

# TOWN OF HINGHAM



## WARRANT

for the  
**ANNUAL TOWN MEETING**  
April 23, 2007  
at 7:00 P.M.

and

## REPORTS

of the

**Advisory Committee**  
**Capital Outlay Committee**

**Board of Selectmen**  
**Personnel Board**  
**School Department**

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Please bring this report to the meeting for use in the proceedings  
at  
Hingham High School, 17 Union Street

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

Our town meeting is conducted in accordance with the Town By-laws and also with regard to the traditions 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.
- 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 ten (10) minutes for the first time or for more than five (5) 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, however, 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.
- 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.
- Action under **Article 6**, our budget article, will not be considered final, so as to require a two-thirds vote for reconsideration or any other procedures applicable to reconsideration, until all action under the Article has been completed.
- **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 desire 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.

Any citizen who has any questions about procedures at town meeting is encouraged to get in touch with me at my office (617-951-7455) or home (781-749-2888) or to see me prior to the start of town meeting.

Thomas L. P. O'Donnell  
Moderator

April, 2007

## 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.

FREE CASH - The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a town meeting.

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.

## REPORT OF THE ADVISORY COMMITTEE

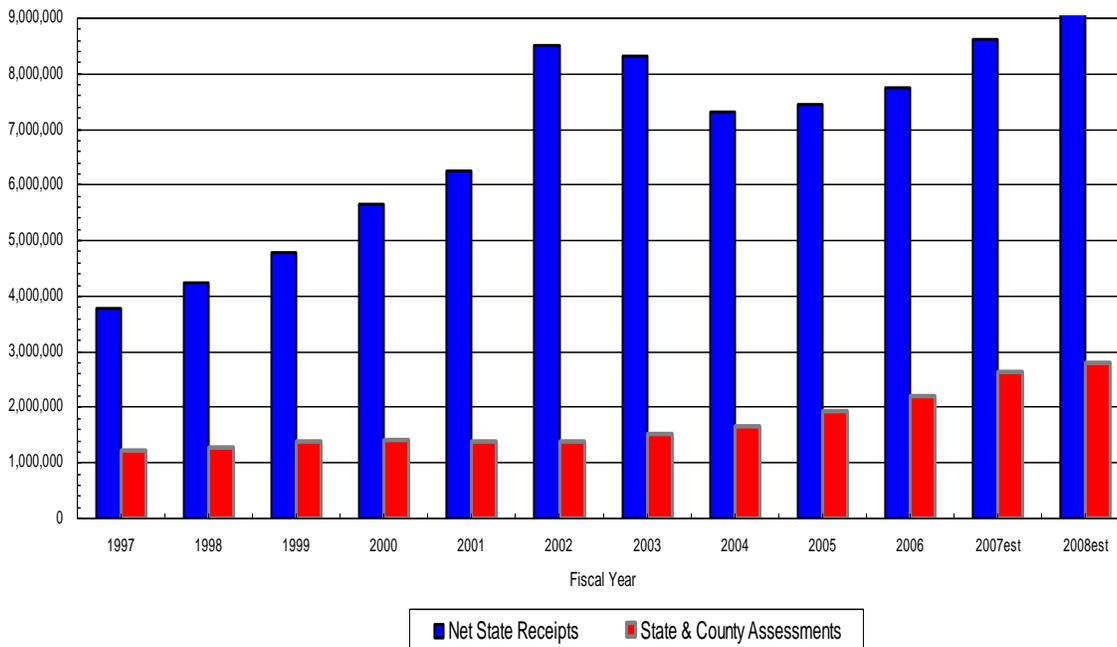
### OVERVIEW

The Advisory Committee is pleased to recommend the enclosed Fiscal Year 2008 budget (Articles 4, 5 and 6) for Town Meeting approval.

This FY 2008 budget reflects an effort by the Town to strike a balance between meeting the current needs of the various town departments for FY 2008 and positioning the town for the future, including using certain recurring revenue for one-time capital projects in FY 2008 so that such revenue will be available in future years to off-set a portion of the operating costs associated with opening a new school and increasing reserves to be more in line with the Town's financial policy – both because this is good fiscal management but also to preserve the Town's Aaa bond rating. Given these goals, we all needed to work hard to avoid the need for an override – something that many cities and towns have been unable to avoid.

As shown in the table below, state aid peaked in FY 2002 and then decreased for FY 2003 and FY 2004, before beginning to increase again in FY 2005. It was not until FY 2007 that the level of state aid finally returned to FY 2002 levels. We are projecting that we will continue to see increased levels of state aid in FY 2008, with this budget assuming an approximately 7% increase. However, since FY 2002, state and county assessments increased significantly due to a sharp rise in the amount passed through by the state to the town for retired teacher's healthcare. The result is that net state aid (gross state receipts, net of amounts which the state requires to be dedicated for specific purposes, less state and county assessments) still has not returned to 2002 levels.

**State Aid (Cherry Sheet) Analysis**



The FY 2008 regular operating budget for the municipal operations of the Town (net of capital) will increase by 5.3%, while the recommended education operating budget (net of capital) will increase by 6.1%, resulting in a total operating budget increase of 5.6%

Labor costs are the most significant expense to the Town, amounting to 69.2% of the FY 2008 operating budget. The bulk of the Town's labor costs are determined as a result of collective bargaining. The Town is in the midst of negotiations with most of the Town's collective bargaining units since the existing contracts expire June 30, 2007. The FY 2008 budget sets aside certain additional amounts for increases but we will not know the final increase until contract negotiations are concluded. The rising costs of health care, retirement funding and energy-both fuel and utilities-remain a concern, since the Town has only limited ability to control such charges.

We are grateful for the cooperation and restraint shown by Town employees and department heads who, through several difficult years, proposed and accepted largely "level-services" budgets, which have allowed the Town to meet the recent fiscal challenges and still carry out its mission. In FY 2008, due to the benefit of the additional revenues from new growth (one of the positive aspects of all of the development in town) and state aid, this budget reflects some allowance for new initiatives. Many of the proposed increases in the operating budget are Town departments requirements needed to address the increased development. The FY 2008 operating budget includes an additional part-time staff person for the Assessor's office to assist in the review of properties and additional money for revaluations for commercial property, additional clerical support for the Board of Appeals to assist the Building Commissioner with zoning enforcement matters and to keep the office open full-time, and additional staff for the Building Commissioner to assist in zoning enforcement matters, as well as additional clerical hours. The FY 2008 budget also includes funding for a person to work for the town to oversee some of the larger construction projects being done in town, including Phase 2 of the Route 228 project, the DPW/Fields construction, and the on-going downtown streetscape project. This same individual worked with the town as a project inspector for the construction of Greenbush and helped ensure that the state met its commitments. Other new funding is included for a new position in Public Works to allow that department to assist in the upkeep of Bare Cove Park, for snow removal (which has for years been grossly under-funded), and for additional funding for the Fire Department (including funds for the repair and maintenance of vehicles, supplies for ambulances, and physical exams and uniforms for new personnel).

In the schools, the Advisory Committee is recommending a FY 2008 school budget which is supported by the School Committee. At the elementary school level, the budget funds an integrated full-day kindergarten special education teacher and paraprofessional, increased hours for the pre-kindergarten coordinator, the second of three phases of the adoption of a new elementary level mathematics textbook, the first phase of the adoption of a new music program for grades 3 and 4, and increases hours for a math specialist. At the middle school, the budget funds a new special education teacher, increases hours for a science teacher and English teacher, and hours for a reading tutor. At the high school, the budget includes some increased money for coaching, extra hours for summer counselors, more paraprofessional and clerical support, additional resources for the career center. The FY 2008 budget also has certain additional resources related to transportation. The FY 2008 does not include many of the new initiatives initially proposed by the administration and will result in slightly higher class sizes in two elementary school classrooms, but at a level that was deemed acceptable by both the school administration and School Committee.

The need for capital spending grows apace, as many projects have been delayed and deferred in recent years. Recommendations for capital spending are discussed below.

The Town's financial position currently is sound but bears continued vigilance given the state's somewhat volatile economic and budget situation. As the Town addresses the school facility 10 year long range plan, we expect that the next several years will continue to be fiscally challenging. We stand ready to deal with any effects from these challenges, including the difficult balancing of new revenues from future development in the Town with increased demand for services required by that growth, to maintain Hingham as the unique and treasured place it is.

### THE BUDGET PROCESS

At the 1991 Annual Town Meeting, the General By-laws of the Town of Hingham were amended to specifically assign responsibility for the preparation of the budget (Articles 4, 5 and 6) to the Board of Selectmen assisted by the Town Administrator. Each fall, at the beginning of the budget cycle, the Town Administrator consults with the department heads about anticipated funding needs and prepares a budget. The Board of Selectmen then reviews it. Next, the budget undergoes a detailed review by the Advisory Committee. The Advisory Committee is a part of the legislative branch of town government and is comprised of 15 citizens of the Town appointed by the Town Moderator. The Advisory Committee modifies the budget as necessary and recommends it to Town Meeting. It also makes recommendations on articles presented in the Warrant. Town Meeting has the final vote on all budgets and warrant articles. The budget becomes effective only after the approval of Town Meeting. The Board of Selectmen and Advisory Committee recommend; Town Meeting decides.

### FIVE YEAR FORECAST

Financial forecasts are used to estimate the Town's revenue and expenditures in the current and ensuing five fiscal years. The forecasts are prepared by the Finance Director/Town Accountant and updated periodically by a committee that includes the Chair and Vice-Chair of the Advisory Committee, the Chairman of the Board of Selectmen, the Town Administrator, the School Committee Chair, the Superintendent of Schools and the School Director of Business and Support Services. This group meets frequently throughout the year to keep the forecast accurate in the light of updated financial information.

### FINANCIAL POLICY

Each year the state certifies the amount of free cash unspent by the Town in the prior year. The Town's financial policy statement recommends that we maintain an Available Reserves (Free Cash) balance equal to 5% of annual expenditures. This amount of Available Reserves enables us to provide for the imbalance between cash receipts and expenditures, thereby eliminating the need to borrow in anticipation of cash receipts.

The Town historically has used the amount above 5%, known as the "Excess Available Reserves (Free Cash)," for Town spending or tax reduction. Because Available Reserves amounts can vary from year to year, the Town's financial policy has been to use Excess Free Cash only for capital needs. Excess Free Cash is not used to finance operating budgets because of the unpredictable nature of free cash and the long-term, continuing nature of operating budgets.

Other provisions of the financial policy include:

- A Reserve fund set at 1% of appropriations (included in Article 6).
- Annual capital expenditures of at least 3% of the total operating budgets (operating budgets are considered to be the sum of Articles 4, 5 and 6, less capital expenditures, debt service, and the Sewer and Country Club budgets which are financed by user fees).
- A guideline stating that annual debt service should not exceed 5% of forecasted general revenues.

Our financial policy is a contributing factor to the Aaa bond rating attributed to Hingham by all three municipal bond rating agencies. This results in lower interest rates on funds that the Town borrows.

In general, the Town is in compliance with the Town's financial policy except that the annual 1% Reserve Fund is under-funded by approximately \$200,000. While the Advisory Committee would like to see the Reserve Fund funded in accordance with the Town's financial policy, we are comfortable with the amount included in the FY 2008 budget because the Town has rarely required Reserve Fund transfers in excess of the amount set aside for FY 2008 and because of the presence of the 5% reserve discussed above.

#### FUNDING OF CAPITAL NEEDS

The Town continues its program for the maintenance and improvement of its facilities and infrastructure via its capital planning process. Capital needs are generally funded through the operating budget, Excess Free Cash and borrowing. It has been our historical practice to allocate an amount to support capital projects from the operating budget. But during FY 2004 or FY 2005, we deviated from that practice and no funds were allocated from the operating budgets for capital projects, because all of our recurring revenue was required to balance the operating budgets. In FY 2008 we were able to earmark \$1,260,353 of 2008 operating revenue for capital expenditures in the recommended budget.

The backlog of pressing capital needs, many of which have been postponed repeatedly over the past few years, will continue to be challenging going forward. As a Town, we need to increase the amount of capital that we fund from our operating budget. This will not be easy and will take the cooperation of all of the town departments.

The Advisory Committee supports the Capital Outlay Committee's recommended capital budget of \$2,513,124. Larger proposed items include replacement and/or renovation of the recycling building at the Town's transfer station, harbor dredging, replacement of the auditorium ceiling in Town Hall, furniture, fixtures and equipment for the Fire Department, road sweeper and dump truck for Department of Public Works, school technology investments, copiers and new special education vans for the schools.

This sum, if approved, will be funded as follows:

|             |  |
|-------------|--|
| \$1,260,353 | from operating budget  |
| 973,771     | from Excess Free Cash  |
| 150,000     | from Light Plant receipts (for information technology for schools) |
| 95,000      | from revolving fund receipts                                       |
| 34,000      | from sewer rates (for Sewer Commission capital expenses)           |

# SOURCES AND USES OF FUNDS ANALYSIS

| SOURCES                        | ACTUAL<br>FY2006  | ESTIMATE<br>FY2007 | FORECAST<br>FY2008 | FORECAST<br>FY2009 | FORECAST<br>FY2010 |
|--------------------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
| Tax Levy                       |                   |                    |                    |                    |                    |
| Levy                           | 42,171,208        | 45,745,724         | 48,170,367         | 50,614,326         | 53,006,685         |
| 2 1/2 % increase               | 1,054,280         | 1,143,643          | 1,204,259          | 1,265,358          | 1,325,167          |
| New growth                     | 2,520,236         | 1,281,000          | 1,239,700          | 1,127,000          | 1,127,000          |
| Debt exclusions                | 1,985,946         | 1,950,372          | 1,833,386          | 1,510,187          | 1,395,352          |
| Unused Levy Capacity           | 0                 | 0                  | 0                  | 0                  | 0                  |
| Total Tax Levy                 | <u>47,731,670</u> | <u>50,120,739</u>  | <u>52,447,712</u>  | <u>54,516,872</u>  | <u>56,854,204</u>  |
| Other Revenue                  |                   |                    |                    |                    |                    |
| Net State Receipts             | 7,317,067         | 8,625,415          | 9,252,620          | 9,252,620          | 9,252,620          |
| Local Receipts                 | 8,206,635         | 7,197,882          | 7,197,882          | 7,377,829          | 7,362,275          |
| Excess Free Cash               | 2,541,334         | 1,255,400          | 973,771            | 0                  | 0                  |
| SSCC                           | 1,878,117         | 1,845,282          | 2,196,758          | 2,196,758          | 2,196,758          |
| Sewer                          | 1,728,958         | 1,946,323          | 2,060,357          | 2,216,745          | 2,387,282          |
| Light Plant                    | 519,975           | 451,474            | 624,048            | 497,750            | 522,638            |
| Other                          | 330,359           | 0                  | 902,877            | 615,000            | 630,375            |
| Total Other Revenue            | <u>22,522,444</u> | <u>21,321,776</u>  | <u>23,208,312</u>  | <u>22,156,702</u>  | <u>22,351,948</u>  |
| Total Sources                  | <u>70,254,115</u> | <u>71,442,515</u>  | <u>75,656,025</u>  | <u>76,673,574</u>  | <u>79,206,152</u>  |
| USES                           |                   |                    |                    |                    |                    |
| State assessments              | 2,211,130         | 2,624,281          | 2,799,419          | 3,019,023          | 3,259,735          |
| Overlay                        | 376,634           | 250,000            | 350,000            | 250,000            | 250,000            |
| Other expenses / deficits      | 185,460           | 83,079             | 100,000            | 100,000            | 100,000            |
| Total                          | <u>2,773,224</u>  | <u>2,957,360</u>   | <u>3,249,419</u>   | <u>3,369,023</u>   | <u>3,609,735</u>   |
| Appropriations                 |                   |                    |                    |                    |                    |
| Article 6                      | 63,894,908        | 68,381,656         | 71,786,466         | 72,788,419         | 75,224,471         |
| Article 4&5 Raises             | 0                 | 20,000             | 445,881            | 892,639            | 1,352,800          |
| Other Post-employment Benefits | 0                 | 0                  | 0                  | 400,000            | 800,000            |
| Other articles                 | 1,240,000         | 0                  | 173,674            | 0                  | 0                  |
| Total approp.                  | <u>65,134,908</u> | <u>68,401,656</u>  | <u>72,406,022</u>  | <u>74,081,059</u>  | <u>77,377,271</u>  |
| Total Uses                     | <u>67,908,132</u> | <u>71,359,016</u>  | <u>75,655,441</u>  | <u>77,450,082</u>  | <u>80,987,007</u>  |
| EXCESS (Shortfall)             | N/A               | 83,499             | 584                | (776,508)          | (1,780,855)        |

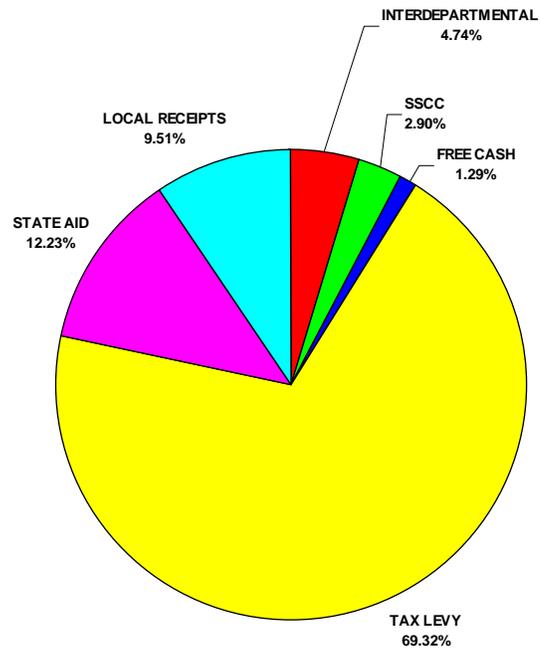
## SOURCES AND USES OF FUNDS

The Sources and Uses of Funds Analysis presented in this report reflect the forecasted FY 2008 tax receipts and other revenue sources used to prepare the budget included in this warrant. Under Proposition 2½, tax levy income is estimated by taking the dollar amount of last year's tax levy and adding a 2½% increase plus an allowance for new growth. New growth is the value of tax dollars assessed to new construction. In FY 2008 new growth is estimated to be \$1,239,700. Other sources of revenue include:

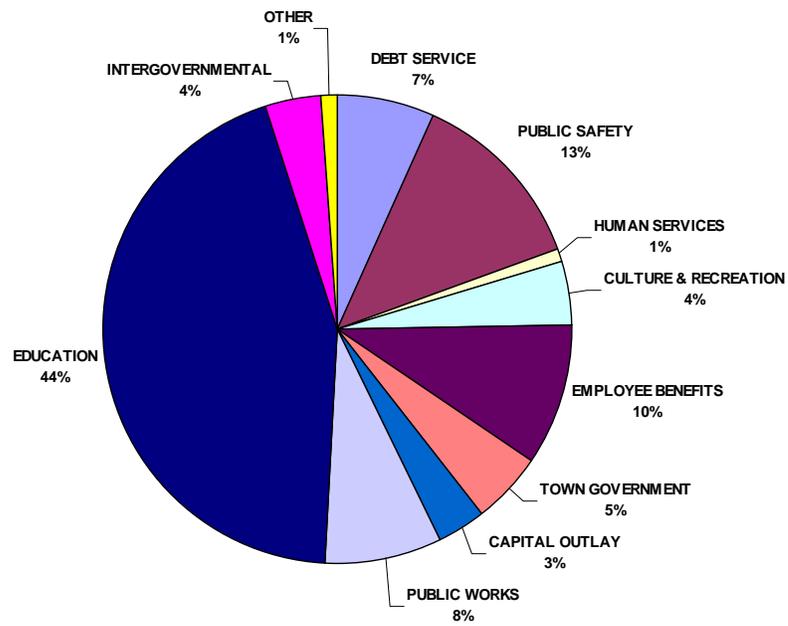
- Local receipts are forecast to remain at the same levels for FY 2008 as they were in FY 2007. Motor vehicle excise tax receipts of \$3,420,000, town fees for licenses and permits of \$1,613,000 and Ambulance fees of \$700,000 comprise the majority of local receipts. Fees for licenses and permits, which accounts for 22.4% of the FY2008 local receipts, are expected to continue at their high level as a result of continued building activity for several large projects. The balance of local receipts comes from, investment income, and other sources.
- Available Reserves from FY 2007 totaling \$1,255,400 (down from \$2,541,334 for FY 2006) to be used for capital needs.
- South Shore Country Club revenues fully offset operating costs of the Club that are included in Article 6, and also return \$400,000 to the Town to help defray the debt service of the bonds issued to purchase the Country Club. For FY 2008, debt service for the Country Club is \$172,732.
- Revenues from sewer charges fully offset sewer operating, debt and capital expenses that are included in Article 6.
- Light plant revenue is a payment of \$474,048 in lieu of taxes, and an addition payment of \$150,000 from light plant receipts for School technology needs.
- We project that State Aid will provide \$2,297,957 for School Building Assistance, \$4,614,548 under Chapter 70 for Education, and \$2,340,115 for other uses.

In addition, a number of new projects are coming into the Town that provide a unique revenue source. Those projects, such as Linden Ponds and the Shipyard Project anticipate build-outs over a number of years. As a result, the Town anticipates building permit revenues for these projects to continue on a sustained basis for several years. While this revenue source eventually will disappear, the Advisory Committee has determined that \$600,000 of those anticipated building permits should be treated as increased recurring revenue for the next several years. Accordingly, funds in that amount have been used to balance the Town's operating budget. As the projects near the end of their building cycle, these funds will be replaced in the revenue projections with larger amounts of new growth.

## SOURCES OF REVENUE

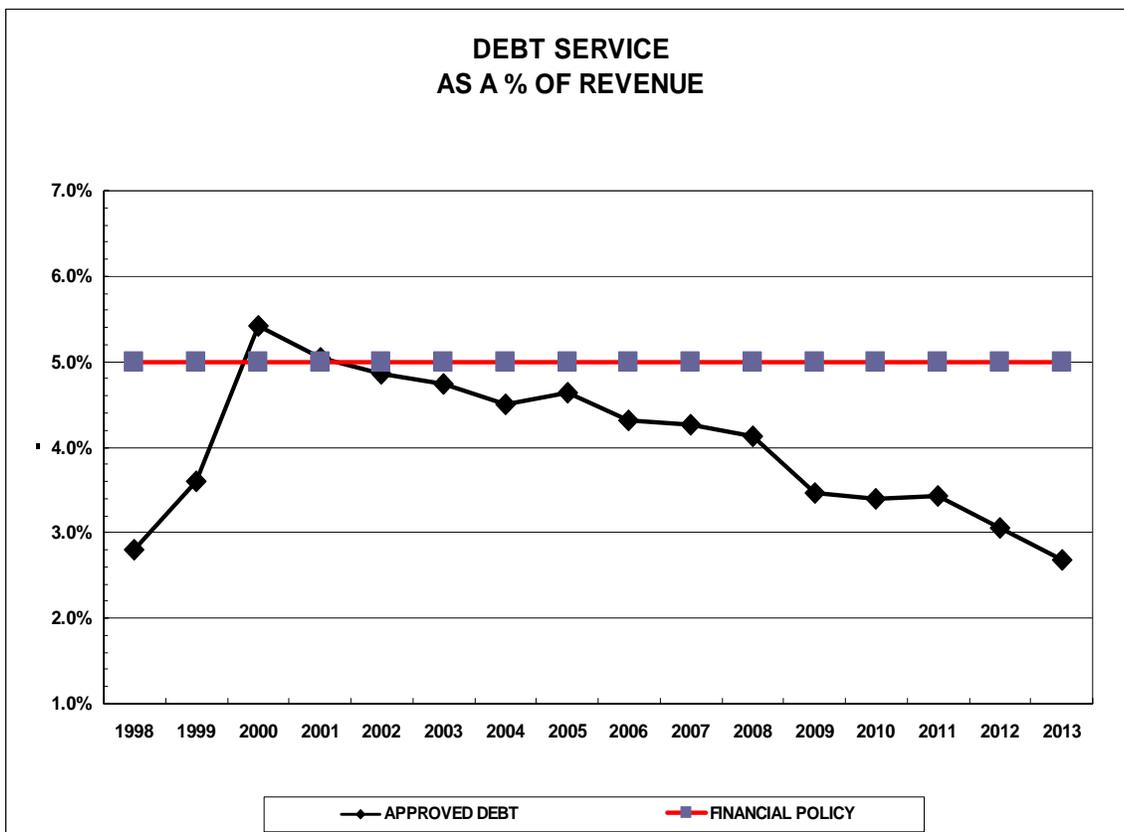


## USES BY FUNCTION



## DEBT SERVICE

The financial policy recommends that current revenues be used to finance operating expenses, capital expenditures for items costing less than \$25,000, and maintenance. The Policy further provides that debt should be reserved for the purchase of large, non-recurring capital items that have a life of five years or more, and not more than one-half of annual capital expenditures should generally be financed by debt. Total debt outstanding at any time ideally should not exceed 5% of forecasted revenues. In FY 2008, debt service will continue its decrease from the FY 2000 high point (when debt service increased above the 5% due in large part to the debt issued for prior school projects). Overall, the Town's debt service decreased \$67,029 from \$5,112,726 in FY 2007 to \$5,045,697 in FY 2008. The Town is currently \$856,648 under the Town's financial policy guideline. If in FY 2008 the Town votes to proceed with all or a portion of the master plan for the schools, debt service will in all likelihood, for a period of time, exceed the 5% guideline. The graph below shows currently approved debt only.



