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

Our town meeting is conducted in accordance with the Town By-Laws and also with regard to the traditions followed in Hingham town meetings for many years. Several matters of procedure are summarized below

- An **article** in the warrant states a question for the town meeting to answer. A **motion** is a proposed answer to the question and must be within the scope of the article. An article (once published in the warrant) may not be amended but a motion may be amended by vote of the meeting.
- If the Advisory Committee is recommending an **affirmative motion** under an article, its motion will be received as the main motion under the article. A voter may propose to amend this motion either to change it in part or to substitute a whole new motion (sometimes called a "substitute motion"). In any such case, the proposed amendment will be taken up and voted on first and then the main motion, as it may have been amended, will be acted upon.
- If the Advisory Committee is recommending **no action** under an article and a voter offers an affirmative motion, the voter's motion will be received as the main motion under the article. Such a motion is likewise subject to amendment.
- **All motions and proposed amendments** involving the expenditure of money must be **in writing**. So must all other motions and proposed amendments unless they are so brief and simple as to be easily understood when stated orally (e.g., motion for the previous question, motion to adjourn). Voters are welcome to seek the assistance of counsel for the Town in preparing motions or proposed amendments.
- **Limits on speaking:** No one may speak on any subject for more than ten (10) minutes for the first time or for more than five (5) minutes for the second time. No one may speak more than twice on any question unless all others who have not spoken on the question shall have spoken if they desire to do so, and unless leave of the meeting is first obtained. A person may speak more than twice, however, to make a brief correction of an error in or misunderstanding of his or her previous statement, including brief answers to questions from the floor (addressed through the Moderator).
- No speaker is allowed to **indulge in personalities** but must confine his or her remarks to the matter before the meeting.
- Persons who are not registered voters of the Town may be admitted to the meeting as **guests** by the Moderator. A guest of the meeting may be granted permission to address the meeting by majority vote.
- The purpose of the **motion for the previous question** is to end discussion and have an immediate vote on the pending question. The motion is not debatable and requires a majority vote for adoption. The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition and if both sides have not had a fair opportunity to be heard. The Moderator will accept the motion for the previous question if it appears that both sides have been heard and the discussion is becoming repetitious.

- **Voting procedures:** All votes are taken in the first instance by voice vote. If the Moderator is in doubt as to the results or if seven (7) voters rise and express doubt as to the result declared by the Moderator, a standing vote is taken, **except** that a ballot vote is taken (instead of a standing vote) if either the Advisory Committee or fifty (50) voters promptly call for a ballot vote. As a ballot vote takes considerable time, our practice has been not to request a ballot vote in the absence of compelling reasons.
- No vote may be **reconsidered** except after a **two-thirds vote** on a motion to reconsider such vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed to pass.
- A vote adopted at one session of the town meeting may not be **reconsidered at a later (adjourned) session** of the meeting unless the mover has given notice of his or her intention to make such a motion either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk not less than 12 hours before the hour to which adjournment has been voted and not more than 48 hours after the hour of adjournment of such session. Any motion for reconsideration pursuant to such notice of intention will be taken up at the beginning of the adjourned session.
- Action under **Article 6**, our budget article, will not be considered final, so as to require a two-thirds vote for reconsideration or any other procedures applicable to reconsideration, until all action under the Article has been completed.
- **Articles** in the warrant are to be acted upon **in their order** unless the meeting otherwise determines by majority vote.
- A **motion to adjourn** the meeting to a later time is a privileged motion and is decided by majority vote without debate. When the warrant is completed, a **motion to dissolve** the meeting is in order.
- A **quorum** for the transaction of business is **300**. Once a quorum is determined at the start of the meeting (or adjourned session), the presence of a quorum is presumed to continue unless a point of no quorum is raised and a count of the meeting shows that a quorum is not present. In that event, the meeting may be adjourned to a later date.
- **If you desire to speak**, please rise and seek the attention of the Moderator or the Assistant Moderator. When recognized by the Moderator, you should come to a microphone. Please state your name and address at the outset each time you speak.

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

Thomas L. P. O'Donnell  
Moderator

April 2011

## REPORT OF THE ADVISORY COMMITTEE

### OVERVIEW

The Advisory Committee recommends the enclosed Fiscal Year 2012 budget (Articles 4, 5, and 6) for Town Meeting approval.

While the current economic climate remains challenging for National and State governmental entities as a consequence of declining home values, slow job growth, and increasing debt obligations, Hingham has 'managed the storm' very well. The ability of all Town department heads to develop level-services budgets, the use of strong budgetary controls, and the aggressive monitoring of departmental expenses have all contributed to the Town's ability to deliver the excellent services we have come to expect without requesting a tax-levy operating override.

The Advisory Committee continues to take a conservative approach with respect to FY 2012 budgeting in order to protect the taxpayers, to preserve the Town's Aaa bond rating, to better insulate the Town from future volatility in local revenues and State aid, and to manage citizens' expectations of service levels. In fact, Moody's Investor Services' 'negative outlook,' delivered in October 2009, has been lifted as a result of the Town's consistently strong financial management during these past few years. To help fund desired services, the Town has also worked to increase tax revenues from other than residential property-owners through continuing focus on the economic development of the Industrial Park Area in South Hingham.

The Town has also continued to fund retiree health-insurance benefit costs, and in so doing, is one of only a handful of municipalities in the Commonwealth—and the nation—to responsibly address this commitment to its past and current employees. However, continued year-to-year growth of the total cost of employee benefits, especially health insurance and pension contributions for current employees, at over 9% per year remains a source of concern. The potential doubling in eight years of benefits which currently account for upwards of 15% of the total Town budget is a daunting prospect.

As has been the case for the past few years, State aid continues to be a concern. State aid peaked in FY 2002 and then decreased for FY 2003 and FY 2004, before beginning to increase again in FY 2005. The Advisory Committee does not expect to have definitive answers regarding the level of State aid that Hingham can anticipate for the coming year by the date of Town Meeting. The expectation is that it will take until June, 2011, for the State to finalize decisions on local aid and aid to education; however, we are currently anticipating essentially flat State aid from last year's allocation of \$9,000,061. The result is that net State aid (gross State receipts, net of amounts which the State requires to be dedicated for specific purposes, less State and County assessments) will be approximately equal to FY 2002 levels in actual dollar terms, but significantly less than FY 2002 when adjusted for inflation. The Town has no expectations that State aid will return to FY 2002 levels, adjusted for inflation, in the near future. The FY 2012 budget as well as the forecast take this into account.

The FY 2012 Article 6 operating budget for the Town (net of debt service, which is covered later in this report, and net of Sewer and Country Club operating and capital budgets, which are financed by user fees) will change relative to the FY 2011 operating budget as follows:

	<u>FY 2011</u>	<u>FY 2012</u>
Municipal Departments:	\$20,298,044	\$20,335,030
School Department:	\$35,465,176	\$37,650,766*
Capital Outlay:	\$ 1,080,325	\$ 1,743,668
Employee Benefits:	\$11,594,408	\$12,674,294
Insurance and Incidentals:	\$ 388,250	\$ 392,250

\* **Note:** The School Department's FY 2012 budget will be augmented by \$783,629 in Federal stimulus (ARRA) grant money, resulting in total School Department operating funding (net of capital outlay) of \$38,434,395. For FY 2011, the School Department's budget was augmented by \$961,000 in Federal stimulus grant money for a total operating budget of \$36,426,176.

With respect to the School Department, the Advisory Committee is recommending appropriating an amount for the FY 2012 Education operating budget within Article 6 (net of capital outlay) that is \$2,185,590 more than the corresponding FY 2011 budget. This increase is warranted by increased enrollment, continued underfunding by the State of its special-education circuit-breaker, and reduction in Federal stimulus funding. After adding the \$783,629 of Federal stimulus ARRA grant funds referenced above, the resulting School Department operating budget of \$38,434,395 will be \$2,008,219 greater than for FY 2011—an increase of approximately 5.5%. While the Advisory Committee is concerned about over-dependence on the use of one-time sources to fund operating budgets, the Committee recognizes that the availability of these funds will help the Schools to weather the current financial situation for at least the coming fiscal year. It is with much appreciation that we recognize the cooperation and time given by members of the School Committee, Dr. Dorothy Galo, now-retired Business Director David Killory and his replacement, John Ferris, during the development of the FY 2012 budgets.

Labor costs are the most significant expense to the Town, amounting to approximately 55% of the FY 2012 Article 6 budget. The bulk of the Town's labor costs is determined as a result of collective bargaining. With the exception of one collective-bargaining unit, all others have signed a one-year, no-increase contract, which will expire at the close of FY 2011. While negotiations of new labor contracts have not all been completed, the FY 2012 budget does include some provision for wage inflation. Rising labor costs will be of continuing concern to the Town, as payroll growth may exceed revenue growth in the coming years. The rising costs of health care, retirement funding and energy – both fuel and utilities – also remain concerns, since the Town has only limited ability to control such charges.

The recommendations in Article 6 reflect level services, with level funding of nearly all budgets for salaries and expenses in each of the Town's major departments. The Advisory Committee would like to acknowledge and thank each of the department heads for the cooperation and creativity they have demonstrated in this difficult budget year. In addition, we want to recognize their input and active participation in the quarterly budget reviews.

The Town's current financial position remains very sound. However, the larger economic climate and our own growing healthcare and labor costs coupled with potentially higher energy costs warrant continued prudent financial management if Hingham is to remain the treasured and unique place that it now is.

## NEW INITIATIVES AND COMMITMENTS

The Advisory Committee, with approvals from the Board of Selectmen and the School Committee, updated the Town Financial Policy during FY 2011. The initiatives described below are in conformance with the updated Financial Policy guidelines.

- Capital Expenditures: For FY 2012, those capital expenditures not funded by borrowing will be funded from recurring revenues, including a portion of the estimated FY 2011 budget surplus.
- Preservation of Fund Balance: Fund Balance reserves have increased from 9% of Total Annual Expenditures to approximately 14.6%, due largely to savings from contributory group insurance, reduced debt service through bond re-financing, more stringent management of Reserve Fund Transfers, and budget savings from various Town departments. While the Town should continue to strive to increase Fund Balance above the 14% of Total Annual Expenditures 'floor,' the Committee has not recommended an addition to Fund Balance as part of the FY 2012 budget.
- Funding of Other Post-Employment Benefits (OPEB): As mentioned previously, the Committee has included in the recommended Employee Benefits budget the full amount of the Annual Required Contribution to the OPEB trust fund. The Committee strongly recommends continuing this practice until the OPEB obligation is fully funded.
- Tax Relief: This year's Town Meeting will consider application of that portion of the Fund Balance increase resulting from the October 2009 debt re-financing to reduce the annual cost of that borrowing to taxpayers. Town Meeting approval would result in a Fund Balance at 12.2% of Total Annual Expenditures.

In addition, the Advisory Committee has worked diligently to increase citizen 'accessibility' by augmenting the content of its Town web pages, including posting the newly-created *Advisory Committee Handbook*, which provides information to both members and citizens about the role of the Committee and its procedures. The web site also provides a telephone number (781-804-2388) and an email address ([AdvisoryCommittee@hingham-ma.com](mailto:AdvisoryCommittee@hingham-ma.com)) for messages and questions to be directed to the entire Committee. To enable more direct interaction, each meeting agenda has been expanded to include time at the beginning for citizen questions and remarks. Finally, each upcoming meeting's agenda is now routinely posted in a display-case outside the Committee's customary meeting room.

## THE BUDGET PROCESS

At the 1991 Town Meeting, the General By-Laws of the Town of Hingham were amended to specifically assign responsibility for the preparation of the budget (Articles 4, 5, and 6) to the Board of Selectmen assisted by the Town Administrator. Each Fall, at the beginning of the budget cycle, the Town Administrator consults with the department heads about anticipated funding needs and prepares a budget. The Board of Selectmen then reviews it. Next, the budget undergoes a detailed review by the Advisory Committee.

The Advisory Committee is a part of the legislative branch of town government and is comprised of 15 citizens of the Town appointed by the Town Moderator. The Advisory Committee modifies the budget as necessary and recommends it to Town Meeting. The Committee also makes recommendations on articles presented in the Warrant.

Town Meeting has the final vote on all budgets and warrant articles. The budget becomes effective only after the approval of Town Meeting. The Board of Selectmen and the Advisory Committee recommend; Town Meeting decides.

## FIVE-YEAR FORECAST

Financial forecasts are used to estimate the Town's revenue and expenditures in the current and ensuing five fiscal years. The forecasts are prepared by the Finance Director and Town Accountant, are updated periodically, and are regularly reviewed by the Board of Selectmen, Advisory Committee, the School Department, the School Committee, and other Town department heads and committees and boards as appropriate.

## FINANCIAL POLICY

The Town's recently-updated Financial Policy includes the following recommendations:

- Maintenance of Fund Balance reserves at a level of no less than 14% and no more than 18% of Total Annual Expenditures. The Advisory Committee recommends a gradual increase in Fund Balance to the prescribed 14% - 18% range in order to provide greater financial security to the Town in uncertain economic times and to provide a measure of protection for the Town's Aaa bond rating. However, in light of the current financial climate, the Advisory Committee recognizes that achieving a Fund Balance within the 14% - 18% range will take several years of prudent fiscal management and concerted effort; rebuilding of Fund Balance must be weighed against other budget priorities, such as maintaining acceptable levels of public services and providing adequate funding for capital needs.
- An annual allocation of approximately 2% - 5% of the Operating Budget for those capital expenditures not funded by borrowing. The Operating Budget is the sum of Articles 4, 5 and 6, less capital expenditures, debt service, and the Sewer and Country Club budgets financed by user fees.
- Maintenance of the Town's average annual debt service in the range of 5% - 7.5% of Total Annual Expenditures.
- Appropriation of a Reserve Fund—managed by the Advisory Committee to address extraordinary or unforeseen expenditures—equal to approximately 0.75% of the Operating Budget.

Further discussion of the recommended FY 2012 capital-spending program and debt service appropriations follows. Our Financial Policy is a contributing factor to the financial stability of the Town, and the Advisory Committee is committed to following its policy prescriptions to the greatest extent feasible while balancing the operating and capital needs of the Town.

## FUNDING OF CAPITAL NEEDS

The Town continues its program for the maintenance and improvement of its facilities and infrastructure via its capital-planning process. In the past, capital needs were generally funded from operating budget revenues, from borrowing, or from drawing down Fund Balance reserves. In accordance with the Financial Policy, the Committee recommends funding all capital expenditures for FY 2012 using operating budget revenues—some from the FY 2011 budget surplus, the remainder from FY 2012 revenues.

In addition, three articles presented for this Town Meeting's consideration may be funded through borrowing by the Town:

- \$600,000 – Middle School Feasibility Study
- \$190,000 – Sewer Funds for Engineering
- \$160,000 – Sewer Property Acquisition

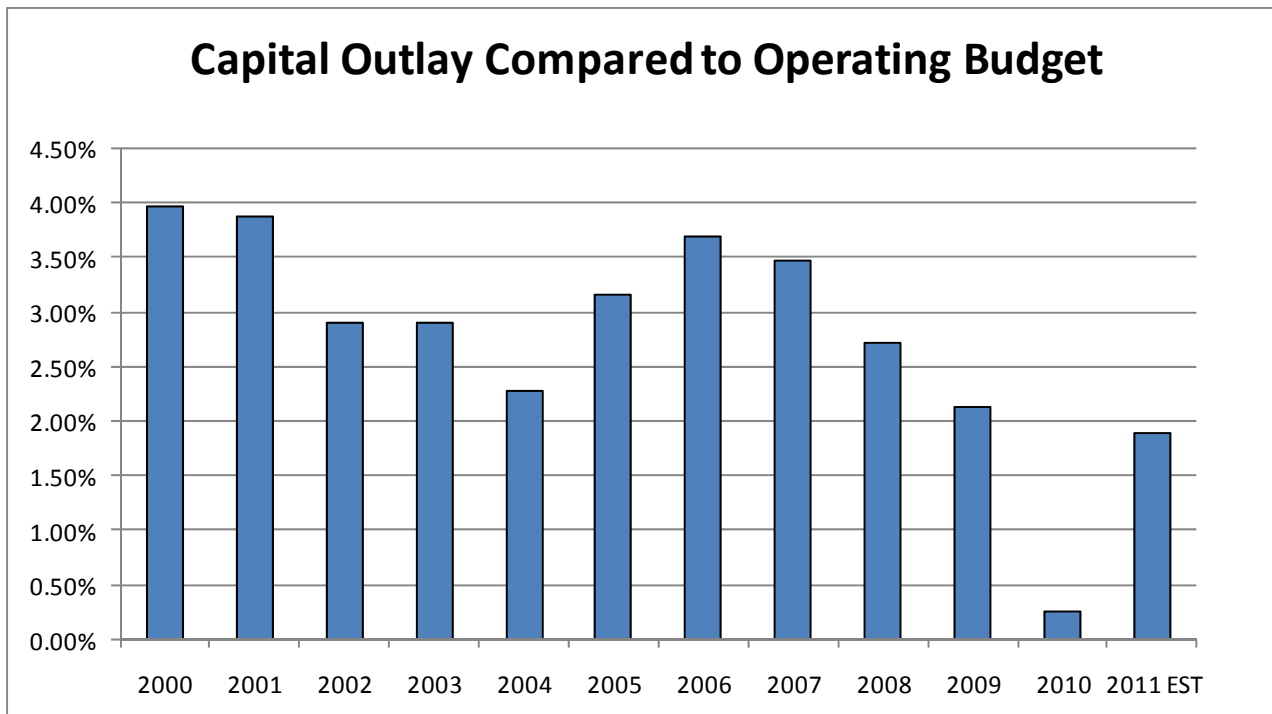
Capital spending—severely constrained in FY 2010—was less constrained for FY 2011. That trend should continue in order to meet the Town's long-term capital needs and to gradually reinstate the average level of annual capital-spending recommended in the Town's Financial Policy.

For FY 2012, the Capital Outlay Committee reviewed and evaluated departmental spending requests using the following criteria, in descending order of importance:

- Reduction or elimination of a safety hazard.
- Repair of an existing capital asset that is severely damaged.
- Provision of a capital asset that is critical to the departmental mission.
- Replacement of a damaged capital asset for which the repair costs are excessive.
- Provision of a capital asset that can pay for itself in three years or less.

Using these criteria, the Capital Outlay Committee has recommended a capital budget of \$1,743,668 in FY 2012 for those Town departments which are not self-funding or funded by user fees.

The Advisory Committee supports the Capital Outlay Committee's recommended capital budget.



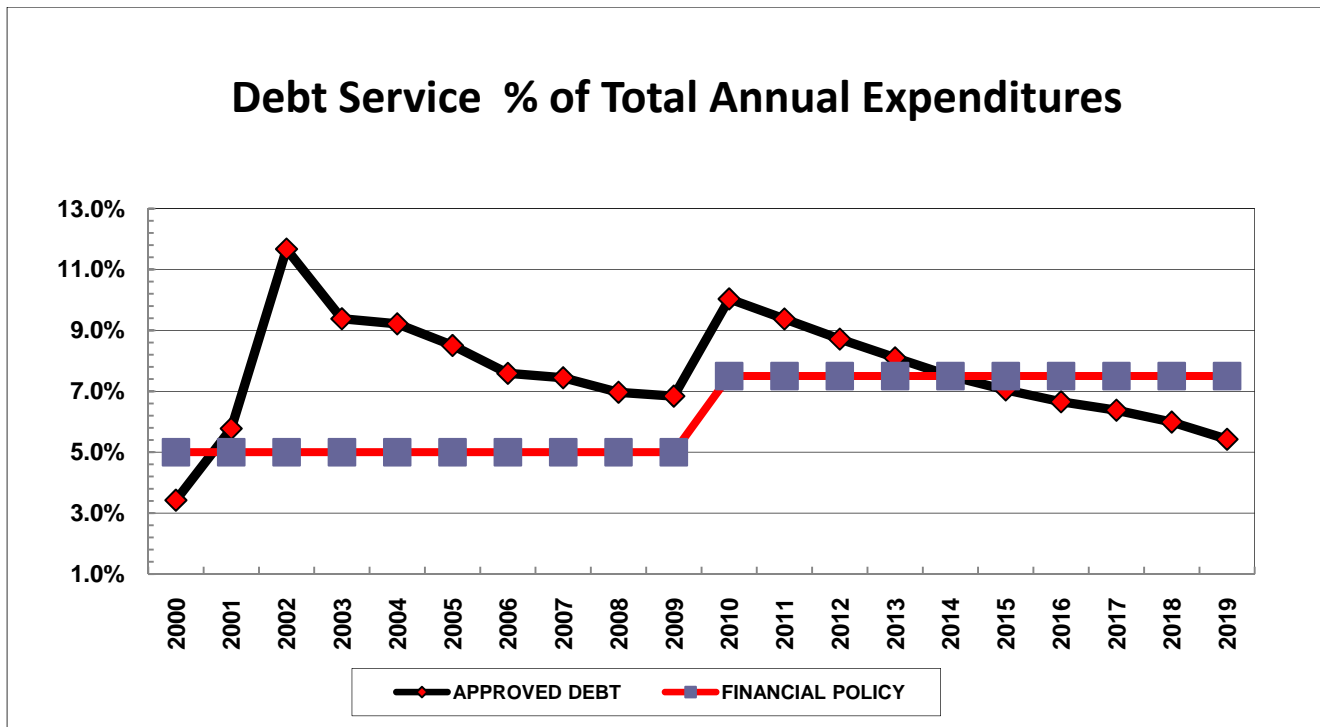
**DEBT SERVICE**

The Town’s Financial Policy recommends that current recurring revenues be used to finance operating expenses, maintenance expenses and capital expenditures for smaller, less expensive items. The Policy further provides that debt-issuance should be reserved for large, non-recurring capital items which have a life of five years or more, such as real-estate, buildings, and sewer construction projects. Total debt service in any given fiscal year ideally should not exceed 7.5% of Total Annual Expenditures.

During FY 2010, annual debt service increased significantly due to the cost of borrowing for the various recent school-construction and renovation projects, the new centralized DPW facility, the new athletic field complex, the acquisition of Lincoln School Apartments, the acquisition of land behind the former DPW facility on Hersey Street, and several other Town projects. Overall, the Town’s debt service has decreased from \$7,780,775 in FY 2010 to \$7,544,207 in FY 2011; it is still projected to exceed the Town’s Financial Policy guideline by one-half percent for FY 2012, not accounting for any new borrowing associated with the articles referenced previously.

The Town’s projected debt service may continue to exceed the 7.5% guideline ‘ceiling’ for quite some time, in light of the possibility of additional borrowing to fund Middle School repair or replacement. The Advisory Committee will continue to monitor the Town’s debt load in light of the Town’s capital requirements.

The graph below shows currently-approved debt only.



## RESERVE FUND

Massachusetts General Laws provide for annual appropriations to a Reserve Fund from which transfers for extraordinary or unforeseen expenditures may be made from time to time, with the 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.

The Town's Financial Policy states that a Reserve Fund of approximately 0.75% of the Operating Budget should be budgeted for contingencies.

