

October 12th, 2023 7:00pm Community Room
Town of Andover CT
Special Meeting- Boards of Selectmen, Education & Finance
REVISED Agenda:

1. Call to Order/Pledge of Allegiance
2. Nomination of Moderator and Voting
3. Comments from the public
4. Changes/Additions to Agenda
5. Role of BOS
6. Role of Town Treasurer
7. Role of BOE
8. Role of BOF
9. Discussion: Defining a Capital Improvement
10. Discussion: AES Capital Improvement Account
 - a. Possible Action
11. Comments from the public
12. Adjournment

**Town of Andover,
Connecticut Town Charter
November 2022**

Chapter I. INCORPORATION AND GENERAL POWERS

- Section 101. Incorporation
- Section 102. Rights and Obligations
- Section 103. General Grant of Power
- Section 104. Effect of The Charter
- Section 105. Definitions

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- Section 203. Town Officers - General Election
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- Section 803. The Annual Town Budget Meeting and Referendum.
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- Section 901. General.
- Section 902. Job Description.
- Section 903. Personnel Rules.
- Section 904. Salaries.
- Section 905. Retirement.
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Chapter X. TRANSITION AND MISCELLANEOUS PROVISIONS

- Section 1001. Transfer of Powers.
- Section 1002. Present Employees to Retain Positions.
- Section 1003. Conflicts of Interest.
- Section 1004. Transfer of Records and Property.
- Section 1005. Continuation of Appropriations and Town Funds.
- Section 1006. Legal Proceedings.
- Section 1007. Existing Laws and Ordinances.
- Section 1008. Review and Amendment of Charter.
- Section 1009. Savings Clause.
- Section 1010. Resignations.
- Section 1011. Effective Date.
- Section 1012. Transition - Appointed Boards, Agencies, Commissions & Committees
- Section 1013. Transition -- Elected Offices.
- Section 1014. Transition after Adoption of the 2002 Charter Revision

Chapter I. INCORPORATION AND GENERAL POWERS

Section 101. Incorporation

All of the inhabitants dwelling within the territorial limits of the Town of Andover, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Andover", hereinafter called "The Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon Towns under the general laws of the State of Connecticut.

Section 102. Rights and Obligations

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall continue to be liable for its debts and obligations. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town, that contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, boards, agency or office to which are granted similar powers jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any office or agency, shall, except as otherwise provided in this Charter, hereinafter be exercised and discharged by the chief executive officer of said Town.

Section 103. General Grant of Power

In addition to all of the powers granted to Towns under the Constitution and General Statutes of the State of Connecticut, or which may hereafter be conferred, the Town shall have all powers specifically granted by this Charter and

all of the powers fairly implied in or incidental to the powers expressly granted, all powers conferred by the General Statutes, as amended, and by special acts of the General Assembly, not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or any branch thereof, or any other body politic or corporate not expressly forbidden by the Constitution or General Statutes of the State of Connecticut. The enumeration of particular powers in this and any chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

Section 104. Effect of the Charter

This Charter shall be the organic law of the Town in the administration of local affairs. Special acts, ordinances, bylaws, rules, regulations and resolutions inconsistent with this Charter and superseded by it shall have no further force and effect after the effective date of this Charter. Other special acts affecting the Town, and all ordinances, bylaws, regulations and resolutions duly adopted and in force before the effective date of this Charter shall remain in full force and effect. Any ordinance adopted after the effective date of this Charter, which is inconsistent with this Charter, or conflicts with any provision of this Charter as modified, shall be considered null and void.

Section 105. Definitions

Whenever used in the context of this Charter, the following words and phrases shall have the following meanings:

A. "Town Board" shall mean all of the appointed boards, agencies, commissions, authorities and committees of the town;

B. "Town Agency" shall mean all of the elected and appointed Town boards, agencies, commissions and committees of the Town, including the local Board of Education;

C. "Supplemental appropriation" shall mean an appropriation that is in addition to the total amount of the budget at any given point in time. It is not a transfer within or between departments;

D. "Department" shall mean a unit of administration for budgetary purposes. There need not be a director of a department;

E. "Town Officer" means a member of a Town Agency as defined in "B." above and those officers and employees enumerated in Section 702.;

F. "Connecticut General Statutes" or "General Statutes" shall mean the General Statutes of the State of Connecticut revision of 1958 as the same may be revised from time to time;

G. "Selectmen" (plural) shall mean the Board of Selectmen;

H. "Minor Ordinance" shall mean those ordinances that are necessary to ensure the orderly day to day maintenance of the order of the Town. Such ordinances are intended to include, inter alia: the setting of speed limits on Town roads, the hours of operation for Town facilities and offices.

I. Masculine gender shall include the feminine;

J. Singular shall include the plural and the plural shall include the singular unless the context otherwise requires.

K. "Related" shall mean people who share one or more of the following relationship(s); spouse, son, daughter, father, mother, sister, brother, brother-in-law, sister-in-law, father-in-law, mother-in-law, first or second cousin, and/or people who live in the same dwelling.

Chapter II. ELECTIONS

Section 201. General

Nomination and election of federal and state officials and of such Town officers, boards, agencies and commissions as are provided for in this Charter, shall be

conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therein, in the manner prescribed by law.

Section 202. State and Federal Officers

Nominations and elections of state and federal officers, Justices of the Peace and Registrars of Voters shall be conducted as prescribed in the Connecticut General Statutes. A. At the regular state election to be held on November 7, 2000 and every four (4) years thereafter, there shall be elected two (2) Registrars of Voters, one of which shall be for the Republican party and the other of which shall be for the Democratic party. An additional Registrar(s) shall be elected by each other political party that qualifies as a major party under Connecticut General Statutes. The terms of office for the said Registrars shall commence on the Wednesday after the first Monday in January following their election. B. Justices of the Peace shall be selected in the manner prescribed for in the General Statutes and by Town Ordinance.

Section 203. Town Officers - General Election

A. At the biennial municipal election to be held on the first Monday in May 1999, pursuant to section 1012 of this Charter, there shall be elected a Board of Selectmen consisting of five (5) members which members shall serve four (4) year terms. A political party may nominate no more than three members, one of whom shall be the designated nominee for the Office of First Selectman.

B. At the biennial town election to be held on the first Monday in May 1999, and every four (4) years thereafter, there shall be elected a Town Clerk, whose term of office shall commence on the first day of July following the Town election.

C. At the biennial town election to be held on the first Monday in May 1999, and every two (2) years thereafter, there shall be elected members to the following boards, commissions and agencies for the terms specified herein. Except as otherwise provided in this Charter, such boards, commissions and agencies shall have powers and duties as are provided in the Connecticut General Statutes. Electors may vote for, and a political party may nominate, as many candidates as there are available seats to be filled on the following boards and commissions,

specifically including the Board of Assessment Appeals and the Board of Education, provided however, that the minority representation requirements of Conn. Gen. Stat. § 9-204b shall apply:

1. A Board of Finance, consisting of seven voting members, which shall serve four (4) overlapping terms; plus an additional non-voting member (ex-officio) to be designated by the Capital Improvement Plan Committee.

2. A Board of Assessment Appeals, consisting of three (3) members which shall serve four (4) year terms;

3. A Planning and Zoning Commission consisting of five (5) members and three (3) alternates, which members shall serve four (4) year overlapping terms;

4. A Zoning Board of Appeals consisting of five (5) members and three (3) alternates, which members shall serve four (4) year overlapping terms;

5. A Board of Education hereinafter referred to as the "Local Board" consisting of seven (7) members, which members shall serve four (4) year overlapping terms;

6. A Fire Commission consisting of five (5) members, which members shall serve four (4) year overlapping terms;

D. All terms of office, except as otherwise provided in this Charter, shall commence on the first day of July following the Town election. Elected Town officers shall hold office until their successors have been chosen and qualified.

E. Elected officials, other than members of the Board of Selectman, shall receive such compensation as may be approved in the annual budget. Reimbursement of expenses incurred by elected officials in performing official duties shall be authorized by the Board of Finance and subject to any appropriation in the annual budget. All fees collected by elected officials shall be remitted to the general fund.

F. Notices indicating the date, time and location of all municipal elections shall be mailed to residents via US mail at least five (5) days prior to the election. If feasible, a copy of the ballot including the wording of any questions to be

submitted for vote, may be included in such notice. Such notices shall include information regarding the availability of absentee ballots if applicable.

Section 204. The Regional Board of Education

Members of the Regional Board of Education shall be elected in the same manner as other Town officers. Said members shall serve four (4) year terms. The Town shall elect members of the Regional District #8 Board of Education in the manner provided for by Sections 10-46 (a) and (c) of the General Statutes as amended from time to time.

Section 205. Eligibility

No person shall be eligible for election to any Town office who is not at the time of his election, an elector of said Town, and any person ceasing to be an elector of said Town shall thereupon cease to hold elective office in the Town. The resulting vacancy shall be filled pursuant to Section 208. Provided however, that this section shall not apply to the Town's Wetlands Agent.

Section 206. Minority Representation

With the exception of the Local and Regional Board(s) of Education, minority representation on all Town Agencies, as defined in Section 105B of this Charter, shall be determined in accordance with the provisions of Section 9-167a of the General Statutes. Minority representation on the Regional Board of Education shall be determined pursuant to Section 10-46 (c) of the General Statutes. Minority representation on the Local Board of Education shall be defined according to the provisions of section 1013-J(4) of this Charter.

Section 207. Breaking a Tie

When any municipal election conducted pursuant to the provisions of this Charter results in a tie vote, with the consent of the tied candidates, the tie may be broken by the single toss of a coin by a third party agreeable to tied candidates. Otherwise, when any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of

Section 9-332 of the General Statutes, to determine who shall be elected, or in the case of a question at referendum whether it shall be accepted or rejected. The provisions of this section shall not apply to questions at referendum under which the provisions of this Charter or the General Statutes require a minimum number of electors voting in favor of such questions for approval.

Section 208. Vacancies - Elective Office

A. Any vacancy, from whatever cause arising in any elective office, board, agency, commission or similar body of the Town shall be filled in accordance with this section within 60 days following the date of notice to the Town Clerk. Any such appointment shall be made by vote of the affected board, agency, etc., and, subject to Section 208B of this charter, shall be for the unexpired portion of this term. B. In filling vacancies, the chair of the affected boards etc. shall notify the major political parties and the general public of vacancies. All recommendations for appointment shall be made within 35 days after notification of the vacancy to the Board of Selectmen. The affected agency shall appoint a person to fill any vacancy. In the event the affected board fails to act within 60 days, the Board of Selectmen may then fill the vacancy.

Section 209. Voting Districts / Voting Hours for Referendum(s)

A. Voting Districts - There shall continue to be one (1) voting district as existed on the effective date of this Charter. The Board of Selectmen shall have the authority to create additional voting districts as the needs of the Town may require, subject to the approval of the Town Meeting.

B. Voting hours for Referendum(s) – The voting hours for all Referendum(s) shall be from 6:00 AM to 8:00 PM on the dates specified pursuant to this Charter.

Chapter III THE TOWN MEETING

Section 301. General

The Town Meeting shall have authority for final approval of those actions of the Town as hereinafter enumerated, and shall be the legislative body of the Town. The Town meeting shall have legislative authority for all matters not specifically enumerated hereinafter or enumerated in Section 402. All persons deemed to be eligible to vote in Town Meetings as prescribed in the General Statutes shall be eligible to vote in any Town Meetings called pursuant to this Charter. Said voters shall be eligible to vote in special referenda called pursuant to Sections 303, 304, and 305 of this Charter.

Section 302. Town Meeting Procedure

A. All Town Meetings shall be called, pursuant to Section 7-3 of the General Statutes by resolution of the Board of Selectmen, which resolution shall fix the time and place of such meetings. Notice of any Town Meeting shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town; by posting a notice in a public meeting place and at the Town Office Public Notice Bulletin Board. In addition the Board of Selectmen shall send notices indicating the date, location and agenda of all town meetings to eligible voters via US mail, at least five (5) days prior to the meeting. If the Town Meeting action sends a matter to referendum vote, notices indicating the date, time and location of the referendum vote shall be mailed, via US mail to eligible voters at least five (5) days prior to the referendum. Information shall be included whether absentee voting is permitted and the procedure for obtaining such absentee ballot. All Town Meetings shall be called to order by the First Selectman, or Vice First Selectman or if both are not available by a designated alternate, with the first order of business to be the election of a moderator. All other business of the Town Meeting shall thereafter be conducted pursuant to Section 306 of this Charter. The Town Clerk shall serve as the clerk of all Town Meetings, but in the absence of the Town Clerk, the moderator shall appoint a clerk of the meeting. Any Town Meeting may be recessed from time to time as the interests of the

Town may require, and the moderator may entertain a motion to recess such meeting.

B. All actions taken at Town Meetings shall be by a majority vote of those present and voting providing that a quorum is present equal to at least twenty five (25) of the electors of the Town as determined from the latest official list of the Registrars of Voters. The Town Clerk or designated alternate shall, through the use of a checklist, ascertain and certify the eligibility of those attending the meeting to vote. Immediately upon calling the meeting to order, the First Selectman or designated alternate shall ascertain if a quorum is in attendance. If a quorum is present the meeting shall proceed with the election of a moderator. If a quorum is not present, the First Selectman shall recess the meeting to the same day of the next following week. If a quorum is present at the recessed meeting, the meeting shall proceed. If a quorum is not present at the subsequent Town Meeting, all matters on the call of the Town Meeting shall revert to the Board of Selectmen who shall have final authority over such matters, except for action on the budget, which shall be accomplished in accordance with Section 803 of this Charter. All Town Meeting votes on the budget shall be by paper ballot. All Town Meeting votes on matters other than the budget shall be by paper ballot if voted by more than twenty percent (20%) of those present and voting.

Section 303. Annual Town Budget Meeting

The Annual Town Budget Meeting for the consideration of the budget shall be held on one of the first ten business days of May in each year. The adoption of the budget shall be pursuant to the provisions of Section 803 of this Charter.

Section 304. Special Town Meetings

Providing that all other procedures and/or prerequisites, financial and otherwise, as delineated in this Charter have been met, Special Town Meetings shall be called by the Board of Selectmen and shall follow Section 302 of this Charter for consideration of the following items;

A. The issuance of bonds and all other forms of financing, the terms of which are in excess of one (1) year;

B. Any supplemental appropriation which exceeds the one half of one percent (0.5%) limit set forth in Section 805B, excluding any bonds or notes issued subject to 810D,

C. The acquisition or disposition of the fee title to real estate by the Town;

D. The creation, consolidation, modification or abolition of any permanent board, commission, department or agency not otherwise provided for in this Charter, provided, however, any newly created board, department, agency or commission shall come under the provisions contained in this Charter;

E. Leases and/or lease options to which the Town, including the local Board of Education, is a party which involve a term or obligation in excess of one (1) year, excluding leases of personalty.

F. Any appropriation from the capital and nonrecurring expense fund, not included in the annual budget, which exceeds one quarter of one percent (0.25%) of the budget as specified in section 805B;

G. The application for or participation in any federal, state or private grant program in excess of \$2,500, excluding the local and regional Board of Education, which participation shall require the Town to contribute any cash or provide any in-kind participation to enter into any such grant programs;

H. The discontinuance or abandonment of Town roads .

I. Such other matters or proposals as the Selectmen, in their discretion, shall deem of sufficient importance to be submitted to a Special Town Meeting, including recommendations by the Selectmen for the adoption, modification or repeal of any ordinance.

J. The approval, repeal or modification of any town Ordinance when petitioned pursuant to the provision(s) of Section 305 of this Charter as amended, providing said Ordinance(s) are not inconsistent with any other provisions of this Charter, or with the CT General Statutes.

K. Notices indicating the date, location and agenda of all Special Town Meetings shall be mailed to eligible voters via US mail at least five (5) days prior to the meeting. If the Town Meeting action sends a matter to referendum vote, notices indicating the date, time and location of the referendum vote shall be mailed, via US mail to eligible voters. Information shall be included if absentee voting is permitted and the procedure for obtaining such absentee ballot.

Section 305. Petitioned Town Meetings

A. Two percent (2%) of the electors of the Town, as determined by the latest official registry lists of the Registrar of Voters, may at any time, on a form provided by the Town Clerk, petition over their signature for a Petitioned Town Meeting concerning such matters provided for in Section 304C (except to the extent that acquisition by purchase is contemplated by the petition), Section 304D, Section 304H and Section 304J of this Charter. Any such proposal shall be examined by the Town Attorney before being submitted to a Petitioned Town Meeting. He shall be authorized to correct the proposal for repetitions, illegalities and unconstitutional provisions, but he may not materially change its meaning or effect. This section shall not derogate the right of the electors to petition for a Special Town Meeting as otherwise provided in Connecticut General Statutes.

B. The Town Clerk shall, within seven (7) days of the receipt of the petitions, report to the Selectmen whether the petitions yielded sufficient valid signatures. If sufficient valid signatures are not found, the Clerk shall so notify the Selectmen who shall declare the petition invalid. If sufficient signatures are found, the Clerk shall notify the Selectmen who shall then call a Petitioned Town Meeting within thirty (30) days of such certification. The same procedures and requirements shall govern Petitioned Town Meetings as govern Special Town Meetings.

Section 306. Town Meeting Moderator

A. There shall be a moderator elected at each Town Meeting. The moderator shall be an elector of the Town and shall have a working knowledge of Robert's Rules of Order.

Chapter- IV. BOARD OF SELECTMEN

Section 401. Number of Selectmen

There shall be a Board of Selectmen consisting of five (5) members. The members shall receive such compensation as is approved in the Town budget, to include reimbursement of reasonable expenses incurred in the performance of official duties. No more than three (3) members of such Board shall be members of the same political party.

Section 402. General Powers and Duties

The Board of Selectmen shall have the powers and duties which, at the effective date of this Charter, were conferred upon it by the Constitution and general laws of the State. It shall have such additional powers as shall enable it:

A. To enact, amend or repeal minor Ordinances providing they are not inconsistent with this Charter and not inconsistent with Ordinances adopted at prior Town Meetings, and not inconsistent with the General Statutes of the State of Connecticut.

