

TOWN OF NORTH ANDOVER

SELECT BOARD POLICY MANUAL



Adopted October 16, 2023

PREAMBLE

The policies contained in this manual constitute the policies adopted by the North Andover Select Board in accordance with Chapter 3 of the Town of North Andover Charter. Policies related to operational matters are not contained herein and are established by the Town Manager as outlined in Chapter 4 of said Charter. These policies address items that are not contained elsewhere by statute, town charter, regulation or by-law. This manual supersedes any prior policies adopted by the Select Board.

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ARTICLE I: ADMINISTRATION

A. ELECTION OF OFFICERS

The Chair, Vice Chair, Clerk, and Licensing Chair shall be elected annually at the last Board meeting in June. The term shall be for one year. Each officer shall be elected by a majority vote of the Board, and can be removed by a majority vote of the Board at any time.

If a vacancy occurs during the term of any officer, it will be filled at the next meeting of the Board.

Responsibilities of Chair:

- a. Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
- b. Sign official documents for the Board
- c. Call Special Meetings in accordance with Open Meeting Law
- d. Prepare meeting agendas in consultation with the Town Manager
- e. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board
- f. Oversee an annual review of the Town Manager. The Chair should solicit individual feedback from each Select Board member, draft the review, discuss it with the Town Manager

The Chair shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

Responsibilities of Vice Chair: Act in place of the Chair in the Chair's absence

Responsibilities of Clerk:

- a. Record minutes for all Sessions of the Board, unless otherwise assigned by the Chair
- b. Annually review all unreleased Executive Session meeting minutes to determine if they can be released, unless otherwise assigned by the Chair
- c. Maintain and update master version of Policies handbook as needed, unless otherwise assigned by the Chair

Responsibilities of the Licensing Chair:

- a. Preside at all meetings of the Licensing Commission
- b. Authority to approve one day licenses in accordance with North Andover Licensing Regulations.

B. REMOTE PARTICIPATION FOR BOARDS AND COMMITTEES

All Boards and Committees shall conduct all their meetings pursuant Massachusetts General Law Chapter 30A and 940 CMR 29 (the Open Meeting Law and regulations). It is understood that, under certain circumstances (as outlined in 940 CMR 29.10) it may be unreasonably difficult for a member of a board or committee to be physically present at the meeting location; therefore, the Select Board authorizes the use of remote participation by town boards and committees per the authority vested in it by M.G.L. ch.4, §7.

Said remote participation is expressly contingent upon compliance with the following guidelines:

1. The chair or, in the chair's absence, the vice chair must be physically present at the meeting.
2. If chair is to participate remotely, the vice chair shall serve as acting chair and will run the meeting pursuant to the agenda.
3. There must be a physical quorum at the meeting location.
4. All reasonable efforts to reschedule around the committee's availability will be done prior to considering remote participation.
5. Only one member of the board may participate remotely at any meeting and that shall be the first member to request to participate remotely.
6. All reasonable efforts will be made to provide maximal advance notice of the need for remote participation, so a technical solution can be provided. In no case will remote participation be allowed without at least 72 hours (from the posted start time of the meeting) of advance notice.
7. The remote participant is expected to be presented visually and audibly in the meeting room and on any recordings. A contact number must be provided by the remote participant prior to the meeting, should video connectivity prove to be unacceptable.
8. All votes recorded shall indicate which member is participating remotely.
9. If connection with the remote board/committee member is lost at any time during the meeting, then said member will no longer be considered a participant for the balance of the meeting.
10. No email, TXT, SMS or non-streaming communication will be considered acceptable for the purposes of remote participation.

11. The remote participant is expected to seek and utilize the most dependable connection method available (i.e. wired LAN rather than wireless or hotspot, wired phone rather than cell).
12. Each member is limited to two (2) meetings per fiscal year in which to participate remotely.

The Select Board reserves the right to rescind remote participation by boards and committees at any time by majority vote in accordance with M.G.L. ch.30A and 940 CMR 29.

The Town of North Andover recognizes that on July 16, 2022, Governor Baker signed into law An Act Relative to Extending Certain State Accommodations, which extended remote access to meetings without a quorum of the public body physically present at the meeting. In 2023, Governor Healey signed in law Chapter 2 of the Acts of 2023, which extended the remote access allowances through March 31, 2025.

C. PUBLIC COMMENT AT SELECT BOARD MEETINGS

The North Andover Select Board recognizes the importance of public comment, at the discretion of the Chair, on items on the official agenda as well as items not on the official agenda. All comments from the public are to be directed to the Chair and all parties, including members of the North Andover Select Board, shall act in a professional and courteous manner when either addressing the Board, or in responding to the public. Public Comment is not intended to be a discussion, debate, or dialogue between or among citizens and the Select Board. Rather, it is intended to offer citizens an opportunity to express their opinion on issues of Select Board business. While the Board will not typically respond to citizen comments or questions posed at Public Comment, the Chair, as presiding officer of the meeting, may answer or request an answer to a question if they deem it appropriate. Further, should the Chair believe that an issue or question falls outside the purview of the Select Board they may request that citizens direct it to the appropriate person or body so that the matter is given proper consideration.

It is the role of the Chair to set time limitations and maintain order during all public comment discussions, as it is important that the Select Board allow themselves enough time to conduct their official town business.

The following process will govern Public Comment at the Board of Select Board meetings:

1. Total time for Public Comment is fifteen (15) minutes, which can be adjusted by the Chair, based on the meeting's formal agenda content, and time requirements.
2. Once recognized by the chair, all persons addressing the Board shall state their name and address prior to speaking and present themselves at a microphone.
3. Comments must be short and to the point. There will be a time limit of up to 3 minutes per person, which will be enforced by the Chair of the meeting. If the number of people wishing to speak exceeds 5, the Chair may, at their discretion, limit individual comments to less than 3 minutes per person.
4. On those issues that can be resolved by directing citizens to the appropriate staff, the Chair will advise the citizen of appropriate steps to take.
5. Town employees, committee, commission or board members who have business with the Select Board later on the agenda will not request recognition during Public Comment time.
6. Persons wanting to reserve time on an official agenda must contact the Town Manager's office.
7. All persons addressing the public body are asked to conduct themselves in a peaceable and orderly manner. Such persons may not make true threats of violence or incite imminent lawless conduct by others. These types of comments will not be tolerated.

8. Speakers must not interrupt recognized speakers or members of the public body.
9. Whenever the public is allowed to participate in remote public meetings, the same rules and guidelines that apply to in-person meetings apply to their remote counterparts.
10. Comments made during public comment sessions do not reflect the views or the positions of the public body before which the member of the public is speaking. Because of constitutional free speech principles, public bodies do not have the authority to prevent or limit all speech that may be upsetting or offensive during such sessions.

D. MEETING AGENDAS

Agendas for regular meetings shall be completed no later than Thursday prior to a scheduled Monday meeting. The Board Chair and Town Manager shall coordinate the agenda items and sequence. Board members may submit agenda requests to the Chair for inclusion. A draft agenda shall be made available electronically to all members of the Board by the close of business on Wednesday before the scheduled meeting. Board members should notify the Chair and Town Manager of any requested modifications to the draft agenda by 12:00PM Thursday.

Any written materials or other documentation from outside parties, to be discussed during a regular meeting, must be submitted to the Town Manager's office no later than 3:00PM on Wednesday prior to the scheduled meeting. If supporting documentation is not provided in such a timely manner, the Board may defer action on that agenda item.

The agenda shall be available to the public pursuant to requirements of Massachusetts General Law.

E. BOARD AND COMMITTEE APPOINTMENTS

A. Appointment Subcommittee

At the last meeting in June, the Select Board shall appoint two members of the Board to serve on the Appointment Subcommittee. The Subcommittee shall be responsible for interviewing all candidates for appointment to Boards and Committees for the purpose of making recommendations to the Select Board.

It shall be the mission of the Select Board to ensure that the highest possible quality of individuals are chosen to represent the Town on all of the Select Board's appointed boards. To help the Select Board achieve this goal, it shall be the policy of the Board to invite all interested applicants to submit an online volunteer application outlining their credentials to the Select Board.

B. Process

Terms of appointment for Select Board appointed committees will coincide with the Fiscal Year end on June 30. Unless specified otherwise, all such standing committee appointments shall be for three year terms. Appointments will be made during the last meeting in June. Vacancies and committee openings will be noted during the first regular televised meeting in May, and will be posted on the Town's website at least three weeks prior to the appointments. Applications shall be forwarded to the full Board as they are received.

The Appointment Subcommittee shall make all efforts to review current committee composition, and search for diverse and well-rounded committee members. The Appointment Subcommittee may in any given year require currently expiring committee and commission members to reapply for their appointments. The Appointment Subcommittee may also recommend changes in a committee composition in order to allow associate committee members an opportunity to serve as whole members.

1. The following procedures will be used to fill all vacancies, annual appointments or when creating a new committee:
 - a. Notice of the vacancy shall be announced at the next regular Select Board meeting and posted on the website and all social media outlets of the Town.
 - b. Residents who wish to be considered for appointment must complete an application. The application should contain all of their contact information, a brief statement as to why they are interested in serving on the committee and a brief personal background.
 - c. When an application is received, the Executive Assistant to the Town Manager shall forward it to all the members of the Select Board.
 - d. The Select Board Appointment Subcommittee shall interview all new Applicants. Interviews may be requested by the Subcommittee, but are not required, for re-appointments or for candidates who have previously served on a Committee or Board.
 - e. The Appointment Subcommittee will schedule a time for a short interview with

the applicant. All interviews shall take place during a publicly posted Appointment Subcommittee Meeting at Town Hall.

- f. Any other Board member that wishes to interview an applicant must schedule their own meeting outside of the posted Appointment Subcommittee meeting.
- g. The agenda for the Appointment Subcommittee shall be posted in accordance with the Open Meeting Law. The agenda shall list the name of each applicant and the committee they are interviewing for.
- h. After the interview, the Appointment Subcommittee may or may not forward the applicant to the full Board for consideration.
- i. If the applicant is forwarded to the Select Board, the appointment shall be placed on the next scheduled Select Board meeting for consideration.

All appointments being completed mid-term due to a vacancy shall fill the vacant term only.

At the end of the second term, prior to a candidate being brought to the Select Board as a whole for re-appointment, the candidate shall be interviewed by the subcommittee.

All final appointments must come before the Select Board as a whole for approval.

At the end of any appointment, the Select Board reserves the right to move a different candidate forward for appointment.

F. LIAISONS

At the first meeting in April, the Select Board will assign liaisons to each committee. Each committee/board shall be notified as to their Board liaison by the Select Board. Assignments will be equally distributed amongst the Select Board members as best as possible.

It is requested that each committee/board which has been assigned a liaison include the Select Board liaison in the distribution of all general meeting correspondence (meeting agendas, minutes, etc.). This will make for a more effective liaison assignment. Each committee/board which has an assigned liaison should use that person as the first point of contact to the Select Board.

Temporary assignments: The Chair shall appoint a liaison to each ad hoc committee created by the Board. The Chair may also make temporary liaison assignments to other committees, boards, or groups if so requested, or if a majority of the current Select Board votes to make such an assignment.

