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**MODERATOR'S MESSAGE  
ON  
TOWN MEETING PROCEDURES**

Welcome to the 2013 Hingham Town Meeting. In our commitment to open town meeting, Hingham remains true to a wonderful tradition of vesting in each citizen both voice and vote, enabling all of us to play a pivotal part in the work of our town and in shaping its future. Town meeting is more than a gathering of citizens to consider matters of common concern, it is the legislative body of the town. As such, the meeting must be conducted in a fair and open manner and in accordance with the Town By-Laws, as well as practices that we have followed in Hingham town meetings for many years. Several matters of procedure are summarized below.

- An **article** in the warrant states a question for the town meeting to answer. A **motion** is a proposed answer to the question and must be within the scope of the article. An article (once published in the warrant) may not be amended, but a motion may be amended by vote of the meeting. All motions must be seconded.
- If the Advisory Committee is recommending an **affirmative motion** under an article, its motion will be received as the main motion under the article. A voter may propose to amend this motion either to change it in part or to substitute a whole new motion (sometimes called a "substitute motion"). In any such case, the proposed amendment will be taken up and voted on first and then the main motion, as it may have been amended, will be acted upon.
- If the Advisory Committee is recommending **no action** under an article and a voter offers an affirmative motion, the voter's motion will be received as the main motion under the article. Such a motion is likewise subject to amendment.
- **All motions and proposed amendments** involving the expenditure of money must be **in writing**. So must all other motions and proposed amendments unless they are so brief and simple as to be easily understood when stated orally (e.g., motion for the previous question, motion to adjourn). Voters are welcome to seek the assistance of counsel for the Town in preparing motions or proposed amendments.
- **Limits on speaking:** No one may speak on any subject for more than six (6) minutes for the first time or for more than three (3) minutes for the second time. No one may speak more than twice on any question unless all others who have not spoken on the question shall have spoken if they desire to do so, and unless leave of the meeting is first obtained. A person may speak more than twice, but only to make a brief correction of an error in or misunderstanding of his or her previous statement, including brief answers to questions from the floor (addressed through the Moderator).
- No speaker is allowed to **indulge in personalities**, but must confine his or her remarks to the matter before the meeting.
- Persons who are not registered voters of the Town may be admitted to the meeting as **guests** by the Moderator. A guest of the meeting may be granted permission to address the meeting by majority vote.
- The purpose of the **motion for the previous question** is to end discussion and have an immediate vote on the pending question. The motion is not debatable and requires a majority vote for adoption. The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition and if both sides have not had a fair

opportunity to be heard. The Moderator will accept the motion for the previous question if it appears that both sides have been heard and the discussion is becoming repetitious.

- **Voting procedures:** All votes are taken in the first instance by voice vote. If the Moderator is in doubt as to the results or if seven (7) voters rise and express doubt as to the result declared by the Moderator, a standing vote is taken, **except** that a ballot vote is taken (instead of a standing vote) if either the Advisory Committee or fifty (50) voters promptly call for a ballot vote. As a ballot vote takes considerable time, our practice has been not to request a ballot vote in the absence of compelling reasons to do so.
- At a **Special Town Meeting**, no money may be appropriated for any purpose if the Advisory Committee recommends against the appropriation, except by a **two-thirds vote** of the meeting.
- No vote may be **reconsidered** except after a **two-thirds vote** on a motion to reconsider such vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed to pass.
- A vote adopted at one session of the town meeting may not be **reconsidered at a later (adjourned) session** of the meeting unless the mover has given notice of his or her intention to make such a motion either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk not less than 12 hours before the hour to which adjournment has been voted and not more than 48 hours after the hour of adjournment of such session. Any motion for reconsideration pursuant to such notice of intention will be taken up at the beginning of the adjourned session.
- **Articles** in the warrant are to be acted upon **in their order** unless the meeting otherwise determines by majority vote.
- A **motion to adjourn** the meeting to a later time is a privileged motion and is decided by majority vote without debate. When the warrant is completed, a **motion to dissolve** the meeting is in order.
- A **quorum** for the transaction of business is **300**. Once a quorum is determined at the start of the meeting (or adjourned session), the presence of a quorum is presumed to continue unless a point of no quorum is raised and a count of the meeting shows that a quorum is not present. In that event, the meeting may be adjourned to a later date.
- **If you wish to speak**, please rise and seek the attention of the Moderator or the Assistant Moderator. When recognized by the Moderator, you should come to a microphone. Please state your name and address at the outset each time you speak.

Thanks to each of you for being part of the 2013 Hingham Town Meeting. While there may be certain matters in which you have a particular interest, I urge you to participate fully in the meeting until we have finished the business before us. We aim to be efficient in our work and your thoughtful engagement as a Hingham citizen is essential to the success of the meeting and to our continuing commitment to self-governance.

April 2013

Michael J. Puzo  
Moderator

## REPORT OF THE ADVISORY COMMITTEE

### OVERVIEW

The Advisory Committee recommends the proposed FY 2014 budget (Articles 4, 5, and 6) for Town Meeting approval.

The Town continues to strengthen its financial position while striving to maintain reasonable service levels and providing for the Town's capital needs. This budget assumes once again modestly higher revenues derived from increases in both New Growth and Local Receipts. The budget also contemplates equally modest expenditure growth—managed through the continued cooperation of all Town department heads and monitored through quarterly reviews by the Board of Selectmen, Town Administrator, and Town Accountant as well as savings derived in part from decreases in group health insurance costs. The resulting FY 2014 budget proposal is balanced without assuming a tax-levy operating override. Although revenue to fund the Town's operating budget is projected to grow only minimally for the next several years, the "out years" of the Town's five year budget forecast show balanced budget projections for future years.

While this news is good, it must be balanced against an uncertain national and global economic outlook. Indicators point to a continued, but fragile economic recovery for the United States. Federal discussions around taxes and debt reduction are unsettled. Massachusetts is poised to consider a major tax program in part to confront languishing capital needs. These issues, coupled with uncertainty in the global economy, are compelling reasons to stay the conservative course upon which the Town has embarked following the economic collapse of 2008.

In developing the proposed FY 2014 budget, the Advisory Committee has been mindful of four important considerations: (1) delivery of Town services in the most cost-effective manner possible; (2) the need to continue to address capital and infrastructure needs of the Town; (3) the impact of the Committee's recommendations on residential property taxes; and, (4) maintenance of the Town's Aaa bond rating.

- (1) The budget before you largely represents a "level services" budget meaning FY13 service levels adjusted for FY14 costs. The Board of Selectmen and Advisory Committee considered and have recommended as part of the FY14 budget, strategic additions which reflect restoration of services lost since 2008. These additional requests were weighed carefully particularly where the request involved additional personnel costs. The Board of Selectmen, Personnel Board, and School Committee have worked diligently this past year to ensure that Town employees are compensated fairly. The cost of employee payroll accounts for almost 55% of the Town's total FY 2014 operating budget. Contractually, the Town has concluded collective bargaining negotiations with all but three units.

However, employee compensation encompasses more than weekly paychecks. Almost 7% of the FY 2014 operating budget is allocated to health insurance premiums for both active employees and retirees. Last year, the Board of Selectmen worked collaboratively with Town employees to take advantage of new health insurance programs which offer lower premiums for active employees through higher patient co-pays and deductibles. The Board in FY 2013 finalized an agreement with employees to pass on some of the Town's estimated annual premium savings for five years. Building on initial savings realized in FY13, the FY 2014 budget reflects a still greater reduction in Group Insurance costs, reversing the steady increase in this line-item over the past seven years. For retirees, the budget continues to fund healthcare premiums—termed Other Post-Employment Benefits or OPEB—at the full Annual Required Contribution in order that the Town will have the financial wherewithal to honor its healthcare benefit commitments to both current and future retirees without otherwise disrupting the Town's ability to provide services at expected levels.

(2) The Town is committed to providing for its operating capital needs within the tax levy or operating budget of the Town. Rebounding from a low in capital spending in FY10, there has been a slow but steady increase in capital funding through the capital outlay process. Working with the Capital Outlay Committee, the Advisory Committee continues to balance the need to repair and replace capital items before such costs become unreasonable with all of the other pressures on operating revenues. For FY14, Capital Outlay (excluding Sewer and the South Shore Country Club) is \$1,668,922 which represents about a 40% increase compared to FY13. In addition, as with the FY13 budgets, money is included in the FY14 Department of Public Works budget to continue road repair, leveraging state road funds for this purpose. Finally, this year the Town will be asked as part of separate warrant articles to address capital needs associated with the High School playing fields. Mindful of the significant capital requirements that will need to be addressed in the not too distant future particularly with respect to Fire Department facilities and equipment, the Capital Outlay budget includes money for the study of Town facilities.

(3) In constructing the FY14 budget, the Board of Selectmen and the Advisory Committee continue to be concerned about the effect of the budget on property taxes. Last year the Town endorsed measures to try to alleviate that burden both in terms of supporting light commercial development in the Derby Street corridor as well as tax relief measures aimed at needy taxpayers and veterans. This year the Advisory Committee voted affirmatively in support of several additional initiatives to ameliorate the residential property-tax burden. Articles presented for Town Meeting consideration include:

a. Direct Residential Property Tax Relief. As a result of the leadership of the Board of Selectmen, the Town will be asked to use Meals Tax revenue to fund direct property tax relief. If approved, Meals Tax funds will be used to reduce the increased tax burden in FY15 resulting from additional debt services costs relating to the Middle School Project. Taxes assessed on the median home value in Hingham of \$651,950 would increase by approximately \$150 in FY2015, rather than the \$450 previously anticipated.

b. Tax Work-Off Programs. Meal Tax funds also will be used to increase to the needs-based Property Tax Work-Off Program by \$20,000 (for a total of \$60,000) allowing up to 60 qualified participants to provide services to the Town in exchange for a \$1000 property tax abatement. In addition, the Town will be asked to adopt state legislation known as the VALOR Act which would allow the Town to establish a tax work-off program like the one described above, but aimed at tax relief for veterans.

c. Acquisition of property located off Recreation Park Drive. These parcels provide the building blocks for anticipated commercial growth in the Derby Street corridor by providing a location for a water/sewer facility adjacent to the development.

(4) Finally, the Advisory Committee has continued to monitor the ratio of the Town's Fund Balance to the Town's Total Annual Expenditures—a key metric of fiscal health and effective management in evaluations by all three bond-rating agencies. The Town's Aaa bond rating provides Town access to debt markets when other potential borrowers—with lower bond ratings—are unable to find purchasers of their riskier debt. The Aaa bond rating also means the Town can secure the lowest-possible interest rates for its bond offerings, resulting in lower debt-service costs funded by property taxes. For instance, when the Town went to the debt market to borrow certain costs associated with the Middle School Project on a short-term basis, the rate secured by the Town was .195%. The availability of debt at reasonable rates is a key component of the Town's financial assumptions. The resulting debt service costs at lower than projected levels also reduces the tax burden for Hingham households.

The FY 2014 Article 4, 5, and 6 budgets for the Town (net of the Sewer and South Shore Country Club budgets, which are financed by user fees) will change relative to the FY 2013 budget as follows:

	<u>FY 2013</u>	<u>FY 2014</u>
Municipal Departments:	\$22,070,502	\$22,832,925
School Department:	\$40,567,321	\$41,838,227
Capital Outlay:	\$1,128,045	\$1,668,922
Employee Benefits:	\$12,198,273	\$12,210,765
Debt Service:	\$7,122,583	\$7,368,224
Insurance and Incidentals:	<u>\$391,950</u>	<u>\$391,950</u>
TOTAL	\$83,478,674	\$86,311,013

With respect to Municipal Departments the year over year increase of \$762,423 includes about \$250,000 of funding for additional requests above level services including books for the Library, road construction funds and training money for Police and Fire. With respect to the School Department FY 2014 operating budget, the Advisory Committee is recommending appropriation of an amount that is \$1,270,906 more than the FY 2013 funding authorization. This increase is justified by the need to restore certain critical services lost during the economic downturn and its aftermath including importantly, the reinstatement of elementary school assistant principals. It is worth noting that all departments, Municipal and School, worked through the financial constraints of the last several budget cycles, but increased service demands as well as the increase of “unfunded” federal and state mandates required the allocation of additional dollars to meet the most pressing needs. Unfunded mandates will continue to be a budget driver for the future.

One of the most visible unfunded mandates is the special education portion of the School Department budget. For FY14, the Town was fortunate not to have to deal with significant increases in required “out of district” tuitions (unlike FY13). However, these unanticipated costs are still problematic and potentially unsustainable by the Town. The Special Education Funding Working Group, formed last fall, continues to consider possible legislative solutions to address the chronic underfunding and delayed reimbursement of special education out-of-district tuition and transportation costs by the State. These issues require our legislators to take appropriate action to fund these significant costs at the State level.

The Advisory Committee acknowledges the challenges faced by the School Administration and School Committee in managing this complex operation and appreciates the cooperative spirit in which the FY 2014 budget recommendation was crafted. The Advisory Committee would also like to acknowledge and thank each of the municipal department heads for the cooperation, creativity, and fiscal responsibility demonstrated in another difficult budget year.

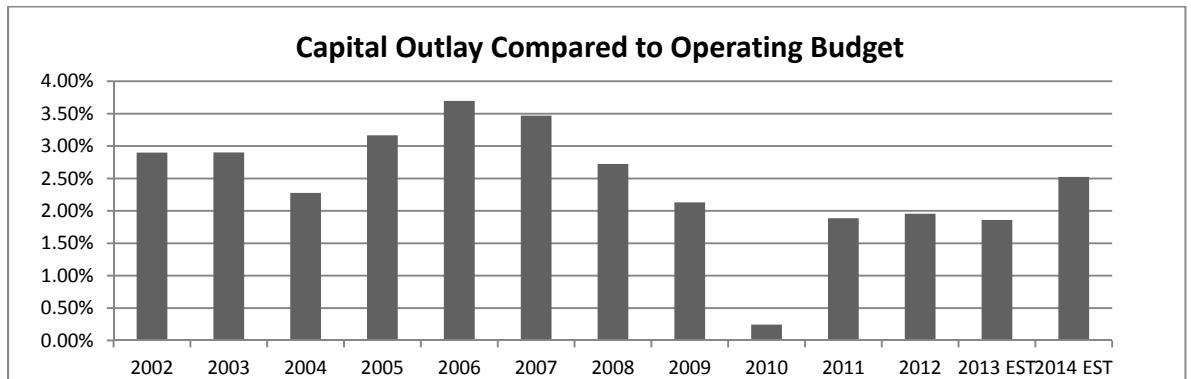
### FINANCIAL POLICY CONFORMANCE

Expenditures in the proposed FY 2014 Article 6 budget conform to the Town’s *Financial Policy* guidelines as follows:

- Fund Balance between 14% and 18% of Total Annual Expenditures
  - Fund Balance reserves have increased from 8.9% of Total Annual Expenditures for FY 2009 to 21.29% at the completion of FY 2012. However, approximately \$4,185,653 or 22.5% of Fund Balance revenue is ‘reserved’ for particular future uses since the

revenue has unique, specialized sources—real-estate sales, the Stabilization Fund, mooring permits, meals tax, and sewer betterments

- The ratio of the remaining FY 2012 ‘unassigned’ Fund Balance to Total Annual Expenditures is 16.5%
- Capital Expenditures between 2% and 5% of the Operating Budget
  - The proposed capital expenditures funded from the tax levy or other recurring revenues account for 1.9% of the proposed FY 2014 operating budget
  - The Town’s capital outlay continues to be somewhat underfunded—a situation which warrants ongoing focus and gradual improvement throughout the term of the *Five-Year Capital Plan* perhaps evaluating the targeted use of debt to address major capital expenditures



- For FY 2014, the Capital Outlay Committee reviewed and evaluated departmental spending requests using the following six criteria, in descending order of importance:
  - If lack of the capital item puts citizen safety at risk
  - If the capital item is broken
  - If the department cannot function without the capital item
  - If the capital item is still functional but repairs are required that would cost 25% or more of the new item purchase price
  - If the capital item is substantially over its projected life and its failure would jeopardize performance of the department’s overall mission
  - If the cost of the capital item can be recovered in three years or less
- From initial capital requests in excess of \$4,300,000, the Capital Outlay Committee (COC) recommended an FY 2014 capital budget funded from the tax levy of \$1,509,271
  - \$118,000 of Accounting/MIS FY2014 requested capital outlay will be funded from the Workers Compensation Trust Fund.
  - \$41,651 from Town Hall and Harbormaster FY2014 requested capital outlay will be funded from Mooring Permit revenue.
- Taking the aforementioned into account, the Advisory Committee recommends a capital budget of \$1,509,271 funded from the tax levy
- The Advisory Committee recommends that an additional \$422,500 be expended on capital outlays for the Sewer Commission (\$162,500), Recreation Commission (\$55,000), and South Shore Country Club (\$205,000)—all funded by user rates and/or charges



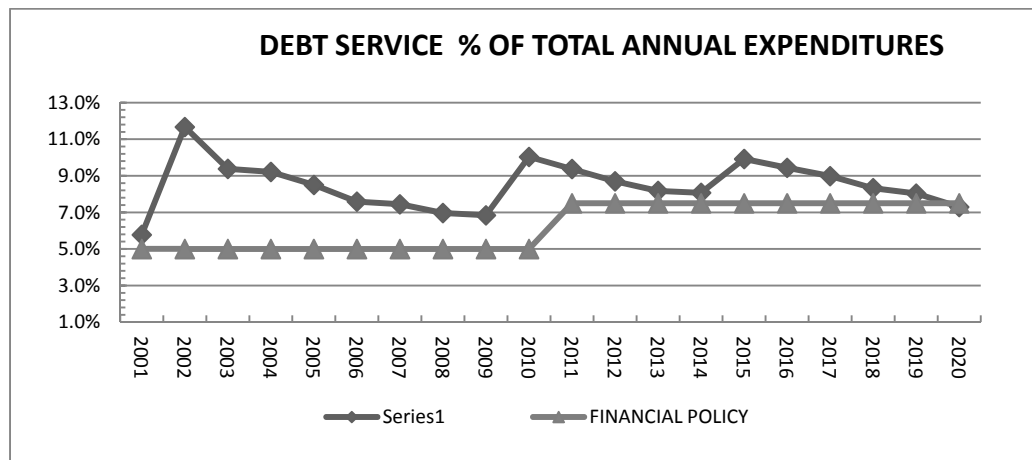
- Reserve Fund of approximately 0.75% of the Operating Budget
  - Massachusetts General Laws provide for annual appropriations to a Reserve Fund from which transfers for extraordinary or unforeseen expenditures may be made from time to time, with the advice of the Board of Selectmen and the approval of the Advisory Committee. The Reserve Fund is used to save the time and expense of a Special Town Meeting for relatively low-cost items.
  - In FY 2012, Reserve Fund transfers were made as follows:

**RESERVE FUND TRANSFERS-FY2012**

<u>DEPARTMENT</u>	<u>AMOUNT</u>
Fire Dept.-Capital Outlay	\$35,000
Harbormaster-Capital Outlay	\$43,000
Elder Services-R&M Vehicle	\$2,600
Project Engineering-Paving Supplies	<u>\$85,712</u>
<b>Total Reserve Fund Transfers</b>	<b><u>\$166,312</u></b>

- Unexpended Reserve Fund revenue for a fiscal year, if any, is returned to Fund Balance effective the end of that fiscal year
- The proposed FY 2014 Reserve Fund appropriation is 0.61% of the operating budget
- Long-term financial obligation and liability funding
  - Contributory Retirement and OPEB are funded as required by law and—in light of the recommendation to fund each at 100% of the Annual Required Contribution—should not burden future generations with unsustainable or disproportionate financial obligations
- Caution in incorporating long-term revenue-growth assumptions
  - The projection of New Growth revenue for FY 2014 and beyond is based on the extrapolation of building-permit activity and other indicators of the local economic outlook
  - Similarly, future Local Receipts revenue—primarily from Motor Vehicle Excise taxes—is tracked carefully and forecast conservatively
- Non-recurring revenues and long-term costs
  - Local Receipts are non-recurring revenues and are deposited in Fund Balance unless Town Meeting directs otherwise
  - The Board of Selectmen and Advisory Committee continue to require full life-cycle cost projections for incorporation in budget forecasts whenever new operating and/or capital funding requests are presented

- Debt service between 5% and 7.5% of Total Annual Expenditures
  - With the re-financing of selected Town debt to take advantage of the currently low interest rates, debt service represents 8.16% of FY 2014 Total Annual Expenditures—down from 8.21% for FY 2013
  - However, the debt exclusion for constructing, furnishing, and equipping a new middle school—approved by the October 2011 Special Town Meeting—will likely increase the debt-service portion of projected Total Annual Expenditures through FY 2020. Without additional borrowing, debt service would return within *Financial Policy* guidelines by FY 2020
  - The graph below shows currently-authorized debt only



- Financial Policy review every three years
  - During FY 2012, the Advisory Committee reviewed and approved, without modification, the Town's *Financial Policy*, which was last revised in June, 2010. The Advisory Committee, together with the Board of Selectmen and the School Committee will update the policy during FY14.

## REVENUE SOURCES AND USES

Not surprisingly, the Town's fiscal year budgets are constrained by the amount of revenue forecast to be available—FY 2014 is no exception.

A balanced budget for FY 2014 must include both the proposed Total Appropriation of \$90,520,834 from Articles 4, 5, and 6 as well as amounts reserved for State Assessments, Overlay, and Other Expenses totaling \$1,212,930.

The aggregate budget Uses for FY 2014 of \$91,733,764 balance to the forecast revenue Sources of \$91,750,684 with a projected Excess of approximately \$16,920.

	ACTUALS FY2012	ESTIMATE FY2013	FORECAST FY2014	FORECAST FY2015	FORECAST FY2016	FORECAST FY2017	FORECAST FY2018
<b>SOURCES</b>							
Tax Levy							
Levy	58,752,874	60,922,624	63,382,432	65,896,993	68,394,418	70,954,278	73,578,135
2 1/2 % increase	1,468,822	1,523,066	1,584,561	1,647,425	1,709,860	1,773,857	1,839,453
New growth	700,929	936,742	930,000	850,000	850,000	850,000	850,000
Debt exclusions	3,687,945	3,641,181	3,568,485	5,792,327	5,683,602	5,480,971	5,067,700
Total Tax Levy	64,610,569	67,023,613	69,465,478	74,186,745	76,637,880	79,059,106	81,335,288
Other Revenue							
State Aid	9,013,490	9,596,557	9,596,557	9,596,557	9,596,557	9,596,557	9,596,557
Local Receipts	7,597,952	6,990,253	7,389,346	7,574,079	7,763,431	7,957,517	8,156,455
Fund Balance	0	53,000	179,651	0	0	0	0
SSCC	1,919,861	1,921,499	2,213,456	2,213,456	2,213,456	2,213,456	2,213,456
Sewer	2,302,348	2,329,069	2,406,197	2,589,603	2,789,634	3,007,900	3,246,172
Light Plant	492,792	500,000	500,000	500,000	500,000	500,000	500,000
Other				0	0	0	0
Total Other Revenue	21,326,443	21,390,378	22,285,207	22,473,696	22,863,078	23,275,430	23,712,639
Total Sources	85,937,012	88,413,991	91,750,684	96,660,440	99,500,958	102,334,536	105,047,928
<b>USES</b>							
State Assessments	754,085	748,892	762,930	777,670	797,112	817,040	837,466
Overlay	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Other expenses / deficits	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Total	1,204,085	1,198,892	1,212,930	1,227,670	1,247,112	1,267,040	1,287,466
Appropriations							
Capital Outlay	1,148,532	1,243,945	1,831,422	2,000,000	2,000,000	2,000,000	2,000,000
Article 6	80,919,352	85,848,863	88,464,412	92,562,050	94,461,560	96,502,951	98,490,745
Article 4&5	0	10,112	225,000	546,510	874,450	1,208,948	1,550,137
Other articles	75,000	0	0	0	0	0	0
Total appropriation	82,142,884	87,102,920	90,520,834	95,108,559	97,336,009	99,711,900	102,040,882
Total Uses	83,346,969	88,301,812	91,733,764	96,336,229	98,583,121	100,978,939	103,328,348
EXCESS (Shortfall)	2,590,044	112,179	16,920	324,211	917,838	1,355,597	1,719,580

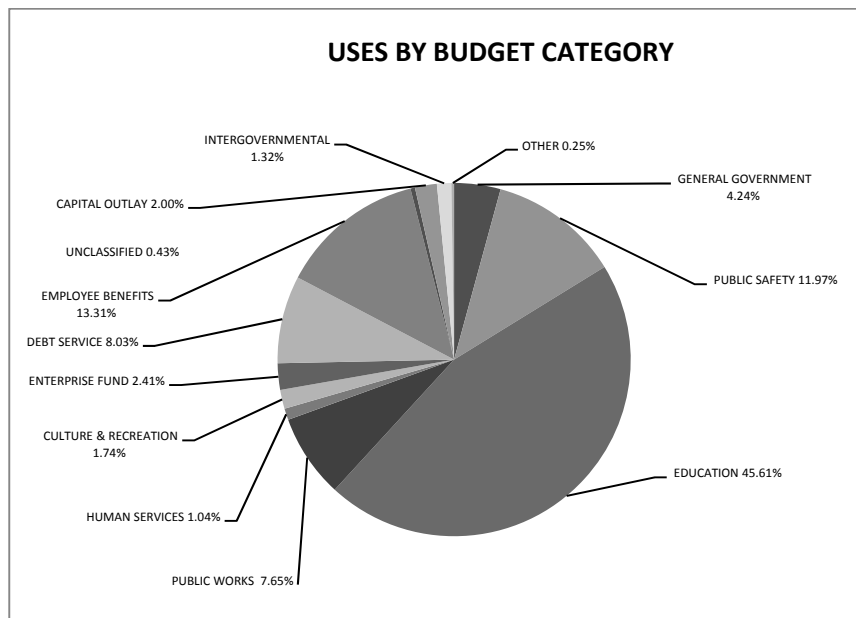
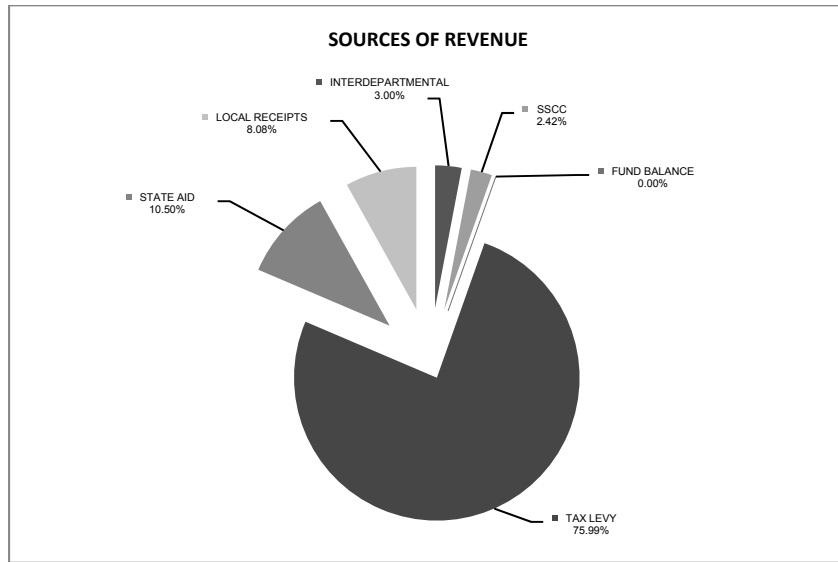
In the chart above, Tax Levy New Growth revenue is forecast to remain at FY13 levels, but then to remain flat for the next several years. Additional Linden Ponds development is not anticipated within the forecast horizon and future development in the Derby Street corridor is too speculative at this point to include here.

