

Warrant Articles for 2012 Annual Town Meeting

DRAFT

Note: This is not the order or manner in which articles will be identified in the warrant

Article A

Hannah Lincoln Whiting/Trustee of Bathing Beach

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

1. One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, and
2. One Trustee of the Bathing Beach to fill a vacancy in accordance with Chapter 75 of the Massachusetts Acts of 1934,
or act on anything relating thereto.
(Inserted by the Board of Selectmen)

Article B

**County Extension Service
WITHDRAWN**

Article C

Committee Reports

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

(Inserted by the Board of Selectmen)

Article D

Personnel Board Report

ARTICLE . 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)

Article E
Salaries of Certain Town Officers

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)

Article F
Budgets

ARTICLE . Will the Town raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the twelve-month period beginning July 1, 2012, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Article G
Electric Light Dept Receipts

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

Article H
DCR Liability

ARTICLE . 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)

Article I
Building Dept Revolving Fund

ARTICLE . 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)

Article J
Elder Services Revolving Fund

ARTICLE . 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)

Article K
Transfer Funds to the Reserve Fund

ARTICLE . Will the Town raise and appropriate, or transfer from available funds, a sum of money to the Town's Reserve Fund for use during the fiscal year 2012, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Article L
WITHDRAWN

Article M
Transfer From Stabilization Fund

ARTICLE . 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)

Article N
Town Meeting Quorum

ARTICLE : Will the Town amend the General By-Laws of the Town of Hingham adopted March 13, 19.9, as heretofore amended, at Article 2, "Town Meeting and Notice Thereof", Section 9, by deleting the current Section 9 and replacing it with the following:
SECTION 9 – The number of voters necessary to constitute a quorum at town meetings, except at such meetings as are devoted exclusively to the election of town officers, shall be two hundred; provided, however, that a number of less than two hundred may from time to time adjourn the same.
Or act on anything relating thereto?
(Inserted at the request of the Government Study Committee)

Article O
Zoning Donation Collection Boxes
WITHDRAWN

Article P

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

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

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

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

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

Article Q

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

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

Electronic Message Sign	120'	12'	10'	6	Per Definition	Z
Off-Premise Sign	120'	10'	10'	S	External	Z

Article R
Zoning Bristol and Plymouth Quarries

ARTICLE F: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, in the “Zoning Map, Part A, of the Town of Hingham, Massachusetts,” by removing from residence C District and including in the Office Park District the land shown on Assessors Map 176 as Lot 3, 4, and 8; and on Assessors Map 186 as Lots 3 and 5; and on Assessors Map 187 as Lots 10 and 12 which land is situated off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line.

(Submitted by Petition)

Article S
Zoning Bristol and Plymouth Quarries Land #2

ARTICLE : Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, in the “Zoning Map, Part A, of the Town of Hingham, Massachusetts,” to add the following parcels within the South Hingham Overlay District shown on Assessors Map 176 as Lots 3, 4, and 8; and on Assessors Map 186 as Lots 3 and 5; and on Assessors Map 187 as Lots 10 and 12 which land is situated off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line.

(Submitted by Petition)

Article T
Zoning: Non-conforming Uses

Zoning ARTICLE A To Clarify and Amend Provisions Governing Non-Conforming Uses

This article will amend Section III-I of the Hingham Zoning By-Law, with the goal of clarifying existing provisions for non-conforming uses (also referred to as “grandfathered” uses) to better conform to M.G.L. 40A Section 6.

(Submitted by the Hingham Planning Board)

Article U
Zoning: Clarify Provision re Agricultural Use

ARTICLE B To Correct Provisions Relative to Agricultural Uses

This Article will modify provisions in the By-law relative to protected agricultural uses to better conform with M.G.L. 40A Section 3.

(Submitted by the Hingham Planning Board)

Article V
Open Space Acquisition

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

Article W
Receipts Reserved for Appropriation (Ambulance)

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

Comment: Ambulance insurance recovery was \$160,000

Article X
Receipts Reserved for Appropriation (Middle School)

ARTICLE . Will the Town transfer a sum of money from the Receipts Reserved for Appropriation: Insurance recovery in Excess of \$20,000 for use by the School Committee, or act on anything relating thereto?

Comment: Middle School Roof insurance recovery \$50,000

Article Y
Sewer Ship & Cottage St

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

Article Z
Street Acceptance Stevens Way

ARTICLE Will the Town accept the laying out, as a town way, of a way beginning at the intersection with Fresh River Avenue extending approximately 565 feet, more or less, in a northeasterly direction as shown on a plan entitled: Subdivision Plan Fresh River Landing Hingham, Massachusetts made by C. F. Arnold Associates, Inc. Engineer dated November 2, 2004, as revised from time to time, and that the name Stevens Way be given said way, or act on anything relating thereto?
(Inserted at the request of James Bristol, Jr.)

ARTICLE AA
43D District

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

Or act on anything relating thereto?

(Inserted at the request of the Development and Industrial Commission)

ARTICLE BB
ADVISORY COMMITTEE: DISSENTING OPINIONS RECEIVED

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

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

The content of this proposed By-law is neither alien nor novel to the experience or procedures presently recognized as a past practice of the Advisory Committee. This precedent was reflected in the Report of the Advisory Committee to the Special Town Meeting, August 3, 2009, relating to the naming controversy surrounding the newly constructed East School. Contained in the Advisory Committee's "Comment" in said document, was a summary of arguments both favorable and opposed to the warrant article. Thus, the reader was exposed to facts and allegations upon which an informed judgment might be rendered.

Based upon this expositional precedent, a reasonable person might well entertain the rational expectation that such an enlightening practice would be replicated whenever highly contentious articles

were placed before the Advisory Committee for their review and judgment, in order that the reader could be educated concerning both sides of the issue. Unfortunately, such an essential requirement of objectivity was not forthcoming in the printed warrant for the Special Town Meeting held on October 24, 2011 concerning Article 3 regarding the appropriation of \$935,000 for the high school fields' improvement project. The Transcript of the proceedings of that Town Meeting on pp. 51-52, reflects that Dr. Elizabeth Eldredge addressed the assembly with the following observations:

"In speaking for the people on the Advisory Committee in favor of splitting this particular warrant article, 6 members voted to split, 7 were for one single article. In the last couple of months at our Advisory Committee Meetings, the comment, 'Well, I'll vote for it, but I not happy: has been heard multiple times. We should not allow ourselves and the outcomes of our votes to be manipulated by political game playing. We should protect the integrity of our Town Meeting Process by rejecting this free ride of a controversial item with a non controversial item."

