

Policies of the Stoneham Select Board

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Policies of the Stoneham Select Board

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Policies of the Stoneham Select Board

1. Policy Guidelines

- All policies of the Stoneham Select Board (Board, Select Board) shall be compiled in a single document entitled: "Policies of the Stoneham Select Board". Said policies shall be maintained and compiled electronically and in a format which is easily updated.
- All policies therein shall be individually notated to show the dates on which said policies were adopted, amended, or revised by the Board.
- At the front of the policy book, a calendar shall be maintained, showing annual dates upon which various policies are to be enforced.
- The policy book shall contain a table of contents.
- Chapters and policies shall be identified by sequential numbering or lettering.
- The policy will be posted on the Town of Stoneham Website and will be updated as soon as practicable after changes are made and approved by the Select Board.
- New members will be given a hard copy of the most updated document within one week of their election.

2. Powers and Authority

The power and authority of the Stoneham Select Board is vested in the Committee as a whole. Policy decisions are to be made at duly noticed, open meetings of a quorum of the Select Board. All draft policies, policy amendments, and policy revisions should be initially discussed at a duly noticed open meeting. The draft policy, policy amendment, or policy revision must be read and discussed at a second duly noticed, open meeting. A vote to accept, amend, or revise a policy should not be taken until such policy can be read at a third duly noticed, open meeting. Members of the Select Board shall not be permitted to bind or make commitments for the Select Board unless so authorized by majority vote of the Select Board at a duly noticed open meeting, or in the case of matters qualifying for executive session, at a duly noticed executive session of the Select Board.

3. Board Officers and Duties

- At its first meeting following the annual town elections, the Board shall elect the following officers:
 - Chair
 - Vice-Chair
 - Clerk
- The duties of each officer are as follows:
 - **Chair**
 - Sets the meeting agenda in conjunction with Town Administrator;
 - Presides over, but also participates in all meetings and hearings of the Select Board, according to law or procedures established in this policy book;
 - Liaison to the Town Administrator;
 - Other duties as established within these policies;
 - Insures that the Board is represented at meetings with other groups or at ceremonial functions as required.
 - **Vice-Chair**
 - Assumes all duties of the Chairman in his/her absence.
 - **Clerk**
 - Takes minutes of all meetings and hearings in the absence of the Board's executive assistant;
 - Assures that the Board's minutes, including executive session minutes, are up to date and released to the public according to best practices.
- It is the Board's policy that the chair of the Select Board shall be voted upon on an annual basis.

4. Liaison Assignments

- The Board will annually review liaison assignments.

- Said review will take place by the third Board meeting after the annual town elections.
- Liaison duties are as follows:
 - to keep informed as to the activities of assigned committees, boards and commissions;
 - establish a two-way flow of information by meeting periodically with assigned committees, boards and commissions;
 - Chair will serve as liaison (at a minimum) to the Town Administrator, Town Treasurer, Town Counsel, Moderator and Finance Committee.
- Other liaison assignments will be made with committees, boards and commissions as required.

5. Regular Meetings

The regular meetings of the Select Board are generally to be held in the first floor hearing room of the Stoneham Town Hall on the first and third Tuesdays of every month commencing at 7:00 P.M.

The date and place of any regular meeting may be changed. The Board will try to provide for at least two (2) regular meetings in each month excluding the months of July and August.

6. Citizen Input

- Members of the public may be permitted by the Select Board to ask a question or make comment on a matter affecting the Town that is listed on the agenda and shall be permitted to ask questions or make comments during public hearings being conducted by the Select Board.
- Matters raised by the citizen, which require further debate, action or discussion, may be placed on a future agenda, unless, at the discretion of the Chair, further debate, action or discussion is allowed immediately.
- Citizens may speak for a period not to exceed approximately five (5) minutes without permission of the Chair. If the Chair chooses, he/she may limit the time to a shorter period.