Expectations: Each Board member will maintain some level of communication with each committee/board to which he/she is assigned. Attendance at every meeting is not required. However, regular updates to the full Board are expected. It is especially important to keep Board colleagues informed of critical issues. Liaisons are encouraged to invite committee/board members to report to the full Board as deemed necessary, but at least once a year. It is not the responsibility of the liaison to report Select Board activities to assigned committees/boards.

Participation: The Select Board liaison is not considered a member of each assigned committee/board. He/she should not actively participate in meetings unless invited to do so or as needed to provide or obtain information and feedback.

G. CODE OF CONDUCT FOR BOARDS AND COMMITTEES

I. PURPOSE

These guidelines serve as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect with regard to how the Town of North Andover (the “Town”) and its officials conduct business. These guidelines are intended to define and create a centralized understanding with regard to standards of conduct.

The Select Board recognizes the importance of maintaining professional standards at all levels of the government, including for those who volunteer their time and services on behalf of the Town.

The Select Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt these guidelines.

II. APPLICABILITY

These guidelines apply to the Select Board; to all other Town boards, commissions, and committees appointed by the Select Board or the Town Manager; and to all presiding officers, board members, commission members, committee members, public officials, and other representatives of the Town appointed by the Select Board, or Town Manager/Town Administrator while acting in their official capacity or while acting on behalf of the Town.

III. CODE OF CONDUCT

All members of the Select Board and all other individuals listed above assume the following obligations and commitments:

A. Conduct Generally and in Relation to the Community

- Stay informed about the local and state duties of a board or committee member, including under the Open Meeting Law, Public Records Law and Ethics Laws.
- Remember that you represent the Town at all times.
- Accept your position as a means of unselfish public service and do not attempt to benefit personally, professionally, or financially from your position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard all confidential information, including, without limitation, privileged attorney client communications.
- Seek no favors and understand that personal aggrandizement or profit secured by holding these positions is often dishonest and may be unlawful.
- Conduct yourself so as to maintain public confidence in our local government.

- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted (e.g., Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintains full compliance with the Open Meeting Law.
- Comply with all Town policies.
- Comply with all applicable laws, including, without limitation, the following: The Open Meeting Law (G. L. c. 30A, §§ 18-25), Procurement Laws (G. L. c. 30B), The Ethics/Conflict of Interest Statute (G. L. c. 268A), The Public Records Law (G.L. c. 66, § 10).
- When in doubt about actions, seek the guidance of the Town Manager's office.

B. Conduct in Relation to Your Fellow Board/Commission/Committee Members

- Treat all members of the board/commission/committee with respect despite differences of opinion; professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you for any reason be absent from a given meeting or be unable or unwilling to continue to serve. Formal notice to resign from a board/commission/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi- judicial matters that will come before the board until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after the presentation and discussion of all facts applicable to a question.

C. Conduct in Relation to the Town Manager

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Manager full responsibility for making and implementing their decisions.
- Refrain from giving orders or directions to the Town Manager for action as an individual Select Board member.
- Refrain from giving instructions to or requesting assistance from Town department heads, but rather channel all such activities through the full board/commission/committee and the Town Manager.

- Refrain from providing information to the Town Manager that you would not be willing to share with other Board members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each.
- Direct questions about Town staff or requests for additional background information to the Town Manager.
- Avoid publicly criticizing an individual employee or a department; only raise concerns about staff performance to the Town Manager through private communication.
- Ensure that all requests for staff support go through the Town Manager's office.

IV. Guidelines for Committee Members Speaking at other Committee's meetings

- Committee members shall only speak on behalf of a Board if the Board has voted to authorize such speech.
- Committee members who attend meetings to speak in their individual capacity shall state that prior to speaking.

E Guidelines for Committee Members Speaking at Other Committee's meeting

- Committee members shall only speak on behalf of a Board if the Board has voted to authorize such speech during a public meeting
- Committee members who attend meetings to speak in their individual capacity shall state that prior to speaking.

VI. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of these guidelines to all members upon its issuance and upon the subsequent appointment or re-appointment of any member.
- The Town Clerk shall maintain and distribute educational materials from the State Ethics Commission to members.
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict of Interest Law and ensure compliance with said Law.
- The Town Clerk shall educate the Board, members, and officials on the Conflict of Interest Law and ensure compliance with annual state mandated on-line training.
- Board members have a responsibility to take all required classes and become familiar with the applicable laws and regulations.

VII. COMPLIANCE WITH POLICY

- If a committee members violates this policy, the Town reserves the right to ask a member to resign or to choose not to reappoint the member for another term.

H. CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

Where a Criminal Offender Record Information (CORI) check is required by the Town of North Andover as part of a general background check for volunteer work, the following practices and procedures will be followed:

1. CORI checks will only be conducted as authorized by the Criminal Systems History Board (CHSB). Applicants will be notified that a CORI check will be conducted if required as part of their volunteer service. If requested, the applicant will be provided with a copy of this CORI policy.
2. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.
3. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
4. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
5. If the Town reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in Paragraph 4 above, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but are not be limited to the following:
 - a) Relevance of the crime to the position sought;
 - b) The nature of the work to be performed;
 - c) Time since the conviction;
 - d) Age of the candidate at the time of the offense;
 - e) Seriousness and specific circumstances of the offense;
 - f) The number of offenses;
 - g) Whether the applicant has pending charges;
 - h) Any relevant evidence of rehabilitation or lack thereof;
 - i) Any other relevant information, including information submitted by the applicant or requested by Town
6. If the Town is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and this CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position, and will be given an opportunity to dispute the accuracy and relevance of the CORI record.

7. Applicants challenging the accuracy of the record shall be provided a copy of CHSB's "*Information Concerning the Process in Correcting a Criminal Record*". If the CORI record provided does not exactly match the identification information provided by the applicant, the Town will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Town may contact CHSB and request a detailed search consistent with CHSB policy.
8. The Town will notify the applicant of the decision and the basis of the decision in a timely manner.
9. Criminal Offender Record Information (CORI) checks required as a part of employment with the Town are covered by the Town's Personnel Policy.

I. PROCLAMATIONS AND RESOLUTIONS

Proclamation may be made on behalf of the Town of North Andover by majority vote of the Select Board in accordance with the following guidelines.

Proclamations are ceremonial documents signed by the Select Board and issued for public awareness, art and cultural celebrations and other special honors.

Groups and individuals seeking to have the Select Board issue a Proclamation or Resolution shall provide a draft document for review at least one Board meeting prior to the date on which the proclamation/resolution is requested to be voted on and/or signed.

The Board may refer the proclamation/resolution back to the requestor for changes prior to approving, signing, and reading the proclamation/resolution at a public meeting.

For a proclamation that is expected to be repeated on a regular, or annual basis, this approval process shall only be required the first time it is brought before the Board.

The Select Board reserves the right to modify or deny any proclamation request. More than one cause can be proclaimed simultaneously.

This procedure is not required for requests by individual Board members for proclamations that recognize significant events, such as milestone birthdays, retirements, anniversaries, etc.

ARTICLE II: USE OF PUBLIC PROPERTY

A. USE OF THE TOWN COMMON

1. Policy

The Common is a public park owned by the Town of North Andover which is enjoyed on a daily basis by residents and their guests for passive recreation activities. Passive recreation shall include such things as picnics, walking, running and games. The purpose of this policy is to provide a framework for requests to use the Common.

Any resident of North Andover or non-profit organization with its principal place of business in North Andover may apply to use the Common for displays and events, subject to permission from the Select Board and the rules outlined in this policy. Approval of an event or display does not imply endorsement by the Select Board or the Town. The Town reserves the right to deny approval of any activity that it may deem as inappropriate with the intended use and purpose of the Common or which may cause harm to the inhabitants of the Town.

This policy shall not apply to Town sponsored events as approved by the Select Board or to informal, non-repetitive gatherings of under twenty people whose activities are limited to passive recreation. A permit to use the Common does not allow the permit holder to prevent others from entering the Common.

Permission granted under this policy shall only apply for the use of the Common. It shall be the applicants' responsibility to acquire all other necessary permits and approvals. For example, temporary displays or structures may require approval by the Building Inspector and food sales may require obtaining a permit from the Health Department.

In order to prevent excessive damage to the Common, the Select Board reserves the right to limit the number of events held or displays placed on the Common.

2. Application for Use of the Common

Applications are available online at www.northandoverma.gov. Upon receipt of the application, the Town Manager or his designee will review the application and request written recommendations from the Police Department, Fire Department, Public Works Department and any other department the Town Manager deems necessary. After receipt of all recommendations, the Town Manager shall place the item on the agenda of a Select Board. The applicant will be notified of the meeting date and may be required to attend the meeting to answer questions from the Board.

3. Rules for Use of the Common

- a. In accordance with Town By-laws, absolutely no alcoholic beverages will be allowed to be served or consumed on either the Common or the paved areas, unless appropriate licenses are granted by the Licensing Commissioners.

- b. Use of the Common by private groups or individuals for private gain or profit is not allowed.
- c. Charging of admission is not allowed. Access to any and all parts of the Common cannot be denied to any citizen except in the case of fees paid for specific services such as, pony rides, road races, etc., if all or a portion of that fee goes to a charitable or non-profit entity.
- d. Wires, equipment, signs, tents or other structures, or any other miscellaneous items, etc., will not be hung from trees.
- e. Unless allowed as a condition to the permit, no vehicles shall be allowed on the Common at any time. For those events with conditions permitting vehicles on the Common, those vehicles will be allowed to enter and exit using only routes pre-determined by the Town, for the purpose of dropping off or picking up equipment and displays but will not be allowed to remain parked on the Common during the event.
- f. Use is limited to one day only with allowance for set up one half day prior to use and removal one half day after use.

5. Usage of Electricity

There may be a fee for electrical usage. If the electricity has been deactivated for the season and there is a reactivation fee, the individual or organization will be responsible to pay said fee, as well as any usage charge. These amounts will be billed to the individual or organization by the Town and must be paid prior to release of the Security Deposit.

6. Public Displays

No display shall present a threat to the public safety and the display shall be removed immediately by order of the Building Commissioner if the Commissioner determines the display is a threat to public safety.

7. Police Presence

Depending upon the type of event and the number of people anticipated to attend, the Town may require the presence of one or more police detail officers during the event. The cost of these detail officers shall be paid in advance by the applicant.

8. Toilet Facilities

Depending upon the type of event and the number of people anticipated to attend, the Town may require that portable toilet(s) be made available. The costs of these facilities are to be paid by the applicant.

9. Noise and Other Nuisances

If at any time during the event, the North Andover Police Department determines that noise or other nuisances emanating from the event are having a detrimental effect on public safety or welfare, the Police Department can order the noise or other nuisance be abated or eliminated.

10. Indemnification

The applicant shall indemnify and hold the Town harmless from any and all claims, suits, causes of action, judgments and demands of any nature made or obtained by any party against the Town of North Andover, its agents or servants arising out of applicant's use of the common under the permit and if judgment is entered against the Town of North Andover, said judgment will be paid by said applicant together with all interest thereon. The Town may require that the applicant provide the town with a certificate of insurance indicating appropriate levels of coverage for the type of event/display intended and with the Town of North Andover named as an additional insured.