With regard to particular Other Revenue line-items:

- Fund Balance of \$41,651 is mooring-permit revenue for use by the Harbormaster and Town Hall for Whitney Wharf fence replacement and Harbormaster boat engine.

- SSCC (South Shore Country Club) revenues of \$2,213,456 fully offset operating costs, capital expenses, and employee benefits costs, all of which are included in the Article 6 Uses total
- Sewer revenues of \$2,406,197 fully offset sewer operating, debt, capital expense, and employee benefits costs, all of which are included in the Article 6 Uses total
- Light Plant revenue of \$500,000 is a Payment In Lieu Of Taxes (PILOT)

The following two charts display a graphic representation of the Town's revenue Sources and budget Uses.



## ADVISORY COMMITTEE RECOMMENDATIONS

The amounts presented in Articles 4, 5, and 6 comprise the FY 2014 budget recommendations of the Advisory Committee.

The Advisory Committee also has reviewed each of the other articles in the Warrant and—after public discussion with sponsors, petitioners, proponents, and other interested citizens—provided comments and recommended motions which, hopefully, reflect the salient points made during the Committee’s deliberations.

The Advisory Committee is a proxy for Town Meeting—the legislative body of the Town. The Advisory Committee has studied, discussed, and recommended; Town Meeting will make the final decisions regarding the proposed FY 2014 budget and the Warrant’s other articles.

We are most grateful for the assistance and support of Town Administrator Ted Alexiades, Assistant Town Administrator Betty Foley, Town Accountant Sue Nickerson, and the Committee’s administrative point-person, Lynn Phillips—their diligence and timely support has enabled us to better represent and serve you.

As in past years, the Advisory Committee benefited again from strong working relationships with the Board of Selectmen, the School Committee and Administration, Town Department heads, the Capital Outlay Committee, the Community Preservation Committee, and the numerous other Town Boards, Commissions, and Committees with which the Advisory Committee and its liaisons routinely interface. Continued collaboration, mutual respect, and teamwork benefit us all.

Hingham continues to be well served by the extraordinary efforts of its many capable and responsible employees and volunteers. We thank them all for their contributions.

## THE ADVISORY COMMITTEE

Karen A. Johnson, Chairman  
Gregory M. MacCune, Vice-Chairman  
Mary M. Power, Secretary  
Michael S. Barclay  
Daniel J. Dwyer  
Elizabeth A. Eldredge  
Lucy N. Hancock  
Richard J. Innis  
Linda K. Kutsch  
Craig D. MacKay  
Laura E. Marwill  
Mary M. Power  
Thomas J. Pyles  
James A. Sharkansky  
James W. Taylor  
William A. Wise

## REPORT OF THE BOARD OF SELECTMEN

As the nation recovers from the great recession, we are glad to note that Massachusetts is making faster progress than many states. While challenges remain, and state revenues continue to fluctuate, there is evidence that in Hingham we have fared better than many.

The Board of Selectmen's long-term goal of emphasizing fiscal stability during the economic crisis has borne fruit. With the aid of the Advisory Committee, the board has established sound policies that have allowed the town to maintain an adequate though somewhat reduced menu of services, while meeting the challenges of an ever-growing school population.

The town's prudent financial management received a resounding endorsement at the time of the first borrowing for the middle school construction when the Fitch bond-rating agency reaffirmed Hingham's AAa rating, resulting in a historically low interest rate. This pleasant outcome lowered the cost of the new middle school project by several million dollars overall. Construction is now underway and the new middle school promises to be a true twenty-first century facility of which the town will be justly proud.

The selectmen's top goals this year were: 1) to carry on the community discussion relative to the purchase of the Aquarion Water Company assets, 2) to produce a proposal for property tax relief for consideration at the 2013 town meeting, 3) to continue to pursue infrastructure improvements in the South Hingham industrial zone which would encourage business development in order to relieve the burden on the residential tax base, 4) to make steps to improve the town's facilities management functions, and 5) to engage in a study of the capacity of and demands on town's athletic fields.

On the first goal, the Water Acquisition Study Committee authorized by Town Meeting in 2012, consisting of four former Advisory Committee chairs and the chairman of the Sewer Commission, has worked diligently to assemble the data needed to make a judgment on the wisdom of acquiring the company. While the committee has yet to make a recommendation as of this writing, the board has been following the work closely, and we are confident that the decision will come as the result of an exhaustive study which leaves no stone unturned, and no factor unconsidered.

As to tax relief, the board has pursued this goal because it is all too clear that the increases in property taxes caused by recent building projects, on top of economic hard times, have made it difficult for many in our community to meet their obligations. The board will present to Town Meeting a proposal to use the revenues produced by the meals tax to offset the increase in property taxes due in Fiscal Year 2015.

The meals tax, which was adopted by Town Meeting in 2011, is an attractive option for reducing the impact of property tax increases. The meals tax is paid only by diners in restaurants, making it a tax of choice, and in addition, many diners in Hingham restaurants come from other areas, due to Hingham's increasing reputation as a restaurant destination. When proposing the new tax in 2011, the Board of Selectmen and Advisory Committee pledged that it would not be used to defray normal operating costs, but for special purposes. This will be our first opportunity to do so.

The improvement of sewer and water infrastructure in the industrial-zoned area of South Hingham is proving to be a complicated and slow-moving process. The facilities and fields management improvements are just getting underway. These three goals are likely to continue into 2013 as priorities of the board.

In 2012, a committee appointed by the Board of Selectmen began work studying the best location for a memorial for Herbert Foss, the only Hingham citizen ever to be awarded the Congressional Medal of Honor.

As always, none of these projects could be accomplished without the dedicated and talented staff of the Town of Hingham, to whom we owe our thanks. In particular, the board wishes to acknowledge and thank Town Administrator Ted Alexiades, Assistant Town Administrator Betty Foley, and the staff of the Selectmen's office, Betty Tower and Kristin Currier, for their outstanding work in the past year.

We would also like to thank the four hundred or so volunteers, citizens of the town who give of their time and talents to work on projects and committees, and without whom only a fraction of what we would like to do could be accomplished.

Laura Burns  
L. Bruce Rabuffo  
Irma Lauter

## COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

To the Constable of the Town of Hingham in the County of Plymouth, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet in the HIGH SCHOOL, 17 Union Street, in said Hingham, Monday, the twenty-second day of April 2013 at SEVEN O'CLOCK in the evening, Then and thereto act on the following Articles:

**ARTICLE 1.** To choose all necessary Town Officers, other than those to be elected by ballot, including the following:

1. One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, and

2. One Trustee of the Bathing Beach to fill a vacancy in accordance with Chapter 75 of the Massachusetts Acts of 1934, or act on anything relating thereto. (Inserted by the Board of Selectmen)

**COMMENT:** The Hannah Lincoln Whiting Fund was established in 1915 pursuant to the will of Ada B.W. Bacon in memory of her mother, "...to be expended in relieving the necessities of the deserving poor or unfortunate of South Hingham..." Grants from the income of the fund are made at the discretion of a committee of three members, one of whom is elected each year by the Town. As of December 31, 2012, the fund assets totaled \$15,156.19 of which \$156.19 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution. Trustees of the Bathing Beach are elected at Town meeting and serve for an "indeterminate tenure". The vacancy being filled resulted from the resignation of Tom Foley who had served as a Trustee for a number of years. Alan Perrault, who is recommended to be elected as a Trustee, is also a member of the Harbor Development Committee with a term that expires in 2014.

**RECOMMENDED: 1. That Betty Fernandes, 1142 Main Street be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years; and 2. that Alan Perrault, 2 Anderson Road be elected a Trustee of the Bathing Beach in accordance with Chapter 75 of the Massachusetts Acts of 1934.**

**ARTICLE 2:** Will the Town assume liability in the manner provided by General Laws, Chapter 91, Section 29, as amended, for all damages that may be incurred by work to be performed by the Depart-

ment of Conservation and Recreation of the Commonwealth of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tide waters, foreshores and shores along a public beach, and authorize the Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth, or act on anything relating thereto? (Inserted by the Board of Selectmen)

**COMMENT:** The Department of Conservation and Recreation ("DCR"), as a matter of policy, requires the Town to assume liability if it is to perform any of the aforementioned work within the Town. In accordance with the statute, and pursuant to an affirmative vote on this article, the Town would assume liability for all damages to property sustained by any person as a result of such work performed by the DCR.

**RECOMMENDED: That the Town, in accordance with, and to the extent only permitted by, General Laws, Chapter 91, Section 29, as amended, assume liability for all damages that may be incurred by work to be performed by the Department of Conservation and Recreation of the Commonwealth of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tide waters, foreshores and shores along a public beach within the Town, in accordance with Section 11 of said Chapter 91, and that the Board of Selectmen is hereby authorized to execute and deliver a bond of indemnity to the Commonwealth assuming such liability.**

**ARTICLE 3:** To hear the reports of the following: Affordable Housing Trust; Audit Committee; Capital Outlay Committee; Commission on Disability Issues; Community Preservation Committee; 2010 Committee to Review the Efficiency and Effectiveness of Town Government; Conservation Commission; Country Club Management Committee; Council on Aging; Energy Action Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Board of Managers of Lincoln Apartments LLC; Long-Range Waste Disposal and Recycling Committee; Memorial Bell Tower Committee; Open Space Acquisition Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; and Water Supply Committee, or act on anything relating thereto. (Inserted by the Board of Selectmen)



**COMMENT:** The Town is indeed fortunate to have many public-spirited citizens willing to work in these capacities. We thank them for their excellent service and recommend that all these posts and committees be continued, except that the 2010 Committee to Review the Efficiency and Effectiveness of Town Government be discharged with thanks.

**RECOMMENDED:** That the reports, if any, of the Affordable Housing Trust; Audit Committee; Capital Outlay Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Energy Action Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Board of Managers of Lincoln Apartments LLC; Long-Range Waste Disposal and Recycling Committee; Memorial Bell Tower Committee; Open Space Acquisition Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; and Water Supply Committee be received; and that all of said Committees, Commissions, the Council and the Historian be continued, except that the 2010 Committee to Review the Efficiency and Effectiveness of Town Government be discharged with thanks.

**ARTICLE 4:** To hear the report of the Personnel Board appointed under the Classification and Salary Plan, or act on anything relating thereto. (Inserted by the Board of Selectmen)

**COMMENT:** This article provides funds to pay for as yet undetermined financial obligations of the Town relating to salary increases, fringe benefit changes, and job reclassifications for non-School Department employees who either are not in a collective bargaining unit or who are covered by a collective bargaining agreement not yet concluded.

**RECOMMENDED:** That the report of the Personnel Board, a copy of which is on file in the Town Clerk's Office, be accepted; that the amendments of the Personnel By-law, including the Classification and Salary Plan, and any agreements reached by the Personnel Board in collective bargaining, which may be embodied or referred to in said report, be approved and adopted in their entirety, such approval and adoption to become effective July 1, 2013 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$225,000 for the purpose of this vote; and that

the Town Accountant is hereby authorized and instructed to allocate said sum to and among the several Personal Services and Expense Accounts in such amounts, respectively, as are proper and required to meet such amendments and to comply with such collective bargaining agreements as may be entered into by the Board of Selectmen on behalf of the Town.

**ARTICLE 5:** Will the Town fix the salaries of the following Town Officers, viz:

1. Selectmen
  2. Treasurer/Collector
  3. Assessors
  4. Town Clerk
  5. Municipal Light Board;
- or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** This article fixes the salaries of the elected Town officers listed above. It is noted that the Selectmen's stipends reflect the recommended reinstatement of amounts in force prior to 2010, when the Board voluntarily reduced its stipend.

**RECOMMENDED:** That, subject to the proviso below and so long as these are elected positions, the salary from July 1, 2013 through June 30, 2014 for each of the following officers shall be at the rates below stated or provided after the name of the office.

Town Clerk<sup>1</sup> and Treasurer/Collector in accordance with the compensation rates established in Grade 15 and Grade 17, respectively, of the Town of Hingham Classification and Salary Plan of the Personnel By-Law.

Selectmen: at the request of the Board of Selectmen, at the annual rate of \$2,000 each, except that the Chair shall receive an annual rate of \$2,500 for the period of incumbency.

Assessors: at the annual rate of \$1,800 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,000.

Municipal Light Board: at the annual rate of \$214 each (to be paid from the receipts of the Electric Light Department).

Provided: that the salary of each such officer except Selectman, Assessor and Municipal Light Board Member shall be reduced by all retirement allowances and pensions received by such officer from the Town of Hingham.

<sup>1</sup> Town Clerk, when serving as a member of the Board of Registrars of Voters, shall be paid for such duties in accordance with Massachusetts General Laws, Chapter 41, Section 19G.

**ARTICLE 6.** Will the Town raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the twelve month period beginning July 1, 2013, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

**RECOMMENDED:** That there be raised and appropriated for each of the following purposes, for the fiscal year beginning July 1, 2013, the sum of money stated therefor, provided that where a transfer appropriation is stated, the amount so indicated shall be transferred or specifically appropriated as stated; also that the authority is hereby given to turn in vehicles and equipment in part payment for vehicles and equipment purchased in those cases where a turn-in is stated; and provided that any amount or portion thereof appropriated to a sub-account under the same numbered account with the approval of the Board of Selectmen and Advisory Committee.

	Fiscal 2012 Expended	Fiscal 2013 Appropriated	Advisory Fiscal 2014 Recommended
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	425,616	413,736	424,006
Expenses	23,502	32,915	33,040
Total	449,118	446,651	457,046
132 RESERVE FUND	166,312	550,000	550,000
135 TOWN ACCOUNTANT			
Payroll	328,062	333,402	348,021
Expenses	6,781	12,555	12,555
Capital Outlay (\$118,000 from WC Trust Fund)	29,878	55,500	190,359
Audit	55,000	55,000	55,000
Information Technology	97,731	129,526	123,698
Total	517,452	585,983	729,633
141 ASSESSORS			
Payroll	190,658	194,961	204,804
Expenses	7,421	11,587	11,587
Consulting	40,646	69,800	69,800
Map Maintenance	6,000	6,000	6,000
Total	244,725	282,348	292,191
145 TREASURER/COLLECTOR			
Payroll	291,850	291,334	304,647
Expenses	42,031	44,308	44,308
Capital Outlay	0	0	6,000
Tax Titles	10,980	10,000	10,000
Total	344,861	345,642	364,955
151 LEGAL SERVICES	319,919	232,000	232,000

	Fiscal 2012 Expended	Fiscal 2013 Appropriated	Advisory Fiscal 2014 Recommended
<b>159 TOWN MEETINGS</b>			
Payroll	4,920	2,692	2,692
Expenses	38,742	28,300	28,300
Total	43,662	30,992	30,992
<b>161 TOWN CLERK</b>			
Payroll	164,000	165,581	169,837
Expenses	5,911	7,707	7,707
Total	169,911	173,288	177,544
<b>162 ELECTIONS</b>			
Payroll	16,954	17,350	6,850
Expenses	22,013	18,160	10,845
Total	38,967	35,510	17,695
<b>173 COMMUNITY PLANNING</b>			
Payroll	574,481	580,836	604,357
Expenses	23,978	56,857	56,857
Total	598,459	637,693	661,214
<b>177 BARE COVE PARK</b>			
Payroll	15,409	15,857	16,233
Expenses	4,953	5,333	5,333
Total	20,362	21,190	21,566
<b>192 TOWN HALL</b>			
Payroll	174,831	174,942	188,856
Expenses	372,787	379,693	349,617
Capital Outlay (\$23,651 from available reserves)	18,726	49,695	103,651
Total	566,344	604,330	642,124
<b>193 GRAND ARMY MEMORIAL HALL</b>			
	11,861	12,207	12,146
<b>TOTAL GENERAL GOVERNMENT</b>	<b>3,491,953</b>	<b>3,957,834</b>	<b>4,189,106</b>

	Fiscal 2012 Expended	Fiscal 2013 Appropriated	Advisory Fiscal 2014 Recommended
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$434,812)	4,087,049	4,411,314	4,525,219
Expenses	315,820	307,600	317,500
Capital Outlay (\$18,000 from available reserves)	154,393	211,657	157,750
Total	4,557,262	4,930,571	5,000,469
220 FIRE DEPARTMENT			
Payroll (Overtime \$474,395)	4,033,483	4,058,319	4,306,420
Expenses	307,009	353,584	380,875
Capital Outlay	145,301	185,500	64,000
Total	4,485,793	4,597,403	4,751,295
240 DISPATCH SERVICES			
Payroll	184,912	0	0
Expenses	294,351	523,000	675,000
Total	479,263	523,000	675,000
292 ANIMAL CONTROL			
Payroll	42,536	32,456	50,508
Expenses	3,700	3,700	3,700
Total	46,236	36,156	54,208
295 HARBORMASTER			
Payroll	111,296	126,165	132,794
Expenses	44,319	42,266	43,516
Total	155,615	168,431	176,310
299 PUBLIC SAFETY UTILITIES			
Emergency Water	243,452	326,500	364,424
Street Lighting	136,000	183,000	183,000
Total	379,452	509,500	547,424
TOTAL PUBLIC SAFETY	10,103,621	10,765,061	11,204,706
EDUCATION			
300 SCHOOL DEPARTMENT			
Payroll	30,272,456	33,068,726	33,787,513
Expenses	7,014,165	7,498,595	8,050,715
Capital Outlay	287,311	429,444	550,734
TOTAL EDUCATION	37,573,932	40,996,765	42,388,962

	Fiscal 2012 Expended	Fiscal 2013 Appropriated	Advisory Fiscal 2014 Recommended
<b>PUBLIC WORKS AND FACILITIES</b>			
<b>405 TOWN ENGINEERING</b>			
Payroll	202,448	202,968	211,689
Expenses	9,613	19,000	19,000
Capital Outlay	39,554	0	0
Road Bldg/Construction	142,191	225,000	300,000
Total	393,806	446,968	530,689
<b>420 HIGHWAY/RECREATION/TREE &amp; PARK</b>			
Payroll (Overtime \$52,412)	1,611,120	1,685,681	1,763,745
Expenses	346,056	374,730	398,164
Capital Outlay	410,863	24,000	362,000
Snow Removal	220,539	504,325	504,325
Road Maintenance	277,814	277,835	282,835
Total	2,866,392	2,866,571	3,311,069
<b>430 LANDFILL/RECYCLING</b>			
Payroll (Overtime \$21,760)	404,340	425,243	436,748
Expenses	825,082	843,271	859,481
Capital Outlay	10,000	65,000	65,000
Total	1,239,422	1,333,514	1,361,229
<b>440 SEWER COMMISSION</b>			
Payroll (Overtime \$17,729)	319,855	322,789	285,612
Expenses	227,378	240,492	238,421
Capital Outlay	9,325	62,900	162,500
Engineering	9,626	10,000	10,000
MWRA Charges	1,501,652	1,576,735	1,588,865
Debt Service	45,177	0	0
Hull Intermunicipal Agreement	109,117	116,153	120,799
Total	2,222,130	2,329,069	2,406,197
The sum of \$2,406,197 shall be funded from Sewer revenue.			
<b>TOTAL PUBLIC WORKS</b>	<b>6,721,750</b>	<b>6,976,122</b>	<b>7,609,184</b>
<b>HUMAN SERVICES</b>			
<b>510 HEALTH DEPARTMENT</b>			
Payroll	271,420	279,739	288,990
Expenses	16,351	18,135	19,735
Total	287,771	297,874	308,725

	Fiscal 2012 Expended	Fiscal 2013 Appropriated	Advisory Fiscal 2014 Recommended
<b>540 ELDER SERVICES</b>			
Payroll	186,436	186,616	188,737
Expenses	24,168	15,665	21,983
Capital Outlay	11,252	0	25,000
Tax Work-Off Program	35,500	40,000	60,000
Total	257,356	242,281	295,720
<b>543 VETERANS' SERVICES</b>			
Payroll	46,882	46,524	77,924
Expenses	5,538	4,431	4,334
Benefits	190,814	233,700	290,688
Total	243,234	284,655	372,946
<b>545 HEALTH IMPERATIVES</b>	2,500	2,500	2,500
<b>546 SOUTH SHORE WOMEN'S CENTER</b>	3,500	3,500	3,500
<b>TOTAL HUMAN SERVICES</b>	<b>794,361</b>	<b>830,810</b>	<b>983,391</b>
<b>CULTURE AND RECREATION</b>			
<b>610 LIBRARY</b>			
Payroll	1,119,428	1,118,246	1,223,094
Expenses	213,050	238,927	256,016
Capital Outlay	20,000	107,249	144,428
Total	1,352,478	1,464,422	1,623,538
<b>630 RECREATION COMMISSION</b>			
Payroll	68,343	72,750	78,773
Total	68,343	72,750	78,773
<b>650 TRUSTEES OF BATHING BEACH</b>			
Payroll	15,541	16,701	17,035
Expenses	1,892	5,825	5,825
Capital Outlay	0	53,000	0
Total	17,433	75,526	22,860
<b>692 CELEBRATIONS</b>	9,249	10,819	10,920
<b>TOTAL CULTURE &amp; RECREATION</b>	<b>1,447,503</b>	<b>1,623,517</b>	<b>1,736,091</b>

	Fiscal 2012 Expended	Fiscal 2013 Appropriated	Advisory Fiscal 2014 Recommended
<b>ENTERPRISE FUND</b>			
720 COUNTRY CLUB	2,342,956	1,921,499	2,213,456
The sum of \$2,213,456 shall be funded from Country Club revenue.			
<b>TOTAL ENTERPRISE FUND</b>	<b>2,342,956</b>	<b>1,921,499</b>	<b>2,213,456</b>
<b>DEBT SERVICE</b>			
DEBT SERVICE (\$3,568,485 IS EXCLUDED FROM PROPOSITION 2 1/2)	7,137,370	7,122,583	7,368,224
<b>TOTAL DEBT SERVICE</b>	<b>7,137,370</b>	<b>7,122,583</b>	<b>7,368,224</b>
<b>EMPLOYEE BENEFITS</b>			
900 GROUP INSURANCE	6,573,633	6,454,000	6,305,485
903 OTHER POST EMPLOY BENEFITS	975,997	1,054,299	1,172,000
910 CONTRIBUTORY RETIREMENT	3,527,947	3,646,653	3,718,860
911 NON-CONTRIBUTORY PENSIONS	4,932	0	0
912 WORKER'S COMPENSATION	300,000	300,000	250,000
913 UNEMPLOYMENT	84,332	50,000	50,000
914 MANDATORY MEDICARE	590,428	693,321	714,420
<b>TOTAL EMPLOYEE BENEFITS</b>	<b>12,057,269</b>	<b>12,198,273</b>	<b>12,210,765</b>
<b>UNCLASSIFIED</b>			
901 Property and Liability Insurance Fire, Public Liability, Property Damage, etc.	381,000	381,000	381,000
940 CLAIMS AND INCIDENTALS	4,240	10,950	10,950
<b>TOTAL UNCLASSIFIED</b>	<b>385,240</b>	<b>391,950</b>	<b>391,950</b>
<b>GRAND TOTAL</b>	<b>82,055,955</b>	<b>86,784,414</b>	<b>90,295,835</b>

**ARTICLE 7.** Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Committee to fund Phase II of the high school fields improvement project located at 17 Union Street, Hingham, Massachusetts, for the purpose of completing said project in accordance with the priorities stated in the October 24, 2011 Special Town Meeting Warrant as follows: drainage and parking issues, replacing the bleachers and providing a multi-purpose game facility, including professional fees, construction of a multi-purpose playing field ("MPF") without field lights, with associated fencing, landscape and gate improvements, bleacher seating to accommodate no more than 1000 spectators, with a press box atop the home side bleachers, all in compliance with the requirements of the Americans with Disabilities Acts of 1990 (as amended);, reconstruction and installation of the varsity baseball field and accompanying features; relocation and construction of a new softball field on the portion of the School Department property across Union Street and accompanying features; topographical excavation and reconstruction to improve the drainage of particular areas of the athletic campus; renovations to the existing parking lot located at the southern end of the property, including the addition of new parking spaces (both at this location and adjacent to the new MFP), with associated drainage and landscape improvements and site lighting, as well as a reinforced overflow parking areas; construction of a building to house required toilets; construction of a pedestrian walkway between the southern parking lot and the new MPF, with associated landscaping and site lighting; demolition of the existing bleachers and press box situated between the high school track and the westerly property line; the installation of a six-foot high boundary fence and grass, tree and bushes of varying styles and heights to provide both aesthetics and sound reducing buffer between the high school track and the western property line adjacent to the Downing Street neighborhood, or act on anything relating thereto?

(Inserted at the request of Beth Rockoff and Others)

**COMMENT:** This Article is intended to offer an alternative to the High School fields proposal put forth by the School Committee in Articles 8 and 10.

The petitioners and their proponents include neighbors and other citizens who acknowledge the need for a substantial project to correct the drainage issues that have plagued the fields over the past several years, to satisfy the gender equity requirements of Title IX, and to replace the current bleachers, but who believe these objectives can be met with a smaller project that has less of an impact on the abutting neighborhoods. Specifically, this

article proposes building the new bleachers in a different configuration (i.e., with all the seats on the same side of the field) and with fewer permanent seats than the School Committee's proposal, proposes a correspondingly smaller auxiliary building with no concession stand, proposes a smaller press box, and would prohibit the installation of field lighting. There are other differences between this proposal and that offered by the School Committee, but the aforementioned are the most significant.

The petitioners believe this article will best preserve open space by minimizing the footprint of the bleachers and the auxiliary building and that the smaller scale of the project minimizes the financial burden on the Town's taxpayers, and, with the prohibition on field lighting, is more consistent with the historic and scenic character of the Hingham Centre and Union Street neighborhoods.

