



Wellesley

MASSACHUSETTS

Wellesley Town Offices
525 Washington Street
Wellesley, MA 02482
Phone: (781) 431-1019

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 copies of any of their written policies and procedures to the public upon request. Reasonable fees may be charged for the cost of reproduction.

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 on policies, procedures and agenda items being discussed or 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, Approved by Attorney General 7/8/2008, Effective 10/30/2008)*

- 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 of Wellesley, 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 section (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.
 - iii. 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. 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. *(Section added ATM 2009)*

- 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 Board of Selectmen 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 c.71, Section 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 Board of Selectmen (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 Selectmen.
- 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 Board of Selectmen 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 Board of Selectmen. Therefore, it is Town policy to require the acceptance be voted by the Board of Selectmen 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 Board of Selectmen 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.

In considering a 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 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 the 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 by-laws 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 or committee 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 Town of Wellesley Financial Services Department is responsible for providing for the financial administration of any gift to the town. If necessary, Financial Services 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 stocktucker/IRS 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 Town's Annual Report. The report shall cover gifts received in the prior fiscal year and shall be submitted in time to be included in the annual report.

TOWN OF WELLESLEY



**REPORTS TO THE
ANNUAL TOWN MEETING
MONDAY, MARCH 31, 2008
7:30 P.M.**

WELLESLEY MIDDLE SCHOOL AUDITORIUM

by the

ADVISORY COMMITTEE

**SCHOOL BUILDING COMMITTEE
COMMUNITY PRESERVATION COMMITTEE
WELLESLEY HISTORICAL COMMISSION
ADVISORY COMMITTEE ON NAMING PUBLIC ASSETS
AD HOC GREEN COMMITTEE
TOWN BYLAW STUDY COMMITTEE
BOARD OF SELECTMEN**

**Please read this book and bring it with
you to the Annual Town Meeting.**

In the event that it becomes necessary to cancel any session of Town Meeting,
notice will be given between 6 and 6:30 p.m. on
Wellesley Cable TV: Comcast Channel 9 and Verizon Channel 39
For more information and updates, please visit www.wellesleyma.gov.

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. Ouelette 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

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.

**Naming Policy
Wellesley Public Schools
Approved March 31, 2008**

Proposed Revisions (February 23, 2010) appear in red

Pursuant to the Town's policy, Naming of Public Assets (Town of Wellesley Bylaws, Article 6.21), the Wellesley School Committee (the "Committee") shall have the authority to name or rename assets under its jurisdiction, provided, however, that the Committee shall not name any major physical assets, as more fully described in Section 6.21 (b) of the Bylaws. Major physical assets under the jurisdiction of the Committee shall be named or renamed only by majority vote of Town Meeting after such name has been approved by the Committee.

Assets under the jurisdiction of the Committee that can be named or renamed exclusively by the Committee, include, but are not limited to, rooms, furniture, areas, parts of fields, roadways, parking lots, and other features of the physical environment of the schools.

Assets under the jurisdiction of the Committee that cannot be named or renamed without Town Meeting approval include school buildings and fields.

No assets under the jurisdiction of the Committee shall be named or renamed by the Superintendent of Schools, any principals, any other school employees, or any parent organization without the approval of the Committee.

Naming shall be limited as follows:

- Historic events, people and places – to preserve and honor the history of the town, state, or country; prominent historical figures; local landmarks, neighborhoods, or prominent geographical locations.
- Outstanding individuals – to acknowledge citizens who have contributed in a significant way to the public life and wellbeing of the town.
- Major gifts – to acknowledge major gifts, as defined in the School Committee gift acceptance policy, from individuals, organizations, or corporations, by naming a public asset in recognition of said gift. The committee will generally not entertain major gift naming proposals, using the donor's name, by donors associated with donations of funds or equipment by citizens with children currently or prospectively enrolled in the Wellesley Public Schools, except in the extraordinary case of the death of a student. However, a gift may be submitted for consideration if the posting of the name is deferred until after the donor's children have graduated from the Wellesley Public Schools.

In naming or renaming an asset, The Committee shall give consideration to equitable treatment of similar assets in similar situations.

Committee shall rely on the superintendent of schools to undertake a process of consultation and consideration and review of any given naming proposal before making a recommendation for action by the Committee.

**Gift and Bequest Policy
Wellesley Public Schools
Approved June 12, 1989**

Proposed Revisions (February 23, 2010) appear in red

The Wellesley School Committee recognizes the benefits accrued through active citizen involvement and support of the public schools. The Wellesley School Committee further acknowledges the value of individual or group donations on behalf of the public schools which, particularly in times of fiscal constraints, may be helpful to maintain, augment or initiate programs. All such donations are accepted and utilized at the discretion of the School Committee. The School Committee may decline to accept gifts which it deems not to be in the best educational interests of the system.

In compliance with the Town Gift policy adopted by Town Meeting on April 7, 2009, the School Committee recognizes the annual reporting requirements for gifts which are now in place.

A MAJOR GIFT, as referenced in the Naming Rights Policy, is defined as a gift in excess of \$50,000.