B. COMMERCIAL MOVIE AND FILM PRODUCTION

1. Policy Statement

Commercial film companies may be permitted to use property under the control of the Town of North Andover (hereinafter referred to as “Town”) for approved projects.

2. Purpose

The film industry can provide both direct and indirect economic benefit to the Town. Pre-approval of projects ensures that Town property and the rights, safety and privacy of the citizens of North Andover are protected, while supporting this industry.

This policy identifies the application and approval processes for projects utilizing Town facilities and/or Town roads and the requirements which must be met, including payment of applicable fees.

3. Administration

This policy is administered by the Town Manager’s Office. The Town Manager or his/her designee shall be the initial contact for all filming projects and is responsible for expediting requests. Certain requests for filming shall require the approval of the Select Board.

4. Insurance Coverage

An insurance certificate of general comprehensive liability naming the Town as additionally insured, for the duration of the production, must be provided to the Town Manager’s Office for all filming. The Town will retain the original insurance certificate.

The amount of insurance coverage required is:

- \$5 million, for filming projects using Town facilities such as Town Hall, Town schools, Stevens Library, Stevens Estate, etc.
- \$2 million, for filming projects using Town parks or Town roads.

5. Filming on Town Property

Filming at Town Facilities (Including Parks and Roadways):

a. Application Process:

Applications for filming in Town facilities or on other Town property or roadways must be submitted, in writing, no later than thirty (30) business days prior to the date of anticipated filming. Permission may be denied if the request cannot be accommodated

within the available time frame. Applications may be found on the Town's website at: <https://northandoverma.viewpointcloud.com/categories/1078/record-types/6516>

The filming company must provide the following information:

- Proposed commencement and termination dates and times of scheduled filming, including preparation and final clean-up;
- The name and telephone number of a contact person and his/her backup who will be on-site during the filming;
- General outline of the action, including all set dressing and props, approximate number of production vehicles, cast and crew members, as well as any stunts or special effects;
- Specific locations and proposed alterations to Town property, including identification of any necessary facility services support.
- Any anticipated road closures must be defined to allow adequate time for proper planning.

b. Approval Process:

Once a filming application has been received by the Town Manager's Office, appropriate staff will be informed and a site meeting with the film company may be required to review the request and complete a walk through to determine any concerns or special requirements. At this time the required insurance, fees and deposits will be provided to the film company. The availability of the requested Town facilities or Town property or roadways will also be determined at this time. The film company will be required to include the Town in the list of credits.

Affected residents and businesses determined by staff must be notified in advance of any filming. To ensure minimal disruption, this notification letter must include the duration and location of the filming and any planned interference with pedestrian or vehicular traffic. In the event of business interruption, there should be consultation with the business associate(s) and/or individual businesses to determine if any compensation is required.

Once all requirements have been fulfilled, a location agreement will be prepared that will list all terms, conditions, insurance, fees and deposits that are required.

c. Select Board approval

The film company must receive approval from the Select Board in cases involving the following:

- To film on roads in residential areas on more than one occasion per calendar year;
- To allow filming to proceed before 7:00 a.m. or after 7:00 p.m., or any time on Saturdays, Sundays or State or Federal holidays;
- To allow overnight parking of production vehicles;
- To allow equipment, including lighting and generators, to be oriented toward neighboring residences;
- To close any public roadway or restrict public access to a Town building, facility, or any open space area, including but not limited to parks, playgrounds and the Town Common.

In all cases, a letter must be distributed by the film company to all residents and businesses that will be affected by the filming or by the parking of film-related vehicles during production. The letter must contain emergency telephone numbers for relevant film company staff.

Production vehicles will be granted permission to park at or near the film location. The Town reserves the right to limit the number of and size of the vehicles to ensure public safety. This permit does not provide permission for parking of vehicles in prohibited areas or in contravention of any regulation of the Massachusetts General Laws or North Andover By-laws/Ordinances, unless specifically approved.

The services of paid-duty police officers may be required for the purpose of traffic control, traffic stoppages, and permit compliance. If such services are required, the film company is responsible for retaining the officers, and for payment of all associated costs.

Once all of the required conditions have been met, the Town will issue a filming permit to the film company.

Proper signage as determined by the North Andover Division of Public Works should be posted along the roadway well in advance of any intermittent stoppages or road closure.

6. Monitoring

The film company must keep a copy of all permits that have been issued by the Town Manager's Office and/or the Commonwealth of Massachusetts on site for the duration of the filming.

The film company must place signs in public access areas to inform residents that the facility/area is being used for filming and delays may occur.

Upon completion of filming, the film company will be responsible for clean up and repair of any damages. The facility/area will be inspected for clean up and damages within 48 hours of completion of scheduled weekday events or within 72 hours of completion of weekend events. The film company will be given first opportunity to clean up and repair any damages within a reasonable time frame specified by the Town. If the work is not completed to the satisfaction of the Town, the Town will complete any remaining clean up and/or repair and the cost of such will be initially deducted from any deposits held and any remaining costs will be invoiced to the film company.

7. Special Circumstances

Noise: All filming must comply with any Town by-laws, unless an exemption in writing is granted by the Select Board.

8. Explosives/Fires/Pyrotechnics

Should the filming involve explosives, the film company must obtain a letter of understanding acknowledging that explosives may be used in the production. This letter must be obtained from the Fire Chief and shall be attached to the permit for facility use. A copy of the letter will be forwarded to the Chief of Police.

All explosives are to be detonated in accordance with the Explosives Act of 2002.

A member of the North Andover Fire Department and North Andover Police Department shall be in attendance if there are any fires or explosions to be undertaken. All open air burning requires a burning permit.

Neither explosives nor fires shall be allowed within any Town-owned building.

9. Security Deposit

A security deposit in the form of a certified check or any other method acceptable by the Town is required and will not be released until the facility/area has passed inspection. All outstanding costs of clean up, repairs to damages, staff costs, and additional rental time must have been paid by the film company prior to release of any deposit monies. The following is a guideline for security deposits. These amounts may be adjusted based on the nature of the production:

- Town of North Andover Buildings/Facilities - \$5000.00
- Town Parks - \$2000.00
- Town Roads - \$2000.00

10. Filming on Private Property

In the event that filming is taking place on private property, to ensure the public safety and welfare, the Town shall be notified of the filming within fifteen (15) business days of

the commencement of the filming. The film company will be required to advise area residents of their intent to film and duration of the production. The Town Manager will advise the members of the Select Board of the filming.

The Town Manager's Office will advise the film company that they must notify North Andover Fire Department and North Andover Police Department if any special effects are going to be used. If required, they must obtain the necessary permits.

The film company will also be advised that all municipal by-laws must be adhered to.

11. Facility and Permit Fees

Fees for the use of Town property for film production purposes shall be negotiated between the Town and the film company and will be included in the location agreement. Consideration will be given to what property is being used, the duration of the use, and any potential inconvenience to Town operations or the public.

C. LAKE COCHICHEWICK USE/ BOATING REGULATIONS

Purpose and Authority

These regulations have been established for the protection of Lake Cochichewick, North Andover's only drinking water supply. The regulations are issued pursuant to 310 CMR 22.00 Massachusetts Drinking Water Regulations and the authority of Section 160 of Chapter 111 of the General Laws, for the sanitary protection of the waters of Lake Cochichewick used by the Town of North Andover as a source of water supply, Chapter 135 of the Town By-laws, and in accordance with the policy adopted by the Select Board on May 20, 2002 and amended on September 26, 2016.

Permits

All boating on the lake requires a valid Town of North Andover permit affixed to the outer hull of the boat and to the rear window of the owner's vehicle. Permits shall be exhibited to any officer of the law or authorized employee of the Commonwealth of Massachusetts or the Town of North Andover. Boats without valid permits are not allowed on the lake.

There are two types of permits available for residents of North Andover for recreational use of the lake, subject to the conditions in these regulations:

1. **Day Boating** permit for residents to boat on the lake, but not for overnight boat storage, and
2. **Combination Boating & Storage** permit for residents to boat on the lake and to use overnight public boat storage racks provided by the town at two shoreline locations between April 15th and November 1st.

Boat Launching Areas

To reduce shoreline erosion into the lake, three public locations have been designated for residents with valid permits to launch their boats:

1. Along Pleasant Street on the south end of the lake using the designated path, or
2. At the 'Hatch' on the far side of the stone arch past the Stevens Pond swim area, or
3. At the Old North Pump Station along Great Pond Road/Rt-133 on the north end of the lake.

All boats must be hand-carried into the lake; the use or backing of trailers into lake waters as well as the overnight storage of trailers along the shores of the lake is prohibited.

Boat Storage Areas

To prevent the destruction of shoreline vegetation and reduce erosion into the lake, public boat storage racks have been provided at two locations on the lakeshore for use by residents with valid combination Boating & Storage permits from April 15th - November 1st:

1. The Old North Pump Station along Great Pond Road/Rt-133 on the north end of the lake, and
2. The "Hatch" beyond the stone arch past the Stevens Pond swim area on the south end of the lake

Only boats with valid combination Boating & Storage permits may be stored at these locations, and, to prevent erosion, all boats must be placed on the boat racks. Boats without valid

combination Boating & Storage permits will be removed at the owner's expense. All boats must be removed by owners from the storage areas prior to November 1st.

Overnight boat storage is not allowed along Pleasant Street or other public locations along the lakeshore; boats left there will be removed at the owner's expense.

Lakeshore private property owners should utilize best-practices for boat storage along the shoreline of their property, including the use of temporary boat racks (more than 25' from the edge of the lake or adjacent wetlands) and removing boats from the shoreline area between November 1st and April 15th to reduce disturbance to shoreline vegetation and prevent erosion.

Parking

Permit parking is available at two locations for residents with valid boat permits affixed to the rear window of their vehicle:

1. Where posted ('permit parking') at the Old North Pump Station off Great Pond Road/Rt-133 on the north end of the lake, and
2. Where posted ('permit parking only') along Pleasant Street on the south end of the lake

Parking at these two locations requires valid resident Day Boating or Combination Boating & Storage permits affixed to the rear window of the vehicle. Overnight parking is not allowed. Parking is also available at the parking lot off Pleasant Street next to the Stevens Pond swim area in the lot shared with visitors to the Trustees of Reservations trails on Weir Hill.

Types of Watercraft

Boating on the lake is limited to watercraft designed to be manually propelled by oars or paddles, or the use of electric motors (maximum length of motorized craft is 15 feet). Rowing shells, johnboats, dinghies, rowboats, sail boats, canoes and kayaks with cockpits are acceptable as long as the occupants are isolated from contact with the lake. Boats must not have any thru-holes (e.g. self-bailers) that would allow contact between the occupants and the lake water. Inflatable boats, windsurfers, paddleboards, sit-on-top kayaks and seaplanes are not allowed.