There was no reference recorded in the Advisory Committees' Comment on Warrant Article 3 that any diversity of opinion whatsoever occurred despite the fact that a majority of only one vote prevailed. The public had a right to be informed about this controversy in the same manner the Advisory Committee employed in the East School naming debacle. Here the voters should have been forewarned about the dispute in order that they could have made an educated judgment before deciding the propriety of this very expensive adventure.

A similar situation arose when Warrant Article 5, the greatly divisive appropriations request by the School Committee for more than sixty million dollars to construct a new middle school. The Advisory Committee's "Comment" was cast in a form implying that the members were in total accord with the resulting positive Recommendation since no opinions in opposition were printed in the document unlike the Advisory Committee's precedential treatment recorded in the East School naming controversy where arguments pro and con were disclosed to the reader.

Surprisingly, one member of the Advisory Committee arose and spoke eloquently at the Special Town Meeting in October in opposition to the Advisory Committee's Recommendation. Ms Laura Marwill cited facts and figures consistent with her belief that the proposed school construction was not in the best interest of the Town. While her vocal pleas were thoroughly researched, accurate and very persuasive they were placed at a great disadvantage and relegated to an inferior status because the spoken word does not possess the same importance and permit time to reflect upon its meaning that the written word, in its graphic form, imparts upon the human brain. The psychological and physiological stimulation resulting from visual perception is of a much higher caliber than auditory communications when lasting memories are formed and specific information is inculcated.

Thus, to insure fairness, openness, full disclosure and complete transparency in rendering future Recommendations, the Advisory Committee must be required to accept this proposed By-Law in order to lend credence to its findings and become accountable to the citizens of the Town by exposing the results of their deliberations to public view in printed form.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

ARTICLE CC
Affordable Housing Trust Allocation Plan

ARTICLE . 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)

ARTICLE DD
Amend General By-Laws re: second hand metals or precious metals

ARTICLE Will the Town amend the General By-laws of the Town of Hingham. Adopted March 13, 1941, as heretofore amended at Article 13 as follows:

Item 1. At Section 4 - General Rules and Regulations, by deleting the words "a period of at least fifteen days" and replacing it with the words "a period of at least thirty days"; and

Item 2. At Section 5 – Books to be Kept; Number of Articles Purchased; Inspection, by adding the following sentence at the end of said section:

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

Or act on anything relating thereto?
(Inserted at the request of the Chief of Police)

ARTICLE EE
Audit Committee

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

Article FF
Bare Cove Park Land Swap

Will the Town authorize, but not require, the Board of Selectmen to (1) petition the Great and General Court to remove a portion of a parcel of land off Fort Hill Street currently being held for public park and public recreation purposes ("Parcel 1") consisting of approximately of ____ acres known as a portion of Lot ____ on Assessors' Map ____, in exchange for a parcel of land consisting of approximately ____ acres known as a portion of Lot ____ on Assessors' Map ____ currently held for general municipal use ("Parcel 2"), said Parcel 2 to be held for public park and public recreation purposes, such Parcels being shown on a plan entitled _____ by Coler & Colantonio dated February __, 2012, and (2) if necessary, to authorize the Board of Selectmen to grant restrictions on such Parcel 2."

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

Article GG
Bare Cove Park Parcel Lease

ARTICLE Will the Town authorize, but not require, the Board of Selectmen to enter into a lease of a parcel of land off Fort Hill Street as shown as Parcel ____ on a plan entitled _____ prepared by Coler & Colantonio dated February __, 2012 for use as a non-profit local access cable studio and related offices, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

Article HH
Barnes Wharf Lease

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

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

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

C. In recognition of the Public Benefit provided,

a. Set the annual rental rate to \$1 on a NNN basis

b. Establish that the total annual payments to the Town shall not exceed the annual rent payment plus any mooring fees currently paid by Lincoln Maritime Center, Inc.

c. Provide that storage on the Wharf for boats, floats and such other materials as may be necessary for the operation of the entity shall be provided for and in such other Town facilities as may be necessary and practical.

D. In recognition of the non-exclusivity of the lease and that the tenant does not have full discretion over the use of the property, the town will maintain the wharf to ensure safe conditions, including maintenance and any necessary repairs of the wharf, seawall, landscaping and parking areas.

(Inserted by Michael Cataldo)

Article II
Traffic Lights at the Cushing, Main and S. Pleasant Streets Intersection

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

C&C's Report reflected that," the average daily traffic [ADT] on Main Street, just north of South Pleasant Street was 24,300 vehicles per day [VPD], and the ADT on Cushing Street was approximately 6,000 VPD." The ADT on Rt. 3A, a four lane highway, at the Harbor Rotary was approximately 30,000 VPD. Main Street, at the intersection in question, is heaviest traveled two lane roadway in Hingham.

C&C recommends that, "The intersection of Main Street at Cushing Street warrants implementation of traffic control improvements based on the existing and projected traffic volume. High through volumes on Main Street combined with high left turn volumes from Cushing Street result in long delays for the side street traffic attempting to enter the Main Street traffic flow. The Institute of Transportation Engineers [ITE] recommended minimum gap length for side street traffic to enter the Main Street traffic flow is six [6] seconds. The results of the study indicated there were only about ¼ of the necessary number of gaps available to service the volume of traffic on Cushing Street. During the study, vehicles were observed to accept gaps shorter than six seconds. A review of vehicle queues on Cushing Street was performed during the evening peak hour. The observation by C&C in October indicated a maximum queue of 20 vehicles waiting on Cushing Street."

"Accident statistics from the Hingham Police and MassDOT for the four year period from 2005 to 2008 were reviewed. An average of six accidents per year occurred during this period. The crash rate of 0.68 for this period [based upon accidents per million vehicles entering the intersection] is slightly above the 0.62 for unsignalized intersections in Massachusetts." At the 2011 Hingham Annual Town Meeting, Mr. Riley, current Chairman of the Board of Selectmen' in reference to the intersection in question is quoted as stating, "I think we all agree this is a dangerous intersection." [Transcript page 51.] In fact, this is the most dangerous, four way, unregulated intersection in Hingham as reflected by the Hingham Police Department's published, "A Yearly Comparison of High Accident Locations."

"Based on all of the data available, the recommendation of Coler and Colantonio, Inc. is that the Town of Hingham consider implementing traffic control improvements at the intersection of Main Street at Cushing Street and South Pleasant Street. The traffic signals installed at the Main Street at High Street and Free Street intersection have met with mostly positive reviews and are working effectively to maintain acceptable traffic flow. A similar means of traffic control at Cushing Street and South Pleasant Street would represent an improvement to the current conditions."

Completely forgotten by the Traffic Committee Report and the C&C Study is the plight of the poor invisible pedestrian, an imprudent omission since South Elementary School is located on Main Street less than 500 feet from the intersection. During the school year a crossing guard is stationed there shortly before and after school is in session. Other than these two brief periods under adult supervision, The children must fend for themselves.

