



# Town of Stoneham

## General Policies and Procedures

Document Number: BOS-03-001

Effective Date: 28 July 2010

Title: Use of Town land or buildings under the jurisdiction and control of the Town Administrator by business entities for commercial purposes.

Process Owner:

### 1. Purpose/General Policy Statement

- 1.1 The Town's land and buildings are the property of the people of Stoneham and their use is restricted to the business of the people.
- 1.2 This policy is intended to insure that business entities seeking to use Town land or buildings, under the jurisdiction and control of the Town Administrator, for commercial purposes, regardless of the period of time of such use, pay reasonable compensation to the Town.
- 1.3 This policy is promulgated to assist the Town Administrator in the Administrator's exercise of authority regarding the use of town land and/or buildings. This policy shall not be deemed to grant any rights or privileges to any person or entity to use Town land or buildings. Nothing in this policy shall require the Town Administrator to lease, permit or otherwise grant permission to any party for the use of such Town land or buildings.

### 2. Applicability

- 2.1 This policy is applicable to all town land and buildings under the jurisdiction and control of the Town Administrator.
- 2.2 Pursuant to Section 10(h) of the Town of Stoneham Selectmen-Administrator Act, Chapter 26 of the Acts and Resolves of 1981 (the "Selectmen-Administrator Act"), as amended, "[t]he Town Administrator shall have jurisdiction over the leasing, rental and use of all town land and buildings, except land and buildings under the control of the school committee, library trustees, and the conservation commission."

### 3. References

- 3.1 Selectmen-Administrator Act, Chapter 26 of the Acts and Resolves of 1981, as amended, Section 10(h). ("The Town Administrator shall have jurisdiction over the leasing, rental and use of all town land and buildings, except land and buildings under the control of the school committee, library trustees, and the conservation commission. Agreements, including leases and rentals, for use of town owned land and buildings under the control of the town administrator shall not exceed twelve months and shall not be extended or renewed without a vote of town meeting.")

### 4. Definitions

- 4.1 "Business entity" shall mean a sole proprietor, partnership, corporation or other organization with a primary purpose to make a profit.

### 5. Policy

- 5.1 Except as specified by this policy, town land and buildings under the jurisdiction and control of the Town Administrator, other than Stoneham Arena, Unicorn Golf Course, Stoneham Oaks Golf Course, and the Senior Center, shall not be used by business entities for commercial purposes, regardless of the period of time of such use or the methodology for approval of such use (including permits), without reasonable compensation to the Town.
- 5.2 No person or entity shall be allowed to use Town property governed by this policy for commercial purposes if such person or entity is overdue on any financial obligation to the Town, including any taxes, fees, charges or other obligation(s). This prohibition and its application is subject, but only to the extent applicable, to the requirements and restrictions of Section 2-60A of the Town of Stoneham Bylaws.

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## 6. Responsibilities

6.1 The Town Administrator is responsible for the implementation and enforcement of this policy. Nothing in this policy shall be interrupted in a manner, or deemed to be, in conflict with "Selectmen-Administrator Act".

## 7. Notes and Comments

7.1 The Town Administrator has authority under the Selectmen-Administrator Act to enter agreements, including leases and rentals, for the use of land and/or buildings under that office's jurisdiction for up to twelve (12) months. Agreements for the use of land and/or buildings for a term greater than twelve (12) months, or for any extension or renewal beyond said twelve (12) month period, requires town meeting approval.

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