While the Advisory Committee believes the petitioners have put forth this proposal in good faith, it is concerned that many of the assumptions used by the petitioners have not been fully vetted through a comprehensive hearing process and many of the proposed savings are not supported by reliable data from qualified sources. For example, there are legitimate questions as to the practicality of putting all the seats on one side of the field, whether the number of seats proposed by the petitioners will be adequate to meet future needs, and what cost savings can actually be realized from the smaller scale of the project. Based on this lack of persuasive information, the Advisory Committee is unable to conclude that this article represents a viable alternative to Article 8.

With respect to the matter of field lighting, the Advisory Committee believes that Town Meeting will appropriately address this issue when it considers Article 10 and invites citizens to direct their attention to the Advisory Committee's comments thereon included in this Warrant.

As noted above in the Advisory Committee comments for Articles 8 and 10, the High School fields project as proposed by the School Committee is the result of a comprehensive process that included formation of an Ad Hoc study committee, many public hearings, and numerous presentations related to the design and cost of the project. The Advisory Committee appreciates the efforts of the petitioners and believes that the process has been significantly enhanced by the thoughtful and conscientious participation of those with opposing positions. The Advisory Committee believes that the substantive issues raised by the petitioners have been duly heard by the Ad Hoc committee, as well



as the permanent boards and committees, including the Board of Selectmen, the Planning Board and the Conservation Commission, that have participated in the vetting of the School Committee's proposal. Having considered many of these issues during its own hearing, it is the conclusion of the majority of the Advisory Committee that no action be taken on this Article.

**RECOMMENDED: That no action be taken on this Article.**

**ARTICLE 8.** Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Committee to fund phase II of the High School Fields Improvement Project located at 0 and 17 Union Street (the "Project"). Such Project to include: (a) professional fees; (b) construction of a multi-purpose playing field ("MPF") with associated fencing, landscape, drainage and gate improvements; (c) installation of bleacher seating in compliance with the requirements of the Americans with Disabilities Act of 1990 to accommodate (i) 1578 spectators on the home side of the MPF, (ii) 237 spectators on the visitor's side of the MPF, for a total of 1815 seats servicing the MPF, and (iii) 387 spectators facing the straightaway of the new track; (d) a press box atop the home side MPF bleachers, including a new public address sound system; (e) reconstruction and installation of the varsity baseball field and accompanying features; (f) relocation and construction of a new softball field across Union Street and accompanying features; (g) topographical excavation and reconstruction to improve the drainage of particular areas of the athletic campus; (h) renovations to the existing parking lot located at the southern end of the property, including the addition of new parking spaces (both at this location and adjacent to the new MPF), with associated drainage, landscape improvements and site lighting, as well as the designation of an overflow parking area; (i) construction of a new ±2,360 square foot concession building, including storage and toilet fixtures as required, and associated water, sewer and other utility installations; (j) construction of a pedestrian walkway with emergency vehicular access between the south parking lot and the new MPF, with associated landscaping and site lighting; (k) demolition of the existing bleachers and press box situated between the high school track and the western property line; and (l) the installation of a 6-foot-high boundary fence and planting of grass, trees and bushes of varying styles and heights and other features to provide both an aesthetic and sound-reducing buffer between the high school track

and the western property line, or act on anything relating thereto?

(Inserted at the request of the School Committee)

**COMMENT:** The Hingham High School field complex is a valuable asset of the Town that is in need of repair. The October 24, 2011 Special Town Meeting ("STM") authorized the School Committee ("SC") to develop a design for the improvement of the fields and associated construction documents.

The status of the complex has been studied since 2005. Recent decline of the fields prompted the SC to appoint an Ad Hoc High School Fields Study Committee ("Ad Hoc Comm") in July 2011 to review the 2006 study and further that effort. The primary concerns are the antiquated bleachers, the size of the main playing field, and the drainage of many of the fields. The STM authorized the SC to complete a site survey, study traffic, parking, noise, lights and synthetic turf options, and to proceed with the permitting of the improvements through the various required Town boards and commissions, so that Town Meeting ("TM") could be presented with improvement options and associated costs. A recent investigation by the United States Department of Education Office for Civil Rights of the School's compliance under Title IX of the Education Amendments of 1972 emphasized the need for a re-sized multi-purpose field ("MPF") to achieve greater gender equity.

The Ad Hoc Comm consisted of a cross-section of citizens, including three High School neighbors. Early in the process, the Ad Hoc Comm engaged Gale Associates as its engineer. The Police Department has also been consulted. The Ad Hoc Comm met on over twenty-five occasions to gather public input and review pertinent studies on traffic and parking, synthetic turf, sound, and lights. Its findings were presented to the SC in September 2012. While the Ad Hoc Comm's recommendation included the construction of a MPF with synthetic turf and lights, it also presented the SC with cost estimates for base improvements to the SC. The SC adopted the Ad Hoc Comm's recommendation. Subsequently, the SC refined the design of the project, considered limiting various aspects of the project to reduce costs, and adopted a usage policy to address the impact of sound and lights on abutters. The SC has processed the project through permitting by the Planning Board and the Conservation Commission. The permitting process was conducted under the Dover Amendment and Town Zoning By-Laws, as deemed appropriate by Town Counsel. The Dover Amendment allows for expedited permitting for educational institutions among others. Construction documents have been

produced and bids are being solicited. The bids will be opened and the various costs are expected to be provided at TM.

STM authorized the SC to recommend improvements at the current High School fields. The Ad Hoc Comm was asked at hearings to consider other Town locations for the siting of a new MPF. This was deemed to be outside the project scope as defined by the STM. In the Ad Hoc Comm's opinion, the usage and costs related to an off-site complex rendered this option impractical. The recommendation of the 2006 Ad Hoc Comm, the Gale survey, and various locations at the High School complex were considered. Importantly, none of the current fields can be restored to a MPF that would accommodate the need for all the sports contemplated to be played on that field. Title IX compliance will be enhanced by the re-sizing of the field. The site location, just to the east of the current football field, was selected as the optimal site. Relevant factors for relocating the field included proximity to the High School, reduction of neighborhood impact, and minimal ecological impact. Construction of the MPF will include new bleachers, a press booth, sound system, scoreboard, concession building, and commensurate fencing and landscaping. Construction of the MPF will require the relocation of a softball field across Union Street. The baseball and field hockey fields will also be reconstructed at their present sites. Remediation of the drainage issues will be completed. Additional parking will be constructed and a new pedestrian walkway from the south parking lot to the MPF will be provided. Fencing and landscaping will also be constructed along the Downing Street property line to mitigate the neighborhood impact of the complex. The sound system under consideration was selected to provide the least impact to the neighbors. To some extent, relocation of the field away from Downing Street will benefit the neighbors. In addition, the usage policy adopted by the SC was developed with the impact on the neighborhood in mind. The Planning Board has reviewed and approved the site location of the complex after multiple lengthy hearings.

The current bleachers are deficient with regard to both safety and compliance with applicable building codes and the Americans with Disabilities Act ("ADA"). In addition, they directly abut the Downing Street property line. The current seating capacity of the existing bleachers is 1933, adequate to accommodate large events hosted at the High School, such as graduation and certain football games. The newly designed bleachers, with 1815 seats facing the MPF and 387 seats facing the track, will result in a slightly smaller capacity at the MPF. All will be ADA compliant. Notably, the number of

seats dictates the number of toilets in the adjacent concession building. There will be twelve toilets for females and eight for males, as required by the state Plumbing Board.

The recommended sound system minimizes noise heard by neighbors and will be set at a level less than that created by the players and crowd. While the introduction of activity later in the evening could have an impact on the neighbors, the usage policy is designed to limit that impact.

The timing of the project is largely driven by the deteriorating condition of the fields. During and immediately following inclement weather, many of the fields are rendered unplayable due to poor drainage. Currently, Hingham High School either has to cancel games or move to alternative sites, leaving our teams at a competitive disadvantage during these periods and adding expense to the athletic budget. Gale suggests that re-grading of the fields and constructing a system of subsurface piping for the collection of rainwater, to be joined with the existing outflow system and widening the pipe under Union Street, will remedy the problem. Gale indicates that an artificial surface would greatly solve the drainage problems at the complex. Mitigating the issues with a natural grass field would be more complex and costly. The improved system with an artificially-surfaced field will meet the standard of accommodating a "ten year storm." The plan also addresses the drainage issue associated with the south parking lot that currently has no drainage system. Reconstruction of the baseball, field hockey and softball fields will provide for better grading and infiltration for these fields as well. The Town's peer review consultant has reviewed the drainage design and has agreed to its appropriateness. The Conservation Commission concurs.

The current parking is inadequate for the larger events hosted at the High School. Traffic and street parking issues arise as a result. A Coler & Colantonio traffic and parking study, as well as input from the Police Department, has resulted in a proposed increase of 191 on-site parking spaces; 103 in a redesigned and expanded south lot and new spaces at the High School lot, and 88 added overflow spaces on the fields adjacent to the south lots. This brings the total on site capacity for parking to 625. Curbing is to be added on Union Street to discourage illegal parking. Improved signage will be installed. Importantly, through collaboration between the SC and the Police Department, a traffic and parking management plan has been devised to provide for scheduling of events and police details for the larger events at the High School.

As the engineering for the drainage system evolved, it became apparent that a MPF with an artificial surface would be superior to a natural grass field. Gale Associates feels that a natural grass field is not a practical solution for the complex. A single grass

field is also problematic from multiple-usage standpoint. For example, after football practice or games, the field would be rendered unplayable for field hockey. Multiple fields would add significant costs to the project. The SC therefore believes that an artificially-surfaced field is the only practical solution, and does not feel that offering a natural grass option is advisable.

STM directed the SC to examine the issues at the High School complex and recommend a solution for the problems. The SC has concluded that a natural grass field would be problematic in several respects. Not only is an artificially-surfaced field superior in mitigating the drainage issues, it also accommodates the need to allow multiple sports to be experienced equally by male and female athletes at a reasonable cost in a way that a single grass field would not. Voting for this article approves the project with an artificial surface on the MPF, but does not cover the cost and installation of the "carpet".

An artificially-surfaced field could be viewed as an amenity, not a necessity. Accordingly, one might assume that the incremental cost above a natural grass field should be funded by private sources. This article reflects that view; that is, that the project should be constructed, but that the incremental cost of an artificial surface should be defrayed privately. It is merely an endorsement of the project with an artificial surface. However, approval of this article should not preclude the approval of the ensuing article to have the Town fund the artificial surface. Put another way, this article is not an endorsement of the Town's funding of an artificially-surfaced MPF. That is the subject of the next article; the two articles should be viewed as additive. It should also be noted that the approval of this article does not endorse the project with lights. The issue of lights will be addressed in a later article.

The cost of these improvements, excluding the cost or installation of artificial turf and the cost of lights, is estimated to be \$3,765,180. This amount differs from the STM estimate of \$2.0 to \$2.75 million. The increase is mostly due to the addition to the south parking lot and curbing (\$748,510) and the relocation of the softball field (\$169,213.) The actual costs are expected to be provided at TM after firm bids have been received. The Community Preservation Committee has recommended that \$50,000 from the Community Preservation General

Reserve be used as partial funding for the softball field relocation.

The project will be financed by a non-excluded bond. The annual debt service of the bond, assuming a 2% interest rate paid over 15 years, is approximately \$325,000 and will be repaid through the operating budget. The actual debt service will depend on any private funding that reduces the Town's costs and the prevailing interest rates at the time of issuance. Any private funding will be governed by a written Memorandum of Understanding between the Town and any representative of the private source(s.)

The Advisory Committee is sensitive to the neighborhood concern for intrusion of sound and the significant cost of the MPF. However, the majority of the committee (9-4) feel that the project as proposed mitigates the issues presently experienced at the High School fields. It provides for competitive and gender equity, better field flexibility and management, and is right-sized to meet the current and future needs of our athletes and the community. A reasonable usage policy has been adopted. Significant private funding will reduce the impact on the Town and will result in a true partnership with the Town.

The Planning Board voted 3-2 to give Site Plan Approval to the project, which included a traffic plan for large events and a usage policy. The majority of the Board of Selectmen support favorable action on this article.

Approval of this article requires a two-thirds vote by TM.

**RECOMMENDED: That the Town appropriate a sum not to exceed \$3,765,180 to be expended under the direction of the School Committee to fund phase II of the high school fields improvement project located at 0 and 17 Union Street (the "Project"). Such Project to include: (a) professional fees; (b) construction of a multi-purpose playing field ("MPF") with associated fencing, landscape, drainage and gate improvements; (c) installation of bleacher seating in compliance with the requirements of the Americans with Disabilities Act of 1990 to accommodate (i) 1578 spectators on the home side of the MPF, (ii) 237 spectators on the visitor's side of the MPF, for a total of 1815 seats servicing the MPF, and (iii) 387 spectators facing the straightaway of the new track; (d) a press box atop the home side MPF bleachers, including a new public address sound system; (e) reconstruction and installation of the varsity baseball field and accompanying features; (f) relocation and construction of a new softball**

field on that certain portion of School Department property located across Union Street and accompanying features; (g) topographical excavation and reconstruction to improve the drainage of particular areas of the athletic campus; (h) renovations to the existing parking lot located at the southern end of the property including the addition of new parking spaces (both at this location and adjacent to the new MPF) with associated drainage, landscape improvements and site lighting, as well as the designation of an overflow parking area; (i) construction of a new  $\pm 2,360$  square-foot concession building, including storage and toilet fixtures as required and associated water, sewer and other utility installations; (j) construction of a pedestrian walkway with emergency vehicular access between the south parking lot and the new MPF, with associated landscaping and site lighting; (k) demolition of the existing bleachers and press box situated between the high school track and the western property line; (l) the installation of a 6-foot-high boundary fence and planting of grass, trees and bushes of varying styles and heights and other features to provide both an aesthetic and sound-reducing buffer between the high school track and the western property line; and (m) the installation of, but not payment for, Field Turf or a similar artificial surface on the MPF. To meet said appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority upon such terms as the Town Treasurer and Board of Selectmen shall determine.

**ARTICLE 9.** Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Committee ("SC") to fund the installation of a Field Turf or similar artificial surface as part of the construction of a new multi-purpose playing field ("MPF") in connection with phase II of the High School Fields Improvement Project, or act on anything relating thereto?

(Inserted at the request of the School Committee)

**COMMENT:** Adoption of the previous article would remedy the deficiencies of the athletic complex at the High School. The majority of our competitive towns have already constructed artificially-surfaced fields. Installation of artificial turf would enhance the playing experience on the MPF in several ways. An artificial surface would further improve playing conditions during and after

inclement weather. An artificial turf field would be immediately available for play, rather than waiting the three growing seasons as required with natural grass. While some may be concerned about injuries caused by artificial turf, studies do not suggest any increased incidence associated with artificial turf. Environmental impact may be positive, since no fertilization is required with artificial turf. Artificial turf would also significantly improve the drainage of the fields and is considered as the only option for construction: and it would greatly reduce the ongoing cost of maintenance of the fields. If natural grass were to be used, there would be a need for multiple MPFs to provide equal access for both genders, as required by Title IX.

The incremental cost to install an artificial turf carpet above that of a natural grass field is estimated to be \$454,020. The carpet has a useful life of fifteen years, and replacement would cost approximately \$425,000 in today's dollars. At the request of the SC, Gale Associates completed a 30-year analysis comparing the cost of a natural grass field to an artificial surface. Because the average artificial field has a useful life of 15 years, this analysis reflects two replacements of the carpet. The results of the analysis suggest that over a 30-year time frame, the incremental cost of installing an artificial field is offset by lower maintenance costs. In other words, the cost differences are negligible.

The School Administration has stated that amenities over and above the base needs for the fields improvements would be funded privately. Private fundraising is under way by the SC and funds raised may be used to offset the Town's appropriation. If Town Meeting votes to fund the incremental cost of an artificial field (estimated to be \$454,020), the additional financing by a 15-year non-excluded bond would have an added annual debt service of approximately \$39,240.

The majority (8-5) of the Advisory Committee believes that an artificially-surfaced MPF is an integral part of the solution to the issues that plague the school fields and that, therefore, the incremental costs should be borne by the Town. A majority of the Board of Selectmen concur.

Approval of this funding requires a two-thirds vote by TM.

**RECOMMENDED:** That the Town appropriate a sum not to exceed \$454,020 to be expended under the direction of the School Committee to fund the installation of a Field Turf or similar artificial surface as part of the construction of a new multi-purpose playing field ("MPF") in connection with phase II of the High School Fields Improvement Project. To meet said

**appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority upon such terms as the Town Treasurer and Board of Selectmen shall determine.**

**ARTICLE 10.** Will the Town allow the erection and installation of four 80-foot high light poles at designated locations identified on the design plans for the multi-purpose playing field ("MPF") intended to be constructed at the high school in connection with the High School Fields Improvement Project under the direction and control of the School Committee ("SC"), or act on anything relating thereto?

(Inserted at the request of the School Committee)

**COMMENT:** While the construction of MPF resolves the basic issues surrounding the deficiencies of the complex, the addition of lights would enhance the playing experience of our athletes. Virtually all towns in our league have lights. Naturally, the installation of lights would extend the usage of the fields into the night. The resultant activity would have an impact on the neighbors. The four light poles at a height of eighty feet would also have a visual impact. The vendor analysis indicates that the eighty-foot height would be optimal, as it would have the least impact of glare and spillage by focusing the illumination downward onto the playing field. The site location was selected to minimize light and noise by moving the MPF away from the Downing Street property line. Mitigating measures will also include fencing and landscaping on the Downing Street property line. Importantly, the SC, with input from neighbors, has adopted a usage policy limiting activity on the MPF.

The SC has conducted the permitting of the project under the Dover Amendment. It was therefore not required to seek a variance from the Zoning Board for the height of the light poles; in other words, the SC has a right to construct the lights at this height. Because no appropriation is requested under this article its adoption requires a simple majority vote of TM.

The cost of the lights is estimated to be \$320,000. The lights will be privately funded and have no taxpayer impact. Any private funding will be governed by a written Memorandum of Understanding between the Town and any entity representing private funding source(s.)

The Advisory Committee understands that the introduction of lights at the complex and the height

of the light poles are of concern to neighbors and the Hingham Historic Districts Commission. Yet, the majority (8-5) believes that the usage policy approved by the Planning Board effectively addresses the intrusion.

The lights are an integral part of the complex. They will produce a favorable experience, not only for our student-athletes, but for the community as a whole. Lights at the MPF will increase the ability of our athletes to practice and play games and allow greater flexibility with scheduling our multiple sports. This will also add revenues that will be used to defray field maintenance costs.

The majority of the Board of Selectmen recommends favorable action on this article.

Approval of this article requires a majority vote by Town Meeting.

**RECOMMENDED:** That the Town allow the erection and installation of four 80-foot high light poles at designated locations identified on the design plans for the multi-purpose playing field ("MPF") intended to be constructed at the high school in connection with the High School Fields Improvement Project under the direction and control of the School Committee ("SC").

**ARTICLE 11.** Will the Town appropriate the following sums of money for Community Preservation purposes as follows:

1.) \$4,500 from the Community Preservation Community Housing Reserve to be used by the Hingham Housing Authority for certain building preservation activities, specifically earthwork and grading at the Thaxter Park Housing development to improve drainage and flooding issues in several of the buildings and apartments;

2.) \$100,000 from the Community Preservation Historic Resources Reserve and \$180,000 from the Community Preservation General Reserve to be used by the Hingham Cemetery Corporation for historic preservation and restoration of the Ames Chapel located on Map 61/Lot 40 in the Hingham Cemetery;

3.) \$45,000 from the Community Preservation General Reserve to be used to preserve the exterior of the Grand Army of the Republic (G.A.R.) Memorial Hall located at 358 Main Street;

4.) \$8,200 from the Community Preservation General Reserve to be used by the Recreation Commission for a feasibility study on the historic preservation of the East Street Skate House;

5.) \$240,000 from the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the land and interests totaling 5.62 acres at 127 Rockland Street, including Sidney's Pond, at Map 42, Lot 24 Parcels A and B;

6.) \$10,000 from the Community Preservation General Reserve for deposit to the Town's Conservation Fund for purchase of land, capital improvements and expenses related to such acquisitions, to make deposits or down payments toward acquisitions or creations of such interest in open space or otherwise preserve open space;

7.) \$50,000 from the Community Preservation General Reserve for the Bradley Woods Park/Playground Renovation;

8.) \$15,000 from the Community Preservation General Reserve for the Cronin Field Basketball Court & Outdoor Hockey Rink Renovation;

9.) \$50,000 from the Community Preservation General Reserve for the softball field relocation of the HHS Fields project; and

10.) \$20,000 from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund;  
Or act on anything relating thereto?  
(Inserted at the request of the Community Preservation Committee)

**COMMENT:** The Community Preservation Act (Massachusetts General Laws, Chapter 44B) ("CPA") is a local option statute enacted by the State Legislature in 2000 and adopted by the Town in 2001. It enables towns to collect and expend funds (including matching funds by the State) to maintain their character by supporting open space, affordable housing, recreation lands, and historic preservation initiatives specifically defined by the CPA. The current CPA surcharge rate is 1.5% of real property taxes. The appropriations requested for the projects described below are from Community Preservation Committee ("CPC") reserves.

The comments of the Advisory Committee are set forth below and correspond to the numbered sections of Article 11.

1.) The CPA requires that at least 10% of annual CPA revenue be allocated to each of the following categories: historical preservation; open space; and community housing. If a community is not able to spend at least 10% on a category, this amount is set

aside in a reserve account for such activities. Due to a lack of affordable housing proposals for CPA funds in Hingham during the past few years, there is a surplus of at least \$300,000 in this category.

Thaxter Park is an affordable public housing development funded by the state and run by the Hingham Housing Authority ("HHA"). This residential area is populated by citizens who qualify as low-income, elderly, or disabled, and it is the only such complex that gives preference to Hingham residents and veterans. The original CPA proposal submitted by the HHA for Thaxter Park this year included walkway improvements to improve handicapped access, exterior lighting upgrades, and site drainage. The State allocated partial funding for this work, and the proposal was a request for CPA gap funding in the amount of \$79,227.

The CPC initially voted in favor of the Thaxter Park proposal but made the approval contingent on a favorable opinion by Town Counsel. The Committee subsequently withdrew the project because Town Counsel ruled that it did not meet the requirements of the CPA. The Community Preservation section of the CPA allows for the acquisition or creation of new affordable housing and for improvements to affordable housing created with CPA funds. The law does not permit the expenditure of funds for maintenance or improvements related to housing that was not created with CPA funds. Much to everyone's disappointment, the Thaxter Park project did not qualify for CPA funding under the law.

It is permissible to use CPA funds for preservation of an asset not acquired with CPA funds, so Sharon Napier, Executive Director of the HHA, returned to the CPC with the revised proposal described in the article above. Serious drainage issues exist in the back of the development, causing flooding around the walkways and into residents' homes. The earthwork and grading will alleviate the flooding that has occurred and prevent future flooding, thereby preserving the buildings. The CPC agreed that this project qualifies for CPA funds.

The CPC and Selectmen are committed to finding a way to allocate CPA funds to community housing projects in the future. They are anxious to assist the HHA in its quest to receive funds for Thaxter Park. One option that was floated was for the Town to purchase Thaxter Park from the State for a nominal sum and then spend CPA funds on maintenance of the complex. The State declined this offer. The best way to proceed with the community housing issue is to advocate for a change in the CPA legislation. The HHA and the Selectmen plan to meet with state legislators to discuss possible amendments to the CPA.



2.) The Ames Chapel was built in 1886 with private funds raised by Preston Adams Ames and friends in memory of Mr. Ames' wife, Anne Fessenden Barnes Ames. Mrs. Ames was also the daughter of prominent Hingham merchant Luther Barnes. The chapel was designed by Hingham architect, J. Sumner Fowler, who was also the designer of our current Town Hall. The Ames Chapel is located in downtown Hingham, on the north side of the Hingham Cemetery, overlooking North and South Streets, and Hingham Harbor beyond. It is owned by the nonprofit organization Hingham Cemetery Corporation. Originally built as a funeral chapel, it has spent much of the past 100 years either unused or as makeshift office space for the cemetery's Board of Directors and the Superintendent. Noted for its remarkable late-Victorian Queen Anne architecture not commonly seen in Hingham, and its American Decorative style stained glass windows, it is within the Hingham Cemetery, which is on the National Register of Historic Places. It is also located within the Lincoln Local Historic District.

The Board of Directors of the Hingham Cemetery Corporation is currently undertaking an extensive preservation and renovation of this building, using approximately \$350,000 of its own endowment, in addition to privately raising \$300,000. The project was also awarded a \$50,000 grant from the Massachusetts Historical Commission. The Hingham Cemetery Corporation is now requesting \$280,000 of Community Preservation Funds to aid in the completion of the project financing for rehabilitation and preservation of the chapel under the Secretary of the Interior's Standards for the treatment of historic properties. Once completed, the Hingham Cemetery Corporation plans that the Ames Chapel be utilized by the community at large for events such as conferences and symposia, religious ceremonies, educational classes, social functions, and other community events. Its location in downtown Hingham and its smaller, more intimate size makes it a complement to Hingham Historical Society's Old Derby for community functions.

3.) Hingham's G.A.R. Memorial Hall is one of only six remaining G.A.R. Halls in Massachusetts. These structures were built as memorials to the sacrifice made by members of the Union Army during the Civil War. The Hingham G.A.R. Hall is Town-owned and currently houses a significant amount of veterans' memorabilia. It is also listed on the State Register of Historic Assets. The Hall is used for meetings by a variety of groups, including, but not limited to, the Veterans' Council, the Veterans of Foreign Wars, the American Legion, the G.A.R. Hall

Trustees and the Hingham Militia. It provides a drop-in center for our veterans when they return home, and school groups also visit each year as part of their history curriculum. The Town will celebrate the 125<sup>th</sup> anniversary of the G.A.R. Hall on May 19<sup>th</sup> of this year.

During the past ten years the G.A.R. Hall has had several renovations. A grant from the Department of Housing and Community Development has allowed the Hall to become handicapped accessible, while interior improvements were made possible by Community Preservation Historic Resources Reserve funds. The exterior of the building is now in need of repair in order to preserve some of its architectural detailing and structural integrity. Once repaired, the building will need to be painted in order to preserve the exterior and prevent future deterioration.

4.) In January of 2013, the Hingham Historical Commission voted to place the East Street Skate House on the Town's historic inventory. The Recreation Commission is seeking funds for a feasibility study to determine whether or not this historical asset can be preserved. The building has deteriorated to such an extent that replacement or renovation is imperative. It is hoped that the Skate House can be preserved and will serve the community for years to come by providing a safe, warm and well-maintained shelter for families to spend time together engaged in outdoor recreational activities.