## RESERVE FUND

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 concurrence of the Board of Selectmen and the Advisory Committee. The Reserve Fund is used to save the time and expense of a special town meeting. The Town's financial policy states that a reserve fund of approximately 1% of appropriations should be budgeted for contingencies. In FY 2006, transfers were made as follows:

| <b><u>Department</u></b>       | <b><u>Amount</u></b> |
|--------------------------------|----------------------|
| Fire-Capital Outlay            | \$15,000             |
| Fire-Capital Outlay            | 23,500               |
| Emerg. Mgnt.-Salaries          | 54                   |
| Town Hall-Util.-Elec.          | 34,100               |
| Town Hall-Util.-Gas            | 14,235               |
| Hersey House-Util.-Heating Oil | 3,426                |
| Bd. of Appeals-Expenses        | 508                  |
| Historical-Salaries            | 461                  |
| Veterans-Salaries              | 848                  |
| Unemployment Claims            | 12,026               |
| Accounting-Admin. Support      | 7,192                |
| Accounting-Misc. Celebrations  | 5,390                |
| Employers Medicare Tax         | 27,394               |
| DPW-Salaries                   | 20,000               |
| DPW-Expenses                   | 25,434               |
| DPW-Snow & Ice                 | 84,709               |
| Landfill-Salaries              | 16,000               |
| DPW-Capital Outlay             | 20,000               |
| Library-Expenses               | 24,800               |
| Fire Department-Expenses       | 6,000                |
| Legal Services-Expense         | 25,000               |
| Unclassified-Greenbush         | 182                  |
| Selectmen-Expenses             | 1,000                |
| Town Hall Salaries             | 4,005                |
| Engineering                    | 38,600               |
| Celebrations-Expenses          | <u>136</u>           |
|                                | \$410,000            |

For FY 2008, we are recommending a Reserve Fund amount of \$432,858, which as indicated above, is below the Town's financial policy guidelines. The Advisory Committee is comfortable with the amount included in the FY 2008 budget because the Town has rarely required Reserve Fund transfers in excess of that amount and because of the presence of the 5% reserve discussed above.

## ADVISORY COMMITTEE RECOMMENDATIONS

The amounts shown in Article 6 and the other articles in the Warrant represent the recommendations of the Advisory Committee. These funds provide for Town services at an appropriate level and also provide for necessary infrastructure maintenance and upgrading. The Advisory Committee has also reviewed the Warrant Articles and, after discussion with proponents and other interested people, we have provided comments and recommendations where appropriate. Town meeting will make the final decision for the FY 2008 budget and other warrant articles.

We are most grateful for the assistance and support of the Town Administrator Charles Cristello, the Finance Director/Town Accountant Ted Alexiades, and their staffs. Their support allows us to better serve you. We would further like to acknowledge the Board of Selectmen, the School Committee and Administration, the Community Preservation Committee, the Capital Outlay Committee, and the Town Department Heads. Hingham continues to be exceedingly fortunate that so many capable and responsible people voluntarily serve its needs. In yet another challenging fiscal year, their contributions have enabled this year's budget process to run smoothly.

### THE ADVISORY COMMITTEE

Linda Port, Chair  
Joseph Bierwirth, Vice Chair  
Irma Lauter, Secretary  
Deborah Allinson  
Luis Alvarado  
Michael Barclay  
Laura Burns  
David Ellison

Amy Farrell  
Dennis Friedman  
Anthony Kiernan  
John Manning  
Mary Jane O'Meara  
William Reardon  
Jerry Seelen

## **REPORT OF THE BOARD OF SELECTMEN**

The annual budget process is the result of careful fiscal planning and close cooperation between the Board of Selectmen, Advisory Committee and all Town departments. The budget that is being recommended by both the Board of Selectmen and Advisory Committee has been carefully scrutinized to maximize the benefits from our limited resources.

The Town's financial picture continues to improve due in large part to the increase in state aid proposed this year by Governor Patrick. We have been able to develop a balanced budget for presentation to Town Meeting that funds some of the additional requests, both capital and operating, of Town and School departments. More significantly, the current forecast shows only a moderate deficit over the next year based on very conservative revenue assumptions.

We are not without our fiscal challenges, however. Over the past several years the Town's finance officers have been focused on an important budget issue that the Town will be required to deal with in fiscal year 2009. In that year the Town will need to start addressing the advance funding of "Other Post-employment Benefits" (OPEB) as directed by recently established accounting rules that govern municipal finance. These new accounting rules require employers to set aside funds for the benefits that are promised to employees upon their retirement. Currently the Town pays 50% of the cost of healthcare benefits for all employees. Upon retirement, the Town continues to pay 50% of the cost of healthcare for all retirees except teachers, for whom the Town pays 90% of healthcare benefits through the state Group Insurance Commission. The new accounting rules require the Town to determine how much money needs to be set aside now in order to meet the promises made to employees upon their retirement. A recently completed actuarial study by Buck Consulting, the town's actuaries, calculated the Town's current OPEB liability at approximately \$68M. In order to meet this future liability, the Town will need to set aside approximately \$2.9M each year for the next twenty years, in addition to the current cost of healthcare.

It is the intention of the Board of Selectmen to build into the Town's operating budget \$400,000 for this purpose in fiscal year 2009, and to add an additional \$400,000 each year for the next several years. Once the Town's unfunded pension liability is paid off we plan to use the amount we have budgeted for that expense, roughly \$2 million annually, to meet the remainder of our annual obligation of \$2.9M for healthcare. The Board of Selectmen, in concert with the Advisory Committee, School Committee and Personnel Board, will explore options to lessen the impact of OPEB costs on the Town's annual operating budget, while trying to preserve an important employee benefit.

As for fiscal year 2008 which will be the topic for discussion at this year's Town Meeting, the Board supports Article 15 which continues to fund the activities of the School Building Committee. This article authorizes the borrowing of \$255,000 in order to continue the design of renovations to the Middle School. The Building Committee and School Committee have decided to slow down the design process on the middle school project in order allow the state school building authority to participate. It is their hope and ours that this strategy will maximize our chances for state reimbursement of the project.

The Selectmen wish to thank all those who assist us in our executive budgetary responsibilities. We owe a sincere debt of gratitude to the energetic and dedicated efforts of our office staff, Marilyn Harrington, Betty Tower and Betty Foley, for their work right down to the last minute on the production

of the warrant book. Town Administrator Charles J. Cristello and Town Accountant/Finance Director Ted Alexiades who lay the groundwork for and coordinate much of the budget process in a most professional manner. We appreciate and thank all those on the Advisory Committee, Capital Outlay Committee, Personnel Board, School Committee, and all Department Heads, Town employees, Boards, Committees and Commissions who make this process work. A special thanks to Advisory Committee Chairman Linda Port for continuing the calm and cooperative atmosphere that has become the hallmark of our fiscal success. We remain convinced that the expertise, skill, creativity and community resolve and pride of our municipal employees and citizen volunteers will continue to meet and solve these fiscal challenges and in so doing continue to improve our quality of life in Hingham.

Philip J. Edmundson, Chairman  
Melissa A. Tully  
John A. Riley  
BOARD OF SELECTMEN

## 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-THIRD day of April, 2007 at SEVEN o'clock in the evening, then and there to 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,
2. One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund to fill an unexpired term of one year, or act on anything relating thereto.

**COMMENT:** The Hannah Lincoln Whiting Fund was established in 1915 pursuant to the will of Ada B.W. Bacon, "to lend a helping hand to those in need in the South District of the Town..." 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, 2006 the fund assets were \$15,832, of which \$832 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

**RECOMMENDED:** 1. That Becky Weston, 84 Whitcomb Avenue, 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 Tereza Prime, 703 Main Street, be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund to fill an unexpired term of one year.

**ARTICLE 2.** Will the Town confirm appointment of a Director for the Plymouth County Cooperative Extension Service in accordance with

the provisions of the General Laws of Massachusetts, Chapter 128, Sections 41 and 42, or act on anything relating thereto?

**RECOMMENDED:** That the Town confirm the choice by the Selectmen of Marjorie Mahoney as Director to serve for one year.

**ARTICLE 3.** To hear the reports of the following: Animal Shelter Site Study Committee; Capital Outlay Committee; Central Fire Station Building Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Long Range Waste Disposal and Recycling Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; School Facilities Study Committee, Wastewater Master Planning Committee; Water Supply Committee; and the Zoning Permits Study Committee, or act on anything relating thereto.

**COMMENT:** These are the existing posts, committees, councils, commissions and offices which were established by acts of Town Meeting. 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 bodies and offices be continued, except that the School Facilities Study Committee be discharged with thanks.

**RECOMMENDED:** That the reports, if any, of the Animal Shelter Site Study Committee; Capital Outlay Committee; Central Fire Station Building Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Long Range Waste Disposal and Recycling Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; School Facilities Study Committee; Wastewater Master Planning

Committee; Water Supply Committee; and the Zoning Permits Study Committee be received, and that all of said Committees, Commissions, the Council and the Historian be continued, except that the School Facilities Study Committee be discharged with thanks.

**ARTICLE 4.** To hear the report of the Personnel Board appointed under the Classification and Salary Plan By-Law, or act on anything relating thereto.

**COMMENT:** This article provides funds to pay for an increase in financial obligations of the Town that result from salary increases, fringe benefit improvements and job reclassifications which have been or are yet to be determined.

**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, 2007 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$445,881 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?

**RECOMMENDED:** That, subject to the proviso below, the salary from July 1, 2007

through June 30, 2008 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 of the Town of Hingham Classification and Compensation Plan of the Personnel By-Law.

**Selectmen:** at the annual rate of \$2,000.00 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,500.00.

**Assessors:** at the annual rate of \$1,800.00 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,000.00.

**Municipal Light Board:** at the annual rate of \$214.00 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 Section 19G of Chapter 41 of the General Laws.

**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, 2007, or act on anything relating thereto?

**RECOMMENDED:** That there be raised and appropriated for each of the following purposes for the fiscal year beginning July 1, 2007, 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.

|   | Fiscal 2006<br><u>Expended</u> | Fiscal 2007<br><u>Appropriated</u> | Advisory<br>Fiscal 2008<br><u>Recommended</u> |
|---|--------------------------------|------------------------------------|---|
| GENERAL GOVERNMENT  |                                |                                    |   |
| 122 SELECTMEN   |                                |                                    |   |
| Payroll   | 332,415                        | 362,958                            | 376,079                                       |
| Expenses  | 31,601                         | 37,206                             | 38,310  |
| Capital Outlay  | 28,200                         | 185,000                            | 0   |
| Total   | 392,216                        | 585,164                            | 414,389                                       |
| 132 RESERVE FUND  | 410,000                        | 420,250                            | 432,858                                       |
| 135 TOWN ACCOUNTANT                                       |                                |                                    |   |
| Payroll   | 258,405                        | 313,948                            | 330,787                                       |
| Expenses  | 46,778                         | 58,590                             | 49,890  |
| Capital Outlay<br>(\$75,000 from Building Revolving Fund) | 47,655                         | 57,000                             | 142,000                                       |
| Audit   | 37,510                         | 38,000                             | 45,000  |
| Information Technology                                    | 65,970                         | 74,380                             | 76,684  |
| Total   | 456,318                        | 541,918                            | 644,361                                       |
| 141 ASSESSORS   |                                |                                    |   |
| Payroll   | 237,909                        | 251,224                            | 271,113                                       |
| Expenses  | 9,362                          | 10,870                             | 10,870  |
| Capital Outlay<br>(\$20,000 from Building Revolving Fund) | 20,000                         | 30,250                             | 20,000  |
| Consulting  | 7,495                          | 7,500                              | 47,500  |
| Map Maintenance   | 20                             | 6,000                              | 6,000   |
| Total   | 274,786                        | 305,844                            | 355,483                                       |
| 145 TREASURER/COLLECTOR                                   |                                |                                    |   |
| Payroll   | 212,513                        | 235,575                            | 249,066                                       |
| Expenses  | 39,707                         | 43,813                             | 43,813  |
| Tax Titles  | 3,030                          | 10,000                             | 10,000  |
| Total   | 255,250                        | 289,388                            | 302,879                                       |
| 151 LEGAL SERVICES  | 160,457                        | 140,000                            | 168,000                                       |
| 159 TOWN MEETINGS   |                                |                                    |   |
| Payroll   | 2,512                          | 2,692                              | 2,692   |
| Expenses  | 21,070                         | 26,833                             | 26,833  |
| Total   | 23,582                         | 29,525                             | 29,525  |
| 161 TOWN CLERK  |                                |                                    |   |
| Payroll   | 138,101                        | 145,920                            | 148,869                                       |
| Expenses  | 6,401                          | 6,411                              | 6,411   |
| Total   | 144,502                        | 152,331                            | 155,280                                       |
| 162 ELECTIONS   |                                |                                    |   |
| Payroll   | 6,099                          | 17,680                             | 12,370  |
| Expenses  | 10,020                         | 14,820                             | 10,620  |
| Capital Outlay  | 0                              | 44,450                             | 0   |
| Total   | 16,119                         | 76,950                             | 22,990  |

|  | Fiscal 2006<br><u>Expended</u> | Fiscal 2007<br><u>Appropriated</u> | Advisory<br>Fiscal 2008<br><u>Recommended</u> |
|--|--------------------------------|------------------------------------|---|
| <b>171 CONSERVATION</b>                            |                                |                                    |   |
| Payroll  |                                |                                    |   |
| Expenses   | 106,648                        | 145,612                            | 172,434                                       |
| Total  | 19,656                         | 11,885                             | 13,850  |
|  | 126,304                        | 157,497                            | 186,284                                       |
| <b>175 PLANNING BOARD</b>                          |                                |                                    |   |
| Payroll  |                                |                                    |   |
| Expenses   | 100,847                        | 104,668                            | 106,062                                       |
| Total  | 8,028                          | 12,145                             | 12,145  |
|  | 108,875                        | 116,813                            | 118,207                                       |
| <b>176 BOARD OF APPEALS</b>                        |                                |                                    |   |
| Payroll  |                                |                                    |   |
| Expenses   | 62,740                         | 70,269                             | 85,853  |
| Total  | 6,370                          | 5,885                              | 7,160   |
|  | 69,110                         | 76,154                             | 93,013  |
| <b>177 BARE COVE PARK</b>                          |                                |                                    |   |
| Payroll  |                                |                                    |   |
| Expenses   | 11,056                         | 13,949                             | 13,949  |
| Total  | 4,372                          | 5,760                              | 5,925   |
|  | 15,428                         | 19,709                             | 19,874  |
| <b>191 HERSEY HOUSE</b>                            |                                |                                    |   |
| Expenses   | 7,642                          | 7,123                              | 7,123   |
| Total  | 7,642                          | 7,123                              | 7,123   |
| <b>192 TOWN HALL</b>                               |                                |                                    |   |
| Payroll  | 145,030                        | 148,440                            | 153,690                                       |
| Expenses   | 347,582                        | 397,004                            | 391,328                                       |
| Capital Outlay                                     | 20,851                         | 150,200                            | 189,200                                       |
| Total  | 513,463                        | 695,644                            | 734,218                                       |
| <b>193 GRAND ARMY MEMORIAL HALL</b>                |                                |                                    |   |
|  | 6,657                          | 11,971                             | 12,371  |
| <b>TOTAL GENERAL GOVERNMENT</b>                    |                                |                                    |   |
|  | <u>2,980,709</u>               | <u>3,626,281</u>                   | <u>3,696,855</u>                              |
| <b>PUBLIC SAFETY</b>                               |                                |                                    |   |
| <b>210 POLICE DEPARTMENT</b>                       |                                |                                    |   |
| Payroll (Overtime \$314,200)                       | 3,555,729                      | 3,752,202                          | 3,882,052                                     |
| Expenses   | 255,624                        | 295,775                            | 303,578                                       |
| Capital Outlay                                     | 215,762                        | 279,500                            | 0   |
| Total  | 4,027,115                      | 4,327,477                          | 4,185,630                                     |
| <b>220 FIRE DEPARTMENT</b>                         |                                |                                    |   |
| Payroll (Overtime \$259,000)                       | 3,442,053                      | 3,684,377                          | 3,737,834                                     |
| Expenses   | 251,305                        | 273,760                            | 298,985                                       |
| Capital Outlay (\$328,000 from available reserves) | 435,258                        | 219,500                            | 328,000                                       |
| Total  | 4,128,616                      | 4,177,637                          | 4,364,819                                     |

|                                       | Fiscal 2006<br><u>Expended</u> | Fiscal 2007<br><u>Appropriated</u> | Advisory<br>Fiscal 2008<br><u>Recommended</u> |
|---------------------------------------|--------------------------------|------------------------------------|---|
| <b>230 DISPATCH SERVICES</b>          |                                |                                    |   |
| Payroll (Overtime \$62,501)           | 401,462                        | 446,846                            | 460,655                                       |
| Expenses                              | 4,388                          | 5,600                              | 5,600   |
| Total                                 | 405,850                        | 452,446                            | 466,255                                       |
| <b>241 BUILDING COMMISSIONER</b>      |                                |                                    |   |
| Payroll                               | 197,010                        | 211,943                            | 240,107                                       |
| Expenses                              | 6,076                          | 7,325                              | 7,325   |
| Total                                 | 203,086                        | 219,268                            | 247,432                                       |
| <b>244 WEIGHTS AND MEASURES</b>       |                                |                                    |   |
| Payroll                               | 9,410                          | 9,666                              | 9,666   |
| Expenses                              | 836                            | 1,072                              | 1,072   |
| Total                                 | 10,246                         | 10,738                             | 10,738  |
| <b>291 EMERGENCY MANAGEMENT</b>       |                                |                                    |   |
| Payroll                               | 5,359                          | 5,520                              | 5,631   |
| Expenses                              | 3,105                          | 3,193                              | 3,193   |
| Total                                 | 8,464                          | 8,713                              | 8,824   |
| <b>292 ANIMAL CONTROL</b>             |                                |                                    |   |
| Payroll                               | 46,706                         | 49,904                             | 50,514  |
| Expenses                              | 5,348                          | 9,950                              | 9,950   |
| Total                                 | 52,054                         | 59,854                             | 60,464  |
| <b>295 HARBORMASTER</b>               |                                |                                    |   |
| Payroll                               | 94,527                         | 105,016                            | 106,389                                       |
| Expenses                              | 25,383                         | 33,630                             | 34,130  |
| Total                                 | 119,910                        | 138,646                            | 140,519                                       |
| <b>299 PUBLIC SAFETY UTILITIES</b>    |                                |                                    |   |
| Emergency Water                       | 295,000                        | 297,300                            | 297,300                                       |
| Street Lighting                       | 145,000                        | 140,000                            | 140,000                                       |
| Total                                 | 440,000                        | 437,300                            | 437,300                                       |
| <b>TOTAL PUBLIC SAFETY</b>            | <b>9,395,341</b>               | <b>9,832,079</b>                   | <b>9,921,981</b>                              |
| <b>EDUCATION</b>                      |                                |                                    |   |
| <b>300 SCHOOL DEPARTMENT</b>          |                                |                                    |   |
| Payroll                               |                                |                                    |   |
| Expenses                              | 23,716,155                     | 25,448,626                         | 26,871,447                                    |
| Capital Outlay                        | 5,858,262                      | 6,163,271                          | 6,668,147                                     |
| (\$150,000 from Light Plant receipts) | 925,847                        | 353,000                            | 494,250                                       |
| <b>TOTAL EDUCATION</b>                | <b>30,500,264</b>              | <b>31,964,897</b>                  | <b>34,033,844</b>                             |
| <b>PUBLIC WORKS AND FACILITIES</b>    |                                |                                    |   |
| <b>410 SELECTMEN'S ENGINEERING</b>    | <b>50,217</b>                  | <b>20,000</b>                      | <b>105,618</b>                                |

|  | Fiscal 2006<br><u>Expended</u> | Fiscal 2007<br><u>Appropriated</u> | Advisory<br>Fiscal 2008<br><u>Recommended</u> |
|--|--------------------------------|------------------------------------|---|
| <b>420 HIGHWAY/RECREATION/TREE &amp; PARK</b>              |                                |                                    |   |
| Payroll (Overtime \$37,989)                                | 1,437,265                      | 1,515,870                          | 1,608,302                                     |
| Expenses   | 307,610                        | 323,633                            | 339,331                                       |
| Capital Outlay (\$472,097 from available reserves)         | 128,046                        | 256,500                            | 476,000                                       |
| Snow Removal   | 355,530                        | 225,290                            | 250,000                                       |
| Resurfacing  | 305,389                        | 306,500                            | 306,500                                       |
| Total  | 2,533,840                      | 2,627,793                          | 2,980,133                                     |
| <b>430 LANDFILL/RECYCLING</b>                              |                                |                                    |   |
| Payroll (Overtime \$15,914)                                | 368,355                        | 388,717                            | 403,395                                       |
| Expenses   | 1,019,613                      | 1,088,815                          | 1,093,792                                     |
| Capital Outlay   | 7,812                          | 50,000                             | 553,000                                       |
| Total  | 1,395,780                      | 1,527,532                          | 2,050,187                                     |
| <b>440 SEWER COMMISSION</b>                                |                                |                                    |   |
| Payroll  | 237,741                        | 274,160                            | 283,219                                       |
| Expenses   | 150,037                        | 178,461                            | 189,287                                       |
| Capital Outlay   | 17,172                         | 65,000                             | 34,000  |
| Engineering  | 8,666                          | 10,000                             | 10,000  |
| MWRA Charges   | 1,155,018                      | 1,228,280                          | 1,351,108                                     |
| Debt Service   | 109,588                        | 115,422                            | 109,246                                       |
| Hull Intermunicipal Agreement                              | 50,736                         | 75,000                             | 75,000  |
| Total  | 1,728,958                      | 1,946,323                          | 2,051,860                                     |
| The sum of \$2,051,860 shall be funded from Sewer revenue. |                                |                                    |   |
| <b>TOTAL PUBLIC WORKS</b>                                  | <b>5,708,795</b>               | <b>6,121,648</b>                   | <b>7,187,798</b>                              |
| <b>HUMAN SERVICES</b>                                      |                                |                                    |   |
| <b>510 HEALTH DEPARTMENT</b>                               |                                |                                    |   |
| Payroll  | 237,759                        | 255,300                            | 262,840                                       |
| Expenses   | 15,923                         | 19,650                             | 19,650  |
| Total  | 253,682                        | 274,950                            | 282,490                                       |
| <b>541 ELDER SERVICES</b>                                  |                                |                                    |   |
| Payroll  | 145,119                        | 161,014                            | 163,525                                       |
| Expenses   | 47,137                         | 61,195                             | 61,207  |
| Capital Outlay   | 0                              | 0                                  | 0   |
| Tax Work Off Program                                       | 9,743                          | 12,000                             | 12,000  |
| Total  | 201,999                        | 234,209                            | 236,732                                       |
| <b>543 VETERANS' SERVICES</b>                              |                                |                                    |   |
| Payroll  | 33,896                         | 36,866                             | 39,219  |
| Expenses   | 2,403                          | 6,800                              | 6,800   |
| Benefits   | 139,730                        | 141,000                            | 141,000                                       |
| Total  | 176,029                        | 184,666                            | 187,019                                       |
| <b>545 WOMANSPLACE CRISIS CENTER</b>                       |                                |                                    |   |
|  | 2,500                          | 2,500                              | 2,500   |

