

Select Board Meeting

Monday, January 9, 2023 7:00 PM
Yvon and Noella Cormier Youth Center
40 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

III. Communications/Announcements/Liaison Reports

IV. Citizens Petitions and Presentations

ANDOVER TOWN CLERK
RCUD 2023 JAN 5 PM4:13

V. Regular Business

A. Town Governance

Board to discuss and consider voting to accept the Town Governance Study Committee's recommendations on the following recommendations:

- Removing the Town Manager Residency Requirement from the Town Charter
- Allowing Electronic Voting at Town Meeting

B. Information Technology Surplus Property Disposal

Board to consider voting to authorize the Town Manager to dispose of some or all of 714 units of information technology surplus property.

VI. Consent Agenda

A. Appointments by the Town Manager

Board to vote that the following appointments by the Town Manager be approved.

Department	Name	Position	Rate/Term	Date of Hire
Town Manager's Office	Phillip Geoffroy	Director of Communications	\$98,500.00/yr	1/10/2023
Facilities	Evan Sermos (Andrea Schreck)	Mechanical Engineer	\$86,634.26/yr	1/10/2023
Finance – Accounting	Tara Bicknell (Cheryl Dick)	Assistant Town Accountant / Town Auditor	\$83,026.17/yr	2/6/2023
Community Services – Elder Services	Kayla Srybny	Adult Social Day Care Assistant	\$22.77/hr	1/10/2023
Community Services – Elder Services	Heather Bhattacharjee	Per Diem Adult Social Day Care Assistant	\$22.00/hr	12/19/2022

Commission on Disability	Carlene Bell-Flanagan	Member	Term Expires 6/30/2024	1/9/2023
Town Seal Review Committee	Jemma Lambert	Member	Term Expires 6/30/2023	1/9/2023
West Elementary School Building Committee	Patrick Lawlor	Member		1/9/2023

VII. Approval of Minutes

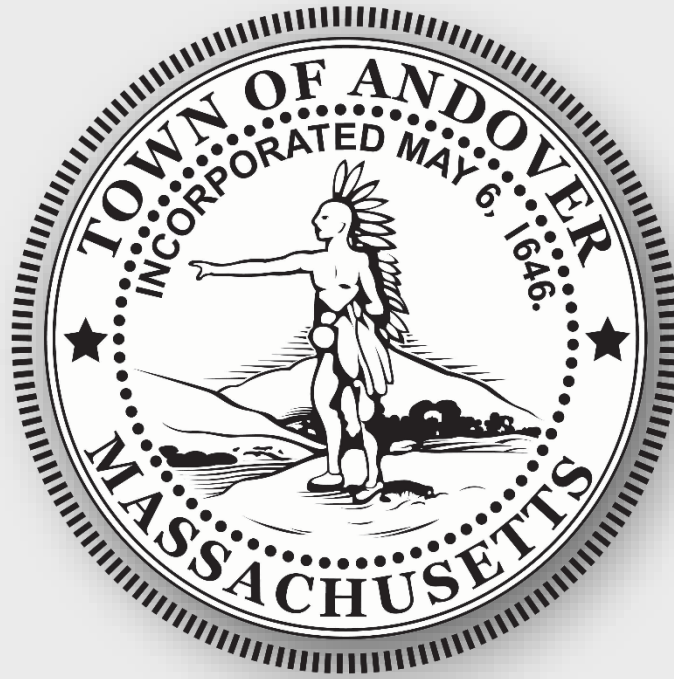
A. Board to approve minutes from the following meetings:

1. October 24, 2022

VIII. Adjourn

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Kathryn Forina in the Town Manager's Office at 978-623-8215 or by email at kathryn.forina@andoverma.us

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45



ANDOVER IT RECYCLING

Paul J. Puzanghera, CIO
Wallace McKenzie, Joe Huskey
January 9th, 2023

REQUEST



- Motion: “I move that the Board vote to authorize the Town Manager to dispose of some or all of the **714** units of information technology surplus property as described on the list presented to the Board, and to authorize the Town Manger to do so in his discretion by public auction or competitive bids pursuant to General Laws Chapter 30B.”
- Background
 - June 2022 disposal resulted in \$ 32,700.00 of revenue for the Town.

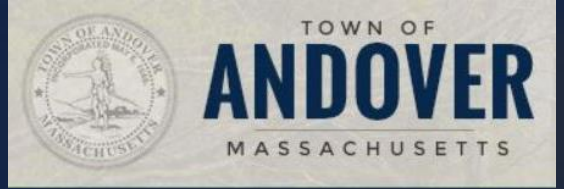
WHAT WILL BE DISPOSED?



Product	Non-Operational	Operational	Total	Market Value
Chromebook	2	288	290	\$4,320.00
Dock Station		4	4	\$0.00
Document Camera		2	2	\$0.00
Flat Screen	3	77	80	\$385.00
iPad	1	64	65	\$960.00
Printer	6	27	33	\$135.00
Projector	4	2	6	\$10.00
Server		1	1	\$10.00
VOIP Phone/Handset		4	4	\$20.00
Workstation	130	99	229	\$10,080.00
Totals	146	568	714	\$12,675.00

Approximately 95% of devices to be disposed have been in service before 2017
Also included are approximately 200 45w chargers and assorted cables, connection, etc.
Actual Market Value varies by available supply and demand.

PROCESS



Coordinate Internally

- Have worked with Theresa Peznola, Town Purchasing Agent on disposal process to conform to Chapter 30B.
- Review with Town Sustainability Dept for input

Establish Disposal Guidelines

- Protect all confidential information
- Ensure responsible disposal emphasizing reuse/recycling and minimizing landfill impact
- Maximize any potential revenue opportunity. Revenue potential is unknown at this time

Attempt disposal using Municbid auction site

- Allow potential vendors to bid on the block of assets

If no acceptable bidders develop an RFP

- Use state contract vendors where possible

This is not a one-time event. Responsible disposal of e-Waste will be an on-going challenge

DISPOSAL GUIDELINES



- Protect Confidentiality
 - If devices are to be refurbished for reuse, all hard drives must be wiped in accordance with Department of Defense specifications (DoD) 5220.22-M. The vendor provides a **Certificate** for each device.
 - If device is to be recycled, hard drives are physically destroyed. Recycler will provide a **Certificate of Destruction**
 - Asset tags are removed from all devices
- Ensure responsible disposal
 - **Reuse** first, **Recycle** second
 - Vendor will certify that essentially no material will be sent to a landfill.
 - Recycler must conform to all state and federal environmental management certifications and regulations.
 - Recycler will follow Town of Andover sustainability guidelines
 - Vendor should be Sustainable Electronics Recycling International (SERI R2) Certified
- Maximize revenue potential
 - Andover IT has unlocked and wiped devices in order to enhance market value
 - Vendor will pick up devices from Town of Andover
 - Emphasis on reuse where possible. Competitive bid for all material. Total revenue potential is very unclear