Engines

All gasoline or diesel powered engines, containers that transport any type of gasoline and diesel fuel, or anything that uses such fuels, such as, but not limited to: boats, snowmobiles, ice augers, generators, stoves or lamps, are prohibited from use on Lake Cochichewick and its tributaries unless authorized by the Division of Public Works for lake monitoring and/or safety/emergency procedures.

Boating Safety

Under Massachusetts General Law (Ch. 90B, Section 5), **lifejacket wear is mandatory** for children under 12, and all canoeists and kayakers between September 15th – May 15th.

Boating Hours

Boating permits are valid year round from one hour before sunrise to one hour after sunset.

Swimming or Wading

No person shall swim, wade, bathe, or cause or allow any animal to go into or upon Lake Cochichewick or tributaries thereto.

Animals

No domestic animals are allowed to be in boats, on the ice, or in the water at any time.

Fishing

No fishing is to be done under these boating permits unless the holder also possesses a valid State Fishing or Sporting License as required by Chapter 131 of the General Laws.

Invasive Vegetation

All boats, anchors, anchor ropes or chains and motors must be free of foreign or exotic vegetation or aquatic life prior to launching.

Trash and Debris

No cans, bottles, dog toys, plastics, boxes, fish, food, animal or vegetable matter, or any other matter tending to pollute the water shall be thrown into the water of said lake, or left upon shores of said lake. All supplies and debris that are carried in should be carried off.

Firearms / Explosives

No firearms or explosives shall be used while on the waters or shores of the Lake.

Alcohol

Possession or consumption of alcoholic beverages is prohibited.

Restricted Area

No boating or fishing shall be done in or upon that portion of the Lake within 100 yards of the North Andover Water Treatment Plant. Passage of boats through the restricted area for the Treatment Plant must be made within fifty feet of the opposite shore.

Docks

Docks in the lake or other structures for water access on the lakeshore require permitting by the Conservation Commission and under Chapter 91 of the Massachusetts General Law. Dock construction must be of a type to minimize impacts to the lake, and all docks must be removed from the water and at least 25 feet from the shoreline area between November 1st and April 15th.

Laws and Conditions

All laws of the Commonwealth of Massachusetts or conditions now and hereafter made by the Town of North Andover relative to the waters or the watershed of the Lake shall be observed.

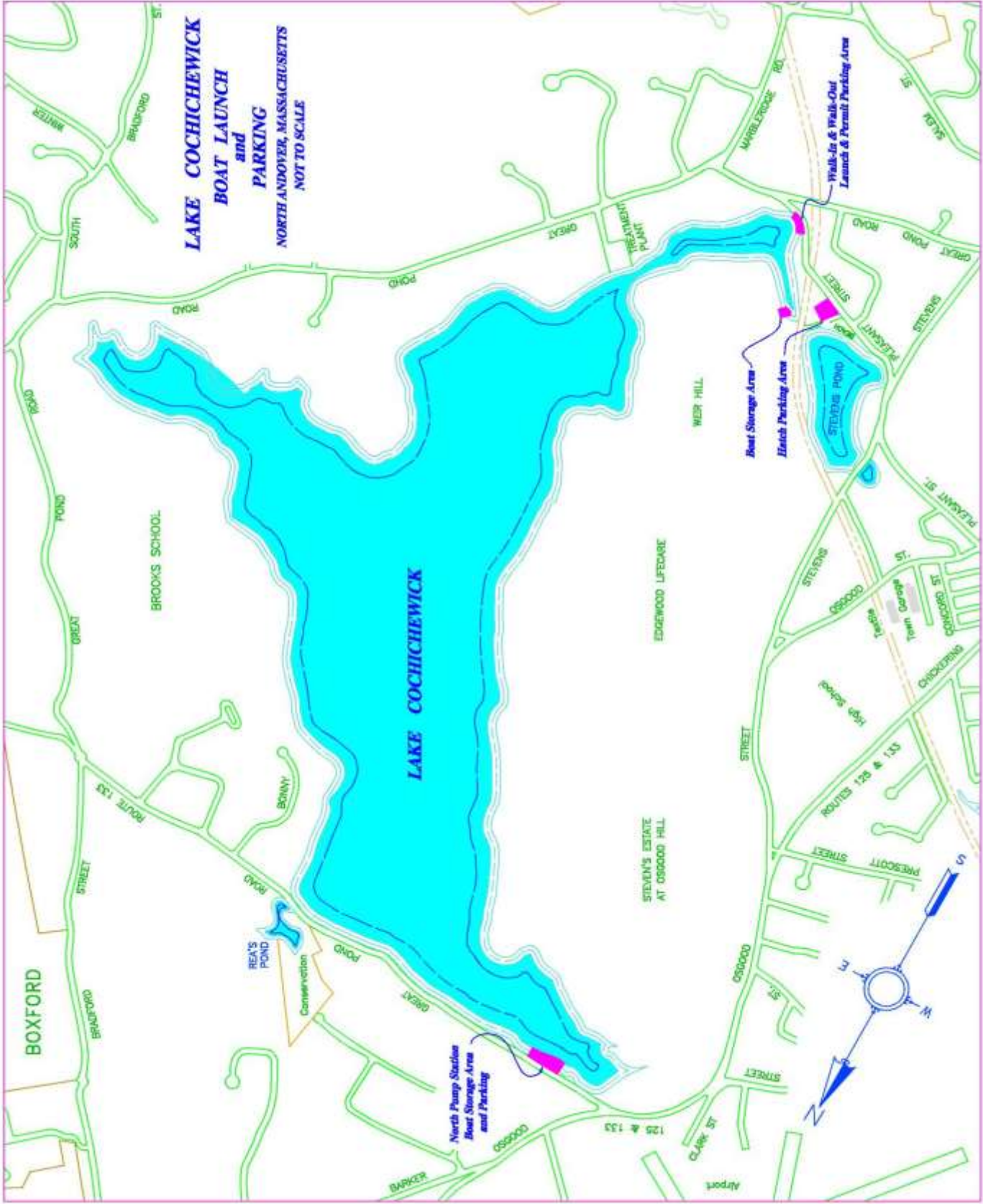
Revocation

A person may have their boating permit revoked for a Massachusetts fishing violation or violation of these rules and regulations. The permit fee will be forfeited. A boat owner and any member of the boat owner's household will not be eligible to receive a permit the following season if the boating permit is revoked.

Annual Fees: Fees are to be paid to the town DPW.

1. Day Boating Permit (first boat): \$25.00; each additional boat \$10.00
2. Combination Boating & Storage Permit: \$50.00 per boat
3. Removal of improperly stored boat: \$50.00

Lake Cochichewick is North Andover's only drinking water supply, and everything possible should be done to protect this resource and town asset.



Rules of Access to the “Old North Pump Station”

1. The Old North Pump Station is located at the north end of the lake, along Great Pond Road/Rt-133, and is accessed via a locked gate. Residents with valid Town of North Andover Day Boating or Combination Boating & Storage permits will be provided the lock combination. The gate is to be kept locked after entering and after departing the area.
2. Parking is restricted to those who possess a valid Town of North Andover Day Boating or Combination Boating & Storage permit affixed to the rear window of their vehicle.
3. This site is for launching boats (without trailers) for those holding a Day Boating permit, or for launching and storing boats for those holding a Combination Boating & Storage permit only. No other activity is allowed on this site (no fishing from shore, no loitering, no unauthorized parking, no picnicking, etc.).
4. Parking is restricted to the designated area and all vehicles must display in the rear window either a Day Boating permit or a Combination Boating & Storage permit.
5. Under no circumstances will any vehicle be parked within twenty five feet of the lake's normal high water mark.
6. Unauthorized vehicles without valid permits displayed will be towed at owner's expense.
7. No vehicles or trailers allowed on ramp; all boats must be carried in.
8. No person shall possess or consume alcoholic beverages on Town property.
9. Vehicles found to be leaking any type of fluid (fuel, oil, antifreeze, etc.) will be towed.
10. No domestic animals allowed on premises.
11. This is a public water supply. No swimming, bathing or wading. No person or animal may come in contact with the water.
12. No person shall dump or drain any refuse, waste or debris of any kind.
13. No person shall engage in any activity in a reckless or heedless manner or in such a manner as may cause or tend to cause fear, discomfort or injury to any person, wildlife, property or vegetation.
14. Any person may be denied admittance to and/or suspended from any town property for a period of time to be recommended by the Select Board for violating any law, rule or regulation including failing to comply with any reasonable request of any duly authorized employee of the town.

Enforcement of Laws/Rules/Regulations regarding Lake Cochichewick

The following procedures are being implemented to address new and existing laws, rules and regulations regarding Lake Cochichewick. Some of the violations are criminal and others are non-criminal. Each officer will be issued a ticket book (similar to a parking ticket book) to address the non-criminal violations. Unless otherwise specified all non-criminal fines are \$50.00

Hours of access to the lake are dawn to dusk

No one is allowed on the lake from one hour after sunset until one hour before sunrise. The communications center monitors a weather station which posts daily times for sunrise and sunset.
Violation: non-criminal \$50.00 fine

Fishing

Fishing from shore is allowed with a valid Massachusetts fishing license.
Violation: criminal MGL C. 131 S. 11B

Boating Permits

Any boat on the lake must have affixed a day boating or combination boating/storage permit issued by the DPW. If the boater is also fishing, they must possess a valid Massachusetts fishing license. Boat permits are issued to residents only. Public boat storage along the lake shore is allowed only on town-provided boat racks located at the Old North Pump Station along Great Pond Road/Rt-133 on the north end of the lake, and at the "Hatch" beyond the stone arch past the Stevens Pond swim area on the south end of the lake. All boats on the storage racks must have affixed the combination boating/storage permit. Public boat storage is not allowed elsewhere along the lake shore.

Violation for non-permitted boat use or storage: non-criminal \$50.00 fine

Size and type of craft

The following is a list of craft as written in the regulation:

"Boating on the lake is limited to watercraft designed to be manually propelled by oars or paddles, or the use of electric motors (maximum length of motorized craft is 15 feet). Rowing shells, johnboats, dinghies, rowboats, sailboats canoes and kayaks with cockpits are acceptable as long as the occupants are isolated from contact with the lake. Boats must not have any thru-holes (e.g. self-bailers) that would allow contact between the occupants and the lake water. Inflatable boats, windsurfers, paddleboards, sit-on-top kayaks and seaplanes are not allowed."

Violation: non-criminal \$50.00 fine

Littering

Violation of town by-law C. 130 S. 1, non-criminal. Fine \$200.00

Gasoline engines

No gas engines of any type are allowed on the lake, unless authorized by the DPW for lake monitoring and/or safety/emergency procedures.

Violation of town by-law C. 146 S. 1, non-criminal. Fine \$50.00

North Pumping Station Parking & Use

This site is open to residents who possess a valid day boating or combination boating/storage permit affixed to the rear window of their vehicle.

Each permitted vehicle will have a day boating or combination boating/storage permit on the rear window of their vehicle.

The site is for those permitted vehicles only.

The site is for launching of permitted boats (without trailers) or storage of permitted boats on town-provided boat racks only. Wading in the Lake is prohibited as is any other activity on the site.

Since the lake is closed from dusk to dawn we may logically extend that to the parking lot since no activity except launching and storage of permitted boats is allowed there.