7. Citizen Comments

- Members of the public can use this time to comment on any matter affecting the Town that is not listed on the agenda.
- Matters raised during the citizen comment portion of the agenda which require further debate, action or discussion may be placed on a future agenda.
- The chair shall determine the placement of citizen comment on the agenda.
- Citizens must sign in on a prepared form listing their name, address, contact information and subject matter for our records.
- Citizens may speak for a period not to exceed approximately five (5) minutes. If the Chairperson chooses, they may limit the time for a shorter period.

8. Subcommittees

A subcommittee shall be composed of no more than 2 Select Board members and shall be formally charged with performing a specific action for the Board. The Subcommittee may work with other elected or appointed officials, town boards and commissions to facilitate the performance of their charge, however, if the addition of community members are warranted for the fulfillment of the charge, then the Board shall create a committee.

All subcommittees shall be reviewed for reauthorization by the Board annually in June and any subcommittees deemed inactive or no longer necessary shall be dissolved at that time.

The Board will vote annually on the membership of each subcommittee unless new members are otherwise needed due to vacancies.

All subcommittees must report back to the Board at least once at a public meeting prior to being dissolved.

A list of subcommittees and members will be maintained on the Town of Stoneham's website on the Select Board page under a tab titled subcommittee

The date of creation and formal charge of each subcommittee and its members will be listed. When a subcommittee is dissolved the information will remain on the website and the date of dissolution shall be clearly noted.

All subcommittees will post their meetings in accordance with open meeting law and will submit timely minutes to the Town Clerk.

Accepted: 5/24/22

9. Special & Emergency Meetings

- Special or emergency meetings may be called by the Chair, and, in the case of Chair's absence, disability or refusal, may be called by three (3) members of the Board.
- Notice of such hearing shall be duly posted and given to all members according to the requirements of the Open Meeting Law.
- The call for said emergency meeting shall set forth the matter to be acted upon at said meeting, and nothing else shall be considered at such emergency meeting.

10. Notification

- Excepting in the case of emergencies, copies of the agenda, minutes of the previous meeting, and pertinent information shall be delivered electronically, by mail or courier at least 48 hours before the meeting.

11. Quorum

- Unless otherwise required by M.G.L. or Town By-Law, a majority of the members of the Select Board shall constitute a quorum for the transaction of business.
- In an attempt to insure a quorum at all meetings, members shall notify either the Chair or the Board's executive assistant the member's earliest convenience if he/she will not be attending.

12. Remote Participation Policy

A. Purpose:

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards under the *Open Meeting Law, M.G.L. c30A, §§ 18-25*.

B. Enabling Authority:

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

C. Applicability:

In accordance with 940 CMR 29.10(2)(a), the Select Board, on February 20, 2018, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town of Stoneham. In accordance with 940 CMR 29.10(3), the Select Board may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups (“Town Boards”) regardless of whether such Town Boards are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

D. Minimum Requirements for Remote Participation:

No member of a Town Board shall participate in a meeting remotely unless the following requirements are met:

- a. Members of the Town Board who wish to participate remotely must complete Authorization to Utilize Remote Participation Form in advance of the meeting;
- b. Members of the Town Board who participate remotely and all persons present at the meeting locations shall be clearly audible to each other;
- c. A quorum of the Town Board, including the chair or the person authorized to chair the meeting, shall be physically present at the meeting locations in accordance with *M.G.L. c.30A, §20(d)*;
- d. Members of the Town Board who participate remotely should have access to the same materials being used at the meeting location;
- e. Members of the Town Boards who participate remotely may vote and shall not be deemed absent for the purposes of *M.G.L. c.39, §23D(a)*.

E. Permissible Reasons for Remote Participation:

It is the express desire of the Select Board that remote participation in meetings be an infrequent event. Chairs of Town Boards are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A member of a Town Board shall be permitted to participate remotely in a meeting if the person chairing the meeting determines that the member's physical attendance unreasonably difficult yet still leaves that member able to actively participate in the meeting. Those reasons may include, but are not limited to:

- a. Personal illness;
- b. Personal disability;
- c. Emergency;
- d. Military service; or
- e. Significant geographic distance.

