



# Bulletin

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## League of Women Voters of Andover/North Andover

### President's Letter

By Peggy Kruse

Thanks to our Voter Service teams for organizing our annual Candidates Forums. The N. Andover team was Kathy Stevens, Karla Kookan, and moderator Marty Larsen, and the Andover team was Diana Walsh and moderator Mary Jane Morrin. Due to a technical glitch that resulted in the sound not going out during most of the Andover Candidates Forum, Diana Walsh, aided by Stefani Goldshein and Willard Robinson, swiftly pulled together a follow-up broadcast discussion of the School Committee candidates. Thanks also to the many members who helped with precincting for the Andover elections.

Our Ides of March foray to the state LWV's annual Day on the Hill, organized by Stefani Goldshein and Carole Pelchat, was the usual enlightening affair. During lunch, Senators Sue Tucker and Steven Baddour, and Representatives Barry Finegold and David Torrisi led a stimulating discussion about current legislation. (Representative Barbara L'Italien was unable to attend due to legislative committee meetings.) The wide-ranging conversation included health care coverage, slot machines, local aide funding, affordable housing and 40Rs, pit bulls, gender-neutral annuity policies, and the governor's bill to allow religious institutions to disregard anti-discrimination laws with respect to gay adoptions. We're pleased that the Y's Youth in Government group, led by Karen Gately, could join us again this year – an impressive group of alert young people!

The LWV's annual Organic Lawn Care Fair, held just in time for spring garden and yardwork planning, was organized by Joyce Ringleb and Maria Bartlett. This event helps to educate the community about the health hazards of our society's over reliance on pesticides. There's still work to be done to reach more members of the community, but this event is a good start.

The LWV's April events revolve around both towns' upcoming Town Meetings. League members are busily reviewing the warrants and planning membership sessions to discuss the most interesting warrant articles and decide if the League would like to take a position on any of the articles. We encourage all LWV members, including our new members, to attend the warrant unit for your town (April 7 in Andover and April 27 in N. Andover). These meetings are a great way to get to know your town and your fellow LWV members.

Our March Lunch & Conversation was a spirited affair with 16 attendees. The group was made up of not-yet members, brand-new members, long-time members who'd never attended a LWV lunch before, a few regulars and two babies. Anyone reading this must fit into one of those categories – please think about joining us sometime! The lunches are the 14th of the month, except when the 14th falls on a weekend, and then they are held the Friday before the 14th. The April lunch will be on Friday the 14th.

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Joan N. Cohen  
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P.O. Box 188  
Andover, MA 01810  
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## MA Legislative Action Update

By Carole Pelchat

*Note: Andover/North Andover Legislators are noted in bold.*

On March 15, 2006, the LWVM held its annual Day on the Hill. This year's initiative is "Serving the Commonwealth: Improving the Partnership Between the State and Local Communities."

Guest speakers at the event were Senate President Robert E. Travaglini, Speaker of the House Salvatore F. DiMasi, and Northampton Mayor and Massachusetts Municipal Associations President, Mary Clare Higgins.

Senate President Travaglini and Speaker DiMasi spoke from their perspectives of the challenges facing the Commonwealth as it begins to emerge from the downturn in the economy. Increased revenues have allowed for restoring some funds to previously-cut programs, but the need to improve conditions to attract business is critical. These include providing affordable housing and a strong primary education system – attributes that are important elements to retaining and attracting companies to our communities.

Ms. Higgins discussed the importance of the towns and cities in providing attractive places to locate businesses and the importance of the State working in partnership with the individual communities to face the challenges facing the Commonwealth. She also provided information relating to a report by the Northeastern University Center for Urban and Regional Policy, which can be obtained through the MMA website, that addresses specific challenges and means of dealing with them.

Cathy Dowd, LWVM Vice President of Program and Action, sought support for the **Senate # 2277**, a bill sponsored by Edward Augustus and Representative Petrucci requiring the Secretary of the Commonwealth (William Galvin) to:

- provide a Voters' Bill of Rights at every polling place, on his/her website, and in appropriate publications of the Secretary;
- expand the pool of Election Officers by removing residence restriction on poll workers and enabling persons aged 16 and 17 to serve as poll workers; and
- prohibit election officials from serving as campaign officials for campaigns other than their own.

She also sought support for **Senate # 2034**, a petition for a legislative amendment to the Constitution to authorize the General Court to provide for absentee voting by any voter. This petition has been reported on favorably by the joint committee on Election Laws. This petition, along with **Senate #12** (a petition for a legislative amendment to the Constitution relative to establishing an independent redistricting commission and criteria for redistricting ) are currently on the Agenda for this session, which is scheduled for May 10, and they are usually addressed in the order in which they were received from Committee. **Senate #12** is 9th on the Agenda and **Senate #2034** is 15th. As noted in the February update, these items may not be addressed at the upcoming session due to the gay marriage amendment.

In reporting on **Senate #755** - a petition for legislation to establish the Massachusetts Health Care Trust, Judith Deutsch, LWVM Health Care Specialist, discussed the urgent need to provide quality health care to all Massachusetts citizens. She also sought support for **House #2663**, which would establish minimum nursing staffing levels and restricting forced overtime for nursing staff, and **Senate #2312**, create a commission to study the regulation of health insurance administrative costs, noting that private insurers have administrative costs as high as 40%, while Medicare's administrative costs are less than 4%.

Patricia Muldoon, LWVM Administration of Justice Specialist, submitted a report on the Public Safety Act of 2006 as an amendment to **House #727**, a petition to expunge certain criminal records, which would incorporate **Senate #929** – a petition that we have been following for the previous year, for legislation relative to individuals serving drug mandatory minimum sentences, allowing for parole after two-thirds of the minimum sentence has been served, and individual case-by-case evaluation reforms to the Criminal Offender Record Information (CORI).

