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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. All motions must be seconded.
- If the Advisory Committee is recommending an **affirmative motion** under an article, its motion will be received as the main motion under the article. A voter may propose to amend this motion either to change it in part or to substitute a whole new motion (sometimes called a "substitute motion"). In any such case, the proposed amendment will be taken up and voted on first and then the main motion, as it may have been amended, will be acted upon.
- If the Advisory Committee is recommending **no action** under an article and a voter offers an affirmative motion, the voter's motion will be received as the main motion under the article. Such a motion is likewise subject to amendment.
- All **motions and proposed amendments** involving the expenditure of money must be **in writing**. So must all other motions and proposed amendments unless they are so brief and simple as to be easily understood when stated orally (e.g., motion for the previous question, motion to adjourn). Voters are welcome to seek the assistance of counsel for the Town in preparing motions or proposed amendments.
- **Limits on speaking:** No one may speak on any subject for more than six (6) minutes for the first time or for more than three (3) minutes for the second time. No one may speak more than twice on any question unless all others who have not spoken on the question shall have spoken if they desire to do so, and unless leave of the meeting is first obtained. A person may speak more than twice, 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.
- At a **Special Town Meeting**, no money may be appropriated for any purpose if the Advisory Committee recommends against the appropriation, except by a **two-thirds vote** of the meeting.
- No vote may be **reconsidered** except after a **two-thirds vote** on a motion to reconsider such vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed to pass.
- A vote adopted at one session of the town meeting may not be **reconsidered at a later (adjourned) session** of the meeting unless the mover has given notice of his or her intention to make such a motion either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk not less than 12 hours before the hour to which adjournment has been voted and not more than 48 hours after the hour of adjournment of such session. Any motion for reconsideration pursuant to such notice of intention will be taken up at the beginning of the adjourned session.
- **Articles** in the warrant are to be acted upon **in their order** unless the meeting otherwise determines by majority vote.
- A **motion to adjourn** the meeting to a later time is a privileged motion and is decided by majority vote without debate. When the warrant is completed, a **motion to dissolve** the meeting is in order.
- A **quorum** for the transaction of business is **300**. Once a quorum is determined at the start of the meeting (or adjourned session), the presence of a quorum is presumed to continue unless a point of no quorum is raised and a count of the meeting shows that a quorum is not present. In that event, the meeting may be adjourned to a later date.
- **If you 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.

April 2012

Thomas L. P. O'Donnell
Moderator

REPORT OF THE ADVISORY COMMITTEE

OVERVIEW

The Advisory Committee recommends the proposed FY 2013 budget (Articles 4, 5, and 6) for Town Meeting approval.

The Town continues to strengthen its financial position while striving to maintain reasonable service levels, in spite of the cessation of Federal stimulus grants and the underfunding of State-mandated special education programs. This budget assumes modestly higher revenues derived from increases in both New Growth and Local Receipts combined with increased State Aid. The budget also contemplates equally modest expenditure growth—managed through the continued cooperation of all Town department heads and monitored through quarterly reviews by the Board of Selectmen, Town Administrator, and Town Accountant. The resulting FY 2013 budget proposal is balanced without assuming a tax-levy operating override.

However, the fragility of the country's economic recovery, the uncertain impact of the euro zone's sovereign debt crisis on domestic lending, and the effect of Middle East political turmoil on energy prices are all compelling reasons to stay the conservative course upon which the Town has embarked following the economic collapse of 2008. Revenue to fund Town services is projected to grow only minimally for the next several years.

In developing the proposed FY 2013 budget, the Advisory Committee has been mindful of three important considerations: (1) delivery of Town services in the most cost-effective manner possible; (2) the impact of the Committee's recommendations on residential property taxes; and, (3) maintenance of the Town's Aaa bond rating.

- (1) The Board of Selectmen, Personnel Board, and School Committee have worked diligently this past year to ensure that Town employees are compensated fairly. The cost of employee payroll accounts for almost 56% of the Town's total FY 2013 operating budget. To deliver services in the most cost-effective manner possible, the Town has regionalized during the past year with neighboring communities for public-safety dispatch, veterans' support, and animal control.

Contractually, the Town has concluded collective bargaining negotiations with all but one unit.

However, employee compensation encompasses more than weekly paychecks. Almost 9% of the FY 2013 operating budget is allocated to health insurance premiums for both active employees and retirees. The Board of Selectmen has worked collaboratively with Town employees to take advantage of new health insurance programs which offer lower premiums for active employees through higher patient co-pays and deductibles. The Board has just finalized an agreement with employees to pass on some of the Town's estimated annual premium savings each of the next five years. Consequently, the FY 2013 budget reflects a significant reduction in Group Insurance costs, reversing the steady increase in this line-item over the past seven years. For retirees, the budget continues to fund healthcare premiums—termed Other Post-Employment Benefits or OPEB—at the full Annual Required Contribution in order that the Town will have the financial wherewithal to honor its healthcare benefit commitments to both current and future retirees.

- (2) The Advisory Committee has voted affirmatively in support of initiatives to ameliorate the residential property-tax burden. Articles presented for Town Meeting consideration include:
 - a. Growth of commercial property-tax revenues through expansion of the Town's Industrial/Office Park Sewer District as well as creation of a 43D overlay district to encourage commercial growth in the Park. Commercial development's need for dependable water supply sufficient to satisfy fire-suppression requirements is an

additional factor supporting the proposed feasibility study for acquisition of the Aquarion water company.

- b. Complementing articles for commercial revenue growth are five articles which represent initial steps in the Board of Selectmen’s multi-year initiative to ameliorate the property-tax burden for residents, especially senior citizens and military veterans. Also, funding of the Town’s needs-based Tax Work-off Program in the same amount as for FY 2012, \$40,000, is recommended—an amount more than double the funding authorized for FY 2011.

- (3) Finally, the Advisory Committee has continued to monitor the ratio of the Town’s Fund Balance to the Town’s Total Annual Expenditures—a key metric of fiscal health and effective management in evaluations by all three bond-rating agencies. The Town’s Aaa bond rating provides Town access to debt markets when other potential borrowers—with lower bond ratings—are unable to find purchasers of their riskier debt. The Aaa bond rating also means the Town can secure the lowest-possible interest rates for its bond offerings, resulting in lower debt-service costs funded by property taxes.

The FY 2013 Article 4, 5, and 6 budgets for the Town (net of the Sewer and South Shore Country Club budgets, which are financed by user fees) will change relative to the FY 2012 budget as follows:

	<u>FY 2012</u>	<u>FY 2013</u>
Municipal Departments:	\$20,637,030	\$21,397,674
School Department:	\$37,650,766*	\$40,567,321
Capital Outlay:	\$ 1,743,668	\$ 1,128,045
Employee Benefits:	\$12,674,294	\$12,198,273
Debt Service:	\$ 7,387,903	\$ 7,122,583
Insurance and Incidentals:	<u>\$ 392,250</u>	<u>\$ 391,950</u>
TOTAL	\$80,485,911	\$82,805,846

* As noted in the April 2011 *Warrant for the Annual Town Meeting*, recommended Town funding of \$37,650,766 was to be supplemented by \$783,629 of Federal grant money for a total FY 2012 School Department operating budget, net of capital outlay, of \$38,434,395.

With respect to the School Department FY 2013 operating budget, the Advisory Committee is recommending appropriation of an amount that is \$2,916,555 more than the FY 2012 funding authorization. This increase is justified by the need to backfill the cessation of FY 2012 Federal stimulus grant funding (\$783,629) and to compensate for continued State underfunding of and delayed reimbursement from the special education circuit-breaker.

The resulting School Department FY 2013 operating budget of \$40,567,321 is \$2,132,926 greater than the budget for FY 2012—an increase of approximately 5.5%. Over \$533,000 of this budget increase is due to new special education out-of-district tuition and transportation costs. While the School Department’s regular education budget grew by approximately 3.6%, the special education budget—representing over one-quarter of the total FY 2013 School Department budget—grew by almost 10.9%. Continued growth of special education costs at this rate is not sustainable by the Town. The Advisory Committee strongly recommends that a formal task force be commissioned to address the continued underfunding of and delayed reimbursement from special education out-of-district tuition and transportation costs by joining with peer communities to insist that our legislators take appropriate action to fund these significant costs at the State level.

The Advisory Committee acknowledges the challenges faced by the School Administration and School Committee in managing this complex operation and appreciates the cooperative spirit in which the FY

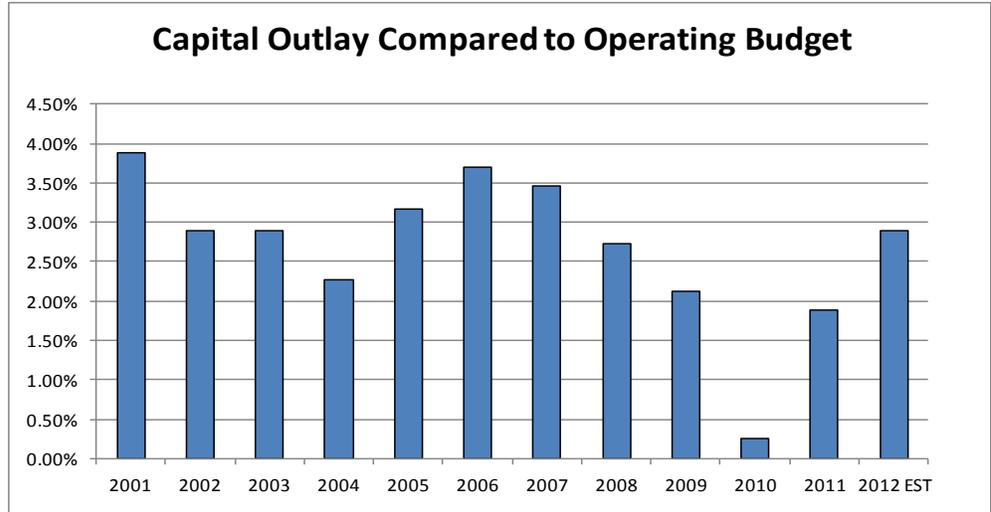
2013 budget recommendation was crafted. The Advisory Committee would also like to acknowledge and thank each of the municipal department heads for the cooperation, creativity, and fiscal responsibility demonstrated in another difficult budget year.

FINANCIAL POLICY CONFORMANCE

Expenditures in the proposed FY 2013 Article 6 budget conform to the Town’s *Financial Policy* guidelines as follows:

- **Fund Balance between 14% and 18% of Total Annual Expenditures**
 - Fund Balance reserves have increased from 8.9% of Total Annual Expenditures for FY 2009 to 16.7% at the completion of FY 2011. However, approximately \$3,411,863 or 25% of Fund Balance revenue is ‘reserved’ for particular future uses since the revenue has unique, specialized sources—real-estate sales, the Stabilization Fund, mooring permits, meals tax, and sewer betterments
 - The ratio of the remaining FY 2011 ‘unassigned’ Fund Balance to Total Annual Expenditures is 12.7%

- **Capital Expenditures between 2% and 5% of the Operating Budget**
 - The proposed capital expenditures funded from the tax levy or other recurring revenues account for 2.3% of the proposed FY 2013 operating budget
 - The Town’s capital outlay continues to be somewhat underfunded—a situation which warrants ongoing focus and gradual improvement throughout the term of the *Five-Year Capital Plan*



- For FY 2013, the Capital Outlay Committee reviewed and evaluated departmental spending requests using the following six criteria, in descending order of importance:
 - If lack of the capital item puts citizen safety at risk
 - If the capital item is broken
 - If the department cannot function without the capital item
 - If the capital item is still functional but repairs are required that would cost 25% or more of the new item purchase price
 - If the capital item is substantially over its projected life and its failure would jeopardize performance of the department’s overall mission
 - If the cost of the capital item can be recovered in three years or less

- From initial capital requests in excess of \$2,600,000, the Capital Outlay Committee (COC) recommended an FY 2013 capital budget funded from the tax levy of \$1,485,045
 - \$244,000 of the DPW's FY 2013 requested capital outlay will be funded from the DPW's FY 2012 Snow & Ice budget surplus
 - Subsequent to the COC's recommendation, the Trustees of the Bathing Beach reduced their original capital outlay request in favor of expending \$53,000 of mooring-permit revenue on a Seaport Bond Council study preparatory to a grant application
 - Subsequent to the COC's recommendation, the School Committee voted to reduce the School Department's requested capital budget by \$50,000

- Taking the aforementioned into account, the Advisory Committee recommends a capital budget of \$1,128,045 funded from the tax levy

- The Advisory Committee recommends that an additional \$267,900 be expended on capital outlays for the Sewer Commission (\$62,900), Recreation Commission (\$95,000), and South Shore Country Club (\$110,000)—all funded by user rates and/or charges

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

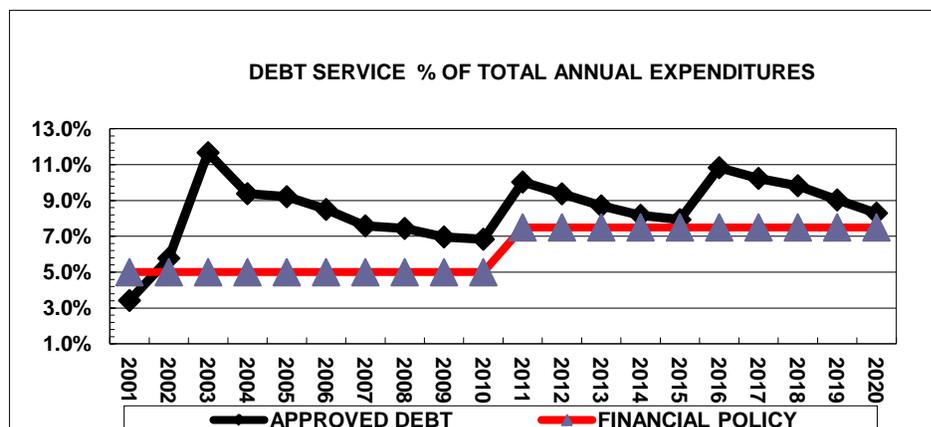
 - In FY 2011, Reserve Fund transfers were made as follows:

RESERVE FUND TRANSFERS – FY 2011	
<u>DEPARTMENT</u>	<u>AMOUNT</u>
Emergency Water	\$6,478
Library	\$10,000
Police	\$7,485
Harbormaster	\$7,237
Town Hall	\$21,000
Snow & Ice	\$476,920
Legal	\$794,000
Selectmen's Engineering	\$11,325
Total FY 2011 Reserve Fund Transfers	\$1,334,445

- Unexpended Reserve Fund revenue for a fiscal year, if any, is returned to Fund Balance effective the end of that fiscal year

- The proposed FY 2013 Reserve Fund appropriation is 0.87% of the operating budget

- Long-term financial obligation and liability funding
 - Contributory Retirement and OPEB are funded as required by law and—in light of the recommendation to fund each at 100% of the Annual Required Contribution—should not burden future generations with unsustainable or disproportionate financial obligations
- Caution in incorporating long-term revenue-growth assumptions
 - The projection of New Growth revenue for FY 2013 and beyond is based on the extrapolation of building-permit activity and other indicators of the local economic outlook
 - Similarly, future Local Receipts revenue—primarily from Motor Vehicle Excise taxes—is tracked carefully and forecast conservatively
- Non-recurring revenues and long-term costs
 - Local Receipts are non-recurring revenues and are deposited in Fund Balance unless Town Meeting directs otherwise
 - The Board of Selectmen and Advisory Committee continue to require full life-cycle cost projections for incorporation in budget forecasts whenever new operating and/or capital funding requests are presented
- Debt service between 5% and 7.5% of Total Annual Expenditures
 - With the re-financing of selected Town debt to take advantage of the currently low interest rates, debt service represents 8.2% of FY 2013 Total Annual Expenditures—down from 8.7% for FY 2012
 - However, the debt exclusion for constructing, furnishing, and equipping a new middle school—approved by the October 2011 Special Town Meeting—will likely increase the debt-service portion of projected Total Annual Expenditures through FY 2020. Without additional borrowing, debt service would return within *Financial Policy* guidelines by FY 2020
 - The graph below shows currently-authorized debt only



- Financial Policy review every three years
 - During FY 2012, the Advisory Committee reviewed and approved, without modification, the Town's *Financial Policy*, which was last revised in June, 2010

REVENUE SOURCES AND USES

Not surprisingly, the Town's fiscal year budgets are constrained by the amount of revenue forecast to be available—FY 2013 is no exception.

A balanced budget for FY 2013 must include both the proposed Total Appropriation of \$87,109,413 from Articles 4, 5, and 6 as well as amounts reserved for State Assessments, Overlay, and Other Expenses totaling \$1,238,171.

The aggregate budget Uses for FY 2013 of \$88,347,584 balance to the forecast revenue Sources of \$88,351,293 with a projected Excess of approximately \$3,700.

	ACTUALS FY2011	ESTIMATE FY2012	FORECAST FY2013	FORECAST FY2014	FORECAST FY2015	FORECAST FY2016	FORECAST FY2017
SOURCES							
Tax Levy							
Levy	56,675,985	58,752,874	60,922,624	63,295,690	65,728,082	68,221,284	70,776,816
2 1/2 % increase	1,416,900	1,468,822	1,523,066	1,582,392	1,643,202	1,705,532	1,769,420
New growth	659,989	700,929	850,000	850,000	850,000	850,000	850,000
Debt exclusions	3,731,987	3,672,711	3,570,206	3,551,003	6,449,186	6,300,462	6,057,831
Total Tax Levy	62,484,861	64,595,336	66,865,896	69,279,085	74,670,470	77,077,278	79,454,067
Other Revenue							
State Aid	9,011,111	9,032,477	9,717,476	9,717,476	9,717,476	9,717,476	9,717,476
Local Receipts(0% Inc/Yr in FY2013, 2.5	7,108,947	6,864,353	6,964,353	7,138,462	7,316,923	7,499,846	7,687,343
Fund Balance	0	886,500	53,000	0	0	0	0
SSCC	1,801,473	1,919,861	1,921,499	1,921,499	1,921,499	1,921,499	1,921,499
Sewer	2,303,125	2,302,348	2,329,069	2,509,313	2,706,000	2,920,730	3,155,256
Light Plant	513,530	450,000	500,000	500,000	500,000	500,000	500,000
Other			0	0	0	0	0
Total Other Revenue	20,738,186	21,455,539	21,485,397	21,786,750	22,161,898	22,559,551	22,981,574
TOTAL SOURCES	83,223,047	86,050,875	88,351,293	91,065,835	96,832,368	99,636,829	102,435,641
USES							
State Assessments	777,201	794,364	788,171	804,173	824,277	844,884	866,006
Overlay	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Other expenses / deficits	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Total	1,227,201	1,244,364	1,238,171	1,254,173	1,274,277	1,294,884	1,316,006
Capital Outlay*	1,037,930	1,816,118	1,243,945	2,000,000	2,000,000	2,000,000	2,000,000
Article 6	79,745,422	82,590,002	85,540,468	87,666,995	92,683,104	94,702,931	96,882,254
Article 4&5	0	301,572	325,000	635,024	951,249	1,273,798	1,602,798
Other articles	15,000	75,000	0	0	0	0	0
Total appropriation	80,798,352	84,782,692	87,109,413	90,302,019	95,634,353	97,976,729	100,485,052
TOTAL USES	82,025,553	86,027,056	88,347,584	91,556,192	96,908,630	99,271,613	101,801,058
EXCESS (SHORTFALL)	1,197,494	23,819	3,709	(490,357)	(76,262)	365,216	634,583
* Tax Levy-funded							

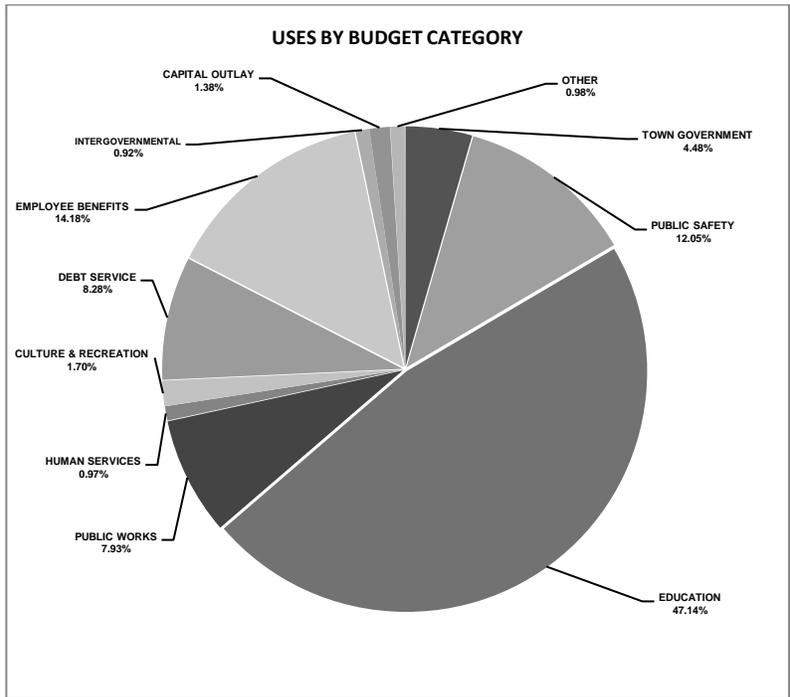
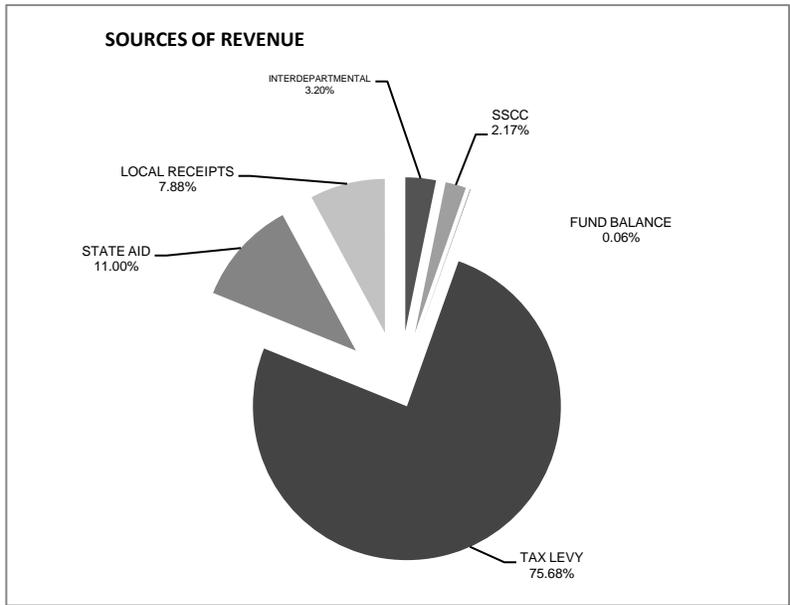
In the chart above, Tax Levy New Growth revenue is forecast to increase somewhat from FY 2012 and to remain flat for the next several years. Additional Linden Ponds development is not anticipated within the forecast horizon, and uncertainty regarding possible MBTA cost-cutting may negatively impact future Hingham Shipyard residential and commercial development.

With regard to particular Other Revenue line-items:

- Fund Balance of \$53,000 is mooring-permit revenue for use by the Trustees of the Bathing Beach on a Seaport Bond Council study
- SSCC (South Shore Country Club) revenues of \$1,921,499 fully offset operating costs, capital expenses, and employee benefits costs, all of which are included in the Article 6 Uses total

- Sewer revenues of \$2,329,069 fully offset sewer operating, debt, capital expense, and employee benefits costs, all of which are included in the Article 6 Uses total
- Light Plant revenue of \$500,000 is a Payment In Lieu Of Taxes (PILOT)
 - As an interim measure—while discussions are ongoing with the Light Plant and affected residents—the FY 2013 budget for Public Safety Utilities has been increased by \$47,000

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



ADVISORY COMMITTEE RECOMMENDATIONS

The amounts presented in Articles 4, 5, and 6 comprise the FY 2013 budget recommendations of the Advisory Committee.

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

The Advisory Committee is a proxy for Town Meeting—the legislative body of the Town. The Advisory Committee has studied, discussed, and recommended; Town Meeting will make the final decisions regarding the proposed FY 2013 budget and the Warrant's other articles.

We are most grateful for the assistance and support of Town Administrator Ted Alexiades, Assistant Town Administrator Betty Foley, Town Accountant Sue Nickerson, and the Committee's administrative point-person, Lynn Phillips—their diligence and timely support has enabled us to better represent and serve you. Special thanks for his wise counsel and congratulations on his 45 years of service to Hingham are extended to our outgoing Town Moderator, Tom O'Donnell.

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

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

THE ADVISORY COMMITTEE

Jonathan R. Asher, Chairman
Karen A. Johnson, Vice-Chairman
Gregory M. MacCune, Secretary
Daniel J. Dwyer
Elizabeth A. Eldredge
Amy W. Farrell
Dennis C. Friedman
Richard J. Innis
Linda K. Kutsch
Craig D. MacKay
Laura E. Marwill
Mary M. Power
Thomas J. Pyles
James A. Sharkansky
James W. Taylor

REPORT OF THE BOARD OF SELECTMEN

The economy is continuing to show slow signs of recovery as we prepare for Fiscal Year 2013. However, the pace is slow and the Town will continue to conservatively manage its way through this time of transition.

The Board is pleased to report that despite a series of economically challenging budget years the recommended budget for Fiscal Year 2013 is structurally sound. It is the culmination of several years of effort in belt tightening. Two years ago this Board of Selectmen set three goals for the budget process. These goals were (1) halting the downward trend in fund balance; (2) ceasing the practice of using the Town's fund balance to fund capital needs; and (3) appropriating to a trust fund to meet the liability for retiree health care benefits in the future. We are able to report that these goals are being met: (1) the Town's fund balance has climbed to a level more consistent with our Financial Policy; (2) the recommended appropriations for capital expenditures are from the tax levy; and (3) the recommended budget funds the liability for retiree health care (OPEB) at 100% of the Annual Required Contribution.

The Board is cognizant of the economic realities our citizens face each day. There are five articles on the Warrant that propose tax relief. Articles 14, 15 and 16 would provide tax relief to seniors, surviving spouses and minors by revising income and asset limits for eligibility. Article 17 would provide a real estate tax exemption for military reservists or National Guard personnel while deployed to a foreign country. Article 18, if adopted, exempts former prisoners of war from motor vehicle excise tax. These are first steps in what is hoped to be an effort for broad-based tax relief.

The Board has been active in efforts to support the development and redevelopment of the South Hingham Overlay District. The successful redevelopment of this area would generate increased revenues without the costs associated with residential development. This effort is consistent with the Town's master plan.

In January the Board voted to implement the provisions of Health Insurance Reform as provided in the Municipal Relief Act. A strong spirit of cooperation among the various members of the Public Employee Committee and the Town resulted in an agreement on a revised health insurance program. The new insurance offering will result in lower rates for active employees and non-Medicare eligible retirees. A portion of the rate savings will be available to members to offset the impact of certain higher co-pays. The reduced cost of health insurance to the Town is reflected in the recommended Contributory Group Insurance appropriation in Article 6. The reduction in health care costs is expected to save the Town \$600,000 in FY 2013 and to help keep costs lower going forward.