|   | Fiscal 2006<br><u>Expended</u> | Fiscal 2007<br><u>Appropriated</u> | Advisory<br>Fiscal 2008<br><u>Recommended</u> |
|---|--------------------------------|------------------------------------|---|
| 546 SOUTH SHORE WOMEN'S CENTER  | 3,500                          | 3,500                              | 3,500   |
| TOTAL HUMAN SERVICES  | <u>637,710</u>                 | <u>699,825</u>                     | <u>712,241</u>                                |
| CULTURE AND RECREATION  |                                |                                    |   |
| 610 LIBRARY   |                                |                                    |   |
| Payroll   | 996,321                        | 1,064,258                          | 1,072,019                                     |
| Expenses  | 235,207                        | 258,138                            | 253,684                                       |
| Capital Outlay  | 23,000                         | 80,000                             | 103,000                                       |
| Total   | 1,254,528                      | 1,402,396                          | 1,428,703                                     |
| 630 RECREATION COMMISSION   |                                |                                    |   |
| Payroll   | 121,740                        | 151,866                            | 148,201                                       |
| Expenses  | 5,235                          | 5,239                              | 5,239   |
| Total   | 126,975                        | 157,105                            | 153,440                                       |
| 650 TRUSTEES OF BATHING BEACH   |                                |                                    |   |
| Payroll   | 14,076                         | 17,618                             | 17,973  |
| Expenses  | 1,599                          | 3,075                              | 5,825   |
| Capital Outlay  | 0                              | 0                                  | 0   |
| Total   | 15,675                         | 20,693                             | 23,798  |
| 691 HISTORICAL COMMISSION   |                                |                                    |   |
| Payroll   | 25,476                         | 30,538                             | 31,544  |
| Expenses  | 3,913                          | 5,585                              | 5,585   |
| Capital Outlay  | 0                              | 0                                  | 0   |
| Total   | 29,389                         | 36,123                             | 37,129  |
| 692 CELEBRATIONS  | 9,136                          | 9,500                              | 9,500   |
| TOTAL CULTURE & RECREATION  | <u>1,435,703</u>               | <u>1,625,817</u>                   | <u>1,652,570</u>                              |
| ENTERPRISE FUND   |                                |                                    |   |
| 720 COUNTRY CLUB  | 1,878,117                      | 1,445,282                          | 1,796,758                                     |
| The total sum of \$1,796,758 shall be funded from Country Club revenue. In addition, the Country Club is authorized to distribute to the General Fund \$400,000 from Retained Earnings. |                                |                                    |   |
| TOTAL ENTERPRISE FUND   | <u>1,878,117</u>               | <u>1,445,282</u>                   | <u>1,796,758</u>                              |
| DEBT SERVICE  |                                |                                    |   |
| 710 DEBT SERVICE  | 4,943,534                      | 5,112,726                          | 5,045,697                                     |
| (\$4,462,294 IS EXCLUDED FROM PROPOSITION 2 1/2)  |                                |                                    |   |
| TOTAL DEBT SERVICE  | <u>4,943,534</u>               | <u>5,112,726</u>                   | <u>5,045,697</u>                              |

|  | Fiscal 2006<br><u>Expended</u> | Fiscal 2007<br><u>Appropriated</u> | Advisory<br>Fiscal 2008<br><u>Recommended</u> |
|--|--------------------------------|------------------------------------|---|
| EMPLOYEE BENEFITS  |                                |                                    |   |
| 900 CONTRIBUTORY GROUP<br>INSURANCE                            | 2,876,632                      | 3,618,469                          | 3,761,239                                     |
| 910 CONTRIBUTORY RETIREMENT                                    | 2,555,123                      | 2,652,802                          | 2,816,409                                     |
| 911 NON-CONTRIBUTORY PENSIONS                                  | 31,954                         | 31,250                             | 14,177  |
| 912 WORKERS' COMPENSATION                                      | 100,000                        | 200,000                            | 210,000                                       |
| 913 UNEMPLOYMENT   | 32,026                         | 20,000                             | 25,000  |
| 914 MANDATORY MEDICARE   | 396,347                        | 420,000                            | 462,000                                       |
| TOTAL EMPLOYEE BENEFITS  | <u>5,992,082</u>               | <u>6,942,521</u>                   | <u>7,288,825</u>                              |
| UNCLASSIFIED   |                                |                                    |   |
| 901 INSURANCE<br>Fire, Public Liability, Property Damage, etc. | 343,512                        | 487,863                            | 436,649                                       |
| 940 CLAIMS AND INCIDENTALS<br>Claims and Incidentals           | 9,815                          | 13,250                             | 13,250  |
| Greenbush Legal and Consulting                                 | 69,326                         | 82,113                             | 0   |
| Total  | <u>79,141</u>                  | <u>95,363</u>                      | <u>13,250</u>                                 |
| TOTAL UNCLASSIFIED   | <u>422,653</u>                 | <u>583,226</u>                     | <u>449,899</u>                                |
| GRAND TOTAL  | <u>63,894,908</u>              | <u>67,954,302</u>                  | <u>71,786,468</u>                             |

**ARTICLE 7.** Will the Town appropriate, from the receipts of the Electric Light Department, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2007, 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?

**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 \$474,048 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, 2007, 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 in Sections 57 and 57A of Chapter 164 of the Massachusetts General Laws 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 8.** 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 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, and authorize the Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth, or act on anything relating thereto?

**COMMENT:** The Department of Conservation and Recreation, as a matter of policy, requires the Town to assume liability if it is to do any of this type of work in the Town. Under the statute, the agreement would refer to liability for work done by the Department of Conservation and Recreation.

**RECOMMENDED:** That the Town, in accordance with, and to the extent only permitted by, General Laws, Chapter 91, Section 29, 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 9.** 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 relating thereto?

**COMMENT:** The purpose of this article is to match revenues from inspections with payments to the Assistant Building Inspectors for their services. For the fiscal year ended June 30, 2006, the fund had \$258,327 in revenues and \$240,342 in expenditures. For the six-month period ended December 31, 2006, the fund had \$148,341 in revenues and \$116,342 in expenditures. Due to the expected increase in building activity, the limit has been raised from \$250,000 in FY'07 to \$350,000 in FY'08.

**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. Moneys shall be spent only to compensate such inspectors for their services. No moneys shall be spent for wages or salaries of full-time municipal employees. The Building Commissioner shall be authorized to spend moneys from the fund. The amount that may be spent from the fund shall be limited to \$350,000 during Fiscal Year 2008.

**ARTICLE 10.** Will the Town raise and appropriate, or transfer from available funds, a sum of money under the Transportation Bond Bill for the cost of work under Chapter 90 of the Massachusetts General Laws for the resurfacing, maintenance, improvement, design, construction and/or reconstruction of Hingham streets and sidewalks, or act on anything related thereto?

**COMMENT:** Chapter 90 of the Massachusetts General Laws (with the Transportation Bond Bill) requires towns to appropriate funds representing the Commonwealth's share of the cost of work performed for maintenance of the town's streets and sidewalks.

**RECOMMENDED** That, subject to the appropriation of \$407,524 by the Commonwealth of Massachusetts under the Transportation Bond Bill, the Town transfer from available funds the sum of \$407,524 as the state's share of the cost under Chapter 90 of the Massachusetts General Laws, for the resurfacing, maintenance, improvement, design, construction and/or reconstruction of Hingham streets and sidewalks.

**ARTICLE 11.** Will the Town raise and appropriate, or transfer from available funds, a sum of money for the dredging of Hingham Harbor, or act on anything relating thereto?

**COMMENT:** Each year Hingham boat owners are assessed marine excise taxes by the Town of Hingham. Under Massachusetts General Laws, one-half of the collections must be used for waterways improvements. The remaining half is general revenue to the Town. The amount proposed for transfer this year is \$30,000 from excise tax revenue.

The Town has also set aside mooring permit fees that have been collected annually over the last ten years that are in excess of debt service on waterfront projects for the purpose of harbor dredging. This amount is currently in available reserves and totals \$173,674.

It is expected that the Town's cost for dredging, scheduled to begin in the fall of 2009, will be in the \$600,000 to \$700,000 range. The Town's cost is expected to be approximately 25% of the total with state and federal moneys covering the remaining 75%. The amount set aside for harbor dredging after the proposed \$30,000 from marine

excise taxes this year and the \$173,674 from mooring permit fees will be \$642,840.

**RECOMMENDED:** That the Town transfer \$30,000 from the Waterways Fund and \$173,674 from available reserves to the Dredging Fund, such account to be used for the future dredging of Hingham Harbor, and the Town accept and credit said account with funds from State and Federal Governments for that purpose.

**ARTICLE 12.** 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 2007, or act on anything related thereto?

**COMMENT:** This article is included each year in case the existing Reserve Fund does not have sufficient money in it to cover unbudgeted and unanticipated expenses for the duration of the fiscal year (which ends June 30, 2007). The Town does not have a need for additional funds in the Reserve Fund.

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

**ARTICLE 13.** Will the Town transfer a sum of money from the Stabilization Fund for the purpose of reducing the tax rate, or act on anything relating thereto?

**COMMENT:** Pursuant to prior Town Meeting votes, the proceeds from the sale of the old school administration building, municipal light plant building and police station were deposited in the Stabilization Fund for future tax reduction. It is the intention of this article to transfer \$111,486 from the Stabilization Fund for the purpose of reducing the fiscal year 2008 tax rate.

**RECOMMENDED:** That the Town transfer the sum of \$111,486 from the Stabilization Fund for the purpose of reducing the fiscal year 2008 tax rate.

**ARTICLE 14.** Will the Town raise and appropriate or transfer from available funds a sum of money to return investment income earned by the Town on funds invested for the Hingham Municipal Lighting Plant, or act on anything related thereto?

**COMMENT:** In December, 2005 the Hingham Municipal Lighting Plant (HMLP) transferred approximately \$3.9 million of separately invested pension reserves to the Town's general fund; the amount is ultimately expected to be allocated, at the direction of the Light Board, for the benefit of HMLP employees' pension or other post-retirement benefits. The effect of this article is to reimburse the HMLP for the investment income earned by the Town during the now closed fiscal 2006 period. It is expected that, before the end of fiscal 2007, the principal and any related investment income earned by the Town in fiscal 2007 will likewise be transferred out of the Town's general fund.

**RECOMMENDED:** That the Town transfer from available funds the sum of \$74,698.35 to the Hingham Municipal Lighting Plant in order to return investment income earned by the Town on funds invested for the Hingham Municipal Lighting Plant.

**ARTICLE 15.** Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the 2006 School Building Committee for additional architectural and engineering design development of the school facility plan and for submission of the school projects to the Massachusetts School Building Authority, including other costs incidental and related, to carry out this project and its finances, or act on anything relating thereto?

**COMMENT:** The 2006 Annual Town Meeting approved the creation of the 2006 School Building Committee to implement the School Facility Plan detailed in the 10-year Master Plan recommended by the School Facility Study Committee established by the 2005 Annual Town Meeting. Specifically, the 2006 School Building Committee was authorized to do everything necessary and appropriate to complete the design, documentation and bidding for a new elementary school, to complete schematic designs for the expansion and renovation of the Middle School, and to complete schematic designs for partial renovations at Foster and Plymouth River Elementary Schools. In addition, the 2006 Annual Town Meeting authorized the expenditure of up to \$1.7 million to meet these goals, of which approximately \$1.5 million has been spent to date. The funds remaining from the 2006 authorization are earmarked to complete the new elementary school bidding process and to complete the schematic design process for the Middle School

and the renovations of the Foster and Plymouth River elementary schools.

Implementing the School Facility Plan requires working with the Massachusetts School Building Authority (MSBA) and adhering to the new guidelines for project reimbursement. Under the new MSBA program, towns must compete for a fixed pool of approximately \$500 million per year set aside for all school projects across the state.

Since its creation following the 2006 Annual Town Meeting, the School Building Committee has been in frequent contact with the MSBA, updating them on our progress and seeking guidance regarding the status of the School Facility Plan. As a result of these conversations, and receipt of the final guidelines, it has become apparent that moving forward with the construction of the new elementary school without a decision by the MSBA could jeopardize potential reimbursement for the project. Similarly, the Middle School project has been suspended at the conceptual design stage to allow the School Building Committee to consult with the MSBA for direction on the project in order to maximize the Town's opportunity for reimbursement. As was always the plan, the Town will submit all four projects to the MSBA during July 2007, the first month the MSBA will accept applications.

Since the MSBA program is new, it is impossible to predict the time and expense required to secure approval of the project reimbursement. The School Building Committee believes that \$255,000 of additional funds will be sufficient to allow it to work with the MSBA on the Master Plan and meet additional MSBA requirements as they arise. Specifically, the additional \$255,000 requested will provide the necessary funds to move the Middle School project beyond schematic design and provide funds for additional project management, design, legal and administrative expenses, as needed.

The MSBA has indicated that it will make its initial decisions by December 2007 and, at that time, the School Building Committee expects to come back to Town Meeting with a request for funding of the Master Plan.

**RECOMMENDED:** That the Town appropriate the sum of \$255,000, to be expended under the direction of the 2006 School Building Committee for additional architectural and engineering development of the School Facility Plan and for the submission of the school projects to the

**Massachusetts School Building Authority. Of this amount, \$133,000 will be spent only as required by the MSBA grant application process for additional work (including, without limitation, additional studies, reports, design work) to advance the Middle School project. To meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow up to \$255,000 under and pursuant to Chapter 44, Section 7(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.**

**ARTICLE 16.** Will the Town appropriate a sum of money from the Community Preservation Community Housing Reserve for the repair of the septic system at 132 Scotland Street, and authorize and direct the Hingham Housing Authority to make such repair, or act on anything related thereto?  
(Inserted at the request of the Community Preservation Committee)

**COMMENT:** Article 20 of the 2006 Annual Town Meeting appropriated \$472,200 to purchase of 3.88 acres of land and a house at 132 Scotland Street with the house to be for community housing purposes under the direction of the Hingham Housing Authority and the land to be overseen by the Hingham Conservation Commission. During the purchase of the property it was determined that the septic system was usable in the near term but would need to be replaced within two years of the acquisition.

The Hingham Housing Authority is requesting \$33,000 for the engineering, permitting and construction of a new septic system on the property, based on cost estimates provided by the Hingham Board of Health.

Replacement of the septic system will complete the permanent availability of one unit of much needed low-cost family housing in the Town.

**RECOMMENDED:** That the Town appropriate the sum of \$33,000 from the Community Preservation Community Housing Reserve for the repair of the septic system at 132 Scotland Street, and authorize and direct the Hingham Housing Authority to make such repair.

**ARTICLE 17.** Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve for the following

purposes: i) the restoration and stabilization of the Pro Patria and Gloria Monument (the "Iron Horse Monument"), ii) the restoration and preservation of eight (8) bronze commemorative or memorial plaques set in granite rock; and, iii) the restoration and preservation of the Cyrus Bacon Memorial Fountain/Horse Trough, or act on anything related thereto?  
(Inserted at the request of the Community Preservation Committee)

**COMMENT:** This request, sponsored by the Hingham Historical Commission, seeks funding for restoration and improvements for three separate projects, as detailed below:

The Pro Patria and Gloria Monument (the Iron Horse Monument): This monument, a cast bronze work installed and dedicated in 1929, was erected as a memorial to honor those who died in the service of our country. The monument is located along the Hingham waterfront. It stands on a low platform consisting of a granite slab and concrete base. The concrete base has deteriorated significantly causing the statue to lean. Initial examination of the base in spring 2006 by restoration consultants prompted concern that the sculpture may be unstable enough to topple over. The Hingham Historical Commission, the Town agency responsible for maintaining and preserving the Iron Horse, solicited a proposal from Daedalus, Inc. to determine an appropriate restoration plan. Since the extent of the deterioration can only be determined upon examination via lifting the Horse off its base, three possible options were presented in the proposal. The "worst case scenario" estimate is \$50,000 for re-making the base in its entirety plus another \$3,500 for treatment of the bronze and \$4,000 for investigation of the base, for a total of \$57,500. If the total amount appropriated is not needed for the project, the balance will then be available for future appropriation by the Town.

Eight bronze commemorative or memorial plaques set in granite rock:  
(1) DAR Plaque, Main and Leavitt Street; (2) Meeting House Plaque, 90 Main Street; (3) Benjamin Lincoln Plaque, Fountain Square; (4) Reverend Peter Hobart's Landing, Ship and North Street; (5-8) Vietnam, WWI, WWII, and Korean War Memorial Plaques, Matthew Hawkes Square (5-8).

These commemorative or memorial plaques, dating from the 1920's-1970's, were originally coated with a protective material. This coating

has worn away. Over time without protection, the metal will erode and render inscriptions illegible. In addition, the granite base on certain plaques has chipped away. The proposal calls for each bronze plaque to be cleaned and a new protective coat be applied. The stone bases will also be cleaned and repaired. The total cost for the restoration and preservation of these plaques is estimated at \$7,000.

The Cyrus V. Bacon Memorial Fountain/Horse Trough: The Cyrus V. Bacon Memorial Fountain is one of Hingham's most recognizable pieces of outdoor art, a 12-foot tall granite fountain/horse trough donated to the Town in accordance with the provisions set forth in the 1915 will of Mrs. Ada Bacon. The Fountain was relocated to its present position in Queen Anne's Corner in 1991. Weather, traffic emissions, vehicle impacts and several relocations have damaged and contributed to the deterioration of the fountain. The Historical Commission is requesting funds to restore the top section of the fountain, the damaged granite tablet, pilasters and capitals and the sloped pediment. It is expected that these elements will have to be wholly replaced. The total cost for the restoration is estimated at \$50,000.

(As part of the roadway improvements at Queen Anne's Corner, MassHighway is contractually obligated to move the fountain further back from the road and to provide the new site with all the necessary utilities, electricity, plumbing and water to restore the Fountain to working condition)

**RECOMMENDED:** That the Town appropriate \$114,500 from the Community Preservation Historic Resources Reserve, such amount to be expended under the direction of the Community Preservation Committee, for the following purposes i) \$57,500 for the restoration and stabilization of the Iron Horse Monument; ii) \$7,000 for the restoration and preservation of eight (8) bronze commemorative or memorial plaques; and iii) \$50,000 for the restoration and preservation of the Cyrus V. Bacon Memorial Fountain/Horse Trough.

**ARTICLE 18.** Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve for the Bare Cove Park – Phase II project, and authorize and direct the Bare Cove Park Committee to complete such project, or act on anything related thereto?  
(Inserted at the request of the Community Preservation Committee)

**COMMENT:** The Bare Cove Park Committee is seeking \$577,000 to complete the final phase of building demolition and related environmental remediation in the Park, which is an area of critical environmental concern.

Article 21 of the 2006 Annual Town Meeting appropriated \$405,000 for the initial phase of the Park cleanup, including demolition and removal of hazards and eyesores such as existing concrete foundations, superfluous roads and open manholes and wells. Those funds were also used to hire a consultant to do an environmental assessment of the Park. Gale Associates was that consultant and their work determined that the Town needed to immediately address environmental contamination around a number of the buildings and foundations identified for demolition and removal. At a Special Town Meeting on December 11, 2006, it was voted to appropriate \$378,000 to proceed with that environmental cleanup.

This article requests appropriation of the amount determined to be necessary to complete the demolition and removal project originally contemplated. The amount requested is based on estimates prepared by the environmental consultant and an experienced construction company, using a 20% contingency factor.

**RECOMMENDED:** That the Town appropriate the sum of \$577,000 from the Community Preservation Open Space Reserve for the Bare Cove Park – Phase II project to demolish, remove and perform any additional required environmental remediation of up to 14 buildings sites and authorize and direct the Bare Cove Park Committee to complete that project.

**ARTICLE 19.** Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve for the acquisition by the Hingham Conservation Commission, for conservation purposes, of approximately four acres, abutting the Crooked Meadow River at its western side and existing conservation land of the Town of Hingham at its southwestern corner, of Lot 43 on Assessors' Map 126, and authorize and direct the Conservation Commission to complete such acquisition, or act on anything related thereto?  
(Inserted at the request of the Community Preservation Committee)

**COMMENT:** This proposed acquisition relates to a parcel of backland west of Main Street behind and north of the Second Parish Church and several of the neighboring homes. It is contiguous to another one-half acre parcel of Conservation Land owned by the Town. The parcel is forest and marshy fields abutting the Crooked Meadow River, a principal tributary of the Weir River flowing out of Cushing Pond and crossing Main Street just south of the intersection of High, Free and Main Streets. The parcel meets all of the criteria established by the Community Preservation Committee for the acquisition of open space. The Open Space Acquisition Committee has currently negotiated a purchase price of \$420,000, contingent upon receipt of evidence of public access satisfactory to that Committee.

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

**ARTICLE 20.** Will the Town appropriate a sum of money 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 (MGL Ch. 44B s.6) allows up to 5% of annual CPA revenues to be reserved for operating and administrative expenses. These appropriations may include property appraisals, design and bid costs, office supplies, and administrative assistance. Since the Act was adopted by the Town in April, 2001, Town Meeting has twice approved administrative expenses of \$64,000 (2003) and \$50,000 (2005). Hingham's administrative appropriations have averaged 2.5 % of annual CPA revenues compared to the 5% allowed by the Act. The funds requested will provide payment for ongoing administrative expenses for the next two fiscal years as well as provide funding for the salary of a recently approved position of part-time administrator. The administrator will allow the Committee to centralize administrative functions such as invoice payment and project management communication as well as to provide an informational resource available to the public at Town Hall during scheduled hours.

**RECOMMENDED:** That the Town appropriate \$60,000 from the Community

**Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund.**

**ARTICLE 21.** Will the Town accept Massachusetts General Laws Chapter 44, Section 55C so as to create an affordable housing trust, and amend the General By-Laws of the Town by adding Article 39 as follows:

"HINGHAM AFFORDABLE HOUSING TRUST

SECTION 1. (a) There shall be in the Town of Hingham a Hingham Affordable Housing Trust Fund, (hereinafter referred to as "the trust"). The purpose of the trust is to provide for the creation and preservation of affordable housing in the Town of Hingham for low- and moderate-income households.

(b) There shall be a board of trustees which shall include not less than five (5) nor more than nine (9) trustees. The trustees shall be appointed by the Board of Selectmen and shall include one (1) member of the Board of Selectmen and are designated as public agents for purposes of the constitution of the Commonwealth. The initial terms of the trustees shall be staggered as one (1), two (2) or three (3) year terms. All terms thereafter shall be for two (2) years.

SECTION 2. (a) The powers of the board of trustees shall include the following:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with the provisions of the Hingham Zoning By-Law or other by-law, or any general or special law or any other source, or money from the Community Preservation Act, G.L. Chapter 44B.

(2) to accept and receive municipal, school or other public property, subject to a majority vote of Town Meeting to transfer said property to the trust, for the purposes of the trust.

(3) to purchase and retain real or personal property for the purposes of the trust, including without restriction investments that yield a high rate of income or no income, and to hold all or part of the trust property uninvested for such

purposes and for such time as the board may deem appropriate.

(4) to manage or improve real property.

(5) to sell, lease, exchange, transfer or convey any real property for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust property as the board deems advisable, notwithstanding the length of any such lease or contract.

(6) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust

(7) to employ and pay reasonable compensation to advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary.