QUESTIONS



TOWN OF
ANDOVER
MASSACHUSETTS



BACKGROUND AND DETAIL SLIDES

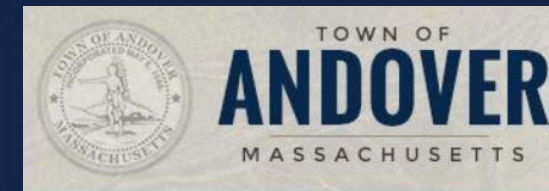


ASSET DISTRIBUTION (11/8/21)



Asset Category	# of Current Assets	% of Total
E-Waste	709	4%
In Repair	104	1%
In Store	1,867	11%
In Use	13,522	79%
Lease Up	275	2%
Missing	365	2%
RMA	185	1%
Stolen	7	0%
TOTAL	17,034	100%

SERI R2 CERTIFICATION



- Sustainable Electronics Recycling International (SERI) -The R2 Standard emphasizes reuse and resource management over e-waste management.
- Two main pillars of the R2 Standard are: maximum data security and maximum material recovery for end-of-life electronics.
- R2-certified facilities go through rigorous independent audits on an annual basis by certified bodies to ensure:
 - materials are clear of all confidential and personal residual data;
 - electronics for reuse are tracked throughout the supply chain;
 - downstream vendors are vetted in accordance with best industry practices and certification requirements;
 - and unusable products are responsibly recycled with the least environmental impact.

Select Board Meeting
Monday, October 24, 2022
Memorial Hall, Memorial Hall Library
2 North Main Street, Andover, MA 01810

I. Call to Order

The Chair, Alex Vispoli, called the meeting to order at 7:00 PM.

Members Present: Laura Gregory, Annie Gilbert, Chris Huntress, Melissa Danisch.

Others in Attendance: Town Manager, Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Asst Town Manager/Town Clerk Austin Simko, Town Counsel Tom Urbelis.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a moment of Silence followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager announced that they have scheduled twelve in-person and virtual sessions for the Public Forum sessions for the WESP Building Project. Meetings will have a representative from the West El/Shawsheen School Building Committee, the Town Manager’s Office and the School Committee. More information is available on the Town webpage. There will be a Special Town Meeting on December 1, 2022.

IV. Citizens Petitions and Presentations

Donal Coleman, Andover Mass, commented on the low attendance at lunch at the Senior Center and the September 8th Health Fair. He also asked about the status of the High Street “dumping area “. The Town Manager said they have been using this location for a long time to dump snow in the winter and at other times it is used for construction projects. Donal also asked to have Town Meeting held on a Saturday so seniors can attend.

V. Public Hearings

A. Small Cell Wireless Installation (3rd Reading)

Board to review and vote on an application by Cellco Partnership d/b/a Verizon Wireless for the installation of five (5) 4G small cell wireless facilities including one (1) canister style antenna, two (2) remote radio heads, and associated wires, cable, fiber demarcs, A/C converters, diplexers and electric meters attached to existing utility poles located within the public right of way at the following addresses:

ADDRESS	UTILITY POLE #
39 Stinson Road	6821
36 Vine Street	4540
164 Andover Street	4266/39
2 Hansom Road (Pole on Lovejoy Road)	7167/32
59 Dascomb Road	2857, 19/20

In response to the Boards' request, Tom Urbelis has obtained outside counsel from two different firms to provide advice and to help answer questions from the October 17, 2022 meeting.

1. Atty. Alan Mandl, Former Asst. Attorney General and Chief of the Utilities Division in the Attorney General's Office and from the Law firm of Ferriter, Scobbo and Redophele.
2. Atty. Thomas Gorman who is a law partner with the Law Firm of Sharon and Lodgen and who has over the past 25-years provided exemplary legal services as special counsel in many different matters to the Town and brings both a litigator and trial attorney's perspective to some of the issues under discussion.

A memorandum of law from the Attorney Mandl's Office with regard to the issues was sent to the Town Manager and has been distributed to the appropriate parties to review ahead of tonight's meeting.

Attorney Mandl provided a high-level brief summary of the standards under the Federal Communications Act which govern location decisions and the primary Federal Law relative to the concerns of the Board (47USC Section 332 C-7B). The Federal Law has five standards that govern these types of proceedings. A local permitting authority cannot unreasonably discriminate as between functionally equivalent services and their decision cannot have the effect of prohibiting personal wireless service which includes cellphone service. Action on a permanent act must be taken within a reasonable time; the FCC provides shot clock intervals which vary from 60-150 days for small cell facilities, depending on whether the attachment is being made to a utility pole or if a new pole dedicated primarily to telecom service is being proposed.

The law provides that a denial must be in writing based on a statement of reasons supported by substantial evidence and a written hearing record. All that is required is that a reviewing court can understand the basis for the Board's action. Courts are generally deferential to the local permitting authority as long as they have selected a result between two reasonable alternatives. Municipalities cannot regulate the construction, placement, or modification of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the radio frequency emissions are in compliance with FCC regulations.

Atty. Mandl has reviewed the hearing tapes from the October 3 and October 17, 2022 Select Board Meetings, reviewed the Verizon Wireless Application, read the memorandum on opposition and read some emails. He also read Attorney Gorman's letter which is very comprehensive and in general agrees with his responses.

- Abutters Real Estate Values Can the Board deny the Verizon Wireless application on the basis that proposed wireless facilities would diminish abutter property values? *The policy adopted by the Select Board does not include that factor as a basis for denial. Policy Section 1K provides a denial can be based on the capacity of the pole, safety concerns, reliability concerns, or the failure to meet applicable engineering or design standards. The Board is not free to create new standards that would apply to an applicant and deny an application based on a standard that wasn't previously published.*

- *Even if the Board were to consider the information on property valuations, that information may not be substantial evidence on which the Board could rely in issuing a denial. The courts don't treat property owners testimony as substantial evidence in most cases. There is no evidence that he has found that would cause the application to be denied on the basis that it could diminish abutter real estate value.*
- *Can NGrid or Verizon Wireless be required to obtain a special permit to replace an existing utility pole and attach a communications facility?*

Atty. Mandl does not believe a special permit is required and placement is covered by Chapter 166 of the MA General Laws and is a Comprehensive Statutory including Section 22 and other sections relating to pole requirements under law. That statute specifically authorizes the Select Board to adopt regulations in order to carry out its authority under Section 22. The special permit bylaw requirements have nothing to do with public ways.