The Cushing Street crosswalk is inherently dangerous; it was poorly engineered located 55 feet behind the stop sign placed at the exact intersection of Cushing and Main. Consequently there is a back up of SUVs and trucks waiting to enter Main Street invariably blocking the Cushing Street crosswalk. The wary pedestrian is forced to squeeze between these looming masses with no peripheral vision and then instantly step into a lane of speeding traffic racing westerly along Cushing Street with the driver temporarily blinded by the afternoon sun.

The crosswalk traversing Main Street is also located 55 feet from the intersection servicing Cushing Street creating a hazardous situation. The posted speed limit governing Glad Tidings Plain is 40 miles per hour, a command only the most timid obey. Walkers, joggers, and dismounted cyclists wait to cross Rt. 228 to gain access to Wompatuck State Park entrance at the eastern end of South Pleasant Street. Here, they wait for a gap in the seemingly endless two way traffic as it speeds past. All are thoroughly intimidated standing at a practically invisible crosswalk and feel abandoned without a pedestrian light button to push, that in some positive way might give warning to the drivers distracted with cell phones glued to their respective ears and give notice to the operators of their intentions to cross the historic roadway unscathed.

The former Town Administrator was quoted in bold face type on the front page of the March 11th, 2010 Hingham Journal, that accurately describes the situation at the infamous intersection. "I drive Cushing Street every day. You take your life in your hands trying to make a turn onto Main Street. It's like playing Russian Roulette with vehicles."

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article JJ

Motion for the Previous Question Procedure

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

"SECTION 14 The Moderator will decline to accept a motion for the previous question, which must be seconded, if other voters are seeking recognition, a situation the Moderator will determine by his oral request that all voters wishing to speak on the article stand to be observed. The Moderator will then instruct them that the information they desire to impart must not be a repetition of matters already discussed. If this procedure forbidding redundancy is not followed then the offending voter's presentation will be summarily terminated. The Moderator will then recognize each who seeks the Moderator's attention."

The text of the preceding paragraph reflects the motion for the previous question described in the "Moderator's Message on Town Meeting Procedures," [hereinafter "Moderator's Message"], which may be found in the beginning pages of the printed Warrant for each Annual Town Meeting. An analysis of the grammatical construction of the entire motion as set forth in Section 13, above, will be undertaken in order to explain the necessity for clarification by Section 14. "The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition..." This introductory clause imposes an obligation upon the Moderator to determine if others are seeking recognition. The Moderator complies with the command by asking those who wish to speak to signal their intentions by standing so they can be seen by the Moderator. The first independent clause is separated by the

conjunction, “and.” The sentence continues, with the second independent clause, “if both sides have not had a fair opportunity to be heard.” It is a fundamental rule of English grammar that when two independent clauses exist in a sentence both conditions must be met before the dual imperatives can be satisfied.

The Moderator then addresses those standing with the admonition that the information the presumptive speakers intend to impart must not be repetitious of that already given and anyone who offends this rule against redundancy will have his address to the assembly instantly terminated. This later caveat by the Moderator satisfies the demands of the final sentence set forth in Section 13, above, forbidding the discussion from becoming repetitious.

Were the Moderator to disregard the mandate established by Section 14, Roberts Rules of Order, [hereinafter Roberts Rules], provides an immediate remedy. A “Point of Order” may be raised by any voting member of the assembly whenever any rules of the meeting are violated. This interjection calls upon the Moderator to rule on the point. If the Moderator refers the matter to the assembly it is debatable otherwise it is not. The voter raising the point of order may interrupt the speaker since the point commands immediate attention. There is no second needed to give the point of order legitimacy since it is not a motion but is a question. Roberts Rules pp. 247-249. See also A Handbook of Parliamentary Law pp. 104-105 and The Chairman’s Rule Book p. 41, both references in total accord with Roberts Rules.

Any ruling by the Moderator may be appealed, if properly seconded, and becomes debatable once it is vested in the assembly. Roberts Rules pp. 255-258. See also A Handbook of Parliamentary Law pp. 105-107 and The Chairman’s Rule Book pp. 47-48, again both references in accord with Roberts Rules.

The Transcript of the proceedings of the Special Town Meeting of October 24, 2011 conclusively demonstrates the reasons Sections 13 and 14 must be adopted as amendments to the Town By-Laws and appended to Article 3, “Procedure at Town Meeting” and preserve the free exchange of ideas essential to the democratic process. Relevant parts of that Transcript have been extracted and annotations have been supplied. Warrant Article 3 called at the Special Town Meeting requested that the Town appropriate up to \$935,000 to be expended under the direction of the School Committee to fund Phase I of a high school fields improvement plan. Beginning at page 70 of the Transcript, the following statement is reflected.

MR MANNING. “The School Committee is forbidden by statute and case law from exercising any authority over school lands. The Town By-Laws give exclusive control of the property to the Board of Selectmen. The School Committee receives its authority to act under the provisions of chapter 71 section 68 of the Mass. General Laws which states in relevant part, “The School Committee... shall have general charge and superintendence of the schoolhouses and shall keep them in good order.” A 1955 Opinion of the Justices of the Supreme Judicial Court held, “The General Court is the source of all authority of the School Committee.” In the case of Day v The Inhabitants of Greenfield 234 Mass. 31 (1917) The School Committee sought an injunction against the town to prevent the municipality from moving a bandstand from one school yard to another. The Judge found that the statute gave authority to a School Committee over the school house but not the land.”

“Since the School Committee has no authority to control the disposition of funds for Playing fields, the Articles purpose is invalid. Article 5 of the Hingham By-Laws reflects that “The Selectmen shall have the direction and management of the property and affairs of the

Town.” A 1966 Opinion of the Attorney General states that, “A School Committee can only Exercise those powers expressly granted. The authority to take action must be specifically Granted by the General Court and cannot be implied.” Warrant Article 3 violates both the Statute and the Town By-Laws and must fail.”

MODERATOR: Counsel?

MR. TOOMEY: James Toomey, Counsel to the Town.

“ I respectfully disagree with Mr. Manning’s interpretation of 71 – Chapter 71 Section 68 and the Day versus Greenfield Case.

What those cases - - or what the statute and what the case says is that the Town has the authority to remove from the School Committee the general charge that they have over the schools the school buildings, and school grounds.

The general rule is that unless the Town directs otherwise, the School Committee is responsible for maintaining the schools and the grounds. In Hingham, the Town has not directed otherwise, so the School Committee is responsible for the fields and has authority to spend the money for the fields.”

MODERATOR: Thank you.

“Further discussion before we come to vote? Mr. Falvey.

