

TOWN OF HINGHAM



WARRANT

for the
SPECIAL TOWN MEETING
October 24, 2011
at 7:00 P.M.

and

RECOMMENDATIONS
of the Advisory Committee

Elder and Handicapped transportation available – Register: 781.741.1458

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

Entrances to the meeting are as follows:

**Voters from
Precincts 1, 2, 3, and 4
and Guests of the Meeting**

**Main Entrance of the High School
Union Street**

**Voters from
Precincts 5, 6, and 6A
Left Side Entrance of the High School (Guidance Entrance)
Union Street**

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

Voters are reminded of the changes in our Town by-laws adopted at the 2011 Annual Town Meeting with respect to the time limits for speaking at our town meetings. The former time limits of 10 minutes and 5 minutes were changed to 6 minutes and 3 minutes, respectively. Thus, the by-laws now provide:

“Without the permission of the Moderator, no person shall speak on any subject for more than six (6) minutes for the first time or more than three (3) minutes for the second time.”

Voters who are concerned about covering a complex presentation within the time limits are encouraged to contact me at my home (781.749.2888) prior to the meeting. As in the past, it may be possible to recognize speakers in sequence to complete a presentation without exceeding the time limits.

Thomas L. P. O'Donnell
Moderator

October, 2011

Plymouth, ss.

To the Constables 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-FOURTH day of OCTOBER, 2011 at SEVEN o'clock in the evening, then and there to act on the following Articles:

ARTICLE 1. Will the Town authorize, but not require, the Trustees of the Bathing Beach to (1) petition the Great and General Court of the Commonwealth to enact special legislation to permit a long-term lease of a portion of a parcel of land which is shown on Assessors' Map 50 known as the Bathing Beach Bathhouse and (2) to enter into a long-term lease for said property for the purpose of a seasonal snack/refreshment stand and bathhouse, or act on anything relating thereto?

(Inserted at the request of the Trustees of the Bathing Beach)

COMMENT: This article, which the Advisory Committee supports, is the first step toward having a snack stand and refurbished bathhouse at the Bathing Beach. Because the contemplated improvements would involve the leasing of park land, special legislation on Beacon Hill permitting the lease is required. Representative Bradley and Senator Hedlund will pursue the necessary legislative approval once Town Meeting passes an affirmative vote under this article.

Explained with only the necessary reference to legalities, the plan is as follows. The Trustees of the Bathing Beach own the Bathing Beach and surrounding area. They wish to refurbish the bathhouse and open a snack stand in order to increase the public's enjoyment of the waterfront. Support for this project had been reported by the Harbor Task Force, which solicited public opinion concerning ways to improve the harbor area.

The Trustees would lease the land containing the bathhouse in its present form to a successful third-party bidder capable of improving the building and operating a snack stand. It is expected that the lease term would be for ten years. The third-party

lessee would be required to supply the funds necessary for most of the improvements, and would contract with a general contractor for that purpose. The product would be a refurbished building that would contain the improved bath house and a snack stand, with the snack stand's service counter likely facing the beach parking lot. In connection with this upgrade, septic system improvements would also be made. The Trustees, however, will not delegate that portion of the improvements to the lessee, their opinion being that septic issues are important enough that they should remain directly under Town oversight. Monies for septic improvements would come from previously collected revenues generated by the issuance of mooring permits, which revenues are kept in the Town's Fund Balance. Assuming that the Legislature permits the Trustees to lease the bathhouse, an article seeking the necessary appropriation would be the subject of a future Town Meeting.

Success of this project might generate money for the Town. Profits derived from the lease would be held by the Trustees, subject to restrictions on the use of proceeds derived from property that they hold in trust. Lease profits could support the Trustees' own budget, however, and perhaps result in a diminished need for appropriation through Article 6, thereby creating some financial benefit for the Town. While it would be desirable to strike the most profitable deal possible with the lessee, the Trustees' chief concern is to complete the improvements in a way that enhances public enjoyment.