- *Historical Locations – Must the Verizon Wireless application be reviewed by a Historical Commission? The Select Board Policy doesn't prohibit a location for wireless attachment in historic locations. Section 7 of the Design Guidelines provides that small wireless facilities should be located so that they are not along the frontage of any building deemed to be of historical significance on a Federal, State, or local level. Under the policy, the Board has the right to select an alternate location and ask the applicant to look at it and report back whether that location is technically feasible and does not incur any costs.*

In looking at the Historical Commission bylaws that specify pole attachments to an existing utility pole, many Historic District Commissions do not regulate the placement of poles or attachments, that is deferred to the grant application process.

- *Can the Board deny the application based on aesthetic concerns based on criteria which are not in the policy? As a general matter, the courts have ruled that a decision can't be based on a criterion not provided in the local bylaw regulation or policy.*

Atty. Thomas Gorman looked into the various matters and questions raised and approached it from the angle of someone who deals in litigation and trial with expert and lay testimonial to the extent to which that testimony would be considered competent and admissible. He provided case law on what the small cell wireless facilities are and as described by the court to improve quality and capacity in areas.

In the course of his research he did not encounter a case finding on land court conclusions regarding diminishing value of property due to installations of small cell wireless apparatus in a public way. As to the question if a homeowner can testify about the effect a small cell installation would have on the value of their home, there is a limitation to the significance of that testimony. In the context of establishing if a particular condition has devalued property the testimony of a home owner or Massachusetts License Real Estate person often did not satisfy the evidence standard

There is no provision in the Select Board rules and regulations that addresses a denial based on the value of real estate. The question would be if there is evidence of substantial value loss and a general principal in context that if there is going to be a denial it has to adhere to the standard. Also cannot be denied on the basis of evidence outside of the rules and regulations.

Does the Andover Select Board have substantial evidence to deny the application? *It is his opinion that the Select Board did not have substantial evidence to deny the application.*

Zoning bylaw denial: The Zoning Inspector is the interpreting vehicle for the Town and there is no reason to dispute his conclusion and is consistent in what he understands is the bylaws intent.

Comments from the Board:

Laura Gregory asked if it is correct that the only option the Board has is to approve the application? In his opinion, Attorney Gorman did not see a basis to deny the application. Laura asked what sort of substantial evidence would look like and options they can use to change the policy and for guidance to do so.

Atty Alan Mandell responded that the Board can make changes to policy in the future. Under Chapter 166 (public safety, aesthetics) there are two general principles to figure out what needs to be done to implement without running afoul of the Telecommunications Act. i.e. set-back requirements, the number of feet from a residence, etc. The Board has to be careful in what it elects to do and have a basis for doing it.

In response to Melissa Danish's question if the Select Board has the right to ask Verizon about alternative locations (Historic Districts) and what that entails, Attorney Mandl said there is a provision in the policy that requests an applicant look at an alternative location and provided examples of requests. It is a good provision to have. If there is a sensitive location, you may want an applicant to identify in detail what other sites they looked at, where they are, and why they were not selected.

Chris Huntress: In relation to the historic aspects of this application, one of the poles is located within the confines of the Historic District of Ballardvale. He questions whether or not the application was required to apply under Section 106, paragraph 7 under the Historic Commission Act of 1966. He does not believe that the application under discussion meets the criteria, the antenna is too big. He feels that Verizon needs a permit. Who makes that determination?

Atty. Mandell responded that a good application form should provide a lot of information needed to make a decision. Concerns about Historic Districts can be built into the Board's application. Section 106 provides detailed information and he suggested they talk to the Mass Historic Association. It is a difficult issue, but going forward there is a lot that one can do to get information from the applicant to do what they might want to do using State resources.

Chris Huntress did reach out to the State Historic Preservation Officer and their initial response was that a permit is required. If we apply a condition to an approval from the National Preservation Act under Section 106, how is that viewed moving forward? How is that condition satisfied? Atty Mandl said that is an issue for the applicant.

The applicant has submitted one application for all 5 of the poles; can they move forward without approval of all? i.e. one pole.

The FCC accepts batch applications which can be in two forms; one application covering multiple pole locations, or five separate applications submitted at the same time. Both would be considered batches. The entire batch would be subject to the 90-day period. You can deny part of an application if you think one of the locations has not been justified and approve the other four. It is not all or nothing.

Annie Gilbert: As a follow up to the question about the National Historic Preservation Act, in April 2019 the Director of the Mass Dept of Telecommunications gave a presentation to the Board about the FCC's order about these types of applications. One of things they were told was that part of the FCC's ruling was that small wireless facilities were excluded from the National Historic Preservation Act. To what extent, does that relate to the issues about this pole location in question. Atty. Mandl would have to look further into that facility Location #171632.

Comments from the public:

Attorney Peter Caruso is representing residents of 2 Hansom Road. He spoke about the small cell bylaw that says the special permit does apply to this particular installation; CFR Section 1.603 defines what a facility is. A small cell facility does talk about a pole – which is a structure. The size and cubic feet states that the structure is no more than 28 cubic feet in volume – this structure is to be 48' which exceeds the Federal regulation. When there is a replacement pole, the shot clock period is 90 days. They had an opinion from the Bldg. Inspector, Chris Clemente which is that the proposed co-location is simply an accessory use and not subject specifically to CFR 6.0 of the zoning by-law. Atty. Caruso argues that this decision should not be before the Select Board for approval but should be before the Zoning Board of Appeals because it is a replacement pole and an accessory structure.

Atty. Caruso also said his clients have three appraisals from reputable real estate agents showing that the installation would have an effect on the real estate values. If the Select Board allows this facility, the Select Board cannot prohibit Verizon from increasing the height to 50'. The bylaw talked a lot about the impact on residential dwellings.

Additional questions/comments from residents:

Several residents presented comments and questions to Attorney Mandl and Attorney Gorman regarding the installation of the small cell facility on Lovejoy/Dascomb Road. They asked about the coverage maps that did not show a gap in the area, what happens if the request is denied, if the application is rejected could the applicant sue and what is the Board's exposure if the application is rejected? *If an applicant prevails they will be seeking an injunction ordering the permanent authority to issue all necessary permits for construction and at least have not allowed for the recovery of attorney's fees.*

What is the exposure to the Town if they approve an application that is in violation of the bylaws because a special permit was not sought or granted? *The Board does not have the authority to issue special permits. A claim can be brought to the Building Inspector.*

Verizon Presentation:

Paula Foley, Verizon Wireless responded to issues regarding the National Preservation Act. Alternative locations were sought before coming to the Board.