In FY 2010, transfers were made as follows:

### **Reserve Fund Transfers FY 2010**

<u>DEPARTMENT</u>	<u>AMOUNT</u>
Landfill	\$25,455.00
Assessors	\$500.00
Assessors	\$328.00
Harbormaster	\$1,600.00
Harbormaster	\$18,812.00
Emergency Water	\$29,178.00
Town Accountant	\$5,691.00
Unemployment	\$12,700.00
Snow & Ice	\$307,684.00
Assessors-Revaluation	\$15,000.00
Conservation	\$12,560.00
Bathing Beach	\$500.00
Veterans	\$42,000.00
Celebrations	\$3,338.00
Legal	\$35,000.00
Selectmen	\$17,910.00
Town Meetings	\$10,413.00
Town Meetings	\$1,449.00
Unclassified-Claims	<u>\$98.00</u>
<b>Total Reserve Fund Transfers</b>	<b><u>\$540,216.00</u></b>

In recent years, several categories of expenditures—most notably snow and ice removal—have placed significant and excessive burdens on the Reserve Fund, occasionally necessitating a draw-down of Fund Balance to make up for excess costs at the end of the fiscal year.

The recommended FY 2012 appropriation of \$550,000 should be adequate to meet our unforeseen expenditures without having to request additional funds from Fund Balance; the recommended amount is slightly greater than the Town's Financial Policy guideline.

## Sources and Uses of Funds Comparison

	ACTUALS FY2010	ESTIMATE FY2011	FORECAST FY2012	FORECAST FY2013	FORECAST FY2014
<b>SOURCES</b>					
Tax Levy					
Levy	54,264,187	56,675,985	58,752,873	60,865,741	63,237,385
2 1/2 % increase	1,356,605	1,416,900	1,468,822	1,521,644	1,580,935
New growth	1,055,193	659,989	644,046	850,000	850,000
Debt exclusions	4,052,368	3,731,987	3,696,486	3,460,658	3,133,949
Operational Override	0	0	0		
Total Tax Levy	60,728,353	62,484,861	64,562,227	66,698,042	68,802,268
Other Revenue					
Net State Receipts	8,365,850	9,000,061	9,031,302	9,031,302	9,031,302
Local Receipts	6,622,156	6,850,222	6,864,353	6,864,353	7,035,961
Fund Balance	575,000	0	886,500	0	0
SSCC	1,811,001	1,801,473	1,919,861	1,919,861	1,919,861
Sewer	2,060,559	2,303,125	2,302,348	2,477,028	2,667,510
Light Plant	487,208	450,000	450,000	450,000	450,000
Total Other Revenue	19,921,774	20,404,881	21,454,364	20,742,544	21,104,634
<b>Total Sources</b>	<b>80,650,127</b>	<b>82,889,742</b>	<b>86,016,591</b>	<b>87,440,586</b>	<b>89,906,903</b>
<b>USES</b>					
State assessments	809,718	777,201	783,808	799,628	816,239
Overlay	250,000	350,000	350,000	350,000	350,000
Other expenses / deficits	100,000	67,872	100,000	100,000	100,000
Total	1,159,718	1,195,073	1,233,808	1,249,628	1,266,239
Appropriations					
Article 6	77,326,126	80,454,007	84,406,120	86,353,870	88,281,984
Article 4&5 Raises	225,000	0	301,572	611,303	927,229
Other articles	35,000	15,000	75,000	0	0
Total appropriations	77,586,126	80,469,007	84,782,693	86,965,173	89,209,213
<b>Total Uses</b>	<b>78,745,844</b>	<b>81,664,079</b>	<b>86,016,501</b>	<b>88,214,802</b>	<b>90,475,453</b>
<b>EXCESS (Shortfall)</b>	<b>1,904,283</b>	<b>1,225,662</b>	<b>90</b>	<b>(774,215)</b>	<b>(568,550)</b>

### SOURCES AND USES OF FUNDS

The Sources and Uses of Funds Analysis presented in this report reflects forecasted FY 2012 tax receipts and other revenue sources used to prepare the proposed budget included in this Warrant. Under Proposition 2½, tax-levy income is estimated by taking the dollar amount of last year's tax levy and adding a 2½% increase plus an allowance for new growth. New growth is the value of tax dollars assessed to new construction. In FY 2012, new growth is estimated to be \$644,046—slightly less than FY 2011's estimate and \$411,000 less than FY 2010's actuals.

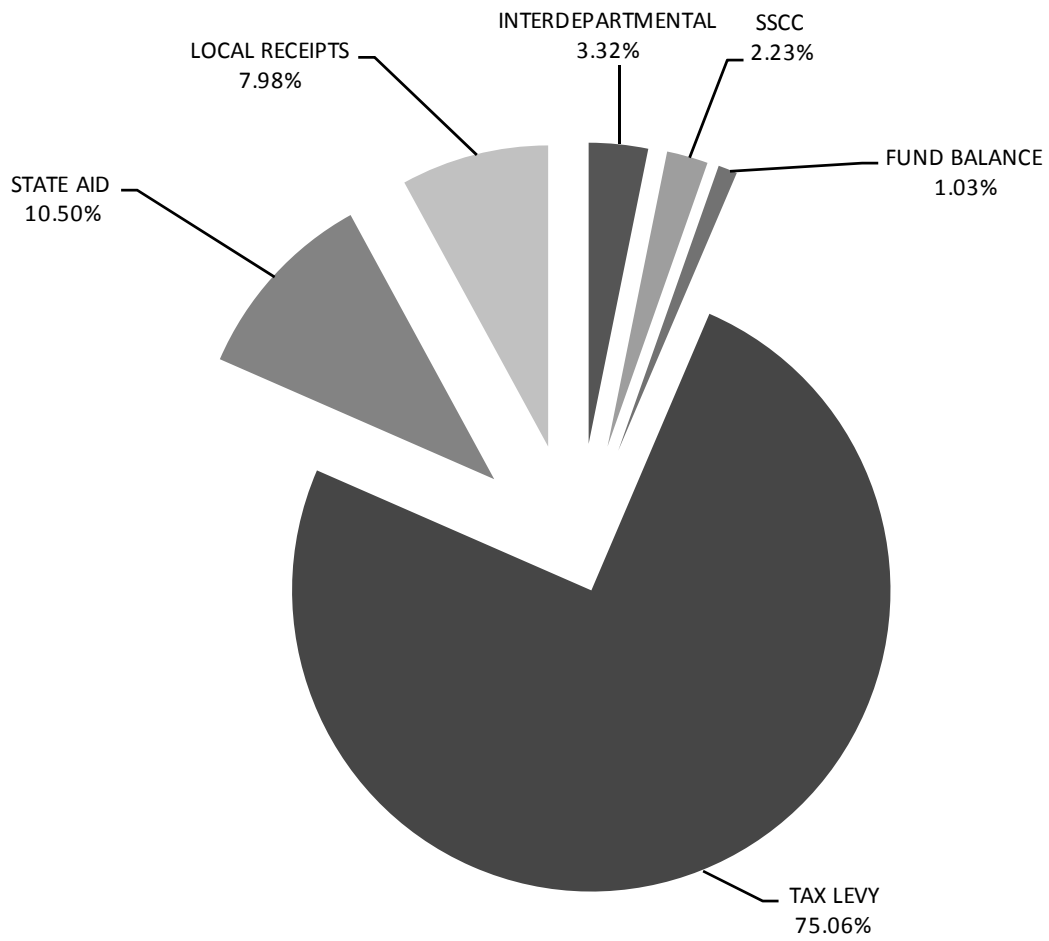
Other sources of revenue include:

- Local Receipts for FY 2012 are expected to grow slightly to \$6,864,353, approximately \$14,131 above the FY 2011 level. Although some fee and license revenues are projected to increase, motor-vehicle excise-tax receipts, which comprise the single largest category of local receipts, are projected to remain essentially flat for FY 2012.
- \$886,500 of the FY 2011 estimated budget surplus will be used to help fund FY 2012 capital expenditures.
- South Shore Country Club revenues fully offset operating costs of the Club, including capital expenses which are included in Article 6.
- Revenues from sewer charges fully offset sewer operating, debt, and capital expenses which are included in Article 6.
- Light Plant revenue is a payment of \$450,000 in lieu of taxes.
- We project that State Aid will provide \$1,994,816 for School Building Assistance, \$5,553,035 under Chapter 70 for Education, and \$1,483,451 for other uses, for total State aid of \$9,031,302.

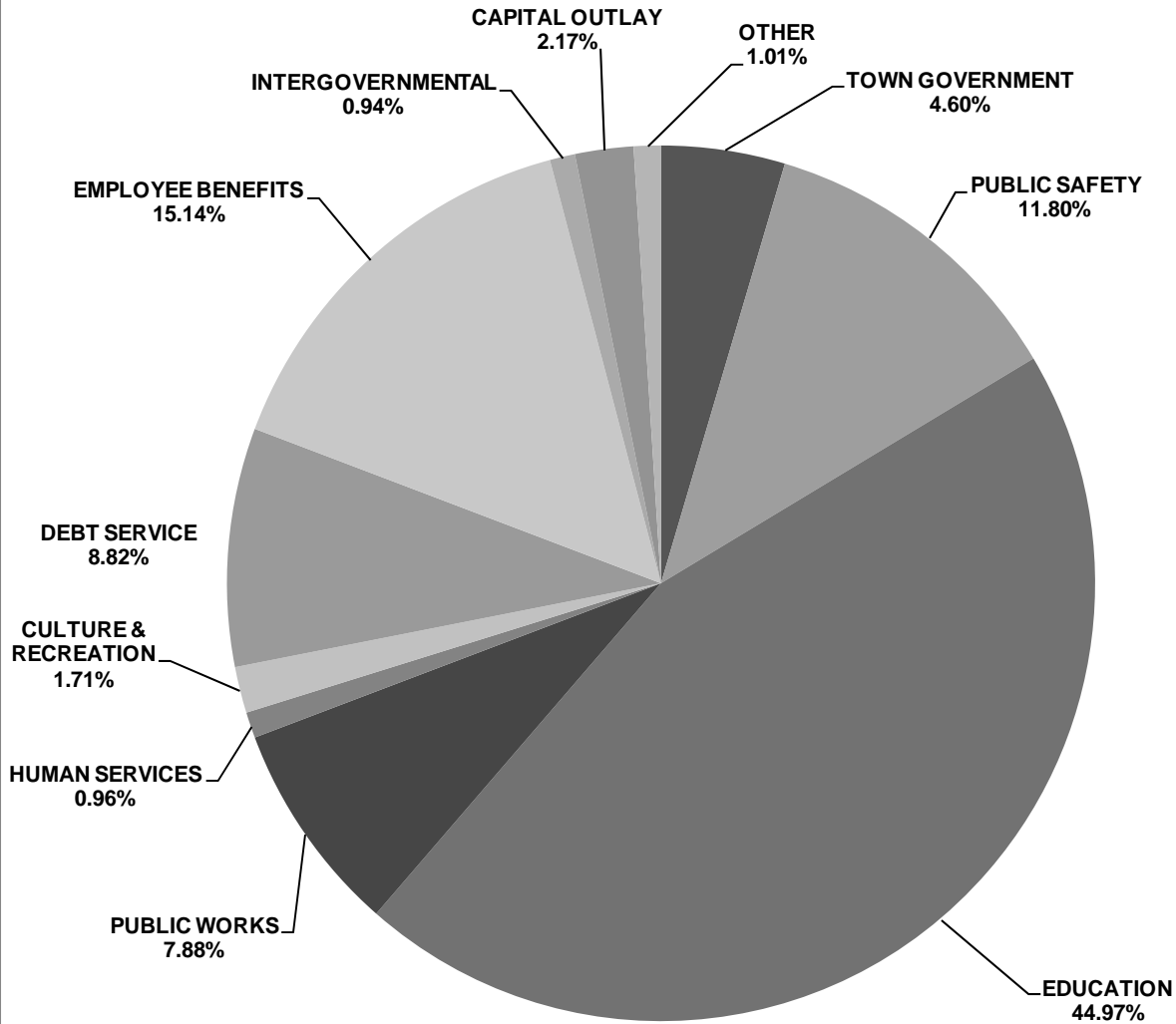
Prior to the current economic climate, new projects coming into the Town have provided a significant revenue source. Projects such as Linden Ponds and the Shipyard anticipated a progressive build-out over a number of years. These build-outs have slowed and, as a result, the Town has seen building-permit revenues and property-tax revenues associated with new growth decrease markedly.

State aid has been volatile and unpredictable, and while it looks to be essentially the same as that for FY 2011, the prospects for continuing to receive this level of State aid remain uncertain for the next several years.

# FY 2012 Sources of Funds



## FY 2012 Uses of Funds by Function



## ADVISORY COMMITTEE RECOMMENDATIONS

The amounts shown in Articles 4, 5, and 6 represent the recommendations of the Advisory Committee. These funds provide for Town services at an appropriate level and also provide for necessary infrastructure maintenance and upgrading. The Advisory Committee also has reviewed the other articles in the Warrant and—after public discussion with petitioners, proponents, and other interested people—provided comments and recommended motions.

Town Meeting will make the final decision for the FY 2012 budget and other Warrant articles. Please know that an affirmative vote on Articles 4, 5 and 6 will result in an increase of approximately 3.32% or \$234.72 to the average homeowner.

We are most grateful for the assistance and support of Town Administrator Ted Alexiades, Interim Town Accountant Sue Nickerson, and their staffs. Their support is critical to our success and allows us to better represent and serve you.

Consistent with Hingham's tradition, the Advisory Committee benefited this year from strong working relationships with the Board of Selectmen, School Committee and Administration, Town Department heads, Capital Outlay Committee, Community Preservation Committee, and the numerous other Town Boards, Commissions, and Committees with which the Advisory Committee interfaces.

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

## THE ADVISORY COMMITTEE

Jack Manning, Chairman  
Jonathan R. Asher, Vice-Chairman  
Gregory M. MacCune, Secretary  
Daniel J. Dwyer  
Elizabeth A. Eldredge  
David H. Ellison  
Amy W. Farrell  
Dennis C. Friedman  
Richard J. Innis  
Karen A. Johnson  
Ron L. Kirven  
Laura E. Marwill  
Mary Jane O'Meara  
Mary M. Power  
Thomas J. Pyles

## REPORT OF THE BOARD OF SELECTMEN

Like much of America, The Town of Hingham weathered its long journey on the road to restored prosperity. Unifying efforts of the many boards, departments and staff, the Town continued its tradition of bringing singular focus to many different constituencies.

Our Economic Climate: The nation struggled with unemployment rates around 9%, challenging job creation, falling home prices, foreclosures at unheard-of levels, and a never-ending search for revenues. Governments and businesses, like the homeowners that pay for both, addressed an array of matters they had thought were history. The pace of restoration nationally crawled.

Hingham, however, fared better than that national picture but it too suffered in its new world of economic malaise. Our unemployment moved down from a high of 7% and as the year closes remained in the 5+% range. This number compares to a rather enviable 2.5% in the pre-recession days. Home prices began to move upwards and “time-to-sell” numbers also improved. Neither indicator reached the 2006 peak Hingham had enjoyed. Yet as of this writing, realtors expect a better spring in 2011. Sadly, foreclosures happened here, even in the high-priced locales. This recession left no area untouched.

Slowly improving new growth, offset by managing many of our expenses, strained the resources of town agencies. State aid increased as a result of federal stimulus, but it is forecast to decline again in 2012 as the stimulus goes away and state revenues also decline. The Town worked with State Representative Bradley and State Senator Hedlund to preserve needed monies in education. Shifting costs from the state to the town pressured some departments. Rising pension and healthcare costs were no different here than in the rest of America. Cooperation from our 13 unions helped alleviate those increases. While town staff positions went vacant last year due to attrition, carefully controlling our salary and expenses permitted the Town not to layoff any employee when other towns were increasingly taking that approach.

The Moody’s bond-rating agency placed a “Negative Outlook” on our Aaa rating. For the past three years, the Town had taken fiscal actions to address that warning, as a high bond rating is critical to our goals for funding the new schools and other objectives of the Town. While the Town was able to finance the construction of East School at a very low rate due to our high bond rating, the importance of our Aaa rating was driven home when other towns with lesser ratings were completely unable to borrow at any cost during the recession. By ceasing fund balance withdrawals, funding our long-term retirement healthcare obligations (OPEB), and looking at non-property-tax revenue sources, the Town changed direction. The Town also sought to expand the tax base with new growth opportunities such as the new Bone and Muscle Center of South Shore Hospital now under construction. The Town received recognition from the South Shore Chamber of Commerce for its efforts in this area. As a result of all these efforts, this past October Moody’s removed that “Negative Outlook” warning, as we began to come out of the recession.

Personnel Changes: Hingham’s previous Town Administrator left in the fall to accept another position in Foxboro, leaving a vacancy at the top of our staff. Happily, the Board of Selectmen appointed Ted Alexiades, our long time Finance Director, to be the new Town Administrator. His presence has already been felt.

Our Police Chief, Taylor “Tab” Mills, announced his retirement after 33 years of meritorious service. In March 2011, the Selectmen appointed Lt. Mike Peraino of the Hingham Police, to be the new Chief upon Chief Mills’ departure. Nine new police officers joined the force, replacing a number of retired officers. Similarly, the Fire Department lost two captains and a lieutenant to retirement. While they were replaced at the leadership level, our Fire Chief Duff absorbed the staff losses through his leadership.

The Selectmen finalized the creation of a veterans' group to speak on behalf of our many citizens engaged in serving our country, under a new Veterans' Agent, Keith Jermyn. The Board undertook a study with the Sewer Commission to improve the management and efficiency of sewer operations. Finally, one of our long serving staff members in the Selectmen's Office, Marilyn Harrington, announced her retirement at the end of May. Her cheerful manner will truly be hard to replace.

Other Significant Events: The Middle School, long under consideration for physical improvements, suffered roof damage during the January snowstorms. This prompted considerable discussion with the Massachusetts School Building Authority (MSBA) about proceeding with a Feasibility Study concerning future of the Middle School. Town Meeting will make that decision.

The Board adopted a number of Town policies, particularly a Town Financial Policy endorsed jointly by the Advisory and School Committees. After a lengthy analysis by a number of Town boards the Selectmen approved an application, based on a very generous donation, for improving the Margetts Fields on Ward Street. The Selectmen and Recreation Departments are in negotiation to improve the management of our many sports facilities.

The League of Women Voters offered some suggested changes to our Town meeting process, as did one of our citizens. Town meeting will consider those changes. The South Shore Country Club concluded its extensive rebuilding of dining facilities and has new managers for its food operations. They launched indoor winter golf, a very popular and attractive service. The Selectmen created a Shade Tree Commission to propose better ways to manage and preserve our long-standing designation as "Tree City USA". The Selectmen finalized the creation of a Cable TV Corporation, voted at last year's Town Meeting. The Selectmen with much support from a number of groups like our Community Preservation Committee and veterans' organizations enabled Father Bill's to create a facility on Fort Hill Street for serving veterans in need.

The Selectmen spent a number of meetings addressing concerns for the provision of natural gas services which resulted in the Board reaching an agreement with National Grid. With the leadership of our Town Projects Engineer Roger Fernandes, the Town started construction on the long-planned placement of wires underground Downtown. Our Community Planning Department continued its consolidation efforts begun last year aimed at improving service delivery to our citizens. While more remains to be done, it was responsible for the South Shore Chamber of Commerce Local Public Service Award mentioned earlier.

Under the able leadership of Director Dennis Corcoran our Library managed yet again to deliver services and transition to the library of tomorrow despite reduced state funding. Elder Services Director Barbara Farnsworth, recognized this year by the state for her leadership in this area, led Elder Services in the continued daily delivery of a multitude of services to this very deserving segment of our population. The Department of Public Works under Randy Sylvester began its well-planned consolidation and cross-training of staff, again aimed at improving service delivery to the Town. This year they had the added challenge of dealing with Mother Nature who gave us almost five feet of snow! That is well above the three and half feet the Town normally receives. The budget for snow removal this year is only exceeded by the years 2005 and 2009. Roger Fernandes undertook a detailed study of our town roads, highlighting the need to begin the process of a long-term solution to maintaining our road infrastructure and presented his findings at the annual Town Forum.

In September, the Town concluded the 375th celebration of its founding. The time capsule, buried on Library grounds, contains mementos of the Town's history and prepares us for the quadricentennial. The Town thanks the many citizens who contributed to this celebration.

Finally, Hingham happens because each day so many of its staff and citizens make it happen. The Selectmen mentioned some of those in our comments earlier. The Board would be remiss in not complimenting Assistant Town Administrator Betty Foley, aided by Betty Tower and Marilyn Harrington who make the Selectmen's Office do its thing. Our accounting and finance department under the direction of Interim Town Accountant Sue Nickerson produces the numbers that make this report possible. Our second floor team led by Katy Lacy, joined by Mark Grylls, Sue Eddy, Andrea Young, and Cliff Prentiss, deliver the many diverse services permits and building approvals. The first floor Health Department staff led by Bruce Capman provides unique protection for the Town. The Treasurer's department, with Jean Montgomery at its helm, help fund our many activities. Eileen McCracken and her very capable support staff in the Town Clerk's office deliver their many services despite budget reductions. This report contains other department reports explaining all that occurs in this Town. The board thanks those committees and staff members for working so hard to provide what the town citizens need. To the other elected officials of the town and the appointed committees who labor too many nights on behalf of us all, The Board of Selectmen extends its gratitude for bringing us together. Thank you for allowing us to serve

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

## COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet in the HIGH SCHOOL, 17 Union Street, in said Hingham, Monday, the twenty-fifth day of April 2011 at SEVEN O'CLOCK in the evening, Then and thereto act on the following Articles:

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

One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, 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, 2010, the fund assets totaled \$ 15,618.89 of which \$618.89 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

**RECOMMENDED:** That Tereza Prime, 703 Main Street, be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years.

**ARTICLE 2.** Will the Town confirm appointment of a Director for the Plymouth County Cooperative Extension Service in accordance with the provisions of the General Laws of Massachusetts, Chapter 128, Sections 41 and 42, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

**COMMENT:** Plymouth County Cooperative Extension Service provides Plymouth County residents research-based information in the following areas: agriculture and landscape; family development; nutrition education; natural resources; and environmental conservation. The group works with the UMass Amherst Faculty and Extension staff,

UMass Extension, and the United States Department of Agriculture. The Extension Service also supports the 4-H Youth program. The Extension System is supported by County, Federal and State funds, and operates under Federal and State laws and agreements.

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

**ARTICLE 3.** To hear the reports of the following: Affordable Housing Trust; Animal Shelter Site Study Committee; 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:** These are the existing posts, committees, councils, and commissions which were established by acts of Town Meeting. The Town is indeed fortunate to have many public-spirited citizens willing to work in these capacities. We thank them for their excellent service and recommend that all these posts and committees be continued, except that the Animal Shelter Site Study Committee be discharged with thanks.

**RECOMMENDED:** That the reports, if any, of the Affordable Housing Trust; Animal Shelter Site Study Committee; 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 be received; and that all of said Committees, Commissions, the Council and the Historian be continued, except that the Animal Shelter Site Study 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, 2011 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$302,000 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, the salary from July 1, 2011 through June 30, 2012 for each of the following officers shall be at the rates below stated or provided after the name of the office.

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

**Selectmen:** at the request of the Board of Selectmen, at the annual rate of \$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.

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

**ARTICLE 6.** Will the Town raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the twelve-month period beginning July 1, 2011, 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, 2011, 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.