5.) This property (known as the Noonan Family land) contains valuable wetlands, an historic ice pond, open grasslands, forested uplands, and walking trails, and it includes land designated as an Area of Critical Environmental Concern (ACEC) by the Commonwealth of Massachusetts. The original proposal encompassed three parcels totaling 7.91 acres, but the Town could not afford to buy all three parcels. The current proposal is to purchase Parcel A (\$222,000) plus a conservation restriction (\$15,000 for purchase and associated legal costs) to allow public access to the pond on Parcel B. The appropriation contains an additional amount of \$3,000 for anticipated legal fees related to the Parcel A purchase. Parcel A (3.08 acres) was appraised at \$222,000 reflecting its market value as a property that could be developed for housing. (The third parcel, known as Lot 2, will be sold privately.) Note that Parcel B contains most of the pond and a house in which the current owner will continue to reside, and Parcel A contains the rest of the pond, a cart path, and upland woodlands.

The property is critical to the Weir River ecosystem and watershed, and it links contiguous conservation land. A drainage easement runs from the wetland across the street into Sidney's Pond. The pond is a significant piece of Hingham's history as Mr. Sidney, who owned the property for many years, cut ice and sold it to Hingham and Hull residents. The water flows from the pond and becomes an open and active stream at the southwestern corner of the property. It continues to run under Kilby Street until it meets the Weir River. The rivulet that runs from the pond to the river has been an active spawning ground for smelt. The pond is an important stopover for migrating waterfowl, and it supports many year-round native species. The property offers valuable recreational opportunities, e.g., skating, fishing, walking, biking, and bird watching. Parcel A is easily accessible from Rockland Street.

Supporting groups for this purchase include: Hingham Open Space Acquisition Committee; Weir River Estuary Park Committee; Weir River Watershed Association; Hingham Land Conservation Trust; Hingham Historical Commission; Hingham Conservation Commission; neighbors and abutters. The Weir River Estuary Land Protection Plan adopted in 2006 rates acquisition/conservation of this property in the highest priority category to protect the Weir River Estuary. The Hingham Conservation Commission's recent open space and recreation plan lists the property as a high priority property for the town to acquire. On 1/7/2013, the Hingham Historical Commission voted to place Sidney's Pond, including the structural remains of the ice harvesting business, on the Town's historic inventory.

The Weir River Estuary Park Committee and other stakeholders will assist with anticipated maintenance after property acquisition. This includes removal of invasive plants, annual clean-up of the site, maintenance of a walking path, and creation of a property management plan.

6.) Under the CPA, at least 10% of annual revenues (including the State match), must be spent or set aside for open space initiatives. This Article authorizes the transfer of \$10,000 to the Conservation Commission Fund to be spent on Conservation Commission established priorities consistent with the requirements of the CPA, including, but not limited to, maintenance of CPC open space properties, especially those located in Watershed Protection Districts, and environmental assessments during the next fiscal year.

7.) The Bradley Woods playground and park area is controlled by the Recreation Commission.

Recreation facilities serve the community by providing a safe and desirable area for families to spend time together engaged in outdoor recreational activities. Replacement of the Bradley Woods Playground, which has been deemed unsafe, has been part of the Recreation Commission's master plan; however, resource constraints have prevented replacement. The Bradley Woods Association has expressed serious concern for the safety of children who play at the existing facilities. This article's proposed renovations will increase the appeal and safety of the Bradley Woods playground and park area and encourage more Town residents, particularly from the Shipyard community, to utilize the available facilities. The Bradley Woods Association supports the renovation and has raised funds to contribute to the project. The Recreation Commission is committed to evaluating and addressing the needs of other Town playgrounds in the future.

8.) Hingham Recreation's outdoor basketball court and inline hockey rink located behind Town Hall are heavily used by a wide and varied portion of Hingham's residents. Properly maintained, they provide the opportunity for families, in a safe outdoor setting, to introduce children to the fundamentals of the games of basketball and hockey. They provide the youth of the community an area where they can engage in self-organized team activities. In their current condition, due to substantial cracking, they are unsafe for play. A review by an independent repair firm has determined that the repair contemplated in this article should preserve the facilities for 7 to 10 years, forestalling a more costly renovation in the near future.

9.) As amended on July 1, 2012, the CPA allows for the expenditure of CPA funds for both new recreational opportunities and for restoration and rehabilitation of land and facilities that are already designated for recreational use whether or not created or acquired with CPA funds. Before July 1, 2012, a municipality could not appropriate CPA funds to rehabilitate a park or other recreational land that was not acquired or created with CPA funds. Thus, based on the amended Massachusetts State law, portions of the High School Fields project are eligible for CPA funds. The project has multiple components, one of which is the relocation of a natural grass softball field. The cost of the new field is approximately \$169,000. The new location is on the east side of Union Street, across from the southern parking lot and abutting the existing soccer fields. Benefits of the field relocation will be better drainage, enhanced safety of athletes and students, and adherence to Title IX (federal law that mandates equal access for males and females to all



educational activities including but not limited to, athletic fields and facilities). Given the limited amount of CPA funds available and mindful of the goal of balancing newly authorized recreation projects with the more traditional CPC activities related to historic, open space, and housing projects, the Hingham Community Preservation Committee voted to provide partial funding for the softball field in the amount of \$50,000. If the High School Fields project articles are not acted upon favorably by the 2013 Annual Town Meeting or otherwise not pursued by the School Committee, these funds will revert to the Community Preservation General Reserve for allocation to future projects.

10.) The CPA allows up to 5% of annual CPA revenues to be reserved for operational and administrative expenses, including engineering, legal, and consulting costs associated with the review of proposed projects, the administration of projects approved by annual Town Meeting, and the salaries of part-time staff. Since the CPA was adopted in April 2001, five Annual Town Meetings (2003, 2005, 2007, 2010, and 2012) have each approved an appropriation for administrative expenses. From 2001, when the Town voted and adopted the CPA, until October 2012 (completion of FY2012 State matching funds), the Town has collected \$6,759,447.46 in CPA tax revenue and \$4,427,247 in matching State CPA funds for a total of \$11,186,694.46. During this same time period, the Town has approved \$249,000 of these total CPA funds to be appropriated to the CPA Administrative Fund. As a result, Hingham's administrative appropriations have averaged 2.2% of annual CPA revenues compared to the 5% allowed by the CPA. This current request to appropriate \$20,000 to the CPA Administrative Fund is less than 2% of our projected FY2014 Funds, and is expected to fund administrative expenses for the next fiscal year.

**RECOMMENDED: That the Town appropriate the following sums of money for Community Preservation purposes as follows:**

**1.) \$4,500 from the Community Preservation Community Housing Reserve to be used by the Hingham Housing Authority for certain building preservation activities, specifically earthwork and grading at the Thaxter Park Housing development to improve drainage and flooding issues in several of the buildings and apartments;**

**2.) \$100,000 from the Community Preservation Historic Resources Reserve and \$180,000 from the Community Preservation General Reserve to**

**be used by the Hingham Cemetery Corporation for historic preservation and restoration of the Ames Chapel located on Map 61/Lot 40 in the Hingham Cemetery;**

**3.) \$45,000 from the Community Preservation General Reserve to be used to preserve the exterior of the Grand Army of the Republic (G.A.R.) Memorial Hall located at 358 Main Street;**  
**4.) \$8,200 from the Community Preservation General Reserve to be used by the Recreation Commission for a feasibility study on the historic preservation of the East Street Skate House;**

**5.) \$240,000 from the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the land and interests totaling 5.62 acres at 127 Rockland Street, including Sidney's Pond, at Map 42, Lot 24 Parcels A and B;**

**6.) \$10,000 from the Community Preservation General Reserve for deposit to the Town's Conservation Fund for purchase of land, capital improvements and expenses related to such acquisitions, to make deposits or down payments toward acquisitions or creations of such interest in open space or otherwise preserve open space;**

**7.) \$50,000 from the Community Preservation General Reserve to be used by the Recreation Commission for the renovation and rehabilitation of the Bradley Woods playground and park.**

**8.) \$15,000 from the Community Preservation General Reserve to be used by the Recreation Commission for the renovation and rehabilitation of the Cronin Field Basketball Court and Outdoor Hockey Rink;**

**9.) \$50,000 from the Community Preservation General Reserve to be used by the Hingham School Committee for the relocation of the softball field as part of the HHS Fields project; and**

**10.) \$20,000 from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund**

**ARTICLE 12.** Will the Town: (i) appropriate the sum of One Million One Hundred Thousand (\$1,100,000) Dollars from the Community Preservation Historic Resources Reserve and the Community Preservation General Reserve to be used by the Hingham Historical Society, Inc., (a

Massachusetts charitable corporation governed by Ch.180 MGL), to preserve, rehabilitate and make handicapped-accessible the premises known as "Old Derby" and numbered as 34 Main Street and to establish within said Old Derby the Hingham Heritage Museum, all substantially in accordance with the terms and conditions contained in a Memorandum of Understanding to be executed by the Hingham Historical Society, Inc. and the Hingham Board of Selectmen; and (ii) to meet such appropriation, authorize the Town Treasurer; with approval of the Board of Selectmen, to borrow said sum (together with costs of the borrowing) under the provisions of MGL Chapters 44, and 44B and any other enabling authority upon such terms as the Town Treasurer and Board of Selectmen shall determine, provided however that the terms of the borrowing shall be substantially consistent with the Memorandum of Understanding and provided further, that the source of repayment of such principal indebtedness and interest accrued thereon shall be the Hingham Community Preservation Fund established and maintained pursuant to the provisions of MGL, Chapter 44B; or, (iii) act on anything related thereto?  
(Inserted at the request of the Community Preservation Committee)

**COMMENT:** This article would allow the Town to spend \$1.1 million from two reserves of the Community Preservation Committee ("CPC") for the creation of a Hingham Heritage Museum and Visitor Center (the "Museum") at Old Derby Academy. The article would also authorize the Town to issue bonds to fund the project, and accordingly requires a two-thirds vote for adoption.

Old Derby, built in 1818, housed the first co-educational school in the United States and served as a place for Town Meeting. Along with the Old Ship Meeting House, the Old Ordinary and the Hingham Cemetery, it is a pillar of historic Hingham and part of the Lincoln National Register Historic District.

The recipient of the grant would be the Hingham Historical Society, Inc. ("Historical Society"), a non-profit 501(c)(3) corporation, which saved Old Derby from destruction in 1966 and now owns and operates both Old Derby and the Old Ordinary. The \$1.1 million would be raised through the issuance by the Town of general obligation bonds to be retired with anticipated CPC funds, likely over ten years, but, perhaps, fifteen.

The Museum will serve two complementary purposes. First, the Historical Society houses thousands of artifacts and documents from Hingham's past, some dating back to the time of

settlement. If not stored in the proper climate-controlled surroundings, many items will deteriorate. The article would fund physical improvements to Old Derby in order to make it a fit environment for preserving the tangible evidence of history.

Second, the Museum will serve as a newer and more vital showplace of Hingham's history than what the Town has now and will likely attract increased numbers of visitors, students and residents. The CPC expects that, at a time of heightened interest in historic New England, the Museum will be a destination similar to places along Boston's Freedom Trail and will enhance economic activity in downtown Hingham, while preserving its essential motif. The Board of Selectmen, the Hingham Industrial and Development Commission, and the Hingham Downtown Association agree and support the article.

Details of the work include (a) preservation and repair of the historic structure, (b) an addition in the rear of the building that will create critically needed floor space, without seeming to add to the building's bulk, (c) addition of a fire suppression system and apparatus for climate control, and (d) improvements required under the Americans with Disabilities Act.

The cost to build the Museum is \$2.9 million, about \$2.2 million of which would qualify for historic-preservation funding under Massachusetts General Laws, Chapter 44B, the Massachusetts Community Preservation Act ("CPA"). This article would fund half of that \$2.2 million. Private contributions will pay for the rest. By agreement between the Historical Society and the Community Preservation Committee, the Town will not be obliged to fund the grant until the Historical Society has raised the funds for its share. (The Historical Society reports that its fundraising for the project is going well.) The Historical Society has endowed funds of approximately \$732,000. In most years it draws from this endowment in order to cover a portion of operating expenses and accordingly does not intend to use funds from the endowment to build the Museum. The Historical Society and CPC have also agreed: (1) that in the unlikely event that the Historical Society were to sell Old Derby, the Town will have a right of first refusal to purchase, or a right to reimbursement of the grant (although details or reimbursement might vary depending on the time and conditions of a sale); and (2) that the Historical Society will accept a historic preservation restriction on the property.

The Advisory Committee understands the two chief objections to the article to be, first, that the grant is to a private non-profit entity, and second, that it is funded through bonds.

The first objection has not prevented Town Meeting from approving many CPC grants to non-profit entities in the past. CPC projects so funded include the Fort Hill Veteran's House, restoration of the Old Ship Church and Hingham Cemetery fences, the preservation of grave markers in the Liberty Plain Cemetery, a Habitat for Humanity construction project on Nokomis Road, grants to the Hingham Affordable Housing Trust, and replacement of boilers in Thaxter Park. According to the Massachusetts Community Preservation Coalition, CPA communities across the Commonwealth have funded over 1,000 projects with grants to non-profit entities, the majority being for historic projects, including colonial-era meeting houses that served as houses of worship and places for Town Meeting.

This article would be the Town's largest CPC grant to a non-Town entity, and it seems to be the size of the grant, as much as its nature, that gives some residents pause. In light of prior Town Meeting votes, however, the Advisory Committee respectfully does not consider the identity of the grant's recipient as sufficient reason to withhold a grant otherwise worth making. Moreover, a preservation restriction makes it unlikely that a buyer would want to purchase the improved Old Derby, and makes it likely that if a buyer *did* want to purchase, the buyer would intend to use Old Derby in much the same way as does the Historical Society. In the still further unlikely event that the building were to be sold on terms that displeased the Town, the Town could exercise its right of first refusal or get its investment back from the proceeds of the sale. The Advisory Committee struggles to imagine a scenario in which the grant ends up an asset on a private buyer's balance sheet without corresponding benefit to the Town. The Advisory Committee does not consider this to be a risky investment.

Second, the Town has not issued CPC bonds before and some residents reasonably hesitate before voting to issue the first. The Advisory Committee supports the article notwithstanding. More than half of CPA communities in the Commonwealth have issued bonds to pay for over 140 CPC projects with an aggregate cost of approximately \$200 million. For Hingham to issue its first CPA bond now shows it conservative by comparison.

Bonding will not cause taxes to increase or some other part of the Town's budget to suffer. The bonds will be retired with CPC funds, and the yearly expenditure of CPC funds needed to retire the bonds would be roughly the same amount, but perhaps a little more, than CPC expects to have available in its historic preservation reserve each year. Thus, no other type of CPC funding is likely to

be materially imposed upon. As for the CPC's committing 100% of its expected historic preservation reserve for the next ten years or so, the Advisory Committee defers, after careful consideration, to CPC's judgment, settled on after a long course of public hearings concerning the Museum. Moreover, even if the Town were unexpectedly to repeal Article 38 of its By-law (by which it adopted the CPA), Mass. Gen. Laws c. 44B, sec. 16 requires the Town continue to raise enough money through CPC surcharges to pay off its outstanding bonds. Therefore, if the CPC By-law were repealed, taxes would not increase (rather, the surcharge would phase out as the bonds were retired), and other parts of the budget would not suffer in order to pay off the bonds.

The Town's bond counsel agrees that the Museum project is a fit candidate for CPA bonds and the Town Administrator believes that issuing a bond for the Museum project will not affect the Town's credit rating. For these reasons, it is

**RECOMMENDED:** That the Town: (i) appropriate the sum of One Million One Hundred Thousand (\$1,100,000) Dollars from the Community Preservation Historic Resources Reserve and the Community Preservation General Reserve to be used by the Hingham Historical Society, Inc., (a Massachusetts charitable corporation governed by Mass. Gen. Laws chapter 180), to preserve, rehabilitate and make handicapped-accessible the premises known as "Old Derby" and numbered as 34 Main Street and to establish within said Old Derby the Hingham Heritage Museum and Visitor Center, all substantially in accordance with the terms and conditions contained in a Memorandum of Understanding, to be executed by the Hingham Historical Society, Inc. and the Hingham Board of Selectmen ("Memorandum of Understanding"); and, (ii) to meet such appropriation, authorize the Town Treasurer with approval of the Board of Selectmen, to borrow said sum (together with costs of the borrowing) under the provisions of Mass. Gen. Laws chapters 44 and 44B, and any other enabling authority upon such terms as the Town Treasurer and Board of Selectmen shall determine, provided, however, that the terms of the borrowing shall be substantially consistent with the Memorandum of Understanding, and provided further that the source of repayment of such principal indebtedness and interest accrued thereon shall be the Hingham Community Preservation Fund established and maintained pursuant to the provisions of Mass. Gen. Laws chapter 44B.

**ARTICLE 13.** Will the Town transfer a sum of money from the General Fund for purpose of reducing the FY 2015 tax rate, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The Board of Selectman determined that one of their primary goals was to reduce the financial burden upon property tax payers within the Town. The Selectman were presented with a number of options, and focused on devising methods of allocating the revenues from the "Meals Tax" which was adopted by the April 2010 Annual Town Meeting. Meals tax revenues have exceeded expectations; a total of \$2.2 million are expected to be accumulated by the close of Fiscal Year ("FY") 2014, with future collections projected at \$600,000 annually.

A number of both broad-based and targeted property tax relief proposals were presented to the Selectman by the Town Administrator. Following deliberations, the Selectmen chose to implement a two-pronged approach with these funds. First, they recommended expanding the Property Tax Work-Off Program by \$20,000. The Property Tax Work-Off Program allows qualified workers (one per household) an abatement of up to \$1000 for up to 100 hours of work in a Town department, which will be applied as an abatement on his/her property taxes. This recommendation from the Board of Selectmen would increase the number of potential participants from 40 to 60.

Second, the Selectmen recommended using the balance of the Meals Tax to reduce the overall annual amount of debt exclusion taxation that is passed on to property owners through the tax system. Currently, the Town incurs a net of \$3.6 million in debt service costs that have been approved by voters, and that amount is expected to climb to \$6.6 million for FY 2015, the year the first significant debt payment is owed on the Middle School Project. The meals tax revenue would be used to reduce this excluded debt service cost, helping to soften the impact of this increase. If approved, a homeowner whose home is valued at \$651,950 (the median home value in Hingham), could expect the portion of their property taxes used to cover the Town's debt service to increase by approximately \$150 in FY2015, rather than the \$450 previously anticipated.

The purpose of this article is to appropriate funds generated through the Meals Tax that have not yet been transferred to the Meal Tax Stabilization Fund for the purpose of reducing the FY 2015 tax rate.

**RECOMMENDED:** That the Town transfer **\$620,513 from the General Fund (this represents the amount of meals tax collected less \$20,000) that has not yet been added to the Meals Tax Stabilization Fund for the purpose of reducing the FY 2015 tax rate.**

**ARTICLE 14.** Will the Town appropriate a sum of money from the Meals Tax Stabilization Fund for the purpose of reducing the Fiscal Year 2015 tax rate, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** As discussed in Article 13, adoption of this article would authorize the Town to appropriate the funds collected from meals tax and presently held in the Meals Tax Stabilization Fund to be used to reduce the Fiscal Year ("FY") 2015 tax rate.

**RECOMMENDED:** That the Town transfer **\$744,120 from the Meals Tax Stabilization Fund for the purpose of reducing the FY2015 tax rate.**

**ARTICLE 15.** Will the Town appropriate a sum or sums of money from the Stabilization Fund and/or from available reserves for the purpose of reducing the tax rate, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** Pursuant to a prior Town Meeting vote, the proceeds from the sale of the former school administration building, municipal light plant building and the former police station were deposited in the Stabilization Fund for future tax reduction. This amount was augmented by the addition of bond premiums associated with the refinancing of excluded debt. This article would transfer a portion of the Stabilization Fund for the purpose of reducing the fiscal 2014 tax rate.

**RECOMMENDED:** That the Town appropriate the sum of **\$176,629 from the Stabilization Fund for the purpose of reducing the fiscal year 2014 tax rate.**

**ARTICLE 16.** Will the Town adjust the exemption allowed under Massachusetts General Laws Chapter 59, Section 5K, as previously accepted, by allowing an approved representative, for persons physically unable, to provide services to the Town in exchange for reduction of the real property tax obligations of such physically unable person.

Or take any other action relative thereto?  
(Inserted at the request of the Hingham Department of Elder Services)

**COMMENT:** The Town has previously adopted Massachusetts General Laws, Chapter 59, Section 5K (“M.G.L. c. 59, s 5K”), commonly known as the Property Tax Work-Off Program. The Property Tax Work-Off Program allows qualified workers (one per household) an abatement of up to \$1000 for up to 100 hours of work in a Town department, to be applied as an abatement on his/her property taxes. The worker must be a Hingham resident and owner of the property. It is the Elder Services Department’s desire to allow an approved representative to perform these services on behalf of persons physically unable to do so. This adjustment is permitted by Paragraph 3 of M.G.L. c. 59, s 5K which states, “A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town....” This change will allow those who could not previously be selected to participate in the Property Tax Work-Off Program to do so. Any approved representative must comply with any and all applicable Federal and State Labor laws.

**RECOMMENDED:** That the Town amend the previously accepted exemption allowed under M.G.L. c. 59, s 5K, to allow an approved representative to provide services to the Town on behalf of persons physically unable to do so, in exchange for a reduction of the real property tax obligations of such physically unable person.

**ARTICLE 17.** Will the Town establish a program under Massachusetts General Laws Chapter 59 Section 5N to allow veterans, as defined in clause Forty-third of section 7 of chapter 4, to volunteer to provide 125 hours of services to the Town and, in exchange for such volunteer services, the Town shall reduce the real property tax obligations of that veteran, which reduction shall not exceed \$1,000 in a given tax year and provided, however, that person shall not receive a rate of, or be credited with, more than the current minimum wage of the Commonwealth per hour for the services provided pursuant to that reduction; and provided further that any such veteran who is physically unable to provide such service to the Town may designate an approved representative to provide such service to the Town.  
(Inserted at the request of the Hingham Veterans’ Services Office)

**COMMENT:** If accepted, Massachusetts General Law, Chapter 59 Section 5N (The Valor Act), would allow the Town to establish a real property tax reduction program for veterans.

Pursuant to the terms of the program, an eligible veteran can agree to provide the Town with up to 125 hours of services in exchange for up to a \$1,000 reduction in the real property tax obligations of that veteran in a given taxable year. Service hours are calculated at the current minimum wage in effect in the Commonwealth. Such a reduction shall be in addition to any exemption or abatement to which the veteran is otherwise entitled. The Hingham Veterans’ Services Officer (“VSO”) will maintain a record for each participating taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced. The VSO will be responsible for providing a copy of that record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. The Town shall have the authority to create local rules and procedures for implementing this section in a way that is consistent its intent. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

It is the intent of the VSO to administer this program for a maximum number of 10 selected eligible candidates in keeping with the income requirements applicable to the existing Property Tax Work-Off Program, as the same may be in effect from time to time. Selected candidates who are physically unable to provide the services assigned to them may have a designated representative perform the volunteer services in their place. Any and all candidates selected or their designated representative shall be protected by and adhere to all federal and state labor laws.

The maximum of 125 hours of volunteer service and the resulting real property tax reduction (net of any federal or state withholding taxes that may apply to the earned tax abatement) will be completed within the fiscal year that the Town operates and keeps its financial records.

Examples of potential volunteer service include, but are not limited to, providing assistance at GAR Hall, participating in the care and maintenance of grave markings and memorials, and providing support during Veterans’ Services sponsored events or events at which Veterans’ Services has a presence.

**RECOMMENDED:** That the Town establish a program under Massachusetts General Laws, Chapter 59 Section 5N, to allow veterans, as defined in clause Forty-third of Section 7 of Chapter 4, to volunteer to provide 125 hours of services to the Town in exchange for a reduction in the real property tax obligations of that veteran. This reduction shall not exceed \$1,000

in a given tax year and such veteran shall not receive a rate of, or be credited with, more than the current minimum wage of the Commonwealth per hour for the services provided pursuant to that reduction; and provided further that any veteran who is physically unable to provide such service to the Town may designate an approved representative to provide such service to the Town.

**ARTICLE 18.** Will the Town appropriate, from the receipts of the Hingham Municipal Lighting Plant, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2013, pursuant to Sections 57 and 57A of Chapter 164 of the General Laws, and provide for the disposition of any surplus receipts, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The Hingham Municipal Lighting Plant is self-funding. Funds collected by billing customers are used to pay all expenses incurred by the Plant.

**RECOMMENDED:** That, with the exception of \$500,000, which is hereby transferred to the General Fund to reduce the tax rate, all funds received by the Municipal Lighting Plant during the fiscal year commencing July 1, 2013, be appropriated to said Municipal Lighting Plant, the same to be expended by the Manager of Municipal Lighting under the control and direction of the Municipal Light Board for the expenses of the Plant for said fiscal year, as defined by Massachusetts General Laws, Chapter 164, Sections 57 and 57A and, if there should be any unexpended balance thereof at the end of said fiscal year, such amount as is deemed necessary shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may be authorized by the Municipal Light Board during the next fiscal year.

**ARTICLE 19.** Will the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, so as to establish and define the terms of a departmental revolving fund for the Building Department, or act on anything thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The purpose of this article is to continue the "Building Department Revolving Fund", which provides payments to the Assistant Building Inspectors for performing electrical, gas, and plumbing inspections. For the fiscal year ended

June 30, 2012, the fund had \$240,660.00 in revenues and \$164,903.96 in expenditures. For the six-month period ended December 31, 2012, the fund had \$99,627.50 in revenues and \$78,164.83 in expenditures.

**RECOMMENDED:** That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund in the Building Department. Departmental receipts for building inspections performed by the Assistant Building Inspectors shall be credited to the fund. The Building Commissioner, or functional equivalent, shall be authorized to withdraw assets from the fund primarily, but not exclusively, to compensate such inspectors for their services. The amount that may be spent from the fund shall be limited to \$250,000 during Fiscal Year 2014.

**ARTICLE 20.** Will the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, so as to establish and define the terms of a departmental revolving fund for the Council on Aging, or act on anything relating thereto?  
(Inserted at the request of the Council on Aging)

**COMMENT:** The purpose of this article is to continue the "Elder Services Revolving Fund", which is credited with all fees and charges received from Senior Center programs and to authorize the expenditure of such funds to be expended under the direction of the Director of Elder Services for senior center programs. For the fiscal year ended June 30, 2012, the fund had \$48,415.10 in revenues and \$40,138.12 in expenditures; for the six months period ended December 31, 2012 revenues were \$19,453.00 and expenditures were \$14,322.12.