(8) to apportion receipts and charges between income and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise.

(9) to carry property for accounting purposes at other than acquisition date values.

(10) to borrow money on such terms and conditions and from such sources as the trustees deem advisable, to mortgage and pledge trust assets as collateral, subject to approval by a majority vote of the Board of Selectmen.

(11) to make distributions or divisions of principal in kind.

(12) to defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Article, to continue to hold the same for such period of time as the board may deem appropriate.

(13) to extend the time for payment of any obligation to the trust.

(14) to provide grants or loans to assist low- or moderate-income homebuyers to purchase or rehabilitate a dwelling unit in the Town of Hingham.

(15) to convey, through sale, lease or transfer, real property purchased under this act, to any for-profit or non-profit developer or any public agency to provide low- or moderate-income housing, subject to an affordable housing restriction under Section 26 or Sections 31-33 of Chapter 184 of the General Laws.

(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.

SECTION 3. (a) As a means of providing available assets for the trust, all moneys received by the Town through the following means shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust:

(1) cash payments made by developers to the Town for purposes of creating or preserving affordable housing, under any development agreements or development approvals pursuant to the Hingham Zoning By-Law;

(2) gifts, grants, donations, contributions or other cash payments to the trust for the purpose of providing low- or moderate-income housing;

(b) general revenues appropriated into the trust become trust property, and to be expended these funds need not be further appropriated;

(c) all moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board of trustees within one year of the date they were appropriated into the trust, shall remain trust property;

(d) the trust is exempt from G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof; and

(e) the books and records of the trust shall be reviewed annually by an independent auditor in accordance with accepted accounting practices.

SECTION 4. As used in this act, the term “low or moderate income housing” shall mean “low income housing” or “moderate income housing” as defined in Section 2 of Chapter 44B of the General Laws.

SECTION 5. The Town Treasurer shall be the custodian of the fund. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.

SECTION 6. (a) The trust is a governmental body for purposes of Sections 23A, 23B and 23C of Chapter 39 of the General Laws.

(b) The trust is a board of the city or town for purposes of Chapter 30B and Section 15A of Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, department and public instrumentalities of the Town shall be exempt from Chapter 30B.

(c) The trust is a public employer and the members of the board are public employees for purposes of Chapter 258.

(d) The trust shall be deemed a public agency and trustees as special municipal employees for purposes of Chapter 268A.”

or act on anything related thereto?

**COMMENT:** Hingham’s Master Plan of 2001 calls for increasing low- and moderate-income housing. Since then, Town Meeting has repeatedly supported efforts in this direction. The Massachusetts General Laws also encourage 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 to move toward that goal, and many have taken advantage of this tool.

The Town’s current resources for housing planning and action consist primarily of the Housing Partnership, an unfunded Town committee established in 1987, and the Community Preservation Fund, of which a minimum of 10% is earmarked for affordable housing. (In addition to the Town’s committees, the Hingham Housing Authority is a quasi-state agency which operates independently to promote affordable housing.)

While these committees and agencies have made contributions, progress is slow. One obstacle is that neither of the Town committees has the power to respond to conditions in the housing market and to take advantage of opportunities there without first securing the approval of Town Meeting. Generally, the need to wait for Town Meeting makes it impossible to capitalize on opportunities in the fast-moving real estate market.

The Housing Trust is designed to overcome current hurdles in our housing planning and action and provide the Town with

- 1) a funded agency to concentrate exclusively on housing issues, allowing for more cohesive and sustained long-term planning and action,
- 2) the potential to react to market conditions by acquiring and disposing of property when it is advantageous, even if Town Meeting is many months away, and
- 3) an ongoing mechanism for securing and using State and federal grants, funds derived from mitigation measures under the zoning by-law or resulting from negotiations with developers, gifts, donations, and Community Preservation housing funds, if the Community Preservation Committee recommends it and Town Meeting approves.

No funding for the Trust from the Town’s operating or capital budget is contemplated at this time. It is expected that the Trust will be funded initially from funds the Town is currently holding which were generated for affordable housing by the inclusionary zoning by-law. The Trust will seek ongoing funding from other sources.

The Housing Partnership reviewed seventeen Housing Trusts operating in other towns, and recommends a model based on Duxbury’s trust, which has the advantage of providing significant Town Meeting oversight of the Trust’s activities.

Section 2 (a) 10 of the proposed by-law in the article, which would give the Trust the power to borrow, is not included in the recommended

motion at this time, as the Advisory Committee wished to review this aspect further before making a recommendation.

**RECOMMENDED:** that the Town accept Massachusetts General Laws Chapter 44, Section 55C so as to create an affordable housing trust, and amend the General By-Laws of the Town by adding Article 39 as follows:

**“HINGHAM AFFORDABLE HOUSING TRUST**

**SECTION 1. (a)** There shall be in the Town of Hingham a Hingham Affordable Housing Trust Fund, (hereinafter referred to as “the trust”). The purpose of the trust is to provide for the creation and preservation of affordable housing in the Town of Hingham for low- and moderate-income households.

**(b)** There shall be a board of trustees which shall include not less than five (5) nor more than nine (9) trustees. The trustees shall be appointed by the Board of Selectmen and shall include one (1) member of the Board of Selectmen and are designated as public agents for purposes of the constitution of the Commonwealth. The initial terms of the trustees shall be staggered as one (1) or two (2) year terms. All terms thereafter shall be for two (2) years.

**SECTION 2. (a)** The powers of the board of trustees shall include the following:

**(1)** to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with the provisions of the Hingham Zoning By-Law or other by-law, or any general or special law or any other source, or money from the Community Preservation Act, G.L. Chapter 44B.

**(2)** to accept and receive municipal, school or other public property, subject to a majority vote of Town Meeting to transfer said property to the trust, for the purposes of the trust.

**(3)** to purchase and retain real or personal property for the purposes of the trust, including without restriction investments that

**yield a high rate of income or no income, and to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate.**

**(4)** to manage or improve real property.

**(5)** to sell, lease, exchange, transfer or convey any real property for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust property as the board deems advisable, notwithstanding the length of any such lease or contract.

**(6)** to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust

**(7)** to employ and pay reasonable compensation to advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary.

**(8)** to apportion receipts and charges between income and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise.

**(9)** to carry property for accounting purposes at other than acquisition date values.

**(10)** (Reserved.)

**(11)** to make distributions or divisions of principal in kind.

**(12)** to defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Article, to continue to hold the same for such period of time as the board may deem appropriate.

**(13)** to extend the time for payment of any obligation to the trust.

(14) to provide grants or loans to assist low- or moderate-income homebuyers to purchase or rehabilitate a dwelling unit in the Town of Hingham.

(15) to convey, through sale, lease or transfer, real property purchased under this act, to any for-profit or non-profit developer or any public agency to provide low- or moderate-income housing, subject to an affordable housing restriction under Section 26 or Sections 31-33 of Chapter 184 of the General Laws.

(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.

**SECTION 3.** (a) As a means of providing available assets for the trust, all moneys received by the Town through the following means shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust:

(1) cash payments made by developers to the Town for purposes of creating or preserving affordable housing, under any development agreements or development approvals pursuant to the Hingham Zoning By-Law;

(2) gifts, grants, donations, contributions or other cash payments to the trust for the purpose of providing low- or moderate-income housing;

(b) general revenues appropriated into the trust become trust property, and to be expended these funds need not be further appropriated;

(c) all moneys remaining in the trust at the end of any fiscal year, whether or not expended by

the board of trustees within one year of the date they were appropriated into the trust, shall remain trust property;

(d) the trust is exempt from Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof; and

(e) the books and records of the trust shall be reviewed annually by an independent auditor in accordance with accepted accounting practices.

**SECTION 4.** As used in this act, the term “low or moderate income housing” shall mean “low income housing” or “moderate income housing” as defined in Section 2 of Chapter 44B of the General Laws.

**SECTION 5.** The Town Treasurer shall be the custodian of the fund. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.

**SECTION 6.** (a) The trust is a governmental body for purposes of Sections 23A, 23B and 23C of Chapter 39 of the General Laws.

(b) The trust is a board of the city or town for purposes of G.L. Chapter 30B and Section 15A of Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, department and public instrumentalities of the Town shall be exempt from G.L. Chapter 30B.

(c) The trust is a public employer and the members of the board are public employees for purposes of G.L. Chapter 258.

(d) The trust shall be deemed a municipal agency and trustees as special municipal employees for purposes of G.L. Chapter 268A.”

**ARTICLE 22.** Will the Town authorize, but not require, the Board of Selectmen to enter into a lease for consideration on such terms as it deems in the best interest of the Town, for the use of a portion of a parcel of Town-owned land shown on Assessors’ Map 61 and used as an alley way between buildings located at 116 North Street and

118 North Street, or act on anything relating thereto?  
(Inserted at the request of the Hingham Development and Industrial Commission)

**COMMENT:** This article concerns an alley between The Snug restaurant and Hennessy's/Hingham Liquors. The alley connects North Street and the MBTA tunnel cap, and is controlled by the Town. The owners of The Snug propose to lease the alley from the Town and construct at their expense, and subject to the usual permitting process, a patio-like deck for outdoor dining. The proposed design includes a handicapped-accessible sidewalk from North Street to the tunnel cap area, which would allow the only previous use of the alley to continue (as a walkway).

If the Selectmen were to negotiate a lease, it would generate new revenue for the Town, while retaining ownership of the property. This use of underutilized Town property has the potential to draw customers to the retail establishments in Hingham Square, and add a vibrant new element to the downtown area.

**RECOMMENDED:** That the Town authorize, but not require, the Board of Selectmen to enter into a lease for consideration on such terms as it deems in the best interest of the Town, for the use of a portion of a parcel of Town-owned land shown on Assessors' Map 61 and used as an alley way between buildings located at 116 North Street and 118 North Street.

**ARTICLE 23.** Will the Town authorize, but not require, the Board of Selectmen for consideration on such terms as it deems in the best interest of the Town, to enter into a lease with non-profit sports organizations for a portion of the parcel of land shown on Assessors' Map 46, Lot 33, and known as the Beal Street Playing Fields and the Field House, or act on anything relating thereto?

**COMMENT:** This article relates to the field house and playing fields located on Beal Street. This article would authorize the Board of Selectmen to enter into a lease or other arrangement with Hingham Little League and Hingham Youth Football for use of the newly constructed field house building and the refurbished fields. At the time of the publication of

the warrant, the details of the arrangement were still being worked out.

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

**ARTICLE 24.** Will the Town authorize, but not require, the Board of Selectmen to enter into an agreement (1) for the regulation and authorization of parking in proximity to the public launch ramp on Lot 50 of Assessors Map 50; and (2) for the acquisition of office space, restroom facilities and public access to the Harbor at 3 Otis Street, or act on anything relating thereto?

**COMMENT:** This article relates to the marina property located at 3 Otis Street in Hingham Harbor. Currently, the marina, with its associated slips, needs additional parking spaces to attain compliance with zoning requirements. This article would authorize the Selectmen to enter into a lease or other arrangement to make a number of Town-owned parking spaces near the public launch ramp available for use by the marina property in return for certain improvements beneficial to the public and other consideration. At the time of the publication of the warrant, the terms of the arrangement were still under negotiation.

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

**ARTICLE 25.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: Relocate Section I-I, 2 (Costs) as new subsection 3 under Section I-F (Special Permits A1 and A2) and renumber the remaining subsections of Section I-I.

Item 2: At the end of Section I-G (Special Permits with Site Plan Review), add the following sentence: "Joint hearings of the Board of Appeals and the Planning Board may be held at the discretion of the Boards."

Item 3: At the end of Section I-H (Building Permits with Site Plan Review), add the following sentence: "The provisions of Section I-D, 4 and I-F, 3 of this By-Law shall apply to all applications for Site Plan Review under this Section I-H."

Item 4: Delete Section I-I, 2 (Procedures), as renumbered per Item 1 above, its entirety, and replace therefore with the following:

“2. Procedures

Applicants for site plan approval shall submit seven (7) copies of the site plan to the Planning Board for review, and shall at the same time also submit a copy of the site plan to each of the Board of Health, Building Commissioner, Conservation Commission, Department of Public Works, Fire Department and Police Department for their advisory review and comments. Notice of a site plan review hearing in connection with any application also requiring a Special Permit A2 from the Board of Appeals shall be given in accordance with M.G.L. c. 40A, section 11.

The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, and notify the applicant of its decision. The decision of the Planning Board shall require an affirmative vote of three members and shall be in writing.

If public notice is required, the Planning Board shall act within seventy-five (75) days of its receipt of the Site Plan Review application provided that, if the Planning Board or its review consultants have requested (no later than forty (40) days after receipt of the application) additional information or submittals from the applicant, such supplemental information shall be delivered no later than sixty (60) days after receipt of the application. If such additional information is not received by such sixtieth day, the Planning Board may extend its period of review until the date that is fifteen (15) days after receipt of all such supplemental information from the applicant. If public notice is not required, the Planning Board shall act within forty-five (45) days of its receipt of the Site Plan Review application provided that, if supplemental information requested by the Planning Board or its review consultants (no later than twenty days after receipt of the application) is not delivered to the Planning Board by the thirtieth day after receipt of the application, the Planning Board may extend its period of review until the date that is fifteen (15) days after receipt of all such supplemental information from the applicant. The foregoing timeframes do not preclude the Planning Board from requiring (after such fortieth or twentieth date, as applicable) submission of supplemental information not previously requested.

a. Application for Building Permit. An application for a building permit to perform work as set forth in

Special Requirement 6 of Section IV-B shall be accompanied by an approved site plan unless the Planning Board’s review (including any extensions thereto) has expired without any action by the Planning Board.

b. Application for Special Permit A2. Applications for a Special Permit A2, or any modification of a Special Permit A2, and for site plan review shall be filed simultaneously. The Board of Appeals shall not make a decision on a Special Permit A2 application until it has received the Planning Board’s site plan review decision, or until the Planning Board’s review period (including any extensions thereto) has expired without any action by the Planning Board.

c. The conditions imposed by the Planning Board shall be incorporated in any Special Permit A2 issued by the Board of Appeals. The Board of Appeals may add additional conditions to the issuance of a special permit, but may not remove any conditions imposed by the Planning Board or modify any condition except as follows. The Board of Appeals may propose to the Planning Board the modification or removal of a site plan condition imposed by the Planning Board. Failure of the Planning Board to issue a revision to the site plan conditions within twenty-one (21) days shall be deemed a denial of that proposal.

d. Application for Special Permit A3. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

e. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

f. A final certificate of occupancy shall not be issued until the applicant has complied with or satisfied all conditions to the Special Permit A2 or, in the case of building permits with site plan review, all conditions of the site plan review decision, except for those conditions which by their terms are intended to be satisfied after occupancy of the structures for which the certificate of occupancy is sought.”

Item 5: Delete I-I, 5 (Waiver of Technical Compliance), , as renumbered per Item 1 above, in its entirety and replace therefor the following:

“5. Upon written request of the applicant, the Planning Board may waive any of the submittal requirements set forth in Section I-I, 6 deemed by the Planning Board to be not necessary for its review of the application. In addition, the Planning Board may waive other such requirements of this Section I-I, including the requirement for a public hearing, where the Planning Board determines

that the project constitutes a minor site plan. In order to constitute a minor site plan, the proposed work must be limited to (a) interior renovations to a building or structure which do not include a change of use for which a Special Permit A2 or A3 is required and/or (b) modifications to the site which, in the Planning Board's determination, do not materially or adversely affect conditions governed by the site plan review standards set forth in Section I-I, 6 below.

Item 6: At Section I-I, 6 (Review Standards and Approval), as renumbered per Item 1 above

(a) In the first sentence of Section I-I, 6, replace the words "Section 7" with "subsection 6".

(b) Delete item "d" in its entirety, and replace therefore with the following:

"d. adequacy of open space and setbacks, including adequacy of landscaping of such areas;"

(c) Delete item "g" in its entirety, and replace therefore with the following:

"g. assurance of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines."

Item 7: At Section I-I, 7 (Lapse), as renumbered per Item 1 above, change "one year" to "two years".

Item 8: At Section I-J (Planning Board-Special Permit A3)

(a) Delete subsection 1 (Powers) in its entirety and replace therefore with the following:

"1. Powers

The Planning Board shall have the power to hear and decide an application for a Special Permit A3 for uses in specified districts that are in harmony with the general purposes and intent of this By-Law. A Special Permit A3 shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards, and limitations on time and use. One associate member of the Planning Board shall be appointed

in the manner herein provided for a term of one (1) year to act on Special Permit A3 applications if necessary. The associate member of the Planning Board shall be appointed by the following procedure: (a) the Planning Board shall appoint a then current associate member of the Board of Appeals; or (b) if no then current associate member of the Board of Appeals is appointed by the Planning Board, the Planning Board and the Board of Selectmen shall jointly appoint an associate member to the Planning Board, provided that preference shall be given to former Planning Board members and former regular or associate members of the Board of Appeals. No member of the Planning Board shall act on any matter in which the member may have a personal or financial interest, and in such event, the associate member shall be designated to serve on the Planning Board and to act upon the matter."

(b) At subsection 2 (Fees), change the heading to "Fees and Costs" and insert, after the words "Section I-D,4" the words "and I-F,3".

(c) At Section I-J, add a new subsection 6 as follows:

"6. Lapse.

Except for good cause, a Special Permit A3 shall lapse in two (2) years after the date of issue, or such shorter period as may be specified by the Planning Board, which shall not include any time required to pursue or await the determination of an appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17."

Or act on anything related thereto?

(Inserted at the request of the Planning Board)

**COMMENT:** At the 2006 Town meeting the Zoning Permit Study Committee (ZPSC) was established to study the Zoning by-law provisions relative to Special Permits and such other regulatory measures that might be utilized to manage Town growth; and the respective roles of the Planning Board and the Zoning Board of Appeals. As a result of their work the ZPSC in collaboration with the Planning Board has submitted this article in order to clarify the process for Site Plan Review, and to better coordinate it with the Special Permit A2 process. The article includes various changes to sections I-G (Special Permits with Site Plan Review) and I-I (Site Plan Review) of the Zoning By-Law, and would also modify Section I-J (Special Permits A3) to allow for the appointment of an associate planning board member to act on Special Permit A3

applications if necessary. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDATION:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

**Item 1:** Relocate Section I-I, 2 (Costs) as new subsection 3 under Section I-F (Special Permits A1 and A2) and renumber the remaining subsections of Section I-I.

**Item 2:** At the end of Section I-G (Special Permits with Site Plan Review), add the following sentence: "Joint hearings of the Board of Appeals and the Planning Board may be held at the discretion of the Boards."

**Item 3:** At the end of Section I-H (Building Permits with Site Plan Review), add the following sentence: "The provisions of Section I-D, 4 and I-F, 3 of this By-Law shall apply to all applications for Site Plan Review under this Section I-H."

**Item 4:** Delete Section I-I, 2 (Procedures), as renumbered per Item 1 above, its entirety, and replace therefor with the following:

**"2. Procedures**

Applicants for site plan approval shall submit seven (7) copies of the site plan to the Planning Board for review, and shall at the same time also submit a copy of the site plan to each of the Board of Health, Building Commissioner, Conservation Commission, Department of Public Works, Fire Department and Police Department for their advisory review and comments. Notice of a site plan review hearing in connection with any application also requiring a Special Permit A2 from the Board of Appeals shall be given in accordance with M.G.L. c. 40A, section 11.

The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, and notify the applicant of its decision. The decision of the Planning Board shall require an affirmative vote of three members and shall be in writing.

If public notice is required, the Planning Board shall act within seventy-five (75) days of its receipt of the Site Plan Review application, provided that, if the Planning Board or its review consultants have requested (no later

than forty (40) days after receipt of the application) additional information or submittals from the applicant, such supplemental information shall be delivered no later than sixty (60) days after receipt of the application. If such additional information is not received by such sixtieth day, the Planning Board may extend its period of review until the date that is fifteen (15) days after receipt of all such supplemental information from the applicant. If public notice is not required, the Planning Board shall act within forty-five (45) days of its receipt of the Site Plan Review application, provided that, if supplemental information requested by the Planning Board or its review consultants (no later than twenty days after receipt of the application) is not delivered to the Planning Board by the thirtieth day after receipt of the application, the Planning Board may extend its period of review until the date that is fifteen (15) days after receipt of all such supplemental information from the applicant. The foregoing timeframes do not preclude the Planning Board from requiring (after such fortieth or twentieth date, as applicable) submission of supplemental information not previously requested.

a. Application for Building Permit. An application for a building permit to perform work as set forth in Special Requirement 6 of Section IV-B shall be accompanied by an approved site plan unless the Planning Board's review (including any extensions thereto) has expired without any action by the Planning Board.

b. Application for Special Permit A2. Applications for a Special Permit A2, or any modification of a Special Permit A2, and for site plan review shall be filed simultaneously. The Board of Appeals shall not make a decision on a Special Permit A2 application until it has received the Planning Board's site plan review decision, or until the Planning Board's review period (including any extensions thereto) has expired without any action by the Planning Board.

c. The conditions imposed by the Planning Board shall be incorporated in any Special Permit A2 issued by the Board of Appeals. The Board of Appeals may add additional conditions to the issuance of a special permit, but may not remove any conditions imposed by the Planning Board or modify any condition except as follows. The Board of Appeals may propose to the Planning Board the modification or removal of a site plan

condition imposed by the Planning Board. Failure of the Planning Board to issue a revision to the site plan conditions within twenty-one (21) days shall be deemed a denial of that proposal.

d. Application for Special Permit A3. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

e. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

f. A final certificate of occupancy shall not be issued until the applicant has complied with or satisfied all conditions to the Special Permit A2 or, in the case of building permits with site plan review, all conditions of the site plan review decision, except for those conditions which by their terms are intended to be satisfied after occupancy of the structures for which the certificate of occupancy is sought.”

Item 5: Delete I-I, 5 (Waiver of Technical Compliance), , as renumbered per Item 1 above, in its entirety and replace therefor the following:

“5. Upon written request of the applicant, the Planning Board may waive any of the submittal requirements set forth in Section I-I, 6 deemed by the Planning Board to be not necessary for its review of the application. In addition, the Planning Board may waive other such requirements of this Section I-I, including the requirement for a public hearing, where the Planning Board determines that the project constitutes a minor site plan. In order to constitute a minor site plan, the proposed work must be limited to (a) interior renovations to a building or structure which do not include a change of use for which a Special Permit A2 or A3 is required and/or (b) modifications to the site which, in the Planning Board’s determination, do not materially or adversely affect conditions governed by the site plan review standards set forth in Section I-I, 6 below.

Item 6: At Section I-I, 6 (Review Standards and Approval) , as renumbered per Item 1 above

(a) In the first sentence of Section I-I, 6, replace the words “Section 7” with “subsection 6”.

(b) Delete item “d” in its entirety, and replace therefor with the following:

“d. adequacy of open space and setbacks, including adequacy of landscaping of such areas;”

(c) Delete item “g” in its entirety, and replace therefor with the following:

“g. assurance of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection’s Stormwater Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.”

Item 7: At Section I-I, 7 (Lapse), as renumbered per Item 1 above, change “one year” to “two years”.