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	395,148	374,540	390,730
Expenses	32,058	42,709	41,105
Capital Outlay	0	0	0
Total	427,206	417,249	431,835
132 RESERVE FUND			
	540,216	550,000	550,000
135 TOWN ACCOUNTANT			
Payroll	362,921	384,872	321,887
Expenses	55,853	11,905	12,555
Capital Outlay	0	150,325	108,500
Audit	50,691	72,000	55,000
Information Technology	94,061	110,868	136,026
Total	563,526	729,970	633,968
141 ASSESSORS			
Payroll	280,953	275,129	277,888
Expenses	9,261	11,587	11,587
Capital Outlay	0	0	0
Consulting	8,000	32,500	7,500
Map Maintenance	6,000	6,000	6,000
Total	304,214	325,216	302,975
145 TREASURER/COLLECTOR			
Payroll	281,283	286,201	286,441
Expenses	36,289	43,867	47,808
Capital Outlay	0	0	0
Tax Titles	10,502	10,000	10,000
Total	328,074	340,068	344,249
151 LEGAL SERVICES			
	219,401	225,000	232,000
159 TOWN MEETINGS			
Payroll	4,141	2,692	4,692
Expenses	37,463	25,500	38,900
Total	41,604	28,192	43,592
161 TOWN CLERK			
Payroll	160,315	158,739	163,368
Expenses	6,077	6,957	6,957
Total	166,392	165,696	170,325

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
<b>162 ELECTIONS</b>			
Payroll	6,789	17,350	16,850
Expenses	8,390	15,855	24,060
Capital Outlay	0	0	0
Total	15,179	33,205	40,910
<b>171 CONSERVATION</b>			
Payroll	146,390	152,397	0
Expenses	20,731	13,363	0
Total	167,121	165,760	0
<b>173 COMMUNITY PLANNING</b>			
Payroll	0	0	572,697
Expenses	0	0	53,941
Total	0	0	626,638
<b>175 PLANNING BOARD</b>			
Payroll	102,176	108,763	0
Expenses	16,366	27,296	0
Total	118,542	136,059	0
<b>176 BOARD OF APPEALS</b>			
Payroll	85,056	88,845	0
Expenses	5,593	5,794	0
Total	90,649	94,639	0
<b>177 BARE COVE PARK</b>			
Payroll	15,510	15,511	15,606
Expenses	5,006	5,333	5,333
Capital Outlay	0	0	0
Total	20,516	20,844	20,939
<b>191 HERSEY HOUSE</b>			
Expenses	0	0	0
Total	0	0	0
<b>192 TOWN HALL</b>			
Payroll	168,721	167,018	171,431
Expenses	346,990	374,687	377,593
Capital Outlay	0	0	94,000
Total	515,711	541,705	643,024

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
193 GRAND ARMY MEMORIAL HALL	8,297	12,395	12,491
TOTAL GENERAL GOVERNMENT	3,526,648	3,785,998	4,052,946
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$354,521)	3,946,268	4,085,758	4,137,078
Expenses	279,039	298,500	298,626
Capital Outlay(\$118,000 from available reserves)	0	102,500	155,000
Total	4,225,307	4,486,758	4,590,704
220 FIRE DEPARTMENT			
Payroll (Overtime \$453,120)	4,010,878	3,958,723	3,967,478
Expenses	311,352	327,868	322,029
Capital Outlay (\$368,500 from available reserves)	0	82,000	368,500
Total	4,322,230	4,368,591	4,658,007
230 DISPATCH SERVICES			
Payroll (Overtime \$71,868)	464,965	474,263	474,263
Expenses	3,689	5,000	5,000
Total	468,654	479,263	479,263
241 BUILDING COMMISSIONER			
Payroll	255,816	185,596	0
Expenses	4,080	3,810	0
Capital Outlay	0	12,000	0
Total	259,896	201,406	0
244 WEIGHTS AND MEASURES			
Payroll	10,918	10,836	10,836
Expenses	519	475	475
Total	11,437	11,311	11,311
291 EMERGENCY MANAGEMENT			
Payroll	9,243	9,064	9,243
Expenses	2,966	2,580	2,580
Total	12,209	11,644	11,823

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
<b>292 ANIMAL CONTROL</b>			
Payroll	42,627	42,634	44,700
Expenses	2,321	3,700	3,700
Total	44,948	46,334	48,400
<b>295 HARBORMASTER</b>			
Payroll	110,161	105,860	109,145
Expenses	26,901	23,320	34,266
Total	137,062	129,180	143,411
<b>299 PUBLIC SAFETY UTILITIES</b>			
Emergency Water	243,923	320,000	326,500
Street Lighting	136,011	136,000	136,000
Total	379,934	456,000	462,500
<b>TOTAL PUBLIC SAFETY</b>	<b>9,861,677</b>	<b>10,190,487</b>	<b>10,405,419</b>
<b>EDUCATION</b>			
<b>300 SCHOOL DEPARTMENT</b>			
Payroll	29,649,439	28,372,142	30,299,202
Expenses	6,273,979	7,093,034	7,351,564
Capital Outlay	10,814	321,000	329,327
To be supplemented by \$783,629 in Federal grant money, for a total 'FY'12 Operating budget, net of capital outlay, of \$38,434,395			
<b>TOTAL EDUCATION</b>	<b>35,934,232</b>	<b>35,786,176</b>	<b>37,980,093</b>
<b>PUBLIC WORKS AND FACILITIES</b>			
<b>405 PROJECT ENGINEERING</b>			
Payroll	0	0	199,013
Expenses	0	0	19,000
Capital Outlay(\$325,000 from available reserves)	0	0	325,000
Road Building/Construction	0	0	150,000
Total	0	0	693,013
<b>410 SELECTMEN'S ENGINEERING</b>			
Payroll	96,913	0	0
Expenses	17,800	19,000	0
Total	114,713	19,000	0

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
<b>420 HIGHWAY/RECREATION/TREE &amp; PARK</b>			
Payroll (Overtime \$38,142)	1,652,309	1,755,101	1,600,032
Expenses	276,013	336,958	354,101
Capital Outlay	0	240,000	321,000
Snow Removal	557,683	500,000	500,000
Resurfacing	342,279	353,835	277,835
Total	2,828,284	3,185,894	3,052,968
<b>430 LANDFILL/RECYCLING</b>			
Payroll (Overtime \$18,092)	402,886	413,533	423,721
Expenses	988,613	987,663	845,241
Capital Outlay	92,825	152,500	10,000
Total	1,484,324	1,553,696	1,278,962
<b>440 SEWER COMMISSION</b>			
Payroll	310,694	314,058	314,458
Expenses	231,266	237,526	240,376
Capital Outlay	35,741	75,000	72,450
Engineering	10,000	10,000	10,000
MWRA Charges	1,368,516	1,505,368	1,508,713
Debt Service	56,656	54,156	46,969
Hull Intermunicipal Agreement	98,310	107,017	109,382
Total	2,111,183	2,303,125	2,302,348
The sum of \$ 2,302,348 shall be funded from Sewer revenue.			
<b>TOTAL PUBLIC WORKS</b>	<b>6,538,504</b>	<b>7,061,715</b>	<b>7,327,291</b>
<b>HUMAN SERVICES</b>			
<b>510 HEALTH DEPARTMENT</b>			
Payroll	262,423	273,587	268,853
Expenses	23,808	17,646	18,135
Total	286,231	291,233	286,988
<b>541 ELDER SERVICES</b>			
Payroll	182,535	182,807	183,207
Expenses	32,855	58,608	20,774
Capital Outlay	0	0	12,341
Tax Work Off Program	11,000	12,000	40,000
Total	226,390	253,415	256,322

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
<b>543 VETERANS' SERVICES</b>			
Payroll	48,272	50,150	41,200
Expenses	2,556	6,700	6,300
Benefits	225,087	223,000	218,000
Total	275,915	279,850	265,500
<b>545 WOMANSPLACE CRISIS CENTER</b>	2,500	2,500	2,500
<b>546 SOUTH SHORE WOMEN'S CENTER</b>	0	3,500	3,500
<b>TOTAL HUMAN SERVICES</b>	<b>791,036</b>	<b>830,498</b>	<b>814,810</b>
 <b>CULTURE AND RECREATION</b>			
<b>610 LIBRARY</b>			
Payroll	1,053,505	1,063,783	1,096,055
Expenses	229,801	244,603	234,111
Capital Outlay	0	20,000	20,000
Total	1,283,306	1,328,386	1,350,166
<b>630 RECREATION COMMISSION</b>			
Payroll	61,091	61,263	67,738
Expenses	0	0	0
Capital Outlay	0	0	0
Total	61,091	61,263	67,738
<b>650 TRUSTEES OF BATHING BEACH</b>			
Payroll	14,117	15,553	16,374
Expenses	8,169	5,825	5,825
Capital Outlay	0	0	0
Total	22,286	21,378	22,199
<b>691 HISTORICAL COMMISSION</b>			
Payroll	35,866	43,991	0
Expenses	3,846	4,578	0
Capital Outlay	0	0	0
Total	39,712	48,569	0
<b>692 CELEBRATIONS</b>	12,087	11,200	11,150
<b>TOTAL CULTURE &amp; RECREATION</b>	<b>1,418,482</b>	<b>1,470,796</b>	<b>1,451,253</b>

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
ENTERPRISE FUND			
720 COUNTRY CLUB	1,790,887	1,801,473	1,919,861
The total sum of \$1,919,861 shall be funded from Country Club revenue			
TOTAL ENTERPRISE FUND	1,790,887	1,801,473	1,919,861
DEBT SERVICE			
710 DEBT SERVICE	7,780,775	7,544,207	7,387,903
(\$3,672,711 IS EXCLUDED FROM PROPOSITION 2 1/2)			
TOTAL DEBT SERVICE	7,780,775	7,544,207	7,387,903
EMPLOYEE BENEFITS			
900 CONTRIBUTORY GROUP INSURANCE	5,496,039	6,754,462	7,200,000
900 OTHER POSTEMPLOYMENT BENEFITS	0	905,216	975,997
910 CONTRIBUTORY RETIREMENT	2,850,254	2,953,736	3,527,568
911 NON-CONTRIBUTORY PENSIONS	12,077	15,257	15,437
912 WORKERS' COMPENSATION	300,000	300,000	300,000
913 UNEMPLOYMENT	98,687	92,744	25,000
914 MANDATORY MEDICARE	536,131	572,993	630,292
TOTAL EMPLOYEE BENEFITS	9,293,188	11,594,408	12,674,294

	<u>Fiscal 2010 Expended</u>	<u>Fiscal 2011 Appropriated</u>	<u>Advisory Fiscal 2012 Recommended</u>
UNCLASSIFIED			
901 INSURANCE	381,000	381,000	381,000
Fire, Public Liability, Property Damage, etc.			
940 CLAIMS AND INCIDENTALS			
Claims and Incidentals	9,697	7,250	11,250
Greenbush Legal and Consulting			
Total	9,697	7,250	11,250
TOTAL UNCLASSIFIED	390,697	388,250	392,250
<hr/>			
GRAND TOTAL	77,326,126	80,454,008	84,406,120

**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, 2011, 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 \$450,000, 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, 2011, be appropriated to said Municipal Lighting Plant, the same to be expended by the Manager of Municipal Lighting under the control and direction of the Municipal Light Board for the expenses of the Plant for said fiscal year, as defined in Sections 57 and 57A of Chapter 164 of the Massachusetts General Laws and, if there should be any unexpended balance thereof at the end of said fiscal year, such amount as is deemed necessary shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may be authorized by the Municipal Light Board during the next fiscal year.

**ARTICLE 8.** Will the Town assume liability in the manner provided by General Laws, Chapter 91, Section 29, as amended, for all damages that may be incurred by work to be performed by the Department of Conservation and Recreation of the Commonwealth of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tide waters, foreshores and shores along a public beach, and authorize the Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth, or act on anything relating thereto?

(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 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, 2010, the fund had \$ 199,943.50 in revenues and \$155,653.12 in expenditures. For the six-month period ended December 31, 2010, the fund had \$ 101,725.00 in revenues and \$ 84,373.83 in expenditures.

**RECOMMENDED:** That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund in the Building Department. Departmental receipts for building inspections performed by the Assistant Building Inspectors shall be credited to the fund. 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 2012.

**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 establish a revolving fund that will be 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 would be the first year of a departmental revolving fund for the Department of Elder Services. The Council on Aging is the board which oversees the Department of Elder Services.

**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 \$50,000 during Fiscal Year 2012.

**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 2011, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

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

**ARTICLE 12.** Will the Town raise and appropriate, or transfer from available funds, a sum of money for transfer into the Stabilization Fund to offset future property tax increases, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** Periodically, the Town issues bonds to finance long-term indebtedness of the Town. In the fall of 2009, the Town refinanced \$42,265,991 in General Obligation Bonds. Of this amount, \$23,388,524 was related to the financing and refinancing of various school projects which were the subject of multiple school-related debt exclusion votes. As part of that bond issue, the Town received \$1,172,576 in bond premiums associated with the school issuance. As of June 30, 2010, this premium amount resided in the fund balance.

Since the cost of debt service for the school projects will be borne by the taxpayers in accordance with the vote under Article 1 at the Special Town Meeting on March 3, 2008, it is the intention of this article to set aside these premiums to offset those debt service costs. The Town has transferred similar funds into the Stabilization Fund at previous Annual Town Meetings.

The sum of \$1,172,576 will be transferred from available reserves to the Stabilization Fund, where a portion will be withdrawn annually to offset the interest payments on these bonds, which will lessen the annual cost to the taxpayers.

**RECOMMENDED:** That the Town transfer from available reserves the sum of \$1,172,576 into the Stabilization Fund.

**ARTICLE 13.** 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.

A previous article transferred additional moneys from the bond premium associated with excluded debt in the October 2009 debt refinancing into the Stabilization Fund. This article would transfer a portion of the augmented Stabilization Fund for the purpose of reducing the fiscal 2012 tax rate.

**RECOMMENDED:** That the Town appropriate the sum of \$176,629 from the Stabilization Fund for the purpose of reducing the fiscal year 2012 tax rate.

**ARTICLE 14.** Will the Town (1) establish a stabilization fund pursuant to Massachusetts General laws Chapter 40, Section 5B, for the purpose of defraying the cost of financing capital programs which require a capital or debt exclusion from the levy limit, and (2) appropriate a sum of money from available funds to said 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 in Town. At the time, the Department of Revenue estimated that annual revenue to Hingham would be approximately \$225,000, but the actual collection rate is running higher than that projection.

The Article passed by the 2010 Annual Town Meeting required that the tax proceeds be deposited into a stabilization fund (as defined by Chapter 40, Section 5B of the Massachusetts General Laws) which would be established by the 2011 Annual Town Meeting. Depositing money into a stabilization fund must be authorized each year by a two-thirds vote of Town Meeting.

Both the Board of Selectmen and the Advisory Committee urge that these revenues be used to ameliorate the impact of extraordinary expenses, and not for foreseeable operating expenses. A two-thirds vote of Town Meeting on a separate article would be required to appropriate money from the fund. If such a vote is taken and approved by the 2011 Annual Town Meeting, it cannot bind future Town Meetings; so any unspent balance in the fund can be re-directed for other purposes in the future.

The amount stated below in the Recommended motion reflects quarterly distributions from the Commonwealth through 12/31/10.

**RECOMMENDED: That the Town (1) establish a Meals Tax Stabilization Fund pursuant to Massachusetts General Laws Chapter 40, Section 5B, for the purpose of defraying the cost of non-operating expenses, and (2) appropriate \$162,060.13 to this Stabilization Fund from available reserves.**

**ARTICLE 15.** Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under direction of the 2006 School Building Committee for a feasibility study for the Hingham Middle School, 1103 Main Street, Hingham, MA 02043, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from

the MSBA shall be the sole responsibility of the Town. Or act on anything relating thereto?  
(Inserted at the request of the School Committee)

**COMMENT:** A feasibility study is the first step in the process of working with the MSBA to build a new Hingham Middle School ("HMS") under the guidelines of their "Model School Program". The Town has been concerned for several years about the condition of the physical plant at HMS as well as the overcrowding caused by increasing enrollment. The 2005 Annual Town Meeting established a School Facility Study Committee to develop a ten-year facilities plan (the "Facility Master Plan") for the School Department. The 2006 and 2007 Annual Town Meetings approved funds to develop schematic designs for renovation and expansion of HMS as recommended in the Facility Master Plan. In 2010, the School Committee convened the School Master Plan Review Committee which reaffirmed the concerns about the existing HMS building. As recommended in prior Town Meeting votes, the Town has continued to work with MSBA in an effort to gain State support, and ultimately reimbursement, for any HMS project.

The extreme weather this past winter revealed structural issues at the HMS and increased the urgency of addressing the shortcomings of the present facility which was constructed more than 50 years ago. The building has been evaluated by engineers and representatives of the MSBA, and studied by the School Committee, the School Administration, and the Board of Selectmen. As a result of this recent assessment and subsequent conversations with the MSBA and Town officials, Hingham was invited in early February to participate in the MSBA's Model Middle School Program. Because of the new structural issues, a renovation/addition alternative seems no longer to be a practical or cost-effective option. Therefore, the scope of the planned Feasibility Study will now be narrowed to consideration of a new school built under the guidelines of the Model School Program.

Approval of this article to fund the feasibility study would demonstrate to the MSBA our support for building a new middle school. Therefore, the Advisory Committee believes that the substantial expenditure this article authorizes would only make sense if the Town is ready to support the construction of a new HMS.

The Model School Program sponsored by the MSBA "seeks to effectively adapt and re-use the design of successful, recently constructed schools. Model Schools are efficient in design and easy to maintain, contain optimal classroom and science lab space,

can easily be modified to accommodate higher or lower enrollments, incorporate sustainable, "green" design elements when possible and are flexible in educational programming spaces while encouraging community use." The Model School Program produces cost savings by reducing design costs and shortening the construction phase of the project. This program also enables the Town to move quickly and take advantage of a favorable interest rate and construction-bidding climate.

Under the MSBA's reimbursement formula, the Town is eligible for reimbursement of design and construction costs at a base rate of 34% with the opportunity to earn additional percentage points. Towns participating in the Model School Program are eligible for up to five additional reimbursement points under the MSBA formula, and we believe it is reasonable to expect MSBA reimbursement at a rate in the 35-40% range. Since, as explained above, the rate is partially determined by design elements included in the new school, the final reimbursement rate will not be established until the design process is completed.

A vote for the feasibility study is the first step in constructing a new HMS; so it is important to consider the potential costs of the project in its entirety. As has been discussed many times in the past, increasing enrollment, along with the shortcomings of the existing school building, are driving the need for this project. Even though enrollment is projected to peak at nearly 1100 students in 2016-17, the MSBA has recommended that the new HMS be sized to accommodate 1020 students (the current classroom capacity with modulars is 870, while the core spaces were built to support a maximum population of 770). Based upon space requirements for classrooms and core spaces (library, cafeteria, gymnasium, etc.), MSBA calculations prescribe a building of 164,000 square feet.

For budgeting purposes, the MSBA recommends using an estimated construction cost of \$275/square foot although recent similar projects have bid out at \$235/square foot. Multiplying the size prescribed by the construction cost per square foot, and adding in non-construction "soft costs" plus a 10% contingency, the expenditure for the new HMS built under the MSBA Model School Program can be estimated to cost between \$50,000,000 and \$57,000,000. The feasibility study will culminate in the development of a schematic design that will enable a more precise estimate for the cost of the completed school. However, as would be the case with any public construction project, we will not have a firm construction cost until the project is formally put out to bid.

While the feasibility study is eligible for reimbursement (at a confirmed rate of 35.42%), it must be noted that the MSBA does not reimburse for either site acquisition or demolition costs. The Town obviously already owns the site, but it will be necessary to demolish some part or all of the existing building once the new HMS is completed. Although it is difficult to predict demolition costs at this time, we believe it is reasonable to estimate something on the order of \$1,000,000 based upon our experience with demolition of the original East School.

In addition to the unreimbursed costs of demolition, increasing enrollment coupled with newly available classroom space will require some additional staff. Because the new HMS is replacing an existing school, only incremental additions to administrative and support staff are anticipated. Teacher and specialist positions will be necessary over time as the enrollment increases and the building's spaces are fully utilized. Of course, all future appropriations will be subject to approval by Town Meeting votes, and it will be up to Town Meeting to determine the appropriate level of services and funding to be provided.

An additional potential cost should also be mentioned. The reimbursement provided by the State for the science wing added to HMS in 1996 is amortized over a 20-year period. Should the final design of the new HMS involve demolishing the science wing, there is a "clawback" provision that would allow the MSBA to ask for a return of moneys previously provided. This "clawback" provision was created to prevent towns from using school reimbursement moneys for buildings that were then re-purposed for other municipal uses. Hingham has clearly not pursued such a strategy, and the MSBA board can waive the provision by approving the written recommendation of the Executive Director. We are in active discussions with the MSBA to minimize the cost of any "clawback".

The contemplated timeline for the project is as follows:

- Gain approval of funding for the feasibility study at the 2011 Annual Town Meeting.
- Hire an Owner's Project Manager who will oversee the MSBA-approved architectural design team that wins the bid to complete the feasibility study by September 2011.
- Obtain an MSBA Project Funding Agreement including an approved reimbursement rate.
- Hold a Special Town Meeting to approve construction and related costs for the new HMS, probably in October 2011.

- Conduct a Special Town Election shortly after the Special Town Meeting to approve a capital debt exclusion.
- Go out to bid in the winter of 2012, and begin construction in the spring of 2012.
- Occupy the new HMS in September 2014 or 2015.

Please bear in mind that this timeline is our best projection based upon what we know today about this large and complex construction project, and that the projected occupancy date is complicated by the need to construct the new building adjacent to the current school, which will remain in use.

Additional information about MSBA guidelines and the Model School Program can be found on the MSBA website. Click on the "Building With Us" link.

**RECOMMENDED: That the Town appropriate up to Six Hundred Thousand dollars (\$600,000) to be expended under the direction of the 2006 School Building Committee for a feasibility study (including certain architectural and engineering costs) for the Hingham Middle School, 1103 Main Street, Hingham, MA 02043, (the "Feasibility Study"). To meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority. The Town may be eligible for a grant for the Feasibility Study from the Massachusetts School Building Authority (the "MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the Feasibility Study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. The amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.**

**ARTICLE 16.** Will the Town rescind all or a portion of the debt authorized by a vote under Article 15 of the Warrant for the 2007 Annual Town Meeting, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The 2007 Annual Town Meeting authorized funds to be expended for design of a renovated and enlarged Hingham Middle School ("HMS") as part of the School Facilities Master Plan. Some moneys were spent from that authorization, but all design work ceased once the MSBA notified us that only a single building would be considered

for reimbursement under the Statement of Interest we filed asking for both a new elementary school and an expanded HMS to reduce overcrowding.

This article will rescind the remaining \$236,000 of the previous debt authorization so as to make accounting more straightforward for the project to build a new HMS under the guidelines of the MSBA Model School Program. As a result, the \$600,000 being requested by the HMS Feasibility Study under Article 15 above amounts to an additional \$364,000.