Clarice B. Gordon, LWVM Meeting Basic Human Needs Specialist, urged support for **House #2336**, which would increase the Massachusetts Earned Income Credit (EIC) to 30% of the federal EIC instead of the current 15% and promote participation of additional eligible workers.

Mary Frantz, LWVM Education Specialist, asked for support on **Senate #300** and **House #1131**, which would create a level playing field and fair funding with the goal of resolving

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## Sustainability/Natural Resources

by C. Joyce Ringleb

Following is a reprint of an article printed March 15. This is an issue that I have been working on since early 2004.

### Clampdown Proposed for Perfluorinated Chemicals The EPA says some fluoropolymers can break down into toxic substances

The EPA is proposing to tighten regulation of fluoropolymers that could break down into toxic perfluoroalkyl carboxylates, such as perfluorooctanoic acid (PFOA), and perfluoroalkyl sulfonates, including perfluorooctanyl sulfonate (PFOS).

The action would affect an estimated 120 fluorochemicals used to impart stain and soil protection, resistance to oil and water, and reduced flammability. These compounds are widely used in carpets and as coatings on paper and fabrics.

Since 1995, under the general exemption given to polymer products, the EPA has allowed chemical companies to produce new types of fluoropolymers without submitting premanufacture notices to the agency for review. Premanufacture notices are required for most other commercial chemicals before they enter the marketplace. But fluoropolymer makers may instead inform the EPA that their new product is exempt from the premanufacture notice requirement.

Under a rule proposed on March 7, the agency would eliminate the exemption and require premanufacture notices for existing and future production of specific kinds of fluoropolymers. The proposal affects polymers that, as an integral part of their composition:

- contain perfluoroalkyl sulfonates such as the PFOS-based ingredients that 3M phased out of its Scotchgard products;
- contain perfluoroalkyl carboxylates;

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- are fluorotelomers, which are fluorinated alcohols; or
- have perfluoroalkyl moieties that are covalently bound to either a carbon or a sulfur atom

The EPA said it proposed the change because some fluoropolymers may degrade, releasing perfluoroalkyl sulfonates or perfluoroalkyl carboxylates. These substances are expected to bioaccumulate, persist in the environment, and are likely to be "highly toxic," the agency said. Also, studies suggest that perfluoroalkyl sulfonates and carboxylates may get released in the air when items made with certain fluoropolymers are burned in municipal waste incinerators, the EPA said.

In addition, fluorotelomer alcohols have been detected in six U.S. cities, a finding that indicates these chemicals are likely widespread in the air, the EPA said. Studies have shown that some of these fluorotelomers break down into PFOA, the agency noted.

"The EPA can no longer conclude that these polymers will not present an unreasonable risk to human health or the environment," the proposal said. If it finalizes the rule, the EPA would require each company making or importing the affected fluoropolymers to submit a premanufacture notice, just like businesses do for new chemicals other than polymers. The EPA would then review exposure and toxicity information on each chemical. If the agency doesn't impose further regulation, companies would be free to resume manufacture or import.

Under the Toxic Substances Control Act, the EPA could also ask companies for more data, require protective equipment for workers, or severely restrict the uses of these polymers. Fluoropolymers for which a premanufacture notice was filed before the 1995 exemption took effect may not be affected by the proposed rule.

### DEP and EOEA meeting with the MA Campaign to Protect Drinking Water by C. Joyce Ringleb

WHEN: Tuesday, April 18th 7- 9 p.m. in the evening  
WHERE: Mass Audubon Habitat Education Center and Wildlife Sanctuary, Belmont

This is a very important meeting to introduce the platforms of the MA campaign to protect drinking water, and to demonstrate the depth and breadth of groups and individuals calling on the Commonwealth to prioritize water protection. Please call me with any questions (978-204-0771). Please attend if you can. I will be testifying at this meeting.

## Chapter 40B FAQs

By Joan Duff

The LWV of Andover/North Andover Affordable Housing Study Group has been researching many different aspects of Affordable Housing over the past several years. One topic which continues to capture our attention – and the community’s – is Chapter 40B.

The intent of this article is to define Chapter 40B and its objectives, and also to respond to some of the frequently asked questions and concerns that are raised about its implementation. A comprehensive resource for information on Chapter 40B - including eligibility, affordable sale prices and rents, lottery/selection procedures, etc. - can be found at the Massachusetts Department of Housing and Community Development (DHCD) website at <http://www.mass.gov/dhcd/Toolkit/ch40b.htm>,

What is Chapter 40B and what is it trying to accomplish? Chapter 40B is a state statute, which allows developers to override local zoning ordinances to build affordable housing developments if at least 20-25% of the units have long-term affordability restrictions. Ordinances which can be overridden include density, frontage, setbacks and so forth. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the shortage of affordable housing statewide by reducing barriers created by local approval processes, local zoning, and other restrictions. Its goal is to encourage the production of affordable housing in all communities throughout the Commonwealth. A community is able to exercise more control over a Chapter 40B project once ten percent of its dwelling units, as counted in the most recent federal census, are included on the town’s subsidized housing inventory, as determined by the Massachusetts Department of Housing and Community Affairs. Once the 10% is achieved, towns can approve “friendly” 40B projects or none at all, as long as the community continues at or above the 10% threshold.

### **1. Concern: Chapter 40B is bad legislation and should be repealed.**

Response: There are definitely very strong feelings against Chapter 40B, but if it were not for this regulation, Andover and North Andover would have only the affordable housing owned and managed by the two housing authorities. For Andover, that would amount to about 1/3 of the current supply. As long as Chapter 40B is in place, we need to work with the developers to ensure that the projects being approved are the ones we want

to or can live with. Andover needs to continue to add affordable units to maintain 10% of its units on the town’s subsidized housing inventory, and North Andover continues its work to achieve its 10% goal.

