POLICY GUIDELINES

BOARD OF SELECTMEN

TOWN OF ANDOVER, MASSACHUSETTS

BOARD OF SELECTMEN:

Daniel H. Kowalski, Chair
Brian P. Major, Vice-Chair
Paul J. Salafia, Secretary
Mary T. O'Donoghue
Alex J. Vispoli

Originally Adopted: 1978
Revised: 1990
Revised: 2008
Reorganized and Confirmed: 2008
Section II.6.3 Fuel Efficient Vehicle Policy Added: May 3, 2010
Section XII Investment Policy Added: June 7, 2010
Section I.4.3 Agenda Amended: August 9, 2010
Section IV.2.3 Use of Town Owned Land Amended: October 25, 2010 & November 22, 2010
Section XI.2 Alcoholic Beverages Licenses Hours of Operation Section 12 Licenses Amended: Feb. 28, 2011
Section XI.2 Alcoholic Beverages Licenses Subsection 18(d) added, Fee Schedule Amended: May 9, 2011
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Section XI.2, 18. (a) Events With Alcohol In General: Amended October 3, 2011
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Sections XI.1 & XI.2 Licensing Policies Amended: October 7, 2013
Section IV.1 Land Use Amended: November 4, 2013
Section XII.8 PILOT Policy Added: December 16, 2013
Section XII Misc. Policies Added XII.2 Customer Service & XII.3 Code of Conduct Policies & renumbered sections: June 2, 2014
Section XIII Investment Policy Amended: June 16, 2014
Section II Municipal Vehicle Policy Amended: July 21, 2014

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I. BOARD OF SELECTMEN OPERATIONS

I.1. VISION STATEMENT

The Town of Andover, more than a place to live, is a way of life. Its legacy of democracy shall be preserved. Each citizen should experience the treasures of nature, history, individual respect, neighborhood, and learning. As resources and energy allow, each of these gifts from the past will be enriched in the present for those yet to be.

Passed 1/25/93

I.2. MISSION & VALUES STATEMENT

Developed by the
Board of Selectmen, Town Manager, and Town Department Heads

Adopted by the Board of Selectmen on October 6, 2003

The mission of the Town of Andover is to ensure the safety, education and well-being of the community; to be a leader in the delivery of efficient and effective quality services that respond to community needs; to promote the continuous improvement of staff skills and performance; to encourage an environment of trust; to respect cultural and economic diversity; and to preserve the historic character of the community.

The Board of Selectmen, as the chief policy makers for the Town of Andover, Massachusetts, will provide leadership in advancing the following primary and supporting values:

VALUE 1. ENSURE THE SAFETY, EDUCATION, AND WELL-BEING OF THE COMMUNITY

1.1 Protect the safety of persons and property

1.2 Maintain the high quality of education for all

1.3 Maintain the Town's infrastructure

1.4 Promote public health programs and awareness

1.5 Manager the impact of non-municipal public utilities

1.6 Support human/community services

1.7 Ensure compliance with regulatory requirements

1.8 Identify and promote economic opportunities

VALUE 2. BE A LEADER IN THE DELIVERY OF EFFICIENT AND EFFECTIVE QUALITY SERVICES THAT RESPOND TO COMMUNITY NEEDS

2.1 Deliver innovative municipal services

2.2 Encourage cost saving initiatives

2.3 Assess and prioritize community needs

2.4 Maintain the Town's "AAA" bond rating

VALUE 3. PROMOTE THE CONTINUOUS IMPROVEMENT OF STAFF SKILLS AND PERFORMANCE

3.1 Recruit, develop and retain a highly skilled workforce

3.2 Promote and recognize municipal professionalism

3.3 Measure, evaluate, and improve performance

VALUE 4. ENCOURAGE AND ENVIRONMENT OF TRUST AND HONESTY

4.1 Uphold high ethical standards

4.2 Value teamwork and cooperation

4.3 Promote open communication with the public

4.4 Solicit citizen participation

4.5 Recognize the outstanding contributions of citizens

VALUE 5. RESPECT CULTURAL AND ECONOMIC DIVERSITY

5.1 Promote diversity in the workforce and community

5.2 Provide services that are accessible, fair, and equitable

5.3 Support housing alternatives

VALUE 6. PRESERVE THE HISTORIC CHARACTER OF THE COMMUNITY

6.1 Celebrate Andover's unique heritage

6.2 Protect and acquire open space

I.3. POLICY GUIDELINES

POLICY DEFINITION

A course of action, guiding principle, or procedure designed to influence and determine decisions, actions, and other matters.

PURPOSE

In an attempt to enforce good administration through equitable enforcement and continuity of decisions, with the understanding that all matters brought before the Board of Selectmen are reviewed on a case by case basis, and with the understanding that the Board, at any time, may determine that a particular policy guideline is no longer applicable to the general good, the Policy Guidelines Handbook will serve as a learning tool for new members, as a reference source for the current Board when determining decisions, and as a sourcebook for the public interested in particular matters.

ADOPTION OF POLICY GUIDELINES

Votes taken at Board meetings fall into two categories: votes specific to one item and not applicable to other actions, and votes that <u>may</u> be applied to future actions. The latter may be adopted as a "policy guideline."

Ever-mindful of policy implications, votes may be considered as a policy guideline at the request of Board members, staff or the public. Once a request has been made to the Chairman of the Board of Selectmen, the item will be placed on the agenda of a future Board meeting. At that time, a policy guideline will be adopted if a majority of the Board so votes.

The Policy Guidelines Handbook will be immediately updated whenever votes taken either establish a new guideline or revise an old guideline.

An annual review of the Policy Guidelines will be initiated by the Chairman.

Decisions on matters coming before the Board of Selectmen and policy guidelines established by the Board prior to the adoption of this manual will be considered for insertion in this manual upon review and consensus approval by the current Board.

No hypothetical situation alone will be considered in the adoption of Policy Guidelines.

AUTHORITY FOR THE BOARD OF SELECTMEN

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, "An Act Establishing A Selectmen – Town Manager Plan For the Town of Andover" (The Charter), and the By-Laws of the Town of Andover.

General References:

- Chapter 41 – General Laws of the Commonwealth of Massachusetts
- Chapter 571 of the Acts of 1956, Selectmen-Town Manager for of Government, as amended.
- Handbook for Massachusetts Selectmen, 1988, Massachusetts Municipal Association (MMA).

ELECTION AND QUALIFICATION

In accordance with the Acts of 1922, Chapter 1, of the Commonwealth of Massachusetts and the Andover Town Charter, the Board shall consist of five duly-elected members, each of whom shall be elected by the registered voters of the Town of Andover to terms of three (3) years. On a staggered basis, two members' terms shall expire in one year, two the following year, and one in the third year.

Before assuming officials duties, each newly elected member shall be sworn to faithful performance of official duties and responsibilities by the Town Clerk and shall be given a copy of the Open Meeting Law.

VACANCIES ON THE BOARD

When a vacancy occurs in the office of Selectman, the remaining Selectmen may at any time prior to the next Town election appoint a qualified person to serve as Selectman until such election, at which election voters shall elect a Selectman to serve for the unexpired portion, if any, of the original term.

However, if such a vacancy or vacancies occur less than 100 days prior to the annual election and not less than three members of such Board remain in office, the vacancy or vacancies shall remain unfilled until such annual election.

BOARD AS POLICY-MAKERS

The Board of Selectmen shall be considered the makers of policy of the Town government, except as otherwise directed by the Statutes or by the Town Charter. The Town Manager shall be responsible for ensuring that the boards, officers, and representatives of the Town comply with the policy determinations of the Selectmen.

I.4. RULES OF ORDER AND PROCEDURE

BOARD OF SELECTMEN

I.4.1. Organization

Election of Officers – The Board of Selectmen shall meet in regular session (See 2, Below) each year on the Tuesday following the annual town election for the purpose of electing its own officers and conducting such other business as may come before it.

Terms of Office – Officers of the Board of Selectmen shall serve until new officers are elected, or until their term as Selectmen has expired through resignation or the election of a replacement.

Officers of the Board – From among its members the Board of Selectmen shall elect a Chairman, a Vice-Chairman, and a Secretary.

The Chairman – The Chairman of the Board of Selectmen presides at all meetings of the Board at which he/she is present. He/She is the ceremonial chief civil officer of the Town. The Chairman, when representing the Board of Selectmen, is careful to take only positions on subjects which have been approved by the Board. When necessary to make observations on other matters, he/she is careful to make clear that the opinion expressed is his/her own as an individual Selectmen and not necessarily that of the Board.

The Vice-Chairman – The Vice-Chairman performs the functions of the Chairman in the latter's absence. Should the Chairman resign, the Vice-Chairman automatically succeeds him/her.

The Secretary – The Secretary is responsible for the accuracy of the minutes of the meetings of the Board of Selectmen and, when prepared, signs those minutes which become part of the official public records of the Town.

The Recording Secretary – The Board of Selectmen retains on a salaried basis a Recording Secretary who is experienced in recording the proceedings of meetings both live and from tape recordings. The Recording Secretary attends all meetings and conference sessions of the Board of Selectmen and is responsible for putting minutes of those meetings in **draft form** under direction for the Town Manager for approval of the Board an its next regular meeting.

Liaison with Town Boards and Committees – Each Selectmen is assigned one or more of the Town Boards and/or Committees whose meetings he/she attends when considered appropriate and with those activities he/she maintains current information to be passed on to the Board of Selectmen upon request or where the individual Selectman deems it desirable.

Further clarification of the Selectman's role as Liaison will be defined in a later section.

I.4.2. Board of Selectmen Meetings

Place for Meetings – The designated place for regular and special meetings of the Board of Selectmen shall be at the **Andover Town Offices, Bartlet Street, Third Floor Conference Room,** unless otherwise provided by the Board.

Regular Meetings – The Board of Selectmen shall meet in regular session on the **First and Third Mondays** of each month at 7:30 p.m. except on holidays or when another day and hour has been fixed by resolution of the Board.

Special Meetings – Special Meetings of the Board of Selectmen may be called at the request of three members of the Board or by the Chairman of the Board.

Work Sessions – The Board of Selectmen may meet in a Work Session at 7:30 p.m. on the fourth Monday of each month. If necessary, a short, regular business meeting may be held prior to work sessions. Work sessions will be held at the **Andover Town Offices, Bartlet Street, Third Floor Conference Room**, unless otherwise provided by the Board.

The Work Session shall be devoted primarily to any matters regarding which the interchange of information is deemed desirable or essential by the Board and/or Town Manager, and particularly preliminary to discussion and action at the regular meetings of the Board.

No formal vote shall be taken on any matter under discussion nor shall any Board member enter into a commitment with another respecting the vote to be taken subsequently in a regular meeting of the Board; provided, however, that nothing herein shall prevent a polling of the Board or the taking of an informal vote on any matter under discussion.

Agenda procedures shall be the same as for regular meetings except that matters not included on a work session agenda shall be taken up by the Board only after listed agenda matters have been considered. No vote of the Board shall be required to consider a non-agenda item.

Additional work sessions may be held at the request of the Chairman of the Board of Selectmen, or of a majority of the Board. It shall be the responsibility of the Chairman of the Board to advise all other members of the Board and the Town Manager of any additional work sessions.

Executive Session – An Executive Session may be convened at the request of the Town Manager or by a majority vote of the Board as part of a regular or special Board meeting. Attendance at the Executive Session shall be limited to the members of the Board and the Town Manager; provided, however, that the Board and/or Town Manager may invite such persons as may be required for advice and information. Executive Sessions may be called solely for the following purposes:

a. To discuss the "reputation, character, physical condition or mental health rather than the professional competence" of a particular individual. A governmental body shall hold an open meeting if the individual involved request that the meeting be open.

b. To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

c. To discuss strategy with respect to collective bargaining or to litigation, if an open meeting may have detrimental effect on the bargaining or litigating position of the governmental body; and to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

d. To discuss the deployment of security personnel or devices.

e. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

f. To consider the purchase, exchange, lease or value or real property if an open discussion may have a detrimental effect on the negotiating position of the governmental body with a person, firm or corporation.

g. To comply with the provision of any general or special law or Federal grant-in-aid requirements.

h. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a primary or preliminary screening.

BEFORE holding an executive session for one of the above reasons, the Selectmen must first convene in open session for which notice has been given. A majority of members must vote to go into Executive Session, and the vote of each member must be a roll call recorded in the minutes.

The presiding officer must specify in the open meeting for which of the above reasons the Executive Session is being held. Before the Executive Session, the presiding officer must state whether the Selectmen will reconvene in open session afterwards.

Accurate records must be maintained for all Executive Sessions. At a minimum, the records must set forth the date, time, place, members present or absent, and action taken. According to the law, Executive Session records may remain secret **only** "so long as publication may defeat the lawful purposes of the Executive Session, but no longer."

Quorum – Three members of the Board shall constitute a quorum. In the event a quorum is not obtained, the member(s) present may adjourn the meeting to a specific date and time. Three affirmative votes shall be required to approve any matter acted upon by the Board except as otherwise provided by the rules of the Board.

Open Meeting Law – All meetings of the Board of Selectmen shall be held and conducted in strict compliance with the requirements of the Massachusetts Open Meeting Law. **Each newly-elected Selectman shall be given a copy of the Open Meeting Law by the Town Clerk and will be required to sign a statement acknowledging that he/she has received it.** (A copy of the Open Meeting Law will be added to the "Reference Section" of the Selectmen's policy notebook.)

Posting of Meetings – It shall be the duty of the Town Manager for all meetings and work sessions of the Board of Selectmen to post the notice of the meeting or work session in a conspicuous place in the Town Offices at least forty-eight (48) hours (including Saturdays but not Sundays or legal holidays) before a meeting is to take place. Notice of the meeting is also to be filed with the Town Clerk. Meeting notice must be in "easily readable type" and include date, time and place.

Immediately upon receipt of a request for a special meeting he will make every diligent effort to notify each member of the Board in person, either by telephone or otherwise, of such special meeting. The law allows that in the case of an emergency, defined as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action," an open meeting may be held even though notice was not posted in time. Notice of such meetings should still be posted as much in advance of the meeting as possible.

The Town Manager shall also publicize each meeting or work session in the newspaper of general local distribution.

Recording of Meeting – Any person in attendance at an open meeting may record the meeting by any means of sonic reproduction, including videotaping, provided that there is no active interference with the conduct of the meeting. If requested, persons intending to make such recordings must so declare.

Suspension of Rules – Any provision of the rules of the Board of Selectmen not governed by State Statue or otherwise governed specifically by the Rules of the Board may be temporarily suspended by a majority of the full Board.

I.4.3. Agenda

Preparation of Agenda for Board Meetings - The agenda for a meeting will be prepared by the Town Manager after conferring with the Chairman and/or other members of the Board. The agenda will close at 4:30 P.M. on the third day before the meeting, excluding Saturdays, Sundays and legal holidays, and no changes to it shall take place there-after except as follows:

> Any matter coming to the attention of the Town Manager or a member of the Board after the above-stated closing time and considered to be an emergency matter may be included on the agenda. The Chairman of the Board will be notified of any such changes.
>
> Consideration of matters of a non-emergency nature may be allowed at the discretion of the Chairman, if permitted under the Open Meeting Law, but may be tabled until the next regular meeting.

Order of Agenda – The business of all regular meetings of the Board of Selectmen shall be transacted in the following order:

Board of Selectmen
Agenda Outline

I. Call to Order/Roll Call
II. Opening Ceremonies
  A. Moment of Silence/Pledge of Allegiance
III. Communications/Announcements/Liaison Reports
IV. Citizens Petitions and Presentations
V. Public Hearing(s)
VI. Regular Business of the Board
VII. Consent Agenda
  A. Licenses and Permits
  B. Appointments and Re-Appointments
VIII. Approval of Minutes from Previous Meetings
IX. Sewer Commissioners (if applicable)
X. Adjournment.

Communications/Announcements/Liaison Reports – Under this heading, Selectmen may bring up matters of concern to them for brief discussion and possible later placement on the agenda of a scheduled meeting, if permitted under the Open Meeting Law.

Special Rule for certain Consent Agenda Items – the names of all Appointees and Re-Appointees and the names of all new license and permit applicants (but not annual renewals) shall be included in the agenda posted through the Town Clerk's Office, and on the Meeting Agenda and shall be posted on the Town's web site.

The Board members shall review the Agenda items designated in the preceding paragraph prior to the meeting in which they will be voted. Such items which require further discussion by the Board will be identified to the Board Chair prior to the meeting and time will be provided during the meeting for discussion by the Board. Items not identified for discussion prior to the meeting will be moved as printed in the Agenda and published on the web site.

Submission of Proposed Agenda Items – All reports, communications, resolutions or other matters to be submitted to the Board shall be delivered to the Town Manager by the time specified herein for the close of the Agenda, whereupon the Town Manager shall immediately arrange or cause to be arranged a list of such matters according to the Order of Agenda.

The agenda shall be included in the meeting notice to be posted in conformity with the Open Meeting Law, M.G. L. Chapter 30A Sections 18-25, as the same may be amended. The Town Manager shall deliver to each member of the Board and the Town Clerk a copy of the agenda as soon as practical after the time specified herein for close of the agenda.

No action will be taken by the Board on papers circulated for the first time in any regular meeting unless the matter covered is of an emergency and/or routine nature.

Supporting Information – All matters included on the agenda, unless clearly self-explanatory, shall have been preceded by or shall be accompanied by written explanations or descriptive materials; such information to be provided by the sponsor of the agenda item and/or the Town Manager. This background information is intended to aid in the Selectmen's consideration of matters to be brought before the Board.

The Town Manager will also provide the Board with weekly memoranda and/or monthly reports containing information pertinent to the responsibilities of the Board in order to keep the Selectmen informed or to reduce the amount of inconsequential matters on the weekly agenda.

Distribution of Agenda – Copies of the agenda shall be made available to the recording secretary, media and the public concurrent with its delivery to the members of the Board of Selectmen. A sufficient number of copies of the agenda shall also be available to the public at the Board meetings. Copies of additional documentation pertaining to items on the agenda shall also be made available to the public at Board meetings. Determination of pertinent items shall be made by the Chairman and/or the Town Manager.

Town Manager Recommendations – All agenda matters relating to the administration of the Town including licensing and permits shall be acted upon by the Board only when accompanied by recommendations of the Town Manager; said recommendations to be made in writing or orally and made a part of the official record of the Board.

Citizens' Petitions and Presentations –

A. Petitions – The Board of Selectmen reserves the right to defer action or comment on any matter brought before the Board as part of the Citizens Petitions section of a meeting agenda.

At the Chairman's discretion, and in general to allow full and fair discussion of items previously placed on the agenda, the time of unannounced citizens petitions may be limited.

Matters brought before the Board relating to the administration of the Town shall be referred to the Town Manager for necessary or appropriate action in each individual case.

B. Complaints – All complaints involving Town policies shall be acted upon by the Board when appropriate and, except in the most unusual cases, such action shall be preceded by a report and recommendation of the Town Manager who shall have been given ample opportunity and time in which to investigate and render a report.

C. Further clarification of this section will be made in a later section.

Agenda for Special Meetings – Only matters set forth in the notice of special meetings shall be discussed and/or acted upon during such a meeting. **This provision may not be suspended**.

(Section I.4.3 Amended August 9, 2010)

I.4.4. Miscellaneous

Public Records - State law holds to a broad definition of public records, but generally includes practically all information the Board and the Town staff produces or receives. Exceptions to this are spelled out specifically in the Freedom of Information Act. If a record is withheld, however, the burden is on the withholder to prove that the information it contains is covered by one of the following exceptions:

A. Records related solely to the Board's internal personnel rules and practices (the Board must show, however, that withholding these records is necessary to the proper performances if its duties)

B. Personnel and medical files or information.

C. Any other material related to a specifically named individual that would constitute an unwarranted invasion of personal privacy if disclosed

D. Certain memoranda or letters relating to policy positions that are being developed (not including reasonably completed factual studies or reports on which policy positions may be based).

E. Investigatory materials that could prejudice effective law enforcement if released.

F. Proposals and bids to enter into any contract or agreement (these are subject to disclosure, however, after they are opened publically or after the time for receipt of bids has expired).

G. Appraisals of real property acquired or to be acquired until either a final agreement is entered into or lawsuits over the appraisal are completed.

H. The names and address of anyone referred to in applications for licenses to carry or possess firearms or firearms identification cards. The names and addresses of people who sell or transfer firearms, rifles, shotguns, machines guns or ammunition are also exempt from the public records law.

If a Selectman is in doubt about whether a particular document is public, he/she should consult the Town Clerk, Town Counsel or the public records section of the Secretary of State's office, which has the authority to determine whether a record is public.

Town Employee Appointments – The Board of Selectmen may vote on confirmation of appointments of Town employees by the Town Manager to positions below the level of department head at the same meeting at which any such appointment may be proposed.

All other appointments shall be introduced at a regular meeting of the Board, but no action shall be taken until the next regular meeting of the Board.

Town Board / Committee Appointments – As provided in the Town Charter, the Board of Selectmen shall appoint a Zoning Board of Appeals, in addition to the Town Manager, Voting Registrars other than the Town Clerk, and the Town Accountant.

The Town Manger shall appoint, subject to the approval of the Board of Selectmen, all other officers, boards, committees and employees of the Town. Further clarification of this procedure will be dealt with in a later section.

Transfer from Reserve Fund – Copies of each request for transfer from the Reserve Fund submitted to the Finance Committee by the Town Manager shall be furnished to each member of the Board.

Changes in Town Organization – The Town Manager shall furnish the Board of Selectmen with proposals for any changes in Town organizations before they are put into effect. This is for the purpose of keeping the Board informed of matters which, although a responsibility of the Town Manager, inevitably comes to the attention of the Selectmen through other channels.

Conflict of Interest – In those cases in which a matter brought up for consideration by the Board of Selectmen conflicts with the personal pecuniary interests of any individual Selectman, it is the responsibility of that Selectman not only to abstain from voting on the matter, but also to refrain from participation in the discussion of it for the purpose of influencing the vote of the Board.

Participation in Town Meetings – On those articles of the Warrant for a Town Meeting upon which the Board of Selectman has taken a position, even though that position was decided only by a single majority vote, individual Selectmen shall refrain from presenting arguments opposing the Board's position on the article.

However, a member who proposes to vote otherwise on an article may, as an individual citizen, go upon the floor of the Town Meeting and, upon recognition by the Moderator, speak from there.

It is also expected that the Town Manager will refrain from taking an opposing position to that of the majority of the Board. The Town Manager may, however, also address Town Meeting from the floor, presenting himself as an individual citizen.

Board Policy Guidelines – In the event that the Board of Selectmen chooses to adopt, eliminate or revise a written policy guideline, the procedure established at the beginning of this guidebook shall be followed. In addition, each policy guideline or revision to any guideline, shall be assigned a short title and the date on which any action was taken.

The Town Manager shall maintain an index of all Board policy guidelines as well as a file on all such guidelines. Copies of policy guidelines adopted by the Board of Selectmen shall also be placed on file with the Town Clerk and distributed to all appropriate staff and committees.

I.5. INTERNAL OPERATION – MEMBERS' INTERACTION

The Board of Selectmen functions as a body in all policy decisions and all other matters as required by law or determined by vote of the Board in formal Session.

1. The Town Manager shall communicate to the Board of Selectmen, via memo on Friday, matters of interest to the Board and/or items pertaining to agenda subjects for the upcoming meeting.

   Any individual member of the Board may also take this opportunity to communicate additional items by including memos and other supporting material within the Town Manager's "packet." Memos may be submitted to the Town Manager's office via phone or writing no later than Friday noon.

2. Board members will keep each other informed of all investigations they are conducting or issues they are pursuing that are the concern of the entire Board.

3. Board members agree not to surprise each other by last minute agenda items about which others have no warning or knowledge except in the case of emergency items or those of a strictly routine nature which need action prior to the next schedule meeting.

   Whenever possible, Board members who wish to take issue with another member's conduct, behavior, or procedures will do so first privately with the member concerned or will notify him/her prior to first doing so at a public meeting.

4. When individual members make a request of the Manager for information of concern to the whole Board, the Manager is to report back to the whole board, not only to the member raising the question.

I.6. CITIZEN RELATIONS/CITIZEN PETITIONS AND PRESENTATIONS

The Board of Selectmen recognizes that it both represents and is accountable to all the citizens of the Town. It is the Board's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep the citizens informed for all actions contemplated or taken by the Board of Selectmen, the Town Meeting, and the Town Manager which will affect them. To this end, the following steps will be taken:

1. During all regular meetings, time will be set aside for "citizen petitions and presentations." Citizens may bring up any matter or question of interest without prior notice given to the Board.

   However, as previously stated under "Rules and Procedures," the Chairman may, at his/her discretion and when the situation is deemed warranted, limit the time of unannounced citizen petitions. In general, this decision would be made in order to allow full and fair discussion of items already placed on the agenda.

   Citizen participation at Special Meetings and Work Sessions shall be at the discretion of the Chairman, with the majority of the Board concurring.

2. Prior to a regular meeting, and individual citizen or group of citizens may request a formal appearance before the Board by contacting a member of the Board or the Town Manager's office, stating precisely the reason for the appearance, the action desired, and naming a spokesperson for the group.

   Participants shall be given the opportunity to make a presentation, within reasonable time limits, through the spokesperson and to express opinions and ask for pertinent information. Background data shall be prepared by the concerned boards, departments, etc., prior to the meeting insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter.

3. Persons who will be affected by proposed Board discussion and/or action will be notified by the Town Manager of the date and time of meeting at which the matter will be discussed or acted upon by the Board.

4. At the discretion of the Chairman or upon request of any member of the Board, the public will be allow to ask questions or make statements relative to the matter under consideration.

5. The Board reserves the right to defer responses to all questions and complaints brought under Citizens Petitions until a later date for the purpose of gathering additional information. Whenever possible, the Board shall prepare a response for the next regular meeting, if the matter cannot be cleared up earlier.

6. Citizen questions and complaints brought to individual Selectmen outside of a regular meeting should be answered promptly. Questions and concerns relating solely to the

Office of Selectmen shall be answered promptly by the Chairman or, at the direction of the Chairman, the Town Manager. Those needing prompt attention by the entire Board should be referred to the Chairman for inclusion on the next meeting agenda.

7. All other questions and all complaints are to be referred to the Town Manager's office for action or recommendations. In those instances where common sense dictates that the Board member receiving the complaint deal directly with a department head, the Board member should inform the Town Manager of the issue and its disposition. A Selectman dealing directly with Town employees without the Town Manager's knowledge is generally discouraged.

I.7. SELECTMEN RESIDENT COMPLAINT RESOLUTION POLICY

The intent of this policy is to ensure quality service and timely resolutions to conflicts for all residents of Andover.

Internal Department Conflict Procedure

1. Department/Division Heads are responsible for the training of their staffs to ensure that all residents are given consistent, responsible and professional service and that these services abide by Federal, State and local laws and regulations.

2. Department/Division Heads are responsible for remedying conflicts that occur in their offices with residents of the Town.

3. If a conflict can not be resolved at the Department/Division Head level, then a resident shall bring the conflict to the attention of the Town Manager. If the Town manager deems that the Department/Division Head has not been noticed of the conflict, then the Town Manager or a designee shall notify and refer the conflict to the Department/Division Head directly. The Department/Division Head will report back to the Town Manager within 24 hours the result of the resolution.

4. If the problem in not resolved at the Department/Division Head level, then the Town Manager shall intercede and mediate the conflict to a resolution.

Selectmen Customer Conflict Procedure

1. If a resident appears before the Board of Selectmen with a customer complaint, then the Chairman of the Board of Selectmen will inquire whether that person has followed the Board of Selectmen's Customer Complaint Resolution Policy.

   The Chairman will encourage the person to follow the above Board of Selectmen's policy first. The Chairman will inform the person that if he/she is not satisfied with the resolution then they may request, in writing, to appear on a future Board of Selectmen agenda under "Citizen Petitions and Presentations". Such requests should contain the following information to help expedite a resolution to the complaint:
   - Name, address and telephone number, and/or e-mail address
   - A brief description of the problem/conflict.
   - A brief description of what has already occurred in the resolution process.

2. If the resident appears before the Board with a complaint but has not provided the Board with a written request then the Chairman should request that the person submit the written request per Selectmen's policy. The Town Manager will place the issue on the next Board of Selectmen's agenda for Board discussion under "Citizen Petitions and Presentations".

3. Requests must be received by the Town Manager's Office by noon, on the Thursday before the scheduled Board of Selectmen's meeting in order for the issue to appear on the

agenda. The request will be placed in the Selectmen's weekly information packet for review before the meeting.

I.8. HEARING PROCEDURES BEFORE THE BOARD

Hearings before the Board of Selectmen generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters.

1. Agenda - Upon receipt of a request for a hearing, the hearing will normally be included in the agenda for a regular meeting, under the appropriate section.

2. Notice - The Town Manager will be responsible for the advertising of the hearing and the notification of interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.

<u>Hearing Procedures</u>:

1. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.

2. The Chairman will announce the nature and the purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chairman will outline the procedure to be followed.

3. The order of presentation will be:
   a. Statements by proponents.
   b. Receipt of recommendations from any Town officer or department.
   c. Statements by opponents.
   d. Rebuttal statements by proponents and opponents.
   e. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.

4. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal. At the discretion of the Board, a show of hands may be taken.

5. At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

I.8.1 PROCEDURE FOR CONDUCTING UTILITY HEARINGS

1. Open hearing upon petition of Massachusetts Electric Company, New England Telephone & Telegraph Company, etc. for permission to install underground conduit or locate/relocated poles.

2. Confirm that notices have been sent to abutters, as shown on plan of petitioner(s) and that the plan is on file with the Public Works Department.