Pleasant Street Parking

Where posted ('permit parking only') along Pleasant Street on the south end of the lake for vehicles with valid Day Boating or Combination Boating & Storage permits affixed to the rear window of the vehicle. Overnight parking is not allowed.

Public Drinking

Violation of town by-law C. 141 S. 3. Fine \$50.00 (if under age use criminal process).

Swimming in lake

Violation of town by-law, non-criminal \$50.00 fine, or criminal MGL C. 111 S. 171

Domestic Animals

No domestic animals are allowed to be in boats, on the ice, or in the water at any time.

Violation: non-criminal \$50.00 fine

Boaters are issued a copy of the rules at the time they purchase the permit. All incidents of this nature shall be logged and include the violator's name and what action was taken (verbal warning, non-criminal issued, vehicle ticketed, tow, etc.).

D. FLAG PROTOCOL

The Select Board recognizes that the death of a public employee or elected official is deeply felt by the community. In accordance with the recommendation by the Town the Select Board restricts the lowering of the American and State Flag to the day of burial for the passing of an employed Police Officer, Fire Fighter or presently serving elected official. If the death is in the line of duty then the flags should be lowered from the date of death until the date of burial.

All other public employee deaths can be recognized with mourning bunting or as the Town Manager directs.

E. FLAG RAISING

It is the policy of North Andover (Town) that its flag poles located at the Town Common are not intended to serve as a forum for free expression by the public, but rather as expressions of the Town's official sentiments.

Any flag displayed at one of these locations be in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the congress, House Document No. 96-144; Chapter 2, Sections 6 and 6A of the Massachusetts General Laws. In the event of a conflict between this policy and state or federal laws, such laws will take precedence.

Outdoor flags will be flown at Town facilities in the following order of precedence: first, the United States flag; second, the POW flag; third, the Commonwealth of Massachusetts flag; and fourth, the North Andover flag.

Pursuant to a resolution of the Select Board, as set forth below, other flags may be flown by the Town in place of the North Andover flag. Each such resolution shall state the duration such "other flags" will be flown. In the event that no duration is stated, a default time of one week shall apply to such "other flags." As a display of the Town's official sentiments, the following other flags may also be flown at Town flag poles at the Town Common:

- Flags of governments recognized by the United States
- Flags displayed in conjunction with official Town events or ceremonies.

Flag raisings will occur on a normal business work day, generally between the hours of 10:00 am and 3:00 pm.

The Town shall acquire ownership of all flags that it flies on its flag poles. In order for a flag to be used, it must have appropriate grommets for hanging and measure 3 feet by 5 feet.

F. NAMING TOWN BUILDINGS OR ASSETS

Naming a Town building or asset is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a name for a building, a portion of a building or any portion of public grounds and/or property located thereon. Whenever possible, the wishes of the community should be considered in naming town assets.

The Select Board has the authority to approve the naming, renaming, and removal of names of buildings, structures and facilities, along with other assets, located on property under the care, custody, and control of the Select Board. The Select Board also has the authority to name subsections of existing structures or facilities, such as individual rooms, gathering spaces, playgrounds or benches.

Names and/or wording associated with Town facilities shall be consistent with Town Bylaws and Select Board policies and promote values aligned with the Town of North Andover's Mission and Values Statement. To the extent possible, names and/or wording should be designed not to restrict the use of a space or inhibit changing the function of the space should that become necessary in the future.

Procedure

When the opportunity to name or dedicate a new town building or related property, structure, playground or facility is forthcoming, the Select Board shall, at a public meeting, announce the intent to name a Town building or asset and the deadline for submissions. The deadline for submissions shall be no more than 14 days after the announcement.

Submission of a name for a Town space may be made by any resident, by a member of the Select Board, or by the Town Manager, in writing, and should be made to the Chair of the Select Board. The Select Board must also be consulted prior to the start of any capital or fundraising campaign that will include the possibility of naming opportunities.

The written request should specify the intent of the requestor and the reasons why this particular name would fit the facility or asset. It should offer appropriate background information on the person, organization, or geographic area after which the facility or asset will be named. An offer of a financial contribution that will benefit the Town may accompany the naming request, but the Select Board is not obligated to accept or reject a name based upon financial considerations. The Select Board may acknowledge generous donors by designating appropriate spaces within Town facilities consistent with the level of financial commitment.

All submissions shall be posted on the Town website. The public will have 14 days from the submission deadline to submit public comment. At the next Select Board meeting following the

public comment period, the Board will deliberate and vote on the name. The Board's agenda should clearly reflect the intent to consider, review, and vote on naming opportunities.

This procedure shall not apply to donations of assets valued under \$500 (i.e., benches, bricks) made to the town in memory of an individual or group. Such requests may be voted on at any time at a public Select Board meeting, provided same is listed on the Board's agenda.

G. DESIGNER SELECTION PROCEDURES

The Designer Selection Law (M.G.L. ch.7C, §44-58) requires municipalities to adopt written designer selection procedures that must be used when the design fee is \$30,000 or more and the estimated construction cost is \$300,000 or more. Design services include the preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates and programs; preparation of drawings, plans and specifications, including schematic drawings and preliminary plans and specifications; supervision or administration of a construction contract; and construction management and scheduling.

1. These procedures govern the selection of designers for any municipal building project in the Town of North Andover (hereinafter referred to as "Town") subject to the state designer selection law, M.G.L. ch.7C, §44-58. Any other local law governing the procurement of services will be inapplicable to these procurements.
2. The Town Manager has the authority to conduct the designer selection process for the Awarding Authority.
3. The Town Manager shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process.

No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;
 - b. is currently employed by, or is a consultant to or under contract to, any applicant;
 - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
 - d. has an ownership interest in, or is an officer or director of, any applicant.
4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the *Central Register* published by the Secretary of the Commonwealth, and in any other place required by the Town Manager, at least two weeks before the deadline for filing applications.
 5. The advertisement shall contain the following information:
 - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;

- b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;
 - c. when and where a briefing session (if any) will be held;
 - d. the qualifications required of applicants;
 - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement; and
 - g. when and where the RFQ can be obtained and the applications must be delivered.
6. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available for download from the Massachusetts Designer Selection Board website at [Procedures for Municipalities and Public Agencies not within DSB Jurisdiction](#). The Application Form may be amended to include additional information on a project-specific basis.
7. The Committee shall evaluate applicants based on the following criteria:
- a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicants on the project; and
 - e. any other criteria that the Committee considers relevant to the project.
8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Town Manager. No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c.149, §44C shall be included as a finalist on the list.

The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.

10. If the fee was set prior to the selection process, the Town Manager shall select a designer from the list of finalists,. If the Town Manager selects a designer other than the one ranked first by the Committee, the Town Manager shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
11. If the fee is to be negotiated, the Town Manager shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Town Manager shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Town Manager is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in order in which the Committee ranked them until agreement is reached. All agreements shall be subject to approval by a majority vote of the Select Board. In no event may a fee be negotiated which is higher than the maximum fee set by the Town Manager prior to selection of finalists.
12. If the Town Manager is unable to negotiate a satisfactory fee with any of the finalists, the Town Manager shall recommend that the Committee select additional finalists.
13. The Town may allow a designer who conducted a feasibility study to continue with the project design. However, the Town Manager may commission, at the Town Manager's discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the Town Manager otherwise complies with the statutory requirements of selecting a designer under M.G.L. c.7C, §including those set forth in MGL ch.7, §54(a)(i).
14. Every contract for design services shall include the following:
 - a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 - b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
 - c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist

the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and

- d. certification that the designer has internal accounting controls as required by M.G.L. ch.30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. ch.30, §39R(d).

All fees shall be stated in design contracts and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

15. The Town shall not enter into a contract for design services unless the Town or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars (\$1,000,000.) or ten percent (10%) of the project's estimated cost of construction, or such larger amounts as the Town may require, for the applicable period of limitations. A designer required by the Town to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Town prior to the award of the contract listing the Town of North Andover as an "additional insured".
16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Town Manager may elect to authorize expedited procedures to address the emergency. The Town Manager shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.

The Town Manager may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Town Manager shall rank the finalists in order of qualification and select the designer for the emergency work.
18. The Town shall publish the name of any designer awarded a contract in the *Central Register*.
19. The following records shall be kept by the Town :

- a. all information supplied by or obtained about each applicant;
- b. all actions taken relating to the project; and
- c. any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.

20. The Town shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c.7C, §48(h), and file completed evaluations with the Designer Selection Board and any other agency named in M.G.L. c.7C, §48(h).
21. Nothing in these procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.
22. For any municipal design or construction project that includes funding provided by the Commonwealth in whole or in part (such as reimbursements, grants, and the like) the Town shall incorporate minority-owned business enterprises and women-owned business enterprise participation goals. If applicable, the Town shall take steps to assure that it complies with all Supplier Diversity Office requirements.

H. DISPOSITION OF SURPLUS PROPERTY

Purpose

From time to time, the Town of North Andover finds it necessary to dispose of surplus property, including materials, equipment, obsolete inventory or other items no. that are no longer needed or useful. The following policy/procedure outlines the process to be followed in the disposition of surplus items. It is the intent of this policy to establish reasonable control over usage, surplus and obsolete material handling, sale and disposition. This policy/procedure applies to all items having resale or salvage value regardless of dollar amount. These rules apply to all tangible surplus supplies with a resale or salvage value including motor vehicles, machinery, computer equipment, furniture, and other materials and items.

Statutory Authority

Massachusetts General Laws c.30B, §15(f) provides “for a supply with an estimated net value of less than \$10,000, the procurement officer shall dispose of such supply using written procedures approved by the governmental body”.

The General Bylaws of the Town of North Andover (Chapter 45-1) provide that town departments may not transfer, donate, destroy or otherwise dispose of personal property without following the written procedures established by the Select Board in accordance with Massachusetts General Laws, chapter 30B

Administration

This policy/procedure shall be implemented through the Town Manager, serving as Chief Procurement Officer, or his/her designee.

Procedure

A. Designation and Approval of Surplus Items

1. No tangible surplus items owned by the Town of North Andover shall be sold or otherwise disposed of except upon the written recommendation of the respective Division Director to the Town Manager. The written recommendation shall include a specific description of the item to be disposed of including relevant make, model number, serial number, vehicle identification number, etc. The written recommendation is also to include justification/reason for the request.
2. The Town Manager shall review the written recommendation and make an initial determination of its merits.
3. If the Town Manager determines the surplus property has no resale or salvage value, the department shall dispose of such property at the least cost to the Town, after Town Manager approval.

B. Surplus items valued at less than \$10,000

For surplus property valued at less than \$10,000, the Chief Procurement Officer shall determine the method of disposal deemed in the best interest of the Town, which may include, but not be limited to: offering to other departments, soliciting bids, advertising for sale or auction or trading in towards the purchase of new equipment.