**RECOMMENDED:** That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the establishment of such a fund for the Department of Elder Services. Departmental receipts for all fees and charges received from Senior Center programs shall be credited to the fund. Monies shall be spent for Senior Center programs and related expenses. The Director of Elder Services, or functional equivalent, shall be authorized to spend monies from the fund. The amount that may be spent from the fund shall be limited to \$60,000 during Fiscal Year 2014.

**ARTICLE 21.** Will the Town raise and appropriate, or transfer from available funds, a sum of money to the Town's Reserve Fund for use during the fiscal year 2013, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

**COMMENT:** This article is included each year in the event the existing Reserve Fund is not adequate to cover unbudgeted and unanticipated expenses for the balance of the current fiscal year (FY 2013). At this time, the Town does not have a need for additional funds in the Reserve Fund in FY 2013.

**RECOMMENDED: That no action be taken on this article.**

**ARTICLE 22.** Will the Town (a) authorize, but not require, the Board of Selectmen, to acquire four parcels of land together containing approximately 18.6 acres, more or less, off Recreation Park Drive in Hingham, and identified as Parcels 3 and 4 on Assessors' Map 202, and Parcels 4 and 5 on Assessors' Map 208 (collectively, the "Property"), on such terms and conditions that the Board of Selectmen deem in the best interest of the Town, and (b) vote to appropriate \$3,750,000 to pay costs of purchasing the Property including the payment of all costs incidental and related thereto and to determine whether this amount shall be raised by borrowing or otherwise, or take any other action relative thereto?

(Inserted by the Board of Selectmen)

**RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.**

**ARTICLE 23.** In accordance with Article LXXXIX, Article II, Section 8 (M.G.L.A. Const. Amend. Art. 2, Section 8), of the Articles of Amendment to the Constitution of the Commonwealth, the Board of Selectmen is hereby directed to petition the General Court for passage of an act relative to the town treasurer-collector in the Town of Hingham, providing as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be an appointed town treasurer-collector in the Town of Hingham. The board of selectmen shall appoint a suitable qualified person to the office of town treasurer-collector. The town treasurer-collector shall have and exercise all the powers and rights, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on town treasurers and town

collectors of taxes. The board of selectmen shall determine the compensation of the town treasurer-collector and may establish an employment contract with the town treasurer-collector for a period of time to provide for salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of duties of office, liability insurance, vacation and leave.

SECTION 2. Notwithstanding any general or special law to the contrary, upon the effective date of this act, the position of elected town treasurer-collector in the Town of Hingham shall be abolished and the term of the officer holding said office shall be terminated. The elected incumbent holding said office of town treasurer-collector shall then become the first appointed town treasurer-collector; provided, however, that said person shall receive not less than the compensation and benefits to which the elected town treasurer-collector was entitled unless modified by said employment contract. Thereafter, appointments to the position of town treasurer-collector shall be made under Section 1.

SECTION 3. This act shall take effect upon its passage.

(Inserted at the request of the 2010 Committee to Review the Efficiency and Effectiveness of Town Government)

**COMMENT:** Hingham currently elects the treasurer-collector every three years. This Article proposes that the treasurer-collector instead be appointed by the Board of Selectmen. Pursuant to Massachusetts law, the appointment would be for a term not to exceed three years. The Board of Selectmen and Advisory Committee support this proposal.

As required by Massachusetts state law, the treasurer-collector fulfills the duties of the office, including the collection of taxes (both real estate and excise taxes), issuance of municipal lien certificates, administration of tax titles and the prudent investment of municipal funds within the control of the treasurer-collector. Importantly, the treasurer-collector also works with residents on payment plans for taxes and in certain circumstances will determine when or whether to institute a tax lien. In addition, the treasurer-collector is an important member of the financial leadership of the Town, working closely with other department heads, the Town Accountant, the Town Administrator and the Board of Selectmen on collection and fiscal matters. The Town's current treasurer-collector, Jean Montgomery, has ably served in this capacity since 2005.

This is the fifth time Town Meeting has been asked to consider appointing rather than electing the treasurer-collector. In 1991, Town Meeting approved the appointment of the treasurer-collector, but that approval subsequently was revoked by a Special Town Meeting action later that same year. In 2000, the question was voted down at Town Meeting and at the Town Election. In 2006, the Town Election preceded Town Meeting. The question was voted down at the ballot and, despite an affirmative recommendation by the Advisory Committee, the vote by Town Meeting was for no action, given the results at the ballot. Most recently, at the 2012 Town Meeting, a motion to appoint the treasurer-collector was overwhelmingly approved by a voice vote, but the corresponding measure was defeated in the subsequent Town Election by a margin of 18 votes.

Anytime one is asked to give up his or her right to vote, the question deserves special consideration. The right to vote for treasurer-collector preserves in the electorate the right to choose an important fiscal leader for the Town. The treasurer-collector is not "beholden" to any one person or board for his or her job and has the independence to make decisions within the ambit of the office. The issue however, is that there are no job-related requirements that serve as a prerequisite to running for treasurer-collector. Any resident of Hingham who turns in election papers could become a candidate for the position without the need for any fiscal or tax background or any experience in municipal government. Furthermore, as an elected official, the treasurer-collector determines her own work schedule, as well as the office hours of her department. The Town has been fortunate that its current treasurer-collector and her predecessors have carried out their duties responsibly; however, were that not the case, the only recourse would be at the ballot box, every three years.

The 2010 Committee to Review the Efficiency and Effectiveness of Town Government, known as the Government Study Committee ("GSC"), researched elected versus appointed treasurer-collectors and found that the majority of Massachusetts towns comparable to Hingham in size and budget empower the Selectmen or Town Manager to appoint the treasurer-collector. Specifically, of the communities generally used by Hingham for benchmarking purposes, more than 80% had appointed treasurer-collectors. The Massachusetts Collector Treasurer Association reports that more than 80% of the cities and towns with annual budgets over \$50 million have appointed treasurer-collectors.

The GSC believes that (A) given the sophisticated financial requirements necessary to operate an efficient and effective treasurer-collector office and (B) the need to be sure that the treasurer-collector is integrated into the Town's leadership, it is essential to provide the power to appoint the treasurer-collector to the Board of Selectmen. There are four reasons for this viewpoint:

(i) Qualifications. The Board of Selectmen would be able to establish professional criteria for the job of treasurer-collector.

(ii) Candidate Pool. The pool of people who could be considered for the job of treasurer-collector could extend beyond the confines of Hingham. In addition, the pool would not be dependent on those individuals who are willing to run for election.

(iii) Succession Planning. The Board of Selectmen, with the help of the sitting treasurer-collector, could begin to plan for an upcoming vacancy in the office of treasurer-collector by training personnel to eventually step into this role.

(iv) Town Financial Leadership and Accountability. It is important that the treasurer-collector work in concert with the Town's other departments on fiscal and permitting matters, as well as general financial policies. An appointed treasurer-collector would have a job description setting forth professional responsibilities that must be fulfilled. The appointee would be evaluated against those criteria consistent with the Town's personnel policies. The current Board of Selectmen takes the view that the treasurer-collector would be re-appointed so long as he or she continues to fulfill the duties of the treasurer-collector. As noted above, an elected treasurer-collector must abide by state laws governing the office and is only accountable to the voters.

The Advisory Committee believes these reasons are sufficiently compelling and agrees with the GSC that changing from an elected to an appointed treasurer-collector is in the best interest of the Town.

Unlike last year, Town Meeting is being asked to approve the change to an appointed treasurer-collector through a special legislative action of the Massachusetts General Court (i.e., the state legislature). If Town Meeting takes affirmative action on this measure, the Board of Selectmen will file legislation to effect this change. As with all legislation, it will be subject to public hearings, require a majority vote of both the Massachusetts House of Representatives and Massachusetts State Senate, and the approval of the Governor. While there are no known impediments, the legislative process is expected to take several months, and the change would not be effective until such process is



complete. There would be no vote on this matter at any town election.

The incumbent treasurer-collector is running unopposed this year for reelection to a three-year term and, if this article is approved and the special legislation is enacted, will, by law, become the Town's first appointed treasurer-collector.

Some members of the Advisory Committee and the GSC have expressed reservations regarding this article. The most significant of these reservations is a concern that this article ignores the will of the electorate as manifested in past votes and will disenfranchise the citizens with respect to future elections. Other concerns expressed include the lack of a compelling need to act now, as the Town is being ably served by a well-qualified incumbent, and a wariness of unintended consequences, specifically, diminishing the importance of Town Elections as there will be fewer offices to be contested.

The Advisory Committee has given much consideration to these issues, especially those concerns related to the will of the electorate and the future right to choose a member of the Town's executive leadership, and does not make its recommendation to approve this article lightly.

**RECOMMENDED:** In accordance with Article LXXXIX, Article II, Section 8 (M.G.L.A. Const. Amend. Art. 2, Section 8), of the Articles of Amendment to the Constitution of the Commonwealth, the Board of Selectmen is hereby directed to petition the General Court for passage of an act relative to the town treasurer-collector in the Town of Hingham, providing as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, there shall be an appointed town treasurer-collector in the Town of Hingham. The board of selectmen shall appoint a suitable qualified person to the office of town treasurer-collector. The town treasurer-collector shall have and exercise all the powers and rights, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on town treasurers and town collectors of taxes. The board of selectmen shall determine the compensation of the town treasurer-collector and may establish an employment contract with the town treasurer-collector for a period of time to provide for salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of duties of office, liability insurance, vacation and leave.

**SECTION 2.** Notwithstanding any general or special law to the contrary, upon the effective date of this act, the position of elected town treasurer-collector in the Town of Hingham shall be abolished and the term of the officer holding said office shall be terminated. The elected incumbent holding said office of town treasurer-collector shall then become the first appointed town treasurer-collector; provided, however, that said person shall receive not less than the compensation and benefits to which the elected town treasurer-collector was entitled unless modified by said employment contract. Thereafter, appointments to the position of town treasurer-collector shall be made under Section 1.

**SECTION 3.** This act shall take effect upon its passage.

**ARTICLE 24.** The Moderator is hereby directed to appoint a committee of seven citizens of the Town, one of whom shall be designated by him to serve as chairman, to investigate the feasibility and cost of utilizing electronic voting at regular and special Town Meetings, and to make its recommendation with respect thereto at the next annual Town Meeting. In formulating its recommendation, the committee shall: (1) take into account the experience of other communities in Massachusetts and elsewhere with electronic voting at town meetings; (2) solicit the advice of the Moderator, the Board of Selectmen, the Town Clerk, and if desired the Town Counsel; and (3) provide an opportunity for the citizens of the Town to express their views with respect to this matter at one or more public hearings conducted for the purpose.

Or act on anything related thereto?

(Inserted by the 2010 Committee to Review the Efficiency and Effectiveness of Town Government)

**COMMENT:** In 2010, Town Meeting created the 2010 Committee to Review the Efficiency and Effectiveness of Town Government, known as the Government Study Committee ("GSC"), for the purpose of making recommendations to improve the efficiency of Town government. Since then, the GSC has made a number of such recommendations to Town Meeting. By this article, the GSC recommends that the Moderator appoint a committee of seven citizens to investigate the feasibility and likely cost of utilizing electronic voting at Annual and Special Town Meetings, and to make its recommendation to the next Annual Town Meeting. Such a committee would consider the

experience of other towns with Town Meeting Electronic Voting ("TMEV"), solicit the advice of the Moderator, Board of Selectmen, Town Clerk, and Town Counsel if necessary, and provide an opportunity for residents to express their views on TMEV at one or more public hearings.

Of course, the importance of Town Meeting, the legislative branch of town government, acting as an essential check and balance in local governance, cannot be overstated. In Hingham, Town Meeting is not merely a quaint custom of a by-gone era. Among other significant matters, it conducts the serious business of approving the expenditure of many millions of dollars annually. A community poll conducted by the GSC in 2010 and 2011 highlighted the need to make Town Meeting more efficient and user-friendly. Among the issues that respondents identified is the reticence of many residents to vote publicly against a warrant article or budget item favored by their clients, employers, or neighbors. Another problem relates to the accuracy of the vote, at times questioned by those whose softer voices seemed "drowned out" by the louder shouts of other voters, often seated in front of the room in closer proximity to the Moderator. Another issue is the perceived distortion of the process by those residents who attend Town Meeting only to vote on an article of special interest to them, and then leave. Other issues that surfaced in the GSC's poll are remote parking spaces, long waits for a quorum of voters to arrive, and uncomfortable seats.

According to the GSC, these impediments to the efficiency and effectiveness of Town Meeting could be alleviated by electronic voting in several ways. First, available technology would guarantee the privacy and security of the vote, an especially important consideration on controversial issues. Second, available technology would assure the accuracy of votes. The science of acoustics teaches that the human ear cannot hear all voice votes with certain accuracy in facilities such as those in which we hold Town Meeting. Our present and past Moderators believe that they hear voice votes accurately most of the time and use standing and ballot votes when necessary. The GSC does not disagree, but believes that 21<sup>st</sup> century technology would eliminate the need for the appropriate number of voters to stand and request a time-consuming standing or ballot vote in cases where the voice vote is not clear. Third, substituting a one or two-minute electronic vote for a 30 to 45-minute tally of ballot votes would show that the Town respects the valuable time of its residents.

If the Town ultimately were to adopt TMEV after further study, each voter would be provided with a

hand-held device resembling a cell phone. Each device has a unique code that identifies that specific unit. Each identifier is associated with a particular voter by pre-assignment at check-in. When a vote is to be taken, the voter presses one of three buttons; #1 for an affirmative vote, #2 for a negative vote, and #3 for an abstention.

Votes are sent via wireless network to a nearby computer. The computer instantly tabulates the votes, creates an electronic record of the count, and provides the Moderator with the ability to present the results to the meeting verbally, and possibly on a screen at the front of the room.

In its research to date, the GSC has consulted with the Moderator and former Moderator, and has engaged them, as well as the Town Clerk and Town Information Technology Department, in discussions and live demonstrations of TMEV. Other Massachusetts communities using TMEV include Brookline, Framingham, Chelmsford, and Wayland. In 2010 Wayland became the first Open Town Meeting to adopt electronic voting, and its experience has been successful, saving five to six hours of meeting time. Other towns considering TMEV include Natick, Westwood, and Amherst. The cost of implementing TMEV could range from \$15,000 to \$50,000 depending on many variables, such as the extent of outsourced services and the state of the art at the time. The proposed committee would develop the probable cost to Hingham and present that information to the next Town Meeting.

The Advisory Committee recommends favorable action on this article because TMEV has the potential to attract greater attendance at Town Meeting and thereby strengthen the Selectmen/Moderator/Town Meeting balance, fostering better town governance; because TMEV has the potential improve the institution of Town Meeting by making it more efficient and effective; and because TMEV is a matter that deserves further investigation as to its feasibility, utility, and cost. In order to defray expenses incurred in connection with the proposed study of TMEV, the Advisory Committee approves the appropriated sum of \$5,000, noting that the GSC is returning to the Town the sum of \$10,000, representing previous appropriated, but unused, funds. The Board of Selectmen also supports this article.

**RECOMMENDED: That the Moderator be directed to appoint a committee of seven citizens of the Town, one of whom shall be designated by him to serve as chairman, to investigate the feasibility and cost of utilizing electronic voting at regular and special Town Meetings, and to make its recommendation with respect thereto at**

**the next Annual Town Meeting. In formulating its recommendation, the committee shall: (1) take into account the experience of other communities in Massachusetts and elsewhere with electronic voting at town meetings; (2) solicit the advice of the Moderator, the Board of Selectmen, the Town Clerk, and if desired the Town Counsel; and (3) provide an opportunity for the citizens of the Town to express their views with respect to this matter at one or more public hearings conducted for the purpose; and that the sum of \$5,000 be appropriated.**

**ARTICLE 25.** Will the Town amend the General By-laws of the Town of Hingham adopted March 23, 1939, as heretofore amended, at Article 2 by striking Section 9 dealing with the requirement of a quorum for the transaction of business and substituting therefor the following new Section 9:

SECTION 9 The number of voters constituting a quorum in order to convene the first session of a regular or special town meeting shall be three hundred. The number of voters necessary to convene the second or any subsequent session of a regular or special town meeting shall be two hundred. Once convened, the quorum to transact business at any regular or special town meeting shall be two hundred; provided, however, that a number of less than two hundred may from time to time adjourn the same.

Or act on anything related thereto?

(Inserted at the request of the 2010 Committee to Review the Efficiency and Effectiveness of Town Government)

**COMMENT:** Last year, the 2010 Committee to Review the Efficiency and Effectiveness of Town Government, known as the Government Study Committee ("GSC"), proposed an article that would have reduced the number of voters necessary to constitute a quorum at Town Meeting from 300 to 200 voters for each night of Town Meeting. The Advisory Committee recommended that no action be taken on that article, and the article was defeated, albeit by a very narrow margin. At that time, the Advisory Committee stated it was "concerned about the efficient and effective conduct of Town Meeting, but also is concerned about the message the reduction in the number of voters necessary to constitute a quorum sends to the Town. At this writing, the Town has approximately 16,000 registered voters and the current By-Law requires that 300 voters or about 1.9% attend Town Meeting to establish a quorum. This article would reduce that number to about 1.25% of registered voters. As a practical matter, well over 300 voters show up

rather promptly for the first night of Town Meeting, so the establishment of a quorum will likely not be affected one way or the other by this proposed change." (Comment to Art. 40, Warrant for Annual Town Meeting, April 23, 2012, p.48.) However, the Advisory Committee also stated that "obtaining a quorum typically can be an issue on subsequent nights of Town Meeting, unless there is an important or controversial item remaining in the warrant. If the remaining articles are not controversial, it can often take an hour or more to get the necessary attendance to begin the meeting. In addition, attendance often wanes at the end of the meeting, creating some risk that a call for quorum could require adjournment or dissolution of the meeting without concluding the warrant." (Id.)

This revised article would maintain the quorum requirement of 300 voters to convene the first night of Town Meeting, but reduce it to 200 voters once it is convened and for subsequent sessions of Town Meeting, when it often becomes necessary to wait for an hour or more to reach the currently required number of 300 voters. As the GSC's research has shown, many towns in Massachusetts have reduced, or even eliminated, quorum requirements in the interest of conducting their business without delay or interruption. The present article directly addresses the real problem of diminishing attendance on subsequent nights of Town Meeting, while maintaining the quorum of 300 voters to convene the first session of Town Meeting. Significantly, the gentleman who successfully moderated Hingham's Town Meetings for over 40 years has recommended favorable action on this article. The Board of Selectmen also supports this article.

Because the proposed change would expedite the conduct of Town Meetings that extend beyond one night, the Advisory Committee recommends that this article be approved.

**RECOMMENDED:** That the Town amend the General By-laws of the Town of Hingham adopted March 23, 1939, as heretofore amended, at Article 2 by striking Section 9 dealing with the requirement of a quorum for the transaction of business and substituting therefor the following new Section 9:

**SECTION 9 - The number of voters constituting a quorum in order to convene the first session of a Regular or Special Town Meeting shall be three hundred. The number of voters necessary to convene the second or any subsequent session of a Regular or Special Town Meeting shall be two hundred. Once convened, the quorum to**

**transact business at any Regular or Special Town Meeting shall be two hundred; provided, however, that a number of less than two hundred may from time to time adjourn the same.**

**ARTICLE 26.** Will the Town will vote, pursuant to the provisions of M.G.L. c. 40, § 15A, to transfer care, custody, management and control of a portion of parcel of land, along with buildings and any improvements thereon, currently held by the Town for general corporate purposes, to the Hingham Municipal Lighting Plant Board of Commissioners for municipal lighting plant purposes, said parcel of land situated within the boundaries of land owned by the Town of Hingham in Hingham, Plymouth County, Massachusetts, shown as "School Tract IV" on "Plan of Land - Beal, West & Fort Hill Streets, Hingham, MA" prepared for the Town of Hingham, July 1972 by Perkins Engineering, Inc. and recorded in Plymouth County Registry of Deeds Plan Book 17, Page 508. The portion of said Tract IV to be transferred is shown as "Parcel Area 5.7 acres ±" on a plan entitled "Parcel Concept Survey," dated 02/26/2013, prepared by Cavanaro Consulting. Or act on anything relating thereto?

**COMMENT:** The Hingham Municipal Lighting Plant ("HMLP") was established in 1894 under Massachusetts General Laws, Chapter 164 ("M.G.L. c.164"). HMLP is one of 40 municipal utilities in Massachusetts and one of over 2,000 nationally. HMLP is governed by a three-person elected Board of Commissioners which is responsible for setting rates, policies and procedures, while giving the ratepayer direct input into this process. HMLP's mission is to provide safe, highly reliable, lower cost electricity to its customers.

HMLP is involved in school education programs, residential home energy audit programs, and electrical safety programs for public safety departments and community activities that benefit the customers of HMLP.

HMLP offices are local for customers to conduct their business in person if desired. Approximately 100 municipalities in Massachusetts are evaluating the benefits and advantages that a public power system could have in their communities. Recent storms and resulting power losses have demonstrated the advantages to a community having a municipal power company focused and responsive to restoring power to businesses and neighborhoods. The critical element of local control is at the heart of our public power system.

HMLP purchases power from various sources and sells it to the ultimate consumers at rates submitted to the Massachusetts Department of Public Utilities

(DPU). The Board of Commissioners appoints a manager for HMLP who, under direction and control of the Commissioners, has full charge of the operations and management of the Plant. HMLP monitors and coordinates the buying, selling and delivery of energy services. HMLP maintains transmission and distribution services to provide a reliable source of energy to its customers.

HMLP is an independent entity organized pursuant to the provisions of M.G.L. c.164 to provide electric service to the Town of Hingham, and provides the Town with an in-lieu-of tax payment significantly larger than a private electric company would if it served Hingham. The amount of the in-lieu-of tax payment for Fiscal Year 2013 is five-hundred thousand dollars (\$500,000).

Presently, the HMLP Engineering Services Division and Operations Division operate from its plant on Cushing Street. The Cushing Street facility is not of sufficient size to house all divisions of the HMLP at that location. Limitations of both size and lot configuration at the Cushing Street property makes it impractical to expand the site. The Administrative Division which monitors the performance of each of the operating divisions providing leadership, support and implementing policy throughout the company, and the Customer Support Services operation are at a commercially leased facility located at 350 Lincoln Street, Hingham, MA.

HMLP wishes to construct a multi-purpose facility that will provide one location for all divisions of HMLP and be designed with special ingress and egress truck bays for the HMLP trucks to be efficiently replenished without exposure to the elements. The new location is separated and apart from residential neighborhoods and is adjacent to the Department of Public Works facility. The proposed HMLP facility will be ideally situated for prompt dispatch to calls for restoration of power throughout Hingham. Response time and planning for restoration of power is more efficient when all HMLP personnel are based in one location. In addition, the lease payments for the HMLP's facility on Lincoln Street will cease upon those HMLP functions moving to the new facility. The HMLP will pay for the construction of its operation center from internal funds and does not intend to raise rates or float bonds to pay for it. The HMLP has been reserving funds in the depreciation fund in anticipation of building a facility. The planning and construction of the new HMLP facility will be subject to and contingent upon full compliance with all necessary and appropriate permitting requirements.

The Selectmen, at a meeting held on Monday, March 4, 2013, were provided the Warrant Article

above and in support of the HMLP's request, unanimously voted and declared the property, described above, as "surplus", a necessary determination for transfer of the land. The Town, by a two thirds vote at the Town Meeting may approve the transfer of such land to the Hingham Municipal Lighting Plant Board of Commissioners for municipal lighting plant purposes. Once the new HMLP facility is constructed and occupied, the Cushing Street property will be declared surplus and returned to the Town. The HMLP intends to have a Massachusetts General Laws, Chapter 21E environmental assessment performed at the Cushing Street facility prior to returning the Cushing Street property to the Town.

**RECOMMENDED: That the Town of Hingham vote, pursuant to the provisions of M.G.L. c. 40, § 15A, to transfer care, custody, management and control of a portion of parcel of land, along with buildings and any improvements thereon, currently held by the Town for general corporate purposes, to the Hingham Municipal Lighting Plant Board of Commissioners for municipal lighting plant purposes, said parcel of land situated within the boundaries of land owned by the Town of Hingham in Hingham, Plymouth County, Massachusetts, shown as "School Tract IV" on "Plan of Land - Beal, West & Fort Hill Streets, Hingham, MA" prepared for the Town of Hingham, July 1972 by Perkins Engineering, Inc. and recorded in Plymouth County Registry of Deeds Plan Book 17, Page 508. The portion of said Tract IV to be transferred is shown as "Parcel Area 5.7 acres ±," on a plan entitled "Parcel Concept Survey"," dated 02/26/2013, prepared by Cavanaro Consulting.**

**ARTICLE 27.** Will the Town authorize, but not require, the Conservation Commission, with the approval of the Board of Selectmen, to grant seven separate conservation restrictions that meet the requirements of sections 31 to 33, inclusive, of MGL chapter 184, as required pursuant to section 12 of the Community Preservation Act (MGL chapter 44B), to the Hingham Land Conservation Trust, a nonprofit organization, which conservation restrictions shall burden the following parcels: (1) the "McCormack Property," Assessor Map 92, Lot 17 (acquired by the Town with CPA funds pursuant to Article 23, subsection (i) of the 2003 Town Meeting); (2) the "Dunlap/Hatch Property," more particularly described in three deeds recorded with the Plymouth County Registry of Deeds in Book 25623, Pages 345, 346 and 347 respectively (acquired by the Town with CPA funds pursuant to Article 23, subsection (ii), of the 2003 Town Meeting); (3) the "Condito Property," Assessor Map 37, Lots 37 and 38 (acquired by the

Town with CPA funds pursuant to Article 20 of the 2004 Town Meeting); (4) the "Scotland Street Property," Assessor Map 190, portion of Lot 26 (acquired by the Town with CPA funds pursuant to Article 20 of the 2006 Town Meeting); (5) the "730 Main Street Parcel", more particularly described in a deed recorded with the Plymouth County Registry of Deeds in Book 33179, Page 6 (acquired by the Town with CPA funds pursuant to Article 26 of the 2006 Town Meeting); (6) the "Amonte Property," Assessor Map 42, Lot 6 (acquired by the Town with CPA funds pursuant to Article 19 of the 2008 Town Meeting); and (7) the "Cushing Property," Assessor Map 64, Lot 11 (acquired by the Town with CPA funds pursuant to Article 21 of the 2009 Town Meeting), or act on anything related thereto? (Inserted by the Board of Selectmen)

**COMMENT:** After the adoption of the Community Preservation Act ("CPA") by Town Meeting in April 2001, it was not clearly defined whether municipalities which acquired open space under the CPA were required by statute to grant conservation restrictions on these properties to third parties. In more recent years, this statute has been clarified by the Massachusetts Department of Revenue. While more recent CPA acquisitions of open space by the Town have included conservation restrictions, it is now necessary to obtain conservation restrictions on those properties purchased in earlier years. There are seven properties previously purchased as CPA open space parcels that are in need of conservation restrictions: the "McCormack Property" (on Leavitt Street), the "Dunlap/Hatch Property" (behind the driving range), the "Condito Property" (off Nokomis Road), "the Scotland Street Property" (adjacent to the Gladys Cushing Property and McKenna Marsh), the "730 Main Street Parcel" on Glad Tidings Plain, "the Amonte Property" (on Rockland Street), and "the Cushing Property" (on East Street). Conservation restrictions are interests in real estate and thus the conservation restrictions on these properties must be authorized by Town Meeting.