Re: Specific size of the antenna on the Andover Street location. The volume of the antenna is 2.5 cu.ft. The antenna does not exceed 3 cubic feet. The National Preservation Act, Section 106, established a number of exclusions that do not apply to small cells. If a small cell project meets some of the exclusions, the project is excluded from review. The reasons the exclusions were created by the FCC for small cells was because they all agreed that small cells have limited to not potential to "historic properties". Verizon has never claimed that that exclusion applies to the Andover Street Project. The Andover St. Project does not demonstrate a denial under the Town's policy. It is not in the scope of the Select Board's responsibilities to determine which exclusions apply under the National Preservation Act. It is only to approve the Small Wireless Policy and apply to the small cell application Verizon submitted. Verizon has researched many alternative locations. They have a process of determining all alternatives which were disclosed in their application.

Sean Conway, Real Estate Engineer, distributed copies of the power point from the previous meeting. He looked at the alternative pole locations, took pictures, and provided information on why they didn't choose these locations. (Two locations on Rte. 125, 164 Andover Street, 74-176 Andover Street, 180 Andover Street, etc.): 2 Hansom Road, he went out as far as 8 poles on either side that were considered unattachable per National Grid standards.

Chris Huntress asked about the 164 Andover Street Pole and the SRA District, 180 Andover Street and the multi-family unit which does not have a historical aspect. It is not a viable pole now that the transfer has been removed. *Has there been a home-by home analysis of the pole at 160 Andover Street and the pole at 180 Andover Street towards South School? Are you considering switching the pole or staying with the original application?*
Response: Verizon is staying with their original design.

Laura Gregory asked if this is *the criteria for 4G or something in the future.*
Verizon response: It is the criteria for 4G.

Public comment:

There were several comments by residents who live in the area regarding the placement and height of the poles and the decision of the Board to apply their own policy. There has been a lot of discussion on what can be done in the future, but the Select Board needs to decide if there is evidence of need. The first five applicants are for a residential area and it is the Board's policy and that these five applications have not been met by Verizon.

Annie Gilbert moved to close the Public Hearing. Motion seconded by Melissa Danisch and voted 5-0 to close the hearing. Hearing closed at 9:30 PM.

Deliberations by Select Board: The Chair appreciates the information from both residents and Verizon.

Chris Huntress: Respectfully disagrees with Ms. Foley's comments that you only need to meet one of the criteria under Section 106 of the National Preservation Act of 1966. He did not see that terminology in any of the readings. It seems to him that if you trigger certain parts of that criteria, then you're not eligible for blanket coverage; one of which was the size of the canister that is being proposed. He calculated, using the dimensions provided by Verizon on their detailed stamped drawings, the canister(s) are over three cubic feet in volume. Verizon has never shown how they calculated it although they have showed it is a specification. He disagrees with their interpretation of the National Preservation Act particularly as it relates to the pole on Andover Street. He is disappointed that Verizon would not consider an alternative location to move the pole on Andover Street to a general business district which is directly out of the Select Board's policy and favors business districts over residential. Verizon intends to stay with the original application.

Melissa Danisch, appreciates the information from the opponents from the Lovejoy Road area and their statements that the Board needs to think about their decision. The Board's job is to balance the concerns of the neighbors and the community as whole and to find a way to bring our diverse neighborhood together requiring the Board to be open, to listen, and explore the options identified. Creation of a policy helps guide the Board in the decision making.

As counsel has explained, the Board has five standards to focus on and what is before them is within the confines of their policy, that applying standards that counsel has provided to them, if it is reasonable, if it is not more burdensome, if it is objective, and their policies are published in advance, that is what the Board has to look at. Melissa thinks the one concern about the inadequate capacity of the existing pole on Lovejoy has been raised and addressed in Verizon's application. We cannot create and enforce new standards for this application. She thinks the application satisfies the Board's policy and there is not sufficient evidence to deny the application.

Annie Gilbert agrees with Melissa's sentiments and that through the extensive public comments and through email, there have been some assumptions that the Board is feeling fatalistic or that it is too complicated to do anything but approve. She objects to that as the Board has taken a deep dive into this issue. She credits the residents for coming forward and their extensive research which has brought a lot to the Board's deliberation. She agrees that the Board's job is to apply local policy and local law. In terms of what the Board's policy contains, there is not a reason to deny the request, they are not free to create new standards. If we were to deny the application, we would incur significant litigation fees which are not trivial. Verizon has met its obligation in terms of the application.

Alex Vispoli said we were able to get the additional extension of the shot clock to get the legal opinions that were beneficial to all; especially, to provide the legal opinions

that we had and especially that Verizon cannot change the equipment without coming back to the Board.

Annie Gilbert moved that the Board issue an approval of a request by Cellco Partnership d/b/a Verizon Wireless for five (5) 4G small cell wireless facilities including one (1) canister style antenna, two (2) remote radio heads, and associated wires, cables, fiber demarcs, A/C converters, diplexers and electric meters attached to utility poles located within the public right of way at the following addresses as depicted on the submitted plans:

ADDRESS	UTILITY POLE#
39 Stinson Road	6821
36 Vine Street	4540
164 Andover Street	4266/39
2 Hansom Road (Pole on Lovejoy Rd)	7167/32
59 Dascomb Road	285719/20

This approval is on the condition that in Verizon's annual recertification affidavit to the Town by July 1st of each year as required by the Select Board's Policy, there shall be a certification in the affidavit, that the small cell wireless installation in place pursuant to this approval, remains in full compliance with all applicable Federal Communications Commission regulations, including but not limited to, radio frequency emission levels. This approval is also on the condition that Verizon cannot make any changes to the wireless facility once it is installed unless the Select Board approves the changes. Motion seconded by Melissa Danisch. Motion passes on a vote of 3-2 to approve. Laura Gregory and Chris Huntress voted in the negative.

VI. Regular Business

A. Special Town Meeting Articles

The Town Manager explained that in an effort to address the shortfall in the funds for the West Elementary/Shawsheen School Building Project, they are putting forth Article I and Article II to be voted at a Special Town Meeting. The project is going through a descoping process and expect the amount requested to be under the \$17M. Article II is to use the leftover funds of \$463,000 from the initial appropriation for the Feasibility Study for this project which MSBA reimburses us a portion of. It is up to the Board to take a vote for the purpose of getting the article(s) in the Finance Committee Book before the Special Town Meeting. They expect the \$17M deficit will be reduced further through the descoping project.

Annie Gilbert shared the suggestion to use other sources of funding (i.e. Free Cash) towards the amount being requested.