3. Recognize the representative of the utility company

4. Accept verbal or written recommendation from DPW representative, Town Manager, or other Town officer.

5. Questions from the Board of Selectmen

6. Questions from the public

7. Discern if anyone else present wishes to be recorded as in favor or in opposition to the petition

    - Allow questions if applicable

8. Close hearing

I.8.2 STREET ACCEPTANCES

Prior to the acceptance of any street by Town Meeting vote, the Board of Selectmen shall hold a public hearing following notification of applicant, property owners, mortgagees, and abutters. The purpose of the public hearing is to determine whether or not the applicant has fulfilled all the requirements for street acceptance according to approved procedures. These procedures, for clarification and reference, follow:

12/9/86

I.8.3 STREET ACCEPTANCE - GUIDELINES AND PROCEDURES (Town Meeting 2008)

The following procedures are to be followed by those developers wishing to submit streets to the Town for acceptance at Town Meeting. It is important that developers, attorneys, and engineers review, understand and follow these procedures in order to ensure an orderly and correct process and eliminate delays to all parties.

Final approval of a definitive subdivision plan by the Planning Board does not constitute the laying out or acceptance by the Town of the streets shown on the plan, nor does final approval automatically entitle the streets to acceptance. The acceptance of a street within a subdivision as a Town way is the financial and legal responsibility of the developer.

There are a number of legal documents and notices pertaining to street acceptance that are to be filed with the Town for review and approval prior to the Board of Selectmen's Layout Meeting. In addition all physical (construction) work on the street must have been completed and inspected by the Department of Public Works prior to the Selectmen's Layout Meeting.

The developer must submit the following documents and materials:

1. **Submit directly to Town Counsel (Carol McGravey, Esq.):**

   a. The street deed - An instrument suitable for recording running to the "Inhabitants of the Town of Andover". The street deed shall provide a running description of the street by courses and distances, including bounds and markers, or shall provide such other description acceptable to Town counsel and the Department of Public Works.

   b. Instruments suitable for recording running to the "Inhabitants of the Town of Andover" for all easements which are a part of the street (drainage, water, sewer). These easements must be signed by all parties having any interest or rights (other than the Town) in such easements and all easements and restrictions to be conveyed to the town as shown on the subdivision plan.

   c. A Quitclaim Deed for open space parcels (if applicable) in form acceptable to the Andover

Conservation Commission. (Please contact the Commission for proper form).

d. Certificate of Compliance showing that all conditions imposed upon the street by the Conservation Commission have been satisfied. (Please contact the Commission for proper form).

e. Certificate(s) signed by the developer's attorney certifying that all necessary parties have signed all street deeds, easement instruments, and open space deeds. A certification signed by an attorney licensed to practice law in the Commonwealth of Massachusetts as follows:

> "With regard to the proposed subdivision known as _____, the law firm of _____ and I hereby certify to the Town of Andover that with the conveyance to the Town of Andover of the following documents listed below and enclosed herewith, the Town of Andover shall have clear, record and marketable title, free of all liens and encumbrances to the:
>
> (1) fee in the street known as _____; and
> (2) the fee in all open space parcels to be conveyed to the Town as shown on the subdivision plan; and
> (3) all easements and restrictions to be conveyed to the Town as shown on the subdivision plan.
> The documents are: _____"

f. Names and Addresses of each property owner and mortgagee having rights or interests in the streets, easements, and open space, and the names and addresses of each abutter thereto, along with a Request for a Public Hearing by the Board of Selectmen for Street Acceptance pursuant to Massachusetts General Laws, Chapter 82, Section 22.

g. Certificate of Notice signed by the developer's attorney that all property owners, mortgagees, and abutters have been notified of a Public hearing pursuant to the provisions of Massachusetts General Laws, Chapter 82, Section 22 with a return to the Board not less than seven (7) days before the public hearing, said notice to be in the following form:

> "Notice is hereby given that the Board of Selectmen of the Town of Andover will hold a public hearing on ____(date)____ in the ____(location)____ on the matter of the layout of ____(name of street)____ as a public way."

2. **Submit directly to the Department of Public Works (Brian Moore, P.E.):**

   a. Two (2) Mylar plan copies and two (2) paper copies showing the street(s) to be accepted. This plan shall be entitled "Street Acceptance Plan" and shall show the street(s) and all appurtenant easements by courses, distances, and bounds. (Contact the Public Works Department for details).

   b. As-built utility plan showing all information required under Section VII.W. of the Subdivision Rules and Regulations. (Contact the Public Works Department for details).

   c. Copies of street deed(s), quitclaim deeds, and easement instruments as provided to Town Counsel.

3. Submit directly to the Planning Department (Jacki Byerley):

   a. Certification signed by the developer's attorney that all documents, notices, and plans required under numbers 1. and 2. above have been submitted to the appropriate parties. This certification shall include the date on which the materials were delivered.

<u>SPECIAL REQUIREMENTS:</u>

1. For streets within a subdivision, title to which or any portion of which has been registered under Massachusetts General Laws, Chapter 185 by the Land Court, the developer shall submit an easement reading as follows:

"An easement running to the Inhabitants of the Town of Andover for all purposes of a public way or street including the right to install, repair, maintain, alter, and operate sanitary sewerage, drainage, water lines and other appurtenant utilities in, into, upon, over, or across said land as shown on Land Court Plan No._____ (sheets _____) filed in the Essex County North District Land Registration Office in Land Court. Book No. ____, Page ____. All of said boundaries are determined by the Court to be located as shown on Subdivision Plan No. ____, drawn by _____, dated _____, as modified and approved by the Court, filed in the Essex County North District Land Registration Office, a copy of which is filed with Certificate of Title No._____."

2. All fees and taxes owned to the Town including all property taxes owned to the town for open space lots, if any, must be paid in full before the streets will be recommended for acceptance. A municipal lien certificate for the property must be submitted by the applicant..

3. Within thirty (30) days of Town Meeting acceptance of the street(s) the Planning Department will file the appropriate deeds and instruments at the Registry of Deeds. The developer is responsible for the costs associated with recording. The Planning Department will contact the developer to make arrangements for checks and payments. All checks and payments shall be delivered to the Planning Department prior to the Selectmen's Layout Meeting.

IMPORTANT NOTICE:

The developer will be given opportunity to correct or make any necessary changes to legal documents and notices after review by Town Counsel and the Town Engineer. A date will be given by which all revised documents must be returned for final review, after which no new submissions may be made.

The Board of Selectmen will hold a hearing to consider "laying out" those streets that are scheduled to be voted on at Town Meeting. The developer will be notified in advance of the date of the Layout Meeting. During the layout hearing reports and recommendations will be made by the Public Works Department and the Planning Department with respect to the completion of a street (construction and documents). A negative recommendation from either the Public Works

Department or the Planning Department means that the Selectmen will not vote to lay out the street, and consequently the street cannot be voted on at Town Meeting.

It is incumbent upon the developer to ensure that all performance guarantees (bonds) are valid and in effect through the date of Town Meeting, and if not must request an extension of time from the Planning Board.

I.9. EMPLOYEES OF THE BOARD

The Board of Selectmen shall appoint a Town Manager, as provided in Section 6 of the Town Charter, who may thereafter be removed as provided in Section 8.

Furthermore, the Charter provides that the Board also appoints a Zoning Board of Appeals, Voter Registrars other than the Town Clerk, and the Town Accountant. These officials may, after such notice and hearing as the Board may deem advisable, remove any person so appointed for cause.

The following section briefly describes the appointment, powers, duties and qualifications, where applicable, of these appointments.

I.9.1. TOWN ACCOUNTANT

Work Definition:

Professional accounting work of a supervisory and participatory nature with responsibilities for maintaining financial records and supervising and controlling expenditures of all Town funds; all other related work as required.

Distinguishing Characteristics:

Appointed by the Board of Selectmen, works under the administrative direction of the Town Manager, and under policies established by the Selectmen but with duties and responsibilities as defined by the General Laws of the Commonwealth, By-Laws of the Town, and GAAF and UMAS standards.

Performs a variety of complex and highly responsible duties in ensuring that all municipal transactions conform to law and to good municipal account practices.

Supervises five or fewer employees.

Must be aware that errors could be costly in terms of improperly authorized expenditures.

Makes frequent contact with all Town departments, and relevant staff officials and bureaus.

Example of Work:

Maintains Town and School financial records to insure compliance with applicable state, federal, and local laws and regulations.

Supervises expenditures of all Town funds; encumbers purchase orders, examines all vouchers, department bills and payrolls and, as approved, draws warrants on the treasury for approval.

Assist in annual state audits; prepares monthly departmental statements of cash receipts, expenditures, and unexpended balances.

Maintains subsidiary and control accounts for all Town and school grants and revolving accounts; insures that all monies are expended in accordance with the particular grant documents and that there are sufficient funds to make payment.

Compiles and submits year-end financial statements; makes a comprehensive annual report indicating the year's transactions and financial position of the Town at close of the year.

Serves as secretary (ex-officio) of the Retirement Board; responsible for the daily operation of the retirement system.

Education and Experience:

College graduate with a major in accounting and five years professional accounting experience, including experience in municipal accounting; or any equivalent combination of education and experience.

Knowledge, Ability and Skill:

Thorough knowledge of municipal accounting principles and practices and budgetary functions; considerable knowledge of the organization and operation of Town departments and of legal controls over municipal finance in the Commonwealth. Ability to analyze and interpret accounting data and to present reports of findings and recommendations. Ability to meet and deal with people appropriately and effectively.

I.9.2. TOWN MANAGER

Work Definition:

Administrative and supervisory work in directing the activities of all of the Town's Departments, commissions, boards and officers except those excluded by law; all other related work as required.

Appointment:

The Board of Selectmen shall appoint a Town Manager in accordance with the Town Manager Act of the Town Charter. The Selectmen shall set his compensation, subject to Town Meeting appropriation, and such other terms and conditions of employment that they may, from time to time, deem advisable. Such terms and conditions shall not be in conflict with the Town Manager Act, Town By-Laws or any other special or general law.

Powers and Duties:

The Town Manager shall have the powers and duties as delineated in the Charter and as required by those sections of the General Laws relating to Towns with Town Manger forms of government. The Town Manager shall perform such other duties that, from time to time, may be requested by vote of the Board. He shall attend all meetings of the Board, shall keep the Selectmen fully advised of the need of the Town, and shall recommend to the Selectmen for adoption such measures requiring action by them or by the Town as he may deem necessary and expedient.

Distinguishing Characteristics:

Exercise administrative authority over the operations of the Town of Andover in conformance with policies and objectives set forth by the Board of Selectmen and laws of the Commonwealth.

Supervises approximately fifteen administrators and department heads with final responsibilities for more that 500 full time employees.

Performs professional municipal management duties of a highly complex and responsible nature in planning and directing the Town's activities.

Exercises considerable judgment in making administrative decisions when carrying out Town Policy and overseeing municipal activities by exercising authority and accepting responsibility for planning, operation and oversight.

Makes frequent contacts with local, state, and federal officials, local business and community leaders, town employees and department heads, and the general public.

Must be mindful that errors in administration and judgment could have far-reaching effects on the Town's ability to deliver services and/or have direct financial and legal repercussions.

Example of Work**:**

Plans, directs and supervises the Town's departments, commissions, boards and offices; serves as legislative liaison with various state and federal organizations; establishes goals and analyzes and evaluates programs.

Prepares, documents and presents the Town's annual budget; prepares, prints and distributes the Town's Annual Report and warrants for Annual and special Town Meetings.

Acts as the Town appointing authority; bargains with employee unions.

Performs a vital public relations function for the Town in dealing with the complaints, criticism and suggestions of citizens, business, industry developers and builders.

Education and Experience:

Master's degree in public administration desirable; five years experience as a Town Manager or Assistant Town Manager; or equivalent combination of education and experience.

Knowledge, Ability and Skill:

Working knowledge of municipal finance, budgets, personnel policies and practices, collective bargaining, state and federal agencies (as they relate to municipal government) and Town By-Laws and State laws. Ability to direct the work of professional and non-professional subordinates. Ability to represent the Town appropriately and effectively. Ability to perform organizational development tasks as needed.

I.9.3. BOARD OF REGISTRARS

Every city and town must have a Board of Registrars or Election Commission whose responsibilities include registering voters, making local listings of residents, certifying nomination papers and petitions, processing absent voter applications, and administering election recounts. The following describes the Board of Registrars as it applies to the Town of Andover – how the members are appointed, how the Board is structured, how it functions, and what qualifications apply to the individual members.

Board of Registrars with Town Clerk as Member
(Chapter 51, § 15 MGL)

The Board of Registrars in the Town of Andover is a four member Board of which one member is the Town Clerk. The other three members are appointed by the Board of Selectmen from lists submitted by the town committees of the two leading political parties (Democrats and Republicans). If no list is submitted within 45 days after the party chairman is notified by the Selectmen by certified mail, and appointments are made by the Selectmen without reference to the lists.

Typically, one member is appointed (or reappointed) each February or March for a three-year term to begin April 1. The Town Clerk becomes a member of the Board automatically as he/she is sworn in to that position.

Chapter 51, § 18 and 19 – The Board of Registrars must always contain representatives of the two leading political parties (Democrats and Republicans) and no more that two members of each. The party enrollment of the Town Clerk affects the membership of the Board. If the appointment of the clerk would cause more than two members to be from the same party, the appointed member of the registrars with the shortest term left to serve and enrolled in the same party as the clerk would be removed by the Selectmen (after written notice and hearing) and a new member would be appointed from a different party than that of the clerk.

The General Laws specifically outline qualifications for Registrars and enumerate other offices they may or may not hold. In addition, there are positions which registrars should avoid holding due to possible conflict of interest. Registrars must meet the following qualifications:

Qualifications:

51 § 25 - Must be a registered voter in the Town of Andover.

51 § 25 - Must hold no other public office by public election or direct appointment by the Selectmen in the Town in which he/she is registrar.

51 § 25 - Must hold no public office other than justice of the peace, notary public, or militia officer by public election or appointment by the federal government or by the Commonwealth.

51 § 25 - If a registrar accepts any such appointed or elected office, he/she may no longer serve as a registrar and the office is vacated. A registrar may run for and hold office as a member of a home rule charter commission or town meeting member.

51 § 23 - Must subscribe an oath to faithfully perform the duties of registrar.

Registrars should not serve as election workers. However, if a registrar has served as an election worker, he/she should disqualify him/herself should a recount occur. It should be kept in mind that in such a case the Board of Selectmen should temporarily fill any vacancy in the Board so as to maintain the representation of political parties for the recount. It is the sound practice to avoid potential conflicts of interest such as those which might occur if a person were both an election officer and a registrar.

Vacancies:

Vacancies on the Board of Registrars which occur between the regularly appointed terms may be filled in two ways:

51 § 15 - An appointment may be made in the same manner as the original appointment, but only for the remainder of the vacated original term. Vacancies in the Town of Andover are filled by the Board of Selectmen from a list of three voters from Andover submitted by the town committee of the political party from which position is to be filled.

51 § 20 - A temporary appointment to fill a position for a limited time may be made by the Board of Selectmen upon written request of a majority of the Board of Registrars. This type of appointment may be made in cases where the vacancy occurs because of the registrar's absence from the Town of Andover, retirement, death, or inability to perform his/her duties.

Assistant Registrars and Absent Registration Officer:

51 § 22 - Registrars may appoint assistant registrars for one-year terms which begin on April 1, to assist the registrars as they deem best. The assistant registrars must equally represent the two leading parties. Assistant registrars are subject to all of the same qualifications as registrars.

51 § 22 - Registrars may appoint temporary assistant registrars from time to time, to assist in street listing and in the registration of voters. They must equally represent the two leading political parties.

51 § 22A - Registrars may appoint absent-registration officers to assist them in registering physically disabled voters. They must equally represent the two leading parties.

51 § 24 - Registrars may have their duties performed by the assistant registrars under their direction.

51 § 33 - All acts of a single registrar, assistant registrar, or absent-registration officer are subject to acceptance of the full Board of Registrars.

51 § 42E - Registrars must appoint an assistant registrar to be available to each high school to register eligible students and employees of the high school. An assistant high school registrar may register students from any city or town. Special "out of town" voter registration forms must be used to register students who reside outside the registrar's city or town. Names of three employees of each school are submitted to the registrars by the principal as possible candidates.

I.9.4. ZONING BOARD OF APPEALS

The Andover Zoning Board of Appeals consists of five (5) regular members and four (4) associate members, from whose membership a Chairman and Clerk are chosen. Other officers may be chosen as the Board of Appeals deems necessary. Meetings/hearings are held on the first Thursday evening of the month, with deliberation meetings the Saturday immediately following.

To insure consideration of all citizens interested in serving on the Zoning Board, impending or actual vacancies on the ZBA will be announced in the local papers, and public interviews will be held by the Board of Selectmen.

In general, the interviews will take place at ten-minute intervals prior to a regular meeting of the Board of Selectmen.

Those persons not receiving an appointment after the first interview may request consideration for future openings, but will not be required to come before the Board for further interviews.

Public consideration and announcement of the appointment will generally take place at the first regular meeting of the Board of Selectmen following the date of the interviews.

It is highly desirable that the Zoning Board of Appeals should include persons with various specialties, including: engineering background, legal training and experience, environmental and/or conservationist experience, and architectural and/or design training.

Procedures for the Zoning Board of Appeals, revised in 1981 and under which the members operate follow.

II. TOWN OF ANDOVER MUNICIPAL VEHICLE POLICY

Adopted by the Board of Selectmen on January 7, 2008
Amended May 3, 2010, March 12, 2012 and July 21, 2014

II.1. PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines for the assignment, use and identification of Town-owned municipal vehicles and for the reimbursement and use of personal vehicles for Town business.

II.2. APPLICABILITY

The provisions of this policy apply to all employees of the Town of Andover. Employees whose employment is regulated by a collective bargaining agreement are subject to those provisions of this policy not specifically regulated by agreement.

II.3. CATEGORIES OF MUNICIPAL VEHICLE USE

Work Use Only – Vehicle is used at work only and remains in town at the end of the employee's work shift (applies to personnel whose duties require the use of a Town vehicle during their working shift).

Work & Commuting Use – Vehicle is used at work and for commuting back and forth to the employee's primary residence (applies to certain personnel whose duties require them to be on-call to regularly respond to work during nights and weekends).

24-Hour Use – Vehicle may be used at all times of the day for professional and personal use due to the 24/7 nature of the employee's duties (applies to certain public safety personnel). *(Amended July 21, 2014)*

II.4 VEHICLE ASSIGNMENT & AUTHORIZATION

1. General Assignment – The general assignment of municipal vehicles to Town employees shall be made based on the specific duties of the position as defined in the position's approved job description. Department heads who have municipal vehicles available to assist in carrying out specific departmental functions may assign such vehicles in a manner consistent with those responsibilities.

   Additionally, under special circumstances (such as when it is anticipated that employees will need to be called back to work) a department head may authorize certain employees to take home a municipal vehicle for a night or weekend; or longer periods with the approval of the Town Manager.

2. Commuting Use – The assignment of vehicles for "commuting" use may only be authorized by the Town Manager, subject to the approval of the Board of Selectmen, after receipt of a written request and justification from a department head and Town Manager. Authorization for commuting use will be considered for employees who require a vehicle for the necessary performance of their job responsibilities. This category of use typically applies to personnel whose duties require them to be on-call to respond to work during nights and weekends on a regular basis. See Appendix A. *(Amended July 21, 2014)*

3. 24-Hour Use – The assignment of vehicles for "24-hour" use may only be authorized by the Town Manager, subject to the approval of the Board of

Selectmen, after receipt of a written request and justification from a department head and Town Manager. Authorization for 24 hour use will be considered for employees who require a vehicle for the necessary performance of their job responsibilities. This category of use typically applies to certain public safety personnel who are required to rapidly respond to emergencies 24 hours a day, whether they are on duty or off, and regardless of their location. See Appendix A. *(Amended July 21, 2014)*

If an employee is transporting non-Town personnel in a municipal vehicle and is called to an emergency, then the employee will take all reasonable actions necessary to ensure the safety of the passenger for the duration of the emergency.

4. Change of Authorization – The Town Manager may rescind and/or change an existing vehicle assignment and use authorization whenever an applicable position becomes vacant; the authorized use is mis-used; an employee is on leave (paid or unpaid) for longer than thirty (30) days or when the position's duties are changed to a significant degree to warrant such reassignment. The Town Manager may also seek to change or modify the existing authorized use of a municipal vehicle for any incumbent union employee during collective bargaining. For example, if a position's on-call response requirement is infrequent, the Town Manager may elect to authorize the employee to have work-only use of a municipal vehicle.

5. Vehicle Replacement - The Town Manager shall obtain approval from the Board of Selectmen before authorizing replacement of a vehicle subject to assignment under this sub-section. In the event of attrition, promotion or change in role of a current employee or any additional or expanded position of a town employee in the town organizational structure, the Town Manager shall obtain approval of the Board of Selectmen before authorizing use of a Town vehicle for "Commuting Use" or "24 Hour Use."

II.5. GENERAL RULES GOVERNING MUNICIPAL VEHICLE USE

1. Municipal vehicles may only be used for municipal business and, if applicable, authorized commuting purposes and other approved uses. If commuting use is authorized, then it is limited to travel to and from the employee's residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. Other approved uses shall be authorized by the department head.

2. Municipal vehicles other than those designated for 24-hour use are to be used to transport individuals who are engaged in municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity.
3. Municipal vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the municipal vehicle.

4. Employees are expected to keep municipal vehicles clean and to report any malfunction or damage to their supervisors immediately.

5. Employees are expected to park such vehicles in safe, legal locations.

6. Employees and passengers must wear seatbelts in municipal vehicles so equipped during operation of the vehicle.

7. Employees must turn the municipal vehicle ignition off, remove keys and lock the municipal vehicle when unattended unless the vehicle is being used in the performance of its duties.

8. Employees shall not operate municipal vehicles under the influence of alcohol, illegal drugs, or other substances which may interfere with effective and safe operation.

9. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and shall be required to provide annual proof of valid motor vehicle license.

10. Employees who incur parking or other fines in municipal vehicles will be personally responsible for payment of such fines.

11. Employees who are issued citations for any offense while using a municipal vehicle must notify their department head immediately when practicable but in no case later than 24 hours.

12. Any damage to the vehicle must be reported to the department head immediately when practicable but in no case later than 24 hours.

13. An employee who is assigned a municipal vehicle, or is using their personal vehicle for municipal business and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the
motor vehicle license, whether in a municipal or personal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Suspension or revocation of a motor vehicle license will be grounds for loss of municipal vehicle privileges and/or other disciplinary action.

14. The Town reserves the right to withdraw the privilege of using a municipal vehicle based on the employee's driving record.

15. Smoking is prohibited in all municipal vehicles.
16. During a leave (paid or unpaid) for longer than thirty (30) days, the employee will
return the vehicle to their department.

II.6. IDENTIFICATION AND PROCUREMENT OF MUNICIPAL VEHICLES

1. All municipal vehicles, except certain police vehicles, shall be conspicuously marked as a Town of Andover vehicle with the name of the department on both sides of the vehicle and shall have municipal license plates. The Town Manager may grant special exception to this rule if sufficient written justification is presented by the department head. *(Amended July 21, 2014)*

2. All municipal vehicles shall be purchased in accordance with applicable public procurement laws to ensure competitiveness and best price. The Town Manager shall pre-approve all purchases of municipal vehicles.

3. **ANDOVER FUEL EFFICIENT VEHICLE POLICY**

POLICY STATEMENT

The Town of Andover Board of Selectmen, in an effort to achieve long range energy efficiency, hereby adopts the revised Andover Fuel Efficient Vehicle Policy which will result in reduced fuel consumption, energy costs and carbon emissions. Under the policy, all Town and School departments and divisions shall purchase Fuel Efficient Vehicles when they are available and financially viable and meet the operational needs of the Town.

APPLICABILITY

This policy applies to all Town and School divisions and departments of the Town of Andover.

GUIDELINES

As of 10/17/11, Fuel Efficient Vehicles are defined by the US Environmental Protection Agency as having combined city and highway MPG no less than the following:

- 2 wheel drive car: 29 MPG
- 4 wheel drive car: 24 MPG
- 2 wheel drive small pick-up truck: 21 MPG
- 4 wheel drive small pick-up truck: 19 MPG
- 2 wheel drive standard pick-up truck: 17 MPG
- 4 wheel drive standard pick-up truck: 16 MPG
- 2 wheel drive sport utility vehicle: 21 MPG
- 4 wheel drive sport utility vehicle: 18 MPG

Hybrid or electric vehicles in these vehicle classes automatically meet these criteria.

The Plant and Facilities Department will maintain a vehicle inventory list for non-exempt vehicles, updated annually, and shall develop a plan for replacing these vehicles with vehicles that meet the minimum combined MPG requirements of the Green Communities Program.

See Appendix for current inventory.

The EPA maintains a database on vehicle fuel efficiency that is updated occasionally throughout the year, as new models are released. As increasing numbers of fuel efficient vehicle models are released, the minimum combined MPG requirements of the Green Communities Program may be revised. This policy may be updated from time to time to reflect any changes to the MPG requirements. The latest fuel efficiency

MPG ratings are available through Massachusetts Department of Energy Resources Green Communities Program.

FUEL EFFICIENT VEHICLE REPLACEMENT PLAN

The Town of Andover, under this policy, requires that each department develop a five year plan to replace non-exempt vehicles with fuel efficient vehicles as these vehicles are removed from service. The annual Capital Budget is the process that will be used to replace vehicles, and set goals for when the existing fleet will be replaced.

QUESTIONS / ENFORCEMENT

All Town and School vehicle purchases must be approved by the Plant and Facilities Director to ensure compliance with this policy. The policy will be enforced by the Town Manager with the assistance of the Plant and Facilities Director.

DEFINITIONS

Combined city and highway MPG (EPA Combined fuel economy): The EPA combined fuel economy MPG ratings are derived from a combination of 43% city and 57% highway miles and is calculated as follows:=1/((0.43/City MPG) +(0.57/Highway MPG))

More information can be found on the United States Department of Energy Efficiency and Renewable Energy website www.fueleconomy.gov

Drive System: The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:

- AWD = All Wheel Drive: four-wheel drive automatically controlled by the vehicle powertrain system
- 4WD = 4-Wheel Drive: driver selectable four-wheel drive with 2-wheel drive option
- 2WD = 2-Wheel Drive

Heavy-duty truck: A vehicle with a manufacturer's gross vehicle weight rating (GVWR) of more than 8,500 pounds. By definition, all trucks over ½ ton are exempt from this policy.

Vehicle Exemptions:

- Heavy-duty vehicles such as fire-trucks, ambulances, and public works trucks over ½ ton that meet the definition of Heavy-duty vehicle are exempt from this criterion.

- Police cruisers, passenger vans and cargo vans are exempt from this criterion as fuel efficient models are not currently available. However, we commit to purchasing fuel efficient options if they become commercially available. Police and Fire department administrative vehicles are NOT exempt and must meet fuel efficient requirements.

- This policy does not apply to other equipment, such as backhoes, front-end loaders, sidewalk plows, lawn mowers, etc.

RELATED INFORMATION:

United States Environmental Protection Agency, Green Vehicle Guide

http://tiny.cc/greenEPA

(Section 6.3 added: May 3, 2010)
(Amended: March 12, 2012)

II.7. FRINGE BENEFIT TAX REPORTING

1. Federal and State law requires employers to include "Fringe Benefit Income" on employee W-2 forms submitted to the IRS and DOR. Such fringe benefits include the employee's use of an employer-provided vehicle for commuting purposes at the $3.00 per day commuting rate as established by the IRS (subject to any IRS changes). The Town shall use this method for tax reporting purposes.

2. Police and Fire vehicles may be exempt from the fringe benefit income reporting requirements as specified by IRS requirements.

(Subsection 3 deleted July 21, 2014)

II.8. USE OF PERSONAL VEHICLES FOR TOWN BUSINESS

1. Mileage Travel Reimbursement – Employees who "occasionally" use their personal vehicle for authorized work related travel shall be reimbursed according to the mileage rate (rounded down to the nearest cent) as periodically revised by the Town based on the Internal Revenue Service rate for the business use of an automobile.

2. Monthly Travel Allowance – The Town Manager may authorize a monthly travel allowance, or a combination of a monthly travel allowance and a specified mileage rate, to certain employees as compensation for the "regular" use of their personal vehicle for Town business.

3. The mileage travel reimbursement and/or monthly travel allowance are intended to cover the costs of gasoline, repairs, insurance and general wear and tear on the employee's personal automobile.

4. The Town will also reimburse an employee's tolls and reasonable parking expenses for authorized work related travel outside of Andover, when receipts are provided. Employees will not be reimbursed for tolls which would be paid by the employee during their normal commute to work.

5. Town employees who use their own vehicles for work-related travel must have the following Massachusetts minimum levels of automobile insurance coverages:

- Bodily Injury: $20,000/$40,000
- Property Damage: $5,000

However, it is recommended that the Town employees have the following Massachusetts levels of automobile insurance coverages:

- Bodily Injury: $100,000/$300,000
- Property Damage: $50,000

6. An employee who uses their personal automobile to travel from home to a temporary assignment, rather than their regularly assigned work location, shall be allowed personal automobile expenses between home and the temporary assignment and the regular work location, whichever is less. This does not apply to detail or overtime assignments.

7. In the event that an employee's personal vehicle is damaged during authorized work-related travel, and the damage is not due to the negligence of the employee, the Town may reimburse the employee, upon receipt of a police report and verification of payment of a deductible (comprehensive or collision) to cover part of the cost of repair, up to a maximum of $500 or the amount of the deductible, whichever is less, per occurrence.