B. To recommend to the Town Meeting the creation, consolidation, modification or abolition of agencies, commissions, boards and authorities not otherwise provided for in this Charter. The Board of Selectmen may create any agency, commission, committee, board, authority or department for a nonrenewable term not to exceed eighteen (18) months;

C. In adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be filed two copies of such code, rules or regulations in the office of the Town Clerk for inspection and copying by the public at reasonable hours in lieu of publication in any newspaper;

D. To fix the charges, if any, to be made for services rendered by the Town;

E. To compile the Annual Town Report;

F. To accept roads on behalf of the Town, provided that any road so accepted (1) Complies with planning and zoning regulations, (2) Is certified by the Town Engineer as having been constructed in accordance with Town standards and (3) That proper deeds, which have been approved by the Town Attorney, are in the hands of the Board of Selectmen. Once acceptance is given, the Town Clerk shall be provided with a copy of the resolution accepting any road(s) and the deed(s) for inclusion with the land records of the Town;

G. Make such appointments to local and regional agencies as are provided by law subject to the limitations of this Charter and any ordinances of the Town.

Section 403. Procedure

At its first meeting following each biennial Town Election, the Board of Selectmen shall fix a time and place of its regular meeting and provide a method for the calling of special meetings. At this meeting, the Board, by a majority vote of the entire membership, shall select a Vice-First Selectman, who shall act in the absence or temporary disability of the Chairman First Selectman. In the event a vote for the Vice-First Selectman is not taken at the first meeting, such Vice-First Selectman must be chosen at the next meeting at which a quorum of the entire Board is present. The Board of Selectmen shall, by resolution, determine its own rules of procedure, except that each Selectman shall be able to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion. All meetings of the Board of Selectmen for the transaction of business shall be open to the public, except that the Board of Selectmen may stand in executive session whenever otherwise permitted by law. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. The majority of the entire Board of Selectmen shall constitute a quorum, and no ordinance, resolution, or action except a vote to adjourn or fix the time and place of the next meeting shall be adopted by less than a majority of the entire Board of Selectmen.

Section 404. Public Hearing on and Publication of Ordinances

At least one public hearing, notice of which shall be given at least five (5) business days in advance by publication in at least (1) newspaper having a general circulation in the Town and by posting a notice in a public place, shall be held by the Board of Selectmen before any ordinance, not covered by Section 105H, shall be passed by it. Any actions, ordinances or regulations not enacted in accordance with the provisions of this section or within the provisions of this Charter will be deemed null and void. Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for that purpose which shall be properly indexed, and available for inspection and copying by the public at reasonable hours. Within ten (10) days after final passage, the text of each ordinance shall be published in summary form in a newspaper having circulation within the Town. Nothing herein shall prohibit the periodic codification or re-codification of existing Town ordinances. Every ordinance, unless it shall specify a later date, shall become effective on the twenty first (21) day after such publication following its final passage except if overruled as provided in Section 409 of this Charter.

Section 405. Public Emergencies

Whenever a public emergency exists or threatens to arise that creates an imminent threat to the lives or property of the inhabitants of the Town or property of the Town, the Town Administrator or the First Selectman, or his/her designee may declare a public emergency and shall have the power to mobilize, organize, and direct the forces of the Town and to call upon the forces of the Federal Government, the State of Connecticut and other political subdivisions. The Town Administrator or the First Selectman or his/her designee may summon, marshal, deputize or otherwise employ other persons to do whatever he may deem necessary for the purposes of meeting the emergency. Spending necessary to meet said public emergency shall be pursuant to Section 809 of this Charter. Emergency ordinances may be enacted, pursuant to Section 406 of this Charter.

Section 406. Emergency Ordinances An ordinance adopted by the Board of Selectmen as a public emergency measure must state the facts constituting such

public emergency and shall become effective immediately. It shall be published in a newspaper having a general circulation in the Town and by posting a notice in a public place as soon as possible thereafter. No public hearing or notice of public hearing shall be required for a public emergency ordinance. Every such emergency ordinance, unless repealed at an earlier time, including any amendment thereto, shall automatically stand repealed at the termination of the sixty first (61) day following passage of said ordinance, except that if the emergency continues, the Board of Selectmen may continue said ordinance for one additional period not to exceed sixty (60) days

Section 407. Coordination

With the support of the Board of Selectmen, the Town Administrator shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies and require reports or information to be submitted by the agencies as the Board of Selectmen or Town Administrator may deem necessary.

Section 408. Oath of Officers

The Selectmen shall, forthwith, after the election or appointment of any Town officers of whom an oath is required by law, cause them to be sworn to a faithful discharge of their respective duties by the Town Clerk or in his or her absence, an Assistant Town Clerk. Notice of election or appointment shall be in written form indicating if the oath is needed, as well as the time and location of the next regularly scheduled meeting of the appropriate group.

Section 409.

Section 409 including all subsections, have been repealed in its entirety by the Charter revision of 2002.

Section 410. Removal for Cause

Any member of an appointed Town board may be removed by the Board of Selectmen by an affirmative vote of four (4) members of said Board as provided herein:

A. The Board of Selectmen shall adopt a resolution proposing to remove such member. The Board of Selectmen shall forthwith serve said member with a written statement, by certified mail, stating why the person should be removed from office.

B. The member to be removed shall be given, within fifteen (15) days of such written notice, an opportunity for a hearing before the Board of Selectmen, at which said member may appear with counsel. Any member requesting a hearing shall not be removed until such hearing has been held. The hearing shall be open to the public.

C. The final decision with respect to such removal shall be made not later than fifteen (15) days following the close of said hearing. The decision of the Board of Selectmen in removing a member shall be final.

Section 411. Removal for Failure to Serve

Any appointed member of a Town Board or Town Agency who, without good cause and timely notification to the Chairman or the Vice Chairman of the Board or agency of the reasons for non-attendance, either fails to attend at least two-thirds of the regular meetings of such board or agency during any twelve consecutive months or fails to attend six consecutive regular meetings of the board or agency shall be deemed to have resigned his or her office. It shall be the duty of the Chairman of the board or agency (or, in his or her absence or disability or where the Chairman's attendance is the concern, the Vice Chairman), to promptly inform the Board of Selectmen of the vacancy; provided however, that the failure to inform the Board of Selectmen of the vacancy as required by this Section 411 shall not affect such Town Board or Town Agency member's deemed resignation. Any such vacancy shall be filled pursuant to Section 208 or 603, as appropriate of this Charter.

Chapter V. THE FIRST SELECTMAN

Section 501. General

A. The First Selectman shall be the Chief Elected Officer of the Town. The First Selectman shall be a voting and participating member of the Board of Selectmen and shall preside at all meetings of said Board. The First Selectman or his/her designee (who must be a Selectman) shall be an ex officio member of all other town commissions, boards and agencies.

Section 502. Duties.

Except as otherwise provided by this Charter, the First Selectman shall have all the powers, duties and responsibilities conferred by law. In addition, he/she shall have all of the powers necessary or incidental to the discharge of his/her duties as set forth in this Charter.

Chapter VI. APPOINTED OFFICERS, BOARDS, COMMISSIONS, COMMITTEES AND AGENCIES

Section 601. General.

The members of boards, commissions, committees, authorities, and agencies specified in this chapter, hereinafter referred to as "Town Boards", shall be appointed by the Board of Selectmen by a majority vote of the entire Board, except as otherwise specifically provided in Section 606J. Said Town Boards shall have such powers and duties as prescribed for such by the General Statutes, except as otherwise specifically provided by this Charter.

Section 602. Eligibility.

Unless otherwise provided for in this Charter or by the Connecticut General Statutes, A. All members of Town Boards shall be electors of the Town and shall have such other qualifications as the Board of Selectmen may provide. B. Members of Town Boards shall serve without compensation, except that just and ordinary expenses incurred by said members in the performance of their duties

may be reimbursed, provided that such appropriation has been authorized for that purpose.

Section 603. Vacancies.

A. Any vacancy, from whatever cause arising on any Town Board shall be filled in accordance with this Section within 60 days following the date of notice to the Town Clerk and acceptance of any resignation or determination by the Board of Selectmen of such a vacancy. Any such appointment shall be made by vote of the affected board, agency etc. and shall be for the unexpired portion of the term. B. In filling vacancies, the chair of the affected boards etc. shall notify the major political parties and the general public of such vacancies. All recommendations for appointment shall be made within 35 days after notification of the vacancy to the Board of Selectmen. The affected agency shall appoint a person to fill any vacancy. In the event the affected board fails to act within 60 days, the Board of Selectmen may then fill the vacancy.

Section 604. Minority Representation.

Minority representation for all Appointed Officers, Boards, Commissions, Committees and Agencies shall be determined in accordance with the provisions of Section 9-167a of the Connecticut General Statutes.

Section 605. Terms of Office.

Except as otherwise specifically provided for in this Charter, the terms of all Town Board members shall be for two years, and shall commence on the first Monday in July of 1999 and biennially thereafter. All Town Board members shall be eligible for reappointment and shall continue in office until a successor has been appointed and has qualified.

Section 606. Appointed Town Boards.

There shall be the following appointed Town Boards:

A. A Conservation Commission consisting of five (5) members, who shall serve two (2) year terms.

B. A Recreation Commission consisting of five (5) members, who shall serve two (2) year terms.

C. An Economic Development Commission consisting of five (5) members, who shall serve two (2) year terms.

D. A Memorial Day Committee consisting of five (5) members, who shall serve two (2) year terms.

E. A Norton Fund Commission consisting of five (5) members who shall serve two (2) year terms.

F. A Library Board of Directors consisting of five (5) members who shall serve two (2) year terms.

G. An Inland Wetlands Commission consisting of five (5) members who shall serve two (2) year terms.

H. An Ordinance Review Committee consisting of five (5) members who shall serve two (2) year terms.

I. Such other Town Boards as may from time to time be established by ordinance, whose function, composition and terms of members shall be prescribed in the establishing ordinance.

J. A Capital Improvement Plan Committee consisting of seven (7) members. The Committee shall be composed of designees chosen by a majority vote of their respective Boards as follows: 1 member of the Board of Education 1 member of the Board of Fire Commissioners 1 member of the Board of Finance 1 member of the Board of Selectmen

The terms of the designees shall be determined by their respective Boards, providing they do not exceed the length of term specified in Section 605 (as amended) of this Charter. The remaining 3 members shall be designated as members at large who shall not be members of the above boards and shall be appointed as prescribed in Section 601 and 605 as modified.

Section 607. Alternates.

The Town Meeting may, by ordinance, provide for the appointment of alternates to the appointed boards delineated in Section 606 when deemed necessary.

Section 608. Rules of Procedure.

Each appointed Town Board, shall, by resolution, determine its own rules of procedure, provided that all regular and special meetings shall be held in accordance with the applicable provisions of the General Statutes. Such rules of procedures shall be filed with the Office of the Town Clerk and with the Board of Selectmen within thirty (30) days of their adoption. Amendments to rules of procedures may be made at any meeting, providing that such amendments are properly on the call of the meeting and filed with the Town Clerk within seven (7) days of their adoption. In the absence of rules, or the failure of a Town Board to file aforementioned procedures or amendments with the Office of the Town Clerk, the Board shall be deemed to have adopted (the) "Robert's Rules of Order", as published and amended.

Chapter VII. ADMINISTRATIVE OFFICERS

Section 701. General.

With the exception of 702(O), Town Clerk, which is an elected position, the Board of Selectmen shall appoint, and as necessary remove the Administrative Officers provided for in Section 702 by the methods and manners contained in each subsection. Appointments shall be made through competitive examination. In this Competitive Examination process a screening/interview committee made up of incumbents from other towns of the office to be appointed shall be assigned to determine qualified candidates. The competitive exam process may be modified as necessary by a majority vote of the Board of Selectmen after holding a public hearing and modifications shall be recorded with the office of the Town Clerk.

All officers shall receive such compensation as determined by the Board of Selectmen, unless delineated otherwise in the subsections below, subject to inclusion in the annual budget. The terms of all such officers, except as otherwise

provided in the Charter, shall be set by the Board of Selectmen. Unless otherwise restricted by the Selectmen or other provisions of this Charter, officers need not be residents of the Town. However, all else being equal, priority shall be given to Andover residents when appointments are made.

Section 701A. Town Administrator

The Town Administrator shall be the Chief Executive Officer of the Town of Andover responsible to the Board of Selectmen for the supervision, direction and administration of all Town of Andover departments, agencies and offices except the Board of Education and Town agencies whose head or members are elected by popular vote.

Section 701B. Appointment Procedure

The Board of Selectmen shall appoint a Town Administrator who shall be the chief executive officer of the Town to serve at the pleasure of the Selectmen. The appointment shall be made by a majority vote of the Board of Selectmen based on the recommendation of an ad hoc search committee consisting of 2 members of the Board of Selectmen, a member of the Board of Finance and two electors of the Town who do not hold any public office whatsoever, chosen by said three public officials. No more than a bare majority of the search committee may be registered members of the same political party. The selection process will include an advisory screening/review committee made up of incumbents from other towns in similar positions to determine qualified candidates. The recommendation of the search committee to the Board of Selectmen will be by simple majority.

Section 701C. Qualifications; Compensation.

The Town Administrator shall be chosen by the Board of Selectmen exclusively on the basis of executive, technical and administrative qualifications, character, educational background, training/certification and professionally related experience. A Bachelor's Degree is required, or an equivalent combination of education, training and experience. The Town Administrator shall devote full working time to the duties of the office.

Section 701D. Duties of the Town Administrator

As Chief Executive Officer of the Town of Andover, under the general direction of the Board of Selectmen, the Town Administrator shall:

1. Ensure that all laws and ordinances governing the Town are faithfully executed;
2. Make periodic reports to the Board of Selectmen;
3. Attend Board of Selectmen meetings with full authority to participate in them, but, without the authority to vote;
4. Make a continuous review of the current and future needs of the Town and in connection therewith, require reports and information to be submitted by any agency of the Town;
5. Recommend to the Board of Selectmen such measures as may be necessary or expedient;
6. Keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and apply for and implement the same;
7. Periodically review all insurance coverage carried by the Town, including the local Board of Education and recommend to the Board of Selectmen adjustments and improvements in such coverage;
8. Assist the Board of Selectmen in preparing the annual town report and cause it to be printed as soon as possible after the close of the Fiscal Year;
9. Keep the Board of Selectmen and Board of Finance fully advised of the financial condition of the Town;
10. Prepare and submit a proposed annual budget to the Board of Selectmen and the Board of Finance;

11. Expend or withhold the funds necessary to ensure the smooth and fiscally sound operation of Town business and the health, safety and well being of the Town and its residents, consistent with this Charter;

12. With the exception of real estate, motor vehicles and the like, purchase or lease or causing to be purchased or leased, subject to such rules and regulations as may be adopted by the Board of Selectmen, all supplies, materials, equipment and other commodities required by any office, board, agency or commission, including the local Board of Education to the extent said board shall authorize;

13. Assist the Board of Selectmen to develop long term goals for the Town and strategies to implement such goals;

14. Promote partnerships among the Board of Selectmen, Board of Finance and citizenry to develop sound public policy and build a sense of community; and

15. Exercise such authority and perform such other duties as may be required by ordinance or resolution of the Board of Selectmen not inconsistent with this Charter.

Section 701E. Removal of the Town Administrator

1. The Town Administrator may be removed by a four-fifths (80%) vote of the entire membership of the Board of Selectmen. At least thirty (30) days before the proposed removal of the Administrator, the Board of Selectmen shall adopt a resolution stating their intention to remove the Town Administrator and the reasons therefor. A copy of the resolution shall be served on the Administrator who may, within ten (10) days, demand a public hearing. In this event, the Administrator shall not be removed until such public hearing has been held. Upon the passage of such a resolution, the Board of Selectmen may suspend the Town Administrator from duty provided that the salary of the Administrator shall continue until removal from office. Any action of the Board of Selectmen in removing the Administrator shall be final.

2. Upon the suspension, removal or resignation of the Town Administrator, the Board of Selectmen may appoint a temporary Administrator who shall be a

qualified administrative officer to serve at the pleasure of the Board of Selectmen until a permanent replacement Town Administrator is appointed pursuant to this chapter of this Charter.

Section 702. Administrative Positions.

There shall be the following Administrative/Officer positions:

A. A Town Assessor - The Board of Selectmen shall appoint the Assessor who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this charter, and this office shall have permanent status. The Assessor shall be a town employee subject to all rules and provisions of the Personnel Policies and his/her contract. Removal of the Assessor must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

B. A Building Official - The Board of Selectmen shall appoint the Building Official who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this charter, and this office shall have permanent status. The said officer shall be a town employee subject to all rules and provisions of the Personnel Policies and his/her contract. Removal must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

C. A Municipal Agent for the Aging - The Board of Selectmen shall appoint a municipal agent for the aging.

D. Director of Health - The Board of Selectmen shall appoint a Director of Health as mandated by the State of Connecticut. The Director of Health is employed part time subject to all rules and provisions of his/her contract. The said officer shall be compensated by stipend.

E. An Animal Control Officer - The Board of Selectmen shall appoint an Animal Control Officer. The said officer shall be employed part time.

F. A Tree Warden - The Board of Selectmen may appoint a tree warden.

G. A Sanitarian/Wetlands Enforcement Officer - The Board of Selectmen shall appoint a Sanitarian/Wetlands Officer. The said officer is to be employed subject to all rules and provisions of his/her contract.

H. A Zoning Enforcement Officer - The Board of Selectmen shall by a majority vote of the entire Board appoint, and by a four-fifths (80%) vote of the entire Board be enabled to remove the Zoning Enforcement Officer, providing either action has been secured with the advice and consent of a majority of the members of the Planning and Zoning Commission in a meeting warned and held for such purpose. The Zoning Enforcement Officer shall have the powers and duties as are provided for such in the General Statutes, except as otherwise provided by this Charter.