**RECOMMENDED: That the Town rescind the authorization to issue debt of \$236,000 voted under Article 15 of the Warrant for the 2007 Annual Town Meeting**

**ARTICLE 17.** Will the Town appropriate \$50,000 from the Community Preservation Open Space Reserve for deposit to the Town's Conservation Fund established pursuant to M.G.L. Chapter 40, Section 8C, for use by the Conservation Commission for the purchase of land, capital improvements to such land and expenses directly related to such acquisitions (surveys, engineering studies and other expenses), to make deposits or down payments toward acquisition or creation of such interests in open space and to otherwise preserve open space, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

**COMMENT:** The Community Preservation Act ("CPA") is a local option statute enacted by the Legislature in 2000 and adopted by Town Meeting in 2001, which enables towns to collect and expend funds (including matching funds provided by the State) to maintain the character of the town by supporting open space, affordable housing and historic preservation initiatives specifically defined by the CPA. Under the CPA, at least 10% of annual revenues (including the State match), must be spent or set aside for open space initiatives. As in a prior 2009 grant to the Conservation Commission, this Article authorizes the transfer of a \$50,000 "block grant" to the Town's Conservation Fund to be spent on Conservation Commission established priorities consistent with the requirements of the CPA. At present, the Commission is working on the acceptance of a proposed gift of land (an 11.5 acre parcel on Tugmanug Lane and a 1.86 acre parcel on Fort Hill Street) being donated to the Town for open space and watershed protection. The Commission is performing the necessary diligence consistent with any land acquisition including verification of the boundaries, 21E hazardous waste determinations, and review of any additional legal issues by Town

Counsel. In addition, a portion of the appropriation will be used to grant stewardship endowments to a land conservation organization selected by the Town to monitor the status of seven parcels of Town conservation land purchased with Community Preservation funds appropriated by prior Town Meeting votes as required by the CPA. The Conservation Fund is administered by the Town Treasurer. This Article received the unanimous support of the Conservation Commission, the Community Preservation Committee, the Board of Selectmen and the Advisory Committee.

**RECOMMENDED: That the Town appropriate \$50,000 from the Community Preservation Open Space Reserve for deposit to the Town's Conservation Fund established pursuant to M.G.L. Chapter 40, Section 8C, for use by the Conservation Commission for the purchase of land, capital improvements to such land and expenses directly related to such acquisitions (surveys, engineering studies and other expenses), to make deposits or down payments toward acquisition or creation of such interests in open space and to otherwise preserve open space.**

**ARTICLE 18.** Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve to be used by the Recreation Commission to prepare a feasibility/design study and cost estimates for restoration of the Hingham Cordage Factory building, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

**COMMENT:** The historic Hingham Cordage Factory "Head House," otherwise known as the "barn," is located on Town land between the Central Fire Station on Main Street and the Town Hall on Central Street.

The Hingham Cordage Factory, built in the early 1800's (and owned and operated by the Fearing and Whiton families) was destroyed by fire. The Head House is the last remaining vestige of Hingham's historically significant rope manufacturing industry, and was part of a massive building which had a 1000 foot rope walk and a large attached brick building that housed the factory's engine rooms and machinery.

As time passed, this two-story, 4,000 square foot mansard-roofed building was used for recreational activities. In the mid-1900's it became the location of one of the many summer camps spread

throughout the Town's neighborhoods, and the Recreation Department has maintained it since.

The "barn," which is now over 150 years old and is presently used for storage by the Hingham Recreation Department, still appears to be in excellent condition. It is the intent of the Recreation Department to find a better purpose for this building, because it believes that the building is underutilized. The Recreation Department is thriving and, as a result, is in need of additional space. Its mission is to provide affordable recreational programs of high quality and to maintain safe and accessible fields and facilities throughout the Town. The department's programs are extensive, serving preschoolers, school-age children, teens and adults throughout the year, in addition to extensive summer programs. The Recreation Department wishes to further expand its various classes and programs. At present, however, space does not allow.

The Recreation Department is requesting \$25,000 from the Community Preservation Historic Resources Reserve in order to conduct a feasibility/design study concerning the extent and cost of improving and expanding the historic "barn." The study would determine the practicality of converting the structure to uses other than storage, and would include a design for renovating and adding to the building to meet building code improvements and requirements respecting handicapped accessibility and parking.

The feasibility/design study would include: preparation of as-built floor plans and elevations; a report regarding the integrity of the structure; an assessment of space needs and requirements; conceptual design proposals; a site design for expanded parking, utilities and septic as required; renderings of the future design; conceptual cost estimates; and meetings to prepare all required documents.

Notably, the Recreation Department feels that this proposal is worthwhile whether the building's final use is ultimately to be by the Recreation Department or some other Town department. The Recreation Department's intention is to preserve a Town-owned historic structure while providing new opportunities for the residents of Hingham.

**RECOMMENDED: That the Town appropriate a sum of not more than \$25,000 from the Community Preservation Historic Resources Reserve to be used by the Recreation Commission to prepare a feasibility/design study and cost estimates for restoration of the Hingham Cordage Factory building.**

**ARTICLE 19.** Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve to restore and conserve selected photographs, art, and memorabilia from the G.A.R. Hall collection, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

**COMMENT:** The Grand Army of the Republic (G.A.R.) Memorial Hall, located at 358 Main Street, was built by the citizens of Hingham in 1888 as a gathering place for Union veterans of the Civil War. The G.A.R., founded on the principles of Fraternity, Charity and Loyalty, carried out its activities on that site until 1944, when the descendants of Civil War veterans gave the building to the Town. Over the years, the Hall has been used by the Veterans of Foreign Wars and the American Legion. Today, users include American Legion Post 120, VFW Post 6053, the Hingham Veterans' Council, the Hingham Militia, and the Boy Scouts. The Trustees of the G.A.R. Memorial Hall, a volunteer group appointed by the Board of Selectmen, maintains the building and coordinates its use.

In addition to its use as a meeting place, the G.A.R. Hall is also the repository for photographs, memorabilia, art and artifacts of historic significance from the Civil War through World War II. The Trustees of the G.A.R. Memorial Hall continue to regularly receive donations of military memorabilia of historic interest. The Trustees have identified 41 donated artifacts worthy of restoration and long-term conservation. These items were professionally evaluated to determine the treatment required and the cost of the proposed treatment. The Trustees are requesting \$23,750 in Community Preservation funds to restore and conserve the 41 selected objects, which include photographs, paintings, engravings and currency from the Civil War, World War I and World War II.

**RECOMMENDED: That the Town appropriate \$23,750 from the Community Preservation Historic Resources Reserve to restore and conserve selected photographs, art, and memorabilia from the G.A.R. Hall collection.**

**ARTICLE 20.** Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve to be used by the Hingham Historical Commission to fund Phase One of the Hingham Memorial Bell Tower Restoration, or act on anything related thereto?

(Inserted at the request of the Community Preservation Committee)

**COMMENT:** The Hingham Memorial Bell Tower, owned by the Town and managed by the Hingham Historical Commission, is located at 68R Main Street next to the Old Ship Meeting House. The Bell Tower was built in 1912 to commemorate Hingham's 275th anniversary. The Bell Tower is one of only eleven freestanding, "change ringing" towers in North America, and, as such, it contributes to the history, beauty and uniqueness of Hingham.

Due to age as well as exposure to weather and humidity, the bells need to be reconditioned and tuned, the ferrous components in the bells and bell-carriage need to be replaced and—given exposure to the elements and movement caused by the bells and bell-carriage—the tower needs to be stabilized in order to repair cracks in the masonry caused by the un-dampened movement of the bell-carriage at the top of the tower.

Given the complexities of this project, the Hingham Historical Commission recommended—and Town Meeting appropriated—funding in fiscal 2010 for an 'historic structures report' to be prepared by an architect and structural engineer.

The Hingham Historical Commission engaged David Odeh Engineers, Inc. to prepare a complete structural report, Wiss, Janney Architects Inc. to prepare an analysis and specification for the masonry repairs, White Chapel Bell Foundry to prepare plans and specifications for restoration of the bells and bell-carriage, and Consigli Construction to prepare a cost estimate.

As a result of these analyses and estimates, the Hingham Historical Commission is recommending that the Bell Tower restoration be undertaken in three phases. Phase One, Tower masonry repair and stabilization, involves placement of two new floors in the Tower, each with a center opening to facilitate future bell and bell-carriage removal and reinstallation. Phase Two consists of removing the existing bells and bell-carriage, shipping them to the White Chapel Bell Foundry in London, England (the original 1912 manufacturer), which will perform the refurbishment and restoration and then ship the restored bells and bell-carriage back to Hingham. Phase Three involves reinstallation of the bells and bell-carriage in the Tower and completion of the exterior and interior masonry repairs.

The Hingham Historical Commission anticipates that the cost to complete all three phases will be approximately \$720,000 apportioned as follows: Phase One at \$175,000; Phase Two at \$375,000; and, Phase Three at \$170,000. It is expected that the Hingham Historical Commission will be

requesting additional moneys from the CPC to complete the remaining phases in the years ahead.

**RECOMMENDED: That the Town appropriate \$175,000 from the Community Preservation Historic Resources Reserve to be used by the Hingham Historical Commission to fund Phase One of the Hingham Memorial Bell Tower Restoration.**

**ARTICLE 21.** Will the Town (1) authorize, but not require, the Board of Selectmen to acquire or obtain by eminent domain or other means an interest in real property for purposes of developing a wastewater treatment facility to serve the Industrial Park Area Sewer District (created by vote under Article 32 at the 2010 Annual Town Meeting) including dispersal area, utility corridor, access easements or roadways and (2) raise and appropriate, borrow or transfer from available funds a sum of money for said acquisition(s), or act on anything relating thereto?

(Inserted at the request of the Sewer Commission)

**COMMENT:** Since the 2010 Annual Town Meeting, the Town has continued to evaluate the most cost-effective approach for sewerage the Industrial Park Area Sewer District and has concluded that a decentralized, on-site wastewater treatment option is the preferred approach. An on-site system is less expensive than connecting to the Massachusetts Water Resources Authority sewer system, provides opportunities for water re-use, requires fewer State permits, and its implementation can be phased to address the higher priority area south of Route 3 first.

The construction of an on-site wastewater treatment plant is contingent upon the acquisition of a parcel of land and various access easements. The Town has identified a parcel which meets initial tests of suitability for operation of such a plant. Negotiation between the Town and the parcel's owner has resulted in an agreement that the Town will "take" the parcel by eminent domain, paying the owner \$160,000 in "damages" or reparations for the taking. That acquisition cost will be included in the total project cost, for which the Town will ultimately be repaid through betterment assessments levied upon the benefitted landowners.

In the event that the project, for whatever reason, does not proceed to completion, the cost of the acquisition will be a debt of the Town. However, in that circumstance, the Town may be able to recoup all or a portion of its costs through a sale of the property.

Future Town Meeting authorization would be required prior to any expenditure for wastewater treatment facility final design, permitting, or construction costs, all of which costs would also be included in end-user betterment assessments.

**RECOMENDED: That the Town (1) authorize, but not require, the Board of Selectmen to acquire or obtain by eminent domain or other means an interest in real property for purposes of developing a wastewater treatment facility to serve the Industrial Park Area Sewer District (created by vote under Article 32 at the 2010 Annual Town Meeting) including dispersal area, utility corridor, access easements or roadways and (2) hereby appropriates \$160,000 to pay costs for said acquisition, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount 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.**

**ARTICLE 22.** Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for the preliminary engineering, permitting, and submissions associated with a prospective wastewater treatment facility or act on anything relating thereto?

(Inserted at the request of the Sewer Commission)

**COMMENT:** To qualify an available property within the Industrial Park Area Sewer District for possible construction of a decentralized, on-site wastewater treatment facility, the Town must conduct engineering and hydrological studies in concert with various testing and documentation activities. Ultimately, any property acquired by the Town for such a purpose must meet the requirements of 310 Code of Massachusetts Regulations 15.000, The State Environmental Code, Title 5: Standard Requirements For The Siting, Construction, Inspection, Upgrade And Expansion Of On-Site Sewage Treatment And Disposal Systems And For The Transport And Disposal Of Septage.

This article seeks Town Meeting authorization for up to \$190,000 to fund these studies, testing, and documentation activities. Funding would initially be secured through the issuance of Town bonds. Should future Town Meeting authorize the design and construction of an on-site wastewater treatment facility and all necessary State permitting requirements be met, expended funds would be repaid through betterment assessments levied upon end users in the sewer district. Failure to satisfy

either or both of these conditions would obligate the Town itself to fund the bond costs.

The Board of Selectmen and Sewer Commission as well as the Town Administrator, Projects Engineer, and Director of Community Planning each believe this expenditure to be a reasonable one, since it is a necessary prerequisite for the further economic development of the Industrial Park Area. Such development and the attendant low-impact growth have the potential to yield significant, long-term tax revenue for the Town. The requested funding also enables production of a Project Engineering Report, which is required if the Town is to preserve the option of funding eventual construction through a low-interest State Revolving Fund loan

**RECOMMENDED:** That the Town hereby appropriates up to \$190,000 to pay costs of preliminary engineering, permitting, and submissions associated with developing a wastewater treatment facility, including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount 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.

**ARTICLE 23.** Will the Town authorize the Board of Selectmen for minimum consideration of \$1.00 and on such terms as it deems in the best interests of the Town to grant an easement to Perry South Shore Development, LLC, in order for said company to create and landscape a slope in conjunction with the redesigned intersection at Pond Park Road and Derby Street, necessary to support a retaining wall located on the property located at Two Pond Park Road, or act on anything relating thereto?  
(Inserted at the request of Jeffery Tocchio and others)

**COMMENT:** The easement would be granted to the owners of the Bone and Muscle Center located at 2 Pond Park Road. The slope described above is required to support a retaining wall which is engineered as a component of an onsite septic disposal system. The retaining wall is included in the site plan for the Bone and Muscle Center as approved by the Planning Board in March 2010 and in a landscape plan approved by the Town Planner in July 2010. Landscaping and maintenance will be the obligation of the grantee and such obligation will be incorporated as a component of the easement to be negotiated with the Board of Selectmen.

**RECOMMENDED:** That the Town authorize the Board of Selectmen, for consideration of not less than \$1.00 and on such terms as it deems in the best interests of the Town, to grant an easement to Perry South Shore Development, LLC, in order for said company to create and landscape a slope in conjunction with the redesigned intersection at Pond Park Road and Derby Street, necessary to support a retaining wall located on the property located at Two Pond Park Road.

**ARTICLE 24.** Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for civil engineering services to begin development of plans and specifications for the Derby Street Corridor roadway improvements and all incidental costs, or act on anything relating thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The Derby Street Corridor is that portion of Derby Street which extends from the Weymouth town line to the Gardner Street intersection at Route 53, Whiting Street. It is termed a 'corridor' because it separates the northern and southern portions of the Industrial Park Area.

Roadway improvement of the corridor is a necessary adjunct of further Industrial Park Area economic development, with its potential to benefit the Town through increased tax revenues. Accordingly, the Town has designated corridor improvement as its top priority for expenditure of road construction funds received from the State.

The first phase of corridor improvements would include further signalization, expanded sidewalks and roadways, as well as realignment of the Gardner Street intersection to enable greater traffic capacity, better traffic flow, and increased safety. A second phase is contemplated that would reconfigure entry and exit ramps between Derby Street and Route 3.

The State would be responsible for roadway improvement construction costs, which are currently estimated to be at least \$7,200,000. However, engineering design costs would be the responsibility of the Town. This article seeks authorization for the initial portion, \$75,000, of the first-phase engineering design cost. The total first-phase engineering design cost over the project's two- to three-year timeframe may approach \$400,000, for which the Town is seeking funding assistance from business owners who would benefit from the corridor improvements.

**RECOMMENDED: That the Town appropriate \$75,000 from available funds for civil engineering services to begin development of plans and specifications for the Derby Street Corridor roadway improvements and all incidental costs.**

**ARTICLE 25.** Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939 as heretofore amended by adding the following Article 5 or act on anything relating thereto?

Section 1, Purpose:

This by-law is enacted to establish a process by which the election of Town offices will be conducted to insure that all candidates are given equal exposure and an opportunity to inform the electorate of their qualifications, educational background and experience each has acquired. In addition, the candidate shall be given time to explain his views on the important issues that beset the Town.

Section 2, Definitions:

1. Advertising – All advertising by the candidate, his supporters, or a political committee organized on his behalf is prohibited. Advertising shall be interpreted in its broadest meaning. There shall be no resort to television, radio, newspapers, other forms of the media, computer enhancements, loud speakers, telephone solicitations electronic and paper transmissions, and the posting, exhibition, circulation or distribution of materials including pasters, stickers, posters, handbills, placards, pictures, or circulars, campaign buttons and signage intended to influence the action of the voter shall all be forbidden.

The candidate may address the voters in person after timely notice of his appearance has been given by the local media. A candidate who violates the provisions of this section shall be disqualified from holding office.

2. Political Contributions – Since the ban on advertising eliminates the need for large sums of money demanded by the media, contributions to the candidate or his affiliates shall be limited to a nominal sum, not more than one hundred dollars. Only a natural person who is registered to vote and a Town resident may contribute to a candidate or his affiliate.

No contribution shall be made to a candidate or his affiliate. Each check must be delivered to the Office of the Town Clerk. The instrument shall be made

payable to the Town of Hingham and reflect the name of the candidate and position sought in the memo line. Once said office verifies the identity of the donor and the instrument clears, one half of the designated amount will be credited to the candidate's account while the remainder will be retained by the Town Clerk to offset the operational expenses used in conducting the election. Donors will not be identified in order that the candidate will not learn the names of his financial supporters and be beholding thereto.

This system will eliminate the effects of undue influence and the appearance of a conflict of interest presently manifest in the elective process. Unless such heroic measures are undertaken, the prevailing view that all politicians are for sale and that the laws are enacted to favor the highest bidder will remain the demonstrable reality.

Section 3, Procedure:

The Town clerk shall attach a copy of Article 5 of the Town By-Laws to the nomination papers when requested by one seeking to be elected to a Town office. Once the candidate returns the properly executed nomination documents, the Town Clerk shall attach thereto a document prepared by the candidate briefly and truthfully reflecting his qualifications to hold office, his educational background, and his experience that relates to his ability to serve the Town in said capacity. Any misrepresentations regarding the foregoing information shall disqualify the candidate from holding office. The candidate shall also prepare and submit an additional document reflecting his opinion on the important issues facing the Town and his recommendations for their proper resolution. Each separate item set forth in this document shall not exceed one hundred words.

The Town Clerk shall incorporate the relevant information described in the foregoing paragraph prepared by each candidate into a single document which shall be annexed to the Warrant for the Annual Town Meeting sent to each residential customer in the Town. The Town Clerk shall also transmit a copy of the above described election documents to the local newspaper for publication not sooner than thirty days before the election date.

The Town Clerk, not more than thirty days before the election date will convene a public forum after reasonable notice has been given to the candidates who have complied with the forenamed requirements and timely notification has been given to the electorate of its occurrence. The Town Clerk will preside at this public forum. The qualified

candidates will appear in separate panels determined by the office sought. Each will be given three minutes to address the assembly and after all have spoken; the members of the panel will be subject to questioning by the public for not more than thirty minutes unless the Town Clerk determines that an extension of time is necessary and proper.

Section 4, Implied Waiver:

Those candidates who return their nomination papers without the aforementioned documents shall be deemed to have waived their right to have said information incorporated and transmitted to the media and residential customers as aforesaid and shall not be permitted to participate as a candidate for office at the public forum and the provisions of Article 5 shall not apply to their candidacy or their campaign for Town office.

Section 5, Severability:

The invalidity of any section or provision of this Article shall not invalidate any other section or provision thereof.

(Inserted at the request of Bernard Manning and others)

**COMMENT:** This article pertains to elections of Town officers and proposes to restrict political advertising, a broad range of campaign activities, and the amounts of financial contributions that can be made to candidates for local office. The article would require the Town Clerk to act as the collector and distributor of all contributed campaign funds.

After consultation with Town Counsel, it is the Advisory Committee's belief that the Massachusetts Attorney General would refuse to grant the required approval for enactment of this article, because the article is most likely unconstitutional. The First Amendment to the United States Constitution, and similar provisions of the Constitution of Massachusetts, protect the right to free speech in general and to political speech in particular. It is well-established in law that campaign literature, political contributions, and face-to-face meetings between candidates for local office and prospective voters are forms of protected political speech. They cannot be limited as the article proposes. Furthermore (but omitting details here), various activities referenced in the article are already subject to restrictions in ways that have been found useful and approved as constitutional.

The restrictions proposed by the article are not advisable apart from their likely unconstitutionality. "Standouts" at the transfer station or the commuter

boat, lawn signs, leaflets and financial contributions are a fact of life because people wish to express their opinions and interact with political candidates freely. That these things are more prevalent now than in times past may be a felt necessity of our day, which may continue or fade as experience recommends. In any event it does not seem to the Advisory Committee that elections for town offices are now overrun with the influence of money or special interest groups. Hence this article proposes to cure an ill that does not afflict us.

The comprehensive re-engineering of elections for local office proposed by this article is unwise.

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

**ARTICLE 26.** Will the town amend the General By-Laws of the Town of Hingham adopted March 13, 1939 as heretofore amended by adding the following Article 6 or act on anything related thereto?

#### ARTICLE 6 TERM LIMITS

SECTION 1 Purpose:

Term limits represent a priority if any meaningful reform is to occur in the electoral process. Interminable incumbencies have resulted in a system frozen in the past, anchored by the status quo, and totally resistant to any positive changes and the influx of new ideas. Members who have served together for years develop an affinity for congeniality and suppress reasonable dissent. Familiarity does not breed contempt, it perpetuates mediocrity.

Opponents will claim that this rule will not permit sufficient time for the newly elected official to learn the complexities of the position and properly conduct the affairs of the Town. Notwithstanding the attraction of this objection, such "trauma" happens every time a new person is elected or whenever there is a succession in office following the untimely departure of a predecessor. The allegation that there is insufficient time to learn the "trade" is repudiated by the presence of career civil servants able to assist and advise about all relevant matters of concern.

SECTION 2 Procedure:

No candidate for the office of Town Moderator, School Committee, or Board of Selectmen shall be elected to serve in said positions for a period of time longer than six consecutive years.

Candidates for the three enumerated positions do not require specialized knowledge, particular

training, or great expertise to perform the duties of office. Their situation is unlike that of the Town Clerk who must possess superior administrative abilities, or the Town Treasurer who must demonstrate unique financial acumen, both of whom become more proficient in their calling over the passage of time.

The Moderator, in addition to presiding over Town Meeting, has been granted the unbridled discretion to name members to key Town committees who have not been selected solely for their sagacity but for their adherence to the party line. The consequences of this allegiance predetermine the results of future committee decisions. The authority to appoint is the power to control sans accountability.

The members of the School Committee make financial decisions impacting approximately two thirds of the yearly Town budget and have an unchallenged influence on property tax rates.

The Board of Selectmen occupies the highest level of Town governance. Their decisions should reflect the will of the majority and preserve the best interest of the Town and not be beholding to pressure groups seeking special treatment.

(Inserted at the request of Bernard Manning and others)

**COMMENT:** This article seeks to avoid the abuse of entrenched power by establishing term limits on the elected offices of the Board of Selectmen, the School Committee and the Town Moderator. The proponents argue that term limits would lessen the influence long-term politicians and inject fresh ideas into local government.

Town Counsel has considered this article and has concluded that this by-law is impermissible as cities and towns are not empowered by the Massachusetts Constitution to regulate elections. It is not permissible for a city or town to enact a law that would set term limits for local officials such as the Town Moderator, School Committee, or Board of Selectmen; as such a law would regulate elections. As state law sets the qualifications for these officials, it is improper for a by-law to add a term limit qualification and as such this by-law would be struck down.