C. Surplus Items valued at \$10,000 or more

1. Upon the Town Manager's approval, the written recommendation shall be forwarded to the Select Board for final review and approval. No disposition of surplus items with a value of \$10,000 or more shall be initiated unless approved by a majority of the Select Board.
2. Upon final approval of the Select Board, the Chief Procurement Officer shall dispose of the surplus property in accordance with Massachusetts General Laws, Chapter 30B.
3. All payments shall be by certified bank check payable to the Town of North Andover. Personal and/or company (business) checks will not be accepted.
4. Upon the successful bidder taking possession of the item, the transaction shall be recorded in the form of a written receipt for the payment and the purchaser shall sign a written acknowledgement of receipt of the item.
5. The Town Manager, as Chief Procurement Officer, will solely be responsible for signing any 'Bill of Sale' or 'Registry Title' prior to a successful bidder taking possession of the respective item after confirmation of payment.

Alternative Methods for Sale or Disposal of Surplus Items

A. Online Auctions

1. At the Town Manager's discretion, surplus items may be disposed of using an online auction service. Online auction services must be procured in accordance with MGL c.30B requirements.
2. The online auction posting shall clearly state that the seller is the Town of North Andover and must stipulate all payment terms and sale processes.
3. All payments shall be by certified bank check payable to the Town of North Andover. Personal and/or company (business) checks will not be accepted.

B. Charitable Donations

1. Surplus items may be disposed of at less than fair market value to any organization that has an IRS tax exempt status by reason of its charitable nature.
2. Any such donation with an estimated net value of less than \$1,000 must be approved by the Town Manager.
3. Any such donation with an estimated value between \$1,000 and \$5,000 must be recommended by the Town Manager and approved in advance by a majority vote of the Select Board.

4. Any such donation with an estimated net value of \$5,000 or more will require a majority vote at a duly called Town Meeting.
5. All charitable donations must be reviewed by Town counsel to ensure compliance with the Anti-Aid Amendment to the Massachusetts Constitution and all other applicable laws.

C. Trade-Ins

1. Surplus items with an estimated net value of \$10,000 or more may be traded in as part of a MGL c.30B bid or proposal process. Surplus items with an estimated net value of less than \$10,000 may be traded in as part of a MGL c30B quote process. All vehicle trade-ins, regardless of value, must be approved by the Town Manager.
2. The MGL c.30B quote, bid or proposal process should clearly describe the items to be traded in as part of the procurement.

I. ELECTIONEERING DURING EARLY AND ABSENTEE VOTING

WHEREAS, Chapter 54, Section 65 of the General Laws of Massachusetts prohibits “electioneering” (the display or distribution of material intended to influence the actions of voters) at or within 150 feet of the entrance of polling places at an election of federal, state or local officers;

WHEREAS, an increasing percentage of North Andover voters are taking advantage of their right and opportunity to vote in-person by absentee ballot or during the Early Voting Period established by the Legislature, and come to the Town offices at 120 Main Street in order to obtain absentee ballots or cast early ballots;

WHEREAS, such voters should be given the same right and opportunity to cast or obtain ballots free of electioneering activity as is enjoyed by voters who cast their vote on the day of the election;

WHEREAS, observance of the 150-foot rule established by Chapter 54, Section 65 at the Town offices during in-person absentee voting or the Early Voting Period would not unduly restrict the ability of any person to display or distribute campaign messages to prospective voters approaching the Town offices; and

WHEREAS, the Select Board has the care, custody and control of the Town offices at 120 Main Street and the surrounding sidewalks, and may regulate activity thereon;

The Select Board adopts the following regulation for the period designated for in-person absentee voting and the State’s Early Voting Period: No poster, card, handbill, placard, picture or circular intended to influence the action of the voter, other than those expressly authorized by G.L. c. 54, § 65, shall be posted, exhibited, circulated or distributed in the Town Clerk’s office, in the building where the Town Clerk’s office is located, on the walls thereof, on the premises on which the Town offices at 120 Main Street stand within one hundred and fifty feet of the building entrance door to said Town offices.

ARTICLE III: FINANCE

A. FINANCIAL RESERVE POLICIES

Fund balance and reserve policies should be established to protect the Town from unforeseen increases in expenditures, reduction in revenues, or a combination of both, or any other extraordinary events. Fund balance and reserve policies also serve to provide an additional source of funding for capital construction and replacement projects. Reserves should normally average 5% to 15% of the Town's General Fund budget.

There are two classes of reserves: 1) restricted reserves which are to be utilized only for the purpose designated, 2) unrestricted reserves which can be utilized at the discretion of the authorized personnel.

Reserve policies cover: Operating Reserves, which provide for unanticipated expenditures or unexpected revenue losses during the year; Capital Reserves, which provide for normal replacement of existing capital plan and the financing of capital improvements; OPEB Reserves provide for funding of other post-employment benefit liability; Cash Flow Reserves, which provide sufficient cash flow for daily financial needs; and Contingency Reserves provide for unanticipated expenditures.

The Town shall maintain the following general, special and strategic reserve funds:

- **Operating Reserves**—The maintenance of adequate operating reserves is essential to the financial strength and flexibility of the Town as a whole. Adequate operating reserves are integral parts of the financial structure of the Town and help make it possible for the Town to issue debt, among many other functions.
 1. **Undesignated Fund Balance**- Operating fund balance shall be maintained at sufficient levels to absorb unpredictable revenue shortfalls and to insure desired cash flow levels. With regard to the General fund, cash balances available at year-end shall, in combination with the new revenues, be sufficient to preclude any requirement for short-term debt to sustain town operations. Should this fund balance fall below 5% of the "Fund Balance Floor", defined as General Fund revenue less state aid and appropriations to reserve accounts, a plan for expenditure reductions and/or revenue increases shall be submitted to the Select Board during the next budget cycle.
 2. **Free Cash** – This reserve provides for the temporary financing of unforeseen opportunities or needs of an emergency nature including increases in service delivery cost. This is the portion of undesignated fund balance certified by the Department of Revenue, Division of Local Services, as "Free Cash". Monies held

in this reserve may be appropriated during the current budget year and may also be used as a source of revenue for the ensuing budget year. Of all general fund reserves, this is the most flexible.

3. Finance Committee Reserve
- **Stabilization Fund** – a Stabilization Fund shall be maintained, under the provisions of MGL Chapter 40, Section 5B.
 1. The target funding level (TFL) for the Fund shall be an amount equivalent to 5% of the Town’s prior year’s Total General Fund Revenue less appropriations to reserve accounts. A Stabilization Fund Floor shall be established at 1.5% of the Town’s prior year’s Total General Fund Revenue less appropriations to reserve accounts. The Fund shall be funded only with Free Cash or one-time revenues.
 2. The Stabilization Fund may only be used under the following circumstances:
 - a. To support the operating budget when General Fund Net Revenue, as defined as Total Revenue less debt exclusions and state school building reimbursements, increases less than 2.5% from the prior fiscal year.
 - b. To fund capital projects, on a pay-as-you-go basis, when available Free Cash drops below \$2 million in any year and only if the Capital Stabilization Fund has reached its floor as defined in the Capital Stabilization Fund section of this policy.
 3. The level of use of the Stabilization Fund shall be limited to the following:
 - a. When supporting the operating budget under “2a” above, the amount drawn down from the fund shall be equal to the amount necessary to bring the year-over-year increase in the Town’s prior year Net Revenue to 2.5%, or \$1 million, whichever is less. The draw down shall not occur in more than three consecutive fiscal years and the maximum shall not exceed \$2.5 million for the three year period.
 - b. When funding capital projects, on a pay-as-you-go basis under “2b” above, no more than \$1 million may be drawn down from the fund in any fiscal year. The draw down shall not occur in more than three consecutive fiscal years and the maximum shall not exceed \$2.5 million for the three year period.
 4. In order to replenish the Stabilization Fund if used, in the year immediately following any draw down, the Town shall formulate a plan to restore the Fund to the previously identified TFL. Said funding shall come from Free Cash.
 - **Capital Stabilization Fund** a Stabilization Fund shall be maintained, under the provisions of MGL Chapter 40, Section 5B.
 1. The TFL for the Fund shall be an amount equivalent to 1% of the Town’s prior year Total General Fund Revenues. A Capital Stabilization Fund Floor shall be established at \$25,000. The Fund shall be funded only with Free Cash or one-time revenues.

2. The Capital Stabilization Fund may only be used to fund projects which have been approved as part of the Town's Capital Improvement Plan (CIP).
- **Other Post-Retirement Benefits (OPEB)** – a Stabilization Fund established per the provisions of MGL Chapter 40, Section 5B, and a Trust Fund established per the provisions of MGL Chapter 32B, Section 20 shall be utilized to reserve funds to offset the Town's OPEB liability.
 1. The aggregate target funding level (TFL) for these Funds shall be an amount equivalent to 5% of the OPEB unfunded actuarial liability.
 2. Annually \$75,000 shall be deposited and per person costs for new positions shall be charged to cost center.
 - **Overlay Reserve** – established per the requirements of MGL Chapter 59, Section 25, the Overlay is used as a reserve, under the direction of the Board of Assessors, to fund property tax exemptions and abatements resulting from adjustments in valuation. The Select Board shall, at the conclusion of each fiscal year, require the Board of Assessors to submit an update of the Overlay reserve for each fiscal year, including, but not limited to, the current balances, amounts of potential abatements, and any transfers between accounts. If the balance of any fiscal year overlay exceeds the amount of potential abatements, the Select Board may request the Board of Assessors to declare those balances surplus, for use in the Town's Capital Improvement Plan (CIP) or for any other one-time expense.
 - **Enterprise Fund Retained Earnings Reserve** – to provide rate stability in the Water and Sewer Enterprise Funds, the funds will maintain retained earnings equivalent to a minimum of three months of appropriated expenses. Retained earnings in excess of four months will be appropriated to offset user fees directly or indirectly through capital project pay-as-you-go funding of enterprise fund projects.
 - **Special Education Stabilization Fund** – to provide stability in the delivery of public education that could otherwise be adversely impacted by costs associated with special education which were unforeseen at the time the annual fiscal appropriation was adopted by an Annual Town Meeting, the Town will establish a Stabilization Fund per the provisions of MGL Chapter 40, Section 5B. For the purpose of this policy unforeseen costs are those for which neither experience nor reasonable judgment or planning could have anticipated.
 1. The target funding ceiling (TFC) for this Fund shall be \$750,000 and the target funding floor (TFF) shall be \$100,000.
 2. The school department can request a transfer from this Fund in an amount not to exceed \$250,000 in any one fiscal year if the following conditions are met:
 - a. Eligible costs are limited to out of district placements and transportation costs associated with out of district placements.

- b. The costs were unforeseen prior to the adoption by Town Meeting of the school department budget in the fiscal year the funds are being requested.
 - c. The School Committee, Finance Committee, and Select Board each by majority vote affirm that the costs were unforeseen and paying said costs from the appropriated school department budget would adversely impact the delivery of education in North Andover.
3. In order to ensure that the Fund is not depleted, and that proper financial planning is undertaken to reduce the likelihood of future unforeseen costs, the aggregate amount of transfers from the Fund in any two consecutive fiscal years is \$400,000. The Town shall formulate a plan to restore the Fund to the identified TFC when the balance of the Fund drops below the TFF. Said funding shall come from Free Cash or other Reserves.
4. Prior to use of the fund, every effort should be made to fund such deficits in the operating budget, including but not limited to the use of reserve transfers.