As soon as Town Counsel completed his statement, Mr. Manning, who was seated in the front row of the assembly immediately stood up and waived his arm to be recognized by the Moderator. Mr. Manning had a copy of the Day v Greenfield decision of the Supreme Judicial Court and was fully prepared to read relevant portions of the case to prove that Town Counsel misstated the decision and incorrectly alleged that, “The general rule is that unless the Town directs otherwise, the School Committee is responsible for maintaining the schools and the grounds.” At page 32 of Day v Greenfield, the trial Judge was quoted as stating, “I am unable to find that the town, at any time, has distinctly given the school committee supervision of the grounds on which the school building stands exclusive of the Town.” Thus, the School Committee has no authority over the grounds absent a grant of authority by the Town. Later in the decision, at page 33, the Supreme Judicial Court holds, “A further answer to the contentions of the plaintiff’s [the school committee], that they have full and exclusive control of the school grounds, is that under the statute the charge even of the school houses is given to the committee only ‘unless the town otherwise directs.’” Finally, a page 34 of the decision the High Court rejects the school committee’s claim of authority with the conclusion, “But plainly, it is inconsistent with the claim that the statute gives the school committee full and exclusive control over the school grounds.” Both in fact and in law the inevitable conclusion is that the school committee does not have authority, ownership or control over the territory on which the school house rests and the surrounding lands.

Notwithstanding the fact that Mr. Manning was standing and waiving at the Moderator not more than 25 feet in front of him and easily within his range of vision, the Moderator refused to recognize him in direct repudiation of the “Moderator’s Message,” “ The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition...”

“MODERATOR: Thank you. [@ p. 82]

Further discussion before we come to vote? Mr. Falvey.”

[Note: Mr. Falvey is well known among those who frequently attend Hingham Town Meetings for his persistent and singular contribution to the discussion – “Move the

Question.”]

“MR. FALVEY: Move the Question.”

[Note: Mr. Falvey did not identify himself as required by the “Moderator’s Message,” “Please state your name and address at the outset each time you speak. Mr. Falvey’s Motion was not seconded as required by the rules of procedure.]

“MODERATOR: A motion has been made for the previous question. I will receive the Motion. And this is not a debatable motion. Its effect is to end debate and discussion on the matter before us. And so I will put the question. If you wish to have - - end debate and discussion on the matter before us, which is the motion under Article Three, and come to a vote on that motion, you will vote yes on the motion for the previous question. If you want to have more - -“

“UNIDENTIFIED VOICE: May I speak please?”

“MODERATOR: No. I’m sorry. We’re about to vote on the motion for the previous question, which has the effect of - -“

“UNIDENTIFIED VOICE: I’ve been standing here – I’ve been standing here - -“

“MODERATOR: We’re about to vote on the motion for the previous question, sir...”

[Note: The Moderator refused to recognize the speaker and again failed to comply with the Moderator’s Message,” The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition. The motion carried.]

Subsequent to this situation Warrant Article 5 was placed before the Assembly for discussion. This Article raised the question that the Town appropriate more than \$60,000,000 to build and equip a new middle school. As soon as this highly contentious Article was called for discussion by the Moderator, Mr. Manning, who still occupied the same front row seat, stood and waived his hand to be recognized by the Moderator. He repeated this gesture to be recognized by the Moderator after each speaker completed his address to the assembly. The Moderator continually ignored Mr. Manning, who’s article had been published in the “Hingham Journal” Thursday, October 20, 2011, a mere four days before this Special Town Meeting. The lengthy article that occupied a half page of the newspaper was entitled, “Not Needed, Not Necessary, Not Affordable,” and excoriated the Hingham School Committee, beginning with the Committee’s failure to remove the accumulated snow from the flat roof of the middle school that threatened a collapse of the structure; and continued by questioning that Committee’s wisdom in insisting upon a 176,385 square foot new middle school when the Mass. School Building Authority [MSBA] model school contained 163,200 square feet which was more than adequate for the school population and considerably less expensive. Finally, Mr. Manning had obtained a listing of public schools that the MSBA had funded reflecting the percentage of the cost of construction each community would receive from the MSBA and the actual dollar amount of the MSBA grant. Hingham obtained a mere 44% reimbursement amounting to approximately \$25,000,000 for the new middle school building while Quincy High School achieved a 90% reimbursement of \$72,000,000; Quincy Central Middle School, 80% at \$33,000,000; Salem Middle School, 78% at \$31,000,000; Rockland Middle School, 64% at \$33,000,000 and Newton North High School, 60% at \$47,000,000. Had Mr. Manning been recognized to speak at the

Special Town Meeting, he would have disclosed this critical information which may have influenced the vote on Warrant Article 5 sufficiently to cause its rejection.

The Transcript on page 159, after the Moderator refused to recognize Mr. Manning, reflects the following conclusion to the discussion on Warrant Article 5 [building a new middle school].

UNIDENTIFIED VOICES: (chanting)

MODERATOR: I believe I heard a motion for the previous question.

UNIDENTIFIED VOICES: Yeahhhhhhhhhh.

MODERATOR: I accept the motion.

The motion carried based upon this gross violation of the rules governing decorum at Town Meetings. The General By-Laws of the Town of Hingham, Article 2, Section 7, demand, "Every person desiring to speak shall arise and address the chair and after recognition is obtained shall stand while speaking unless the Moderator otherwise directs." The "Moderator's Message" requires that the person," state your name and address at the outset each time you speak." Here at this Special Town Meeting, chaos prevailed, unidentified voices were chanting, the Moderator believed he heard a motion amidst the clamor, unidentified voices generated an unintelligible response, and the Moderator accepted the anomalous motion. Ring down the curtain the farce is over!

The rights recognized by both Federal and State Constitutions and the guarantees of free speech and the right to peaceably assemble established by the First Amendment of the Bill of Rights will be validated here in Hingham once Section 14 of this Warrant Article amending the Town By-Laws is adopted by this Town Meeting.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article KK Motion for the Previous Question Vote

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

SECTION 13 "The purpose of the **motion for the previous question** is to end discussion and have an immediate vote on the pending question. The motion must receive a second, is not debatable and requires a two thirds vote for adoption. The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition and if both sides have not had a fair opportunity to be heard. The Moderator will accept the motion for the previous question if it appears that both sides have been heard and the discussion is becoming repetitious."

The text of the above entitled Section 13 has been taken directly from "The Moderator's Message on Town Meeting Procedures" appearing at the beginning pages of the Town Warrant, however a modification has been made regarding the necessity for a second and the votes required for adoption of the motion for the previous question. In the Moderator's Message a majority vote is required for

adoption while the proposed Section 13 demands a two thirds plurality of votes for adoption of the motion to be in accord with standard practice.