### **2. Concern: Chapter 40B projects are substandard and/or unattractive when compared to other housing built in the community.**

Response: The biggest reason that developers will not build substandard housing is because the largest share of the project – 75% -- are market rate units. They have to be attractive and well built to compete with other projects in the community. The 25% affordable units are equal to the market rate units in most aspects and the external appearance of the affordable units must be indistinguishable from the market rate units.

### **3. Concern: Chapter 40B destroys the value of zoning as a regulatory tool to guide development and carry out the intent of a community master plan.**

Response: Affordable housing is part of Andover’s master plan. However, if 40B were not in place and if it did not allow developers to override local zoning bylaws, there would be no incentive for developers to build affordable housing. Communities would likely be unreceptive to its construction, and no or little affordable housing would be created. With some few exceptions, the subsidized units in Andover -- which have put Andover over the 10% goal -- have been added under Chapter 40B.

### **4. Concern: Chapter 40B does not provide permanently “affordable” units.**

Response: Affordable units approved in Andover within the past 5 or 6 years are affordable in perpetuity. Affordability is assured through deed restrictions, and the deed restrictions are intended to remain in place as long as the law permits. This is interpreted to mean a minimum of 99 years, and at present there is no reason to think the restrictions cannot remain in place longer than 99 years. Any title search (required prior to closing) on an affordable housing unit would indicate that the unit is an affordable unit and has to be sold according to the deed restricted resale formula to a qualified, income eligible buyer. Articles in the Globe and other publications have indicated that closing attorneys are well aware of this deed restriction.

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## Local Issues

### Warrant Discussions

By Stefani Traina Goldshein, VP Program/Action

Come and learn more about what you will be voting on at Town Meeting.

In Andover, the League's annual public Warrant forum will take place Wednesday, April 5, 7:00 p.m., Memorial Hall Library, 3rd floor. An overview of Town Meeting and selected Warrant articles will be presented. The forum will be televised and rebroadcast in the weeks prior to Town Meeting. Our member meeting will be Friday, April 7, 10:00-12:00 noon, Phebe Miner's, 42 School St., Andover.

In North Andover, the member Warrant meeting, Thursday, April 27, 10-noon, Susan Dennett's, 20 Ironwood Road, North Andover.

### Voter Service

By Diana Walsh

Local elections were held on March 28. Leading up to them, we provided several opportunities for voters to learn about the candidates. In Andover, we hosted our annual Candidates Coffee at BankNorth on Saturday, March 4. A large crowd of citizens were there and spoke with the candidates.

Our thanks go the BankNorth for allowing us to hold the event at the bank again this year.

A debate/forum was held at Memorial library in Andover on March 9. It began with Town Moderator Jim Doherty and Andover Housing Authority candidate Dan Grams who are both running unopposed, making a short statement. We then moved on to the three contested races.

Three candidates are running for Selectman: Ted Teichert, Brian Major and challenger Joe Leone. There is a four way race for School Committee: Incumbents Art Barber and Tony James face opponents Ann Weld and Bob Coffill, who is a write-in candidate. For the Greater Lawrence Technical School representative incumbent Ken Hamilton is running against Gerald Silverman.

The three debates were lively and the candidates were articulate and well-prepared. Our moderator, Mary Jane Morrin from the Middleton League did an excellent job. We had planned to have live coverage on our local cable station, however, we had a problem with the audio portion and therefore the tape is unusable. The candidates for School Committee graciously agreed to participate in a second forum which took place on Saturday, March 18.

## Membership

### New Members

Welcome to our new members!

Rebecca Backman, 19 Pomeroy Road, Andover

Linda O'Connell, 5 Gemini Circle, Andover

Lynn Smiledge, 72 Central Street, Andover

Paul and Lora Stewart, 12 Carriage Chase, North Andover

Eva Valentine, 1178 North Broadway, Haverhill

### New Email Addresses

Joyce Robinson: [jjrobinson@verizon.net](mailto:jjrobinson@verizon.net)

Willard Robinson: [ET@robinson@verizon.net](mailto:ET@robinson@verizon.net)

Please update your handbooks with these new additions and changes.

### LWV Andover/North Andover MEMBERSHIP

\_\_\_\_\_ \$55 Basic \_\_\_\_\_ \$60 Contributing \_\_\_\_\_ \$75 Sustaining \_\_\_\_\_ \$100 (and over) Patron

\_\_\_\_\_ \$75 Household (2 persons in same household) \_\_\_\_\_ \$35 Senior Citizen (65 and over)

\_\_\_\_\_ In addition to my membership, I'd like to make a contribution of \$\_\_\_\_\_.

\_\_\_\_\_ Enclosed is a separate check, my tax-deductible contribution of \$\_\_\_\_\_ to the Education Fund.

Send checks payable to: LWV OF ANDOVER/NORTH ANDOVER:

Membership, P.O. Box 514, Andover, MA 01810

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_ Areas of Interest \_\_\_\_\_

Thank you! Joan Duff, Membership, 978.685.3212

## Town Budget Survey: Results and Findings

By Joan Duff

The following letter was sent to the Andover Board of Selectman, Andover Finance Committee and the Andover School Committee, with the findings and results of the Town Budget Survey, conducted by the LWV Town Budget Study Group in February. The objectives of the survey were to 1) provide opinions and suggestions as to what options we have if there is a budget shortfall that cannot be covered by an increase in state aid and 2) share these findings with the appropriate town boards as they go through the budgeting process.

Thank you to all the LWV members who responded to the survey.