II.9. SPECIAL CIRCUMSTANCES

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of Andover, and, as such, cannot contain procedures governing every situation that might arise. Department heads seeking clarification of or exemption from the provisions of this policy should contact the Town Manager who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

II.10. SANCTIONS

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges as well as suspension, and/or termination of employment.

Municipal Vehicle Policy

APPENDIX A

(Amended July 21, 2014)

POSITIONS WITH TOWN VEHICLES FOR WORK AND COMMUTING USE

(As of July, 2014)

- Department of Municipal Services Vehicle Maintenance Superintendent*
- Director of Department of Municipal Services
- Department of Municipal Services Water/Sewer Superintendent*
- Department of Municipal Services Town Engineer*
- Department of Municipal Services Water/Sewer General Foreman**
- Police Department K-9 Officer

**Eliminate at the retirement of the position incumbent*
***Eliminate through collective bargaining*

POSITIONS WITH TOWN VEHICLES FOR 24-HOUR USE

(As of July, 2014)

- Fire Chief
- Police Chief
- Police Department Operations Commander

FUEL EFFICIENT VEHICLE INVENTORY LIST

(As of March 12, 2012)

NON-EXEMPT TOWN OF ANDOVER VEHICLES 2012					
MODEL AND MAKE (2WD unless noted)	YEAR	YEAR PURCHASED	EPA MPG-COMB (new)	GREEN MPG LIMIT	CLASS
Town Manager:					
Buick Lesabre Custom Sedan	2000	2000	20	29	CAR 2WD
Administration:					
Ford Escape 4x4	2006	2006	20	18	SUV 4WD
Building Maintenance:					
GMC Safari Cargo Van	2000	2000	17	21	SMALL VAN 2WD
GMC Safari Cargo Van	2000	2000	17	21	SMALL VAN 2WD
Chevy Colorado Pickup 4WD	2009	2009	21	19	SMALL PU 4WD
Ford Explorer 4x4	1998	1998	14	18	SUV 4WD
Chevy K1500 1/2 Ton Pickup 4X4	1997	1997	15	16	STAND PU 4WD
Council on Aging:					
Dodge Neon 4 Door Sedan	2001	2001	24	29	CAR 2WD
Dodge Neon 4 Door Sedan	2001	2001	24	29	CAR 2WD
Chevy Uplander Van	2008	2008	19	21	SMALL VAN 2WD
Highway Department:					
Ford Escape XLT 4WD 4Dr	2009	2009	20	18	SUV 4WD
Ford F150 1/2 Ton Supercab 4x4 SS X1E Pickup	2010	2010	14	16	STAND PU 4WD
Ford F150 1/2 Ton Supercab 4X4 Pickup	2003	2003	14	16	STAND PU 4WD
Mechanical/Electrical:					
GMC Safari Cargo Van	2000	2000	17	21	SMALL VAN 2WD
Chevy Astro Van	1999	1999	16	21	SMALL VAN 2WD
Chevy Colorado CT1565 PU	2006	2006	19	19	SMALL PU 4WD
Ford Transist Connect XL Cargo Van	2010	2010	23	21	SMALL VAN 2WD
Ford Transist Connect XL Cargo Van	2010	2010	23	21	SMALL VAN 2WD
Ford Transist Connect XL Cargo Van	2010	2010	23	21	SMALL VAN 2WD
School Department:					
Chevy Astro Van	1997	1997	16	29	CAR 2WD
Ford Windstar Van	1998	1998	18	29	CAR 2WD
Tree Department:					
Ford F150 Pick Up	2010	2010	16	16	STAND PU 4WD
Ford Ranger Pickup 4X4	1996	1996	16	19	SMALL PU 4WD
Ford Ranger 4X4 Pickup	2002	2002	16	19	SMALL PU 4WD
GMC K1500 1/2 Ton Pickup 4X4	2000	2000	15	16	STAND PU 4WD
Water Department:					
Ford F150 1/2 Ton Pickup w/ ext. cab.	2005	2005	14	16	STAND PU 4WD
Ford Ranger Pickup 4x4 w/ ext. cab.	2005	2005	16	19	SMALL PU 4WD
Ford Ranger Pickup 4x4 w/ ext. cab.	2005	2005	16	19	SMALL PU 4WD
GMC Envoy 4 Door	2006	2006	16	16	STAND PU 4WD
Water Treatment:					
Ford Escape Hybrid AWD	2006	2006	27	18	SUV 4WD
Ford Escape 4 Door AWD	2006	2006	20	18	SUV 4WD
Ford Escape 4 Door AWD	2006	2006	20	18	SUV 4WD
Ford F150 1/2 Ton Pickup	2009	2009	14	16	STAND PU 4WD
Ford F150 1/2 Ton Pickup 4x4 Cab	2003	2003	14	16	STAND PU 4WD
Ford F150 1/2 Ton 4x4 Pickup w/ Ext Cab	2001	2001	14	16	STAND PU 4WD
Ford F150 1/2 Ton Crew Cab 4x4 Pickup	2003	2003	14	16	STAND PU 4WD
Ford F150 1/2 Ton 4x4 Pickup	2005	2005	14	16	STAND PU 4WD
Ford F150 1/2 Ton 4x4 Pickup w/ Ext. Cab.	2005	2005	14	16	STAND PU 4WD

EXEMPT TOWN OF ANDOVER VEHICLES 2012				
MODEL AND MAKE (2WD unless noted)		YEAR	YEAR PURCHASED	CLASS
Building Maintenance:				
	Ford F250 3/4 Ton Utiliy Body 4x4	2006	2006	Heavy Duty
	Chevy Express Van 3/4 Ton	2006	2006	Cargo Van
	Ford Ranger Ext.Cab Pickup 4x4	2002	2002	Heavy Duty
	Chevy C3500 1 Ton Rack/Dump	1999	1999	Heavy Duty
Cemetery:				
	Chevy 1 Ton Dump 4x2	2006	2006	Heavy Duty
	Ford F350 1Ton Dump 4X4	2003	2003	Heavy Duty
	John Deere Backhoe Loader 310E	2000	2000	Heavy Duty
Council on Aging:				
	Ford Econo E450 1 1/2 Ton BW	2008	2008	Heavy Duty
Fire Department:				
	Horton International 4300 Type I SBA LP 4X2 (Central)	2011	2011	Heavy Duty
	Horton International 4300 Type I SBA LP 4X2 (West)	2008	2008	Heavy Duty
	Horton Freightline FL50 Ambulance (Central)	2002	2002	Heavy Duty
	Horton International 4300 Type I SBA LP 4X2 (Central)	2009	2009	Heavy Duty
	Ford Explorer Utility (Central)*	2006	2006	Fire Response
	Ford Chevy Tahoe CK10706 Trk 4Dr 4W*	2010	2010	Fire Response
	Chevy Tahoe Utility 4x4 (Central)*	2008	2008	Fire Response
	Ford Explorer XLT 4x4 4 Door (Central)*	2002	2002	Fire Response
	Pierce Pumper Arrow XT (Central)	2009	2009	Heavy Duty
	KME Renegade (Central)	1996	1996	Heavy Duty
	KME Excell (B-Vale)	2001	2001	Heavy Duty
	Pierce Pumper Dash R Series (West)	2007	2007	Heavy Duty
	Chevy Expcut Box Truck (Central) (Air Supply) (Special Services)	2003	2003	Heavy Duty
	Ford F450 1 1/2 Ton Utility Bucket Truck (West)	1994	1994	Heavy Duty
	Ford Pickup 4X4 F-350 1Ton (Forestry Brush Truck) (West)	1996	1996	Heavy Duty
	Ford F350 1 Ton Super Duty 2 Dr PU (Central)	2004	2004	Heavy Duty
	Pierce Dash R Cummins ISM Ladder Truck (Central) (Reserve)	2005	2005	Heavy Duty
	KME Aerial Cat Ladder Tower (Central)	1999	1999	Heavy Duty
Highway Department:				
	Mack GU712 Dump Truck	2012	2012	Heavy Duty
	Mack GU712 Dump Truck	2012	2012	Heavy Duty
	Mack GU712 Dump Truck	2009	2009	Heavy Duty
	Mack CV712 Dump Truck	2006	2006	Heavy Duty
	Mack GU712 Dump Truck	2009	2009	Heavy Duty
	Mack RD690P Dump Truck with catch basin cleaner	2003	2003	Heavy Duty
	Mack GU712 Dump Truck	2012	2012	Heavy Duty
	Mack CV713 Dump Truck	2005	2005	Heavy Duty
	Mack RD 690P Dump Truck w/2 CACI Tanks	2000	2000	Heavy Duty
	Mack RD Dump Truck w/2 CACI Tanks	1999	1999	Heavy Duty
	Caterpillar Wheel Loader Model 938G	2000	2000	Heavy Duty
	John Deere Loader 624J 4WD	2008	2008	Heavy Duty
	Ford F550 2 Ton Super F57 Chassis Cab Drw 4x4 with plow	2008	2008	Heavy Duty
	Ford F450 1 1/2 Ton F47 Chassis Cab Drw 4x4	2009	2009	Heavy Duty
	Ford F450 1 1/2 Ton Supercab F4H	2011	2011	Heavy Duty
	Ford F450 1 1/2 Ton Dump	2008	2008	Heavy Duty
	Ford F450 1 1/2 Ton 4x4 Utility/Dump	2005	2005	Heavy Duty
	Mack RD690P Dump Truck w/2 CACI Tanks	2002	2002	Heavy Duty
	Mack 10-Wheeler w/2 CACI Tanks	2001	2001	Heavy Duty
	Mack 10-Wheeler w/2 CACI Tanks	2001	2001	Heavy Duty
	Ford F450 1 1/2 Ton 4x4 Fatbed w/crane	2008	2008	Heavy Duty
	Bobcat Skidsteer 773T Loader	2001	2001	Heavy Duty
	Bobcat Skidsteer 773T Loader	2001	2001	Heavy Duty
	Holder Tractor C9.78 with attachments	2005	2005	Heavy Duty
	Holder Tractor C9.78 with attachments	2005	2005	Heavy Duty
	John Deere Backhoe Loader 3105E	2000	2000	Heavy Duty
	LeeBoy 5 ton Riding Roller	1989	1989	Heavy Duty
	3 Wheel Elgin Pelican Sweeper	2006	2006	Heavy Duty
	Bombardier Sidewalk Tactor SW48HY With "V" plow	2007	2007	Heavy Duty
	3 Wheel Elgin Pelican Sweeper	2006	2006	Heavy Duty

EXEMPT TOWN OF ANDOVER VEHICLES 2012				
MODEL AND MAKE (2WD unless noted)		YEAR	YEAR PURCHASED	CLASS
Mechanical/Electrical:				
	Chevy 3500 Aerial Lift Bucket Truck	2001	2001	Heavy Duty
	Ford F250 3/4 Ton Van	2011	2011	Heavy Duty
Parks and Grounds:				
	Ford F350 1 Ton Rack 4x2	2009	2009	Heavy Duty
	Ford F350 1 Ton Dump 4x2	2006	2006	Heavy Duty
	Ford F350 1 Ton Rack w/tailgait 4x2	2006	2006	Heavy Duty
	Ford F350 1 Ton Dump 4X2	2001	2001	Heavy Duty
	2001 Chevy 2500HD 3/4 Ton 4 Wheel Drive Pickup	2001	2001	Heavy Duty
	Kubota Diesel Tractor	1999	1999	Heavy Duty
Police Department:				
	Westwood GO-4 Interceptor-III 3-Wheel Motorcycle	2007	2007	Motorcyle
	Ford Crown Victoria	2008	2008	Police Response
	Ford Crown Victoria	2011	2011	Police Response
	Ford Crown Victoria	2009	2009	Police Response
	Ford Crown Victoria	2011	2011	Police Response
	Ford Crown Victoria	2009	2009	Police Response
	Ford Crown Victoria	2011	2011	Police Response
	Ford Crown Victoria	2010	2010	Police Response
	Ford Crown Victoria	2009	2009	Police Response
	Ford Crown Victoria	2009	2009	Police Response
	Ford Crown Victoria	2010	2010	Police Response
	Ford Crown Victoria	2010	2010	Police Response
	Ford Crown Victoria	2008	2008	Police Response
	Ford Explorer XLS 4X4 4 Dr Utility*	2005	2005	Police Response
	Ford Explorer XLS 4X4 4 Dr Utility*	2002	2002	Police Response
	Ford Econovan (Animal Control)	2001	2001	Police Response
	Ford Ecovan	2000	2000	Police Response
	Ford Excursion Utility (Chief)*	2001	2001	Police Response
	Ford F150 1/2 Ton Pickup 4x4*	2006	2006	Police Response
	Ford Taurus P2H SD	2011	2011	Police Response
	Ford Crown Victoria	2010	2010	Police Response
	Ford Crown Victoria	2007	2007	Police Response
	Ford Crown Victoria	2008	2008	Police Response
	Ford Crown Victoria (Chief)	2009	2009	Police Response
	Ford Crown Victoria	2005	2005	Police Response
	Ford Crown Victoria	2006	2006	Police Response
	Ford Ex Utility 4X4 (NEMLEC TASK FORCE VEHICLE)	2003	2003	Police Response
	Ford Ecovan S350 (NEMLEC TASK FORCE VEHICLE)	1994	1994	Police Response
	Ford Crown Victoria	2007	2007	Police Response
	Harley Davidson FLHP Motorcycle	2011	2011	Police Response
Tree Department:				
	Chevy C1500 Pickup Truck 4x4	2002	2002	Police Response
	Chevy 3500HD 1-1/2 Ton Chipper/Dump Truck	2002	2002	Heavy Duty
	Mack Crane Platform - Diesel	1997	1997	Heavy Duty
	GMC Topkick Flatbed Truck - Diesel	1992	1992	Heavy Duty
	GMC C Series Bucket Truck - Diesel	1999	1999	Heavy Duty
	Kubota Tractor	2006	2006	Heavy Duty
Vehicle Maintenance:				
	Chevy K3500 1 Ton Pickup	2000	2000	Heavy Duty
Water Department:				
	Ford F350 1 Ton Utility Body w/ crane	2004	2004	Heavy Duty
	Ford F350 1 Ton F31 Utility Body w/ plow	2004	2004	Heavy Duty
	Ford F350 1 Ton F31 Utility Body w/ plow	2004	2004	Heavy Duty
	Mack 10 Wheel Dump Truck CV713 w/ snow setup	2005	2005	Heavy Duty
	John Deere Backhoe Loader 410J	2007	2007	Heavy Duty
	Ford F550 2 Ton Cab Drw 4x4	2008	2008	Heavy Duty
	Intl 700SER Truck	2005	2005	Heavy Duty

EXEMPT TOWN OF ANDOVER VEHICLES 2012				
MODEL AND MAKE (2WD unless noted)		YEAR	YEAR PURCHASED	CLASS
Water Department:				
	Ford F350 1 Ton Utility Body w/ crane	2004	2004	Heavy Duty
	Ford F350 1 Ton F31 Utility Body w/ plow	2004	2004	Heavy Duty
	Ford F350 1 Ton F31 Utility Body w/ plow	2004	2004	Heavy Duty
	Mack 10 Wheel Dump Truck CV713 w/ snow setup	2005	2005	Heavy Duty
	John Deere Backhoe Loader 410J	2007	2007	Heavy Duty
	Ford F550 2 Ton Cab Drw 4x4	2008	2008	Heavy Duty
	Intl 700SER Truck	2005	2005	Heavy Duty
Water Treatment:				
	Ford F250 3/4 Ton Pickup	2007	2007	Heavy Duty
	Ford F350 1 Ton Utility Crane Truck	2006	2006	Heavy Duty
Youth Services:				
	Ford Elkhart ELKC E450 1 1/2 Ton Coach Bus	2011	2011	Passenger Van
	Ford Elkhart ELKC E450 1 1/2 Ton Coach Bus	2010	2010	Passenger Van
	Ford XLT 138 1 Ton Van 15 Passenger	2005	2005	Passenger Van
	Ford Ecowag E350 1 Ton Van	2001	2001	Heavy Duty
*Vehicles are not in an exempt class, however their use as emergency response equipped vehicles makes them exempt.				

III. MINORITY BUSINESS ENTERPRISE PROGRAM

It is the policy of the government of the United States of America, the Commonwealth of Massachusetts and the Town of Andover that no person shall be discriminated against in any manner whatsoever because of race, color, national origin, sex, religion, age or handicap.

That no person shall, because of race, color, national origin, sex, religion, age or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded entirely or in part by the Town, the State, or the Federal Government.

The Town of Andover as a federal and state recipient, unequivocally ascribes to said policy and procedures, and will fully comply with federal, state and local laws and directives governing equal opportunity, affirmative action and non-discrimination in all municipal activities.

To further enunciate the Town of Andover's equal opportunity, affirmative action policy, this minority business enterprise program sets forth the administrative standards and procedures for the utilization of minority contractors; sub-contractors; suppliers; architects; engineers; lawyers; accountant consultants; goods and services vendors, etc.

The Town of Andover strongly affirms that it will abide by such laws, regulations and procedures, and that this policy shall be administered and implemented at all levels with a positive, aggressive and supportive attitude. The contract compliance officer shall be responsible for the implementation, monitoring and assurance that all aspects of the minority business enterprise program are initiated to its fullest extent.

By virtue of the delegation of this responsibility and authority to direct the program, the contract compliance officer will report directly to the Town Manager on all equal opportunity matters. The program requires all Town's departments to cooperate with this policy. Failure to follow this policy and its regulations will result in disciplinary action to be administered by the appropriate supervising authority.

It is hereby agreed that the following Minority Business Enterprise Program be instituted for and on behalf of the Town of Andover.

11/22/82

IV. LAND USE

IV.1. REGULATIONS FOR USE OF THE PARK

The Park, bounded by Chestnut Court, Bartlet Street, Whittier Street, Whittier Court and the Municipal Buildings, is for the recreational enjoyment of all of the residents of Andover. Citizens are encouraged to use The Park for both quiet enjoyment and active use consistent with the regulations outlined below.

The use of The Park for events shall be by permit only. An event is defined as a municipal, cultural, educational, religious, social or charitable program, occasion or activity. There are three types of permits. Permits issued by the Town Manager's Office and Special Permits issued by the Board of Selectmen. These three types of permits are defined below:

A. Permits issued by the Town Manager's Office:
Permits for the following events are granted by the Town Manager's Office: 1) a wedding ceremony or photography session before or after a wedding; 2) day-time activities conducted by the Division of Community Services, other Town departments or a school. These permits are subject to the regulations in Section B.

B. Other Permits issued by the Town Manager's Office subject to the following Regulations:

1. Events in The Park are permitted for one (1) day and shall only take place between the hours of 7:00 A.M. and 9:00 P.M. The clean-up and/or tear-down after an event must be concluded by 11:00 P.M. If additional clean-up is needed, it can begin after 7:00 A.M. the following day and must be completed by 12:00 P.M. (Noon).

2. Playing of music is permitted but must be at a reasonable volume and cease at 9:00 P.M.

3. If a power generator is used, it must cease at 11:00 P.M. The Town reserves the right to designate the location of the generator so as to minimize the effects of noise and exhaust on abutting properties to the greatest extent possible.

4. Portable chemical toilets are not permitted.

5. Trash dumpsters are only allowed by special permit, granted by the Board of Selectmen. They can be located behind the Doherty Middle School in the parking lot by the track. They must be removed within 24 hours of the end of the event or the Town will remove them at the permittee's expense. Any dumpster 6 cubic yards or larger must also be permitted by the Health Division and Fire Department.

6. Permit holders shall be responsible for cleaning and restoring the entire area and proper disposal of trash/litter off the premises. Permit holders will be responsible for the cost to repair any damage to The Park as a result of their event.

7. Permit holders shall not obstruct or cause to be obstructed any public ways, fire lanes or egress of any emergency vehicle. Parking of vehicles or placement of rides or amusements is not permitted on the grass.

8. The use of alcoholic beverages in The Park is not permitted.

9. Permit holders are responsible for insisting on compliance with the parking rules and regulations established for adjacent streets and municipal parking lots in the area of The Park by the sponsors, event staff and vendors.

10. Permit holders of events permitted by the Town Manager must notify property owners on both sides of Chestnut Street from Main Street to Pasho Street, Bartlet Street from Barnard Street to Morton Street, Whittier Street from Park Street to Chestnut Street and all of Whittier Court with written notice within two (2) weeks but not less than forty-eight (48) hours prior to an event.

11. Amusement devices (carnival rides) in The Park or adjacent municipal parking lots are not allowed except by Special Permit of the Board of Selectmen.

12. A violation of these regulations may result in an immediate revocation of the permit or special permit and all activities suspended by the officer in-charge of the Police Department. Violations could result in the denial of any future requests for a permit or special permit. If additional costs are incurred by the Town in the enforcement of these regulations, then the permit holder shall be held responsible.

13. The Town Manager's Office may refer an applicant to the Board of Selectmen for their review and approval if it is felt it is in the best interest of the Town to do so.

C. Special Permit Issued by the Board of Selectmen

A Special Permit may be issued by the Board of Selectmen for an event that includes amusement devices (carnival rides), however, the organization must comply with (a) the Regulations for Use of The Park in Section B.; (b) other arrangements as specified by the applicant and approved by the Board of Selectmen; and (c) the requirements of the following Departments and Divisions:

- Police Department
- Building Division
- Department of Public Works
- Community Services
- Fire Department
- Health Division
- Plant and Facilities Department
- School Department

To receive a Special Permit, an organization must apply to the Town Manager's Office four (4) months prior to the event. The Board of Selectmen will notify the property owners on Chestnut Street, Bartlet Street, Whittier Street and Whittier Court as defined in Section B. 10., place an advertisement in *The Andover Townsman* twice prior to the hearing date, hold a public hearing to consider the request and issue a decision within three (3) weeks of the hearing. If a public hearing is required, then the applicant must pay $200.00 (if needed) to cover the cost of the notices, advertising and processing.

ANDOVER BOARD OF SELECTMEN

Effective: September 13, 1999
Revised: December 2, 2013

IV.2. GOVERNING THE USE OF UNDEVELOPED TOWN-OWNED LAND

These regulations apply to all undeveloped areas in the Town of Andover owned by and under control of the Town of Andover, the Conservation Commission, the School Committee or other Town entity either by deed provision, easement, Town Meeting vote or informal arrangement with other entities.

These regulations are not limited to those areas with signs so indicating, but where possible, abbreviated versions of these rules will be posted.

1) The Town of Andover assumes no liability for injuries, damage to property or other loss to persons going on such areas. Users of these areas assume all risks involved.

2) No alcoholic beverages of any kind are allowed on Town property.

3) Hunting is prohibited except for deer hunting by bow and arrow in accordance with rules and regulations established by the Conservation Commission in conformity with the General Laws. [Amended 8-8-11]

4) Fishing is allowed under the provisions of applicable state law.

5) All persons are welcome to use Town facilities and open areas without permit from sunrise to sunset.

6) Overnight camping will be permitted only to Scouts and similar organizations having an adult leader present and responsible at all times. Every such group shall obtain a written camping permit from the Conservation Commission office and a fire permit from the Fire Department for campouts if open fires are planned.

   The Fire Department will issue permits for open air fires only after the camping permit has been obtained. The Conservation Commission will designate the exact site to be used and will mandate what sanitary arrangements shall be made.

   Said permits will be used for each twenty-four hour period. Any persons camping in Conservation land without said permit(s) shall be subject to prosecution and fines (see item 11). The Conservation Commission reserves the right to deny said permit.

7) Areas are meant to be preserved in a clean, neat manner. Cans, bottles, garbage, paper, plastic and any other debris whatsoever shall be placed in receptacles if provided by the Town or taken away if no municipal receptacles are on the site.

   No trees, living or dead, no plants or flowers or soil material or rocks or animals of any sort whatsoever shall be removed from the Conservation areas, nor defaced, cut, painted or otherwise maimed, under penalties described in item 11. No wood, living or dead, shall be cut except as specifically authorized by the Conservation Commission for Conservation purposes only.

   Dumping on any land in the Town of Andover is prohibited by Town By-Law.

8) Motor vehicles of any kind are prohibited except on roadways and specified parking areas.

9) Community gardening is allowed in those areas specified.

10) No trails, dams or markings are to be built, or any bridges installed without permission of the controlling entity.

11) Visitors are urged to leave areas cleaner than they were found and report violations to the appropriate authorities or the Andover Police Department. Violations hereof shall be punishable by fines up to $200.00 for each offense. Every day of such offense shall be deemed to be a separate offense.

12) Permission for the use of school land should be addressed to the School Committee; Town lands to the Town Manager, and Conservation lands to the Conservation Commission. Requests for deviation from any of the above should be addressed to the controlling entity.

(9/13/85)

IV.3. OPEN SPACE

The Board of Selectmen feels that the Goals and Objectives as articulated in the "Report of the Recreation and Open Space Study Committee" form a good foundation upon which future Town decisions in this area can be based. As stated, these goals are a reaffirmation of a 1976 report and remain valid.

These **Goals and Objectives** follow:

Listed below and briefly described are the community's aspirations for the preservation and utilization of its open space resources. These goals have not changed substantially since the preparation in 1975 and 1976 of the Recreation and Open Space Committee Report, which was intended to be a ten-year action program.

Therefore, the articulation of these Goals and Objectives started with the list of Goals on Page 17 of the 1976 "Report of the Recreation and Open Space Study Committee". All of those involved in the preparation of this current plan reviewed these Goals and contributed suggestions.

GOAL #1 - PRESERVE ECOLOGICAL BALANCE

As the rapid urbanization of Andover proceeds, it is vital to its total well-being that the natural systems upon which all its citizens depend are not needlessly abused. This means protecting water supplies, both local and regional, guiding development away from sensitive areas like wetlands, floodplains and areas of poor soil capability, preventing degradation because of pollution and erosion, and preserving outstanding natural features, particularly water bodies, as well as endangered habitats and sties of historical or archeological significance.

OBJECTIVES

a. Protect town water supplies by acquiring all of the remaining undeveloped Fish Brook and Haggetts Pond lowlands;

b. Protect the remainder of the water supply watershed from harmful development by means of acquisition or special constraints on use;

c. Identify and protect areas critically significant to the groundwater resources of the Town and its neighbors, which have present or potential or stand-by water supply capability;

d. Continue strict enforcement of the Wetlands Protection Act;

e. Refine and strictly enforce the erosion and sedimentation controls in the Town's subdivision regulations;

f. Define more specifically the means of protection of open spaces and natural features in the Town's zoning and subdivision regulations. Review those regulations with the objectives of increasing environmental protection and decreasing the adverse environmental impacts of development;

g. Develop a method of preserving adequate open space, wetlands and other outstanding natural features in and around industrial areas, for instance, a patch of laurel or a stand of native trees;

h. Adopt more specific guidelines for the safe and clean discharge of storm drainage on the part of the Town; for example measures to prevent siltation and petroleum products pollution of streams and wetlands;

i. Minimize the use of pesticides and herbicides;

j. Explore the use of conservation land trusts and other land conservation techniques to preserve open space while guiding appropriate development;

k. Encourage the acquisition of Conservation Easements by the Town and private open space groups.

GOAL #2 - ENCOURAGE OPEN SPACE ENJOYMENT AND UTILIZATION

Open space preservation should guide the Town's programs. The Town needs to expand the opportunities for outdoor recreation and enjoyment so that those opportunities are available to all citizens. Open spaces and recreation programs should be provided for all ages and groups.

OBJECTIVES

a. Publicize this plan. Prepare and distribute more informational material relative to available public open space and active recreational opportunities and programs, such as brochures;

b. Continue to implement long range plans for the Andover Recreation Park;

c. Attempt to link open space areas by means of trails. Continue to try to establish a Town-wide trail network;

d. Encourage appropriate open space uses while discouraging abuse. This means attempting to balance user needs so that no group is shut out and open space areas are not preempted unfairly;

e. Support and encourage groups who use public open spaces appropriately and those who will voluntarily improve and enhance such areas such as scout troops, garden clubs and school children.

GOAL #3 - ENHANCE "THE TOWN BEAUTIFUL"

Andover's attractiveness and desirability as a place to live and work depend in large part on its "open" qualities. Every effort needs to be made to ensure green areas at critical locations and to guide the quality of development insofar as possible for visual enhancement.

OBJECTIVES

a. Identify, protect and maintain by available means outstanding natural features, endangered habitats, archeologically important sites and green and open spaces at critical locations, such as traffic islands at intersections;

b. Improve methods which the Planning Board can effectively use to design development within subdivisions so as to preserve not only natural features, such as wetlands and scenic areas but usable recreational open space;

c. Initiate and/or support open space maintenance programs, such as beautification, through federal, state or local efforts.

GOAL #4 - PROTECT RIVER CORRIDORS

All of the above goals are well served by protection of and access to river corridors throughout the Town: not only the Shawsheen and Merrimack but especially Fish Brook, which is a substantial contributor to the Town's water supply and the Skug River, (part of the Ipswich River watershed), which contributes to the water supplies of downstream communities.

OBJECTIVES

a. Acquire or protect by easement wherever possible the banks of the major rivers, streams and ponds of the Town;

b. Establish and maintain trails along rivers where possible;

c. Plan for utilization of accessible river banks. Boat launching facilities could be developed. Water sports programs could be devised.

GOAL #5 - BE RESPONSIBLE IN REGIONAL RELATIONSHIPS

The tendency to concentrate effort and attention on purely local concerns needs to be balanced. What we do in Andover may affect not only our immediate neighbors in the Merrimack Valley but potential open space users from the more densely populated Metropolitan Boston area. The Town needs to keep informed about regional problems and plans, and to work cooperatively with regional and state agencies.