B. AMBULANCE BILLING COLLECTION

1. Purpose

The purpose of this policy is to establish a uniformed process for addressing aging ambulance billing receivables and hardship requests on ambulance billings.

2. Background

The Town of North Andover (hereinafter referred to as “Town”) contracts with an outside billing company to administer the billing and collections for ambulance service provided by the Town through its Fire Department.

The Town, as part of an agreement with the outside billing company, requires a standard method of pursuing collections to ensure payment is secured that is owed to the Town, under prices set by the Town and allowable under federal or state medical reimbursement expenses. In order to achieve these goals, the Town may hire a credit and collection company to pursue delinquent accounts.

3. Write-off of Uncollectible Ambulance Receivables

- a. The Town shall receive and review a monthly balance of accounts, including all aging and current accounts, prepared by the outside billing company. Said monthly statement shall be reconciled by the Town and outstanding balances and receipts received shall be confirmed. Any differences must be immediately resolved and corrected between the town and the outside billing company.
- b. The Town shall meet/review with the outside billing company on a quarterly basis to discuss aging receivables that have shown no activity within the prior 180 days to review the processes utilized by the billing company to pursue said collection on accounts. Said methods of collections that are considered to be a fair and reasonable effort at collection are:
 1. correspondence to the insurance company, if the patient was insured, or to the patient directly, if uninsured; or
 2. facsimile transmissions to the patient or their insurance company.
- c. The Town, after receiving proof that items A and B have been met and collection has not been successful, may authorize the billing company to write-off these receivables as uncollectable accounts. Said determination does not constitute a forgiveness of the debt and it is still payable by the debtor.

The Town authorizes the billing company to turnover to the Town’s designated collection agency the write-offs for further collection activity. This turnover will exclude residual balances after MassHealth, Medicare payments where no secondary insurance has been

identified, and/or those debtors who are found to qualify as “proven to be living under 200% Federal Poverty.”

The Town Manager reserves the right to waive item “C” for North Andover residents.

d. The Collection Agency will remit their collection activities to the Town’s Billing company on a monthly basis for deposit to the Town’s bank account. The billing company shall report said collections to the Town separately from its own collection activity. In event of disagreement, the Town Manager shall decide.

e. The Collection Agency shall report to the Town on a bi-annual basis a summary of their collection efforts and provide recommendations for further write-offs as bad debt. The Town shall review the recommendations, and make a final determination as to whether any of the accounts should be written off as bad debts. Said determination is to be based upon the inability of the collection agency, the billing company, or any agents they or the Town may use, to locate or obtain direct contact to the debtor, either by a registered receipt letter or some other means. Upon the preparation of said final list of determination, this shall be forwarded to the Town Manager. Upon approval, that said final list will be deemed uncollectable and removed from collection and forwarded to the Town Accountant.

4. Hardship requests

a. Amounts due of \$50.00 or less to which patient returns the bill indicating hardship will be written off.

b. Requests for waiver of a portion or all of an ambulance bill shall be submitted by the patient to the outside billing company for review and determination of financial conditions of the patient and ability to pay. The request may be required to be submitted upon approved forms supplied by the outside billing company and may require documentation, such as hospital free care confirmation, a signed copy of the income tax return for the prior year, a letter from a third party such as a social worker, or a letter from the patient himself attesting to such hardship that has been signed under the pains and penalties of perjury.

c. The outside billing company will review all requests for waivers based upon financial hardship and shall issue a recommendation based on the Massachusetts Department of Housing and Urban Development income guidelines whether a waiver should be granted by the Town .

d. The Fire Chief and the Town Treasurer will have the authority to determine if a waiver shall be granted where the balance is \$250.00 or less. They will report the approval to the Town Accountant and the Town Manager.

e. For balances in excess of \$250.00, the Town through the Town Manager shall review the decision of the outside billing company for each requested financial hardship waiver. Unless mitigating information is presented or obtained that would require a new review of the

request, the Town Manager shall confirm the decision of the outside billing company relative to the requested financial hardship waivers.

f. The Town shall notify the outside billing company of the decision of the Town relative to their action on the requested financial hardship waivers within ten (10) days of the decision and it shall be so documented in the accounts receivable issued by the outside billing company.

All information received as a result of this policy, including debtor's name, address and financial information, may not be a public record and is subject to compliance with federal, state and local laws relative to medical, personal and financial information for purposes of records retention and public records access.

C. SENIOR CITIZEN PROPERTY TAX WORK PROGRAM

Purpose

The 2012 Annual Town Meeting voted to accept the provisions of Massachusetts General Laws c59, §5K authorizing the continuation of a Senior Citizen Property Tax Work-Off Program and to authorize the Select Board to adopt regulations for implementing the program consistent with the intent of the statute. The 2012 Annual Town Meeting also voted to allow an approved representative, in lieu of persons physically unable, to provide such services to the Town.

Statutory Authority

Massachusetts General Laws c59, §5K provides for the establishment of a program to allow persons over the age of 60 to volunteer to provide services to a town. In exchange for such volunteer services, the town shall reduce the real property tax obligations of such person and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the Commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500.00 in a given tax year. It shall be the responsibility of the town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate.

Administration

This policy/procedure shall be implemented and administered by the Director of Elder Services or his/her designee.

Procedure

A. Notification

1. Applications will be made available at the North Andover Senior Center for eligible Town residents starting on the first Monday in May through the third Friday in May.
2. Posting for the program will be placed on the Town's website, local access cable, local newspapers, and flyers in prominent locations throughout the Town.
3. All Town departments (municipal and school) will be contacted and asked to submit request for workers and job skills required.

B. Eligibility

1. To be eligible for this program, a Town resident must:
 - a. Be over sixty (60) years of age;
 - b. Own and occupy the property for which Town of North Andover taxes are paid;
 - c. Have their name or current spouse listed on deed;
 - d. Meet the minimum skills required for the assigned position;
 - e. Be able to start the assignment by the first Tuesday in September; and
 - f. Provide own transportation to the designated job site.
2. Completed applications must be submitted by close of business on the first (1st) Friday in June. One (1) applicant per real estate tax paying household may apply.
3. All applicants will be scheduled for an interview/intake. At the time of interview/ intake, applicant must:
 - a. Present most recent property tax bill;
 - b. Complete and sign Criminal Offender Record Information (CORI) clearance form; and
 - c. Complete and sign an I-9 form; and
 - d. Volunteer/Participant Release of Liability and Assumption of Risk Agreement.

C. Selection of Candidates

1. If there are more applicants than authorized positions in a particular year, a lottery drawing will be held of all eligible applicants.
2. The lottery drawing will be held on the second Friday in June at 10:00 a.m. at the Senior Center.
3. All names will be drawn and assigned a number.
4. The designated numbers equivalent to the number of authorized positions will receive a placement assignment along with Department name, supervisor contact, etc.
5. If an applicant selected cannot fulfill the specific job assignment, the next eligible applicant will be offered the position.

D. Completion and Documentation of Hours

1. Selected candidates must complete the total designated number of hours between the first Monday in July and the last Friday in April. The maximum number of hours a candidate is eligible to work in a week is ten (10) hours.
2. All hours worked must be documented and approved by the designated supervisor in the Town/School department.
3. The designated supervisor will return the sign-off sheet at the end of the term to the Senior Center along with an accompanying W-4 form for the current calendar year.
4. The Director of Elder Services, or his/her designee, will be responsible for submitting all necessary documentation to the Assessor's Office for the proper accounting of tax abatement.

E. Approved Representative

1. Successful applicants not physically able to perform such services may designate an approved representative to provide such services.
2. The approved representative must:
 - a. Be eighteen (18) years of age or older;
 - b. Complete and sign CORI clearance form;
 - c. Provide own transportation to the designated job site;
 - d. Be able to work the necessary hours during regular business hours;
 - e. Meet the skills required for the position; and
 - f. Complete the hours within the required time frame.

F. Program Benefit Limits and Amendments

Effective Fiscal Year 2023, the program benefit limits, as established by the Select Board shall be:

1. Maximum of sixty (60) participants;
2. One hundred (100) hours of service; and
3. Property tax abatement based on the current minimum wage of the Commonwealth (\$14.25) per hour \$1,500.00 maximum.

- G. The Town Manager shall, from time to time, propose and the Select Board may adopt amendments to this policy/procedure.

D. BETTERMENT ASSESSEMENTS AND SEWER PRIVILEGE FEES

1. General

The Town of North Andover (hereinafter referred to as “Town”), acting through its Select Board or duly authorized agent, shall assess the owners of the land abutting a public sewer line installed by the Town by a rate based upon the uniform unit method. Sewer assessments shall be determined utilizing sewer unit values and shall be levied as betterment assessments or sewer privilege fees as described herein. Revenue generated by said sewer betterment assessments shall cover the local (town) share of the total project costs associated with the design and construction of sewer projects and appurtenant work.

The authority to assess betterments, as well as the permitted methodologies for doing so, are described in Massachusetts General Laws, ch.80 and ch.83, §14-24.

If any provision of these regulations or the application thereof to any person or circumstance is found to be invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without such invalid provision or application.

2. Method of Assessing Betterments

A. General

The Town shall assess sewer betterments based upon the uniform unit method. Sewer users shall be assessed by a rate proportional to the value assigned to the sewer unit at the time of assessment. Said rate shall be determined by user class and shall apply to all lands developed or undeveloped abutting the aforementioned public sewer line. The assessment shall be calculated by dividing twenty percent (20%) of the local share of the total allocable sewer project costs by the total number of sewer units. The local share of the project costs can include costs of engineering, survey and design, construction, land acquisitions, legal services and all related contingencies less all state and federal aid received.

B. Time of Assessment

Betterments

The time of assessment for properties abutting the sewer line shall be that date upon which the sewer system with appurtenance is “approved for use” or at which time the total project costs are known. In the case where the construction of that portion for the sewer system funded by betterments is completed prior to the date upon which the sewer system is “approved for use”, it shall be within the powers of the Select Board, or their duly authorized agent, to establish an earlier date of assessment.

Sewer Privilege Fees

For those properties not abutting the sewer line but tying into the system at a future date, the time of assessment shall be the date upon which that property connects into the sewer system.

Sewer Unit Value Determination

The sewer unit value shall be determined as follows:

$$\text{One sewer unit (\$)} = \frac{\text{Amount to be recovered by assessments (\$)}}{\text{Total number of sewer units*}}$$

*Total number of sewer units as determined by Section 3 below

3. Sewer Unit Designation

A. General

Sewer units shall be designated based upon the user class of those properties to be assessed a betterment. The user class shall be determined based on the most recent, available information from the Town Assessor. Said classes shall include residential and non-residential. The non-residential class shall include commercial, industrial, municipal and any other non-residential properties. Properties receiving direct benefit from the public sewer system, whether developed or undeveloped shall be designated a number of sewer units in accordance with the following guidelines described below.