Date: March 7, 2006

To: Andover Board of Selectman, Andover Finance Committee and Andover School Committee

From: League of Women Voters of Andover/North Andover Town Budget Study Group

Subject: Town Budget Survey

This year the League of Women Voters is studying Andover's town budgeting process. We would like to share with you the results of a survey and hope that it will be helpful to your committee as you review the budget for this April's Town Meeting. The survey was sent in February to the League of Women Voters of Andover/North Andover's 120 members; thirty Andover members responded to this survey. A copy of the survey is enclosed.

A notable result was that the vast majority of people would rather find a way to fund non-essential services than eliminate them, however, if necessary to balance the budget, half of the respondents are willing to eliminate services. In addition, the results show that there is some confusion about mandates, stabilization funds and the NESWC money. We hope that some of these opinions will encourage you to look at possible new and creative ways to resolve Andover's current budget dilemma.

### 1. Assumptions: The respondents agreed with the following assumptions in the percentages listed below:

- Free Cash and the Stabilization Fund must be replenished (70% agreed).
- Health care and energy costs; employee compensation and SPED costs will continue to rise (93% agreed).
- Revenue projections from new growth and state aid will not fully cover current increases in expenses (83% agreed).
- Town and school buildings and other physical structures (roads, etc.) must be maintained in a timely manner (93% agreed).
- State aid is not adequate or fair (77% agreed).
- We must honor state mandates (57% agreed).
- 25% of the respondents did not know what the mandates are and/or what the Town's obligation is to support them.
- Many commented that if the state imposed mandates, the state should also provide the funding to support them.

### 2. Town Board's Discretion Over Level of Services:

The respondents agreed that the Town boards have some discretion over the following expenditures:

- The level of services provided by the town (96% agreed).
- The number and amount of capital improvements (96% agreed).
- Comments indicated that while they recognized the Town boards' influence, the boards are hampered by the fact that many of the budget items are fixed, i.e. energy costs, salary increases, health insurance, retirement benefits, etc.
- Another comment was that, in the case of capital improvements, a board can recommend approval of an item, but it can be rejected by Town Meeting.

### 3. Essential and Non-Essential Services:

The respondents agreed that the following services are essential:

- Safety – Fire and Police (100% agreed).
- Education/Schools (100% agreed).
- Public works (Water, Sewer, Road Maintenance) (100% agreed).
- Town Clerk, general government offices (96% agreed).
- Planning, Health, Zoning and Conservation (93% agreed).
- Trash collection (56% agreed).
  - 18% responded "Don't Know"
- Senior Services (52% agreed).
- Youth Services (52% agreed).
- Recreation/Community Services (30% agreed).
  - 19% responded "Don't Know"

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*Town Budget Study: Results and Findings: Continued from page 6*

- Comments from Respondents:
  - An essential service may be providing non-essential services at the same time.
  - Respondents added other essential services, not listed in the survey, including the library, sidewalks and their maintenance, community paths, cemeteries and public transportation.

#### **4. Funding of Essential Services:**

The respondents agreed that the essential services should be funded as follows:

- From within the budget only (67% agreed).
- General override only (0% agreed).
- Within the budget and a General Override in combination (33% agreed).
- Most respondents want essential services funded within the budget although a third of those who answered in the “Agree” category supported a combination of funding essential services “within the budget” and by “a general override.”
- No one supported a general override as a single funding mode.
- Respondents commented that an override is required if we want to maintain the level of essential services.
- Several respondents commented that Proposition 2-1/2 is not working to meet the Town’s budgetary needs and does not allow the Town to meet fixed cost increases. This needs to be addressed at the State level.

#### **5. Funding of Non-Essential Services:**

The respondents agreed that the non-essential services should be funded as follows:

- Self-supporting fees (42% agreed).
- General override with multiple options (0% agreed).
- Eliminated (4% agreed).
- Self-supporting fees and general override (35% agreed).
- Self-supporting fees and Eliminated (8% agreed).
- Self-supporting fees, general override and Eliminated (12% agreed).
- Most respondents preferred a multi-pronged approach to funding non-essential services.
- Half of the respondents would not agree with eliminating non-essential services as a single approach, but would consider elimination of non-essential services as a combined approach, i.e. collecting self-supporting fees or a

general override.

Comments from respondents:

- The suggestion was made that non-essential services be covered by fees or be discontinued.
- Fees were suggested as ways to close the gap, including disposal of bulky items and trash disposal.
- Respondents commented that non-essential services should be eliminated if they have outlived their usefulness and are no longer relevant, but are still in the budget.
- A respondent cautioned that fees should be charged where appropriate, but that the fees may not cover the full cost.

#### **6. Funding of Capital Improvements and Projects:**

The respondents agreed that the capital improvements and projects should be funded as follows:

- From within the budget (4% agreed).
- Debt-exclusion override with multiple options (40% agreed).
- Elimination (0% agreed).
- Within budget and a debt-exclusion override with multiple options (48% agreed).
- Within the budget, a debt-exclusion override with multiple options and elimination (8% agreed).
- Respondents again preferred a multi-pronged approach to funding.
- Respondents overwhelmingly recognized that:
  - A debt-exclusion override is a reasonable way to fund capital projects.
  - Eliminating services was the least attractive way, indicating that respondents wanted to find a way to be able to pay for it.

#### **7. Pay As You Throw (PAYT):**

- 64% agreed that PAYT should be instituted.
- Respondents commented that it would result in:
  - More recycling.
  - Lower trash tonnage.
  - Reduced cost for trash removal.
  - It is an environmentally sound program.

#### **8. North East Solid Waste Consortium (NESWC):**

- 61% agreed that NESWC money should be put into the Stabilization Fund with a percentage (or all) of the interest earned annually spent on Capital Improvement.
- 22% of the respondents answered “Don’t Know.”