The Town Manager explained the choices before them and requirements of the Dept. of Revenue if they have to exempt the balance. There will be no impact to the MSBA funding.

There will be some ‘scenarios’ listed in the Finance Committee’s Report depending upon the decision of the Dept. of Revenue.

Article 1	West Elementary School Construction.	\$17.1M
	Bond Authorization to fund the gap.	
Article 2	Repurposing of an existing article in the amount of \$463,000 left over from the Feasibility Study for this project and used to offset the total bond obligation.	

Annie Gilbert moved to recommend Town Meeting approval of Special Town Meeting Articles 1 and Article 2. Motion seconded by Laura Gregory in an amount not to exceed \$17.1M and Article 2 in the amount of \$463,000 left over from the Feasibility Study for this project. Motion voted 5-0 to approve.

Annie Gilbert moved not to call a Special Election for a Debt Exclusion relative to the override for the West Elementary/Shawsheen School Project unless otherwise required. Motion seconded by Laura Gregory. Motion passes 4-1. Alex Vispoli opposed.

B. Town Governance Review Process (reschedule)

Board to review process and upcoming timeline.

VII. Adjourn

At 10:10 PM on a motion by Annie Gilbert and seconded by Melissa Danisch the Select Board voted 5-0 to adjourn the Select Board Meeting of October 24, 2022.

Respectfully submitted
Dee DeLorenzo
Recording Secretary



TOWN OF ANDOVER *Finance & Budget*

Hayley Green, CPA, Town Accountant/Assistant Finance Director
Accounting Department

36 Bartlet Street
Andover, MA 01810
(978) 623-8920

hayley.green@andoverma.us
www.andoverma.gov

Andrew P. Flanagan
Town Manager

Michael Lindstrom
Deputy Town Manager

To: Select Board
Finance Committee
Superintendent of Schools
School Committee
Revenue and Expenditure Task Force

From: Hayley Green, Town Accountant/Assistant Finance Director

CC: Andrew Flanagan, Michael Lindstrom, Patrick Lawlor, Keith Taverna,
Martha Sybert, Town Website

Date: January 3, 2022

Re: ***FY 2023 Financials***

The attached reports summarize the Town's financial position through October 31, 2022.
Included are the following:

- Executive Summary
- Budgeted versus Actual Revenues – General Fund and Enterprise Funds
- Revenue Comparison Graph – Local Receipts
- Personal Services and Other Expenditures by Department
- Reserve Account and Compensation Fund Analysis
- Chapter 44 § 53 E ½ Revolving Funds
- Capital Projects status – FY17 – FY23

Feel free to contact me, should you have any questions regarding the reports.

The attached reports of the Town Accountant summarize FY 2023 revenues and expenditures for the General Fund, Enterprise Funds, Compensation Fund, Reserve Fund, Revolving Funds and Capital Projects through October 31, 2022.

General Fund

The total general fund receipts of all sources collected through October 31, 2022 are exceeding the annual projections through the first four months of the year. FY2023 local receipts are \$1,050,453 greater than FY 2022 collections through the same period of time. This is primarily due to the increase in investment income as interest rates have risen, the increase in other departmental revenues due to the sale of surplus equipment, and the increase in hotel motel and meals tax revenue, as more people are dining out and traveling as compared to last year. Off-set receipts collections are consistent with collections through the same period of time last fiscal year.

General fund personal services and other expenditures are in line with FY 2023 projections through October 2022. Insurance premiums and the required appropriation for pension were paid in July. Encumbrances are adjusted throughout the year.

Water Enterprise Fund

The total water enterprise fund collections are in line with the annual projections through October 2022. The user charges receipts are \$663,141 greater than FY22 through the same period of time because there were drier summer conditions, resulting in more consumption for FY23. Water personal services are in line with and other expenses are slightly greater than FY 2023 projections through October 2022.

Sewer Enterprise Fund

The total sewer enterprise fund collections are lower than projections through October 2022 and user charges receipts are \$387,740 more than prior year receipts through the same period. The greater collections are correlated with the larger water collections through this period. Sewer personal services are lower than the FY 2023 projections

through October 2022. Other expenses are greater than projections through the first four months due to timing of debt service payments.

Reserve Fund

Town Meeting approved a reserve fund balance of \$200,000. The Finance Committee authorized \$34,800 to be spent on the replacement of three boiler sections at the West Elementary School.

Compensation Fund

Town Meeting approved a compensation fund balance of \$848,339. This money has not been used through October 2022.

Revolving Accounts

Town Meeting voted to approve 16 revolving funds with a total spending limit of \$2,490,000.

Capital Projects

These projects are part of the Town's capital improvement plan voted at Town Meeting from taxation. There is a balance of \$3,835,155 available for the most recent seven years of approved projects.

Town of Andover
FY 2023 General Fund Year-To-Date Revenue Report
Budgeted vs. Actuals 10/31/2022 and 10/31/2021

	FY 23 Budgeted	FY 23 YTD	%	FY 22 Budgeted	FY 22 YTD	%	Change in	Change in
Local Receipts	Receipts	Revenues	Collected	Receipts	Revenues	Collected	Budgets	YTD Receipts
Motor Vehicle Excise	5,651,834	557,539	9.9%	5,595,875	547,879	9.8%	55,959	9,660
Hotel/Motel/Meals	1,799,000	801,438	44.5%	1,475,000	555,061	37.6%	324,000	246,376
Penalties and Interest on Taxes and Excises	480,000	145,910	30.4%	480,000	145,960	30.4%	-	(50)
Fees	61,000	23,175	38.0%	61,000	77,757	127.5%	-	(54,582)
Payments in Lieu of Taxes	451,731	-	0.0%	440,713	-	0.0%	11,018	-
Other Departmental Revenues	213,000	206,911	97.1%	294,200	54,986	18.7%	(81,200)	151,925
Other Departmental Revenues - School Medicare	200,000	125,748	62.9%	200,000	56,107	28.1%	-	69,641
Non-Recurring Revenues	5,000	61,000	1220.0%	5,800	1,290	22.2%	(800)	59,710
Licenses and Permits	2,377,540	817,933	34.4%	2,354,000	902,486	38.3%	23,540	(84,553)
Fines & Forfeits	132,500	52,573	39.7%	227,000	47,718	21.0%	(94,500)	4,855
Investment Income	204,000	702,294	344.3%	200,000	54,823	27.4%	4,000	647,471
Total Estimated Receipts	11,575,605	3,494,520	30.2%	11,333,588	2,444,067	21.6%	242,017	1,050,453
Off-Set Receipts	FY 23 Budgeted	FY 23 YTD	%	FY 22 Budgeted	FY 22 YTD	%	Change in	Change in
	Receipts	Revenues	Collected	Receipts	Revenues	Collected	Budgets	YTD Receipts
Recreation	531,531	61,979	11.7%	393,510	125,516	31.9%	138,021	(63,537)
Elder Services	106,000	39,522	37.3%	106,000	37,838	35.7%	-	1,684
Public Facilities - Rental Receipts	40,000	30,670	76.7%	20,000	31,654	158.3%	20,000	(984)
Cemetery - Interment Fees	60,000	23,454	39.1%	60,000	23,387	39.0%	-	67
Public Safety - Police Detail Fees	60,000	19,503	32.5%	60,000	22,326	37.2%	-	(2,823)
Public Safety / Fire - Ambulance Receipts	1,300,000	543,002	41.8%	1,250,000	457,430	36.6%	50,000	85,572
Total Off-Set Receipts	2,097,531	718,129	34.2%	1,889,510	698,151	36.9%	208,021	19,978
Other Revenues	FY 23 Budgeted	FY 23 YTD	%	FY 22 Budgeted	FY 22 YTD	%	Change in	Change in
	Receipts	Revenues	Collected	Receipts	Revenues	Collected	Budgets	YTD Receipts
Property Taxes (inc. Tax Titles)	174,778,254	78,697,886	45.0%	165,459,877	73,500,298	44.4%	9,318,377	5,197,588
State Aid	14,794,019	4,902,730	33.1%	14,178,409	4,833,485	34.1%	615,610	69,245
Total Other Revenues	189,572,273	83,600,616	44.1%	179,638,286	78,333,783	43.6%	9,933,987	5,266,833
Total Revenues	203,245,409	87,813,266	43.2%	192,861,384	81,476,001	42.2%	10,384,025	6,337,265