Furthermore, the Advisory Committee believes term limits to be inadvisable because regular elections and the right to vote are key features of representative democracy. Regular elections safeguard against the accumulation of power in the hands of elected officials by providing voters, at regular intervals, the means to unseat representatives with whom they are dissatisfied. Implicit in the right to vote is the right to check the

power of officials who no longer represent the will of the people. Term limits interfere with voter rights by limiting voter choice and denying voters the ability to reelect those who have served them well.

In establishing regular elections, the framers of the Constitution recognized that an official's desire for reelection motivates the official to be honest and more responsive to the electorate. An official not facing reelection does not have the same incentive to act in the interest of the voters. Therefore, term limits can make elected officials more likely to act out of self interest.

Term limits do not distinguish between good and bad officials and weaken the body politic by removing experienced officeholders from the pool of possible candidates for election. Senior elected officials often transfer institutional memory and accumulated wisdom to newer officials. A body with high turn-over or a large proportion of new members may be less efficient, spending more time reinventing the wheel, and more subject to the influence of interest groups.

Finally, limited terms decrease the incentive for elected officials to tackle long-term problems since there is less likelihood of seeing a solution through to the end.

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

**ARTICLE 27.** Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 1939 as heretofore amended by adding the following article 7 or act on anything related thereto?

#### ARTICLE 7 SCHOOL COMMITTEE MEMBER DISQUALIFICATIONS

##### SECTION 1 Purpose:

An irreconcilable conflict of interest exists when a member of the School Committee is the parent of guardian of a child attending a public school in the same system. The love and affection a parent has for his own flesh and blood is totally inconsistent with the ability to maintain objectivity when called upon to evaluate a matter that either directly or indirectly effects the education of that child.

Mass Gen. Laws ch.268A sec.23 entitled, Standards of Conduct, reflects that, no current employee of a municipal agency shall knowingly or with reason to know [3] act in a manner which would cause a reasonable person having knowledge of the relevant circumstances to conclude that any person can improperly influence or unduly enjoy his favor in

the performance of his official duties or that he is likely to act as a result of kinship [emphasis supplies], rank, position, or undue influence of any party or person.” The Supreme Judicial Court expanded upon this legislative command by holding that, “The conflict of interest law was enacted as much to prevent giving the appearance of a conflict as to suppress all tendency to wrongdoing.” Board of Selectmen of Avon v. Linder 352 Mass. 521 [1967].

**SECTION 2 Definitions:**

School Committee members are defined as municipal employees under the provisions of Mass. Gen. Laws ch. 268A sec. 1.

**SECTION 3 Procedure:**

No person who is the parent or guardian of a child enrolled in the Hingham Public Schools shall be eligible to serve on the Hingham School Committee. (Inserted at the request of Bernard Manning and others)

**COMMENT:** Town Counsel has considered this article and has concluded that this by-law is impermissible as cities and towns are not empowered by the Massachusetts Constitution to regulate elections. This by-law would improperly regulate elections as it would prohibit a large class of individuals from running for the office of School Committee. Furthermore, qualifications for School Committee members are set by state statute, so creating the additional qualification of an individual not being a school parent is impermissible.

Moreover, in the text of the proposed by-law the Massachusetts Conflict of Interest Law is cited as a reason for enacting the law. However, the Massachusetts Conflict of Interest Law does not prohibit parents of students in that school district from running for or serving on the School Committee. Furthermore, M.G.L. c.268A, section 19 prohibits a municipal employee from participating in a particular matter in which to his or her knowledge he or she or an immediate family member has a financial interest. This provision of the Massachusetts Conflict of Interest Law allows employees of the Town including School Committee members to make determination of “general policy” which affects a substantial segment of the population of the community in the same way, even if such general policy decision will also have an effect on members of their families. As such the Conflict of Interest Law specifically contemplates such family relationships.

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

**ARTICLE 28.** Will the Town for the purpose of better disseminating to citizens information concerning warrant articles for annual and special Town meetings, amend the General By-laws of the Town of Hingham as heretofore amended as follows:

1. Delete entirely the current text of Section 6, Article 2 and substitute the following:

“SECTION 6 – In connection with each article made a part of the warrant for a town meeting, there shall be inserted in the warrant, the name of the first person signing such petition and the words “ and others;” and,

2. Delete entirely the current text of Section 8 of Article 2 and substitute the following:

“SECTION 8 – (a) Each matter produced for insertion in a warrant for an annual or special town meeting, whether by a Town board or by petition, shall be submitted to the Selectmen in the form of the complete text of the proposed article accompanied by the full name and contact information of a knowledgeable representative of the proponent. In the case of an article submitted by petition, the submission shall include the required signatures of at least ten registered voters of the Town.

SECTION 8 - (b) The Selectmen no later than ten days after any of the following: The January 20th date described in SECTION 7 or the closing date of a re-opened warrant described in SECTION 7 or the closing date of the warrant for a special town meeting shall: (i) cause to be posted in a clearly identified position on the Town’s website, a complete copy of each submission described in 8(a) above; and, (ii) transmit a copy of such submissions to the Advisory Committee; and (iii) make available for viewing or purchase a paper copy of such submissions”, or act on anything related thereto?

(Inserted at the request of Mary Boland and other members of the League of Women Voters of Hingham)

**COMMENT:** During the past two and a half years, the League of Women Voters has studied the town meeting practices of our “benchmark” communities to see if there were opportunities Hingham could pursue to more fully engage and educate citizens about the issues coming before Town Meeting. The League found that some towns provide earlier public access to warrant articles in a more organized format. The League, with the concurrence of the Board of Selectmen and the Advisory Committee, believes that early access to clear information lays the foundation for a more

effective and collaborative review process for all open Town Meeting participants.

To that end, this article submitted by the League of Women Voters, amends the current Town By-Law governing Town Meeting procedures by prescribing a format and timeline for the submission and dissemination of articles included in the Town Meeting warrant. The principle changes to the By-Law include a requirement that the sponsor of an article be clearly identified and a deadline of 10 days after the warrant closes (or 10 days after a re-opened warrant closes) for the Board of Selectmen to (i) circulate the warrant articles to the Advisory Committee; (ii) post the articles on the Town's website; and (iii) make paper copies available to the public. Importantly, the date specified for the closure of the warrant (January 20th) is already required by the current By-Law.

**RECOMMENDED:** That the Town, for the purpose of better disseminating to citizens information concerning warrant articles for annual and special Town meetings, amend the General By-Laws of the Town of Hingham, as heretofore amended as follows:

**1. Delete entirely the current text of Section 6 of Article 2 and substitute the following:**

**“SECTION 6 -In connection with each article made a part of the warrant for a town meeting there shall be inserted in the warrant, the name of the town board, department or other town entity proposing the article, and in the case of an article inserted pursuant to a petition to the Selectmen, the name of the first person signing such petition and the words ‘and others’.”**

**2. Delete entirely the current text of Section 8 of Article 2 and substitute the following:**

**“SECTION 8 - (a) Each matter produced for insertion in a warrant for an annual or special town meeting, whether by a Town board or by petition, shall be submitted to the Selectmen in the form of the complete text of the proposed article accompanied by the full name and contact information of a knowledgeable representative of the proponent. In the case of an article submitted by petition, the submission also shall include the required signatures of at least ten registered voters of the Town.**

**Section 8 - (b) The Selectmen, no later than ten days after any of the following: the January 20th date described in SECTION 7, the closing date of a re-opened warrant described in SECTION 7 or the closing date of the warrant for a special town**

**meeting shall: (i) cause to be posted in a clearly identified position on the Town's website, a complete copy of each submission described in Section 8(a) above; and, (ii) transmit a copy of such submissions to the Advisory Committee; and (iii) make available for viewing or purchase a paper copy of such submissions.”**

**ARTICLE 29.** Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 3, “Procedure at Town Meetings,” Section 6, by deleting the current Section 6 and replacing it with the following:

**SECTION 6 -** Without permission of the moderator, no person shall speak on any subject for more than six (6) minutes for the first time or more than three (3) minutes for the second time, or act on anything related thereto?  
(Inserted by the Board of Selectmen)

**COMMENT:** The Board of Selectmen has proposed a change to the Town By-Law governing speaking time at Town Meetings. The current By-Law found at Article 3, Section 6 allows a person to speak for up to ten (10) minutes when first recognized by the Moderator and up to five (5) minutes if recognized a second time. In an effort to facilitate discussion and make Town Meetings more effective and efficient, the Board of Selectmen has proposed reducing speaking times to six (6) minutes and three (3) minutes, respectively. This change would encourage participants to be thoughtful and organized in making their remarks and would potentially allow more viewpoints to be heard in a shorter amount of time. While the Advisory Committee supports efforts to make Town Meetings more efficient, we are concerned that in certain circumstances speakers may need more time to present particular warrant articles and/or more time to respond to questions or concerns raised by Town Meeting participants. Therefore, the Advisory Committee expects that the Moderator would, as in the past, recognize consecutive speakers to share presentations each within the time limits and could in exceptional circumstances give leave to speakers to exceed these time limits, as the Moderator judges to be fair and reasonable and in the best interest of a full and fair discussion at Town Meeting. Participants concerned about the application of speaking limits should be encouraged to contact the Moderator in advance Town Meeting.

**RECOMMENDED;** That the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 3, “Procedures at Town Meetings,”

**Section 6, by deleting the current Section 6 and replacing it with the following:**

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

**ARTICLE 30.** Will the Town of Hingham amend the Moderator’s Message on Town Meeting Procedures (as reflected in the Warrant for the Annual Town Meeting) by deleting the first four (4) paragraphs and replacing them with the following:

Procedures employed at the Annual Town Meeting shall be made consistent with Federal Constitutional Mandates. The First Amendment guarantees the Right to Free Speech. A warrant article represents the will of not less than ten registered voters to petition the governing authority for redress and must be accorded a full and fair hearing.

- When an article is presented to the Town Meeting the petitioner or his designee shall be initially recognized by the Moderator to address the meeting.
- At the completion of the petitioner’s statement, a member of the Advisory Committee shall be recognized by the Moderator to address the meeting.
- At the completion of the Committee’s statement, the Moderator shall recognize the voters who wish to address the meeting. All proposed motions will be recorded and taken under advisement.
- Once the discussion on the article has ended, the Moderator shall recognize the petitioner or his designee for a reply statement.
- Once the reply has ended, the Moderator shall call for an immediate vote on the warrant article. If the warrant article has not been approved by the required number of votes, the Moderator shall call for a vote on each of the motions heretofore recorded and taken under advisement in their order of presentment, except where priority has been established under Article 3 Section 9 of the Town By-laws which must be recognized as controlling. (Inserted at the request of Bernard Manning and others)

**COMMENT:** The Moderator’s Message on Town Meeting Procedures (“Moderator’s Message”) appears at page 3 of this Warrant. The proposed article would delete the first four paragraphs of the Moderator’s Message, which read as follows:

Our town meeting is conducted in accordance with the Town By-Laws and also with regard to the traditions followed in Hingham town meetings for many years. Several matters of procedure are summarized below.

- An article in the warrant states a question for the town meeting to answer. A motion is a proposed answer to the question and must be within the scope of the article. An article (once published in the warrant) may not be amended but a motion may be amended by vote of the meeting.
- If the Advisory Committee is recommending an affirmative motion under an article, its motion will be received as the main motion under the article. A voter may propose to amend this motion either to change it in part or to substitute a whole new motion (sometimes called a “substitute motion”). In any such case, the proposed amendment will be taken up and voted on first and then the main motion, as it may have been amended, will be acted upon.
- If the Advisory Committee is recommending no action under an article and a voter offers an affirmative motion, the voter’s motion will be received as the main motion under the article. Such a motion is likewise subject to amendment.

The deleted paragraphs would be replaced with language set forth in the proposed article.

The Moderator’s legal authority is granted by Mass. G.L. c.39, s. 15, which requires the Moderator to “regulate the proceedings” of town meetings, “declare all questions of order, and make public declaration of all votes.” The section also provides that: “A town may pass by-laws, subject to this section, for the regulation of the proceedings at town meetings.” Section 3 of Hingham’s By-Laws sets forth detailed provisions governing the procedures at our town meetings.

This article seeks to restrict the discretion of the Moderator in conducting town meetings in accordance with our by-laws and traditional practices, all in the guise of changing the Moderator’s Message to voters. The Advisory Committee recommends no action.

The article has four main flaws. The first is that it affords “the petitioner” of a warrant article a disproportionate influence over discussion at town meeting: the petitioner must be allowed to speak first, he must be allowed to speak last, and “the Moderator shall call for an immediate vote on the warrant article” when the petitioner’s last remarks are concluded. In further deference to the petitioner,

it appears that the proposed article would insulate all warrant articles from amendment. Specifically, the proposed article requires that, prior to a vote to adopt a warrant article, "all proposed motions" made by those addressing town meeting "will be recorded and taken under advisement." (The meaning of the phrase "taken under advisement," in the context of the proposed article, is unclear, but it appears to mean that no motion would be put to a vote prior to a vote on a motion to adopt the warrant article under discussion.) Because the vote on a motion to adopt a warrant article would necessarily precede all motions otherwise regarding the article, a motion to amend - frequently a means of changing the form of an article so that it satisfies town meeting - could not be heard until the motion to adopt the article had been voted on. So too with motions for the previous question, a device sometimes employed to end debate and require a vote on a warrant article when both sides have had a fair opportunity to be heard and it appears that the discussion is becoming repetitious. The proposed article would effectively eliminate this device, because by the time a motion for the previous question could be heard it would be moot. The Advisory Committee recommends against town meeting dispossessing itself of the flexibility that it now enjoys.

The proposed article's second principal flaw is that, in part, it misconceives the function of the Moderator's Message. The Moderator's Message concerns procedures for the conduct of town meeting (by paraphrasing the relevant sections of the Town By laws), but that is not its only purpose. It also explains to voters unfamiliar with town meeting the basic terminology and practices employed for resolution of articles in the warrant. The proposed article, in contrast, merely dictates a mandatory sequence of actions. In this, it fails to appreciate the Message's purpose in educating voters regarding a process that has been formed and shaped by years of tradition.

The proposed article's third chief defect is its insinuation that town meeting in its current and historical form is administered inconsistently with "Federal Constitutional Mandates" including the First Amendment's guaranty of the right to free speech. A full exposition of relevant First Amendment law and theory is beyond the scope of this Comment (and the Advisory Committee's expertise), but the Advisory Committee strongly believes that the proposed article's insinuation is not well founded.

Finally, the fourth principal defect with the proposed article is that it seeks to remedy an illness that does not exist. Adoption of the proposed article's first two "bullet points" would do little good,

because the practice generally followed by the Moderator is to recognize the proponent of an article first and an Advisory Committee member (speaking for a majority of the Advisory Committee) thereafter, if the Advisory Committee wishes to be heard. (Notably, the proposed article appears to require recognition of an Advisory Committee member, when in fact none may wish to speak.) Furthermore, it is for town meeting to recall the currently serving Moderator's general, evident preference for open debate. Particularly on matters of much popular controversy, the Moderator's tendency is to recognize at least as many voters as is necessary for a full and fair hearing on the article under discussion. This liberality has generally included adequate (and usually ample) speaking time for a warrant article's proponents, whose interests the proposed article seems intended to advance. In so remarking, the Advisory Committee does not intend to endorse the currently serving Moderator personally. Rather, it approves of his methods. May his successors down the years do likewise.

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

**ARTICLE 31.** Will the Town direct the Department of Public Works to not accept any rubbish or construction debris from non-residents or commercial enterprises from out of town, or act on anything relating thereto?  
(Inserted at the request of Tuck Wadleigh and others)

**COMMENT:** To use the Hingham Transfer Station one must be a resident of Hingham and have a sticker issued by the Department of Public Works (DPW) on the vehicle entering the Transfer Station. If one is not a resident of Hingham, the Transfer Station can only be used if the DPW has issued a permit to a non-resident commercial user. To date, there have been only two non-resident commercial permits issued by the DPW. These permits must be presented to the DPW workers on duty at the Transfer Station for entry into the site by the non-resident commercial user.

The total waste allowed at the Transfer Station is limited by the license authorizing the Transfer Station to forty-nine (49) tons per day. The usual average per day usage is thirty-six to thirty-nine (36-39) tons. There is a legal limit on the tonnage allowed at the Transfer Station and it is not typically reached on a daily basis.

All of the loads brought to the Transfer Station are inspected by the DPW employees who have successfully completed specific training for this task.

All construction debris and bulky waste material is taken to a vendor who breaks it apart into component substances: wood, metal, fiber, etc. The vendor recycles each of these materials; these loads do not go to SEMASS for incineration.

The two non-resident commercial permit holders pay the Town of Hingham by the ton for the use of the Transfer Station. The current rate is One Hundred Twenty Dollars (\$120.00) per ton and the Town nets Sixty-Five Dollars (\$65.00) per ton from this fee. To date, since the installation of the scale at the Transfer Station, the Town has made Nineteen Thousand Dollars (\$19,000.) in fees paid by both the resident commercial sticker holders and the non-resident permit holders.

The installation of the scale at the Transfer Station had two goals: (1) to limit and regulate the amount of construction debris and bulky waste deposited at the Transfer Station and (2) to produce a positive revenue stream for the Town. In the opinion of the Advisory Committee, both goals have been achieved.

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

**ARTICLE 32.** Will the Town direct the Board of Selectmen to, effective September 1, 2011, consolidate the day to day operations of the Public Works Department and Sewer Department under the direction of the Public Works Superintendent. Day to day operations shall include, but not be limited to, work force management, work schedules, assignments, hiring and firing, overtime, bargaining and union negotiations. Accepted Cost Accounting principles will separate the monies between the Public Works and Sewer functions and the Sewer Commission, an elected body will continue to set sewer policy and rates; or act on anything related thereto?

(Inserted at the request of Stephen Dempsey and others)

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

**ARTICLE 33.** Will the Town authorize, but not require, the Board of Selectmen to enter into a short-term lease for a .28 acre parcel of land which is shown as Lot 140 on Assessors' Map 81, known as the Tree & Park Barn, for the purpose of either commercial or non-profit use, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

**COMMENT:** The Tree & Park Barn has a long and rich history and is on the list of Hingham historic

properties. Prior to the 1890s, the building was a schoolhouse located on another parcel of land. In 1894, the Town relocated the building to its present lot at 8 Short Street for use by the Fire Department. In 1941, that department was moved to its present location when the new Central Fire Station was constructed. The Tree & Park Department occupied the facility from that time until the opening of the new Department of Public Works complex in 2009. Recently, the Crew Club has used the building for their practices. The Town needs to preserve such historic structures.

For the present, no Town department has a need for the space. However, the Board of Selectmen would like time to consider the ultimate usage of the building, whether for Town purposes or disposition. In the meantime, the facility is in need of attention. Repairs and maintenance are required to avert deterioration. A short-term lease is under consideration as a remedy. Provisions of the lease would include restoration of the structure to comply with building codes and septic standards, at the expense of the lessee. The extent of these repairs depends upon the results of inspections, which have been undertaken, and the specific use contemplated by the lessee. Rental payments would be offset by the lessee's restoration costs. In addition to these repairs, Conservation Preservation funds may be sought for external restorations.

The benefits of a short-term lease include necessary repairs funded by the lessee, ongoing maintenance to prevent further deterioration, and revenue generation, while providing the Town time to consider its long-term options.

**RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen to enter into a lease not to exceed five years for a .28 acre parcel of land which is shown as Lot 140 on Assessors' Map 81, known as the Tree & Park Barn, for the purpose of either commercial or non-profit use.**

**ARTICLE 34.** Will the Town amend the Zoning By-Laws of the Town of Hingham adopted March 10, 1941 in the Zoning Map Part A, as heretofore amended, by removing from Official and Open Space and including in Business District A a parcel of land on Short Street as shown on Assessors' Map 81, Lot 140, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

**COMMENT:** The Tree & Park Barn is located on this parcel, which is currently zoned Official and Open Space. The building is on the list of Hingham historic properties. Until the move to their new

complex, the Department of Public Works occupied the facility. In the past, the building has also been occupied by the Fire Department. Most recently, the building has been used for practice by the Crew Club. It is now vacant, and no department of the Town has any current need for the space. The Town needs time to reflect on possible long-term uses for this historic property.

In order to expand the options for use of the building, the Selectmen seek to re-zone the property to allow for commercial or non-profit occupancy. The re-zoning of the parcel to Business A—permitting less-intense use than that of some former occupants—has been approved by the Planning Board.

**RECOMMENDED: That the Town amend the Zoning By-Laws of the Town of Hingham adopted March 10, 1941 in the Zoning Map Part A, as heretofore amended, by removing from Official and Open Space and including in Business District A a parcel of land on Short Street as shown on Assessors' Map 81, Lot 140.**

**ARTICLE 35.** Will the Town amend the Zoning By-laws of the Town of Hingham adopted March 10, 1941 in the Zoning Map Part A, as heretofore amended, by removing from Official and Open Space and including in Residence District A a parcel of land on North Street shown on Assessors' Map 60, Lot 143, or act on anything relating thereto? (Inserted by the Board of Selectmen)

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

**ARTICLE 36.** Will the Town raise and appropriate or transfer from available sources a sum or sums of money sufficient for the design and engineering and installation of traffic lights and pedestrian signals at the intersection of Main (Rt. 228), Cushing and South Pleasant Streets which is located less than 500 feet from South Elementary School. Said site presently constitutes a hazard to all pedestrians and has the highest vehicular accident rate of any unregulated four way intersection in the Town as reflected by the Hingham Police Department's published, "A Yearly Comparison of High Accident Locations." (Inserted at the request of Bernard Manning and others)

**COMMENT: BACKGROUND:** The vote under Article 32 of the 2003 Annual Town Meeting created a Traffic Safety Study Committee, directing the Committee to evaluate and recommend effective

traffic safety solutions for the Main/Free/High and Main/Cushing/South Pleasant 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 Committee 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 Committee to proceed deliberately was the concern about impacts on the historic streetscape. After watching accident trends climb, the Board of Selectmen voted to install a traffic signal at the High/Free/Main intersection. This project was completed in 2006. The statistics below document the ensuing accident patterns:

	Free/High/Main	Cushing/So. Pleasant/ Main
2004	13	5
2005	12	4
2006	10	4
2007	4	5
2008	5	6
2009	5	0
2010	2	5
2001 - 2010 Avg.	7.8	4.8 (excluding 09, avg. = 5.3)

The installation of the traffic signal at High/Free/Main has measurably improved safety at that intersection, and the most recent 10-year accident average at Cushing/South Pleasant/Main has declined slightly compared with levels in the 1990s. 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 High/Free/Main to access Main Street northbound.