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## Conservation Commission

March 7, 2006

By Alix Driscoll, Observer

For some while, the Cons Com has been continuing a Public Hearing relative to studying, updating and revising policy regarding the regulations adopted by the Andover Conservation Commission relative to the Andover Wetlands Protection Bylaw, Article XIV. The discussion has been led by Commission member Paul Finger with the main focus on spelling out how to make sure wetlands are protected. After a lengthy discussion at this meeting, the Cons Com voted unanimously to approve and adopt the regulations as Policy. They are now posted on the town's website.

Led by Chairman Don Cooper, the Commission then discussed at great length the growing problem of "non-credible reports" being sent to the Commission by wetlands experts, land engineers and surveyors. Publicly the commission cited "non believable reports" from individuals of three engineering and wetlands firms, and continuing Non Compliance problems at Dawn Circle, Greenwood Meadows and 16 Bailey Rd. The Commission agreed that a second "non believable report" from an individual would mean that the board would accept no further reports from them, and the town would hire consultants to check the quality of work and bill the firm/person sending the unacceptable report. In addition, work not completed or not done to specification would be billed \$200 a day penalty to continue until the problem is solved. This is already the case for the 16 Bailey Rd./Hay Bales Parish Subdivision project. The Commission said in the future it would be compiling a list of people who may not submit engineering and wetlands reports.

The Cons Com voted to NOT support the Warrant Article 40, the private article by Michael Gillis and others to repeal Andover's Wetland Bylaw XIV (Wetlands Protection Bylaw). No one spoke for the proponent.

The Cons Com voted to support Warrant Article 30, which would transfer land from the building of the Hearthstone Village Subdivisions to the "care and custody" of the Cons Com. This land should rightfully have come to the Cons Com about 15 years ago. (It was submitted by the Planning Director and the Selectmen have also approved it.)

Finally the Commission approved Article 23 for \$1.5 million to replenish the fund for the acquisition of open space for conservation purposes. With the very recent purchase of the Reichold

land there is almost no money left to do such purchases. Members said it was important to have the money voted and approved to be able to move quickly when parcels become available for purchase in town.

Bob Douglas, Director of Conservation, announced that he would be planning a forum on low impact development soon.

## Train Has Left the Station

The Proposed Route 93 Interchange

By Alix Driscoll, Observer

The Selectmen and Planning Board agree that the train has left the station and is moving very fast. It is also below the radar of most people in Andover. At the end of March, the Merrimack Valley Planning Commission (MVPC) will be issuing a report regarding the preferred interchange to be built on Route 93, midway between Exits 41 and 42. The interchange will allow direct access for the Andover businesses next to Route 93 in the Lowell Junction area. The interchange will affect Andover traffic, downtown businesses, potential to develop land, and quality of life.

At the March 13 Selectmen's meeting, Chris Huntress, the chair of the Andover citizens advisory committee on the interchanges, said "it has the potential to be the most important development in this town for the next 50 years." There are nine proposals for interchanges and each one affects Andover lands, traffic and neighborhoods in a different way.

In Tewksbury, across Route 93 from the southern corner of Andover, is the proposed location of an 800,000 square ft. mall to be built by the Mills Corporation. Tewksbury has rezoned a parcel of land for the mall, which will be near the highway. Tewksbury voters stipulated that the mall have little to no access through its town roads. Therefore access will come off Route 93 and roads from other towns, especially neighboring Andover.

Selectmen asked for more time to get critical information about traffic studies and specifics about each of the nine proposals, which will help Chris Huntress's committee, the Selectmen and Planning officials, and voted to write a letter to the MVPC, and state and federal representatives, to ask for a delay for several months to study options. This passed unanimously. They agreed to request in this letter "to delay the study to find a more acceptable alternative to protect Andover."

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*Train Has Left the Station: Continued from page 8*

In that same letter, the Selectmen will say they are concerned about the “Loop” proposal, Alternative #9, which is said to be favored by the MVPC, designed by representatives of the Mills Corp., the mall builder, which puts great swaths of macadam in Andover and is a long and circuitous route through the Lowell Junction/Ballardvale area. This is a “scorched earth” solution, said Terry Szold, member of the Andover citizens committee and professor at MIT.

The Selectmen also asked the town manager to find \$10,000 for an independent traffic study immediately, which will focus on Andover needs. Because there are three towns involved (Tewksbury, Wilmington, and Andover), the Selectmen are very concerned that no undue burden be placed on Andover.

Parts of Andover could be developed including the South Street area, 75 acres of land on the west side, bordering the Shawsheen River, which was cut off from the town by Rt. 93 and is only accessible through Tewksbury on a narrow road. There are many issues to be taken into account including protection of wetlands, burgeoning traffic, more industries to the south of the Ballardvale area, the health of Andover Center, aesthetics and the amount of the town to be paved. This interchange will need state and federal approval and has been a decade and a half in the discussion stage. Check out the public meetings listed on the town’s website. And stay tuned. This train is barreling down the track.

## Townwide PTO

March 17, 2006

By Diane Hender

### Andover Public Schools Budget ~ FY07 and Beyond

As stated previously, the School Committee and Administration concur that the Superintendent’s FY07 budget has to meet educational needs, not only through rebuilding and restoration of eliminated programs, but by scaling up core disciplines to develop the high level skills and specialized, highly technical knowledge required in the global workplace. The preliminary budget allocates \$43,492,973 to personal services and \$12,178,115 to other expenses, an overall increase of 8.4%-health care (\$200,000 estimated plus \$540,000 state assessment for retirees), utilities (\$238,000 estimated), and out-of-district Special Education (\$804,413 estimated) are contributing factors, as are negotiated salary increases (approximately \$2.85 million). However, it should be noted that school

employees have agreed to higher health insurance co-pay (savings estimated at \$144,000), and that in-district Special Education staffing has been reduced by 9 FTEs (\$282,000) while improving in-district program to serve additional children locally.