OBJECTIVES

a. Make Andover's representative on the Merrimack Valley Planning Commission aware of Andover's open space and recreation assets as well as its goals and objectives;

b. Make Andover aware of regional open space recreation goals through its participation on or involvement in other regional environmental groups;

c. Communicate Andover's open space assets regionally as well as locally.

GOAL #6 - MAKE GOOD USE OF SCARCE RESOURCES

This means better interagency planning and coordination as well as cooperation with other holders of open space available for public use such as AVIS, the Department of Environmental Management of the Commonwealth and the

Trustees of Reservations. The working relationships between these groups should continue to be cultivated. Joint planning for better protection and utilization of town resources should be developed.

OBJECTIVES

a. Continue to facilitate the sharing of open space and recreation areas among the different agencies of the Town;

b. Maintain and improve working relationships of Town agencies with other holders and managers of open space and active recreation facilities. Included are AVIS, Trustees of Reservations, State Department of Environmental Management, Phillips Academy, YMCA, the regional vocational school and local schools.

GOAL #7 - PROVIDE BETTER MANAGEMENT OF EXISTING AREAS

In this time of shrinking public financial support, funds for the care and maintenance are amongst the first items to be excised from the budget. Management strategies must be devised to close the gap. Otherwise increasing urbanization spells deterioration of existing facilities and open space qualities because of overuse, vandalism, litter and other abuses. Andover should protect its already considerable investment in open space.

OBJECTIVES

a. Improve the maintenance program for the Town's active recreation areas such as playfields and playgrounds;

b. Establish a maintenance fund for limited care of reservations. Support appropriate maintenance funding for Community Services facilities;

c. Provide proper signs to identify conservation – recreation areas and to control uses;

d. Continue efforts to develop better management strategies using volunteers wherever possible;

e. Be alert to abuses such as litter and vandalism and employ appropriate enforcement techniques;

f. Balance uses so as to provide maximum enjoyment and employment of open spaces;

g. Try to make users of the Town's open space aware of their responsibility for its proper management.

GOAL #8 - BE FAIR

This goal means trying to achieve spatial balance of open space and recreational opportunities throughout the Town and means ensuring that all age and social groups are served. It means using open space acquisition to shape, provide context for and serve the demands development is bringing rather than to block

development.

OBJECTIVES

a. Seek to acquire open space in neighborhoods where it is lacking or limited;

b. Identify deficiencies in outdoor recreation opportunities and develop strategies to correct them;

c. Try to provide opportunities for the enjoyment of open space by all groups and ages, including elderly and handicapped citizens.

GOAL #9 - PRESERVE FARMING

The Town should try to maintain farming at least at its current level and to encourage the preservation and agricultural use of suitable open land.

OBJECTIVES

a. Encourage the few remaining active farmers to apply for Agricultural Preservation Restrictions, and to take advantage of other State, federal and private programs designed to preserve Massachusetts agriculture;
b. Consider the establishment of a Farmers Market;

c. Continue to encourage agricultural use of public land where appropriate and not incompatible with other legitimate uses.

IV.4. "ADOPT AN ISLAND" PROGRAM

Open to all residents and businesses in the Town of Andover.

Requests to "Adopt an Island" must be made in writing to the Town Manager's Office, Town Offices, 36 Bartlet Street, Andover, MA 01810.

Please provide: Name, address and telephone number of person or business
Location of island
Design or layout of proposed planting

8/16/2000

IV.5. ISLANDS MAINTAINED BY THE PARKS & GROUNDS DIVISION

Note: This work consists of mowing the grass and Spring and Fall clean-ups:

- Osgood Street at Raytheon
- School Street and Central Street
- Stevens Street and Main Street
- Essex Street
- Poor Street
- Haverhill Street and Beacon Street
- Lowell Street and Beacon Street
- North Street
- Andover Street
- High Street
- Elm Green
- Ballardvale Green
- Main Street at Hidden Road
- Porter Road at Hidden Road

These are the only islands that the Parks and Grounds Division maintain and at some of these locations there are gardens that have been planted by various groups. There are many circles and cul-de-sacs in Town that have been planted by the neighborhood and are maintained by these people with no assistance or involvement by the Town.

V. DEPARTMENT OF PUBLIC WORKS POLICIES

V.1. PUBLIC WORKS ENGINEERING SERVICES POLICY

The Department of Public Works will procure engineering services for public works projects via a qualifications-based process in accordance with Massachusetts General Laws Chapter 30B. Public works projects are defined as "horizontal" construction such as roads, streets, bridges, water and sewer mains, landfills, sidewalks, site work, etc.

A. The Department of Public Works will seek proposals for "continuing service agreements" for water, sewer and structural (bridge) projects. The "continuing service agreements" will provide for on-call engineering services for specific construction projects with an engineering cost estimate of less than $25,000 per project or a total construction cost estimate of less than $250,000 per project. The engineering contract would be for one year with the provision that it could be extended to three years.

B. The Department of Public Works will seek proposals for "project specific service agreements" for any horizontal public works construction projects with an engineering cost estimate greater than or equal to $25,000 per project or a total construction cost estimate greater than or equal to $250,000 per project. The engineering contract would be for the life of the project.

C. The Department of Public Works will seek price quotes for "project specific service agreements" for all other horizontal public works engineering services (such as sidewalks, landfills, stormwater/drainage, site work, etc.) with an engineering cost estimate of less than $25,000 per project or a construction cost estimate of less than $250,000 per project. The contract would be for the life of the project.

August 22, 2005

V.2. MANDATORY RECYCLING AND TRASH PICKUP

V.2.1: Mandatory Recycling

On July 23, 1990, the Board of Selectmen unanimously voted to support the following motion pertaining to Mandatory Recycling in the Town of Andover:

"I move that the Board of Selectmen vote to endorse the Mandatory Recycling Program for glass and paper that will go into effect on Monday, August 6, 1990. This action was authorized by the 1988 Annual Town Meeting vote on Article 55, entitled "Mandatory Recycling". The Board encourages all residents to take part in our curbside glass and paper recycling program and in doing so help preserve our environment and save our financial resources".

V.2.2: TRASH AND RECYCLING GUIDELINES

- Household rubbish is limited to 4 bags or barrels, no more than 50 pounds each, or the equivalent of 135 gallons maximum per residence.
- Recycling is Mandatory. No particular enforcement authorized.
- Assistance in organizing recycling and trash may be requested of the Recycling Committee or the DPW.
- Exception will be made for extraordinary trash due to special events at home.

Section V.2.2 Voted: June 22, 2009

V.2.3: TRASH AND RECYCLING CURBSIDE PICKUP

The Town of Andover shall be responsible for curbside trash and recycling collection from residential dwellings which include all single family locations and multi-family locations that do not exceed six (6) units.

All multi-family complexes exceeding six units, businesses, not-for-profits, houses of worship and any other location that does not match the definition of single family locations and multi-family locations up to six units, shall be solely responsible for the collection of such recycling and trash, except that;

the following multi-family locations shall be grandfathered and will continue pickup of recycling so long as recycling is brought curbside by the public roadway; Hunter's Ridge, Meredith Village, Ballardvale Crossing, Hillcrest Townhouse, Temple Place Condominiums, 70-84 Essex Street Apartments, and 6-12 Maple Avenue Condominiums, and

the following multi-family locations shall be grandfathered and allowed to continue pickup of household trash so long as trash is brought curbside by the public roadway; Hillcrest Townhouse and Temple Place Condominiums.

Section V.2.3 Voted: July 11, 2011

VI. FEES/PUBLIC RECORD POLICIES

VI.1. User Fees

Recognizing the constraints imposed by Proposition 2 ½ , the desirability to minimize tax increases, and the reductions in Federal and State assistance, the Board of Selectmen supports the implementation of alternate funding sources for Town expenditures.

These funding sources may take the form of **user fees** (fees assessed for goods and services that a governmental body provides), **regulatory charges** (fees paid to conduct or regulate a specific activity or occupation) and **fines** (fees assessed for violation of local requirements).

When implementing or increasing a fee, the Board of Selectmen may consider the following:

1) Confirmation that the Board of Selectmen has the statutory authority to set the fee.
2) How much services cost to maintain and deliver.
3) Whether or not taxpayers can be excluded.
4) Whether or not there is an easy way to collect the charge.

    a) When the fee will be collected
    b) How the fee will be collected
    c) Cost of the collection

5) Comparison of similar charges to those of neighboring communities.
6) Review of past and projected service demand.
7) Review estimates of new revenue.
8) Public opinion (through public hearing)
9) Regular fee review if deemed appropriate.

The Town shall maintain a Revenue Manual which will list all revenue sources on a prescribed form. Those fees that the Board of Selectmen is currently authorized to review and amend are as follows:

Parking Tickets
Andover Housing Authority Fees (currently not applicable)
Use of Town Landfill
Real Estate Taxes
Personal Property Taxes
New Building Permit (including additions & alterations)
To Build Swimming Pool or Tennis Court
To Raze Building
To Move Building
Sign Permit
Change of Ownership
Permit Renewals
Release of Stop Work Order
Amusement Park/Carnival Equipment and Tent Permits
Air Conditioning Permit
Heating Alterations
Gravel Removal

Chimney Permit
To Install, Alter or Repair Elevators
Conformance to Zoning Affidavit
Zoning Verification for Business Certificate
Construction Trailers and/or Emergency Mobile Homes
Certificate of Occupancy
Building Re-Inspection Permit
Plumbing Fees
Gas Fees
Certificate of Inspection
Electrical Permit
Zoning Board of Appeals Application
Meter Fees
Recreational Park Rentals
Field Rentals
School Building Rentals
Oil Burner and Oil Storage Permit
Fire Reports
Liquid Propane Gas Storage Permit
Fireworks Display Permit
Blasting Permit
Model Rocket Permit
Welding and Cutting Permit to Store
Storage Tank Inspection Permit
Tank Truck Inspection
Permit to Erect and Use a Tent
Explosive and Flammable Storage Permit
Ambulance Fees
Burial Fees
Lot Fees
Perpetual Care
Alarm Fines
Sale of Dogs
Off-Street Parking
Water Rates
Unauthorized Use of Hydrant.
Fire Service Water Demand Fee
Fine for Disconnected Meter
Water Service Taps
Thawing Fees
Test Backflow Preventers
Water Sale to Other Towns
Sewer Rates
Relieve Sewer Blockage
Retail Package Goods
Liquor Licenses
One-Day Liquor License
Second-Hand Motor Vehicle Seller’s License
Taxi Licenses
Carriage of Passengers for Hire License
Junk Dealer/Collector License
Bowling Alley License
Town Maps, Town By-Laws, and Zoning By-Laws

Authorization for the Selectmen to set the above fees is found within the Massachusetts General Laws or the Andover Town By-Laws. Particulars of the above fees may be obtained in the appropriate department.

All designs will be reviewed by the Superintendent of Parks and Grounds with a recommendation made to the Town Manager.

Planting must be maintained for at least two years from time of planting and continued as long as the area is maintained in a good condition.

The person or business shall pay for the cost of the sign. The Town of Andover will provide the "Adopt an Island" sign design and designate a vendor or vendors. Signs must conform to the Town of Andover Zoning Bylaw regulations.

The only maintenance performed by the Town will be on islands presently maintained by the Parks and Grounds Division. This work consists of the cutting and clean-up of said islands.

The island shall be maintained by the person or business that made the request to adopt the island. If at any point the Town deems that the island is unsightly due to lack of care, then the Town will remove the "Adopt an Island" sign and the material on the island and the person or business will forfeit their rights to plant the island.

If at any time the planting is deemed to interfere with traffic or views of traffic, then the Town will take steps to correct the problem in consultation with the adopter.

All islands will be required to have at least a Spring and Fall clean-up to remove any debris.

November 6, 2000

VI.2. Meeting Tape Recording Policy

Tape Policy for Implementation of Article 40 of the 1997 Annual Town Meeting:
"Upon motion made and duly seconded it was moved that the Town raise by taxation and appropriate the sum not to exceed $1,000.00 for the first year' operation and to require that henceforth all meetings of the School Committee, Planning Board, Finance Committee and the Board of Selectmen shall be recorded in their entirety by means of a tape recorder or by other means of sonic reproduction. Such recordings to be preserved for five years, and copies shall be made to the public at no greater than actual cost".

1. The School Committee, Planning Board, Finance Committee and Board of Selectmen will record all publicly posted meetings by means of a tape recorder.

2. All recordings will be maintained in the department responsible for the public record.

3. Tapes for this recording program will be purchased by the Finance Department and debited from the appropriate account assigned by the Finance Department. All monies collected from this recording program shall be deposited to the General Fund.

4. The tape recording shall remain in the department for public inspection for one full year. Thereafter, unless an issue from a meeting is under legal appeal, the recordings will be

maintained in the Town's record retention center in each designated Department area for four full years. Each Department will follow all established record retention and record retrieval procedures when filing these recordings (see the Town Clerk for these procedures). After five full years of record retention, the tapes may be transmitted to the Library for research purposes until they are no longer deemed useful.

5. Requests for listening to tapes or copies of tapes will be processed through the Department responsible for the record.

   - Regular size tapes may be copied through the School Department's dual recording device. A recorder will also be made available for listening requests.

   - Micro tapes may be copied on a dual recorder. This micro dual recorder will be used for listening and the recording of the tapes. The recorder will be stored in the Town Clerk's office and will be signed out and returned by departments as needed.

   - The cost of a copy of the recording will be the per hour salary of the lowest paid employee in the department that would be responsible for the task plus the cost of the tape. A good faith estimate of the cost will be provided to the requester before the request is processed and said fee will be paid in full prior to any reproduction.

   - Listening to a recording will require an appointment.

   - Copies of a recording will require a written or oral request to allow the time necessary to copy the tape

June 23, 1997

VI.3. Public Record Fees and Policy

1. Except where fees for copies and research of public records are prescribed by State statute or local bylaws, Town departments and offices shall charge no more than the following fees for copies of public records:

   A. For ***photocopies*** of a public record of standard reproducible size: ***$.20 per page.***

   B. For a ***computer printout*** of a public record: ***$.50 per page.***

   C. For ***requests*** that require less than twenty (20) minutes to complete: ***no charge.***

   D. For ***requests*** that require performing a search and/or segregating exempt information that is longer than twenty (20) minutes: ***a pro-rated fee will be assessed based on the salary of the lowest paid employee in the department that can perform the task.***

   The fee assessed will reflect the time taken to search for the file(s), pull the file(s) to be inspected, segregate exempt information, copy a file(s) and return it to a file.

2. The department or office in charge of a public record shall provide a good faith estimate of the search, copying and segregation time fees prior to complying with the request.

3. There will be no fees assessed for the time of the actual inspection of the record.

DOCUMENT AVAILABILITY

1. Requests for copies will be handled expeditiously and in compliance with the Public Records Law. In those instances when staff time is not available at the time of the request or if the records must be reviewed by staff for exempt information, a mutually agreeable time by both parties should be decided upon in order that the requester may view the records in a timely manner.

2. Requested copies must be made by staff.

3. Members of committees requesting copies of public records for the use of the whole committee will not be charged a fee. The request should come from the Chairman of the committee or the designated staff member who is responsible for the committee.

September 22, 1997

VI.4. Ambulance Billing

Beginning July 1, 1988, residents of Andover, as well as non-residents, will be billed for ambulance calls. Billing will be handled by a third-party billing company with the bill being forwarded to the insurance companies. Residents will not be required to pay for the service if they do not have insurance.

Monies collected are dedicated to the Fire Department budget.

5/9/88

VII. HOUSING/TAXES

VII.1. Fair Housing Plan

The purpose of the Town of Andover Fair Housing Plan is to achieve the aims of Executive Order No. 227, Governor's Code of Fair Practice; the Massachusetts General Laws Chapter 151B, Administrative Bulletin 75-14; Federal Executive Order No. 11063, EEO in Housing and the Federal Civil Rights Act of 1968, Title VIII Fair Housing as amended by the Housing and Community Development Act of 1974, to the extent that these prohibit discrimination in housing on the grounds of race, color, national origin, ancestry, age, religion, welfare status, children, marital status, handicapped, blindness or sex.

This plan utilizes the Fair Housing requirements for the Commonwealth of Massachusetts and its political subdivisions. The requirements shall be used to define and determine the Fair Housing obligations of the Town of Andover. This plan shall also be used by the Massachusetts Commission Against Discrimination (MCAD) in evaluating the fair housing performance of the Town of Andover.

The Town of Andover will address the Fair Housing issue in order to fulfill its obligations under the state and federal equal opportunity standards. The Town of Andover will conduct a comprehensive community profile which will identify over-concentration or under-representation of minorities and female headed households.

The Town of Andover shall then undertake an analysis of its community profile and shall make a careful evaluation of its programs and policies to determine if there exists a disparate impact of housing access. If after this analysis the Town determines that over-concentration or under-representation does exist, then the Town of Andover shall develop a Fair Housing Plan which provides a statement of goal, objective and policies designed to eliminate barriers to equal access and choice.

The Town of Andover shall create a Fair Housing Committee whose objectives and purposes are those set forth in the aims of Executive Order No. 227, Governor's Code of Fair Practice; Massachusetts General Laws, Chapter 151B; Administrative 75-14, Federal Executive Order No. 1063 EEO in Housing and the Federal Civil Rights Act of 1968, Title VIII – Fair Housing as amended by the Housing and Community Development Act of 1974.

The Fair Housing Committee will facilitate the coordination of the factors that affect housing and equal access to housing.

(9/83)

VII.2. Regional Housing Opportunity Partnership

In December of 1984, the communities of Andover, North Andover, Lawrence and Methuen, assisted by the Merrimack Valley Regional Planning Commission, formed the Regional Housing Fair Share Plan Committee to facilities housing opportunities throughout the area.

In order to continue the work of a regional housing opportunity partnership and to execute a Regional Housing Compact to address the area's housing needs, especially those of the central city, the four municipalities continue their support of a Strategic Planning Program coordinated by the regional planning commission.

The purpose of the housing partnership is threefold:

1. To function as a regional forum; and
2. To serve as a link between local entities and state/federal agencies; and
3. To function as a coordination mechanism between communities and housing agencies.

The goal is twofold:

1. To provide housing for those of modest income; and
2. To insure that those with the greatest housing needs are allowed fair opportunities on a regional basis to obtain affordable housing.

5/9/89

REAFFIRMATION OF VOTE

The Board of Selectmen reaffirms its support of the Regional Housing Fair Share Plan Commission by supporting the 1990 Regional Housing Compact. (On August 16, 1990, the Compact was formally signed by the Chief Elected Official or their representative of each of the four communities).

7/23/90

VII.3. Tax Classification

Tax classification was first approved by the Board in 1984. It was not the original intention for classification to become a permanent fixture; but, nevertheless, has been approved by the Board during every year since that time, though not usually unanimously.

Annual public hearings will be held, however, in order to review the impact of the current tax classification, to determine whether a change to the present structure is in order, and to allow for public input.

VIII. RECREATION

VIII.1. Haggetts Pond Usage

Upon recommendation of the Board of Health, the Selectman have voted to continue the practice of allowing rowboats, only, on Haggetts Pond, with permit and fishing license, and to not allow canoes, sailboats, windsurfers and/or any other waterborne craft.

It was further suggested to put signs around Haggetts Pond indicating this restriction.

(8/28/85)

VIII.2. Haggetts Pond Winter Use

In the interest of public safety, the Board of Selectmen hereby prohibits "ice fishing", "ice skating", or any other related ice activities on Haggetts Pond during the winter.

(9/14/87)

VIII.3. Pomps Pond Resident Sticker Program and User Policy

The following policies have been adopted for the convenience and benefits of the residents of the Town of Andover:

1. Residents may purchase a seasonal beach sticker or pay the daily rate before entering the Pond area. Swim lesson students, as well as an adult, will be checked for proof of residency (including a valid driver's license, vehicle registration and vehicle to purchase pass, library card, current utility bill).

   A second sticker may be purchased for an additional cost. Auto registration(s) must be presented when purchasing stickers. Stickers must be affixed to the driver's side passenger back window.

2. Non-residents over the age of 2 must purchase a sticker at a fee per person per day. This fee will be required throughout the day, including late afternoon hours at the discretion of the Department of Community Services.

3. Children under 10 must be accompanied by an adult.

4. Swimming is only allowed when guards are on duty

5. Swimming is allowed within bobber lines only.

6. Trash should be placed in barrels and cigarettes in cans provided.

7. Dogs are not allowed on the beach.

8. Consumption of alcoholic beverages is prohibited.

9. No Smoking

(6/4/90; updated: 2008)

VIII.4. Non-Motorized Forms of Transportation

The Town of Andover, through its Board of Selectmen, declares it to be the policy of the Town to promote, encourage and support pedestrian, bicycle and other non-motorized forms of transportation and recreation. In furtherance of this policy, the Town staff shall take actions wherever possible to promote the growth, accessibility and safe use of such alternative forms of transportation and recreation. Specifically, the Town supports traffic calming efforts, bicycle and pedestrian friendly enhancements and the continued development of community paths, trails and linkages.

July 26, 1999

IX. TOWN MEETING

IX.1. Ordering of Warrant Articles

Following consideration of "boiler plate" articles and the Town Budget at Town Meeting, the Board of Selectmen supports the general random ordering of Warrant Articles to eliminate the possibility of deliberate article placement to affect a predetermined outcome.

The Board reserves the right, however, to place one or two articles of high public interest in specifically determined positions in order to maintain a level of strong public attendance throughout the duration of Town Meeting.

1988

X. WATER AND SEWER COMMISSIONERS

X.1. Sewer Commissioners Policy

Following standard "good engineering practices" it is expected that a thorough review by the Town's Engineers, the Department of Public Works, the Board of Health and other appropriate departments will be completed prior to a review of any request of the Board of Selectmen acting in the capacity of Sewer Commissioners.

The purpose of a public hearing is for the Board of Selectmen, as Sewer Commissioners, to confirm the departmental reviews, to consider any concerns of said departments, and to allow for public comment. In general, however, matters will not be brought before the Sewer Commissioners unless and until all concerns have been addressed and satisfactorily resolved.

1/9/79

X.2. Self-sufficient Water & Sewer System

On June 4, 1984, the Andover Board of Selectmen adopted a policy of the gradual phase-in of a self-sufficient water and sewer system.

Subsequent votes of the Board, in consideration of periodic rate hikes in attainment of this goal, have been unanimously supported by the Board.

X.3. Sewer Betterment Abatement Requests

The following is the Town's procedure for addressing sewer betterment abatement requests:

1. All abatements are to be received and date-stamped in by the Assessor's Office on an application for betterment abatement form.

2. The Assessor's Office will then send the application to the Department of Public Works for their review and recommendation and a copy of the application will be sent to the Town Manager's Office.

3. The Department of Public Works will review the request and return the application to the Town Manager's Office with either a recommendation to deny the abatement request or a recommendation to adjust the betterment assessment no later than ten (10) working days from receipt of the request.

4. If the DPW recommends denial of the abatement request, then the Town Manager is authorized by the Water and Sewer Commissioners to send the applicant a denial letter with a copy to the Assessor's Office.

5. If the DPW recommends an adjustment to the betterment assessment, then the Town Manager's Office will schedule a hearing before the Board of Selectmen in their capacity as Water and Sewer Commissioners.

6. If the Board of Selectmen, in their capacity as Water and Sewer Commissioners, does not act on the sewer betterment abatement request within four months from the date of

the receipt of the application by the Assessor's Office, then the application is considered a "constructive denial".

7. If the applicant wishes to appeal the decision of the Water and Sewer Commissioners, they must file application with the Commonwealth of Massachusetts, Executive Office of Administration & Finance, and Appellate Tax Board.

May 15, 2000

X.4. Sewer Betterment Assessment Policy for Land Not Built Upon

It is a goal of the Board of Selectmen to support the continued preservation of open space. Therefore, the Board of Selectmen seeks to encourage owners of property which has not been built upon to apply for a deferral of sewer betterment assessments in accordance with Massachusetts General Laws Chapter 83, Section 19.

Procedure

A property owner should make application for a deferral on a form to be provided after the Board of Assessors has added the sewer assessment charge to a property owner's tax bill. The Board of Selectmen may then vote to grant a deferral until the land is built upon or for a fixed time. As required by State law, such a deferral is subject to an interest charge of 4% of the assessment per year and the assessment must be paid in full within three months after the land is built upon.

Conservation Restrictions

The Board of Selectmen also wishes to promote the placement of conservation restrictions on land that has not been developed. The Board of Selectmen will abate sewer betterment assessment for parcels upon which a permanent conservation restriction approved by the Executive Office of Environmental Affairs has been recorded. The property owner is not required to make any payments for sewer betterment assessments for parcels that have a permanent conservation restriction.

MGL Chapter 83. Sewers, Drains and Sidewalks

Section 19. Assessments; extension of time for payment.

Section 19. The aldermen of a city or the sewer commissioners, selectmen or road commissioners of a town may extend the time for the payment of such assessments upon land which is not built upon until it is built upon or for a fixed time; but interest at the rate of four percent per annum shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid within three months after such land is built upon or at the expiration of such fixed time.

March 19, 2001

X.5. Water Supply Protection

The Board of Selectmen supports the efforts of the Conservation Commission, the Planning Board and other Town agencies in their ongoing attempts to provide protection of the Fish Brook/Haggetts Pond Watershed area, which is the source of water supply in Andover.

Goals and Objectives, as well as policy alternatives (considerations) were articulated in a consultant's study in February of 1986 entitled "The Fish Brook/Haggetts Pond Watershed: Water Supply in Andover". Because of the devastating effects of water contamination, it is recommended that these points be considered by Town Departments as well as the Board of Selectmen when setting priorities and courses of action in connection with the Town's water supply.

GOALS AND OBJECTIVES

"The goals for Andover's Fish Brook/Haggetts Pond watershed policy should be to reduce the unfavorable impact of existing development and to minimize the unfavorable impact of future development on water quality to the extent necessary to protect human health and to prevent the unnatural acceleration of eutrophication in Haggetts Pond. Objectives which will serve the stated goals include":

1) Identify the rate of eutrophication and primary cause of eutrophication in Haggetts Pond;

2) Refinement of the Town's system for response to transportation-related spills of hazardous materials;

3) Regular inspection of septic systems followed by cleaning, repair, or replacement as needed;

4) Rigorous enforcement of Town regulations concerning septic system installation, repair and replacement, as amended for watershed protection;

5) Determination of the impact of farm animal wastes on water quality, with subsequent regulation if necessary;

6) Inspection for and repair of leaking sewers;

7) Regular monitoring of leachate from Ledge Road landfill with subsequent collection and removal from watershed if necessary;

8) Regulation of underground chemical storage tanks and other storage, use, or disposal of hazardous chemicals;

9) Continued acquisition of lands judged particularly critical for protection from development;

10) Management of Town-owned and AVIS-owned land in such a way as to protect water quality;

11) Minimizing impact of storm runoff by minimizing volume and velocity of, and concentration of contaminants in the water;

12) Reduction of use of fertilizers and pesticides;

13) Minimizing rate of erosion and sedimentation due to construction;

14) A public education campaign to increase awareness that drinking water quality is directly related to individual activities such as use of fertilizers, pesticides, phosphate detergents, underground fuel tanks, septic systems, and hazardous chemicals, and to publicize watershed boundaries and flow patterns;

15) Monitoring water quality at critical points in the watershed and at the Merrimack River intake, and responding to changes in water quality.

POLICY ALTERNATIVES

1) Septic System and Sewer
2) Land Acquisition
3) Watershed Information and Monitoring
4) Emergency Response to Transportation-related Spills of Hazardous Materials
5) Zoning
6) Ledge Road Landfill
7) Chemical and Fuel Storage
8) Public Education
9) Fertilizer and Pesticides
10) Management of Town-owned Lands
11) Runoff
12) Erosion and Sedimentation
13) Agricultural Runoff
14) Moratorium

XI. LICENSING POLICIES

XI.1. GRANTING OF LICENSES/SPECIAL PERMITS

The following is a list of licenses and permits most commonly granted by the Town of Andover Board of Selectmen. Additional licenses and permits shall be reviewed according to state statute and Town Bylaws.

Every license or permit application which requires a public hearing with newspaper publication or notice to abutters, all liquor license change of manager applications and all Outdoor Dining License applications shall go before the Board of Selectmen for hearing in conformity with the General Laws. All other applications or permits shall first be referred to the Town Manager. In the case of licenses or permits where the Board of Selectmen is the statutory licensing or permitting authority, the Town Manager shall have the authority to approve, but not disapprove the same; and if the Town Manager does not approve he shall transmit the application to the Board of Selectmen for determination along with his recommendations. In all other cases the Town Manager shall have the right to approve, with or without conditions, modify or disapprove any such application. Notwithstanding the above, the Town Manager may refer any application to the Board of Selectmen for approval in the first instance if he deems it in the public interest to do so. Nothing herein shall be construed as a limitation on the Town Manager's authority over the rental and use of Town property under the Town Charter.

(See "Alcoholic Beverage License Policy" for additional policies and regulations specifically relating to Alcoholic Beverages Licenses).

COMMON LICENSES & PERMITS

ALCOHOLIC BEVERAGES LICENSES

AMUSEMENT AND LIVE ENTERTAINMENT LICENSES

AUTOMOBILE SALES – NEW, USED AND JUNK DEALERS

COMMON VICTUALLER LICENSES

LODGING HOUSES

OUTDOOR DINING LICENSES

PAWNBROKER/SECOND HAND DEALER LICENSES

STORAGE OF INFLAMMABLES

TAXI/LIVERY LICENSES

OTHER COMMON LICENSES AND PERMITS:

Auctions
Automatic Amusement Devices
Automobile Grave Yards

Bike-a-thons
Bicycle Races
Block Parties
Carnivals/Exhibitions
Hawkers & Peddlers and Transient Vendors
Junk Collector or Dealer
Moving Buildings in Public Ways
Road Races
Street Closings
Transient Vendors
Vigils

October 7, 2013

TOWN OF ANDOVER

XI.2.