In April 2011, Town Meeting approved Warrant Article 17, which appropriated \$50,000 from the Community Preservation Open Space Reserve for deposit to the Town's Conservation Fund for the purchase of land, capital improvements to such land and expenses directly related to such acquisitions (surveys, engineering studies and other expenses), to make deposits or down payments toward acquisition or creation of such interest in open space and to otherwise preserve open space. This Conservation Fund is monitored by the Town Treasurer. A portion of this 2011 Town Meeting CPA appropriation was directed to be used to grant stewardship endowments, as required by the CPA,

to a land conservation organization selected by the Town to monitor the status of these parcels of Town conservation land previously purchased with Community Preservation funds.

In 2012, the Board of Selectmen issued a request for proposals from organizations qualified to hold conservation restrictions. There were two responses, and the Hingham Land Conservation Trust ("HLCT") was chosen by the Board. If this article is approved by Town Meeting, a total fee of approximately \$30,000 will be paid from the Conservation Commission's conservation fund to the HLCT for these conservation restrictions, pursuant to the Commission's authority to expend money from such fund under Massachusetts General Laws, Chapter 40, Section 8C.

**RECOMMENDED:** That the Town authorize, but not require, the Conservation Commission, with the approval of the Board of Selectmen, to grant seven separate conservation restrictions that meet the requirements of sections 31 to 33, inclusive, of Massachusetts General Laws, Chapter 184, as required pursuant to section 12 of the Community Preservation Act (Massachusetts General Laws, Chapter 44B) to the Hingham Land Conservation Trust, a nonprofit organization, which conservation restrictions shall burden the following parcels: (1) the "McCormack Property," Assessor Map 92, Lot 17 (acquired by the Town with CPA funds pursuant to Article 23, subsection (i) of the 2003 Town Meeting); (2) the "Dunlap/Hatch Property," more particularly described in three deeds recorded with the Plymouth County Registry of Deeds in Book 25623, Pages 345, 346 and 347, respectively (acquired by the Town with CPA funds pursuant to Article 23, subsection (ii), of the 2003 Town Meeting); (3) the "Condito Property," Assessor Map 37, Lots 37 and 38 (acquired by the Town with CPA funds pursuant to Article 20 of the 2004 Town Meeting); (4) the "Scotland Street Property," Assessor Map 190, portion of Lot 26 (acquired by the Town with CPA funds pursuant to Article 20 of the 2006 Town Meeting); (5) the "730 Main Street Parcel", more particularly described in a deed recorded with the Plymouth County Registry of Deeds in Book 33179, Page 6 (acquired by the Town with CPA funds pursuant to Article 26 of the 2006 Town Meeting); (6) the "Amonte Property," Assessor Map 42, Lot 6 (acquired by the Town with CPA funds pursuant to Article 19 of the 2008 Town Meeting); and (7) the "Cushing Property," Assessor Map 64, Lot 11 (acquired by the Town with CPA funds pursuant to Article 21

**of the 2009 Town Meeting), or act on anything related thereto.**

**ARTICLE 28.** Will the Town vote to strike the existing Sections 2 and 3 of Article 38 of the Town By-laws and to renumber the existing sections 4, 5 and 6 as sections 2, 3 and 4?  
(Inserted at the Request of the Community Preservation Committee)

**COMMENT:** This amendment was recommended by Town Counsel in view of several changes to the Community Preservation Act ("CPA") by the Massachusetts State Legislature in July 2012. The subject matter of our current Section 2 and 3 is already covered and controlled by the CPA, and this change in our current Town By-law obviates the need for any further amendments of the Town By-law.

**RECOMMENDED:** That the Town vote to strike the existing Sections 2 and 3 of Article 38 of the Town By-laws and to renumber the existing sections 4, 5 and 6 as sections 2, 3 and 4.

**ARTICLE 29.** Will the Town amend the General By-laws of the Town, adopted March 13, 1939, as heretofore amended, in Article 38, by substituting the following paragraph for paragraph 6 in Section 1 of said Article:

"One (1) member of the Recreation Commission as designated by that Commission, for a term of three (3) years."  
(Inserted at the request of the Recreation Commission)

**COMMENT:** The proponent of this article is the Recreation Commission ("the Rec"), the elected board of five commissioners whose mission is to provide affordable, high-quality recreational programs and to maintain safe and accessible fields and facilities throughout the Town on a year-round basis. The Rec is self-sustaining, not reliant on taxpayer dollars for any expenses beyond its Director's salary; its programs are financed by revenues raised by the Rec. Most residents, especially parents, are familiar with the variety of innovative youth programs that it operates, and the abundance of athletic fields, parks, and recreational facilities that the Rec oversees. The reason for submitting this article to Town Meeting is simple: The Rec is requesting a permanent seat on the nine-member Community Preservation Committee ("CPC") in light of last year's legislative amendment of the Community Preservation Act ("CPA") allowing CPA funds to be used for certain recreational purposes. The Rec expects that the CPC will

receive requests for funding of recreational projects and programs and believes that the accumulated knowledge and experience of a Rec commissioner designated by the Rec would facilitate the work of the CPC and benefit the Town.

By way of brief background, the CPC was established pursuant to the CPA through Massachusetts General Laws, Chapter 44B ("M.G.L. c. 44B"). Section 5 provides that the CPC shall include, but not be limited to, one member of the Conservation Commission, one member of the Historical Commission, one member of the Planning Board, one member of the Housing Authority, and one member of the Board of Park Commissioners. Thus, the statute requires a minimum of five permanent seats, each of which is filled by a member designated by the commission or board on which he or she sits. However, the Town does not have a "Board of Park Commissioners." Hingham's Board of Tree and Park Commissioners was established in 1948 and abolished by Town Meeting in 1991. In the absence of that board, even though the Rec has assumed almost all of its functions, the Board of Selectmen is deemed to act in that capacity by another statute, Massachusetts General Laws, Chapter 45, Section 2 ("M.G.L. c. 45, § 2"). Thus, the Board of Selectmen holds the fifth permanent seat on the CPC, not the Rec.

Having accepted the provisions of the CPA, the Town enacted Article 38 of its General By-laws establishing the CPC, and specified that it shall consist of nine members, or four more than the required statutory minimum of five. (These are sometimes described as "at-large" seats.) Article 38 provides that the CPC shall consist of nine members, five required by law and four at-large appointed members, as follows: one member of the Conservation Commission, one member of the Historical Commission, one member of the Planning Board, one member of the Housing Authority, one member of the Board of Selectmen, each as designated by his or her respective board or commission, plus two members appointed by the Board of Selectmen and two members appointed by the Moderator. (Article 38 also specifies the term of each member, generally three years.) Thus, as presently constituted, the CPC includes one Selectmen and two members appointed by the Board of Selectmen, representing one-third of the CPC's membership. This article would amend Article 38 by providing that one CPC seat shall be held by a Recreation Commissioner designated by the Rec itself. However, because the CPC already has the maximum number of nine seats, one of those seats would have to be allocated to the Rec on a permanent basis. Two alternative approaches

present themselves: Either amend Article 38 to change the Selectman seat to the Rec seat or amend Article 38 to convert one of the four at-large appointed positions to the Rec seat. If the latter course were chosen, either the Board of Selectmen or the Moderator would lose one of the two appointments each office now has. Cogent arguments can be made in favor of each alternative. Eliminating the permanent Selectman seat would acknowledge that the Rec, and not the Board of Selectmen, is the functional equivalent of the "Board of Park Commissioners" that the Town has not had since 1991. Based on past experience, it might also improve attendance at CPC meetings. Due to conflicting schedules and the press of other business that the Selectman member must attend to, he or she is often unable to participate in CPC meetings, hearings, and votes. There is, however, a potential legal impediment to substituting a Rec seat for the Selectman seat. As Town Counsel has advised, M.G.L. c. 45, § 2 was not amended when the CPA was amended in 2012; it still provides that, if a town does not have an elected Board of Park Commissioners, the Board of Selectmen shall act as such board. This provision would seem to conflict with M.G.L. c. 44B, Section 5, which provides that a town's By-law shall determine who acts in the place of a board that has not been established by that town.

The Advisory Committee does not deem it necessary to resolve this legal issue; it can be avoided altogether by adopting the second alternative; i.e., by removing one at-large appointment from either the Board of Selectmen or the Moderator, and dedicating that seat to the Rec. Because the Board of Selectmen now controls three of the nine CPC memberships, it seems fair and reasonable to reduce its representation by one appointment, leaving it with one permanent seat and one appointed seat. That would leave the Moderator's two appointments unchanged, and place the Board of Selectmen and Moderator in better balance. As Town Counsel has advised, the CPA only specifies the membership requirements for five of the nine CPC members. The Town has the legal authority to determine the membership for the remaining four positions. There is "nothing that would prohibit the Town from having its By-law include a member of its Recreation Commission as one of the members of the Community Preservation Committee." (Letter from Town Counsel, dated January 14, 2013, to Town Administrator.)

Lest anyone think that this proposed change is radical, or even unusual, it should be noted that many cities and towns that have accepted the CPA already include a member of their recreation

commission on their CPC. According to the Community Preservation Coalition of Massachusetts, approximately 60 cities and towns have done so. Among the CPA towns with a recreation seat on their CPC are Norwell, Cohasset, Wellesley, Concord, Weston, Braintree, Belmont, Hanover, Lexington, Needham, Pembroke, Scituate, Sudbury, and Wayland. All such towns have used, and are using, CPA funds for recreational purposes, as well as for historical preservation, community housing, and conservation/open space. Past and present members of Hingham's CPC have expressed their support for permanent Rec membership. To the Advisory Committee, there is good and sufficient reason to have recreation permanently represented on the CPC and to allow the Rec to designate one of its own members to serve in that capacity, and to amend Article 38 of the By-laws accordingly. There appears no good and sufficient reason to the contrary. By a vote of two-to-one, the Board of Selectmen supports favorable action on this matter. Because the wording of the article is somewhat confusing, the Advisory Committee, on the basis of hearings before the Board of Selectmen and Advisory Committee, has clarified the proposed amendment in its Recommended Motion.

**RECOMMENDED:** That the Town amend Section 1 of Article 38 of the General By-laws entitled "Community Preservation Committee" by striking Section 1 in its entirety and substituting in its place the following Section 1:

#### **Section 1. Establishment**

**In accordance with M.G.L. Chapter 44B, known as the Community Preservation Act, there is hereby established a Community Preservation Committee ("the Committee") consisting of nine members. The composition of the Committee, the methods of appointment of the members and the terms of office of the members of the Committee shall be as follows:**

**One (1) member of the Conservation Commission as designated by that Commission, for a term of three (3) years;**

**One (1) member of the Historical Commission as designated by that Commission, for a term of three (3) years;**

**One (1) member of the Planning Board as designated by that Board, for a term of three (3) years;**

**One (1) member of the Housing Authority as designated by that Authority, for a term of three (3) years;**

**One (1) member of the Recreation Commission as designated by that Commission, for a term of three (3) years;**

**One (1) member of the Board of Selectmen as designated by that Board, for an initial term of one (1) year and thereafter for a term of three (3) years;**

**One (1) member to be appointed by the Board of Selectmen, for an initial term of one (1) year and thereafter for a term of three (3) years;**

**Two (2) members to be appointed by the Moderator, one (1) to be appointed for initial term of one (1) year and thereafter for a term of three (3) years, and the other to be appointed for an initial term of two (2) years and thereafter for a term of three (3) years.**

**ARTICLE 30.** Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 39 by striking the existing Section 2 (16) and (17) and replacing it with the following:

(16) Each year the Trust shall provide to Annual Town Meeting a transparent and detailed financial report on the year's activities, as well as a cumulative report on all the activities of the Trust since inception, reflecting how the Trust has used its funds. The accounting aspects of the report shall be approved as to accuracy by the Town's Audit Committee. The report shall include, but not be limited to:

- (a) sources of funds,
- (b) a description of projects undertaken and the status of those projects,
- (c) a schedule of all amounts spent, including for preservation of affordable housing, for creation of affordable housing, for grants or loans to other entities for preservation or creation of affordable housing, for administrative support, and for any other purposes permitted under this by-law, and
- (d) a prospective view of the Trust's expected operations for the next year, to the greatest extent possible.

In addition, the Trust shall provide a narrative report of proposed activities to the Board of Selectmen in the fall of each year.

(17) Expenditures for the acquisition or disposition of real property shall be subject to approval by a majority vote of the Board of Selectmen.



Or act on anything relating thereto?  
(Inserted at the request of the Hingham Affordable Housing Trust)

**COMMENT:** Massachusetts Law encourages municipalities to ensure that at least 10% of their housing stock is affordable relative to the municipality's area median income. The establishment of a Housing Trust is one approach the legislature has provided to help towns move toward that goal. In 2007, the Annual Town Meeting approved Article 21 accepting Massachusetts General Laws, Chapter 44, Section 55C, creating the Hingham Affordable Housing Trust ("HAHT" or the "Trust") by adding Article 39 to the By-Laws of the Town. The purpose of the HAHT is to provide for the creation and preservation of affordable housing in Hingham for low and moderate income households. Section 2(a)(16) of Article 39 requires that expenditures from the HAHT be in accordance with an allocation plan recommended by the trustees and approved by Town Meeting. The allocation plan is intended to give Town Meeting control over the general direction of the activities of the Trust. In order to allow the HAHT to take advantage of market opportunities without first securing the approval of Town Meeting, which may be many months away, section 2(a)(17) of Article 39 authorizes the Trust to make expenditures for the acquisition or disposition of real property in accordance with the allocation plan and subject to approval by a majority vote of the Board of Selectman. Section 2(a)(10) of Article 39 gives the HAHT the authority to borrow, subject to review by the Town Finance Director and approval by a majority vote of the Board of Selectmen. Any debt incurred by the Trust would be secured by the assets of the Trust and so would not be a general obligation of the Town.

After 5 years of experience, the HAHT has identified the following flaws in the allocation plan provision of the By-law:

1) The allocation plan idea is based on the notion that allocating resources in a certain percentage would reflect real-world accomplishments or work done according to that percentage. In fact, when looking at the two largest projects of the Trust so far, the expenditures do not reflect the accomplishments at all. The Trust loaned the Town \$90,000 for the due diligence to acquire Lincoln School Apartments, which resulted in the preservation of 60 affordable units. The Trust incurred a \$400,000 loan obligation for the acquisition of the 80 Beal Street property, which will result in the creation of two affordable units. The Trust's experience demonstrates that the money spent does not correlate with the amount and type of affordable housing produced or preserved.

2) In the case of the two major projects so far, the Trust either has recouped, or expects to recoup, most of the costs. Should the percentages in the allocation plan represent gross or net expenditures?

3) What is preservation and what is creation? The 80 Beal Street project was begun as "preservation", but when advised that the building could not be preserved affordably, the Trust decided to demolish and build new, making it a "creation" project.

4) A yearly plan with different percentages for different kinds of projects is problematic. The trustees, as volunteers, have found that it is unlikely that the Trust will engage in more than one major project at a time, and projects are often multi-year events. In any given year, if the Trust has only one major project, it automatically will be in violation of the allocation plan. Expenditures will be close to 100% for one purpose, each year until the project is complete.

5) Prospective plans conflict with provisions of the Trust enabling it to take advantage of unexpected opportunities that appear on the real estate market, whenever they appear. The operative word is "unexpected." Both major projects so far were of this nature, and the Trust had no way of anticipating what category of expenditure they would be.

For these reasons, the Trust is proposing to amend the By-law to improve the ability of the HAHT to accomplish its mission while providing adequate checks and balances over its activities to the Town. The proposed changes would remove the requirement for an allocation plan, and instead would require the Trust to provide the Town every year, a detailed and comprehensive accounting and description of its activities. The Trust will work with the Town Accountant and the Town's independent auditors to develop accurate financial reporting with adequate oversight and financial controls in place. The Trust would also be required to report to the Board of Selectmen and the Advisory Committee in the fall of each year on the past year's activities and proposed activities for the upcoming fiscal year. In effect, the Town would delegate its authority to control the direction of the Trust's activities to the Board of Selectmen. As part of the Trust's normal activities, it will conduct periodic surveys to assess the housing conditions of the Town to develop a housing needs plan.

Existing By-law; Article 39, Section 2 (16) and (17)

(16) In each fiscal year, expenditures from the fund shall be in accordance with an allocation plan approved by the town at the Annual Town Meeting

and upon the recommendation of the trustees, for purposes consistent with this By-law. The allocation plan shall be a general plan for the use of funds during the fiscal year to which the plan applies, and may provide for moneys to be held in reserve for expenditure in later years. The plan may be amended at a Town Meeting upon favorable recommendation of the board of trustees.

(17) Expenditures for the acquisition or disposition of real property shall be in accordance with the approved allocation plan and further be subject to approval by a majority vote of the Board of Selectmen.

**RECOMMENDED:** That the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 39 by striking the existing Section 2 (16) and (17) and replacing it with the following:

**(16) Each year the Trust shall provide to Annual Town Meeting a transparent and detailed financial report on the year's activities, as well as a cumulative report on all the activities of the Trust since inception, reflecting how the Trust has used its funds. The report shall include, but not be limited to:**

- (a) sources of funds,**
- (b) a description of projects undertaken and the status of those projects,**
- (c) a schedule of all amounts spent, including for preservation of affordable housing, for creation of affordable housing, for grants or loans to other entities for preservation or creation of affordable housing, for administrative support, and for any other purposes permitted under this by-law, and**
- (d) a prospective view of the Trust's expected operations for the next year, to the greatest extent possible.**

In addition, the Trust shall provide a narrative report of proposed activities to the Board of Selectmen and the Advisory Committee in the fall of each year.

**(17) Expenditures for the acquisition or disposition of real property shall be subject to approval by a majority vote of the Board of Selectmen.**

**ARTICLE 31.** Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, by inserting a new Article 42 as follows:

**ARTICLE 42  
NOISE**

**Section 1. Purpose**

This by-law is enacted to establish methods to protect the residential districts from the hazards and nuisances caused by the emission of noises so as to eliminate any noises which exceed the maximum permitted sound levels defined herein as measured at any point in the residential district. Noise shall be measured with an A-scale sound level meter, calibrated in accordance with specifications of the American National Standards Institute (ANSI) or as specified by the Commonwealth of Massachusetts, Department of Environmental Protection, measured over a representative period of time.

**Section 2. Definitions**

Except as may be specified herein, acoustical terminology used throughout this By-Law is that approved as American National Standard Acoustical Terminology (ANSs1.1-1994) by the American National Standards Institute (ANSI). The following words, phrases and terms as used in the By-Law shall have the meanings as indicated below:

**Construction** shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

**Appropriate jurisdiction** shall mean as the Board of Selectman or other Town Board that has authority to set conditions as part of the permitting process.

**The abbreviation dBA** shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 micropascals.

**Emergency vehicle** shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

**Emergency work** shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service.

**Enforcing person** shall mean any police officer of the Town or any other Town employee designated by the Selectmen for this purpose.

**Noise** shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

**Person** shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

**Residential property** shall mean a parcel of real property which under Hingham Zoning By-Law is in whole or in part in a residential district.

**Sound (Background)** shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

**Sound level** shall mean the instantaneous A-weighted sound pressure level, in decibels, as measured with a sound level meter set to the "A" weighting scale, slow response.

**Sound level meter** shall mean an instrument meeting American National Standard Institute's Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

## **Section 2. Maximum Permitted Sound Levels**

Sound measured at a lot line abutting a residential district db. (A) 55.

1. Between the hours of 6:00pm and 9:00pm, the permissible sound levels at the boundary of any residential district shall be reduced by five (5) decibels, and between the hours of 9:00pm and 7:00am the permissible sound levels at the boundary of any residential district shall be reduced by ten (10) decibels.

## **Section 3. Exemptions**

The following sources of noise are exempt from noise level regulations:

- a. Emergency work and emergency vehicles
- b. Noises emanating from temporary construction and maintenance activities between 7:00am and 6:00pm Monday thru Friday and 8:00am to 4:00pm on Saturday, maintenance by resident between 12 noon and 5:00pm on Sundays and Massachusetts Legal Holidays. No exterior construction work shall be allowed except for emergency conditions, on Sunday or Massachusetts Legal Holidays; throughout construction, the Applicant shall comply with all local, state and federal laws regarding noise, vibration.
- c. Noise other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the

appropriate jurisdiction between 8:00am and 6:00pm Monday thru Saturday.

- d. Noises of safety signals;
- e. Transient noises of vehicular traffic;
- f. Noise from snow removal equipment;
- g. Natural phenomena; and
- h. Any bell or chime from any school or church.

## **Section 4. Waivers**

The following sources of noise are permitted with a waiver issued by the Selectmen's Office:

- a. Fireworks;
- b. Concerts;
- c. Parades;
- d. Special public or private gatherings and weddings.

## **Section 6. Violations**

It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of Hingham any disturbing, excessive, or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to, the following:

1. The level of the noise
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level of the ambient noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and zoning of the area from which the noise emanates and the area where it is received;
7. The time of day or night the noise occurs;
8. The duration of the noise; and
9. Whether the noise is recurrent, intermittent, or constant

Violations will be handled as follows:

- a. Notification of times of construction given by the Building Department at the time of permit to be enforced by the Building Department with Police backup when Town Hall is closed.
- b. All other violations enforced by Police Department.
- c. Fines placed in a fund to be used to cover the cost of enforcement and training.
- d. Each day or part thereof shall constitute a separate offence and all activities may be suspended following initial warning until the violation is cleared to the reasonable satisfaction of the enforcing person.
- e. First offense – warning

f. Second offense - \$100.00 fine  
g. Third offense - \$300 fine and no waivers for a period of one year.  
Or act on anything relating thereto?  
(Inserted at the request of Beth Rockoff and Others)

**COMMENT:** Understanding that the Board of Selectmen intend to study this issue, the proponent agreed to withdraw this article. However, since the petition requesting the withdrawal was not accompanied by the necessary signatures, it must appear in the Town Meeting warrant.

The Board of Selectmen and the Chief of Police have raised concerns over applying an existing area specific noise By-law on a Town-wide basis, as this article calls for, without additional investigation and consideration. The Board of Selectman is considering the appointment of a study committee (membership to be determined) to evaluate this matter more fully.

The Board of Selectmen recommends "No Action" on this article.

**RECOMMENDED: That no action be taken on this Article.**

**ARTICLE 32.** Will the Town amend the General By-laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by amending Article 23, entitled "Sewer Appropriation By-Law, by replacing Section 1(b)(iii) thereof with the following: "(iii) The estimated rate of the assessment upon the owners of the land to be bettered based on the method of assessment voted by the Town and allowed by Massachusetts General Laws."; or act on anything related thereto?  
(Inserted by the Board of Selectmen)

**RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.**

**ARTICLE 33.** Will the Town, in connection with the sewer project approved under Article 38 of the 2012 Annual Town Meeting, and in accordance with Section 8 of Chapter 82 of the Acts of 1946, as amended by Section 2 of Chapter 454 of the Acts of 1955, and applicable provisions of the General Laws Chapter 83, vote to provide (1) that assessments authorized under such article be made upon the owners of land on Ship Street and Cottage Street by a uniform unit method and (2) that the Town shall bear no share of the cost of such project, the full cost of such project to be borne by the owners of such land; or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**RECOMMENDED: The Advisory Committee will make its recommendation at Town Meeting.**

**ARTICLE 34.** Will the Town revoke so much of the authority provided and appropriation made under the affirmative vote approving Article 38 of the 2012 Annual Town Meeting to the following extent:

(1) appropriating the sum of up to \$600,000 for the design and construction of an additional sewer system on Ship Street and Cottage Street;

(2) authorizing and empowering the Sewer Commission to contract for design, engineering, and construction service for such sewage facilities;

(3) authorizing the Sewer Commission and/or Board of Selectmen to impose betterment assessments upon property benefited by such sewer systems;

(4) authorizing the Treasurer/Collector, for the purpose of meeting said appropriation, to borrow up to \$600,000 under and pursuant to Chapter 44 Section 7(1) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and in connection with this borrowing any and all of such amount may be borrowed through the Massachusetts Water Pollution Abatement Trust established pursuant to Massachusetts General Laws, c. 29C, as amended (the"Trust");

(5) authorizing, in connection therewith, the Selectmen and any other appropriate Town officers to enter into a loan agreement and/or security agreement with the said Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the said project or the financing thereof; excepting from the effect of such revocation (1) such sums (i) appropriated pursuant to and under the authority of said affirmative vote on said Article 38 that have already been lawfully expended or otherwise lawfully obligated to pay for work and materials already lawfully so contracted, or in which rights of other parties have already lawfully vested, for such design, engineering, construction, and construction service, and would be impaired by such revocation, or (ii) so borrowed to meet said appropriation, (2) such contracts already made in which rights have already vested if such revocation would impair the rights of the other parties thereto; and (3) anything that would be unlawful under the laws of the Commonwealth of Massachusetts or the United States of America; or act on anything relating thereto?

(Inserted at the request of Thomas Patch and Others)

**COMMENT:** Article 38 of the 2012 Annual Town Meeting (“2012 ATM”) was initiated by a group of residents from Ship and Cottage Streets. It requested authorization for the Town to appropriate or borrow up to \$600,000 to design and construct an additional sewer system affecting 30 properties along Ship Street from 3A to North Street and Cottage Street from Fearing Road to North Street. Article 38 was recommended for approval by the Sewer Commission, Board of Selectmen, and Advisory Committee.

Pursuant to the Hingham General By-laws (Article 23, Sewer Appropriation By-law), a printed document (“handout”) was made available at the 2012 ATM. It specified the scope of the proposed project and contained a financial impact statement that included the total estimated cost of the project, how it would be paid for (100% affected residents), the estimated property tax impact, and the betterment method and cost. Article 38 required and received a 2/3 affirmative vote during the second night of the 2012 ATM. A motion to reconsider was made and defeated at the start of the third night of the 2012 ATM.