The pace of activity around the harbor has picked up. The Fall Special Town Meeting authorized the Trustees of the Bathing Beach to pursue special legislation for a renovated bathhouse and snack shop; a new coffee shop has opened in the building near the Town Pier; and the Community Preservation Committee recommends, and this Board supports, a pedestrian bridge connecting the Iron Horse Park area to Whitney Wharf.

The Town has completed the regionalization of public safety dispatch services. The Towns of Hingham, Hull, Norwell and Cohasset are now providing dispatch from a state-of-the-art facility located in the Hingham Town Hall. This facility was built and furnished with funds provided by state grants. Animal Control services are currently shared with the Town of Hull, and the Towns

of Hingham and Scituate are sharing veterans services led by our Director of Veterans' Services, Keith Jermyn.

Finally the Board extends its thanks to our staff, all the Town employees and the countless volunteers who are so generous with their time and talents to service the Town.

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

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

To either of 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-third day of April 2012 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, and

2. One Trustee of the Bathing Beach to fill a vacancy in accordance with Chapter 75 of the Massachusetts Acts of 1934,

or act on anything relating thereto.

(Inserted by the Board of Selectmen)

COMMENT: The Hannah Lincoln Whiting Fund was established in 1915 pursuant to the will of Ada B.W. Bacon in memory of her mother, "...to be expended in relieving the necessities of the deserving poor or unfortunate of South Hingham..." Grants from the income of the fund are made at the discretion of a committee of three members, one of whom is elected each year by the Town. As of December 31, 2011, the fund assets totaled \$15,636 of which \$636 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

Trustees of the Bathing Beach are elected at town meeting and serve for an "indeterminate tenure." The vacancy being filled resulted from the resignation of Peter Fee, who had served as a Trustee for many years.

RECOMMENDED: 1. That Louis Belknap, 437 Main Street, be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years; and 2. that Edward Johnson, 108 Ward Street, be elected a Trustee of the Bathing Beach in accordance with Chapter 75 of the Massachusetts Acts of 1934.

ARTICLE 2. Will the Town assume liability in the manner provided by General Laws, Chapter 91, Section 29, as amended, for all damages that may

be incurred by work to be performed by the 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?

(Inserted by the Board of Selectmen)

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

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

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

Planning Committee; and Water Supply Committee, or act on anything relating thereto.
(Inserted by the Board of Selectmen)

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

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

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

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

RECOMMENDED: That the report of the Personnel Board, a copy of which is on file in the Town Clerk's Office, be accepted; that the amendments of the Personnel By-Law, including the Classification and Salary Plan, and any agreements reached by the Personnel Board in collective bargaining, which may be embodied or

referred to in said report, be approved and adopted in their entirety, such approval and adoption to become effective July 1, 2012 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$325,000 for the purpose of this vote; and that the Town Accountant is hereby authorized and instructed to allocate said sum to and among the several Personal Services and Expense Accounts in such amounts, respectively, as are proper and required to meet such amendments and to comply with such collective bargaining agreements as may be entered into by the Board of Selectmen on behalf of the Town.

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

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

RECOMMENDED: That, subject to the proviso below, and so long as these are elected positions, the salary from July 1, 2012 through June 30, 2013 for each of the following officers shall be at the rates below stated or provided after the name of the office.

Town Clerk¹ and Treasurer/Collector in accordance with the compensation rates established in Grade 15 and Grade 17, respectively, of the Town of Hingham Classification and Salary Plan of the Personnel By-Law.

Selectmen: at the request of the Board of Selectmen, at the annual rate of \$1,750 each, except that the Chair shall receive an annual rate of \$2,250 for the period of incumbency.

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

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

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

¹ 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, 2012, 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, 2012, the sum of money stated therefor, provided that where a transfer appropriation is stated, the amount so indicated shall be transferred or specifically appropriated as stated; also that the authority is hereby given to turn in vehicles and equipment in part payment for vehicles and equipment purchased in those cases where a turn-in is stated; and provided that any amount or a portion thereof appropriated to a sub-account under and included in a numbered account as set forth below may be transferred to another sub-account under the same numbered account with the approval of the Board of Selectmen and the Advisory Committee.

	Fiscal 2011 <u>Expended</u>	Fiscal 2012 <u>Appropriated</u>	Advisory Fiscal 2013 <u>Recommended</u>
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	396,802	390,730	413,736
Expenses	35,806	41,105	32,915
Capital Outlay	0	0	0
Total	432,608	431,835	446,651
132 RESERVE FUND	1,334,445	550,000	550,000
135 TOWN ACCOUNTANT			
Payroll	310,538	321,887	333,402
Expenses	35,012	12,555	12,555
Capital Outlay	104,324	108,500	55,500
Audit	61,590	55,000	55,000
Information Technology	79,193	136,026	129,526
Total	590,657	633,968	585,983
141 ASSESSORS			
Payroll	257,756	277,888	194,961
Expenses	10,406	11,587	11,587
Capital Outlay	0	0	0
Consulting	16,232	7,500	69,800
Map Maintenance	0	6,000	6,000
Total	284,394	302,975	282,348
145 TREASURER/COLLECTOR			
Payroll	286,170	286,441	291,334
Expenses	40,498	47,808	44,308
Capital Outlay	0	0	0
Tax Titles	13,301	10,000	10,000
Total	339,969	344,249	345,642

	Fiscal 2011	Fiscal 2012	Advisory Fiscal 2013
	<u>Expended</u>	<u>Appropriated</u>	<u>Recommended</u>
151 LEGAL SERVICES	895,287	232,000	232,000
159 TOWN MEETINGS			
Payroll	1,940	4,692	2,692
Expenses	20,485	38,900	28,300
Total	22,425	43,592	30,992
161 TOWN CLERK			
Payroll	160,291	163,368	165,581
Expenses	4,849	6,957	7,707
Total	165,140	170,325	173,288
162 ELECTIONS			
Payroll	15,422	16,850	17,350
Expenses	15,613	24,060	18,160
Capital Outlay	0	0	0
Total	31,035	40,910	35,510
173 COMMUNITY PLANNING			
Payroll	573,443	572,697	580,836
Expenses	26,148	53,941	56,857
Capital Outlay	13,335	0	0
Total	612,926	626,638	637,693
177 BARE COVE PARK			
Payroll	15,510	15,606	15,857
Expenses	5,330	5,333	5,333
Capital Outlay	0	0	0
Total	20,840	20,939	21,190
192 TOWN HALL			
Payroll	179,355	171,431	174,942
Expenses	387,038	377,593	379,693
Capital Outlay	0	94,000	49,695
Total	566,393	643,024	604,330
193 GRAND ARMY MEMORIAL HALL	10,115	12,491	12,207
TOTAL GENERAL GOVERNMENT	<u>5,306,234</u>	<u>4,052,946</u>	<u>3,957,834</u>

	Fiscal 2011	Fiscal 2012	Advisory Fiscal 2013
	<u>Expended</u>	<u>Appropriated</u>	<u>Recommended</u>
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$401,366)	4,020,419	4,137,078	4,411,314
Expenses	301,245	298,626	307,600
Capital Outlay	102,454	155,000	211,657
Total	4,424,118	4,590,704	4,930,571
220 FIRE DEPARTMENT			
Payroll (Overtime \$453,120)	3,967,023	3,967,478	4,058,319
Expenses	319,077	322,029	353,584
Capital Outlay	82,188	368,500	185,500
Total	4,368,288	4,658,007	4,597,403
240 DISPATCH SERVICES			
Payroll	420,247	474,263	0
Expenses	2,825	5,000	523,000
Total	423,072	479,263	523,000
244 WEIGHTS AND MEASURES			
Payroll	10,883	10,836	0
Expenses	670	475	0
Total	11,553	11,311	0
291 EMERGENCY MANAGEMENT			
Payroll	9,243	9,243	0
Expenses	832	2,580	0
Total	10,075	11,823	0
292 ANIMAL CONTROL			
Payroll	36,734	44,700	32,456
Expenses	1,464	3,700	3,700
Total	38,198	48,400	36,156
295 HARBORMASTER			
Payroll	105,859	109,145	126,165
Expenses	30,557	34,266	42,266
Total	136,416	143,411	168,431

	Fiscal 2011 <u>Expended</u>	Fiscal 2012 <u>Appropriated</u>	Advisory Fiscal 2013 <u>Recommended</u>
299 PUBLIC SAFETY UTILITIES			
Emergency Water	247,359	326,500	326,500
Street Lighting	136,000	136,000	183,000
Total	<u>383,359</u>	<u>462,500</u>	<u>509,500</u>
TOTAL PUBLIC SAFETY	<u><u>9,795,079</u></u>	<u><u>10,405,419</u></u>	<u><u>10,765,061</u></u>
EDUCATION			
300 SCHOOL DEPARTMENT			
Payroll	29,222,835	30,299,202	33,068,726
Expenses	6,089,402	7,351,564	7,498,595
Capital Outlay	317,163	329,327	429,444
TOTAL EDUCATION	<u><u>35,629,400</u></u>	<u><u>37,980,093</u></u>	<u><u>40,996,765</u></u>
PUBLIC WORKS AND FACILITIES			
405 PROJECT ENGINEERING			
Payroll	193,881	199,013	202,968
Expenses	95,140	19,000	19,000
Capital Outlay	0	325,000	0
Road Building/Construction	0	150,000	225,000
Total	289,021	693,013	446,968
420 HIGHWAY/RECREATION/TREE & PARK			
Payroll (Overtime \$44,441)	1,528,525	1,600,032	1,685,681
Expenses	303,746	354,101	374,730
Capital Outlay (\$244,000 from available reserves)	232,602	321,000	24,000
Snow Removal	976,920	500,000	504,325
Resurfacing	277,021	277,835	277,835
Total	3,318,814	3,052,968	2,866,571
430 LANDFILL/RECYCLING			
Payroll (Overtime \$21,461)	365,791	423,721	425,243
Expenses	935,889	845,241	843,271
Capital Outlay	103,554	10,000	65,000
Total	1,405,234	1,278,962	1,333,514

	Fiscal 2011 <u>Expended</u>	Fiscal 2012 <u>Appropriated</u>	Advisory Fiscal 2013 <u>Recommended</u>
440 SEWER COMMISSION			
Payroll	312,214	314,458	322,789
Expenses	218,188	240,376	240,492
Capital Outlay	62,310	72,450	62,900
Engineering	9,500	10,000	10,000
MWRA Charges	1,434,012	1,508,713	1,576,735
Debt Service	52,422	46,969	0
Hull Intermunicipal Agreement	102,464	109,382	116,153
Total	2,191,110	2,302,348	2,329,069
The sum of \$ 2,329,069 shall be funded from Sewer revenue.			
TOTAL PUBLIC WORKS	7,204,179	7,327,291	6,976,122
HUMAN SERVICES			
510 HEALTH DEPARTMENT			
Payroll	250,671	268,853	279,739
Expenses	14,073	18,135	18,135
Total	264,744	286,988	297,874
541 ELDER SERVICES			
Payroll	181,043	183,207	186,616
Expenses	35,154	20,774	15,665
Capital Outlay	0	12,341	0
Tax Work Off Program	10,750	40,000	40,000
Total	226,947	256,322	242,281
543 VETERANS' SERVICES			
Payroll	44,682	41,200	46,524
Expenses	5,417	6,300	4,431
Benefits	176,142	218,000	233,700
Total	226,241	265,500	284,655
545 HEALTH IMPERATIVES	2,500	2,500	2,500
546 SOUTH SHORE WOMEN'S CENTER	0	3,500	3,500
TOTAL HUMAN SERVICES	720,432	814,810	830,810

	Fiscal 2011 <u>Expended</u>	Fiscal 2012 <u>Appropriated</u>	Advisory Fiscal 2013 <u>Recommended</u>
CULTURE AND RECREATION			
610 LIBRARY			
Payroll	1,071,964	1,096,055	1,118,246
Expenses	242,402	234,111	238,927
Capital Outlay	20,000	20,000	107,249
Total	1,334,366	1,350,166	1,464,422
630 RECREATION COMMISSION			
Payroll	61,263	67,738	72,750
Expenses	0	0	0
Capital Outlay	0	0	0
Total	61,263	67,738	72,750
650 TRUSTEES OF BATHING BEACH			
Payroll	14,285	16,374	16,701
Expenses	4,856	5,825	5,825
Capital Outlay (from available reserves)	0	0	53,000
Total	19,141	22,199	75,526
692 CELEBRATIONS			
	10,657	11,150	10,819
TOTAL CULTURE & RECREATION	1,425,427	1,451,253	1,623,517
ENTERPRISE FUND			
720 COUNTRY CLUB			
The total sum of \$1,921,499 shall be funded from Country Club revenue.	1,792,901	1,919,861	1,921,499
TOTAL ENTERPRISE FUND	1,792,901	1,919,861	1,921,499
DEBT SERVICE			
710 DEBT SERVICE			
(\$3,570,206 IS EXCLUDED FROM PROPOSITION 2 1/2)	7,324,764	7,387,903	7,122,583
TOTAL DEBT SERVICE	7,324,764	7,387,903	7,122,583

	Fiscal 2011 <u>Expended</u>	Fiscal 2012 <u>Appropriated</u>	Advisory Fiscal 2013 <u>Recommended</u>
EMPLOYEE BENEFITS			
900 CONTRIBUTORY GROUP INSURANCE	6,424,898	7,200,000	6,454,000
900 OTHER POST-EMPLOYMENT BENEFITS	905,216	975,997	1,054,299
910 CONTRIBUTORY RETIREMENT	2,955,856	3,527,568	3,646,653
911 NON-CONTRIBUTORY PENSIONS	12,077	15,437	0
912 WORKERS' COMPENSATION	300,000	300,000	300,000
913 UNEMPLOYMENT	50,880	25,000	50,000
914 MANDATORY MEDICARE	549,769	630,292	693,321
TOTAL EMPLOYEE BENEFITS	11,198,696	12,674,294	12,198,273
UNCLASSIFIED			
901 INSURANCE Fire, Public Liability, Property Damage,etc.	381,000	381,000	381,000
940 CLAIMS AND INCIDENTALS Claims and Incidentals	5,240	11,250	10,950
TOTAL UNCLASSIFIED	386,240	392,250	391,950
GRAND TOTAL	80,783,352	84,406,120	86,784,414

ARTICLE 7. Will the Town appropriate, from the receipts of the Hingham Municipal Lighting Plant, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2012, pursuant to Sections 57 and 57A of Chapter 164 of the General Laws, and provide for the disposition of any surplus receipts, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

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

RECOMMENDED: That, with the exception of \$500,000, which is hereby transferred to the General Fund to reduce the tax rate, all funds received by the Municipal Lighting Plant during the fiscal year commencing July 1, 2012, 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 authorize, but not require, the Board of Selectmen to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board deems in the best interest of the Town, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: The Town benefits from many easements over private property throughout Hingham. From time to time, the Town, and particularly its Department of Public Works, requires new easements in order to complete roadway and other public works projects. At times, the Town receives requests from private property owners to relocate easements held by the Town on their property. In the coming year, for example, it is anticipated that the owner of private property on Beal Street will relocate a Town storm water drain and grant to the Town a new easement to accommodate that drain. Under Massachusetts law, Town Meeting approval is required for the Board of Selectmen to accept such easements.

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

RECOMMENDED: That the Town authorize, but not require, for a period through April 30, 2013, the Board of Selectmen to accept grants of easements for purposes of streets, sidewalks, pedestrian walkways, or water, drainage, sewage, or utility facilities on terms and conditions that the Board deems in the best interests of the Town.

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 thereto?

(Inserted by the Board of Selectmen)

COMMENT: The purpose of this article is to continue the "Building Department Revolving Fund," which provides payments to the Assistant Building Inspectors for performing electrical, gas, and plumbing inspections. For the fiscal year ended June 30, 2011, the fund had \$193,268.40 in revenues and \$176,442.01 in expenditures. For the six-month period ended December 31, 2011, the fund had \$127,535.00 in revenues and \$78,592.12 in expenditures.

RECOMMENDED: That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund in the Building Department. Departmental receipts for building inspections performed by the Assistant Building Inspectors shall be credited to the fund. Moneys shall be spent primarily to compensate such inspectors for their services. The Building Commissioner, or functional equivalent, shall be authorized to spend moneys from the fund. The amount that

may be spent from the fund shall be limited to \$250,000 during Fiscal Year 2013.

ARTICLE 10. Will the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, so as to establish and define the terms of a departmental revolving fund for the Council on Aging, or act on anything relating thereto?

(Inserted at the request of the Council on Aging)

COMMENT: The purpose of this article is to continue the "Elder Services Revolving Fund," which is credited with all fees and charges received from Senior Center programs, and to authorize the expenditure of such funds to be expended under the direction of the Director of Elder Services for Senior Center programs. This revolving fund was established by vote of the 2011 Annual Town Meeting effective July 1, 2011. For the six-month period ended December 31, 2011, the fund had \$24,607.60 in revenues and \$21,297.64 in expenditures. The Director of Elder Services has requested that the annual limit that can be spent from the fund be raised from \$50,000 to \$60,000 in anticipation of increased expenses to be covered by the fund such as fuel expenses.

RECOMMENDED: That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the establishment of such a fund for the Department of Elder Services. Departmental receipts for all fees and charges received from Senior Center programs shall be credited to the fund. Moneys shall be spent for Senior Center programs and related expenses. The Director of Elder Services, or functional equivalent, shall be authorized to spend moneys from the fund. The amount that may be spent from the fund shall be limited to \$60,000 during Fiscal Year 2013.

ARTICLE 11. 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 2012, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: This article is included each year in the event the existing Reserve Fund is not adequate to cover unbudgeted and unanticipated expense for the balance of the current fiscal year (FY 2012). At this time, the Town does not have a need for additional funds in the Reserve Fund in FY 2012.

RECOMMENDED: That no action be taken on this article.

ARTICLE 12. Will the Town appropriate a sum or sums of money from the Stabilization Fund and/or from available reserves for the purpose of reducing the tax rate, or act on anything relating thereto? (Inserted by the Board of Selectmen)

COMMENT: Pursuant to a prior Town Meeting vote, the proceeds from the sale of the former school administration building, municipal light plant building and the former police station were deposited in the Stabilization Fund for future tax reduction. This amount was augmented last year by the addition of bond premiums associated with excluded debt. This article would transfer a portion of the Stabilization Fund for the purpose of reducing the Fiscal Year 2013 tax rate.

RECOMMENDED: That the Town appropriate the sum of \$176,629 from the Stabilization Fund for the purpose of reducing the Fiscal Year 2013 tax rate.

ARTICLE 13. Will the Town transfer from available funds, a sum of money into the Meals Tax Stabilization Fund, or act on anything related thereto?

(Inserted by the Board of Selectmen)

COMMENT: In 2009, the Legislature approved a new local-option meals tax to provide a measure of relief for towns facing budget shortfalls, in part due to cuts in State aid. The 2010 Annual Town Meeting voted to levy a tax of 0.75% on meals provided at restaurants. The Town has collected \$581,156.48 during the past four quarters as a result of the local-option levy on restaurant meals. Approval of this Article will put these funds in the Meals Tax Stabilization Fund. These funds can be withdrawn in the future only by a two-thirds Town Meeting vote.

RECOMMENDED: That the amount of \$581,156.48 be transferred from available funds into the Meals Tax Stabilization Fund.

ARTICLE 14. Will the Town increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under the M.G.L. c. 59, §5, Clause 41A from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or

after July 1, 2012, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: The purpose of this article is to help more senior citizens remain in their homes rather than face foreclosure. Approval of this article will not result in any permanent tax revenue loss to the Town.

Tax deferral is a form of tax relief available to property owners under Massachusetts General Laws Chapter 59, Section 5, Clause 41A. This statute allows taxpayers who are at least 65 years old to defer real estate tax payment until they are deceased or property ownership transfers. Tax deferral is a self-funded program that allows for deferred payment of real estate tax while charging interest at a variable rate as determined by the State. Tax deferral does not forgive or exempt tax. The Town currently has 25 participants in this tax-deferral program.

The current 41A statutory income limit for real estate tax deferral is \$40,000. Amendment to this statute in 2008 (Legislative Acts of 2008) allows a community to increase this income limit to that established by General Laws Chapter 62, Section 6(k) for the "circuit breaker" state income tax credit for single seniors who are not heads of household. This circuit breaker income limit is adjusted annually by the Commissioner of Revenue based upon changes in the cost of living; the upper income limit for the 2010 calendar year was \$51,000.

RECOMMENDED: That the Town increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under M.G.L. c. 59, § 5, Clause 41A from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2012.

ARTICLE 15. Will the Town accept M.G.L. c. 59, §5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under M.G.L. c. 59, §5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of

Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: In 1999, Annual Town Meeting adopted M.G.L. c.59, §5, Clause 17D. This clause states that citizens 70 or older, a surviving spouse or a minor with a deceased parent may qualify for an annual property tax exemption if the allowable assets (whole estate) of the Clause 17D applicant do not exceed \$40,000. Approval of this new clause, Clause 17E, will allow an increase in the asset (whole estate) limit for exemption each year in order to keep up with annual inflation rates. The Commissioner of Revenue determines this Clause 17E percentage increase in the exemption limit amount annually. This percentage increase is based upon the cost of living adjustment (COLA) and the Consumer Price Index (CPI) as determined by the Department of Labor, Bureau of Labor Statistics. Each year's increase in the asset (whole estate) limit subsequently becomes the base to which next year's increase will apply. For example, in FY 2012, the Department of Revenue COLA factor of 1.65% would have increased the asset (whole estate) limit to \$40,660. Thus, the FY 2013 base from which to increase the limit would have been \$40,660.

RECOMMENDED: That the Town accept M.G.L. c.59, §5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under M.G.L. c. 59, §5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012.

ARTICLE 16. Will the Town accept M.G.L. c.59, §5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens, surviving spouses and surviving minors under M.G.L. c.59, §5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or act on anything relating thereto? (Inserted by the Board of Selectmen)

COMMENT: The 1987 Annual Hingham Town Meeting adopted Clause 41. Since that time several

variations of this clause have been approved by the Town. Currently, citizens 65 or older may qualify for an annual property tax exemption under Clause 41C. The allowable gross receipts/whole estate limits (excluding domicile) for a single applicant are \$20,000/\$40,000, and \$30,000/\$55,000 for married applicants. Approval of this article would allow these gross receipts/whole estate limits to increase annually by a percentage determined by the Commissioner of Revenue. This percentage increase is directly related to the cost of living adjustment (COLA) and Consumer Price Index (CPI) which is determined by the Department of Labor, Bureau of Labor Statistics. Each year's gross receipts/whole estate maximum limit, after application of the Commissioner of Revenue's increase, would become the subsequent base to which the next year's increase will apply. If approved, the allowable limit would then increase each year in order to keep up with annual inflation rates. For example, in FY 2012, the Department of Revenue COLA factor of 1.65% would have increased the gross receipts/whole estate limits for a single applicant to \$20,330/\$40,660, and the married applicant limits to \$30,495/\$55,908. These limits would have then become the base for the next increase in FY 2013.

RECOMMENDED: That the Town accept M.G.L. c.59, §5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens, surviving spouses and surviving minors under M.G.L. c.59, §5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012.

ARTICLE 17: Will the Town accept Clause 56 of M.G.L. c.59, §5 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of the real and personal property taxes for any fiscal year they are serving in a foreign country, or act on anything relating thereto?

(Inserted at the request of the Veterans' Council)

COMMENT: If accepted, Clause 56 of Massachusetts General Laws Chapter 59, Section 5, would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year in which they are serving in a foreign country.

To obtain a reduction of real-estate taxes under Clause 56, a Guard member or reservist must be the assessed owner of the property as of the beginning of the fiscal year for which relief is sought. While Clause 56 allows granting either full or partial reductions, the Veterans' Council seeks approval to grant a full property tax abatement for each qualifying veteran, prorated for the portion of the fiscal year the applicant is on active duty on foreign soil. The Council's rationale is that a Guard member or reservist ordered to active duty in a foreign country will likely experience a significant income reduction transitioning from civilian employment to active military duty. That financial hardship coupled with the risk to life and limb justifies—in the Council's view—a relatively small financial sacrifice on the part of the Town for the duration of overseas service.

The Town's Veterans' Services Officer has indicated that it is possible only to estimate the financial impact on the Town of such a policy, since the Town Clerk's data regarding resident veteran status is self-reported, on the annual Town Survey. Nationally, 1% of the population serves in the armed forces. Applying that statistic to Hingham's current veteran population of approximately 2000 results in an initial pool of 20 potential applicants. Refining that estimate based on the requirement of home ownership reduces the likely applicant pool to a maximum of six. Braintree—which has already accepted Clause 56—has a current population of 35,700 and has fewer than eight qualifying applicants. Using the average assessed value of \$651,591 for a Hingham residence and the current property tax rate of \$11.89 per \$1,000 of assessed value, the average annual property tax is \$7,747. Were all six potential Hingham applicants to be deployed concurrently to a foreign country for a full fiscal year, the total resulting property tax abatement would be \$46,485.

Procedurally, a property tax abatement would be authorized only upon presentation by the activated Guard member or reservist of the military orders for impending foreign deployment. The Veterans' Services Officer would review those orders and, if appropriate, would inform the Treasurer/Collector in writing to suspend tax collection for the property for the duration of the applicant's overseas tour of duty. Upon return from overseas, the Guard member or reservist would submit the orders signaling completion of the overseas tour for Veterans' Services Officer review in order to ensure proper accounting of the abatement and the resumption of normal property tax collection.

The Town's acceptance of Clause 56 would be valid only for a two-year period, at the conclusion of which

the authority to grant further abatements would expire unless extended by a future vote of Town Meeting.

The Veterans' Council feels Clause 56 is a modest financial contribution by the Town in recognition of the enormous contribution these veterans make to the cause of freedom; the financial relief provided to the veteran is substantial.

RECOMMENDED: That the Town accept Clause 56 of M.G.L. c.59, §5 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of the real and personal property taxes for any fiscal year they are serving in a foreign country.

ARTICLE 18. Will the Town accept M.G.L. c.60A, §1 allowing motor vehicle excise tax exemption for former prisoners of war and their surviving spouses, or act on anything relating thereto?

(Inserted at the request of the Veterans' Council)

COMMENT: If accepted, Massachusetts General Laws Chapter 60A, Section 1 would allow exemption of the annual excise tax for a motor vehicle owned and registered by a former prisoner of war—a member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States during an armed conflict.

The same exemption would apply to a motor vehicle owned and registered by the surviving spouse of a deceased prisoner of war, until such time as the surviving spouse remarries or fails to renew such registration.

The Town's Veterans' Services Officer believes that the number of Hingham citizens who meet these requirements is five or less. The Town Treasurer/Collector indicates that the average excise tax for a motor vehicle in Fiscal Year 2012 is approximately \$128. Therefore, the maximum estimated abatement in any fiscal year would be approximately \$640.