Any determination by the person chairing the meetings to allow or not allow remote participation shall be final and shall not be subject to appeal.

F. Technology:

- a. The following media are acceptable methods for remote participation:
 1. Telephone, internet, or satellite-enabled audio or video conferencing;
 2. Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
- b. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- c. The focus of the chair should always be on maintaining the flow of the meeting. If the chair determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member. If technical difficulties arise resulting in the loss of connection with the remote participant, that participant's attendance shall be terminated. The meeting should not be interrupted while any attempt to restore the connection is made. If a remote participant is disconnected from the meeting, that fact and the time of the disconnection shall be noted in the meeting minutes.
- d. Each individual Town Board that anticipates using remote participation shall determine which of the acceptable methods may be used by its members.

G. Procedures for Remote Participation:

- a. Any member of a Town Board who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the person chairing the meeting of his or her desire to do so by completing the Authorization to Utilize Remote Participation Form.
- b. If the person chairing the meeting approves the request for remote participation he or she shall make any necessary arrangements with IT personnel to ensure that the required equipment is available. If the required equipment is not available from the IT Department or another source, then the person chairing the meeting shall deny the request for remote participation.

- c. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall be recorded into the minutes.
- d. All votes taken during any meeting shall be by roll call vote.
- e. Remote participants shall preserve the confidentiality of executive session. Certain media, such as speakerphone, can inadvertently be heard by people not party to the executive session discussion. The remote participant shall state at the start of any executive session that no other person is present and/or able to hear the discussion at the meeting location unless the presence of that person is approved by a simple majority vote of the Town Board.
- f. The member of a Town Board requesting to participate remotely shall be responsible for any out-of-pocket costs associated with such participation. The Town shall not be responsible for the reimbursement of such costs.
- g. Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity and could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.

13. Agenda

No item shall be inserted in the agenda for any regular meeting of the Select Board, unless said item has been filed in the office of the Board on or before 12:00 noon on the Thursday prior to the regular Tuesday meeting.

Any member may request that items be placed on the agenda and strong deference should be given to all requests, unless the Chair and the Town Administrator determine that the Town Administrator should handle the matter or the matter is outside the authority of the Board.

Members who have items being placed on the agenda must submit a short, written description of the issue, by email to the Chair and the Office Manager. Their description must state whether or not they are requesting a vote be taken on the matter.

14. Decorum & Procedures

- Decorum and procedure during Select Board meetings shall be maintained by the Chair.
- In performing this duty, the Chair will moderate according to the dictates of reason, established by Board practice, and law.
- The Chair shall have the right of seconding, but not making motions.
- The Chair, after a verbal warning, has the right to expel any person or member from the meeting if their conduct is unbecoming of a Board member.
- Only one member may speak at a time. When a member has the floor he/she is not to be interrupted unless they are off topic, in which case the Chair may ask the person to get back on topic or finish speaking.
- If there is excessive cellphone use by any Board member, the Chair may address this issue.
- All members should refrain from using poor or inappropriate language and throwing items during a meeting.
- The Chair, and only the Chair may recognize someone to speak. This includes Board members and citizens. No Board member may call on someone to speak. If the Chair does not notice another member or a citizen that wishes to speak, then a member may get the attention of the Chair.
- The Chair should recognize members and audience members equally, even if they have differing views.
- Board members shall refer to one another as Board member "Smith."
- Board members should act in a responsible and professional manner. If a member or a citizen does not treat an individual with respect, the Chair may call a five minute recess.

- The Board will discuss an agenda item before opening the discussion to the public. Not all agenda items are public hearings and it is the discretion of the Chair to allow public comment.
- While difference of opinions should encourage discussion, personal attacks will not be tolerated and the chair has the right to halt debate if personal attacks occur.

