions this is a self funding entity within the town.

### ARTICLE 12

Article Type - Financial

NAME - Sewer Enterprise Fund Appropriation – Fiscal Year 2009

Purpose and Explanation – This article sets effectively sets the sewer rates for the new fiscal year. Remember that for all intentions this is a self funding entity within the town.

### ARTICLE 13

Article Type - Financial

Name - Stevens Estate at Osgood Enterprise Fund Appropriation – Fiscal Year 2009

Purpose and Explanation - This article effectively sets the operating expense budget for Stevens Estate.

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### ARTICLE 14

Article Type - Financial

Name - Capital Improvement Appropriation Fiscal Year 2009

Purpose and Explanation – To see if the Town will appropriate funds for the list of Capital Improvements listed in the Warrant. Note that the Capital Improvement Plan for 2009 is part of a larger Capital Improvement Plan which covers FY09 through FY13. It should be noted that Capital projects are paid for with bond issues, the interest rate of which is impacted by, but not determined by, the amount of money in the Stabilization Fund, with the debt service for these bonds paid from the Town’s operating budget.

### ARTICLE 15

Article Type - Financial

Name - Establishing of Revolving Funds

Purpose and Explanation – This article is similar to the other administrative type articles in that the revolving funds must be reestablished each year. It authorizes the purpose and programs for which funds may be spent and for which revenues will be credited to the fund, who is authorized to expend the fund money and a limit on the total expenditures allowed in the year. These are typically self funding items which are not part of general fund. See the Warrant for specific revolving fund accounts and related receipts and expenditures.

### ARTICLE 16

Article Type - Financial

Name – Report of the Community Preservation Committee and Appropriation from the Community Preservation Fund

Purpose and Explanation - This article lists the appropriations recommended by the Community Preservation Committee. See the Warrant for the specific list. The money for the Community Preservation Act comes from a 3% surcharge on property taxes and expenditures do not impact the operating budget. The State adds in matching fund based on the proceeding year. To receive the report of the Community Preservation Committee and to vote to authorize the Committee to spend money appropriated from the Community Preservation Fund.

### ARTICLE 17

Article Type - Financial

Name – Continuation of MGL Chapter 59 Section 5C – Senior Work Program – Increasing Funding to \$18,000

Purpose and Explanation – Increase the funding which supports the program to allow persons over the age of 60 to volunteer to provide services to the town in exchange for a reduction of their real property tax obligations (not to exceed \$800). The calculation of reduction is based on the commonwealth minimum wage per hour

### ARTICLE 18

Article Type - Financial

Name – Appropriate Funds for Fourth of July for Fireworks Display for 2008

Purpose and Explanation – To appropriate funds for the annual fire works display, which for the last two years has been paid for by private contributions.



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### ARTICLE 19

Article Type - Financial

Name –Appropriation and Transfer of Funds to Purchase the Former Merrimack Valley Federal Credit Union Building located at 1475 Osgood Street and Renovate the Building for use as a Police Station

Purpose and Explanation - Authorizes the Town to buy the former Merrimack Valley Credit Union building, re-allocate old left-over bonded money from other projects, and to borrow money to build the new Police Station. It also gives the Town the right to sell the existing Police Station, without restriction to whom they can sell it to, and apply the proceeds to the construction costs of the new Police Station.

### ARTICLE 20

Article Type - Financial

Name –Amend Article 22 – 2007ATM – Appropriation of Funds – Town Owned Buildings into New Police Station.

Purpose and Explanation - This article exists to re-allocate the old bonded monies to the proposed Bradstreet site for the new Police Station. This article becomes unnecessary if we vote to buy the credit union as proposed in Article 19

### ARTICLE 21

Article Type - Financial

Name –Bradstreet School – 70 Main Street – Conversion to Police Stations

Purpose and Explanation - This article authorizes the town to convert the Bradstreet site to a new Police Station using re-allocated old bonded monies, CPA monies, borrowed new money and the sale of the existing police station. Like Article 20, this article is not required if Article 19 passes.

### ARTICLE 22

Article Type - Financial

Name –Authorize Borrowing of Funds for the Construction of a School Facility – Route 125/133 Adjacent to Atkinson School and Middle School.