Procedurally, citizens who believe they qualify for this exemption would present the veteran's form DD214 and the associated motor vehicle registration to the Treasurer/Collector, who would then provide an abatement for any excise tax paid in the current fiscal year, as well as remove the vehicle from future excise taxes.

The Veterans' Council believes that adopting this abatement policy represents a small financial gesture on the part of the Town, in recognizing the huge sacrifice made by former prisoners of war.

RECOMMENDED: That the Town accept M.G.L. c.60A, §1 allowing motor vehicle tax exemption for former prisoners of war and their surviving spouses.

ARTICLE 19. Will the Town raise and appropriate, borrow, or transfer from available funds, a sum of money to be used by the Board of Selectmen for professional fees and costs, including, but not limited to, engineering services, financial services, valuation services and legal services, to investigate the feasibility of the acquisition of the corporate property, and all rights and privileges, including the assets of the Town's water company, now known as Aquarion Water Company of Massachusetts and/or affiliated and related companies, pursuant to St. 1879, c. 139, or through any other method of acquisition, including any negotiation or litigation the Board of Selectmen may determine to be necessary or advisable in order to determine whether the acquisition is feasible and advisable for further Town Meeting consideration, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: This article seeks funding to determine whether the Town should recommend acquisition of its water company. The article also authorizes the Board of Selectmen to enter into negotiations or, if needed, litigate with the current owner to determine a potential purchase price. Future Town Meeting authorization would be required to appropriate funds to make a purchase.

History

The Hingham Water Company was incorporated in 1879 by the General Court of Massachusetts through Chapter 139 "for the purpose of furnishing the inhabitants of Hingham with pure water for the extinguishment of fires, generation of steam, domestic, and other purposes..." Since its incorporation, the water company has been privately owned.

Section 11 of Chapter 139 allows the Town to purchase the property and rights of the water company "at any time" if approved by a 2/3 affirmative vote at Town Meeting. The statute further defines the cost to be "the actual cost of the same, together with interest thereon at a rate not exceeding ten percent per annum, said cost to include all actual loss or damage paid or suffered by said company...deducting from said cost any and all

dividends which may have been paid...or at such a price as may be mutually agreed upon...".

In 1881, the General Court authorized the Hingham Water Company to extend its water pipes through Hull and Cohasset. In 1924, the Hingham Water Company was authorized to extend its water pipes into the Town of Norwell.

According to Town records, the Town previously considered purchasing the water company at least twice. In 1958, a motion to investigate purchasing the water company was considered and voted down by Town Meeting. The 1984 Annual Town Meeting authorized funds to study the Town's water service, assess its ability to meet future demand, estimate the cost to acquire the company, and project operating costs assuming Town ownership. The study was completed in 1985. The Water Supply Committee reviewed the study and concluded it was not in the Town's best interests to purchase the water company at that time.

In recent years, the water company was owned by American Water Works, whose holdings included water companies in Connecticut, New Hampshire, Oxford MA, and Millbury MA. In 2002, American Water Works sold all of its New England subsidiaries to the United Kingdom-based Kelda Group. In 2006, Kelda sold its entire Aquarion subsidiary, including the companies purchased in 2002, to Australia's Macquarie Bank.

Today, the Aquarion Water Company ("Aquarion") supplies water to 42 cities and towns in Connecticut, New Hampshire, and Massachusetts. The part of the company that services Hingham is referred to as "Service Area A" and includes Hingham, Hull, 309 homes in North Cohasset, and 4 homes in Norwell. Hingham is one of few communities in the Commonwealth with a privately-owned water company.

Considerations

The Town is currently considering purchasing the water company for four main reasons.

Town ownership gives the Town greater control over water rates. Hingham water rates are the 5th highest in the state. Despite a nearly 21% rate increase in 2009, Aquarion initially petitioned the Department of Public Utilities ("DPU") for an 18.7% increase to take effect in 2012 (this case is still under consideration by the DPU). Moreover, the 2012 DPU rate filing indicated Aquarion's ongoing intent to request rate increases every three years to a level where they have the potential to double approximately every ten years.

Town ownership may result in lower operating costs and fewer or lower rate increases. In its public filing for the latest rate increase petition, Aquarion cited the need to recover diminished investment returns, legal fees associated with litigation outside Hingham, and pension fund losses as some of the rationale for its requested rate increase. Town ownership should effectively eliminate each of these items from operating expenses, making additional operating revenue available for reinvestment in infrastructure or for reduction in the amount and/or frequency of future rate increases. The Town believes the potential for fewer or lower rate increases would likely offset any incremental debt service payments.

Town ownership gives the Town greater control over the water system infrastructure. During recent discussions related to a recurring and persistent service disruption, Aquarion has indicated it cannot make all necessary improvements because of limited capital resources. In a December 2011 meeting with the Board of Selectmen to discuss a water pipe that had broken six times during the year, an Aquarion company Vice President is quoted as saying, "The capital budget is determined by a formula related to investment return, depreciation, and 'appetite for rate increases in service areas'." (Source: Boston.com, December 18, 2011). The Town believes Aquarion's "break-and-fix" capital strategy is neither cost effective nor a good long-term strategy for such an important resource.

Town ownership gives the Town greater control over its water supply. Since the water company has distribution rights within its service area, it makes all water supply decisions. The Town would like to have a more substantial role in policies and oversight related to the supply of such a critical resource.

Development of the South Hingham Industrial Park Area is a Town priority because it is low-impact growth that has the potential to yield significant, long-term commercial tax revenue for the Town. In Fiscal Year 2011, the Town collected \$4.3 million in commercial property taxes. While there is high potential for existing business expansion and new development in the Industrial Park Area, having adequate water and sewer infrastructure is a prerequisite for any further economic development. It may also be necessary to ensure that existing businesses wishing to expand are not forced to relocate.

Additionally, there are currently 323 private wells for drinking water registered in Hingham, which represents approximately 4% of total households.

Some of these residences have wells because the costs associated with connecting them to the water system (currently the responsibility of the resident) are prohibitive.

Other potential benefits of Town ownership include cost reductions from resource-sharing and/or consolidations with other Town departments, a greater ability to coordinate road construction and underground utility work, avoidance of legal fees associated with rate request appeals and DPU hearings (approximately \$75,000 per rate request), and the ability to finance this acquisition at a time of historically low interest rates.

However, it is equally important to consider the potential issues associated with this undertaking. Aquarion may not be receptive to an acquisition, which could result in litigation. Hingham would want to work with other affected towns as to a governance and operating model. While the Town has both experience and success regionalizing its Dispatch Services, Veterans' Services, Animal Control, and School Foodservice, it recognizes that regionalization of a regulated utility will most likely be more complicated. Lastly, from a financial perspective, the acquisition and transaction costs could make this project cost-prohibitive.

This Article

This article seeks funding to allow the Town to determine the viability of acquiring the water company. Given the complexities associated with this potential transaction, this analysis will require the Town to engage the services of engineering, financial, and legal experts. These experts will analyze documents, records, and studies prepared by the Town and the water company. They will provide perspective and make recommendations in three areas: Operations, Finance, and Management.

Operations

- The condition of the system
- The capacity of the current water distribution system to meet current and future demands
- Future capital requirements
- Opportunities and savings associated with streamlining operations
- Addressing property owners who currently do not have access to the water company

Finance

- The potential cost of the system
- Future cash flows
- Potential future rate increases
- Financing options
- Financial impact to customers and the Town

Management

- Organization/governance, particularly as it relates to communities currently serviced by the water company
- How the Town should manage and operate the company

To ensure this analysis is comprehensive, efficient, and cost-effective, the Town intends to apply a phased-review approach, with each phase having clearly-defined objectives and outcomes. Upon completion of each phase, the Town will evaluate its output, and then consider whether or not to proceed. The total cost of performing this work is estimated to be as much as \$500,000, the amount of this appropriation request. While not obligated to spend up to this limit, the Town believes it is advantageous to have adequate resources available. The Board of Selectmen will take every measure to spend appropriated funds in a judicious manner.

Source of Funds

If approved, funds will be sourced from the Town's Fund Balance. Should a future Town Meeting authorize purchase of the water company, expended funds would be included in a debt issuance, effectively allowing the Town to replenish Fund Balance. However, if the Town, or Town Meeting, decides not to proceed with purchasing the water company, expended funds would not be restored.

The Town Financial Policy calls for maintaining Fund Balance at 14-18% of Total Annual Expenditures ("TAE"). Since 2009, the unreserved Fund Balance as a percent of TAE has increased from 9% to approximately 16.7% as of June 30, 2011. The increase is due to one-time savings, reduced debt service through bond re-financing, greater budget discipline, and by implementing a policy of not using Fund Balance for capital expenditures.

While the Town Financial Policy does not preclude using Fund Balance for this purpose, the Advisory Committee acknowledges the importance of Fund Balance to the Town's financial stability and Aaa bond rating and the difficult decisions that have been made to improve it. The Advisory Committee therefore carefully considers any appropriation request that reduces Fund Balance and the potential precedent that might be set.

If all requested funds are expended, the impact of the feasibility study is a 0.6% reduction in Fund Balance as a % of TAE (from 16.7% to 16.1%).

Summary

Proponents of this article cite the desirability of the Town controlling a critical and valuable resource,

Aquarion's plan for future rate increases, and infrastructure concerns as compelling reasons to evaluate this acquisition. They suggest the Town may be able to operate the company in a more cost-effective manner that mitigates future rate increases. Lastly, proponents argue that Town ownership allows the Town to more directly manage its water supply.

Opponents of this article question the ability to thoroughly assess the infrastructure and value the company given that most of it is located underground, placing the Town at risk for overpaying for the company. They also raise concerns about the possibility of the Town engaging in a long, expensive, and unsuccessful effort that diverts time and resources away from other Town priorities. Opponents also question whether Hingham should own and operate a water company.

RECOMMENDED: That the Town appropriate \$500,000 from available funds to be used by the Board of Selectmen for professional fees and costs, including, but not limited to, engineering services, financial services, valuation services and legal services, to investigate the feasibility of the acquisition of the corporate property, and all rights and privileges, including the assets of the Town's water company, now known as Aquarion Water Company of Massachusetts and/or affiliated and related companies, pursuant to St. 1879, c. 139, or through any other method of acquisition, including any negotiation or litigation the Board of Selectmen may determine to be necessary or advisable in order to determine whether the acquisition is feasible and advisable for further Town Meeting consideration.

ARTICLE 20. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and/or the Community Preservation General Reserve to be used by the Board of Selectmen to preserve the exterior of the former Tree and Park Barn located at 8 Short Street, Map 81, Lot 140, or act on anything related thereto? (Inserted by the Board of Selectmen)

COMMENT: The Tree and Park Barn is one of Hingham's many historic properties and has served the Town in a number of diverse capacities. Constructed in the late 1800's, the building was originally a schoolhouse. In 1894, the Town relocated the building to its present location on Short Street for use by the Fire Department. Commencing in 1941, the Tree and Park Department occupied the building, and continued to do so until 2009, when the new Department of Public Works complex opened.

More recently, the building was used by the Hingham High School rowing team for both practices and storage. Most recently, the Town has leased the building to a private business, J. F. Orr & Sons. At the tenant's expense, Mr. Orr has restored the exterior doors, installed custom interior storm windows on the eight first-floor windows, and painted the interior. Under the terms of the lease, the Town is responsible for maintaining the exterior of the building, which is in need of various repairs and paint. In order to maintain the structural integrity of this historic structure, the Board of Selectmen requests the sum of \$25,000 in CPC funds to defray the cost of painting the building's exterior and preserving its deteriorating architectural features. The Community Preservation Committee and Advisory Committee support favorable action on this Article.

RECOMMENDED: That the Town appropriate the sum of \$25,000 from the Community Preservation General Reserve to be used by the Board of Selectmen to preserve the exterior of the former Tree and Park Barn located at 8 Short Street, Map 81, Lot 140.

ARTICLE 21. Will the Town transfer a sum of money from the Community Preservation Historic Resources Reserve and/or the Community Preservation General Reserve to the Historical Commission Preservation Projects Fund, or act on anything related thereto? (Inserted at the request of the Hingham Historical Commission)

COMMENT: The Community Preservation Act ("CPA") requires that the Town allocate annually for expenditure at least 10% of the annual CPA revenues (including matching funds from the Commonwealth) for the acquisition, preservation, rehabilitation, and restoration of historic resources. This Article would authorize a block grant of \$65,000 from available CPA funds to the Historical Commission Preservation Projects Fund. That fund is administered by the Town Treasurer. In keeping with the requirements of the CPA, these funds would be spent on various, relatively small historic preservation projects. Examples of potential projects to be undertaken during the coming fiscal year include determining the location of the Beal Street Alms House and Potters Field, completing an inventory of historic properties, preparation for nomination of properties to the National Register of Historic Places, survey work for possible extension of Liberty Plain and Hingham Centre Historic Districts, and erecting historic district signage. The requested block grant would provide a degree of flexibility and expedition not afforded by the

submission of separate Articles to Town Meeting for each individual, relatively small preservation project. However, the Historical Commission Preservation Projects Fund should submit an annual report to the Community Preservation Committee detailing the historic preservation projects undertaken and the amount of money spent on each. In no event should the Preservation Projects Fund spend more than \$20,000 on a single project. The Community Preservation Committee, Board of Selectmen, and Advisory Committee support favorable action on this Article.

RECOMMENDED: That the Town transfer the sum of \$65,000 from the Community Preservation General Reserve to the Historical Commission Preservation Projects Fund; that the Historical Commission spend no more than \$20,000 of said sum on any one project; and that the Historical Commission submit an annual report to the Community Preservation Committee detailing the historic preservation projects undertaken and the amount of money spent on each.

ARTICLE 22. 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 (M.G.L. c.44B, §6) allows up to 5% of annual CPA revenues to be reserved for operational and administrative expenses, including engineering, legal and consulting costs associated with the review of proposed projects, the administration of projects approved by annual Town Meeting, and the salaries of the part-time staff. Since the CPA was adopted in April 2001, four Annual Town Meetings (2003, 2005, 2007, and 2010) have each approved an appropriation for administrative expenses. Hingham's administrative appropriations have averaged 2.4% of annual CPA revenues compared to the 5% allowed by the CPA. This appropriation requested is expected to fund administrative expenses for the next fiscal year.

RECOMMENDED: That the Town appropriate \$25,000 from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund.

ARTICLE 23. Will the Town appropriate a sum of money from the Community Preservation General Reserve to be used for recreational purposes by the

Harbor Development Committee to fund a project to construct a pedestrian bridge over the water located between Whitney Wharf and the Town Pier area, Map 50, Lots 50 & 49 and Map 51, Lot 1; and to effect related improvements to Whitney Wharf Park, or act on anything relating thereto?
(Inserted at the request of the Harbor Development Committee)

COMMENT: The idea of a pedestrian bridge connecting the Town Pier/Iron Horse Park area to Whitney Wharf was originally part of the plan to develop Whitney Wharf Park approved by voters at the 2003 Annual Town Meeting. The idea was further addressed by the July 2007 CPC-funded Master Plan for Hingham Harbor ("Master Plan") performed by Mazarelli Associates of Cambridge. The Master Plan noted that "this bridge will allow for an attractive and safe connection linking the Town Pier, Iron Horse Park and the bathing beach area with Whitney Wharf and Veteran's Park...and provide increased use and public safety."

In 2009, the Board of Selectmen formed the Harbor Planning Task Force ("Task Force"), a committee of various harbor-related stakeholders and Town officials, to promote consensus for harbor area improvements with public benefit. The Task Force's Interim Report ("Interim Report") remarked on the need for improving public access and stated: "The creation of a footbridge is still considered a priority due to safety concerns." One feels those "safety concerns" when walking the curving sidewalk of Route 3A between the Iron Horse Parking Lot and Whitey Wharf. The 2007 Master Plan and 2009 Interim Report identified the footbridge as important to improving pedestrian access along the harbor and from the harbor side of Route 3A to downtown Hingham.

The question may be asked for a project explored twice before but not completed: "Why a pedestrian bridge now?" Answers persuading the Advisory Committee are as follows:

- The bridge would satisfy the long-felt need to increase pedestrian access to Whitney Wharf (and the entire waterfront) and to enhance public safety.
- The bridge is an important link in the development of the planned Harbor Walkway/Boardwalk under the Harbor Development Master Plan unanimously endorsed by the Harbor Development Committee and the Harbor Planning Task Force.
- The owner of the land at 3A Otis Street, which would be on one side of the bridge, is eager to

cooperate with the Town. Traffic across the bridge would benefit the business of his tenant, Red Eye Roasters. The owner would grant to the public the necessary right of way over his property to the bridge.

- The bridge would become part of the “waterfront destination” at the inner harbor for boaters, residents and visitors, and would enhance the value of the Town’s expenditures to date in improving the scenic aspect of North Street as the connector between the harbor and downtown Hingham.

RECOMMENDED: That the Town appropriate \$275,000 from the Community Preservation General Reserve to be used for recreational purposes by the Harbor Development Committee to fund a project for the surveying, engineering, design, permitting and construction of a pedestrian bridge over the water at the outfall of the Town Brook and connection of the Town Pier area, across an easement to be granted by the owner of 3A Otis Street, to the park at Whitney Wharf (Map 50, Lots 50 and 49 and Map 51, Lot 1) which easement the Board of Selectmen is hereby authorized to accept.

ARTICLE 24. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and/or the Community Preservation General Reserve to be used by the Liberty Plain Cemetery Corporation to assess the condition, restore and conserve Veterans’ Markers and Monuments within the Liberty Plain Cemetery, 990 Main Street, located on Map 180, Lot 20, or act on anything relating thereto?
(Inserted at the request of the Liberty Plain Cemetery Association)

COMMENT: The Liberty Plain Cemetery Association is a non-profit entity incorporated in 1866. It is responsible for the Liberty Plain Cemetery established in 1739. The project involves the conservation, rehabilitation and restoration of the obelisks, monuments and gravestone markers of approximately 50 veterans of the Revolutionary War, the War of 1812 and the Civil War and their immediate families. The project meets the criteria of the Community Preservation Act for Historic Preservation. This project addresses the urgent need for conservation of these resources to prevent further deterioration or outright loss.

RECOMMENDED: That the Town appropriate the sum of \$50,000 from the Community Preservation General Reserve to be used by the Liberty Plain Cemetery Corporation to assess the condition, restore and conserve Veterans’

Markers and Monuments within the Liberty Plain Cemetery, 990 Main Street, located on Map 180, Lot 20.

ARTICLE 25. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and/or the Community Preservation General Reserve to be used by the Hingham Centre Cemetery Corporation to continue the perimeter fence along the boundary between the cemetery and the former Tree and Park Barn, or act on anything related thereto?
(Inserted at the request of the Hingham Centre Cemetery Corporation)

COMMENT: This Article seeks \$47,000 in Community Preservation Act funds to complete a fence-replacement project commenced in 2006 around the Hingham Centre Cemetery. Phase I of the project replaced 350 feet of deteriorated chain-link fence along Short and School Streets with historically appropriate iron fence. If approved, funding for Phase II will replace 100 feet of damaged and dilapidated cyclone fence off Short Street alongside the Tree and Park Barn with fencing comparable in design and quality to that installed in Phase I. This 100-foot-long fence is the most visible portion of the cemetery’s boundary to vehicular and foot traffic on Route 228. Once completed, this project will do much to restore the historic streetscape of Hingham Centre. The Community Preservation Committee, Board of Selectmen, and Advisory Committee support favorable action on this Article.

RECOMMENDED: That the Town appropriate the sum of \$47,000 from the Community Preservation General Reserve to be used by the Hingham Centre Cemetery Corporation to continue the perimeter fence along the boundary between the cemetery and the former Tree and Park Barn.

ARTICLE 26. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and/or the Community Preservation General Reserve to be used by the Recreation Commission for Phase One of a project to restore the Cordage Factory building located at 10 Playground Road, or act on anything relating thereto?
(Inserted at the request of the Recreation Commission)

COMMENT: Last year the Recreation Department requested \$25,000 for a feasibility study, which was to include as-built drawings, a structural analysis of the former Cordage Factory

building and a schematic design package for how the building could be renovated into a multi-purpose, multi-use facility, including required handicap components, *i.e.* elevator, bathroom, stairways, etc. The Annual Town Meeting approved the \$25,000 request last year and subsequently an architectural firm was hired to generate a thorough study and to develop design drawings and a cost analysis.

The Recreation Department is now requesting \$252,000 to structurally stabilize the building. The historic Cordage Factory Head House (otherwise known as the "Rec Barn") is the only remaining building from the Town's 19th-century rope-making industry and has been used for decades by the Recreation Department and, more recently, for additional storage by the Department of Public Works. An appropriation of Community Preservation funds will ensure its structural stability for continued use and help the Town preserve and maintain this historic asset.

RECOMMENDED: That the Town appropriate \$252,000 from the Community Preservation General Reserve to be used by the Recreation Commission for Phase One of a project to restore the Cordage Factory building located at 10 Playground Road.

ARTICLE 27. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and/or the Community Preservation General Reserve to be used by the Hingham Historic Archives Task Force to implement Phase I of the Historic Collections Master Plan, or act on anything relating thereto?

COMMENT: The 2008 Annual Town Meeting approved moneys from the Community Preservation Historic Resources Reserve to determine preservation needs for historical Hingham documents and artifacts. In 2009, an initial survey was conducted by a professional firm to evaluate the building and environmental housing of a variety of historic Hingham collections. It was clear from this survey that Hingham's wealth of archival materials is not being preserved adequately. Subsequently, in 2010, a Master Plan for the Preservation and Access to Hingham's Historical Collections was developed with the aid of a professional consulting firm. This Master Plan has several phases and will take several years to complete. Phase I is designed to concentrate on 1) preserving and improving access to multiple historical collections, including those at the Hingham Public Library, and 2) to develop an Archival and Records Management program for the Town. This includes the collections of the Hingham Public Library, the Hingham School

Department, the Town Clerk's Office, and the Hingham Historical Commission.

The Hingham Historic Archives Task Force is now requesting \$100,680 to begin Phase I of cataloging and preserving the historic documents and items owned by the Town. The amount requested will pay for the services of one full-time archivist and two part-time interns for the year. This will lay the groundwork for cataloging the general Town Records maintained by the Hingham Public Library, the Hingham Town Hall, the Hingham School Department, and the Hingham Historical Commission. As this is only the first of several phases, it is contemplated that there will be further requests in the future in order to complete the Master Plan. This Community Preservation grant will help determine how we preserve and catalog our documents now and in the future.

RECOMMENDED: That the Town appropriate \$100,680 from the Community Preservation General Reserve to be used by the Hingham Historic Archives Task Force to implement Phase I of the Hingham Historic Collections Master Plan.

ARTICLE 28. Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve and/or the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the property located at the southern end of Scotland Street at the McKenna Marsh Conservation Area, Map 190/Lot 24, or act on anything relating thereto? (Inserted at the request of the Conservation Commission.)

COMMENT: Scotland Street Meadow is an approximately 9.75-acre parcel of meadow and historic farmland at the southern end of Scotland Street adjacent to the Housing Authority affordable home at that location. The parcel has been on the Conservation Commission's master plan of desirable open space parcels to be acquired for many years. It is virtually surrounded by conservation land already owned by the Town and is the "hole in the donut" providing the only dry connecting link between the McKenna Marsh property to the east and the Marchesiani Farmlands parcel on Main Street.

Acquisition of this property meets Conservation Commission and Open Space Acquisition Committee objectives of wildlife-habitat protection and Town water-supply protection. Accord Brook and McKenna marsh are adjacent to the property.

Acquisition of this property would also preserve a portion of Hingham's pastoral landscape.

There is buildable land on the property and the current owner has pursued a 40B project through the MA Land Court. The Conservation Commission believes that development of this land, even in the form of a single estate lot, threatens the integrity and continued beneficial use of the surrounding conservation land, whereas acquisition and preservation of this property will significantly enhance the environmental value of this entire 125-acre+ conservation area in perpetuity. The acquisition is conditioned on a satisfactory environmental contamination review and the granting of a conservation restriction to a qualified conservation agency, as required by the Community Preservation Act.

Based on an analysis of real estate comparables and broker opinions of value, the Community Preservation Committee believes the \$800,000 purchase price to be fair. There is an additional cost of \$5,000 for the conservation restriction. The purchase is contingent upon the receipt of an appraisal by a certified or licensed real estate appraiser before Town Meeting. The value of the parcel established by the appraisal may necessitate further negotiations concerning the price because M.G.L. c. 44B s. 5(f) provides that the Town may not acquire real property for a price exceeding the value determined by the Town by the appraisal. The CPC has identified two grant programs that, if awarded, would reimburse the CPC for a portion of the purchase price. The CPC supports the purchase of this parcel irrespective of potential grant funding. A closing in the 4th quarter of 2012 is anticipated to accommodate the potential award of a grant.

The Town collected real estate taxes in the amount of \$4,380.28 plus a CPA surtax of \$47.80 in FY 2011. Acquisition would result in the loss of these tax collections. The anticipated cost to maintain the property in the future is negligible.

RECOMMENDED: That the Town appropriate \$51,000 from the Community Preservation Open Space Reserve and \$754,000 from the Community Preservation General Reserve for the acquisition by negotiated purchase of the Scotland Street meadow-- Lot 24 on Assessors' Map 190, consisting of approximately 9.75 acres, to be managed and controlled by the Conservation Commission in accordance with M. G.L. Chapter 40, Section 8C, for conservation, drinking water supply protection and passive recreation purposes; that the Town Administrator and Board of Selectmen be

authorized, but not required, to file on behalf of the Town any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition including, but not limited to, grants for the reimbursement for the acquisition of open space and drinking water supply protection; and that the Town Administrator, Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including, but not limited to, a Purchase and Sale Agreement and Deed acceptable to the Town and the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184, as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998, as amended, as may be necessary or desirable on behalf of the Town to effect said purchase, which conservation restriction (accompanied by an appropriate stewardship endowment grant) may be granted to any organization qualified and willing to hold such a restriction.

ARTICLE 29. Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve and/or the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the following parcels located south of the Hingham Middle School and west of Main Street (Route 228): Map 197, Lots 3, 4 and 5; and Map 198, Lots 4 and 5, or act on anything relating thereto?
(Inserted at the request of the Conservation Commission)

COMMENT: The Accord Brook land consists of 5 parcels totaling approximately 31 acres. The land is south of the Middle School and abuts Main Street. The Accord Brook, which travels approximately 1400 feet through the land, is part of the Weir River Watershed and supplies public drinking water. The acquisition of these parcels meets the Community Preservation Committee's objectives of preserving open space and offers the possibility of passive recreation. The acquisition will also satisfy a primary objective of the 2010 Hingham Open Space and Recreation Plan for drinking-water protection. The parcel is complementary to other open space parcels owned by the Town. Ownership by the Town will protect this important source of drinking water which may be threatened if development of the property occurs. The acquisition is conditioned on a satisfactory environmental contamination review and the granting of a conservation restriction

to a qualified conservation agency, as required by the Community Preservation Act.