The Trustees expect to confer with the Selectmen, who are more experienced than the Trustees in municipal land transactions, for guidance, and to retain counsel for preparation of the lease and related matters. Other than the cost of fixing the septic system, expenses associated with this project will be small.

If all goes according to plan, the result would be a better bathhouse, open at longer and more convenient hours, and a place to get a light lunch or an ice cream cone on a sunny day. When might it all be complete? The Trustees would be happy to break ground next spring. Nothing will likely happen, however, until the Legislature acts, and various contingencies there could result in approval not being granted until the end of 2012. Indeed, passage of the legislation cannot be assured at all,

despite the best efforts of our legislators. The Advisory Committee anticipates that the Legislature will grant permission for the lease and that the project will go forward as planned, but that completion by the summer of 2012, although not impossible, may be an ambitious hope.

RECOMMENDED: That the Town authorize, but not require, the Trustees of the Bathing Beach to (1) petition the Great and General Court of the Commonwealth to enact special legislation to permit a long-term lease of a portion of a parcel of land which is shown on Assessors' Map 50 known as the Bathing Beach Bathhouse and (2) to enter into a long-term lease for said property for the purpose of a seasonal snack/refreshment stand and bathhouse.

ARTICLE 2. Will the Town direct the Board of Selectmen and the Superintendent of the Department of Public Works to restore a "Swap Area" at the Transfer Station for every day the Transfer Station operates, or act on anything relating thereto?

(Inserted at the request of Larry M. Wetzel and others)

COMMENT: As part of the ongoing project to cap the Transfer Station landfill, the Swap Area was temporarily closed due to space constraints.

However, in response to a citizens' petition, the Board of Selectmen has arranged with the Department of Public Works to reopen the Swap Area on a limited basis until landfill capping is completed in November, 2011.

An 'interim' Swap Area has been established in a different, temporary location. Both the interim and the eventual permanent Swap Area will be in operation as often as possible when the Transfer Station is open, with due consideration for weather conditions, safety concerns, manpower constraints and operational limitations as determined by the Superintendent of the Department of Public Works.

RECOMMENDED: That no action be taken on this article.

ARTICLE 3. Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Committee to fund Phase I of a high school

fields improvement project, including (1) the replacement of the high school track and repair of the high school tennis courts and (2) the development of design construction documents for Phase II of the project or to act on anything relating thereto?

(Inserted at the request of the School Committee)

COMMENT: The Hingham High School field complex is an important part of the Town's infrastructure. It consists of 26 acres of fields and playing surfaces that are utilized by high school athletes, community sports groups, Hingham citizens, and outside groups. The complex is in need of repair.

HISTORY

This project has been under consideration by the Town since 2005, initially due to the condition and location of the bleachers (installed in 1954), issues with field drainage, and the lack of a field game facility that could be used by multiple sports. The 2007 Annual Town Meeting approved funds to further study the project. For the next two years, it remained in the Town's long-term capital plan as a potential expenditure, but was deferred due to other capital projects. In response to economic conditions, the Town drastically reduced its Fiscal Year 2010 capital budget, and the project was removed from the long-term capital plan.

A 2010 Athletic Report highlighted deteriorating conditions at the High School field complex that were limiting usage, causing home games to be relocated or postponed and possibly contributing to injuries to athletes. It pointed out that the track was nearing the end of its useful life, and the tennis courts had reached the end of their useful lives and were no longer playable. The report further noted that Hingham's facilities were substandard when compared to communities against whom Hingham competes and there was a lack of equal playing fields for female athletes (a potential Title IX violation). The Long Range Planning Subcommittee recognized the need to repair this complex and prioritized the track and tennis courts. Design and engineering work was funded by a \$15,000 private donation and with a \$50,000 appropriation approved at the 2011 Annual Town Meeting. It revealed a three-foot elevation difference from one end of the track to the other, rendering the track non-compliant pursuant to Massachusetts Interscholastic Athletic Association ("MIAA") track and field specifications.