I. A Treasurer - The Board of Selectmen shall appoint the Treasurer who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this charter, and this office shall have permanent status. The Treasurer shall be a town employee subject to all rules and provisions of Personnel policies. Removal of the Treasurer must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

J. A Town Attorney - The town attorney shall be an attorney-at-law, or a firm of attorneys-at-law, admitted to practice in this State, who shall serve for a two (2) year term of office commencing on the first day of July following the Town election 1999 and thereafter, biennially, in odd numbered years. He shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any officers, employees or agencies acting in the course of duty in all matters affecting the Town. He shall, upon written request of the First Selectman or Board of Selectmen, provide a written opinion to any official of the Town on any question of law involving their respective powers and duties. He shall, upon request of the First Selectman or the Board of Selectmen, prepare or approve forms or contracts or other instruments to which the Town is a party. He shall have the power, with the approval of the Board of Selectmen, to

compromise and/or settle all claims by or against the Town. Upon request of the Board of Selectmen, he shall attend Town Meetings. Nothing in this section shall prevent the Selectmen, the Board of Education, the Planning and Zoning Commission, or the Zoning Board of Appeals from retaining Special Counsel when the needs of the Town so require. The Board of Selectmen shall on an annual basis conduct a review of the work of the Town Attorney.

K. A Town Engineer - The Board of Selectmen may appoint a Town Engineer or may retain the services of a professional engineer licensed in the State of Connecticut to assist in matters of engineering, road and drainage matters and such other matters as they may determine.

L. Police Service - The Town may utilize the services of the resident state trooper program.

M. A Public Works Maintenance Team Leader - The Board of Selectmen shall appoint the Public Works Maintenance team leader who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this Charter, and this office shall have permanent status. The said officer shall be compensated on an hourly basis. The public works maintenance team leader shall be a town employee subject to all rules and provisions of Personnel Policies. Removal must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

N. A Tax Collector - The Board of Selectmen shall appoint the Tax Collector who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this Charter, and this office shall have permanent status. The said officer shall be compensated on a salary basis only. The Tax Collector shall be a town employee subject to all rules and provisions of Personnel Policies. Removal of the Tax Collector must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

O. A Town Clerk Section

703. Additional Officers and Employees.

The Board of Selectman, subject to the approval of the Town Meeting, may appoint such additional officers, as the needs of the Town require, subject to budgetary appropriations.

Chapter VIII. FINANCE AND TAXATION

Section 801. Fiscal Year.

The Fiscal Year of the Town shall begin on July 1 and end on June 30 of the following calendar year.

Section 802. Duties on the Budget.

A. Agency and Department Heads. At least one-hundred twenty (120 days) before the end of the Fiscal Year, the head of each department, office or agency of the Town, supported wholly or in part by Town funds, except the Regional Board Education, shall file with the Board of Finance a detailed estimate of expenditures to be made by that department, office or agency and the revenues, other than property taxes, to be collected thereby in the ensuing Fiscal Year. Such estimates shall be accompanied by statement setting forth the services, activities and work accomplished during the current year and planned for accomplishment for the ensuing Fiscal Year.

B. Duties of the Board of Finance. The Board of Finance shall review the budget estimates with the heads of all Town supported departments, offices, and agencies. Upon completion of the review and not later than sixty days (60) days prior to the end of the Fiscal Year, the Board of Finance shall hold a public hearing, as provided for in Section 802C of this Charter, on the proposed budget. In preparing the proposed budget, the Board of Finance may add to, delete from, or eliminate requests made by the various departments, offices, and agencies except that the Board may only comment and make recommendations on the budget requests of the local Board of Education. The Board of Finance shall

include in budget the estimated budget request of the Regional School District No.8.

The proposed budget shall include:

1. A budget message describing the important features of the proposed Town budget indicating major changes from the current Fiscal Year's, expenditures and revenues, together with the reasons for such changes and containing a summary of the budget contents.

2. Revenues, presenting in parallel columns, the itemized revenues collected in the last completed Fiscal Year, the current year budget estimates, estimated revenues to be collected during the current Fiscal Year and estimated revenues to be collected in the ensuing Fiscal Year.

3. Expenditures, presenting in at least five (5) parallel columns, the actual itemized expenditures for each department, office, board, agency or commission supported wholly or in part by Town funds, including the local Board of Education and Regional School District No. 8., for the last completed Fiscal Year, the original current budget allocations, the estimated expenditures to be incurred during the current Fiscal Year, the request of each agency, office and department and recommendations of the amounts to be appropriated the ensuing fiscal year. Nothing shall prohibit the inclusion of additional information as may be deemed necessary.

4. A recommendation for those capital projects to be undertaken during the ensuing Fiscal Year and the method of financing those projects.

5. The Board of Finance shall also include in the budget recommendation a program, with due regard to the municipal plan of development, of proposed capital projects for the five years following the next ensuing Fiscal Year, together with an estimate of the cost and the method of financing such projects.

C. Additional Duties of the Board of Finance The Board of Finance shall hold at least one (1) public hearing on the budget at which any taxpayer or elector may have the opportunity to be heard regarding the proposed budget. The Board of

Finance may review the budget requests with the head of each department, board, agency and commission including the local Board of Education. Subsequent to such hearing and review, the Board of Finance shall prepare a final budget that incorporates any recommended changes to be presented to the Annual Town Budget Meeting, which shall be in the same format and contain the same information as is provided for in Section 802B(3) above.

Section 803. The Annual Town Budget Meeting and Referendum.

Section 803. The Annual Town Budget Meeting and Referendum

- A. The Annual Town Budget Meeting shall be held on one of the first ten business days of May. The proposed budget shall be the only substantive matter presented to this Annual Town Budget Meeting for adoption pursuant to the provisions of this section. It is the intent of this Charter that the provisions of the General Statutes governing town meetings as contained in Section 7-7 shall not apply to the adoption of this budget.
- B. If a quorum as defined in Section 302 of this Charter is present, then the meeting may proceed to adopt or reject the budget. Prior to taking a vote to adopt or reject the budget, the Town Meeting may make amendments to the proposed budget, provided, however, that the Town Meeting shall only have the power to reduce or modify, but not increase the budget or any portion thereof. The Town Meeting may not alter any specific items contained in the budget proposed by the local Board of Education. If the budget is rejected, the Board of Finance shall review the rejected budget and present the same or a revised budget to a subsequent Town Meeting held on the same day of the next following week. If the budget is approved, it shall be put to a referendum on the second following Tuesday. Voting by absentee ballot at the referendum is allowed.
- C. If a quorum is not present, the meeting shall be recessed to the same day of the following week. If a quorum is not present at the second Town Meeting on the budget, the budget shall automatically be put to a referendum on the first Tuesday following the next Monday. If a

majority of those voting at the referendum shall vote "yes," then the budget shall stand approved. If a majority of those voting at the referendum shall vote "no," then the proposed budget is defeated, and it shall be bifurcated as set forth below in Section 803D; and returned to the Board of Finance which shall review the rejected budget and shall present the same or a revised budget to a Town Meeting to be held on the next succeeding Tuesday.

D. If a quorum is present at the Succeeding Town Meeting on the rejected budget, the Town Meeting may proceed. If a quorum is not present, the budget shall be put to a referendum on the Tuesday following the next Monday. This same adoption cycle shall be followed if any budget is rejected at Town Meeting or referendum until a budget is finally adopted. If the budget is defeated at a first referendum or for a second time at town meeting, the budget will be bifurcated into separate votes on the Town Budget and on the local Board of Education Budget individually, and the process shall begin again with the Board of Finance as set forth in Section 803C, above and continue until each bifurcated budget is passed. The Board of Finance shall review any rejected budget and present, for review and discussion only, the same or revised budget(s) to a subsequent Town Meeting held exactly one week after the day of the referendum at which the budget was rejected, and the next referendum will be held exactly two weeks later. If only one of the two bifurcated budgets is passed at referendum, it is final and may be implemented for the new Fiscal Year, but this process must continue for any failed budget until it is passed.

E. After the final adoption of the budget at referendum, and with consideration of external budgeting factors including state appropriation(s) and/or the Region Eight budget, the Board of Finance shall meet as soon as possible to set the mill rate for the upcoming Fiscal Year.

F. Notices indicating the date, location and agenda of the Annual Town Budget Meeting(s) and a separate notice identifying the date, and location of the subsequent referendum(s) shall be mailed to eligible voters by US mail at least five (5) days prior to the meeting(s) and subsequent vote.

Section 803G Substitute Budget

Should any budget fail to gain final approval prior to the beginning of the new Fiscal Year, the Town must implement a substitute for any such failed budget at the beginning of the Fiscal Year pursuant to General Statutes sections 7-405 and 12-123 and the court cases decided thereunder, and in the case of the Board of Education budget, in compliance with the Minimum Budget Requirement (MBR) of State law. If the Board of Selectmen is legally required to set a mill rate, it may do so only after considering the timely advice of the Board of Finance.

Section 804. Expenditures

Before the Adoption of the Budget In the event that a budget has not been adopted by July 1 in any year, the Board of Finance may authorize expenditures and provide for the raising of necessary revenues pursuant to the provisions of Section 7-405 of the General Statutes. However, any such expenditures shall not exceed the amount appropriated in the last approved budget.

Section 805. Supplemental Appropriations.

A. Duties of the Board of Selectmen. In the event that a department, board, agency or commission, excluding the local Board of Education, shall require a supplemental appropriation, such requests shall be made in writing to the Board of Selectmen. The Board of Selectmen shall forward, with any comments or recommendations that it might have, said request to the Board of Finance with its recommendations. Any request from the local Board of Education shall be presented directly to the Board of Finance.

B. Duties of the Board of Finance. Within thirty (30) days of receipt of a request for a supplemental appropriation, the Board of Finance may hold a public hearing on the request after which it shall either approve or deny the request. The Board of Finance shall be empowered to make supplemental appropriations up to and including an amount that cumulatively is equal to one-half of one percent approved by the Board of Finance. Those which exceed the cumulative one-half of one percent (0.5%) of the current year budget, excluding the amount

appropriated for the Regional School District, shall be submitted to a Special Town Meeting pursuant to the provisions of Section 304B of this Charter and if approved, will be sent to referendum pursuant to Section 803 of this Charter.

C. Source of Funding. Funding for supplemental appropriations may be provided from the following sources:

1. Transfer from any available fund balance;
2. By borrowing, provided that any amount so borrowed shall be repaid from the budget of the next ensuing Fiscal Year.
3. Proceeds of federal or state grants, gifts, bequests and the like.

Section 806. Expenditures and Accounting.

A. No purchase shall be made by any agency except through the Town Administrator or a person designated by the Town Administrator. This section shall not apply to the local Board of Education.

B. No voucher, claim or charge against the Town shall be paid until the same as been examined by the Town Administrator and approved for correctness and validity by the department head or other person involved in said purchase. Checks shall be signed by the Town Administrator for payment of approved claims. In the absence or inability to act of the Town Administrator, the First Selectman shall act for the Town Administrator.

C. 1. When an agency, excluding the local Board of Education, shall desire to transfer funds within its appropriation from the funds set apart for one purpose to another, such agency shall file a request with the Town Administrator. The Town Administrator shall examine the matter and, with the concurrence of the Board of Selectmen, shall have the power to approve requests up to a cumulative amount of \$2,000.00 for any one department, office or agency in any Fiscal Year.

2. All requests which exceed the cumulative limit of \$2,000 shall be reviewed by the Town Administrator and then the Board of Selectmen who shall forward such requests to the Board of Finance who shall have the power to approve or deny

such requests, up to a cumulative total of ten (10) percent of the agency's total budget for the Fiscal Year.

D. The Town Administrator through the Board of Selectmen, may request, but only within the last three (3) months of the Fiscal Year, that the Board of Finance transfer any unencumbered appropriation, balance or portion thereof, from one department, office or agency to another. The Board of Selectmen shall provide to the Board of Finance a statement certifying that the balance to be transferred is not needed by the department, office or agency from which such transfer is being made. This section shall not affect the local Board of Education which shall have the power to make its own transfers provided that such transfers are reported to the Board of Finance when so made.

E. Any fiscal obligation entered into by any official without first following the proper processes and procedures delineated in this Charter, or without the prior approval by the board(s) authorized and mandated under this Charter to approve such agreements or expenditures, will be null and void. Every payment made in violation of this Charter shall be deemed illegal and Every official authorizing or making such payment or taking part therein and Every person knowingly receiving such payment or any part thereof, shall be Jointly and severally liable to the both the Town and to individual parties, As indicated, for the following:

1. The full amount of funds so paid or received, or to which the Town is legally committed to paying.
2. A penalty of either \$500 or 10% percent of the full amount of funds so paid or received, whichever is greater.
3. Any and all reasonable fees, both legal, collection, or otherwise, incurred by the town as well as by individuals directly involved in bringing forth a complaint validated by findings of either a majority of the Board of Selectmen, or by a court of competent jurisdiction. Any officer or employee who knowingly violates the provisions of this Charter shall be subject to removal as provided in this Charter. The Town Attorney shall be directed to seek restitution, where permissible by state law and when authorized either by a majority of the Board of Selectmen, or

validated by the findings of a court of competent jurisdiction, against the individual(s), board(s) or commission(s) or appointed officer(s) who have violated the pertinent provisions of this Charter.

Section 807. Purchasing.

The Board of Finance, in consultation with the Capital Improvement Plan Committee and the Board of Selectmen, shall establish and maintain written purchasing procedures and policies which include, but are not limited to, time lines and procedures for submission of Capital equipment purchase requests to the Board of Finance. All Town departments, boards, and agencies, except the local Board of Education, shall adhere to these procedures and policies, as modified.

Upon the authorization of a query or investigation approved by a majority of those CIP members voting, the Capital Improvement Plan Committee and/or its designees shall have full and unfettered access to any and all Town capital equipment records (including but not limited to maintenance records) as they directly relate to the purchase, maintenance, and/or upkeep of current or proposed town-owned or leased capital equipment.

Refusal by any town department, agency or its designee to provide full and unfettered access as noted above or to adequately respond to CIP requests for further information necessary for the CIP Committee to reach a determination in its research, shall empower the CIP Committee to issue a summary dismissal of the town department, agency and/or its designees request for approval of the Capital Equipment purchase or lease. The Board of Finance shall not be empowered to approve any request that has been summarily dismissed as noted above, until such time that a majority of the voting members of the CIP Committee void or revoke the aforementioned dismissal, or the summary dismissal has been repealed by a unanimous vote of both the entire Board of Selectmen and a unanimous vote by the entire voting membership of the Board of Finance.

Section 808. Reserve Fund for Capital and Non-Recurring Expenditures.

There shall continue to be a reserve Fund for Capital and Non-Recurring Expenditures as the same existed on the effective date of this Charter.

Section 809. Emergency Appropriations.

For the purpose of meeting an imminent public emergency threatening the lives, health or property of the Town, its businesses, or citizens, emergency appropriations may be made by vote of the Board of Selectmen. Said appropriations shall not exceed \$10,000 for any one occurrence. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing may be provided in such manner as is consistent with the provisions of the General Statutes, as may be determined by the Board of Selectmen in consultation with the Board of Finance.

Section 810. Borrowing.

A. The Town shall have the power to incur indebtedness by issuing its notes or bonds as provided by the General Statutes and subject to the provisions of this Charter.

B. The Board of Selectmen may, by resolution, recommend to the Board of Finance that the Town issue its bonds or notes for such specific purposes as the Selectmen shall deem to be in the best interests of the Town.

C. The issuance of bonds and notes totaling up to, but not exceeding, ten (10) percent of the current year's tax levy for any single purpose in any one Fiscal Year may, after public hearing and approval of the Board of Finance, be authorized by vote of the Town Meeting pursuant to Chapter III of this Charter.

D. Any resolution approved by the Board of Finance authorizing the issuance of bonds or notes in excess of ten (10) percent of the current year's tax levy shall be submitted for approval or rejection to a referendum vote at a regular or special election. The resolution shall stand approved if so voted by a majority of those voting thereon, provided that at least fifteen (15) percent of those electors (as

defined in Section 9-1 of the Connecticut General Statutes) qualified to vote thereon, shall have voted on the issue.

Section 811. Annual Audit.

The Board of Finance shall annually designate an independent certified public accountant or firm of independent certified accountants to audit the books and accounts of the Town in accordance with the provisions of Title 7, Chapter III, Municipal Auditing Act, Section 7-391 through Section 7-397 of the Connecticut State General Statutes. Said Audit Report shall be forwarded to the Board of Selectmen for Inclusion in the Annual Report.

Section 812. Tax Bills.

It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill in accordance with the provisions of the General Statutes. He shall collect such taxes in accordance with the provisions of the General Statutes, except that such taxes, together with interest, penalties and lien fees thereon, shall be turned over to the Town Treasurer within ten (10) business days of collection. Taxes shall be due and payable in such installments as shall be fixed by ordinance. The Tax Collector shall prepare and submit such reports to the Town Administrator, Board of Selectmen, and Board of Finance as may be prescribed.

Chapter IX. TOWN EMPLOYEES

Section 901. General.

The employment and dismissal of Town Personnel under the jurisdiction of the Board of Selectmen will be subject to the approval of the Board of Selectmen. The Board of Selectmen shall approve rules, regulations qualifications, procedures or, changes thereto, for the hiring, dismissal and administration of Town Personnel under their jurisdiction. This shall not affect the following: elected officials and persons appointed to fill vacancies in offices; members of boards and commissions; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study, or investigation; and those under contract.

Disciplinary decisions, dismissal of any employee under their jurisdiction will be subject to the approval of the Board of Selectmen. An employee may appeal a disciplinary action to the Board of Selectmen who will conduct thorough research including taking testimony. A request may be made by employees to the Board of Selectmen to review objectionable material in their personnel file to determine whether such material is inaccurate, untruthful or misleading.

Section 902. Job Description.

The Town Administrator, subject to the approval of the Board of Selectmen, shall prepare a statement of the duties and responsibilities of each position covered by personnel rules and regulations and of the minimum qualifications for appointment to such position.

Section 903. Personnel Rules.

There shall be a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absences, removals and such other rules as may be necessary to provide adequate and systematic procedures for the administration of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

Section 904. Salaries.