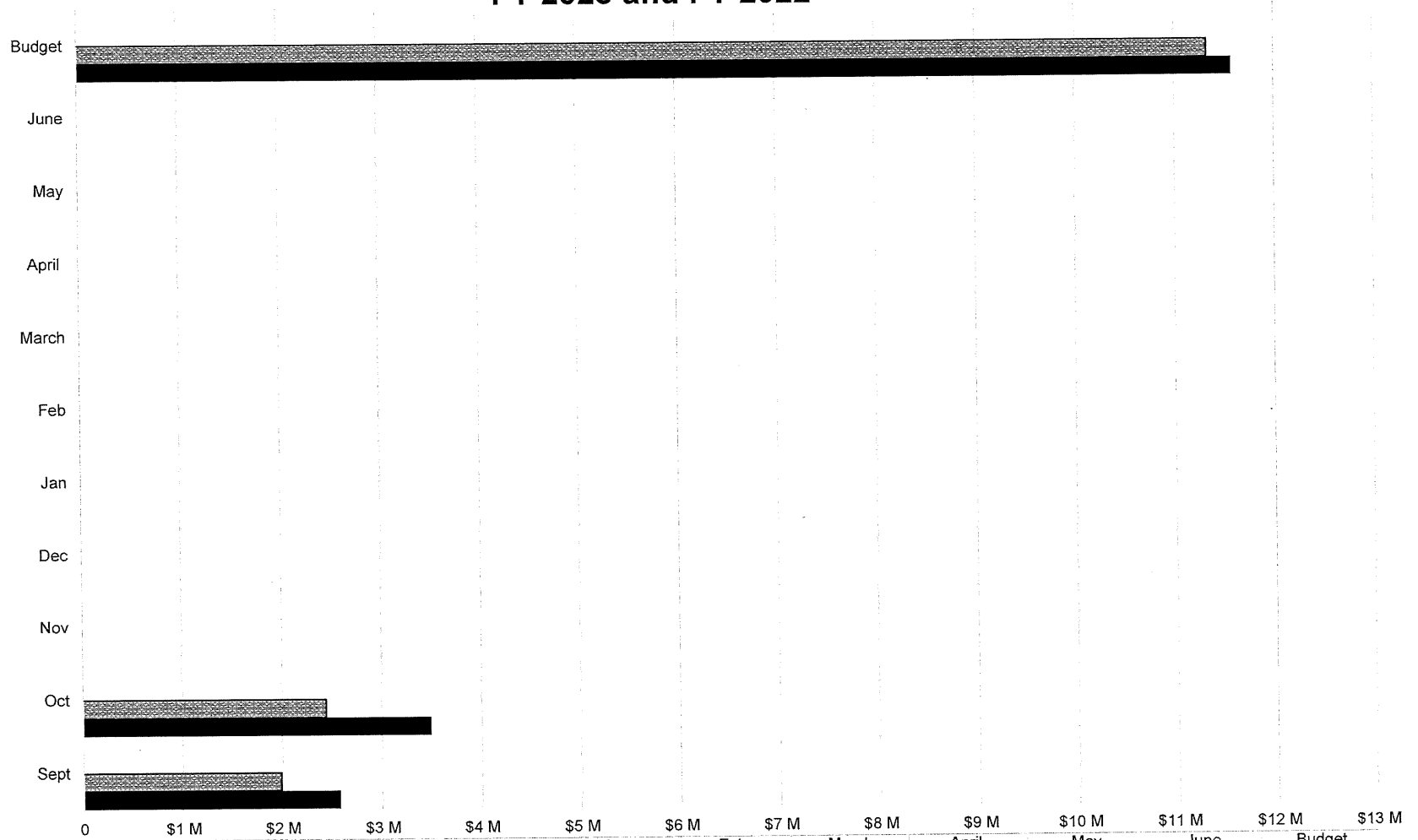
Town of Andover
FY 2023 Enterprise Funds Year-To-Date Revenue Report
Budgeted vs. Actuals 10/31/2022 and 10/31/2021

Water Fund	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	FY 22 Budgeted Receipts	FY 22 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
User Charges	10,445,844	4,199,265	40.2%	9,996,766	3,536,124	35.4%	449,078	663,141
Water Connection	7,500	2,516	33.5%	41,000	1,258	3.1%	(33,500)	1,258
Water Testing Fees	12,000	3,920	32.7%	18,000	1,885	10.5%	(6,000)	2,035
Meter Installations	10,000	3,150	31.5%	9,000	4,050	45.0%	1,000	(900)
Fire Flow Test	5,000	6,500	130.0%	9,000	2,800	31.1%	(4,000)	3,700
Special/Final Reads	25,000	8,536	34.1%	25,000	9,336	37.3%	-	(800)
Backflow/Cross Connection Fees	87,500	24,529	28.0%	75,000	32,697	43.6%	12,500	(8,168)
Water Tap	-	425	N/A	1,000	300	30.0%	(1,000)	125
Liens	85,000	11,509	13.5%	80,000	9,501	11.9%	5,000	2,008
Fire Suppression	280,000	74,686	26.7%	220,000	93,662	42.6%	60,000	(18,976)
Interest /Misc Revenue	2,500	530	21.2%	-	1,014	N/A	2,500	(484)
Non-Revenue Interest	7,500	4,066	54.2%	19,000	1,318	6.9%	(11,500)	2,748
Total Water Receipts	10,967,844	4,339,631	39.6%	10,493,766	3,693,944	35.2%	474,078	645,687