This Article, submitted by citizen petition, seeks to revoke the authority and appropriation granted by the 2012 ATM when it approved Article 38. The petitioners reference two project developments that have been brought to light since the 2012 ATM that, in their opinion, support revocation. They further maintain the betterment method used and the amount being funded by the Town are inconsistent with past legislation adopted by previous Town Meetings.

Special Town Counsel (“Town Counsel”) has made two determinations with regard to the petitioners’ assertions. First, Town Counsel reviewed the developments that have occurred since the 2012 ATM; the identification of two properties currently being assessed as two-family dwellings within the affected neighborhood, and the discovery that easements referenced as being secured in the Article 38 comment have not yet been obtained. Based on current project status information available from the Sewer Commission, Town Counsel has determined the project specifications remain substantially consistent with the aforementioned handout made available at the 2012 ATM. In addition, upon completion of the project, any two-family dwellings will be assessed a higher betterment cost, effectively lowering the unit betterment costs paid by other residences. Both

owners of the two-family dwellings are aware of this development and have indicated to the Sewer Commission they support the continuation of the project.

Second, in reviewing applicable legislation, it is Town Counsel’s opinion that, in addition to the 2012 Annual Town Meeting Article 38 content, the handout, and the discussion of Article 38 at Town Meeting, the Town vote to specify the betterment method and cost apportionment for this project. For this reason, the Board of Selectmen, at the recommendation of the Advisory Committee, has inserted a warrant article (Article 33) asking Town Meeting to designate the betterment method and cost apportionment for the sewer project approved under Article 38 of the 2012 ATM. To prevent this situation from reoccurring, a second warrant article (Article 34) will clarify the information to be provided to future Town Meetings pursuant to the Sewer Appropriation By-law.

As of February 2013, approximately \$34,490 has been expended by the Sewer Commission, primarily in engineering-related costs. Affected residents have not yet incurred any costs and cannot be billed unless the project is completed. Therefore, if Town Meeting approves this article, the expended costs will be the responsibility of the Sewer Commission and ultimately, its current ratepayers.

In considering whether or not to recommend revocation of a previous vote of Town Meeting, the Advisory Committee evaluated whether Town Meeting had complete information about the scope, cost, and source of project funding to make an informed decision. While the recommended motion did not contain specific language about the betterment method and cost apportionment, a review of the handout and transcripts from Town Meeting indicate this information was both available and discussed as part of the 2012 ATM proceedings. For this reason, the Advisory Committee does not support revocation of the authorizations granted by the 2012 ATM.

The Board of Selectmen and Sewer Commission recommend no action on this article.

**RECOMMENDED: That no action be taken on this article.**

**ARTICLE 35.** Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows: To define “Medical Marijuana Treatment Center” and to prohibit Medical Marijuana Treatment Centers or to permit such Centers by Special Permit A2 in one or

more zoning districts upon certain conditions, or act on anything related thereto?

## **V-H Medical Marijuana Treatment Centers**

### **1. Purpose**

This Section is intended to provide restrictions that will allow the Town adequate time to consider where and under what conditions to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations. Given that Chapter 369, *An Act For The Humanitarian Medical Use Of Marijuana* (the "Act"), permitting the medical use of marijuana in the Commonwealth of Massachusetts went into effect on January 1, 2013, but that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in Hingham shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures. The moratorium, of a finite duration, will allow the Town to carefully study the potential impacts of such centers and recommend zoning ordinance amendments to address the Town's concerns in the context of Town planning goals and objectives.

### **2. Definitions**

**Medical Marijuana Treatment Center** - A not-for-profit entity, as defined by Massachusetts law only, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

### **3. Exclusion of Other Marijuana Establishments.**

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, or related activities shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

### **4. Exclusion of Accessory Uses.**

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use, provided, however, that this provision shall not prohibit hardship cultivation at the residence of a qualifying patient or personal caregiver (as those terms are defined under the Act) to the extent permitted under, and subject to, the provisions of Section 11 of the Act.

### **5. Temporary Moratorium**

For the reasons set forth above, and notwithstanding any other provision of the Zoning By-Law to the contrary or any other uses permitted thereunder, Medical Marijuana Treatment Centers, including any one or combination of the uses which may constitute a Medical Marijuana Treatment Center, shall not be permitted in any zoning district in the Town of Hingham so long as this Section is effective. Use variances shall be strictly prohibited.

### **6. Expiration**

This Section V-H moratorium shall be in effect through June 30, 2014.  
(Inserted by the Planning Board)

**COMMENT:** In the November 2012 election, Massachusetts voters overwhelmingly approved Chapter 369, *An Act for the Humanitarian Medical Use of Marijuana* (the "Act") permitting the medical use of marijuana in the Commonwealth of Massachusetts. Sixty per cent of Hingham voters approved Question 3. This law went into effect on January 1, 2013.

The Massachusetts Department of Public Health ("DPH") is responsible for developing regulations governing the distribution centers. The deadline for developing these regulations is May 1, 2013, though state officials have stated they may not be able to make this May 1 deadline due to the complexity of the issue. The new law allows the state Department of Public Health to register up to thirty-five non-profit treatment centers, or dispensaries, across the state, with at least one, but no more than five, per county. Dispensaries cannot be permitted or opened until the DPH has finalized these regulations.

Therefore, due to the absence of any regulations governing the distribution centers, the Hingham Planning Board has voted to request Town Meeting approval of a temporary moratorium on the establishment of medical marijuana treatment center dispensaries in the Town. The moratorium will be in effect through June 30, 2014. This moratorium will: 1) allow time for the state DPH to finalize the regulations and guidelines governing the distribution centers and 2) provide the Town sufficient time to study the potential impact of such centers, study the DPH regulations, and develop any zoning by-law amendments necessary to regulate the siting of a center. Many cities and towns throughout the Commonwealth have taken similar actions.

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham by accepting Section V-H approving a temporary moratorium on the establishment of medical marijuana distribution centers in the Town. This moratorium shall be in effect through June 30, 2014.

**ARTICLE 36.** Will the Town ask the Board of Selectmen and the Historical Commission to investigate the feasibility of erecting a monument to those who died and / or were buried in marked or unmarked graves at the Town Farm off Beal Street in Hingham, or act on anything related thereto? (Inserted at the Request of James F. Clarke and Others)

**COMMENT:** Hingham's first almshouse was built in 1785 on what is now Short Street in Hingham

Centre. In 1817, this building became inadequate and was replaced by a new brick structure at the current site of the GAR Hall at Pond and Main Streets. In 1831, the second almshouse was destroyed by fire. In 1832, the Town acquired a forty-three acre parcel off Beal Street and erected a brick building that was larger than any other structure in Hingham at that time. This site came to be known as the Town Farm or the Alms House Establishment. It included land, almshouse, well, pump, shed and other outbuildings, barn, cholera-house and cells. The people living there included the elderly, the infirm, the indigent, the mentally ill, the homeless, the criminal, and the unemployed. The almshouse averaged fifteen to eighteen occupants. Those who were able to do so worked on the farm.

Many of the people who lived in the Alms House died there and were buried on the property. In 1838, a vault was constructed for winter burials. In the warmer months, the dead were moved to marked and unmarked graves near the house. The Town Farm operated for over 100 years until well into the twentieth century. In 1905, the Federal Government acquired land on both sides of the Back River. In 1943, during World War II, the Federal Government bought the forty-three acres containing the Alms House and the burial ground. Town Farm residents continued to occupy the house for several more years, but, after the war, the Commonwealth, by stages, assumed welfare responsibilities previously borne by the Town.

In the 1970's, the Federal Government divested itself of the forty-three acres and gave some of it back to the Town. Through a Health, Education, and Welfare grant, seven acres were given to Project Turnabout, a drug rehabilitation facility. Eighteen acres were acquired by a construction company for development. In the mid 1980's, the Hingham Mutual Fire Insurance Company acquired some of the eighteen acres for construction of a new building. Project Turnabout used the old brick building on the Town Farm for about thirty years and vacated around 2004. At that point, a local developer purchased the seven acres with the house and arranged a land swap with the Town in order to build the BackRiver Townhomes. In 2005-2006, the developer demolished the former Alms House.

Advocates of the monument have spent years researching the history of the Town Farm. The purpose of this article is to request permission to formalize and complete the study and to move ahead with the creation of a suitable memorial on Beal Street. The source of funding for construction of the monument will be the Historical Commission

Preservation Projects Fund. Article 21 of the 2012 Annual Town Meeting authorized the transfer of Community Preservation Act (CPA) monies to this fund for historic preservation projects, and one of the examples of potential projects was the Beal Street Alms House and Potters Field.

**RECOMMENDED:** That the Town ask the Board of Selectmen and the Historical Commission to investigate the feasibility of erecting a monument to those who died and / or were buried in marked or unmarked graves at the Town Farm off Beal Street in Hingham.

**ARTICLE 37.** Will the Town raise and appropriate or transfer from available funds a sum of money for an unpaid bill of a previous year due Aquarion Water, or act on anything relating thereto?

**COMMENT:** This article requests the Town Meeting to authorize the payment of the unpaid balance of the FY2012 emergency water bill to Aquarion Water Company. The Town pays Aquarion Water Company a fee to ensure that water will be made available upon demand at any of the town's fire hydrants. The FY2012 fourth quarter bill was presented to the Town after August 1, 2012 and there was not sufficient funds in the emergency water budget to meet this bill due to the rate increase granted Aquarion by the Department of Public Utilities. The increased rate resulted in an unpaid balance of \$9,486.50.

**RECOMMENDED:** That the Town raise and appropriate or transfer from available funds a sum of \$9,486.50 for an unpaid bill of a previous year.

**ARTICLE 38.** Will the Town authorize, but not require, the Board of Selectmen to grant, for the benefit of that certain parcel of land described below (the "Benefitted Parcel"), a non-exclusive subsurface easement for the purpose of storm water discharge through a culvert located within the right of way of Abington Street, a public way in the Town of Hingham, in the location shown as "15' Drainage Culvert Drainage Easement" on a plan entitled "Drainage Easement Exhibit - Abington Street," dated January 11, 2103, prepared by Coler & Colantonio, Inc., for such consideration and on such terms and conditions the Board deems in the best interest of the Town? The Benefitted Parcel is known as and numbered 75 Abington Street / 105 Research Road (shown as Lot 12 on Assessor Map 206), and is more particularly described in Certificate of Title # 648615 issued to Foxrock Research Realty, LLC and filed with the Plymouth County

Registry District of the Land Court, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The requested easement will allow the occupants of the Benefitted Parcel to discharge storm water through a culvert currently controlled by the Town. The culvert was originally put in place by the property owner for the benefit of the Town as a condition of developing the Benefitted Parcel. Granting of this easement creates no burden, financial or otherwise, on the Town and represents a reasonable accommodation to a property taxpayer.

**RECOMMENDED:** That the Town authorize, but not require, the Board of Selectmen to grant, for the benefit of that certain parcel of land known as and numbered 75 Abington Street / 105 Research Road (shown as Lot 12 on Assessor Map 206), and more particularly described in Certificate of Title # 648615 issued to Foxrock Research Realty, LLC and filed with the Plymouth County Registry District of the Land Court, a non-exclusive subsurface easement for the purpose of storm water discharge through a culvert located within the right of way of Abington Street, a public way in the Town of Hingham, in the location shown as "15' Drainage Culvert Drainage Easement" on a plan entitled "Drainage Easement Exhibit - Abington Street," dated January 11, 2013, prepared by Coler & Colantonio, Inc., for such consideration and on such terms and conditions the Board deems in the best interest of the Town.

**ARTICLE 39.** Will the Town authorize, but not require, the Board of Selectmen to grant, for the benefit of that certain parcel of land described below (the "Benefitted Parcel"), a non-exclusive subsurface easement for the purpose of constructing, maintaining and replacing, as necessary, an earth retention system within the right of way of Thaxter Street, a public way in the Town of Hingham, in the location shown as "Proposed Structural Support Easement Area" on a plan entitled "Easement Plan 184 Lincoln Street", dated January 10, 2013, prepared by Polaris Consultants LLC, for such consideration and on such terms and conditions the Board deems in the best interest of the Town? The Benefitted Parcel is known as and numbered 184 Lincoln Street (shown as Lot 37 on Assessor Map 38), and is more particularly described in a deed, dated December 19, 2011 and recorded with the Plymouth County Registry of Deeds in Book 40768, Page 216, from PJC Realty MA, Inc. to S. John Hajjar and Joseph Donahue, Trustees of Lincoln Street Realty Trust, u/d/t dated December 19, 2011



and recorded with said deed, or act on anything relating thereto?  
(Inserted at the request of Joseph Donahue and others)

**COMMENT:** The requested easement will allow the owners of the Benefitted Parcel to make necessary repairs to a retention system adjacent to Thaxter Street. Such repairs can only be accomplished by encroaching on the Town's right of way. The repair project, the cost of which is being borne solely by the owners of the Benefitted Parcel, will be subject to the oversight of the Town Engineer. The proposed easement creates no burden, financial or otherwise, on the Town and represents a reasonable accommodation to a property taxpayer.

**RECOMMENDED:** That the Town authorize, but not require, the Board of Selectmen to grant, for the benefit of that certain parcel of land known as and numbered 184 Lincoln Street (shown as Lot 37 on Assessor Map 38), and more particularly described in a deed, dated December 19, 2011 and recorded with the Plymouth County Registry of Deeds in Book 40768, Page 216, from PJC Realty MA, Inc. to S. John Hajjar and Joseph Donahue, Trustees of Lincoln Street Realty Trust, u/d/t dated December 19, 2011 and recorded with said deed, a non-exclusive subsurface easement for the purpose of constructing, maintaining and replacing, as necessary, an earth retention system within the right of way of Thaxter Street, a public way in the Town of Hingham, in the location shown as "Proposed Structural Support Easement Area" on a plan entitled "Easement Plan 184 Lincoln Street", dated January 10, 2013, prepared by Polaris Consultants LLC, for such consideration and on such terms and conditions the Board deems in the best interest of the Town.

**ARTICLE 40.** Will the Town (1) authorize, but not require, the Board of Selectmen to accept a right of first offer (a "ROFO") to purchase that certain parcel of land known as 3 Otis Street, more particularly described in that certain deed, dated August 15, 2008, recorded with the Plymouth County Registry of Deeds in Book 36276, Page 124 ("3 Otis Street"), on such terms and conditions as the Board deems in the best interest of the Town; and (2) raise and appropriate, transfer from available funds and/or fund through the reduction in the License Fee paid to the Town under that certain License Agreement, dated March 15, 2011, as amended, between the Town and Bare Cove Marina, LLC, a sum of money in consideration for

grant to the Town by the record owner of 3 Otis Street of the easement authorized by the 2013 Annual Town Meeting under Article 23, and the ROFO, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**RECOMMENDED:** The Advisory Committee will make its recommendation at Town Meeting.

**ARTICLE 41.** Will the Town authorize, but not require, the Board of Selectmen to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board deems in the best interest of the Town, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The Town benefits from many easements over private property throughout Hingham. From time to time, the Town, and particularly its Department of Public Works, requires new easements in order to complete roadway and other public works projects. At times, the Town receives requests from private property owners to relocate easements held by the Town on their property. Under Massachusetts law, Town Meeting approval is required for the Board of Selectmen to accept such easements.

This Article would allow the Board of Selectmen to accept such easements during the coming year and, thus, to avoid potentially expensive delays and inconvenience to projects that benefit the Town. This Article is intended solely to cover easements voluntarily granted to the Town, and would not allow the Board of Selectmen to accept easements that require funds to acquire them. Furthermore, the authority conferred by this Article is not unlimited in time; it is limited to the coming year. If continuing authority is required, the next Annual Town Meeting may be asked to approve it. Finally, because the phrase "any public purpose" might be considered vague and indefinite, the Advisory Committee recommends a more specific description of the purposes of accepted easements.

**RECOMMENDED:** That the Town authorize, but not require, for a period through April 30, 2014, the Board of Selectmen to accept grants of easements for purposes of streets, sidewalks, pedestrian walkways, or water, drainage, sewage, or utility facilities on terms and conditions that the Board deems in the best interests of the Town.

You are hereby also directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet at three designated polling places in said Town of Hingham according to their precinct, to wit: Precinct 1,2,3 and 4: High School, 17 Union Street; Precincts 5 and 6: Middle School, 1103 Main Street; and Precinct 5a Oakleaf Club House at Linden Ponds on TUESDAY, the thirtieth day of April 2013 at SEVEN O'CLOCK in the forenoon, then and there to give their votes on the official ballot for:

A Moderator to serve one year, a Selectman to serve three years; an Assessor to serve three years; one member of the Board of Health to serve three years; a Treasurer/Collector to serve for three years; three members of the School Committee to serve three years; a member of the Planning Board to serve five years; a member of the Sewer Commission to serve three years; a member of the Recreation Commission to serve five years; a member of the Housing Authority; and a member of the Municipal Light Board to serve three years.

Hereof fail not and make due return of this warrant with you doings thereon to the Town Clerk on or before the 28<sup>th</sup> day of March 2013.

Given under our hands at Hingham this 26<sup>th</sup> day of March 2013.

Laura M. Burns  
L. Bruce Rabuffo  
Irma H. Lauter

A true copy  
Attest:

Kathleen A. Peloquin  
Constable of Hingham  
March 27, 2013

By virtue of the within warrant I hereby certify that I have noticed and warned the inhabitants of the Town of Hingham, qualified to vote in Town affairs to meet at the time and place indicated in the above warrant by causing an attested copy thereof to be published in The Hingham Journal seven days at least before the day appointed for said meeting. It was presented and posted by the Town Clerk in the Town Hall of this date.

Kathleen A. Peloquin  
Constable of Hingham  
March 28, 2013

## REPORT OF THE CAPITAL OUTLAY COMMITTEE

### I. OVERVIEW

The Capital Outlay Committee (Capital) is charged with:

- A. Ascertaining the Capital Outlay requirements of various Town departments, boards and committees over the next five years. Any expenditure for equipment or real property costing \$5,000 or more is defined as a capital outlay.
- B. Analyzing and evaluating proposed capital expenditures for all Town departments, boards and committees and making recommendations to the Board of Selectmen (Selectmen) and the Advisory Committee (Advisory). Capital recommendations are developed as follows:
  1. Departments submit requests for the next five years.
  2. Capital reviews requests with the department heads, boards and committees.
  3. Needs are determined and possible alternatives are discussed.
  4. Capital makes its recommendations to the Selectmen and Advisory.
  5. Selectmen accept, alter, or reject Capital's recommendation and forward it to Advisory.

Capital has reviewed \$4,265,210 of capital requests from the various Town departments for FY2014 and herein submits its recommendations for FY2014, as well as general projections of capital needs for the following four fiscal years. Capital's recommendations for FY2014 are based on the assessment of need. Capital items, for the most part, consist of the Town's infrastructure and the equipment to support that infrastructure. Over the long run, most capital spending on infrastructure is not discretionary. For the last several years, capital spending has been considerably less than in previous years due to the continued adverse economic conditions impacting the town and its inhabitants. As a result, many of the items contained in the FY2014 capital requests have been deferred/delayed from previous years. While this practice has been necessary, it has resulted in a growing backlog of capital requests for future years. Capital recommends that, in preparation for the 2015 budget process, additional funds be made available for replacement of capital items to prevent a significant negative impact to the town's capital base.

At the start of the budget process, each department was requested to produce a realistic five-year capital outlay plan. The plan was compared to the prior year's capital outlay plan, and departments were asked to explain significant changes.

Capital's recommendations for FY2014 are summarized below:

#### RECOMMENDED

Tax Levy-funded recommendations:	\$1,509,271
Fund Balance (Mooring permits, other)	\$ 159,651
User rates-funded recommendations:	\$ 422,500
Total:	\$2,091,422

### II. SPECIFIC RECOMMENDATIONS

Capital makes the following recommendations for FY2014:

### Accounting / MIS

Capital recommends \$59,000 for information technology replacement. Capital also recommends an outlay of \$118,000 for a new town wide telephone system. Funding for this will come from Fund Balance (workman's comp trust fund). Additionally, Capital recommends \$13,359 for three Panasonic Toughbooks for the Fire Department.

### Treasurer

Capital recommends \$6,000 for the replacement of the postage machine.

### Town Hall

Capital recommends \$20,000 for renovations and repairs; \$23,651 for a portion of the Whitney Wharf Fence that needs replacement. Funding for this will come from Fund balance (mooring permits). Capital also recommends \$60,000 for Phase 1 Study of Town-owned Buildings and Facilities.

### Police Department

Capital recommends \$119,000 for the replacement of six patrol vehicles, \$18,000 for the replacement of one harbormaster boat engine, and \$20,750 for remodeling of the booking area in the police department. Funding for the boat engine will come from Fund balance (mooring permits).

### Fire Department

Capital recommends \$13,500 for replacement of 9 sets of fire-fighting turnout gear, and \$26,000 for replacement of fire hydrants. Capital also recommends \$20,000 for repair of Station 1 roof and gutters.

### Public Works

Capital recommends \$135,000 for the replacement of a bucket truck, \$54,500 for replacement of a one ton dump truck, \$28,500 for replacement of a stump grinder, \$144,000 for a dump truck with plow, \$50,000 for a closed top trailer, and \$15,000 for replacement of tires on trash trailers for the landfill.

### Sewer Department

Capital recommends \$80,000 for renovations and repairs of pump stations, \$50,000 for service replacements, and \$32,500 for pickup truck w/plow. Funding for these expenditures will come from Sewer rates and/or fees.

### Elder Services

Capital recommends \$25,000 for the replacement of a van.

### Library

Capital recommends \$20,000 for replacement of information technology equipment, and \$124,428 for the replacement of the heating system.

### Recreation Department

Capital recommends \$25,000 for replacement of fitness room equipment, \$15,000 for replacement of open recreation equipment, and \$15,000 for building rehabilitation. Funding for these expenditures will come from Recreation cash flow.

### South Shore Country Club

Capital recommends \$205,000 for golf course and facility improvements at the South Shore Country Club. Funding for these expenditures will come from South Shore Country Club cash flow.

## School

Capital recommends the following expenditures for Foster School: \$10,000 for resurfacing outdoor basketball courts, \$5,000 to repair heat in the art room, \$7,500 relamp for the cafeteria and other rooms and \$10,000 for Energy Management System.

Capital recommends the following expenditures for Plymouth River School: \$5,000 for lights in gym, main office and conference room.

Capital recommends the following expenditures for South school: \$136,000 for Energy Management System.

Capital recommends the following expenditures for the High School: \$39,000 for efficient lighting projects, \$23,000 mandated elevator upgrades and \$20,000 to evaluate and remediate odor in Science wing.

Capital recommends the following expenditures System wide: \$160,243 for school technology replacements, \$36,991 for instructional equipment, \$30,000 for replacement of school transportation van, \$25,000 for roof repairs, \$25,000 for replacement copiers, \$8,000 for additional surveillance cameras, and \$10,000 to update all security radios.

### **III. Comments and Recommendations for Subsequent Years**

During the last few years, the town has been allocating funds to the capital budget in amounts that are less than required to adequately fund replacement of capital equipment and other town owned assets. This results in increased repair expenditures and ultimately higher expenditures when those capital items are replaced. The Capital Outlay Committee encourages the Selectmen, Advisory Committee and Town Administrator to allocate more funds to the capital budget in future years in order to better manage the replacement and maintenance of town owned assets. It is preferable to be proactive rather than risking the failure of one or more systems and spending more funds to remedy an emergency situation.

In a related issue, the Capital Outlay Committee has been concerned that all capital assets of the town have not been reflected in the five year Capital Budget presented by the Committee. This issue was discussed in a comment to the Capital Budget in the Warrant for the 2012 Town Meeting. Specifically, the Committee was concerned that major expenditures such as the repair/refurbishment of all town owned real estate were not in the Capital Budget. As a result, the Capital Outlay recommended the expenditure of \$60,000 for Phase One of a study of Town Owned Facilities. It is critical that the town identifies and quantifies the appropriate items (such as roof systems, replacement of HVAC units and boilers, etc.) so that these expenditures can be anticipated and planned for.

Finally, the Capital Outlay Committee recommended the deferral of the purchase of a significant piece of fire fighting equipment (a pumper truck). This was done (with the concurrence of the Fire Chief) provided that a study of fire department equipment requirements will be conducted early in FY2014. This study will be conducted by citizen experts and the Chief and other members of the Hingham Fire department. It is clear the expenditures identified by the study will be of a magnitude that they cannot be funded out of the annual capital budget. It is expected that the equipment needs identified by the study will be funded by appropriate long term borrowing. It is recommended that a member of the Capital Outlay Committee be included in the committee to study Fire Department requirements.