The Town Administrator shall submit a proposed pay plan for those employees covered under Section 901 of this Charter to the Board of Selectmen, which pay plan shall take effect upon adoption by resolution of the Board of Selectmen. Said pay plan shall be reviewed annually and amendments may be adopted by the Board of Selectmen from time to time upon recommendation of the Town Administrator. For purpose of Chapter 113 of the General Statutes, as amended, the Town Administrator or his/her designee shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the

bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen.

Section 905. Retirement.

The Town may provide a system of retirement benefits for regular full-time employees. The Town may operate its own retirement plan, may enter into a contract with any financial institution authorized to do business in this state, may elect to participate in the Connecticut Municipal Employees Retirement Plan, may elect to participate in the old age and survivor insurance system under the Federal Social Security Act or may choose any combination thereof.

Section 906. Official Bonds.

All officers and employees as may be required to do so by the Board of Selectmen or as prescribed by the Connecticut General Statutes shall, before entering on their respective official duties, execute to the Town, in the form prescribed by the Board of Selectmen and approved by the Town Attorney, and filed with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and/or the faithful performance of such duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town. Any officer or employee who is not covered under a surety bond shall be covered under the Fidelity Section of the Municipal Insurance Policy, Commercial Crime Declarations which cover premises, theft, robbery, forgery, and employee dishonesty. The liability limit of the policy shall have a \$50,000 minimum per person, per occurrence.

Chapter X. TRANSITION AND MISCELLANEOUS PROVISIONS

Section 1001. Transfer of Powers.

The powers which are conferred and the duties which are imposed upon any commission, board, agency, department or office under the General Statutes or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board, agency, department or office is abolished by this Charter or superseded by the creation herein of a new commission, board, agency, or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, agency, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards, agencies, departments or offices abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions have been made for the discontinuance of such commissions, boards, agencies, departments or offices and the performance of their duties by other commissions, boards, agencies, departments or offices created under this Charter.

Section 1002. Present Employees to Retain Positions.

All employees of the Town on the effective date of this Charter whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provisions of law in force at the time that this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter. Any employees of the Town as defined in Chapter IX of this Charter on its effective date shall be retained without preliminary or performance tests and shall thereafter be subject in all respects to the provisions of the Charter.

Section 1003. Conflicts of Interest.

Any elected or appointed officer, any member of any board, authority, committee or commission, or any employee of the Town who has financial interest, direct or indirect, or is a member, associate or employee of an organization which has a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board, authority, committee or commission, shall disclose that interest to the Board of Selectmen for recording upon their official records and any such person shall be thereby disqualified from participation in the awarding, assignment or discussion of any contract, transaction, or decision. Any elected or appointed officer, any member of any board, authority or commission, or anyone in a position to hire or approve a hiring decision, shall not participate in the discussion or voting or decision to hire in any such matter for which the applicant is related, as defined in Section 105K of this Charter, as amended. Violation of these provision(s) shall be grounds for the removal of any such person pursuant to the provisions of Section 410 as amended, and any such contract, transaction or decision shall be voidable by the Board of Selectmen following a public hearing or by the decision of a court of competent jurisdiction.

Section 1004. Transfer of Records and Property.

All records, property and equipment whatsoever of any commission, board, authority, department or office part thereof, all powers and duties which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact forthwith to the commission, board, agency, department or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, authority, department or office are by this Charter assigned to another commission, board, authority, department or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact forthwith to the commission, board, authority, department or office to which such powers and duties are assigned.

Section 1005. Continuation of Appropriations and Town Funds.

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the Town, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished by the Board of Selectmen under the provision of this Charter. Section

1006. Legal Proceedings.

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, authority, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, authority, department or office which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, authority, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 1007. Existing Laws and Ordinances.

As of the effective date of this Charter, all general laws and special acts applying to the Town, all ordinances and bylaws of the Town, and all rules and regulations of commissions, boards, authorities, departments and agencies of the Town shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or are repealed.

Section 1008. Review and Amendment of Charter.

The Board of Selectmen shall review, or cause to be reviewed, the several provisions of this charter from time to time as it deems such review to be in the best interest of the Town, but at least every (5) years, said review to be filed with the Town Clerk who shall publish notice of receipt of said report. Amendments to this Charter shall be in accordance with chapter 99 of the General Statutes, as the same may be from time to time amended. A resident or taxpayer may file a

written notice with the Town Clerk in cases where he feels that provisions of this Charter are not being enacted. The Town Clerk shall forward such written complaint to the appropriate official, Board or Commission. Response will be required of the Board or Commission within 90 days as to why, after their review, such provision is or is not being enacted. A file of such complaints and responses shall be forwarded to complainants and will be maintained by the Town Clerk for review by the Board of Selectmen and the next officially formed Charter Revision Commission.

Section 1009. Savings Clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply. Section

1010. Resignations. Any elected or appointed member of any board, agency, commission or similar body who wishes to resign from office, shall do so in writing to the Town Clerk with a copy forwarded to the First Selectmen and the Chairman of said agency or similar body. Said resignation shall become effective upon acceptance by a vote of the Board of Selectmen. Resignation by the Town Clerk shall be filed with the First Selectmen. Vacancies shall be filled in accordance with Sections 208 and 603 as appropriate.

Section 1011. Effective Date.

This Charter shall become effective upon the approval of a majority of the electors voting at an election on November 8, 2016 in accordance with the provisions of Chapter 99 of the General Statutes, as amended, provided, however, no provision of this revised Charter shall be implemented until July 1, 2017 or before any date of implementation specified in this Charter.

Section 1012. Transition –

Appointed Boards, Agencies, Commissions and Committees Except as otherwise provided in this Charter, appointed officials, including the Town Treasurer and Tax Collector, serving a specific term on the effective date of this Charter, shall continue to serve until July 31, 1999. The Board of Selectmen that is elected in the municipal election of May 1999 shall make such appointments as are necessary to ensure a full slate of appointed Town Board members may take office on August 1, 1999.

Section 1013. Transition –

Elected Offices. The term of office of all elected officials serving at the time this Charter is adopted (with the exception of the Town Treasurer and Tax Collector whose terms shall expire in accordance with Section 1012 of the Charter) shall terminate on June 30, 1999 regardless of when such term of office would have ordinarily expired.

A. Board of Selectmen:

1. At the regular municipal election to be held in May 1999, there shall be elected a First Selectman and four (4) members for a term of four (4) years. A political party may nominate one candidate for the office of First Selectman, the winner of which shall be one of the five members of the Board of Selectmen. The votes cast for any unsuccessful candidate for First Selectman shall be counted as votes for such person as a member of the Board of Selectmen.

2. Thereafter, there shall be elected, in the same manner, five (5) members so that the Board of Selectmen shall consist of five (5) members serving four (4) year terms.

B. Board of Finance:

1. At the regular municipal election to be held in May 1999, there shall be elected four (4) members for a term of four (4) years and three (3) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected three (3) members for a term of four (4) years.

3. Thereafter, there shall be elected four (4) and then three (3) members so that the Board of Finance shall consist of seven (7) members serving four (4) year overlapping terms.

C. Section 1013C has been repealed in its entirety by the Charter Revision Of 2002

D. Planning and Zoning Commission

1. At the regular municipal election to be held in May 1999, there shall be elected three (3) members for a term of four (4) years and two (2) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected two (2) members for a term of four (4) years.

3. Thereafter, there shall be elected three (3) and then two (2) members so that the Planning and Zoning Commission shall consist of five (5) members serving four (4) year overlapping terms.

E. Planning and Zoning Commission Alternates:

1. At the regular municipal election to be held in May 1999, there shall be elected two (2) alternates to the Planning and Zoning Commission for a term of four (4) years and one (1) member for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected one (1) member for a term of four (4) years. 3. Thereafter, there shall be elected two (2) and then one (1) member so that there shall be three alternates to the Planning and Zoning Commission serving four (4) year overlapping terms.

F. Zoning Board of Appeals:

1. At the regular municipal election to be held in May 1999, there shall be elected three (3) members for a term of four (4) years and two (2) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected two (2) members for a term of four (4) years.

3. Thereafter, there shall be elected three (3) and then two (2) members so that the Zoning Board of Appeals shall consist of five (5) members serving four (4) year overlapping terms.

G. Zoning Board of Appeals Alternates

1. At the regular municipal election to be held in May 1999, there shall be elected two (2) alternates to the Zoning Board of Appeals for a term of four (4) years and one (1) member for a term of two (2) years. 2. At the regular municipal election to be held in May 2001, there shall be elected one (1) member for a term of four (4) years. 3. Thereafter, there shall be elected two (2) and then one (1) member so that there shall be three alternates to the Zoning Board of Appeals serving four (4) year overlapping terms.

H. Fire Commission

1. At the regular municipal election to be held in May 1999, there shall be elected three (3) members for a term of four (4) years and two (2) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected two (2) members for a term of four (4) years.

3. Thereafter, there shall be elected three (3) and then two (2) members so that the Fire Commission shall consist of five (5) members serving four (4) year overlapping terms.

I. Regional District #8 Board of Education

1. At the regular municipal election to be held May 1999, there shall be elected so many members to the Regional District #8 Board of Education for a term of four (4) years as have been allotted to the Town of Andover.

2. Thereafter, there shall be elected so many members to the Regional District #8 Board of Education for a term of four (4) years as have been allotted to the Town of Andover.

J. Local Board of Education

The terms of office of the officials of the Local Board of Education serving at the time the Charter Revision of 2002 is adopted shall continue until such time as would have ordinarily expired.

1. At the regular municipal election to be held in May 2003, there shall be elected two (2) members for a term of four (4) years.

2. At the regular municipal election to be held in May 2005, there shall be elected three (3) members for a term of four (4) years. 3. At the regular municipal election to be held in May 2007, there shall be elected four (4) members for a term of four (4) years. 4. Thereafter, there shall be elected three (3) and then four (4) members so that the Local Board of Education shall consist of seven (7) members serving four (4) year overlapping terms. No more than four (4) of these seven (7) members shall be from any one party.

Section 1014– Transition after Adoption of the 2002 Charter Revision

Except as otherwise provided in this Charter, appointed or elected officials serving a specific term on the effective date of this Charter shall continue to serve until the expiration of the term unless the office is abolished. As terms expire or are vacated.

Town of Andover Purchasing Policy

Adopted by the Board of Finance on December 14, 2022

1 PART 1 - INTRODUCTION

1.1 Purpose

To set forth the purchasing policies and procedures, as adopted by the Board of Finance, in accordance with Section 807 of the Town of Andover (Town) Charter.

1.2 Applicability

This policy applies to all purchases by any Town Agency, as defined by Section 105 of the Town Charter, which receives any funding from the Town as a result of the appropriation process. The Board of Education will be exempted from this policy; the Board of Finance shall periodically review the Board of Education's purchasing policy and make recommendations, as appropriate.

In addition to fulfilling the requirements of the Town Charter, this policy serves as an assurance to parties that may be granting funds to the Town that said funds will be expended in an orderly fashion. Therefore, this policy shall apply to purchases made with funds received by Town Agencies via means other than taxation unless specifically waived by the grantor of such funds.

Since the adoption of this policy is explicitly authorized by the Town Charter, violations of the policy, with the exception of portions of the policy that may conflict with the Town Charter or State of Connecticut General Statutes, shall be considered violations of the Town Charter and rectification shall be pursued by the appropriate party.

1.3 Definitions

Terms used in this policy are defined by Section 105 of the Town Charter, as applicable.

- 1.3.1 Capital Purchases – equipment and projects with an estimated cost of \$15,000 or more or estimated annual maintenance or leasing cost of \$5,000 or more.
- 1.3.2 Preferred Vendor – A service provider who has been approved in accordance with the Town's "preferred vendor" program (see attached exhibit A)
- 1.3.3 Request for Proposal (RFP)- A formal public bidding process required for Capital Purchases as defined above
- 1.3.4 Request for Quote (RFQ)- A request for a cost quote for a specific purchase, minimum of 3 quotes required for purchases in excess of \$7,500 but less than \$15,000. Exceptions can be made to the minimum 3 quote requirement for services provided by a Town approved "Preferred Vendor"

1.4 Exceptions to this Purchasing policy

Exceptions to this policy can be made by a majority vote of the Board of Selectmen and the Board of Finance as follows:

- The exception must provide a bona fide benefit and be in the best interest of the Town that would not otherwise be available under this policy.
- The reason and circumstances for the exception request must be clearly documented for each exception to the policy.

1.5 General requirements

1.5.1 Conflict of Interest

As stated in Section 1003 of the Town Charter, any elected or appointed officer, any member of any board, authority, committee or commission or any employee of the Town must disclose any possible conflicts of interest to the Town and must recuse themselves from any participation in activities resulting in a direct or indirect financial benefit to them.

Violations of provisions of the Charter by anyone other than an elected official of the Town may result in removal of the person. All fiscal obligations incurred in violation of applicable provisions of the Town Charter shall be voided by the Board of Selectmen, as permitted by law.

1.5.2 Purchasing and Contracts

All purchases, contracts, or any other fiscal obligations must be executed in accordance with Section 806 of the Town Charter. The Board of Finance, in conjunction with the Board of Selectmen, may make a review of any fiscal obligation that is suspected of not conforming with Section 806 of the Town Charter and this purchasing policy and may act pursuant to Section 806 (E) of the Town Charter as appropriate.

1.5.3 Competitive Public Bidding and Request for Quote (RFQ)

- A minimum of three (3) responsive quotes/bids shall be obtained for purchases in excess of \$7,500 but less than \$15,000 Exceptions to the minimum requirement for 3 quotes can be made for a service provided by a Town approved "preferred vendor".
- Capital Purchases, or contracted services with a value of \$5,000 or greater, require public bidding to be performed in accordance with Part 3 of this policy.

1.5.4 Document Retention and Access

All solicitations, including, but not limited to, emails, letters, faxes, requests for proposals (RFPs), request for quotes (RFQs) and all responses, including, but not limited to, quotes, proposals, or bids received as a result of competitive bidding in accordance with this policy are considered part of the public record and shall be kept on file by the requesting Town agency with the Office of the Town Clerk for a minimum of seven years after contract completion and made available for inspection within seven calendar days upon receipt of a request from the Board of Finance, Board of Selectmen, Town Treasurer, Town Auditor, or their designee(s). Failure to retain documents in accordance with this policy or preventing access to these documents shall be considered grounds for disciplinary action and may result in ethics investigation(s) by the Board of Selectmen or its designee(s).

1.5.5 Purchasing Cycle

The purchasing cycle consists of the following steps:

1. Recognition of need for goods and/or services.
2. Submission of appropriate Purchase Requisition/order form.
3. Preparation and dissemination of RFPs or RFQs.
4. Evaluation of Proposals, Bids, or Quotes (as applicable).
5. Issuance of Notice of Award (as applicable).
6. Issuance of Notice to Proceed and/or Purchase Order (as appropriate).
7. Receipt of goods and/or services; and
8. Payment of invoice.

The procedures to be followed to execute these steps are described in this document.

2 PART 2 – PURCHASE REQUISITIONS

2.1 Purpose

A purchase order/requisition allows a Town Agency to confirm there are sufficient funds available in an existing appropriation to purchase the necessary goods and/or services.

2.2 Applicability

This section covers purchases not defined as Capital Purchases (as defined in this policy). These purchases do not require public advertisement, formal bid procedures and are administered by the Department and forwarded to the Town Administrator for approval. A Purchase Order/requisition and approval of such is required prior to any order being placed.

- For purchases of items less than \$7,500 that are not purchased on a repetitive basis, only one telephone, email, fax, or written quote by the Department is necessary.
- When a department wishes to purchase an item costing between \$7,500 and less than \$15,000, a minimum of three telephone, email, fax, or written quotes must be obtained. The Department must submit the requisite phone quotation form along with the purchase order/requisition form. The general comments area should refer to a telephone quote form and date. The purpose of this form is to keep Finance informed of prices vendors are quoting and the quantities of various items being purchased Town-wide.
- Exception to the minimum 3 quote requirement for an item costing between \$7,500 and less than \$15,000, can be made for services provided by a Town approved Preferred Vendor.

2.3 General Requirements

2.3.1 Submittal, Approval, Rejection

A purchase requisition/order form must be completed and submitted to the Town Administrator by an Agency head or their designee.

The Town Administrator will confirm funds are available within the applicable appropriation and approve the requisition. If funds are not available within the applicable appropriation the Town Administrator shall notify the Agency head. At their discretion, the Agency head may request a budget transfer or supplemental appropriation from the Board of Selectmen. Exceptions to the purchase requisition/order form requirement shall be allowed for emergency situation purchases in accordance with the definitions and procedures described below:

Definition - Emergency situations are:

- Situations in which the operation of a department would be seriously hampered.
- Situations in which life limb or property may be endangered.
- Situations in which the health or welfare of the general public is seriously threatened.

Procedure

- If one of the above conditions exist, department heads in conjunction with the Town Administrator may authorize the purchase of required items to rectify the situation. The purchase may be made without a pre-approved purchase requisition/order form. A purchase requisition/order form must be completed as soon as is practical and will be submitted with an explanation of the reasons which required the emergency purchase.
- The Board of Selectmen shall be notified of any purchases made under an emergency situation.

For Capital Purchases and contracted services with a value of \$5,000 or greater, the procedures described in

Parts 3 through 6 shall be implemented prior to issuance of a Notice to Proceed and/or Purchase Order.

3 PART 3 – PUBLIC BIDDING- Request for Proposal (RFP)

3.1 Purpose

The public bidding of Capital Purchases and contracted services is essential to minimize opportunities for preferential procurement by Town Officials, and to ensure the Town receives competitive pricing on goods and services it requires. At the discretion of the Board of Selectmen, any component of the bid preparation and/or evaluation process may be performed by any Town Agency or qualified firm.

3.2 Applicability

Capital Purchases or contracted services with a value of \$5,000 or greater must be publicly bid in accordance with the provisions of this policy.

Where Federal or State law or regulations including grant requirements require other procedures, such other procedures will be followed in lieu of those specified within this policy.

The supplies, commodities, materials, services, or construction listed below will not require sealed bids but do require the Town Administrator or Finance Director approval. Any new initiatives, policy or procedure changes that were not approved during the budget process must be brought forward to the Board of Selectmen and the Board of Finance for approval.