The reason for such a modification in the tally of votes has been established by the universally recognized authoritative resource for town meeting protocol, Roberts Rules of Order, Newly Revised 11th Edition, 2011 and at pages 200 and 201 reflects that, "The Motion for the Previous Question brings the assembly to an immediate vote on the pending question. It must be seconded and is not debatable. It requires a two thirds vote which is important in protecting the democratic process. If this rule were not observed, a temporary majority of only one vote could deny the remaining members all opportunity to discuss any measure that such a majority wished to adopt or kill."

In full agreement with Roberts Rules are the following authorities:

Time Meeting Time – A Handbook of Parliamentary Law by a Committee of the Massachusetts Moderators Association, Little Brown and Company, Boston, 1962. At page 97 that volume reports, "The Previous Question requires a second and a two thirds vote; it may not be debated and may not interrupt the speaker."

The Chairman's Rule Book, Larry Wenn, Lewis Publishing Company, Lexington, Massachusetts, 1967, at page 38 that volume reports that the Motion for the Previous Question also known as a Motion to Vote Immediately has the purpose, "to end discussion on the pending motion and bring it to an immediate vote." The rules:[1] Cannot interrupt a speaker; [2] Requires a second; [3] Cannot be debated; [4] Cannot be amended; [5] Requires a two thirds vote; [6] Is in order when a debatable motion is pending."

Since the Town Meeting represents the last vestige of pure democracy existing in the political process, it is essential that all its procedures conform to the ideals advanced by the Founding Fathers and those established by the standards promulgated in the Constitution and Bill of Rights' First Amendment.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article LL

The Placement of Articles in the Town Warrant

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

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

The present practice has been to place the Articles with the characteristics enumerated above in the Warrant without regard to their importance to those voters attending the Meeting. The best example of placing the insignificant before the meaningful occurred in the 2010 and 2011 Town Warrants. In both years, the lead off Article concerned the appointment of a member to have charge of the income derived from the Hannah Lincoln Whiting Fund established in 1915 with a bequest of \$15,000 with the intent that the earned interest each year [\$618.89] be expended for, "the deserving poor or unfortunate of South Hingham."

In the 2010 Town Warrant the Ward Street Lacrosse Turf Fields, a highly contentious Article that sharply divided the Town as reflected by the proliferation of political lawn signs that sprang up like spring dandelions, was designated as Article 46 and located at page 46 of the Warrant. As a result of its belated placement, the Article was not reached for discussion at the Town Meeting until very late in the night. Reason, logic, common sense, and proper planning all militate that an issue of primary importance be placed first on the agenda for that evening.

In the 2011 Town Warrant, the controversial Middle School Feasibility Study, with a history of proponents and opponents filling the pages of the Hingham Journal with their widely divergent commentaries was designated as Article 15 in the Warrant and occupied page 32. Once again the debate was rigorous and lengthy and extended well into the night. Prudence demanded that the Article should have been called at the inception of the Town Meeting and not after the assembly rubber stamped a number of administrative inanities. Of course the Feasibility Study metastasized into the more than \$60,000,000 New Middle School building debacle that precipitated the October Special Town Meeting. Here again, a critical issue that threatened to bankrupt the taxpayers was cast aside in the Warrant to a fifth position while proceeded by such items as a proposed snack shack at the bathing beach and the swap meet at the Town dump.

The placement of articles in the Warrant should not be designed for political reasons by those in control of the process. The most important issues deserve priority especially for the convenience of those attending the Meeting so they may be discussed while minds are fresh and alert and not stultified after a barrage of administrative baggage.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article MM Recall Elections

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

ARTICLE RECALL ELECTIONS

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

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

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

SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10 signers of the affidavit a

formal numbered printed recall petition sheet with the town clerk's official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall fill out the top portion of each recall petition sheet naming the elected official, the grounds for recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk.

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

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

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

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

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

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

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

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

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

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

SECTION 9. A person who has been recalled from an office or who has resigned from office while a recall petition was pending against him shall not be appointed to any town office within 2 years after the recall or resignation.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article NN Town Meeting and Notice Thereof

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

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

The original Article 2 Section 1 was adopted as a Town By-Law in 1939. The population of Hingham was 8,003 with 4202 voters registered. Most, who were fortunate enough to be employed during this time of the Great Depression, worked in Town or in reasonable proximity thereto. Married women did not work outside the home. The work week consisted of six consecutive days with Sunday a time of rest.

Today, Hingham has a population of 22, 401 with 16,136 voters registered. Many commute to work far beyond the Town limits. Consequently, holding Town Meetings on Monday at 7:00 P.M., the early evening of a working day, is inconvenient for all who commute from their distant place of employment. The hardship imposed because of the press of time discourages many from attending Town Meeting. This factor is compounded whenever the Meeting adjourns late at night and the person’s employment demands his presence early the following morning.

Since Saturday is no longer regarded as a day of universal employment, it offers a convenient time for the Town Meeting when greater attendance would be encouraged. The Board of Selectmen certainly recognize the wisdom implicit in holding meetings that will attract a large audience, not on a week day evening, but during the weekend when they selected Sunday afternoon to hold Economic Summit Meetings so attendance would be maximized.

Because the proposed Town Meeting would begin in the early afternoon, it is doubtful that an adjournment to another day would be needed to complete the warrant on another date. The third Saturday of April was selected as the appropriate date for the Annual Town Meeting in order that it would not conflict with Article 2 Section 2, that By-Law which mandates Town Elections be held on the Saturday following the fourth Monday of April.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article OO
Quorum at Town Meeting

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

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

The original form of Section 9 as well as the Moderator’s Message on Town Meeting Procedure both reflect that, “a number less than 300 may from time to time adjourn the Meeting.” Statutory construction regards the term, “may,” as a permissive form and cannot be given the same meaning as the verbs, must, shall, or will, which are mandatory commands. This amendment to the by-law does not do injustice to the original section but simply establishes a clarification of convenience. Were a meeting adjourned because of a lack of a quorum, the business of the Town might never be completed at a subsequent session because the earlier failure of a quorum may be regarded as a reliable predictor of future disinterest in the matters to be considered.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article PP
Town of Hingham Municipal Building Authority

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

ARTICLE ___

TOWN OF HINGHAM MUNICIPAL BUILDING AUTHORITY

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

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

necessary and determine that the structure is erected according to proper engineering standards and shall continue in its supervisory capacity until the project has been completed and occupancy obtained.

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

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

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

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

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

The Town of Hingham is practically unique among the communities in the Commonwealth, because it lacks a centralized agency responsible for overseeing all municipal building projects from their inception until occupancy has been successfully achieved. For too long a time has this attitude for decentralization existed, which has resulted in unnecessary projects funded, inefficient building practices tolerated, and incompetent and inexperienced personnel assuming responsibilities for which they were not qualified; all activities contributing to costly excesses born by the taxpayer.

