

**Wellesley Select Board
Policy Subcommittee (PSC)**

Meeting Agenda (Hybrid) - **AMENDED**

~~April 16, 2026, at 11:00a.m. – 12:30 p.m.~~

April 23, 2026, at 12:30 – 2:00 p.m.

Town Hall, Great Hall Conference Room (GH-06)
525 Washington Street, Wellesley, MA 02482

1. Call to Order
2. Public Comment - if not present at meeting, call: 781-489-7525
3. Discuss and Vote minutes of February 26, 2026
4. Discuss draft Naming of Public Assets Policy (second discussion)
5. Discuss draft Abutter Lot Sale Program (first discussion)
6. Discuss draft Denial of Permits for Unpaid Taxes (first discussion)
7. Discuss draft Indemnification Policy (first discussion)
8. Discuss draft Building Use Policy (re: Tolles-Parsons Center)
9. Update on Encroachment Policy
10. Discuss updates to PSC FY26 Work Plan
11. Discuss next meeting date/time and topics
12. Adjournment

Individuals seeking to participate in Public Comment via telephone should email mjop@wellesleyma.gov prior to the meeting and a number will be assigned for speakers. All individuals seeking to participate shall call in to 781-489-7525, and announce their presence. If time permits, individuals wishing to participate who did not email in advance or arrived late to the meeting shall be asked at the end of Public Comment if they would like to speak.

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Wellesley Select Board Policy Subcommittee (PSC) Meeting Minutes

Approved:

Date: February 26, 2026

Location: Remote meeting (via Zoom link)

Present: Kenny Largess, Colette Aufranc, ~~Executive Director Meghan Jop~~, Assistant Executive Director Corey Testa

Also Present: Town Counsel Tom Harrington and Eric Reustle

Documents

- Agenda
- Minutes from January 29, 2026, meetings
- Naming of Public Assets Policy draft dated 02/26/2026
- Draft Memorandum to Select Board re: Naming of Public Assets Policy (first read)
- Town Counsel 2007 Letter re: Naming Rights
- Report from Committee on Naming of Public Assets (from ATM 2008)
- Links to Municipal Policies on Naming of Public Assets document
- Advisory Committee Comments on Naming of Public Assets Policy (from ATM 2008)
- Naming Policy Redline with Kenny Largess Comments dated 02/26/2026
- Draft Select Board Handbook Language re: Procedures for working with the Human Resources Board on policies with potential financial impacts and Cost of Living Adjustments (COLA)
- Draft Fiscal Year 2026 PSC Work Plan w/ Colette Aufranc edits for February 2026 Meeting

1. Call to Order

Mr. Largess opened the meeting at 11:00 a.m. via the Zoom meeting platform. Ms. Aufranc joined virtually.

2. Public Comment

None.

3. Minutes

Mr. Largess requested a motion to approve minutes ~~after of the January 29, 2026 Policy Subcommittee (PSC) reviewed edits and comments. Ms. Aufranc noted minor edits and Mr. Largess called for a roll call vote meeting.~~

Upon a motion by Ms. Aufranc and seconded by Mr. Largess, the PSC was polled and voted (2-0) to approve the minutes, as amended, of January 29, 2026.

Largess – Aye

Aufranc - Aye

4. Discuss Naming of Public Assets Policy

PSC members reviewed proposed revisions to the Naming of Public Assets Policy, including updated definitions, criteria for evaluating naming proposals, and clarification of the term “major

gift.” The Subcommittee discussed the importance of consistency, transparency, and community input in naming decisions, and the potential formation of an advisory committee to the Select Board to support broader engagement in finalizing updates to this policy.

Ms. Aufranc agreed to work with Town Council to finalize the revised policy language and add suggested language defining “major gift” before forwarding the draft to staff for inclusion in a Select Board packet.

Members discussed She will also begin the benefits of compiling a comprehensive list of public assets, including relevant historical information and naming context, and to suggest the Select Board explore the possible use of Community Preservation Committee (CPC) administrative funds to support this work. Members also discussed the potential benefits of and coordination with the Historical Commission in creating a comprehensive list of gifts. Members agreed to invite Town Council to a future discussion with the Select Board to address questions with regard to the draft policy and the use of CPC funding.

The Subcommittee agreed the policy is ready for a first read before the Select Board following these revisions when the Select Board can accommodate this discussion.

5. Discuss Auto Dealer Licenses Policies

The Subcommittee reviewed updates to the auto-dealer license application and related regulations to ensure clarity and consistency with state requirements. Revisions will continue as needed prior to further consideration by the Select Board. Ms. Aufranc noted that upon review of the Auto Dealers License Application form there was no required updates with the exception of noting in the Select Board Handbook and the Regulations page that the application form includes Class III licenses. Mr. Largess and Ms. Aufranc agreed to remove the item from the PSC Work Plan.

6. Discuss SB Handbook Language re: Human Resources

Procedures for working with the Human Resources Board on policies with potential financial impacts

Ms. Aufranc noted that the Select Board had received draft procedures in the packet for the February 10, 2026 meeting and no comments had been received. Mr. Largess noted he would like to review the draft procedures more closely. Ms. Aufranc suggested the procedures could be circulated for a second read to the Select Board in due course and Mr. Largess could comment at that point. Mr. Largess agreed. The current draft is ready for second read when the Select Board is ready to take this up again.

Procedures for interaction with the Human Resources Board in setting the Cost of Living Increase (COLA).

Ms. Aufranc presented a draft framework outlining procedures and guiding principles for coordination between the Select Board and the Human Resources Board regarding cost-of-living adjustments (COLA). Members found the draft helpful and discussed the need to clearly

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delineate roles and expectations. Mr. Largess suggested the goals for the Select Board and the Human Resources Board could be reviewed to align them where possible.

The Subcommittee agreed to circulate the draft to the Executive Director and Human Resources Director for feedback before further discussion. Human Resources Board and staff leadership will be invited to the next PSC meeting to help finalize the guidance before it can be brought to the Select Board for a first read. ~~The Subcommittee noted that this item is nearing readiness for a second read before the Select Board when the agenda can accommodate it.~~

7. Encroachment Policy Update

Mr. Largess reported that the Department of Public Works and the Natural Resources Commission had reviewed and signed off on the encroachment policy. Ms. Aufranc asked for clarification that the Board of Public Works had formally voted on the policy. Mr. Largess will confirm whether the Board of Public Works formally voted to adopt the policy and update the document with adoption dates as appropriate.

The next step will be to present the policy to the Municipal Light Board ~~Plan~~ (MLP), School Committees, The Board of Library trustees, and other relevant boards as part of a broader “roadshow” approach similar to that undertaken for the Town-Wide Capital Planning Committee.

Mr. Harrington noted potential legal risks associated with adverse possession of Town land and emphasized the importance of clear policy language. ~~Mr. Largess will confirm whether the Board of Public Works formally voted to adopt the policy and update the document with adoption dates as appropriate.~~

8. PSC FY26 Work Plan

Indemnification Policy

~~Following legal guidance, the Subcommittee Members noted the current indemnification policy was old and discussed rescinding and fully rewriting the current indemnification policy and whether a policy was appropriate given that state law and Town’s insurance policies may be instructive. Town Counsel~~ Mr. Harrington expressed concern about rescinding the policy without a replacement policy in place and will provide a letter addressing legal considerations, including insurance components. Mr. Largess will work with Town Counsel to draft a memorandum to the Select Board with an update on an approach to the indemnification policy, recommending rescission pending development of a new policy.

Capital Policy and Debt Reduction Fund

The Subcommittee discussed the Town’s capital planning efforts and the need for a formal capital policy, particularly in light of strong funding progress related to OPEB and pension obligations. Ms. Aufranc will take the lead on developing the capital policy and plans to meet with the Executive Director and finance staff to discuss guidance related to use of a debt reduction-stabilization fund.

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Sale of Town Land

Mr. Harrington referenced Littleton's "~~Ab~~Butter's Lot Sale Program" policy as a model for consideration and will share the document for review. Ms. Aufranc will take ownership of drafting a Sale of Town Land policy.

Denial of Permits for Unpaid Taxes

Ms. Aufranc will consult with the Executive Director regarding potential policy language governing issuance or revocation of permits for applicants with unpaid taxes and develop a preliminary draft.

Building Use Policy and Code of Conduct

Mr. Largess will take the lead on developing or revising the Building Use Policy and will review the Code of Conduct policy to determine whether targeted amendments or broader revisions are needed.

Next Meeting Date

The Subcommittee agreed to meet next on Thursday, April 16, 2026, at 11:00 a.m. Mr. Testa will schedule the meeting and invite Town Counsel as appropriate. Anticipated topics include finalizing the HRB/Select Board COLA guidance, continued discussion of indemnification, and progress on work plan items.

The meeting adjourned at 12:00 p.m.

BACKGROUND

In October 2007, the Select Board created an ad hoc Advisory Committee on Naming of Public Assets (Committee) charged with proposing a town-wide policy on naming of major town assets. The Committee submitted its report to Town Meeting and proposed a bylaw which was adopted by Annual Town Meeting in 2008. [Bylaw Article 5.5](#), Naming of Public Assets, (Bylaw) states that “No Board shall name any public asset unless the Board shall have adopted a naming policy.”

PURPOSE

The Select Board understands that naming a Public Asset has a long-lasting effect, perhaps spanning many future generations of Town residents, whose perceptions and values may change with the times. The Select Board reserves the right to name or rename Public Assets under its jurisdiction to best serve the interests of the Town and ensure a worthy and enduring legacy for the Town's Public Assets. Favoritism, political pressure, or temporary popularity or unpopularity should not be an influence in naming, revoking or renaming. The Select Board intends to be cautious in its implementation of this Policy in order to avoid over-naming or inappropriately naming Public Assets.

APPLICABILITY

This policy shall apply to all Public Assets under the care, custody, management, and control of the Select Board. Such assets include all the real estate, structures, fixtures and personal property that is not by law or Town Meeting vote placed in the charge of another particular board, committee, commission, officer or department.

This Policy shall not apply to the naming or renaming of public ways or private ways open to the public in the Town, which are subject to procedures set forth in the Massachusetts General Laws.

For purposes of this Policy, the term “naming” shall be deemed to include “renaming” unless the context clearly indicates otherwise. References to naming a Public Asset therefore apply equally to the renaming of an existing Public Asset.

Before considering a proposal to name or rename a Select Board asset, the Select Board shall review the Bylaw. This Policy supplements the Bylaw, it does not replace it.

TAX-EXEMPT BOND FINANCED PROPERTY

For interest on tax-exempt bonds to be treated as exempt from federal income tax, a governmental entity which has used tax-exempt bond proceeds to acquire, construct, or renovate its facilities must avoid running afoul of the “private business use” test described in Section 141 of the Internal Revenue Code with respect to those facilities. To protect their interests, bondholders often obtain approval rights over third-party uses of tax-exempt bond financed property through the relevant financing documents. Naming rights are considered a private business use and will typically require bondholder approval. Prior to entering into any agreement providing naming rights with respect to a Public Asset that is

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bond financed, (i) Town Counsel should be consulted to determine whether third-party approval is required and (ii) Town Counsel should consult with bond counsel (the attorney for the bondholder) to ensure that any resulting private business use is within acceptable limits.

POLICY

The Select Board will follow the Bylaw and in each case will seek to implement this Policy in a transparent manner.

1. **Naming Agreement or Other Documentation:** The Select Board will consider whether a naming agreement or other documentation is appropriate particularly if the proposal is for a specified period, in consideration of a gift, or has other terms or conditions which should be memorialized.
2. **Renaming an Asset:** In situations where no naming agreement or documentation exists, names shall not be changed without considering the historical significance of the name, the impact on the individual or organization it was named after, and the costs associated with such renaming. (TBL 5.5.f.)
3. **Revocation:** Under extraordinary circumstances that may cast the Town in a negative light, a Public Asset under the authority of the Select Board may ~~be~~ renamed or the name annulled at the discretion of the Select Board, subject to the terms of any applicable naming agreement.
4. **Equitable Treatment of Similar Assets:** In naming or renaming an asset, the Select Board shall give consideration to the history of renaming similar assets in similar situations.
5. **Expenses:** Any expenses associated with naming a Public Asset are the sole responsibility of the applicant. The Select Board may vote to provide funding, but it is not obligated to do so. The Town does not assume responsibility for the replacement of damaged or missing plaques, memorials, signs or markers, nor does the Town agree to maintain said plaques, memorials, signs or markers in perpetuity.

PROCEDURE

1. **Proposals:** Any Town official, resident or non-resident may submit in writing a request that the Select Board name or rename a Public Asset. Proposals shall be submitted to the Select Board office and shall explain the rationale and/or compelling reasons for naming or renaming the Public Asset.
- ~~1.~~ **Tax-Exempt Bond Financed Property:** If the Public Asset is subject to tax-exempt bond financing, Town Counsel shall be consulted as to whether bondholder or other third-party approvals or consultations is/are required to provide naming rights to the Public Asset. Town Counsel shall consult with bond counsel as necessary to determine whether the proposal can be implemented consistent with the Town's obligation to maintain the tax-exempt status of the bonds.

2.3. Recommendation by the Executive Director: The Executive Director shall review requests and prepare the matter for review by the Select Board with a recommendation for approval of the request, denial of the request, or suggestion for further study.

3.4. Considerations:

- a. The Select Board shall determine whether the asset proposed for naming or renaming is a Major Physical Asset or Other Town Asset as specified in the Bylaw. The naming or renaming of Major Physical Assets requires Town Meeting approval.
- b. When considering a proposal, the Select Board shall consider the factors described in the Bylaw.
- c. The Select Board may consider whether conditions beyond those proposed by any donor are in the Town's interest.
- d. The Select Board may consider whether the naming is perpetual or limited to a time certain. Neither the Board nor Town Meeting can bind a future Board or future Town Meeting.
- e. The Select Board may consider the extent to which voting a current proposal may establish or contradict an existing Town policy.

4.5. Function, Design and Placement of naming plaques, memorials, signs or markers, may be considered by the Select Board. The Select Board reserves the right to relocate any such plaque, memorial, sign or marker as necessary. The Select Board shall consider if the Design Review Board should be consulted per the Town Bylaws.

5.6. Public Hearing: To ensure that the Select Board is fully aware of the public's interest in a proposal, it shall hold a hearing. At a subsequent, regularly scheduled meeting, the Select Board may schedule a vote on the Public Asset naming request. A decision to reject a naming request shall not require a public hearing. The Select Board may, in its sole discretion, decline to act on any application submitted. The Select Board may, in its sole discretion, decline to act following a public hearing regarding the naming of a public asset. There shall be no timeframe in which the Select Board must act on a naming application subsequent to a public hearing.

6.7. Non-Compliance: If a Public Asset covered by this Policy was named in a manner inconsistent with the current Policy, the Select Board may revisit the name and bring it into compliance with the Policy. In such cases, a public hearing will be held before the current name is be changed.

7.8. Town Meeting Action: Any naming proposal of a Major Physical Asset is subject to approval by the board with jurisdiction over the asset, followed by approval at Town Meeting. The Select Board shall consider when and how such proposal shall be placed on a Warrant for Town Meeting's consideration.

**Administrative
Policy and
Procedure**

Select Board
NAMING OF PUBLIC ASSETS POLICY
Approved –XX, 202x

8.9.List of Named Assets: A compilation of other assets named, or currently being considered for naming, by the Select Board and all other boards may be a useful tool in placing any proposal in context.

DEFINITIONS

1. **Public Asset:** asset under the care, custody, management, and control of the Select Board. Such assets include all the real estate, structures, fixtures and personal property that is not by law or Town Meeting vote placed in the charge of another particular board, committee, commission, officer or department.
2. **Major Physical Assets:** described in the Bylaw as “buildings, recreational facilities, parks, water bodies, and conservation land”. The Select Board reserves the right to decide whether any other Public Asset is considered a Major Physical Asset.
3. **Other Town Assets:** described in the Bylaw as “All other Town assets that are portions of a larger whole, such as: interior spaces of buildings; features within parks, conservation land, and recreational areas; driveways or parking lots; or furniture or other small fixtures of any description.”
4. **Major Gift:** For purposes of Procedure section 3. above, the definition of Major Gift shall is a monetary or in-kind contribution to the Town that is of substantial value relative to the Public Asset at issue and that materially advances the acquisition, construction, renovation, preservation, or enhancement of such asset, as determined in the sole discretion of the Select Board.

REGULATORY / STATUTORY REFERENCES

[Town of Wellesley Bylaw Article 5.5, Naming of Public Assets](#)

[Town of Wellesley Bylaw Article 5.6, Acceptance of Gifts](#)

[Report of the Advisory Committee on Naming of Public Assets to the 2008 Annual Town Meeting](#)

APPROVED BY THE SELECT BOARD

Original date: November 3, 2008

Gregory B. Mills (Chair), Barbara D. Searle (Vice Chair), Owen H. Dugan (Secretary), Harriet S. Warshaw, Katherine L. Babson, Jr.