- Those furnished by a monopoly utility.
- Those having or requiring a single source of supply.
- Those required to meet a public emergency as defined by the Town Administrator and reported to the Board of Selectmen and the Board of Finance at the next regularly scheduled meetings for each board.
- Annual maintenance agreements that are provided by a specialized vendor for specialized types of equipment i.e., Telephone or computer system service contracts.
- Those made through or administered by State, regional, or other municipal purchasing agencies.
- Those providing professional consulting or technical services such as architectural, engineering, planning, medical, accounting, data processing, legal, personnel or management service, on call mechanical, equipment, facility, or specialized vehicle repairs requiring repair by a qualified mechanic associated with the vehicle. Although these do not require the formal bid process, a request for proposal is to be done at least every three (3) years to appoint various vendors whose costs would be \$25,000 or more per year for these types of services. Professional Auditing, pension investment, legal, financial advisors and bond counsel services shall have a request for proposal done at least every five (5) years if the annual cost is \$35,000 or more per year.
- Those exempted or determined by law.
- Those made through State or Federal surplus property agencies
- Those made by Town preferred vendors, who have previously been approved via a formal “preferred vendor” process and within the dollar limits set in the service agreement with the Town.

3.3 General Requirements

The use of State of Connecticut or other government (e.g., Houston-Galveston Area Council) cooperative purchasing programs shall be considered sufficient to fulfill the requirements of this Part. Purchases made outside such programs shall comply with the following requirements.

3.3.1 Form

Public bid documents shall include provisions addressing the following elements, as applicable:

1. Legal Notice
2. Instruction to Bidders
3. Scope of Work
4. Technical Specifications
5. Town's Responsibility
6. Liquidated Damages
7. Contractor/Vendor Qualification Requirements
8. Evaluation Criteria
9. Sample Service Contract
10. Insurance Requirements
11. Indemnification Requirements
12. Bonding Requirements
13. Subcontractor Requirements
14. Certified minority, women and/or disabled owned businesses requirements (if applicable)
15. Grantee Requirements
16. Equal Opportunity Requirements
17. Non-Collusion Certification
18. Prevailing wage (if applicable)

At a minimum, all bids shall consist of technical and cost components in a sealed envelope.

3.3.2 Preparation and Approval

Bid documents must be prepared by the appropriate Agency and submitted by the Agency head to the Board of Selectmen for approval. The Board of Selectmen may, at its discretion, require additional elements not listed above to be added to any bid document. It is *highly recommended* that a requesting Agency engage both the Capital Improvement Planning Committee and Board of Selectmen early in the annual budgeting process to ensure budgetary estimates generated during the Capital Improvement Planning Committee evaluation process reflect the requirements that will ultimately be included in the bid document.

3.3.3 Bid Postings

Unless specifically exempted by the Board of Selectmen, public bids must be posted and open for a minimum of 21 calendar days. Public bids must be posted to the "Bid/RFP" section of the Town website, an online public bidding clearing, and the State of Connecticut Department of Administrative Services website. If required by law or the Board of Selectmen, a public bid must also be advertised in a newspaper that has local circulation.

3.3.4 Receipt and Unsealing of Bids

Only bids delivered in sealed packages to the Town Clerk's office will be considered responsive. Bids must be opened at the date and time indicated in the RFP by the Town Administrator, or their designee and one witness from the Town Clerks office. The name, address, and phone number of each bidder and amount of the bid will be recorded by the representative of the Town Clerk's office. Bids will then be distributed to each member of the evaluating body.

4 PART 4 – BID EVALUATION

4.1 Purpose

The award of contracts for equipment and services must be performed based on a thorough evaluation of received bids.

4.2 Applicability

The provisions of Part 4 apply only to those goods and services procured in accordance with Part 3 of this policy.

4.3 General Requirements

4.3.1 Evaluating Body

The Board of Selectmen shall establish an evaluating body or person for all public bids. It shall be within the discretion of the Board of Selectmen to designate a committee to evaluate all public bids for the fiscal year or to designate individual committees for each public bid or to hire a qualified professional to evaluate the bid. However, the committee responsible for evaluating each public bid shall consist of a least 3 Town electors with a minimum of one (1) member from each the Board of Finance and Board of Selectmen. The evaluating committee can be greater than 3 persons and do not have to be electors once the 3 Town elector requirement has been met. The Board of Selectmen may, at its discretion, designate the Capital Improvement Planning Committee as the evaluating body.

4.3.2 Distribution of Bids

Unsealed bids must be distributed to each member of the evaluating body within seven (7) calendar days of the bid opening. Members must report indications of tampering with bids to the Town Clerk within five (5) business days of receipt of the bids.

4.3.3 Evaluation of Bids

Only bids that are considered complete and responsive will be evaluated. Considerable professional judgment must be used in determining whether bids are responsive to a solicitation. However, certain quantifiable criteria are used in the exercise of that judgment. For example:

- A. Is the firm a responsible firm? Has it ever defaulted on any contracts with the Town? Do supplied references indicate that said firm is reputable?
- B. If bid security or other preconditions were required, were these conditions met?
- C. Does the bid submitted meet the detailed published specifications for the required product?
- D. Does the vendor owe any taxes or other payments to the Town? If so, then they will not be considered for the provision of any products or services to the Town until the payments are made in full.

Incomplete or unresponsive bids must be rejected and returned to the bidder with an explanation letter. Firms submitting incomplete or unresponsive bids will not be allowed to re-submit bids.

Complete and responsive bids will be evaluated with the following governing procedural guidelines for all related activities:

- A. Determination of the lowest responsible bidder (as per the Town administrator's Office calculations and sponsoring agency expertise.) The lowest responsible bidder is that person or firm whose bid to perform the work is lowest, who is qualified and competent to do the work, whose past performance of work is satisfactory to the Town and whose bid documents comply with the procedural requirements stated within the Town's bid specification package. Generally, if a bid sheet is included with a specified scope of work in the bid documents, the evaluating body should recommend the lowest responsible bidder. If the lowest bidder is not recommended to the Board of Selectmen, a detailed letter accompanying the evaluating body's recommendation must be submitted. More flexibility is allowed for design/build contracts.
- B. Consideration of local business preference option. Consideration must be afforded to any local bidders having submitted a bid that is not more than five (5) percent higher than the lowest responsible bid., a local bidder (having a principal business located in Andover) may be awarded the bid provided such Town-based bidder agrees to accept the award of the bid at the amount proffered by the lowest most responsible bidder. (Note: Local Bidder Preference shall not apply when the bid in question involves a cooperative purchasing agreement between the Town and either other municipalities, consortiums, or the State of Connecticut.)
- C. Recommendation of Department Head for contract award. Recommendations for award shall be stated on the bid tabulation form and forwarded to the Town Administrator's Office. A detailed explanation for selecting a vendor other than the Apparent Low Bidder must be included. This documentation shall become part of the permanent Purchase Order/bid file
- D. Selectmen review and action. The evaluating body shall make a recommendation to the Board of Selectmen on a selected vendor or contractor or if the project should be re-bid within 30 days of bid opening. Said BOS action may involve either an acceptance or a rejection of the bid in question. Rejections may result from an insufficient number of bid responses. If a bid is rejected, the goods/services involved may be subject to a re-bid.

If time is not of the essence and three (3) complete and responsive bids are not received, or all bids exceed the budgetary appropriation, the project may be re-bid, or a supplemental appropriation approved before award of the contract.

5 PART 5 – CONTRACT AWARD

5.1 Purpose

After the bid is awarded by the Board of Selectmen, all additional documentation from the awarded vendor will be obtained and a contract (if there is one) will be sent to the Town Attorney for review

Contracts between the Town and its vendors and/or contractors should be prepared by the Town and reviewed by the Town Attorney to better ensure that optimum terms and conditions to the benefit of the Town are secured.

5.2 Applicability

This part applies to goods and services publicly bid in accordance with Parts 3 and 4 of this policy.

5.3 General Requirements

Notices of Award to or executed contracts with vendors or contractors must explicitly state that they do not guarantee the ordering of goods and/or services by the Town. Formal procurement will come by way of a Notice to Proceed and/or Purchase Order.

5.4 Award for Goods or Services

The Board of Selectmen shall review the recommendation of the evaluating body under Part 4 and determine the winning vendor or contractor for a bid. In some cases, such as the procurement of equipment, the affirmative vote of the Board of Selectmen is sufficient authorization for the Chief Executive Officer to enter a procurement agreement. However, cases such as the procurement of contracted services or a building project, the Board of Selectmen shall be required to approve the contract subsequent to Town Attorney review.

5.5 Contract Review

The Town should avoid engaging in contracts or agreeing to terms and conditions prepared or imposed by its vendors and/or Contractors. Instead, the Town should maintain a repository of template contract agreements to be modified on a case-by-case basis for the services to be procured. The Town Attorney must review all contracts and provide comments to all members of the Board of Selectmen a minimum of five (5) business days prior to execution by the Town Chief Executive Officer.

6 PART 6 – NOTICES TO PROCEED AND PURCHASE ORDERS

6.1 Purpose

Formal notification to a vendor or contractor is necessary to ensure no work is performed prior to the Town's receipt of all documentation that the vendor or contractor is qualified to perform the work required or deliver the ordered goods.

6.2 Applicability

This part applies to goods and services publicly bid in accordance with Parts 3 and 4 of this policy.

6.3 General Requirements

6.3.1 Notices to Proceed

A Notice to Proceed will be issued to a vendor or contractor only after receipt of all documentation (i.e., insurance certificate, professional license, etc.) confirming the firm is qualified to perform the work and has executed a service contract with the Town. Under all circumstances the vendor or contractor shall not perform any work and the Town shall not be liable for any costs incurred prior to issuance of a Notice to Proceed. A Notice to Proceed must include reference to a specific contract and/or bid. The Town must receive a signed acknowledgement of receipt of a Notice to Proceed from a vendor or contractor prior to issuance of a Purchase Order.

6.3.2 Purchase Orders

The Agency head must submit a request for Purchase Order be issued by the Chief Executive Officer or their designee. The Purchase Order must then be executed by the vendor or contractor and filed with the Treasurer's Office prior to delivery of goods or performance of services.

7 PART 7 – PAYMENT

7.1 Purpose

The Town's funds represent the tax dollars of its residents as well as monies granted to it in full faith that expenditures will be made in a responsible and transparent manner. The Town shall not pay any invoice or claim for goods or services that have not been procured in accordance with this policy.

7.2 Applicability

The provisions of this part apply to all purchases subject to this policy. For projects with a contract value of more than \$75,000, a qualified inspector must be hired, or a qualified employee or volunteer must be appointed by the appropriate Agency to ensure daily performance of the work conforms to the contract documents. The Board of Selectman shall review and confirm by majority vote the hired or appointed individual or firm.

7.3 General Requirements

7.3.1 Inspection of Goods and Services

Goods delivered to the Town shall be inspected by an authorized representative of the applicable Agency, or their designee, to ensure the condition is acceptable. Services provided to the Town shall be inspected on a regular basis by an authorized representative of the applicable Agency to ensure conformance to bid documents, specifications, etc. Every effort must be made to remedy observed deficiencies with the vendor or contractor at the time of inspection in an expeditious manner.

7.3.2 Payment of Invoices

Each invoice must be reviewed by an authorized representative of the applicable Agency. If the invoice is approved for payment, the initials of the reviewer, date, Purchase Order number, and complete budgetary line item must be clearly indicated on the invoice, as applicable. The Treasurer, or their designee, shall review the approval to confirm the accuracy of the Purchase Order and budget line item. Payment will be made in accordance with the terms of the contract and/or purchase order, as applicable.

Town of Andover
Board of Finance
Regular Meeting Minutes
Wednesday, May 24th, 2023 – 7:00pm
Location: Virtual Zoom Meeting

Members Present: Marc Brinker, Joanne Hebert, Robert England, Louise Goodwin, Linda Fish, Bill Desrosiers, Brian Briggs

Town Administrator: Eric Anderson

Public Present: none

1. Call to Order/Pledge of Allegiance

Marc Brinker called the meeting to order at 7pm. The Pledge was recited.

2. Public Speak - none

3. Additions, Deletions or Changes to the Agenda - none

4. Old Business

a. Review of Budget to actual

Reviewed Budget to Actual – will have full updated packet by 5/31, Eric will provide to Board members

b. Check register

Check register and account balances included in packet – Eric met with Town Treasurer to review all current bank accounts and accounts that could be eliminated/cleaned up. Eric shared screen with listing of bank accounts. Discussed opening a STIF money market account to earn interest.

Auditor is in favor of consolidating bank accounts that have no additional expenses (Transfer Station Fund, Times Farm Bridge Fund, Library Fund, Pedestrian Bridge Fund)

Town can only have one STIF account – account backed by State of Connecticut, funding for ECS can be put into the STIF account as well as funds from bank accounts being consolidated

c. Draft Review of Policy on Financial Reports

Eric sent the Board a draft of the policy – discussed Town and Board of Education financial report process

5. New Business

a. Motion to set the Mil Rate for the 2023-24 Fiscal Year

Robert England MOTIONED to set the mill rate at 31.29 for the 2023-2024 Fiscal Year. Joanne Hebert SECONDED. MOTION CARRIED 7:0:0

b. Recommendations for Fund Elimination

Discussed earlier in meeting – additionally discussed a separate fund for School Capital, save funds towards Capital Plans. The Board of Education would need to provide a Capital Plan before any account is established in the 2024-2025 budget year. Eric shared his screen with the Town attorney’s legal opinion on the matter.

Marc Brinker MOTIONED to approve the creation of a School Capital Improvement Fund, and recommend the Board of Selectmen likewise approve such fund. Robert England SECONDED.

Mark Brinker WITHDREW his MOTION.

Marc Brinker restated his MOTION – the Board of Finance approves the creation of a School Capital Improvement Fund, and recommend the Board of Selectmen likewise approve – also transferring the balance from the School Expansion Fund into the newly created Capital Improvement Fund. Robert England SECONDED. MOTION CARRIED 7:0:0

c. STIF fund money market account

Robert England MOTINED to authorize the Town Treasurer to establish a Town STIF (short term investment fund) account through the State of Connecticut. Bill Desrosiers SECONDED. MOTION CARRIED 7:0:0

d. Audit delay

Tackling small items that have come up during the audit – such as Capital Asset Inventory policy. Eric has revised list of items from the auditor and may recommend modifications to the Board based on the auditor’s comments. Need actuarial analysis of liability (healthcare & retirement) for Town and Board of Education. STEAP grant – need additional information.

Looking to have the audit completed and signed by July 1, 2023 – and a correcting entry for the difference on the previous year’s audit.

e. Recommendation for transfer of funds from Resident Trooper program to Senior Transportation

Louise Goodwin MOTIONED to authorize the Town Treasurer to establish a new line item in the current budget 449-143-700 Senior Transportation Vehicle. Bill Desrosiers SECONDED. MOTION CARRIED 7:0:0

Robert England MOTIONED to transfer \$45,000 from the Resident State Trooper line item to the newly created Senior Transportation Vehicle line item. Joanne Hebert SECONDED. MOTION CARRIED 7:0:0

6. Administrator’s report

Eric discussed Bridge & Culvert projects – would like to try to get 2 smaller projects accepted into the State/Local Bridge Program. Hutchinson Road culvert (cost \$1.4 million) and Lake Road at Bausola Road culvert (cost \$1.9 million). Reviewed projects with Town Engineer – costs increasing due to permitting and culvert requirements from the Army Corps of Engineers. Focus on applying for Lake Road culvert funding – Town will need to match half of the project cost – could transfer funds from accounts that are being consolidated. Discussion on Hutchinson Road culvert – grant funding, application for grant is due June 30th, 2023.

7. Liaison reports - none

8. Board Open discussion – discussion on budget referendum question results, adding approval of minutes to agenda, & sexual harassment training certificate

9. Correspondence - none

10. Public Speak - none

11. Adjournment

Louise Goodwin MOTIONED to adjourn the meeting at 9:22pm. Bill Desrosiers SECONDED. MOTION CARRIED 7:0:0

Town of Andover
Board of Selectmen
Regular Meeting Minutes
Monday, August 14th, 2023 – 7:00pm
Location: Virtual Zoom meeting

Members Present: First Selectman Jeff Maguire, Adrian Mandeville, Paula King, Scott Person

Members Absent: Jeff Murray

Town Administrator: Eric Anderson

Town Attorney: Dennis O'Brien

Board of Finance: Joanne Hebert, Linda Fish

Planning & Zoning Commission: Anne Cremè

Board of Education: Chris Bernard

Senior Services: Cathy Palazzi

Conservation Commission: Mike Palazzi

Library Board: Dianne Grenier

Economic Development Commission: Catherine Magaldi-Lewis

Public Present: Steven (last name unknown)

1. Call to Order/Pledge of Allegiance – Jeff Maguire called the meeting to order at 7:02pm. The Pledge was recited.

2. Public Speak

Linda Fish – none

Mike & Cathy Palazzi – thanked the Board and Eric for their hard work on the Community/Senior Center approval.

Groundbreaking Ceremony scheduled for Friday, August 18th.

Dianne Greiner – echoed Cathy Palazzi on the Community/Senior Center – looking to add piano donation on agenda for discussion – thanked Catherine Magaldi-Lewis for all the hard work on 175th Anniversary events

Chris Bernard – none

Anne Cremè – none

Joanne Hebert – excited for groundbreaking to begin on Community/Senior Center

Catherine Magaldi-Lewis – none

Attorney Dennis O'Brien - none

3. Additions/Deletions to the Agenda

Jeff Maguire MOTIONED to remove agenda item 4. Burnap Brook Lot Line Agreement Discussion with all Parties and replace it with agenda item 4a. AES upper Parking Lot paving, 4b. Community Center piano donation, 4c. Townsend Cemetery stump removal discussion, and 4d. Veteran's Memorial Field soccer goals. (No second on the motion) MOTION CARRIED 4:0:0

4a. – AES upper Parking Lot paving

Jeff Maguire sent information with proposed document for paving currently constituted from contractor – met with Marc Brinker and Gerry Cremè on how this project could be completed. The Board of Finance needs to weigh in on moving funds – use new fund created for capital projects for paving project, project needs to be done in accordance with Public Works Supervisor and Town Engineer.

