

DRAFT

Town of Hingham Select Board Naming Bylaw – Policy

Whereas, the Select Board is authorized under Town of Hingham General By-Laws Article 40, Section 6 to adopt a policy regarding additional procedures, specifications and standards to be followed by all boards, committees, or departments when acting under Sections 4 and 5 of said By-Law (a copy of said By-Law is attached hereto).

Now, therefore, the Select Board hereby adopts the following policy.

Widely Advertised Public Meeting

For the purpose of this policy, the term “Widely Advertised Public Meeting” shall mean the following:

A public meeting notice shall be valid and shall be considered Widely Advertised if duly posted in accordance with 940 CMR 29.03(2)(b). In order to further notify the public, the following additional procedures shall also be implemented:

1. Prior to posting a public meeting the board, committee or department shall first notify the Select Board which shall then include a notice of said public meeting on its next agenda to further inform the public.
2. The Town Administrator, or designee, shall assist the board, committee or department to disseminate additional notices of the public meeting using available Town list-serves.
3. The Town Administrator, or designee, shall assist the board, committee or department to disseminate additional notices of the public meeting to local media.
4. The Town shall make all reasonable efforts to widely distribute, advertise and disseminate such additional notices, provided, however, that compliance with 940 CMR 29.03(2)(b) shall be deemed sufficient legal notice of the public meeting.

All other defined terms in this policy shall have the same meaning as those under Hingham General By-Laws Article 40, Section 2.

Naming or Renaming Proposal

The initial filing of any Naming or Renaming proposal under Town of Hingham General By-Laws Article 40, Section 4 shall be made by one of the following:

1. The Select Board; or
2. The board, committee or department having care, custody, management and control of the associated Public Building or Public Land; or
3. By a petition signed by at least ten registered voters and filed with the board, committee or department having care, custody, management and control of the associated Public Building or Public Land.

Approval

The determination regarding the Naming or Renaming under Town of Hingham General By-Laws Article 40, Section 4 shall be within the discretion of the board, committee or department having care, custody, management and control of the associated Public Building or Public Land. Any approval hereunder shall specify the physical characteristics of the Naming or Renaming (i.e. size of sign, lettering, lighting, etc ...) which shall be in compliance with all building, zoning and other applicable laws and shall specify whether or not said Naming or Renaming is limited in time (i.e. specific number of years or until rescinded).

The determination of the installation of benches, flagpoles, trees or other markers and brick walkways and similar hardscape areas under Town of Hingham General By-Laws Article 40, Section 5 shall be within the discretion of the board, committee or department having care, custody, management and control of the associated Public Building or Public Land. Any approval hereunder shall specify the physical characteristics of said installation and shall specify whether or not said installation is limited in time.

In making any determination hereunder, consideration should be given to the appropriateness of the name or installation taking into account the financial benefit to the Town of Hingham as well as the history, tradition, culture, values and aesthetics of the Town of Hingham.

All determinations hereunder shall be subject to a standard form of agreement as drafted by Town Counsel.

Removal

Any Name approved under Hingham General By-Laws Article 40, Section 4 that is later determined to no longer be of financial benefit to the Town of Hingham or determined to no longer uphold the history, tradition, culture, values and aesthetics of the Town of Hingham may be removed in accordance with the Renaming procedures under said Article 40, Section 4.

Any installation of benches, flagpoles, trees or other markers and brick walkways and similar hardscape areas that is later determined to no longer be of financial benefit to the Town of Hingham or determined to no longer uphold the history, tradition, culture, values and aesthetics of the Town of Hingham may be removed by the board, committee or department having care, custody, management and control of the associated Public Building or Public Land.

Payments/Donations

The amount of any payment or donation required for any Naming or Renaming under Town of Hingham General By-Laws Article 40, Section 4 or for any installation of benches, flagpoles, trees or other markers or brick walkways and similar hardscape areas under Town of Hingham General By-Laws Article 40, Section 5 shall be determined by the board, committee or department having care, custody, management and control of the associated Public Building or Public Land.

All restricted payments or donations shall be deposited into a gift account under M.G.L. c. 44, § 53A and all unrestricted payments or donations shall be deposited into the general fund.

All payments or donations shall be made pursuant to a standard form of agreement as drafted by Town Counsel.

Appeals

Any appeal filed under Town of Hingham General By-Laws Article 40, Section 4(d) shall be filed in writing with the Select Board. Upon receipt of such appeal the Select Board shall notify in writing the board, committee or department from which said appeal is being made. During the pendency of said appeal the decision of the board, committee or department shall be stayed until a final decision of the Select Board is issued to approve or reject said action.