B. Sewer Unit Determinations

Residential, Developed:

- Single family dwellings shall comprise one sewer unit.
- Duplex dwellings shall comprise two sewer units.
- Three (3) family dwellings shall comprise three sewer units.
- Four (4) family dwellings shall comprise four sewer units.
- Multiple family dwellings (in excess of four dwelling units) shall comprise a number of sewer units based upon the following methodology:
 - Rental properties shall be assessed one sewer unit for each apartment.
 - Condominium complexes shall be assessed one sewer unit for each dwelling unit.

Non-Residential, Developed

Non-residential buildings shall include all industrial, commercial and municipal properties. Non-residential buildings which are metered for water use shall comprise of a number of sewer units based upon water consumption using the following formula:

$$\text{Equivalent Number of Sewer Units} = \frac{\text{Non-residential water usage in gallons per day (gpd)}}{330 \text{ gpd}}$$

All amounts shall be rounded up to the nearest whole number.

Non-residential water usage in the above formula shall be based upon an average of the past two (2) years of water use. If two (2) years of metered water consumption records are not available or if the assessing authority deems that the water records are not representative of the potential usage, the calculation shall be based on Title 5 State Environmental Code for the Commonwealth of Massachusetts Minimum Requirements for the Subsurface Disposal of Sanitary Sewerage as outlined below.

Non-residential buildings not metered for water use shall be assigned an average sewer disposal volume based on Title 5 of the State Environmental Code for the Commonwealth of Massachusetts Minimum Requirements for the Subsurface Disposal of Sanitary Sewerage. An equivalent number of sewer units shall then be determined by using the following formula:

$$\text{Equivalent number of sewer units} = \frac{\text{Non-residential sewerage flow in gpd}}{260 \text{ gpd}}$$

All amounts shall be rounded up to the nearest whole number.

Residential, Undeveloped

Undeveloped lots shall be converted into dwelling units on the basis of maximum number of buildable dwelling lots using the applicable minimum footage and area requirements as directed in the Town’s Zoning By-Laws in effect at the time of assessment. Each potential dwelling unit shall then comprise one (1) sewer unit.

Non-residential, Undeveloped

Undeveloped lots shall be converted into a maximum anticipated water consumption on the basis of the Town’s Zoning By-Laws. An equivalent number of sewer units shall then be determined utilizing the formula described above in Section 3.2.2 for non-residential developed properties.

Dual Use Properties

Properties having both residential and non-residential uses shall be assessed based on the total number of units based on Sections 3.2.1 and 3.2.2 respectively, with an allowance made for residential water use. Dual use properties shall have a minimum assessment for two (2) sewer units.

4. Betterment Payment

General

Except as herein provided, the provisions of Massachusetts General Laws relative to the assessment, apportionment, division, re-assessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments made under this policy and the Tax Assessor of the Town shall have all the powers conveyed by the General Laws.

Lump Sum Betterment

The lump sum betterment payment for an assessed property shall be equivalent to the product of the total number of sewer units designated upon said property and the appropriate value for one (1) sewer unit at the time of assessment. Said values shall be determined as described herein.

Apportionment for Betterment Payment

Property owners shall have the option to finance betterment payments through apportionment. The interest rate charged by the Town shall be up to two percent (2%) greater than the project bond rate being paid by the Town for the sewer construction project.

Betterment Deferral

The provisions of M.G.L, ch.80, §13B, with regard to deferral of betterment assessments were adopted by the Town under Article 24 at the May 2, 1994 Annual Town Meeting.

Abatements

The Select Board will review and may provide abatements on the payment of the betterment assessment on an individual case by case basis.

5: Sewer Privilege Fee

Private Sewer Extension

If a private developer or a person other than the Town, constructs a sewer extension to the public sewer system, the Town shall assess a sewer privilege fee in lieu of betterment assessment against each property tying into said sewer extension. The sewer privilege fee shall be equivalent to the amount that would have been calculated as the betterment assessment pertinent to each property as determined following procedures outlined in Section 3 of these regulations. Sewer privilege fees shall be levied at the time of connection to the public sewer system. Sections 4.2 of these regulations shall govern a property owner's method of payment.

In addition, property owners connecting to a private sewer extension shall bear the burden of all costs, including costs of legal services, related to the following:

- Review of design plans and specifications for the private sewer extensions to be accepted as part of the municipal or shared sewer system conducted by a Registered Professional Engineer as authorized by the Select Board.
- Inspection fees related to the installation of the private sewer line tying into the public or shared sewer system.

- Application fees for any applicable town inspection or connection permits.

Costs associated with the design and construction of a private sewer extension shall be considered separate to the sewer privilege fee. Payments or method of payment related to these costs shall not be reflected within the sewer privilege fee.

Compensatory Sewer Privilege Fee

In situations where a betterment has been assessed to (1) an undeveloped property based upon the estimated number of developable sewer units as required by these regulations and said property is ultimately developed to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, or (2) a developed property and later in time the use of said property increased to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee to reflect the increased use. This fee shall be equivalent to that sum of money that would have been charged as a betterment assessment upon the additional sewer units at the time of the original assessment. Section 4.2 of these regulations shall govern the method of payment.

Sewer Connection Charge

The Town shall assess a sewer connection charge to the owners of land abutting a sewer line owned by the Town for those properties that cannot be assessed a sewer betterment. This charge shall be made in lieu of a betterment assessment in an amount equal to the amount that would have been assessed under either Section 3 or Section 5, whichever is deemed appropriate by the assessing body.

Sewer connection charges shall be levied at the time of connection to the public sewer system. Section 4.2 of these regulations shall govern a property owner's method of payment.

E. WATER/SEWER ABATEMENT

Any customer of the North Andover water and/or sewer system may file an abatement request if he/she believes that the amount charged on the utility bill is in error by reason of incorrect reading, miscalculation of a bill, excessive reading, or a water leak as described below. For billing purposes the Town assumes that sewerage use equals water use, unless the meter is a bypass or water only meter.

SUBMISSION OF REQUESTS FOR ABATEMENTS

Requests for abatements must be submitted in writing to the Division of Public Works, Water Department Supervisor, 384 Osgood Street, North Andover, no later than forty-five (45) days after the issuance date of the bill in dispute. All requests must contain the customer's name, address, bill number, account number and reason for the abatement request.

Prior to filing an abatement request, customers are required to have paid all uncontested prior bills including penalties and interest, if applicable, and to pay against each contested billing period the amount equal to the bill prior to the contested billing period(s). No interest, penalties or late charges will accrue on the unpaid portion of contested bills while the request is under review

Water leaks. When a customer can demonstrate that a quantity of water billed to the user did not go into the sewerage system due to a water leak, water usage charges will be abated to a lower usage tier and sewer usage charges will be completely abated. The determination as to whether the usage charges should be abated to the lower usage tier shall be based on a comparison of the average monthly rate of usage during the prior eight billing periods. The customer must submit a request in writing as to the cause of the condition, along with a Plumber's Verification form, (Addendum A), signed by a license plumber having personal knowledge of the facts, along with a paid receipt for repair of the leak.

Swimming pools. Requests for abatement will be accepted for initial filling of a new swimming pool or complete refilling of a swimming pool due to a replacement of the liner. The customer must submit a receipt of the new liner that states the capacity of the pool and the billing period in which the initial filling or complete refilling occurred. This abatement does not apply to seasonal refilling or topping off. Sewer usage charges will be completely abated based on the capacity of the pool. There will be no abatement for water usage charges.

Irrigation systems. For irrigation systems, the determination as to whether the water usage charges should be abated to the lower usage tier shall be based on a comparison of the average monthly rate of usages during the previous eight seasons. If it is determined an abatement should be granted, the amount above the average usage will be abated to a lower usage tier. To request an abatement, the customer must submit a request in writing, along with a paid receipt for repair of the leak.

A customer's inability to pay a water or sewer bill shall not be grounds for abatement under this policy.

REVIEW OF REQUEST

The Water Department Supervisor (hereinafter referred to as “Supervisor”) must investigate all abatement requests and issue a determination in writing within twenty (20) days after the date a request for abatement has been received by the Division of Public Works. The Supervisor shall either approve or deny the request. If a determination is not issued within twenty (20) days, the matter shall automatically be referred to the Director of Public Works. If the request is denied, the customer may, within ten (10) days of receipt of the denial, request, in writing, a review by the Director of Public Works (hereinafter referred to as “Director”). If a request for a review by the Director is not received within ten (10) days of receipt of the denial, no further appeal shall be allowed and customer must pay all amounts due immediately.

The Director shall issue a determination in writing, within fifteen (15) days after receipt of a request for review of the Supervisor’s decision. If the Director confirms the findings of the Supervisor, the customer shall have the right to appeal the decision and request a hearing with the Utility Abatement Review Board. If the Director does not issue a determination within fifteen (15) days, the matter shall automatically be referred to the Utility Abatement Review Board. All requests for appeal must be submitted on the form provided by the Division of Public Works (Addendum B) within ten (10) days from receipt of the decision of the Director. If customer does not request a hearing within ten (10) days of receipt of the Director’s decision, no further appeal shall be allowed and customer must pay all amounts due immediately.

The Utility Abatement Review Board shall consist of two members of the Select Board and the Director of Finance. The Utility Abatement Review Board will hold a hearing no later than thirty (30) days from receipt of the Request for Appeal and will issue a determination in writing within ten (10) days after the hearing. All decisions shall state the reason for the decision and the amount, if any, of the abatement. Decisions of the Utility Abatement Review Board are final, subject only to such judicial review as may be available under the laws of the Commonwealth of Massachusetts. Customer must pay all amounts due within ten (10) days after receipt of the decision of the Utility Abatement Review Board.

If a request for abatement is approved, the customer shall not have the right to appeal the abatement amount, and must pay the remaining amount of the contested bill within ten (10) days from approval. If a request for abatement is approved by either the Supervisor or the Director and the requested abatement amount is in excess of \$5,000.00, the Director of Finance must also approve the request. Prior to any abatement amount being approved and any credit being given, the water department shall confirm with the Treasurer/Collector’s office that all prior bills have been paid.

**Town of North Andover Abatement Request
Plumber's Verification Form**

I, _____
(Plumber's name) (Trade name if different)

(Plumber's Address)

have repaired a leak at _____
(Customer's Address)

for _____ on _____
(Customer's Name) (Date of repair)

I hereby verify that water usage from that leak did not enter the Town's Sewer System.

Plumber's Signature _____

License Number _____

Telephone Number _____

This form must be submitted with any request for abatement for sewer usage charges as a result of a water leak.

Please return form to: Abatements
Department of Public Works
384 Osgood Street
North Andover, MA 01845

Appeal to Utility Abatement Board
Town of North Andover Water & Sewer Bill

I, _____ of _____
(Your name) (Address)

(Account number & Bill number) Service address (if different from above)

request the Town of North Andover Utility Abatement Board to review the water/sewer billings for the period _____. I believe the billing should be adjusted because (Please use additional paper if necessary):

Amount of Bill _____ requested Adjustment (units or dollars) _____
Please state the requested adjustment you are seeking in either units or dollars. This request is for information only.

Customer
Signature _____ Date _____

Please attach any other supporting documentation.

Please forward to: Director of Finance
Town Hall
120 Main Street
North Andover, MA 01845