In July, the School Committee established a 2011 Ad Hoc High School Field Study Committee (the "2011 Field Committee") consisting of High School neighbors, citizens, parents of student athletes, the Town Project Engineer, and representatives from the School Committee and School Administration. The 2011 Field Committee is charged with working with other parties to identify and implement improvements to both the track and tennis courts (Phase I) and the fields and bleachers (Phase II).

This article seeks Town Meeting authorization for up to \$935,000 to fund three items:

1. Reconstruct and level the track in its current location (\$600,000). The proposed track will replace the current track complex, including a six-lane track with an eight-lane straightaway, long jump, triple jump, high jump areas, and fencing. This project would be put out to bid (a six- to eight-week process) during the winter so that construction could begin in the Spring and be completed by the first home football game in Fall 2012. If this project is approved, Hingham will apply for a \$30,000 track reconstruction grant. If received, it would be applied to the project to lessen the cost to the Town. The project scope will not change.

Including the previously-mentioned funds for design (\$15,000 donation and \$50,000 Town Meeting appropriation), the total cost of the track reconstruction is \$665,000.

2. Repair Tennis Courts (\$60,000). The Long Range Planning Subcommittee and 2011 Field Committee evaluated two options, reconstruction (\$200,000) and repair (\$60,000). Both groups recommend repairing the tennis courts. Several independent experts confirmed a repair option is feasible due to the good condition of the underlying base. A repair has an expected life of approximately 5-7 years, although minor cracking will occur and will need to be addressed. It is believed that a second repair could be made before having to replace the underlying base. This project would also be put out to bid in Spring so that it can be completed by Summer 2012. If this project is approved, Hingham will apply for a USTA grant for up to 20% of repair costs (\$12,000). If received, it would be applied to the project to lessen the cost to the Town. The project scope will not change.

3. Develop Phase II design and construction documents (up to \$275,000). The objective of this

work is to gather public input and develop both options and cost estimates for consideration by future Town Meetings.

Required activities include completing a site survey (including wetland delineation and flag location); conducting parking, noise, lights and synthetic turf studies; creating a preliminary design; design development and permitting, and the development of construction drawings and specifications. The construction drawings and specifications can be used to obtain cost estimates for options being considered.

The parking and traffic study is estimated to cost \$8,000. The scope of the study will include both sports and general Town-related use of the High School parking areas. It will be paid for using funds that were originally allocated to the tennis court design from the School Department field-use revolving account.

A schematic layout for the field complex was created in 2006. However, it does not reflect the activities outlined above and is not of sufficient detail to meet the information requirements of Town permitting boards, to determine final design, or to provide the level of detail required for procurement.

When completed, the 2011 Field Committee and School Committee will provide a 'base recommendation' for addressing drainage and parking issues, replacing the bleachers, and providing a multi-purpose game facility. Because any work beyond design will require funding, future decisions related to Phase II will ultimately be subject to approval by future Town Meetings. While specific cost estimates will be developed as part of this work, it is anticipated that the base recommendation costs could be in the range of \$2.0-\$2.75 million dollars. This budget range is based upon an independent review of the schematic layout and does not reflect expenses associated with any unanticipated issues discovered during design work. The Advisory Committee recognizes that actual construction costs could vary based on the results of more detailed study and market conditions at the time a funding request is made.

In addition to the base recommendation, the 2011 Field Committee and School Committee will consider and make recommendations on the

inclusion of additional features including lights and synthetic turf. Citizen hearings will be conducted before any plans that include these features are brought forth for future Town Meeting consideration.

There is the possibility of securing private financing support for agreed-upon features, which could potentially reduce or eliminate the cost borne by Town taxpayers. Any such arrangements would be governed by a written Memorandum of Understanding between the Town and any entity representing private financing source(s).

In developing a Phase II design estimate, Hingham obtained budgetary estimates that were in the range of \$200,000. This estimate was increased to \$275,000 based on the anticipated level of study that may be required consistent with the recently completed Carlson Field Complex and the Ward Street Fields. While this article requests funding up to \$275,000, the 2011 Field Committee will only spend what is needed to achieve the aforementioned objectives. The major variable that will affect actual expenditures is the number of studies that may be required and any changes to design drawings resulting from permitting.