Item 8: At Section I-J (Planning Board-Special Permit A3)

(a) Delete subsection 1 (Powers) in its entirety and replace therefore with the following:

“1. Powers  
The Planning Board shall have the power to hear and decide an application for a Special Permit A3 for uses in specified districts that are in harmony with the general purposes and intent of this By-Law. A Special Permit A3 shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards, and limitations on time and use. One associate member of the Planning Board shall be appointed in the manner herein provided for a term of one (1) year to act on Special Permit A3 applications if necessary. The associate member of the Planning Board shall be appointed by the following procedure: (a) the Planning Board shall appoint a then current associate member of the Board of Appeals; or (b) if no then current associate member of the Board of Appeals is appointed by the Planning Board, the Planning Board and the Board of Selectmen shall jointly appoint an associate member to the Planning Board, provided that preference shall be given to former Planning

**Board members and former regular or associate members of the Board of Appeals. No member of the Planning Board shall act on any matter in which the member may have a personal or financial interest, and in such event, the associate member shall be designated to serve on the Planning Board and to act upon the matter.”**

**(b) At subsection 2 (Fees), change the heading to “Fees and Costs” and insert, after the words “Section I-D,4” the words “and I-F,3”.**

**(c) At Section I-J, add a new subsection 6 as follows:**

**“6. Lapse.**

**Except for good cause, a Special Permit A3 shall lapse in two (2) years after the date of issue, or such shorter period as may be specified by the Planning Board, which shall not include any time required to pursue or await the determination of an appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17.”**

**ARTICLE 26.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, in the “Zoning Map, Part A, Town of Hingham”, both as heretofore amended, as follows:

By removing from the Industrial District, and including in Residence District A, the following parcels shown on the Town of Hingham Assessors’ Map:

- 131/047/11 43 Fottler Road
- 131/047/10 47 Fottler Road
- 131/047/9 51 Fottler Road
- 131/047/8 55 Fottler Road
- 131/047/7 59 Fottler Road
- 131/047/6 65 Fottler Road
- 131/047/5 69 Fottler Road

Or act on anything related thereto?

(Inserted at the request of the Planning Board and the Zoning Permit Study Committee)

**COMMENT:** The 7 residential properties in question on the north side of Fottler Road about the Talbots property and are currently zoned Industrial (as is the Talbots property), in contrast to the residential properties on the opposite side of Fottler Road, which are zoned Residence A. The existing Industrial zoning classification would allow additional commercial construction relatively close to the subject properties; it would also allow the demolition of the existing residences and their

replacement by continuous commercial development all along the north side of Fottler Road. By rezoning these residential properties to Residence A, more protection is provided to the existing residences from the adjacent commercial development through the creation of a requirement for a wider landscaped buffer zone between the commercial and residential uses. The rezoning will also protect the residential character of this portion of Fottler Road by preserving the existing residential uses on both sides of the road. The Talbots property and the other existing commercial properties at the ends of Fottler Road will remain in the Industrial district. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, in the “Zoning Map, Part A, Town of Hingham”, both as heretofore amended, as follows:

**By removing from the Industrial District, and including in Residence District A, the following parcels shown on the Town of Hingham Assessors’ Map:**

- 131/047/11 43 Fottler Road**
- 131/047/10 47 Fottler Road**
- 131/047/9 51 Fottler Road**
- 131/047/8 55 Fottler Road**
- 131/047/7 59 Fottler Road**
- 131/047/6 65 Fottler Road**
- 131/047/5 69 Fottler Road**

**ARTICLE 27.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section VI, Definitions, delete the existing definition of structure in its entirety, and replace therefor with the following:

“**STRUCTURE:** anything constructed or erected at a fixed location on the ground to give support, provide shelter, or satisfy other purposes, but excluding a fence or wall six (6) feet or less in height, a sign, a flagpole, and a public utility pole. In residential districts, "structure" shall further exclude one detached accessory building per lot, provided that said accessory building does not exceed sixty-four (64) square feet in ground coverage and nine (9) feet in height, and further provided that said accessory building is located to the rear of the dwelling and no closer than five (5) feet from the side or rear lot line. In residential

districts, and for any lot that abuts a residential district, "structure" shall include, without limitation, mechanized or motorized equipment that is placed or installed at a fixed location on the ground, or at a fixed location on a pad, platform or foundation that itself is on or in the ground, which equipment is used to ventilate, heat or cool a building or structure, or to heat or filter water, unless such equipment is fully enclosed in an accessory building that is permitted under this By-Law."

Or act on anything related thereto?

(Inserted at the request of the Hingham Planning Board)

**COMMENT:** The Zoning Permit Study Committee (ZPSC) established at the 2006 Annual Town meeting in collaboration with the Planning Board has put forth this article in order to amend the definition of "structure" in Section VI of the Zoning By-Law (Definitions). Under the new definition mechanical equipment which services a building or structure, such as air handling units will be considered structures. The goal of this article is to better protect abutting properties by requiring that such equipment complies with setback requirements. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDATION:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

**At Section VI, Definitions, delete the existing definition of structure in its entirety, and replace therefor with the following:**

**"STRUCTURE:** anything constructed or erected at a fixed location on the ground to give support, provide shelter, or satisfy other purposes, but excluding a fence or wall six (6) feet or less in height, a sign, a flagpole, and a public utility pole. In residential districts, "structure" shall further exclude one detached accessory building per lot, provided that said accessory building does not exceed sixty-four (64) square feet in ground coverage and nine (9) feet in height, and further provided that said accessory building is located to the rear of the dwelling and no closer than five (5) feet from the side or rear lot line. In residential districts, and for any lot that abuts a residential district, "structure" shall include, without limitation, mechanized or motorized equipment that is placed or installed at a fixed

**location on the ground, or at a fixed location on a pad, platform or foundation that itself is on or in the ground, which equipment is used to ventilate, heat or cool a building or structure, or to heat or filter water, unless such equipment is fully enclosed in an accessory building that is permitted under this By-Law."**

**ARTICLE 28.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section I-C, Enforcement, delete subsection 3 in its entirety, and replace therefor with the following:

"The provisions of this By-Law may be enforced by the Zoning Enforcement Officer by non-criminal disposition pursuant to the provisions of M.G.L. Chapter 40, Section 21D. Any person who violates the provisions of this By-Law may be subject to a penalty of \$100.00 if, after receiving written notice of the violation(s) from the Zoning Enforcement Officer, the person fails to correct the violation(s) within seven (7) days of receipt of such notice, or within such longer time as the Zoning Enforcement Officer may grant in appropriate circumstances. Each day that a violation exists shall be deemed to be a separate offense from and after delivery of such notice from the Zoning Enforcement Officer.

In the alternative, any person who violates the provisions of this By-Law, or who refuses or neglects to comply with a stop work order or notice of violation by the Zoning Enforcement Officer issued under the provisions of M.G.L. Chapter 40A or the provisions of this By-Law, shall be subject to the enforcement provisions of M.G.L. Chapter 40A, including a fine of \$100. Each day that a violation exists shall be deemed to be a separate offense. Nothing in this section shall prohibit the Zoning Enforcement Officer from seeking injunctive relief as a remedy in accordance with M.G.L. Chapter 40A, Section 7."

Or act on anything related thereto?

(Inserted at the request the Planning Board and the Zoning Permit Study Committee)

**COMMENT:** The current remedy for most Zoning By-Law violations, as specified in the By-Law, is a fine of up to \$100.00, processed by the courts as a criminal proceeding. The Building Commissioner, acting in the capacity of Zoning Enforcement Officer, has had difficulty securing the administrative cooperation of the District Court

in assessing and collecting such fines, apparently due largely to the backlog of more serious criminal proceedings at the District Court level. This amendment would give the Zoning Enforcement Officer the option, at his discretion, to assess penalties of \$100.00 for all Zoning By-Law violations through a civil, non-criminal process (this non-criminal avenue of enforcement is currently limited to sign by-law violations), under the provisions of Massachusetts General Laws (M.G.L.) Chapter 40, Section 21D, thus avoiding the criminal courts. In the event that the Zoning Enforcement Officer chose not to use this civil process, the option to enforce By-Law violations through the criminal process under M.G.L. Chapter 40A would still be retained as an alternative to the civil process. Providing the two alternative approaches to penalizing infractions of the By-Law gives the Town more flexibility in effectively enforcing the By-Law. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:**

**At Section I-C, Enforcement, delete subsection 3 in its entirety, and replace therefor with the following:**

**“The provisions of this By-Law may be enforced by the Zoning Enforcement Officer by non-criminal disposition pursuant to the provisions of M.G.L. Chapter 40, Section 21D. Any person who violates the provisions of this By-Law may be subject to a penalty of \$100.00 if, after receiving written notice of the violation(s) from the Zoning Enforcement Officer, the person fails to correct the violation(s) within seven (7) days of receipt of such notice, or within such longer time as the Zoning Enforcement Officer may grant in appropriate circumstances. Each day that a violation exists shall be deemed to be a separate offense from and after delivery of such notice from the Zoning Enforcement Officer.**

**In the alternative, any person who violates the provisions of this By-Law, or who refuses or neglects to comply with a stop work order or notice of violation by the Zoning Enforcement Officer issued under the provisions of M.G.L. Chapter 40A or the provisions of this By-Law, shall be subject to the enforcement provisions**

**of M.G.L. Chapter 40A, including a fine of \$100. Each day that a violation exists shall be deemed to be a separate offense. Nothing in this section shall prohibit the Zoning Enforcement Officer from seeking injunctive relief as a remedy in accordance with M.G.L. Chapter 40A, Section 7.”**

**ARTICLE 29.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: At Section IV-D, 9 (Minimal Dimensional Requirements), replace sub-section “a” in its entirety with the following:

“a. Where two or more lots are created, the minimum lot size will be determined through the Special Permit process.”

Item 2: At Section IV-D, 9 (Minimum Dimensional Requirements), insert new subparagraphs “b” and “c” as follows:

“b. The following minimum dimensional requirements shall apply:

- Maximum Height: 2½ stories and 35 feet
- Minimum Frontage: 50 feet associated with each detached dwelling
- Minimum Front Yard Setback: 15 feet; provided that, for dwelling units without individual lots the Front Yard Setback shall be measured from the edge of the sidewalk, or, if there is no sidewalk, from the edge of the paved roadway nearest the dwelling unit (the “Implied Front Lot Line”).
- Minimum Rear Yard Setback: 15 feet
- Minimum Side Yard Setback: 15 feet (except no side yard is required for a Town House which shares a party wall on both sides).
- Minimum Distance between detached structures on the same lot where applicable: 30 feet.

c. At least two (2) parking spaces per dwelling unit shall be provided in garages and/or dedicated driveways. At least 23 feet of depth from the edge of the sidewalk, or, if there is no sidewalk, from the paved roadway nearest the dwelling unit shall be provided for parking in driveways, and in no case shall driveway parking spaces extend beyond the actual lot line or Implied Front Lot Line as determined in subsection 9.b, above. In addition to the two parking spaces per dwelling unit required hereunder, dedicated guest parking spaces shall be required where building layouts or street design do not provide adequate on-street or off-street guest parking. The number of guest

parking spaces required shall not exceed 10% of the total number of parking spaces required for the dwelling units in the development."

Item 3: Re-letter existing subparagraph "b" to "d".

Item 4: Re-letter existing sub-paragraph "c" to "e" and add the following sentence to the end: "Otherwise, all other provisions of this By-law and of Sections 4, 5 and 6 of the Planning Board Rules and Regulations shall apply to a Flexible Residential Development."

Or act on anything related thereto?  
(Inserted at the request of the Planning Board)

**COMMENT:** This article is intended to make dimensional regulations for Flexible Residential Developments more internally consistent and specific, particularly regarding required setbacks for condominium type developments. This article refines parking requirements to assure better requirements for guest parking. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: At Section IV-D, 9 (Minimal Dimensional Requirements), replace subsection "a" in its entirety with the following: "a. Where two or more lots are created, the minimum lot size will be determined through the Special Permit process."

Item 2: At Section IV-D, 9 (Minimum Dimensional Requirements), insert new subparagraphs "b" and "c" as follows:

"b. The following minimum dimensional requirements shall apply:

- **Maximum Height: 2½ stories and 35 feet**
- **Minimum Frontage: 50 feet associated with each detached dwelling**
- **Minimum Front Yard Setback: 15 feet; provided that, for dwelling units without individual lots the Front Yard Setback shall be measured from the edge of the sidewalk or, if there is no sidewalk, from the edge of the paved roadway nearest the dwelling unit (the "Implied Front Lot Line").**
- **Minimum Rear Yard Setback: 15 feet**
- **Minimum Side Yard Setback: 15 feet (no side yard is required for a Town House which shares a party wall on both sides).**

· **Minimum Distance between detached structures on the same lot where applicable: 30 feet.**

**c. At least two (2) parking spaces per dwelling unit shall be provided in garages and/or dedicated driveways. At least 23 feet of depth from the edge of the sidewalk or, if there is no sidewalk, from the paved roadway nearest the dwelling unit shall be provided for parking in driveways, and in no case shall driveway parking spaces extend beyond the actual lot line or Implied Front Lot Line as determined in subsection 9.b, above. In addition to the two parking spaces per dwelling unit required hereunder, dedicated guest parking spaces shall be required where building layouts or street design do not provide adequate on-street or off-street guest parking. The number of guest parking spaces required shall not exceed 10% of the total number of parking spaces required for the dwelling units in the development."**

Item 3: Re-letter existing subparagraph "b" to "d".

Item 4: Re-letter existing sub-paragraph "c" to "e" and add the following sentence to the end: "Otherwise, all other provisions of this By-law and of Sections 4, 5 and 6 of the Planning Board Rules and Regulations shall apply to a Flexible Residential Development."

**ARTICLE 30.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: At Section V-A (1), add in the third sentence thereof, after the words "parking and traffic problems", the words "on-site or".

Item 2: At Section V-A (2), Off-Street Parking Space Requirements, change the requirement for Marina from "1 space/berth" to "1 space per 2 berths".

Item 3: At "Note b" to Section V-A (2), the reference to "Special Permit A2" is amended to read "Special Permit A3".

Or act on anything related thereto?  
(Inserted at the request of the Planning Board)

**COMMENT:** This article would reduce the amount of required off-street parking associated

with berths at marinas and other similar waterfront facilities, from one parking space per berth to one parking space per two berths. This parking ratio is closer to the ratio more commonly found in marinas throughout the region, and the Planning Board has applied it in the past to major marina projects in Hingham, such as the Shipyard project. The Planning Board believes this ratio will provide adequate parking for marinas and other similar waterfront facilities. This article also includes minor clerical and "clean-up" type changes. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

**Item 1:** At Section V-A (1), add in the third sentence thereof, after the words "parking and traffic problems", the words "on-site or".

**Item 2:** At Section V-A (2), Off-Street Parking Space Requirements, change the requirement for Marina from "1 space/berth" to "1 space per 2 berths".

**Item 3:** At "Note b" to Section V-A (2), the reference to "Special Permit A2" is amended to read "Special Permit A3".

**ARTICLE 31.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section IV-E, (Residential Multi-Unit Development), add at the end of subsection 1(i) the following: "In addition to the two parking spaces per dwelling unit required hereunder, dedicated guest parking spaces shall be required where building layouts or street design do not provide adequate on-street or off-street guest parking. The number of guest parking spaces required shall be determined during the Site Plan Review process and shall not exceed 10% of the total number of parking spaces required for the dwelling units in the development."  
Or act on anything related thereto?  
(Inserted at the request of the Planning Board)

**COMMENT:** This article would amend Section IV-E, Residential Multi-Unit Development, to explicitly require a limited amount of guest or visitor parking as needed and determined through

the Site Plan Review process, should the design of the development not naturally accommodate such guest parking through on-street parking, longer driveways or the like. The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section IV-E, (Residential Multi-Unit Development), add at the end of subsection 1(i) the following: "In addition to the two parking spaces per dwelling unit required hereunder, dedicated guest parking spaces shall be required where building layouts or street design do not provide adequate on-street or off-street guest parking. The number of guest parking spaces required shall be determined during the Site Plan Review process and shall not exceed 10% of the total number of parking spaces required for the dwelling units in the development."

**ARTICLE 32.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Amend III-H by deleting Section 6 and replacing therefor the following:

"6. Single or Two-Family Residential Building or Structures - The alteration of, addition to, reconstruction of, extension of, or structural change (each a "Modification") to an existing lawful non-conforming single or two-family residential building or structure, which Modification extends the nonconformity but does not further reduce the minimum linear measurement of the existing nonconforming dimensions, may be permitted by a Special Permit A1 determination by the Board of Appeals, pursuant to Massachusetts General Laws Chapter 40A, Section 6, that such change, extension or alteration is not substantially more detrimental than the existing nonconforming building or structure to the neighborhood. The Building Commissioner may issue a building permit for any modification for any single or two-family residential building or structure legally in existence provided that such modification complies with all other applicable provisions of the Zoning By-law other than lot frontage and/or lot area."

Or act on anything related thereto?  
(Inserted at the request of the Planning Board and the Zoning Permit Study Committee)

**COMMENT:** This article is proposed by the Zoning Permit Study Committee created by the 2006 Annual Town Meeting to address, among other matters, development concerns raised by residents in the Town. This article would modify Section III-H (6), which addresses non-conforming uses, by requiring a Special Permit A1 determination from the Zoning Board of Appeals (ZBA) in order to make alteration or additions to a non-conforming single or two family residential building whenever the alteration or addition increases the non-conformity (as, for example, extending a residential building wall that already encroaches into the setback). The ZBA determination would be made, pursuant to Massachusetts General Laws Chapter 40A, Section 6, that "the alteration of, addition to, extension of, or structural change to an existing non-conforming single or two-family residence or structure which increases the non-conformity of the building or structure" is not "substantially more detrimental than the existing non-conforming use to the neighborhood."

This section of our Zoning By-Law has commonly been referred to as the "Hatfield Amendment." This amendment, which was put in place in 1984, currently allows alterations and additions to non-conforming single and two-family residential structures by right. . The adoption of the Hatfield Amendment created an exception to Massachusetts state law which otherwise prohibits all extensions of non-conforming structures. Most cities and towns in Massachusetts still prohibit such extensions. Of those that do allow it, most require a special permit. Hingham is one of only a few towns to allow the extension of non-conforming uses by right.

Transcripts from the 1984 Annual Town Meeting show that the original intent of the Hatfield Amendment was to allow modest additions to small homes on small lots where conforming additions would be difficult. In response to concerns about overdevelopment on residential lots raised by voters at the 1984 Annual Town Meeting, a member of the Advisory Committee stated "no one is suggesting that structures are going to go as far as possible along the lot lines into just enormous, mammoth buildings." Given the changes since 1984 in the application of the

Hatfield Amendment to additions beyond the amendment's original intent, this article, requiring a special permit process for non-conforming additions, would allow for the balancing of property rights between homeowners and their neighbors.

This amendment would not prohibit or limit alterations to non-conforming properties. However, it would provide for a notification to abutters and a public hearing giving abutters, members of the community, and the ZBA an opportunity to review and comment on the proposed modifications. Where a resident seeks to expand the non-conforming use, the ZBA will be able to prohibit or limit such expansion only if it would be substantially more detrimental than the existing non-conforming use to the neighborhood.

The Planning Board voted 3 to 1 in favor of this article.

**RECOMMENDATION:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:  
**Amend III-H by deleting Section 6 and replacing therefor the following:**

**"6. Single or Two-Family Residential Building or Structures - The alteration of, addition to, reconstruction of, extension of, or structural change (each a "Modification") to an existing lawful non-conforming single or two-family residential building or structure, which Modification extends the nonconformity but does not further reduce the minimum linear measurement of the existing nonconforming dimensions, may be permitted by a Special Permit A1 determination by the Board of Appeals, pursuant to Massachusetts General Laws Chapter 40A, Section 6, that such Modification is not substantially more detrimental than the existing nonconforming building or structure to the neighborhood. The Building Commissioner may issue a building permit for any Modification for any single or two-family residential building or structure legally in existence provided that such Modification complies with all applicable provisions of the Zoning By-law other than lot frontage and/or lot area."**

**ARTICLE 33.** Will the Town amend the Zoning By-law of the Town of Hingham, adopted

March 10, 1941, as heretofore amended, as follows:

Item 1: At Section III-F, 2, delete the following: "Mass-American Water Company, 900 Main Street (Assessors Maps 147-8 and 158-36)"

Item 2: At Section V-E (3), insert, after the definition of "Communication Equipment Shelter", the following language: "Distributed Antenna System (DAS)

A multiple antenna system including antennas and control boxes typically installed on utility poles interconnected via cable or fibers belonging to the access point/base station dispersed across a coverage area. The system shall be capable of co-locating multiple Personal Wireless Service providers simultaneously."

Item 3: At Section V-E (3), strike the definition of "Existing Structure" in its entirety, and insert, after the definition of "FCC", the following language:

"Host Structure

Any building or structure (as defined in Section VI of this By-Law), other than a Tower, but including (notwithstanding anything to the contrary in Section VI) utility poles, signs and flagpoles, upon or within which a new Personal Wireless Service Facility or major modification thereof is proposed, including, without limitation, any newly constructed building or structure or any addition to any existing building or structure upon or within which installation of a Personal Wireless Service Facility is simultaneously proposed."

and replace the term "Existing Structure" wherever it appears in Section V-E with the term "Host Structure".

Item 4: Amend Section V-E (4) by adding the following language after the existing final paragraph:

"In all zoning districts a DAS may be installed on non-residential Host Structures upon the issuance of a Special Permit A2 by the Board of Appeals.

A Tower may be permitted in the locations specified in this By-Law only after it is found that a DAS cannot provide as adequate coverage or service as the proposed Tower. The Applicant must provide evidence that utilizing a DAS, or connecting into an existing DAS, will not provide such adequate coverage or service."

Item 5: Amend Section V-E (5) by changing the cross-reference from "Section I-I" to "Section I-F, 3".

Item 6: Replace Section V-E (7.b) in its entirety with the following language:

"b. No new Tower shall be erected if there is technically suitable space available on an existing Tower, or capacity within a DAS, within the geographic area that the proposed Tower is to serve. The Applicant shall make reasonable accommodation and shall agree to rent or lease space on the Tower, under the terms of a fair-market lease, without discrimination to other Personal Wireless Service providers."

Item 7: Amend Section V-E (8) as follows:

Amend subsection "a" by adding at the end thereof: ", provided however, antennas installed on utility poles, signs or flag poles as part of a DAS shall not be required to be camouflaged."

Add the following new subsections "c" and "d":

"c. Antennas installed on utility poles, signs or flag poles as part of a DAS shall not exceed ten feet in height beyond the highest point of such utility pole, sign or flag pole.

d. Unless an earlier expiration date is specified by the Board of Appeals in the special permit, all special permits for Distributed Antenna Systems shall expire automatically ten years from the date of issuance. Prior to expiration the Applicant may apply for successive ten-year renewals, subject to a public hearing process. In determining whether the special permit shall be renewed, the Board shall take into consideration whether there then exists any structures and/or technology available to the Applicant which would enable the Applicant to provide functionally-equivalent services in a less intrusive manner."

And change the former subsection "c" to "e".

Item 8: Amend Section V-E (10) by adding the following language after subsection i:

"j. All unused Personal Wireless Service Facilities or parts thereof which have not been used for two years shall be dismantled and removed at the owner's expense. The Board of Appeals may require that the proper dismantling and removal be secured by a bond or other form

of security sufficient in the opinion of the Board to secure performance under this subsection (j).” or act on anything relating thereto?

**COMMENT:** Section V-E of the By-Law regulates the provision of Personal Wireless Service facilities for the Town, and addresses such elements as towers, antennae, associated transmission wires and the like. The existing provisions of this Section V-E assume that sending and receiving signals of wireless devices would be accomplished primarily via large towers and by antennae concealed within structures such as cupolas and steeples. The location of large towers has sparked controversy in the past, and town officials have been concerned that more large towers could be proposed in the future, based on the lack of wireless service coverage in various parts of the Town. The proposed By-Law amendment is intended to allow and encourage the construction of a distributed antenna system (DAS) that would replace the need for additional large towers. This DAS would be installed primarily on utility poles, would be owned by the Hingham Municipal Light Plant, and would be made available, for rent, to wireless service providers. The amendment would require service providers to use the DAS in lieu of constructing a new tower, provided that capacity were available on the DAS, thereby minimizing the possibility of future towers in sensitive areas of the Town. Each DAS antenna assembly consists of a fiberglass antenna approximately 10 feet in length, plus an associated control box or boxes; if placed on utility poles along a roadway, the frequency of these assemblies would be approximately every ½ mile, or every 20 utility poles, though the layout of the DAS would be subject to final design requirements and to oversight by the Zoning Board of Appeals. The proposed amendment incorporates a provision to require removal of unused system components after a specified period of time, as is currently required for traditional towers; it also requires a periodic re-application for permission to maintain the DAS (after 10 years), in order to assure that the Town has the opportunity to take advantage of new technology that might develop over time. The DAS falls well within the safety standards established by the federal government for wireless service facilities.