Revised date: Month xx, 2026

Marjorie R. Freiman (Chair), Thomas H. Ulfelder (Vice Chair), Colette E. Aufranc (Secretary), Beth Sullivan Woods, Kenneth C. Largess, III

The Select Board reserves the right to amend this policy at will.

Links to Municipal Policies on Naming of Public Assets

Town of Wellesley Policies

Wellesley Select Board – [current policy](#)

Wellesley School Committee – [Naming Right, Memorials](#)

Wellesley Free Library – [Naming Policy](#)

Wellesley Natural Resources Committee – Policy Handbook (refers to TBL)

Comparable Communities

[Arlington](#) - Public Memorial Committee established by Town Bylaw

[Belmont](#) - Select Board Policy

Burlington – no policy found

[Concord](#) - Select Board Policy

[Dedham](#) - Select Board Policy

[Foxborough](#) - Select Board Policy

Framingham – no policy found

Franklin – policy not found. Recent action with approval of signage by Town Council [here](#)

Milton – no policy found

Natick – no policy found

Needham – no policy found

Newton – no policy found

Norwood – no policy found

Sudbury – no policy found

Waltham – Town Council per [bylaws](#) sec 17-19

Watertown – [memorialization committee](#) being established. See [ordinance](#).

Wayland – no policy found

Weston – no policy found

Westwood – no policy found

Winchester – [Naming Committee](#) (not instructive)

Woburn – [naming of streets](#) (not instructive)

Others

[Sharon](#)

[Duxbury](#)

[Essex](#)

[Westborough](#)

[Wakefield](#)

[Somerville](#)

[Watertown](#) Chapter 38 naming of squares for non veterans – not instructive

[Falmouth](#)

Southborough

Memo

To: Select Board
From: Select Board, Select Board Policy Sub Committee (PSC)
Subject: Updating Naming of Public Assets Policy
Date: February 26, 2026

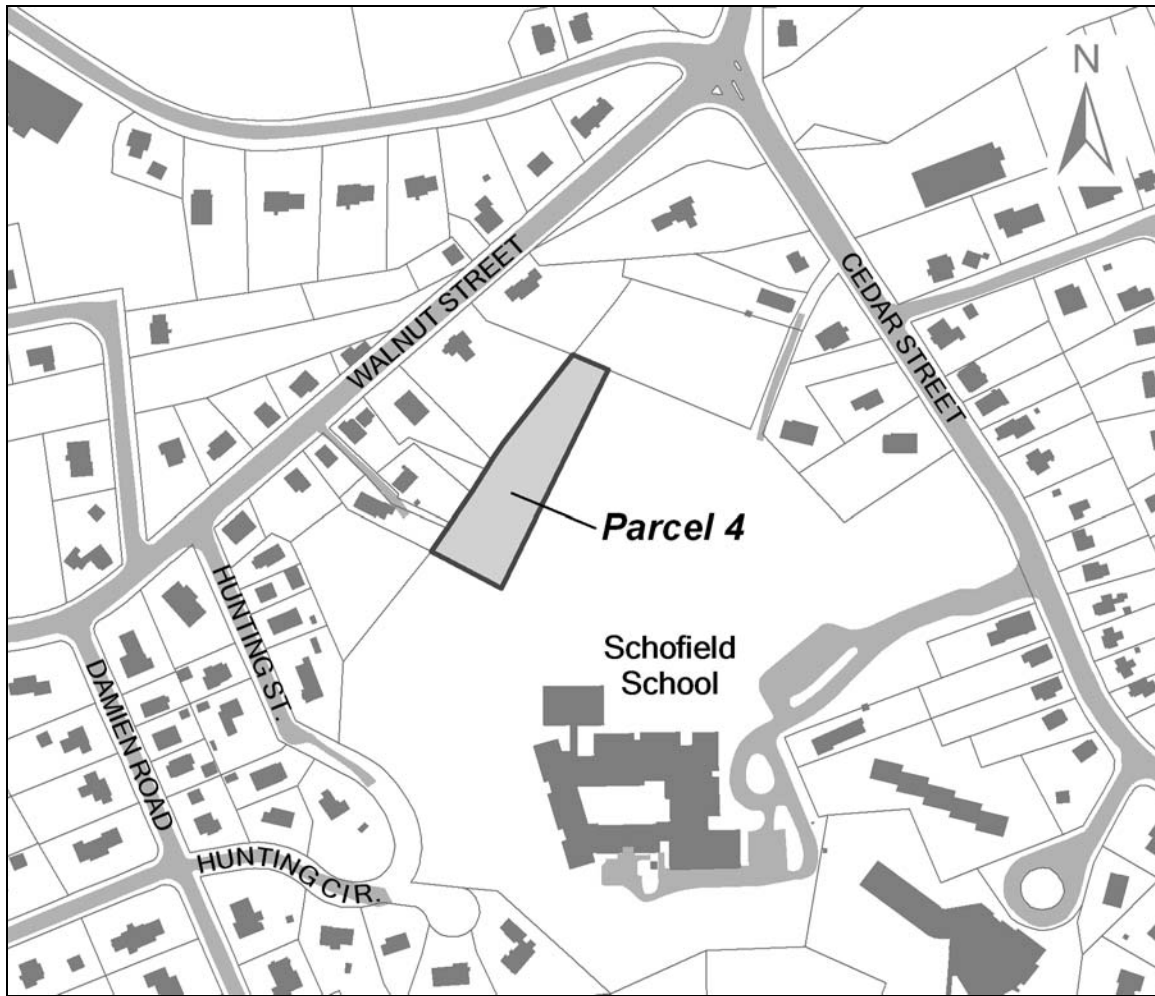
The Select Board adopted a Naming of Public Assets policy in 2008 and per the PSC workplan the policy is being reviewed and updated.

Attached to this memo is:

- a draft Naming of Public Assets Policy for review by the Board
- a document linking to the current Select Board, School Committee, Natural Resources Committee and Library naming policies, and other peer town naming policies.
- A copy of the Report to Annual Town Meeting of 2008 from the ad hoc Advisory Committee on the Naming of Public Assets.
- A copy of a letter from Town Counsel dated October 19, 2007.
- Town Bylaw 5. Policies and Procedures.

The PSC would like to draw the boards attention to the following in the revised policy:

- The existing policy has been reformatted in the Board's standard policy format.
- Background information about the 2008 advisory committee has been included.
- Language in the original policy has been simplified. In reviewing peer town policies additions of language for board consideration is suggested.
- Policy step 2 for renaming has been added, taken from the bylaw as the bylaw indicated this should be part of the boards policy.
- Policy steps 3 and 5 have been added for consideration based on review of peer town policies.
- Procedure steps 4, 5 and 6 have been added or elements added to them based on review of peer town policies.
- Based on the text of the bylaw, the Board should define what it considers to be a "Major Gift".
- A List of named assets should be researched and built.



Each parcel is expected to be brought to ATM as a separate motion and a 2/3 vote is necessary for passage of each motion.

Advisory recommends favorable action, 12 to 0.

ARTICLE 26. To see if the Town will adopt a town-wide Naming Rights Policy governing the authority in the several town boards, committees, commissions, to “name” town assets, including without limitation whether any such naming shall be subject to town meeting approval in any particular future case; copies of the current version of a proposed Naming Rights Policy being on file in the Office of the Board of Selectmen (said version being recognized as subject to change before or at town meeting); to amend the Town Bylaws Article 5. Policies and Procedures, to include said Naming Rights Policy as adopted; or take any other action relative thereto.

(Board of Selectmen)

This Article amends the Town Bylaw, Article 6, by adding a new section 6.21 which deals with a Town-wide policy on naming of town assets. The Board of Selectmen created an Advisory Committee on Naming Public Assets in October of 2007, which was charged with reviewing current practices and recommending a naming policy for the future in response to the growing trend in municipalities of partnering public need with private support.

The proposed Bylaw provides a broad outline for Boards to follow and draws upon existing policies developed by the Library Trustees and the Natural Resources Commission. The adoption of this Bylaw would require the Boards with jurisdiction over physical assets to adopt a policy on naming that complies with the overarching Town policy criteria as stated in this naming bylaw. Approval by a majority of Town Meeting is required in connection with the naming of major assets, as defined by each Board. Individual Boards would have jurisdiction over the naming of smaller assets or portions of a larger asset, such as a room within a building. Further background and details are included in the *Report of the Advisory Committee on Naming Public Assets* on page 120 of this book. Rather than repeat the details, Advisory urges that you read the *Report*.

Advisory concluded that the naming policy is a good first step for the Town. It allows our decentralized government to use naming policies developed by individual Boards, while providing an umbrella policy for the Town. Oversight of the naming of all major assets is achieved by the requirement that Town Meeting must vote on the name. Advisory supports the follow-up recommendation that the Board of Selectmen ask the Advisory Committee on Naming Public Assets work to create a Gift Policy for the Town that would be used in conjunction with the Naming Policy and bring it to the 2009 ATM for approval.

Advisory recommends favorable action, 10 to 0, with 2 abstentions.

ARTICLE 27. To see if the Town will vote to request that the Selectmen, Council on Aging and other town officials continue to study the feasibility of the Town accepting the conditional gift of approximately \$825,000 offered by the terms of the Mary Esther (“Billie”) Tolles Charitable Foundation, which sum may need to be supplemented by the Town through appropriation, gifts, bonding and/or other possible methods of raising money sufficient for the purpose, which gift is conditioned on the “founding, constructing and equipping [of] a senior center...on land or in a building provided for that purpose by the Town...and shall include but not be limited to offices for the Wellesley Council on Aging and the Wellesley Friends of Senior Neighbors, Inc., kitchen and dining facilities, classrooms, meeting rooms, recreational areas and the like. The name of the Center shall be ‘The Tolles-Parsons Senior Center’ and shall be dedicated in the memory of Mary Esther Tolles and Evelyn L. Parsons, M.D....”; to raise and appropriate, or otherwise provide, a sum of money for the same; to accept as a gift a sum of money offered by the trustees of said foundation for such a study; the Board of Selectmen being requested to report the results of said study to a subsequent Town Meeting; or take any other action relative thereto.

(Board of Selectmen)

Advisory expects no motion under this Article.

ARTICLE 28. To see if the Town will vote to authorize the Moderator to appoint a Green Ribbon Study Committee of not more than nine members whose focus shall be to recommend a town-wide sustainability plan and policies, and to make its recommendations to a subsequent Town Meeting; or take any other action relative thereto.

(Board of Selectmen)

This Article seeks approval for the Moderator to approve a Green Ribbon Study Committee (GRSC). The focus of this Committee shall be to recommend a Town-wide sustainability plan to be presented at a subsequent Town Meeting.

The 2007 Advisory Committee requested that the Board of Selectmen begin to explore ways that the Town might incorporate sustainability and “green” practices into Town policies. Sustainable means

Report of the Advisory Committee on Naming Public Assets

The **Advisory Committee on Naming Public Assets** is pleased to submit this report of its process and recommendations to the Board of Selectmen (BOS). Members of the Committee are: Kathleen Nagle, Chair (Town Clerk), Katherine L. Babson, Jr. (BOS), Linda Buffum (Historical Commission), Heidi Gross (Natural Resources Commission), Ann Howley (Development Consultant), Christopher Guiffre (School Committee), Marla Robinson (Library Board of Trustees), and Katherine Rooks (Recreation Commission).

Introduction

The Advisory Committee on Naming Public Assets, an ad hoc committee created by the Board of Selectmen in October 2007, was asked to propose a town-wide policy on naming of major town assets. Prior to this action, Ms. Babson, as a member of the BOS, had requested that Albert Robinson, Esq. (Town Counsel) provide information on any existing Town naming policy, including any stated authority given to Town officials to "name" new (or renovated) portions of major town assets.

In his response, Mr. Robinson advised that 1) "statutes are silent on the specific question and there are no judicial cases on point"; 2) there is no town bylaw or even a town wide set of guidelines covering the point, though several Town departments do have their own. He further advised that historically, the majority of the naming or renaming of major town assets has been done for honorific purposes and only rarely as public acknowledgment of a financial or in-kind contribution (e.g., Hunnewell Field, Sawyer Park). Often, actual naming authority has been assumed by Town Meeting (e.g. David G. Oulette Memorial Playground, Hardy, Kingsbury, Brown and Sprague Schools). Individual Town boards and departments have occasionally exercised naming rights for particular assets over which they have jurisdiction (e.g. Carisbrooke Reservation (NRC) and Felix Juliani Room and Wakelin Way at Town Hall (BOS), D'Auria Drive at the Middle School (School Department), Arnold Wakelin and Peg Arnold Rooms at the Library (Library Trustees). This issue has arisen again recently with a conditional gift from an estate for a senior center (Tolles), which includes a naming request as part of the gift.

Pointing out that partnering public need with private support is a growing trend in municipal life, Mr. Robinson suggested "a policy be proposed for Town-wide application, to be adopted by Town Meeting for the guidance of all Town boards and officials." Developing "a carefully crafted policy" would be prudent now as we approach potential situations (e.g. the High School) where the issue of naming, whether honorific or in exchange for financial contributions, will certainly arise.

In an effort to bring clarity and process to a Town issue, the BOS agreed that it would be prudent to have a policy on naming public assets in place. This would provide a point of reference as individual boards and committees consider potential naming opportunities.

It is clear that the naming or renaming of major Wellesley town assets (e.g. schools, town buildings, streets, parks, bodies of water and recreational facilities) is complex and sometimes emotionally evocative since assigning a name is a powerful and permanent identity for a public place and/or facility. The naming or renaming of town fixtures often requires significant resources in terms of changing names on signs, maps and literature. In the case of a newly named asset that is accompanied by a physical structure or piece of land, there is also the cost to the town to accept, integrate and maintain the gift. In addition, excessive and constant name changing can be the source of confusion to the public.

Process

The Advisory Committee on Naming Public Assets met throughout December and January. The group compiled an inventory of named assets within Wellesley and any known history about the process used to adopt the names. This included naming that had been done for both "large" assets (Hunnewell Field, Centennial Park, Fiske School, Morses Pond etc.) and for parts of large assets (e.g. Arnold and Wakelin

Rooms in the Library, Bezanson Pond, D'Auria Way) or individual, smaller Town areas (e.g. Abbott's Pond, Fuller Brook Park, Warren Park etc.). Current naming policies in use by Town boards and committees were reviewed and discussed. Research was done on policies adopted by local and national municipalities and organizations. Other areas of discussion included naming whole or parts of whole assets; who would approve the name; renaming existing assets; gift acceptance policies; criteria for choosing honorific names; naming in return for contributions, whether solicited or not; and keeping this process within the character of the Wellesley community while maximizing opportunities to enhance our assets.

After substantive discussion, the Committee concluded that naming policies have become common practice and like related gift acceptance policies, serve as a resource when naming opportunities are being requested or considered. It would indeed be prudent for Wellesley to have a process in place to handle naming issues and that the time is right to initiate such a process. Collaboration and sharing marked the work of this Committee and members of the group unanimously support the bylaw. The Board of Selectmen endorsed the proposed language at its 2/11/2008 meeting.

Proposed Bylaw

The Committee agreed that a naming policy, which provides a broad outline for boards to follow, was the best approach. Wellesley's decentralized governmental structure makes it important to provide an umbrella process for naming large Town assets in their entirety (e.g. building or a park name) while allowing individual boards to maintain jurisdiction over portions of, or smaller, assets under their control.

The proposed bylaw respects prior practices and draws on current policies of some boards. The Wellesley Free Library and the Natural Resources Commission have quite mature policies on both gift acceptance and naming and this Committee drew on the experiences of each. The proposed policy does not limit the current practices of boards, though all existing policies must be reviewed in light of the new bylaw.

Further, it does not require any action of a board in relation to an asset that will not be specifically named or having a generic name (e.g. Wellesley Town Hall). Nor does the bylaw apply to program sponsorships, only to physical assets.

In researching potential areas to cover in a bylaw, there were a number of common provisions in the sample naming policies that were reviewed. The Committee deemed the following appropriate for a Town-wide umbrella policy on naming public assets:

- Naming of Town assets must be done according to provisions stated in the bylaw.
- Definition of major physical asset, part of a whole, and smaller asset.
- Process whereby naming of Town assets would be approved including who must give approval.
- Consider categories of names, including honorific names and those that arise as part of a major gift to the Town.
- Requirement that boards that wish to name Town assets adopt, if they haven't already, a naming policy.
- Suggested development and use of a naming agreement to document intent of naming discussion (e.g. sunset provision).
- Provision for renaming process.

The Committee concurred that these areas were both adequate and general enough to provide the basic outline of a policy to provide guidance for naming opportunities in the future. It was further considered that this bylaw could serve as a template for individual boards as they write or review existing naming policies. Each board would add specific details to meet its own requirements. It is anticipated that each board would review or write its naming policy as soon as possible after the bylaw is approved and no later than December 2008.

Finally, as follow up to Town Meeting, it is recommended that the Board of Selectmen reconstitute this interboard committee (or name its replacement) to review the naming policy of each board. This would ensure that a policy is sound and written in the spirit of the proposed bylaw. The new committee would report back to the 2009 Annual Town Meeting.