Seasonal Advertisements

Any seasonal advertisement on Public Buildings or Public Lands (i.e. seasonal signs on fences, scoreboards, snack shacks, etc ...) for the purpose of fundraising shall not be considered a Naming or Renaming under Town of Hingham General By-Laws Article 40, Section 4 and may be approved within the discretion of the board, committee or department having care, custody, management and control of said recreational facility without following the procedures under this policy.

Town Meeting

This policy shall not apply to any determination regarding the Naming or Renaming of any Public Building or Public Land by Town Meeting under the provisions of the Town of Hingham General By-Laws Article 40, Section 3(1).

Adopted _____, 2023.

**GENERAL BY-LAW ARTICLE 40
THE NAMING OF PUBLIC BUILDINGS AND PUBLIC LANDS
SECTION 1. Purpose:**

The naming of Public Buildings and Public Lands is an important matter that deserves thoughtful attention. It is the purpose of this By-law to reserve the naming or renaming of Public Buildings and Public Lands for circumstances that will best serve the interests of the Town and to ensure a worthy and enduring legacy. Naming should reflect positively on the Town's public image. This By-law is enacted to establish the process by which, in naming or renaming Public Buildings and Public Lands, the Town seeks to recognize individuals, entities, locations, or events.

It is important that the decision to name a Public Building or Public Land is achieved through a process that is transparent, collaborative, inclusive and based on a public process.

SECTION 2. Definitions:

1. "Naming" – the act of assigning a Name to any Public Building or Public Land as defined in this by-law.
2. "Name" – a word or phrase that recognizes one or more individuals, entities, locations, or events.
3. "Renaming" – the act of removing or redesignating the Name of any Public Building or Public Land.
4. "Public Building" – any building or structure owned by the Town of Hingham.
5. "Public Land" – any real property owned by the Town of Hingham, including, but not limited to, playgrounds, parks, courts, athletic fields, wharves or piers, intersections and medians, and driveways on Public Lands, but not including public ways regulated by Article 10 of the General By-laws.
6. "Widely Advertised" - for the purpose of this bylaw, a public meeting notice shall be valid and shall be considered Widely Advertised if duly posted in accordance with 940 CMR 29.03(2)(b). Nothing in this bylaw precludes the town from choosing to distribute, advertise or disseminate additional public meeting notices through other means in accordance with 940 CMR 29.03(2)(c).

SECTION 3. Procedure, Exemptions, and Other Requirements:

1. The Naming or Renaming of any Public Building or Public Land shall be by majority vote at an Annual or Special Town Meeting.
2. Any proposed warrant article to name a Public Building or Public Land shall be submitted to the Select Board for its review and recommendation as to the appropriateness thereof. Following a Widely Advertised public meeting, and with the advice of the board(s), committee(s), or department(s) with care, custody, management, and control of the Public Building or Public Land, the Select Board shall forward its recommendation to the Annual or Special Town Meeting.
3. No Public Building or Public Land shall be named for any person employed by the Town of Hingham at the time the Naming proposal is being reviewed or approved hereunder.
4. The Naming or Renaming of individual rooms, areas or sub-areas within a Public Building, or areas or sub-areas associated with any Public Land, shall be subject to approval by the board(s), committee(s), or department(s) having care, custody, management, and control over the same, and paragraphs 1 and 2 of this section shall not apply, provided that:
 - (a) such room, area, or sub-area within a Public Building constitutes less than 25% of the usable square footage of the Public Building or such area or sub-area associated with any Public Land constitutes less than 25% of the total square footage of the parcel comprising said Public Land; provided that in the case of an ancillary Public Building located on the same parcel of Public

Land as the primary Public Building, the 25% threshold shall be calculated based on usable square footage of the ancillary Public Building as compared to the total of all other usable square footage of all Public Buildings located on the same parcel of Public Land;

- (b) no room, area, or sub-area shall be named for any person employed by the Town of Hingham at the time the Name is being reviewed or approved hereunder,**
 - (c) a widely advertised public meeting, posted no less than 14 days in advance, is held at which such Naming or Renaming is considered and acted upon by said board(s), committee(s), or department(s); and**
 - (d) any town resident, objecting to such Naming or Renaming by the board(s), committee(s), or department(s) may, within 10 days thereafter, appeal the action in writing to the Select Board, which shall, after a Widely Advertised public meeting, approve or reject the action.**
- 5. The following may be installed upon approval by the board(s), committee(s), or department(s) having care, custody, management, and control over the Public Building or Public Land: (a) benches, flagpoles, trees or other markers dedicated to individual(s); and (b) bricks installed in walkways and similar hardscape areas on Public Land as part of a public fundraising or like program and which display the name(s) of the donor or a person to whom the brick is dedicated. Such a brick installation may be approved as a whole project (rather than each individual brick) provided that the bricks are limited to name(s) and not phrases or statements.**
- 6. 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.**