About \$700,000 of local revenue – parking, bus, and athletic user fees, food service utility charges, and athletic facility rental and gate receipts – supplement the general fund budget. In addition, three revolving fund programs – all-day kindergarten, pre-school, and food service – are operated with a total budget of \$2.1 million.

The primary objective of the rebuilding phase of the FY07 budget (\$758,623) is to improve “student achievement across the curriculum with a focus” in academic programs (8.68 FTEs at \$415,000), health and safety (3.7 FTEs at \$216,123) and schoolhouse administrative staffing (1 FTE plus elementary team leaders stipends at \$127,000).

Dr. Bach’s response to the question, “Why not an available funds budget?” highlighted an itemization of program and staffing cuts made in FY03. These included

- 4 applied technology, 1 foreign language, 2 art, 2.5 PE, 1 health, and 1 English language arts teachers, 2 teaching assistants, 3 program advisors, and 1 custodian at the high school;
- 1 media specialist, 1 foreign language, 1 health, and 7 integrated arts teachers at the middle schools;
- 6 health, 1 music, and half the PE teachers, 5 educational assistants, 2 assistant principals, 3 custodians, all web-masters and all team leaders at the elementary schools; and
- reduction or elimination of 5 central office positions.

Only the 6 elementary health and 1 middle school health teachers, and 1 middle school media specialist have been restored, in FY06.

In addition, over \$1 million of textbooks have not been purchased as scheduled over the past four years.

Dr. Bach asserted that an “available funds” budget could necessitate the elimination of an additional 24 teaching positions at the elementary level with a resulting increase in class sizes.

*Continued on page 11*

# To Be Continued

*Legislative Update: Continued from page 2*

tensions between charter and public schools. She also sought support for **Senate #299**, establishing a commission to investigate what resources schools need, e.g. textbooks, teacher training, technology, etc., for students to succeed under state educational standards.

She also discussed **Senate #350/House #1209** – a petition that we have been following for the past year for legislation to simplify and make more equitable the provisions of Chapter 70 relative to distribution of state aid and the requirements for spending by local governments – urging that legislators adopt this bill during the current legislative session

Elizabeth Dunn, LWVM Equal Rights/Reproductive Rights Specialist, sought support for **Senate #619** – a petition we have been following for several legislative sessions relative to equitable coverage for women in annuity. This bill has passed the Senate on a voice vote.

Ms. Dunn also reported on **Senate #102/House #1641**, an act to provide health education, as defined by the Massachusetts Comprehensive Health Curriculum Frameworks and as required by the Supreme Judicial Court, into the core curriculum for public schools.

Lynn Wolbarst, LWVM Natural Resources Specialist requested Senate passage without amendment for **House #4670**, which was passed unanimously in the House on February 2, 2006.

Following the main program, several LWVA/NA members adjourned to Senator **Susan Tucker**'s office, where we had an opportunity to discuss these bills and other legislation with **Senators Tucker and Baddour** and **Representatives Finegold and Torrisi**. Several LWVA/NA members and Merrimack Valley YMCA participants were able to join in a lively question and answer session, as well as an ample luncheon, in spite of the close quarters and the limited time available due to the legislature being in session.

Many thanks to Stefani Goldshein and Peggy Kruse for assistance in planning, organizing and driving, as well as to Senator Tucker and her office staff for responding quickly and graciously to a room scheduling conflict.

*Town Budget Study: Results and Findings: Continued from page 7*

- Comments from respondents:
  - The money should be used at some predetermined rate to balance the budget.
  - The money should not be used for operating budget expenses.
  - The money should not be limited to capital projects.
  - The money to be withdrawn should not be limited to interest only.
  - The money could be used for Senior/Youth Centers, sidewalks and maybe even a rebate to taxpayers.

## 9. How to Close the Budget Gap:

- Eliminate a service (50% agreed).
  - "Don't Know" (22%).
  - "Disagree," (i.e. don't eliminate a service) (28%).
- Use fees to make the service self-supporting (86% agreed).
- Comments from respondents:
  - Services and departments should be consolidated.
  - Services or the hours that they are available should be reduced.
  - Cut back on the number of employees.
  - Services recommended to be self-supporting: DCS, Trash Collection/Leaf Pickup, Youth Center, Senior Center, School Busing, some sports, Recreation/Community Service, Liquor Licenses/Other Related Services.

Members of the LWV take an active interest in promoting good government. Therefore we hope that the data presented here has provided you with useful information about how a group of informed citizens view the current budget situation. If you have any questions or comments, please feel free to contact Lolli Sumberg at [lollisumberg@comcast.net](mailto:lollisumberg@comcast.net) , 978-475-7455.

Sincerely,  
Lolli Sumberg, Chairman  
LWV Town Budget Study Group

### MARK YOUR CALENDARS!

Annual Dinner will be held on Wednesday, May 24th, at Marland Place in Andover from 6:00 to 9:00 p.m.. Social hour starts at 6:00 followed by dinner and the business meeting. Dinner will be potluck, but those who prefer to contribute toward catered main dishes may do so by contacting Amy Janovsky 978-475-8655.

*Townwide PTO: Continued from page 9*

Elimination of entire programs, such as foreign language in the middle schools, would result in non-compliance with state time-on-learning regulations.

Despite the oft-quoted statistic that only 20% of households in town have school-age children, Dr. Bach mentioned that about one half of Andover's population is directly affected by the schools, including current and future students and their parents and grandparents.