Despite all the exclamations in the media, in print and over the airwaves, this past winter, urging those who occupy buildings equipped with flat roof that they were in imminent danger of collapse unless the roofs were cleared of excess accumulations of snow and ice, the Hingham School Department and School Committee did nothing and allowed the snow to compress to an unsustainable weight on the flat roof of the 50 year old Hingham Middle School resulting in damage to the structure. Mass. Gen. Laws chapter 71 section 68 commands that a school committee, “...shall have the general charge and superintendence of the school houses and shall keep them in good order...” At the Middle School no remedial action had been taken before the damage had occurred. No Town employee or private contractor had been ordered aloft to clear the roof of this weighty accumulation. Was this nonfeasance

by the School Committee neglect of duty or gross negligence or compelled by a more sinister motive as many taxpayers believe – the fast track to a New Middle School?

As a direct consequence of the superficial damage done to the structure, the next day the School Committee entered into negotiations with the Mass. School Building Authority [MSBA] seeking to enter the MSBA's Model School Program that partially reimburses the community for the expense of constructing a new school building or repairing or renovating an existing structure. The School Committee cast aside the reasonable concept of repair and requested a brand new Middle School Building. The MSBA under its Model School Program recommended a 163,200 square foot Middle School that would be more than adequate to meet Hingham's school population needs. The School Committee summarily rejected this reasonable offer and demanded a 176,385 square foot structure which was 30% larger than the existing Middle School and considerably more expensive. The MSBA acceded to the School Committee's insistence. The price of the New Middle School totaled almost 61 million dollars. The MSBA agreed to reimburse Hingham approximately 44% of the cost or approximately 26 million dollars.

A comparative analysis of the cost and benefits of the proposed Hingham Middle School with Natick's New High School which employed the same architect, Ai3 Architects has been undertaken. The Natick School occupies 254,000 square feet for 1200 students at a cost of \$61,641,000 while the Hingham School is 176,385 square feet for approximately 1000 students at a cost of almost \$61,000,000. Natick's cost is \$2.43 per square foot while Hingham's is \$3.46 per square foot. It has been accurately calculated that if Hingham had employed a similar design as Natick did, Hingham's cost would not be \$61,000,000 but \$42,768,000 with a MSBA deduction of \$18,818,000 bringing the final cost to Hingham a reasonable \$23,950,000. Natick received a MSBA grant of 52.63% or \$38,209,033 which brought Natick's final cost to \$23,431,967 or approximately \$12,000,000 less than Hingham's out of pocket expense with the benefit of almost 78,000 square feet more of available space.

An examination of the MSBA's recent grants to communities in the Commonwealth reflects that the amount awarded to the Hingham Middle School for new construction at 44% in the amount of \$26,000,000 was one of the lowest percentages on MSBA's list of more than 300 grants issued by that Authority, along with the MSBA even lower grant to Hingham's new East Elementary School of 40% in the amount of \$9,826,564. Examples of communities receiving recent MBSA's grants include: Quincy High School, 90% at \$72 million; Quincy Central Middle School, 80% at \$33 million; Salem Middle School, 78% at \$31 million; Rockland Middle School 64% at \$53 million; and Newton North High School, 60% at \$47 million. Did the Hingham School Committee employ due diligence in negotiating with the MBSA, the facts speak for themselves.

Unlike Hingham, the existing Medway Middle School was effectively renovated for less than half the cost of building a new middle school extending the life of the middle school at least thirty to forty years and still securing an MBSA grant at 50.79% for \$10,589,874 reducing the total cost from \$21,000,000 to \$10,410,126. The project was completed in phases which had less impact on the overall learning environment of the students.

The MBSA also offers to all communities an Accelerated Repair Program which focuses on preserving existing building assets by performing energy-efficient and cost saving upgrades which will result in direct operational savings for school districts. The MSBA program is based upon urgency and need, not a first come first serve protocol. Did the Hingham School Committee even consider this viable and inexpensive alternative to new construction and demolition of the existing structure?

The School faculties Subcommittee of the School Master plan Review Committee appointed by the Hingham School Committee was commissioned to make an in depth study to determine the actual cost of renovating and repairing the existing Middle School. Their report found that the cost of the project would be \$2,300,000 to make the needed changes to the portion of the building constructed in 1962 but no modifications of the Science Wing erected in 1996 would be required. The Report concluded that the current Middle School will serve the Town for another 15 to 20 years with proper maintenance.

What compelled the School Committee to cast aside all the mitigating factors indicating that minor repairs would be sufficient to safely preserve the building for at least another generation of students to enjoy at minimal cost to the Town? The powerful emotions of love and affection that a parent has for his child frequently overwhelm rationality and objectivity. Those members of the School Committee with children in the system are exposed to this conflict of interest situation, "what is best for my child" is the response of the member and an unfortunate economic consequence entrapping the property taxpayer?

Mr. Manning taught English and geography at Quincy Point Junior High School in a flat roof building constructed in 1917. In 1999 the building underwent a \$7,000,000 renovation that included new windows, a vinyl covering for the old wooden floors, an elevator for physically handicapped students and, at long last, air conditioning. He inspected the school building last year and found it in pristine condition after 95 years of constant use with a full complement of students each academic year. It was an excellent example of conscientious maintenance and a credit to the community.

With the foregoing exposition in mind, it becomes readily apparent that all municipal building maintenance must be brought under the direction and control of a single responsible command. The Hingham Public Works Department possesses the experience, equipment, and personnel to fulfill this operation and represents the only available agency to assume the task. The DPW, of course, will be under the supervision of the Authority.

It must be emphasized that the Town is the owner of all municipal buildings and land and the Board of Selectmen under Article 5 of the Town By-Laws have the management direction and control over all municipal property which is in accord with Mass. Gen. Laws chapter 40 Section 3. In Day v Greenfield 234 Mass. 31 (1919) the Supreme Judicial Court noted that statute gave a school committee a general charge and superintendence of the school houses, and shall keep them in good order. The High Court also held at page 33 of its decision that, "A further answer to the plaintiff [the school committee] that they have full and exclusive control of the school grounds, is that under the statute the charge even of the school houses is given to the [school] committee only, 'unless the Town directs otherwise.'" With the adoption of this proposed change in the by-laws, the charge of the school houses would be given to the Town and taken away from the School Committee along with the obligation to maintain them in good order. While the School Committee had been derelict in its maintenance duties as demonstrated by its failure to protect the Middle School roof, the Town was unable to force the School Committee to act in a protective manner. The Advisory Committee in its comment upon Article 4 in the Town Warrant for the last Special Town Meeting reported that "Town Counsel opined that the Town cannot direct the School Committee regarding how it spends Town authorized funds." This observation implies that the School Committee operates as an independent agency and is not subject to fiscal oversight once they are given the money they may spend it in a manner of their own choosing.