It is important to note that this bylaw in no way advocates for solicitation of private funds or public acknowledgement of gifts received. Rather, it is an effort to establish a commonly accepted practice for use should a situation of this nature arise. Based on the experience of Committee members with established policies, the Committee agreed that having a process in place was extremely helpful in handling potential questions.

Summary

The bylaw as approved by the Advisory Committee on Naming Public Assets is appended to the end of this report.

Should this bylaw be adopted, each board would be required to adopt a naming policy as a minimum requirement. The policy guidelines in this bylaw are an effort to outline a broad process to determine appropriate public acknowledgement for gifts accepted as well as for honorific purposes. While these guidelines are intended to apply to the asset in its entirety (e.g. building name), it is anticipated that Town boards and committees will use relevant sections in determining naming/renaming policies for interior spaces or portions of the total asset.

The purpose of the proposed naming of public assets policy, which is designed to unify and supersede any existing policies currently in use in the Town of Wellesley, is to provide guidance to those that have an interest in the naming or renaming of the Town's major physical assets. This is an appropriate time to bring this bylaw forward as municipalities like Wellesley begin to explore opportunities for public/private partnerships to provide enhancement funds for public services. This policy can help ensure appropriate public acknowledgement in keeping with Wellesley's historical and community character.

Recommended Follow Up

A naming policy generally covers both honorific naming as well as naming done in exchange for or to acknowledge a gift of some type. This naming policy is therefore, a useful first step for Wellesley since it covers both opportunities. However, as the Town begins to think seriously about "partnering public need with private support", the Committee strongly recommends that the Town consider adopting a general gift acceptance policy in conjunction with this naming bylaw. Immediately following Town Meeting, the Board of Selectmen can reconstitute this interboard committee (or its replacement) to draft an umbrella gift acceptance policy to cover gifts to the Town as a whole. This would be reported back to the BOS for their future action. In addition, it is further recommended that each board review and/or adopt a gift acceptance policy, which is tailored to its particular circumstances.

A gift acceptance policy supports the naming policy as it provides the basis for the initial review of the potential gift. This policy allows gifts to be reviewed on a consistent basis each time and prevents the "glittering" appeal of a gift from overcoming good judgment when it is not a fit with the approved policy. This policy provides the basis for declining gifts when this is thought prudent. Both the gift acceptance and naming policies serve as guidelines to boards, staff, donors and the public at large as these groups seek common ground on private support of programs and projects. However, the gift acceptance policy is much more detailed. It provides an outline of the mission of the group; the purpose of the guidelines; donor conflict of interest; restrictions on gifts; types of gifts (cash, property, marketable securities etc.) that will be accepted; and any other provisions that are thought necessary by the establishing board in conjunction with legal counsel.

When drafting both naming and gift acceptance policies, the following should be considered:

- Discussion of assets that the particular board controls
- Definition of "major" gift in the context of that board
- Acceptance of gift as appropriate to the mission of the board, or if not, gift is to be declined
- Embedded costs of gift acceptance or naming
- Sunset provisions
- Whether acceptance of the gift requires approval by more than the immediate board, perhaps the Board of Selectmen and/or Town Meeting

There may be other considerations depending upon the individual board.

The Wellesley Free Library and the Natural Resources Commission both have existing naming and gift acceptance policies, which could easily serve as templates for others. These policies are available on the Wellesley Town website.

Respectfully submitted,

Advisory Committee on Naming Public Assets
Kathleen Nagle, Chair
Katherine L. Babson, Jr.
Linda Buffum
Heidi Gross

Christopher Guiffre
Ann Howley
Marla Robinson
Katherine Rooks

ARTICLE 5. POLICIES AND PROCEDURES

5.1. Policies and Procedures. "Policies and procedures" include only policies and procedures regarding services provided to the public.

5.2. Copies of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 shall make available electronic copies of any of their written policies and procedures to the public upon request. To the extent permitted by the General Laws, reasonable fees may be charged for the cost of reproduction if paper copies are requested. (*Amended ATM 2018.*)

5.3. Public Participation. Each Board shall establish a written procedure which allows members of the public to comment orally at a public meeting or a public hearing of the Board when policies, procedures, and agenda items are being discussed by the Board or being considered for adoption, amendment, or repeal by the Board.

5.4. Books of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 are encouraged to put their policies and procedures into written form, to keep their policies and procedures in a usefully organized and up-to-date book, and to make the book available to the public during regular business hours. Boards which do not have offices shall keep their books of policies and procedures in the office of the Town Clerk.

5.5. Naming of Public Assets. It is the policy of the Town of Wellesley to reserve the naming or renaming of public assets for circumstances that will best serve the interests of the Town and ensure a worthy and enduring legacy for the Town's physical spaces. (*Added ATM 2008.*)

- a. No Town assets shall be named or renamed except in accordance with this bylaw.
- b. Assets that are considered to be major physical assets of the Town, such as buildings, recreational facilities, parks, water bodies, and conservation land shall be named only after the Board with jurisdiction over the asset shall approve a name; and Town Meeting, by majority vote, shall concur in such naming.
- c. All other Town assets that are portions of a larger whole, such as: interior spaces of buildings; features within parks, conservation land, and recreational areas; driveways or parking lots; or furniture or other small fixtures of any description shall be named by the Board having jurisdiction over the asset pursuant to a policy adopted under subsection (g) herein.
- d. The naming of Town assets shall be considered with the following categories in mind:
 - i. Historic Events, People, and Places. The Town may preserve and honor the history of the Town, State, or Country; prominent historical figures; and local landmarks, neighborhoods, or prominent geographical locations.
 - ii. Outstanding Individuals. The Town may acknowledge individuals who have contributed in a significant way to the public life and well-being of the Town.

Major Gifts. The Town may acknowledge certain major gifts (as defined in each Board's policy) to the Town by individuals, organizations or corporations by naming a public asset in connection with such a gift.

- e. The Board with jurisdiction over an asset to be named shall consider whether a naming agreement, or other documentation, is appropriate in each situation.
- f. In situations where no naming agreement or documentation exists, names shall not be changed without consideration of the historical significance of the name, impact on the individual or organization previously named and the costs associated with such renaming.
- g. No Board shall name any public asset unless the Board shall have adopted a naming policy. All policies on the naming of public assets shall be consistent with the intent of this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.

5.6. Acceptance of Gifts. (New Section ATM 2009.) The purpose of this section is to authorize the acceptance of gifts for any public purpose, and to specify policies and procedures for doing so.

- a. Town Boards Authorized to Accept Gifts. (money, tangible property, real estate) It is the Town's policy to respect the authority in Town Boards and Committees to accept gifts as provided by statute. This includes, but may not necessarily be limited to the following Town Boards which are authorized to accept gifts of money, tangible property and/or real estate to the extent hereinafter set forth.
 - i. The Select Board is authorized to accept gifts of money and tangible property on behalf of the Town (G.L. c.44 §§53A, 53A1/2).
 - ii. The School Committee is authorized to accept gifts of money for educational purposes (G.L. c. 44, §53A, and G.L. c. 71, § 37A), and of tangible property as a matter of Town policy.
 - iii. The Board of Trustees of the Wellesley Free Library is authorized to accept gifts of money for library purposes (G.L. c. 78, §§ 7, 11) and for purposes of library construction or renovations (G.L. c. 78, § 19K), and of tangible property as a matter of Town policy.
 - iv. The Natural Resources Commission is authorized to accept gifts of money and tangible property for conservation and parkland purposes, subject to the approval of the Select Board (G.L. c. 40, § 8C).
 - v. Gifts of real estate, or interests in real estate, may only be accepted by Town Meeting on the recommendation of the Board of Select Board.
- b. Protocol for Accepting Gifts.
 - i. Any Town Board accepting, recommending the acceptance of, or declining a gift shall adopt a written policy consistent with this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.
 - ii. All Town Boards and Officers not specifically authorized hereinabove to accept a gift on behalf of the Town shall refer the proffered gift to the Select Board if it recommends that the gift be accepted. (The Town recognizes that G.L. c. 44, §53A provides that a Town officer or department may accept a gift of money, but the statute also stipulates any expenditure of such a gift must be approved by the Select Board. Therefore, it is Town policy to require the acceptance be voted by the Select Board at the outset of the gift). Any Town Board not hereinabove provided for, believing it is authorized to accept gifts, may ask the advice of the Select Board and/or Town Counsel.
 - iii. The donee Board shall have the discretion to approve or decline any proposed gift, whether restricted or not, subject to the provisions of this section. In the event a Board declines a gift that decision shall be dispositive of the matter. (Amended ATM 2018.)
 - iv. In considering a proposed gift, Boards should make the following determinations:

1. Whether the gift is appropriate to the mission and needs of the Town and the particular Board;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness;
3. Whether the gift is irrevocable;
4. Whether the gift imposes undue financial burden on the Town;
5. Whether the long-term impacts of the gift, particularly where there could be significant future or ongoing operations and maintenance or capital costs associated with the gift have been accounted for;
6. Whether the terms of the gift permit the Town to apply the gift to related purposes in the event the designated purpose is fully funded or is no longer practical, necessary or able to be performed.

In the event a Board has reason to believe a gift could cause or result in an appearance of impropriety, the Board shall consult with Town Counsel prior to accepting the gift.

Restricted gifts shall be assigned to a project or existing account consistent with the donor's desired use, as long as such restriction(s) do not conflict with Town bylaws or state or federal law, in which case the Town shall ask that the restriction(s) be removed or decline the gift.

- c. Grants. Any Town department is authorized to apply for grants, and to accept grant funds, provided the Board of such Town department has authorized the filing of grant application, or in the case of no application having been required, has authorized acceptance of the grant funds.
- d. Accounting. All funds received by any Board shall be deposited with the Treasurer.

The Finance Department is responsible for providing for the financial administration of any gift to the Town. If necessary, the Finance Department shall track the proposed use of any such gift and shall maintain separate records of accounts showing receipts and disbursements.

Interest, if any, generated by a gift shall accrue to the Town's general fund unless expressly provided otherwise by the terms of the gift.

The donee Board shall be responsible for acknowledgement of gifts and shall provide receipts as needed for Internal Revenue Services and state Department of Revenue purposes.

- e. Reporting. All donee Boards shall prepare an annual report of such gifts including amounts, purposes and such other details as required by the Finance Director. These reports shall include both restricted and unrestricted funds. Reports on gifts shall be filed with the Finance Director, and included in the Annual Town Report. The report shall cover gifts received in the prior fiscal year and shall be submitted in time to be included in the Annual Town Report.

BACKGROUND

The Abutter Lot Sales Program has been established to facilitate the sale of

- [Littleton] Town owned parcels of land, acquired by foreclosure,
 - [Springfield] vacant lots valued under \$35,000
- to property owners with a home or building directly abutting the parcel.

PURPOSE

The goals of this program include reducing blighted conditions within a neighborhood, giving property owners a chance to acquire a vacant parcel, improve their current parcel and encourage private ownership and maintenance of land that is not suitable for development, and returning properties to the tax rolls.

APPLICABILITY

This policy will apply to Town owned parcels acquired by foreclosure and vacant lots under \$35,000.

POLICY

1. **Abutter Lots for Sale** - The lots that are available for sale under this program (“Abutter Lots”) are:
 - a. Generally less than 4,800 square feet in size.
 - b. in residential neighborhoods, with a privately-owned building on at least one side.
 - c. Not needed by the Town for open space or any other public use.
 - d. And not part of a larger vacant parcel which can be developed. All lots will be sold “as is”.
2. **Abutters** - A property owner whose property is located immediately next to or behind the Abutter Lot is eligible to apply to purchase an Abutter Lot. The Definitions section of this policy shows an example of who can and cannot apply.
3. **Use of Abutter Lots** - Abutter Lots may, pursuant to the terms of this program, be used only for the following purposes:
 - a. Garden.
 - b. Side-yard.
 - c. Landscaped open space.
 - d. Off-street parking.
 - e. Garage.
 - f. Septic improvements.
 - g. An addition to an abutter’s existing structure.
4. **Price, Payment, and Fees** - The standard price for lots under this program is set at \$1.00 per square foot. This is adjusted by an index assigned by the Town Assessor to obtain the sales price. This lot price is for residential and non-profit abutters only. For commercial abutters, the sales price will be based on the assessed value as

Commented [CA1]: What is the difference between parcels and lots?

Commented [ER2R1]: The words are sometimes used interchangeably, although they are used differently in statutes. "Parcel" is used in the tax-administration context (e.g., for assessment, billing and foreclosures), while "lot" is typically used in the zoning/subdivision context. I think "parcel" is the better word here.

Commented [CA3]: Are these lots acquired by foreclosure or should we make that broader? Is it Town owned or Select Board owned?

Commented [ER4R3]: These sorts of parcels are usually acquired by foreclosure/tax taking, but it's not necessary to state that if you would prefer to keep this broad.

Although likely under the care, custody and control of SB, "Town-owned" is accurate.

Formatted: Indent: Left: 0.5", No bullets or numbering

Commented [CA5]: Town or SB owned?

Commented [ER6R5]: See above.

Commented [ER7]: If real property is valued at more than \$35,000, competitive bidding must be used to dispose of it.

Commented [CA8]: Does this size accommodate the lots we are thinking of?

Commented [ER9R8]: I think this could be omitted or replaced with something more generic, like "generally, small in size." Eligibility for the state's land of low value foreclosure process and the applicable procurement rules for a subsequent disposition depend on value and not size. Since this is prefaced with "generally", I assume it is meant to be informational only, not a program limitation, and can be omitted or stated more generally.

Commented [CA10]: Why only residential - do we have small lots in commercial/mixed use etc?

Commented [ER11R10]: This isn't necessary. I prefer to retain as much flexibility as possible, so would recommend omitting this statement.

Commented [ER12]: This is not necessary and could be omitted so that persons who acquire an Abutter Lot may use it for any purpose permissible under the Zoning Bylaw.

If the Town wants to enforce these limits, they would need to be recorded in a deed and would expire after 30 years unless extended in accordance with state law.

Commented [ER13]: I expect that the models this is based on were drafted before recent statutory updates regarding ADUs were implemented. As drafted, this might prevent an Abutter Lot from being used for a stand-alone ADU. That seems to be legally okay since this is not a zoning regulation but an exercise of the Town's rights as the seller of property...

determined by the Town Assessor. The lot sales price must be paid in full prior to a deed being issued. In addition to the sales price, the buyer is responsible for any applicable legal fees, registry filing fees and an in-lieu of tax payment based on the lot appraised value.

5. **Application Evaluations** - All abutters who submit an application will be subject to the following reviews:
 - a. **Tax delinquency review** - Abutters who have been foreclosed on by the Town of Littleton are ineligible. At the time of filing an application and during this review process, abutters cannot be delinquent in the payment of taxes on any property within the Town.
 - b. **Arson Prevention review** - Abutters with arson related histories or with unresolved arson related charges are not considered eligible for the program.
 - c. **Complete Applications** – Applications must be complete and submitted by any applicable deadlines. All sections should be completely answered, the attachment forms signed and a property deed, as well as any other information, if applicable, should be included.
 - d. **Eligible Abutter** – Applicants must be an abutting property owner to be eligible to buy an Abutter Lot (see details above).
 - e. **Abutter Lot Use** – The applicant’s proposed use for the Abutter Lot must be an allowed use as described in item 3- above.
6. **Multiple Abutter Applications** - If more than one abutter applies for the same lot, then the Select Board will either choose a single buyer utilizing the criteria defined in Procedure step [XX] or the abutters will be sold the lot as tenants in common to subdivide at their own expense after the sale. Abutters interested in subdividing should still complete a separate application. Only in certain cases where 3-4 abutters wish to subdivide and the costs would be prohibitive, the lot may be subdivided prior to sale. For abutters who are not interested in subdividing, each abutter will receive a score for each criteria and the abutter who scores the most total points will be chosen. If all abutters receive an equal score for all the criteria combined, then the abutter who scores the highest point among the criteria in rank order will be chosen. The final decision on the disposition of all lots will be made by the Select Board.
7. **Terms and Conditions of Sale** - The buyer will be responsible for all legal, recording or other applicable fees that may be incurred as part of the sale, as detailed in the accompanying letter.
 - a. The buyer agrees to the terms and conditions detailed in the “Acknowledgements and Agreements” form included as an attachment to the application, and any others detailed in the accompanying letter.

**Administrative
Policy and
Procedure**

Select Board
ABUTTER LOT SALES POLICY
Approved –XX, 202x

- b. The deed from the Town will contain restrictions which shall run with the land and which shall be enforceable by the Town, to provide substantially as follows:
 - i. The premises shall be kept free of garbage and debris.
 - ii. The premises shall be combined with the abutting property into the same record ownership for the purposes of future conveyances.
 - iii. Any other specific terms and conditions detailed in the accompanying letter.

The Town makes no representations or warranties, however, with respect to the suitability of any lot for any particular purpose, or as to the applicability or effect of any local, state, or Federal law. Certain uses may require permits or approvals from the Building Inspector and/or other Town boards, committees or commissions. Selection of a proposal and sale of a lot by the Town pursuant to the terms of this program do not ensure that such zoning or other approval will be granted.