After Dr. Bach left for another meeting, the discussion among the Townwide attendees focused on 1) ways to engage parents of current and future public school students, to get them to understand the potential impact on their children if the proposed school budget is not approved, and 2) possible means of more effectively funding the overall town budget, including more realistic initial expense allocations, increased permit fees, and benchmarking similar services in other communities to ascertain if Andover's charges are too low. The observation was made that only the school department and those it services have experienced any significant "pain" from staffing cuts. Also voiced was the opinion that projected revenue assumptions are too conservative.

### **American Cancer Society Relay for Life**

Anna Floreen (AHS 2001) is spearheading the effort for an inaugural Relay for Life to recognize local cancer survivors and to raise funds for research and support services (about 82% of total ACS budget). Over 4000 of these events are held across the country each year. Tentatively scheduled for Saturday and Sunday, June 17 and 18, at Lovely Field (the AHS track), the 18-hour relay would feature teams of 8 to 10 walkers/runners, each participant having collected at least \$100 in pledges. The goal is a minimum of \$30,000 and 30 teams. Organizers and teams are needed, and Anna can be reached at Anna.Floreen@cancer.org.

### **District Arts Festival**

Assistant Superintendent Marcia O'Neill thanked the Townwide members for their schools' support of Spring into the Arts, a system-wide showcase of visual and performing arts scheduled for March 22 in the Collins Center.

*40B FAQs: Continued from page 4*

### **5. Concern: If an income eligible buyer does not come forward to purchase the affordable unit, the unit will convert to market rate.**

Response: A unit may move to "market rate" if neither an income eligible buyer or the town comes forward to buy the unit. However, there are a number of ways to inform potential buyers, which are provided by agencies at the federal, state and local levels. CHAPA (Citizens' Housing and Planning Association) and Massachusetts Department of Housing and Community Development (DHCD) inform communities when an affordable unit is coming on the market. CHAPA maintains a list of available affordable units throughout Massachusetts and contact information for eligible buyers who are interested ([http://www.chapa.org/housing\\_lotteries.htm](http://www.chapa.org/housing_lotteries.htm) or <http://homesforgood.org/>). DHCD lists properties coming on the market at <http://www.massdhcd.com/HOP/MainMenuGrid.aspx>.

The Andover Housing Authority is often aware of interested buyers. Andover is putting together a "Ready Buyers List," which will consist in part of people who participated in, but did not win, affordable housing lotteries, and who may still be looking for an affordable unit. The Town of Andover has a "first right" to purchase any unit that comes on the market. In Andover, if funds are available, the purchase could be recommended by the recently established Andover Housing Trust Fund and purchased with the approval of the Board of Selectmen. In North Andover, the purchase could be made with CPA funds, after approval by a two-thirds vote at Town Meeting.

### **6. Concern: Chapter 40B does not provide a mechanism for oversight of eligibility of potential candidates for the lower-priced units.**

Response: A lottery agent, responsible for determining the eligibility of buyers, is assigned for each Chapter 40B project, insuring that prospective buyers are income eligible and that the lottery is conducted according to the marketing plan approved by the DHCD. CHAPA is the monitoring agent for many of the projects in Andover and is a very well respected agency. CHAPA monitors the whole process, including the lottery and qualifications of the buyers. Equally important, CHAPA ensures that the developer has not made more than the profit permitted by the regulations on 40B projects.

*Continued on page 12*

40B FAQs: Continued from page 11

**7. Concern: Chapter 40B is an enormous financial incentive for developers to use every piece of land for dense development, no matter where located and apparently allows for the possibility of excess profits.**

Response: CHAPA, as the monitoring agent, reviews the financial statements and identifies excess profits. The profit margin for the developer is capped at 20% on Chapter 40B projects. If the profit exceeds that amount, some percentage of that excess is returned to the town. These funds can be deposited in the Andover Housing Trust Fund, where it may be used for projects like the purchase of single-family units, spread throughout the community, or units in existing condo or rental developments. In North Andover, the funds would be deposited in a special town account, to be used for affordable housing. The Globe has uncovered a practice by some developers of overvaluing the cost of the land in its pro forma and therefore being able to reap a higher than 25% profit. The good news is the process is undergoing so much scrutiny that it is uncovering these abuses and making them public -- and holding those that make the decisions more accountable.

**8. Concern: Chapter 40B does not take into account a community's existing stock of non-subsidized low priced units.**

Response: DHCD monitors the number of affordable units and the percentage of affordable units in each community. This agency does not take into account the community's existing stock of market rate low priced units, which could be rented or sold at the same amount as a unit constructed under 40B. Modest homes that are affordable to owners who have lived in them for a generation will not be affordable when they are sold. In fact, many 1,500 square foot homes are torn down or significantly expanded when they are sold, emerging at two or three times their previous size and value. There are very few housing units in town which sell or rent at affordable prices. For example, the affordable units at Powder Mill will sell as follows: 1 Bedroom - \$146,000; 2 Bedroom - \$163,000 and 3 Bedroom - \$174,000. There are no market rate units in Andover selling in that range for condominiums. If we want diversity in our communities and a place for our kids, our parents, our town employees and other people who will benefit from living in our towns, Chapter 40B provides that mechanism. Even the market rate units in 40B developments provide a source of housing for middle-income households because they are

significantly less expensive than the single-family homes now being built in our towns.

**9. Concern: Chapter 40B does not provide any mechanism to prevent the tearing down of modest houses in order to replace them with unaffordable "mansions".**

Response: Mansionization is a huge problem, but not a result of Chapter 40B. It's a function of how much land costs have escalated in Andover and how easy it is to tear down a modest home, build a McMansion and still make a considerable profit.