Analysis by the Conservation Commission, the Open Space Acquisition Committee and the Board of Health indicates that the property could provide at least two Form A buildable lots, subject to septic testing, and that there is a possibility that it could be developed as a 40B development.

The owner has offered to sell the property to the Town for \$750,000, slightly above its assessed value of \$744,600. There is an additional cost of \$5,000 associated with the conservation restriction. The purchase is contingent upon the receipt of an appraisal by a certified or licensed real estate appraiser before Town Meeting. The value of the parcel established by the appraisal may necessitate further negotiations concerning the price because M.G.L. c. 44B § 5(f) provides that the Town may not acquire real property for a price exceeding the value determined by the Town by the appraisal. The funds for the purchase will be spread over two years, \$450,000. from Community Preservation funds available this year and \$305,000 from next year's Community Preservation collections. The CPC has identified two grant programs that, if awarded, would reimburse the CPC for a portion of the purchase price. The CPC supports the purchase of this parcel irrespective of potential grant funding. A closing in the 4th calendar quarter of 2012 is anticipated to accommodate the potential award of a grant.

Real estate taxes collected from this property in FY 2011 were \$8,853.30 plus a CPA surtax of \$90.51. Acquisition would result in the loss of these tax collections. The anticipated cost of maintaining it in the future is negligible.

RECOMMENDED: That the Town appropriate the sum of \$755,000. from the Community Preservation General Reserve for the acquisition by negotiated purchase of approximately 31 acres of land located south of the Hingham Middle School and west of Main Street (Route 228) as described on Assessors' Map 197, Lots 3,4 and 5 and Map 198, Lots 4 and 5, to be managed and controlled by the Conservation Commission in accordance with M.G.L. Chapter 40, Section 8C for conservation, drinking water supply protection and passive recreation purposes; that the Town Administrator and Board of Selectmen be authorized, but not required, to file on behalf of the Town any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition

including, but not limited to, grants for the reimbursement for the acquisition of open space and drinking water supply protection; and that the Town Administrator, Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including, but not limited to, a Purchase and Sale Agreement and Deed acceptable to the Town and the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998, as amended, as may be necessary or desirable on behalf of the Town to effect said purchase, which conservation restriction (accompanied by an appropriate stewardship endowment grant) may be granted to any organization qualified and willing to hold such a restriction.

ARTICLE 30. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by inserting in Section V-B 2, in the correct alphabetical order the following definitions or take any other action relative thereto?

Changeable Sign: A sign whose message or content can be changed by means of remote electronically-energized combinations of alphabetic or pictographic components arranged on a display surface, provided that the message on such sign is not legible from any abutting public way. Illumination shall be integral to the components, such as LED, LCD, Plasma or other comparable technologies. A Changeable Sign shall not be considered a Flashing, moving or animated sign for purposes of this Section V-B. A Changeable Sign shall not be considered an internally-illuminated sign for purposes of this Section V-B 6 (b).

Electronic Screen Effects: The face of an Electronic Message Sign produces standard screen effects. These include: 'frame' (a complete, static display); 'dynamic frame effect' (illusion of motion and/or animation); 'dissolve' (mode of message transition, in which the first message gradually appears to dissipate with the gradual appearance of a subsequent message); 'fade' (mode of message transition by varying the light intensity).

Electronic Message Sign: An electrically activated changeable single- or double-sided sign located in a Shopping Center, whose variable message and/or graphic content can be electronically programmed from a remote location. Electronic Message Signs use LEDs, LCDs, Plasma or other comparable technologies as a lighting source. No such

Electronic Message Sign shall be legible from any abutting public way. All Electronic Message Signs shall not exceed a luminance level of 750 Candela per square meter between sunset and sunrise.

Off-Premise Sign Message: A sign erected, maintained or used in the outdoor environment which includes commercial or non-commercial messages not appurtenant to the use of or products sold on the property on which it is located.
(Inserted at the request of Stacy Shunk and others)

COMMENT: This Article would add definitions to the Zoning By-Law that establish the terms by which electronic signs would be permitted in Hingham. Together with Article 31, this Article would allow, subject to special permit, electronic signs having the properties and qualities described in the proposed definitions to be placed at the Derby Street Shoppes shopping center.

The proponents believe the signs will provide information useful to shoppers and enhance the shopping experience by publicizing products or events that will be of interest to Derby Street Shoppes patrons. The signs would display various messages to include advertisements for merchants and other advertisers, including advertisers not located at Derby Street Shoppes, but who wish to reach the same type of customer. The content of the messages could vary from general information about a particular advertiser to specific details on items for sale, promotions or events. The messages would include both a video and audio component and in many instances would be similar in presentation and scope to a television commercial.

The signs, which will be similar to those currently operating at Legacy Place in Dedham, will be situated at certain points within the Derby Street Shoppes property such that the messages cannot be seen or heard except by those walking along the interior perimeter of the shopping center. Furthermore, the sign structures will not be visible at all from outside the shopping center. Based on the foregoing, the signs should not create a distraction for drivers either in the shopping center parking lot or on Derby Street.

The manager of the Derby Street Shoppes has committed to providing the Town with a certain amount of air time on the signs free of charge. Such air time could be used, for example, to announce upcoming events such as Town Meeting, or school activities including sporting events, plays or concerts.

The Planning Board questioned whether the proposed By-Law amendments would give the

proponents an unfair advantage over other retail sites in Town and would prefer that the proposals contained in Articles 30 and 31 be considered as part of a comprehensive review of the Town's sign regulations. Some members of the Planning Board also had objections to the signs on aesthetic grounds. By a vote of 4 to 1, the Planning Board voted to recommend that "No Action" be taken with respect to Articles 30 and 31.

In its deliberations, the Advisory Committee considered the issues raised by the Planning Board and encourages the Board to undertake a comprehensive review of sign regulations as it has suggested; however, it seems unnecessary to defer action on this proposal until then. With respect to any perceived advantage the proponents might enjoy under the By-Law amendment, the Advisory Committee believes the other significant retail areas in Town, most notably Hingham Square and the Shipyard, are configured in such a way (e.g., proximity to public roadways and residential areas) as to make this type of signage inappropriate. To restrict the proponents due to the inherent limitations of other sites would be unfair. As for aesthetic concerns, the Advisory Committee recognizes that some shoppers may not embrace the signs as enthusiastically as others, but also recognizes that the property owner, whose success is dependent on creating a positive retail environment for its tenants and their patrons, is best suited to determine what will or will not enhance the shopping experience.

By a vote of 9 to 3, the Advisory Committee voted in favor of this Article. In making its recommendation, the Advisory Committee has concluded that the signs contemplated by the proposed By-Law amendments are consistent with the character of the Derby Street Shoppes and represent an appropriate use of current technology to inform shoppers. In the absence of compelling reasons to conclude otherwise, the Advisory Committee believes deference to the rights of the property owner is warranted.

Please note that the recommended motion of the Advisory Committee as presented below reflects certain changes from the original petition article submitted by the proponents. These changes, which have been discussed with and consented to by representatives of the proponents, consist of technical corrections.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by inserting in Section V-B 2, in the correct alphabetical order the following definitions:

Changeable Sign A sign whose message or content can be changed by means of remote electronically energized combinations of alphabetic or pictographic components arranged on a display surface, provided that the message on such sign is not legible from any abutting public way. Illumination shall be integral to the components, such as LED, LCD, Plasma or other comparable technologies. A Changeable Sign shall not be considered a Flashing, moving or animated sign for purposes of this Section V-B. A Changeable Sign shall not be considered an internally illuminated sign for purposes of this Section V-B 6 (b).

Electronic Screen Effects The face of an Electronic Message Sign produces standard screen effects. These include: ‘frame’ (a complete, static display); ‘dynamic frame effect’ (illusion of motion and/or animation); ‘dissolve’ (mode of message transition, in which the first message gradually appears to dissipate with the gradual appearance of a subsequent message); ‘fade’ (mode of message transition by varying the light intensity).

Electronic Message Sign An electrically activated changeable single- or double-sided sign located in a Shopping Center, whose variable message and /or graphic content can be electronically programmed from a remote location. Electronic Message Signs use LEDs, LCDs, Plasma or other comparable technologies as a lighting source. No such Electronic Message Sign shall be legible from any abutting public way. All Electronic Message Signs shall not exceed a luminance level of 750 Candela per square meter between sunset and sunrise.

Off-Premise Sign An Electronic Message Sign erected, maintained or used in the outdoor environment which includes commercial or non-commercial messages not appurtenant to the use of or products sold on the property on which it is located.

ARTICLE 31. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended by adding to the Schedule of Sign Regulations in Section V-B the provisions set forth in Exhibit A attached hereto or take any other action relative thereto?

EXHIBIT A
IN THE INDUSTRIAL PARK DISTRICT WITHIN THE SOUTH HINGHAM DEVELOPMENT OVERLAY DISTRICT

Electronic Message Sign 120' 12' 10'
 6 Per Definition Z

Off-Premise
 Sign 120' 10' 10' 5 External Z
 (inserted at the request of Stacy Shunk and others)

COMMENT: This Article would modify Section V-B 2 of the Zoning By-Law by adding to the Schedule of Sign Regulations a new category for signs permitted in the Industrial Park and South Hingham Overlay District that would include “Electronic Message Signs” (having the following restrictions: 24’ square foot max. area, 10’ high above the ground, 10’ setback from all property boundaries, and a maximum of 6 signs in total allowed per property) and “Off Premise Signs” (having the following restrictions: 24’ square foot max. area, 10’ high above the ground, 10’ setback from all property boundaries, and a maximum of 6 signs in total allowed per property).

These changes to the Schedule of Sign Regulations will allow signs having the properties and qualities described in Article 30 above to be placed at the Derby Street Shoppes. A special permit will be required to erect such signs.

By a vote of 9 to 3, the Advisory Committee voted in favor of this Article. The reasoning behind the Advisory Committee recommendation for favorable action is consistent with the comment presented above with respect to Article 30.

Please note that the recommended motion of the Advisory Committee as presented below reflects certain changes from the original petition article submitted by the proponents. These changes, which have been discussed with and consented to by representatives of the proponents, include a reduction in the maximum size of the signs and certain technical corrections.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by adding to the Schedule of Sign Regulations in Section V-B the provisions set forth below:

IN THE INDUSTRIAL PARK DISTRICT WITHIN THE SOUTH HINGHAM DEVELOPMENT OVERLAY DISTRICT

Sign Type	Max Area	Max Height	Min Set-back	Max No.
Electronic Message Sign	24'	10'	10'	6
Off-Premise Sign	24'	10'	10'	6
Sign Type	Illumination		Permit Procedure	
Electronic Message	Per definition		Z	
Off-Premise	External		Z	

ARTICLE 32. Will the Town amend Section III-I of the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by deleting it in its entirety and substituting therefore the following:

III-I NONCONFORMING CONDITIONS

1. General – Any structure or any use of a structure or land, lawfully existing at the time of the enactment or subsequent amendment of this By-Law, may be continued although such use and/or structure does not conform with the provisions of this By-Law, subject to the following conditions and exceptions:

A. Changes – Once changed to a conforming use or once the extent of a nonconforming use is reduced, no structure or land shall be permitted to revert to the prior or a new nonconforming use.

B. Restoration - A lawfully existing nonconforming building or structure may be repaired or reconstructed if damaged or destroyed by a casualty, including explosion, fire, storm or other natural disaster, but only if such repair or reconstruction is begun within two (2) years of such damage or destruction and diligently pursued to completion within two (2) years of commencement; provided however, that, except as may be allowed by the provisions of M.G.L. Chapter 40A, Section 6 or this Section III-I governing alterations of nonconforming structures, the repaired or reconstructed structure shall be no less conforming than the structure that was so damaged or destroyed.

C. Extension of Nonconforming Use – Except as may be allowed under M.G.L. Chapter 40A, Section 6, no increase in the extent of a nonconforming use of a structure or land may be made.

D. Abandonment or Discontinuance
 (i) A nonconforming use (other than Single-Family or Two-Family residential use) that has been discontinued for a period of more than two (2) years, or abandoned, shall not be reestablished, and any future use shall conform to this By-Law.
 (ii) The nonconforming use of a building or structure as a Single-Family Dwelling or Two-Family Dwelling (and/or any Accessory Buildings related thereto) that has been discontinued for a period of more than four (4) years or abandoned shall not be reestablished and any future use shall conform to this By-Law, provided, however, that the lawful nonconforming use of more than one Dwelling Unit within an existing Dwelling (that has not been discontinued or abandoned) shall not terminate unless such Dwelling has been converted to a Single-Family Dwelling with complete living facilities for only one household.

(iii) A nonconforming structure that has been discontinued (not used or occupied) for a period of more than two (2) years, or has been abandoned, may not be used or occupied for any use, with the following exceptions:

a. This subsection (iii) does not apply to and shall not prohibit the conforming use of a lawful nonconforming Single-Family Dwelling as a Single-Family Dwelling (including Accessory Buildings) or conforming use of a lawful nonconforming Two-Family Dwelling as a Two-Family Dwelling (including Accessory Buildings).

b. Except as provided in the foregoing subsection (iii) "a", the conforming use of a building or structure that would be a lawful nonconforming building or structure if it had not been deemed discontinued or abandoned hereunder, may be permitted upon the issuance of a Special Permit A2.

E. Definitions - As used in this Section III-I:

(i) "Discontinuance" shall mean the actual cessation of any use or the non-use of any structure.

(ii) A nonconforming use shall be deemed "abandoned" when it is discontinued for a period of at least six consecutive months, and customary equipment, furniture or supplies for the operation of such use have been removed, and at least one of the following apply:

a. The building or structure in which such use was located is not actively marketed for sale or lease.

b. Failure to provide for regular maintenance of the building or structure such as failing to heat the building at a level necessary to prevent frozen pipes

or related damage, failing to provide snow removal, or failing to maintain landscaping.

(iii) A nonconforming building or structure shall be deemed "abandoned" when it is no longer occupied for a conforming or lawfully nonconforming use for at least six consecutive months and one or more of the following apply:

a. It is not actively marketed for sale or lease.

b. Failure to provide for regular maintenance such as failing to heat the building at a level necessary to prevent frozen pipes or related damage, failing to provide snow removal, or failing to maintain landscaping.

c. Issuance of a written notice of an unsafe structure by the Building Commissioner and failure of the owner to rectify the unsafe condition in the manner and in the timeframe specified in such written notice.

2. For the purposes of this Section III-I, the alteration of, addition to, reconstruction of, extension of, or structural change in an existing nonconforming Single or Two-Family Dwelling shall not be considered the extension of a nonconforming use or structure provided that:

A. the Single or Two-Family Dwelling conformed in all respects to the Zoning By-Law in existence at the time of its initial construction; and,

B. the alteration of, addition to, reconstruction of, extension of, or structural change in the nonconforming Single or Two-Family Dwelling does not further reduce the minimum linear measurement of the existing nonconforming dimensions.

Or act on anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: Under Massachusetts law, uses and structures that do not comply with current zoning are considered legal but nonconforming if they existed before the adoption of the provisions of the zoning by-law with which they do not comply. Put a simpler way, they are "grandfathered." Inasmuch as a substantial portion of the Town was developed before 1941, when zoning was first adopted in Hingham, there are numerous nonconforming conditions in Hingham. As a general rule, legal nonconforming uses and buildings may continue to exist as long as they are not discontinued, expanded, or changed. While state law provides some protections for nonconforming conditions, it also gives the Town, through its Zoning By-Law, the right to regulate certain changes to nonconforming conditions. These regulations are found in Section III-I of the Zoning By-Law, and include the provision commonly referred to in

Hingham as the "Hatfield Amendment." That provision allows certain home additions as a matter of right, without any permits from the Zoning Board of Appeals. This Article would not change any rights that homeowners currently enjoy to build home additions under the Hatfield Amendment. What this Article would do is clarify the answers to two types of issues that have arisen in the past. First, it clarifies the rights of property-owners to restore a nonconforming structure after a casualty loss has occurred. Second, it sets forth the circumstances that result in the discontinuance or abandonment of a use or building. Because the Building Commissioner and the Zoning Board of Appeals must respond to questions regarding nonconforming conditions frequently each year, and because some portions of Section III-I are unclear or ambiguous, the Planning Board and Zoning Board of Appeals believe it is prudent to clarify and amend Section III-I at this time. The Advisory Committee agrees, and recommends favorable action on this Article.

RECOMMENDED: That the Town amend Section III-I of the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by deleting it in its entirety and substituting therefor a new Section III-I as set forth above in the foregoing Article 32.

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. Amend Section III-A, by deleting subsections 2.1 through 2.4, inclusive, in their entirety and substituting therefore the following:

2.1 Agricultural Use protected under M.G.L. c. 40A §3 (including, without limitation, single-family dwelling for resident proprietor), subject to Special Condition 8 of Section III-B.

Permitted in all zoning districts

2.2 Agricultural Use not protected under M.G.L. c. 40A §3 (except uses governed by subsections 2.3, 4.5, 4.6 and 4.7), subject to Special Condition 1 of Section III-B.

Allowed with Special Permit A2 in all Residence districts and in Office Park, Industrial, Industrial Park, Limited Industrial, Business Recreation, and Official and Open Space zoning districts;
Prohibited in all other zoning districts

2.2.1 Single-family dwelling for resident proprietor of use governed by subsection 2.2

Permitted in Residence A, B and C districts;
Allowed with Special Permit A2 in Residence D,
Residence E, Office Park, Industrial, Industrial Park,
Limited Industrial, Business Recreation and Official
and Open Space zoning districts;
Prohibited in all other zoning districts

2.3 Seasonal sale of cut Christmas trees (unless
governed by subsection 2.1), subject to Special
Condition 6 of Section III-B.

Permitted in Business A, Business B, Office Park,
Industrial, Industrial Park, Limited Industrial and
Open and Official Space zoning districts;
Prohibited in all other zoning districts

Item 2. Amend Section III-A, by revising the
descriptions of the uses governed by subsections
4.5 through 4.7, respectively, to read as follows:

4.5 Commercial breeding, sale, or boarding of dogs,
cats, or fur-bearing animals (unless governed by
subsection 2.1), subject to Special Condition 1 of
Section III-B

4.6 Commercial Greenhouses (unless governed by
subsection 2.1

4.7 Riding stable (unless governed by subsection
2.1), subject to Special Condition 1 of Section III-B

Item 3. Amend Section III-B by deleting subsection
8 in its entirety and replacing therefor, the following:

8. The following uses shall be allowed as of right to
the extent required by M.G.L. c.40A, §3 but shall be
subject to Site Plan Review in accordance with
Section I-I of this By-Law, provided that the
requirements of Section I-I may only be applied to
such uses in a manner consistent with the provisions
of M.G.L. c. 40A, § 3.

i. The uses set forth in Section III-A, Subsections
2.1, 2.3, 4.5, 4.6 and 4.7.

ii. To the extent included within the uses listed in
Section III-A, Subsections 3.1 through 3.4, inclusive,
the use of land or structures for religious purposes
or for educational purposes on land owned or leased
by the commonwealth or any of its agencies,
subdivisions or bodies politic or by a religious sect or
denomination, or by a nonprofit educational
corporation, and the use of land or structures, or the
expansion of existing structures, for the primary,
accessory or incidental purpose of operating a child
care facility, all as set forth in M.G.L. c.40A, §3. Site
Plan Review of these uses shall be limited to
reasonable regulations concerning the bulk and
height of structures, and determining yard sizes, lot
area, setbacks, open space, parking and building

coverage requirements, or such other matters which
may be subject to regulation under M.G.L. c.40A §3
as the same may be amended from time to time.

Item 4. Amend Section VI, to add the definition of
“Agricultural Uses” immediately after the definition of
“Accessory Buildings”, as follows:

Agricultural Uses

Commercial agriculture, horticultural and such other
uses defined in and/or governed by the first
paragraph of Massachusetts General Laws Chapter
40A, Section 3, as the same may be amended from
time to time.

Or act on anything relating thereto?

(Inserted at the request of the Planning Board)

COMMENT: This Article will amend the Zoning
By-Law in order to conform it with Massachusetts
law with respect to the special protections the
Commonwealth provides to certain agricultural and
related uses. Massachusetts General Laws Chapter
40A, Section 3 provides that no local zoning by-law
may prohibit, unreasonably regulate or require a
special permit for commercial agriculture and other
uses listed in the statute, or for buildings related to
those uses. However, the statute also provides that
the protected uses may be limited to parcels greater
than five acres or to parcels two acres or more if the
sale of products from the protected use generates at
least \$1,000 per acre based on gross sales in areas
not zoned for the protected use. The state’s
definition of “farming” and “agriculture” covers many
activities, including, without limitation, traditional
farming activities and the keeping of horses as a
commercial enterprise. The other protected uses
listed in the statute are aquaculture, silviculture,
horticulture, floriculture and viticulture which, for the
purposes of the By-Law, are collectively defined in
the amendment as “Agricultural Uses”.

The Town Zoning By-Law, particularly the use table,
does not currently distinguish between protected
Agricultural Uses which must be permitted as of right
under state law and those that the Town may more
closely regulate. The amendment makes those
distinctions. In addition, the proposed amendment
revises the existing provisions of the By-Law to
clarify the applicability of Site Plan Review to these
protected uses (as well as to certain educational,
religious and child care uses that are also protected
under Chapter 40A, Section 3) in order to ensure
that Site Plan Review is conducted in a manner
consistent with state law.

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

March 10, 1941, as heretofore amended, as set forth above in the foregoing Article 33.

ARTICLE 34. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section III-C, delete subsection (1) in its entirety and replace it with the following subsection (1):
The Floodplain and Watershed Protection District shall be shown on a map entitled "Zoning Map of the Town of Hingham, Massachusetts Part B Flood Plain and Watershed Protection District dated 2012, as may be amended from time to time." The district includes all special flood hazard areas within the Town of Hingham at or below 10 feet above Mean Sea Level (MSL) as well as all special flood hazard areas designated as Zone A, AE, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hingham are panel numbers 25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J, 25023C0082J, 25023C0083J, 25023C0084J, 25023C0091J, 25023C0092J, 250230101J, 25023C0102J, 25023C0103J, 25023C0104J, and 250230111J, dated July 17, 2012. The FIRM and Flood Insurance Study (FIS) report are incorporated herein by reference and are on file with the Town Clerk, Building Department, and Conservation Commission.

The Floodplain and Watershed Protection District is established as an overlay district and shall be superimposed on all other districts established by this By-Law.

All regulations in the Hingham Zoning By-Law applicable to such underlying districts shall remain in effect; except that, where the provisions of this Section III-C impose additional regulations, those additional regulations shall govern.
Or act on anything relating thereto?
(Inserted at the request of the Planning Board)

COMMENT: The Flood Plain and Watershed Protection District was established in 1969 in response to the creation of the first set of national Flood Plain maps. The By-Law appears to have been revised in 1975 and 1986. The last Flood Insurance Rate Map (FIRM) dates from 1986. Recently, the Federal Emergency Management Agency (FEMA) completed a re-evaluation of flood hazards in Plymouth County, resulting in the preparation of a new FIRM showing revised Base

Flood Elevations measured in 2008. The revised FIRM was properly publicized, and the statutory appeal period has now expired. The new FIRM will become effective in Hingham on July 17, 2012. The Town is required by FEMA to regulate activities located in Flood Hazard areas as reflected in the new maps. It is therefore imperative that the map reference in Section III-C be updated and amended from 1986 to 2012. That is the purpose of this Article. The consequences of failing to update the map reference could be severe. For example, flood insurance might no longer be available through the National Flood Insurance Program. Certain types of assistance related to structures within the mapped flood zones would no longer be available to communities and individuals. Other assistance, such as Small Business Administration loans, might be denied. In most cases, grants through the hazard mitigation grant programs would become unavailable.

The Planning Board voted unanimously in favor of this Article. The Advisory Committee likewise recommends approval of this amendment of the Zoning By-Law.

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 III-C, delete subsection (1) in its entirety and replace it with the following subsection (1):

The Floodplain and Watershed Protection District shall be shown on a map entitled "Zoning Map of the Town of Hingham, Massachusetts Part B Flood Plain and Watershed Protection District dated 2012, as may be amended from time to time." The district includes all special flood hazard areas within the Town of Hingham at or below 10 feet above Mean Sea Level (MSL) as well as all special flood hazard areas designated as Zone A, AE, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hingham are panel numbers 25023C0018J, 25023C0019J, 25023C0038J, 25023C0081J, 25023C0082J, 25023C0083J, 25023C0084J, 25023C0091J, 25023C0092J, 250230101J, 25023C0102J, 25023C0103J, 25023C0104J, and 250230111J, dated July 17, 2012. The FIRM and Flood

Insurance Study (FIS) report are incorporated herein by reference and are on file with the Town Clerk, Building Department, and Conservation Commission.

The Floodplain and Watershed Protection District is established as an overlay district and shall be superimposed on all other districts established by this By-Law.

All regulations in the Hingham Zoning By-Law applicable to such underlying districts shall remain in effect; except that, where the provisions of this Section III-C impose additional regulations, those additional regulations shall govern.

ARTICLE 35. 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, of the Town of Hingham, Massachusetts,” by removing from Residence C District and including in the Office Park District the land shown on Assessors Map 176 as Lots 3, 4, and 8; and on Assessors Map 186 as Lots 3 and 5; and on Assessors Map 187 as Lots 10 and 12 which land is situated off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line.
(Inserted at the request of James Bristol, Jr. and others)

COMMENT: This article would expand the size of the existing Office Park District north of Derby Street from 87.46 acres to 203 acres. The land to be rezoned includes seven parcels of land owned by the Article sponsors, the Bristol Family and Plymouth Quarries. Under the current Residence C zoning designation, and based on existing soil conditions, it is estimated that approximately 80 to 100 single-family homes could be built on this site. The rezoning of these parcels would provide the opportunity for commercial development in proximity to the South Shore Industrial Park and Route 3. The petitioners believe that the proposed rezoning would result in an added economic benefit to the Town with less impact to municipal services than if developed under current Residence C zoning. It is the belief of the petitioners that inclusion of the 117 acres currently zoned Residence C in the Office Park District would allow for the development of a comprehensive office park master plan for the entire 203-acre area.

The petitioners have also stated that—as part of the future infrastructure development on this site—a wastewater treatment facility could be built to serve not only the needs of the site but also the needs of the Industrial Park. Such a treatment facility could

potentially provide the Town with a viable option for wastewater treatment in the Industrial Park.

The Town’s most recent Master Plan has outlined a desire to spur economic growth in this area. A study of the fiscal impact of this rezoning on the Town was conducted by FXM Associates at the request of the petitioners. FXM’s report compares the economic effect of a build-out under current Residence C zoning with that under the rezoned Office Park District. The tables below show the estimated annual net municipal revenues to the Town in each of the zoning scenarios.