The Planning Board voted unanimously to recommend favorable action on this article.

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham,

adopted March 10, 1941, as heretofore amended, as follows:

**Item 1:** At Section III-F, 2, delete the following: “Mass-American Water Company, 900 Main Street (Assessors’ Maps 147-8 and 158-36)”

**Item 2:** At Section V-E (3), insert, after the definition of “Communication Equipment Shelter”, the following language:

**“Distributed Antenna System (DAS)**

**A multiple antenna system including antennas and control boxes typically installed on utility poles interconnected via cable or fibers belonging to the access point/base station dispersed across a coverage area. The system shall be capable of co-locating multiple Personal Wireless Service providers simultaneously.”**

**Item 3:** At Section V-E (3), strike the definition of “Existing Structure” in its entirety, and insert, after the definition of “FCC”, the following language:

**“Host Structure**

**Any building or structure (as defined in Section VI of this By-Law) other than a Tower, but including (notwithstanding anything to the contrary in Section VI) utility poles, signs and flagpoles, upon or within which a new Personal Wireless Service Facility or major modification thereof is proposed, including, without limitation, any newly constructed building or structure or any addition to any existing building or structure upon or within which installation of a Personal Wireless Service Facility is simultaneously proposed.”**

and replace the term “Existing Structure” wherever it appears in Section V-E with the term “Host Structure”.

**Item 4:** Amend Section V-E (4) by adding the following language after the existing final paragraph:

**“In all zoning districts a DAS may be installed on non-residential Host Structures upon the issuance of a Special Permit A2 by the Board of Appeals.**

**A Tower may be permitted in the locations specified in this By-Law only after it is found that a DAS cannot provide as adequate coverage or service as the proposed Tower.**

The Applicant must provide evidence that utilizing a DAS, or connecting into an existing DAS, will not provide such adequate coverage or service.”

**Item 5:** Amend Section V-E (5) by changing the cross-reference from “Section I-I” to “Section I-F, 3”.

**Item 6:** Replace Section V-E (7.b) in its entirety with the following language:

“b. No new Tower shall be erected if there is technically suitable space available on an existing Tower, or capacity within a DAS, within the geographic area that the proposed Tower is to serve. The Applicant shall make reasonable accommodation and shall agree to rent or lease space on the Tower, under the terms of a fair-market lease, without discrimination to other Personal Wireless Service providers.”

**Item 7:** Amend Section V-E (8) as follows:

Amend subsection “a” by adding at the end thereof: “, provided however, antennas installed on utility poles, signs or flag poles as part of a DAS shall not be required to be camouflaged.”

Add the following new subsections “c” and “d”:

“c. Antennas installed on utility poles, signs or flag poles as part of a DAS shall not exceed ten feet in height beyond the highest point of such utility pole, sign or flag pole.

d. Unless an earlier expiration date is specified by the Board of Appeals in the special permit, all special permits for Distributed Antenna Systems shall expire automatically ten years from the date of issuance. Prior to expiration the Applicant may apply for successive ten-year renewals, subject to a public hearing process. In determining whether the special permit shall be renewed, the Board shall take into consideration whether there then exists any structures and/or technology available to the Applicant which would enable the Applicant to provide functionally-equivalent services in a less intrusive manner.”

And change the former subsection “c” to “e”.

**Item 8:** Amend Section V-E (10) by adding the following language after subsection i:

“j. All unused Personal Wireless Service Facilities or parts thereof which have not been used for two years shall be dismantled and removed at the owner’s expense. The Board of Appeals may require that the proper dismantling and removal be secured by a bond or other form of security sufficient in the opinion of the Board to secure performance under this subsection (j).”

**ARTICLE 34.** Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, in the “Zoning Map, Part A, Town of Hingham” by removing from Residence B, and including in Business B the land shown on Hingham Assessors’ Map Book Page 195, Parcel 37 and the Map Book Page 195, Parcel 26, currently owned by the Old Colony Montessori School, or act on anything relating thereto?  
(Inserted at the request of the Old Colony Montessori School)

**COMMENT:** The Old Colony Montessori School is currently situated in a Residence B zoning district and it directly abuts single-family house lots. There is commercial development nearby, including property zoned Business B and Industrial Park across Derby Street and Recreation Park Drive, respectively. Although a school is a permitted use in any Residence district, Old Colony Montessori wants to have its property re-zoned to Business B to increase its value to the school and/or to a future owner; the Business B zoning district would allow non-residential, commercial use on the property. This proposed re-zoning would result in a piecemeal incursion of commercial development into the adjacent residential neighborhood, and this does not comport with the Town’s policy regarding the re-zoning process or with the Town’s current master plan for this part of Hingham. The Planning Board voted unanimously to recommend no action on this article.

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

**ARTICLE 35.** Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 15 as follows:

Item 1. Remove Section 4 (f) (ii) and replace it with the following:

Section 4 (f) (ii) - Transient moorings, when available, will be limited to a total of six (6) in the inner basin. The Harbormaster is the only entity to possess transient moorings.

Item 2. Remove Section 9 in its entirety and replace it with the following:

Section 9 – No person shall operate a boat in Hingham Harbor or in the Hingham waters of the Back River or Weir River (which are Areas of Critical Environmental Concern) while towing water skiers, aquaplanes or other similar devices except in areas defined on charts issued by the Board of Selectmen and in no event shall any such boat be operated within one hundred fifty (150) feet of any beach or swimming float.

Item 3. Remove Section 14 in its entirety and replace it with the following:

Section 14 – The Harbormaster, Deputy Harbormaster, Assistant Harbormasters and officers of the Hingham Police Department have the authority to enforce this article and Massachusetts General Laws Chapter 90B.

Item 4. At Section 15 by deleting the words not “exceeding” and inserting the words “per day” after “fifty (50) dollars”.  
Or act on anything relating thereto?

**COMMENT:** The article would make a number of technical revisions to the Harbor By-Law at the request of the Harbormaster to increase their clarity and confirm the authority of the Harbormaster in the following ways:

Item 1 will limit the authority to create transient moorings to the Harbormaster to assure that the Town alone has the ability to monitor boat activity in the inner harbor basin and collect related mooring permit fees.

Item 2 will emphasize that the Weir River estuary, also an Area of Critical Environmental Concern, is off limits to water skiing, aquaplanes and other similar devices.

Item 3 will clarify that the Harbormaster, his deputy and assistants and officers of the Hingham Police Department are all authorized to enforce the harbor by-laws and issue any related citations.

Item 4 will clarify that citations for violation of any of the harbor by-laws will be subject to DAILY penalties of \$50.00 for each violation.

**RECOMMENDED: That the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended at Article 15 as follows:**

**Item 1. Remove Section 4 (f) (ii) and replace it with the following:**

**Section 4 (f) (ii) - Transient moorings, when available, will be limited to a total of six (6) in the inner basin. The Harbormaster has the sole authority to create and assign the use of transient moorings.**

**Item 2. Remove Section 9 in its entirety and replace it with the following:**

**Section 9 – No person shall operate a boat in Hingham Harbor or in the Hingham waters of the Back River or Weir River (which are Areas of Critical Environmental Concern) while towing water skiers, aquaplanes or other similar devices except in areas defined on charts issued by the Board of Selectmen and in no event shall any such boat be operated within one hundred fifty (150) feet of any beach or swimming float.**

**Item 3. Remove Section 14 in its entirety and replace it with the following:**

**Section 14 - The Harbormaster, Deputy Harbormaster, Assistant Harbormasters and officers of the Hingham Police Department have the authority to enforce this article and Massachusetts General Laws Chapter 90B.**

**Item 4. Remove Section 15 in its entirety and replace it with the following:**

**Section 15 – Whoever violates any section or provision of htsi Article shall be liable for a penalty of fifty (50) dollars per day for each violation.**

**ARTICLE 36.** Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 17 by inserting a new SECTION 12 as follows:

**SECTION 12 – Banned or Removed Dogs**

a. Dogs “banned” or “removed” from another town or municipality may not be relocated to or permitted to be kept within the territory of the Town of Hingham.

b. Fines for Violation – Violation of Article 17, Section 12 a shall be punished by a fine of \$50.00 for each offense, each day of violation constituting a separate offense.

Or act on anything related thereto?

**COMMENT:** Recently the frequency and severity of problems with out-of-control dogs has risen. Many Towns have “banned” individual animals when no other resolution can be found for behavior which endangers public safety. This by-law would prohibit keeping dogs in Hingham which have been “banned” from another Town.

**RECOMMENDED:** That the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 17 by inserting a new SECTION 12 as follows:

**SECTION 12 – Banned or Removed Dogs**

a. Dogs “banned” or “removed” from another town or municipality may not be relocated to or permitted to be kept within the territory of the Town of Hingham.

b. Fines for Violation – Violation of Article 17, Section 12 a shall be punished by a fine of \$50.00 for each offense, each day of violation constituting a separate offense.

**ARTICLE 37.** Will the Town accept MGL C.59 §5L, that gives Massachusetts National Guardsmen and reservists deployed outside the state, or their dependents, up to 180 days after that service to pay their property taxes without interest or penalties, or act on anything relating thereto?

(Inserted at the request of the Veterans’ Agent)

**COMMENT:** The Commonwealth has provided this local option for municipalities to help ease the burden on the families of activated National Guard and reserve service personnel during and for a period after their active service. All property taxes owed would be due 180 days after the end of active service, but without penalties or interest.

**RECOMMENDED:** That the Town accept MGL Chapter 59 §5L, so that any local taxes

due to the Town under that chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist shall be deferred while that member is on active service outside the commonwealth and for the next 180 days after that service. No interest or penalties shall be assessed for any period before the expiration of those 180 days.

**ARTICLE 38.** Will the Town determine the interest rate on property taxes deferred pursuant to MGL Chapter 59, Section 5 (41A), as amended by Chapter 136 of the Acts of 2006, for fiscal year 2008, or act on anything relating thereto?

**COMMENT:** The tax deferral program created by Chapter 59, Section 5 is intended for elderly homeowners with limited incomes. In 2006, the Annual Town Meeting adopted adjustments to the program which allow the Town to set the interest rate on the deferred taxes each year in accord with current conditions. Previously, the mandatory interest rate was 8%. Since we are no longer using the mandated set interest rate, the Department of Revenue requires Town Meeting to approve an interest rate yearly. The Treasurer reviews current conditions and recommends an appropriate rate each year for Town Meeting approval.

**RECOMMENDED:** That the interest rate on property taxes deferred pursuant to MGL Chapter 59, Section 5 (41A), as amended by Chapter 136 of the Acts of 2005, be set at 4% for fiscal year 2008.

**ARTICLE 39.** Will the Town accept Massachusetts General Laws Chapter 60 Section 23B to establish a fee schedule for municipal lien certificates, or act on anything relating thereto?

**COMMENT:** Currently the tax collector charges a municipal lien preparation fee of \$25.00 for all transactions per M.G.L. Chapter 60, Section 23.

An acceptance vote of Chapter 60, section 23B would authorize the tax collector to adopt the following fee schedule:

- Standard fee \$25.00
- Land with a residence for four or more families \$100.00
- Land with commercial, industrial, or public utility structure \$150.00

Farms, forest land and all other land of more than 1 acre with no permanent structure \$50.00  
In no case shall the fee exceed one half of one per cent of the assessed value of the real estate.

Adoption of this article will increase annual municipal lien certificate receipts by approximately 35% with the increased costs affecting fewer than 10% of the municipal lien requests received. Fees for single residences, duplexes, individual residential condominium units and land of less than one acre with no permanent structure will not increase. Adoption will increase fees for commercial, industrial, public utility, forest and farm land transactions. Fees will also increase for land greater than one acre with no permanent structure as well as for land upon which is situated a residence for four or more families. The estimated annual revenue increase is \$8,000. Municipal lien revenue is paid into the Town treasury.

**RECOMMENDED:** That the Town accept the provisions of Massachusetts General Laws, Chapter 60, Section 23B thereby authorizing the collector of taxes to furnish a certificate of liens as provided in section twenty-three according to the following schedule: for land of less than one acre upon which there is no permanent structure, a fee of twenty-five dollars; for land upon which is situated no more than a single family residence and outbuildings, a fee of twenty-five dollars; for land upon which is situated no more than a two family residence and outbuildings, a fee of twenty-five dollars; for land upon which is situated no more than a three family residence with outbuildings, a fee of twenty-five dollars; for land upon which is situated a residence for four or more families, a fee of one hundred dollars; for land upon which is situated a commercial, industrial or public utility structure, a fee of one hundred and fifty dollars; for farms, forest land and all other real property, a fee of fifty dollars. In no case shall the fee exceed one half of one per cent of the assessed value of the real estate and the money so received shall be paid into the Town treasury.

**ARTICLE 40.** Will the Town authorize the Board of Selectmen and the School Committee to enter into contracts in excess of three years, or act on any matter relative thereto?

**COMMENT:** The purpose of this article is to allow the Town to enter into contracts up to five years in duration. Presently, the Town is limited to entering into contracts for no more than 3 years without Town Meeting approval. The Town is presently considering entering into contracts with a term of five years for equipment and vehicles in which the useful life expectancy of said equipment and vehicles is in excess of 5 years.

**RECOMMENDATION:** That the Town authorize the Board of Selectmen and the School Committee to enter into contracts for the acquisition or lease of equipment or vehicles for periods up to and including five years, provided that such equipment or vehicles have a useful life expectancy at least equal to the length of the contract.

**ARTICLE 41.** Will the Town accept Chapter 79 of the Acts of 2006?

**COMMENT:** Chapter 79 of the Acts of 2006 will allow members of Town Boards to vote on judicial or quasi-judicial hearings even if they were absent from a session at which testimony or other evidence was presented. The new law can be used for only a single missed meeting. Before any such vote, the member shall certify in writing that he or she has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof.

**RECOMMENDED:** That the Town accept Chapter 79 of the Acts of 2006, an act further regulating meetings of municipal boards.

**ARTICLE 42.** Will the Town accept the provisions of Massachusetts General Laws, Chapter 32, Section 7(2) (a) (iii) which establishes a supplemental dependent's allowance for eligible children of persons retired for accidental disability, or act on anything related thereto?  
(Inserted at the request of the Hingham Contributory Retirement Board)

**COMMENT:** This article is the result of a review of the Town's retirement policies by the Public Employees Retirement Administration Commission. Adoption of this article will authorize the supplemental payment of \$250.00 per year to eligible children under the age of 18.

**RECOMMENDED:** That the Town accept the provisions of Massachusetts General Laws, Chapter 32, Section 7(2) (a) (iii) which

**establishes a supplemental dependent's allowance for eligible children of persons retired for accidental disability.**

**ARTICLE 43.** Will the Town accept the provisions of Massachusetts General Laws, Chapter 32, Section 6 (1) which lowers from fifteen years to ten years the number of years of creditable service that an otherwise eligible member must have in order to be eligible for an ordinary disability retirement allowance, or act on anything relating thereto?

(Inserted at the request of the Hingham Contributory Retirement Board)

**COMMENT:** This article is the result of a review of the Town's retirement policies by the Public Employees Retirement Administration Commission. Adoption of this article will put the town in line with other systems in the Commonwealth.

**RECOMMENDED: That the Town accept the provisions of Massachusetts General Laws, Chapter 32, Section 6 (1) which lowers from fifteen years to ten years the number of years of creditable service that an otherwise eligible member must have in order to be eligible for an ordinary disability retirement allowance.**

**ARTICLE 44.** Will the Town vote to approve retirement service credit for service time as Permanent Call Firefighters in the Fire Department of the Town of Hingham, of Glenn Shaw and Donald Lincoln as authorized by State Law, or act on anything relating thereto?

(Inserted at the request of Glenn Shaw and others)

**COMMENT:** Prior town meetings have approved similar articles authorizing special legislation to grant Donald Lincoln and Glenn Shaw retirement credit for the time they served as call firefighters for the Town. The prior requests for special legislation have not been acted upon by the legislature. It is required that home rule petitions be renewed yearly to be considered by the legislature.

**RECOMMENDED: That the Town authorize the Board of Selectmen to continue to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town to grant Donald Lincoln and Glenn Shaw retirement service credit for their time as permanent call firefighters in**

**recognition of their unique service to the Town.**

**ARTICLE 45.** Will the Town vote to authorize the Board of Selectmen to continue to petition the Great and general Court of the Commonwealth to enact special legislation currently pending before said General Court after a unanimous vote of Article 42 by the Town at the 2006 Annual Town Meeting, authorizing the Town to grant Donald Lincoln retirement service credit for his time as a permanent call firefighter in recognition of his unique service to the Town, or act on anything relating thereto?

(Inserted at the request of Donald Lincoln and others)

**COMMENT:** The action requested by this article is included in the recommended motion under Article 44.

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

**ARTICLE 46.** Will the Town authorize the Board of Selectman to petition the Great and General Court of the Commonwealth to enact special legislation that would exempt the position of Deputy Fire Chief from the provisions of the Civil Service Law and Rules, or act on anything related thereto?

**COMMENT:** Last year, the Annual Town Meeting voted authorize special legislation to exempt the position of Deputy Police Chief from the provisions of Civil Service. This article proposes the same change with respect to the position of Deputy Fire Chief. The article would provide the Fire Chief, who serves as the appointing authority for the Deputy Fire Chief, the flexibility to appoint qualified persons who do not appear on the list provided by Civil Service. The proposed change will fully integrate the Deputy Fire Chief position into the management of the Fire Department and help the Fire Chief with succession planning. There is no cost to the Town associated with this article.

**RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation that would exempt the position of Deputy Fire Chief from the provisions of the Civil Service Law and Rules.**

**ARTICLE 47..** Will the Town authorize, but not require, the Board of Selectmen to acquire by

purchase or a taking by eminent domain the rights in land parcels currently identified on plans drafted by The Louis Berger Group, Inc. dated December 29, 2006 and titled Preliminary Right of Way Plans, West Corner Culvert Replacement, and, if necessary, petition the Great and General Court for special legislation to authorize such action, for the purpose of obtaining a secure and public right of way, permanent easements and temporary easements to allow for the construction and roadway safety improvements at the West Corner Culvert project, or act on anything relating thereto?

**COMMENT.** Approval of this Article will allow the Town to secure appropriate construction staging areas around the West Corner Culvert for the purpose of replacing the culvert. Permanent easements are required for state land around the project and temporary easements for private land. This replacement project is expected to begin in the spring of 2008. Moneys for the project are coming from state and federal sources.

**RECOMMENDED:** That the Town authorize, but not require, the Board of Selectmen to acquire by purchase or a taking by eminent domain the rights in land parcels currently identified on plans drafted by The Louis Berger Group, Inc. dated December 29, 2006 and titled Preliminary Right of Way Plans, West Corner Culvert Replacement, and, if necessary, petition the Great and General Court for special legislation to authorize such action, for the purpose of obtaining a secure and public right of way, permanent easements and temporary easements to allow for the construction and roadway safety improvements at the West Corner Culvert project.

**ARTICLE 48.** Will the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town of Hingham to issue temporary loans for periods greater than 2 years, and allow the Town to charge the Town's actual interest costs to betterment assessments issued by the Town, or act on anything relating thereto?

**COMMENT:** This article was approved at the 2005 and 2006 Annual Town Meetings; however, the state legislature did not act on the petition during their legislative session. Thus the article is re-proposed in this 2007 Annual Town Meeting Warrant.

Current state law limits the Town's authority to issue short-term notes, with no required payment against principal, to a term of no more than 2 years. Section 1 of this home rule petition will remove that number of years restriction, but will require the Town to begin making principal payments within two years. Section 2 of this home rule petition will allow the Town to pass on the Town's actual interest costs for betterments. Current state law provides the Town with only two options in regard to charging betterments interest costs to property owners. One method is a straight 5.0%, and the second is the Town's actual cost, plus 2.0%. Both methods increase the interest charges to property owners for betterments well beyond Town's true cost of interest. This petition would allow for an allocation of interest that reflects only the Town's true costs, thereby reducing the cost to property owners currently being charged to them. Approval of this warrant article would authorize the Town to petition the legislature to authorize these changes in its debt issuance practices.

**RECOMMENDED:** That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town of Hingham to issue temporary loans for periods greater than 2 years, and allow the Town to charge the Town's actual interest costs to betterment assessments issued by the Town.

**ARTICLE 49.** Will the Town authorize but not require the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation to make the following All Alcoholic Beverages Licenses site specific: (1) South Shore Country Club, 274 South Street and (2) Linden Ponds Inc., d/b/a Linden Ponds, 300 Linden Ponds Way, or act on anything relating thereto?

**COMMENT:** A similar article was approved at the 2005 and 2006 Annual Town Meetings; however, the Legislature did not act on the petition before their session ended. Once the legislative session ends, anything not acted on must be resubmitted for the new session and in order for it to be resubmitted, Town Meeting is required to revoke the article.

The special legislation requested would ensure that the operator of the restaurant at the South Shore Country Club could not transfer the license to another site and leave our town facility without a liquor license. When the 2004 Annual Town

Meeting voted to petition the Great and General Court to enact special legislation authorizing an additional liquor license for Linden Ponds Inc. it was with the intent that the license be site specific. The legislation did not include that provision. This article would correct that.

**RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation to make the following All Alcoholic Beverages Licenses site specific: (1) South Shore Country Club, 274 South Street and (2) Linden Ponds Inc., d/b/a Linden Ponds, 300 Linden Ponds Way.**

**ARTICLE 50.** Will the Town authorize the Board of Selectmen to petition the General Court to enact special legislation establishing the Hingham Shipyard Improvement District, a body politic and corporate, independent from the Town, which will assume all financial liability for the capital and operating costs associated with certain existing, proposed and future public improvements within the boundaries of the district, and be empowered to purchase, own, maintain, construct, reconstruct and operate such public improvements, including streets, parking facilities, sidewalks, water and sewer lines and related facilities, and fiber optic and telecommunications links, to take property within the District by eminent domain, to borrow funds for capital improvements and to assess betterments, assessments and fees in relation thereto and to support operating expenses, to enter into such contracts as may be necessary to carry out the purposes of the District, and to exercise such additional powers as shall be defined in the special act, a summary of which is available at the office of the Town Clerk; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and the Board of Selectmen are authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto?

**COMMENT:** Town Meeting approved this article three times; however, the Legislature did not act on the petition before their session ended. Once the legislative session ends, anything not acted on must be resubmitted for the new session and in order for it to be resubmitted, Town Meeting is required to re-vote the article.

By creating such a District, it would enable the entity to issue bonds as a financing mechanism to fund infrastructure improvements required for a large development project such as the Hingham Shipyard. Through the establishment of an Improvement District, the developer can obtain more financing and at a faster rate than with traditional borrowing methods. Interest payments on the bonds are paid through the assessment of betterments that are paid by the businesses and residences within the District. The creation of an Improvement District within the Shipyard would enhance its economic development by allowing the District to construct and maintain critical infrastructure required to serve the needs of those in the district, such as roads, sewer lines, bridges, sidewalks, parks, lighting etc., in advance of businesses and/or residences coming into the District. The District would also have the authority to acquire by eminent domain land that is located within its bounds. Members within the District would still pay property taxes to the Town and would receive the same Town services as residents outside the District (schools, police, fire, etc.). The District would buy its electricity from the Hingham Municipal Lighting Plant, and members would contract with the same providers as non-District residents for services such as phone and cable TV services. The District would be governed by a board of commissioners that would be appointed by the Board of Selectmen; 4 members would be nominated by the Hingham Shipyard Property Owners Association, and 1 member would be the Hingham Town Administrator or his or her designee. In the proposed legislation there is a provision that after twenty-five years, if all the bonds have been paid off and the Town wishes that the District be dissolved, it can do so through a vote of Town Meeting.

Favorable action on this article does not create the District, but allows the Board of Selectmen to petition the state legislature to authorize its creation.