ALCOHOLIC BEVERAGE LICENSE POLICY

Board of Selectmen
Licensing Board

Licensing Agent for Board
Lawrence J. Murphy
Town Clerk

Revised and Adopted: October 7, 2013

XI.2. TOWN OF ANDOVER ALCOHOLIC BEVERAGE LICENSE POLICIES & REGULATIONS

Whereas, it is desirable to adopt uniform policies and guidelines for the administration of liquor licenses, the Board of Selectmen, the Local Licensing Authority for alcoholic beverage licenses under MGL Chapter 138, does hereby adopt the following policies and guidelines:

A. ADMINISTRATION OF LIQUOR LICENSES

1. The Town Clerk is the designated Licensing Agent of the Board of Selectmen. The Licensing Agent has the authority to accept and reject applications that do not meet the minimum requirements of the Alcoholic Beverages Control Commission and/or the Town of Andover. Upon recommendation from the Town Manager and the Chief of Police, a Police Officer will also be designated as an agent to the Board of Selectmen who will work with the Town Clerk to insure that the policies of the Board of Selectmen and the Massachusetts State Laws regarding Alcoholic Beverage Licensing are adhered to by all licensees.

2. Applications regarding Premises not actually in existence at the time of the application will not be approved unless and until a building permit has been issued by the Town of Andover and the applicant has filed with the application a plan showing the actual dimensions of the premises which are to be constructed on which the license is to be exercised. If construction of the premises is not completed at the time the license is approved, the license may be approved on the condition that construction shall be completed and as-built plans shall be filed prior to the issuance of the license.

3. Approvals of applications by the Board of Selectmen are valid for (6) six months from the date of approval by the Alcoholic Beverages Control Commission. If such time expires before the license is issued, due to the applicant's failure to meet all of the conditions imposed by the Board, the license will not be issued and the applicant must reapply and be reheard by the Board. Prior to the expiration of the (6) six month approval period, the applicant may petition the Board of Selectmen for an extension of the approval period not to exceed 2 months. The extension may be granted for good cause. No more than one extension may be granted.

4. A record of all liquor licenses issued by the Board of Selectmen, both as to premises and owner, shall be maintained in the office of the Town Clerk. Said file shall contain all applications, correspondence, decisions, etc. regarding the licensed premises, and other written information. The file of each owner and premises shall be reviewed annually at the time of the license renewal.

5. Andover, like other Massachusetts municipalities, is granted under MGL Chapter 138, a certain number of wine & malt beverages only pouring licenses and a certain number of all alcohol pouring licenses based on population. In the event a municipality has issued its maximum allowable wine & malt pouring licenses the local licensing authority has the discretion to issue additional wine & malt beverages pouring licenses, provided that an all alcohol pouring license is retired for each such wine and malt beverage pouring license issued. The Board will consider applications for the issuance of wine & malt beverages pouring licenses under these circumstances on a case by case basis. The Board may issue the same if determined to be in the best interests of the Town. The Board may

in its discretion impose additional fees for such licenses to offset the revenue lost by retirement of an all alcohol pouring license.

B. LIQUOR LAW VIOLATIONS

1. When, after hearing, it is determined by the Board of Selectmen that a violation of the liquor laws of the Commonwealth of Massachusetts has occurred or a licensee has failed to comply with the conditions of the license or these policies and regulations, the Board of Selectmen shall consider the appropriate disciplinary action. In determining the appropriate disciplinary action to be taken, the Board of Selectmen shall consider the following:

    (a) the written record of the establishment on file within the Office of the Town Clerk during the preceding 36 calendar months and any prior infractions during this period.

    (b) the particular merits of the case presented at the hearing inclusive of such factors as intent, culpability of the parties, and such other factors as the Board may deem relevant.

    (c) the extent to which the owner, proprietor or operator has established procedures to guard against infractions.

    (d) cooperation of the establishment owner, proprietor, and operators with the Town Clerk, Police Department, inspectors, and other Town officials in the conduct of its business.

    (e) such recommendations as the Town Manager may present.

2. In general, in matters of first offense, the Board shall consider the issuance of a letter of reprimand to the owner and his representative, if there is one, a copy of which shall be placed on file in the license record of the office of the Town Clerk.

3. In matters of a second offense within the period of 36 calendar months the Board shall consider the issuance of a suspension for a period of 1-14 consecutive calendar days and shall so state the period of suspension.

4. In matters of a third or subsequent offense within 36 calendar months, the board shall consider a second suspension for a period of 1-30 consecutive calendar days and/or revocation of the license.

5. All of the above are general guidelines for the Board of Selectmen in their deliberations regarding infractions found against the licensed establishment, licensee, owner, proprietor, or other operators. Each case shall be considered upon its individual merits. The Board reserves the right to impose penalties in excess of the above if deemed appropriate.

C. LIQUOR LICENSES – IN GENERAL

1. Liquor licenses are issued under authority of MGL Chapter 138. Any new application for a license to sell alcoholic beverages, or for a change in an existing license, must be accompanied by the appropriate application fee.

2. Every liquor license application which requires a public hearing with newspaper publication or notice to abutters and all applications for change of manager shall go before the Board of Selectmen for hearing in conformity with the General Laws. All other liquor license applications shall first be referred to the Town Manager who shall have the authority to approve, but not to disapprove the same. If the Town Manager does not approve he shall transmit the application to the Board of Selectmen for determination along with his recommendations; and provided further, that the Town Manager may refer any application to the Board of Selectmen for approval in the first instance if he deems it in the public interest to do so.

3. If approved, the application is transmitted to the Alcoholic Beverages Control Commission (ABCC) for its approval. If disapproved the applicant may appeal to the ABCC under the provisions of MGL Chapter 138.

4. The Board of Selectmen, under the authority granted by MGL Chapter 138, shall set the hours of operation for any on-premise establishment. Once the operating hours are granted to any licensee, a change in these hours can be made only after a public hearing before the Board of Selectmen.

5. Any licensee intending to close the licensed premises must notify the Board of Selectmen in writing ten (10) days before such closing and shall state in the notice the reason for such closing and the estimated length of such closing. Any licensee intending to close for more than sixty (60) days must appear before the Board to discuss the status of the license.

6. No licensee shall conduct business under any corporate or trade name other than that under which it is licensed.

D. MANAGER/CHANGE OF MANAGER

1. The Manager of the licensed premises is the principal representative of the licensee with full authority and control of the licensed premises and of the conduct of all business therein relative to alcoholic beverages as provided in MGL Chapter 138, Sec. 26.

2. By the close of the next business day following the termination of employment of the Manager for any reason, the licensee must notify the Town Clerk, in writing, of the name of the person who will discharge the duties of Manager pending selection and approval of a new Manager. If, at any time, there is a change in the Manager of record for the licensed premises, an application for change of Manager must be filed no later than thirty (30) days after the effective date of the change.

3. The Board may impose a penalty for failure to file a timely application for change of Manager, which may include a penalty of suspension that may be up to one day of suspension for each day of non-compliance, unless the Board finds that there were circumstances which excused the non-compliance.

4. Except as otherwise provided in the Massachusetts General Laws or approved by the Board of Selectmen, the Manager must be a full time employee or a corporate officer of the licensee, and must be engaged exclusively in the management of the licensed business.

5. The Manager shall be on the licensed premises regularly in the course of business, consistent with the permitted hours of operation. When the Manager is not upon the premises, a method of contacting the Manager promptly must be arranged so that the Manager can be reached at all times by the person designated to be in charge of the premises. The Manager shall designate an Assistant Manager to be responsible in his or her absence. However, the Manager will continue to be responsible for the operation of the licensed premises whether or not on the premises.

6. Without limiting the scope of the previous subsections and without limiting the penalties which may be imposed on the licensee for violation of these regulations, the Manager shall be responsible for the following:

   (a) Careful selection of qualified employees of the licensed business, including servers, clerks and persons who are engaged with the public in any capacity.

   (b) Training of employees in all matters relating to the sale or service of alcoholic beverages. The Board strongly advises managers and all employees as they are hired to participate in a State recognized alcohol training program.

   (c) Failure of the Manager to comply with these policies and regulations or to properly discharge the duties of Manager may result in removal as Manager or suspension or revocation of the license as may be appropriate to the circumstances.

E. ADDITIONAL PROVISIONS

1. Assignment of stock in a corporation granted an Alcoholic Beverage License gives no right to such assignee to conduct the business of the licensee without approval of the Board of Selectmen and the ABCC. Licensees must immediately file a Petition for a Transfer of Stock when the assignee forecloses under such assignment of stock.

2. Licensees shall immediately notify the Board of Selectmen of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

3. Licensees shall immediately notify the Board of any court or administrative proceedings which may affect the status of the license.

4. No person may have a direct or indirect beneficial interest in any type of Alcoholic Beverage License without obtaining approval from the Town and the Alcoholic Beverage Control Commission.

5. All alcoholic beverages must be opened and consumed on the premises, unless removed in accordance with the provisions of MGL Chapter 138, Section 12. (applicable to Section 12 Licenses)

6. Last call shall be no later than thirty (30) minutes before the licensed closing hour. No alcoholic beverages may be served after last call. (applicable to Section 12 Licenses)

7. All tables and bars must be cleared of all glasses, bottles, and containers of alcoholic beverages by the licensed closing hour (applicable to Section 12 Licenses) and all customers must be off the premises by the licensed closing hour**.**

8. Owners and employees must be off the premises no later than thirty minutes after the licensed closing hour, except such owners and employees may be on the premises for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next day's business or opening or closing the business in an orderly manner. No employee or owner shall serve or consume any alcoholic beverage on the premises before the licensed opening hour or after the licensed closing hour. (applicable to Section 12 Licenses)

9. No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on the license.

10. No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of customers.

11. A license is subject to suspension, revocation, or forfeiture for breach of any of its conditions or regulations, or any law of the Commonwealth.

12. All licenses and building certificates shall be displayed on the premises in a conspicuous manner where they may easily be seen and read.

13. Any changes to an Alcoholic Beverage License must be approved by the Board of Selectmen or the Town Manager under authority of Section C. 2, including but not limited to: transfer of license, change of manager, transfer of stock, new officers and/or directors of a Corporation, change of stockholders in a closely held Corporation, pledge of license, change of Corporation name, change of d/b/a, change of premises including reduction or extension of the area of the licensed premises, or a change in the physical layout of the premises.

14. Licensed premises shall be subject to inspection by the Police Department, Fire Department, Inspector of Buildings and/or any duly authorized agent of the Board of Selectmen or Alcoholic Beverage Control Commission.

F. EVENTS WITH ALCOHOL IN GENERAL – SPECIAL LICENSES

1. One Day Special Licenses are issued pursuant to MGL Ch. 138 Section 14.

2. Alcohol served at events held outside of a private residence are presumed to result in a sale of alcohol. As such, a One-Day Special License under Chapter 138 Section 14 shall be required for such events, unless such event falls within an exception stated in this policy. In the case of events held by private residents, outside of their private residence, the Town shall not require a special license where: 1) the event is by invitation only, 2) money is not exchanged for alcohol, 3) tickets are not sold, 4) a donation is not required or solicited, or 5) an entrance fee is not charged.

3. Businesses or charities which hold events where liquor is served are required to obtain a One-Day Special License unless evidence is provided to the Licensing Agent which rebuts the presumption of a sale. The Licensing Agent shall determine whether a Special License is required under Chapter 138 Section 14, and applicable rules and regulations. In making such a determination, the Licensing Agent shall consider such evidence as the location of the event, the purpose of the event, who is invited to the event, what fees are charged for the event, and other relevant information.

4. Charities which have wine donated must apply for a Charitable Wine Pouring or Charitable Wine Auction.

5. Events at the Town House – Special Requirements

   (a). All businesses or organizations holding events at the Town House must file an application for a One-Day Special License with the Town Clerk. The Town Clerk's Office will determine if a License is necessary.

   (b). Private individuals holding events at the Town House where alcohol is sold, tickets are sold, or an entrance fee is charged, must obtain a One-Day Special License. These events are only eligible for a Beer and Wine License.

   (c). Private individuals holding private parties or events at the Town House are not required to obtain a One-Day Special License where: 1) the event is invitation only and 2) alcohol is not sold, tickets are not sold, a donation is not required or solicited, or an entrance fee is not charged.

   (d). In all cases, where alcohol is served, it must be served by a caterer or bar service who has presented evidence of liquor liability insurance to the Town. The Town has the right to reject any requests to serve alcohol at the Town House regardless of whether a Special License is required.

6. For events that require a One-Day Special License, all alcohol must be purchased from a licensed Massachusetts wholesaler, in compliance with M.G.L. Chapter 138, Section 14, or a Caterer licensed under M.G.L. Chapter 138, Section 12C. Alcohol may not be purchased from any other source. A list of wholesalers is available at the Town Clerk's Office or through the State Alcoholic Beverages Control Commission.

7. Special licenses may be issued only to a natural person or a natural person in conjunction with a business, organization, or charity. The person named on the Special License must sign the application for the license. The person named on the license is responsible for management of the license and shall be on the premises for the entire event. The person named on the license shall be a United States citizen.

8. All Alcoholic Special Licenses shall only be issued to a non-profit organization. Proof of an organization's non-profit status may be required.

9. A person or entity may only be issued a maximum of 30 One-Day Special Licenses in any calendar year.

10. Holders of Section 12 or Section 15 licenses, that are not Massachusetts licensed wholesalers, are subject to disciplinary action by the Board of Selectmen if such licensee is found to have illegally sold alcohol to Section 14 license holders.

11. No alcohol may be stored on any unlicensed premise. For special events covered under a One-Day Special License, alcohol must be delivered the day of the event and removed from the premises after the event at the expiration of the Special License. Under State Alcoholic Beverages Control Law, M.G.L. Chapter 138, Section 22, holders of a One-day Special License may not transport alcohol without a permit. A caterer may transport alcohol on behalf of a Special License holder only if that caterer has a current transport permit issued by the Alcoholic Beverages Control Commission.

12. The licensee shall post the Special License in a conspicuous location during the event.

13. No special licensee may sell or deliver any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. Special licensees may sell or serve alcoholic beverages between the hours of 11:00 a.m. to 1:00 a.m., Monday through Saturday, and 12:00 p.m. to 1:00 a.m. on Sundays. Notwithstanding the foregoing, the Board of Selectmen may alter the specific hours and terms of sale and service of alcohol.

14. The Board of Selectmen may to refuse to issue or reissue a special license, if the licensee fails to comply with state or local regulations or any reasonable requirements of the local licensing authority. The Board of Selectmen may suspend, cancel or revoke a special license, after a hearing, if the licensee fails to comply with state or local regulations or any reasonable requirements of the local licensing authority.

G. **SPECIAL LICENSE: FARMER-WINERY** (Chapter 138, Section 15F)

1. Pursuant to MGL Chapter 138 Section 15F the Town may issue to an applicant authorized to operate a farmer-winery under Section 19B of Chapter 138, or any other state, a special license for the sale of wine produced by or for the licensee for off-premises consumption at an indoor or outdoor agricultural event.

2. All sales shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age.

3. A licensee under this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event in conformity with said Section 15F as the same may be from time to time amended.

4. The term “agricultural event” shall be limited to those events certified by the Department of Agricultural Resources as set forth in said Section 15F. A copy of the certification, with all supporting documentation submitted to the Department, shall be submitted to the Town Clerk with the license application.

5. A license may be granted for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year but no special license shall be granted for an agricultural event that will not take place within one calendar year.

6. The license application form shall be prepared by the Town Clerk and shall be made available on request. The application shall be signed on behalf of the applicant by a natural person duly authorized by the applicant and by the agent, representative or solicitor (as those terms are used in section 15F) on his or her own behalf. The authorized signer for the applicant and the agent, representative or solicitor may be the same person.

H. SECTION 12 POURING LICENSE PREMISES: GOLF COURSES

1. When acting on an application to license the sale and service of alcohol on a golf course the Board of Selectmen shall take into account the distance from residential dwellings, schools, and/or churches, the character of the surrounding neighborhood, noise, lighting, other licenses in the area and any and all other reasonable and proper concerns.

2. The specific location of stationary stands and/or structures for the sale and service of alcohol within golf course premises shall be approved the Board. Stationary stands and/or structures must serve within the approved location. Approval of the serving location shall take into account the distance from residential dwellings, schools, and/or churches, the character of the surrounding neighborhood, noise, lighting, other licenses in the area and any and all other reasonable and proper concerns.

3. The Board of Selectmen's approval of premises that are intersected, interrupted or divided by public ways is conditional upon the applicant receiving a transportation permit from the Alcoholic Beverages Control Commission.

4. No licensee shall permit any patron to possess alcoholic beverages on the grounds of approved golf course premises other than those alcoholic beverages purchased from that licensee

5. No licensee shall permit any patron to carry or transport any alcoholic beverages off the grounds of approved golf course premises.

6. No licensee shall permit any patron to carry or transport any alcoholic beverages on any public way.

7. Alcohol is not permitted in parking lots. No parking lot shall be included in the description of the licensed premises. Parking lots of a golf course will be treated the same as a public way.

8. At the intersection of each cart path with a public way, at the edge of parking lots, and other approved locations bordering the course the licensee shall erect sign posts with the following required signage / information:

   "No alcoholic beverages permitted beyond this point."
   "Operating a golf cart while under the influence is a criminal offense punishable by law."
   "Possessing an open container of alcohol on a public way is a criminal offense.

   These signs shall be in a conspicuous place where these signs can be easily read. The licensee shall post these signs regardless of whether or not the licensed premises extend beyond the public way or not.

9. At the intersection of each cart path with a public way, at the edge of parking lots, and other approved locations bordering the course the licensee shall place receptacles for beverage containers.

10. No more than two drinks shall be sold, delivered or in the possession of any one patron at any time while on the grounds of the approved golf course premises.

11. Alcohol must be properly stored and secured at all times. Alcohol shall not be stored overnight in wheeled carts.

I. SECTION 12 POURING LICENSE PREMISES: PATIOS AND OUTDOOR AREAS

1. When acting on an application to license the sale and service of alcohol on a patio and/or outdoor area the Board of Selectmen shall take into account the distance from residential dwellings, schools and/or churches, the character of the surrounding neighborhood, noise, lighting, other licenses in the area and any and all other reasonable and proper concerns.

2. Preferred are areas where alcohol is served to patrons who are seated at tables and where food is available.

3. The patio and/or outdoor area must be contiguous to the licensed premises and the licensee shall have a view of the outdoor premises from inside or staff shall be present in the serving area at all times. A clear path of ingress and egress from the inside to the outside must be clearly established to ensure safe, uninterrupted travel of patrons and the service of alcoholic beverages. The patio and/or outdoor area must have adequate exits in case of emergency.

4. The premises must be enclosed by a fence, rope or other means to prevent patrons or members of the public from wandering in or out and ensure the licensee has control of the area.

5. No licensee shall permit any patron to possess alcoholic beverages on the licensed patio or outdoor area other than those alcoholic beverages purchased from that licensee.

6. No licensee shall permit any patron to carry or transport any alcoholic beverages off the grounds of the approved patio and/or outdoor premises unless otherwise authorized by State Law.

7. Alcohol is not permitted in parking lots. A parking lot shall not be considered a patio or outdoor area under this policy. No parking lot shall be included in the description of licensed premises.

8. Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate outside the licensed patio and/or outdoor premises, especially those on public sidewalks and those in parking lots.

9. Alcohol must be properly stored and secured at all times. Alcohol shall not be stored overnight in outdoor areas and/or on patios.

10. Nothing in this policy shall be interpreted as an endorsement of the drinking and or serving of alcohol on public sidewalks or any outdoor area owned, maintained, or controlled by the Town, except pursuant to a license issued under Policy XI.5 “Regulations For Outdoor Dining Licenses”.

J. HOURS OF OPERATION

Section 12 - Pouring Licenses:

Mon-Sat:	11:00 A.M. to 1:00 A.M.
*Sunday:	12:00 P.M. to 1:00 A.M.

*Licensees may apply for permission to open at 10:00 A.M. on Sundays.

Section 15 - Package Stores:

Mon-Sat:	8:00 A.M. to 11:00 P.M. (11:30 P.M. on the day before a legal holiday)
Sunday:	Noon to 11:00 P.M. (11:30 P.M. on the day before a Monday legal holiday)

K. SUNDAY PACKAGE STORE OPENINGS

The retail sale of alcoholic beverages not to be drunk on the premises is permitted on Sundays by retail establishments licensed under M.G.L. Chapter 138, Section 15; provided, however, that there shall be no such sales prior to the hour of 12:00 noon or on Christmas Day if Christmas occurs on a Sunday; and provided further, that establishments operating under this clause which employ more than 7 persons shall compensate all employees for work performed on a Sunday at a rate of not less than one and one-half of the employee's regular rate. No employee shall be required to work on a Sunday and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge, reduction of hours or any other penalty. (See M.G.L. Chapter 136, Section 6)

L. ALCOHOLIC BEVERAGE LICENSES ON TOWN OWNED PROPERTY

The Consumption of alcohol is not allowed on Town owned property, except 1) at the Town House under controlled conditions; i.e., such alcohol must be served by a person in the employ of a caterer or bar service who has presented evidence of liquor liability insurance to the Town; or, 2) pursuant to an Outdoor Dining License issued in conformity with Policy XI.5 "Regulations For Outdoor Dining Licenses."

M. FEES: ALCOHOLIC BEVERAGE LICENSES

The following are the fees that are charged in the Town of Andover for Alcoholic Beverage Licenses at the time of the issuance of the License and for the renewal of the license.

LIQUOR LICENSES		TOWN	ABCC
Innholder - All Alcoholic	Application	125.00	200.00
	Fee	4500.00	-----
Restaurant - All Alcoholic	Application	125.00	200.00
	Fee	4500.00	-----
Retail Pkg. Goods - All Alcoholic	Application	125.00	200.00
	Fee	2000.00	-----
Club - All Alcoholic	Application	125.00	200.00
	Fee	2000.00	-----
Retail Pkg. Goods - Wine & Malt	Application	125.00	200.00
	Fee	1500.00	-----
Restaurant - Wine & Malt	Application	125.00	200.00
	Fee	2000.00	-----
Innholder - Wine & Malt	Application	125.00	200.00
	Fee	2000.00	-----
One-Day All Alcoholic		50.00	
One-Day Wine & Malt		50.00	
Charitable Wine Pouring		75.00	
Farmer-winery (MGL Ch. 138 Sec. 15F)		50.00	

Fees for a new license, other than a one-day license, a Charitable Wine Pouring license or a Farmer-winery license, will be adjusted on a quarterly basis over a twelve (12) month period from January 1st thru December 31st, i.e., on April 1st, July 1st and October 1st, and will be effective as of the date of the issuance of the license.

XI.3. TOWN OF ANDOVER RULES & REGULATIONS FOR PUBLIC VEHICLES FOR HIRE

In accordance with the provisions of MGL Ch. 40, Sec. 22 and the Town Bylaws, Art. XI, Sec. 1, the following conditions are placed on owners and operators of public vehicles for hire in the Town of Andover:

SECTION I: OWNERS LICENSE

A. **Definitions**.

For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this sub-section:

Child

A child shall be considered to be any person under twelve years of age.

Cruising

The solicitation of patrons upon a street other than from a taxi stand.

Operator

A person who has an operator's license from the Commonwealth to operate motor vehicles.

Vehicle for Hire

A license granted by the Board of Selectmen and issued by the Town Clerk for the operation for a vehicle for hire business.

Vehicle for Hire Operator's License

A license issued by the Chief of Police for the operation of a vehicle for hire.

Taxicab

A motor vehicle for hire of the private passenger type, the designed seating capacity of which does not exceed nine (9) persons, including the operator, rented from the registered place of business of the owner, stand, station, or other public place, with the owner or with an operator in the employ of the owner in attendance, by the hour, day, trip, or miles, for general-common passenger-carrying use equipped with or without a taximeter, but not operated as a bus or on a schedule along a regular route.

Livery Vehicle

A motor vehicles for hire of the private passenger type, the designed seating capacity of which does not exceed nine (9) persons, including the operator, rented from the registered place of business of the owner only, with the owner or with the operator in the employ of the owner on attendance and with the use restricted to social functions, funeral purposes, shopping trips, touring and similar contractual purposes.

Vehicle for Hire Stand

A part of a public way assigned to a suitable person or corporation by the Chief of Police, for the placing thereon of a licensed vehicle for hire to the exclusion of all other vehicles for conducting a vehicle for hire business according to the conditions set forth by the Board of Selectmen.

Waiting Time

Any period of time that a vehicle for hire, in the service of a passenger, shall be in an idle position waiting upon the convenience of the passenger.

B. **License – Required**

No person shall set up, employ or use for the conveyance of passengers for hire, any motor vehicle, coach, cab or other means of conveyance, without a license from the Board of Selectmen.

C. **License – to be Granted by Board of Selectmen; Term; Revocation, Etc.**

The Board of Selectmen may grant licenses required by the preceding sub-section for a term of one year upon such terms and to such persons as it may deem expedient to set up, employ or use for the conveyance of persons within the Town, for vehicle for hire, which licenses shall be revoked or suspended at any time by the Board of Selectmen for any violation of the provisions of this section or any other bylaw of the Town, and may be revoked by the Board of Selectmen for other causes, and a record of such licenses shall be kept by the Town Clerk. Licenses for all such vehicles shall expire on the first day of May of each year.

D. **License – Qualifications of Licensee**

Every person granted a vehicle for hire license under this Section shall be duly established in the particular type of business for which the license has been granted, making it a substantial part of his daily labors.

E. **Application for Licenses Generally; Fees**

No vehicle for hire license shall be issued unless the person owning or in possession of such vehicle, shall file with the Town Clerk, a petition addressed to the Board of Selectmen, setting forth the name and residence of the applicant, who in no event shall be less than eighteen years of age. The petition shall also state the make, the year, the Vehicle Identification Number (VIN), the type of vehicle, the owner of each vehicle to be used, the state registration number and shall be accompanied by an application fee of $100 and a fee of $50.00 for each vehicle. All statements in the petition shall be sworn to. If the petition is made by a corporation, the same shall be sworn to by the President and Treasurer of the corporation and shall set forth the names of all the officers and directors of the corporation. Forms to be provided by the Town Clerk. Each taxicab shall have a Massachusetts Registry of Motor Vehicles Taxi Registration, each livery vehicle shall have the appropriate Massachusetts Registry of Motor Vehicles Registration. Annual renewal applications shall be accompanied by a fee of $50 and a fee of $50 for each vehicle, as well as all aforementioned documents.

F. **Insurance Policy – Required**

No license required by this section shall be issued until the applicant has acquired a policy of insurance and has delivered to the Town Clerk a certificate thereof issued by an insurance company authorized to transact business specified in sub-division (b) of Section 47 of Chapter 175 of the General Laws, covering the motor vehicle to be operated by the applicant under his license, conforming to the provisions of Sections 112 and 113 of Chapter 175 of the General Laws, nor until the applicant has also delivered to the Town Clerk a certificate of the insurance company issuing the policy showing that the policy shall not be canceled or in any manner amended, changed or altered without giving the Town Clerk five days notice thereof.

G. **Liability and Property Damage Covered in Policy; Amount**

The insurance policy required by the preceding subsection shall be a policy of liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle with his express or implied consent against loss by reason of the liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, sustained during the term of the policy by any person, other than employees of the insured, or, of such other person responsible as foresaid, who are entitled to payments or benefits under the provisions of Chapter 152 of the General Laws, and arising out of the ownership, operation, maintenance, control or use upon the ways of the Commonwealth of such vehicle, to the amount or limit of at least Two Hundred and Fifty Thousand Dollars ($250,000) on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of any one person, of at least Five Hundred Thousand Dollars ($500,000) on account of any one accident resulting in injury or death of more than one person. In addition, the owner shall carry a property damage policy in the amount of Fifty Thousand Dollars ($50,000).

H. **Certified Statement of Letter Acceptable in Lieu of Certificate**

The Town Clerk may accept a statement in writing from an insurance company certifying that a policy of insurance is to be issued to the applicant and identifying the vehicles insured in lieu of the certificate of insurance. The certificate of insurance shall be filed with the Town Clerk immediately following preparation and issuance of the policy of insurance.

I. **Notice Required of Actions Instituted Against Policy**

A license or a person responsible for the operation of a licensee's vehicle with the express or implied consent shall immediately, upon the services of any writ or summons in any action for the payment of the judgment in which is secured by such policy, give written notice to the Chief of Police of the bringing of such action.

J. **Name of Insurer Furnished on Request**

The Town Clerk shall, upon request of any person, furnish the name of the company issuing an insurance policy referred to in the four preceding sub-sections covering any particular vehicle licensed and shall exhibit the certificate of insurance to any such person or his duly authorized representative.

K. **Termination of License Upon Cancellation or Expiration**

Any license issued under this section shall terminate upon the canceling or the expiring of the policy of insurance required by sub-section G. covering the vehicle licensed.

L. **Sale, Etc. of Vehicle for Hire License**

No vehicle for hire license shall be sold, transferred or assigned without the consent of the Board of Selectmen.

M. **Change in Vehicles Used as Vehicles for Hire**

When vehicle for hire owners change vehicles, they shall, as soon as possible, bring the new registration certificate to the Police Department and the Town Clerk's office. After being properly recorded, the new vehicle shall become a licensed vehicle for hire. The Town Clerk shall collect a $25.00 administration fee for each change of vehicle.