PROCEDURE

1. **Informational packet and application.** Interested property owners can request an informational packet from the Town Treasurer. The information packet describes how the Abutter Lot Sales Program works and gives instructions for the completion of an application.
2. **Demonstration of Abutter Property Ownership.** All applicants must show existence of property ownership, i.e. copy of your Deed. Your deed can be obtained from; [Middlesex-South Norfolk County Registry of Deeds 208 Cambridge Street Cambridge, MA 02144-649 High Street, Dedham, MA 02026](#). Deeds filed after 1974 may be available online at <https://www.norfolkdeeds.org/http://www.masslandrecords.com/malr/controller>
3. **Scoring in the case of Multiple Abutter Applications.** Where multiple applications are received as described under Policy step 6. above, the decision will be based on the following criteria and points in rank order:
 - a. Preference will be given to residential abutters 0 = No, 1=Yes
 - b. Preference will be given to owner-occupants who have resided on the abutting property for a period of greater than 5 years 0 = No, 1/2 = Yes
 - c. Preference will be given to abutters who have little or no useable space on their property 0 = No, 1=Yes
 - d. Preference will be given to abutters who presently maintain their property in good condition and use 0 = No, 1=Yes
 - e. Preference will be given to abutters who have been maintaining or investing in the abutter lot 0 = No, 1=Yes
 - f. Preference will be given to proposals which fulfill a recognized need for the neighborhood 0 = No, 1=Yes

Commented [CA14]: Assume this is different fro Wellesley

Commented [ER15R14]: I updated this to be accurate for Wellesley.

Commented [CA16]: Do we want to say this? We have been discouraging this in some cases

Commented [ER17R16]: I think that's a policy question.

**Administrative
Policy and
Procedure**

Select Board
ABUTTER LOT SALES POLICY
Approved –XX, 202x

- g. Preference will be given to proposals which fit in well with neighborhood uses and design 0 = No, 1=Yes

DEFINITIONS

- 1. **Abutter** - A property owner whose property is located immediately next to or behind the Abutter Lot is eligible to apply. The exhibit below shows an example of who can and cannot apply. Owners of properties B, C, D, and E can apply to buy the Abutter Lot. The owner of parcel A cannot apply since the property does not directly border the Abutter Lot. Additionally, owners of property located across the street from the Abutter Lot are not eligible. Owners of vacant land abutting the Abutter Lot are also not eligible unless they also own land with a building next to the Abutter Lot or next to that vacant land which abuts the Abutter Lot.

A	B	C
D	Abutter Lot	E

Commented [CA18]: Should this say Abutter Lot?

Commented [ER19R18]: Yes.

Commented [CA20]: Again should this say Abutter Lot?

- 2. **Abutter Lot** – As defined in Policy Section 2.~~[define]~~

REGULATORY / STATUTORYS REFERENCES

APPROVED BY THE SELECT BOARD

Original date:

Names and positions

Revised date:

Names and positions

The Select Board reserves the right to amend this policy at will.

Memo

To: Select Board
From: Select Board Policy Sub Committee (PSC)
Subject: Abutter Lot Sale Policy
Date: March 16, 2026

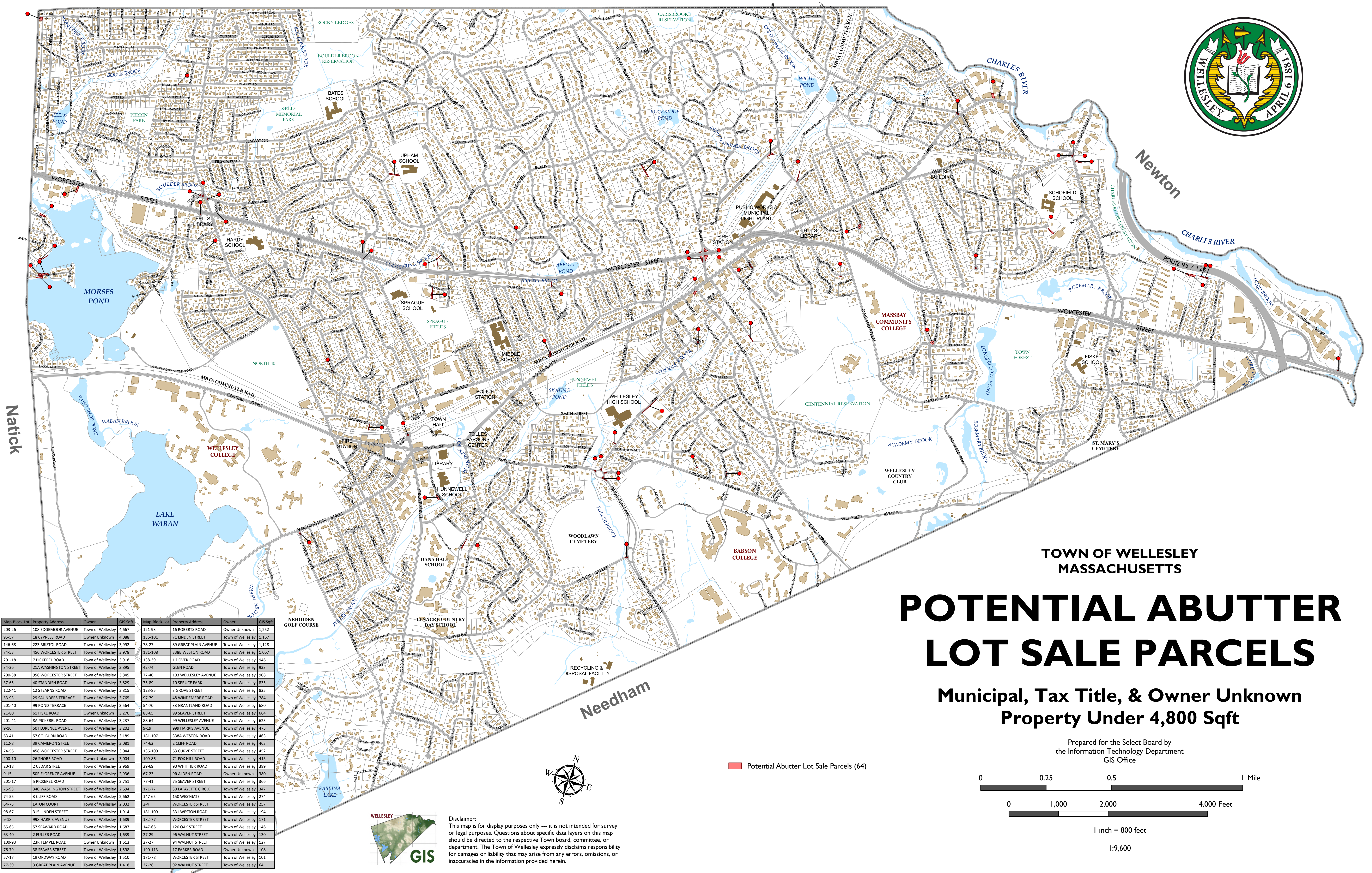
The Select Board identified developing a policy for sale of small abutting parcels as a workplan item for the PSC. The PSC has developed a draft policy and application for discussion and direction. Sample policies reviewed during the process include:

- [Littleton](#)
- [Springfield](#)
- [Wayland](#)
- [Wilmington](#)
- [Yarmouth](#)

Given the initial discussions were focused on disposition of small parcels of land to abutters, the Littleton and Springfield programs were most instructive. The draft policy, procedure and application process is based largely on the programs in Littleton and Springfield which are essentially identical. Town Counsel Eric Reustle has reviewed the first draft, and the PSC has discussed his comments and made recommendations to address them.

The policy is ready for a first review by the Select Board.

Weston



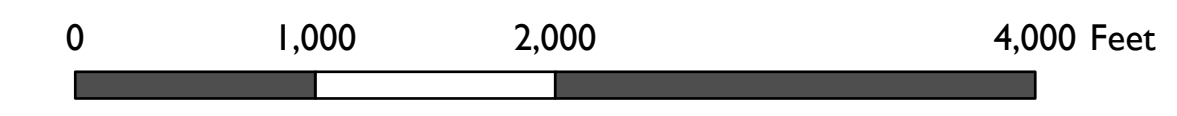
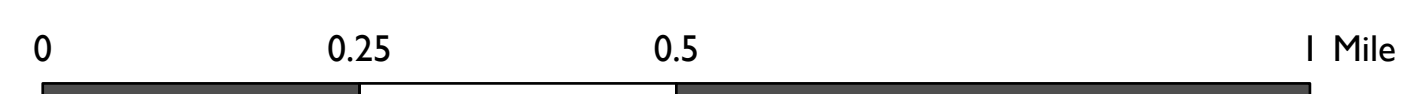
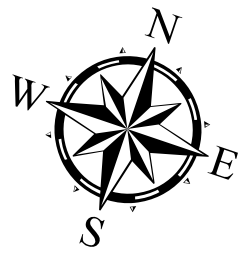
TOWNSHIP OF WELLESLEY
MASSACHUSETTS

POTENTIAL ABUTTER LOT SALE PARCELS

Municipal, Tax Title, & Owner Unknown
Property Under 4,800 Sqft

Map-Block-Lot	Property Address	Owner	GIS Sqft	Map-Block-Lot	Property Address	Owner	GIS Sqft
203-26	108 EDGEWOOD AVENUE	Town of Wellesley	4,667	121-93	16 ROBERTS STREET	Owner Unknown	1,252
95-57	18 CYPRESS ROAD	Owner Unknown	4,088	136-101	71 LINDEN STREET	Town of Wellesley	1,167
146-68	223 BRISTOL ROAD	Town of Wellesley	3,992	78-27	89 GREAT PLAIN AVENUE	Town of Wellesley	1,128
74-53	456 WORCESTER STREET	Town of Wellesley	3,978	181-108	3388 WESTON ROAD	Town of Wellesley	1,067
201-18	7 PICKEREL ROAD	Town of Wellesley	3,918	138-39	1 DOVER ROAD	Town of Wellesley	946
34-26	21A WASHINGTON STREET	Town of Wellesley	3,895	42-74	GLEN ROAD	Town of Wellesley	933
200-38	956 WORCESTER STREET	Town of Wellesley	3,845	77-40	103 WELLESLEY AVENUE	Town of Wellesley	908
37-65	40 STANDISH ROAD	Town of Wellesley	3,829	75-89	10 SPRUCE PARK	Town of Wellesley	835
122-41	12 STEARNS ROAD	Town of Wellesley	3,815	123-85	3 GROVE STREET	Town of Wellesley	825
53-93	29 SAUNDERS TERRACE	Town of Wellesley	3,765	97-79	48 WINDEMERE ROAD	Town of Wellesley	784
201-40	99 POND TERRACE	Town of Wellesley	3,564	54-70	33 GRANTLAND ROAD	Town of Wellesley	680
21-80	61 FISKE ROAD	Owner Unknown	3,270	88-65	99 SEAVER STREET	Town of Wellesley	664
201-41	8A PICKEREL ROAD	Town of Wellesley	3,237	88-64	99 WELLESLEY AVENUE	Town of Wellesley	623
9-16	50 FLORENCE AVENUE	Town of Wellesley	3,202	9-19	999 HARRIS AVENUE	Town of Wellesley	475
63-41	57 COLBURN ROAD	Town of Wellesley	3,189	181-107	338A WESTON ROAD	Town of Wellesley	463
112-8	39 CAMERON STREET	Town of Wellesley	3,081	74-62	2 CLIFF ROAD	Town of Wellesley	463
74-56	458 WORCESTER STREET	Town of Wellesley	3,044	136-100	63 CURVE STREET	Town of Wellesley	452
200-10	26 SHORE ROAD	Owner Unknown	3,004	109-86	71 FOX HILL ROAD	Town of Wellesley	413
20-18	2 CEDAR STREET	Town of Wellesley	2,969	29-69	90 WHITTIER ROAD	Town of Wellesley	389
9-15	50R FLORENCE AVENUE	Town of Wellesley	2,936	67-23	9R ALDEN ROAD	Owner Unknown	380
201-17	5 PICKEREL ROAD	Town of Wellesley	2,751	77-41	75 SEAVER STREET	Town of Wellesley	366
75-93	340 WASHINGTON STREET	Town of Wellesley	2,694	171-77	30 LAFAYETTE CIRCLE	Town of Wellesley	347
74-55	3 CLIFF ROAD	Town of Wellesley	2,662	147-65	150 WESTGATE	Town of Wellesley	274
64-75	EATON COURT	Town of Wellesley	2,032	2-4	WORCESTER STREET	Town of Wellesley	257
98-67	315 LINDEN STREET	Town of Wellesley	1,914	181-109	331 WESTON ROAD	Town of Wellesley	194
9-18	998 HARRIS AVENUE	Town of Wellesley	1,689	182-77	WORCESTER STREET	Town of Wellesley	171
65-65	57 SEAVARD ROAD	Town of Wellesley	1,687	147-66	120 OAK STREET	Town of Wellesley	146
63-40	2 FULLER ROAD	Town of Wellesley	1,639	27-29	96 WALNUT STREET	Town of Wellesley	130
100-93	238 TEMPLE ROAD	Owner Unknown	1,613	27-27	94 WALNUT STREET	Town of Wellesley	127
76-79	38 SEAVAR STREET	Town of Wellesley	1,598	190-113	17 PARKER ROAD	Owner Unknown	108
57-17	19 ORDWAY ROAD	Town of Wellesley	1,510	171-78	WORCESTER STREET	Town of Wellesley	101
77-39	3 GREAT PLAIN AVENUE	Town of Wellesley	1,418	27-28	92 WALNUT STREET	Town of Wellesley	64

■ Potential Abutter Lot Sale Parcels (64)



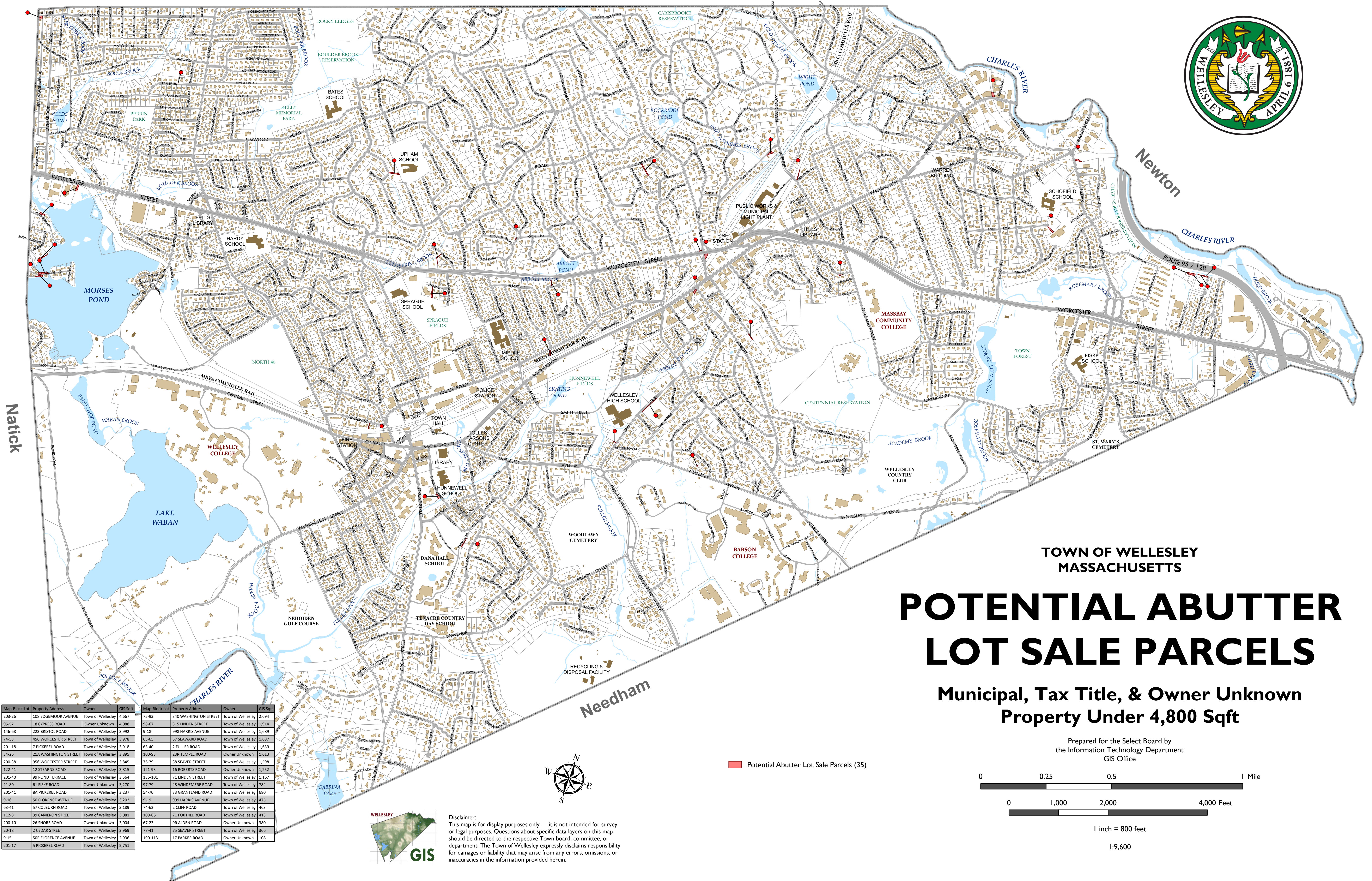
1 inch = 800 feet

1:9,600



Disclaimer:
This map is for display purposes only --- it is not intended for survey or legal purposes. Questions about specific data layers on this map should be directed to the respective Town board, committee, or department. The Town of Wellesley expressly disclaims responsibility for damages or liability that may arise from any errors, omissions, or inaccuracies in the information provided herein.