15. Minutes: Circulation

Minutes of the meeting of the Select Board shall not be circulated until after they have been approved by the Board, unless they have been requested pursuant to the terms of the Open Meeting Law.

16. Minutes: Action

Except as required by law, the Board will act on the minutes of its previous meetings as the first item on the agenda when possible.

17. Minutes: Executive Session

- Executive session minutes are available to all members of the Board, who are bound to maintain their confidentiality.
- Executive session minutes, or sections thereof, will be released in accordance with Massachusetts General Law, only when by doing so, the lawful purpose of the executive session will not be defeated.
- Executive session minutes, or sections thereof, will be released only by an affirmative vote of at least three (3) members of the Board.
- All requests for unreleased executive session minutes will be immediately forwarded to the Chair of the Board and placed on the next available meeting agenda for resolution.
- The Clerk shall review executive session minutes quarterly.

18. Correspondence: General

All correspondence requiring action or an answer shall be handled in a timely fashion by the Town Administrator and reported to the Board. The TA shall report back to the Board any action taken on said correspondence.

Copies of pertinent informational correspondence shall be given to each member.

Other informational correspondence shall be available at each meeting in the correspondence folder, and so indicated in each Board member's packet.

19. Communications

No member of the Board shall go before any state agency or entity to represent the Board unless the Board has voted and approved in advance of the action being taken. Any member that wishes to communicate either in letter, email or oral testimony must make clear in their opening statement that they are offering their opinion and do not represent the formal position or opinion of the Board.

Any member offering a letter, newspaper article, email or social media post relative to Select Board matters shall make clear at the beginning of said letter, article, email or social media publication that they are offering their own personal opinions and does not necessarily represent the formal position or opinion of the Board.

Use of Select Board letterhead shall be limited to official business of the Board.

20. Meeting Procedures Miscellaneous

- Miscellaneous items will appear at the end of the agenda at regularly scheduled meetings and be reasonably described in accordance with the open meeting law and regulations.
- Members will be restricted to approximately five (5) minutes in which to relate their miscellaneous items to the Board.
- Attendant discussion to miscellaneous shall be limited by the Chair to no more than five (5) minutes for any single item.

- Topics requiring more than five (5) minutes discussion will be placed on future agenda, as the priority requires.

21. Use of Video or Audio Recorders:

- Citizens are permitted to record, with audio or video equipment, Board meetings after properly informing the Chair.
- Prior to the start of a meeting, any person or entity should inform the Chair that he/she/they wish to record the meeting and of the method of recording.
- At the beginning of the meeting the Chair shall inform other attendees of any such recordings.
- Any person recording any meeting shall not allow the making of the recording to become disruptive of the public meeting.

22. Appointments by Select Board

- **Policy:** It shall be the policy of the Select Board to take the following steps when appointing citizen volunteers to boards and committees of the Town. The purpose of this policy is to encourage and broaden participation in Town government by qualified and interested residents.
- **New Appointments:** Notices of vacancies shall be publicly posted for at least two weeks. Notices shall be sent to the local newspapers and the Town website (www.stoneham-ma.org) when a vacancy occurs on a board or committee.

Applications and/or letters of interest shall be submitted to the Select Board's/Town Administrator's Office by mail delivery or electronically and will be forwarded to the Select Board for review and screening.

A decision regarding the appointment will generally be made at the next regularly scheduled meeting of the Select Board.

Applicants not chosen for the board or committee will be sent a letter thanking them for their interest. Their request shall be retained three years for future consideration.

Exceptions may be made to this policy depending on the nature of the committee, the number and qualifications of applicants for the committee in question or the urgency of the need for filling vacancies.

- **Reappointments:** In the case of someone who has been serving on a committee and whose term is expiring, a notice will be sent to the person asking them to respond to the Select Board indicating whether or not they are interested in being reappointed.