Mr. Manning, while serving as an Assistant Attorney General assigned to the Criminal Bureau, because of his investigative experience as a Special Agent in Counterintelligence, was ordered to conduct a Grand Jury inquiry into construction of the Middlesex County Courthouse and determine whether criminal activity was responsible for the incredible escalation in costs that increased from \$18,000,000 to more

than \$70,000,000 in three years with the building still not completed. The investigation into construction of the tallest structure in East Cambridge revealed why it is essential to have experts in all phases of the building process assist the local government in making prudent decisions regarding technical matters that are beyond the owners ability to comprehend. A summary of the Grand Jury findings have been reported in Chapter 18 of Trials and Tribulations, available at the Hingham Public Library but some excerpts are reproduced as follows:

The Architect, who had been recommended by the Catholic Bishop because he had designed two parochial schools for the diocese, lacked the experience, background, expertise, or staff to fulfill his contractual obligations to the owner. Procrastination was his best defense. The County Commissioners [the Owners] would do anything to save the project and their reputations from the disasters they eventually became, but good intentions alone, without the assistance of a knowledgeable, experienced, and reliable overseer on the project, were unavailing. Had they retained an independent, reputable, engineering and construction consulting firm as their representative from the very inception of the project, the investigation would never have materialized. The Clerk of the Works, the Owner's representative on the scene, was an elderly gentleman with political connections, who never left his trailer office on the site and spent the work day napping. If any questions arose, he sent his assistant, the former Somerville animal control officer, dog catcher, to answer them. The General Contractor, had been disparaged in a letter, sent to the Architect by the Governor of Pennsylvania for a poorly constructed state building he erected. The letter was never brought to the attention of the Owners by the Architect. The General Contractor took advantage of everyone's inexperience. He cut corners to cut his costs. He hired subcontractors, not because they were competent but because they were cheap. He understood the effect a time line had upon the owners and employed delay as a weapon to squeeze money and legal concessions from the County. After the General Contractor obtained all the easy money he could from the Owners, he simply walked off the job, left the building unfinished, and sued the County for millions of dollars in a civil action alleging the Owners breached the terms of the contract.

The Courthouse fiasco set the standard for construction incompetency in Massachusetts, its record has not been challenged in this Commonwealth until the arrival of the "Big Dig."

Let the foregoing brief narration serve as a warning to the unwary. Without the advice and assistance of a knowledgeable, experienced, reliable, independent and professionally trained overseer on a construction project from its very inception, the owner, be it a municipality or an individual, is at the mercy of the architect, the contractor, and the lender. Thus, the absolute necessity for the Town to adopt the concept of a municipal building authority to protect against costly errors in judgment made by those uneducated in the dishonest practices that exist in the building trades. If this warrant article is not incorporated into the General By-Laws of the Town there is an excellent chance that a new South, Foster, Plymouth River, and high school will be inflicted upon the taxpayers of Hingham.

(Inserted at the request of Bernard Manning, 59 Cushing Street)

Article QQ
CPC Bel Air Road Acquisition

ARTICLE Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve and the Community Preservation General Reserve to be used by the Conservation Commission to purchase the property located at 39 Bel Air Road; Map16/Lot 151, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article RR
CPC Hingham Centre Cemetery Fence

ARTICLE Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and the Community Preservation General Reserve to be used by the Hingham Centre Cemetery Corporation to continue the perimeter fence along the boundary, located on Map 81/Lot 129, between the Hingham Centre Cemetery and the former Tree and Park Barn, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article SS
CPC Preservation Projects Fund

ARTICLE Will the Town transfer a sum of money from the Community Preservation Historic Resources Reserve and the Community Preservation General Reserve to the Historical Commission Preservation Projects Fund, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article TT
CPC Whitney Wharf Pedestrian Bridge

ARTICLE Will the Town appropriate a sum of money from the Community Preservation General Reserve to be used for recreational purposes by the Harbor Development Committee to fund a project to construct a pedestrian bridge over the water located between Whitney Wharf and the Town Pier area, Map 50/Lots 50&49 and Map 51/Lot 1; and to effect related improvements to Whitney Wharf Park, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article UU
CPC Accord Brook Land Acquisition

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

(Inserted at the request of the Community Preservation Committee)

Article VV
CPC – Administrative Fund

ARTICLE Will the Town appropriate a sum of money from the Community Preservation General Reserve for addition to the Community Preservation Committee’s Administrative Fund, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article WW
CPC Ames Chapel Restoration

ARTICLE Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and the Community Preservation General Reserve to be used by the Hingham Cemetery Corporation to restore the Ames Chapel located on Map 61/Lot 40 in the Hingham Cemetery, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article XX
CPC Heritage Museum and Visitor Center

ARTICLE Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and the Community Preservation General Reserve to be used by the Hingham Historical Society to fund construction of a Heritage Museum and Visitor Center to be located at Old Derby Academy, 34 Main Street, or act on anything relating thereto?

(Inserted at the request of the Community Preservation Committee)

Article YY
CPC Historical Collections Master Plan Implementation

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

(Inserted at the request of the Community Preservation Committee)

Article ZZ
CPC – Scotland Meadow Acquisition

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

(Inserted at the request of the Community Preservation Committee)

Article AAA
CPC Tree and Park Barn Exterior Preservation

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

Article BBB
CPC Veterans Markers and Monuments

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

Article CCC
Demolition Delay By-Law

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

Item 1: Amend Section 2 by deleting the definitions of "Commissioner" and "Demolition Permit" and inserting after the definition of "Commission", the following definitions:

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

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

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

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

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

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

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

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

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

Section 6 - NON-COMPLIANCE

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

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

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

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

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

or act on anything related thereto?

(Inserted at the request of the Historical Commission)

Article DDD

Expansion Industrial/Office Park Sewer District

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

(Inserted at the request of the Sewer Commission)

ARTICLE EEE
Light Plant Easements

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

Article FFF
Real Estate Tax Deferral Gross Receipts

ARTICLE Will the Town increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59 sec 5, Clause 41A from 40,000 (to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year), with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on July 1, 2012, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Article GGG
Annual Increase in asset limit for real estate tax exemption for seniors

ARTICLE Will the Town accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws chapter 59, Section 5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

Article HHH
Real Estate Tax Exemption Increase in Income and Assets

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

Article JJJ
Clause 56 re: Tax Exemption for Deployed Military Personnel

ARTICLE Will the Town accept Clause 56 of MGL c. 59, §5 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all

or part of their real and personal property taxes for any fiscal year they are serving in a foreign country, or act on anything relating thereto?