N. **Vehicle for Hire Rates**

1. Taxicab/Livery

Flat rate service will be no greater than follows and will be set by the Board of Selectmen:

Within Andover	$20.00
Andover – North Andover	$20.00
Andover – Lawrence	$20.00
Andover – Methuen	$30.00
Andover – Haverhill	$40.00
Andover – Lowell	$40.00
Andover – Reading	$40.00
Andover – No. Reading	$30.00
Andover – Tewksbury	$30.00
Andover – Salem – NH	$40.00
Andover - Logan Airport	$90.00/5.00 each add'l person
Andover – Manchester-Boston Regional Airport	$90.00/5.00 each add'l person
Andover - Boston	$95.00/5.00 each add'l person

Special Senior Citizen* rates	10% Discount
Special Multi – passenger rates	$3.00 each add'l person local service

*Senior Citizen – 55 years of age or older

O. **Zoning**

The vehicle for hire business shall be conducted in the appropriate zoning district within the Town. Vehicles for hire cannot be garaged in a residential zone.

P. **Operator License Displayed**

Every licensed vehicle for hire operator shall display his/her vehicle for hire operator's license in a visible manner.

Q. **Rate Card and Vehicle For Hire License Displayed**

The rate card and the Vehicle for Hire License shall be secured and prominently displayed in the vehicle at all times**.**

R. **Overcharging**

No owner, driver or other person having charge of vehicles under this Section shall demand or receive a higher rate of fare than that established by the Board of Selectmen as set forth in this Section.

S. **Licensed Operator Required; Only Fare Paying Passengers Allowed**

No persons owning or in possession of a vehicle for hire licensed under this Section shall authorize, permit or allow such licensed vehicle to be operated by any person except a licensed vehicle for hire operator; nor shall any person drive or have charge of any such licensed vehicle except a person licensed under this Section to operate such vehicles. Except in cases of emergency, no person other than a fare-paying passenger shall ride with or accompany any operator in any vehicle licensed under this Section.

T. **No Extra Passengers Shall Be Picked Up Without Permission**

Operators having charge of licensed vehicles shall not pick up extra passengers without the permission of any passenger already engaged in the vehicle. No person owning or in possession of a licensed vehicle under this Section shall accept any extra fare or fee from any passenger already engaged in the vehicle for the privilege of direct, nonstop routing to the destination of such passenger. Each vehicle for hire shall post visibly and securely a card in the vehicle stating, "No extra passengers shall be picked up without permission of the existing passenger".

U. **Obligation to Carry Passengers**

A driver shall not refuse, unless previously engaged, to carry any person lawfully entitled to be carried by a vehicle for hire. The driver shall not be obligated to carry any person who is loud or disorderly.

V. **Operation by Minors**

No vehicle for hire shall be driven by a minor under the age of eighteen years.

W. **Advertising/Markings**

No advertising sign or device, except the name of the vehicle for hire firm and telephone number, shall be allowed on or upon a vehicle licensed under the provisions of this Section. Taxicabs and Livery vehicles shall be identifiable by the word "Taxi", "Cab", "Taxicab", or "Livery Service", and the name of the firm on both sides of the vehicle with letters not less than four (4) inches high and two (2) inches wide. Public vehicles for hire used exclusively for limousine services shall be exempt from the aforementioned marking requirements.

X. **Lights**

There shall be no lights on vehicles for hire except those required by law, without authority of the Chief of Police or person designated by him.

Y. **Conditions of Vehicles**

All vehicles shall be kept in good condition suitable for occupancy, and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be clean and sanitary at all times. The Police Chief or person designated by him shall inspect the vehicles (1) prior to being placed in operation, and (2) at any time on a random basis.

Z. **Log Required**

The owners shall keep a log, the form of which shall be approved by the Chief of Police, wherein a record of certain information and the movements of each vehicle shall be kept for each calendar day. Such a log shall be open to inspection by the Chief of Police or any officer authorized at all times. The logs shall be retained by the licensee for at least a year.

SECTION II. OPERATOR'S LICENSE

A. **Authority of Police to Issuance**

The Chief of Police, or person designated by him, shall issue annual operator's licenses to suitable persons who are qualified as operators under the terms of this Section.

B. **Approval of Application**

All applications for operators' licenses shall require the approval of the Chief of Police, or person designated by him, and no licenses shall be issued without his approval.

C. **Application Shall be Accompanied by State Driver's License**

Any applicant for an operator's license, shall present for examination, a valid driver's license as a motor vehicle operator, and the expiration date and number thereof shall be entered on his application.

D. **License to Contain Description and Photograph of Licensee**

The photograph of a driver shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without detection. Each license shall contain a description of the licensee.

E. **Fingerprints**

All licensees, under the provisions of this Section, shall be fingerprinted.

F. **Annual License/Application Fee; Photograph and License; Duplicate License**

The annual fee for a vehicle for hire operators' license shall be $25.00. This fee will include photographs of the operator and the license. A photograph will be attached the operator's license when issued and a photograph will be included in the operator's file at Police Headquarters. If a duplicate license is needed, there will be a fee of $20.00. **The fee shall be paid at the time of application for said license and is not refundable.**

G. **Term – Renewal**

Operator's licenses shall be issued for a term of one year and shall be renewed annually.

H. **Operator's License, Vehicle for Hire License and Copy of Chapter to be Carried by Operator**

Every licensed operator shall have with him his vehicle for hire operator's license and a copy of this Section to be shown to a passenger on request, and shall have in an easily accessible place in the vehicle, the vehicle for hire license for such vehicle.

I. **When License to be Picked Up**

All licenses issued to vehicle for hire drivers shall be called for within thirty days after filing the application.

J. **Surrender of License Upon Cessation of Driving**

Any licensee, who shall cease to be the driver of a vehicle for hire, shall at once surrender his vehicle for hire operator's license to the proper official of the Police Department.

K. **Notice; Change of Address; Employment; Employer**

When a licensed driver changes his address or his place of employment or his employer, he shall, within twenty-four hours of such change, notify the Chief of Police.

L. **Operator to be Suitably Dressed; License to be Displayed**

Every licensed operator having charge of a licensed vehicle for hire in a public place shall be suitably dressed. He shall display on his outer garment his license to operate the vehicle for hire. The license shall be a pattern approved by the licensing authority.

M. **Alcoholics and Drug Addicts**

Any person addicted to the use of intoxicating liquors or narcotic drugs shall not be considered eligible for license under this Section.

N. **Suspension or Revocation**

The Chief of Police shall have the right to suspend or revoke any vehicle for hire operator's license held by any person who violates any of the regulations set forth in this Section or other bylaws of the Town or laws of the Commonwealth which would render an operator unsuitable.

SECTION III. MISCELLANEOUS

A. **Severability**

If any of these Rules and Regulations shall be deemed by a court of competent jurisdiction, then this action to be illegal, shall not effect the validity of the other Rules and Regulations contained therein.

ADOPTED BY THE ANDOVER BOARD OF SELECTMEN ON DECEMBER 3, 1990

Amended – January 7, 1991 -	**Section I.G.**
Amended – February 11, 1991 -	**Section I.N.** **Section II.F.**
Amended – March 19, 2001 -	**Section I.N.** **Section I.P.** **Section I.Q.** **Section I.T.**
Amended-April 14, 2008	**Section I.E.** **Section I.M.** **Section I.N.** **Section II.F**

XI.4. VIDEO MACHINES

It is the policy guideline for the Board of Selectmen to license no more than four (4) video machines per establishment.

(12/19/88)

XI.5 REGULATIONS FOR OUTDOOR DINING LICENSES

These regulations are adopted pursuant to Article XI Section 9 of the General Bylaws of the Town of Andover:

1. Applications for outdoor dining licenses shall be made to the Board of Selectmen by submission of an Application Form to the Town Clerk. The application will include the name, address and telephone number of the owner of the building. The application shall be signed by the owner of the restaurant and shall be accompanied by a copy of the current Permit to Operate a Food Establishment issued by the Board of Health.

2. The application shall also include twelve copies of a plan containing the information required by Article XI Section 9b2 of the Bylaws, and shall also include a plan for outdoor lighting.

3. Twelve (12) copies of the application and all supporting materials shall be submitted to the Town Clerk, who, upon determining that the application is complete, shall distribute the application to the Police Department Public Safety Officer, Fire Department, Board of Health, Treasurer, and Building Inspector. If the location is within the General Business or Mixed Use Zoning Districts, the application shall also be given to the Design Review Board.

4. Upon determination that the application is complete, the Town clerk shall establish a date for hearing on the application before the Board of Selectmen and shall notify the applicant and the departments to whom the application has been submitted for comments. The departments shall submit comments to the Board of Selectmen either in writing prior to the date of the hearing or in person at the hearing on the application.

5. If the license is approved by the Board of Selectmen the owner and operator of the restaurant shall sign a License Agreement and shall provide a Certificate of Insurance as required by the Bylaw and shall pay the License Fee before issuance of the License and before commencement of any activities under the License.

6. Applicants who hold an alcoholic beverages license shall provide a detailed alcohol control plan/strategy as part of their Outdoor Dining application packet. The alcohol control plan shall include what steps the manager shall take to ensure alcohol remains only

on the licensed premises, including signage, staff instructions, monitoring of the outdoor dining area, etc. The applicant shall also submit the TIPS or alcohol server training certificates for the manager and all shift managers as part of the application packet.

7. The Licensee shall provide evidence of insurance, as required by the Bylaw and the License Agreement. 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 sidewalk dining facility, in accordance with the State Workers' Compensation Laws. The Licensee shall furnish a certificate of insurance to the Town evidencing coverage of Workers' Compensation Insurance. In addition, the Licensee shall carry Comprehensive Public Liability and Property Damage Liability Insurance and, if applicable, Liquor Liability Insurance with limits hereinafter set forth to cover the Licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operators under this Agreement. Such insurance shall cover the use of all equipment related to the provision of sidewalk dining services. The Comprehensive General Liability Policy and, if applicable, Liquor Liability Insurance shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services, with limits of $5,000,000 per occurrence and $5,000,000 in the aggregate. The Town shall be named as an "additional insured" in all policies of such insurance. The Licensee (and their heirs, successors and assigns in interest) shall 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 this agreement. The Licensee shall furnish a certificate of insurance to the Town prior to commencing provisions of the facilities and services authorized under the Licensee. Where such insurance is renewed or replaced the Licensee shall furnish the Town with a certificate of insurance evidencing the same.

8. Upon notification from the Department of Public Works that weather conditions or work to be performed on the property of the Town requires removal of the outdoor dining furniture, the applicant shall immediately remove all of its property associated with the outdoor dining license from the public property.

9. The License is revocable at will by the Town for any reason whatsoever upon written notice to the Licensee from the Town. The License Agreement shall stipulate that in the

event of such revocation, the Licensee shall have no recourse or claim against the Town for such revocation whether by way of monetary charges, a suit in equity or otherwise.

10. The Licensee shall comply with all applicable laws, rules, regulations, and conditions of other licenses and permits.

11. In granting a Licensee, the Board of Selectmen may impose such additional conditions as it determines to be appropriate.

Voted: January 26, 2009
Amended: July 11, 2011

XII. Miscellaneous Policies

XII.1. Courtesy

In an ongoing effort to improve the delivery of service to the Townspeople of Andover, the Board of Selectmen supports the posting of the following letter and a suggestion box at the reception desk of the Town Offices.

The government of the Town of Andover and its facilities exist to provide services to the residents. In addition, these facilities serve as a workplace for the employees.

With this in mind, the conduct of our employees, the atmosphere in the offices and the quality of the services performed are a legitimate concern to all of us.

Any suggestion you may have which would improve the service or improve the atmosphere of the offices will be carefully considered and gratefully appreciated.

Your treatment in the Town Offices should be courteous, prompt and efficient.

Your comments will be appreciated.

1/1/87

XII.2. Customer Service Policy

It is the goal of the Town of Andover staff, elected officials and volunteers to provide customers with responsive, consistent and effective public services. Quality service will be delivered with respect for the needs and diversity of all residents in the community. The term "customer" is defined broadly to include residents, taxpayers, staff, elected officials, volunteers and the general public.

To achieve this level of quality customer service, the Town will strive to:

- Respect the diversity in our community and provide services to all customers in a fair and equitable manner.
- Deliver services and programs in a manner that protects the environment and the needs of future generations.
- Support the policies established by our local elected and appointed officials.
- Promote excellence within our organization.
- Identify creative and innovative approaches to serve customers.
- Respect the knowledge and perspective of customers and respond to their ideas and concerns.

If you have any positive comments, questions or concerns about our services, programs, policies or procedures or the manner in which a Town staff member treated you, please contact the Department/Division that delivers the service or the Town Manager's Office (978-623-8225 or via e-mail at manager@andoverma.gov). The Town Manager's Office will refer your inquiry to

the appropriate Department/Division or address your request personally. Your inquiry will be handled in a confidential and timely manner.

6/2/14

XII.3. Code of Conduct Policy

The Town of Andover staff, elected officials and volunteers strive to provide a safe and positive experience for those visiting and working in all Town facilities as outlined in this Code of Conduct. In addition, the Town supports a workplace that is conducive to personal safety and security and free from intimidation, threats or acts of violence. The Town does not tolerate workplace violence including threats of violence by anyone who conducts business in or work for the Town.

The Town will not tolerate harassing conducts that affects conditions which interfere unreasonably with an individual's performance or creates an intimidating, bullying, hostile or offensive environment for visitors or staff.

The Town expects compliance of this Code of Conduct. Anyone who does not comply may be asked to leave the premises.

- Show respect for yourself, others and building facilities including public and personal property.
- Avoid causing disturbances or disruptions.
- Use common courtesy when interacting with others by following the "Golden Rule".
- Do not engage in any lewd or offensive behavior.
- Any form of violence is prohibited.
- Using tobacco products, drinking alcohol or being under the influence of illegal substances is prohibited in Town facilities.

Any violations should be brought to the attention of the Department/Division Head. Repeat violations will be brought to the attention of the Andover Police Department and could result in the suspension of facility privileges.

6/2/14

XII.4. Use of Town Seal

It is the general policy of the Board of Selectmen to prohibit all non-official uses of the Town Seal.

All official use of the Town Seal shall require a consensus vote of the Board.

XII.5. Street Lighting

In the evaluation of the need to Street Lighting in a given location, the Board of Selectmen will consider special requests only after the request has been reviewed by pertinent departments, especially the Police Department for a determination of public safety, as well as the Electric Company.

These efforts shall be coordinated by the Town Manager and recommendations and opinions forwarded to the Board of Selectmen prior to its consideration.

1/12/87

XII.6. Skate Boards

In the interest of public safety, the Board of Selectmen, until further notice, prohibits the use of Skate Boards in the following areas:

1) On sidewalks and Main Street in the center of Town from Elm Square to Locke Street.

2) Around and on Town property and Town buildings, especially the Old Town House, the Town Offices and the Memorial Hall Library.

1/10/89

XII.7. Silly String

The sale or use of silly string at parades and Clown Town in the Town of Andover is prohibited.

5/6/96

XII.8. Sidewalk Displays

The Board of Selectmen shall consider the granting of exceptions to the Town ordinance that "nothing is to be displayed on sidewalks by merchants". Requests shall be considered on a case by case basis.

Conditions of approval of a requested exception may include:

1) Restricting the display to a specified area.

2) Subject to merchants naming the Town of Andover as an additional insured on their liability insurance policy.

3) Other conditions as may seem appropriate.

6/13/83

XII.9. John F. Kennedy Day

The Board of Selectmen supports efforts to establish a John F. Kennedy holiday on Election Day every other year.

8/15/88

XII.10. Payment in Lieu of Taxes (PILOT) Policy

The owners of exempt property in Andover having a total assessed value of $4,000,000 or more, which is used primarily for private educational purposes, are encouraged to make an annual voluntary contribution to the Town of Andover, of a sum equal to twenty-five percent (25%) of the amount that would normally be paid in property taxes if the property were not exempt from taxation, for the purpose of reimbursing the Town of Andover and the Andover taxpayers for the costs of providing public services to the owners, inhabitants, and users of said exempt property. Furthermore, up to twenty-five percent (25%) of said annual voluntary contribution may be credited back to the exempt property owner, contingent on the owners providing verifiable documentation of any quantifiable services provided directly to the Town of Andover and/or the taxpaying residents of Andover. Such annual voluntary contribution, including any community service credit, shall be established, executed and implemented though a formal agreement between the Town of Andover and the owners of the exempt property, for a term of not more than five years.

12/16/13

XIII. FINANCE/INVESTMENT POLICIES

XIII.1 **Investment Policy Statement**

Appendices:

Appendix A. Chapter 44 Municipal Finance
Appendix B. Chapter 203C Prudential Investment
Appendix C. M.G.L. Chapter 180A Management of Institutional Funds
Appendix D. Commissioners of Trust Funds
Appendix E. Boards of Cemetery Commissioners
Appendix F. Purposes for Which Towns May Appropriate Money
Appendix G. Miscellaneous Provisions

XIII.1 Investment Policy Statement

INTRODUCTION

The principal purpose of this Statement is to provide long-term direction for the investments of the Town of Andover. A secondary purpose is to describe for the Office of Treasurer, the public, and staff the underlying logic and philosophy supporting this Statement.

Setting investment policy is the most critical phase of the entire investment process. The effects of a good or bad investment policy can be more important than the effects of good or poor investment management. To be successful, an Investment Policy needs to be appropriate for its institutional setting and intended purpose. This policy needs to match the needs of the Operating Funds, Regular and/or General Funds, and Trust Funds future anticipated requests or periodic disbursements to the financial assets most likely to meet those cash flow needs. The best way to minimize investment risk is to match, as closely as possible, the timing of future liabilities with the timing of future cash flows from the portfolio assets.

The policy statement is also designed to withstand "trustee risk" — the possibility that, at some stress point (most frequently an extreme decline in the stock or bond markets), those who oversee the funds may react in a manner detrimental to the long-term health of the Trust Funds.

PRINCIPLES

Outlined below are principles, which shall serve as a guide in establishing this Investment Policy Statement.

The Town Treasurer/Custodian of Funds shall review periodically the Town's policy, investment position, asset allocation, yield, and long-term direction. This Investment Policy shall be reviewed annually, delivered to each board as necessary, the Finance Director, Town Accountant and submitted to the Town's external auditors.

All investments shall be made in accordance with Chapter 44, Sections 54 and 55 of the Massachusetts General Laws (See appendix A), and/or M.G.L. Chapter 203C Sections 1 – 11 (See Appendix B), and/or M.G.L. Chapter 180A (See Appendix C), and/or M.G.L. Chapter 41 Section 46 (See Appendix D), and/or Chapter 114 Section 25 (See Appendix E), and/or Chapter 40 Section 5B, 5D (See Appendix F), and/or Chapter 44 Section 53F1/2 (See Appendix G).

The guiding tenet, in order of priority, for the investing of all Town funds is:

Safety
Liquidity
Yield

The Town of Andover is both a short-term and long-term investor.

SHORT-TERM INVESTING/GENERAL FUND

Massachusetts General Laws, Chapter 44, section 55B requires the Town Treasurer to invest all public funds except those required to be kept un-invested for purposes of immediate distribution. Modern banking systems enable the public treasurer to maintain even these funds in interest bearing form until the date a disbursement order clears through the banking system.

The state law further requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking account of safety, liquidity and yield. Therefore, these guidelines are intended to further the objective of securing the highest return that is consistent with safety of principal while meeting the daily cash requirements for the operation of the entity's business.

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.

Liquidity is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of investments that could result in forfeiture of accrued interest earnings, and loss of principal in some cases.

Yield is the third, and last, objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

INVESTMENT INSTRUMENTS

Public investments in Massachusetts are not protected through provisions in State law. Therefore, they are largely uncollateralized. Many banking institutions are willing to put up collateral, albeit at a cost to the entity of a lower interest rate. The Treasurer negotiates for the highest rates possible, consistent with safety principles.

The Treasurer may invest in the following instruments:

Massachusetts State pooled fund: Unlimited amounts (Pool is liquid)

The Massachusetts Municipal Depository Trust (MMDT), an investment pool authorized by M.G.L. Ch. 29, Section 38A for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer and currently managed by Fidelity Investments. It invests in Bankers Acceptances, Commercial Paper of high quality, Bank Certificates of Deposit, Repurchase agreements (Repos), and U. S. Treasury Obligations. It has Federal Deposit Insurance Corporation (F.D.I.C.) pass-through insurance on the C.D.'s and takes delivery on the Repos and Treasuries. Government Accounting Standards Board Regulations (GASB Statements 3 and 40), does not consider this investment to be an uncollateralized product.

U. S. Treasuries that will be held to maturity: **(Up to one year maturity from date of purchase**)

Unlimited amounts

U.S. Agency obligations that will be held to maturity. (Up to one year maturity from date of purchase)

Unlimited amounts

Bank accounts or Certificates of Deposit, hitherto termed C.D.s: (Up to one year maturity) which are fully collateralized through a third party agreement: Unlimited Amounts

Bank accounts and C.D.s (Up to one year maturity) insured by F.D.I.C. up to maximum limit: All bank accounts and C.D.s in one institution are considered in the aggregate to receive the F.D.I.C. insurance coverage. Some banking institutions carry additional insurance, Depository Insurance Fund of Massachusetts (D.I.F.M). If protected by such additional coverage, bank accounts and C.D.s in these institutions may exceed the F.D.I.C. limit.

Unsecured bank deposits of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at Banks that do not fit the above categories. The size of the Town's investment portfolio precludes the use of only FDIC insured deposit products. Efforts will be made to maximize all forms of insurance protection. Investments will be limited to no more than 5% of any one institution's assets. No more than 10% of the Town's cash may be held in any one institution unless the institution rates in the highest category on the quarterly Veribanc, Inc., an independent bank rating agency, report. The quarterly Veribanc, Inc., report will be reviewed by Treasurer/Collector or his designee and the Finance Director. Deposits will be diversified to the extent possible to protect the investment and to enable operational efficiency. C.D.s will be purchased for no more than twelve months and will be reviewed frequently to ensure they are in line with current market conditions. [Paragraph amended 6-16-2014]

Money Market Mutual Funds that are registered with the Securities and Exchange Commission, have received the highest possible rating from at least one nationally recognized statistical rating organization and as otherwise referenced in the Massachusetts General Law Chapter 44 Section 55.

RISK TOLERANCE

Risk tolerance for investment of Town's funds is defined and will be managed as follows

Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations.

The Town will manage credit risk in several ways. There will be no limit to the amount of United States Treasury and Agency obligations held as both of these types of investments carry an AAA rating.

All other investments the Town may purchase must be investment grade securities, a high concentration of which must be rated A and above.

The Town may invest in the Massachusetts Municipal Depository Trust (MMDT) without limit as to amount.

The Town may place funds in banking institutions as stated in the Section C of this policy.

Custodial Risk

The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, the Town will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, the Town will not be able to recover the value of the investment or collateral securities that are in the possession of an outside party.

The Town will review the firm's financial statements and the background of the sales representative. The intent of this qualification is to limit the Town's exposure to only those institutions with a proven financial strength, capital adequacy of the firm, and overall affirmative reputation in the municipal industry. Furthermore, all securities not held directly by the Town , will be held in the Town 's name and tax identification number by a third party custodian approved by the Treasurer and evidenced by safekeeping receipts showing individual CUSIP numbers for each security.

Concentration of Credit Risk

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer.

The Town will minimize Concentration of Credit Risk by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment.

The Town will manage interest rate risk by managing duration in the account.

Foreign Currency Risk

Foreign currency risk is the risk that changes in the exchange rates will adversely affect the fair value of an investment or a deposit.

The Town will not invest in any instrument exposed to foreign currency risk**.**

BANKING AND FINANCIAL STABILITY

Financial institutions should be selected first and foremost with regard to safety. The Town Treasurer shall subscribe to the quarterly reports of one or more of the recognized bank rating services, such as Veribanc, Inc. or Sheshunoff. Brokers and financial advisors should be recognized, reputable dealers that are members of FINRA and possess demonstrated knowledge and experience with Massachusetts municipal investing.

Veribanc, Inc. classifies banks into the following color categories based upon their financial stability:

GREEN: The highest rating awarded to an institution, the equity of which exceeds 5% of its assets and it was profitable during the most recent reporting quarter.

YELLOW: The institution's equity is between 3% - 5% of its assets or it incurred a net loss during the most recent reporting quarter. Both of these conditions may apply. If there was a net loss, the loss was not sufficient to erode a significant portion of the institution's equity. A yellow classification merits the investor's attention.

RED: The institution's equity is less than 3% of its assets or it incurred a significant net loss during the most recent reporting quarter (or both). A red classification deserves close scrutiny.

The Treasurer may invest in such banks that earn a green rating in a particular quarter. If a rating is yellow, the Treasurer should contact the appropriate banking institution and request in writing an explanation of the change in rating and the expected time table for it to be upgraded back to green. If for a second quarter such rating has not been corrected, the Treasurer should consider removing all funds that are not collateralized, or carries some form of depositor's insurance.

If a rating moves to red, all funds should be immediately collateralized or covered by some form of depositors insurance or be removed from the banking institution.

The Treasurer shall require any brokerage houses and broker/dealers, wishing to do business with the Town, to supply the following information to the Treasurer:

Audited financial statements

If acting as an Investment Advisor, a current Form ADV, upon request

Proof of National Association of Security Dealers certification

A statement that the dealer has read the municipality's investment policy and will comply with it

Proof of credit worthiness (minimum standards: at least five years in operation and a minimum capital of $10 million)

RECONCILIATION AND REPORTING

The Treasurer shall reconcile the Cash Account at the end of each month to both Bank Statements and General Ledger. All variances must be identified and resolved with either the bank or the Town Accountant. All reconciliations must be provided to the independent auditor for review on an annual basis.

The Massachusetts Department of Revenue requires that the Treasurer report on a quarterly basis, the Town's cash positions by instrument type, location by institution and current yield. The reports of the first three (3) quarters must be kept on file in the Office of the Town Treasurer and made available upon request. The final quarterly report, which includes balances at the fiscal year end, must be approved by both the Town Treasurer and Auditor and submitted to the Department of Revenue prior to Free Cash Certification.

On an annual basis, a report containing the following information will be prepared by the Treasurer and distributed to the Auditor. The report will include the following information, as a minimum requirement:

A listing of the individual accounts and individual securities held at the end of the reporting period.

A listing of the short-term investment portfolio by security type and maturity to ensure compliance with the diversification and maturity guidelines established in the "Diversification" section of this Investment Policy.

A summary of the income earned by account shall be reported.

The Town Treasurer shall include in the report a brief statement of general market and economic conditions and other factors that may affect the Town's cash position.

The report should demonstrate the degree of compliance with the tenets set forth in the Investment Policy

LONG-TERM INVESTING/TRUSTS & RESERVES

The standard of prudence to be used by the Treasurer shall be the “Prudent Person” standard and shall be applied in the context of managing an overall portfolio. The Treasurer, acting in accordance with written procedures, and this investment policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided the purchases and sale of securities is carried out in accordance with the terms of this policy. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in management of their own affairs; not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived.

The Town purchases long-term assets, such as equities, which tend to have high returns over many years but whose price volatility precludes their use by those with shorter time horizons. By keeping our long-term focus in mind at all times, we hope to weather the periodic bad times.

We expect this long term view to provide us with better results than will be earned by those who pick short term investments or who abandon ship during turbulent times. We also expect that equities will serve as a hedge against eroding trust fund values due to long term inflationary trends. We expect the stock market to provide greater total returns than the bond market does. We say this in a long term sense, knowing that both economies and markets suffer periodic (but normally brief) declines, and knowing that there have been periods when cash and bonds outperform stocks.

We expect the relationship between the economy, the stock market, and inflation that has been in existence for the past 40 years to continue. We expect the American economy to show modest real growth over full business cycles, after allowance for occasional recessions. We expect stock prices to grow slightly faster than inflation, although the naturally volatile nature of the stock market will make such growth invisible except when observed over longer periods of time. We expect cash dividends from stocks also to grow slightly faster than inflation, and to fluctuate much less than stock prices do.

We expect continued inflation. Its timing and severity we cannot predict, but we believe it will be of sufficient magnitude that to ignore it would threaten our ability to meet our long-term objectives.

Our definition of risk is not always the common one. Most investors define investment risk in terms of the volatility of short-term total returns. This definition is appropriate for funds with a very short-term time horizon, but inappropriate for perpetual funds such as Trust Funds and/or Stabilization Funds, and Scholarship Funds. Our managed funds bear three potential kinds of risk. One comes from any mismatch between the natural cash flows out of the Trusts (the amount requisitioned from the Trusts) and the cash flows coming in (from dividends and interest). A second source of risk is the possibility that the assets in the funds do not perform the way the investment manager(s) or we expect them to. The third form of risk is that of reacting inappropriately at a volatile period, most likely after a severe market decline. We hope to minimize these risks to as great a degree as is possible without harming Town Funds long-term objectives. Given our intention of not spending principal, we define its risk in terms of threats to its income stream. Market value fluctuations are of secondary importance unless individual assets have permanently impaired values and must be liquidated to preserve remaining value.

STRATEGY

The contracted Investment Manager(s)/Consultants will utilize the following investment guidelines in terms of asset allocation. This policy is subject to review and amendment at any time.

The Investment Manager(s) may use separately managed accounts, co-mingled trusts, index funds/ETFs/IShares and mutual funds, as appropriate, with the approval of the Town Treasurer. Rating agency inquiries should be utilized on a regular basis. 0-10% cash and cash equivalents. Cash will be maintained to provide periodic cash distributions. Cash will not normally be held as a strategic investment asset, although the Investment Manager may seek to allow cash to build to the maximum level in times of market uncertainty.