The Board, at its discretion, may elect not to reappoint a member of a committee with an expiring term or request that such member reapply for appointment, in which case such member shall be interviewed in open meeting together with other recommended candidates for the position. The Select Board may also request attendance records of any individual requesting reappointment to that specific committee.

23. Use of Town Counsel

Member shall not seek the advice of Town Counsel on personal matters. Members shall retain their own personal counsel for such matters at no cost to the taxpayers.

24. Resident request

Select Board members shall submit to the Town Administrator, in writing, either on a form or by email, any requests made by residents for his or her review or action. For record keeping purposes, members of the Board shall not submit requests of this nature via text to the Town Administrator. Any calls made to the Town Administrator shall be followed up in writing to his office.

25. Reviews

The Chair shall schedule a full performance review of the Town Administrator annually in January of each year. This Chair shall send a self-evaluation form to the TA at least six weeks prior to the scheduled review. The Town Administrator shall submit their self- evaluation to the Board no less than one week prior to the scheduled review. The Board shall conduct a more limited mid-year review in June. The Chair shall schedule a full performance review of the Town Accountant and the Board's Executive Assistant annually in June. The Chair shall send a self-evaluation form to the Accountant and Executive Assistant at least six weeks prior to the scheduled review. They shall submit their self- evaluations to the Board no less than one week prior to the scheduled review. The Board shall conduct a limited mid-year review of these two positions in January.

26. Human Rights Statement

Stoneham is a community that is grounded in respect for every individual, and therefore, protects all residents, employees, business owners, students and visitors in the enjoyment and exercise of human and civil rights. It is Town policy to ensure equal treatment and opportunity to all individuals regardless of race, gender, gender identity, ethnicity, religion, ideology, socio-economic status, health, sexual orientation, age, military status or disability.

27. Warrant Submission Policy

**Policy Regarding
Submission of Warrant Articles
By Town Officials, Boards/Commissions and Department Heads
To The Select Board
For Insertion In A Town Meeting Warrant*
(Without the Requirement For Signatures as Otherwise Would Be Required
By Massachusetts General Law)
(Pursuant to Board of Selectmen Vote of January 14, 2020)**

* This policy will be reviewed and update in conjunction with an update to the Stoneham Town Code provisions regarding the dates of submission of warrant articles for inclusion in town meeting warrants, currently under review.

Annual Town Meeting

<u>Submitted By</u>	<u>Financial \$10K and over</u>	<u>Non-Financial/Under \$10K</u>
Town Administrator Department Heads Non-Elected Officials Non-Elected Boards/Commissions	Four weeks before Warrant closing.	Four weeks before Warrant closing.
Elected Boards and Officials	Four weeks before Warrant closing.	Four weeks before Warrant closing.

October Special Town Meeting

<u>Submitted By</u>	<u>Financial \$10K and over</u>	<u>Non-Financial/Under \$10K</u>
Town Administrator Department Heads Non-Elected Officials Non-Elected Boards/Commissions	Four weeks before Warrant closing.	Four weeks before Warrant closing.
Elected Boards and Officials	Four weeks before Warrant closing.	Four weeks before Warrant closing.

All Other Special Town Meeting

Requirements Apply only if Warrant Opened for a Minimum of 3 Weeks

<u>Submitted By</u>	<u>Financial \$10K and over</u>	<u>Non-Financial/Under \$10K</u>
Town Administrator Department Heads Non-Elected Officials Non-Elected Boards/Commissions	14 days before Warrant closing.	14 days before Warrant closing.
Elected Boards and Officials	10 days before Warrant closing.	10 days before Warrant closing.

Note: Nothing in this policy is intended nor shall be interpreted or applied so as to contravene any general law.

28. Human Rights Commission

Creation of a Stoneham Human Rights Commission (HRC) is intended to affirm that the Town supports a core value of freedom from bigotry and hatred, discrimination and disrespect. The Town of Stoneham intends to uphold and defend the rights of all persons to enjoy free and equal exercise of their rights and privileges as secured by the Constitution and Laws of the Commonwealth of Massachusetts and of the United States.