If approved, the property tax impact of the debt exclusion for Phase I is expected to be \$3.69 per \$100,000 of assessed value in Fiscal Year 2013. On a home valued at the average in Hingham (\$651,950), the Advisory Committee anticipates the average annual tax impact will be approximately \$24-\$28 each year over the life of the five-year bond for this project.

As part of its deliberations, the Advisory Committee considered many factors, including whether this is the right time to advance this project due to current economic conditions and because the Town is considering another large capital expenditure. In addition, the Advisory Committee discussed whether committing to a Phase II design project leads to a foregone conclusion with respect to the ultimate project and whether elements of Phase II design work are either premature or perishable. Members also questioned whether the Town should spend money to study the possibility of lights again.

In arriving at its recommendation, the Advisory Committee recognized that the track and tennis court are both at the end of their useful lives, that

Hingham's 'home field' advantage is being compromised, and that taking no action will only result in worsening conditions and more limited usage of a Town asset. The Advisory Committee also recognized that creating a multi-purpose field will enable Hingham to be Title IX-compliant and to have the ability to charge admission for more varsity sports. Lastly, the majority of the Advisory Committee believes that information gained from the Phase II design process is necessary for future Town Meetings to properly evaluate the merits of any fields-related articles that will come before them.

The Board of Selectmen and the Capital Outlay Committee have both voted unanimously to support favorable action on this article.

RECOMMENDED: That the Town appropriate up to Nine Hundred Thirty Five Thousand dollars (\$935,000) to be expended under direction of the School Committee to fund Phase I of a high school fields improvement plan, including (1) the replacement of the high school track and repair to the high school tennis courts and (2) the development of design construction documents for Phase II of the project. To meet said appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, §7, or any other enabling authority and to issue bonds or notes of the Town therefor and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. c.59, §21C (Proposition 2 ½).

ARTICLE 4. Will the Town instruct the School Committee, using available funds appropriated at the April 25, 2011 Annual Town Meeting, to develop an alternate Middle School Renovation/expansion plan that would be consistent with, and limited to, the scope of the recommendations and cost estimates in the Facilities Subcommittee Report of the School Building Master Plan Review Committee dated October 25, 2010, and report to the next Town Meeting. The Facilities Subcommittee Plan referenced includes window wall replacement, roof repair, addition of modular classrooms, a corridor and expansion of interior spaces such as the

cafeteria and physical education space. The Plan must include repair of all structural damage. (inserted at the request of Edward R. Siegfried and others)

COMMENT: Massachusetts General Law provides citizens with the right to request that certain matters be considered by Town Meeting. In the case of a Special Town Meeting, that request must take the form of a petition signed by at least 100 registered voters whose names and addresses must be certified by the Town Clerk/Registrar of Voters. In the case of this article, about 300 citizens signed such a petition, the names and addresses of at least 100 voters were subsequently certified by the Town Clerk, so the subject matter of the petition is properly before Town Meeting.

Town Counsel has opined, however, that this article as written cannot be acted upon by Town Meeting because it fails to accurately describe a funding source for the requested appropriation and the Town cannot direct the School Committee regarding how it expends Town-authorized funds. A substitute article—incorporating the same scope as this article, but properly identifying a funding source and acknowledging the School Committee’s authority—has been included in the Warrant by the Board of Selectmen as Article 6. The Board of Selectmen’s inclusion of the substitute article in the Warrant has been done as a courtesy to the petitioners and does not signify any position of the Board on the matter.

The main proponents of the original article have agreed to the content of the substitute article and they concur in the “No Action” recommendation.

RECOMMENDED: That no action be taken on this article.

ARTICLE 5. 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 professional fees, constructing, equipping and furnishing a new middle school, under the Massachusetts School Building Authority’s (“MSBA”) Model School Program, to be located at 1103 Main Street (Lot 12 on Assessors’ Map 197), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least fifty (50) years, and for which the Town may be

eligible for a grant from the MSBA; the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and any grant the Town may receive from the MSBA shall not exceed the lesser of (1) the MSBA-approved percentage of eligible, approved project costs, as determined by the MSBA or (2) the total maximum grant amount as determined by the MSBA; or act on anything relating thereto?