Estimated Annual Net Municipal Revenues to Town of Hingham
Alternative Site Development Scenarios

	80 Single Family Homes	100 Single Family Homes	800,000 SF Commercial	1,260,000 SF Commercial
Annual Revenue	\$ 679,600.00	\$ 849,000	\$ 1,200,000	\$ 1,890,000
Annual Expenses	\$ 1,419,000.00	\$ 1,774,000	\$ 507,000	\$ 799,000
NET Income(loss)	\$ (739,400)	\$ (925,000)	\$ 693,000	\$ 1,091,000

Annual Difference in Net Municipal Revenues of Commercial Compared to Residential Development Scenarios

	800,000 SF Commercial	1,260,000 SF Commercial
80 Single Family Homes	\$ 1,432,400	\$ 1,830,400
100 Single Family Homes	\$ 1,618,000	\$ 2,016,000

If the property were to be developed in accordance with the proposed rezoning, the Town’s Planning Board would have the authority to determine primary and secondary roadway configurations and to impose conditions relative to overall off-site impacts. The future development of individual lots would then be subject to careful review by both the Planning Board and the Town’s Zoning Board of Appeals. Uses permitted in the Office Park District would include medical and professional offices, banks, warehouses, and light industrial uses, among others. Retail development including shopping centers or “big box” stores would not be permitted in the proposed Office Park District.

Opponents of the proposed rezoning expressed concerns regarding potential traffic impacts associated with commercial development as well as the possible negative impact of this change on the residential character of the property’s boundary along Whiting Street. Opponents also voiced some concerns about the perceived lack of community

involvement in the rezoning discussion, though supporters note that the economic development of the Derby Street corridor and Industrial Park area has been the subject of Town-wide hearings and deliberations for the past three years. The Planning Board voted three to two in support of this Article. The Advisory Committee voted unanimously to recommend affirmative 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, in the "Zoning Map, Part A, of the Town of Hingham, Massachusetts," by removing from Residence C District and including in the Office Park District the land shown on Assessors Map 176 as Lots 3, 4, and 8; and on Assessors Map 186 as Lots 3 and 5; and on Assessors Map 187 as Lots 10 and 12 which land is situated off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line.

ARTICLE 36. 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, of the Town of Hingham, Massachusetts," to add the following parcels within the South Hingham Overlay District shown on Assessors Map 176 as Lots 3, 4, and 8; and on Assessors Map 186 as Lots 3 and 5; and on Assessors Map 187 as Lots 10 and 12 which land is situated off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line.

(Inserted at the request of James Bristol, Jr. and others)

COMMENT: This article will add the seven parcels of land requested to be rezoned Office Park in the previous Article 35 to the South Hingham Overlay District. If Article 35 is not authorized by Town Meeting, inclusion of these parcels into the Overlay District will not be requested.

The South Hingham Development Overlay District was created by Town Meeting in 1991 for the purpose of assisting the Town in providing safe and efficient public infrastructure consistent with future growth potential. The objectives of the Overlay District are to: 1) encourage planning and development which will maintain the economic viability of businesses within the Overlay District; 2) encourage future development that links major non-residential roadways in the Overlay District; 3) minimize commercial- and industrial-related traffic impacts on surrounding residential neighborhoods; and, 4) support future development that balances the needs of abutting neighborhoods and

environmental protection with the long-term fiscal needs of the community. In addition, development in the Overlay District will be subject to the procedures and regulations of the Traffic, Safety, and Infrastructure Improvement Fund. This Fund shall only be used to ameliorate development-related impacts within the Overlay District.

The inclusion of these seven parcels of land rezoned Office Park in the Overlay District will add additional impact protections for the surrounding residential neighborhoods. In addition, the existing adjacent parcels of land already in the Overlay District so expanding the Overlay District to include these seven parcels will provide for consistent zoning from Old Derby Street, Route 3 to Route 53 for long-term planning and future economic development.

The Planning Board voted three to two in support of this article. The Advisory Committee voted unanimously to recommend a favorable vote on this article.

RECOMMENDED: That 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, of the Town of Hingham, Massachusetts," to add the following parcels within the South Hingham Overlay District shown on Assessors Map 176 as Lots 3, 4, and 8; and on Assessors Map 186 as Lots 3 and 5; and on Assessors Map 187 as Lots 10 and 12 which land is situated off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line.

ARTICLE 37. Will the Town expand the existing boundaries of the Industrial/Office Park Sewer District to include those parcels of land as shown on Assessors' Map 176 as Lots 3, 4 and 8; and on Assessors' Map 186 as Lots 3 and 5; and on Assessors' Map 187 as Lots 10 and 12; and as shown on the map entitled "Proposed Sewer District Expansion Plan", prepared by Coler & Colantonio, Inc., dated January 18, 2012, or act on anything related thereto?

(Inserted at the request of the Sewer Commission)

COMMENT: The Annual Town Meeting in 2010 approved the creation of an Industrial/Office Park Sewer District located in South Hingham. The ability to provide sewer services to potential Industrial or Office Park tenants was viewed as a critical need to attract low-impact growth that has the potential to yield significant, long-term revenue for the Town. This is evident in a number of new tenants that have been attracted to this district, including the recently

opened South Shore Hospital Center for Orthopedics, Spine and Sports Medicine.

This article, contingent on the passage of Articles 35 and 36 which add additional land to the South Hingham Industrial/Office Park Overlay District, would expand the existing sewer district to include this property. Having adequate water and sewer infrastructure is a necessary prerequisite for any economic development in this area. As with the existing sewer district, future town meeting authorization would be required prior to any expenditure for wastewater treatment, all of which would be included in end-user betterment assessments.

RECOMMENDED: That the Town expand the existing boundaries of the Industrial/Office Park Sewer District to include those parcels of land as shown on Assessors' Map 176 as Lots 3, 4 and 8; and on Assessors' Map 186 as Lots 3 and 5; and on Assessors' Map 187 as Lots 10 and 12; and as shown on the map entitled "Proposed Sewer District Expansion Plan", prepared by Coler & Colantonio, Inc., dated January 18, 2012.

ARTICLE 38. Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for the design and construction of an additional sewer system, and authorize the Sewer Commission to proceed with the construction of same along Ship Street from 3A to North Street and Cottage Street from Fearing Road to North Street, or act on anything relating thereto?
(Inserted at the request of the Sewer Commission)

COMMENT: The Sewer Commission was approached by a group of residents from Ship and Cottage Streets requesting an extension of the sewer system to service their properties. Reasons for making this request include aging septic systems, the sanitary, environmental, and economic benefits of connecting to the sewer, the ability to bypass Title V, and the ability to make certain property modifications currently limited by the size of permitted septic systems.

This project includes a total of 30 homes and 31 properties: Ship Street from 3A to North Street, Cottage Street from Fearing Road to North Street, and three residences located on private drives. These residences have secured the required easements to participate in the project and will share in its cost.

Following past practices, the Sewer Department notified all affected residents, provided a project cost estimate (\$600,000), and requested a response to a

project survey. Twenty-two residences (71%) support the project; five residences (16%) oppose it, one is undecided, and three residences did not respond to multiple outreach efforts.

All costs will be equally apportioned among all affected properties and recouped through 20-year betterments.

Approval of this article does not preclude the Town from considering other sewer projects, whether initiated by residents or the Sewer Commission. The Board of Selectmen approved this project.

RECOMMENDED: That the Town appropriate up to \$600,000 for the design and construction of an additional sewer system on Ship Street and Cottage Street, and to accomplish such action, the Town: (1) authorize and empower the Sewer Commission to contract for design, engineering and construction service for such sewage facilities; and (2) authorize the Sewer Commission and/or Board of Selectmen to impose betterment assessments upon property benefitted by such sewer systems; and (3) to meet this appropriation, the Treasurer/Collector be, and hereby is, authorized to borrow up to \$600,000 under and pursuant to Chapter 44 Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that in connection with this borrowing, any or all of such amount may be borrowed through the Massachusetts Water Pollution Abatement Trust established pursuant to Massachusetts General Laws, c.29C, as amended (the "Trust"), and in connection therewith, the Selectmen and any other appropriate Town officers are authorized to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any such loan and for any federal or state aid available for the project or for the financing thereof.

ARTICLE 39. Shall the Town vote to have its elected Treasurer/Collector become an appointed Treasurer/Collector of the Town?
(Inserted at the request of the 2010 Government Study Committee)

COMMENT: Hingham currently elects the Treasurer/Collector every three years. This Article proposes that the Treasurer/Collector instead be appointed by the Board of Selectmen. Pursuant to Massachusetts law, the appointment would be for a term not to exceed three years. The Board of

Selectmen and Advisory Committee support this proposal.

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

This is the fourth time town meeting has been asked to consider appointing rather than electing the Treasurer. In 1991 town meeting approved the appointment of the Treasurer, but that approval subsequently was revoked by a special town meeting action later that same year. In 2000, the question was voted down at town meeting and at the town election. In 2006, the town election preceded consideration of the issue at town meeting. The question was voted down at the ballot and, despite an affirmative recommendation by the Advisory Committee, the vote by town meeting was for “no action” given the results at the ballot.

Anytime one is asked to give up his or her right to vote, the question deserves special consideration. The right to vote for Treasurer preserves in the electorate the right to choose an important fiscal leader for the Town. The Treasurer is not “beholden” to any one person or Board for his or her job and has the independence to make decisions within the ambit of the office. The issue, however, is that there are no job-related requirements that serve as a prerequisite to running for Treasurer/Collector. Any resident of Hingham who turns in election papers could become a candidate for the position without the need for any fiscal or tax background or any experience in municipal government. The Government Study Committee researched elected versus appointed treasurers and found that the majority of Massachusetts towns comparable to Hingham in size and budget empower the Selectmen or Town Manager to appoint the Treasurer. The Government Study Committee believes that (A) given the sophisticated financial requirements necessary to operate an efficient and

effective Treasurer/Collector office and (B) the need to be sure that the Treasurer/Collector is integrated into town leadership, it is essential to provide the power to appoint the Treasurer/Collector to the Board of Selectmen. There are four reasons for this viewpoint:

(i) Qualifications. The Board of Selectmen would be able to establish professional criteria for the job of Treasurer/Collector.

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

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

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

Ms. Montgomery’s term will expire in May 2013. Ms. Montgomery has stated that whether the position becomes appointed or remains elected, she plans to be a candidate for the job.

If Town Meeting votes to approve this change, the measure will also need to be approved at the Town election to be effective.

RECOMMENDED: That the Town change the position of Treasurer/Collector from an elected office to a position appointed by the Board of Selectmen.

ARTICLE 40. Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 2, “Town Meeting and Notice Thereof”, Section 9, by deleting the current Section 9 and replacing it with the following:

SECTION 9 – The number of voters necessary to constitute a quorum at town meetings, except at

such meetings as are devoted exclusively to the election of town officers, shall be two hundred; provided, however, that a number of less than two hundred may from time to time adjourn the same.

Or act on anything relating thereto?
(Inserted at the request of the 2010 Government Study Committee)

COMMENT: This article proposes reducing the number of voters necessary to constitute a quorum at town meeting from 300 to 200 voters. A quorum is required to begin each night of town meeting and to conduct the business of the town as presented in the warrant. If a voter is in doubt as to whether a quorum is present at any time during town meeting, the voter has the right to raise a point of no quorum and at that point the Moderator must determine whether a quorum is present. If a quorum is not present, the meeting must be adjourned to another specified day and time or, in rare instances, the meeting can be dissolved without concluding the matters remaining in the warrant. Those voters present at the time may take the action to adjourn or dissolve regardless of number.

The Advisory Committee is concerned about the efficient and effective conduct of town meeting, but also is concerned about the message the reduction in the number of voters necessary to constitute a quorum sends to the Town. At this writing, the Town has approximately 16,000 registered voters and the current By-Law requires that 300 voters or about 1.9% attend town meeting to establish a quorum. This article would reduce that number to about 1.25% of registered voters. As a practical matter, well over 300 voters show up rather promptly for the first night of town meeting, so the establishment of a quorum will likely not be affected one way or the other by this proposed change. However, obtaining a quorum typically can be an issue on subsequent nights of town meeting, unless there is an important or controversial item remaining in the warrant. If the remaining articles are not controversial, it can often take an hour or more to get the necessary attendance to begin the meeting. In addition, attendance often wanes at the end of the meeting, creating some risk that a call for quorum could require adjournment or dissolution of the meeting without concluding the warrant.

While the Advisory Committee believes that it is in the best interest of the Town for as many voters as possible to attend town meeting and engage in the conduct of the town's business, on balance it views the quorum requirement as a procedural hurdle and not necessarily a facilitator of increased attendance at town meeting. Nonetheless, the Advisory

Committee believes it is in the best interest of the Town to maintain the quorum requirement at 300 voters, and that other means should be utilized to encourage voter attendance and participation. The Advisory Committee suggests that the Government Study Committee continue its efforts to evaluate the procedures pertaining to town meeting to be sure that it is positioned to continue to represent the interests of the Town in a fair and meaningful way for the future.

RECOMMENDED: That no action be taken on this article.

ARTICLE 41. Will the Town vote to accept M.G.L. c. 32B, § 20, as amended, and subsequently transfer funds currently in the Retiree Healthcare Liability Trust Fund to the State Retiree Benefits Trust Fund, or act on anything relating thereto?
(Inserted at the request of the Treasurer/Collector)

COMMENT: Since towns in the Commonwealth were just beginning to recognize this need to fund future liabilities from Other Post Employment Benefits (OPEB), the Town required special legislation, Chapter 126 of the Acts of 2002, to establish our current Retiree Healthcare Liability Trust Fund. Under this legislation, the Treasurer is authorized to invest under G.L. Ch. 44, sec 54. Investment options under this statute are very limited, and returns are unlikely to meet the return assumption used to calculate our Annual Required Contribution (ARC) payment. If our investment returns fall below this level over an extended period of time, our annual appropriations will need to increase to fully fund our OPEB liability.

In 2008, legislation was passed in Massachusetts (the Acts of 2008) allowing cities, towns and municipal light boards to create OPEB Trust Funds. Under this statute, OPEB Trust Funds are authorized to invest "consistent with the prudent investor rule established in chapter 203C", the same rules applicable to pension trust funds. Investment options under 203C are broader, and more likely to meet the return assumption used to calculate our ARC payment. Since the nature of our OPEB obligations are analogous to the Town's pension obligations, it makes sense that these funds be invested using a similar long-term strategy. Further legislation in 2011 now allows such funds to be invested in the State Retiree Benefits Trust Fund.

Town meeting approval is required to accept M.G.L. c. 32B, § 20, as amended.

RECOMMENDED: That the Town vote to accept M.G.L. c. 32B, § 20, as amended, and

subsequently transfer funds currently in the Retiree Healthcare Liability Trust Fund to the State Retiree Benefits Trust Fund.

ARTICLE 42. Will the Town change the requirement from at least every three years to at least every nine years that, under the direction of the Selectmen, the Audit Committee will ask the Town Administrator to issue a request for proposals for an independent auditing firm to conduct, in accordance with generally accepted auditing standards, an annual audit of the financial statements of the Town, or act on anything related thereto?
(Inserted at the request of the Audit Committee)

COMMENT: The Audit Committee believes, and the Board of Selectmen agrees, that changing the required frequency of the RFP process will not have an adverse impact on the quality of services provided by the audit firm or value received by the Town. As it is, the Town's current arrangement with the incumbent audit firm is a year-to-year contract, subject to review by the Audit Committee and cancelable at any time by either party.

The change proposed in this article does not prohibit the Town from initiating an RFP process more frequently than every nine years; it merely sets an upper limit and provides the Audit Committee flexibility in managing the Town's relationship with the audit firm. It is expected that the Audit Committee and the Board of Selectmen, consistent with their fiduciary responsibilities to the Town, will continuously evaluate the relationship between the Town and the audit firm and take action as necessary to ensure the best interests of the Town are served.

RECOMMENDED: That the Town change the requirement from at least every three years to at least every nine years that, under the direction of the Selectmen, the Audit Committee will ask the Town Administrator to issue a request for proposals for an independent auditing firm to conduct, in accordance with generally accepted auditing standards, an annual audit of the financial statements of the Town.

ARTICLE 43. Will the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, at Article 13 as follows:

At Section 4-General Rules and Regulations, by deleting the words "a period of at least fifteen days" and replacing them with the words "a period of at least thirty days", and by adding the following sentence at the end of said Section 4:

"An electronic copy of this record shall be forwarded to the Police Department within one (1) calendar day of the transaction."

or act on anything related thereto?
(Inserted at the request of the Chief of Police)

COMMENT: Article 13 of the General By-Laws helps the Police Department investigate thefts of jewelry and other second-hand or precious metals by requiring jewelers and other licensed purchasers to hold such items for a period of time and to maintain appropriate records of individual transactions. The proposed By-Law amendment will increase the required holding period and will also require that records of each transaction, already required to be shared with the Police Department, be transmitted to the Police via electronic means.

Hingham and surrounding communities have seen a significant increase in residential breaking and entering crimes and the Police Department believes the current 15-day holding period is not sufficient to complete a thorough investigation. In addition, the proposed requirement to send transaction records electronically will allow for faster and more comprehensive sharing of data with other Police Departments as it is reasonable to expect that goods stolen in one town may be disposed of in another.

Many cities and towns in our area are contemplating or have already adopted similar measures.

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

At Section 4-General Rules and Regulations, by deleting the words "a period of at least fifteen days" and replacing them with the words "a period of at least thirty days", and by adding the following sentence at the end of said Section 4:

"An electronic copy of this record shall be forwarded to the Police Department within one (1) calendar day of the transaction."

ARTICLE 44. Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, by amending Article 31, entitled "Demolition of Historically Significant Buildings or Structures" and known as the "Demolition Delay By-Law", as follows:

Item 1: Amend Section 2 by deleting the definitions of "Commissioner" and "Demolition Permit" and

inserting after the definition of "Commission", the following definitions:

"Commission Staff – The person(s) regularly providing staff services for the Commission whom the Commission has designated as "commission staff" for the purposes of this Article.

Commissioner – The person occupying the office of Hingham Building Commissioner or otherwise authorized in the Town of Hingham to issue permits under the Massachusetts state building code.

Demolition – The act of pulling down, destroying, removing, razing or commencing the work of any destruction of a regulated building or structure as defined in Section 3 of the Article, or any portion thereof, excluding modifications to the interior of the building or structure having no effect on the exterior thereof. Without limiting the foregoing, demolition includes the act of removal or replacement of any historic architectural element for which a building permit is required from the Commissioner including, but not limited to, the frame, finish, window(s), roofing, chimney(s), siding, or any other architectural feature affecting the exterior of a regulated building or structure.

Demolition Permit - A permit issued by the Commissioner for any demolition as defined in this Article 31."

Item 2: Amend Section 4.B. by adding the following at the end thereof:

"The Commission may delegate the determination of whether a building or structure is historically significant to Commission Staff or to a designated Commission member. In the event that the Commission delegates the determination to the Commission Staff or to a designated Commission member, the Commission shall adopt criteria to be followed by the Commission Staff or such member in making the determination."

Item 3: Amend Section 4, entitled "Procedure", by adding the following subsection (H) at the end thereof:

"(H) Any change that occurs prior to or after commencing work on a project involving a regulated building or structure subsequent to issuance of a demolition permit previously approved by the Commission must be reviewed and approved by the Commission."

Item 4: Amend Section 6, entitled "Non-Compliance" by deleting it in its entirety and substituting therefore the following:

Section 6 - NON-COMPLIANCE

(A) The Commission is authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Article or to prevent a threatened violation thereof.

(B) Anyone who engages in demolition in violation of this Article may be subject to a fine of not more than Three Hundred Dollars (\$300). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building or architectural element is completed or unless otherwise agreed to by the Commission.

(C) No building permit shall be issued with respect to any premises upon which demolition has occurred in violation of this Article for a period of three (3) years after the date of such violation. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

(D) Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this Article better serves the intent and purpose of this Article, it may, prior to the expiration of said three-year period, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this Article, and may so notify the Commissioner.

(E) Nothing in this Section shall be deemed to exempt a landowner from compliance with any requirements of the state building code or prohibit landowners from complying with any requirements of the state building code.

or act on anything related thereto?

(Inserted at the request of the Historical Commission)

COMMENT: The Demolition Delay By-Law was originally adopted by the town at a special town meeting in 1988 as "part of an overall plan for protecting and preserving the historical and cultural assets of the town." Advisory Committee Comment, February 1988. The By-Law empowers the Historical Commission to impose a six-month delay on the demolition of historically significant buildings or structures located outside the Town's Historic Districts after a finding that it is in the public interest

that such buildings or structures be preserved. Currently, there are approximately 800 properties listed on the Hingham Comprehensive Inventory of the Town's historic assets that are subject to this By-Law. The proposed changes to the By-Law fall into four categories:

(i) Definition of Demolition. The current version of the By-Law does not define the concept of demolition which creates uncertainty about when the requirements of the By-Law apply. The proposed changes to the By-Law define demolition to include pulling down, destroying, removing or razing a building or structure. It also expands on that notion to include the removal or replacement of exterior historic elements of an affected building (e.g., frames, finish, siding, windows, chimney and or roofing) if such removal or replacement otherwise requires a building permit. Section 2, Definitions.

(ii) Delegation of Historically Significant Determinations. A new provision would allow the Historical Commission to delegate the determination of whether a building or structure or architectural element described above is "Historically Significant" to a member of the Commission or to Commission staff. A building, structure or element must be found to be Historically Significant in order to trigger a full review of the proposed project by the Commission. Currently all determinations of Historical Significance must be made by the Historical Commission. Section 4B, Procedures.

(iii) Remedies for Noncompliance. Currently, if a homeowner undertakes demolition in violation of the By-Law, the Historical Commission must impose a three-year moratorium on the issuance of any building permit for the premises. Depending on the culpability and/or the significance of the historic destruction, the moratorium can be out of sync with the violation. Moreover, in certain instances, the goal of historic preservation is not achieved by prohibiting the issuance of a building permit. This change would enable the Historical Commission to work with a homeowner to better achieve the goals of the By-Law and to develop remedies that are more fitting to the violation. Section 6, Non-Compliance.

(iv) Clerical Changes. Clean up typographical errors and other ministerial changes.

The Advisory Committee is mindful of the need to balance individual property rights on the one hand and the public interest in historic preservation on the other hand. The changes to the By-Law do expand the intuitive notion of demolition; however, the By-Law provides a process to work through demolition

and construction issues which takes account of historic preservation and homeowner interests. The delegation of authority to Commission members and staff to make determinations of Historical Significance pursuant to established criteria will provide the Commission with the ability to provide a more timely response, particularly in respect of demolition or alterations that are found not to be Historically Significant. Finally, the noncompliance change is long overdue. In certain instances a three-year moratorium on building permits does not serve the interests of the Town or the resident. These changes would provide the Commission with the ability to fashion a remedy in keeping with the violation and in furtherance of the objectives of the By-Law.

The Board of Selectmen, the Inspector of Buildings and the Advisory Committee support these changes.

RECOMMENDED: That the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, by amending Article 31, entitled "Demolition of Historically Significant Buildings or Structures" and known as the "Demolition Delay By-Law", as follows:

Item 1: Amend Section 2 by replacing it in its entirety with the following:

For the purposes of this By-Law the following words and phrases have the following meanings: Commission - The Hingham Historical Commission

Commission Staff - The person(s) regularly providing staff services for the Commission whom the Commission has designated as "commission staff" for the purposes of this By-Law.

Commissioner - The person occupying the office of Hingham Building Commissioner or otherwise authorized in the Town of Hingham to issue permits under the Massachusetts State Building Code.

Demolition - The act of pulling down, destroying, removing, razing or commencing the work of any destruction of a regulated building or structure as defined in Section 3 of this By-Law, or any portion thereof, excluding modifications to the interior of the building or structure having no effect on the exterior thereof. Without limiting the foregoing, demolition includes the act of removal or replacement of any historic architectural element of any regulated building or structure for which a building permit is required from the Commissioner including, but not limited to, the frame, finish, window(s), roofing, chimney(s), siding, or any other

architectural feature affecting the exterior of a regulated building or structure.

Permit - A permit issued by the Commissioner for any Demolition (as defined in this By-Law). A Permit, as this term is used in this By-Law, shall include a building permit for Demolition activities as defined above and/or a permit for demolition issued by the Commissioner pursuant to the Massachusetts State Building Code.

Historically Significant – a determination by the Commission that a Regulated Building or Structure is:

(1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or

(2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Item 2: Except for the clause in Section 5 which reads “procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws”, capitalize the term “demolition” wherever it appears in Sections 3 through 6 so that it will hereafter appear as “Demolition”.

Item 3: Replace the term “demolition permit” wherever it appears in Section 3 through 6 with the term “Permit”.

Item 4: Capitalize the term “historically significant” wherever it appears in Sections 3 through 6 so that it will hereafter appear as “Historically Significant”.

Item 5: Amend Section 3 by adding to the introductory sentence thereof, prior to the colon, the following: “(and the architectural elements thereof) which shall be known for purposes of this By-Law as “Regulated Buildings or Structures” and by replacing subsection (3) thereof in its entirety with the following:

(3) a building or structure included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, the Hingham Comprehensive Inventory of the historic, architectural and archeological assets of the Town or designated by the Commission for inclusion in either of said Inventories. Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building or structure located in a local historic district and subject to regulation under the

provisions of Chapter 40C of the Massachusetts General Laws.

Item 6: Replace each of the following clauses with the term “Regulated Building or Structure”:

- (i) in Section 4.A the clause “building or structure identified in paragraph (c) of this section”;
- (ii) in Section 5 the clause “building or structure identified in section 3 of this article”;
- and (iii) the clause “building or structure” wherever else it appears in Sections 3 through 6, except in Sections 4.D, 4.F and the first sentence of Section 4.G.

Item 7: Amend Section 4.B by adding the following at the end thereof:

The Commission may, by a majority vote of the Commission, delegate the determination of whether a Regulated Building or Structure is Historically Significant to Commission Staff or to a designated Commission member. In the event that the Commission delegates the determination to the Commission Staff or to a designated Commission member, the Commission shall adopt criteria to be followed by the Commission Staff or such member in making the determination. A determination by the Commission Staff or by a Commission member pursuant to such delegation shall be deemed a determination by the Commission.

Item 8: Replace Section 4.D in its entirety with the following:

D. Within sixty (60) days after the applicant is notified that the Commission has determined that a Regulated Building or Structure is Historically Significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information: (i) a map showing the location of the Regulated Building or Structure or architectural element(s) thereof to be demolished with reference to lot lines and to neighboring buildings and structures; (ii) photographs of all street facade elevations; (iii) a description of the Regulated Building or Structure or architectural element(s) thereof to be demolished; (iv) the reason for the proposed Demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for Demolition; and (v) a brief description of the proposed reuse of the parcel on which the Regulated Building or Structure is located.

Item 9: Replace the last two sentences of Section 4.E with the following:

Within sixty (60) days after its receipt of the demolition plan, the Commission shall file a written report with the Commissioner on the demolition plan which shall include the

following: (i) a description of the age, architectural style, historic association and importance of the Regulated Building or Structure or architectural element(s) to be demolished; and (ii) a determination as to whether or not the Regulated Building or Structure or any architectural element thereof should preferably be preserved. The Commission shall determine that a Regulated Building or Structure or architectural element(s) thereof should preferably be preserved only if it finds that the Regulated Building or Structure or architectural element thereof is Historically Significant because it is important to the Town's historical and/or architectural resources and is in the public interest to preserve, rehabilitate or restore.