The HRC shall consist of 9 members who shall be residents of the Town for staggered 3 year terms such that at least 3 members shall be appointed annually. In the year 2022 appointments to the HRC shall be as follows: 3 commission members shall be appointed for one year or until 2023; 3 commission members shall be appointed for two years or until the year 2024; and 2 commission members shall be appointed for three years or until 2025. All subsequent appointments, except for the filling of vacancies, shall be for three years excluding the student voting member which shall be re-appointed annually. The Town Administrator shall be an ex-officio member of the HRC. All members, other than the Town Administrator, shall be appointed by the Stoneham Select Board and shall include a member recommended by the Commission on Disability for a 3-year term; an employee of the Town of Stoneham recommended by the Town Administrator for a 3-year term; One high school student who will be a voting member recommended by the Stoneham Superintendent for a 1-year term; a senior (age 65 or older) recommended by the Director of the Senior Center for a 3-year term; and at least one member must be a member of the LGBTQIA+ community. Up to 3 additional ex-officio high school students recommended by the Superintendent shall be appointed annually.

The HRC, as an advisory board to the Board of Selectmen and Town Administrator, shall work to ensure that all residents enjoy equal opportunity to participate regardless of their race, color, ancestry, national origin, sex,

sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, or disability. The HRC shall also support human rights codified in the Constitution and laws of the United States and of Massachusetts of other groups and organizations against discrimination in housing, employment, education, public accommodations, town services, insurance, banking, credit and health care.

The HRC shall work to identify and advocate for the protection and preservation the civil and human rights of all people in the town of Stoneham set forth in existing local, state, and federal laws on behalf of the Town of Stoneham. The HRC shall advocate against unlawful discrimination and provide information and education about human rights issues. The HRC works with diverse individuals and community groups to support and promote tolerance, mutual respect and human rights.

The HRC shall report complaints of unlawful treatment, harassment or discrimination involving the town of Stoneham to the Town Administrator, and complaints concerning other state and federal officials, agencies or committees to the Town Administrator and with the approval of the Town Administrator to appropriate authorities, provide information to the public about civil rights, promote public awareness of human rights issues through educational resources, work with municipal departments and Town Counsel to ensure compliance of local, state and federal laws and regulations, work to raise the level of awareness and sensitivity to human rights issues in municipal business with the public.

The Stoneham Human Rights Commission shall annually submit a written report to the Town Administrator and Stoneham Select Board which shall include any findings or recommendations for future action.

Updated: 10/26/21

29. Policy for the Installation of Memorial Plaques

I. Purpose

This policy is implemented to ensure a thoughtful, consistent and appropriate process of memorializing members of the community through the donation of memorial plaques, benches, and trees to be placed on Town-owned property.

II. Policy

The final approval for the installation of a memorial plaque, bench, or tree will be solely through the Town Administrator. Certain Town-owned properties are under the jurisdiction of the Conservation Commission and will require separate review and approval through the Commission; in that event, the Town application still applies. Requests will only be considered for individuals with established ties to the Town of Stoneham. Approved plaques, benches, and trees will meet the established specifications contained in the application.

III. Process

Applications may be submitted to the Town Administrators office. If the Town Administrator denies the request an appeal in writing may be made to the Stoneham Select Board for their consideration. The Board will have 30 days to review the request and make a determination.

IV. Fee

The application fee for the installation of a memorial plaque, bench, or tree is \$20. In addition, the cost of the purchase and installation of a memorial plaque, bench, or tree (which also requires the approval of the Tree Warden); and the cost of any associated shipping or handling of said bench, plaque, or tree shall be borne by the party making the request.

V. Violations

Any memorial plaque, bench, or tree which is installed without the approval of the Town Administrator or which does not meet the specifications herein may be removed at the expense of the party who installed the bench, plaque, or tree.