(Inserted at the request of the School Committee)

COMMENT: The Hingham Middle School (“HMS”) opened in 1962. In 1996, due to increased enrollment, an expansion project was completed (“Science Wing”). Annual Town Meetings in 2006 and 2007 approved funds to develop schematic designs for the renovation and expansion of the Hingham Middle School in accordance with the 10-year Master Plan developed by the School Facility Study Committee as authorized by the 2005 Annual Town Meeting.

The 2008 Annual Town Meeting approved the purchase and installation of five modular classrooms. Current HMS classroom capacity with the five modulars is 880 students, while core spaces (library, cafeteria, gymnasium, etc.) were built to support a maximum population of 770. 2011 HMS enrollment is 942 and is projected to peak at 1131 students in 2016 according to an independent enrollment study developed by the Massachusetts School Building Authority (“MSBA”).

In October 2010, the Master Plan Review Committee (“MPRC”) endorsed implementation of an ‘Interim Plan’ to address overcrowding and school plant deficiencies while a ‘Long-Term Solution’ project—with a minimum 50-year life expectancy and eligible for MSBA reimbursement—was developed and implemented. The MPRC confirmed that either of two possible options was viable as the Long-Term Solution: (1) renovation and expansion of the existing Middle School; or (2) construction of a new Middle School building. In its recommendation, the MPRC encouraged pursuit of an invitation into the MSBA’s Model School Program.

In November 2010, the MSBA notified Hingham that it had been invited into its capital pipeline and that the Middle School would be considered for a

renovation, a new school, or a new school under the Model School Program. Hingham began the process of working with the MSBA to evaluate all three options.

The extreme weather this past winter, specifically the February 2011 storm, revealed structural issues at the HMS. After a thorough review by professionals, the building's immediate structural integrity was quickly re-established. During this same time period, the Executive Director of the MSBA met with Town officials to discuss these developments and their implications. The Chairman of the Board of Selectmen, Town Administrator, members of the School Committee and school administration participated in this meeting and the ensuing discussion. The consensus opinion of all attendees was that these existing conditions precluded obtaining an extended useful life through renovation and expansion. On February 9, 2011, Hingham was invited into the Model Middle School program.

The MSBA Model School Program "seeks to effectively adapt and re-use the design of successful, recently constructed schools." The Model School Program produces cost savings by reducing design expense and shortening the construction phase of the project. Districts participating in the Model School Program are eligible to receive five additional percentage points, which are added to the base rate of MSBA reimbursement.

The 2011 Annual Town Meeting authorized the appropriation of \$600,000 for a Middle School Feasibility Study — a necessary first step towards constructing a new Middle School building under the guidelines of the Model School Program of the MSBA. The completed Scope and Budget package including the feasibility and schematic design components was submitted to the MSBA on August 19th.

While Middle School enrollment is projected by the MSBA to peak at 1131 students in 2016, MSBA guidelines directed that the school plant be sized to accommodate 1020 students, or what it determines to be an average projected enrollment. The generic MSBA model calls for a 163,200 square-foot building. Based upon classroom and core space needs required to implement the Town's education program for a much larger enrollment than the typical Middle School, Hingham requested and the

MSBA approved a building of 176,385 square feet— an increase of approximately 30% over the current school square-footage. Much of the increase is related to increases in the "core spaces": the gymnasium, cafeteria and auditorium, which are used not only by the Middle School population but also by the Hingham community as a whole.