**RECOMMENDED: That the Town authorize the Board of Selectmen to petition the General Court to enact special legislation establishing the Hingham Shipyard Improvement District, a body politic and corporate, independent from the Town, which will assume all financial liability for the capital and operating costs associated with certain existing, proposed and future public improvements within the boundaries of the district, and be empowered**

**to purchase, own, maintain, construct, reconstruct and operate such public improvements, including streets, parking facilities, sidewalks, water and sewer lines and related facilities, and fiber optic and telecommunications links, to take property within the District by eminent domain, to borrow funds for capital improvements and to assess betterments, assessments and fees in relation thereto and to support operating expenses, to enter into such contracts as may be necessary to carry out the purposes of the District, and to exercise such additional powers as shall be defined in the special act, a summary of which is available at the office of the Town Clerk; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and the Board of Selectmen are authorized to approve amendments which shall be within the scope of the general public objectives of the petition.**

And 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 two designated polling places in said Town of Hingham according to their precinct, to wit: Precinct 1, 2, 3, and 5: High School, 17 Union Street; Precincts 4 and 6: Middle School, 1103 Main Street on SATURDAY, the Twenty-eighth day of April 2007 at EIGHT O'CLOCK in the forenoon, then and there to give in 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; a Treasurer/Collector to serve three years; one member of the Board of Health to serve three years; three members of the School Committee to serve three years; a member of the Municipal Light Board to serve three years; a member of the Housing Authority to serve five years; a member of the Planning Board to serve five years; a member of the Planning Board to serve four years; a member of the Sewer Commission to serve three years; and a member of the Recreation Commission to serve five years.

Any you are directed to serve this warrant by causing an attested copy thereof to be posted in the Town Hall seven days at least before the day appointed for said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the fif the day of April 2007.

Given under our hands at Hingham this third day of April in the year of our lord two thousand seven.

Philip J. Edmundson  
Melissa A. Tully  
John A. Riley

A True Copy  
Attest:

Kathleen A Peloquin  
Constable of Hingham  
April 3, 2007

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 to and posted by the Town Clerk in the Town Hall on this date.

Kathleen A. Peloquin  
Constable of Hingham  
April 4, 2007.

## 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 six 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 six years.
2. CAPITAL reviews requests with the department heads, boards and, or committees.
3. Needs are determined and possible alternatives are discussed.
4. CAPITAL makes its recommendations to the SELECTMEN and ADVISORY.
5. SELECTMEN accepts, alters, or rejects CAPITAL'S recommendation, and forwards it to ADVISORY.

CAPITAL has reviewed the capital requests from the various Town Departments and herein submits its recommendations for fiscal year 2008 (FY2008), as well as general projections of capital needs for the next five fiscal years. CAPITAL'S recommendations for FY2008 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.

At the start of the budget process, each department was requested to produce a current year capital outlay request, and a realistic five-year capital outlay request. Both requests were compared to the prior year capital outlay requests, and departments were asked to explain significant changes. CAPITAL is recommending an FY2008 capital outlay budget of \$2,513,124.

CAPITAL'S recommendations are summarized below:

|                          |             |
|--------------------------|-------------|
| RECOMMENDED              |             |
| Not subject to borrowing | \$2,479,124 |
| User rates/borrowing     | \$34,000    |

### II. SPECIFIC RECOMMENDATIONS

The Capital Outlay Committee makes the following recommendations:

#### Town Accountant/MIS

The committee recommends \$67,000 for information technology replacement, and \$75,000 for a new permitting package for the building department.

### Assessors' Department

The committee recommends \$20,000 for continued development of the Town's geographical information system.

### Fire Department

The committee recommends 40,000 for the replacement of fire hydrants, \$15,000 for the replacement of the department's turnout gear, 180,000 for furniture and fixtures for the Central Fire Station, \$20,000 for the replacement of an engine in the backup ambulance, \$21,500 for the replacement of hydraulic rescue apparatus, \$42,500 for the replacement of the a Self-contained Breathing Apparatus compressor, and \$9,000 for the replacement of the body on a utility truck.

### Public Works

The committee recommends \$94,000 for the replacement of sidewalk snow-removal equipment, \$31,000 for the replacement of a ¾ ton truck with a plow package, \$127,000 for the replacement of a street sweeper, \$42,000 for the replacement of 1 ton dump truck, \$120,000 for the replacement of dump truck with a sand and plow package, \$10,000 the rehabilitation of various town ball fields, \$32,000 for the replacement of several school crossing light systems, and \$20,000 for repairs to the Head House. In the Landfill area, the committee recommends \$43,000 for the replacement of a skid steer tractor, \$10,000 for the replacement of trailer tires and brake systems, and \$500,000 for the replacement of the roof at the transfer station, along with various building repairs of the structure.

### Sewer Department

The committee recommends \$34,000 for renovations and repairs of pump stations.

### Harbor Development

The committee recommends \$173,674 for the Town's share of the dredging of the Harbor.

### Town Hall

The committee recommends \$154,000 for the replacement of the Sanborn Auditorium ceiling, \$15,200 for the replacement of carpeting and stair treads, and \$20,000 for general building improvements.

### Library

The committee recommends \$58,000 for the replacement a portion of the Library's roofs, \$15,000 for the replacement of technology equipment, and \$30,000 as a the first of a three part phase to enhance the Library's collection.

### School

The committee recommends for the Foster Elementary school \$58,000 for the third of a three-phase replacement of classroom carpeting project. For the Plymouth River School the committee recommends \$6,500 for the replacement of lavatory flooring. The committee recommends for the South Elementary School \$21,000 for the second of a three-phase replacement of classroom carpeting, and \$10,000 for repairs to the school's septic system. For the High School the committee recommends \$30,000 for a study of the several options presented to the School Committee by the ad-hoc committee evaluating the bleachers and adjacent athletic field. The committee also recommends the following for school system-wide capital needs: \$150,000 for information technology replacements, \$50,000 for the replacement of furniture and equipment, \$9,000 for the replacement of musical instruments, \$48,000 for the

replacement photocopier equipment, \$35,000 for the purchase of a new wheelchair accessible van, \$60,000 for the purchase of 2 new Special Education vans, and \$16,250 for a security system.

Needed capital improvements at the Middle School, Plymouth River School and Foster School totaling over \$ 7 million have been noted on the plan with asterisks as it is expected that these items will be included in the School Facility Plan, which will address the current and foreseeable school overcrowding and will address the major capital needs at the Middle School, Plymouth River and Foster Elementary Schools. If funding is not approved for the School Facility Plan, the school capital projects will have to be addressed incrementally through the five- year capital planning process.

Respectfully submitted,

Capital Outlay Committee

Andrew Mooridian, Chairman

Thomas Pyles

Jonathan Asher

Irma Lauter, Advisory Committee

Jerry Seelen, Advisory Committee

Ted C. Alexiades, Finance Director/Town Accountant ex-officio Staff

**FY2008 Five Year Capital Plan**

| <b>Department/Category</b>                      | <b>FY2008</b>    | <b>FY2009</b>    | <b>FY2010</b>    | <b>FY2011</b>    | <b>FY2012</b>    |
|---|------------------|------------------|------------------|------------------|------------------|
| <b>ACCOUNTING/MIS:</b>                          |                  |                  |                  |                  |                  |
| Permitting Software Package (replacement)       | \$75,000         |                  |                  |                  |                  |
| Information Technology Assets (20% rplcmt)      | \$67,000         |                  |                  |                  |                  |
| Information Technology Assets (20% rplcmt)      |                  | \$67,000         |                  |                  |                  |
| Information Technology Assets (20% rplcmt)      |                  |                  | \$50,000         |                  |                  |
| Information Technology Assets (20% rplcmt)      |                  |                  |                  | \$50,000         |                  |
| Information Technology Assets (20% rplcmt)      |                  |                  |                  |                  | \$50,000         |
| <b>TOTAL ACCOUNTING/MIS</b>                     | <b>\$142,000</b> | <b>\$67,000</b>  | <b>\$50,000</b>  | <b>\$50,000</b>  | <b>\$50,000</b>  |
| <b>ASSESSOR'S DEPARTMENT:</b>                   |                  |                  |                  |                  |                  |
| GIS: Flyover, Process Imagery, Capture Building | \$20,000         |                  |                  |                  |                  |
| GIS: Contour Development( 1 of 4)               |                  | \$15,000         |                  |                  |                  |
| GIS: Contour Development( 2 of 4)               |                  |                  | \$15,000         |                  |                  |
| GIS: Contour Development( 3 of 4)               |                  |                  |                  | \$15,000         |                  |
| GIS: Contour Development( 4 of 4)               |                  |                  |                  |                  | \$15,000         |
| <b>TOTAL ASSESSOR'S DEPARTMENT</b>              | <b>\$20,000</b>  | <b>\$15,000</b>  | <b>\$15,000</b>  | <b>\$15,000</b>  | <b>\$15,000</b>  |
| <b>POLICE DEPARTMENT:</b>                       |                  |                  |                  |                  |                  |
| Dispatch Command Center (replacement)           |                  | \$250,000        |                  |                  |                  |
| Portable Radios                                 |                  | \$120,000        |                  |                  |                  |
| Computer Aided Dispatch                         |                  | \$150,000        |                  |                  |                  |
| Mobile Data Terminals (replacement)             |                  | \$50,000         |                  |                  |                  |
| Harbormaster Building Engineering (new)         |                  | \$12,000         |                  |                  |                  |
| Police Cruisers (replacement of 8 vehicles)     |                  | \$218,000        |                  |                  |                  |
| Harbormaster Boat Engines (replaces 1)          |                  | \$18,000         |                  |                  |                  |
| Harbormaster Floats/Gangways (replacement)      |                  | \$35,000         |                  |                  |                  |
| Police Cruisers (replacement of 9 vehicles)     |                  |                  | \$250,000        |                  |                  |
| Harbormaster Boat Engines (replaces 1)          |                  |                  | \$19,000         |                  |                  |
| Harbormaster Building (new)                     |                  |                  | \$150,000        |                  |                  |
| Police Cruisers (replacement of 9 vehicles)     |                  |                  |                  | \$250,000        |                  |
| Body Armor (replacement)                        |                  |                  |                  | \$70,000         |                  |
| Police Motorcycles (replacement of 2)           |                  |                  |                  | \$40,000         |                  |
| Harbormaster Boat Engines (replaces 1)          |                  |                  |                  | \$19,000         |                  |
| Police Cruisers (replacement of 9 vehicles)     |                  |                  |                  |                  | \$250,000        |
| Harbormaster Boat Engines (replaces 1)          |                  |                  |                  |                  | \$19,000         |
| Firearms (replacement)                          |                  |                  |                  |                  | \$49,000         |
| <b>TOTAL POLICE DEPARTMENT</b>                  | <b>\$0</b>       | <b>\$853,000</b> | <b>\$419,000</b> | <b>\$379,000</b> | <b>\$318,000</b> |
| <b>FIRE DEPARTMENT:</b>                         |                  |                  |                  |                  |                  |
| Fire Hydrants (replacement)                     | \$40,000         |                  |                  |                  |                  |
| Turnout Gear (10 sets)                          | \$15,000         |                  |                  |                  |                  |
| Furniture, Fixtures & Equipment (new)           | \$180,000        |                  |                  |                  |                  |
| Medic 3 Engine (replacement)                    | \$20,000         |                  |                  |                  |                  |
| Hydraulic Rescue Tools (replacement)            | \$21,500         |                  |                  |                  |                  |
| SCBA Compressor (replacement)                   | \$42,500         |                  |                  |                  |                  |
| Utility Vehicle Body #49 (replaces 1999)        | \$9,000          |                  |                  |                  |                  |
| North & South Station Exterior Painting         |                  | \$20,000         |                  |                  |                  |
| Radio System (new)                              |                  | \$155,000        |                  |                  |                  |
| Fire Alarm Vehicle #50 (replaces 1987)          |                  | \$82,000         |                  |                  |                  |
| Administrative Vehicle #C-4 (replaces 1997)     |                  | \$20,000         |                  |                  |                  |
| Rescue Boat (replaces 1970)                     |                  | \$15,000         |                  |                  |                  |

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| <b>Department/Category</b>                      | <b>FY2008</b>    | <b>FY2009</b>    | <b>FY2010</b>    | <b>FY2011</b>    | <b>FY2012</b>    |
|---|------------------|------------------|------------------|------------------|------------------|
| Command Vehicle #C-2 (replaces 1999)            |                  | \$36,000         |                  |                  |                  |
| Fire Hydrants (replacement)                     |                  | \$40,000         |                  |                  |                  |
| Turnout Gear (5 sets)                           |                  | \$10,500         |                  |                  |                  |
| Administrative Vehicle #C-3 (replaces 2004)     |                  |                  | \$36,000         |                  |                  |
| North Station Interior Painting                 |                  |                  | \$10,000         |                  |                  |
| Fire Hydrants (replacement)                     |                  |                  | \$26,000         |                  |                  |
| Turnout Gear (10 sets)                          |                  |                  | \$15,000         |                  |                  |
| Squad Vehicle (replaces 1985)                   |                  |                  | \$222,000        |                  |                  |
| Command Vehicle #C-1 (replaces 2004)            |                  |                  |                  | \$36,000         |                  |
| Fire Hydrants (replacement)                     |                  |                  |                  | \$26,000         |                  |
| South Station Interior Painting                 |                  |                  |                  | \$10,000         |                  |
| Turnout Gear (10 sets)                          |                  |                  |                  | \$15,000         |                  |
| Rescue #2(replaces 2005)                        |                  |                  |                  | \$166,000        |                  |
| Engine 1 (replaces 1991)                        |                  |                  |                  |                  | \$345,000        |
| Medic 1 (replaces 2007)                         |                  |                  |                  |                  | \$166,000        |
| Fire Hydrants (replacement)                     |                  |                  |                  |                  | \$26,000         |
| <b>TOTAL FIRE DEPARTMENT</b>                    | <b>\$328,000</b> | <b>\$378,500</b> | <b>\$309,000</b> | <b>\$253,000</b> | <b>\$537,000</b> |
| <b><u>PUBLIC WORKS:</u></b>                     |                  |                  |                  |                  |                  |
| Holder w/Sidewalk Tractor #5114 (replaces 1997) | \$94,000         |                  |                  |                  |                  |
| 3/4 Ton Truck w/Plow #5117 (replaces 2001)      | \$31,000         |                  |                  |                  |                  |
| Road Sweeper#5878 (replaces 2000)               | \$127,000        |                  |                  |                  |                  |
| 1 Ton Dump Truck #5421 (replaces 2003)          | \$42,000         |                  |                  |                  |                  |
| Dump Truck w/S&P #5013 (replaces 1996)          | \$120,000        |                  |                  |                  |                  |
| Infield Rehabilitation                          | \$10,000         |                  |                  |                  |                  |
| School Crossing Lights                          | \$32,000         |                  |                  |                  |                  |
| Head House Building Repairs                     | \$20,000         |                  |                  |                  |                  |
| Road Sweeper#5113 (replaces 1996)               |                  | \$125,000        |                  |                  |                  |
| Dump Truck w/S&P #5105 (replaces 1998)          |                  | \$120,000        |                  |                  |                  |
| Brush Chipper #20T (replaces 1997)              |                  | \$40,000         |                  |                  |                  |
| Administrative Vehicle #5373 (replaces 2001)    |                  | \$32,000         |                  |                  |                  |
| Stump Grinder (replaces 1997)                   |                  | \$19,000         |                  |                  |                  |
| Compressor #35 (replaces 1985)                  |                  | \$17,000         |                  |                  |                  |
| Compact Truck #5880 (replaces 2000)             |                  | \$15,500         |                  |                  |                  |
| 3/4 Ton Truck w/Plow #5374 (replaces 2001)      |                  | \$30,000         |                  |                  |                  |
| 3/4 Ton Truck w/Plow #5375 (replaces 2001)      |                  | \$30,000         |                  |                  |                  |
| 7-10 Ton Roller (replaces 1996)                 |                  | \$47,500         |                  |                  |                  |
| Plymouth River Sch.Tennis Courts-Paint & Line   |                  | \$20,000         |                  |                  |                  |
| Infield Rehabilitation                          |                  | \$10,000         |                  |                  |                  |
| Catch Basin Cleaner #5019 (replaces 1998)       |                  |                  | \$140,000        |                  |                  |
| Dump Truck w/S&P #5106 (replaces 1998)          |                  |                  | \$113,500        |                  |                  |
| Dump Truck w/S&P #5107 (replaces 1998)          |                  |                  | \$113,500        |                  |                  |
| 1 Ton Truck w/Plow #5443 (replaces 2003)        |                  |                  | \$43,000         |                  |                  |
| Mid-size Dump Truck #5016 (replaces 2002)       |                  |                  | \$70,000         |                  |                  |
| 1 Ton Dump Truck #5027 (replaces 2003)          |                  |                  | \$55,000         |                  |                  |
| Infield Rehabilitation                          |                  |                  | \$10,000         |                  |                  |
| Gardner Street Sidewalk (new)                   |                  |                  |                  | \$335,000        |                  |
| Dump Truck w/S&P #5108 (replaces 2000)          |                  |                  |                  | \$120,000        |                  |
| 1 Ton Dump Truck #5115 (replaces 2005)          |                  |                  |                  | \$42,000         |                  |

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| <b>Department/Category</b>                | <b>FY2008</b>    | <b>FY2009</b>    | <b>FY2010</b>    | <b>FY2011</b>    | <b>FY2012</b>    |
|---|------------------|------------------|------------------|------------------|------------------|
| 3/4 Ton Truck #5412 (replaces 2003)       |                  |                  |                  | \$31,000         |                  |
| IH4300 Knuckle Boom #5417 (replaces 2003) |                  |                  |                  | \$105,000        |                  |
| Infield Rehabilitation                    |                  |                  |                  | \$10,000         |                  |
| Dump Truck w/S&P #5883 (replaces 2002)    |                  |                  |                  |                  | \$120,000        |
| Backhoe #5865 (replaces 2000)             |                  |                  |                  |                  | \$85,000         |
| Sidewalk Tractor #5024 (replaces 1993)    |                  |                  |                  |                  | \$92,000         |
| Dump Truck w/S&P #5428 (replaces 2003)    |                  |                  |                  |                  | \$120,000        |
| Bucket Truck #5441 (replaces 2004)        |                  |                  |                  |                  | \$108,000        |
| 3/4 Ton Truck #5110 (replaces 1998)       |                  |                  |                  |                  | \$31,000         |
| Middle School Tennis Courts-Paint & Line  |                  |                  |                  |                  | \$20,000         |
| Infield Rehabilitation                    |                  |                  |                  |                  | \$10,000         |
| <b>TOTAL PUBLIC WORKS (HIGHWAY)</b>       | <b>\$476,000</b> | <b>\$506,000</b> | <b>\$545,000</b> | <b>\$643,000</b> | <b>\$586,000</b> |
| <b><u>PUBLIC WORKS (LANDFILL):</u></b>    |                  |                  |                  |                  |                  |
| Skid Steer Tractor #5874 (replaces (2000) | \$43,000         |                  |                  |                  |                  |
| Trailer Tires 36 (replaces 2000)          | \$10,000         |                  |                  |                  |                  |
| Recycling Building Renovations            | \$500,000        |                  |                  |                  |                  |
| Landfill Closure                          |                  | \$250,000        |                  |                  |                  |
| 2 Mowers w/4' Deck (replaces 1997 models) |                  | \$20,000         |                  |                  |                  |
| Front-end Loader #5565 (replaces 1999)    |                  | \$145,000        |                  |                  |                  |
| Forklift #5564 (replaces 1996)            |                  | \$28,500         |                  |                  |                  |
| Trailer Tires 36 (replaces 2000)          |                  | \$10,000         |                  |                  |                  |
| T-1 Open Top Trailer                      |                  | \$33,500         |                  |                  |                  |
| T-2 Open Top Trailer                      |                  |                  | \$33,500         |                  |                  |
| T-3 Open Top Trailer                      |                  |                  |                  | \$33,500         |                  |
| T-4 Open Top Trailer                      |                  |                  |                  |                  | \$33,500         |
| <b>TOTAL PUBLIC WORKS (LANDFILL)</b>      | <b>\$553,000</b> | <b>\$487,000</b> | <b>\$33,500</b>  | <b>\$33,500</b>  | <b>\$33,500</b>  |
| <b><u>SEWER DEPARTMENT:</u></b>           |                  |                  |                  |                  |                  |
| Pump Station (renovations & repairs)      | \$34,000         |                  |                  |                  |                  |
| Pump Station (renovations & repairs)      |                  | \$40,000         |                  |                  |                  |
| Pump Station (renovations & repairs)      |                  |                  | \$6,000          |                  |                  |
| 3/4 Ton Truck (replaces 2001)             |                  |                  | \$35,000         |                  |                  |
| Pump Station (renovations & repairs)      |                  |                  |                  | \$33,500         |                  |
| 1 Ton Truck (replaces 2001)               |                  |                  |                  |                  | \$30,000         |
| Pump Station (renovations & repairs)      |                  |                  |                  |                  | \$15,000         |
| <b>TOTAL SEWER DEPARTMENT</b>             | <b>\$34,000</b>  | <b>\$40,000</b>  | <b>\$41,000</b>  | <b>\$33,500</b>  | <b>\$45,000</b>  |
| <b><u>HARBOR DEVELOPMENT:</u></b>         |                  |                  |                  |                  |                  |
| Harbor Dredging                           | \$173,674        |                  |                  |                  |                  |
| <b>TOTAL HARBOR DEVELOPMENT</b>           | <b>\$173,674</b> | <b>\$0</b>       | <b>\$0</b>       | <b>\$0</b>       | <b>\$0</b>       |
| <b><u>SOUTH SHORE COUNTRY CLUB:</u></b>   |                  |                  |                  |                  |                  |
| Golf Course & Facility Improvements       |                  | \$100,000        |                  |                  |                  |
| Golf Course & Facility Improvements       |                  |                  | \$100,000        |                  |                  |
| Golf Course & Facility Improvements       |                  |                  |                  | \$100,000        |                  |
| Golf Course & Facility Improvements       |                  |                  |                  |                  | \$100,000        |
| <b>TOTAL SOUTH SHORE COUNTRY CLUB</b>     | <b>\$0</b>       | <b>\$100,000</b> | <b>\$100,000</b> | <b>\$100,000</b> | <b>\$100,000</b> |
| <b><u>ELDER SERVICES:</u></b>             |                  |                  |                  |                  |                  |
| Van (replacement 20% Grant match)         |                  |                  | \$10,000         |                  |                  |
| <b>TOTAL ELDER SERVICES</b>               | <b>\$0</b>       | <b>\$0</b>       | <b>\$10,000</b>  | <b>\$0</b>       | <b>\$0</b>       |