Item 10: In Section 4.F and the first sentence of Section 4.G replace the clause "building or structure" with the clause "Regulated Building or Structure and/or architectural element(s) thereof to be demolished".

Item 11: Amend Section 4 by adding the following subsection H at the end thereof:

H. Any material change to the plans filed and approved by the Commissioner and the Commission that (i) pursuant to the Massachusetts State Building Code, requires the permit holder to file for a modification, (ii) occurs subsequent to the issuance of a Permit previously approved by the Commission, and (iii) affects the exterior of a Regulated Building or Structure or architectural element thereof, must be reviewed by the Commission. The applicant shall submit plans detailing the requested changes to the Commission and the Commissioner. The Commission shall issue a written report to the Commissioner within 30 days of receipt of such plans. Such report shall either approve the requested changes and authorize the issuance of a Permit pursuant to the revised plans or shall deny the proposed changes. The changes shall be deemed approved if such report is not received by the Commissioner within said thirty (30) day period. If the proposed changes are not approved, the applicant may proceed with the work as authorized under the original Permit or the work as described in the revised plans will be subject to Section 4.G above.

Item 12: Amend Section 5 to replace the words "himself" and "he" with the words "the Commissioner", and the word "his" with the word "the".

Item 13: Amend Section 6 entitled "Non-Compliance" by deleting it in its entirety and substituting therefore the following:
Section 6 - NON-COMPLIANCE

A. The Commission may request that the Board of Selectmen institute any and all actions or proceedings, in law or equity as the Selectmen may deem necessary and appropriate to obtain compliance with the requirements of this By-Law or to prevent a threatened violation thereof.

B. Anyone who engages in Demolition in violation of this By-Law may be subject to a fine of not more than three hundred (\$300) dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished Regulated Building or Structure or architectural element is completed or unless otherwise agreed to by the Commission.

C. No building permit shall be issued with respect to any premises upon which Demolition has occurred in violation of this By-Law for a period of three (3) years after the date of such violation. As used herein, "premises" refers to the parcel of land upon which the Regulated Building or Structure (or architectural element thereof) was located and all adjoining parcels of land under common ownership or control.

D. Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any Demolition in violation of this By-Law better serves the intent and purpose of this By-Law, it may, prior to the expiration of said three (3) year period, authorize the Commissioner in writing to issue a Permit upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this By-Law. Upon issuance of such written authorization by the Commission to the Commissioner, and compliance of the landowner with the conditions, if any, of such authorization, the building permit moratorium set forth in subsection 6.C shall cease, provided that future Permit applications for the premises shall be subject to applicable provisions of this By-Law.

E. Nothing in this Section shall be deemed to exempt a landowner from compliance with any requirements of the State Building Code or prohibit landowners from complying with any requirements of the State Building Code.

ARTICLE 45. Will the Town transfer a sum of money from the Receipts Reserved for Appropriation: Insurance Recovery in Excess of \$20,000 for use by the Fire Department, or act on anything relating thereto?
(Inserted at the request of the Fire Department)

COMMENT: The Fire Department experienced the total loss of a 2005 Medic 2 Ambulance while responding to the scene of a collision at the corner

of Cushing and Whiting Streets on August 29, 2011. Proceeds from the insurance claim in the amount of \$160,000 were received October 2011. Massachusetts General Law requires the expenditure of insurance recoveries in excess of \$20,000 be subject to a vote of town meeting prior to final expenditure. Once appropriated, proceeds will be use to purchase a new ambulance.

RECOMMENDED: That the Town transfer \$160,000 from the Receipts Reserved for Appropriation: Insurance Recovery in Excess of \$20,000 for use by the Fire Department.

ARTICLE 46. Will the Town transfer a sum of money from the Receipts Reserved for Appropriation: Insurance Recovery in Excess of \$20,000 for use by the School Committee, or act on anything relating thereto?
(Inserted at the request of the School Department)

COMMENT: As a result of heavy snowfall in the winter of 2011, the 1961 section of the Hingham Middle School roof required emergency stabilization and shoring to preserve structural integrity. Costs to complete that stabilization, including replacement of a beam and permanent shoring posts, were covered by insurance. Massachusetts General Law requires the expenditure of insurance recoveries in excess of \$20,000 be subject to a vote of town meeting prior to final expenditure.

RECOMMENDED: That the Town transfer \$56,067.67 from the Receipts Reserved for Appropriation: Insurance Recovery in Excess of \$20,000 for use by the School Committee.

ARTICLE 47. Will the Town authorize, but not require, the Board of Selectmen to (1) petition the Great and General Court to remove a portion of a parcel of land off Fort Hill Street currently being held for public park and public recreation purposes ("Parcel 2") consisting of approximately of 3.21 acres known as a portion of Lot 1 on Assessors' Map 77, in exchange for a parcel of land consisting of approximately 10.08 acres known as a portion of Lot 44 on Assessors' Map 69 currently held for general municipal use ("Parcel 1"), said Parcel 1 to be held for public park and public recreation purposes, such Parcels being shown on a plan entitled Open Space Modification Exhibit Bare Cove Park Drive, Hingham, MA 02043 by Coler & Colantonio dated March 8, 2012, and (2) if necessary, to authorize the Board of Selectmen to grant restrictions on such Parcel 1, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: In 1972, the United States Government deeded to Hingham a significant amount of acreage along the Back River. The largest parcel is the public park and public recreation land known as Bare Cove Park. The remainder of the land is currently held for school department and general municipal uses. The deed for the park portion carries restrictions as to the usage of the land; specifically, no changes in use are permitted without the approval of the U. S. Department of Interior.

The somewhat unusual configuration of the Bare Cove Park Parcel has it wrapping, in a tail-like fashion, around the back of the new Carlson Fields and the school bus storage parcel up to the main entrance on Fort Hill Street. The result is that the majority of Carlson Fields (approximately 10 acres of land shown as Parcel 1 on the referenced plan) is not part of the park but a small portion of the land (approximately 3 acres of land shown as Parcel 2 on the referenced plan) between the school bus facility and Thomas Auto Body, which is not conducive to park use, is within the park.

To make the highest and best use of existing Town-owned land, the Town would like the ability to build on and/or lease Parcel 2. Future uses may be for the consolidation of the School Department activities currently being conducted in Buildings 12 and 179. Another possible use is for a lease for a local access cable studio.

Since Parcel 2 is technically part of Bare Cove Park and carries restrictions on such usage, the Town would like to remove it from Bare Cove Park and transfer it to general municipal use. In exchange, Parcel 1, which is more than three times larger than Parcel 2, would be transferred from general municipal use and added to Bare Cove Park as public park and public recreation use consistent with the original deed of Bare Cove Park to the Town.

The Board of Selectmen, upon Town Meeting approval, would then petition the state legislature and the U.S. Department of Interior for their required permission for the transfer.

Members of the Bare Cove Park Committee have been consulted and approve of the transfer.

RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen to (1) petition the Great and General Court to remove a portion of a parcel of land off Fort Hill Street currently being held for public park and public recreation purposes ("Parcel 2") consisting of approximately of 3.21 acres known as a portion

of Lot 1 on Assessors' Map 77, in exchange for a parcel of land consisting of approximately 10.08 acres known as a portion of Lot 44 on Assessors' Map 69 currently held for general municipal use ("Parcel 1"), said Parcel 1 to be held for public park and public recreation purposes, such Parcels being shown a plan entitled Open Space Modification Plan Bare Cove Park Drive, Hingham, Ma 02043 by Coler & Colantonio dated March 8, 2012, and (2) if necessary, to authorize the Board of Selectmen to grant restrictions on such Parcel 1.

ARTICLE 48. Will the Town authorize, but not require, the Board of Selectmen to enter into a lease of a parcel of land off Fort Hill Street, as shown as Parcel 2 on a plan entitled Open Space Modification Exhibit Bare Cove Park Drive, Hingham, MA 02043, prepared by Coler & Colantonio dated March 8, 2012, for use as a non-profit local access cable studio and related offices, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: Adoption of this Article will allow, but not require, the Board of Selectmen to lease the parcel of land shown as Parcel 2 on the referenced plan, or a portion thereof, for use as a non-profit local access cable studio, upon such terms and conditions as may be established by the Board of Selectmen. Such a lease would allow the Town to lease the land for a use that provides community benefit and also provides a financial benefit to the Town. This lease will be considered at this location only if the Town receives the necessary approvals under Article 47. In addition, pursuant to Massachusetts General Law Chapter 30B, before entering into the lease, the Board of Selectmen must issue a request for proposals (RFP) setting forth the required terms for the lease, including the permitted use. Upon receipt of proposals for the permitted use, the Board of Selectmen will review the proposals to determine if any of them satisfy the criteria set forth in the RFP. If so, the Town may then enter into a lease consistent with the terms of the RFP.

RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen to enter into a lease of a parcel of land off Fort Hill Street, shown as Parcel 2 on a plan entitled Open Space Modification Plan Bare Cove Park Drive, Hingham, MA 02043, prepared by Coler & Colantonio dated March 8, 2012, for use as a non-profit local access cable studio and related offices.

ARTICLE 49. Will the Town of Hingham raise and appropriate, borrow, or transfer from available

funds a sum of money sufficient for the design, engineering and installation of traffic lights equipped with pedestrian signals at the intersection of Main Street (Rt.228), Cushing Street, and South Pleasant Street as recommended by Coler and Colantonio, Inc., a traffic engineering company hired by the Town at the request of the Hingham Traffic Committee?

(Inserted at the request of Bernard Manning and others)

COMMENT: Article 32 of the Warrant for the 2003 Annual Town Meeting created a Traffic Safety Study Committee (TSSC), directing the Committee to evaluate and recommend effective traffic safety solutions for the Free/High/Main and Cushing/South Pleasant/Main intersections to the 2004 Annual Town Meeting. Their investigation produced the following accident data:

	Free/High/ Main	Cushing/So. Pleasant/Main
1992 - 1994 Avg.	8	6
1999 - 2001 Avg.	6	6
2002	13	6
2003	9	5

As a result of their deliberations, the TSSC voted to recommend a series of traffic-calming measures (which were subsequently implemented), and then monitor accident rates to see if they were effective in improving traffic safety at these two intersections. One of the key considerations leading the TSSC to proceed deliberately was a concern about impacts on the historic streetscape. After watching accident trends climb, the Board of Selectmen voted to install a traffic signal at the Free/High/Main intersection. This project was completed in 2006. The statistics below document subsequent accident patterns:

	Free/High/ Main	Cushing/So. Pleasant/Main
2004	13	5
2005	12	4
2006	10	4
2002 - 2006 Avg.	11.4	4.8

	Free/High/ Main	Cushing/So. Pleasant/Main
2007	4	5
2008	5	6
2009	5	0
2010	2	5
2011	3	6
2007 - 2011 Avg.	3.8	4.4*

*(excluding 2009, avg. = 5.5)

The installation of the traffic signal at Free/High/Main has measurably improved safety at that intersection,

and the number of accidents at Cushing/South Pleasant/Main has seen no statistically significant change since the 1990's. Concerned northbound motorists on Cushing Street planning to make a left turn onto Main now have an alternative. They can choose to turn left onto Ward Street and utilize the signalized intersection at Free/High/Main to access Main Street northbound.

After significant floor discussion, Article 29 at the 2010 Annual Town Meeting was referred to a study: That the Town refer the issue of traffic lights at the intersection of Main, Cushing and South Pleasant Streets, and costs associated with such lights, to the Traffic Study Committee, and direct that committee to report thereon to the 2011 Annual Town Meeting.

After a series of eight public meetings in the fall of 2010, and commissioning a report by Coler & Colantonio, the Town's standing Traffic Safety Committee (TSC) voted 7 to 1 not to recommend signalization. In their report, Coler & Colantonio opined that installing traffic control at this intersection would cost no less than \$370,000 to \$462,500. The TSC concluded "that the safety concerns raised by the proponents of the original article to justify the installation of a traffic light are not supported by the facts." Their report went on to state that "the problem seems to rest with the inconvenience associated with the delay in entering Main Street from Cushing Street" but the committee felt that this did not overcome the substantial costs required to solve the problem. They recommended that "the Planning Board would be the more appropriate town board to continue considering this intersection as it addresses future growth, traffic circulation and development issues affecting the residents of Hingham." By a vote of 13 to 1, the Advisory Committee reached the same conclusion last year, and recommended "No Action" on this issue. After a spirited debate at the 2011 Annual Town Meeting, "No Action" was voted.

In five of the six accidents recorded in 2011, a car traveling eastbound on Cushing Street was at fault. There are no apparent patterns in regard to time of day or day of week of these accidents. Three vehicles had to be towed as a result of these five accidents, and one person received a non-incapacitating injury. The remaining accident occurred when a car traveling southbound on Main Street struck a 12-year-old child on a skateboard in the crosswalk. The child received non-incapacitating injuries.

It should be noted that while Route 228 is not a state highway (it is a state-numbered route) the MassDOT would restrict the use of state funding for another

project on Main Street for ten years. Therefore, the Town could choose to signalize this intersection, but it could not use any state funding to defray the cost of the project.

After hearing the comments and discussion, the Advisory Committee voted 8 to 5 (with 1 abstention) to recommend "No Action" on this article. There was general agreement that the traffic safety situation at this intersection has not changed appreciably over the past twenty years. The minority supporting this article felt that the time had come to address a potentially dangerous situation which has been endured long enough. The majority felt that, while signalization may be appropriate in the future, the facts do not support moving forward at this time, and any action taken should reflect an analysis of the entire Main Street corridor. If no action is taken on this article, there was support for addressing the visibility and placement of crosswalks as a way to improve safety for pedestrians.

RECOMMENDED: That no action be taken on this article.

ARTICLE 50. Will the Town vote to accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended, pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land commonly known as the South Shore Industrial Park, including properties located at 35 Commerce Road (Map 207, Lot 18); 45 Industrial Park Road (Map 201, Lot 6); 55 Industrial Park Road (Map 201, Lot 7) ; 65 Industrial Park Road, Map 201, Lot 8) ; 75 Industrial Park Road (Map 201, Lot 9); 90 Industrial Park Road (Map 201, Lot 12) ; 90A Industrial Park Road (Map 201, Lot 3) 99 Industrial Park Road (Map 201, Lot 8); 110 Industrial Park Road (Map 207, Lot 12); 120 Industrial Park Road (Map 207, Lot 11); 125 Industrial Park Road (Map 207, Lot 2) ; 10 Old Mine Rock Way (Map 207, Lot 14); 1 Pond Park Road (Map 200, Lot 7); 2 Pond Park Road (Map201, Lot 20) ; 3 Pond Park Road (Map 201, Lot 13); 4 Pond Park Road (Map 201, Lot 5); 5 Pond Park Road (Map 210, Lot 4); 20 Pond Park Road (Map 210, Lot 10); 30 Pond Park Road (Map 207, Lot 6); 35 Pond Park Road (Map 201, Lot 11); 40 Pond Park Road (Map 206, Lot 2) ; 45 Pond Park Road (Map 200, Lot 6); 50 Pond Park Road (Map 206, Lot 1); 55 Pond Park Road (Map 207, Lot 10); 60 Research Road (Map 207, Lot 16); 70 Research Road (Map 207, Lot 15); 75 Research Road (Map 201, Lot 7); 80 Research Road (Map 207, Lot 9); 85 Research Road (Map 207, Lot 5); 90 Research Road (Map 207, Lot 19) ; 100 Research

Road (Map 206, Lot 9); 105 Research Road (Map 206, Lot 120) as Priority Development Sites
Or act on anything relating thereto?
(Inserted at the request of the Development and Industrial Commission)

COMMENT: This Article reflects a longstanding priority of the Board of Selectmen and the Hingham Development and Industrial Commission (“HDIC”), namely, enhancing commercial development in the South Shore Industrial Park, now known as the South Shore Park (“SSP”). Situated in the southernmost part of Hingham, the SSP consists of 37 parcels of land zoned for business, industrial, and commercial use since the 1960s. In the decades that followed, Town Meeting voters and repeated iterations of the Town Master Plan have evinced a desire to spur economic growth and expand the Town’s commercial tax base in the SSP, taking advantage of its proximity to Route 3. However, while most of the 37 parcels are currently developed, the full potential of the SSP has not been realized, largely due to inadequate infrastructure, such as limited access to water, wastewater treatment, and the highway. In an effort to facilitate commercial redevelopment in the SSP, the HDIC has proposed that the Town accept Chapter 43D of the Massachusetts General Laws. First enacted in 2006, this “local option” law was designed to promote economic development of designated parcels of commercially zoned land capable of accommodating a minimum of 50,000 square feet of building area. Acceptance of Chapter 43D by the Town would require no change in zoning. This Article would simply authorize the Board of Selectmen to apply to the state for designation of the SSP as a “priority development site” – if and only if all the property-owners have given their written permission to do so. (The HDIC believes that all the affected owners would grant such permission.) The Board would have two years within which to make its application. If granted, the designation would last for five years. During that time, the Town, acting through its permitting boards (here, the Zoning Board of Appeals, the Planning Board, the Conservation Commission, and the Board of Health) would be required to act upon proposed development projects, favorably or negatively, within 180 days, unless the deadline is extended due to various specified circumstances. If a permit application is not acted upon in timely fashion, then the project is deemed approved. Thus, Chapter 43D would give some assurance to the permit applicant that its proposed project will be treated expeditiously, and not languish indefinitely in Town Hall. Significantly, none of the pertinent boards or commissions has suggested that the 180-day time frame would be difficult to meet. In most cases,

applications are granted or denied in substantially less time.

Benefits to the Town of designation of the SSP as a priority development site are numerous and potentially substantial. They include priority consideration for state infrastructure grants, priority consideration for quasi-public financing and training programs, brownfields remediation assistance, enhanced on-line marketing of the SSP to the nationwide business community, and eligibility for technical assistance grants. In sum, the SSP would enjoy competitive advantages over undesignated sites in other towns seeking economic development opportunities. Further, priority development site designation would enable the Town’s permitting authorities to charge permit applicants additional fees for implementing Chapter 43D. For these reasons, many cities and towns across the Commonwealth (far too numerous to list here) have accepted Chapter 43D and have obtained priority development site designations, sometimes more than one. Like the SSP, most are commercially zoned parcels situated near a major state highway.

Of course, skeptics among us might question the wisdom of inviting state involvement in the commercial development of any land in Hingham. However, the only land in Hingham affected by this Article consists of the 37 parcels in the SSP, which account for less than one percent of the Town’s total land area. As to those parcels, all the owners must agree to allow the Board of Selectmen to apply for designation as a priority development site. Nor would approval of this Article cede local control of the Town’s permitting authorities to the state. Chapter 43D expressly provides that it shall not be construed to alter the jurisdictional authority of the permit-issuing authorities; in other words, the statutory authority of the Zoning Board of Appeals, Planning Board, Conservation Commission, and Board of Health would remain unimpaired. Lest anyone worry that the appellate rights of parties aggrieved by adverse permitting decisions might be diminished, Chapter 43D provides that appeals from such decisions to the Division of Administrative Law Appeals may be further appealed to the Superior Court.

While acceptance of Chapter 43D may not prove to be the “silver bullet” that propels robust commercial growth in the SSP into the uncertain economic future, it seems “worth a shot.” At the very least, sending a clear signal to the Governor, the Secretary of Economic Development, owners, tenants, developers, and business-owners everywhere that Hingham welcomes commercial

redevelopment of the SSP would be a step in the right direction.

The Board of Selectmen has voted its approval of this Article, and the Advisory Committee recommends an affirmative vote at Town Meeting.

RECOMMENDED: That the Town accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended, pursuant to Section 11 of Chapter 205 of the Acts of 2006, and approve the filing of an application with the Interagency Permitting Board for the designation of land commonly known as the South Shore Industrial Park, including properties located at 35 Commerce Road (Map 207, Lot 18); 45 Industrial Park Road (Map 201, Lot 6); 55 Industrial Park Road (Map 201, Lot 7) ; 65 Industrial Park Road, Map 201, Lot 8) ; 75 Industrial Park Road (Map 201, Lot 9); 90 Industrial Park Road (Map 201, Lot 12) ; 90A Industrial Park Road (Map 201, Lot 3) 99 Industrial Park Road (Map 201, Lot 8); 110 Industrial Park Road (Map 207, Lot 12); 120 Industrial Park Road (Map 207, Lot 11); 125 Industrial Park Road (Map 207, Lot 2) ; 10 Old Mine Rock Way (Map 207, Lot 14); 1 Pond Park Road (Map 200, Lot 7); 2 Pond Park Road (Map201, Lot 20) ; 3 Pond Park Road (Map 201, Lot 13); 4 Pond Park Road (Map 201, Lot 5); 5 Pond Park Road (Map 210, Lot 4); 20 Pond Park Road (Map 210, Lot 10); 30 Pond Park Road (Map 207, Lot 6); 35 Pond Park Road (Map 201, Lot 11); 40 Pond Park Road (Map 206, Lot 2) ; 45 Pond Park Road (Map 200, Lot 6); 50 Pond Park Road (Map 206, Lot 1); 55 Pond Park Road (Map 207, Lot 10); 60 Research Road (Map 207, Lot 16); 70 Research Road (Map 207, Lot 15); 75 Research Road (Map 201, Lot 7); 80 Research Road (Map 207, Lot 9); 85 Research Road (Map 207, Lot 5); 90 Research Road (Map 207, Lot 19) ; 100 Research Road (Map 206, Lot 9); 105 Research Road (Map 206, Lot 120) as Priority Development Sites.

ARTICLE 51. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939 as amended heretofore by adding the following paragraph to Article 14, Section 3, Part 1 of the General By-Laws, entitled "Advisory Committee?"

"When a less than unanimous vote is rendered by the Advisory Committee regarding a Recommendation made upon a particular warrant article, any committee member(s) not in accord with the majority's Recommendation may request and prepare a written dissenting opinion which shall be published in the "Comment" section accompanying

the Recommendation that is reflected in the Town Warrant."

Or act on anything relating thereto?
(Inserted at the request of Bernard Manning and others)

COMMENT: The Advisory Committee has procedures in place which support the intent of the petitioner's article. The Advisory Committee Handbook states that the Comment should, briefly but comprehensively, explain why the Committee took its position, and "accurately reflect the thoughts of the Committee." It is this Advisory Committee's position that the Comment should contain, when appropriate, a summary of arguments both in favor and opposed to the warrant article while supporting the majority opinion.

RECOMMENDED: That no action be taken on this article.

ARTICLE 52. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939 as amended heretofore by adding the following paragraph to Article 3 of the General By-Laws entitled Procedures At Town Meetings?

SECTION 13 "The purpose of the motion for the previous question is to end discussion and have an immediate vote on the pending question. The motion must receive a second, is not debatable and requires a two thirds 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."

Or act on anything relating thereto?
(Inserted at the request of Bernard Manning and others)

COMMENT: The object of the motion for the previous question is to end debate and bring Town Meeting to a vote on the motion before it. Under our long-standing practice, it requires only a majority vote for its adoption. The petitioner would require the motion to be seconded and a 2/3 majority vote to adopt the motion for the previous question. The petitioner refers to Robert's Rules of Order and other reference materials to support the assertion that a large minority should not be deprived of the right of debate by a simple majority.

Town Meeting is necessarily a careful balance between the objectives of allowing full and fair debate about each article and coming to a vote on each article so that the business of the Meeting may be done as effectively and efficiently as possible. It is the Moderator's duty to preside over Town Meeting and conduct the business thereof.

The Moderator will accept or decline to accept the motion for the previous question based on his/her judgment as to whether there has been full and fair debate about the motion on the floor. If the Moderator judges that there has been full and fair debate, s/he will accept the motion for the previous question. If the Moderator judges that more debate is necessary, then the Moderator will decline to accept the motion for the previous question and debate will continue.

The current practice described in the Moderator's Message with the Warrant is the result of many years of accumulated experience. While there have been times when the Moderator has declined the motion for the previous question, recent memory cannot recall a time when the Moderator has accepted a motion for the previous question that has been defeated. This history suggests that the Moderator has used his discretion to allow debate to continue rather than the opposite.

If the Town were to move to a 2/3 majority vote to adopt the motion for the previous question, the likelihood is significantly increased that Town Meeting will be prolonged as a result of requests for a standing vote to ensure the accuracy of the voice vote count.

The Advisory Committee agrees with the petitioner that it is common parliamentary procedure that all motions be seconded and will recommend that the Moderator make this explicit in the Moderator's Message with the Warrant.

RECOMMENDED: That no action be taken on this article.

ARTICLE 53. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939, as amended heretofore, by adding the following paragraph to Article 3 of the General By-Laws entitled Procedure at Town Meetings?"

"SECTION 14 The Moderator will decline to accept a motion for the previous question, which must be seconded, if other voters are seeking recognition, a situation the Moderator will determine by his oral request that all voters wishing to speak on the article stand to be observed. The Moderator

will then instruct them that the information they desire to impart must not be a repetition of matters already discussed. If this procedure forbidding redundancy is not followed then the offending voter's presentation will be summarily terminated. The Moderator will then recognize each who seeks the Moderator's attention."

Or act on anything relating thereto?
(Inserted at the request of Bernard Manning and others)

COMMENT: This article seeks to ensure that every member of Town Meeting wishing to address the assembly is given the opportunity to speak and would require the Moderator to dismiss a speaker if s/he judges the speaker's comments to be redundant.

Town Meeting is necessarily a careful balance between the objectives of allowing full and fair debate about each article and coming to a vote on each article so that the business of the Meeting may be done as effectively and efficiently as possible. It is the Moderator's duty to preside over Town Meeting and conduct the business thereof.

The Moderator has discretion to determine whether the discussion has become repetitious. If a voter moves the previous question, the Moderator is under no obligation to refuse the motion and recognize additional speakers if both sides of the issue on the floor have been fairly presented. Our practice, resulting from years of Town Meeting tradition, ensures that the business of the Town Meeting gets done as quickly and fairly as possible.

RECOMMENDED: That no action be taken on this article.

ARTICLE 54. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939 as amended heretofore by amending Article 2, Town Meeting and Notice Thereby, by amending the current Section 8 by adding the following paragraph, (c), thereto?

"(c) The Selectmen, while preparing, planning, constructing, and executing the format of the Town Warrant, shall place, those matters produced for insertion as a Warrant Article for the Annual or Special Town Meeting that are known, deemed, or considered controversial, contentious, and or requiring lengthy discussion, first in the Warrant before all other matters. The Articles so placed in

the Warrant shall be called first for discussion by the Moderator at said Annual or Special Town Meeting.”

Or act on anything relating thereto?

(Inserted at the request of Bernard Manning and others)

COMMENT: This article seeks to require the Selectmen to place all warrant articles known, deemed, or considered controversial, contentious, or requiring lengthy discussion, first in the Warrant before all other matters.