Using an MSBA-provided cost-per-square-foot guideline, the original Total Project Budget was estimated at the time of the 2011 Annual Town Meeting to be between \$50,000,000 and \$57,000,000. Schematic Design engineering has since disclosed that: (1) additional site work must be performed to address existing soils conditions and, (2) that the MSBA cost-per-square-foot cap also significantly underestimates current contractor pricing for similar projects. Those two factors combined with the additional square-footage needs previously described have resulted in a revised total project budget of \$60,910,920 including the demolition of the existing school and the feasibility study approved at the 2011 Annual Town Meeting. It should be noted that as a result of initial cost estimates coming in at a number higher than originally estimated, the School Building Committee undertook a series of value-engineering exercises which reduced the Total Project Budget by over \$3.1 million to the final Total Project Budget amount of \$60,910,920. These include reductions in site improvements, interior and exterior finishes, equipment, HVAC, and elimination of a field house/storage facility, and associated design costs. These cuts, while meaningful, did not cut into the programmatic design approved by the MSBA early in the Model Middle School application process.

Of this total budget there are certain non-reimbursable items per MSBA guidelines. In this project these include the earlier mentioned soils work (\$969,772), septic upgrades (\$571,500), hazmat (VAT floor tiles only) removal (\$79,744), and associated 'soft costs' for legal (bonding) fees of \$230,000. These costs totaling \$1,851,016, once deducted from the Total Project Budget, result in net approved costs of \$ 59,059,904. After applying the MSBA reimbursement rate of 43.87% to these net approved costs, the projected Town share (56.13%) of the total project cost is expected to be \$35,001,340. The MSBA reimbursement rate of eligible costs is calculated as follows:

Element Reimbursement Rate

Base reimbursement	35.42 %
Model School Program	5.00 %
LEED Silver Certification (green and sustainable components)	2.00%
Approved maintenance plan	<u>1.45 %</u>
Total	43.87 %

One other indirect cost to note involves the Science Wing, which was constructed in connection with the reimbursement program of the predecessor state school building program to the MSBA. As of this writing, since the Science Wing is coming offline earlier than its expected useful life, the Commonwealth may well require a “clawback” of reimbursement funds used in the construction of the Science Wing. This clawback amount will not exceed \$783,000 and will be paid through a proportionate reduction of reimbursements over the remaining expected useful life of the Science Wing, approximating \$112,000 annually for the next seven years. Hingham will not be “out of pocket” for these costs; rather future payments to the Town will be proportionately reduced.

If approved, the property tax impact of the debt exclusion is expected to be \$60.72 per \$100,000 of assessed value. On a home valued at the average in Hingham (\$651,950), the Advisory Committee anticipates the highest annual tax impact, occurring in FY 15, will total \$396. The average annual tax impact will be approximately \$285 over the life of the 20-year bond for this project or \$44.00 per \$100,000 of assessed value.

Because the new HMS is replacing an existing school, there are few incremental operating costs. Therefore, unlike the opening of a fourth elementary school, no operational override related to the opening of the new Middle School will be required. The School Department has, however, identified estimated incremental annual energy cost increases of \$113,000 per year; the need for one additional custodian, an increase from .5 to 1.0 library media specialist and a full-time technology specialist, all of which will be requested as part of the annual operating budget for the year the school opens. As with all operating budget requests, these will be subject to approval by Town Meeting.

The Board of Selectmen voted unanimously to support favorable action on this article.

The contemplated timeline for the project is as follows:

- Special Town Meeting on Monday, October 24, 2011 to approve warrant article requesting the Town to raise and appropriate \$60,910,920 for the purposes of constructing a Middle School with not less than a fifty-year useful life;
- Special Town Election on Saturday, October 29, 2011 to approve capital debt exclusion for \$60,910,920. Similar to the capital debt exclusion for East School, the ballot vote authorizes 100% of construction funds. However, the Town will be reimbursed by the MSBA for 43.87% of total costs or approximately \$26 million as costs are incurred;
- Issue construction Requests for Proposal during Spring, 2012, resulting in bids which further refine the HMS construction cost estimate;
- Construct the new HMS (where the fields are now located) on the existing site;
- Occupy the new HMS in September, 2014;
- Demolish existing Middle School