50-75% Fixed Income. To ensure appropriate diversification and minimize sector risk, investing primarily in high-quality taxable bonds, notes, and other credits. The goal is to provide returns competitive with, and price volatility similar to, Bond Index Funds.

15-30% Equities

5 -10% International Equity

Adequate diversification and risk controls must be maintained within each sub-category. An appropriate benchmark for the overall asset class of equities, as well as each sub-strategy, will be determined and agreed upon between the Town Treasurer and the Investment Manager(s).

PERFORMANCE MEASUREMENT & EVALUATION

The Funds performance will be measured by comparison with their stated objectives in comparison to their respective benchmarks.

To monitor the intermediate term performance of the Funds, the Treasurer will compare the investment manager's results to a blended benchmark, in aggregate and in specific allocation to be determined in conjunction with the Investment Manager(s)/Consultants.

Rebalancing of the portfolios should happen at least semi- annually, if appropriate, and approved by the Treasurer.

It is expected that the performance returns of the Trust Funds, and any sub-strategy, will outperform their respective benchmarks, net of fees, on a long-term (business cycle) basis.

SUPERVISION

(1) The Treasurer will meet with the investment manager(s) as frequently as semi-annually to monitor the performance of the funds and the investment manager(s) compliance with these guidelines. The Treasurer will receive and review portfolio management reports quarterly.

(2) The Treasurer will review this Investment Policy Statement at least once a year to ensure that it remains appropriate and complete. (3) The Treasurer has the option to put the management of funds out for bid periodically, and shall consider such option not less frequently than every five years, through a request for information, request for proposal, or similar process as required by law or Town policy. The Town Treasurer, in exercising said option, shall issue either a Request for Information and/or Request for Proposal to include one or all of: an Investment Consultant, an Investment Manager, and an Institutional Custodian.

Adopted by the Town Treasurer

Signature: _____ Date:_____

David J. Reilly
Town Treasurer

Adopted by Board of Selectmen on June 7, 2010.

MISCELLANEOUS PROVISIONS

Chapter 44: Section 54. Investment of trust funds

Section 54. Trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor thereof, shall be placed at interest in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invested by cities or towns in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine, or in paid-up shares and accounts of and in co-operative banks, or in shares of savings and loan associations or in shares or savings deposits of federal savings and loan associations doing business in the commonwealth to an amount not exceeding one hundred thousand dollars, or in bonds or notes which are legal investments for savings banks. Cities and towns having such funds in the custody of the treasurer in an aggregate amount in excess of two hundred and fifty thousand dollars may also invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than fifteen per cent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half per cent of such funds be invested in the stock of any one bank or insurance company. This section shall not apply to the city of Boston.

Chapter 44: Section 55. Public funds on deposit; limitations; investments

Section 55. A city, town, or district or regional school district shall not at any one time have on deposit in a bank or trust company or banking company an amount exceeding sixty per cent of the capital and surplus of such bank or trust company or banking company, unless satisfactory security is given to it by such bank or trust company or banking company for such excess. The treasurer of any city, town, district or regional school district shall not deposit funds for which he is accountable in any bank, trust company or banking company with which such treasurer is associated as an officer or employee or has been associated as an officer or employee at any time during the three years immediately preceding the date of any such deposit. For the purpose of paying the principal or interest due on any bond, note or other obligation of the city of Boston, which is payable or requested to be paid in the city of New York, the city of Boston may keep on deposit in any national bank or trust company in the city of New York a sum not exceeding in the aggregate twenty-five thousand dollars; provided, that for a period of two weeks prior to the date of any such payment or payments, said amount may be increased by a sum or sums sufficient to cover the same. A treasurer of a city, town, district or regional school district may invest such portion of revenue cash as he shall deem not required to pay expenses until such cash is available and all or any part of the proceeds from the issue of bonds or notes, prior to their application to the payment of liabilities incurred for the purposes for which the bonds or notes were authorized, in term deposits or certificates of deposit, in trust companies, national banks, savings banks, banking companies or cooperative banks, or in obligations issued or unconditionally guaranteed by the United States government or any agency thereof and having a maturity from date of purchase of one year or less, or in United States government securities or securities of United States government agencies purchased under an agreement with a trust company, national bank or banking company to repurchase at not less than the original purchase price of said securities on a fixed date, not to exceed ninety days or in shares of beneficial interest issued by money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended, operated in accordance with Section 270.2a-7 of Title 17 of the Code of Federal Regulations, that have received the highest possible rating from at least one nationally recognized statistical rating organization and the purchase price of shares of beneficial interest purchased pursuant to this section shall not include any commission that these companies may charge, or in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine; provided,

however, that no temporary notes in anticipation of revenue shall be issued under section four as long as any revenue cash, exclusive of revenue sharing or other revenue cash the use of which is restricted to purposes other than current maintenance expenses, remain so invested.

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APPENDIX B.

CHAPTER 203C. PRUDENT INVESTMENT

Chapter 203C: Section 1. Citation

Section 1. This chapter shall be known as and may be cited as the Massachusetts Prudent Investor Act.

Chapter 203C: Section 2. Trustees managing trust assets; duty to comply with prudent investor rule

Section 2. (a) Except as provided in subsection (b), a trustee who invests and manages trust assets shall owe a duty to the beneficiaries of a trust to comply with the prudent investor rule set forth in this chapter.

(b) The prudent investor rule may be expanded, restricted, eliminated or otherwise altered by the provisions of a trust. A trustee shall not be liable to a beneficiary to the extent that the trustee acted in reasonable reliance on the provisions of the trust.

Chapter 203C: Section 3. Investment and management decisions

Section 3. (a) A trustee shall invest and manage trust assets as a prudent investor would, considering the purposes, terms, and other circumstances of the trust, including those set forth in subsection (c). In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution.

(b) A trustee's investment and management decisions respecting individual assets shall be considered in the context of the trust portfolio as a part of an overall investment strategy reasonably suited to the trust.

(c) Among circumstances that a trustee shall consider in investing and managing trust assets are such of the following as are relevant to the trust or its beneficiaries:

(1) general economic conditions;

(2) the possible effect of inflation or deflation;

(3) the expected tax consequences of investment decisions or strategies;

(4) the role that each investment or course of action plays within the overall trust portfolio;

(5) the expected total return from income and the appreciation of capital;

(6) other resources of the beneficiaries;

(7) needs for liquidity, regularity of income, and preservation or appreciation of capital; and

(8) an asset's special relationship or special value, if any, to the purposes of the trust or to one of the beneficiaries.

(d) A trustee shall make a reasonable effort to verify facts relevant to the investment and management of trust assets.

(e) A trustee may invest in any kind of property or type of investment consistent with the standards of this chapter.

(f) A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has such special skills or expertise, shall have a duty to use such special skills or expertise.

Chapter 203C: Section 4. Diversification

Section 4. A trustee shall reasonably diversify the investments of the trust unless, under the circumstances, it is prudent not to do so.

Chapter 203C: Section 5. Review of assets

Section 5. Within a reasonable time after accepting a trusteeship or receiving trust assets, a trustee shall review the trust assets and make and implement decisions concerning the retention and disposition of assets, in order to bring the trust portfolio into compliance with the purposes, terms, and the other circumstances of the trust, and with the requirements of this chapter.

Chapter 203C: Section 6. Beneficiaries' interests

Section 6. A trustee shall invest and manage the trust assets solely in the interest of the beneficiaries.

Chapter 203C: Section 7. Two or more beneficiaries

Section 7. If a trust has two or more beneficiaries, the trustee shall act impartially in investing and managing the trust assets, taking into account any differing interests of the beneficiaries.

Chapter 203C: Section 8. Costs incurred

Section 8. In investing and managing trust assets, a trustee shall incur only costs that are appropriate and reasonable in relation to the assets, the purpose of the trust, and the skills of the trustee.

Chapter 203C: Section 9. Determination of compliance with prudent investor rule

Section 9. Compliance with the prudent investor rule shall be determined in light of the facts and circumstances existing at the time of a trustee's decision or action.

Chapter 203C: Section 10. Delegation of investment and management functions

Section 10. (a) A trustee may delegate investment and management functions if it is prudent to do so. A trustee shall exercise reasonable care, skill and caution in:

(1) selecting an agent;

(2) establishing the scope and terms of the delegation, consistent with the purposes and terms of the trust; and

(3) periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the terms of the delegation.

(b) In performing a delegated function, an agent shall owe a duty to the trust to exercise reasonable care to comply with the terms of the delegation.

(c) A trustee who complies with the requirements of subsection (a) shall not be liable to the beneficiaries or to the trust for the decisions or actions of the agent to whom the function was delegated.

(d) By accepting the delegation of trust functions from the trustee of a trust that is subject to the laws of the commonwealth, an agent submits to the jurisdiction of the courts of the commonwealth.

Chapter 203C: Section 11. Trust provisions; terms

Section 11. The following terms or comparable language in the provisions of a trust, unless otherwise limited or modified, authorize any investment or strategy permitted under this chapter and shall not be interpreted to be a restriction, elimination, or other alteration of the prudent investor rule for purposes of subsection (b) of section 2: "investments permissible by law for investment of trust funds", "legal investments", "authorized investments", "using the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital", "prudent man rule", "prudent trustee rule", "prudent person rule", and "prudent investor rule".

APPENDIX C
M.G.L. CHAPTER 180A. MANAGEMENT OF INSTITUTIONAL FUNDS

Chapter 180A: Section 1. Definitions

Section 1. The following words as used in this chapter shall have the following meanings, unless a different meaning is clearly apparent from the language or context:—

(1) "Institution", an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes, or a governmental organization to the extent that it holds funds exclusively for any of these purposes;

(2) "Institutional fund", a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (i) a fund held for an institution by a trustee that is not an institution or (ii) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund;

(3) "Endowment fund", an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument;

(4) "Governing board", the body responsible for the management of an institution or of an institutional fund;

(5) "Historic dollar value", the aggregate fair value in dollars of (i) an endowment fund at the time it became an endowment fund, (ii) each subsequent donation to the fund at the time it is made, and (iii) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive.

(6) "Gift instrument", a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document, including the terms of any institutional solicitations from which an institutional fund resulted, under which property is transferred to or held by an institution as an institutional fund.

Chapter 180A: Section 2. Appropriations for expenditures from endowment funds authorized; presumption of imprudence

Section 2. The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of the endowment fund over the historic dollar value of the fund as is prudent under the standard established by section eight; provided, however, the appropriation of net appreciation for expenditure in any year in an amount greater than seven per cent of the fair market value of the institution's endowment funds, calculated on the basis of market values determined at least quarterly and averaged over a period of three or more years, shall create a rebuttable presumption of imprudence on the part of the governing board. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

Chapter 180A: Section 3. Restrictions in gift instruments upon expenditure of net appreciation

Section 3. Section two does not apply if the applicable gift instrument indicates the donor's intention that net appreciation shall not be expended. A restriction upon the expenditure of net appreciation may not be implied from a designation of a gift as an endowment, or from a direction or authorization in the applicable gift instrument to use only "income", "interest", "dividends", or "rents, issues or profits", or "to preserve the principal intact", or a direction which contains other words of similar import. This rule of construction applies to gift instruments executed or in effect before or after the effective date of this section.

Chapter 180A: Section 4. Accumulation of annual net income; reserve

Section 4. The governing board may accumulate so much of the annual net income of an institutional fund as is prudent under the standard established by section eight, and may hold any or all of such accumulated income in an income reserve for subsequent expenditure for the uses and purposes for which such institutional fund is established or may add any or all of such accumulated income to the principal of such institutional fund, as is prudent under said standard. This section does not limit the authority of the governing board to accumulate income or to add the same to principal of an institutional fund as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

Chapter 180A: Section 5. Restrictions in gift instruments against accumulation of income or addition to principal

Section 5. Section four does not apply if and to the extent that the applicable gift instrument indicates the donor's intention that income of an institutional fund shall not be accumulated or shall not be added to the principal of the fund. A restriction against accumulation or addition to principal may not be implied from a designation of a gift as an endowment fund, or from a direction or authorization in the applicable gift instrument to apply to the uses and purposes of the fund the "income", "interest", "dividends", "currently expendable income", or "rent, issues or profits", or a direction which contains other words of similar import. This rule of construction applies to gift instruments executed or in effect before or after the effective date of this section.

Chapter 180A: Section 6. Investments

Section 6. In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the governing board, subject to any specific limitations set forth in the applicable gift instrument or in the applicable law other than law relating to investments by a fiduciary, may:

(1) invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks, bonds, debentures, and other securities of profit or non-profit corporations, shares in or obligations of associations, partnerships, or individuals, and obligations of any government or subdivision or instrumentality thereof;

(2) retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

(3) include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(4) invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

Chapter 180A: Section 7. Delegation of authority of board

Section 7. Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may (1) delegate to its committees, officers or employees of the institution or the fund, or agents, including investment counsel, the authority to act in place of the board in investment and reinvestment of institutional funds, (2) contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act, and (3) authorize the payment of compensation for investment advisory or management services.

Chapter 180A: Section 8. Administration of powers of board; liability of members

Section 8. In the administration of the powers to appropriate appreciation, to accumulate income, to make and retain investments, and to delegate investment management of institutional

funds, members of a governing board shall consider long and short term needs of the institution in carrying out its educational, religious, charitable or other eleemosynary purposes, the problems peculiar to the institution, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions.

No member of the governing board shall be liable for any action taken or omitted with respect to such appropriation or accumulation or with respect to the investment of institutional funds, including endowment funds, under the authority granted in this chapter, if such member shall have discharged the duties of his position in good faith and with that degree of diligence, care and skill which prudent men would ordinarily exercise under similar circumstances in a like position.

Chapter 180A: Section 9. Release of restrictions imposed by gift instruments; limitations

Section 9. With the written consent of the donor, the governing board may release, in whole or in part, a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund.

If written consent of the donor cannot be obtained by reason of his death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to a court of competent jurisdiction for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is obsolete, inappropriate, or impracticable, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.

A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

This section does not limit the application of the doctrine of cy pres.

Chapter 180A: Section 10. Application and construction

Section 10. This chapter shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states, which enact it.

Chapter 180A: Section 11. Citation

Section 11. This chapter may be cited as the “Uniform Management of Institutional Funds Law”.

APPENDIX D.

COMMISSIONERS OF TRUST FUNDS

Chapter 41: Section 46. Town treasurer; duties; bond Section 46. The town treasurer shall be the custodian of all funds and securities of such trust funds, shall invest and reinvest them and expend there from moneys as directed by the commissioners. The treasurer shall furnish a bond satisfactory to them for the faithful performance of his duties.

APPENDIX E.

BOARDS OF CEMETERY COMMISSIONERS

Chapter 114: Section 25. Gifts or bequests for cemeteries; investment of funds; disposition of proceeds of sales of lots or burial rights

Section 25. A town in which cemetery commissioners are chosen may receive gifts or bequests for maintaining cemeteries or cemetery lots, which shall be paid into the town treasury and, with the accounts thereof, shall be kept separate from the other money and accounts of said town. The town treasurer shall invest all such funds in accordance with the stipulations, if any, accompanying them; otherwise he shall invest them as ordered by said commissioners and pay the income therefrom upon their order or with their approval. The proceeds of sales of lots or rights of burial in such cemeteries shall be paid into the town treasury and be appropriated to reimburse the town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery.

APPENDIX F.

PURPOSES FOR WHICH TOWNS MAY APPROPRIATE MONEY

Chapter 40: Section 5B. Stabilization funds; establishment

Section 5B. For the purpose of creating 1 or more stabilization funds, cities, towns and districts may appropriate in any year an amount not exceeding, in the aggregate, 10 per cent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property or such larger amount as may be approved by the director of accounts. The aggregate amount in such funds at any time shall not exceed 10 per cent of the equalized valuation of the city or town as defined in section 1 of chapter 44. Any interest shall be added to and become part of the fund.

The treasurer shall be the custodian of all such funds and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, co-operative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loans associations situated in the commonwealth.

At the time of creating any such fund the city, town or district shall specify, and at any later time may alter, the purpose of the fund, which may be for any lawful purpose, including without limitation an approved school project under chapter 70B or any other purpose for which the city, town or district may lawfully borrow money. Such specification and any such alteration of purpose, and any appropriation of funds into or out of any such fund, shall be approved by two-thirds vote, except as provided in paragraph (g) of section 21C of chapter 59 for a majority referendum vote. Subject to said section 21C, in a town or district any such vote shall be taken at an annual or special town meeting, and in a city any such vote shall be taken by city council.

Chapter 40: Section 5B. Stabilization funds; establishment

Section 5B. For the purpose of creating 1 or more stabilization funds, cities, towns and districts may appropriate in any year an amount not exceeding, in the aggregate, 10 per cent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property or such larger amount as may be approved by the director of accounts. The aggregate amount in such funds at any time shall not exceed 10 per cent of the equalized valuation of the city or town as defined in section 1 of chapter 44. Any interest shall be added to and become part of the fund.

The treasurer shall be the custodian of all such funds and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, co-operative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loans associations situated in the commonwealth.

At the time of creating any such fund the city, town or district shall specify, and at any later time may alter, the purpose of the fund, which may be for any lawful purpose, including without limitation an approved school project under chapter 70B or any other purpose for which the city, town or district may lawfully borrow money. Such specification and any such alteration of purpose, and any appropriation of funds into or out of any such fund, shall be approved by two-thirds vote, except as provided in paragraph (g) of section 21C of chapter 59 for a majority referendum vote. Subject to said section 21C, in a town or district any such vote shall be taken at an annual or special town meeting, and in a city any such vote shall be taken by city council.

APPENDIX G.

MISCELLANEOUS PROVISIONS

Chapter 44: Section 53F1/2. Enterprise funds

Section 53F1/2. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions of this section may establish a separate account classified as an "Enterprise Fund", for a utility, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight. No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefore in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated enterprise may, in like manner, revoke its acceptance.

Agreement to Abide by the Terms of the Investment Policy of the Town of Andover

I David J. Reilly, Treasurer of the Town of Andover, have reviewed this investment policy and will manage the Town's funds under my control in accordance with this policy.

I_____, as Representative of _____ have reviewed this investment policy and will manage the Town's funds under my control in accordance with this policy.

_____ _____

David J. Reilly, Treasurer Date

_____ _____

Investment Advisor Date

APPENDIX

XV.1 Town Safety Policy
XV.2 ADA Policy
XV.3 Sexual Harassment Policy
XV.4 Affirmative Action Policy
XV.5 Anti Fraud Policy

XV.1. Town of Andover Safety Policy

It is the policy of the Town of Andover that every employee is entitled to work under the safest possible conditions in the many occupations that we represent. To this end, every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, proper materials and to establish and require safe work practices at all times.

Accidents that injure people, damage machinery or equipment, and destroy materials or property cause needless suffering, inconvenience and expense.

Our Executive Safety Committee Advisor is Elaine Shola. She will be personally involved in seeing to it that all department heads and supervisory personnel carry out their delegated responsibilities in the area of employee safety.

The Executive Safety Committee will maintain an active role in promoting employee safety. All accidents must be reported immediately. All accidents/claims will be thoroughly investigated using the "Supervisor's Report of Accident" forms. The investigation should be conducted by the most immediate available supervisor of the injured worker. The responsibility of Department heads will be to make sure that the accident investigations are complete and that emphasis is placed on finding ways to prevent future injuries through this effort.

It is the basic responsibility of each employee to make safety a part of his/her daily concern. You are obligated to observe the rules of conduct and safety, and to properly use any safety equipment provided.

Employees are our most important assets. Your safety is our greatest responsibility. We appreciate your full cooperation in making this policy effective.

_____	_____
Reginald S. Stapczynski	Claudia L. Bach
Town Manager	Superintendent of Schools
Date: _____	Date: _____

Town of Andover
Andover Public Schools
36 Bartlet Street
Andover, MA 01810

XV.2. Non-Discrimination on the Basis of Disability Policy and Procedures

Statement of Commitment
ADA Policy

The Town of Andover including the Andover Public Schools does not discriminate on the basis of disability in any employment-related areas, nor in the admission or access to its services, programs, or activities. It is Town's policy that no individuals, solely by reason of their disability, be excluded from the opportunity to participate in, or reap the benefits of, programs and services offered by the Town of Andover. Qualified individuals with disabilities will be afforded equal opportunity to participate as members of planning or advisory boards, commissions, or any other entity of local government.

To assure the provision of the above, the Town of Andover has appointed an Americans with Disabilities Act Coordinator and an ADA Action Committee, composed from representatives of the Department of Human Resources, the Andover Public Schools, and the Department of Plant and Facilities. Its role is to oversee the Town of Andover's implementation and adherence to the Americans with Disabilities Act. The ADA Coordinator will conduct periodic reviews of both the Town's written policies and actual operating practices. The Town of Andover will strive to provide appropriate services, accessible programs, and the placement of disabled people in its workforce.

_____ _____
Reginald S. Stapczynski, Town Manager **Date**

_____ _____
Claudia L. Bach, Superintendent of Schools **Date**

Americans with Disabilities Act (ADA) Coordinator

The Director of Human Resources of the Town of Andover is the appointed official serving as the Coordinator of Americans with Disabilities Act (ADA) issues. The coordinator has the authority and knowledge to implement this policy and the regulations effectively. **See Resource List**.

The Coordinator's role is to:

- Plan and coordinate the Town's overall compliance efforts;
- Receive and investigate complaints concerning issues related to the ADA, access to programs and services, or employment practices;
- Provide technical guidance to Department Heads or identify experts or agencies that able to do so;
- Provide information and awareness training to supervisors and employees;
- Working with the ADA Action Committee to ensure efforts are made to comply with the act;

Disability Commission

The Andover Disability Commission consists of seven (7) members appointed and approved by the governing body of the Town of Andover. The majority of the members, as required by law, are disabled, although one may be a family member of a disabled person. One of the members of the Commission is an elected or appointed official of the town. **See Resource List**.

Primarily the Commission works to ensure that programs and activities are effectively designed to integrate people with disabilities into the community, however the specific activities of the Commission depend on the needs of the disabled community.

The Disability Commission will hold at least six (6) meetings each year and maintain records maintained of such meetings. An annual report must be filed with the Town Manager by December 31.

ADA Grievance Procedure

This grievance procedure has been established to provide prompt and equitable resolution at the local level to complaints arising under the requirements of this policy and the Americans with Disabilities Act. This procedure refers to complaints and grievances on the part of employees, students, citizens, and members of the public alleging discrimination on the basis of disability.

The complainant is urged to follow these guidelines when notifying the Town of the alleged violation.

Step 1: A complainant may file the complaint orally to a town or school official, but is encouraged to file the complaint in writing. The complaint should contain the name and address of the complainant and should provide as much detail as possible concerning the alleged violation and the remedy the complainant is seeking. Complainants are encouraged to file their complaint as soon as possible but in any case, no later than sixty (60) calendar days after the violation is said to have occurred.

Complaints filed within the Andover Public Schools or Town government may be filed with a school administrator or town official. These officials must, in turn, notify the ADA Coordinator within 48 hours of the complaint.

Step 2: Within fifteen (15) calendar days after receipt of a complaint, the ADA Coordinator will conduct an investigation of the complaint, including holding a meeting with the complainant.

Within fifteen (15) days after the investigation is complete, the ADA Coordinator will issue a written disposition of the complaint. The ADA Coordinator will include the Town's position and offer, if possible, options for resolution of the complaint.

Step 3: If the complainant is not satisfied with the response, he/she may appeal the decision within fifteen (15) days to the Town Manager or the Superintendent of Schools. Within fifteen (15) calendar days of receipt of appeal, the Town Manager or the Superintendent of Schools will convene the ADA Action Committee and reconsider the merits of the case. The Town Manager or the Superintendent of Schools will be responsible for notifying the complainant of the disposition of the appeal within fifteen (15) calendar days from the date of the meeting.

Records will be maintained in the office of the ADA Coordinator of all complaints and grievances for a minimum of three years.

Individuals always have the legal right to file a complaint independent of this process with the Equal Employment Opportunity Commission, the Massachusetts Commission Against Discrimination, or any other agency they choose. **See Resource List for information and a sample complaint form.**

Communications

Effective communications of the provisions of this policy and all other information intended for public dissemination is one of the formal requirements of the Americans with Disabilities *Act*. In that some people of the community have seeing, hearing, or speaking impairments, it becomes

the responsibility of the sponsoring authority to take whatever measures are necessary to make the relevant information accessible.

To accomplish this requirement, the following steps have been taken:

a. **Assistive Listening Devices:** The Town has purchased portable assistive listening devices, and upon request, they are available for public meetings. For more information, please contact the ADA Coordinator.
b. **Alternate Formats:** Alternate formats including large format, audio or videotape, or computer disk can be made available upon request. Such requests should be made within a reasonable time of afford compliance.
   All notices announcing public meetings will include information about how attendees can request special accommodations to compensate for their disability. Such inquiries should be made to the ADA Coordinator.
c. **TV Captioning:** Television captioning for locally originated programming is available.
d. **Teletype (TTY):** communications including relay operation are available in the Elder Services and Human Resources Departments and the Andover Police Department.

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Reasonable Accommodation Policy

Reasonable accommodation is a modification or an adjustment to a job, the work environment or facility, that enables a properly qualified individual with a disability to perform essential job functions or benefit from programs or facilities made available to the public.

Upon request, effort will be made to make reasonable accommodations to the physical and/or mental limitations of a person with a disability, unless it can be demonstrated that such an accommodation would impose an undue financial hardship or fundamentally alter the nature of a program. It is the policy of the Town of Andover that the decision about undue financial and administrative burdens will be made by the ADA Coordinator, in consultation with the ADA Action Committee.

Integrated Services Assurance

A key element of this policy is to ensure that services of all types be provided in the most integrated settings appropriate. Although it is permissible to conduct separate programs, these should not substitute for access to integrated programs and it is important that people with disabilities not be required to participate in separate programs when reasonable accommodations can be made.

Training Assurance Regarding Non-discriminatory Practices

It is the policy of the Town of Andover that staff training and development activities include, on a regular basis, information about ADA requirements and that these programs operate in such a manner that does not discriminate against people with disabilities. Such programs should include a full explanation of ADA policies, procedures, and practices.

Significant Assistance Assurance

Programs for which the town provides significant financial support will not discriminate against people with disabilities.

Assurance Regarding Surcharges

The Town of Andover will not impose surcharges on people with disabilities for the provision of program modifications, access improvements, or communications aids.

Transportation

All contracted transportation services provided by the Town to transport seniors, school children, the Andover Youth Council, or other participants in special programs, will attempt to provide to accommodations for people with disabilities.

Individuals needing accessible transportation should make their requests for such accommodations within a reasonable period of time in advance of a program or event. Should the Town not be able to provide accommodation, reasonable notice will be given.

Emergency Services

At this time, the Andover Police and Fire Department Offices have limited accessibility. Modifications to the existing facility or a new headquarters building are being considered. To compensate for this, reasonable accommodations have been made whereby a member of the Fire Department maintains a desk in the Community Development Office, which is accessible Monday through Friday from 8:30 A.M. to 10:30 A.M. for issuing permits and for conducting other routine business.

Members of both the Police and Fire Departments are thoroughly trained to deal with the special problems that may arise when conducting routine or emergency duties with members of the disabled community. A Teletype (TTY) telephone instrument is located at the police duty desk and is manned continuously. This instrument enables people with speech or hearing disabilities, using TTY instruments from their location, to communicate routine or emergency information to the town authorities.

A second TTY is located at the police duty desk which is solely for the purpose of receiving "enhanced 911" emergency calls. Any member of the community may register via the telephone company (Bell Atlantic) to have this service made available to them. Calls coming in to the station, from regular or TTY instruments, via this line immediately display pertinent information about the caller. Application forms for subscribing to this service are made available through the Andover Police Department. **See Resource List.**

Purchasing

All contractors, prospective contractors, sub-contractors, vendors, and suppliers will be notified in writing that, by law, while performing the work of their contract, they must not discriminate against any worker, employee, applicant for employment, or participant in the contracted program, on the basis of sex and sexual preference, race, age, religious preference, color, national origin, or disability.

Contracted providers of programs are required to provide equally effective opportunities for individuals with disabilities to participate in and benefit from the services and programs supported by public funds.

Human Resources

Employment/Pre-employment Criteria Policy

The Town of Andover, including the Andover Public Schools, recognizes that a very important element of the Americans with Disabilities Act pertains to the employer/employee relationship. The law prohibits employers from discriminating against a qualified person with a disability in all employment-related activities such as recruitment, hiring, promotion, demotion, layoff and recall, compensation, job assignments, job classification, benefits, training, and employer-sponsored activities including recreational or social programs. The Town of Andover strives to uphold and enforce these regulations and affirms that it shall offer the same employment rights and opportunities to all qualified applicants and employees.

The Town of Andover shall not use any pre-employment tests or other selection criteria that screens out, or tends to screen out, individuals with disabilities. To this end, all pre-employment inquires will be restricted to an assessment of whether or not an individual is capable, with or without reasonable accommodation, to perform the essential functions of a job. Job descriptions are periodically reviewed to carefully delineate the essential duties from those which are marginal.

A qualified applicant is one who, with or without reasonable accommodation, can accomplish the principal objectives or essential functions of a job. A reasonable accommodation is an adjustment to a job (or the way a job is done), an employment practice, or work environment that makes it possible for an individual with a disability to perform the essential functions of the position and to enjoy on equal terms, conditions and benefits of employment.

Such modifications may include: making job facilities accessible and equally usable to all; modifying work schedules and when and how an essential function of a job is performed; obtaining, and modifying adaptive job equipment or devices; reassigning non-essential job functions; modifying methods of supervision or evaluation; modifying tests, examinations, selection devices, and/or the manner in which the same are administered; allowing time off for medical reasons; and reassignment or transfer to a vacant position.