After significant floor discussion, Article 29 of the 2010 Annual Town Meeting was passed as amended:

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 8 public meetings in the fall of 2010, the Hingham Traffic Safety Committee submitted their report to the Board of Selectman in December. This investigation into the Main, Cushing and South Pleasant Street intersection done by the Committee and studies by Coler & Colantonio (at a cost of \$5,900) provided the following data:

- Accident data for the time period 6/23/05 to 6/23/10 showed 21 accidents had been reported and that 57% of them occurred between 2:00 - 6:00 p.m. Of the 56 people involved in these incidents, 53 reported no injuries, 1 was possibly injured, and 2 reported injury.
- The crash rate for the five-year period studied is slightly below the 0.62 average (based upon accidents per million vehicles entering the intersection) for all unsignalized intersections in Massachusetts.
- Of the intersections with higher accident rates in Hingham, 3 are not signalized. They are the intersection of Kilby Street at Chief Justice Cushing Highway (Rt. 3A) which does have a red flashing light, and the two exit ramps from Rt. 3 onto Derby Street which are not four-way intersections.
- Sergeant Horte of the HPD also conducted a queueing study on Cushing Street during July 2010 during the peak afternoon traffic period, which showed an average single car wait time of 19 seconds, an average queue length of 6.2 cars, a maximum queue of 12 cars, an average wait time of 1 minute and 7 seconds, and a maximum wait of 2 minutes and 35 seconds.
- Coler & Colantonio studied the intersection in September 2010, and their queueing observations were largely consistent with the findings of the HPD although they did witness queues as long as 20 cars. They also noted that the intersection had only 1/4 of the required gaps (6 seconds or longer) needed to comply with the Institute of Traffic Engineers recommended minimum gap criteria.
- Due to insufficient gaps, the intersection operates at a Service Level "F" for Cushing Street and South Pleasant Street while Main Street operates at a Service Level "A". All side streets intersecting with Main Street have a similar problem. Installing a traffic signal at this intersection would cause the Main Street level of service to decline to a "C". Traffic volumes on Main Street have increased by about 2% over counts performed in 2003.
- The intersection meets three of the eight Warrants set out in the Manual on Uniform Traffic Control Devices for installation of a traffic signal – 8-hour vehicular volume, 4-hour vehicular volume, and peak hour volume – but these all relate to level of service, not demonstrated safety issues. According

to Roger Fernandes, the Town Engineer, this intersection does not meet the pedestrian warrants.

- Coler & Colantonio opined that the cost of installing traffic control at this intersection would cost no less than \$370,000 to \$462,500. Roger Fernandes, the Town Engineer, believes that the cost would almost certainly be higher due to the geometry of the intersection. It should be noted that the Town of Hingham street opening guidelines call for a minimum five year moratorium on street excavations on newly paved roadways, and while Rte 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.

By a vote of 7 to 1, the Traffic Safety Committee 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." They go 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 additionally 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." The Advisory Committee by a vote of 13 to 1 reached the same conclusion.

Citizens of the Town continue to express concerns concerning the impact on the historic streetscape caused by significant changes to this intersection. To quote from the 2004 Traffic Safety Study Committee Report: "The Historic District Commission has found that there is a fundamental continuity in the Glad Tidings Plain historic district, and that this residential style is essentially pedestrian in its nature. The risks to the character of this environment include increasing the rate of vehicular speed, increasing density of structures, or placing structures in the roadway or streetscape which are foreign to this environment; i.e., grade changes, barriers, signalization, and measures which enhance the vehicular use of the roadway while compromising the residential scale of the neighborhoods along the roadway."

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

**ARTICLE 37.** Will the Town modify the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1

At Section III-A, modify the Schedule of Permitted Uses for the Residential Districts A, B, C, D, E; Business A and B Districts, the Waterfront Business District, the Business Recreation District, and the Official and Open Space District, as shown on the attached table:

Item 2

At Section VI, Definitions

A. Delete, in its entirety, the definition for Sit-Down Restaurant, and replace with the following new definition:

“An establishment offering prepared food and beverages to be primarily ordered, served and consumed at tables on the premises. Does not permit drive-thru service.”

B. Eliminate the definition for Drive-In Restaurant and Take-out Restaurant

C. Replace, in its entirety, the definition for Fast Food restaurant, and replace it with the following new definition for “Fast Food/Take-Out” Restaurant:

“An establishment offering prepared foods and beverages on a self-serve basis or ordered at a counter, to be consumed on or off the premises.”

D. Insert definition of Private Passenger Vehicle as follows:

“A motor vehicle used by an individual or family for personal transportation.”

Item 3 At Section III-B, Note #7, delete the second sentence in its entirety.

(Inserted at the request of the Planning Board)

### III-A SCHEDULE OF USES

#### DISTRICTS

#### LEGEND

R=Residence B=Business OP= Office Park WB=Waterfront Business WR=Waterfront Recreation  
 I=Industrial IP=Industrial Park LIP=Limited Industrial Park BR=Business Recreation  
 OO=Official and Open Space

A	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	B	C	D	E	A**	B	Park*	Business	Recreation		Park*	Industrial	Recreation	Open Space
<b>1. RESIDENTIAL</b>														
1.1	Single-Family Dwelling, together with such accessory buildings and structures as are customarily incidental thereto.													
P	P	P	O	P	O	O	O	O	O	O	O	O	O	O
1.2	Alteration and conversion of a Single-Family Dwelling containing at least 6 rooms exclusive of hall and bathroom existing prior to March 10, 1941, to accommodate not more than two families, provided that the exterior design of the structure is not changed from the character of a Single-Family Dwelling.													
A	A	A	A	A	A1	A1	O	O	O	O	O	O	O	O
1	1	1	1	1										
1.3	House trailer or mobile home, if approved by the Board of Health. The required authorization by the Board of Appeals may be granted for a period of not more than six months and shall be subject to renewal for only one additional six-month period.													
A	A	A	A	O	O	O	O	O	O	O	O	O	O	O
1	1	1	1											
1.4	Apartment House, subject to the provisions of IV-E, Multi-Unit Development.													
O	O	O	O	O	A2	A2	O	O	O	O	O	O	O	O
1.5	Buildings containing multiple dwelling units, and community and other buildings accessory thereto, constructed and operated pursuant to the provisions of Section 38, 39, 40, and 41 of Chapter 121B of the Massachusetts General Laws, providing housing for elderly persons of low income, or constructed and operated pursuant to the provisions of Sections 25-32 of Chapter 121B of the Massachusetts General Laws, providing housing for persons of low and moderate income, subject to the provisions of IV-E, Multi-Unit Development. This use shall be exempt from paragraph 4 of Section IV-C.													
A	O	O	A	A	A2	A2	O	O	O	O	O	O	O	O
2			2	2										

	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	A	B	C	D	E	A**	B	Park*	Business	Recreation	Park*	Industrial	Recreation	Open Space
												Park		
1.6	Town House – not less than four nor more than ten connected dwelling units, subject to the provisions of IV-E, Multi-Unit Development.													
	O	O	O	A	A	O	O	O	O	O	O	O	O	O
				2	2									
1.7	Garden Apartments-not less than four nor more than 10 connected dwellings, subject to the provisions of IV-E, Multi-Unit Development.													
	O	O	O	O	A	O	O	O	O	O	O	O	O	O
					2									
1.8	Accessory Uses when in conjunction with Single-Family Dwelling and Two-Family Dwelling (subject to Section III-I):													
1.8.1	Garaging of not more than 3 private-passenger vehicles provided that the total number of garage bays permitted per property under 1.8.1, 1.8.2 and 1.8.3 does not, in combination, exceed three (3).													
	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.8.2	Garaging or parking of one non-private passenger vehicle with a maximum gross weight of 10,000 lbs. provided that the total number of garage bays permitted per property under 1.8.1, 1.8.2 and 1.8.3 does not, in combination, exceed three (3).													
	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.8.3	Garaging or parking of a non-private passenger vehicle in excess of 10,000 lbs or more than one non-private passenger vehicle, provided that the total number of garage bays permitted per property under 1.8.1, 1.8.2 and 1.8.3 does not, in combination, exceed three (3).													
	A	A	A	A	A	A1	A1	A1	A1	A1	A1	A1	A1	A1
	1	1	1	1	1									
1.8.4	Professional office or studio of a resident physician, dentist, attorney, architect, artist, musician, engineer, real-estate or insurance broker, or member of another recognized profession, provided that no more than three persons, including the resident professional(s), or business owner(s), shall be employed on the premises at any one time, and further provided that any display or advertising shall be in accordance with provisions of Section V-B.													
	P	P	P	P	A	P	P	O	O	O	O	O	O	O
					1									
1.8.5	The office or studio of a resident art dealer, interior decorator, or appraiser, provided that said office or studio is open to clients by appointment only, that no more than three persons, including the resident professional(s), or business owner(s), shall be employed on the premises at any one time, and that there shall be no display or advertising visible from the street and no exterior signs.													
	P	P	P	P	A	P	P	O	O	O	O	O	O	O
					1									

	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	A	B	C	D	E	A**	B	Park*	Business	Recreation	Park*	Industrial Park	Recreation	Open Space
1.8.6	Customary home occupation such as dressmaking and millinery conducted by a resident on the premises, provided that no more than one other person is regularly employed therein in connection with such use, and that there is no exterior storage of material or equipment, and that no display of products is visible from the street, and that any display or advertising is in accordance with Section V-B.													
P	P	P	P	A	P	P	O	O	O	O	O	O	O	O
				1										
1.8.7	In accessory buildings incidental to a Single-Family Dwelling or a Two-Family Dwelling, the following uses are permitted: (a) the accessory uses listed in subsections 1.8.1 through 1.8.6 above; and/or (b) such other uses as are customarily incidental to a residential use, including, but not limited to, barns, garages, workshops, artist studios and the like, living rooms, eating areas, cooking facilities and sanitary facilities (excluding bathing facilities), as long as, in combination, these uses do not create a detached dwelling unit with complete living facilities for one or more households. Notwithstanding the foregoing, bathing facilities shall be permitted within a pool house located directly adjacent to and serving an in-ground swimming pool.													
P	P	P	P	P	P	P	O	O	O	O	O	O	O	O
2.1	Farm-Agricultural, orchard, or plant nursery													
P	P	P	P	P	O	O	P	O	O	P	P	P	P	P
2.1.1	Single-Family Dwelling for resident proprietor of 2.1, Farm Agricultural, orchard or plant nursery													
P	P	P	A	A	O	O	A1	O	O	A1	A1	A1	A1	A1
			1	1										
2.2	Farm - Livestock and poultry, but not including the raising of swine or fur-bearing animals for commercial use subject to special condition No.1 of Section III-B.													
A	A	A	A	A	O	O	A1	O	O	A1	A1	A1	P	P
1	1	1	1	1										
2.2.1	Single-Family Dwelling for resident proprietor of 2.2, Farm-Livestock and Poultry													
A	A	A	A	A	O	O	A1	O	O	A1	A1	A1	A1	A1
1	1	1	1	1										
2.3	Sales room or stand for the display or sale of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.													
A	A	A	A	A	O	O	A2	O	O	A2	A2	A2	P	O
1	1	1	1	1										
2.4	Seasonal sale of cut Christmas trees, subject to Special Condition 6 of Section III-B.													
O	O	O	O	O	P	P	P	O	O	P	P	P	O	P

A	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	B	C	D	E	A**	B	Park*	Business	Recreation		Park*	Industrial	Recreation	Open Space
												Park		

**3. INSTITUTIONAL, EDUCATIONAL, AND RECREATIONAL USES**

3.1 Church or other place of worship, parish house, rectory, convent, and other religious institutions, subject to Special Condition 8 of Section III-B.  
P P P P P P P P P P P P P P P P

3.2 Schools or Playgrounds - Public, religious, sectarian, or denominational, subject to Special Condition 8 of Section III-B.  
P P P P P P P P P P P P P P P P

3.3 Schools - Private, including dormitories accessory thereto, subject to Special Condition 8 of Section III-B.  
A A A A A A2 A2 A2 O O A2 A2 A2 O A1  
2 2 2 2 2

3.4 Nursery school or other use for the day care of children, other than as exempted under Massachusetts General Laws Chapter 40A, Section 3, or a privately organized camp, providing any outdoor play area is at such a distance and so screened from any residential structure on an adjoining lot as to avoid a noise nuisance, subject to Special Condition 8 of Section III-B.

A A A A A A2 A2 A2 O O A2 A2 A2 O A1  
1 1 1 1 1

3.5 Public buildings and premises for government use, including public libraries, museums and parks  
P P P P P P P P A2 A2 P P P A2 A2

3.6 Private non-profit library, museum, or community center  
A A A A P P P A2 A2 O A2 A2 A2 A1 A1  
2 2 2 2

3.6A Local Cable Access Broadcasting Studio  
O O O O O P P O O O O O A2 A2

3.7 Country, golf, swimming, skating, yacht, or tennis club, or other social, civic, or recreational lodge or club-- not conducted as a business  
A A A A P A2 A2 A2 A2 O A2 A2 A2 P A1  
2 2 2 2

	Residence					Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
	A	B	C	D	E	A**	B								
3.8	Hospital,														
O	O	O	O	O	O	A2	A2	A2	O	O	A2	A2	A2	O	O
3.8A	Clinic														
O	O	O	O	O	O	A2	A2	A2	O	O	A2	A2	A2	O	O
3.8B	Nursing home, rest home, convalescent home, congregate living facility, charitable institution or other non-correctional institutional use.														
A	A	A	A	A	A2	A2	A2	A2	O	O	A2	A2	A2	O	O
2	2	2	2	2											
3.9	Cemetery														
A	A	A	A	O	O	O	O	O	O	O	O	O	O	O	A1
1	1	1	1												
3.10	Public-utility buildings and structures														
A	A	A	A	A	P	P	P	P	A2	O	P	P	P	O	A1
1	1	1	1	1											
3.11	Outdoor Concession as an accessory use when supporting outdoor athletic uses permitted or allowed under Sections 3.2, 3.3, 3.5 and 3.7 (subject to Section III-I).														
O	O	O	O	O	O	O	O	O	O	O	O	O	O	A1	A1
4.1	Retail store (other than those specified elsewhere on this Schedule) distributing merchandise to the general public.														
O	O	O	O	O	P	P	O	O	A2	O	O	O	O	O	O
4.2	Craft, consumer, or commercial service establishments dealing directly with the general public.														
O	O	O	O	O	P	P	O	O	A2	O	O	O	O	O	O

A	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	B	C	D	E	A**	B	Park*	Business	Recreation		Park*	Industrial	Recreation	Open Space
												Park		
4.3	Undertaking establishment or funeral home.													
O	O	O	O	O	A2	A2	O	O	O	O	O	O	O	O
4.4	Animal or veterinary hospital, subject to special condition 1 of Section III-B.													
A	A	A	A	O	A2	A2	A2	O	O	A2	A2	A2	O	O
2	2	2	2											
4.5	Commercial breeding, sale, or boarding of dogs, cats, or fur-bearing animals, subject to special condition 1 of Section III-B.													
A	A	A	A	O	A1	A1	O	O	O	A2	A2	A2	O	O
1	1	1	1											
4.6	Commercial greenhouses													
O	O	O	O	O	P	P	P	O	O	P	P	P	O	O
4.7	Riding stable, subject to special condition 1 of Section III-B.													
A	A	A	A	A	O	O	O	O	O	O	O	O	A1	O
2	2	2	2	2										
4.8	Newspaper or job printing.													
O	O	O	O	O	P	P	O	O	O	P	P	O	O	O
4.9A	Sit-down restaurant													
O	O	O	O	O	A2	A2	A2	A2	O	A2	A2	O	A2	O
													A2	
4.9B	Fast-food/Take-out restaurant.													
O	O	O	O	O	A2	A2	A2	A2	O	A2	A2	O	A2	O

A	B	C	D	E	Residence A**	Business B	Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
4.10 Business or professional offices or agencies.														
O	O	O	O	O	P	P	P	A2	O	P	P	P	O	O
4.11 Bank or other financial institution.														
O	O	O	O	O	P	P	P	A2	O	P	P	P	O	O
4.11A A drive-up bank or teller or automated teller machine (ATM) operated by a bank or financial institution														
O	O	O	O	O	A2	A2	A2	A2	O	A2	A2	A2	O	O
4.12 Commercial indoor amusement or recreation place or place of assembly.														
O	O	O	A <sub>2</sub>	O	P	P	O	O	O	O	O	O	A1	O
4.12A Health Club														
O	O	O	A <sub>2</sub>	O	P	P	A2	O	O	A2	A2	A2	O	O
4.13 Commercial outdoor amusement or recreation place not including an outdoor movie theater.														
O	O	O	O	O	O	A1	O	O	O	O	O	O	A1	O
4.14 Freight terminal or storage warehouse.														
O	O	O	O	O	O	P	O	O	O	P	P	O	O	O
4.14A Storage trailers/containers (except for (i) dumpsters or other trash receptacles, and (ii) construction trailers approved under site plan review) subject to the renewal of the Special Permit on an annual basis. All storage trailers/containers must otherwise comply with dimensional, parking and other provisions of the Zoning By-Law.														
O	O	O	O	O	O	A2	O	O	O	A2	A2	A2	O	O
4.15 Heliport, subject to special condition 2 of III-B														
O	O	O	O	O	O	A1	O	A1	A1	A2	A2	A2	O	O

A	Residence				Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
	B	C	D	E	A**	B								
4.16	Hotel or Motel													
O	O	O	O	O	O	A2	O	O	O	A2	A2	A2	O	O
4.17	Shopping Center consisting of three or more businesses described in Sections 4.1, 4.2, 4.9A, 4.9C (subject to Special Permit A2), 4.9D, 4.10, 4.11, 4.12, 4.12A, 4.16, and 5.1 of this Schedule.													
O	O	O	O	O	O	O	A2	O	O	A2	A2	A2	O	O
4.18	Parking area for employees, customers, or guests of a use abutting or across the street from it, provided that service operations are not performed at the parking area.													
A	A	A	A	A	A2	A2	A2	O	O	A2	A2	A2	A2	A2
2	2	2	2	2										
4.19	Marine-oriented retail stores and consumer service establishments dealing directly with the general public.													
O	O	O	O	O	P	P	O	A2	A2	O	O	O	O	O
4.20	Adult uses, subject to Section V-F													
O	O	O	O	O	O	O	O	O	O	O	A2	O	O	O
4.21	Body Art Establishment as defined by the Hingham Board of Health.													
O	O	O	O	O	O	O	O	O	O	A2	O	O	O	O
4.22	Commercial/Residential Building (Subject to Section III-B, 7)													
O	O	O	O	O	A2	A2	O	O	O	O	O	O	O	O
4.23	Leased Parking for Commercial/Residential Buildings (Subject to Section III-B, 7)													
O	O	O	O	O	P	O	O	O	O	O	O	O	O	O
4.24	Farmers' Market													
O	O	O	O	O	A2	A2	O	O	O	O	O	O	A2	A2
4.25	Retail, or Consumer Service or Commercial Service Establishment permitted as an accessory use for up to 15% GFA within any single building.													
O	O	O	O	O	O	O	A2	O	O	A2	A2	A2	O	O

A	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	B	C	D	E	A**	B	Park*	Business	Recreation		Park*	Industrial	Recreation	Open Space
												Park		

**5. AUTOMOTIVE AND MARINE SALES AND SERVICE**

5.1 Automotive “filling” or service station, subject to special condition 3 of Section III-B.

O	O	O	O	O	A1	A1	O	O	O	O	O	O	O	O
---	---	---	---	---	----	----	---	---	---	---	---	---	---	---

5.2 Repair or storage garage for motor vehicles or trailers, which may include body, repair, welding, or soldering shop for motor vehicles or trailers, provided such operation shall be sufficiently insulated so that any noise, flashing, fumes, gases, smoke, or vapor shall be confined to the premises.

O	O	O	O	O	A2	A2	O	O	O	P	A2	A2	O	O
---	---	---	---	---	----	----	---	---	---	---	----	----	---	---

5.3 Salesroom for franchised dealer or recognized agent of motor vehicle manufacturer whose principal business is the sale of new motor vehicles (the purchase and sale of second-hand motor vehicles being incidental thereto), together with indoor storage and service facilities reasonably incidental to such salesroom, provided that the principal display visible from the street shall not be second-hand motor vehicles; subject to site plan review in accordance with Section I-I.

O	O	O	O	O	P	P	O	O	O	P	P	O	O	O
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

5.4 Marina; boat livery; sales, storage, and repair of boats, boat trailers, and marine accessories.

O	O	O	O	O	P	P	O	P	P	P	P	A2	O	O
---	---	---	---	---	---	---	---	---	---	---	---	----	---	---

**6. WHOLESALE AND INDUSTRIAL USES**

6.1 Wholesale warehouse, including office or showroom facilities.

O	O	O	O	O	P	P	A2	O	O	P	P	A2	O	O
---	---	---	---	---	---	---	----	---	---	---	---	----	---	---

6.2 Light industrial uses, including manufacturing, storage, processing, fabrication, packaging, and assembly.

O	O	O	O	O	O	O	A2	O	O	P	P	A2	O	O
---	---	---	---	---	---	---	----	---	---	---	---	----	---	---

**COMMENT:** This article is part of the Planning Board's ongoing effort to update the Zoning By-Law in response to changing land-use trends, as well as issues often identified by the Zoning Board of Appeals in their regular application of the By-Law. Last year (2010) the Planning Board focused on the uses permitted in the Town's industrial and office park districts with the primary goal of expanding the uses that could occur in these areas. This year, the Planning Board reviewed the suitability (or unsuitability) of uses permitted in all other districts. To that end, the proposed changes can be grouped as follows:

1. Changes intended to expand the types of uses permitted in commercial and non-residential districts
2. Changes intended to prohibit, or require closer scrutiny, of uses that could be detrimental in all districts, particularly residential districts.
3. Changes intended to update or clarify the definition of terms used in the By-Law.

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

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

**Item 1** At Section III-A, modify the Schedule of Permitted Uses for the Residential Districts A, B, C, D, E; Business A and B Districts, the Waterfront Business District, the Business Recreation District, and the Official and Open Space District, as set forth above in Item 1 of the foregoing Article 37.

**Item 2** At Section VI, Definitions

**A. Delete, in its entirety, the definition for Sit-Down Restaurant, and replace with the following new definition:**

**“An establishment offering prepared food and beverages to be primarily ordered, served and consumed at tables on the premises. Does not permit drive-thru service.”**

**B. Eliminate the definition for Drive-In Restaurant and Take-out Restaurant**

**C. Replace, in its entirety, the definition for Fast Food restaurant, and replace it with the following new definition for “Fast Food/Take-Out” Restaurant:**

**“An establishment offering prepared foods and beverages on a self-serve basis or ordered at a counter, to be consumed on or off the premises.”**

**D. Insert definition of Private Passenger Vehicle as follows:**

**“A motor vehicle used by an individual or family for personal transportation.”**

**Item 3** At Section III-B, Note #7, delete the second sentence in its entirety.

**ARTICLE 38.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, at Section IV-A (Schedule of Dimensional Requirements) by adding, at Business District B, Special Requirement #2, or act on anything relating thereto?

(Inserted at the request of the Planning Board)

**COMMENT:** This By-Law amendment is intended to improve the safety and appearance of properties in the affected areas.

There are only four small areas zoned Business District B in Hingham: Queen Anne's Corner; the area near the intersection of Route 53 and Gardner Street; the area near the intersection of Route 3A and Thaxter Street; and a small area on the south side of Route 3A across from the Shipyard. The proposed By-Law amendment would require a landscaped buffer between the street and the property such as is already required in several other commercial districts. This By-Law amendment would not apply to the few residential property owners in Business B, who are grandfathered as non-conforming.

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

**RECOMMENDED:** That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, at Section IV-A (Schedule of Dimensional Requirements) by adding, at Business District B, Special Requirement #2.