RECOMMENDED: That the Town appropriate the sum of Sixty Million Nine Hundred Ten Thousand Nine Hundred Twenty Dollars (\$60,910,920) for professional fees, constructing, equipping and furnishing a new middle school, under the Massachusetts School Building Authority’s (“MSBA”) Model School Program, to be located at 1103 Main Street (Lot 12 on Assessors’ Map 197), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least fifty (50) years, said sum to be expended under the direction of the 2006 School Building Committee, and to meet said appropriation, authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44 and M.G.L. Chapter 70B, or any other enabling authority, upon such terms as the Town Treasurer and Board of Selectmen shall determine; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and any grant the Town may receive from the MSBA shall not exceed the lesser of (1) approximately forty-three and 87/100 percent (43.87%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and

provided that no construction contract shall be awarded for the new school until a Project Funding Agreement has been executed between the Massachusetts School Building Authority and the Town, and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½), and that the amount of borrowing authorized pursuant to such vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the Massachusetts School Building Authority.

ARTICLE 6. Will the Town appropriate a sum of money out of available reserves to be expended under the direction of the School Committee for the purpose of development of an alternative Middle School Renovation/expansion Plan that would be consistent with and limited to the scope of the recommendations and cost estimates in the Facilities Subcommittee Report of the School Master Plan Review Committee dated October 25, 2010 and report to the next Town Meeting. The Facilities Subcommittee Plan referenced includes window wall replacement, roof repair, addition of modular classrooms, a corridor and expansion of interior spaces such as the cafeteria and physical education space. The Plan must include repair of all structural defects; or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: This article was inserted by the Board of Selectmen as a substitute for the citizens' Middle School petition, Article 4.

The article's proponents are recommending the appropriation of \$150,000 to develop an alternative Middle School renovation/expansion plan in the form of a feasibility study for subsequent consideration by the next Town Meeting in April, 2012.

The history of the construction, repair and study of the Hingham Middle School ("HMS") physical plant set forth in the Comment for Article 5, Middle School MSBA, is not in dispute. In 2010, the School Committee's Master Plan Review Committee ("MPRC") studied the current issues related to a growing student population, the need for facility

renovation/expansion, and the possibility of receiving funding from the Massachusetts School Building Authority ("MSBA"). In late October 2010, the MPRC developed and presented a two-step recommendation to deal with overcrowding at the HMS and the poor condition of the HMS facility: 1) a 'Long-Term Solution' consisting of renovation/expansion or 'build-new' alternatives; and, 2) a remedial 'Interim Plan' to address pressing physical deficiencies while the Long-Term Solution was selected and implemented. Specifically, the Interim Plan recommended correction of building defects to keep the physical environment safe for all students, the addition of five or six modular classrooms, the expansion of the most essential core spaces (cafeteria and gym), and the addition of a corridor to improve the flow of student traffic, particularly through the core spaces of the building.

In January 2011, the MSBA approved HMS to be in its capital pipeline for consideration of three possible options: 1) renovation with addition; 2) new school; or, 3) new school under the MSBA's Model School Program. Initially, the MSBA was favoring a renovation/expansion option. On February 2, 2011, however, the underlying roof structure at HMS was discovered to have been damaged as a result of multiple heavy snowstorms. The following day, February 3rd, Ms. Katherine Craven, Executive Director of the MSBA, met with Town officials—including the Chairman of the Board of Selectmen and the Town Administrator—together with representatives from the School Committee and School Department. Due to the extent of structural roof damage, Ms. Craven suggested that the Town consider entry into the Model Middle School Program. On February 9th, the MSBA's Board formally voted to invite the Town to participate in the MSBA Model School Program.

The proponents of this article believe that the decision reached jointly by all parties on February 3rd to pursue a Model Middle School 'build-new' alternative effectively eliminated further meaningful consideration of any renovation/expansion/repair option. The article's proponents acknowledge the need for renovation, expansion, and repair of the Middle School, but they believe that the costs of the two 'Renovation/Addition' options presented by the School Building Committee to the Board of Selectmen on August 16, 2011 are unnecessarily high. Instead, proponents think that a \$100,000 - \$150,000 investment to conduct a Feasibility Study

for renovation, addition, and repair might present a viable option for Town Meeting consideration, addressing critical needs but at a potentially lower taxpayer impact.