Weston

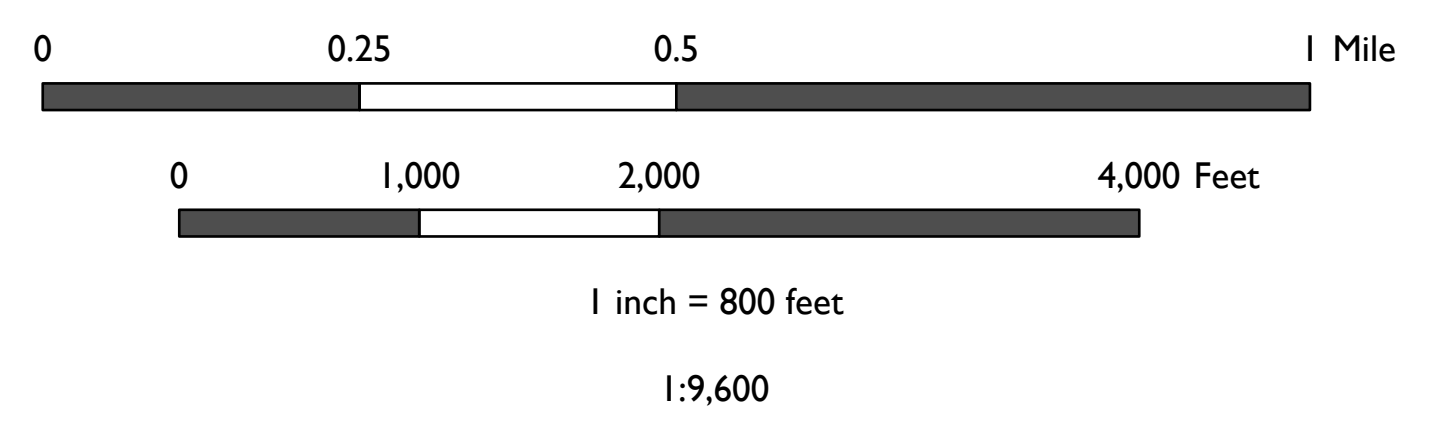


TOWN OF WELLESLEY
MASSACHUSETTS

POTENTIAL ABUTTER LOT SALE PARCELS

Municipal, Tax Title, & Owner Unknown
Property Under 4,800 Sqft

Prepared for the Select Board by
the Information Technology Department
GIS Office



Red square icon: Potential Abutter Lot Sale Parcels (35)



Disclaimer:
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Map Block-Lot	Property Address	Owner	GIS Sqft	Map Block-Lot	Property Address	Owner	GIS Sqft
203-26	108 EDMONDSON AVENUE	Town of Wellesley	4,667	75-93	340 WASHINGTON STREET	Town of Wellesley	2,034
95-57	18 CYPRESS ROAD	Owner Unknown	4,008	98-67	315 LINDEN STREET	Town of Wellesley	1,914
146-68	223 BRISTOL ROAD	Town of Wellesley	3,992	9-18	999 HARRIS AVENUE	Town of Wellesley	1,689
74-53	456 WORCESTER STREET	Town of Wellesley	3,978	65-65	57 SEAWARD ROAD	Town of Wellesley	1,687
201-18	7 PICKEREL ROAD	Town of Wellesley	3,918	63-40	2 FULLER ROAD	Town of Wellesley	1,639
34-26	21A WASHINGTON STREET	Town of Wellesley	3,895	100-93	23R TEMPLE ROAD	Owner Unknown	1,613
200-38	956 WORCESTER STREET	Town of Wellesley	3,845	76-79	38 SEAVER STREET	Town of Wellesley	1,598
122-41	12 STEARNS ROAD	Town of Wellesley	3,815	121-93	16 ROBERTS STREET	Owner Unknown	1,252
201-40	99 POND TERRACE	Town of Wellesley	3,564	136-101	71 LINDEN STREET	Town of Wellesley	1,167
21-80	61 FISKE ROAD	Owner Unknown	3,270	97-79	48 WINDEMERE ROAD	Town of Wellesley	784
201-41	8A PICKEREL AVENUE	Town of Wellesley	3,237	54-70	33 GRANTLAND ROAD	Town of Wellesley	680
9-16	50 FLORENCE AVENUE	Town of Wellesley	3,202	9-19	999 HARRIS AVENUE	Town of Wellesley	475
63-41	57 COLBURN AVENUE	Town of Wellesley	3,189	74-62	2 CLIFF ROAD	Town of Wellesley	463
112-8	39 CAMERON STREET	Town of Wellesley	3,081	109-86	71 FOX HILL ROAD	Town of Wellesley	413
200-10	26 SHORE ROAD	Owner Unknown	3,004	67-23	9R ALDEN ROAD	Owner Unknown	380
20-18	2 CEDAR STREET	Town of Wellesley	2,969	77-41	75 SEAVER STREET	Town of Wellesley	366
9-15	50R FLORENCE AVENUE	Town of Wellesley	2,936	190-113	17 PARKER ROAD	Owner Unknown	106
201-17	5 PICKEREL ROAD	Town of Wellesley	2,751				

**Building Department**

888 Worcester Street • Suite 160 • Wellesley, MA 02482-5992
781-431-1019 ext. 2220 Fax 781-283-5724

Date: March 17, 2026

To: Marjorie Freiman, Chair Select Board
Meghan Jop, Executive Director

From: Michael Grant, Inspector of Buildings *MAG*

Re: Draft procedure for withholding permits, licenses. etc. M.G.L. C.40 §57

Thank you for providing me with the opportunity to review the proposed policy and procedure. After reviewing the document, I have several concerns regarding its potential impact on departmental operations, efficiency, and the legal authority under which certain provisions are implemented.

First, it appears that the policy would place additional administrative burdens on multiple Town departments. As written, the proposal effectively requires various departments to act as collection agents for the Town by withholding permits or licenses for properties appearing on a delinquent list generated by the Treasurer's Office. If a property appears on that list, the department issuing the permit or license would be required to withhold issuance and then generate correspondence notifying the applicant of the denial and their appeal rights. This process shifts both the administrative workload and the public-facing frustration onto departments that are not responsible for the underlying delinquency.

From the perspective of the Building Department—one of the busiest departments in the Town with respect to permit issuance—I do not believe this additional process is necessary. The Building Department averages approximately **3,875 permits issued annually over the past six years**, making it one of the highest-volume service areas within Town operations. My understanding is that there are currently approximately 40 delinquent properties out of roughly 8,386 total properties in Town due to delinquency. That represents approximately **0.5% of the Town's properties**. Given the relatively small number of delinquent properties, I question whether implementing a policy that would slow or complicate the issuance of permits across the entire permitting system is warranted.

For many years, the Building Department has been directed to improve efficiency and reduce permit processing times. To achieve this objective, the Town invested in the OpenGov online permitting system. Working in coordination with the IT Director, we built a permitting platform designed specifically to streamline application review and permit issuance. As a result of those efforts, the department has significantly reduced turnaround times, and many contractors have commented that the Town is among the fastest municipalities in the region for issuing permits. Implementing a policy that introduces additional procedural barriers appears to run counter to those long-standing efficiency goals.

Additionally, the proposal lacks clarity regarding the criteria used to place a property on the delinquent list. As written, the policy appears to apply to nearly all fees charged by the Town, except for those specifically listed under the procedures section in Item 8. However, the policy does not clearly define the threshold for delinquency. For example, it is unclear whether a property could be added to the list due to a

balance related to electrical, water, or other municipal billing accounts, and if so, at what point that would occur. Would a property be placed on the list at zero months in arrears, one month, two months, or some other threshold? Without clearly defined criteria, departments and applicants alike may face uncertainty regarding when this policy would apply. I would strongly recommend that the policy be revised to clearly define the standards and thresholds that would trigger placement on the delinquent property list for the various fees assessed by different Town departments.

Finally, I have legal concerns regarding the provisions that would require departments to withhold, suspend, or revoke permits that otherwise have no code violations associated with them. In the Building Department, permit suspension or revocation is typically reserved for significant violations of the applicable codes or regulations (building, electrical, plumbing/gas, sheet metal, zoning etc.). I am uncertain how a permit could be lawfully suspended or revoked solely because a property has been placed on a delinquent list while a permitted project is already underway. For this reason, I have reached out to Town Counsel to seek guidance on whether the proposed policy raises any legal issues specific to the Building Department's regulatory authority.

If the Town ultimately decides to move forward with implementing this policy, I recommend that the Treasurer's Office be incorporated directly into the OpenGov permit review workflow. In that scenario, the Treasurer's Office could review permit applications to determine whether the property appears on the delinquent list and make the determination to deny the permit if necessary. The Treasurer's Office would also be responsible for communicating directly with the permit or license applicant regarding the delinquency and any appeal process. This approach would ensure that the department responsible for maintaining the delinquent list also handles enforcement and communication, while removing the additional administrative burden from the Building Department.

In summary, while I understand the Town's desire to address delinquent accounts, I believe the proposed policy requires further clarification and reconsideration before implementation. In its current form, it risks creating unnecessary administrative burdens, slowing down established permitting processes that have been intentionally streamlined, and potentially raising legal questions regarding the authority to withhold or revoke permits unrelated to code compliance. I would encourage a revision of the proposal to more clearly define its scope, criteria, and legal framework before moving forward.

BACKGROUND

Massachusetts General Laws (M.G.L) Chapter 40, Section 57 authorizes municipalities to deny, suspend, or revoke licenses and permits when an applicant or property owner has unpaid local taxes, fees, assessments, betterments, or other municipal charges.

The Town of Wellesley has adopted this law to promote the collection of municipal charges and to ensure fairness in the administration of local licenses and permits. Implementation of this authority requires coordination among the Treasurer/Collector, Town departments, and licensing authorities to ensure that appropriate notice and hearing requirements are met prior to taking action.

PURPOSE

The purpose of this policy is to establish a uniform procedure by which the Town may deny, suspend, or revoke local licenses or permits when an applicant or property owner has neglected or refused to pay municipal charges owed to the Town.

This policy is intended to ensure compliance with applicable state law while providing clear guidance to Town boards, departments, commissions, and officials responsible for issuing local licenses and permits.

APPLICABILITY

This policy applies to all Town boards, commissions, departments, and officials authorized to issue licenses or permits, including renewals and transfers.

Certain licenses and permits are exempt from this policy pursuant to Massachusetts General Law.

POLICY

The Town shall administer licenses and permits in accordance with Massachusetts General Laws Chapter 40, Section 57. When an applicant or property owner has unpaid municipal charges owed to the Town, the relevant licensing authority may deny, suspend, or revoke the license or permit following the notice and hearing procedures outlined in this policy.

Implementation of this policy shall be guided by the following principles:

- 1. Coordination with the Treasurer/Collector**
The Treasurer/Collector shall maintain records of municipal charges owed to the Town and shall provide licensing authorities with information necessary to identify delinquent parties.
- 2. Fair Notice and Opportunity to be Heard**
No license or permit shall be denied, suspended, or revoked under this policy without written notice and an opportunity for a hearing.
- 3. Consistency in Enforcement**
Licensing authorities shall apply this policy in a consistent and uniform manner in accordance with state law.

4. Resolution of Outstanding Charges

Licenses and permits may be issued or continued when municipal charges have been paid in full or when an approved payment agreement is in place with the Treasurer/Collector.

PROCEDURE

1. Delinquent Charges List

- a. Preparation of List (ongoing):** The Treasurer/Collector shall annually, and periodically as necessary, furnish to each licensing authority a Delinquent Charges List identifying any party that:
 - i.** Has neglected or refused to pay municipal charges owed to the Town; and
 - ii.** Does not have a pending good-faith tax abatement or appeal.
- b.** The Delinquent Charges List shall constitute prima facie evidence of unpaid municipal charges.
- c. Distribution:** The Treasurer/Collector shall distribute the Delinquent Charges List to all Town departments, boards, commissions, or officials who issue licenses or permits.

2. Review During License or Permit Process: When an application for issuance, renewal, or transfer of a license or permit is received, the licensing authority shall review the Delinquent Charges List. If the applicant or related property owner appears on the list, the licensing authority may initiate action to:

- a.** Deny the application; or
- b.** Suspend or revoke an existing license or permit.

3. Notice and Hearing Requirements: Prior to denial, suspension, or revocation of a license or permit:

- a.** The licensing authority shall provide written notice to:
 - i.** The affected party; and
 - ii.** The Treasurer/Collector.
- b.** The notice shall include:
 - i.** The reason for the proposed action
 - ii.** The amount of unpaid municipal charges
 - iii.** The date, time, and location of the hearing
- c.** The hearing shall be held no sooner than fourteen (14) days after the notice is issued.
- d.** The Treasurer/Collector may intervene and participate in the hearing.

4. Hearing and Decision:

- a.** Following the hearing, the licensing authority may:
 - i.** Deny the license or permit
 - ii.** Suspend the license or permit
 - iii.** Revoke the license or permit
 - iv.** Allow issuance subject to a payment agreement with the Treasurer/Collector
- b.** Findings made by the licensing authority shall apply only to the licensing proceeding and shall not be used in unrelated legal proceedings.

5. **Payment Agreements:** A party may enter into a payment agreement with the Treasurer/Collector to address outstanding municipal charges.
 - a. If such agreement is approved:
 - i. The license or permit may be issued or continued.
 - ii. The license shall be conditioned upon compliance with the payment agreement.
 - b. Failure to comply with the payment agreement may result in suspension or revocation following notice and hearing.
6. **Reinstatement of License or Permit:** A license or permit denied, suspended, or revoked pursuant to this policy shall not be issued or reinstated until the licensing authority receives a certificate of good standing from the Treasurer/Collector confirming that all municipal charges have been paid or otherwise resolved.
7. **Waiver by the Select Board:** The Select Board may waive denial, suspension, or revocation if it determines that the property owner has no direct or indirect business interest in the activity conducted on the property.
8. **Exempted Permits & Licenses:**
 - a. This policy shall not apply to permits or licenses excluded by law, including but not limited to:
 - i. Open burning permits
 - ii. Bicycle permits
 - iii. Dog licenses
 - iv. Marriage licenses
 - v. Fishing, hunting, and trapping licenses
 - vi. Permits for charitable sales
 - vii. Children's work permits
 - viii. Certain club and association licenses
 - ix. Theatrical events and public exhibition permits
 - b. The Town may also exclude additional permits or licenses by bylaw.

DEFINITIONS

1. **Licensing Authority:** Any Town board, committee, commission, department, or official authorized to issue local licenses or permits, including renewals and transfers.
2. **Municipal Charges:** Local taxes, fees, assessments, betterments, and other municipal charges owed to the Town.
3. **Party:** Any person, corporation, or business enterprise applying for or holding a license or permit.
4. **Treasurer/Collector:** The Town official responsible for maintaining records of municipal taxes and charges.

REGULATORY/STATUTORY REFERENCES

This policy is subject to the requirements set forth in M.G.L. c. 40, § 57.

APPROVED BY THE SELECT BOARD

**Administrative
Policy and
Procedure**

**Select Board
WITHHOLDING OF PERMITS & LICENSES
Approved - XXXX, XX, 2026**

XXXX, 2026

Marjorie R. Freiman (Chair), Thomas H. Ulfelder (Vice Chair), Colette E. Aufranc (Secretary),
Elizabeth Sullivan Woods, Kenneth C. Largess, III

**Administrative
Policy and
Procedure**

**Select Board
WITHHOLDING OF PERMITS & LICENSES
Approved - XXXX, XX, 2026**

This Indemnification Policy amends and restated in its entirety the Town’s “Statement of Policy Re Indemnification” dated July 2, 1990.

BACKGROUND AND PURPOSE

Massachusetts General Laws c. 258 (the “**Massachusetts Tort Claims Act**”) establishes the framework governing the liability of public employers and the defense and indemnification of public employees and municipal officers. Under G.L. c. 258, § 2, public employees are generally immune from personal liability for negligent or wrongful acts or omissions committed within the scope of their employment, and such claims must instead be brought against the public employer. In those circumstances, the public employer is required to provide or fund a legal defense for employees who are improperly named as defendants, subject to certain conditions, including a determination that the employee was acting within the scope of employment and that the employee cooperates in the defense.