**10. Concern: The Town subsidizes the affordable units in a condominium complex by having a lower assessed value for the unit sold as an affordable unit than for the identical market rate unit.**

Response: The units are assessed in terms of purchase price, and the affordable units, because of deed restrictions, sell for a lesser amount than the market rate units. Therefore, the property tax is lower. The deed-restricted value of an affordable unit is its "market value", i.e. the value at which the unit can be resold if and when the owner moves. Typically the affordable buyers buy a "base unit" without the benefit of add-ons or amenities, which are usually added, at the cost of the buyer, to the market rate units. On the other hand, the Town reaps the benefit of affordable units that can be reserved up to 70% for Andover residents, town employees, people who grew up in Andover, etc. – housing that otherwise is not available.

**11. Concern: Chapter 40B treats every community as a separate entity rather than looking at the composition of the region.**

Response: Chapter 40B does treat every community as a separate entity by design. A guiding principle of Chapter 40B is that every single one of Massachusetts's 351 cities and towns is responsible for providing a portion of the affordable housing supply. The legislation did not want to allow any community to be exempt from this responsibility and to put all the burden of providing affordable housing on large cities. Lawrence and Lowell are not inundated with Chapter 40B housing initiatives – partly because of other affordable housing initiatives available to them from other state and federal agencies and because they are well above the 10% affordability goal.

**12. Concern: Chapter 40B addresses only multifamily projects**

*Continued on page 13*

## To Be Continued

40B FAQs: Continued from page 12

Response: Not all the projects being built in Andover are multifamily units. Greenwood Meadows at the corner of Chandler Road and Greenwood is a project of all single-family homes, 25% of which are affordable. Andover Community Trust (ACT) has two single-family affordable homes, which are currently going through the selection process. A third ACT single family affordable home was sold to an income eligible owner in 2002. This is certainly the ideal and should be used as an example for other developers proposing a 40B development in Andover. It's an attractive project and adds to the character of the neighborhood. Additionally, developers often incorporate old buildings into their developments or reuse old buildings exclusively for 40B projects. In North Andover, Campion Hall is an example of a Chapter 40B project that preserved an old building. The exterior of the old mansion house is being renovated, and the interior is being modified into condos, some of which will be affordable.

### 13. Concern: A chapter 40B development in my neighborhood will reduce the value of my property.

Response: The MIT Center for Real Estate completed an analysis of property values related to seven specific large, dense, multifamily 40B rental developments in six different communities in April 2005. The research reviewed the change in value of single-family homes in the 40B impact area (defined as abutters and immediate neighbors) with the change in value of dwelling units in the remainder of the community, over a period of five to 15 years depending on the year in which the 40B project was developed. There was no statistically significant difference in the change in values between the homes in the 40B impact area and the homes in the remainder of the community. [http://web.mit.edu/cre/research/hai/pdf/40B\\_report\\_HAI\\_0405.pdf](http://web.mit.edu/cre/research/hai/pdf/40B_report_HAI_0405.pdf)

There are certainly more questions regarding Chapter 40B. If you have specific ones, please contact Annette Nickerson, Chairman, at [a.nickerson@comcast.net](mailto:a.nickerson@comcast.net). If we receive enough questions, maybe we will have Chapter 40B, Part II in a future Bulletin.

If you have any interest in attending our meetings or becoming a study group member, please feel welcome. Our meeting dates are published in The Bulletin.

## Know Your Town Fair by Heather Moody Holman

Registration is beginning for this year's Know Your Town Fair. We are joining in the Andover Days celebration on Saturday June 10th in the park.

The Andover Cultural Council has a full schedule of musical entertainment at the bandstand. The Andover Historical Society will coordinate the antique car show. St. Matthew's Masonic Lodge will offer CHIP, the child identification program. There will be amusements from the Andover Department of Community Services and this year the Y will be also hosting activities. We will have plenty of food to enjoy thanks to the exhibitors. The Andover Business Center Association is planning on raffles and entertaining performers through the day. The trolley will run with guided tours of downtown. And there may be some activity on Main Street by our local merchants to add to the day's festivities.

Pre-registration looks good already. Plenty of time to add non-profits and service organizations if you have any to suggest. Please call Heather at 978-500-0626. Stefani Goldshein has offered to work with Heather. It's great to have a team. Stefani had short notice to make a photo opportunity for the Townsman. She was there to represent the LWV A/NA- Lookin' good!

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Senior Vice President

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# Calendar of Events

			Time	Type of Meeting	Description	Address
<b>April</b>	4	T	7:30 p.m.	Affordable Housing	Study Group	Joyce & Willard Robinson's Home 191 Summer Street, Andover
	5	W	9:15 a.m.	Board Meeting	April Board Meeting	Cynde Egan's Home 197 Shawsheen Road, Andover
	5	W	7:00 p.m.	Public Warrant Forum	Andover	Memorial Hall Library Elm Square, Andover
	7	F	10:00 a.m.- 12:00 p.m.	Member Warrant Forum	Andover	42 School Street Andover
	14	F	11:30 a.m.	Lunch & Conversation	Monthly Lunch Gathering	Panera Bread Rt. 133 and Rt. 114, N. Andover
	21	F	All Day	Deadline	May Bulletin	jennessa@celebratestudio.com
	24 25	M T	7:00 p.m.	Andover Town Meeting	Voting on Warrant Articles	Andover High School Field House
	27	Th	10:00 a.m.- 12:00 p.m.	Member Warrant Forum	North Andover	20 Ironwood Drive North Andover
<b>May</b>	3	W	7:15 p.m.	Board Meeting	May Board Meeting	Diane Hender's Home 6 Millstone Circle, Andover
	8	M	7:00 p.m.	North Andover Town Meeting	Voting on Warrant Articles	North Andover High School 430 Osgood Street
	11	Th	7:15 p.m.	Conservation, Health & Planning in Andover	Discussion with the New Department Heads	Memorial Hall Library Andover
	24	W	6:00 p.m.	Annual Meeting	Social Gathering, Dinner & Annual Meeting	Marland Place 15 Stevens Street, Andover



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