Purpose and Explanation – Seeks approval to use unspent monies from the previously approved Foster Farm School project, funds from the Osgood landing 40R State grant, and new borrowed money to design, engineer, construct, furnish and equip, etc a new pre-kindergarten school facility adjacent to Atkinson Elementary School.

### ARTICLE 23

Article Type - Financial

Name – Acceptance of MGL Chapter 71, Section 37M – Consolidation of Administrative Functions

Purpose and Explanation - Seeks to eliminate possible duplication, thereby gaining operational efficiencies and possible cost savings



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### ARTICLE 24

Article Type - Financial

Name – Petition the Legislature – Special Act to Exempt the Town of North Andover from portions of the Prevailing Wage Act.

Purpose and Explanation –

Seeks to allow the town to petition the MA State legislature to increase the threshold where the prevailing wage is required from \$2000 to \$50000. It is anticipated that by doing so, this would allow the town to save money by including contractors who would be willing to work for less than the prevailing wage, thus increasing competitive bids on projects and lowering project costs. It is important to note that only one other municipality in Massachusetts has ever been granted a waiver, because the municipality was in receivership.

### ARTICLE 25

Article Type – Citizen Petition Article

Name – Enforcement of General and Zoning Bylaws

Purpose and Explanation – Seeks to force all Town Boards to uphold the existing Bylaws of the Town. Seeks to require the Town or agent of the Town to obtain a legal opinion from Town Counsel as to why the Bylaw was not enforced and present said explanation to Town Meeting for action. If a proven illegality is shown then the Town would be required to present an amended Bylaw without the proven illegality. If a Town Official or board member does not show good legal cause for not enforcing a Bylaw he could be removed from office.

### ARTICLE 26

Article Type – Citizen Petition Article

Name – Enforcement of Wireless Service Facilities zoning Bylaw-Section 8.9.3(v) (1).

Purpose and Explanation – Seeks to enforce the existing 600’ setback for wireless facilities and to hold hearings on already existing facilities.

### ARTICLE 27

Article Type – Citizen Petition Article

Name – Amend General Bylaws – Add New Section – Chapter 92 – Eminent Domain

Purpose and Explanation – This is a citizen petition article and stems from the recent Kelo vs. New London US Supreme Court Decision which allowed a municipality to use eminent domain to seize private land and yield it to a private, for-profit entity for the purpose of economic revitalization. This article would prohibit any similar activity in North Andover. This would allow eminent domain to be expressly used for public use and ownership. The wording of this article is troublesome, because it could potentially harm the town’s negotiating stance regarding sewer rights at Osgood Landing. Town Counsel has advised that article be amended to more acceptable language.

### ARTICLE 28

Article Type – Citizen Petition Article

Name – Amend general Bylaws – Chapter 17 – Section 17-9 Revenue/Fixed Costs Review Committee

Purpose and Explanation – Seeks to authorize a new committee to report to the Town Manager prior to his proposed Budget as to the availability of revenue and fixed cost projections.

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### ARTICLE 29

Article Type - Zoning

Name – Acceptance of Foulds Terrace as a Public Way

Purpose and Explanation – Acceptance of a private street as a public way.

### ARTICLE 30

Article Type - Zoning

Name – Taking of Aufran Avenue for a Public Way

Purpose and Explanation – Seeks to take Aufran Avenue, a private road, and make it a public way.

### ARTICLE 31

Article Type - Zoning

Name – Establishment of Excavation & Trench Safety Board

Purpose and Explanation – Seeks to designate a Board as the permit granting authority for the issuance of Trench permits and the collection of fees.

### ARTICLE 32

Article Type - Zoning

Name – Amend Vote Article 42-1997 ATM Removal of Development Restrictions

Purpose and Explanation – Seeks to remove conservation restrictions from a parcel for the construction of athletic fields.

### ARTICLE 33

Article Type - Zoning

Name – Amend North Andover General Bylaws, New Chapter, Chapter 160, Storm water Management & Erosion Control Bylaw

Purpose and Explanation – Seeks to create a “Stormwater Committee” to implement and enforce a new Stormwater Management and Erosion Control regulation.