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| <b>Department/Category</b>                       | <b>FY2008</b>    | <b>FY2009</b>      | <b>FY2010</b>    | <b>FY2011</b>    | <b>FY2012</b>    |
|--|------------------|--------------------|------------------|------------------|------------------|
| <b>TOWN HALL:</b>                                |                  |                    |                  |                  |                  |
| Auditorium Ceiling (replacement)                 | \$154,000        |                    |                  |                  |                  |
| Carpeting & Stair Treads (replacement)           | \$15,200         |                    |                  |                  |                  |
| Town Hall (renovations & repairs)                | \$20,000         |                    |                  |                  |                  |
| Auditorium Seating (replacement)                 |                  | \$90,000           |                  |                  |                  |
| Carpeting & Painting Offices (replacement)       |                  | \$20,000           |                  |                  |                  |
| Town Hall (renovations & repairs)                |                  | \$20,000           |                  |                  |                  |
| Carpeting & Painting Offices (replacement)       |                  |                    | \$20,000         |                  |                  |
| Town Hall (renovations & repairs)                |                  |                    | \$20,000         |                  |                  |
| Carpeting & Painting Offices (replacement)       |                  |                    |                  | \$20,000         |                  |
| Town Hall (renovations & repairs)                |                  |                    |                  | \$20,000         |                  |
| Carpeting & Painting Offices (replacement)       |                  |                    |                  |                  | \$20,000         |
| Town Hall (renovations & repairs)                |                  |                    |                  |                  | \$20,000         |
| <b>TOTAL TOWN HALL</b>                           | <b>\$189,200</b> | <b>\$130,000</b>   | <b>\$40,000</b>  | <b>\$40,000</b>  | <b>\$40,000</b>  |
| <b>LIBRARY:</b>                                  |                  |                    |                  |                  |                  |
| Roof Phase 1 (replacement)                       | \$58,000         |                    |                  |                  |                  |
| Computers (replacement 20%)                      | \$15,000         |                    |                  |                  |                  |
| Books & Periodicals Phase 1 of 3                 | \$30,000         |                    |                  |                  |                  |
| Meeting Room & Mezz. Carpeting (replacement)     |                  | \$10,000           |                  |                  |                  |
| Computers (replacement 20%)                      |                  | \$15,000           |                  |                  |                  |
| Self-checkout Stations (new)                     |                  | \$15,000           |                  |                  |                  |
| Stand-by Electric Generator (new)                |                  | \$20,000           |                  |                  |                  |
| Books & Periodicals Phase 2 of 3                 |                  | \$30,000           |                  |                  |                  |
| Heating System Boilers (replacement)             |                  |                    | \$75,000         |                  |                  |
| Computers (replacement 20%)                      |                  |                    | \$15,000         |                  |                  |
| Books & Periodicals Phase 3 of 3                 |                  |                    | \$30,000         |                  |                  |
| Upper Level Carpeting (replacement)              |                  |                    |                  | \$25,000         |                  |
| Computers (replacement 20%)                      |                  |                    |                  | \$15,000         |                  |
| HVAC Components (replacement)                    |                  |                    |                  | \$60,000         |                  |
| Lower Level Carpeting (replacement)              |                  |                    |                  |                  | \$25,000         |
| Computers (replacement 20%)                      |                  |                    |                  |                  | \$15,000         |
| Roof Phase 2 (replacement)                       |                  |                    |                  |                  | \$302,100        |
| <b>TOTAL LIBRARY</b>                             | <b>\$103,000</b> | <b>\$90,000</b>    | <b>\$120,000</b> | <b>\$100,000</b> | <b>\$342,100</b> |
| <b>SCHOOL DEPARTMENT:</b>                        |                  |                    |                  |                  |                  |
| <b>MIDDLE SCHOOL:</b>                            |                  |                    |                  |                  |                  |
| * Replace Emergency Generator/Main Panel         |                  | \$135,000          |                  |                  |                  |
| * Resurface Parking Lot                          |                  | \$85,000           |                  |                  |                  |
| * Install Classroom Windows and Ventilators      |                  | \$700,000          |                  |                  |                  |
| * Install Classroom Whiteboards (50)             |                  | \$50,000           |                  |                  |                  |
| * Family, Consumer Science & Ind.Tech Classrooms |                  | \$250,000          |                  |                  |                  |
| * Replace Roof                                   |                  | \$840,000          |                  |                  |                  |
| * Replace Classroom Floors                       |                  | \$200,000          |                  |                  |                  |
| * Upgrade Classroom Lighting                     |                  | \$111,600          |                  |                  |                  |
| Building Repairs and Improvements                |                  |                    | \$25,000         |                  |                  |
| Building Repairs and Improvements                |                  |                    |                  | \$25,000         |                  |
| Building Repairs and Improvements                |                  |                    |                  |                  | \$25,000         |
| <b>MIDDLE SCHOOL TOTALS</b>                      | <b>\$0</b>       | <b>\$2,371,600</b> | <b>\$25,000</b>  | <b>\$25,000</b>  | <b>\$25,000</b>  |

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| <b>Department/Category</b>                        | <b>FY2008</b>   | <b>FY2009</b>      | <b>FY2010</b>   | <b>FY2011</b>   | <b>FY2012</b>   |
|---|-----------------|--------------------|-----------------|-----------------|-----------------|
| <b>FOSTER ELEMENTARY:</b>                         |                 |                    |                 |                 |                 |
| Classroom Carpeting Phase 3 of 3 (replacement)    | \$58,000        |                    |                 |                 |                 |
| Ceiling Fans (new)                                |                 | \$12,000           |                 |                 |                 |
| Refrigeration System (replacement)                |                 | \$13,000           |                 |                 |                 |
| * Install Windows and Panels                      |                 | \$1,200,000        |                 |                 |                 |
| * Repoint and Repair Exterior Brick               |                 | \$460,000          |                 |                 |                 |
| * Upgrade Classroom Lighting                      |                 | \$200,000          |                 |                 |                 |
| * Replace Roof (partial)                          |                 | \$450,000          |                 |                 |                 |
| * Replace Corridor Flooring                       |                 | \$375,000          |                 |                 |                 |
| * Install Generator and Electrical Service        |                 | \$250,000          |                 |                 |                 |
| Building Repairs and Improvements                 |                 |                    | \$25,000        |                 |                 |
| Building Repairs and Improvements                 |                 |                    |                 | \$25,000        |                 |
| Building Repairs and Improvements                 |                 |                    |                 |                 | \$25,000        |
| <b>FOSTER ELEMENTARY TOTALS</b>                   | <b>\$58,000</b> | <b>\$2,960,000</b> | <b>\$25,000</b> | <b>\$25,000</b> | <b>\$25,000</b> |
| <b>PLYMOUTH RIVER SCHOOL:</b>                     |                 |                    |                 |                 |                 |
| Lavatory Flooring (replacement)                   | \$6,500         |                    |                 |                 |                 |
| Refrigeration System (replacement)                |                 | \$13,000           |                 |                 |                 |
| Play Shed Roof (replacement)                      |                 | \$35,000           |                 |                 |                 |
| Computer Lab & Office Carpeting (replacement)     |                 | \$8,500            |                 |                 |                 |
| * Install Parking Lot Access Loop                 |                 | \$50,000           |                 |                 |                 |
| * Repave Driveways, Parking Lots and Walks        |                 | \$160,000          |                 |                 |                 |
| * Upgrade Fire Alarm System                       |                 | \$108,000          |                 |                 |                 |
| * Upgrade Electrical System                       |                 | \$75,000           |                 |                 |                 |
| * Classroom ventilators and HVAC upgrades         |                 | \$300,000          |                 |                 |                 |
| * Install Window Systems                          |                 | \$450,000          |                 |                 |                 |
| * Upgrade Classroom Lighting                      |                 | \$200,000          |                 |                 |                 |
| Building Repairs and Improvements                 |                 |                    | \$25,000        |                 |                 |
| Building Repairs and Improvements                 |                 |                    |                 | \$25,000        |                 |
| Building Repairs and Improvements                 |                 |                    |                 |                 | \$25,000        |
| <b>PLYMOUTH RIVER SCHOOL TOTALS</b>               | <b>\$6,500</b>  | <b>\$1,399,500</b> | <b>\$25,000</b> | <b>\$25,000</b> | <b>\$25,000</b> |
| <b>SOUTH SCHOOL:</b>                              |                 |                    |                 |                 |                 |
| Classroom Carpeting Phase 2 of 3 (replacement)    | \$21,000        |                    |                 |                 |                 |
| Septic System Repairs                             | \$10,500        |                    |                 |                 |                 |
| Office Carpeting (replacement)                    |                 | \$6,500            |                 |                 |                 |
| Ceiling Fans (new)                                |                 | \$20,000           |                 |                 |                 |
| Classroom Carpeting Phase 3 of 3 (replacement)    |                 | \$63,000           |                 |                 |                 |
| Reconfigure Entrance Drive                        |                 | \$15,000           |                 |                 |                 |
| Building Repairs and Improvements                 |                 | \$25,000           |                 |                 |                 |
| Building Repairs and Improvements                 |                 |                    | \$25,000        |                 |                 |
| Building Repairs and Improvements                 |                 |                    |                 | \$40,000        |                 |
| Building Repairs and Improvements                 |                 |                    |                 |                 | \$40,000        |
| <b>SOUTH SCHOOL TOTALS</b>                        | <b>\$31,500</b> | <b>\$129,500</b>   | <b>\$25,000</b> | <b>\$40,000</b> | <b>\$40,000</b> |
| <b>HIGH SCHOOL:</b>                               |                 |                    |                 |                 |                 |
| Field/Bleacher Plan                               | \$30,000        |                    |                 |                 |                 |
| * Stadium Bleachers (replacement)                 |                 | \$449,000          |                 |                 |                 |
| * Varsity Football Field relocation (replacement) |                 | \$300,000          |                 |                 |                 |
| Building Repairs and Improvements                 |                 | \$25,000           |                 |                 |                 |
| Building Repairs and Improvements                 |                 |                    | \$25,000        |                 |                 |
| Building Repairs and Improvements                 |                 |                    |                 | \$40,000        |                 |
| Building Repairs and Improvements                 |                 |                    |                 |                 | \$40,000        |
| <b>HIGH SCHOOL TOTALS</b>                         | <b>\$30,000</b> | <b>\$774,000</b>   | <b>\$25,000</b> | <b>\$40,000</b> | <b>\$40,000</b> |

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| <b>Department/Category</b>                   | <b>FY2008</b>      | <b>FY2009</b>       | <b>FY2010</b>      | <b>FY2011</b>      | <b>FY2012</b>      |
|--|--------------------|---------------------|--------------------|--------------------|--------------------|
| <b>SCHOOL SYSTEM WIDE:</b>                   |                    |                     |                    |                    |                    |
| School Technology (new & replacements)       | \$150,000          |                     |                    |                    |                    |
| School Furniture & Equipment (new & rplcmts) | \$50,000           |                     |                    |                    |                    |
| Musical Instruments (replacements)           | \$9,000            |                     |                    |                    |                    |
| Photocopy Equipment (replacements)           | \$48,000           |                     |                    |                    |                    |
| Wheelchair Accessible Van (new)              | \$35,000           |                     |                    |                    |                    |
| Special Education Vans -2 (new)              | \$60,000           |                     |                    |                    |                    |
| Security Plan (new)                          | \$16,250           |                     |                    |                    |                    |
| School Technology (new & replacements)       |                    | \$150,000           |                    |                    |                    |
| School Furniture & Equipment (new & rplcmts) |                    | \$50,000            |                    |                    |                    |
| Musical Instruments (replacements)           |                    | \$9,000             |                    |                    |                    |
| Television Studio (replacements MS and HS)   |                    | \$15,000            |                    |                    |                    |
| Gatehouse Interior Improvements              |                    | \$16,500            |                    |                    |                    |
| School Technology (new & replacements)       |                    |                     | \$150,000          |                    |                    |
| School Furniture & Equipment (new & rplcmts) |                    |                     | \$50,000           |                    |                    |
| Vehicle (replacement)                        |                    |                     | \$30,000           |                    |                    |
| Television Studio (replacements MS and HS)   |                    |                     | \$15,000           |                    |                    |
| School Technology (new & replacements)       |                    |                     |                    | \$150,000          |                    |
| School Furniture & Equipment (new & rplcmts) |                    |                     |                    | \$50,000           |                    |
| School Technology (new & replacements)       |                    |                     |                    |                    | \$150,000          |
| School Furniture & Equipment (new & rplcmts) |                    |                     |                    |                    | \$50,000           |
| <b>SCHOOL SYSTEM WIDE TOTALS</b>             | <b>\$368,250</b>   | <b>\$240,500</b>    | <b>\$245,000</b>   | <b>\$200,000</b>   | <b>\$200,000</b>   |
| <b>TOTAL SCHOOL</b>                          | <b>\$494,250</b>   | <b>\$7,875,100</b>  | <b>\$370,000</b>   | <b>\$355,000</b>   | <b>\$355,000</b>   |
|  |                    |                     |                    |                    |                    |
| <b>Total Capital Projects</b>                | <b>\$2,513,124</b> | <b>\$10,541,600</b> | <b>\$2,052,500</b> | <b>\$2,002,000</b> | <b>\$2,421,600</b> |

## **REPORT OF THE PERSONNEL BOARD**

In anticipation of the 2007 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2006 Annual Town Meeting.

### COLLECTIVE BARGAINING UNITS

All six bargaining units have contracts expire on June 30, 2007, and the Board will be negotiating new contracts.

### OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommended a general wage increase of 3% for Town employees who are not covered by collective bargaining agreements.

The Board approved the reclassification of the existing positions of Recycling and Transfer Station Supervisor, Staff Accountant, Equipment Maintenance Supervisor, and Town Planner.

The Board approved position descriptions for the following positions: Golf Course Superintendent, Golf Course Groundskeeper, Golf Course Pro Shop Staff, Golf Course Ranger/Starter, Golf Course Professional, Golf Course Assistant Superintendent, and Golf Course Equipment Manager.

The Board approved the hiring of three people at salaries above the minimum step for the positions involved because of their backgrounds, experience and expertise. These positions are the Director of Recreation, Golf Course Superintendent and Assistant Conservation Officer.

Other issues addressed by the Board included the adjudication of a union grievance relating to the bypassing of a more senior employee in the Fire Department for an acting Lieutenant position that had not been satisfactorily resolved at the Department Head level. The Personnel Board worked with the various Department Heads in addressing seven vacation carry-over requests, two sick leave extension requests and one eight-day leave of absence request.

### RECOMMENDATIONS FOR CHANGES TO THE PERSONNEL BY-LAW

The Personnel Board recommends that the Town, at the 2007 Annual Town Meeting, amend the Personnel By-law, effective July 1, 2007, so that, as amended and restated, it will be in the form on file in the Town Clerk's office immediately preceding Town Meeting as Appendix A to this report. Under the proposed amendments, the By-law would be changed in the following substantive aspects, all resulting from actions taken by the Personnel Board since the 2006 Town Meeting:

1. Amend the Personnel By-Law by deleting all sections and sub-sections that refer to Collective Bargaining Agreements and renumbering the remaining sections and sub-sections.

2. Amend SECTION 1. Authorization:

By continuing the sentence after 'Plan' in sub-section b, with: ...and who are not covered by a collective bargaining agreement with the Town in accordance with Chapter 150E of the General

Laws or who have individual employment contracts that do not address matters covered in this By-Law. This By-Law shall apply to employees with individual employment contracts only with respect to provisions hereof which are not covered in such employment contracts, and

By replacing sub-section c, with: ... provides for the administration of this Personnel By-Law, including the Classification and Salary Plan.

3. Amend SECTION 5. DUTIES OF THE PERSONNEL BOARD:

By deleting sub-section g.

4. Amend SECTION 8. TYPES OF EMPLOYEES:

Sub-section c shall apply to Seasonal Employees as well.

5. Amend SECTION 9. WORKWEEK:

By deleting the union positions and replacing 'Custodians' with 'Building Maintenance Workers', deleting 'Hourly-Rated Employees' and replacing it with 'Other Managers and Public Works Department Supervisors and Foremen' and add to Department Heads: 'Deputy Chiefs in the Police and Fire Departments and the Assistant Superintendent of the Public Works Department'

6. Amend SECTION 16. SICK LEAVE:

By adding to sub-section d-2, the following positions: Deputy Fire Chief, Deputy Police Chief, and the Assistant Superintendent, Supervisors and Foremen of the Department of Public Works

7. Amend SECTION 17. PERSONAL DAYS:

By deleting in sub-section a: the first sentence and adding the number 40 to 35 hour workweek.

By deleting the last sentence in sub-section a, and replacing it with: Personal days may not be accumulated after July 1, 2007. Personal days may not be carried-over and accumulated, and must be used within the calendar year in which they were granted or they will be forfeited. Commencing July 1, 2007, personal days, which have been accumulated as of June 30, 2007, must be used at the rate of four such accumulated days per calendar year. Any of the four days, which are not used within the calendar year, will be forfeited and no longer available to the employee. This required usage is in addition to required usage of personal days credited during each calendar year.

8. Amend SECTION 19. LONGEVITY PAY:

By replacing sub-section d with: Notwithstanding the foregoing, an employee of the Public Works Department shall be entitled to longevity pay in the same annual amount as set forth in the Public Works Department collective bargaining agreement.

9. Amend SECTION 22. MILITARY TRAINING AND MILITARY DUTY:

By adding in sub-section a.: In accordance with the provisions of MGL Chapter 33. Section 59, any employee shall be entitled, during the time of his/her service in the armed forces of the commonwealth, under section thirty-eight, forty, forty-one, forty-two or sixty, or during his annual tour of duty of not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year as a member of a reserve component of the armed forces of the United States, to receive pay therefore, without loss of his/her ordinary remuneration as an employee of the Town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees.

10. Add a new Section: SECTION 25. NON-DISCRIMINATION PROVISIONS:

The Town of Hingham will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, national origin, age, marital status, veteran status, sexual preference or disability, in violation of state or federal law.

THE PERSONNEL BOARD

Michael J. Puzo, Chairman  
James E. Claypoole  
Marie Harris  
William D. MacGillivray  
Nelson Ross

## REPORT OF THE SCHOOL COMMITTEE

The FY '08 budget process was guided by the following principles that were adopted by the School Committee in fall 2006:

- The budget will support the highest quality educational programs and services possible, while reflecting the uniqueness of financial needs in certain areas and acknowledging available fiscal and physical plant resources.
- The budget will continue to include funding for proposed curriculum development initiatives, recommended instructional resources, and enhanced programs and support services that both will meet student needs and improve our school system.
- Recommended staffing levels will be adjusted to reflect enrollment changes so that reasonable class sizes can be maintained or improved and, as a result, the same level of services can be assured.
- Funding for professional development for all staff and supervision and training for new staff will reflect Massachusetts Department of Education mandated training, federal "No Child Left Behind" requirements, and the district's goal of highly qualified and adequately supported faculty.
- Salary adjustments, including step increases, degree level changes, and other contractual obligations, will be included in the salary portions of the budget.
- Funding for state and federal mandates, including those related to the Massachusetts Education Reform Act, special education laws, "circuit breaker" legislation, and federal "No Child Left Behind" legislation will be incorporated into the budget.
- Maintenance of and capital improvements to the school buildings and the need for expanded space will continue to be approached in a thorough and systematic manner. Accordingly, the budget will support such maintenance and both short and long-term space planning.

The initial FY '08 budget that was recommended by the administration to the School Committee in December 2006 was in the amount of \$34,340,444. It was designed to maintain the existing level of services including class size ratios and to address several other needs such as for an additional special education teacher at the middle school, two elementary classroom positions, funding for the second phase of the elementary mathematics adoption and for the first phase of a music text adoption, additional occupational therapist and speech/language support services, funding for a rowing team, and additional bus and driver. By the end of the budget season, adjustments based on new information and administration proposed reductions reduced the size of the original request by more than \$800,000. The latter cuts were made reluctantly but did not significantly compromise the School Committee's advocacy for a strong academic program and its goal of protecting the past gains, particularly in the area of class size and support programs, that the community has funded over the past several years.

On March 12, 2007, the School Committee adopted a FY '08 operating budget of \$33,539,594 and a capital budget of \$494,250. On March 13, 2007, the Board of Selectmen and the

Advisory Committee each unanimously approved those operating and capital budget amounts as the amounts to be forwarded for Town Meeting approval.

Over the past seven years, school enrollment has grown by approximately 364 students with an anticipated increase of another 337 students in the next three years (for a total ten-year growth of 701 students). A combination of factors, including enrollment growth, reduced class size averages, and the need for additional large and small group spaces for specialized programs, has resulted in all of the elementary schools and the middle school being now above peak capacity. As well, the middle school and two of the elementary schools are aging facilities, which lack appropriate art, music, and computer classrooms and sufficiently sized core facilities (such as gyms, performance spaces, and cafeterias) for their current capacities.

In late spring 2005, the Town Meeting funded School Facility Study Committee was appointed and began its work. Architecture Involution (Ai3) was hired to work with the Committee to develop options for a ten-year Master Plan to accommodate anticipated growth and other programmatic and physical plant needs. In January 2006, the School Facility Study Committee presented its report to the School Committee, which subsequently adopted "Option 1", a plan that called for the building of a new elementary school on the East School site, significant renovations and an addition to the middle school, and modest renovations to Plymouth River and Foster Schools. This proposal includes over \$7 million in school capital projects that were previously identified in the town-wide, five-year capital plan. The Selectmen and Advisory Committee and Town Meeting were all unanimous in their support of a School Committee requested Town Meeting 2006 warrant item to appoint a building committee and to appropriate \$1.7 million for design costs for the recommended Master Plan option. In late spring of 2006, a School Building Committee was appointed and began planning for full implementation of the Master Plan. To date, plans are nearly complete for a proposed new elementary school on the former East School site. Design work has begun on a solution to the middle school's lack of space and aging condition, and preliminary planning is in process for renovations to Foster and Plymouth River Schools. The 2007 Town Warrant includes a request for an additional \$255,000 to continue with the design work and to facilitate working with the Massachusetts School Building Authority as regards their requirements for state reimbursement for all or portions of the Master Plan. Those discussions are anticipated to begin in early fall of 2007, after submission of our formal applications in July. The School Committee will likely request a special Town Meeting and ballot vote in late winter to fund construction costs for the first phase of the building program.

Despite the economic realities that limit fiscal resources, the School Department continues to be challenged to do more with constrained resources. Increasing state accountability measures, including Massachusetts curriculum frameworks alignment, MCAS related expectations, and a growing number of required databases, reports, and plans, have been compounded by the mandates related to the educational reform provisions of the federal "No Child Left Behind" legislation.

The resources required for special education services, particularly in the area of tuitions and related transportation continue to grow at a rate that outpaces other sections of the budget. State funding, emanating from the "circuit breaker" legislation, is anticipated to increase significantly for FY 08. However, certain costs (such as transportation) are not currently reimbursable under this program. Overall, the number of special education students has not increased significantly, but the number of students with multiple and complex disabilities, mental/emotional health issues, and behavioral disorders has increased at a rate

disproportionate to the overall enrollment. The financial resources that are necessary to accommodate those needs represent a growing percentage of the annual budget.

But there is good news about enhanced school offerings and improved support services and also about the achievement of Hingham students, both in the academic realm and in sports, performance, and community service arenas.

Hingham students continue to perform exceptionally well on standardized tests. Forty-two percent of last year's seniors took one or more Advanced Placement tests and 94% of their Advanced Placement scores were at 3 or higher. A large percentage of Hingham students at all levels scored at the proficient or advanced levels on their most recent MCAS tests, and the district earned the Massachusetts Adequate Yearly Progress (AYP) designation based upon students' spring 2006 MCAS test results. All students in the Class of 2006 earned a state certified diploma and earlier this year, Hingham High School was recognized as a Massachusetts Compass School for its MCAS performance.

Ninety-five percent of the seniors from the HHS Class of 2006 intend to continue their education at four (89%) or two-year (4%) colleges and universities or prep (2%) schools. Academic accomplishments of the HHS Class of 2006 include: two National Merit semifinalists, four commended students and 40 Advanced Placement Scholars.

During the winter 2006-2007 sports season, the Hingham High School boys and girls hockey teams and the girls basketball team qualified for tournament play. Wrestling, winter track, and swimming teams all had outstanding seasons as well. The high school drama club made it to the semifinals in the state festival. In all areas, individual honors complemented group successes.

Capital improvements and building maintenance efforts have continued to provide a sound infrastructure for educating our students, despite the aging condition of some of our buildings. Hingham residents can be proud of their schools and also of their own support in realizing the many improvements that have been made over the last decade. However, change and growth require ongoing efforts. We are all pleased that community pride, a desire to maintain past gains, and the spirit of collaboration and cooperation that have traditionally marked budget process deliberations and discussions will allow us to continue to provide educational excellence for the children of Hingham.

HINGHAM SCHOOL COMMITTEE

Chrisanne Gregoire, Chair  
Stephen Nagle, Vice Chair  
Christine Smith, Secretary  
Linda Hill  
Esther Healey  
Kristin Parnell  
Barbara Cook

SUPERINTENDENT OF SCHOOLS

Dorothy Galo

**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

[www.hingham-ma.gov](http://www.hingham-ma.gov)

## NOTES

## NOTES

## NOTES

**Office of the Selectmen  
Town Hall  
210 Central Street  
Hingham, MA 02043-2757**

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