

**Town of Hingham
Naming By-Law Committee
Meeting Minutes**

Date: February 10, 2023

Place: on Zoom

In attendance: committee members Philip Edmundson (chair), Victor Baltera, Tom O'Reilly, Wendy Ellison, Christine Falvey

Absent: none

Chair Edmundson called the meeting to order at 4:13 PM and read the following statement:

“This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording. “

Mr. Edmundson reported that he submitted the proposed warrant article that the committee approved at our January 20, 2023 meeting to the Select Board. Subsequently, he received feedback from Tom Mayo and Town Counsel, which is shown in the redlined mark-up of the committee's approved version and explained in Town Counsel's email that Mr. Edmundson previously sent to the committee.

Town Counsel suggested three changes to the committee's draft.

1. In section 1 (which sets out the purposes of the by-law), he suggested removing the words “of local, national or global significance”. The committee noted that an earlier draft had included that language in the definition of “Naming” but it was deleted from the definition in the approved version. Town Counsel's suggestion concerning section 1 is for consistency. The committee agreed with the proposed deletion.

2. He recommended deleting section 3.6, which deals with the temporary installation of signs on Town property for the purposes of public fundraising. Mr. Edmundson noted that this provision was added previously by Town Counsel and Mr. Mayo. At our January 20 meeting, the committee felt the language to be superfluous and was surprised by the addition but found it unobjectionable. Town Counsel now agrees it is superfluous since other Town regulations address the same subject matter. The committee agreed with the proposed deletion.

3. He recommended modifying the notice requirements for meetings. Town Counsel believes that the use of the term “widely advertised” may not pass muster with the Attorney General's office because it does not comport with open meeting law requirements. He proposed language to retain the committee's goal of broad publicity but making it more in line with the Attorney General's regulations. Specifically, he suggested defining “Widely Advertised” by reference to the Attorney General regulations governing notice for public meetings. The referenced regulations set out a minimum standard for official notice and authorize additional notice beyond the minimum.

Mr. O'Reilly stated that he supports the language in the committee's approved version and is concerned that Town Counsel's change does not require anything more than the minimum. Ms. Ellison asked if the Select Board understood the committee's reason for using “widely advertised”. Mr. Edmundson stated that he had relayed to Mr. Mayo the committee's goal of a wide circulation for naming proposals. Mr.

Baltera noted possible reasons for Town Counsel's recommendation. For one, it is not clear what "widely advertised" means and thus it could be less than what is required by state law. Moreover, even if a meeting were publicized beyond the minimum requirement, the lack of a definition of "widely advertised" would make it uncertain whether sufficient notice had been given. Ms. Falvey proposed that "widely advertise" be further defined in the policy as opposed to the by-law. Mr. Edmundson agreed. He pointed out that methods of publicity may change frequently and it will be easier to change a policy than the bylaw.

Ms. Falvey asked whether widespread publicity is always necessary, suggesting it may be appropriate for naming proposals for major assets but not minor ones. A distinction of this sort could be addressed in a policy. She also thought that, as a practical matter, any proposal to name a significant asset would receive broad publicity, so perhaps a definition is not needed. Mr. O'Reilly pointed out that prior naming matters have been controversial, with many people feeling proposals were not adequately publicized. The committee considered restoring "duly posted" language from earlier drafts, but decided against it. Mr. Baltera suggested using Town Counsel's definition of "Widely Advertised" in section 2.6 and modifying 3.7 (Town Counsel's proposed 3.6 since his version deletes existing 3.6) to require adoption of a policy that would spell out publicity requirements beyond the minimum.

The committee agreed to delete from section 3.7 (3.6) requirements for the policy to address specifications for benches, flagpoles, trees, markers, and the like.

It was moved and seconded to modify the committee's recommended article by:

1. Adopting Town Counsel's recommendation to delete "of local, national or global significance" from section 1.
2. Adopting Town Counsel's recommendation to delete section 3.6 relating to installation of signs.
3. Adopting Town Counsel's recommendations to define "Widely Advertised" as set forth in new section 2.6 and to change all references to "widely advertised" to the new defined term, as shown in Town Counsel's mark-up.
4. Amending section 3.7 (now 3.6) to read as follows:

"The Select Board shall, after a Widely Advertised public meeting, adopt a written policy regarding additional procedures, specifications and standards to be followed by all boards, committees, or departments in acting under paragraphs 4 and 5 of this Section 3 including, but not limited to, a process beyond the minimum requirements of 940 CMR 29.03(2)(b) to Widely Advertise any Naming or Renaming proposal. "

The committee voted in favor of the motion 5-0 on a roll call vote as follows:

Mr. Edmundson	Yes
Mr. Baltera	Yes
Ms. Ellison	Yes
Ms. Falvey	Yes
Mr. O'Reilly	Yes

The meeting adjourned at 4:56 PM.

Documents:

Town Counsel's redlined draft warrant article showing edits to the committee's version approved on 1/20/23, together with email chain explaining changes