In assessing a candidate for employment, promotion, or transfer, the Town of Andover will not inquire about a candidate's disability or need for a reasonable accommodation, nor ask a third party, such as a former supervisor for any information about an applicant's disability. This principle applies to any question about the following subjects: treatment for medical conditions or diseases; questions concerning hospitalizations; questions about treatment by a psychologist or psychiatrist for a mental condition; information about any major illness; questions concerning absences from work due to illness; and any questions concerning an individual's health history or worker's compensation experience.

The Town may ask an applicant about the ability to perform specific job functions. Inquiry may also be made concerning non-medical qualifications and skills such as education, work history or required licenses. All pre-employment inquires will focus on an applicant's ability to do the job. Inquiries may include asking an applicant to describe or demonstrate how they would perform certain tasks, with or without accommodation, provided **all** applicants (except for applicants with visible or known disabilities) in the same job category are also asked the same questions. For example, if the job requires heavy lifting, the Town may ask **all** applicants to demonstrate how they would lift the weight. If an applicant needs a reasonable accommodation

to do the demonstration, the Town will either provide the accommodation or ask the applicant to describe how the task would be performed.

Hiring managers should note that it is permissible for employers to ask whether an applicant can meet the attendance requirements for the job and about the applicant's attendance at a former job. However, managers cannot ask how often an applicant was absent from a former job due to illness, as that question is likely to elicit disability- related information. The Town of Andover shall not make any pre-employment inquiry or conduct a pre-employment medical examination of an applicant to determine whether the applicant has a disability or the nature or the severity of a disability. Upon making an offer of employment, certain categories of workers are routinely asked to submit to a pre-employment physical to determine specifically if they are able to perform the certain job-related functions of their position, with or without, reasonable accommodations.

The Town of Andover contracts with an occupational health service to assess a candidate's ability to perform the job and/or an employee's fitness to return to duty. The occupational health service is knowledgeable about the requirements of Town positions and is able to make sound medical assessments and suggest possible accommodations. Medical examination information is confidential and is not maintained as part of an employee's personnel file.

Reasonable Accommodation in Employment Policy

It is the policy of the Town of Andover that reasonable accommodation be made for any qualified applicant or employee with a disability, unless it can demonstrate that the suggested accommodation would impose an undue financial or administrative hardship on the Town. Job applicants or employees should request reasonable accommodation through their immediate supervisor. This request must be forwarded to the ADA Coordinator, who in conjunction with the ADA Action Committee, will render a decision within 10 working days. If it is decided that the accommodation be denied in that it would place an undue financial or administrative burden on the Town, the aggrieved party may appeal the decision through the grievance process.

In determining the type of reasonable accommodation required for an applicant or employee, the Town need not provide the best accommodation available or the accommodation specifically requested by the individual with the disability. Rather, the Town will provide an accommodation, at its own expense, that it deems effective for the purpose. **See Resource List.**

Community Development and Planning Division

It is the responsibility of the Community Development and Planning Division to be fully aware of the requirements of state and federal laws in regard to accessibility to public buildings and properties. Architectural situations which might become barriers to disabled users of a facility have been identified and efforts are on-going to bring Town and School buildings into compliance. The Town’s accessibility audit and Transition plan are available upon request to the ADA Coordinator. **See Resource List**.

Social Services - Community Services, Youth Services, Elder Services, Veteran Affairs.

The Town of Andover provides a wide range of citizen services through the departments of Community Services, Youth Services, Elder Services, and Veteran Affairs. These services are available to all who choose to participate for the purposes of adult and youth support, entertainment and enrichment. Although every reasonable accommodation will be made to address the issues of people with disabilities, the nature of some of these programs may be

limited for participants in regard to their physical agility and mental ability. The Program Directors, for reasons primarily of safety, will screen and advise registrants accordingly. Efforts will be made when developing programs, including those whom require transportation, to follow the goals and guidance of this policy to ensure maximum opportunity and integration of persons with limited physical or mental health.

A teletype (TTY) telephone is located in the office of Elder Services for the benefit of persons with speaking or hearing difficulties. **See Resource List**.

Housing

The Town of Andover Fair Housing Plan, established in 1983, was developed to facilitate the coordination of factors that affect housing and equal access to housing.
Although the Town of Andover Housing Authority is not under the direct control of officials of Andover, the residents of these housing units share full entitlement to the benefits of this policy and other policies relevant to equal opportunity and nondiscrimination. **See Resource List.**

Accessibility Audit and Transition Plan

An audit was conducted to identify architectural and communication barriers throughout all municipal facilities including public school buildings. As a result of this survey, the Town developed a long-term strategic plan to correct, over time, many of the identified barriers. A copy of the Town's Access Survey and Transition Plan is available upon request to the ADA Coordinator.

Resource List

Federal, State, and Private Sector Agencies

Department of Justice (ADA)
Civil Rights Division
Public Access Section
Washington, DC 20035
(202) 514-0301 Voice
(202) 514-0383 TTY

Equal Employment Opportunity Commission (EEOC)
1 Congress Street
Boston, MA 02203
(617) 565-3200 Voice
(617) 565-3204 TTY

Massachusetts Office on Disability
One Ashburton Place
Boston, MA 02108
(617) 727-7440 Voice/TTY

Massachusetts Architectural Access Board
One Ashburton Place
Boston, MA 02108
(617) 727-0660 Voice/TTY

Federal and State Disability Laws

Americans with Disabilities Act - 1990
42 U.S.C
Title I - Employment P.O. Box 66738
Title II - State and Local Governments
Title III - Private Accommodations

Mass. Architectural Access Board - 1967
G.L c22

Mass. Disability Commissions - 1993
G. L. c40

Mass. Public Education Law
Chapter T66 – 1972 G.L. c718

Mass. Employment Discrimination Law 1955
G.L c1518

Federal Fair Housing Act - 1988
42 U.S.C. 13

Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA 02108
(617) 727 3990 Voice
New England ADA Technical Assistance Center
374 Congress Street
Boston, MA 02210
(617) 695-1225 Voice/TTY

The Northeast Independent Living Program, Inc.
20 Ballard Rd.
Lawrence, MA 01843
(978) 687-4288 Voice/TTY
Local Resource Information

Town Offices

36 Bartlett Street
Andover, MA 01810
(978) 623-8200

ADA Coordinator

Ms. Candace Hall, Director of Human Resources
36 Bartlett Street
Andover, MA 01810
(978) 623-8530

ADA Action Team Members

Joseph Piantedosi, Director of Plant & Facilities

Disability Commission

Justin Coppola – 978-475-0363

Teletype (TTY) telephone numbers

Enhanced "911" See Police/Fire section for details
Police Station (Routine) ((978) 475-8944
Elder Services (978) 623-8333 Relay Calls
TTY: (800) 439-2370 Voice: (800) 439-0183

Town of Andover Housing Authority

Christine Metzemaekers – 978-475-2365
100 Morton Street
Andover, MA 01810

Architectural Barrier Guidelines

Federal - ADA Accessibility Guidelines for Buildings and Facilities
Massachusetts - Rules and Regulations of the Architectural Access Board

Town of Andover
ADA Complaint Form

Date of Filing:_____

Complainant's Name:_____

Address:_____

_____

Nature of Complaint:
(Please describe your concern in detail. If appropriate, please specify location and please include the date(s) the incident occurred. You may use the other side of this form if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

Please specify desired remedy:_____

_____

_____

_____

_____

XV.3 Sexual Harassment in the Workplace

I. PURPOSE

This memorandum establishes the policy of the Town of Andover regarding sexual harassment in the workplace by managers, supervisors, employees, members of the public who use Town facilities, vendors and contractors. This memorandum also describes examples of conduct that may constitute unlawful sexual harassment and sets forth a complaint procedure to be followed by persons who believe that they are victims of unlawful sexual harassment.

II. POLICY

The Town of Andover fully supports the right of all persons to hold employment in, or enjoy access to, our facilities in an atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. It is the Town's policy to maintain an environment that is free of sexual harassment. Sexual harassment by managers, supervisors, employees, members of the public who use Town facilities, vendors and contractors is unlawful and unacceptable and will not be tolerated. Further, any retaliation against an individual complaining of sexual harassment or cooperating with the investigation of sexual harassment is similarly unlawful and also will not be tolerated.

We view allegations and concerns about sexual harassment very seriously, and we will respond quickly and decisively to instances when complaints of sexual harassment are brought to our attention.

Where it has been demonstrated to our satisfaction that such harassment has occurred, we will promptly deal with and eliminate any harassment and/or other unlawful conduct. We will impose such corrective action as is necessary up to and including termination.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, it should not be construed as preventing, limiting, or delaying the Town of Andover from taking disciplinary action against any individual up to and including termination, in circumstances where the Town of Andover deems disciplinary action appropriate regardless of whether such conduct satisfies the definition of sexual harassment.

III. DEFINITION OF SEXUAL HARASSMENT

A. The legal definition of sexual harassment:

Sexual harassment is a form of sex discrimination that is illegal under both Title VII of the Civil Rights Act of 1964 and G.L. c. 151B. These laws provide that unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature constitute sexual harassment when:

- submission to or rejection of such advances, requests or conduct is made whether explicitly or implicitly a term or condition of an individual's employment or a basis for employment decisions affecting the individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions are broad and include any sexually oriented conduct, whether it is intended to harass or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to either male or female workers.

***B. Examples of conduct that can constitute unlawful sexual harassment*:**

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive and that fails to respect the rights of others. Sexual harassment occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work environment.

Sexual harassment often involves relationships of unequal power. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting privileges or favorable treatment on the job. However, sexual harassment may also involve relationships among "equals," such as when repeated advances or demeaning verbal comments by a co-worker towards another co-worker have a harmful effect on a person's ability to perform his or her work. Sexual harassment can also involve employee behavior directed at non-employees or non-employee behavior directed at employees.

Examples of sexual harassment include, but are not limited to:

- repeated, unwanted sexual flirtations, advances, or propositions;
- continued or repeated verbal abuse or innuendo of a sexual nature;
- uninvited physical contact such as touching, hugging, patting, brushing or pinching;
- verbal comments of a sexual nature about an individual's body or sexual terms used to describe an individual;
- display of sexually suggestive objects, pictures, posters or cartoons;
- continued or repeated jokes, language, epithets, or remarks of a sexual nature in front of people who find them offensive;
- comments or inquiries about a person's body or sexual activity, deficiencies, or prowess;
- prolonged staring or leering at a person;
- making obscene gestures or suggestive or insulting sounds, such as whistling;
- the demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment, such as favorable performance reviews, salary increases, promotions, increased benefits, or continued employment;
- indecent exposure;
- assault or coerced sexual acts.

This behavior is unacceptable in the workplace itself and in other work-related settings such as work-related social events and travel.

***C. Dispelling common myths about harassers and victims*:**

Contrary to popular belief, sexual harassment is not limited to prohibited behavior by a male employee toward a female employee or by a supervisory employee toward a non-

supervisory employee. Sexual harassment can be found in any of the following less "traditional" situations:

1. A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.
2. The harasser does not have to be the victim's supervisor. He or she may be a supervisory employee who does not directly supervise the victim, a co-worker, or in some circumstances, a non-employee such as a member of the public who uses Town facilities.
3. The victim does not have to be the opposite sex of the harasser.
4. The victim does not have to be the person at whom the unwelcome sexual conduct is directed; the victim may be someone who is affected by such conduct even though it is directed at another person. For example, the sexual harassment of one employee may create an intimidating, hostile, humiliating or offensive work environment for a coworker, or may interfere with the coworker's work performance. In addition, consensual sexual behavior in the office between two employees may be offensive to a third employee or result in favoritism that harms the third employee.
5. Sexual harassment does not depend on the victim's suffering an economic injury, such as losing a promotion, as a result of the harasser's conduct. As the examples of improper conduct listed above show, sexual harassment can occur whenever unwelcome conduct of a sexual nature creates an intimidating, hostile, humiliating or offensive work environment.

IV. EMPLOYEE RESPONSIBILITIES

Each employee of the Town of Andover is personally responsible for ensuring that his or her conduct does not sexually harass any other employee or non-employee in the workplace. Each employee is responsible for cooperating in any investigation of alleged sexual harassment if requested to do so by the person conducting the investigation.

V. SUPERVISOR AND MANAGER RESPONSIBILITIES

It is the responsibility of each supervisor and manager to strictly enforce the terms of this policy. Supervisors, managers, or department heads who become aware of incidents of sexual harassment in their departments, even in the absence of a formal complaint, should take appropriate actions to eliminate the conduct. Supervisors and managers may seek further information and guidance from the Personnel Department

VI. WAYS OF DEALING WITH SEXUAL HARASSMENT

A. Self-help

If an individual believes that he or she is being sexually harassed, the most immediate goal is to stop the offensive conduct. Individuals should:

- Promptly and firmly confront whomever is doing the harassing.
- State that his/her conduct offends, intimidates, and/or embarrasses you.
- Describe how the harassment negatively effects your work.
- Request that he or she stop the conduct immediately.
- Say things like: "Please don't touch me. I don't like it. It makes me uncomfortable";

"I don't think jokes like that are funny. Please don't tell them when I am in the room"; "I'd like it a lot better if you'd comment on the quality of my work rather than on the way I look"; "My name is ____, not 'honey'."

If practical, bring a witness with you for this discussion. After the discussion, write a summary of the conversation, including the date and name of anyone who accompanied you.

In all instances where an individual believes that he or she has been sexually harassed, it is helpful, but not necessary, to write down a description of the offensive conduct, the date or dates on which it took place, and the names of anyone who witnessed the conduct or heard the offensive remarks.

B. Seeking Guidance

In some instances, confronting the harasser directly may be too intimidating or uncomfortable, particularly when the harasser is an immediate supervisor. An individual who wants to discuss his/her situation may contact the Town's Personnel Director for more information about sexual harassment and the complaint procedure in order to decide whether to make a complaint.

C. Formal Complaint

1. An individual who believes that they have been subjected to sexual harassment has a right to file a formal complaint with his/her supervisor or, if appropriate, the Personnel Director. This may be done orally or in writing. The supervisor and/or the Personnel Director will conduct an investigation in a fair and expeditious manner.

   The investigation will include a private interview with the person filing the complaint and with any witnesses. An interview with the alleged harasser will also be conducted. Once the investigation has been completed, the supervisor and/or the Personnel Director will present the findings to the appropriate department head.

2. If an investigation of a complaint of sexual harassment reveals that an employee, supervisor, manager or department head has engaged in actions or conduct constituting sexual harassment, the Department Head and/or the Town Manager will act promptly to eliminate the offending conduct and take appropriate disciplinary action, up to and including discharge. The disciplinary action taken will depend upon the seriousness of the violation.

   Disciplinary action will be taken by the appropriate Department Head, in accordance with the Personnel Policy and Procedures Manual, appropriate union contract, or other appropriate disciplinary procedure. Such action may include: counseling, informal or formal reprimands, oral or written warnings, suspension, demotion, transfers, and other formal sanctions, including termination of employment. It is the responsibility of all supervisors, managers and department heads to strictly enforce the terms of this policy.

3. Any supervisor, manager or department head who prevents or attempts to prevent an individual from making a complaint of sexual harassment, or who fails to cooperate with or interferes in any way with the investigation of such a complaint, will be subject to disciplinary action.

4. *No Retaliation for Filing Complaint of Sexual Harassment:* No employee, supervisor, or manager shall be retaliated or discriminated against in any way for making a complaint of sexual harassment or for assisting in the investigation of such a complaint. Retaliation against any person for reporting sexual harassment is unlawful and will not be tolerated; further, it will subject the retaliator(s) to disciplinary action.

5. Any non-employee found to have committed an act of sexual harassment may be removed from town premises, or other appropriate action may be taken.

6. *Confidentiality*: All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much confidentiality as possible without compromising the thoroughness of the investigation. The individual filing the complaint will be informed of the results of the investigation.

7. If you would like to file a sexual harassment complaint, you may do so by contacting your supervisor at his/her office or by calling the main switchboard at (508)623-8200. You can also contact the Personnel Director, who may be reached at (508)623-8530. These persons are also available to discuss any concerns you may have and to provide information to you about the Town's policy on sexual harassment and the complaint process.

D. Appeals Process

Employees who believe they have been unfairly disciplined may appeal the decision to the Town Manager. This request for review must be put in writing to the Town Manager, and must be received within one calendar week of the Department Head's decision. The Town Manager can be reached by telephone at (508)623-8200, or by interoffice mail.

E. Union Grievances

Town employees who are union members may elect to file a grievance under their collective bargaining agreement.

F. Other Options

Should employees choose to pursue a course of action outside of the Town, several options exist. They may file a complaint with the Massachusetts Commission Against Discrimination and/or the Equal Opportunity Commission. These government agencies handle complaints of job discrimination, including sexual harassment, and can be reached at:

Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108
(617)727-3990

U.S. Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114
(617)565-3200

Please note that these agencies have a short time period for filing complaints. You must file a complaint with the MCAD within 6 months of the occurrence, and with the EEOC within 180 days.

In addition to the above mentioned government agencies, the Town's Employee Assistance Program assists employees who are dealing with the stress of harassment or seeking guidance for addressing the behavior. The Town's EAP, Family Service Association of Greater Lawrence, may be contacted through their 24-hour hotline number, (800)683-9544, or during the regular work day at (508)683-9505.

All people have the right to engage attorneys to represent their interests. This list is not exhaustive and is not intended to represent legal advice or referral. All employees are encouraged to avail themselves of the complaint procedure offered by the Town of Andover.

Sexual Harassment Coordinators: Reginald S. Stapczynski, Town Manager
Candace A. Hall, Personnel Director

_____ _____

Reginald S. Stapczynski Date

Revision: This policy has been revised based on recommendations by the Massachusetts Commission Against Discrimination, September, 1996, and again in February, 1997.

XV.4 AFFIRMATIVE ACTION PLAN

IN ORDER TO ensure equal opportunity to all employees and applicants for employment without regard to sex, race, age, religious preference, color, national origin or non job-related handicap;

IN ORDER TO remedy the present and past effects of discriminatory hiring practices, intentional or unintentional;

IN ORDER TO increase employment and training opportunities for females and minority employees and applicants and to increase their strength in the middle and upper grade classification levels and in all positions of responsibility; and

IN ORDER TO ensure equal opportunities and anti-discrimination with respect to females and minority group members,

The Town of Andover has adopted an Affirmative Action Program. The Town of Andover (to wit, the Town Manager and 5 Selectmen) is committed to a policy of Non-Discrimination and Equal Opportunity in all of its decisions, programs, activities and in all categories of employment.

This Affirmative Action Plan will be an aggressive action to ensure equality of opportunity in recruitment, employment, compensation, fringe benefits, staff development and training, promotions, terminations and all other conditions of employment as set forth in Executive Order No. 74, as amended and revised by Executive Order No. 116, as amended by Executive Order No. 227, February 25, 1983, Governor's Code of Fair Practices, Massachusetts General Laws, Chapter 151B, Title VII, of the Civil Rights Act of 1964, and all other applicable State and Federal Civil Rights Laws.

As Federal and State funded contractors, the Town of Andover recognizes its responsibility and commitment to employ Affirmative Action Principles in its contracting operations to insure implementation by its several constituencies of Affirmative Action employment in all categories, and to require aggressive affirmative recruitment programs as required to comply with the President's Executive Order #11246 as amended by Executive Order #11375 and other pertinent equal opportunity provisions of Grants and Contracts of HUD. The Town of Andover shall address the Fair Housing issue in order to fulfill its obligations under the State and Federal equal opportunity standards.

The Town of Andover shall create a Fair Housing Committee whose objectives and purposes are those set forth in Executive Order No. 227, February 25, 1983, Governor's Code of Fair Practice, Massachusetts General Laws Chapter 151B; Administrative 75-14, Federal Executive Order No. 11063 EEO in Housing and the Federal Civil Rights Act of 1968, Title VIII – Fair Housing as amended by the Housing and Community Development Act of 1974.

As such, the members of the Town of Andover Board of Selectmen, the Town Manager, as policy and procedures are determined, and all Town of Andover personnel responsible for the functional implementation of this plan, shall share in the efforts to assure Equal Opportunity in all Town of Andover programs, both internally and externally. Serious consistent and diligent performance, not good faith alone, shall be the standard.

Additional details of the Affirmative Action Plan are spelled out in the full text and include the following:

Administration of Affirmative Action Policy
Statement of Responsibility
Affirmative Action Officer
Contract Compliance Officer
Fair Housing Director
Dissemination of Policy
Recruitment
Compliance Procedures

2/5/85

XV.5 Anti-Fraud Policy - Introduction

The Town of Andover and the Andover Public Schools recognize the importance of protecting the Town and its operations, citizens, taxpayers, employees and assets against financial risks and unethical activities. It is the policy of the Town of Andover and the Andover Public Schools to institute and clearly communicate a fraud prevention policy in an effort to prevent and deter all forms of fraud that could threaten the security of our assets and our reputation.

The Town of Andover and the Andover Public Schools have a *Zero Tolerance* policy with regard to fraud and are committed to undertake the following steps as part of their anti fraud policy:

- *Education*
- *Prevention*
- *Detection*
- *Investigation*
- *Corrective Action*

Education

The most effective way to reach most employees is through education. Actively fighting fraud means implementing policies and procedures that prevent and detect fraud. The Town's goal is to establish and maintain an environment of fairness, ethics and honesty. To maintain such an environment requires the active assistance of every employee, every day.

Definition of Fraud

Fraud is defined as a deception deliberately practiced to secure unlawful gain. The term includes such acts as: bribery, deception, embezzlement, extortion, false representation, forgery, the concealment of material facts, the misappropriation of money or assets and collusion or conspiracy to commit any or all of the above acts.

The Town of Andover
Anti-Fraud Policy

Reporting of Fraud

The Town recognizes that allegations and concerns about fraudulent activity should be reported to the Town Manager or his/her designee through the established chain of command (department heads, division heads). All employees are encouraged to report any concerns they have or information provided to them about a possible fraudulent act. The Town Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. All cases of suspected fraud will be investigated and appropriate action will be taken.

The Andover Public Schools recognizes that allegations and concerns about fraudulent activity should be reported to the Superintendent of Schools or his/her designee through the established chain of command (principals, directors, supervisors). The Superintendent or his/her designee will report allegations of fraud directly to the Town Manager or his/her designee. All employees are encouraged to report any concerns they have or information provided to them about a possible fraudulent act. For reasons of consistency and maintaining a central point of contact, the Town Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. All cases of suspected fraud will be investigated and appropriate action will be taken.

Applicability

This Policy applies to all employees and elected or appointed officials, Town and School, full, part-time and temporary, all Town Board members, Town Committee members and Town Commission members, here and after, referred to as Employees.

The Town of Andover
Anti-Fraud Policy

Fraud, as defined by this policy, includes any misuse or attempt to misuse a Town asset for personal gain or purposes unrelated to Town business. It may include, *but is not limited to:*

Misappropriation of Assets

- Forgery, alteration or misappropriation of cash, checks, bank drafts, promissory notes, securities or any other financial document
- Unauthorized use or disposition of funds or property
- Falsifying timesheets or payroll records
- Falsifying travel expenses and /or utilizing Town funds to pay for personal expenses or for personal benefit
- Theft
- Embezzlement
- Fictitious reporting of receipt of funds
- Falsification of expenses and invoices
- The use or assigning of a Town or School employee on other than Town or School business.
- Actions which cause the Town's financial reports and/or records to be inaccurate

Profiteering

- Offering, giving, soliciting and/or accepting an inducement or reward that may improperly influence the action of an employee of the Town.

Related Policies

This is a Town policy that is designed to augment Chapter 268A - "The Conflict of Interest Law". It is not intended to replace or preclude it in any way.

This policy will be administered in accordance with Massachusetts General Laws, Chapter 149 Section 185 *"Retaliation against employees reporting violations of law or risks to public health, safety or environment; remedies"*.

The Town of Andover
Anti-Fraud Policy
Response Program - Town

General Policy and Responsibilities -Town

The Town Manager or his/her designee is responsible to investigate any suspected acts of fraud or misappropriation of property. An objective investigation will be conducted of any person, group or organization reasonably believed to have committed fraud, regardless of: position, job title, and length of service or relationship with the Town. Division Heads and Department Heads are responsible for instituting and maintaining programs and controls to prevent deter and detect fraud.

All employees, upon discovery of any violation of this policy, are encouraged to notify the Town Manager or his/her designee of the violation through the normal chain of command. If the Town Manager determines that corrective action may be provided for internally within the department, then the Division Head and or the Department Head will notify the Town Manager as to the steps taken to correct the violation.

The Town Manager or his/her designee has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. The Town Manager will involve such individuals, but not limited to: the Town Accountant, Town Treasurer, Director of Finance, Town Law Enforcement, Human Resources, Legal Counsel and others deemed appropriate.

Upon conclusion of the investigation, the results will be reported to the Town Manager or his/her designee. If there are reasonable grounds to believe that a fraud may have occurred, then the Town Manager will report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the Town taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover Town assets.

Procedures for Reporting

Any employee, who reasonably believes that fraud has occurred, is encouraged to notify the Town Manager or his/her designee. In cases where an employee reasonably believes the Town Manager is involved, the employee is encouraged to notify the Town Accountant. If is reasonably believed that the Town Accountant is involved, then the employee is encouraged to notify the Director of Human Resources.

The Town of Andover
Anti-Fraud Policy
Response Program - Town

Investigation

Once notification or discovery of a suspected fraud has occurred, then the Town Manager or his/her designee will immediately investigate the suspected fraud. The Town Manager will make every reasonable effort to maintain confidentiality. If the suspected fraud involves the Town Manager is involved in the report of fraud, then the investigation will be conducted by the Town Accountant. If the suspected fraud involves both the Town Manager and the Town Accountant, then the investigation will be conducted by the Director of Human Resources and the appropriate authorities.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. The records will be adequately secured until the investigation is complete.

Confidentiality

All participants and all persons questioned in a fraud investigation will keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, then the Town Manager or his/her designee shall take disciplinary action, up to and including dismissal and appropriate legal measures. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

If an allegation is made predicated upon the reasonable belief that a violation has occurred, but it is not confirmed by the investigation, then no action will be taken against the originator. If however, the allegation is made and predicated without the reasonable belief that a violation has occurred, then appropriate disciplinary action may be taken against the individual making the false allegation up to and including termination.

The Town of Andover
Anti-Fraud Policy
Response Program - School

General Policy and Responsibilities -School

The Town Manager or his/her designee is responsible to investigate any suspected acts of fraud or misappropriation of property. An objective investigation will be conducted of any person, group or organization reasonably believed to have committed fraud, regardless of: position, job title, and length of service or relationship with the Town.

All Andover Public School Employees, upon discovery of any violation of this policy, are encouraged to notify the Superintendent of Schools or his/her designee of the violation through the normal chain of command. The Superintendent or his/her designee will report all allegations of fraud to the Town Manager. If the Superintendent or the Town Manager determines that corrective action may be provided for internally within the department, the Superintendent will notify the Town Manager as to the steps taken to correct the violation.

The Town Manager or his/her designee has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. The Town Manager will involve such individuals, but not limited to: the Town Accountant, School Superintendent, Town Treasurer, Director of Finance, School Business Manager, Town Law Enforcement, Human Resources, Legal Counsel and others deemed appropriate.

Upon conclusion of the investigation, the results will be reported to the Town Manager or his/her designee and the School Superintendent or his/her designee. If there are reasonable grounds to believe that a fraud may have occurred, then the Town Manager will report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the Town or the Public Schools taking disciplinary action where they believe it is warranted. Every reasonable effort will be pursued to recover Town and/or School assets.

Procedures for Reporting

Any Andover Public School employee, who reasonably believes that fraud has occurred, is encouraged to notify the Superintendent of Schools or his/her designee. In cases where an employee reasonably believes the Superintendent is involved, the employee is encouraged to notify the Town Manager. If is reasonably believed that the Town Manager is involved, then the employee is encouraged to notify the Director of Human Resources.

The Town of Andover
Anti-Fraud Policy
Response Program - School

Investigation

Once notification or discovery of a suspected fraud has occurred, then the Town Manager or his/her designee will immediately investigate the suspected fraud. The Town Manager will make every reasonable effort to maintain confidentiality. Where the Town Manager is involved in the report of fraud, then the investigation will be conducted by the Town Accountant. Where both the Town Manager and Town Accountant are involved in the report of fraud, then the investigation will be conducted by the Director of Human Resources and the appropriate authorities.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. The records will be adequately secured until the investigation is complete.

Confidentiality

All participants and all persons questioned in a fraud investigation will keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, after conferring with the Town Manager or his/her designee, then the Superintendent of Schools or his/her designee shall take disciplinary action, up to and including dismissal and appropriate legal measures. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

If an allegation is made predicated upon the reasonable belief that a violation has occurred, but it is not confirmed by the investigation, then no action will be taken against the originator. If however, the allegation is made and predicated without the reasonable belief that a violation has occurred, then appropriate disciplinary action may be taken against the individual making the false allegation up to and including termination.

The Town of Andover
Anti-Fraud Policy
Dissemination

A copy of the Anti-Fraud Policy will be distributed to all existing and new employees. Your signature acknowledges receipt of the Policy.

Approved by the Board of Selectmen June 8,2009
Approved by the School Committee June 9,2009

Reginald S. Stapczynski, Town Manager Dr. Claudia Bach, Superintendent of Schools

The Town of Andover
Anti-Fraud Policy

ACKNOWLEDGEMENT

My signature signifies that I have read the Policy and that I understand my responsibilities related to prevention, detection and reporting of suspected misconduct and dishonesty.

Signature:_____

Print Name:_____

Date Signed:_____

SOURCE: Town of Andover, Anti-Fraud Policy, effective June 30, 2009