Presently the Selectmen have the authority and responsibility to determine the order of the articles as they appear in the warrant and are considered at a Town Meeting. This flexibility provides the Selectmen the ability to carefully plan the placement of articles in the context of the meeting, and to consider the anticipated debate with the need to maintain a quorum for a Meeting that may span multiple evenings.

The Advisory Committee is concerned that, if this article were to be adopted, many of the articles not deemed controversial but equally important to the Town would not receive the appropriate scrutiny and discussion that they may require. Additionally, the inability to maintain a quorum over an extended meeting period might prevent the Town from completing the annual or special meeting in a timely manner.

RECOMMENDED: That no action be taken on this article.

ARTICLE 55. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939, as amended heretofore by amending Article 2, Town Meeting and Notice Thereof, by deleting the current Section 1 and replacing it with the following paragraph?

“SECTION 1: The Annual Town Meeting for the transaction of all business, except the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot, shall be held on the third Saturday of April in each year at 2:00 o'clock P.M.”

Or act on anything relating thereto?

(Inserted at the request of Bernard Manning and others)

COMMENT: The Advisory Committee shares the concern implicit in the petitioner's article that town meeting be held on a day and at a time that might provide the greatest potential for attendance

by the registered voters of the Town. However, the Advisory Committee recommends “No Action” on this article, because without further study, perhaps by the Government Study Committee or another committee or department of the Town, it is difficult to determine whether a Saturday in April provides the potential for better access by voters than a week night. In addition, if a Saturday town meeting did appear to be the best alternative, it is doubtful that a 2 o'clock start time would be optimal and, if town meeting needed to be adjourned to two or more nights, when those additional sessions should be held.

RECOMMENDED: That no action be taken on this article.

ARTICLE 56. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939 as amended heretofore by amending Article 2, Town Meeting and Notice Thereof, by amending the current Section 9 by adding the following paragraph thereto?

“Once a quorum at Town Meeting has been reached and the business of the Town has commenced, it shall be conclusively presumed that the quorum continues to exist until business has been completed and a motion to dissolve the meeting is in order.”

Or act on anything relating thereto?

(Inserted at the request of Bernard Manning and others)

COMMENT: Section 9 of Article 2, “Town Meeting and Notice Thereof” requires a quorum of 300 voters to begin each night of a town meeting and to conduct the business of the meeting. Once established, a quorum is presumed to be present for the duration of the meeting. However, any voter can raise a point of no quorum at any time during town meeting. The question is not debatable and the Moderator must determine whether a quorum is present. If a quorum is not present, the meeting must be adjourned to another specified day and time or, in some instances, the meeting can be dissolved. The proposed amendment to the By-Law would eliminate the ability of voters to question a quorum in that it conclusively presumes that once a quorum has been established it remains in effect until town meeting is dissolved. This presumption would extend to subsequent nights of town meeting so that once 300 voters are present to begin the first night of town meeting, a quorum is conclusively presumed to be in place until the business of the meeting is concluded. While this article would provide for the efficient progression of town meeting, particularly on subsequent nights, and eliminates the risk that town meeting might be adjourned prematurely, the

Advisory Committee is concerned that this amendment would prohibit a voter from legitimately asking whether there are a sufficient number of voters present at town meeting to make decisions affecting the town. The Advisory Committee recommends no action on this article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 57. Will the Town amend the General By-Laws of the Town of Hingham adopted March 19, 1939 as amended heretofore by adding the following Article No. 42 entitled, "Town of Hingham Municipal Building Authority," to the General By-Laws as Sections 1 through 7 as follows?

ARTICLE 42

TOWN OF HINGHAM MUNICIPAL BUILDING AUTHORITY

"SECTION 1. The Town of Hingham Municipal Building Authority, [hereinafter, Authority], shall be composed of professionals with demonstrable experience and expertise as building architects, in building construction, or in matters of municipal finance. The Authority shall be responsible for proposing, examining, reviewing, and critiquing all proposals, plans, suggestions and specifications for all new municipal building projects and any renovations, repairs, and reconstruction projects of existing municipal structures. The Authority shall report its findings and shall make recommendations at the Annual Town Meetings and Special Town Meetings involving building projects, regarding what action the Town should take on such proposed construction.

SECTION 2. The Authority shall serve in a supervisory capacity and a source of reference from the very inception of any municipal building project, including but not limited to, an evaluation of the proposed site, since any decisions made at the earliest stages of the design process have the most impact on the success of the project and reduce the number of change orders that increase the cost of the project. The Authority will oversee the bidding process, examine the credentials of the architect before he is retained, approve the clerk of the works and the general contractor based upon their qualifications and be present when they are interviewed. The Authority shall request modifications to the plans when necessary and determine that the structure is erected according to proper engineering standards and shall continue in its supervisory capacity until the project has been completed and occupancy obtained.

SECTION 3. The Authority must determine at the outset whether the building is adequate for the purpose for which it had been designed to serve and contains all the elements essential to its structural integrity. The building must be devoid of any unnecessary affectations or ornamentation or is ornate in appearance. Every facet of the construction must be needed, necessary, and purchased at the lowest cost available based upon the best objective judgment of the Authority.

SECTION 4. In a hearing, open to the public, the proponent of the project must be prepared to defend every aspect of the construction through a cost benefit analysis predicated upon references to comparable existing structures found in other communities. Financial responsibility shall be of paramount concern to the Authority throughout all phases of the project and guided by the dominant consideration – the best interest of the Town.

SECTION 5. Where the project has been designed to replace an existing building, the proponent of the project must conclusively prove to the Authority through reliable evidentiary means that rehabilitation, renovation or repair of the existing structure is impossible or impractical because it would not be cost effective.

SECTION 6. Maintenance work done on all municipal buildings, grounds, and other property shall be performed by employees of the Hingham Public Works Department under the direction and control of the Authority which shall evaluate the finished product to insure that the performance meets all standards required by the principals of preventive maintenance.

SECTION 7. Members of the Authority shall all be experienced professionals and shall include the following: the Town Engineer, an employee of the Hingham Department of Public Works; a building inspector, an employee of the Hingham Building Department; the Town Planner; a member of the Town Planning Board, who is either a building architect, involved in building construction, or experienced in Town finances. Three members of the Authority shall be appointed by the Selectmen for a term of 5 years. Each appointee must demonstrate experience as either a building architect, involved in building construction, or demonstrably familiar with Town finance."

Or act on anything relating thereto?
(Inserted at the request of Bernard Manning and others)

COMMENT: At present, management of the Town's municipal buildings, including the construction, renovation, repair and maintenance thereof, is the responsibility of either the Board of Selectmen or the School Committee. As elected officials, both bodies are directly accountable to the electorate. In carrying out their responsibilities as stewards of the Town's capital assets, both the Board of Selectmen and School Committee have access to, and often consult with, the Town Engineer. Fiscal oversight is provided by the Town Administrator/Director of Finance, Town Accountant, School Superintendent and the School Department Director of Business and Support Services. The Town is fortunate that all of these positions are currently filled by well-qualified professionals. Additional fiscal oversight is provided by the Capital Outlay Committee, the Advisory Committee and, ultimately, Town Meeting. In addition, major building projects, including renovations, are usually overseen by an appointed building committee, and the Town often engages qualified firms and individuals to provide project management and related services.

Over the past several years, the Town has undertaken a number of significant building and renovation projects. While there is no denying that many of these projects have been expensive and not all projects have enjoyed unanimous support among the citizenry, it is also undeniable that these projects have been well executed and the results, in terms of quality, appearance and functionality, are reflective of our values as a community. Further, certain of these projects have been completed significantly under budget and there has not been a single credible accusation of fiscal impropriety or other malfeasance.

Based on the foregoing, adding an additional layer of bureaucracy as proposed by the petitioners seems unnecessary.

The proposed By-Law also has certain fundamental flaws that raise significant concerns as to its implementation, effectiveness and enforceability. For example, Section 3 of the proposed By-Law requires that "every facet of the construction must be...purchased at the lowest cost available..." Since "lowest cost available" is not defined in the By-Law, should the Town assume that all projects will go to the lowest bidder without consideration to quality, durability or environmental impact? Section 6 of the proposed By-Law requires that "maintenance work done on all municipal buildings...be performed by employees of the Hingham Public Works Department..." This requirement assumes that the DPW has among its employees sufficient resources to address all

manner of building maintenance issues; however, this seems both unlikely and impractical and history will no doubt demonstrate that the Town needs the ability to engage outside contractors to perform certain maintenance functions. Lastly, Sections 3 and 4 of the proposed By-Law include certain imperatives with regard to the introduction of a proposed building or renovation project that would appear to preclude a Town-funded feasibility study, thus effectively ensuring that no significant building or renovation project is undertaken in the future. Assuming nothing built to date will last forever, this would be unreasonable.

While the Advisory Committee does not support the proposed By-Law, it does recognize that opportunities for improvement to current policies and practices do exist. Accordingly, the Advisory Committee encourages the Board of Selectmen, School Committee, Town Administrator and Government Study Committee to review the Town's policies and practices with respect to property management. Such a review should challenge the status quo and identify best practices, economies of scale and opportunities to share resources, and thus result in greater accountability and more efficient and effective management of the Town's municipal and school buildings.

RECOMMENDED: That no action be taken on this article.

ARTICLE 58. Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939 as amended heretofore by adding the following Article or act on anything related thereto?

ARTICLE RECALL ELECTIONS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Any holder of an elective office in the town of Hingham may be recalled from office for any reason by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit signed by at least 200 registered voters of the town containing their names and addresses may be filed with the town clerk. That initial recall affidavit shall contain the name of the officer, the office sought to be recalled and a statement of the grounds for recall. The town clerk shall immediately forward the recall affidavit to the board of registrars for verification of signatures.

SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall fill out the top portion of each recall petition sheet naming the elected official, the grounds for recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk.

The town's registered voters making the initial affidavit shall then have 30 days from the date of delivery of the recall petition sheets in which to file their signed recall petition sheets with the town clerk.

To proceed with the recall election, the town clerk shall receive by said 30-day deadline, the required number of signed recall petition sheets containing the signatures, names and street addresses of at least 12 and one-half per cent of the registered voters of the town as of the date the signed recall petition sheets are delivered to the town clerk.

Within 5 working days of receipt, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 4. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, it shall be submitted with the certificate of town clerk to the board of selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given from the selectmen, then the board of selectmen shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called after receipt of the certificate; but, if any other town election is scheduled to occur within 100 days after the date of said certificate, the board of selectmen may postpone the holding of the recall election to the date of such other election and may include the question of recall on the ballot for such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the town clerk shall place his or her name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, he shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be considered removed from office immediately and the office vacant.

SECTION 7. Ballots used in a recall election shall contain the following question: shall (insert name and office) be recalled from office? Immediately at the right of the proposition, there shall be a designated place for voters to vote for or against the proposition.

Following the proposition shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" appears the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In such an instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates need not be counted.

SECTION 8. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term; nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters of the town.

SECTION 9. A person who has been recalled from an office or who has resigned from office while a recall petition was pending against him shall not be appointed to any town office within 2 years after the recall or resignation.
(Inserted at the request of Bernard Manning and others)

COMMENT: Town Counsel has ruled that Article 58, Recall Elections, cannot go forward in the form of a Town By-Law and is not an actionable article for Town Meeting. The Massachusetts Home Rule Amendment specifically prohibits towns from regulating elections by by-law. The appropriate way to enact a recall procedure is for Town Meeting to authorize a petition for special legislation. A recall election process exists in one-third of the 351 towns in Massachusetts.

This article provides for a process to remove an elected official from office during his/her three-year term. If an elected official's actions have been deemed to be not in the best interest of the Town and/or to have violated the public trust, a less disruptive means of effecting officeholder change would be during the next regular election when voters could voice their opinion at the ballot box. In addition, the initiation of a recall election with as few as 200 signatures could be disruptive to the functioning of Town government and a deterrent to citizens considering running for elected office.

It was the consensus of the Advisory Committee that, prior to the Town adopting a recall petition process, an in-depth study of the procedural requirements of the process should be conducted, possibly by the Government Study Committee.

RECOMMENDED: That no action be taken on this article.

ARTICLE 59. Will the Town, in accordance with the Hingham Affordable Housing Trust (HAHT) By-Law, adopted by vote under Article 21 at the 2007 Annual Town Meeting, approve an allocation plan for any funds to be appropriated to the HAHT in FY 2012 and FY 2013; such allocation plan may include, without limitation, the following provisions:

(a) purpose-restricted funds which come to the HAHT in FY 2012 or FY 2013 for designated purposes via Town Meeting appropriation shall be allocated according to those purposes;

(b) funds allocated by a previous Town Meeting shall continue to be allocated according to the plan approved at that Town Meeting, or act on anything related thereto?

(Inserted at the request of the Affordable Housing Trust)

COMMENT: In 2007, the Annual Town Meeting approved Article 21 accepting M.G.L. c. 44, §55C creating the Hingham Affordable Housing Trust ("HAHT") by adding Article 39 to the By-Laws of the Town. The purpose of the HAHT is to provide for

the creation and preservation of affordable housing in Hingham for low- and moderate-income households. Section 2(a)(16) requires that expenditures from the HAHT be in accordance with an allocation plan recommended by the trustees of the HAHT and approved by Town Meeting. It specifies that the plan generally outline the use of funds for the coming fiscal year. The Town Treasurer is the custodian of the funds; any income or proceeds received by the HAHT and any moneys remaining in the HAHT at the end of the fiscal year remain with the HAHT.

Unrestricted funds in the amount of \$225,000 appropriated to the HAHT by the 2008 Annual Town Meeting were allocated as follows:

50% for maintaining and improving affordability of existing housing stock,
15% for construction of affordable housing,
15% for loan or grant programs,
15% for third-party costs including, but not limited to, engineering, accounting, appraisal, and financial and legal advice, and
5% for administration of the HAHT.

Moneys remaining in the HAHT from that appropriation will continue to be allocated in accordance with this plan.

RECOMMENDED: That the Town, in accordance with the HAHT By-Law adopted at the 2007 Annual Town Meeting, approve the following allocation plan for any funds to be appropriated to the HAHT in FY 2012 and FY 2013:

(a) purpose-restricted funds which come to the HAHT in FY 2012 or FY 2013 for designated purposes via Town Meeting appropriation shall be allocated according to those purposes;

(b) funds allocated by a previous Town Meeting shall continue to be allocated according to the plan approved at that Town Meeting.

ARTICLE 60. Will The Town reduce the number of members of the Open Space Acquisition Committee from five members to three, or act on anything relating thereto?

(Inserted at the request of the Open Space Acquisition Committee)

COMMENT: The limited funds available for acquiring open space results in a similarly limited amount of work for the Open Space Acquisition Committee to do. The Committee does not meet regularly. Under the present structure, an individual

member of the Committee will work independently with a property owner and report back to the full Committee. As a result, some members of the Committee have little to do.

The present Committee is comprised of five members. Recommendations for property acquisitions are usually forwarded to the Community Preservation Committee for consideration. The work of the Committee could be accomplished by a three-member board, one member to be appointed by each of the three appointing authorities. The Conservation Commission, which would lose the power to appoint two members of the Committee by adoption of this article, supports the article.

RECOMMENDED: That, effective July 1, 2012, the Town reduce the number of members of the Open Space Acquisition Committee from five to three, to be appointed as follows: one member to be appointed by the Conservation Commission; one member to be appointed by the Planning Board; and one member to be appointed by the Board of Selectmen.

ARTICLE 61. Will the Town authorize the Municipal Light Department, by the Municipal Light Board, to take all actions necessary to acquire easements for the location, management, maintenance and operation of its power lines along the MBTA Greenbush Line; or act on anything relative thereto?
(Inserted at the request of the Municipal Light Board)

COMMENT: The HMLP originally built its 115kv transmission line on what was then the idle Greenbush Rail Line Right of Way (ROW), and from 1986 until 2006 had made annual licensing payments to the MBTA for this access. The power line in question begins at the Hingham/Weymouth town line and extends alongside the train tracks to the railroad crossing at French Street. In about the 2004 timeframe the Transit Realty Associates (TRA), the MBTA's real estate asset management firm, began to assert that the HMLP had no rights to occupy this land as they were preparing to reactivate the Greenbush Rail Line. Despite the production of a valid and active license agreement, the TRA threatened to utilize the mutual termination clause contained in the contract. Negotiations then were initiated to enter into a permanent easement, and despite a number of delays over the years, the HMLP and TRA are now close to reaching agreement. It is anticipated that the contract will be finalized and executed by the end of 2012. This article authorizes the HMLP to enter into this agreement with the TRA. The funding for the acquisition of the easements will come from the

Municipal Light Department operating budget which is self-funded from receipts collected from customers of the HMLP.

RECOMMENDED: That the Town authorize the Municipal Light Department, by the Municipal Light Board, to take all actions necessary to acquire easements for the location, management, maintenance and operation of its power lines along the MBTA Greenbush Line.

ARTICLE 62. Will the Town direct and require the Board of Selectmen to amend the Barnes Wharf Lease with Lincoln Maritime Center, Inc dated August 8, 2006, as amended August 16, 2011, November 3, 2011 and December 20, 2011 as follows:

A. Barnes Wharf Lease shall be for the benefit of the Hingham Maritime Association, Inc. (the tenant) a 501(c)3 entity to be formed following the successful conclusion of this lease amendment. The entity known as Lincoln Maritime Center, Inc. is changing its name to Hingham Maritime Center, Inc. with a mission similar to the 501(c) 3 entity known as Lincoln Maritime Center, Inc. but incorporating the entities of the Hingham High School Rowing Association and the Hingham High School Sailing Team.

B. Extend the lease for 5 years from December 31, 2012 with an option for an additional 5 years.

C. In recognition of the public benefit provided,
a. Set the annual rental rate to \$1 on a NNN basis.
b. Establish that the total annual payments to the Town shall not exceed the annual rent payment plus any mooring fees currently paid by Lincoln Maritime Center Inc.
c. Provide that storage on the Wharf for boats, floats and such other materials as may be necessary for the operation of the entity shall be provided for and in such other Town facilities as may be necessary and practical.

D. In recognition of the non-exclusivity of the lease and that the tenant does not have full discretion over the use of the property, the Town will maintain the wharf to ensure safe conditions, including maintenance and any necessary repairs of the wharf, seawall, landscaping and parking areas.
(Inserted at the request of Michael Cataldo and others)

COMMENT: The Lincoln Maritime Center, Inc. ("Lincoln Maritime") has long taught sailing on Barnes Wharf. The wharf is currently leased to

Lincoln Maritime at an annual charge of \$12,000, after years during which rent was charged in the nominal sum of one dollar, in consideration of services and equipment that Lincoln Maritime, a non-profit corporation, made available to the public as inexpensively as it could, and considering that the Hingham High School sailing team and rowing association use Lincoln Maritime's facilities without the necessity of funding through the School Department budget.

The Selectmen are obliged to put town land to its highest and best use, and take this duty seriously. Just what "highest and best use" means, however, with respect to Barnes Wharf, in the context of ongoing plans for the inner harbor, has generated a variety of earnestly held opinions.

This article sought to settle the question by having Town Meeting amend the lease so that (among other things) Lincoln Maritime's lease payment would revert to one dollar per year, for a five-year term beginning at the end of 2012, with an option to extend for another five years.

It is the opinion of Town Counsel, however, that at the expiration of the current lease, Barnes Wharf must be put out to bid, and that this article would violate Mass. General Laws chapter 30B, section 16, (the so-called procurement statute) which governs disposition of town property. Town Counsel also opines that the article would violate Mass. General Laws chapter 40, section 3, which vests discretion respecting the terms of real estate leases in the Board of Selectmen.

Town Counsel's opinion requires the Advisory Committee to recommend that Town Meeting take no action on the article.

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 4: High School, 17 Union Street; Precincts 5 and 6: Middle School, 1103 Main Street and Precinct 5a: Derby Club House at Linden Ponds on SATURDAY, the Twenty-eighth day of April 2012 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 Town Clerk to serve three year; one member of the Board of Health to serve three years; two members of the School Committee to serve three years; a member of the Municipal Light Board to serve three years; a member of the Municipal Light Board to serve two years; a member of the Planning Board to serve five years; a member of the Sewer Commission to serve three years; and a member of the Recreation Commission to serve five years.

To give their votes "Yes" or "No" on the following a ballot question:

Will the Town vote to have the elected Treasurer/Collector become an appointed Treasurer/Collector of the Town?

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the 30th day of March 2012.

Given under our hands at Hingham this 29th day of March 2012.

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

A true copy
Attest:

Kathleen A. Peloquin
Constable of Hingham
March 30, 2012

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

Kathleen A. Peloquin
Constable of Hingham
March 30, 2012

REPORT OF THE CAPITAL OUTLAY COMMITTEE

I. OVERVIEW

The Capital Outlay Committee (Capital) is charged with:

A. Ascertaining the Capital Outlay requirements of various Town departments, boards and committees over the next five years. Any expenditure for equipment or real property costing \$5,000 or more is defined as a capital outlay.

B. Analyzing and evaluating proposed capital expenditures for all Town departments, boards and committees and making recommendations to the Board of Selectmen (Selectmen) and the Advisory Committee (Advisory). Capital recommendations are developed as follows:

1. Departments submit requests for the next five years.
2. Capital reviews requests with the department heads, boards and committees.
3. Needs are determined and possible alternatives are discussed.
4. Capital makes its recommendations to the Selectmen and Advisory.
5. Selectmen accept, alter, or reject Capital's recommendation and forward it to Advisory.

Capital has reviewed \$2,663,907 of capital requests from the various Town departments for FY2013 and herein submits its recommendations for FY2013, as well as general projections of capital needs for the following four fiscal years. Capital's recommendations for FY2013 are based on the assessment of need. Capital items, for the most part, consist of the Town's infrastructure and the equipment to support that infrastructure. Over the long run, most capital spending on infrastructure is not discretionary. For the last several years, capital spending has been considerably less than in previous years due to the continued adverse economic conditions impacting the town and its inhabitants. As a result, many of the items contained in the FY2013 capital requests have been deferred/delayed from previous years. While this practice has been necessary, it has resulted in a growing backlog of capital requests for future years. Capital recommends that, in preparation for the 2014 budget process, additional funds be made available for replacement of capital items to prevent a significant negative impact to the town's capital base.

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

Capital's recommendations for FY2013 are summarized below:

RECOMMENDED

Tax Levy-funded recommendations:	\$1,128,045
Fund Balance (mooring-permit revenue):	\$ 53,000
User rates-funded recommendations:	\$ 267,900
Total:	\$1,448,945

II. SPECIFIC RECOMMENDATIONS

Capital makes the following recommendations for FY2013:

ACCOUNTING/MIS

Capital recommends \$55,500 for information technology replacement.

POLICE DEPARTMENT

Capital recommends \$177,915 for the replacement of 6 vehicles and \$33,742 for non-lethal weapons.

FIRE DEPARTMENT

Capital recommends \$35,000 and \$39,000 for Command vehicles. In addition, it recommends \$26,000 for fire hydrant replacement, \$13,500 for replacement of turnout gear, \$13,000 for a Stryker Stretcher, \$5,000 for the replacement of two stair chairs. Finally, in order to deal with substantial deferred capital requirements for fire stations 2 and 3, Capital recommends \$15,000 to pave station 3 ramps, \$14,000 for exterior painting for stations 2 and 3 and \$25,000 for a feasibility study to determine the actual capital expenditures required to repair and renovate stations 2 and 3.

PUBLIC WORKS (HIGHWAY)

Capital recommends \$24,000 to replace one compact truck. In addition, Capital had originally recommended an additional \$244,000 to replace a one ton dump truck (\$56,000), replace one dump truck (\$158,000) and replace a 3/4 ton dump truck (\$30,000). These capital expenditures were removed from the 2013 Capital Budget, added to 2012 capital expenditures and funded by unused snow removal funds.

PUBLIC WORKS (LANDFILL)

Capital recommends \$50,000 to replace one trailer and \$15,000 to replace trailer tires.

SEWER DEPARTMENT

Capital recommends \$62,900 in pump station repairs and renovations. Funding for these expenditures is provided by Sewer rates and/or fees.

SOUTH SHORE COUNTRY CLUB

Capital recommends \$60,000 for golf course and facility improvements and \$50,000 for golf course maintenance equipment. Funding for these expenditures will come from South Shore Country Club cash flow.

TOWN HALL

Capital recommends \$20,000 for renovations and repairs, \$11,175 for replacement of a cooling tower and \$18,520 for energy sensors and retrofit.

LIBRARY

Capital recommends \$20,000 for replacement of computers, \$75,400 for replacement of the heating system, \$5,349 for energy conservation measures and \$6,500 to rebuild steps and the children's entrance landing.

RECREATION DEPARTMENT

Capital recommends \$30,000 to replace playground equipment, \$25,000 to replace fitness equipment, \$10,000 for field rehabilitation, \$15,000 to replace open field equipment and

\$15,000 for building rehabilitation. Funding for these expenditures will come from Recreation cash flow.

BATHING BEACH

Capital recommends \$20,000 for replacement of the septic system. Capital had originally recommended \$43,000 to repair the seawall. However, this expenditure was replaced by \$33,000 to conduct an Engineering and Permitting for Erosion Control Study. Funding for these expenditures will come from mooring fees and other waterfront related income.

SCHOOL DEPARTMENT

Capital recommends the following school specific expenditures:

Foster School-Smoke detectors-\$20,000 and Window/door replacement-\$37,000

South School-Carpet replacement-\$6,200

High School-Air Handler Baffle replacement-\$12,000 and Gym Floor refinish-\$18,000

In addition, Capital recommends system wide expenditures of \$150,243 for school technology, \$30,479 for a food service point of sale system, \$36,000 for photocopy equipment, \$52,881 for a new radio system for buses, \$20,000 for the depot fuel management system, \$5,000 for a building 179 fire suppression system evaluation, \$5,000 for system wide light replacement effort and \$36,641 for instructional equipment.

Capital had originally recommended \$50,000 in additional specific capital expenditures however the school department subsequently reduced their request by that amount.

III. COMMENTS AND RECOMMENDATIONS FOR SUBSEQUENT YEARS

In the discussion about Fire Department recommended expenditures, the Committee recommended \$25,000 for a feasibility study to determine the extent of the repairs and renovations required for Fire stations 2 and 3. Those facilities last underwent substantial renovations in 1942. Based upon preliminary estimates, the size of those expenditures may require funding from sources other than funds available from the annual capital budget.

The Recreation Department included in its five-year projection an expenditure for the rehabilitation of the Cordage Barn as TBD for 2014. Because the anticipated size of that project would require funding from sources other than the annual capital budget, it was removed from the five year capital budget. However, the Committee wished to document the request for the record.

Finally, there are other capital assets of the town that are not reflected in the five year Capital Budget presented by the Committee such as town owned playing fields and long term road maintenance. In addition, the five year plan does not include planning for major expenditures related to repair/refurbishment of town owned real estate such as roof systems. The circumstances related to Fire Stations 2 and 3 are a case in point. The Capital Outlay Committee will work with department heads and town administrators to determine the best way to calculate, document and present this information.