(Inserted at the request of the Veterans' Council)

Article KKK
Accept MGL 60A

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

(Inserted at the request of the Veterans' Council)

ARTICLE LLL
OPEB LIABILITY TRUST FUND

ARTICLE Will the Town accept Chter 479 of the Acts of 2008 to establish an Other Post Employment Benefits Liability Turst Fund, or act on anything relating thereto?

(Inserted at the request of the Treasurer Collector)

Article MMM
Water Company Acquisition Feasibility Study

ARTICLE Will the Town raise and appropriate, borrow or transfer from available funds, a sum of money to be used by the Board of Selectmen to be expended for professional fees and costs, including, but not limit to, engineering services, financial services, valuation services and legal services, to investigate the feasibility of acquisition of assets, including the assets of the Town's water company, now known as Aquarion Water Company of Massachusetts and/or affiliated and related companies, pursuant to St. 1879, c. 139, or through any other method of acquisition, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

Article NNN
Transfer Funds to Meals Tax Stabilization Fund

ARTICLE . Will the appropriate a sum of money from available funds to said stabilization fund, or act on anything related thereto?

(Inserted by the Board of Selectmen)

ARTICLE OOO
Zoning: Flood Plain Map

ARTICLE Will the Town amend the Zoning By-Law at Section III-C (Flood Plain and Watershed Protection District) and on the Zoning Map as needed, by revising the references to the newly completed FEMA Flood Plain Maps (the current reference is to a 1986 version of the map), and other changes needed to update the By-law as suggested by the Hingham Conservation Commission.

(Inserted at the request of the Planning Board)

ARTICLE PPP - WITHDRAWN

ARTICLE ____. Will the Town, pursuant to the provisions of Chapter 40C, Section 3, of the Massachusetts General Laws, and Article XV-L of the General Bylaws of the Town of Hingham, and in accordance with the recommendations of the Historic Districts Commission and the Massachusetts Historical Commission, duly extend the previously-established Tower-Wilder Historic District, as shown on a plan entitled: "The Tower-Wilder Historic District, Main Street, Hingham, Massachusetts, prepared for the Historic Districts Commission" and dated November 20, 1986, by Perkins Engineering Inc., in the manner shown on a plan entitled: "Tower-Wilder Historic District-High Street Extension, Hingham, Massachusetts, prepared for the Hingham Historic Districts Commission", dated February __, 2012, by Perkins Engineering, Inc., filed in the office of the Town Clerk, and bounded and described as follows:

Beginning at a point in the northerly sideline of High Street, 150 feet west of the westerly sideline of Main Street, in the westerly sideline of the Tower Wilder Historic District, thence running westerly along the northerly sideline of High Street, 959.4 feet, more or less, to a point in said sideline at the southwesterly corner of parcel 21 as shown on said plan, in eight courses measuring 62.4 feet, more or less, 18.2 feet, more or less, 285.3 feet, more or less, 113.3 feet, more or less, 130.9 feet, more or less, 94 feet, more or less, 93.4 feet, more or less, and 161.9 feet, more or less, respectively; thence turning and running northerly, along the westerly sideline of said parcel 21, 125 feet, more or less, to the northwesterly corner of said parcel 21; thence turning and running easterly, along the northerly sideline of said parcel 21, 157.5 feet, more or less, to the northeasterly corner of said parcel 21; thence turning and running northerly, along the westerly sideline of parcel 22 as shown on said plan, 115.9 feet, more or less, to the northwesterly corner of said parcel 22; thence turning and running easterly 807.8 feet, more or less, in six courses measuring 99.1 feet, more or less, 94 feet, more or less, 133 feet, more or less, 138.2 feet, more or less, 271.5 feet, more or less, and 62 feet, more or less, to a point in the westerly sideline of the Tower Wilder Historic District; thence turning and running southerly, along the westerly sideline of the Tower Wilder Historic District, 217.2 feet, more or less to the point of beginning.

COMMENT: This article adds several properties along the northerly sideline of High Street to the existing Tower-Wilder Historic District, established in 1986. Included are five houses built in the first half of the 19th century, and the oldest portion of the High Street Cemetery. Adoption and enlargement of historic districts, where appropriate, is an important step if it is the Town's desire to preserve and promote its history and heritage.

Prior to submitting the article for consideration, the Historic Districts Commission solicited input from each of the affected property owners, hosted a neighborhood informational gathering and held two public hearings. Support by the affected property owners for this extension of the Tower-Wilder Historic District has been unanimous

RECOMMENDED: That the Town, pursuant to the provisions of Chapter 40C, Section 3, of the Massachusetts General Laws, and Article XV-L of the General s of the Town of Hingham, and in accordance with the recommendations of the Historic Districts Commission and the Massachusetts Historical Commission, duly extend the previously-established Tower-Wilder Historic District, as shown on a plan entitled: "The Tower-Wilder Historic District, Main Street, Hingham, Massachusetts, prepared for the Historic Districts Commission" and dated November 20, 1986, by Perkins Engineering Inc., in the manner shown on a plan entitled: "Tower-Wilder Historic District-High Street Extension, Hingham, Massachusetts, prepared for the Hingham Historic Districts Commission", dated February __, 2012, by Perkins Engineering, Inc., filed in the office of the Town Clerk, and bounded and described as follows:

Beginning at a point in the northerly sideline of High Street, 150 feet west of the westerly sideline of Main Street, in the westerly sideline of the Tower Wilder Historic District, thence running westerly along the northerly sideline of High Street, 959.4 feet, more or less, to a point in said sideline at the southwesterly corner of parcel 21 as shown on said plan, in eight courses measuring 62.4 feet, more or less, 18.2 feet, more or less, 285.3 feet, more or less, 113.3 feet, more or less, 130.9 feet, more or less, 94 feet, more or less, 93.4 feet, more or less, and 161.9 feet, more or less, respectively; thence turning and running northerly, along the westerly sideline of said parcel 21, 125 feet, more or less, to the northwesterly corner of said parcel 21; thence turning and running easterly, along the northerly sideline of said parcel 21, 157.5 feet, more or less, to the northeasterly corner of said parcel 21; thence turning and running northerly, along the westerly sideline of parcel 22 as shown on said plan, 115.9 feet, more or less, to the northwesterly corner of said parcel 22; thence turning and running easterly 807.8 feet, more or less, in six courses measuring 99.1 feet, more or less, 94 feet, more or less, 133 feet, more or less, 138.2 feet, more or less, 271.5 feet, more or less, and 62 feet, more or less, to a point in the westerly sideline of the Tower Wilder Historic District; thence turning and running southerly, along the westerly sideline of the Tower Wilder Historic District, 217.2 feet, more or less to the point of beginning.

Article QQQ
Transfer From Stabilization Fund

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

Article RRR
Treasurer Collector

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

ARTICLE SSS
CPC Cordage Factory Rehabilitation

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