Eric Anderson provided additional information – 3 basin tops being replaced, no mention of re-mortaring the basin where there was a previous sinkhole, tack coding of cold joints where new paving meets Town road or sidewalk, performance bonding – Town Engineer to monitor pavement thickness, materials testing lab to measure soil compaction prior to paving, DPW will come in last to backfill behind curbing at the completion of job – only sign contract if document references specifications given to School Board – discussed timeline of events, max 5 day project from start to finish, permit requirements/conditions, contract/document provided by Jeff Maguire - addendum to be made to document outlining specifications – Jeff Maguire will talk with Superintendent Valerie Bruneau and Marc Brinker to move funds into new Capital account – Joanne Hebert weighed in on communication from Marc Brinker about project/potential special meeting.

Jeff Maguire MOTIONED to authorize Eric Anderson to issue a permit for the paving of the AES upper parking lot with the following conditions:

- An addendum be made to the current contract to include all specifications outlined by Jay Tuttle (DPW) and the Town Engineer
- The Board of Finance approve via Special Meeting to transfer funds into the AES Capital Improvement Fund

Scott Person SECONDED. MOTION CARRIED 4:0:0

4b – Piano Donation to Community/Senior Center

Dianne Greiner graciously offered to donate piano – Paula King stated that the seniors can use, and library can use as well. Adrian Mandeville added information on room layout and space, will have lock on piano – Adrian is looking into specifications on density of the floor (leaving marks on floor depending on weight and floor material) piano can be stored by seller, if necessary, until Community/Senior Center is completed.

Jeff Maguire MOTIONED to accept Dianne’s gift of an upright piano contingent on floor density information. Scott Person SECONDED. MOTION CARRIED 4:0:0

4c - Townsend Cemetery Stump Removal

Request from Town resident to grind stumps from trees that were cut years ago, visual impact to cemetery (not a Town owned cemetery) but were trees that were removed by the Town – discussion, talk more at next month’s meeting speak with Attorney Dennis O’Brien.

4d – Soccer Goals at Veteran’s Memorial Field

2 goals not being used anymore – suggestion of auctioning off and can donate money to Senior Tag Sale.

Paula King MOTIONED to auction off the retired soccer goals at Veteran’s Memorial Field and the proceeds go to towards the Senior Tag Sale in August. Scott Person SECONDED. MOTION CARRIED 4:0:0

5. Treasurer’s Report

a. Finance Department Report

- a. Revenue Summary**
- b. Town Budget Summary**
- c. Town Aid Road (TAR) Update**
- d. Town Cash Report**
- e. Appropriation Transfer**
- f. Over Expenditure Report**
- g. Summary of Audit Status**

Reports in packet – all bank accounts reconciled through last Fiscal Year. Eric Anderson gave update on revenue and expenses, in the black on Town side for \$270k smaller expenses still rolling in. Finance Office looking to switching to a new payroll service. Listing of all Town grants (State and Federal funding) that was received for Town and School.

6. Board and Commission Presentations - none

a. Board and Commission Appointment Responses – Brad Kelle – Library Commission, Alan Repay for Norton Commission as alternate – will discuss next month. Eric will transfer letters for Brad and Alan to appropriate chair persons.

7. Appointments – none

8. Resignations - Catherine Magaldi-Lewis resigned from the Economic Development Commission

9. Town Administrator's Report

Eric sent report out –

Town Hall operations - Willie is working on Library windows. Eric was asked to walk property on Skinner Hill Road being acquired by Joshua's Trust and work with Joshua's Trust and Town Land Trust, will have President come to next Board of Selectmen meeting collaborate on establishing a parking area, would like to work on cleanup of property. Signed RFP for Fire Truck. Received State/Local Bridge Program grant for replacing culvert on Lake Road – will need to go to Town meeting before formally approved for Town match - 2 years before construction begins, will continue to put funds away in future budget years. Town did not receive Rec Trails Grant but did get \$100,000 authorization from State Senator MD Rahman for study and design work on pedestrian connection. Social Services - most eviction situations have been resolved. Finance Office - audit has been submitted, looking into switching to QuickBooks payroll software. Building Department – cost evaluation for jobs (Adrian Mandeville weighed in on costs compared to other Towns). Zoning Enforcement Actions – no update yet actively, working on 664 Route 6. Tax Collector – new Tax Collector will be attending fall training classes, look at additional training for other departments DPW, Building Department, Assistant Town Clerk, etc. DPW - Chip sealing beginning shortly, spoke with Jay Tuttle to work on debris management plan for catastrophic events. Eric attended Bunker Hill Bridge 70% design phase meeting – issues that arose include relocating utilities, negotiating with property owners about temporary easements, threatened species in the area, coordination with State and Coventry for bridge on the other end of the road, also discussed funds reserve for invoices until reimbursed by government, moving funds/reallocating funds from 2022-2023 Fiscal Year into Bridge and Culvert Fund instead of putting back into General Fund. Community Center – permit approved, mylars signed and filed, groundbreaking on Friday August 18th. Senior Transportation - new vehicle received just needs lettering, big bus will be leaving for disposal. Handicapped spot for walking trail at Veterans Memorial Fields is paved, waiting on striping. TRIP Grant - no decision from DOT yet. Eric included photos of erosion on roads. Town resident Bill Penn cycled across country, chicken loose on Veteran's Memorial Fields, bench donated from Ken Platt (Platt Systems) installed on rail trail, junk sitting on Town property right-of-way on Route 6. Steiner mower repair for DPW – new motor is backordered could look at potentially replacing the entire mower – will go to CIP to review purchase, Eric will provide information to Board of Selectmen of what will be presented to CIP.

10. Old Business Discuss and act upon the following:

a. Status of the Community Center RFP Contract signing – contract signed, groundbreaking on 8/18/2023, final bid came over expected amount, reviewed list of items that could be adjusted, agreed to release package to begin foundation, plumbing, in-ground electrical, and site work. Will keep working on other pieces to get number down.

b. Discussion of Blight and level of involvement – nothing additional, in Town Administrator's report

c. Stiff Account Update – account open, Eric gave information on funds transfer process, review having M&T as primary bank for Town

- d. Long Hill/Memorial Field Signage** – Zoning regulation on sign size, Eric spoke with Jed Larson (PZC), request change to Zoning regulation, let soccer club know they can put up temporary signs for time being during practice or games.
 - e. Revised Mapping for Community Center** – in packet
 - f. Contract for Planner Services** – contract met criteria town was looking for. Adrian Mandeville MOTIONED to give Eric authorization to sign the Town contract for Planner Services. Scott Person SECONDED. MOTION CARRIED 4:0:0
 - g. Grant for State/Local Bridge Program** – grant application submitted and received, review in next month’s meeting
- 1. How to proceed**

11. New Business Discuss and act upon the following:

- a. Life insurance MOA with Town Administrator** – discussion on reducing life insurance coverage from \$100,000 to \$50,000. Attorney Dennis O’Brien reviewed. Jeff Maguire MOTIONED to have MOU and reduce Eric Anderson’s life insurance coverage from \$100,000 to \$50,000. Paula King SECONDED. MOTION CARRIED 4:0:0
- b. Andover Personnel Policy discussion** – discuss at next month’s meeting
- c. LTD policy for employees** – not listed in Personnel Policy or Contracts, need to add to discussion on personnel
- d. STEAP Grant Approval Resolution** – Eric Anderson read the 2023 STEAP Grant resolution listing project ideas. Adrian Mandeville MOTIONED to authorize Eric to move forward with STEAP Grant application. Scott Person SECONDED. MOTION CARRIED 4:0:0. received letters from community members in support of grant.
- e. Tax Collector MOU** – signed, Eileen Curtain will retire 8/31/2023
- f. Homeland Security Grant to DEMS** – Paula King MOTIONED to sign the Department of Emergency Management Services grant application. Scott Person SECONDED. MOTION CARRIED 4:0:0
- g. Speed Sign** – discussion on signs, 2 new signs on Lake Road stolen and vandalized, look into putting camera up.
- h. Acknowledge Town Resident Bill Penn** – Eric Anderson acknowledged Town resident Bill Penn on his accomplishment of biking across the country, included photo in packet.

12. Approval of Meeting Minutes

- a. July 10, 2023 Regular Meeting** – Paula King MOTIONED to accept the July 10th, 2023 Regular Meeting Minutes as presented. Jeff Maguire SECONDED. MOTION CARRIED 3:0:1 with Adrian Mandeville abstaining

13. Tax Collector’s Report

- a. Refunds Requests** - incomplete information for refunds listed, will wait until next month’s meeting to approve – reviewed June’s collection numbers

14. Department Reports - in packet

- a. Assessor’s report**
- b. Fire Department**
- c. Burning Official**
- d. Resident State Trooper**
- e. Town Clerk**
- f. Building Department**
- g. Assessor’s Office**
- h. Public Works**
- i. Transfer Station**
- j. Library**
- k. Senior Transportation**
- l. AHM**
- m. Economic Development Commission**
- n. ZBA**

15. Correspondence - Thank You note to Board of Selectmen from pickleball program

17. Public Speak -

Dianne Grenier – naming of Long Hill/Veteran’s Memorial Fields, naming of Andover Community/Senior Center, estimate on timeframe for Community Center build completion (goal is April 2024)

Linda Fish – none

Anne Cremè – STEAP Grant information, location of proposed playground and pickle ball courts

Joanne Hebert – Community Center naming, obtain additional information from Eric regarding LTD policy for employees

Catherine Magaldi-Lewis – blight ordinance for businesses in Town

16. Executive Session

Jeff Maguire MOTIONED to move into Executive Session at 9:23pm inviting Eric Anderson and Attorney Dennis O’Brien.

Paula King SECONDED. MOTION CARRIED 4:0:0

a. Union Negotiations

b. Andover’s Finest

Returned from Executive Session at 10:45 pm

18. Adjournment

Paula King MOTIONED to adjourn the meeting at 10:46. Jeff Maguire SECONDED. MOTION CARRIED 10:46pm

* The following boards/commission Zoom Video Recordings are posted to the NEW Town of Andover, CT YouTube Channel: Board of Selectmen, Board of Finance, Board of Assessment Appeals, Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Zoning Board of Appeals. Like our www.facebook.com/townofandoverct page for community updates! Helpfully submitted by the Board Clerk Marina Pandolfi. Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

Town of Andover
Board of Finance
Special Meeting Minutes
Thursday, August 17th, 2023 – 7:30pm
Location: Virtual Zoom meeting

Members Present: Marc Brinker, Joanne Hebert, Bill Desrosiers, Robert England, Linda Fish

Members Absent: Louise Goodwin, Brian Briggs

Town Administrator: Eric Anderson

Board of Education: Superintendent Valerie Bruneau, Gerry Cremè, Chris Bernard, Celeste Willard, Michael Beckwith, Caitlin McIntosh

Public Present: Liz Lokiec, Kimberly Person

1. **Call to Order/Pledge of Allegiance** – Marc Brinker called the meeting to order at 7:33pm. The Pledge was recited.

Marc appreciates the participation in meeting on late notice, agenda is restricted to items listed.

2. **Public Speak** –

Chris Bernard – thanked Board for meeting, here for support.

Superintendent Valerie Bruneau – echoed Chris Bernard

Gerry Cremè – thanked Board for meeting

Celeste Willard – none at the moment, will ask questions later in meeting

Michael Beckwith – here to support Board of Education

Liz Lokiec – none at the moment, may have questions after discussion

Kim Person – none

Caitlin McIntosh – echo other Board of Education members

3. **Andover Elementary School Upper Parking Lot Paving** –

Parking lot is not in great shape, request is to have the upper parking lot paved. School has obtained several quotes. School Capital Fund created for capital projects, transfer excess funds at the end of the Fiscal Year into account. Board of Selectmen requested some changes be made to the specifications proposed by the contractor – if the contractor agrees to technical requirements, this would be a great Capital asset to the Town. Public Works is also involved with reviewing the proposal. Minimally discussed approval process for Capital projects going forward – would like paving project to be completed before the start of the new school year.

Discussion on current quote –if it could change based on conditions that the Board of Selectmen wanted to change. Eric Anderson weighed in – Public Works is able to complete some work; asphalt escalation factor is built into the quote – this is based on cost of liquid asphalt during the week the project is completed.

Board of Education members discussed if this project needed to go through a formal RFP process, new Capital Fund process – adding/using funds, school would go through CIP for major Capital expenditures and then to Board of Finance for referral. Discussed new Capital account and 2% non-lapsing account.

Bill Desrosiers MOTIONED to receive available funds from the Andover Elementary School for the paving project into the AES Capital spending account, and to approve the paving project as proposed with the conditions specified by the Board of Selectmen, for \$125,000 +/- 5% to cover contingencies. Joanne Hebert SECONDED. MOTION CARRIED 4:0:1 with Robert England abstaining.

4. Public Speak –

Celeste Willard – would like to discuss process of newly created fund in a future meeting

Caitlin McIntosh – echoed Celeste, where new Capital Fund and 2% Lapsing Fund sit on the books

Liz Lokiec – none

Kimberly Person – none

Gerry Cremè – thanked Board for meeting, and expediting this project. Discuss Capital Fund process in future

Superintendent Valerie Bruneau – discuss guidelines for new account, map out process at future meeting

Eric Anderson – added that the Capital account has been created, also drafted a policy for the account – gave to both Board of Education and Board of Finance

5. Adjournment –

Robert England MOTIONED to adjourn the meeting. Linda Fish SECONDED. MOTION CARRIED 4:0:0

Attorney Dennis O'Brien
Attorneys O'Brien & Johnson
120 Bolivia Street, Willimantic CT 06226/860-208-2345

March 22, 2023

Marc Brinker
Chair, Town of Andover Board of Finance
Andover Town Hall, 17 School Road

Andover, CT 06232

Re: **CONFIDENTIAL** Legal Opinion re: Authority of the Board of Finance (BOF) to Require certain Financial Reporting from the Andover Elementary School (AES) /Board of Education (BOE)

Dear Marc Brinker:

As I think you know, I am town attorney for the Town of Andover. I was first made aware of the above-noted issue and your need for a legal opinion when I received a copy of an email from Town Administrator Eric Anderson to you and First Selectman Jeff Maguire on March 16, 2023.

In that email, citing several statutes and a few Town of Andover Charter provisions in some detail, Eric explained his disagreement with much of a March 13, 2023 letter to you from BOE Chair Gerry Crème supported by an attached March 6, 2023 memorandum from BOE Attorney Jessica Richman Smith. After a quick look at Eric's email to you, I told him he had done a fine job with it, and after reading it again, I continue to generally support it and I incorporate it herein.

Before I move on to my own way of thinking about all this, I emphasize my endorsement of two statements in Eric's email to you and three made by Attorney Richman Smith. First, as Eric has noted, I agree with him that the "town cannot condition withhold funds arbitrarily or condition payment once an appropriation has been made [to the AES/BOE]." That same notion is one of the three set forth in the AES/BOE attorney's memo that I too endorse.

As a former beneficiary and lifelong personal supporter of public education, and also of working to solve problems together, I am also impressed by Eric's suggestion to you and to Jeff Maguire that all of the necessary parties to this matter meet and try to resolve this issue well short of more formal action. Here again, Attorney Richman Smith has much more formally noted this possibility in citing General Statutes section 10-241b which "permits towns and boards of education to enter into a 'cooperative agreement relating to the performance of administrative and central office functions for the municipality and the school district' . . ."

One other point made by the AES/BOE attorney in her memorandum is certainly agreeable, and that is her conclusion based on case law that "a local board of education must comply with the charter, ordinances and established procedures of its respective municipality when expending

capital funds that have been appropriated to it for the accomplishment of the municipality's statutory educational duties."

Yesterday, in response to my inquiry, Eric reminded me of something I had learned before in passing, and that is the serious failures of the town in complying with reporting standards of town auditors and the Connecticut Office of Policy and Management (OPM). He provided me with a copy of a detailed "Audit Finding Corrective Action Plan" submitted to OPM on September 15, 2022. Apparently, the proposed financial reporting standards suggested to you by the town for consideration and possible enactment by the BOF are the result of town government's effort to comply with the requirements of their auditors and the OPM, not an attempt to interfere with the educational function of AES/BOE required of them by the State.

In the more than quarter century I have served as town attorney in five area towns and as town council member in my own Town of Windham, I have frequently encountered the notion expressed by school people from superintendents to teachers that the local school system is co-equal with town hall in terms of local governmental authority when that is not the case. See especially, General Statutes sections 10-240 and 241 as noted and quoted in Eric's email.

Surely, in having delegated to them by the State the vitally important function and responsibility to educate our children, the AES/BOE is an extremely important entity in their own right, but they are funded in large part by the town, provided with town owned real estate to do their vitally important work in and upon, and contrary to the belief expressed in their chair's March 13, 2023 letter to you as BOF chair, they are indeed an agency or department of the town, first among equals for sure, but a Town of Andover agency nonetheless.

Generally, In **Town of Wallingford v. Board of Education of the Town of Wallingford**, 152 Conn. 268 (1965), our Supreme Court stated:

"it is equally clear, that while the state has granted broad powers to local boards of education, those powers are not unlimited . . . The state, in the exercise of its policy to maintain good public schools, has delegated important duties in that field to the towns . . . The town is required to maintain control of all public schools within its limits; section 10-240; and to appropriate the money to run the schools; 10-222 . . .

More specifically, in **Mosby v. Board of Education of the City of Norwalk**, 191 Conn. App. 280 (2019), our Appellate Court wrote:

"[c]learly section 10-40 provides that [e]ach **town** . . . shall be a school district . . . and that each town's board of education is merely the instrumentality through which the **town** maintains the control of all the public schools within its limits . . . **each town, not each board of education, is a school district** . . . (emphasis in the original.)

See also, **Town of Cheshire v. McKenny**, 182 Conn. 243 (1980) where the Supreme Court aptly noted that “Local boards of education are also **agents** of the municipality that they serve, however.” (Emphasis added).