In addition, G.L. c. 258 authorizes and, in certain cases, requires municipalities to indemnify employees and officers for certain claims. Section 9 permits a municipality, in its discretion, to indemnify employees for personal financial loss arising from intentional torts or civil rights claims, provided the employee was acting within the scope of employment and did not engage in grossly negligent, willful, or malicious conduct in the case of civil rights violations. Section 13, if accepted by a municipality (which Wellesley did in 1981), requires indemnification of municipal officers, up to statutory limits, for claims arising from acts or omissions within the scope of their official duties, except in cases involving intentional violations of civil rights.

While these statutes establish the legal parameters for defense and indemnification, they do not prescribe detailed local procedures for requesting, reviewing, and approving such protections. This Policy is intended to provide clear, consistent procedures for Town of Wellesley employees and municipal officers seeking defense or indemnification, ensure compliance with applicable law, promote fairness and transparency in decision-making, and protect the Town’s financial and legal interests.

POLICY

- 1. Representation of Town Employees under G.L. c. 258, § 2.*** If a cause of action is improperly commenced against a Town employee alleging injury, loss of property, personal injury, or death as a result of the negligent or wrongful act or omission of such employee, said employee may request representation by Town Counsel in accordance with the procedures set forth in this Policy. Town Counsel shall defend the employee with respect to the cause of action at no cost to the employee; provided, however, that Town Counsel determines that (i) the employee was acting within the scope of his or her office or

employment at the time of the alleged loss, injury, or death, and (ii) the employee provides reasonable cooperation to the Town and Town Counsel in the defense of any action arising from the same subject matter. If, in the opinion of Town Counsel, representation of the Town employee would result in a conflict of interest, Town Counsel shall not be required to represent the employee. In such circumstances, the Town shall reimburse the employee for reasonable attorney's fees incurred in the defense of the cause of action; provided, however, that (i) the Town employee was acting within the scope of his or her office or employment at the time of the alleged loss, injury, or death, and (ii) the Town employee provides reasonable cooperation to the Town in the defense of any action arising from the same subject matter.

2. ***Indemnification of Town Employees under G.L. c. 258, § 9.*** The Town may, in accordance with the procedures set forth in this Policy, indemnify a Town employee for personal financial loss, damages, and expenses, including reasonable attorneys' fees and costs, in an amount not to exceed \$1,000,000, or such higher amount as may be authorized by law, arising from an intentional tort or from any claim alleging a violation of federal or state civil rights, provided that the Town employee was acting within the scope of his or her official duties or employment. Notwithstanding the foregoing, no indemnification shall be provided under this section for any civil rights violation if the Town employee acted in a grossly negligent, willful, or malicious manner.
3. ***Indemnification of Municipal Officers under G.L. c. 258, § 13.*** The Town shall indemnify and hold harmless municipal officers from personal financial loss and expense, including reasonable attorneys' fees and costs, arising from any claim, in an amount not to exceed \$1,000,000, provided that the act or omission giving rise to such claim occurred within the scope of the officer's official duties. Notwithstanding the foregoing, the Town shall not indemnify any municipal officer under this section for any claim arising from an intentional violation of civil rights by such municipal officer.

PROCEDURE FOR REQUESTING INDEMNIFICATION OR REPRESENTATION

1. A Town employee or municipal officer who has been named in his or her personal capacity as a defendant in any legal action, and who wishes to request indemnification and/or legal representation through the Town, shall make such request in writing to the Executive Director of General Government Services or such other person as may be designated by the Select Board (the "Claims Coordinator"). Any such request shall include:
 - a. Copies of all legal papers and any other relevant documents;
 - b. A full description of the circumstances surrounding the claim; and

- c. An explanation as to whether the allegations include an act or omission committed within the scope of the individual’s official duties or employment.
Such request may also include any other supporting information the requestor considers relevant.
2. The Claims Coordinator shall determine whether the Town’s insurer shall be notified and what information and/or documentation is required for any such notification and may request additional information and/or documentation from the requestor if needed. The requestor shall provide all additional information and documentation upon such request.
3. The Claims Coordinator may ask the requestor’s supervisor or appointing authority to investigate and determine:
 - a. Whether the acts alleged were within the requestor’s scope of official duties or employment; and
 - b. What the facts are in actuality, to the extent the facts can be determined.
4. The Claims Coordinator shall review the request and make such further investigation as the Claims Coordinator deems appropriate, confer with Town Counsel, and submit a report and recommendation to the Select Board. The Claims Coordinator’s report and recommendation shall include such information as he or she deems relevant and determinations as to whether the Town:
 - a. Is an appropriate party to defend the action pursuant to G.L. c. 258, § 2;
 - b. Appears to be obligated to defend the action pursuant to G.L. c. 258, § 2;
 - c. Is authorized to indemnify the requestor pursuant to G.L. c. 258, § 9; and
 - d. Appears to be obligated to indemnify the requestor pursuant to G.L. c. 258, § 13.
5. After conducting such further investigation and consulting with Town Counsel as it deems appropriate, the Select Board shall act on the request. If the request is not granted, the requestor shall be notified promptly. If the request is granted:
 - a. A determination shall be made as to whether it is appropriate for Town Counsel to represent the requestor. This determination shall include consideration of whether the Town is obligated to defend the action, whether a conflict of interest exists, whether an insurer will provide representation, and whether the requestor prefers representation by Town Counsel or separate representation.
 - b. If the Select Board determines that the Town will provide representation through an attorney other than Town Counsel, the Select Board shall determine whether it will choose the attorney or leave the selection of an attorney to the requestor. If the Select Board determines that it will select the attorney, it shall make such fee and other arrangements with such attorney as the Select Board deems appropriate and notify the requestor of the selection and his or her right to engage other counsel at his or her own expense. If the Select Board determines that the requestor shall select an attorney, the Select Board shall decide the extent to which the Town shall provide

compensation towards reasonable attorney's fees, which typically shall be a rate not to exceed the lower of the rate paid by the Town to Town Counsel or the attorney's usual rate, although circumstances may exist warranting a different method of compensation.

- c. The Select Board shall promptly notify the Claims Coordinator, the Chair of the Advisory Committee and any other appropriate Town official, in confidence without naming the person involved, promptly after approving any request to defend or indemnify such person. The Select Board shall keep such officials reasonably informed in anticipation of any request for appropriation which might be required as a result of such defense or indemnification.

SETTLEMENTS AND JUDGMENTS

1. **Settlement Authority:** The Select Board retains settlement authority under G.L. c. 258, § 5. Any settlement requiring indemnification funds is subject to this Policy, statutory limits, and applicable insurance conditions.
2. **Approval and Documentation:** Settlements shall be documented in writing and may include non-admission clauses, releases, or other standard terms.

INSURANCE

1. **Insurance Coordination:** Where the Town maintains applicable liability insurance under § 8, the Town will coordinate defense and indemnity with the insurer. Policy terms may require insurer consent to counsel selection, settlements, or advances.
2. **Non-Duplication:** Any indemnification is secondary to available insurance or indemnity from other sources; indemnification will not duplicate recoveries.

GENERAL PROVISIONS

1. **Cooperation:** Indemnification and defense are conditioned on the officer/employee providing reasonable cooperation in the defense of the matter. Failure to cooperate may affect protections available under G.L. c. 258.
2. **Withdrawal from Representation:** The Select Board reserves the right to withdraw representation at any time if the facts turn out to be other than as believed at the time the offer of representation was made, making continuing representation contrary to this Policy and/or an inappropriate further use of municipal funds.
3. **Adverse Judgment:** An offer by the Town to provide representation does not constitute a representation that the Town will indemnify for an adverse judgment nor any monetary loss that might arise, such decisions being reserved until final conclusion of legal proceedings.
4. **Monetary Limits:** Indemnification under G.L. c. 258, §§ 9 and 13, is limited to \$1,000,000 per claim, inclusive of damages and reasonable fees/costs, as applicable.

5. **Immunities/Exceptions:** Nothing in this Policy waives statutory immunities or exceptions under G.L. c. 258, § 10, or any other provision of law.
6. **Punitive Damages:** The Town does not indemnify for punitive damages, which are unavailable against public employers under G.L. c. 258, § 2, and are not contemplated as indemnifiable personal liabilities herein.
7. **Severability:** If any provision of this Policy is held invalid, the remainder shall remain in full force to the fullest extent permitted by law.

DEFINITIONS

1. **“Claim”** means any claim, demand, suit, or judgment, unless the context requires otherwise.
2. **“Municipal officer”** means an individual holding an elected or appointed public office of the Town.
3. **“Scope of official duties or employment”** has the meaning set out in the Massachusetts Tort Claims Act (G.L. c. 258) and relevant case law.
4. **“Town employee”** means any elected or appointed officer, employee, or agent of the Town, serving full or part-time, whether compensated or not, but not including independent contractors.

AUTHORITY

Massachusetts Tort Claims Act

APPROVED BY THE SELECT BOARD

Original date: July 2, 1990

Revised date: _____, 2026

The Select Board reserves the right to amend this policy at will. This

**Administrative
Policy and
Procedure**

Select Board
BUILDING USE POLICY
Approved -XX, 202x

BACKGROUND

~~The public has an interest in the use of public buildings for holding municipal and other meetings as well as educational and/or cultural activities. Use of ~~as~~ gatherings and ~~events~~ some spaces in public buildings also provides an opportunity to ~~s~~ disseminate ~~communicating information~~; and to ~~exhibiting~~ art or educational material.~~

~~Wellesley boards ~~or and~~ committees, ~~or third party Wellesley residents~~ [?], individuals and Wellesley-based [?] organizations may apply to use space in designated Town buildings or to ~~hang display art, or display educational~~ [?] ~~other items material, or other items~~ [not sure what this would be] on the interior ~~and exterior~~ [??] building walls in/on some Town buildings and facilities ~~by submitting~~. ~~All requests to use space in this manner shall be submitted in the form of a Building Use Application (attached as Appendix A) to the Select Board's Project Manager, (SBPM) for review.~~~~

~~The Select Board (Board) may designate a space within specific Town buildings under its care, custody, and control, for the hanging of paper flyers. Areas designated for the hanging of paper flyers shall be identified as "Community Bulletin Boards," or similar terminology. In addition, the Select Board may approve the display of artwork, and informational and educational material, or other items in specially designated locations within certain Town buildings, as described under "Policy," below.~~

~~Town flag poles under the control of the Select Board are strictly limited to Town use and are not available to others, as outlined in the Flag Policy. The Board has a separate policy on the flying of flags on Town land; see (https://www.wellesleyma.gov/DocumentCenter/View/38206/Flag_Policy_approved_11624), and~~

~~For rules governing on the display of banners over the access road to the Recycling and Disposal Facility; see https://www.wellesleyma.gov/DocumentCenter/View/1182/Banners_PDF.~~

PURPOSE

The purpose of this policy is to articulate guidelines for ~~holding meetings and events, and for the displaying of paper flyers, artwork, and other informational or educational~~ [?] ~~materials, including paper flyers,~~ in buildings under the care, custody, and control of the Select Board. ~~Consistent criteria shall apply to the Board's review of requests by the Board to post, or display, or gather~~ [?] in Town buildings. Moreover, the Board [?] ~~sets requirements for must consult as to the appropriate and safe ways to mount or display materials to be hung in certain Town buildings, as building materials and surfaces differ. Materials that are displayed or hung shall not be advertised or available for sale for the benefit of any person or entity.~~ [moved down to policy]

Commented [MF1]: How could we accommodate non-municipal requests? What if Police or Fire WANT to be able to host a professional organization meeting

Commented [RH2R1]: "organizations operating in Wellesley" could be a slightly broader alternative to "Wellesley-based organizations"

Commented [MF3]: Do we want it to be open to all groups??

Commented [MF4]: How can we keep limit to non-religious, appropriate meetings or materials of municipal/public interest?

There is not adequate meeting space to accommodate individuals' or all Wellesley-based groups

Concerned about including this language

Commented [RH5R4]: Re: appropriate materials, see my comment below.

Re: limiting meetings, what you would want to create is a "limited public forum" under First Amendment case law. In a limited public forum, you may engage in "content discrimination" but not "viewpoint discrimination." So you could limit the use of the room to, e.g., "social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community," but you...

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Commented [LO6]: Do we really want people applying to hang things on the exterior? Are we trying to cover Christmas wreaths? Banner at WPD?

Commented [MF7]: to place the request on the agenda for an upcoming Board meeting. ?? Does the Board want to review these requests?

Commented [MF8]: Same comment

Commented [LO9]: Suggest moving the paper flyer/bulletin board paragraph down.

Commented [CA10]: We have a separate flag policy - note that and hyperlink

Field Code Changed

Commented [LO11]: Not sure we want to say "shall not be advertised" because it could be an educational display or an art display that we want to publicize?

Commented [MF12]: TPC exhibits artwork for sale - is this a practice we want to continue? They retain a portion of the sale prices - how to handle this?

Commented [LO13R12]: I think sales should be prohibited - what does the library do?

APPLICABILITY

This policy applies only to the use of space within Town buildings under the care, custody, and control of the Select Board and only ~~Only~~ the following ~~Town~~ buildings are ~~generally~~ available for ~~the these~~ purposes outlined in this policy:

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1. Town Hall
2. Tolles Parsons Senior Center
3. The Warren Building
4. Wellesley Police Department Building
- ~~4.~~ 5. Wellesley Fire Department Buildings (Headquarters on Worcester Road and Station 1 on Central Street)
- ~~5.~~ Wellesley Fire Department Buildings (Headquarters on Worcester Road and Station 1 on Central Street)

Commented [MF14]: Safer to leave PD and FD in, and address any request that may be submitted, than to leave it out and not have a policy.

Commented [MF15]: Safer to leave PD and FD in, and address any request that may be submitted, than to leave it out and not have a policy.

This policy shall not apply to buildings under the care, custody, and control of the School Department or the Board of Library Trustees. Please contact the School Department or the Library Director for more information on the use of those buildings and facilities.

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Consistent criteria shall apply to the Board’s review of all similar requests for the use of space in Town buildings.

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The Select Board may designate a space within specific Town buildings under its care, custody, and control for the hanging of paper flyers. The Select Board or the Facilities Management Department sets requirements for appropriate and safe ways to mount or display materials in certain buildings, as building materials and surfaces differ.

Areas designated for the hanging of paper flyers shall be identified as “Community Bulletin Boards,” or similar terminology. In addition, the Select Board may approve the display of art, and informational and educational material in specially-designated locations within certain Town buildings, as described under “Policy,” below.

Commented [MF16]: Same comment

Commented [LO17]: Suggest moving the paper flyer/bulletin board paragraph down.

Town flag poles under the control of the Select Board are strictly limited to Town use and are not available to others, as outlined in the Flag Policy (<https://www.wellesleyma.gov/DocumentCenter/View/38206/Flag-Policy-approved-11624>).

For rules governing the display of banners over the access road to the Recycling and Disposal Facility, see <https://www.wellesleyma.gov/DocumentCenter/View/1182/Banners-PDF>.

POLICY

- d. Arrangements must be made to ensure that Town buildings are properly secured at the end of every event. ~~[not sure what this means]~~
- e. Users are required to clean up immediately after the event and ~~remove all trash for proper disposal~~ ~~[dispose of all waste in appropriate receptacles provided?]. The Town may charge a clean-up fee in the event that the space must be cleaned before use by others.~~

2. ~~3.~~ Exhibits and Displays

~~Materials Displayed in Town buildings~~

- a. Exhibit spaces in public buildings must remain open to the public if sponsored by a municipal entity*. ~~[what if NOT sponsored by a municipal entity?]~~
- b. Exhibits must be of completed artwork or pieces intended for viewing; no exhibit shall have as its explicit purpose the solicitation of business for the creator (*i.e.*, photographs advertising the services of a photographer)
- c. ~~Materials that are displayed or hung shall not be advertised or available for sale for the benefit of any person or entity.~~
- d. Posting of flyers or exhibits of art or other materials does not in any way constitute an endorsement by the Select Board of the content of that material or of the sponsoring board/organization's beliefs or views*.

~~Location of Events within Town building~~

- ~~The specific location of the event or display area will be assigned by the SBPM, although an effort will be made to honor the request of the applicant.~~
- ~~An event cannot interfere with use of the remainder of the building. If it does, the Executive Director or her agent may cause the event to be prematurely terminated.~~
- ~~Exhibit spaces in public buildings must remain open to the public if sponsored by a municipal entity*.~~

~~Use of Space within Town Building~~

- ~~All use must comply with federal, state, and local laws and regulations.~~
- ~~The Town reserves the right to place restrictions and conditions on all events.~~
- ~~Any organization which uses Town property without proper approval will be considered in violation of Town policy and will be removed and/or assessed a fee.~~

PROCEDURE

1. **Applications:** The Application for the Use of Town Facilities shall be obtained online or from the Select Board Project Manager ~~[provide email address?]~~ ~~(cmeagher@wellesleyma.gov)~~ and ~~be then~~ submitted to: the ~~SBPM-Select Board Project Manager office~~ either online or in hard copy at least four weeks prior to the proposed use event. -An application form appears ~~at the bottom of in~~ this policy as Appendix A.
2. **Denial, approval, or approval with conditions:** The completed application shall be delivered to the SBPM, who ~~The Select Board Project Manager~~ shall review the

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Commented [LO24R23]: I think sales should be ...