Besides the possibility of a lower financial impact on taxpayers, the article's proponents cite the School Master Plan Review Committee's 2010 report in which enrollment in the Middle School is expected to peak in the academic year 2015-2016 (1079 students), while then declining to slightly below current levels (942 students) by the academic year 2019-2020. A different agency, the Metropolitan Area Planning Council, forecasts a similar picture with a plateau of the student-aged population between 2020 and 2030.

This article contemplates funding of the proposed Feasibility Study by a withdrawal from 'available reserves' not to exceed \$150,000. The article's proponents are mindful of the necessity for continued careful stewardship of the Town's Fund Balance—effectively the Town's savings account—and are equally aware of its close monitoring by the bond-rating agencies that assign the Town's credit rating. However, proponents contend that the significant potential savings to the Town's taxpayers justifies use of this funding source. Were this \$150,000 appropriation to be approved, it would reduce the Town's Fund Balance as of June 30, 2011 by roughly 1.1%.

This proposed article was received by the Advisory Committee in early September—a little over two weeks prior to the time of this writing. The Committee, therefore, has not had sufficient time to assess the factual basis of the proponents' contentions and to consider the many financial and practical implications of recommending the article as presented. Matters of much less consequence and complexity require substantially more time for the Committee to discharge adequately its duty to advise the voters at Town Meeting after performing its due diligence and vetting the issues fully in public hearings. Without placing blame on anyone for the shortness of time—and certainly without doubting the good intentions of the proponents—the fact is that the Committee has a well-known and time-tested process for addressing the issues raised by any article, and that process requires more time than was available in this instance. For this reason alone, the Committee is not prepared to recommend favorable action on the article as presented.

Notwithstanding its necessarily limited review, the Committee has concerns regarding the risk of jeopardizing the substantial financial reimbursement offered by the MSBA under the Model School Program. Deferring timely execution by the Town of the Project Funding Agreement recommended by MSBA staff for approval by its Board of Directors—due to meet on September 28, 2011—is not a course the Advisory Committee would recommend. The Committee is not willing to speculate as to what, if any, financial reimbursement might be made available to the Town after the 2012 Annual Town Meeting for renovations, repairs, and expansions whose costs are not currently known, or even susceptible at this time to reliable estimation. In a letter dated September 21, 2011, the MSBA advised Superintendent Galo as follows:

"If Hingham were to decide now that it wanted to pursue an addition/renovation option for the Middle School, the Town not only would have to conduct further studies, but it would have to secure an additional vote of the MSBA Board of Directors approving such an option. This would result in delays for the project. And, given that the MSBA's Board of Directors has authorized a new, model school as the most feasible, efficient, and cost-effective solution, the likelihood of an affirmative vote for an addition/renovation project is, at best, unknown"

In these circumstances, it does not seem prudent to recommend favorable action on the article as proposed.

RECOMMENDED: That no action be taken on this article.

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 three 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; Precinct 6A: The Derby Clubhouse Building, 302 Linden Ponds Way, on SATURDAY, the Twenty-ninth day of October 2011 at EIGHT O'CLOCK in the forenoon, then and there to give in their votes "Yes" or "No" on the following ballot questions:

1. Shall the Town be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in connection with professional fees, constructing, equipping and furnishing a new middle school to be located at 1103 Main Street (Lot 12 on Assessors' Map 197)?

2. Shall the Town be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in connection with replacement of the high school track, repair of the high school tennis courts, as well as professional fees and design construction documents for Phase II of the High School Fields Improvement Project?

The polls for the reception of ballots as aforesaid will be open at eight o'clock in the forenoon and remain open until eight o'clock in the evening

And you are directed to serve this warrant by causing an attested copy thereof to be posted in the Town Hall fourteen 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 twenty-ninth day of September 2011.

Given under our hands at Hingham this twenty-seventh day of September in the year of our lord two thousand eleven.

John A. Riley
Laura A. Burns
L. Bruce Rabuffo

A True Copy
Attest:

Kathleen A Peloquin
Constable of Hingham
September 27, 2011

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, fourteen 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
September 29, 2011

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