**ARTICLE 39.** Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10 1941, as heretofore amended, as follows:

At Section VI (Definitions), clarify the definition of “Street” by replacing it with the following:

Street

- 1) A public way or way which the Clerk of the Town certifies is maintained and used as a public way, or
- 2) A way shown on a plan approved or endorsed in accordance with the Subdivision Control Law, or
- 3) A way in existence when the Subdivision Control Law became effective in the town of Hingham

having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon

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

**COMMENT:** At present, our Zoning By-Law defines "street" as a "public way or way having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the proposed use of the land abutting thereon or served thereby." This definition has been misinterpreted to mean that structures on properties with side or rear lot lines bounded by unbuildable "paper streets" were required to comply with front setback requirements not only from the street, but also from the lot lines bounded by the paper street, as is the case for a corner lot. It has also been interpreted, mistakenly, to mean that frontage on unbuildable paper streets would qualify as sufficient for the creation of a new building lot. These interpretations are not supported by Massachusetts case law. Therefore, the Planning Board has voted unanimously to approve a definition of "street" that is consistent with the description of "way" in the Subdivision Control Law, Mass. Gen. L. Chapter 41, Section 81-L, with Massachusetts cases, and with the zoning by-laws of many other towns. Subject to Town Meeting approval of this article, the modified definition of "street" will facilitate sensible and consistent interpretation and enforcement of frontage and setback requirements.

The Advisory Committee agrees with the Planning Board that this definitional clarification is warranted, and recommends a favorable vote on this article at Town Meeting.

**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 VI (Definitions), clarify the definition of "Street" by replacing it with the following:**

**Street**

- 1) A public way or way which the Clerk of the Town certifies is maintained and used as a public way, or
- 2) A way shown on a plan approved or endorsed in accordance with the Subdivision Control Law, or

**3) A way in existence when the Subdivision Control Law became effective in the Town of Hingham having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.**

**ARTICLE 40.** Will the Town vote to amend the Zoning By-Law adopted on March 10, 1941 amended from time to time by adding a Wind Energy Conversion Facility By-Law to provide as follows:

Wind Energy Conversion Facility By-Law

1.0 PURPOSE AND INTENT

The purpose of this by-law is to provide by special permit for the construction and operation of wind facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and history resources of the city or town and provide adequate financial assurance for decommissioning.

1.1 APPLICABILITY

This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. It does not apply to single stand-alone turbines under 60 kilowatts of rated nameplate capacity. Any physical modifications to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit.

2.0 DEFINITIONS

**Height:** The height of a turbine(s) is measured to the highest point reached by the blades. The height of the tower will be measured to the top of the nacelle.

**Nacelle:** The frame and housing at the top of the tower that encloses the gearbox and generators and protects them from the weather.

**Rotor:** The blades and hub of the wind turbine(s) that rotate during turbine operation.

**Set Back:** The base of the tower to the nearest lot line.

**Special Permit Granting Authority (SPGA):** Board designed by zoning ordinance or by-law with the authority to issue permits.

Wind energy conservation facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but it not limited to, all transmission, storage, collection, and supply equipment, substations, transformers, site access, service roads, and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Turbine Flickering: The blinking effect while the rotor is in motion. Attention will be paid to siting the wind turbine(s) to reduce significant flickering.

Wind Monitoring or Meteorological ("test" or "met") towers: Tower is used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind Turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle, and supporting tower.

### 3.0 WIND FACILITIES OVERLAY DISTRICT

A. Purpose: The purpose of this section is to establish a district in which adequate wind facilities as defined in section VH may be provided with minimal harm to the public health, safety and general welfare. Specifically, the District is created to protect the character and appearance of the Town, to assure public safety, to reduce adverse visual effects and to maintain the Town's scenic, historic and environmental resources.

B. Location: The wind facilities Overlay District shall include the following parcels: the Hingham Landfill (Assessors Map 106-3, 4, and 7), South Shore Country Club (Assessors Map 70-14), and the Town Forest (Assessors Maps 148-11 and 170-9) Dennis Rd. (Assessors map 216) Industrial Park District and Office Park District.

C. Submittal Requirements: A Special Permit A2 is required to erect wind facilities (as defined in section VH), and service providers must comply with all requirements of Section I-I and section VH of this By-Law.

### 4.0 DISTRICT REGULATIONS

#### Use Regulations:

#### Wind Turbine

The construction of any wind turbine under this By-Law shall be permitted in the wind facilities overlay district a Special Permit and provided use complies

with all Dimensional and Special Permit Requirements set forth in this law.

#### Wind Monitoring or Meteorological Towers

Temporary erection of Wind Monitoring or Meteorological Towers shall be permitted in overlay districts subject to the issuance of a building permit for a temporary structure for not more than eighteen months.

#### Site Control

The applicant shall submit with the application documentation of the applicant's legal right to install and use the proposed facility at the subject property. Documentation should also include proof of control over the setback areas.

#### Dimensional Requirements

All wind turbines shall comply with the requirements set forth in this section.

#### Height

Wind turbines shall have a maximum height of 350 feet, as measured from the Pre- Construction Grade to the highest point reached by the nacelle. The SPGA may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional benefits of the higher tower outweigh any adverse impacts. Monopole towers are the preferred type of support for wind turbines.

#### Setback

a) Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the overlay district in which the facility is located.

b) In addition, the following setbacks shall be observed:

1. In order to ensure public safety and to protect the interest of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line in a residential district, shall be equal to the total height of the turbine to the highest point.

### 5.0 SPECIAL PERMIT CRITERIA

The SPGA may grant a Special Permit only if it finds that the proposal complies with the provisions of this by-law and is consistent with the applicable criteria for granting Special Permits.

#### General

Proposed wind turbine(s) shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical,

construction, noise, safety, environmental and communications requirements.

#### Visual Impact

The proponent shall demonstrate through project siting and proposed mitigation that the wind turbine minimizes any impact on the visual character of surrounding neighborhoods and the community; this may include, without limitation, information regarding site selection, turbine design, buffering, lighting, and cable layout.

#### Color

Wind turbine(s) shall be painted in a non-reflective color.

#### Lighting and Signage

Wind turbine(s) shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required marking and/or lights for the structure.

a) Lighting of equipment structures and any other facilities on site (except lighting) required by the FAA shall be shielded from abutting properties.

b) Signs on the facility shall be limited to:

1. Those needed to identify the property and the owner and warn of any danger, and,

2. Educational signs providing information on the technology and renewable energy usage.

c) All signs shall comply with the requirements of the Town's sign regulations unless relief is granted by the SPGA.

#### Land Clearing/Open Space/Rare Species

Wind Turbines shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind turbine facilities shall also be located in a manner that does not have significant negative impact on rare species in the vicinity (particularly avian species, bats, etc.) as may be applicable law.

#### Storm Water

Storm Water run-off and erosion control shall be managed in a manner consistent with all applicable State and local law.

#### Noise

The wind turbine and associated equipment shall conform with Massachusetts noise regulations (310 CMR 7.10). An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise measurements.

#### Shadowing/Flicker

Wind turbines shall be sited in a manner that does not result in significant shadowing or flicker impacts. Applicant must demonstrate that this effect does not have significant adverse impact on adjacent uses through siting.

#### 6.0 USES BY TELECOMMUNICATIONS CARRIERS

Wind turbines may be used to locate telecommunications antennas, subject to applicable law governing such uses and structures, and subject to the following additional requirements:

a) All ground-mounted telecommunications equipment shall be located in either a shelter, within the wind turbine tower or otherwise screened from view year-round (either through effective landscaping or existing natural vegetated buffers);

b) Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower; and;

c) All cabling associated with the personal wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount

#### 7:0 MONITORING AND MAINTENANCE

a) After the wind turbine is operational, the applicant shall submit to the SPGA at annual intervals from the date of issuance of the Special Permit, a report detailing operating data for the facility (including but not limited to days of operation, energy production in accordance with the special permit conditions).

b) The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, without limitations, painting, structural integrity of the foundations and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present.

c) Notice shall be provided to the SPGA of any change in ownership of the facility.

#### 8:0 ABANDONMENT OR DISCONTINUATION OF USE

1) Within six months that a wind turbine (s) is schedule to be discontinued, the applicant will notify the SPGA by certified U.S. Mail of the proposed date of abandonment or discontinuance of operations. In the event that an applicant fails to give such notice, the facility shall be considered abandoned or discontinued if the facility is inoperable for 190 days. In the case of a multi-turbine facility, the SPGA shall determine in its decision what proportion of the facility would be inoperable for the facility to be considered abandoned.

2) Upon abandoned or discontinuation of use, the owner shall physically remove the wind turbine(s) within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the SPGA. "Physically remove" shall include, but not be limited to:

a) Removal of the wind turbine(s) and towers(s), all machinery, equipment, shelters, security barriers and all appurtenant structures from the subject property.

b) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations.

c) Restoration of the location of the wind turbine(s) to its natural condition, except that any landscaping, grading or below grade foundation may remain in the after-condition.

If an applicant fails to remove a wind turbine in accordance with this selection of this by-law, the Town shall have the authority to enter the subject property and physically remove the facility. The SPGA may in its decision provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election to cover costs of removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of removal of the facility as determined by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

#### 9:0 TERMS OF SPECIAL PERMIT

A Special Permit issued for any wind turbine(s) facility shall be valid for 25 years unless extended or renewed. At the end of that time period, the wind turbine(s) shall be removed by the applicant.

#### 10:0 APPLICATIONS PROCEDURES

a) Special Permit Granting Authority (SPGA) The SPGA for wind energy conversion facilities, also referred to as Wind Turbine(s) in this by-law shall be the Planning Board

(Inserted at the request of Kaitlin Shanley and others).

**COMMENT:** The proponent agreed to withdraw this article, but the petition requesting the withdrawal has not been submitted with the necessary signatures. It must therefore appear in the town meeting warrant.

The Hingham Energy Action Committee, Planning Board, and many citizens raised concerns over configuration of the proposed district, and whether the language of the article provided sufficient protection against potential adverse impacts.

It was suggested that the proponent work with Town boards and committees in the near future to craft a revised by-law proposal that would more fully reflect community needs and concerns.

The Planning Board recommends "No Action" on this article.

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

**ARTICLE 41.** 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 8 or act on anything related thereto?

#### ARTICLE 8 ALL COMMITTEE APPOINTMENTS SHALL BE APPROVED BY THE BOARD OF SELECTMEN

##### SECTION 1 Purpose:

Certain Town employees have been granted the unbridled discretion to name to Town Committees who have not been selected solely for the sagacity but for their adherence to the party line. The consequences of this allegiance predetermine the results of future committee deliberations. The authority to appoint is the power to control without accountability. Since the ultimate responsibility for all essential Town decisions rests with the Board of Selectmen, that body shall approve all committee appointments which members shall serve at the Board's pleasure.

##### SECTION 2 Definitions:

Town employees – "Municipal employees, a person performing services for or holding office, position, employment, or membership in a municipal agency (any department or office of a city or town with or without compensation on a full, regular, part time, intermittent, or consultant basis..." Mass. Gen. Laws ch. 268A sec. 1 (g).

##### SECTION 3 Procedure:

The Board of Selectmen shall approve all committee appointments which members shall serve at said Board's pleasure.

(Inserted at the request of Bernard Manning and others)

**COMMENT:** This article is based on an accusation. It is directed at "Certain Town employees" whom it does not name. It accuses them of exercising discretion over appointments to Town committees in a manner designed to obtain the appointees' "adherence to the party line." The substance of "the party line" is not described. The result of such action, however, according to the

article, is that political allegiance “predetermine[s] the result of future committee deliberations.” The article advances, as a remedy, that the Board of Selectmen shall approve all committee appointments and that all appointees shall serve at the Board of Selectmen’s pleasure.

It is the Advisory Committee’s opinion that the complaints reflected in this article are not grounded in fact. Many voters present at Town Meeting have attended and participated in meetings of various Town committees, and have witnessed the opinions and disagreements that are there vetted, to a constructive end. Voters will recall the number of issues on which the Advisory Committee has presented majority and minority positions at Town Meeting on issues that provoked strong disagreement among interested citizens. In these instances there was no “party line” on which to agree or even to be perceived.

The Board of Selectmen does not wish the power that the article would give them. They do not have the power now because it is a long-standing tradition, reflected in the Town By-laws, that they should not have it. The present allocation of the power over the appointment of committee members exists in order to implement the familiar principle of checks and balances. This separation of powers prevents the very harm that the article purports to stand against. So far, so good.

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

**ARTICLE 42.** Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended at Article 14, part 1 by deleting the following sections and replacing them with the following:

**SECTION 1.** There shall be an advisory committee which shall perform the following duties set forth in the following section of this article and be governed by the provisions thereof. Said committee shall consist of not more than fifteen registered voters of the Town who shall be elected by the voters of the Town as provided in the following section. No person holding an elective or appointive Town office shall be eligible to serve on said committee.

**SECTION 2.** Prior to the commencement of each fiscal year five members of said committee shall be elected by the voters of the Town of Hingham each to serve a term of three (3) years commencing on the first day of the fiscal year next following the election: provided however that any incumbent members whose term would otherwise expire at

annual Town Meeting in accordance with the provisions which this section amends shall serve through June 30, of the year in which the term expires. The committee shall choose its officers and shall serve without pay, excepting, however, the secretary, whose compensation shall be fixed by the committee. The committee shall cause to be kept a true record of the proceedings.

**SECTION 5.** Whenever any vacancy shall occur in the committee or if any member is absent from five consecutive meetings of the committee for a cause other than illness the position shall be deemed vacant and the committee shall report such vacancy to the Town Clerk who shall notify the eligible candidate who received the highest number of votes in the most recent Town election but which number was insufficient to qualify him for membership on the committee. Any person named to fill a vacancy on the committee shall hold office for the unexpired term of the person whom he succeeds.

(Inserted at the request of Bernard Manning and others)

**COMMENT:** Massachusetts law allows for members of advisory committees to be either appointed or elected. Pursuant to Article 14 of the Town By-Laws, members in Hingham are currently appointed by the Town Moderator. This article would change sections 1, 2 and 5 of Article 14 of the Town By-laws so as to make the membership on the Advisory Committee an elected position.

The Advisory Committee recommends a vote of no action. First, it is useful that not all positions in town government be elected positions. Such elected positions as now exist ensure that those in the seats of town government will be duly responsive to the popular will. Having appointed offices, however, acts as a stabilizing check on the passions of the moment that are thought to influence those who must campaign for re-election. Second, the Advisory Committee is advisory only. It does not make the types of decisions as do, for example, members the Board of Selectmen or Board of Assessors, who are directly responsive to voters through election. Third, membership on the Advisory Committee is a time-intensive form of service. To require those who serve to commit themselves also to the chore of political campaigning would surely diminish the number of people willing to serve. A survey of the 20 towns that we have traditionally used for benchmarking purposes, including Hingham, shows that all of them have advisory or finance committees that are appointed, in most cases by the moderator. None are elected.

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

**ARTICLE 43.** 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 2011 and FY 2012; such allocation plan may include, without limitation, the following provisions:

(a) purpose-restricted funds which come to the HAHT in FY 2011 or FY 2012 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, Section 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 purposes,

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 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 2011**

**and FY 2012; such allocation plan may include, without limitation, the following provisions:**

**(a) purpose-restricted funds which come to the HAHT in 2011 or FY 2012 for designated purposes via Town Meeting appropriation shall be allocated according to those purposes;**

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

**ARTICLE 44.** Will the Town accept Sections 27 and 28 of Chapter 131 of the Acts and Resolves of 2010 for the purpose of establishing the supplemental annual retirement allowance for certain survivors of disabled retirees at \$9,000 pursuant to Chapter 32, Section 101 of the General Laws, or take any other action relating thereto?

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

**COMMENT:** Prior to July 1, 2010, Chapter 32, Section 101 of the Massachusetts General Laws provided for a supplemental annual retirement allowance of \$6,000 to be paid to the surviving spouse of an accidental/ordinary disability retiree who retired before November 1996 and died of a cause unrelated to their disability.

Section 27 of Chapter 131 of the Acts of 2010 increases the allowance from \$6000 per year to \$9,000 per year. Section 28 of Chapter 131 requires Town Meeting approval for the increase.

Currently there are three section 101 survivors of former Town employees. The additional actuarial liability for these three survivors is approximately \$48,000. The additional cost to the funding schedule for this liability is approximately \$2,700 per year based on an 8% interest rate amortized over 30 years. Four additional qualifying spouses could also be eligible for the increased annual allowance in the future. This could increase the actuarial liability to all survivors to approximately \$112,000.

When Chapter 32, section 101 of the Massachusetts General Laws was approved in 1964, the supplemental retirement allowance amounted to \$1,200 annually. In 1972 the allowance increased to \$1,680, in 1984 the allowance increased to \$3,000 and in 1995 the allowance increased to \$6,000. All the supplemental allowance increases were approved by Town Meeting and in all cases the increase applied to the survivors currently receiving the supplemental allowance as well as any survivors that became eligible at a later date.

**RECOMMENDED: That the Town accept Sections 27 and 28 of Chapter 131 of the Acts and Resolves of 2010 for the purpose of establishing the supplemental annual retirement allowance for certain survivors of disabled**

**retirees at \$9,000 pursuant to Chapter 32, Section 101 of the General Laws**

**ARTICLE 45.** Will the Town require the Board of Selectmen to take such action as may be required to offer for sale the Town owned golf course and to use the proceeds there from for the sole purpose of reducing residential property taxes.  
(Inserted at the request of Bernard Manning and others)

**COMMENT:** The South Shore Country Club is an important part of our community. While the primary purpose of the Club is to provide an affordable venue for golf, it also provides other forms of recreation including swimming, tennis, and bowling, all of which, like golf, are available to Hingham residents at rates below those charged at private facilities. The Club offers various instructional programs for children and adults and makes its facilities available free of charge to the Hingham High School and Notre Dame Academy golf teams. The Club also provides a setting for less structured forms of recreation including running, walking, and sledding in the winter.

Since its acquisition by the Town, the Club has helped defray the original purchase price and debt service cost of the Club by transferring approximately \$6 million to the Town. No transfers have been made since 2007; however, management of the Club has undertaken many initiatives to enhance the Club's operations and stabilize its financial condition. Among these initiatives is an extensive renovation of the dining and function facility which was completed at no cost to the Town. The Club hopes to begin transferring funds back to the Town again in future fiscal years.

In addition to the foregoing, there are certain considerations that make sale of the property impractical. Because of the nature of the property, and the financing of its purchase, any sale must be approved by a two-thirds roll-call vote of the state legislature, would require the consent of various state agencies, and would oblige the Town to identify another 160 acres of open space to replace the property in the Town's open space inventory. Furthermore, any development of the property by a potential buyer would likely put extreme pressure on the Town's resources and infrastructure, including, but not limited to, the Town's school system, public safety departments and roads.

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

**ARTICLE 46.** Will the Town accept the laying out, as a Town way, of a way beginning at the intersection with French Street extending approximately 797 feet, more or less, in an easterly direction, through a turnaround as shown on a plan entitled: "As Built Plan" Cranberry Lane and Rosewood Lane, dated 09/08/06, prepared by Coneco Engineers & Scientists, Inc., as revised from time to time and the name Cranberry Lane be given said way, or act on anything relating thereto?  
(Inserted at the request of Martin O'Neill and others)

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

**ARTICLE 47.** Will the Town accept the laying out, as a town way, of a way beginning at the intersection with Cranberry Lane extending approximately 469 feet, more or less, in a northerly direction as shown on a plan entitled: "As Built Plan" Cranberry Lane and Rosewood Lane, dated 09/08/06, prepared by Coneco Engineers & Scientists, Inc., as revised from time to time and the name Rosewood Lane be given said way, or act on anything relating thereto?  
(Inserted at the request of Martin O'Neill and others)

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

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: Precincts 1, 2, 3, and 5: High School 17 Union Street; Precincts 4 and 6: Middle School, 1103 Main Street; Precinct 6A: the Derby Clubhouse Building, 302 Linden Ponds Way, on Saturday, the thirtieth day of April 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; 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 Planning Board to serve five years; a member of the Planning Board to serve four years; a member of the Sewer Commission to serve three years; a member of the Recreation Commission to serve five years; a member of the Recreation Commission to serve three years; a member of the Recreation Commission to serve two years; and a member of the Municipal Light Board to serve three years.

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

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the fourth day of April 2011.

Given under our hands at Hingham this 31<sup>st</sup> day of March 2011.

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

A true copy  
Attest:

Kathleen A. Peloquin  
Constable of Hingham  
April 1, 2011

By virtue of the within warrant I hereby certify that I have noticed and warned the inhabitants of the Town of Hingham, qualified to vote in Town affairs to meet at the time and place indicated in the above warrant by causing an attested copy thereof to be published in The Hingham Journal 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  
April 4, 2011

# 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 \$3,643,877 of capital requests from the various Town departments for FY2012 and herein submits its recommendations for FY2012, as well as general projections of capital needs for the following four fiscal years. Capital's recommendations for FY2012 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. During the last two fiscal years, the capital spending has been considerably less than in previous years due to the adverse economic conditions impacting the town and its inhabitants. As a result, many of the items contained in the FY2012 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 2013 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 FY2012 are summarized below:

RECOMMENDED	
Tax Levy-funded recommendations:	\$1,743,668
User rates-funded recommendations:	\$ 289,450
Total:	\$2,033,118

## II. SPECIFIC RECOMMENDATIONS

Capital makes the following recommendations for FY2012:

### Accounting / MIS

Capital recommends \$48,500 for information technology replacement. Capital also recommends an outlay of \$45,000 for the migration to a new telephone system. Additionally, Capital recommends \$15,000 for Tyler Forms and Self Service software. This will allow the printing of payroll and vendor checks on a laser jet instead of the continuous form printer.

### Police Department

Capital recommends \$140,000 for the replacement of six patrol vehicles and \$15,000 for the replacement of the electronic lock system for station entrances.

### Fire Department

Capital recommends \$228,000 for the replacement of an ambulance, \$13,500 for replacement of 9 sets of fire-fighting turnout gear, and \$5,000 for replacement of three SAED (semi-automatic defibrillator) units, \$90,000 for the replacement of twelve EKG monitors, and \$32,000 for the replacement of command vehicle #2.

### Project Engineering

Capital recommends \$75,000 for the Hersey Street environmental project and \$250,000 for the Landfill capping project.

### Public Works

Capital recommends \$148,000 for the replacement of a road sweeper, \$61,000 for replacement of two ¾-ton trucks with one plow package, \$112,000 for replacement of a Holder C9700 tractor, and \$10,000 for replacement of tires on trash trailers for the landfill.

### Sewer Department

Capital recommends \$72,450 for renovations and repairs of pump stations. Funding for these expenditures will come from Sewer rates and/or fees.

### South Shore Country Club

Capital recommends \$122,000 for golf course and facility improvements at the South Shore Country Club. Funding for these expenditures will come from South Shore Country Club cash flow.

### Elder Services

Capital recommends \$12,341 for the replacement of a van.

### Town Hall

Capital recommends \$20,000 for renovations and repairs and \$74,000 for waterproofing the east side of Town Hall.

### Library

Capital recommends \$20,000 for replacement of information technology equipment.

### Recreation Department

Capital recommends \$25,000 for replacement of fitness room equipment, \$10,000 for field rehabilitation, \$15,000 for replacement of open recreation equipment, \$30,000 for replacement of playground equipment, and \$15,000 for building rehabilitation. Funding for these expenditures will come from Recreation cash flow.

### School

Capital recommends \$15,000 for painting and installation of locks for student lockers at the High School and \$50,000 for the town's portion of the high school track replacement. This recommendation comes with the caveat that, prior to spending any of the funds for the track, the School Committee will return with an agreement for the necessary additional funding for this project. (Total project is estimated to cost approximately \$615,000.) Capital also recommends \$13,000 for replacement of gas pumps, \$150,000 for school system-wide information technology replacement, \$31,000 for replacement of a maintenance truck, \$46,327 for replacement of furniture and equipment, and \$24,000 for replacement of photocopiers.