In several of its sections, the Charter of the Town of Andover makes it clear that the BOE is in fact an “instrumentality,” agency or department of the Town of Andover. See especially Section 105B and 105D, Definitions, and Chapter VII, generally, regarding **Finance and Taxation**. Town charters are adopted and implemented pursuant to the Connecticut Home Rule Act set forth in Chapter 99 of the General Statutes.

Per **Town of Wallingford v. Board of Education of the Town of Wallingford**, supra, “The Home Rule Act in itself, is a general legislative grant of power to the municipality to draft, adopt and amend, within specified limits, its own organic law . . .” except in the relatively few matters that arise which are of statewide concern, including, for example, the manner in which a local public school system teaches our schoolchildren, but not their business relationship with their school district, which is, per General Statutes section 10-240, their town.

See also, **Town of Cheshire v. McKenny**, supra, where the Supreme Court noted that “[t]he powers of local boards of education are not defined only by state statute, and . . . a local charter may limit the powers of the local board of education where its provisions are ‘not inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards.’ ”

Returning to the memorandum of Attorney Richman Smith, she has cited **Ellington Board of Education v. Board of Finance of the Town of Ellington**, 151 Conn. 1 (1963) as “the leading case on school board autonomy.” In reality, the holding of the **Ellington** case is merely something that anyone with only basic knowledge about public school budgets in Connecticut already knows, and that is that the time-honored legislation that provides that a school board may expend their operational appropriation in their discretion once it has been made by the town, must indeed be honored by the town. In **Ellington**, the newly constituted board of finance’s rather pathetic try to make a partial end run around that legislation was readily rejected by the Court, and the case bears virtually no weight on this matter at hand in Andover in year 2023.

There are a number of instances in which school district/towns have creatively exercised their section 10-240 authorized certain controls over their relationships with public schools in their districts and not acted in a way that is “inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards, ’ ” as forbidden by case law such as **Town of Cheshire v. McKenny**, supra.

Most notably, there is **Board of Education of the Town and Borough of Naugatuck v. Town and Borough of Naugatuck**, 268 Conn. 295 (2004), in which our Supreme Court allowed the Town of Naugatuck, over the firm objection of its BOE to bifurcate its budget referendum vote into a separate vote for the town budget and a separate vote for the school budget, possibly making the latter budget a target of certain forces in the community, and perhaps more likely to fail as

contended by supporters of the local public schools. The Court noted that “matters concerning a town budget are of local rather than statewide concern,” and apparently not ‘inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards’ . . .” as forbidden by cases such as **Town of Cheshire v. McKenny**, supra.

Based on all of the foregoing, because it seems to me that the town’s apparent response to its need to satisfy its auditors and the State OPM that it is adequately addressing the several financial reporting shortcomings identified by the auditors by trying to impose new and more informative procedures on all departments of the town including AES/BOE via the board of finance, I conclude that this effort is clearly not “inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards,” and therefore that the town has the authority to enact and implement it, hopefully with the cooperation of all town departments/agencies, including the BOE.

The question then becomes, as you, Marc Brinker have wisely asked, whether the BOF has the legal authority to enact and implement these requirements. A partial answer I believe is in the **General Grant of Power** set forth in Town Charter Section 103 as follows:

In addition to all of the powers granted to Towns under the Constitution and General Statutes of the State of Connecticut, . . .the Town shall have all powers specifically granted by this Charter **and all of the powers fairly implied in or incidental to the powers expressly granted**, all powers conferred by the General Statutes, as amended, and by special acts of the General Assembly, not inconsistent with this Charter, **and all other powers incident to the management of the property, government and affairs of the Town . . . The enumeration of particular powers in this and any chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.** (Emphasis added).

The Board of Finance has extensive powers pursuant to Chapter VII of the Town Charter, Sections 801 through 812, inclusive. More important, boards of finance like Andover’s have extensive duties and responsibilities to their towns per General Statutes section 7-344 **Appropriations. Laying of Tax.** General Statutes section 7-345 **Information concerning town agencies**, provides that: “Each town agency which has expended any appropriation during the past year or is requesting any appropriation for the ensuing year shall report to the board of finance such information as said board requires for its purposes under section 7-344, and said board shall, for such purposes, have access to the books and records of any such agency.”

The BOF is the proper town agency to reasonably enact and implement the proposed policy.

Sincerely,
/s/ Dennis O’Briuen
Dennis O’Brien, Town Attorney

cc: First Selectman, Town Administrator

Attorney Dennis O'Brien
Attorneys O'Brien & Johnson
120 Bolivia Street, Willimantic, CT 06226
Dennis.o.brien@snet.net; 860-208-2345

September 6, 2023

Mr. Eric Anderson
Town Administrator
Town of Andover
17 School Road
Andover, CT 06232

Re: Opinion regarding Boards of Selectmen & Finance authority to transfer a Board of Education 2022 FY fund balance to a special AES building fund for a capital project

Dear Eric:

You recently informed me as town attorney that the Andover Elementary School/Board of Education (AES/BOE) has approximately \$125,000 in unexpended funds appropriated to them in fiscal year 2022-2023 that of course ended on June 30, 2023.

AES/BOE intended to use these unexpended funds from last fiscal year's budget to directly pay a contractor to, among other things, "remove curb and haul away . . . reclaim and remove existing pavement" . . . and "supply and Install" a new upper parking lot at the school, and similarly upgrade/replace a basketball court on school grounds.

AES/BOE's application for a building permit to provide these capital improvements at the school was disapproved. Per General Statutes sections 10-240 and 241, the Town of Andover owns the school real estate so only the Town may undertake capital building and improvement projects there. The unexpended funds held by the AES/BOE were originally appropriated for non-capital purposes set forth in General Statutes 10-222 so that the AES/BOE may fulfill their everyday basic purpose to education children required by General Statutes section 10-220.

When Connecticut public school systems are left at the end of a fiscal year with unexpended funds appropriated to them by local voters as in this situation, they tend to send the leftover appropriated funds back to the town government to be placed in the general fund.

You have informed me that if the AES/BOE sends this now extra appropriated money back to the Town of Andover, the boards of selectmen and finance could vote to place the funds in a special AES capital fund maintained by the Town of Andover for capital projects which could be used to implement the capital improvements the AES/BOE wants to make.

Since time is of the essence in getting this project underway, you have asked me if this may be done by the two Town boards without need for a town meeting. Though the cost of the

Mr. Eric Anderson
Town Administrator
Town of Andover
September 6, 2023
Page Two

proposed capital improvements is just under \$130,000, the special Town AES capital fund already includes about \$8,000, which combined with the \$125,000 from the AES/BOE fund would be more than enough to fund the parking lot and basketball court projects.

In essence, you have asked me to determine whether the chief elected officials of the Town of Andover government, namely, the Boards of Selectmen and Finance, have the legal authority to transfer the balance of this previously appropriated fund to the special AES capital **building fund** to be expended by action of the two boards on the capital improvements desired by the AES/BOE as set forth above in some detail.

The Government Accounting Standards Board (GASB), an independent private sector organization located in Norwalk, CT, has noted that **“Capital project funds** [like these four] track the accumulation and use of resources for constructing, acquiring, and rehabilitating capital assets, such as buildings and roads.”

Apparently, all fiscal year 2022-23 unexpended money still under control of the AES/BOE, a total of approximately \$125,000, was **legally and officially appropriated** by the Town of Andover via the Annual Town Budget Meeting and Referendum required by Section 803 of the Charter of the Town of Andover that were undertaken in the first half of calendar year 2022. No dollars contained in the subject fund originated from any source other than local taxation.

To begin, the board action you have proposed is **not a “supplemental appropriation”** controlled in some detail by Section 805 of the Town Charter. Section 105 of the Charter, “Definitions,” provides that **“‘Supplemental appropriation’ shall mean an appropriation that is in addition to the total amount of the budget** at any given point in time. It is not a transfer within or between departments.”

The funds sitting in the unexpected AES/BOE **fund balance were previously legally and officially appropriated** by the Town via the Annual Town Budget Meeting and Referendum required by Section 803 of the Charter of the Town of Andover.

Section 1005 of the Town Charter, **“Continuation of Appropriations and Town Funds,”** provides that **“All appropriations approved and in force, and all funds, including special or reserve funds in the name of the Town, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished by the Board of Selectmen under the provisions of this Charter.”** (Emphasis added). The Charter was most recently amended in November of 2022.

Mr. Eric Anderson
Town Administrator
Town of Andover
September 6, 2023
Page Three

You have noted to me a state statute that could be read to require an additional appropriation in a situation like this, but in my opinion that state law, General Statutes section 7-348, is inapplicable to our current situation. Andover has a Town Charter enacted pursuant to the Connecticut Home Rule Act, Chapter 99 of the Connecticut General Statutes, sections 7-187, et seq. There is a line of State Supreme Court cases led by **Board of Education v. Naugatuck**, 268 Conn. 295 (2004) holding that within general Home Rule Act parameters the people of a town may address issues as they see fit as long as the item is not a matter of statewide concern.

The manner in which the Town Charter has addressed the issue you have asked me to help resolve is a matter of local concern of virtually no statewide interest, and is therefore controlled by our Town Charter, and not by state legislation such as General Statutes section 7-348. That statute is overruled by the extensive provisions of the Town Charter set forth herein. It is noteworthy that 7-348 is entitled “**Towns not to contract in excess of appropriations.**” The subject funds, having already been appropriated in 2022, may now be used for a legitimate Town purpose, and if so, there would be no “**contract in excess of appropriations.**”

The upshot is that it is the law of the Town of Andover, as set forth in the Town Charter duly enacted and amended in the fall of 2022 by Charter Section 1011 per the Connecticut Home Rule Act, Chapter 99 of the Connecticut General Statutes, that **the Board of Selectmen, the executive authority of the Town** per General Statutes section 7-12 and Charter Section 402, thereby provided with authority and control of **previously appropriated fund balances** like that remaining in the aforementioned unexpended AES/BOE fund, may, **pursuant to Charter Section 1005**, by resolution of the Board of Selectmen, transfer its contents to the AES **capital project fund**, whose purpose is limited to capital improvements to school building real estate as determined by the their owner, the Town of Andover.

If the **unexpended fund balance** whose funds were previously appropriated by town meeting and referendum pursuant to Charter Section 803 are in fact transferred to the AES Capital Fund by resolution of the Board of Selectmen, the funds may then be utilized by the Boards of Selectmen and Finance, i.e., the Town of Andover, to provide capital improvements to the AES parking lot and basketball court owned by the Town as previously planned by the AES/BOE per the applicable Town Charter sections **without the need for repeat resort to the Charter Section 803 processes.**

Very truly yours,

Dennis O’Brien, Town Attorney

cc: Board of Selectmen, Board of Finance



Andover School District

35 SCHOOL ROAD
ANDOVER, CT 06232
TEL. (860) 742-7339
FAX (860) 742-8288
www.andoverelementaryct.org

Gerard Creme
Chairperson, BOE

March 13, 2023

VIA EMAIL

Mark Brinker, Chair
Andover Board of Finance

**RE: Board of Finance Policy on Financial Reporting and
End of Fiscal Close Out (the "BOF Policy")**

Dear Chairman Brinker:

On behalf of the Andover Board of Education (the "BOE"), I am forwarding the opinion of our attorney regarding the BOF Policy for the Board of Finance's (the "BOF's") consideration. We appreciate the BOF's having tabled discussion of the BOF Policy at its meeting on February 22nd, because, as stated in the attached opinion: (1) the BOF Policy is not enforceable against the BOE to the extent that it would impose requirements on the BOE that exceed the authority of the Town of Andover and are not authorized by applicable law, and (2) the BOF cannot condition the transfer of funds that already have been appropriated to the BOE through the Town's budgeting process upon the BOE's compliance with the BOF Policy.

The BOE understands the policy changes requested by the Town Manager, Eric Anderson, regarding the documentation and bookkeeping for the Town's departments, but Andover Elementary School ("AES") is under the fiscal management of the BOE, and it is not a Town department. After learning of the changes proposed by the BOF Policy, we sent a letter on February 21st to both First Selectman Jeff Maguire and Eric Anderson to: (1) inform them of the BOE's concerns about the policy; and (2) clarify the legal authority of the BOE, pursuant to the Connecticut General Statutes (the "CGS"), over the operation of AES and its Superintendent and the legal requirements regarding financial reporting to the State of Connecticut and the Town of Andover. The attached legal opinion affirms the concerns about the BOF Policy raised in that February 21st letter and provides an explanation of the applicable laws and case law; again, the Town has no authority to require reports that exceed the scope of these statutory requirements.

In July of 2022, First Selectman Jeff Maguire requested that the BOE separate AES' bank account from the Town's account and open a separate general fund account, and we immediately did so. The Town Administrator now deposits, via a monthly ACH transfer, the appropriated funds into AES' separate account, as he also does for RHAM, which has eliminated the need for any monthly reconciliation of bank statements between the Town and AES. As explained in the attached opinion, neither the Town nor the BOF can condition the transfer of budgeted funds to the BOE upon the BOE's compliance with the BOF Policy.

We appreciate the work of the BOF and look forward to continuing to work together to do what is in the best interest of our Town. As the BOE, however, we have roles and responsibilities that we proudly uphold that are mandated by the CGS and that the Town cannot change at its whim. We have the utmost confidence in our Superintendent and Finance Director and their abilities to adhere to the CGS' strict reporting requirements to the State and to the Town; and, as the BOE, we will continue to ensure their timely reporting as required by law. We also will continue to provide all necessary reports to our Town and community.

Based upon the advice of our attorney, the BOE respectfully requests that all references to the BOE be completely removed from the BOF Policy, because the proposed policy changes cannot apply to the BOE. Thank you for your consideration.

Sincerely,



Gerard J. Cremé

Chair, Andover Board of Education

Attachments (1)

SHIPMAN

ATTORNEY-CLIENT PRIVILEGED MEMORANDUM

TO: Valerie Bruneau, Superintendent; Members, Andover Board of Education

FROM: Jessica Richman Smith

RE: Opinion Regarding Board of Finance Policy on Financial Reporting

DATE: March 6, 2023

I write in response to your request for a legal opinion regarding the “Board of Finance Policy on Financial Reporting and End of Fiscal Close Out,” attached hereto as Appendix A (the “BOF Policy”). The opinion herein is based on my understanding that the BOF Policy (1) imposes certain financial reporting requirements on the Andover Board of Education (the “BOE”) beyond those required by applicable law and (2) makes appropriation of operating budget funds to the BOE contingent upon the BOE’s compliance with the BOF Policy.

In summary, the BOF Policy is not enforceable to the extent that it imposes requirements on the BOE that are not authorized by applicable law. In addition, the Board of Finance cannot condition the transfer of budgeted funds to the BOE on the BOE’s compliance with the BOF Policy.

Legal Background

First, under Section 10-222 of the Connecticut General Statutes, boards of education must submit to the municipality an itemized estimate of the cost of operating the public schools for the coming year as part of the annual budget process. Once the municipality appropriates funds for that purpose, boards of education have the right to expend “[t]he money appropriated by any municipality for the maintenance of public schools” in their “discretion.” In addition, Section 10-222 authorizes boards to “transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate.”

Second, Section 10-222 provides that if any occasion arises whereby additional funds are needed by a board of education, the board chairman must notify the applicable appropriating authority (*e.g.*, the board of finance) and must “submit a request for additional funds in the same manner as is provided for departments, boards or agencies of the municipality and no additional funds shall be expended unless such supplemental

appropriation shall be granted and no supplemental expenditures shall be made in excess of those granted through the appropriating authority.”

Third, Section 10-222 requires that boards of education submit an annual report to the town including “a summary showing (1) the total cost of the maintenance of schools, (2) the amount received from the state and other sources for the maintenance of schools, and (3) the net cost to the municipality of the maintenance of schools.” *See also* Conn. Gen. Stat. § 10-224 (“The secretary of the board of education shall keep a record of all its proceedings in a book which such secretary shall provide for that purpose at the expense of the town and shall submit to the town at its annual meetings a report of the doings of the board.”). The town has no authority to require reports that exceed the scope of these requirements.¹

In the leading case on school board autonomy, *Ellington Board of Education v. Board of Finance of the Town of Ellington*, 151 Conn. 1 (1963) (“*Ellington*”), the Connecticut Supreme Court held that the town’s responsibility and authority is limited to determining the overall amount of money reasonably necessary to accomplish a purpose which the statutes make it the duty of the board of education to effectuate *i.e.*, maintaining the public schools. In *Ellington*, the court rejected the town’s efforts to place conditions on a sum of money that it had already determined was available and necessary for school purposes, and agreed with the board that the town had overstepped its authority in seeking to dictate the board’s priorities.

It is important to note that while boards of education have the right under Section 10-222 and *Ellington* to expend their operational appropriation in their discretion once such appropriation has been made by the town, they do not have similar discretion with respect to the town’s capital budget, even when the capital budget is earmarked for educational purposes. In 1996, the Connecticut Supreme Court clarified and limited its ruling in *Ellington* in a case called *Board of Education v. City of New Haven*, 237 Conn. 169 (1996). In *City of New Haven*, the board of education sought to reallocate funds in the annual *capital* budget without obtaining the city’s approval. The court concluded that municipalities are responsible for capital expenditures pertaining to school districts (*e.g.*, the construction and renovation of physical facilities), whereas boards of education are responsible solely for expenditures pertaining to the “maintenance” of school districts (*e.g.*, the daily upkeep of school facilities and equipment). As such, “a local board of education must comply with the charter, ordinances and established procedures of its respective municipality when expending capital funds that have been appropriated to it for the accomplishment of the municipality’s statutory educational duties.” *Id.* at 183.

¹ Notably, Section 10-241b of the Connecticut General Statutes permits towns and boards of education to enter into a “cooperative agreement relating to the performance of administrative and central office functions for the municipality and the school district,” such as a shared finance director. However, even when the town and the board of education share a finance director, as they have previously done in Andover, nothing in Section 10-241b requires boards of education to comply with town finance policies absent mutual agreement of the board of education and the town.