Sewer Fund	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	FY 22 Budgeted Receipts	FY 22 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
User Charges	5,173,301	1,568,209	30.3%	5,086,120	1,180,469	23.2%	87,181	387,740
Committed Interest/Income	110,000	2,173	2.0%	165,000	4,889	3.0%	(55,000)	(2,715)
Liens	55,000	6,323	11.5%	55,000	4,726	8.6%	-	1,597
Apport Assmnts	340,000	35,373	10.4%	410,000	42,933	10.5%	(70,000)	(7,560)
Interest /Misc Revenue	3,500	474	13.5%	-	1,280	N/A	3,500	(806)
Non-Revenue Interest	6,500	6,648	102.3%	15,000	1,176	7.8%	(8,500)	5,473
Total Sewer Receipts	5,688,301	1,619,201	28.5%	5,731,120	1,235,472	21.6%	(42,819)	383,729

Total Enterprise Revenues	16,656,145	5,958,832	35.8%	16,224,886	4,929,415	30.38%	431,259	1,029,416
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Town of Andover Local Receipts FY 2023 and FY 2022



	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Budget
■ FY 2022 % of Budget	17.6%	21.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
■ FY 2023 % of Budget	22.3%	30.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
■ FY 2022 Receipts	\$1,989,405	\$2,444,067									\$11,333,588
■ FY 2023 Receipts	\$2,577,784	\$3,494,520									\$11,575,605

Town of Andover
FY 2023 Year-To-Date Budget Report
Personal Services and Other Expenditures thru 10/31/2022

	Original Appropriation	Transfers/ Adjustments	Revised Budget	YTD Expended	Encumbrances	Available Balance	% Expended & Encumbered	% Expended
Personal Services								
General Government	7,511,444	27,661	7,539,105	2,189,080	-	5,350,025	29.0%	29.0%
Community Services	1,879,000	-	1,879,000	698,214	-	1,180,786	37.2%	37.2%
Public Facilities	2,592,091	-	2,592,091	757,210	-	1,834,881	29.2%	29.2%
Public Safety - Fire	8,611,698	14,621	8,626,319	2,760,925	14,621	5,850,773	32.2%	32.0%
Public Safety - Police	8,116,962	-	8,116,962	2,493,446	-	5,623,516	30.7%	30.7%
Public Works	3,834,283	-	3,834,283	1,132,171	-	2,702,112	29.5%	29.5%
Library	2,307,538	-	2,307,538	682,195	-	1,625,343	29.6%	29.6%
School	77,899,943	-	77,899,943	14,387,250	60,164,271	3,348,422	95.7%	18.5%
Compensation Fund	848,339	-	848,339	-	-	848,339	0.0%	0.0%
Total Personal Services - General Fund	113,601,298	42,282	113,643,580	25,100,489	60,178,892	28,364,198	75.0%	22.1%
Water Enterprise	2,343,272	-	2,343,272	726,123	-	1,617,149	31.0%	31.0%
Sewer Enterprise	357,873	1,794	359,667	70,874	-	288,793	19.7%	19.7%
Total Personal Services - Enterprise Funds	2,701,145	1,794	2,702,939	796,997	-	1,905,942	29.5%	29.5%
Other Expenses								
General Government	2,721,202	222,087	2,943,289	1,195,718	436,813	1,310,758	55.5%	40.6%
Community Services	610,024	65,776	675,800	104,830	163,579	407,391	39.7%	15.5%
Public Facilities	1,354,850	193,418	1,548,268	328,320	670,387	549,560	64.5%	21.2%
Public Safety - Fire	612,050	62,985	675,035	200,393	169,473	305,169	54.8%	29.7%
Public Safety - Police	1,018,318	79,609	1,097,927	281,748	381,526	434,653	60.4%	25.7%
Public Works	5,888,050	353,729	6,241,779	1,362,845	3,555,567	1,323,368	78.8%	21.8%
Library	666,437	37,072	703,509	302,051	244,574	156,884	77.7%	42.9%
School	17,226,948	1,576,330	18,803,278	4,506,122	10,989,599	3,307,558	82.4%	24.0%
Technical Schools	1,274,000	-	1,274,000	267,899	803,697	202,404	84.1%	21.0%
Debt Service	23,333,890	-	23,333,890	12,553,752	-	10,780,138	53.8%	53.8%
Insurance	1,164,000	6,313	1,170,313	1,095,365	18,849	56,099	95.2%	93.6%
Health Insurance	23,034,797	-	23,034,797	3,951,191	-	19,083,606	17.2%	17.2%
Unemployment	164,000	-	164,000	26,379	-	137,621	16.1%	16.1%
Retirement	6,253,955	-	6,253,955	6,253,956	-	(1)	100.0%	100.0%
Reserve Fund	200,000	(34,800)	165,200	-	-	165,200	0.0%	0.0%
OPEB Appropriation	1,753,413	-	1,753,413	-	-	1,753,413	0.0%	0.0%
Total Other Expenses - General Fund	87,275,934	2,562,519	89,838,453	32,430,569	17,434,063	39,973,821	55.5%	36.1%
Water Enterprise	7,727,574	1,097,243	8,824,817	3,675,755	2,576,399	2,572,664	70.8%	41.7%
Sewer Enterprise	4,580,540	621,368	5,201,908	2,781,929	211,917	2,208,063	57.6%	53.5%
Total Other Expenses - Enterprise Funds	12,308,114	1,718,612	14,026,726	6,457,683	2,788,316	4,780,726	65.9%	46.0%
Total - General Fund	200,877,232	2,604,801	203,482,033	57,531,058	77,612,955	68,338,019	66.4%	28.3%
Total - Enterprise Funds	15,009,259	1,720,406	16,729,665	7,254,681	2,788,316	6,686,668	60.0%	43.4%

Town of Andover
FY 2023 Reserve Account and Compensation Fund
As of 10/31/22

RESERVE FUND

Appropriation by Vote of Town Meeting June 2022	\$ 200,000.00
Transfers by Vote of Town Meeting	0.00
Transfers by Authority of the Finance Committee	
Replacement of three boiler sections at West Elementary	(34,800.00)
Available Balance	<u>\$ 165,200.00</u>