### ARTICLE 34

Article Type - Zoning

Name – Amend General Bylaws – Add New Chapter – Chapter 134 Machine Shop Village neighborhood Conservation District Bylaw

Purpose and Explanation – Seeks to create a new district called the “Machine Shop Village Neighborhood Conservation District”. This district seeks to protect the overall character of Machine Shop Village as a neighborhood by regulating demolition of significant buildings and by regulating new construction.

### ARTICLE 35

Article Type - Zoning

Name – Amend North Andover Zoning Bylaw – Section 4.122 Residence 4 District

Purpose and Explanation – Seeks to amend Section 4.122 Residence 4 district for the allowance of a “Family Suite”. This would allow designated Family Suites in all Residential Districts in North Andover.

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### ARTICLE 36

Article Type - Zoning

Name – Amend North Andover Zoning Bylaw – Section 6 Signs and Sign Lighting Regulations

Purpose and Explanation – Seeks to regulate A-frame signs by restricting where and how they are placed.

### ARTICLE 37

Article Type - Zoning

Name – Amend Zoning Bylaw – new Zoning District, Amending Section 16 Addition Corridor Development District 3 (CDD3)

Purpose and Explanation – Seeks to create the language for a new zoning district (CDD3). This article would, among other things, regulate lot sizes and uses within the district.

### ARTICLE 38

Article Type - Zoning

Name – Amend Zoning Map – Rezone Rte. 125/Osgood Street between Barkers’ Farm and Boundary of Haverhill Corridor Development District 3 (CDD3)

Purpose and Explanation – Seeks to rezone a part of Rte 125 into the just created CDD3 district. This area is across from the 1600 Osgood (formerly Lucent) site. See Article for exact location.

### ARTICLE 39

Article Type - Zoning

Name – Amend Zoning Bylaw Section 8.1 off Street and Section 8.4 Screening and landscaping Requirements for Off Street Parking

Purpose and Explanation – Seeks to amend the Town parking Bylaw to allow for more effectively designed parking areas and to diminish where possible, unused impermeable areas. See Article for actual parking regulations.

### ARTICLE 40

Article Type - Zoning

Name – Amend North Andover Zoning Bylaw – Section 4.2 Phased Development Bylaw

Purpose and Explanation – Seeks to allow the Planning Board the flexibility of determining an appropriate development schedule for project under the Phased Development Bylaw.

### ARTICLE 41

Article Type - Zoning

Name – Amend Chapter 69 of the General Bylaws – Fire Alarms

Purpose and Explanation – Seeks to amend the Fire Alarm Bylaw to reflect recommendations of the Attorney General of the Commonwealth.



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### **ARTICLE 42**

Article Type - Zoning

Name – Amend North Andover Zoning Bylaw – Section 2.68 Structure

Purpose and Explanation – Seeks to amend the Bylaw defining a Structure to include the definition of a “Temporary Structure”. This amendment is as a result of the “Butcher Boy” ruling.

### **ARTICLE 43**

Article Type - Zoning

Name – Amend North Andover Zoning Bylaw – Section 4.126 Business 1 District and Section 4.127 Business 2 District

Purpose and Explanation – Seeks to limit the size of retail establishments in Business 1 and Business 2 districts to 50,000 ft<sup>2</sup>. Anything over 50,000 ft<sup>2</sup> shall only be allowed by special permit of the planning board.

### **ARTICLE 44**

Article Type – Citizen Petition/Zoning Article

Name – Amend Zoning Map – 2302 Turnpike Street, Assessors Map 108A, Lot 9 from Residential (R-2) to Business 2 (B-2)

Purpose and Explanation – Seeks to rezone two parcels from R-2 to B-2. See the Article for actual locations of the parcels.

### **ARTICLE 45**

Article Type – Citizen Petition/Zoning Article

Name – Amend Zoning Map – 4 Parcels – 396-398 Andover Street, 404 Andover Street, 424 Andover Street and 426 Andover Street from Residential 4 (R-4) to Business 1 (B-1)

Purpose and Explanation – Seeks to rezone 4 parcels of land from R4 to B-1. See the Article for actual locations of the parcels.