Analysis

The relevant provisions of the applicable statutes and case law described above provide, in summary, that:

- (1) towns must appropriate funds to boards of education for their operational expenses;
- (2) boards of education must be permitted to expend their operational appropriation in their discretion once such appropriation has been made by the town;
- (3) boards of education can request supplemental appropriations from the town provided they follow the process outlined in Section 10-222; and
- (4) boards of education must submit a financial report to the town on an *annual* basis, which report must include a summary showing the total cost of the maintenance of schools, the amount received from the state and other sources for the maintenance of schools, and the net cost to the municipality of the maintenance of schools.

The BOF Policy does not comply with the requirements above to the extent that (1) it conditions transfer of the town's prior appropriation to the BOE (through the BOE budgeting process) on the BOE's compliance with the BOF Policy, and (2) requires the BOE to provide reports to the town that exceed the scope of the annual report required under Sections 10-222 and 10-224 of the Connecticut General Statutes.

* * *

I hope this information is helpful. Please feel free to reach out with any further questions. Thank you.

Board of Finance Policy on Financial Reporting and End of Fiscal Year Close Out

This policy shall be effective May 1 2023 and shall be in effect until modified or revoked by the Board of Finance.

Monthly Reporting:

On or before the fifth day of each month the following documents will be supplied to the Town Treasurer at treasurer@andverct.org, as well as to the town assistant Adminassistant@andoverct.org.

1. Check Register for the previous 30 days from all of the town checking accounts
2. Check Register for the previous 30 days from all of the BOE checking accounts
3. Bank Statements from all town Bank Accounts
4. Bank Statements from all BOE Bank Accounts
5. List of all State grant payments received by the town of Andover the previous month
6. List of all State grant payments received by the BOE the previous month
7. Reconciliation of all town accounts with a 1-month delay. In other words, on Nov 5th, there would need to be a reconciliation filed through October 1
8. Reconciliation of all BOE accounts with a 1-month delay. In other words, on Nov 5th, there would need to be a reconciliation filed through October 1
9. No later than the 15th of each month, the town will submit all ACH payments after the treasurer has verified that all monthly Payment information is correct.
 - a. RHAM Levy
 - b. AES Levy
 - c. MERF payment
 - d. RHAM Insurance Consortium

IN the case of departmental transfers all town transfers must be approved by the Board of finance.

In the case of the Board of Education, All transfers made in such instances shall be announced at the next regularly scheduled meeting of the board and a written explanation of such transfer shall be provided to the board of selectmen and board of finance. (Required per CGS section 10-222)

Quarterly Reporting

The Library Board, AVFD, Senior lunch Program and Senior Trips fund Shall provide quarterly check registers, bank statements and reconciliations in a standard format acceptable to the Treasurer.

These boards and programs will be funded in July and in January. Each entity shall submit the required documentation for the previous 2 quarters prior to getting the next funding allotment.

Key dates for financial data Reporting

May 15

On or before May 15th Letters will be sent to all creditors asking for all bills to be submitted before July 1.

June 1

No encumbrances shall be made by any entity, to include the BOE after June 1 unless they are actual purchase orders and order slips or purchased Services and must have an invoice dated no later than June 30. Any good or service not ordered by June 30 shall not apply to the current fiscal year.

June 30

End of the Fiscal year.

July 1

On or before July 1 the town administrator's office shall distribute worksheets for capital assets to be completed by August 15 by all departments

July 15

A list of all outstanding checks and encumbrances as of July 1 shall be submitted to the treasurer from the town, BOE, Library Board, and Board of Fire Commissioners.

August 15

All capital asset worksheets shall be returned to the Town Administrators office

August 31

All outstanding items shall be paid no later than the end of August. There shall be no checks cut for the previous fiscal year after August 31 without the written permission of the treasurer and forwarded to the Board of Finance.

September 1.

On or before Sept 1 final year end reconciliation for all accounts shall be given to the Treasurer. This shall include a list of all outstanding checks.

Policy on Year End Budget Commitments and Encumbrances

This Policy pertains to all town entities including the Board of Fire Commissioners, Library Board and Board of Education.

A “budget commitment” or “encumbrance” is a method that can be used to ensure that budgeted funds for a particular project or time period are not returned to the general fund at the close of a fiscal year (i.e., setting aside \$10,000 to purchase several computers which, due to unusual circumstances, could not be purchased within the fiscal year.)

All Departments are responsible for advising the treasurer within a month prior to the fiscal year end for consideration of a budget commitment.

No Budget Commitments, or encumbrances shall be made by any entity, to include the BOE after July 1.

On June 1 of each year all town departments will cease placing orders for the fiscal year unless they are first approved by the town administrator or in the case of the BOE the Superintendent as an item of absolute necessity. Exemptions to this rule would be for items being purchased for summer events and supplies needed in order to continue operations without interruption. A list of all such purchases shall be forwarded to the treasurer.

Ordering items to provide for a reserve inventory or prepaying for contracts or items that will ordinarily be consumed or for service in the next budget year is generally unacceptable and should only be approved in special circumstances

Items that have been ordered prior to June 30th of each year but have not been received should have a purchase order in place to reserve the funds.

Permanent funds and non-lapsing funds shall follow the same guidelines so that they can be accounted for in the correct fiscal year.

Transfers

In the case of departmental transfers all town transfers must be approved by the Board of Finance. See Separate Transfer Policy

In the case of the Board of Education, all transfers made in such instances shall be announced at the next regularly scheduled meeting of the board and a written explanation of such transfer shall be provided to the Board of Selectmen and Board of Finance. (Required per CGS section 10-222)

If it appears at the end of the fiscal year that there are excess funds beyond that needed to maintain the emergency reserve, The BOF **may** transfer money from funds into permanent funds or in the case of a surplus of the school board into the 2% non-lapsing reserve account.

Non-Lapsing Capital Fund and 2% Non-Lapsing Education Fund

A Policy Agreement between: Board of Education, Board of Finance

Section 1. Deposits into Andover Elementary School Capital Fund.

The Board of Education may request, subject to the approval of the Board of Finance, unspent money from the BOE be deposited into the Andover **Elementary School Capital fund**.

All or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town may be deposited.

These funds shall be maintained for Capital expenses for the Andover Elementary School and shall follow the town Purchasing Policy, enacted December 14, 2022.

All requests for Capital expenditures by the Board of Education from this account will be referred to CIP and then forwarded to the Board of Finance as appropriate.

Section 2. Deposits into Andover Elementary School 2% non-lapsing.

The Board of Education may request subject to the approval of the Board of Finance, unspent money from the BOE, not greater than 2% of the annual appropriation for AES be deposited into the Andover **Elementary School non lapsing educational fund**.

All or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town may be deposited.

Section 3. Timeline for Consideration.

No later than **August 1?(what date makes sense given that you might want to tap the capital fund over the summer when the kids are gone)**, the Board of Education shall send notice to the Board of Finance of its request to deposit all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town into the capital Fund, and or 2% Non-Lapsing Education account. The Board of Finance shall hold a meeting to discuss the Board of Education request with input from the BOS, to request to deposit funds into either fund.

Section 4. Expenditure of Funds from the Andover Elementary School Capital Fund.

The Board of Education may, subject to the approval of the Board of Finance authorize expenditures from the AES Capital Fund for any capital expense that the Board of Education determines is in the best interests of the Andover Elementary School. If the Board of Education requests an expenditure from the Capital Fund to pay for all or part of the costs of an approved Capital Improvement Plan ("CIP") project, then such request shall be deemed approved only after CIP committee approval is forwarded to the Board of Finance

Section 5. Expenditure of Funds from the Andover Elementary School non lapsing educational fund.

The Non-Lapsing Education Fund shall only be used for educational purposes as required by Section 10-248a of the Connecticut General Statutes.

Section 6. Annual Reporting Requirement.

The Board of Education shall review the fund balance and revenues and expenditures of the 2% Non-Lapsing Education Fund on a quarterly basis and provide a written report to the Board of Selectman and the Board of Finance.

Approved by Board of Finance on _____

Approved by Board of Education on _____

Mark Brinker
Chair Board of Finance

Gerry Creme
Chair Board of Education

Marc,

The real question here is how we keep this from blowing up into an unproductive legal battle. I think this is something that would need to be done as the Board Chair level with both finance people present. I would suggest that a meeting to discuss this would be appropriate.

It should include:

- Marc Brinker Chair Board of Finance
- Jeff Maguire Chair Board of Selectman
- Gerry Crème Chair AES Board of Education
- Chris Bernard Vice Chair AES Board of Education
- Cheryl Miller Andover Treasurer
- Terry Smith AES Business manager

You could choose to include Val Bruneau and myself if you think it would be productive. You could also choose to include the respective attorneys.

As I read the letter from AES BOE chair Gerry Creme, he basically states that the town has no authority to request information from the Board of Education. That is not correct. In fact that does not make any sense. There are a number of state statues they are not considering in their letter when they narrowly focus only on CGS chapter 170. The following are some of the relevant parts of CGS, the Andover Town Charter, and Ordinances.

CGS Sec. 10-248. Payment of school expenses. The expenses of maintaining public schools in each town, which shall be incurred with the approval of the board of education, **shall be paid by the town treasurer** on orders drawn by said board, **except so far as they may be met by the income from local school funds.** Such orders may be signed by such persons on behalf of the board as the board by bylaw or special vote, certified by the secretary to the town treasurer, provides; and, in the absence of such bylaw or special direction, by the secretary.””

On the point of whether a town is required to pay the school board just because they ask for it, I (and the towns attorney) agree that the town cannot withhold funds arbitrarily or condition payment once an appropriation has been made. We had and continue to have no intention of doing that. I think you could satisfy the schools concern by changing the policy wording under monthly reporting 9. from “Documentation” to “Payment information” to clarify that. On the other hand, it is impossible for the town Treasurer to perform their fiduciary duty to ascertain that “income from local school funds are insufficient” if AES have not reconciled their bank accounts and proven that fact to the satisfaction of the Treasurer. Keep in mind also that the Town Treasurer IS the School District Treasurer also and has overall responsibility for reconciliation.

Sec. 10-243. Treasurer and clerk. The town clerk and treasurer of each town shall have all the powers and duties, respectively, of the clerk and **treasurer of a school district**, except so far as such duties are rendered unnecessary by the provisions of this chapter.

Sec. 7-80. Duties of treasurer. Appointment of deputy. (a) The town treasurer shall receive all money belonging to the town, pay it out on the order of the proper authority and **keep a record of all moneys received and when received and of all moneys paid out, when, for what and upon whose authority, which record shall always be open to the inspection of any taxpayer in such town** and shall be presented to each annual town meeting, being first sworn to by him and adjusted by the selectmen. The town treasurer shall be, ex officio, treasurer of the town trust funds and may appoint a deputy who shall, in the absence or disability of the town treasurer, perform all his duties.

(b) Payment of any obligation of any town may be made by a national bank or state bank and trust company located in this state in accordance with **the directions of the treasurer of the town**, on order of the proper authority of such town, and the treasurer may authorize such bank to debit the town's account therefor.

So it stands to reason that a Treasurer (duly appointed by the Board of Selectman in accordance with the charter section 702I) has to have a current copy of all of the information that they are legally obligated to keep a record of (which includes all agencies of the town and the school district) and refusing to give it violates state law. Also that Payments are under the direction of the Treasurer.

Who is the School District?

. 10-240. Control of schools. Each town shall through its board of education maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.

Sec. 10-241. Powers of school districts. Each school district shall be a body corporate and shall have power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; to build, equip, purchase and rent schoolhouses and make major repairs thereto and to supply them with fuel, furniture and other appendages and accommodations; to establish and maintain schools of different grades; to establish and maintain a school library; to lay taxes and to borrow money for the purposes herein set forth; ***to make agreements and regulations for the establishing and conducting of schools not inconsistent with the regulations of the town having jurisdiction of the schools*** in such district; and to employ teachers, in accordance with the provisions of section 10-151, and pay their salaries. When such board appoints a superintendent, such superintendent may, with the approval of such board, employ the teachers.

So the town (which is the school district) can make regulations for the conduct of schools as long as they are consistent with the town regulations as a whole. It would be logical to conclude that a Town Treasurer, (who is also the School District Treasurer) can suggest to the Board of Finance, regulations of the town having jurisdiction, that are not inconsistent with and in fact identical to the regulations that the town holds for the other town entities.

Next up is discussion of the Annual Audit

Sec. 7-392. Making of audits and filing of statements. (a) All municipalities shall have all their financial statements audited at least once annually and shall provide for audits in accordance with the provisions of sections 4-230 to 4-236, inclusive. Each audited agency, except a local housing authority, shall have all its accounts audited at least once annually. Such audit shall be made by an independent auditor, as defined in section 7-391, who shall be designated in accordance with the provisions of section 7-396. Any independent auditor so retained to render such an annual or biennial audit shall have his duties and powers defined by said secretary. Any audit rendered under the provisions of this chapter shall be performed in accordance with standards adopted by the secretary by regulation and approved by the Auditors of Public Accounts.

(b) Notwithstanding the provisions of subsection (a) of this section, if the charter in any municipality contains provisions applicable with respect to selection of an independent auditor for purposes of such audit, such selection shall be conducted in accordance with the charter, provided such selection shall be subject to approval by the Secretary of the Office of Policy and Management.

(c) **In conjunction with each audit of its financial statements, each town shall provide for the auditing of the financial statements of each school district operating within its boundaries.** In the case of a regional school district, the regional board of education shall provide for such an audit.

(e) **The treasurer or other officer having authority over the financial affairs of any reporting agency shall, annually, file a statement concerning the accounts and finances of such agency with the (1) town clerk of the town in which such agency is located, and (2) Secretary of the Office of Policy and Management, upon the secretary's request. Such statement shall include, but shall not be limited to, a listing of major disbursements and sources of receipts and shall be filed not later than ninety days after the end of the fiscal year or period which is the subject of the statement. Each treasurer or other officer who fails to file a statement required pursuant to this subsection shall be fined five hundred dollars for each statement not filed. The fine shall be levied and collected by the town clerk.**

So to summarize, the Treasurer is responsible for the Audit, and the town is legally obligated to audit the school district therefore, the school district has no legal right to withhold information needed. This matches the Andover Charter section 811 (Annual Audit). By specifying that all

expenditures and information shall be provided to the treasurer by Sept 1, the Treasurer then has 30 days to file the listing of major disbursements and sources of income required by law (or get fined by the town clerk).

Any discussion of BOF vs BOE responsibilities has to include:

Sec. 7-345. Information concerning town agencies. Each town agency which has expended any appropriation during the past year or is requesting any appropriation for the ensuing year shall report to the board of finance such information as said board requires for its purposes under section 7-344, and said board shall, for such purposes, have access to the books and records of any such agency.

The school board is a town agency, as defined by the town charter and state law so this applies and the Board of Finance has the right to require information from the BOE relative to the budget and have access to the books for everything.

There are also quarterly reporting requirements for the Board of Education that they are ignoring.

Sec. 10-248c. Board of education to post and submit copy of current and projected expenditures and revenues. For the fiscal year ending June 30, 2020, and each fiscal year thereafter, each local and regional board of education shall, on a quarterly basis, (1) **post the board's current and projected expenditures and revenues** on the Internet web site of the board, and (2) **submit a copy of such current and projected expenditures and revenues to the legislative body of the municipality or, in a municipality where the legislative body is a town meeting, to the board of selectmen.**

To my knowledge the School Superintendent has refused to provide this information, and the Board of Selectman has asked for it multiple times in the past.

As the BOE Attorney Smith pointed out in her memo dated March 6 her conclusions were drawn strictly from CGS chapters 170 sections 10-222 and 10-224 while ignoring section 171 (Town Management), as well as all of title 7 (Municipalities). While I agree that the statutes cited are relevant, they are not the ONLY statutes applicable, and this myopic view ignores the totality of the Connecticut General Statutes and has led to erroneous conclusions.

Attorney Smith did helpfully point out that the BOE is solely responsible for the “*maintenance of school districts e.g. the daily upkeep of school facilities and equipment*”, BUT then states “*as such a local school board of education must comply with the charter, ordinances, and established procedures of its respective municipality when expending **capital funds** that have been appropriated to it for the accomplishment of the municipalities statutory educational duties*” I think a reasonable interpretation of this would be that Capital Expenses (as defined by the Board of Finance) would be subject to the towns Purchasing Policy (an established Procedure). Additionally, ordinance 97-01 establishing the CIP committee should be considered relative to all

capital purchases. The exception would be personal property which by ordinance 76-01 remains under the control of the BOE.

This is contradicted by section 807 (Purchasing) of the Charter so there is some uncertainty and if the BOF wanted to push this you should get a legal opinion. One obvious approach would be to file a Freedom of Information Act request for a copy the the AES purchasing Policy

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A further minor point. The BOE has vigorously opposed being considered a Town "Department" While this attitude seems to similar to George Orwells "[All animals are equal, but some animals are more equal than others](#)" it is wrong.

The town Charter section 105D. includes the following definition: "[Department](#)" shall mean a unit of administration for budgetary purposes, there need not be a director of a department.

This applies to the BOE, as defined by the Town Charter, The board of Education also meets the Charter's definition of "[Town Agency](#)" as well as "[Town Board](#)"

Regardless of personal opinions to the contrary, the BOE is a [town Department, Board and Agency](#).

Transfers: the town charter expressly allows the BOE to make transfers as they wish between line items and departments. It then REQUIRES the BOE to report that to the Board of Finance, which you

[Section 806 E](#) "" this section shall not affect the local board of education which shall have the power to make its own transfers provided that such transfers are reported to the board of finance when so made""

Next a discussion of the obligations and the powers of the town Administrator

Section 701D [The town Administrator SHALL:](#)

section 4

[Make a continuous review of the current and future needs of the town and in connection therewith, require reports and information to be submitted by any agency of the town](#)

Section 9 [Keep the Board of Selectman and Board of Finance fully advised of the financial condition of the town](#)

So in summary the Town Administration can require any agency of the town to submit the information they want. This includes the school who is by definition an “AGENCY” of the town. Based on the definition in Section 105B