### **III. COMMENTS AND RECOMMENDATIONS FOR SUBSEQUENT YEARS**

At least four departments have requested funds for new heating systems. In some cases, these requests have been deferred for multiple years. It is the recommendation of the Committee that the Town look at the projects on a consolidated basis to determine if there would be an overall cost savings using this approach. In addition, it would be preferable to be proactive rather than risking a failure of one or more systems and spending more funds to remedy an emergency situation.

Ray Eisenbies, Chairman  
Libby Claypoole  
Lucy Hancock  
Ron Kirven, Advisory Committee  
Tom Pyles, Advisory Committee  
Sue Nickerson, Interim Town Accountant *ex-officio* (non-voting)

**FY2012 Five Year Capital Plan**

<b>Department/Category</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
<b><u>ACCOUNTING/MIS:</u></b>					
Information Technology Assets (20% rplcmt)	\$48,500				
Telephone System Migration(new)	\$45,000				
Tyler Forms and Self Service Software (new)	\$15,000				
Information Technology Assets (20% rplcmt)		\$35,500			
Desktop Virtualization(new)		\$75,000			
Information Technology Assets (20% rplcmt)			\$59,000		
Information Technology Assets (20% rplcmt)				\$80,500	
Information Technology Assets (20% rplcmt)					\$84,000
<b>TOTAL ACCOUNTING/MIS</b>	<b>\$108,500</b>	<b>\$110,500</b>	<b>\$59,000</b>	<b>\$80,500</b>	<b>\$84,000</b>
<b><u>ASSESSOR'S DEPARTMENT:</u></b>					
CAMA (replacement)		\$75,000			
Car (replacement)			\$14,000		
<b>TOTAL ASSESSOR'S DEPARTMENT</b>	<b>\$0</b>	<b>\$75,000</b>	<b>\$14,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>POLICE DEPARTMENT:</u></b>					
Police-Electronic Lock System(Replacement)	\$15,000				
Police Vehicles-(Replacement of 6 vehicles)	\$140,000				
Harbormaster-Dedicated T1 Line(new)		\$15,000			
Harbormaster-Office Furniture (new)		\$10,000			
Police-Non Lethal Weapons(New 5)		\$6,000			
Harbormaster-Moorings(Replacement)		\$2,000			
Police Mountain Bikes (replaces 19xx)		\$5,000			
Police-Non Lethal Weapons(New 5)		\$7,500			
Men's Locker Room (replaces 1998)		\$40,000			
Police Vehicles-(Replacement of 12 vehicles)		\$290,700			
Harbormaster Boat Engines (replaces 2)			\$16,000		
Firearms(Replacement)			\$52,000		
Harbormaster-Moorings(Replacement)				\$7,000	
Harbormaster Boat Engines (replaces 1)				\$33,000	
Police Vehicles-(Replacement of 7 vehicles)				\$194,000	
Police Vehicles-(Replacement of 7 vehicles)					\$213,500
<b>TOTAL POLICE DEPARTMENT</b>	<b>\$155,000</b>	<b>\$376,200</b>	<b>\$68,000</b>	<b>\$234,000</b>	<b>\$213,500</b>

<b>Department/Category</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
<b>FIRE DEPARTMENT:</b>					
Medic 1 (replaces 2000)	\$228,000				
Turnout Gear (replacement of 9 sets)	\$13,500				
SAED Units 4-6 (replacement)	\$5,000				
EKG Monitors (replacement of 12)	\$90,000				
Command Vehicle #C-2 (replaces 2000)	\$32,000				
Command Vehicle #C-3 (replaces 2004)		\$39,000			
Command Vehicle #C-1 (replaces 2004)		\$35,000			
Boat (replaces 1970)		\$59,700			
Fire Hydrants (replacement)		\$26,000			
Heating System Station 2&3(Replacement)		\$140,000			
Pave Station 3 Ramps		\$10,000			
Exterior Painting-Station 2&3		\$12,000			
Interior Painting-Station 2&3		\$12,000			
Squad 1(Replaces 1985)		\$264,000			
Utility Vehicle #49 (replaces 1999)		\$41,000			
Fire Alarm Vehicle (replaces 1987)		\$88,000			
Fire Hydrants (replacement)		\$26,000			
Turnout Gear (replacement of 9 sets)		\$13,500			
Hurst Hydraulic Tools (replacement)		\$15,000			
Stryker Stretcher (replacement)		\$5,000			
Stair Chair M2&3 (replacement)		\$5,000			
E-91(Replaces 1991)			\$407,000		
Fire Hydrants (replacement)			\$26,000		
Station 1 Jockey Gas Heater(Replacement or new)			\$50,000		
Turnout Gear (replacement of 9 sets)			\$13,500		
Medic 2(Replaces2005)				\$188,000	
Fire Hydrants (replacement)				\$26,000	
Turnout Gear (replacement of 10 sets)				\$15,000	
Stryker Stretcher (replacement)				\$5,000	
E-93(Replaces 1993)					\$388,400
Fire Hydrants (replacement)					\$26,000
Turnout Gear (replacement of 9 sets)					\$13,500
<b>TOTAL FIRE DEPARTMENT</b>	<b>\$368,500</b>	<b>\$791,200</b>	<b>\$496,500</b>	<b>\$234,000</b>	<b>\$427,900</b>
<b>BUILDING DEPARTMENT:</b>					
Vehicle (replacement)					
<b>TOTAL BUILDING DEPARTMENT</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>PROJECT ENGINEERING</b>					
Hersey Street Closure	\$75,000				
Landfill Reclamation	\$250,000	\$0			
<b>TOTAL PROJECT ENGINEERING</b>	<b>\$325,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Department/Category</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
<b>PUBLIC WORKS (HIGHWAY):</b>					
Road Sweeper#5878 (replaces 2000)	\$148,000				
3/4 Ton Truck w/Plow #5374 (replaces 2000)	\$31,000				
3/4 Ton Truck #5117 (replaces 2000)	\$30,000				
Holder C9700 Tractor #5418 (replaces 2003)	\$112,000				
Compact Truck #5880 (replaces 2000)		\$16,500			
Dump Truck w/S&P #5107 (replaces 1999)		\$124,000			
Dump Truck w/S&P #5108 (replaces 2000)		\$124,000			
Infield Rehabilitation		\$10,000			
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 w/Plow #5375 (replaces 2001)		\$30,000			
Mid-Size Dump Truck #5027 (replaces 2003)		\$55,000			
1 Ton Dump Truck #5115 (replaces 2005)		\$42,000			
3/4 Ton Truck #5412 (replaces 2003)		\$31,000			
Infield Rehabilitation		\$10,000			
IH4300 Knuckle Boom #5417 (replaces 2003)			\$105,000		
1 Ton Dump Truck #5421 (replaces 2003)			\$42,000		
Walk Behind 48" Mower #TP-1 (replaces 2001)			\$10,000		
Dump Truck w/S&P #5883 (replaces 2002)			\$124,000		
Sidewalk Tractor #5024 (replaces 1993)			\$92,000		
Leaf Blower #5433 (replaces 2002)			\$5,000		
Infield Rehabilitation			\$10,000		
Bucket Truck #5441 (replaces 2004)				\$108,000	
3/4 Ton Truck #5110 (replaces 1998)				\$31,000	
3/4 Ton Truck #5430 (replaces 2003)				\$30,000	
Infield Rehabilitation				\$10,000	
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	
3/4 Ton Truck #5468 (replaces 2005)					\$29,000

<b>Department/Category</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
Walk Behind 48" Mower #TP-2 (replaces 2003)					\$10,000
Walk Behind 48" Mower #TP-2 (replaces 2003)					\$10,000
Compact Truck #5454(replaces 2005)					\$12,000
Infield Rehabilitation					\$10,000
<b>TOTAL PUBLIC WORKS (HIGHWAY)</b>	<b>\$321,000</b>	<b>\$573,500</b>	<b>\$388,000</b>	<b>\$518,000</b>	<b>\$71,000</b>
<b><u>PUBLIC WORKS (LANDFILL):</u></b>					
Trailer Tires 36 (replaces 2000)	\$10,000				
T-2 Open Top Trailer #5574 (replaces 2000)		\$50,000			
Trailer Tires 36 (replaces 2000)		\$10,000			
Forklift #5564 (replaces 1996)		\$26,000			
Trailer Tires 36 (replaces 2000)			\$10,000		
T-3 Open Top Trailer #5576 (replaces 2000)			\$50,000		
Trailer Tires 36 (replaces 2000)				\$10,000	
T-4 Open Top Trailer #5581 (replaces 2000)				\$50,000	
Trailer Tires 36 (replaces 2000)					\$10,000
T-5 Open Top Trailer #5580 (replaces 2000)					\$50,000
<b>TOTAL PUBLIC WORKS (LANDFILL)</b>	<b>\$10,000</b>	<b>\$86,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$60,000</b>
<b><u>SEWER DEPARTMENT:</u></b>					
Pump Station (renovations & repairs)	\$72,450				
Pump Station (renovations & repairs)		\$32,000			
2013 GMC Truck(Replaces 1998)		\$35,000			
Pump Station (renovations & repairs)			\$113,000		
Pump Station (renovations & repairs)				\$68,000	
Pump Station (renovations & repairs)					\$221,000
<b>TOTAL SEWER DEPARTMENT</b>	<b>\$72,450</b>	<b>\$67,000</b>	<b>\$113,000</b>	<b>\$68,000</b>	<b>\$221,000</b>
<b><u>SOUTH SHORE COUNTRY CLUB:</u></b>					
Golf Course & Facility Improvements	\$122,000				
Golf Course & Facility Improvements		\$200,000			
Golf Course & Facility Improvements			\$210,000		
Golf Course & Facility Improvements				\$230,000	
Golf Course & Facility Improvements			\$0		\$259,000
<b>TOTAL SOUTH SHORE COUNTRY CLUB</b>	<b>\$122,000</b>	<b>\$200,000</b>	<b>\$210,000</b>	<b>\$230,000</b>	<b>\$259,000</b>
<b><u>ELDER SERVICES:</u></b>					
Van (replacement 20% Grant match)	\$12,341	\$0	\$40,000	\$40,000	\$0
<b>TOTAL ELDER SERVICES</b>	<b>\$12,341</b>	<b>\$0</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$0</b>

<b>Department/Category</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
<b>TREASURER:</b>					
Postage Machine (replacement)			\$11,000		
<b>TOTAL TREASURER</b>	\$0	\$0	\$11,000	\$0	\$0
<b>TOWN HALL:</b>					
Town Hall (renovations & repairs)	\$20,000				
Town Hall-Waterproof east side of building	\$74,000				
Town Hall (renovations & repairs)		\$20,000			
Carpeting & Painting (replacement)			\$20,000		
Town Hall (renovations & repairs)			\$20,000		
Carpeting & Stair Treads (replacement)					
DELETE?					
Town Hall (renovations & repairs)				\$20,000	
Town Hall (renovations & repairs)					\$20,000
Auditorium Seating (replacement)					\$95,000
<b>TOTAL TOWN HALL</b>	\$94,000	\$20,000	\$40,000	\$20,000	\$115,000
<b>LIBRARY:</b>					
Computers (replacement 20%)	\$20,000				
Heating System (replacement)		\$120,800			
Replace Lobby/Cafe Tile		\$20,000			
Computers (replacement 20%)		\$20,000			
Computers (replacement 20%)			\$20,000		
Roof Phase 2 (replacement)			\$353,000		
RFID Conversion - Phase 1 (new)				\$90,000	
Exterior Painting				\$25,000	
Computers (replacement 20%)				\$20,000	
Computers (replacement 20%)					\$20,000
RFID Conversion - Phase 2 (new)					\$100,000
<b>TOTAL LIBRARY</b>	\$20,000	\$160,800	\$373,000	\$135,000	\$120,000
<b>RECREATION DEPARTMENT:</b>					
Playground(Replacement)	\$30,000				
Fitness Equipment (replacement)	\$25,000				
Field Rehabilitation	\$10,000				
Open Recreation Equipment (replacement)	\$15,000				
Building Rehabilitation	\$15,000				
Playground(Replacement)		\$30,000			
Fitness Equipment (replacement)		\$25,000			
Field Rehabilitation		\$10,000			

<b>Department/Category</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
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
<b>TOTAL RECREATION DEPARTMENT</b>	<b>\$95,000</b>	<b>\$95,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$65,000</b>
<b>SCHOOL DEPARTMENT:</b>					
<b>MIDDLE SCHOOL:</b>					
Roof Repairs					
* Emergency Generator.Main Panel (replacement)					
* Resurface Parking Lot					
* Install Classroom Windows and Ventilators					
* Replace Roof					
* Family, Consumer Science & Ind.Tech Classrooms					
* Replace Classroom Floors					
* Upgrade Classroom Lighting					
* Install Classroom Smartboards (34)					
* Install Classroom Whiteboards (50)					
* Television Studio equipment (replacement)					
Building Repairs and Improvements					
Building Repairs and Improvements					
Building Repairs and Improvements					
Building Repairs and Improvements					
<b>MIDDLE SCHOOL TOTALS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Department/Category	FY2012	FY2013	FY2014	FY2015	FY2016
<b>FOSTER ELEMENTARY:</b>					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
<b>FOSTER ELEMENTARY TOTALS</b>	\$0	\$25,000	\$25,000	\$25,000	\$25,000
<b>PLYMOUTH RIVER SCHOOL:</b>					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
<b>PLYMOUTH RIVER SCHOOL TOTALS</b>	\$0	\$25,000	\$25,000	\$25,000	\$25,000
<b>EAST ELEMENTARY SCHOOL:</b>					
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
<b>EAST ELEMENTARY SCHOOL TOTALS</b>	\$0	\$0	\$0	\$25,000	\$25,000
<b>SOUTH SCHOOL:</b>					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
<b>SOUTH SCHOOL TOTALS</b>	\$0	\$25,000	\$25,000	\$25,000	\$25,000
<b>HIGH SCHOOL:</b>					
Paint student lockers and install locking system	\$15,000				
Reconstruct Track	\$50,000				
Reconstruct Tennis Court		\$325,000			
Replace Boilers (2)		\$120,000			
Building Repairs and Improvements		\$50,000			
Building Repairs and Improvements			\$50,000		
Balance of Field Upgrades and Bleachers			\$1,500,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
<b>HIGH SCHOOL TOTALS</b>	\$65,000	\$495,000	\$1,550,000	\$50,000	\$50,000
<b>SCHOOL SYSTEM WIDE:</b>					
Gas Pumps (replacement)	\$13,000				
School Technology (new & replacements)	\$150,000				
School Furniture & Equipment (new & rplcmts)	\$46,327				
Photocopy Equipment (replacements)-2	\$24,000				

Department/Category	FY2012	FY2013	FY2014	FY2015	FY2016
Maintenance Truck (replacement)	\$31,000				
Gatehouse Improvements		\$15,000			
Garage Door Replacements		\$10,400			
Building 179 Improvements		\$80,000			
Building 179 Improvements		\$50,000			
School Technology (new & replacements)		\$150,000			
School Vans- 2 (replacement)		\$50,000			
Maintenance Truck (replacement)		\$31,000			
School Furniture & Equipment (new & rplcmts)		\$50,000			
Photocopy Equipment (replacements)-3		\$36,000			
School Technology (new & replacements)			\$150,000		
School Vans- 2 (replacement)			\$50,000		
School Furniture & Equipment (new & rplcmts)			\$50,000		
Photocopy Equipment (replacements)-2			\$24,000		
Depot Building Repairs				\$15,000	
School Van (replacement)-2				\$50,000	
School Technology (new & replacements)				\$150,000	
School Furniture & Equipment (new & rplcmts)				\$50,000	
Photocopy Equipment (replacements)-3				\$36,000	
School Furniture & Equipment (new & rplcmts)					\$50,000
Photocopy Equipment (replacements)-2					\$24,000
School Technology (new & replacements)					\$150,000
<b>SCHOOL SYSTEM WIDE TOTALS</b>	<b>\$264,327</b>	<b>\$472,400</b>	<b>\$274,000</b>	<b>\$301,000</b>	<b>\$224,000</b>
<b>TOTAL SCHOOL</b>	<b>\$329,327</b>	<b>\$1,042,400</b>	<b>\$1,899,000</b>	<b>\$451,000</b>	<b>\$374,000</b>
<b>Total Capital Projects</b>	<b>\$2,033,118</b>	<b>\$3,597,600</b>	<b>\$3,871,500</b>	<b>\$2,170,500</b>	<b>\$2,010,400</b>

Funding Sources	FY2012	FY2013	FY2014	FY2015	FY2016
Tax Levy	\$1,743,668				
Free Cash					
Other					
Borrowing					
User Rates/Charges	\$289,450				

<b>Total Funding</b>	<b>\$2,033,118</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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<b>Total Capital Projects</b>	<b>\$2,033,118</b>	<b>\$3,597,600</b>	<b>\$3,871,500</b>	<b>\$2,170,500</b>	<b>\$2,010,400</b>
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(1) During the discussion of capital projects, the Police Chief mentioned the potential need for a new police station.

## REPORT OF THE PERSONNEL BOARD

In anticipation of the 2011 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2010 Annual Town Meeting.

### COLLECTIVE BARGAINING UNITS

Following the 2010 Annual Town Meeting, the Board conducted negotiations with the Library bargaining unit. The Board is pleased to report that a settlement has been reached and the agreement signed with this unit. 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 remaining bargaining units: Police Patrol and Superiors, both of which have labor agreements that are due to expire on June 30, 2011, and the Public Works Department and Firefighters, both of which have labor agreements that expired on June 30, 2010. Negotiations with the union which has represented Dispatch Employees have been held in abeyance, pending further developments regarding the establishment of a Regional Dispatch Center.

The Board adjudicated two Sewer Department union grievances that were not satisfactorily resolved at a preliminary level.

**Library Unit.** On recommendation of the Board, the Town has entered into a successor contract with the Hingham Library Staff Association, SEIU, Local 888 providing for a one year agreement from July 1, 2010 to June 30, 2011, with the general wage scale remaining at FY '09-'10 levels.

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 Increase</u>
1-149	from \$5.50 to \$8.00 per day
150-199	from \$850 to \$1,150 plus increase from \$8.00 to \$9.00 per day for each day over 149
200 & over	from \$1,850 to \$1,900 plus increase from \$9.50 to \$10.00 per day for each day over 199.

The Library Page Supervisor shall be paid a stipend of \$500 per year for the performance of the required duties of this position. The stipend shall be paid at the end of each calendar year, provided the employee has completed a full year in this assignment.

Effective January 1, 2010 the Town will make a professional development payment in the amount of \$500 to a Library employee in Grade L-14, Grade L 14-2, or Grade L-16 who successfully completes 10 hours of professional development coursework/training that has been approved by the Library Director in advance.

### OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommends a general wage increase of 2%, effective July 1, 2011, for Town employees who are not covered by collective bargaining agreements.

The Board classified and established job descriptions for the following positions: Associate Librarian-Technical Services, Director of Community Planning, Administrative Secretary for the Affordable

Housing Trust, Public Works Department General Foreman, Public Works Supervisor, Library Business Administrator, Veterans' Department Benefits Clerk, and Golf Course Maintenance Superintendent.

The Board approved the hiring of two employees at salaries above the minimum step for the positions involved based on prior experience. These positions are the Library Business Administrator and the Building and Zoning Clerk.

With input from the Recreation Commission and the Director of Recreation, the Board approved the following five new seasonal/part-time position descriptions and revised the salary schedule for said positions: Summer Administrator, Summer Specialist, Fitness Room Attendant, Child Care Staff, and Counselor.

The Board worked with the various Department Heads in addressing a total of eleven vacation carry-over requests.

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

The Personnel Board recommends that the Town, at the 2011 Annual Town Meeting, amend the Personnel By-law, effective July 1, 2011, so that, as amended and restated, it will be in the form on file in the Town Clerk's office immediately preceding Town Meeting.

Amend SECTION 11. TRANSFERS AND PROMOTIONS. By deleting the second and third sentences and replacing with: "When an employee is promoted to a higher-rated position, he/she shall enter it at the first step of the pay grade for the higher rated position that will yield an increase over his/her then current salary, unless otherwise authorized by the Personnel Board. If such authorization is given, it shall be upon the recommendation of the appropriate Department Head and supported by a written statement of the Personnel Board."

Amend SECTION 19. LONGEVITY PAY. By changing, under the Annual Amount of Longevity Pay: \$400 to \$600, \$500 to \$700, and \$600 to \$800.

Amend SECTION 23. BEREAVEMENT LEAVE. By adding to the last sentence: "grandchild, stepchild, spouse's sibling, sibling's spouse, and person living in the same household."

#### **THE PERSONNEL BOARD**

Michael J. Puzo, Chairman  
Marie Harris  
William D. MacGillivray  
David Pace  
Nelson Ross

## REPORT OF THE SCHOOL COMMITTEE

Budget building for FY 12 assumed the dual realities of (1) an only slightly improved economic picture and (2) reduction in the availability of federal stimulus funds for schools that have supplemented town revenues over the past two years. Faced with further enrollment growth, the School Committee has continued to advocate for the importance of finding 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 cooperation of the Chairs of the Board of Selectmen, Advisory Committee and School Committee and the hard work of their peer members in striking the balance that this budget represents.

Town Meeting will be asked to support an appropriation of \$37,650,766 to operate the schools next year. The use of federal stimulus grant funds for education in the amount of \$783,629 will bring the total proposed operating budget for education to \$38,434,395. That amount will support a budget that maintains services nearly level with the current year. We are pleased that we will be able to avoid layoffs or further service reductions, although we will not be able to restore any lost positions or services from the cuts of the past two years. Town meeting will also be asked to approve a warrant article in the amount of \$600,000 to fund a feasibility study for a new middle school. This amount will be offset by the recision of previously appropriated dollars in the amount of \$236,000, bringing the net number of new dollars requested to \$364,000. In February, after the discovery of structural roof issues at the middle school, Hingham was invited by the Massachusetts School Building Authority (MSBA) to participate in its new Model Middle School Program. The feasibility study is the first step in the process of selecting a model design and then developing the plans and cost estimates for a construction project that will resolve longstanding issues of condition and space that plague the existing school. We anticipate requesting a fall Special Town Meeting and a Debt Exclusion vote to fund both the final design and bidding process and the construction costs for a 1020-student school on the current MS campus.

Among the unmet challenges in the coming year are increasing enrollment (nearly 700 students over the last ten years), spiraling special education costs at almost 25% of the FY 12 proposed budget (especially in the area of tuitions and transportation for students educated outside the district) and resolution of the sports facilities needs at the high school (which have been on hold for some time), notably the deteriorating condition of the tennis courts and the track. The FY 12 capital budget does contain \$50K towards the track replacement project, estimated to cost approximately \$600K; and some private funding may be available. However, the gap between available public and private funding for the project remains a wide one at present.

We are encouraged that the Governor's FY 12 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." At this time, the Legislature has not yet acted on the FY 12 state budget, but we remain optimistic about restoration of Circuit Breaker dollars and maintenance of Chapter 70 funding to support the Town's efforts. Regardless, the School

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

### HINGHAM SCHOOL COMMITTEE

Linda Hill, Chair  
Barbara Cook, Vice Chair  
Caryl Falvey, Secretary  
Andrew Shafter

Esther Healey  
Christine Smith  
Raymond Estes

### SUPERINTENDENT OF SCHOOLS

Dorothy Galo, Ph.D.

## MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

**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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- NOTES -