Commented [MF25R23]: Library allows sales and ...

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Commented [RH26]: The balance between the Board ...

Commented [CA27]: Make this the Project Manager - ...

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application ~~and notify the applicant of for~~ denial, approval, or approval with conditions within two weeks, in consultation with the ~~h~~Head of the ~~d~~Department(s) ~~who~~ ~~which~~ are primary user(s) of the space requested.

- ~~3.~~ ~~Since the Town has limited facilities, first priority for use of space will be to municipal boards with publicly and/or regularly scheduled meetings and other bona fide municipal functions.~~
3. **Location assignment:** If a use is approved, the Select Board Project Manager will assign a specific location for the event or display. An effort will be made to honor the applicant's requested location. However, first priority for use of space will be given to municipal boards with publicly and/or regularly scheduled meetings and other *bona fide* municipal functions.
4. **Duration of use:**
4.
 - a. Use of the interior ~~or exterior~~ walls ~~[?]~~ of buildings for display purposes is limited to a maximum of 14 consecutive days and of thirty (30) total days per calendar year:
 - a. ~~b.~~
 5. Rooms/spaces for events and meetings are available for a single day at a time, for a total of seven (7) days per calendar year.
 - b. ~~a.~~
 - 6.c. ~~e.~~ The Town may remove items from a Community Bulletin Board on a set schedule (*i.e.*, first of the month) or after an event advertised on the flyer has occurred, whichever occurs earlier.

~~**FEE SCHEDULE (Per Day unless otherwise specified)**~~

- ~~i. In Town Non Profit: No Charge~~
- ~~ii. Out of Town Non Profit: \$50.00~~
- ~~iii. Use of gymnasium: \$25 per hour~~
- ~~iv. All Others: \$100.00~~

DEFINITIONS

1. **Select Board Project Manager:** Staff member in the Select Board office responsible for reviewing and determining response to building use applications.
2. **Town Hall:** -Located at 525 Washington Street. -Only specific areas within Town Hall are suitable, appropriate, and/or safe for hosting displays. -A list of those areas is attached as Appendix B.

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Commented [MF30R29]: Emailed Joe McD and Marla R 12/5/24

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~~Notwithstanding the above, this~~ This policy may be subject to exception and/or amendment at the discretion of the Select Board.*

~~*in Library Trustees' Meeting Room Policy [not sure what this refers to]~~

APPENDIX A

APPLICATION FOR USE OF TOWN BUILDINGS/FACILITIES

Organization/**I**ndividual[?]

Name of Contact Person: _____

Billing Address: _____

Telephone Number: (_____) - _____

E-M**m**ail Address: _____

Signature _____

Please attach a copy of your driver's license

Name of Event: _____

Commented [RH31]: For art an other individual displays (not bulletin board), I recommend the application include a description or photo of the proposed display.

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Event Date (s): _____

Event Start Time: _____ a.m./ p.m. Event End Time: _____ a.m./ p.m.

Set-up Date(s): _____

Set-up Start Time: _____ a.m./ p.m. Break-down Time: _____ a.m./ p.m.

Purpose of event: _____

Is the activity sponsored by the Town of Wellesley? Yes No

Which department/board/committee? _____

Is the activity a fundraising event? Yes No

Is the organization nonprofit or tax exempt? Yes No

Will your participants/guests pay a fee? Yes No

Are your requesting sale of concessions? Yes No

Anticipated attendance (#) _____

Will your event require: Sound media

Audio/Video equipment

Users are required to provide their own media or
equipment.

Please include a certificate of insurance: Requirements for insurance coverage policy is attached as Appendix B.

Location Requested:

Town Hall

Tolles Parsons Senior Center

Warren Building

Police Station

Fire Department HQ

Fire Dept Central Street

I fully understand and agree to the above stipulations and requirements. Any damage done to Town property as a result of this event will be repaired or restored at the expense of the organization that I represent. I accept full responsibility for all property damage or personal injury caused by this event and waive any and all claims I or anyone I represent may have against the Town as a consequence of this event.

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To the maximum extent permitted by law, I agree to indemnify, defend with counsel acceptable to the Town and save harmless the Town from all suits, actions, claims, demands, damages, losses, expenses and costs, including attorneys' fees, of every kind and description which the Town may incur or suffer resulting from, in connection with, or arising out of the above-described event.

Date Applicant's Signature

Approved: _____

Date

CONDITIONS OF APPROVAL:

Insurance

Approved date(s) and time(s): _____

Location _____

Other _____

APPENDIX B**

**USE OF TOWN OF WELLESLEY BUILDING SPACE
BY OUTSIDE ORGANIZATIONS
INSURANCE COVERAGE POLICY**

Whenever the Town of Wellesley allows any non-municipal individual, group or organization ("user") to utilize space within a Town-owned building, whether for consideration or otherwise, the user must supply a Certificate of Insurance to the Select Board's Project Manager (SBPM) as an attachment to any application for use of a Town building or facility. The requirements of the insurance are as follows:

1. **General Liability** of at least \$1,000,000 Bodily Injury and Property Damage Liability per occurrence/\$3,000,000 aggregate. The Town of Wellesley should be named as an "Additional Insured". If service or consumption of

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alcohol is involved, liquor liability coverage should also be included at the same limits as the General Liability policy and the Town of Wellesley must be named as an "Additional Insured".

2. **Automobile Liability** (applicable for any user which has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Town of Wellesley shall be named as an "Additional Insured".
3. **Workers' Compensation** Insurance as required by law.
4. **Liquor Liability** of at least \$1,000,000 Bodily Injury and Property Damage Liability, Combined Single Limit with a \$3,000,000 Annual Aggregate Limit. The Town of Wellesley shall be named as an "Additional Insured".

Note: The above requirements are the minimum insurance limits. It will be at the town's sole discretion as to whether higher limits are needed.

The Select Board may waive these insurance requirements if it deems it to be in the public interest to do so.

Approved _____

Select Board

** adapted from Town of Douglas insurance requirements.

Commented [MF32]: Is this necessary? Need edits?
Consistent with any other town policies/requirements?

Rental of Space in Designated Public Buildings

Purpose

The public has an interest in the use of public buildings for municipal and other meetings as well as educational and/or cultural activities.

The purpose of this policy is to articulate guidelines for the rental of space in buildings under the care, custody, and control of the Select Board for meetings, events, programs or activities.

Applicability

This policy applies only to the use of space within Town buildings under the care, custody, and control of the Select Board and only the following buildings are available for the purposes outlined in this policy:

1. Town Hall
2. Tolles Parsons Senior Center
3. The Warren Building
4. Wellesley Police Department Building
5. Wellesley Fire Department Buildings (Headquarters on Worcester Road and Station 1 on Central Street)

Within these buildings, certain spaces may be designated as available for public rental. Under this policy, Wellesley residents and Wellesley-based organizations (collectively, “Users”) may rent space in the designated Town buildings in accordance with the terms and conditions herein.

Procedure

1. **Application**: Users wishing to rent space in a designated building shall obtain an Application for the Use of Town Facilities online or from the Select Board Project Manager (cmeagher@wellesleyma.gov) and submit the completed application to the Select Board Project Manager either online or in hard copy as soon as possible, and preferably **at least four weeks** prior to the proposed use. The Select Board Project Manager may reject a request to rent Town space if there is insufficient time to determine whether an applicant has any and all necessary permits and insurance coverages, as set forth in this policy.
2. **Approval Process**: Rental of space in designated buildings shall be on first-come, first-served basis and shall be subject to availability of the space and the needs of the Town. The Select Board Project Manager shall notify the applicant if the requested space is available or, if not, whether another space may be available for

the applicant's use. The Project Manager may deny an applicant the use of the space if the applicant has previously violated the rules for the use of Town building space under this policy.

3. Rental Period: Spaces are available to rent in one-hour blocks during the Town's business hours only. A Third Party may rent a space for a maximum amount of hours at a time.
4. Fee: After notification that the applicant's desired space or alternate space is available at the time requested, the applicant may reserve the space by paying a fee in an amount to be set by the Select Board. The fee must be paid within three business days, or the applicant loses its reservation.
5. Cancellation:
 - a. *By the Town*: The Select Board Project Manager reserves the right to cancel the rental for good cause. "Good cause" shall include, but not be limited to public safety concerns, inclement weather, power failure, unforeseen closings, etc. In such cases all deposits will be returned to such applicant or the program may be rescheduled.
 - b. *By the Applicant*: If an applicant notifies the Select Board Project Manager at least seven calendar days prior to the event, a full refund shall be provided. Rentals cancelled within seven calendar days will not be refunded.

Rules for Use of Town Building Space

The following rules apply to Users and to their agents, invitees and guests.

1. Users may not access the rented space before the designated time frame and must complete all cleanup and vacate the space during the designated time frame.
2. Users must leave the space in the condition in which it was found prior to the start of the rental period. If the tables are being used for crafts or activities in which glue, paint, glitter, or other similar materials are involved, the tables must be covered by the individual or group to protect them from damage.
3. No excessive noise; a User making excessive noise during the rental period may be asked to leave the space before the end of the rental period.
4. Users wishes to bring or distribute food or alcoholic beverages, it must provide proof of any and all permits required by law, including local bylaws and regulations as applicable.
5. In the discretion of the Select Board Project Manager, Users may be required to provide proof of insurance coverage in the minimum amounts specified below. The Select Board Project Manager shall consider the size of the event, the nature/type of event (e.g., whether the event involves physical activity or exercise), and the

existence of other factors that may result in a heightened risk of personal injury or property damage, when considering whether to require insurance.

- a. General Liability of at least \$1,000,000 Bodily Injury and Property Damage Liability per occurrence/\$3,000,000 aggregate. The Town of Wellesley should be named as an "Additional Insured". If service or consumption of alcohol is involved, liquor liability coverage should also be included at the same limits as the General Liability policy and the Town of Wellesley must be named as an "Additional Insured".
 - b. Automobile Liability (applicable for any user which has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Town of Wellesley shall be named as an "Additional Insured".
 - c. Workers' Compensation Insurance as required by law.
 - d. Liquor Liability of at least \$1,000,000 Bodily Injury and Property Damage Liability, Combined Single Limit with a \$3,000,000 Annual Aggregate Limit. The Town of Wellesley shall be named as an "Additional Insured".
6. Users must agree to indemnify, defend with counsel acceptable to the Town and save harmless the Town from all suits, actions, claims, demands, damages, losses, expenses and costs, including attorneys' fees, of every kind and description which the Town may incur or suffer resulting from, in connection with, or arising out of the above-described event.
 7. Open flames, including birthday candles, are prohibiting.
 8. No children under the age of may use the room without an adult present.

APPLICATION FOR USE OF TOWN BUILDINGS/FACILITIES

Organization: _____

Name of Contact Person: _____

Address: _____

Telephone Number: (____)-_____

Email Address: _____

Signature _____

Please attach a copy of your driver's license

Event Date (s): _____

Event Start Time: __ a.m./ p.m. Event End Time: __ a.m./ p.m.

Set-up Date(s): _____

Set-up Start Time: __ a.m./ p.m. Break-down Time: __ a.m./ p.m.

Is the activity sponsored by the Town of Wellesley? Yes No

Which department/board/committee? _____

Is the activity a fundraising event? Yes No

Is the organization nonprofit or tax exempt? Yes No

Will your participants/guests pay a fee? Yes No

Are you requesting sale of concessions? Yes No

Anticipated attendance (#) _____

Will your event require: **Sound media**

Audio/Video equipment

Users are required to provide their own media or equipment.

Please note that based on the type of event proposed, the Town may require the Applicant to obtain certain insurance policies, in which case, proof of insurance must be provided at least three days prior to the event.

If serving food or alcoholic beverages, attach proof of any necessary permits.

Location Requested:

I fully understand and agree to the above stipulations and requirements. Any damage done to Town property as a result of this event will be repaired or restored at the expense of the organization that I represent. I accept full responsibility for all property damage or personal injury caused by this event and waive any and all claims I or anyone I represent may have against the Town as a consequence of this event.

To the maximum extent permitted by law, I agree to indemnify, defend with counsel acceptable to the Town and save harmless the Town from all suits, actions, claims, demands, damages, losses, expenses and costs, including attorneys' fees, of every kind and description which the Town may incur or suffer resulting from, in connection with, or arising out of the above-described event

Date
Approved:

Applicant's Signature

Date

CONDITIONS OF APPROVAL:

Insurance

Approved date(s) and time(s): _____

Location _____

Other _____

Town Building Art Display Policy

Purpose:

The purpose of this policy is to articulate guidelines for the display of art in buildings under the care, custody, and control of the Select Board.

Applicability

This policy applies only to the use of space within Town buildings under the care, custody, and control of the Select Board and only the following buildings are available for the purposes outlined in this policy:

1. Town Hall
2. Tolles Parsons Senior Center
3. The Warren Building
4. Wellesley Police Department Building
5. Wellesley Fire Department Buildings (Headquarters on Worcester Road and Station 1 on Central Street)

Within these buildings, the Select Board may designate exhibit locations, suitable for displaying art. However, the Select Board reserves the right at any time to reserve designated locations for Town exhibits and displays, and to decline to select an exhibit for a given location and time period.

Procedure

1. The Select Board may designate areas within building for the display of public art.
2. The Select Board, or its designee, shall notify the public when it desires to display public art in a public building. Interested individuals shall apply by the date specified in the notice. The application form shall require a photograph of the proposed artwork as well as any proposed signs or descriptive materials to be displayed with the artwork. Applications that lack all required information will be rejected. The application form is attached to this policy as **Appendix A**.
3. Art selected by the Select Board or its designee may be displayed for a period of up to two months.
4. The Select Board Project Manager shall communicate with accepted applicants to inform them of the awarded display location and coordinate a time for installation and removal of the display.

5. Art displays must be removed at the date and time established by the Select Board. The Town reserves the right to remove all art that remains after the deadline for removal under this policy. The Town will hold the art for a period of 30 days, after which it will be discarded.
6. Artists are responsible for the installation and removal of their art. The artist is also responsible for producing labels for each art piece. The Town shall provide [any materials for hanging displays? Is there a particular hanging system the Town will require? Alternatively, the artist can be responsible for all materials and the hanging system] The artist may produce a sign, artist's biography, and brief description of the exhibit for display.

Selection Criteria

Priority in selection will be given to Wellesley-based artists and organizations. The Select Board or its designee shall be responsible for evaluating applications and selecting art for display based on the following criteria:

- Overall quality of artwork
- Suitability of artwork to the spaces available
- Appropriateness for people of all ages
- Collaboration with Town and community partners
- Connection to national and local observances, commemorative months, and local initiatives

Program Rules

1. The artist or sponsoring organization shall remain the owner of the artwork during and after the display period.
2. During the period that the artwork is displayed, it shall not be sold or offered for sale.
3. The applicant shall agree to defend, indemnify and hold harmless, the Town against any theft, damage, or liability as a result of the use of the exhibit space.
4. The Town shall not be responsible for holding insurance for artwork on exhibit and shall not be responsible for loss of or damage to any of the artists' work.
5. The artist must agree to indemnify, defend with counsel acceptable to the Town and save harmless the Town from all suits, actions, claims, demands, damages, losses, expenses and costs, including attorneys' fees, of every kind and description which the Town may incur or suffer resulting from, in connection with, or arising out of the above-described exhibit.

APPLICATION FOR DISPLAY OF ARTWORK IN TOWN BUILDINGS

Applicant Name: _____

Name of Contact Person: _____
(If applicant is an organization)

Address: _____

Telephone Number: (____) - _____

Email Address: _____

Please attach clear photograph of proposed artwork for display.

Text of Proposed Signs or Descriptive Materials:

Location Requested:

Acknowledgments:

I have read and, if selected, agree to abide by the terms of the Town of Wellesley Town Building Art Display Policy.

I acknowledge that the Town will not insure my artwork during the display period and waive any and all claims I or anyone I represent may have against the Town for damage, loss, or theft of my artwork and other materials for display.

To the maximum extent permitted by law, I agree to indemnify, defend with counsel acceptable to the Town and save harmless the Town from all suits, actions, claims, demands, damages, losses, expenses and costs, including attorneys' fees, of every kind and description which the Town may incur or suffer resulting from, in connection with, or arising out of the above-described exhibit.

Date

Applicant's Signature

FOR TOWN USE ONLY

Approved:

Date

CONDITIONS OF APPROVAL:

Approved date(s) and time(s): _____

Location _____

Other _____

Community Bulletin Board Policy

The Select Board shall designate bulletin boards in certain Town buildings under the care, custody and control of the Select Board as community bulletin boards. Any Wellesley resident, organization operating in Wellesley, or any person or organization hosting an event in Wellesley may post information to the community bulletin boards. All bulletin boards not designated and marked as community bulletin boards are reserved for Town use.

Posted materials reflect the views of the posting entity only. Display of materials does not imply Select Board or Town endorsement.