Ray Eisenbies, Chairman  
Libby Claypoole  
Brendan Kiernan  
Craig MacKay, Advisory Committee  
Tom Pyles, Advisory Committee  
Sue Nickerson, Town Accountant

**FY2014 Five Year Capital Plan**

<b>Department/Category</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
<b><u>ACCOUNTING/MIS:</u></b>					
Information Technology Assets (20% replacement)	\$59,000				
Town wide phone system (new)	\$118,000				
Panasonic Toughbooks (3) Fire (new)	\$13,359				
Website Redesign (new)		\$44,698			
Video Cameras (Skate Park)(new)		\$44,000			
Information Technology Assets (20% replacement)		\$80,500			
Information Technology Assets (20% replacement)			\$84,000		
Information Technology Assets (20% replacement)				\$88,700	
Information Technology Assets (20% replacement)					\$92,000
<b>TOTAL ACCOUNTING/MIS</b>	<b>\$190,359</b>	<b>\$169,198</b>	<b>\$84,000</b>	<b>\$88,700</b>	<b>\$92,000</b>
<b><u>TREASURER:</u></b>					
Postage Machine (replacement)	\$6,000				
<b>TOTAL TREASURER</b>	<b>\$6,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>TOWN HALL:</u></b>					
Whitney Wharf Fence (replacement)	\$23,651				
Town Hall (renovations & repairs)	\$20,000				
Study of Town-owned Bldgs. & Facilities(Phase 1)	\$60,000				
Study of Town-owned Bldgs. & Facilities(Phase 2 & 3)		\$140,000			
Generator Connection for Senior Center (new)		\$68,000			
Town Hall-Rooftop HVAC Units(5)-(replacement)		\$57,000			
New floor Police station		\$16,700			
Carpeting, 2nd floor Town Hall (replacement)		\$15,000			
Town Hall (renovations & repairs)		\$20,000			
Town Hall (renovations & repairs)			\$20,000		
Town Hall (renovations & repairs)				\$20,000	
Town Hall (renovations & repairs)					\$20,000
Auditorium Seating (replacement)					\$95,000
<b>TOTAL TOWN HALL</b>	<b>\$103,651</b>	<b>\$316,700</b>	<b>\$20,000</b>	<b>\$20,000</b>	<b>\$115,000</b>
<b><u>GAR HALL:</u></b>					
Air Conditioning Condenser		\$30,000			
<b>TOTAL GAR HALL</b>	<b>\$0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Department/Category</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
<b><u>POLICE DEPARTMENT:</u></b>					
Police Vehicles-(replacement of 6 vehicles)	\$119,000				
Boat Engine(1)-Replacement-Harbormaster	\$18,000				
Station remodeling(Booking area only)	\$20,750				
Station remodeling(Phase 2)		\$29,250			
Police Vehicles-(replacement of 6 vehicles)		\$181,000			
Motor Cycles-(replacement of 2)		\$34,000			
AED(8)-replacement		\$20,000			
Dedicated T1 Line-new-Harbormaster		\$20,000			
Office Furniture/Equipment-New		\$10,000			
Moorings-Replacement-Harbormaster		\$7,000			
Police Vehicles-(replacement of 7 vehicles)			\$213,500		
Boat Engines-(2) Replacement-Harbormaster			\$33,000		
Police Vehicles-(Replacement of 7 vehicles)					\$202,000
<b>TOTAL POLICE DEPARTMENT</b>	<b>\$157,750</b>	<b>\$301,250</b>	<b>\$246,500</b>	<b>\$0</b>	<b>\$202,000</b>
<b><u>FIRE DEPARTMENT:</u></b>					
Fire Hydrants (replacement)	\$26,000				
Turnout Gear (replacement of 9 sets)	\$18,000				
Station 1 roof and gutter (repair)	\$20,000				
E-91 (Replaces 1991)		\$438,000			
Interior Painting-Station 2&3		\$14,000			
Hurst Hydraulic Tools (replacement)		\$15,000			
Heating System Station 2&3(Replacement)		\$140,000			
Mini Pumper-(new)		\$260,000			
Station 1 Jockey Gas Heater(Replacement or new)		\$50,000			
Boat (replaces 1970)		\$60,000			
Forest 1 (replaces 1999)		\$41,000			
Medic 1 Engine rebuild		\$35,000			
Fire Hydrants (replacement)		\$26,000			
Turnout Gear (replacement of 9 sets)		\$18,000			
Stryker Stretcher (replacement)		\$14,000			
Fire Hydrants (replacement)			\$26,000		
Turnout Gear (replacement of 9 sets)			\$18,000		
Station 1 Exterior Painting			\$20,000		
E-93 (Replaces 1993)			\$465,000		
Fire Hydrants (replacement)				\$26,000	
Turnout Gear (replacement of 9 sets)				\$18,000	

Department/Category	FY2014	FY2015	FY2016	FY2017	FY2018
Quint 1-replace 1999					\$895,000
C-4-replaces 2009					\$30,000
Fire Hydrants (replacement)					\$26,000
Turnout Gear (replacement of 9 sets)					\$18,000
SAED(3)-replacement					\$5,000
Station 2 ramp					\$10,000
<b>TOTAL FIRE DEPARTMENT</b>	<b>\$64,000</b>	<b>\$1,111,000</b>	<b>\$529,000</b>	<b>\$44,000</b>	<b>\$984,000</b>
<b>PUBLIC WORKS (HIGHWAY):</b>					
Bucket Truck #5441 (replaces 2004)	\$135,000				
1 Ton Dump Truck #5421 (replaces 2003)	\$54,500				
Stump Grinder #5119 (replaces 1997)	\$28,500				
Dump Truck w/S&P #5108 (replaces 2000)	\$144,000				
2002 4700 IH Forrester Dump #5889 (replaces 2002)		\$122,500			
4 Wheel Drive Pick up Compact #5880 (replaces 2000)		\$25,600			
3/4 Ton Truck #5435 (replaces 2003)		\$30,000			
IH4300 Knuckle Boom #5417 (replaces 2003)		\$169,000			
Administrative Vehicle #5373 (replaces 2001)		\$32,000			
3/4 Ton Truck #5412 (replaces 2003)		\$31,000			
Mid size Dump Truck #5027 (replaces 2003)		\$153,000			
2006 Groundsmaster 4000D-#5476 (replaces 2006)		\$48,000			
2006 Groundsmaster 4000D-#5477 (replaces 2006)		\$48,000			
Volvo, L60E, Wheel Loader #5457 (replaces 2004)			\$185,000		
Dump Truck w/S&P #5428 (replaces 2003)			\$124,000		
Dump Truck w/S&P #5883 (replaces 2002)			\$124,000		
Sidewalk Tractor #5024 (replaces 1993)			\$92,000		
Leaf Blower #5433 (replaces 2002)			\$5,000		
3/4 Ton Truck #5468 (replaces 2005)				\$29,000	
Walk Behind 48" Mower #TP-2 (replaces 2003)				\$10,000	
Walk Behind 48" Mower #TP-2 (replaces 2003)				\$10,000	
2000 Case 580SL Backhoe #5865 (replaces 2000)				\$75,000	
3/4 Ton Truck #5110 (replaces 1998)				\$31,000	
John Deere F1148 Tractor#6038 (replaces 1996)					\$33,000



<b>Department/Category</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
IH Dump 7400DP P&S-#5105 (replaces 2008)					\$120,000
<b>TOTAL PUBLIC WORKS (HIGHWAY)</b>	\$362,000	\$659,100	\$530,000	\$155,000	\$153,000
<b><u>PUBLIC WORKS (LANDFILL):</u></b>					
T-4 Closed Top Trailer #5581 (replaces 2000)	\$50,000				
Trailer Tires 36 (replaces 2000)	\$15,000				
Allue Bucket for composting operation (new)		\$40,000			
Forklift(Caterpillar)#5564 (replaces 1996)		\$26,000			
T-6 Closed Top Trailer #5579 (replaces 2000)		\$50,000			
Trailer Tires 36 (replaces 2000)		\$15,000			
T-5 Closed Top Trailer #5580 (replaces 2000)			\$50,000		
Trailer Tires 36 (replaces 2000)			\$15,000		
4 Wheel Drive 3/4 PU 2500HD-#5430 (replaces 2003)			\$30,000		
T-7 Closed Top Trailer #5573 (replaces 2000)				\$50,000	
Trailer Tires 36 (replaces 2000)				\$15,000	
T-3 Open Top Trailer #5576 (replaces 2000)					\$50,000
Trailer Tires 36 (replaces 2000)					\$15,000
<b>TOTAL PUBLIC WORKS (LANDFILL)</b>	\$65,000	\$131,000	\$95,000	\$65,000	\$65,000
<b><u>SEWER DEPARTMENT:</u></b>					
Pump Station (renovations & repairs)	\$80,000				
Service Replacements	\$50,000				
1 Ton Pickup w/ Utility body & plow	\$32,500				
Pump Station (renovations & repairs)		\$44,000			
1 Ton Pickup w/ Utility body & plow		\$30,500			
Service Replacements		\$50,000			
Pump Station (renovations & repairs)			\$24,000		
Service Replacements			\$50,000		
Pump Station (renovations & repairs)				\$221,000	
Service Replacements				\$50,000	
GMC Truck (replaces 2000 Chevy-Unit 2)				\$34,000	
Pump Station (renovations & repairs)					\$19,000
Service Replacements					\$50,000
<b>TOTAL SEWER DEPARTMENT</b>	\$162,500	\$124,500	\$74,000	\$305,000	\$69,000
<b><u>ELDER SERVICES:</u></b>					
Van (replaces 2005)	\$25,000				
Van (replacement 20% Grant match)		\$12,600			
Van (replacement 20% Grant match)				\$15,000	
<b>TOTAL ELDER SERVICES</b>	\$25,000	\$12,600	\$0	\$15,000	\$0

<b>Department/Category</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
<b>LIBRARY:</b>					
Computers (replacement 20%)	\$20,000				
Heating System (replacement)	\$124,428				
Computers (replacement 20%)		\$20,000			
Replace Lobby Tile		\$85,000			
Exterior Painting/re-glaze		\$20,000			
Repaint Children's Wing		\$15,000			
Parking lot re-seal/re-stripe		\$17,500			
Computers (replacement 20%)			\$20,000		
Roof Phase 2 (replacement)			\$370,000		
Replace Café floor tile			\$70,500		
Generator Installation				\$79,000	
Computers (replacement 20%)				\$20,000	
50 space parking lot expansion					\$285,000
Computers (replacement 20%)					\$20,000
RFID Conversion - Phase 1 (new)					\$80,000
<b>TOTAL LIBRARY</b>	<b>\$144,428</b>	<b>\$157,500</b>	<b>\$460,500</b>	<b>\$99,000</b>	<b>\$385,000</b>
<b>RECREATION DEPARTMENT:</b>					
Fitness Equipment (replacement)	\$25,000				
Open Recreation Equipment (replacement)	\$15,000				
Building Rehabilitation	\$15,000				
Haley parking lot (new)		\$28,500			
"Barn"		TBD			
Playground(replacement)		\$50,000			
Fitness Equipment (replacement)		\$25,000			
Field Rehabilitation		\$10,000			
Cronin Backstop (replacement)		\$25,000			
Open Recreation Equipment (replacement)		\$15,000			
Building Rehabilitation		\$15,000			
Playground(replacement)			\$50,000		
Kress Backstop (replacement)			\$25,000		
Fitness Equipment (replacement)			\$25,000		
Field Rehabilitation			\$10,000		
Open Recreation Equipment (replacement)			\$15,000		
Building Rehabilitation			\$15,000		
Playground(replacement)				\$50,000	
Powers Backstop (replacement)				\$25,000	
Fitness Equipment (replacement)				\$25,000	
Field Rehabilitation				\$10,000	
Open Recreation Equipment (replacement)				\$15,000	

<b>Department/Category</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
Building Rehabilitation				\$15,000	
Fitness Equipment (replacement)					\$25,000
Field Rehabilitation					\$10,000
Open Recreation Equipment (replacement)					\$15,000
Building Rehabilitation					\$15,000
<b>TOTAL RECREATION DEPARTMENT</b>	<b>\$55,000</b>	<b>\$168,500</b>	<b>\$140,000</b>	<b>\$140,000</b>	<b>\$65,000</b>
<b><u>SOUTH SHORE COUNTRY CLUB:</u></b>					
Golf Course & Facility Improvements	\$205,000				
Golf Course & Facility Improvements		\$180,000			
Golf Course & Facility Improvements			\$251,000		
Golf Course & Facility Improvements				\$1,054,000	
Golf Course & Facility Improvements					\$300,000
<b>TOTAL SOUTH SHORE COUNTRY CLUB</b>	<b>\$205,000</b>	<b>\$180,000</b>	<b>\$251,000</b>	<b>\$1,054,000</b>	<b>\$300,000</b>
<b>SCHOOL DEPARTMENT:</b>					
<b>MIDDLE SCHOOL:</b>					
Building Repairs and Improvements	\$0				
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	\$25,000
<b>MIDDLE SCHOOL TOTALS</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$25,000</b>
<b>FOSTER ELEMENTARY SCHOOL:</b>					
Resurface Outdoor Basketball Courts	\$10,000				
Repair Art Room Heat	\$5,000				
Foster Cafeteria Relamp & various other rooms	\$7,500				
Energy Management Systems-DDC Repair	\$10,000				
Replace Foster Water Cooled Refrigeration Compressor		\$16,000			
Restore Play shed at Foster		\$28,000			
Foster Cafeteria Relamp & various other rooms		\$7,500			
Install magnetic releases on nine sets of fire doors		\$18,000			
Building Repairs and Improvements		\$50,000			
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
Window/Door Replacement Plan					\$1,229,116
<b>FOSTER ELEMENTARY TOTALS</b>	<b>\$32,500</b>	<b>\$119,500</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$1,279,116</b>
<b>PLYMOUTH RIVER SCHOOL:</b>					
PRS Gym Lights, Main office, conference room, admin offices	\$5,000				

Department/Category	FY2014	FY2015	FY2016	FY2017	FY2018
Plymouth River Play shed Roof		\$24,000			
PRS Gym Lights, Main office, conference room, admin offices		\$5,000			
Replace water cooled refrigeration w/air cooled refrigeration		\$16,000			
Building Repairs and Improvements		\$50,000			
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
Replace windows per ten year master plan					\$685,000
<b>PLYMOUTH RIVER SCHOOL TOTALS</b>	\$5,000	\$95,000	\$50,000	\$50,000	\$735,000
<b>EAST ELEMENTARY SCHOOL:</b>					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
<b>EAST ELEMENTARY SCHOOL TOTALS</b>	\$0	\$25,000	\$25,000	\$50,000	\$50,000
<b>SOUTH SCHOOL:</b>					
South School Energy Management System	\$136,000				
Replace carpet in library and room 120		\$13,100			
Building Repairs and Improvements		\$50,000			
Building Repairs and Improvements			\$50,000		
Phone System-Replacement			\$22,635		
Sand, stain, & poly stage floor, stairs, and gym			\$10,000		
New Kitchen Floor				\$12,000	
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
<b>SOUTH SCHOOL TOTALS</b>	\$136,000	\$63,100	\$82,635	\$62,000	\$50,000
<b>HIGH SCHOOL:</b>					
Efficient Lighting Projects	\$39,000				
Repair Elevator	\$23,000				
Evaluate & remediate odor in Science wing	\$20,000				
Upgrade software for energy management HV system		\$80,000			
Roof for existing concession building		\$15,000			
Replace & Repair Pleasant St. entrance sidewalk		\$10,000			
Replace carpet in auditorium with high traffic carpet		\$10,000			
Sand & refinish auditorium stage floor		\$8,000			
Efficient Lighting Projects		\$39,000			
Building Repairs and Improvements		\$75,000			

Department/Category	FY2014	FY2015	FY2016	FY2017	FY2018
Building Repairs and Improvements			\$75,000		
Refinish all boys' locker room floors				\$30,000	
Building Repairs and Improvements				\$75,000	
Resurface Kitchen floor					\$19,000
Building Repairs and Improvements					\$75,000
<b>HIGH SCHOOL TOTALS</b>	<b>\$82,000</b>	<b>\$237,000</b>	<b>\$75,000</b>	<b>\$105,000</b>	<b>\$94,000</b>
<b>SCHOOL SYSTEM WIDE:</b>					
Instructional Equipment	\$36,991				
Replace School Transportation Van (1)	\$30,000				
Roof repairs all buildings	\$25,000				
School Technology (new & replacements)	\$160,243				
Copiers	\$25,000				
Additional surveillance cameras (security)	\$8,000				
Updated radios for all schools (security)	\$10,000				
Gate House renovations		\$30,000			
Building 179 Renovations		\$80,000			
Building 179 sprinklers		\$120,000			
Replace School Transportation Van (1)		\$30,000			
Depot parking lot-Reconstruction		\$158,000			
Replace Depot garage doors		\$11,440			
Camera surveillance system @ depot		\$8,500			
School Technology (new & replacements)		\$170,243			
Instructional Equipment		\$40,000			
Roof repairs all buildings		\$25,000			
Copiers		\$25,000			
New Wheel Chair Van		\$47,000			
Building Repairs and Improvements		\$15,000			
Emergency Light-Additional Battery Operated		\$10,000			
Maintenance Vehicle-Replacement		\$30,000			
PARCC-Assessment Technology Readiness		\$50,000			
School Technology (new & replacements)			\$180,243		
Instructional Equipment			\$40,000		
Roof repairs all buildings			\$50,000		
Copiers			\$25,000		
Building Repairs and Improvements			\$15,000		
Replace School Transportation Van (1)			\$90,000		
Instructional Equipment				\$40,000	
School Technology (new & replacements)				\$190,243	

<b>Department/Category</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
Roof repairs all buildings				\$50,000	
Copiers				\$25,000	
Building Repairs and Improvements				\$15,000	
School Technology (new & replacements)					\$200,243
Instructional Equipment					\$40,000
Roof repairs all buildings					\$50,000
Copiers					\$25,000
Building Repairs and Improvements					\$15,000
<b>SCHOOL SYSTEM WIDE TOTALS</b>	<b>\$295,234</b>	<b>\$850,183</b>	<b>\$400,243</b>	<b>\$320,243</b>	<b>\$330,243</b>
<b>TOTAL SCHOOL</b>	<b>\$550,734</b>	<b>\$1,414,783</b>	<b>\$707,878</b>	<b>\$662,243</b>	<b>\$2,563,359</b>
<b>Total Capital Projects</b>	<b>\$2,091,422</b>	<b>\$4,776,131</b>	<b>\$3,137,878</b>	<b>\$2,647,943</b>	<b>\$4,993,359</b>

<b>Funding Sources</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
Tax Levy	\$1,509,271	\$4,303,131	\$2,672,878	\$1,148,943	\$4,559,359
Fund Balance(Mooring permits)	\$41,651				
Other (WC Trust Fund)	\$118,000				
Borrowing					
User Rates/Charges	\$422,500	\$473,000	\$465,000	\$1,499,000	\$434,000

<b>Total Funding</b>	<b>\$2,091,422</b>	<b>\$4,776,131</b>	<b>\$3,137,878</b>	<b>\$2,647,943</b>	<b>\$4,993,359</b>
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<b>Total Capital Projects</b>	<b>\$2,091,422</b>	<b>\$4,776,131</b>	<b>\$3,137,878</b>	<b>\$2,647,943</b>	<b>\$4,993,359</b>
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## REPORT OF THE PERSONNEL BOARD

In anticipation of the 2013 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2012 Annual Town Meeting.

### COLLECTIVE BARGAINING UNITS

Following the 2012 Annual Town Meeting, the Board conducted negotiations with the Firefighters bargaining unit. The Board is pleased to report a settlement was reached and the agreement signed covering this unit. A summary of the most important terms of the settlement follows. The full text of the agreement is on file at the Selectmen's office. The Board anticipates beginning successor contract negotiations with the Police Patrol, Police Superior and Public Works bargaining units whose labor agreements expire on June 30, 2013. The Town has been notified of the above unions' desire to negotiate successor agreements.

**Fire Unit.** On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Permanent Firefighters Association, IAFF, Local 2398, providing for a three year agreement from, July 1, 2011 to June 30, 2014. The salary scale in effect on June 30, 2011 has been increased by 2%, effective July 1, 2011, by 2%, effective July 1, 2012, and by 2%, effective July 1, 2013.

The shift differential for employees regularly assigned to work a 24 hour schedule and the Fire Prevention Officer and other members whose positions involve only a day schedule has been increased from 3.4% to 3.9% of the FS-1, Step D pay rate, effective July 1, 2011

An Educational Incentive Program has been reinstated. Under this Program, employees who attain an Associate's, Bachelor's or Master's Degree in Fire Science, Fire Protection Engineering, or Emergency Medical Services from an institution of higher education accredited by the New England Association of Colleges and Secondary Schools shall be eligible for an educational incentive payment as follows: Associate's Degree - \$2500 per year; Bachelor's Degree - \$3750 per year; and Master's Degree - \$5000 per year.

### OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommends a general wage increase of 2%, effective July 1, 2013, for Town employees who are not covered by collective bargaining agreements.

The Board conducted a comprehensive wage and classification study of all Town positions not covered by collective bargaining agreements. The result of the study is summarized as follows.

The Board approved the reclassification of the following positions: Treasurer Tax Receipts Clerk from Grade 7 to Grade 8; Treasurer Research Clerk from Grade 7 to Grade 8; Building Department/Zoning Board of Appeals Clerk from Grade 6 to Grade 7; Senior Clerk position in the Town Clerk Office from Grade 6 to Grade 7; Director of Veterans' Services from Grade 10 to Grade 13; Harbormaster from Grade 12 to Grade 13; Historic Administrator from Grade 11 to Grade 12; Director of Community Planning from Grade 17 to Grade 18; Inspector of Buildings/ Building Commissioner from Grade 14 to Grade 15; and Library Director from Grade 17 to Grade 18.

In connection with the study, the Board reviewed all job descriptions and revised the following: Payroll Administrator; Staff Accountant; Accounts Payable Clerk; Director of Assessing; Assistant Assessor; Assessing Technician; Accounts Receivable Clerk; Accounts Payable Clerk; Sewer Supervisor; Office

Administrator-Sewer Department; Municipal Lien Clerk; Revenue Receipts Administrator; Assistant Treasurer/Collector; Treasurer Collector; Food Inspector; Health Agent; Executive Health Officer; Health Clerk; Administrative Secretary-Health Department; Public Health Nurse; Town Clerk; Assistant Town Clerk; Administrative Secretary-Elder Services; Outreach Coordinator-Elder Services; Director of Elder Services; Inspector of Wires; Zoning Administrator; Administrative Assistant-Community Planning; Conservation Officer; Administrative Assistant-Conservation; Wetlands Filing Clerk; and Deputy Building Inspector.

The Board classified and established job descriptions for the new positions of Recycling and Transfer Station Swap Shop Coordinator, Archivist and Public Works Administrative Secretary, and approved minor changes to the language in the Elder Services Volunteer Coordinator job description and re-titled this position Program Coordinator. The Board re-graded the Recreation Department positions of Fitness Room Attendant and Child Care Attendant from x-5 and x-3, respectively, to x-2 for both. The Board decreased the salary rate of Recreation Instructor from \$42.26 and \$63.42 to \$30.00 and \$40.00 respectively.

The Board approved requests that employees newly hired into the following positions be placed at a higher step on the applicable salary scale based on their prior experience: Elder Services Outreach Coordinator; Police Officer; Director of Community Planning; Assistant Town Clerk; and Inspector of Buildings/Building Commissioner.

The Board determined that the criteria set forth in sub-section 8-d, TYPES OF EMPLOYEES, had been satisfied so that the following positions would be removed from the Classification and Salary Plan, permitting the Board of Selectmen to enter into individual employment agreements with the incumbents: Director of Operations/Golf Course Superintendent of the South Shore Country Club, Manager of Information Systems and Town Engineer position. Copies of these contracts are on file in the Selectmen's Office.

The Board approved 11 vacation carry-over requests and a request for an extension of sick leave for one employee.

#### THE PERSONNEL BOARD

David Pace, Chairman  
Russell Conn  
Marie Harris  
Jack Manning  
Nelson Ross



## REPORT OF THE SCHOOL COMMITTEE

The FY '14 School Budget reflects a "needs-based" philosophy, one with attention to ongoing enrollment growth, mandated programs and services, and other needs for programs and resources that meet the unique needs of students. The proposed budget includes requests that seek to restore some eliminated services and staffing and to tackle a backlog of requests that have resulted from several years of level services or level funding budgets that were necessary during the financial downturn. As in the past, the School Committee and School Department continue to advocate for school funding that represents a reasonable balance between achieving the Town's long term financial objectives and providing an adequate level of financial support for important Town and school services. We acknowledge the leadership and collaboration of the Chairs of the Board of Selectmen, Advisory Committee and its Education Subcommittee, and School Committee; and we recognize the work and cooperation of their respective memberships and staff in striking the balance that the proposed FY '14 budget represents. All of the budget hearings and related meetings were televised live or taped for later cable broadcast. The budget overview message and PowerPoint presentation materials are available for public review on the School Department website ([hinghamschools.com](http://hinghamschools.com)); click on Administration and then select Business Operations on the pull down menu.

Town Meeting will be asked to approve an appropriation of \$41,838,228 to operate the schools next year and a capital budget figure of \$550,734. With those figures, the proposed operating budget will be up 3.13% from the FY '13 approved budget. The FY '14 proposed budget includes growth-related additional staffing for classroom and special education teachers and coaches, the restoration of full-time elementary assistant principals for each building, middle school library and technology staffing, an additional bus and driver, additional central office clerical staffing, and increases in high school health office and language lab aide hours.

An October 2011 Special Town Meeting appropriated construction money for a new middle school under the MSBA's Model School Program. That construction project is well under way, with a Fall 2014 anticipated opening and costs to date that are well within the appropriated funding. The high school tennis court resurfacing and track reconstruction projects that also were funded at that time were completed during Summer 2012, on time and under budget. The Phase II design and permitting process to remediate drainage issues and provide a much needed multi-purpose field and other improvements at Hingham High School is nearing completion with construction bids due prior to the 2013 Town Meeting. At that time, citizens will be asked to approve the project and fund construction up to \$3.75 million with any additional costs being funded privately. We continue to be appreciative of the Town's support in funding these long needed projects.

We are encouraged that the Governor's FY '14 budget proposal does include increased funding for education. As well, his budget proposal reflects a commitment to Chapter 70 funding that meets the Commonwealth's obligations for "net school funding." While the Legislature has not yet acted on the Governor's proposal, we remain optimistic that state dollars will at least be level. As in prior years, the School Committee and the School Department are committed to using the funds that are available to continue to provide to Hingham students the highest quality education possible.

### HINGHAM SCHOOL COMMITTEE

Caryl Falvey, Chair  
Raymond C. Estes, Vice Chair  
Carol M. Falvey, Secretary

Dennis Friedman  
Paul Gannon  
Edward Schreier, D.D.S.  
Andrew Shafter

### SUPERINTENDENT OF SCHOOLS

Dorothy Galo, Ph.D.

## MUNICIPAL FINANCE TERMS

APPROPRIATION - An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION - A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

CAPITAL BUDGET - A plan of proposed capital outlays and the means of financing them for the current fiscal period.

CHERRY SHEET - A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE - Payment of interest and repayment of principal to holders of the town's debt instruments.

FISCAL YEAR - A 12-month period, commencing on July 1, to which the annual budget applies.

FUND BALANCE - The unencumbered cash remaining in a fund at the end of a specified time period, usually the end of the fiscal year.

GENERAL FUND - The major town-owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT - A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LINE-ITEM BUDGET - A format of budgeting which organizes costs by type of expenditure such as expenses, equipment, and salaries.

OVERLAY - The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year's overlay account no longer required to cover property tax abatements.

PROPERTY TAX LEVY - The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed "per thousand dollars" of assessed valuation.

RESERVE FUND - Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary or unforeseen expenditures.

**TALENT BANK APPLICATION**

Board of Selectmen  
**Town Hall**  
**210 Central Street**  
Hingham, MA 02043-2757  
**781-741-1400 • 781-741-1454 (Fax)**

Date \_\_\_\_\_

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Business Address \_\_\_\_\_

Telephone \_\_\_\_\_ (home) \_\_\_\_\_ (business)

Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Occupation \_\_\_\_\_

Educational Background \_\_\_\_\_

Civic, Charitable and Educational Activities

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Committees or Offices \_\_\_\_\_

\_\_\_\_\_

I am interested in the following Committees: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## NOTES