COMPENSATION FUND

Appropriation by Vote of Town Meeting June 2022	\$ 848,339.00
Transfers by Vote of Town Meeting	0.00
Transfer by Authority of the Select Board	0.00
Available Balance	<u>\$ 848,339.00</u>

Town of Andover
FY 2023 Revolving Accounts
(M.G.L. CH. 44, § 53 E1/2)
As of 10/31/22

	CD & P Legal Notices	Library Lost/Damaged Materials	CD & P Health Services Clinics	Recreation Special Services	Youth Services	Facilities Field Maintenance	Elder Services	Police Antenna Uses	School Photocopy Fees	Facilities Compost Program	DPW Solid Waste Fees	CD & P Stormwater Managemen	Fire Emergency Billing	Health Services Inspections	School Professional Development	Student Technology Rental
	Acct 5550	Acct 5631	Acct 5557	Acct 5552	Acct 5553	Acct 5622	Acct 5554	Acct 5653	Acct 4510	Acct 5666	Acct 5667	Acct 5668	Acct 5669	Acct 5670	Acct 4500	Acct 4260
Balance thru 6/30/2021	21,250	14,507	-688	397,353	329,733	108,905	133,721	46,715	29,218	14,497	76,288	0	681	119,994	3,279	13,176
Receipts thru 6/30/2022	29,730	4,119	44,490	1,866,865	156,582	77,050	83,795	6,930	12,638	26,010	29,665	0	0	57,435	0	53,950
Expenditures thru 6/30/2022	26,692	541	29,882	1,223,055	144,976	30,352	75,530	0	0	4,174	16,550	0	0	27,363	0	20,624
Balance thru 6/30/2022	24,288	18,086	13,920	1,041,162	341,339	155,602	141,987	53,645	41,855	36,333	89,403	0	681	150,066	3,279	46,503
Receipts thru 10/31/2022	10,725	1,468	27,752	671,476	79,618	43,456	29,470	1,737	2,397	4,250	6,570	0	0	2,210	0	1,695
Expenditures thru 10/31/2022	5,188	0	32,023	467,749	79,494	10,055	25,145	0	0	15,499	2,302	0	0	6,275	95	9,000
Balance thru 10/31/2022	29,825	19,554	9,649	1,244,890	341,463	189,003	146,312	55,382	44,253	25,084	93,671	0	681	146,001	3,184	39,198

Spending Authorization	\$20,000	\$20,000	\$60,000	\$1,000,000	\$400,000	\$150,000	\$225,000	\$50,000	\$10,000	\$60,000	\$40,000	\$5,000	\$100,000	\$100,000	\$50,000	\$200,000
Y-T-D % Spent	25.94%	0.00%	53.37%	46.77%	19.87%	6.70%	11.18%	0.00%	0.00%	25.83%	5.75%	0.00%	0.00%	6.28%	0.19%	4.50%

**Town of Andover
Capital Projects
10/31/2022**

	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>	<u>FY22</u>	<u>FY23</u>	<u>Total Available</u>	
Budget	1,120,000	1,495,643	1,040,000	1,011,600	1,150,000	1,185,000	1,271,500		
Expended	1,120,000	1,489,687	1,040,000	990,599	967,489	859,669	227,242		
Encumbered	-	5,956	-	8,752	76,524	185,328	267,251		
Total School CIP	Available	-	-	-	12,249	105,987	140,003	777,007	1,035,246
Budget	222,000	579,018	487,000	1,044,098	902,108	137,000	150,000		
Expended	192,000	555,672	402,960	764,188	802,108	22,997	2,404		
Encumbered	-	9,300	38,484	21,259	-	61,174	8,310		
Total General Government CIP	Available	30,000	14,046	45,555	258,651	100,000	52,830	139,286	640,368
Budget	-	32,214	-	-	-	-	-		
Expended	-	32,214	-	-	-	-	-		
Encumbered	-	-	-	-	-	-	-		
Total Youth Services CIP	Available	-	-	-	-	-	-	-	-
Budget	50,000	-	-	-	-	-	-		
Expended	50,000	-	-	-	-	-	-		
Encumbered	-	-	-	-	-	-	-		
Total Recreation CIP	Available	-	-	-	-	-	-	-	-
Budget	25,000	-	-	10,000	50,000	-	-		
Expended	25,000	-	-	-	15,000	-	-		
Encumbered	-	-	-	-	-	-	-		
Total Library CIP	Available	-	-	10,000	35,000	-	-	45,000	
Budget	623,000	800,000	946,000	1,303,000	468,000	1,180,000	1,165,000		
Expended	623,000	781,647	942,264	1,283,435	363,640	513,804	13,348		
Encumbered	-	18,348	259	11,751	18,674	186,694	15,982		
Total Facilities CIP	Available	-	5	3,477	7,814	85,686	479,502	1,135,670	1,712,153
Budget	195,000	293,500	250,077	195,000	195,000	255,000	-		
Expended	195,000	293,500	249,159	195,000	179,055	41,700	-		
Encumbered	-	-	-	-	15,945	126,413	-		
Total Police CIP	Available	-	-	918	-	-	86,887	-	87,805
Budget	20,000	63,500	214,000	-	96,000	88,000	-		
Expended	20,000	61,352	201,715	-	96,000	77,383	-		
Encumbered	-	-	-	-	-	-	-		
Total Fire CIP	Available	-	2,148	12,285	-	-	10,617	-	25,050
Budget	285,000	415,000	328,000	400,000	-	165,000	170,000		
Expended	261,090	366,154	323,147	399,026	-	-	-		
Encumbered	14,280	1,944	-	881	-	106,944	-		
Total DPW CIP	Available	9,631	46,902	4,853	92	-	58,056	170,000	289,533
Budget	1,420,000	2,183,232	2,225,077	2,952,098	1,711,108	1,825,000	1,485,000		
Expended	1,366,090	2,090,539	2,119,245	2,641,650	1,455,804	655,884	15,752		
Encumbered	14,280	29,592	38,743	33,891	34,618	481,225	24,292		
Total Town CIP	Available	39,631	63,100	67,088	276,557	220,686	687,891	1,444,956	2,799,909
Budget	2,540,000	3,678,875	3,265,077	3,963,698	2,861,108	3,010,000	2,756,500		
Expended	2,486,090	3,580,226	3,159,245	3,632,249	2,423,293	1,515,553	242,994		
Encumbered	14,280	35,549	38,743	42,643	111,142	666,553	291,543		
Grand Total	Available	39,631	63,100	67,088	288,806	326,673	827,894	2,221,963	3,835,155