Rules for Community Bulletin Board Use

- Entities using the community bulletin boards shall clearly mark all materials with the date of posting.
- Posted materials without a clearly marked posting date shall be immediately removed and discarded by Town staff.
- Posted materials shall be removed and discarded by Town staff after 10 days from the date of posting.
- Due to limited space, posted items should be no larger than 8 1/2x11”.
- Only one display item per event or organization is allowed at one time.
- The Town does not assume or accept responsibility for the preservation or protection of materials posted, and is not responsible for any damage, loss or theft of materials.

BACKGROUND

In the Town of Wellesley (the “Town”), several bodies hold land under their jurisdiction, including the Natural Resources Commission, the Select Board, the Board of Public Works, the School Committee, the Board of Library Trustees, and the Municipal Light Board. In 2012, the Town adopted a *Policy for Encroachments on Town Land* (the “Original Policy”) to establish a consistent framework for addressing private encroachments on Town land. To ensure one unified Encroachment Policy governing all Town land, a working group comprised of representatives from all bodies with jurisdiction over Town land, together with the Trails Committee, studied the issues relating to encroachments. In doing so, the group relied heavily on the Natural Resources Commission’s 2006 *Encroachment Correction Policy*. The working group recommended that each body with land under its jurisdiction adopt the Original Policy along with a consistent process for correction of encroachments. This Amended and Restated Policy for Encroachments on Town Land (the “Policy”) supersedes and replaces the Original Policy in its entirety, reaffirming the Town’s commitment to protecting public land while introducing greater flexibility and adaptability in the correction process.

PURPOSE. To ensure one unified Encroachment Policy governing all Town land, along with a consistent process for correction of Encroachments.

APPLICABILITY

Encroachments may include, but are not limited to:

1. Construction or placement of structures above or below ground (e.g., fences, retaining walls, sheds, play equipment, patios, driveways, or additions);
2. Landscaping activities such as plantings, lawns, gardens, or irrigation systems extended into Town land;
3. Storage or placement of materials on Town land (e.g., firewood, compost, debris, vehicles, trailers, or equipment);
4. Dumping, filling, or removal of soil, vegetation, or other natural materials from Town land;
5. Clearing, cutting, or alteration of trees, shrubs, or other vegetation on Town land;
6. Activities that obscure or alter established property boundaries or signage on Town land; and
7. Any other action by a private individual or entity that physically encumbers Town land and diminishes public use, safety, enjoyment, or environmental value of Town land.

Encroachments may be temporary or permanent, minor or substantial. Their classification and correction will be based on the nature, extent, and impact of the Encroachment rather than a single rigid standard.

POLICY

It is the policy of the Town to protect and preserve Town land for the benefit of the community. Accordingly, as a general rule, the Town will seek to address and, where deemed appropriate, correct Encroachments on Town land. Responsibility for pursuing remedial action rests with the Board that has jurisdiction over the affected land. Encroaching parties are expected to restore the land to a condition that is appropriate and consistent with its intended public use. In most cases, the encroaching party will also be responsible for the costs associated with correction, which may include surveys, boundary marking, and the development and implementation of a restoration plan, subject to review and approval by the responsible Board. If cooperation cannot be achieved, the Board may take corrective action on its own initiative and may pursue further remedies as needed, including, where warranted, the imposition of a municipal lien with the approval of the Select Board.

Prioritization of Encroachment Responses:

Because Encroachments vary in their impact and the Town's resources are finite, the Town will prioritize corrective action based on the severity and nature of the Encroachment. While every Encroachment is of concern, not all require the same degree of response:

- 1. Health and Safety Risks (Highest Priority):** Encroachments that create, or have the reasonable potential to create, unsafe, unhealthy, or hazardous conditions on public land. This includes, but is not limited to, conditions that pose risks to public safety, impede emergency access, compromise infrastructure, introduce environmental hazards, or expose the public or municipal staff to injury or liability. Such encroachments shall be addressed promptly and receive the highest enforcement priority.
- 2. Significant Intrusions (Substantial Priority):** Encroachments involving substantial or permanent intrusions onto Town-owned land, including the construction or placement of buildings, accessory structures, fences, retaining walls, hardscape improvements, extensive landscaping, or large-scale dumping or storage of materials. Encroachments in this category are those that interfere with public access, use, enjoyment, maintenance, or clear identification of Town boundaries, and will generally be prioritized for corrective action.
- 3. Minor or Limited Impacts (Discretionary Priority):** Encroachments that are limited in size, temporary or easily reversible in nature, and do not pose health or safety risks or materially interfere with public use or municipal operations. These encroachments may be monitored, addressed through education or voluntary compliance, or corrected as staff time and resources permit, at the discretion of the Town.

The Town reaffirms its commitment to protecting and preserving public land for current and future generations. This Policy provides a framework for addressing Encroachments and ensuring that Town land remains a shared resource for all residents.

PROCEDURE¹

1. Document Alleged Encroachment in Central Log: Each Board should review the land under its jurisdiction from time to time to determine if any Encroachments on said land may exist. Each Board shall maintain a record (which may be in a Town Central Encroachment log) of each alleged Encroachment in a manner appropriate to the circumstances. The record should include the information reasonably necessary to understand and evaluate the Encroachment. Furthermore, each Board should review the record of Encroachments on the land under its jurisdiction from time to time to determine the status thereof.

2. Research: The relevant Board shall gather sufficient information to understand the nature and extent of the alleged Encroachment. This may include reviewing available mapping resources (e.g., Geographical Information System or “GIS”), property records, or surveys, and/or conducting a site visit with photographs or other documentation as appropriate considering the circumstances.

3. Classification of Level of Encroachment: The relevant Board shall classify the alleged Encroachment based on the priority levels set forth in the Policy within a reasonable amount of time following notice of the alleged Encroachment (ideally, within 45 days).

4. Action Following Confirmation of an Encroachment: The following steps of the correction process should **only** be used if a Board confirms the Encroachment and determines that corrective actions may be taken at the relevant Board’s discretion. Encroachments that present health and/or safety risks must be pursued for correction.

a. Notice Letter: Send certified letter to the Property Owner signed by an authorized signatory of the enforcing Board, which should include the following:

- i.** Notice to the Property Owner of the Encroachment and a reasonable description thereof (including the location);
- ii.** Request that the Property Owner call the Board to schedule a site visit to develop a site plan to correct the Encroachment;

¹ A Board should seek advice of Town Counsel before taking any steps in this Procedures section if it reasonably believes it is necessary or advisable to do so.

- iii. Request that the Property Owner hire a MA Licensed Registered Land Surveyor or MA Professional Engineer to survey their property boundaries, if needed; and
- iv. Advise the Property Owner that they will be required to pay all expenses related to correction of the Encroachment, including any costs incurred by the Town.

b. If a Wetland is Impacted: The Natural Resource Commission’s Wetlands Protection Committee (WPC) **must** be notified by the applicable Board so that the WPC can determine if the Encroachment impacts wetlands resource areas.

c. Department of Public Works (DPW) Assistance: If the Property Owner refuses to perform a survey (if requested), a Board may make a written request to the DPW/Engineering Department to perform a survey of the area in question, as needed. The DPW shall document all related costs to Town.

5. Site Visit to Determine Restoration Plan: The relevant Board shall identify the appropriate staff to conduct a site visit. The relevant Board may request that the Property Owner develop a restoration plan. If the Property Owner declines the request, the Board may develop its own restoration plan in respect of the Encroachment and all costs of doing so shall be reimbursed by the Property Owner.

6. Review of Restoration Plans: The relevant Board shall review the restoration plan developed in accordance with Section 5 of this policy.

a. The DPW must review and approve all restoration plans.

b. If the site includes resources regulated under the Wetlands Protection Act or Town Wetlands Bylaw, the WPC must review and approve restoration plans.

7. Determine Bounds Markers: Bound markers shall be placed in accordance with the restoration plan. These markers may include, but are not limited to:

- a. Permanent (stone or concrete) bounds;
- b. Installation of bounds at intervals along “shared” property line, at intervals as determined by the Board;
- c. Depth of bounds’ installation: approximately 2 feet;
- d. Bounds’ height: one foot (or more) above ground level or as appropriate for location as determined by the Board; and
- e. Install permanent metal “mushroom” caps or other notation in bounds, as supplied by the Town.

8. Restoration Request: Following required approvals of the restoration plan, the relevant Board shall send a certified letter to the Property Owner requiring restoration/correction of the Encroachment as per the restoration plan. In the event the Property Owner refuses to correct the Encroachment, the Board shall advise the Property Owner that the Town will undertake the restoration and will require costs to be borne by the Property Owner and, if warranted, require the Property Owner to sign a consent agreement. In cases of financial hardship or refusal to restore or pay expenses, the Town may proceed with restoration and place a municipal lien on the property for costs incurred. Municipal liens require the approval of the Select Board.

9. Approval Letter: The relevant Board shall issue its and/or Wetlands Protection Committee’s formal approval of the restoration plan to the Property Owner.

10. Follow-Up Site Visit: The relevant Board shall (i) confirm that the Encroachment has been corrected in accordance with the restoration plan; and (ii) ensure that photographs are taken of the site.

11. Closing Out the File: The relevant Board shall conduct a site visit to close the matter in its records.

12. Implementation: Each Board adopting this Policy is responsible for complying with its obligations hereunder.

DEFINITIONS

- 1. Encroachment:** Any unauthorized private use, occupation, alteration, or intrusion onto Town land that affects its condition, use, or appearance.
- 2. Board:** The term Board shall include boards, committees, commissions and similar bodies, as well as departments under their control.
- 3. Property Owner:** The individual(s) or entity identified on property card on file with the Board of Assessors, unless the Board has reason to deem otherwise.

REGULATORY/STATUTORY REFERENCES

ADOPTED BY

ORIGINAL POLICY

Ann M. Howley on behalf of the Board of Library Trustees	1.23.12
Barbara D. Searle on behalf of the Board of Selectmen	1.23.12
William Charlton on behalf of the Municipal Light Plant Board	1.26.12
Neal Seaborn on behalf of the Natural Resources Commission	1.2.12

**Administrative
Policy and
Procedure**

**ENCROACHMENT POLICY
Approved – October 28, 2025**

William Charlton on behalf of the Board of Public Works 1.26.12
Suzanne S. Littlefield on behalf of the School Committee 2.1.12

REVISED POLICY

Select Board 10.28.25
Natural Resources Commission
School Committee xxx
Board of Library Trustees xxx
Board of Public Works 2.9.26
Municipal Light Board xxx

The above-named Boards reserve the right to amend this policy at will.

Select Board Policy Subcommittee

Work Plan

Workplan Item	Lead	Status
Encroachments (1/23/12)	KL	<p>Approved by SB October 28, 2025. Circulated to NRC who suggested non substantive expansion of definitions. Policy will now be circulated to other land-owning boards (WPS, DPW, BLT, MLP) following that for review and approval.</p> <p>SB, NRC, and DPW have signed off on current draft.</p> <p>Next steps are concurrently going to WPS, Library, and MLP.</p>
Capital Policy	CA	Review based on feedback from 1/26/26 SB Retreat.
Indemnification Policy	KL	<p>Update policy, work with Counsel and MIIA.</p> <p>Old policy – Counsel drafting letter to PSC and possibly start a new draft.</p>
Building Use Policy	KL	<p>Divided into 3 – room rental, art, and bulletin boards. PSC to discuss with Rec and COA.</p> <p>PSC to discuss with SB to develop TH use policy.</p>
Sale of Town Land	CA	Review Littleton policy with Town Counsel.
Naming of Public Assets	CA	<p>Reviewed and updated. Suggested revisions based on review of peer towns. Initial review at PSC. Draft with Town Counsel for review. Will come back to PSC before first read at SB.</p> <p>Ready for first read at SB.</p>
Code of Conduct	KL	Get initial Board direction? Discuss first steps at PSC.
HRB Interaction on COLA and Policy Development – Handbook Guidance	CA	<p>Discuss with HRB at Joint Meeting on 2/10/26</p> <p>Policy development ready for 2nd read at SB.</p> <p>COLA language will be taken up at next PSC meeting – invite HRB leadership and Director.</p>
Unpaid Taxes & Permits	CA	Need additional guidance from Executive Director.
Policies previously identified as potential workplan items		Notes
Citizen Speak		<p>Inconsistent among boards and committees</p> <p>Distribute to board for comments</p> <p>Draft policy we could share with other boards and committees for their use</p>

Executive Session (10/17)		Circulate to Board for initial review and recommendations
Minutes Policy		May need minor revisions after piloting current process with review by Secretary.
Election to fill Vacancy on Town Boards		Refer to state law or Town Bylaws Share our procedure with SB boards/comm's
Sponsorship of events by board members' private funds or town funds		Does not exist now – SB input requested
Invocations		Draft best practices to strengthen relationships with all faith leaders across town Evaluate other events to be added; explore whether should be a staff responsibility
Policies tabled		Notes
Recall Provisions		TABLED – Research and policy drafted by Ms. Olney and discussed at SB [dates]. Decided to defer and include with Town Government workplan item – refer to standing bylaw committee. Post draft on website under tabled policies?

Select Board Policy Subcommittee

Policy Status

Policy (date adopted or revised)	Notes
Financial Policies: <ul style="list-style-type: none"> • Capital Financing (2.27.24) • Financial Reserves (12.19.23) • Indemnification (7.2.90) • Investment (6.30.25) 	<ul style="list-style-type: none"> • None • None • Old – consider for review • None
Administrative Policies <ul style="list-style-type: none"> • Appointments (3.12.24) • Boston Marathon Invitational Entries (6.24.25) • Entertainment License (2.2025) • Outdoor Dining (4.21.23) • Street Acceptance (1.16.07) • Procedure to Fill Vacancy 	<ul style="list-style-type: none"> • None • None • None • None • Old – consider for review • Discuss at PSC – just a procedure
Governance Guidance <ul style="list-style-type: none"> • Select Board Handbook (June 2025) • Open Meeting Law Guide (June 2025) • Code of Conduct (5.2.23) • Abbreviated Code of Conduct for Boards and Committees (12.19.23) • Code of Conduct - Office Business Relationships (10.11.22) • Supervision of HR Director Memorandum of Agreement with HR Board (6.10.24) • Supervision of Fire Chief Policy (11.22.22) 	<ul style="list-style-type: none"> • None • None • Pending workplan above may need review • None • None • None
Select Board Meetings <ul style="list-style-type: none"> • Executive Session (3.13.17) • Minutes (7.24.2025) • Public Comment (4.4.23) 	<ul style="list-style-type: none"> • Read through to identify any needs • Pilot in place minor revision possible • On workplan for review
Community Relations <ul style="list-style-type: none"> • Flag Policy (1.16.24) • Guidelines and Procedures for Resolutions and Citations (10.18.22) • Gift Policy (4.12.17) 	<ul style="list-style-type: none"> • None • None • On workplan for review

<ul style="list-style-type: none"> • Naming Policy (11.3.08) • Winter Holiday Symbols Policy (4.14.25) 	<ul style="list-style-type: none"> • On workplan for review • None until amenities plan progresses and then consider for review
<p>General Regulations</p> <ul style="list-style-type: none"> • Common Victuallers Application (PDF) • Common Victuallers Regulations (PDF) • Hawkers and Peddlers Regulations (1.5.09) • Ice Cream Truck Regulations (9.16.03) • Take-out Food Regulations (9.25.06) • Mobile Food Vendor Regulations (9.16.03) • Public Conveyances Regulations (2.25.02) • Recording of Meetings Regulations (10.8.24) • Class I& II Auto Dealers Regulations 	<ul style="list-style-type: none"> • Can process be brought online? • Need staff input • Need staff input • Need staff input • Need staff input • Need staff input • Need staff input • None • On workplan for review
<p>Land, Roads, and Conveyances</p> <ul style="list-style-type: none"> • Traffic Regulations (3.25) • Traffic Requests (7.6.09) • Public Conveyances Regulations (2.25.02) • Complete Streets Policy (8.18) • Encroachment on Town Land (10.25) • Engineering Division Driveway Aprons and Curb Cut Policy (2.14.13) • Street Acceptance Policy (1.16.07) 	<ul style="list-style-type: none"> • None • Need staff input (Page/Lemenager) • Need staff input (Lemenager) • Need staff input (Page) • Approved, moving through review by other bodies • Need staff input (Hickey) • Need staff input (Jop)
<p>Alcohol</p> <ul style="list-style-type: none"> • Approved Alcohol Regulations (1.18.22) 	<ul style="list-style-type: none"> • None
<p>Miscellaneous</p> <ul style="list-style-type: none"> • Printed Matter Vending Machines (6.25.07) • User Policies on Information Technology (12.25) • Registered Marijuana Dispensaries (7.15.14) 	<ul style="list-style-type: none"> • Need legal counsel input • None • None
<p>Select Board Policy Subcommittee</p>	

<ul style="list-style-type: none"> • Policy Subcommittee Policy • Charge to the Policy Subcommittee (adopted 8.23.23) • Policy Subcommittee Work Plan 	<ul style="list-style-type: none"> • None • None • Need to post updated workplan
<p>Policies Under Review (DRAFTS)</p> <ul style="list-style-type: none"> • TWCPC 	

Administrative work ongoing

Committee work ongoing

Review for committee work