Ray Eisenbies, Chairman
Libby Claypoole
Lucy Hancock

Craig MacKay (Advisory Committee)
Tom Pyles (Advisory Committee)
Sue Nickerson, Town Accountant ex-officio (non voting)

FY2013 Five Year Capital Plan

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
ACCOUNTING/MIS:					
Information Technology Assets (20% rplcmt)	\$55,500				
Information Technology Assets (20% rplcmt)		\$39,000			
Desktop Virtualization(new)		\$75,000			
Information Technology Assets (20% rplcmt)			\$80,500		
Information Technology Assets (20% rplcmt)				\$84,000	
Information Technology Assets (20% rplcmt)					\$88,700
TOTAL ACCOUNTING/MIS	\$55,500	\$114,000	\$80,500	\$84,000	\$88,700
TREASURER:					
Postage Machine (replacement)		\$11,000			
TOTAL TREASURER	\$0	\$11,000	\$11,000	\$0	\$0
TOWN HALL:					
Town Hall (renovations & repairs)	\$20,000				
Town Hall-Cooling Tower (replacement)	\$11,175				
Town Hall-Energy Sensors & Retrofit (new)	\$18,520				
Town Hall (renovations & repairs)		\$20,000			
Carpeting & Painting (replacement)		\$20,000			
Town Hall-Rooftop HVAC Units(5)-(replacement)		\$57,000			
Town Hall (renovations & repairs)			\$20,000		
Town Hall (renovations & repairs)				\$20,000	
Town Hall (renovations & repairs)					\$20,000
Auditorium Seating (replacement)					\$95,000
TOTAL TOWN HALL	\$49,695	\$97,000	\$20,000	\$20,000	\$115,000
POLICE DEPARTMENT:					
Police Vehicles-(replacement of 6 vehicles)	\$177,915				
Police-Non Lethal Weapons	\$33,742				
Renovate former dispatch area		\$40,000			
Animal Control-Portable incinerator		\$16,000			
Police Vehicles-(replacement of 6 vehicles)		\$133,300			
Fire Arms (replacement)		\$52,000			
Finger Print Machine (new)		\$35,000			
Boat Engine-Replacement-Harbormaster		\$16,000			
Dedicated T1 Line-new-Harbormaster		\$15,000			
Office Furniture-New		\$10,000			
Police Vehicles-(replacement of 6 vehicles)			\$181,000		
Motor Cycles-(replacement of 2)			\$34,000		
Moorings-Replacement-Harbormaster			\$7,000		

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
Boat Engines-Replacement-Harbor Master			\$33,000		
Police Vehicles-(Replacement of 7 vehicles)				\$213,500	
TOTAL POLICE DEPARTMENT	\$211,657	\$317,300	\$255,000	\$213,500	\$0
FIRE DEPARTMENT:					
Command Vehicle #C-1 (replaces 2004)	\$35,000				
Command Vehicle #C-3 (replaces 2004)	\$39,000				
Fire Hydrants (replacement)	\$26,000				
Turnout Gear (replacement of 9 sets)	\$13,500				
Stryker Stretcher (replacement)	\$13,000				
Stair Chair M2&3 (replacement)	\$5,000				
Feasibility Study-Station 2&3	\$25,000				
Pave Station 3 Ramp	\$15,000				
Exterior Painting-Station 2&3	\$14,000				
Squad 1(Replaces 1985)		\$264,000			
Fire Alarm Vehicle (replaces 1987)		\$88,000			
Boat (replaces 1970)		\$59,700			
Hurst Hydraulic Tools (replacement)		\$15,000			
Heating System Station 2&3 (Replacement)		\$140,000			
Interior Painting-Station 2&3		\$14,000			
Fire Hydrants (replacement)		\$26,000			
Turnout Gear (replacement of 9 sets)		\$13,500			
Station 1 Jockey Gas Heater (Replacement or new)		\$50,000			
Utility Vehicle #49 (replaces 1999)			\$41,000		
E-91(Replaces 1991)			\$438,000		
Medic 2 (Replaces 2005)			\$228,000		
Fire Hydrants (replacement)			\$26,000		
Turnout Gear (replacement of 10 sets)			\$13,500		
Stryker Stretcher (replacement)			\$13,000		
E-93 (Replaces 1993)				\$438,000	
Fire Hydrants (replacement)				\$26,000	
Turnout Gear (replacement of 9 sets)				\$13,500	
Mini Pumper-(new)					\$220,000
Fire Hydrants (replacement)					\$26,000
Turnout Gear (replacement of 9 sets)					\$13,500
TOTAL FIRE DEPARTMENT	\$185,500	\$670,200	\$759,500	\$477,500	\$259,500
PUBLIC WORKS (HIGHWAY):					
Compact Truck #5880 (replaces 2000)	\$24,000				
Bucket Truck #5441 (replaces 2004)		\$108,000			
IH4300 Knuckle Boom #5417 (replaces 2003)		\$105,000			

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
1 Ton Dump Truck #5421 (replaces 2003)		\$42,000			
Administrative Vehicle #5373 (replaces 2001)		\$32,000			
Stump Grinder #5119 (replaces 1997)		\$29,000			
1 Ton Dump Truck #5016 (replaces 2002)		\$70,000			
3/4 Ton Truck #5412 (replaces 2003)		\$31,000			
#38 4 Wheel Dr. Pickup #5454 (replaces 2005)		\$24,000			
Dump Truck w/S&P #5108 (replaces 2000)		\$158,000			
Dump Truck #5027 (replaces mid size 2003)			\$153,000		
3/4 Ton Truck #5435 (replaces 2003)			\$30,000		
Dump Truck w/S&P #5428 (replaces 2003)			\$124,000		
Volvo, L60E, Wheel Loader #5457 (replaces 2004)			\$185,000		
Dump Truck w/S&P #5883 (replaces 2002)			\$124,000		
Sidewalk Tractor #5024 (replaces 1993)			\$92,000		
Leaf Blower #5433 (replaces 2002)			\$5,000		
3/4 Ton Truck #5468 (replaces 2005)				\$29,000	
Walk Behind 48" Mower #TP-2 (replaces 2003)				\$10,000	
Walk Behind 48" Mower #TP-2 (replaces 2003)				\$10,000	
3/4 Ton Truck #5110 (replaces 1998)				\$31,000	
2000 Case 580SL Backhoe #5865 (replaces 2000)					\$75,000
John Deere F1148 Tractor (replaces 1996)					\$33,000
TOTAL PUBLIC WORKS (HIGHWAY)	\$24,000	\$599,000	\$713,000	\$80,000	\$108,000
PUBLIC WORKS (LANDFILL):					
T-6 Closed Top Trailer #5579 (replaces 2000)	\$50,000				
Trailer Tires 36 (replaces 2000)	\$15,000				
Forklift #5564 (replaces 1996)		\$26,000			
T-4 Closed Top Trailer #5581 (replaces 2000)		\$50,000			
Trailer Tires 36 (replaces 2000)		\$15,000			
T-3 Open Top Trailer #5576 (replaces 2000)			\$50,000		
Trailer Tires 36 (replaces 2000)			\$15,000		
T-5 Closed Top Trailer #5580 (replaces 2000)				\$50,000	
Trailer Tires 36 (replaces 2000)				\$15,000	
4 Wheel Drive 3/4 PU 2500HD-#5430(replaces 2003)				\$30,000	
T-7 Closed Top Trailer #5573 (replaces 2000)					\$50,000
Trailer Tires 36 (replaces 2000)					\$15,000
TOTAL PUBLIC WORKS (LANDFILL)	\$65,000	\$91,000	\$65,000	\$95,000	\$65,000

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
<u>SEWER DEPARTMENT:</u>					
Pump Station (renovations & repairs)	\$62,900				
1 Ton Pickup w/Utility body & plow-#3 (replaces 1997)		\$31,602			
Pump Station (renovations & repairs)		\$138,000			
GMC 2500 w/Plow-#4 (replaces 1998)			\$30,500		
Pump Station (renovations & repairs)			\$73,000		
Replace Bayberry Station with submersible Chevy C3500 1 Ton #2 (replaces 2000)				\$221,000	
Pump Station (renovations & repairs)					\$34,000
Pump Station (renovations & repairs)					\$15,500
TOTAL SEWER DEPARTMENT	\$62,900	\$169,602	\$103,500	\$221,000	\$49,500
<u>ELDER SERVICES:</u>					
Mini Van with lift (replacement 20% Grant match)		\$8,000			
Van (replacement 20% Grant match)			\$13,000		
Van (replacement 20% Grant match)					\$13,000
TOTAL ELDER SERVICES	\$0	\$8,000	\$13,000	\$0	\$13,000
<u>LIBRARY:</u>					
Computers (replacement 20%)	\$20,000				
Heating System (replacement)	\$75,400				
Energy Conservation Measures	\$5,349				
Rebuild concrete steps/repair Child. Entrance Landing	\$6,500				
Computers (replacement 20%)		\$20,000			
Replace Lobby Tile		\$81,000			
Exterior Painting/re-glaze		\$20,000			
Parking lot re-seal/re-stripe		\$17,500			
Computers (replacement 20%)			\$20,000		
Roof Phase 2 (replacement)			\$353,000		
Replace Café floor tile			\$70,500		
RFID Conversion - Phase 1 (new)				\$80,000	
Generator Installation				\$75,000	
Computers (replacement 20%)				\$20,000	
50 space parking lot expansion					\$275,000
Computers (replacement 20%)					\$20,000
RFID Conversion - Phase 2 (new)					\$100,000
TOTAL LIBRARY	\$107,249	\$138,500	\$443,500	\$175,000	\$395,000
<u>RECREATION DEPARTMENT:</u>					
Playground(Replacement)	\$30,000				
Fitness Equipment (replacement)	\$25,000				
Field Rehabilitation	\$10,000				
Open Recreation Equipment (replacement)	\$15,000				
Building Rehabilitation	\$15,000				

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
Playground(Replacement)		\$35,000			
Fitness Equipment (replacement)		\$25,000			
Field Rehabilitation		\$10,000			
Open Recreation Equipment (replacement)		\$15,000			
Building Rehabilitation		\$15,000			
Playground(Replacement)			\$35,000		
Fitness Equipment (replacement)			\$25,000		
Field Rehabilitation			\$10,000		
Open Recreation Equipment (replacement)			\$15,000		
Building Rehabilitation			\$15,000		
Playground(Replacement)				\$35,000	
Fitness Equipment (replacement)				\$25,000	
Field Rehabilitation				\$10,000	
Open Recreation Equipment (replacement)				\$15,000	
Building Rehabilitation				\$15,000	
Fitness Equipment (replacement)					\$25,000
Field Rehabilitation					\$10,000
Open Recreation Equipment (replacement)					\$15,000
Building Rehabilitation					\$15,000
TOTAL RECREATION DEPARTMENT	\$95,000	\$100,000	\$100,000	\$100,000	\$65,000
<u>BATHING BEACH:</u>					
Engineering & Permitting for Erosion Control Study	\$33,000				
Septic System (Replacement)	\$20,000				
TOTAL BATHING BEACH	\$53,000	\$0	\$0	\$0	\$0
<u>SOUTH SHORE COUNTRY CLUB:</u>					
Golf Course & Facility Improvements	\$60,000				
Golf Course Maintenance Equipment	\$50,000				
Golf Course & Facility Improvements		\$80,000			
Golf Course Maintenance Equipment		\$60,000			
Golf Course & Facility Improvements			\$120,000		
Golf Course Maintenance Equipment			\$71,000		
Golf Course & Facility Improvements				\$110,000	
Golf Course Maintenance Equipment				\$44,000	
Golf Course & Facility Improvements					\$110,000
Golf Course Maintenance Equipment					\$40,000
TOTAL SOUTH SHORE COUNTRY CLUB	\$110,000	\$140,000	\$191,000	\$154,000	\$150,000
<u>SCHOOL DEPARTMENT:</u>					
<u>MIDDLE SCHOOL:</u>					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
Building Repairs and Improvements					\$25,000
MIDDLE SCHOOL TOTALS	\$0	\$25,000	\$25,000	\$25,000	\$25,000
FOSTER ELEMENTARY SCHOOL:					
Foster Smoke Detectors-Addressable Head	\$20,000				
Window/Door Replacement-Foster	\$37,000				
Foster Cafeteria Relamp		\$8,000			
Replace Foster Water Cooled Refrigeration Compressor		\$14,000			
Foster locks, cores and keys		\$3,800			
Paint Playshed at Foster		\$8,000			
Building Repairs and Improvements		\$25,000			
Generator Request-Foster			\$60,000		
Remaining Window Replacement			\$351,351		
Building Repairs and Improvements			\$25,000		
Remaining Window Replacement				\$351,351	
Building Repairs and Improvements				\$25,000	
Remaining Window Replacement					\$351,351
Building Repairs and Improvements					\$25,000
FOSTER ELEMENTARY TOTALS	\$57,000	\$58,800	\$436,351	\$376,351	\$376,351
PLYMOUTH RIVER SCHOOL:					
PRS Gym Lights		\$8,000			
Building Repairs and Improvements		\$25,000			
Plymouth River Playshed Roof			\$15,000		
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
PLYMOUTH RIVER SCHOOL TOTALS	\$0	\$33,000	\$40,000	\$25,000	\$25,000
EAST ELEMENTARY SCHOOL:					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
EAST ELEMENTARY SCHOOL TOTALS	\$0	\$25,000	\$25,000	\$25,000	\$25,000
SOUTH SCHOOL:					
Replace Carpet Computer Lab w/Tile &Guidance Ste. w/Carpet	\$6,200				
Replace Carpet Computer Lab w/Tile &Guidance Ste. w/Carpet		\$6,200			
Building Repairs and Improvements		\$25,000			
Boiler for Steamer Table and Kettle		\$7,000			
Building Repairs and Improvements			\$25,000		
South School DDC			\$50,000		

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
Building Repairs and Improvements				\$25,000	
New Kitchen Floor					\$12,000
Building Repairs and Improvements					\$25,000
SOUTH SCHOOL TOTALS	\$6,200	\$38,200	\$75,000	\$25,000	\$37,000
HIGH SCHOOL:					
Air Handler Sound Baffle Replacement	\$12,000				
Gym Floor Refinish	\$18,000				
Efficient Lighting Projects		\$25,000			
Efficient Lighting Projects		\$30,000			
Building Repairs and Improvements		\$50,000			
Efficient Lighting Projects			\$24,000		
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Resurface Kitchen Floor					\$30,000
Building Repairs and Improvements					\$50,000
HIGH SCHOOL TOTALS	\$30,000	\$105,000	\$74,000	\$50,000	\$80,000
SCHOOL SYSTEM WIDE:					
School Technology (new & replacements)	\$150,243				
Food Service Point of Sale System	\$30,479				
Photocopy Equipment (replacements)-2	\$36,000				
Radio System for Buses	\$52,881				
Depot Fuel Management System	\$20,000				
Building 179 -Fire Suppression System Evaluation	\$5,000				
Re-Lamp System wide	\$5,000				
Instructional Equipment	\$36,641				
Garage Door Replacements		\$10,400			
Building 179 Renovations		\$80,000			
Instructional Equipment		\$36,641			
Replace School Transportation Van (2)		\$50,000			
Water Filtration in Cafeteria Lines		\$5,200			
Depot Building Repairs & Improvements		\$15,000			
School Technology (new & replacements)		\$160,243			
School Technology (new & replacements)			\$170,243		
Instructional Equipment			\$36,641		
Replace School Transportation Van (4)			\$100,000		
Depot Building Repairs & Improvements			\$15,000		
New Wheel Chair Van				\$30,000	
School Technology (new & replacements)				\$180,243	
Instructional Equipment				\$36,641	
Depot Building Repairs & Improvements				\$15,000	
Instructional Equipment					\$36,641

Department/Category	FY2013	FY2014	FY2015	FY2016	FY2017
School Technology (new & replacements)					\$190,243
Replace School Transportation Van (1)					\$25,000
Depot Parking Lot-Reconstruction					\$150,000
Depot Building Repairs & Improvements					\$15,000
SCHOOL SYSTEM WIDE TOTALS	\$336,244	\$357,484	\$321,884	\$261,884	\$416,884
TOTAL SCHOOL	\$429,444	\$642,484	\$997,235	\$788,235	\$985,235
Total Capital Projects	\$1,448,945	\$3,098,086	\$3,746,735	\$2,408,235	\$2,293,935

Funding Sources	FY2013	FY2014	FY2015	FY2016	FY2017
Tax Levy	\$1,128,045	\$2,688,484	\$3,352,235	\$1,933,235	\$2,029,435
Fund Balance	\$53,000				
Other					
Borrowing					
User Rates/Charges	\$267,900	\$409,602	\$394,500	\$475,000	\$264,500

Total Funding	\$1,448,945	\$3,098,086	\$3,746,735	\$2,408,235	\$2,293,935
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Total Capital Projects	\$1,448,945	\$3,098,086	\$3,746,735	\$2,408,235	\$2,293,935
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REPORT OF THE PERSONNEL BOARD

In anticipation of the 2012 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2011 Annual Town Meeting.

COLLECTIVE BARGAINING UNITS

Following the 2011 Annual Town Meeting, the Board conducted negotiations with the Library, Police Patrol, Police Superiors and Public Works bargaining units. The Board is pleased to report that settlements have been reached and agreements signed covering these units. A summary of the most important terms of the settlements follows. The full text of the agreements is on file at the Selectmen's office. The Board has begun successor contract negotiations with the Fire Department bargaining unit whose labor agreement expired on June 30, 2011.

The Board concluded negotiations of a Closing Agreement with the Teamsters, Local 25 representing the Town's Dispatch employees. This agreement memorializes the termination of the Town's collective bargaining relationship with Teamsters, Local 25, as a result of the discontinuance of the Town's separate Communications Center. Dispatch employees are now employed by the newly created South Shore Regional Communications Center.

The Board adjudicated one Public Works Department union grievance that was not satisfactorily resolved at a preliminary level.

Public Works Department Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the International Brotherhood of Teamsters, Local 25, providing for a three year agreement from July 1, 2010 to June 30, 2013. The salary scale effective July 1, 2010, shall remain as it was in effect on June 30, 2010. Effective July 1, 2011, each rate will be increased by 2% and effective July 1, 2012, each rate will be increased by 2%.

Effective July 1, 2010, the Town will pay accumulated unused sick leave at retirement according to the following schedule:

<u>Accumulated Sick Days</u>	<u>Payment</u>
1-149	\$8.00 per day
150-199	\$1,200 plus \$9.00 per day for each day over 149
200 & over	\$1,900 plus \$10.00 per day for each day over 199.

The Town will pay a clothing allowance as follows: \$800 per year effective July 1, 2010; \$850 per year effective July 1, 2011; and \$900 per year effective July 1, 2012.

Police Patrol Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the New England Police Benevolent Association, AFL-CIO, Local 70, providing for a two year agreement from July 1, 2011 to June 30, 2013.

The salary scale shall be increased by 2% effective July 1, 2011 and 2% effective July 1, 2012. Eliminate the Forensic Stipend of \$600.00. An officer with detective duties will receive a voucher of up to \$600.00 annually for replacement clothing.

Effective July 1, 2011, the following annual stipends will apply for the Firearms Instructor of \$1,250 and for the First Aid Officer of \$1,000.

During the term of this Agreement, the Town will compensate members of the bargaining unit, including officers who have joined or will join the Police Department on or after July 1, 2009, as if the Quinn Bill were in effect for all officers and the Commonwealth of Massachusetts were fully reimbursing its portion of the Quinn Bill benefits.

Police Superiors Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Police Superior Officers Union, MCOP, Local 405, providing for a two year agreement from July 1, 2011 to June 30, 2013.

The salary scale shall be increased by 2% effective July 1, 2011 and 2% effective July 1, 2012.

A stipend of \$1,000 per year was established for the Breathalyzer Keeper of Records and the stipend of \$1,000 per year was eliminated for First Aid certification.

In addition to the clothing allowance provided in this section, the Town will install a voucher system to permit each employee who also serves in the following capacities to obtain replacement clothing up to the maximum annual cost shown next to each: Prosecutor - \$900, Assistant Prosecutor - \$300 and Administrative Lieutenant - \$600.

During the term of this Agreement (July 1, 2011 – June 30, 2013), the Town will compensate members of the bargaining unit, including officers who have joined or will join the Police Department on or after July 1, 2009, as if the Quinn Bill were in effect for all officers and the Commonwealth of Massachusetts were fully reimbursing its portion of the Quinn Bill benefits.

Library Unit. On recommendation of the Board, the Town has signed a Memorandum of Agreement with the Hingham Library Staff Association, SEIU, Local 888 providing for a three year agreement from July 1, 2011 to June 30, 2014.

The salary scale shall be increased by 2% effective July 1, 2011, 2% effective July 1, 2012, and 2% effective July 1, 2013.

Effective July 1, 2011 the following positions shall receive equity pay adjustments: 4% for the Senior Library Technician and 3% for the Assistant Children's Librarian.

In exchange for the Union which represents Library employees agreeing that they will no longer be paid double time pay for time worked on a Sunday, and, instead, henceforth will be paid at a time and one-half rate for such work, the Town has agreed to pay two one-time lump sum payments to eligible Library employees. The total cost of all such one-time payments, to be made in FY '12 is \$10,000. The total cost of all such second one-time payments will also be \$10,000. This latter payment shall be made in FY '13, if the Library has Sunday hours during that fiscal year, or, if it does not in that fiscal year, then it will be made in the first subsequent fiscal year in which it does have Sunday hours.

Effective January 1, 2012 the professional development payment shall be increased to \$650.

OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommends a general wage increase of 2%, effective July 1, 2012, for Town employees who are not covered by collective bargaining agreements.

The Board reclassified the position of Administrative Secretary for the Selectmen/Town Administrator's Office, and with input from the Recreation Commission, the Board approved the reclassification of the Recreation Director position. The Board approved language changes to the Veterans' Benefits Administrator job description.

The Board approved a request that an individual who had been appointed to the position of Police Officer be placed on a step in the applicable salary scale above the minimum step based on his prior experience as a Police Officer in another town.

The Board worked with the various Department Heads in addressing a total of six vacation carry-over requests. The Board approved a request for an extension of sick leave for two employees.

RECOMMENDATIONS FOR CHANGES TO THE PERSONNEL BY-LAW

The Personnel Board recommends that the Town, at the 2012 Annual Town Meeting, amend the Personnel By-law, effective July 1, 2012, so that, as amended and restated, it will be in the form on file in the Town Clerk's office immediately preceding Town Meeting.

During the past year the Board recommended that certain elements of the Town's Classification and Salary Plan be reviewed by an outside consultant. A consultant was selected to assist the Board and Human Resources and the study is in process. It is our recommendation that Town Meeting authorize the Personnel Board in its judgment to implement changes resulting from the classification and salary study, effective July 1, 2012, or as soon thereafter as practical following completion and Board action.

Amend SECTION 8. TYPES OF EMPLOYEES. Add new Section 8, d to read as follows: Individual Employment Agreements - Notwithstanding what is contained in this By-Law and the Classification and Salary Plan, subject to the approval of the Personnel Board, the Board of Selectman is hereby authorized to promulgate a policy that sets forth specific criteria pursuant to which the Board of Selectman may enter into individual employment agreements with Town employees. The policy shall provide that the Personnel Board shall review the decision to enter into in any individual employment agreement to ensure that the criteria set forth in said policy have been satisfied. Once the Personnel Board has determined that the criteria set forth in said policy have been satisfied, the Board of Selectman/Town may enter into the proposed individual employment agreement on such terms and conditions as it determines are in the best interests of the Town. Upon execution of said employment agreement by the parties, the position involved shall be deemed exempt for the Classification and Salary Plan and any other provisions of this By-Law which are addressed in the employment agreement.

David Pace, Chairman
Russell Conn
Marie Harris

Jack Manning
Nelson Ross

REPORT OF THE SCHOOL COMMITTEE

Budget building for FY '13 assumed the challenges of an only slightly improved economic picture; the loss of federal stimulus funds for schools that have supplemented town and state revenues over the past three years; increased utilities costs; and rapidly growing costs for special education and other unfunded or underfunded mandates. With continuing enrollment growth (an average of 50-60 students per year over the past 18 years), the School Committee and School Department continue to advocate for school funding that represents a reasonable balance between achieving the Town's long-term financial objectives and providing an adequate level of financial support for important town and school services. We acknowledge the leadership and collaboration of the Chairs of the Board of Selectmen, Advisory Committee, and School Committee and the work and cooperation of their memberships and staff in striking the balance that the proposed FY '13 budget represents.

Town Meeting will be asked to approve an appropriation of \$40,567,321 to operate the schools next year and a capital budget figure of \$429,444. The operating budget proposal will address some enrollment and special education needs and maintain services that are nearly level with the current year. We are pleased that we will be able to avoid layoffs or further service reductions. However, we will not be able to restore any lost positions or service erosion from the cuts and austerity of the past three years.

For the first time, the initial FY '13 budget presentations separated out regular education, special education, and vocational costs. The proposed regular education budget of \$29,943,314 is up 3.57% over the current year. Special education represents 26% of the proposed total operating budget; and nearly 40% of that figure is needed to fund tuition and transportation costs for students who attend specialized schools outside the Hingham district. The total number of those students budgeted for FY '13 is 66, up 13 from the current year. It is of note that three of those students have recently moved into the district and their out-of-district costs total \$533,000. As a result, the net increase in the proposed special education budget, despite additional support in state "Circuit Breaker" dollars, is 10.88%.

The October 2011 Special Town Meeting appropriated construction money for a new middle school under the MSBA's Model School Program. That project is well under way, with the bid process nearly complete and planning for a June groundbreaking now a reality. As well, the high school tennis court resurfacing and track reconstruction projects that also were funded will be completed during Summer 2012. The Phase II design process to remediate drainage issues and provide a much needed multi-purpose field and other improvements at the high school complex has begun with the engagement of a professional design engineer. We continue to be appreciative of the Town's support in funding these long needed projects.

We are encouraged that the Governor's FY '13 budget proposal does include increased funding for Circuit Breaker (the Commonwealth's 2004 commitment to cities and towns to provide financial assistance for the most costly services for our neediest students). As well, that budget proposal reflects a commitment to Chapter 70 funding that meets the Commonwealth's obligations for "net school funding." While the Legislature has not yet acted on the Governor's proposal, we remain optimistic that state dollars will again complement the Town's efforts. As in

prior years, the School Committee and the School Department are committed to using the funds that are available to continue to provide to Hingham students the highest quality education possible.

HINGHAM SCHOOL COMMITTEE

Linda Hill, Chair

Caryl Falvey, Vice Chair

Raymond Estes, Secretary

Barbara Cook

Carol M. Falvey

Edward Schreier, D.D.S.

Andrew Shafter

SUPERINTENDENT OF SCHOOLS

Dorothy Galo, Ph.D.

**Town Hall
210 Central Street
Hingham, MA02043-2757
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: _____

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