

Board of Selectmen

January 28, 2020
Regular Session 7:00pm

Present

Selectmen: Ms. Karen Johnson, Chairman, Mr. Joe Fisher, Ms. Mary Power
Mr. Tom Mayo, Town Administrator, and Ms. Michelle Monsegur, Assistant Town Administrator.

Call to Order

Ms. Karen Johnson 7:06pm

Approval of Minutes

Mr. Fisher made a motion to approve the minutes of the January 14, 2020 meeting. Ms. Power seconded. The motion passed, 2-0-1. Ms. Johnson abstained

Ms. Power made a motion to approve the minutes of the January 21, 2020. Mr. Fisher seconded. All were in favor, 3-0.

Public Comment

Chief Olsson made the following comments about the incident on Saturday morning at the Shipyard:

This past Saturday, the Hingham Police responded to a disturbance call which resulted in a man barricaded in his apartment, threatening to shoot responding officers. At the same time dispatch received a call from a man that was in the apartment and had secured himself in a bedroom. The man feared for his life and informed us that the other man had a gun and was irrational. Our responding officers secured the scene and immediately activated our Metropolitan Law Enforcement Council. The MetroLEC is a consortium of 43 local area police departments and other law enforcement agencies. As the situation progressed, we continued to call in resources from other communities and other similar law enforcement consortiums. Quincy, Weymouth, Boston, State Police, MBTA and Environmental Police all responded along with the other communities. To remove the trapped victim from the residence, the SWAT team and support vehicles, along with the Hingham Fire and Abington Fire, removed him and other residents that needed to be safely removed from the area of the shooter on the upper floors. During the incident, four to five five shots were fired at the responding units and also an explosive device was thrown from the apartment but it did not detonate. The Hingham Police, Hingham Fire, the regional dispatch center, SSRECC, Hingham Highway Department, Public Schools, School Transportation, Light Department and so many other Town employees have been involved in training and preparation for such events and disasters. Because of this, the event ran like clockwork. Residents were evacuated and were able to be provided safe sheltering. Hingham school busses and MBTA busses were used. Foster School organized and prepared to provide shelter and support. The party eventually surrendered without incident and no one was hurt and the residents were allowed to return to their apartments. The citizens in the Town of Hingham have been so supportive of us and the response has been amazing. It's unfortunate that we have to live in a society where we have to prepare, educate and constantly update and train for such events.

He thanked everyone for their support of the emergency services in the Town of Hingham.

Ms. Johnson said that, during the incident, she and others feared for the safety of our emergency personnel but that the training and the equipment and the relationship among the various constituencies here and across the Commonwealth made that response as positive as it was. She appreciated that the Chief shared his remarks with the Town tonight.

Letter of Support for Congregation Sha'aray Shalom's grant application to enhance facility safety and security

Chief Olsson explained that the Hingham Police have been working with the Hingham and Hull Interfaith groups to increase our knowledge about various religions and the benefits that brings to everyone. He added that it is regretful the houses of worship and parishes have become targets of radicalized groups. He said that the Police have been meeting with the religious groups and have been educating them about increased security measures and awareness training. He noted the difficulty that this presents to houses of worship given their aim to welcome all people. He added that the Hingham Police have been making safety assessments in many places of worship and offering assistance with instituting minor, less costly measures to improve safety. He also commented that increasing our awareness of mental health issues through joining training and educational symposiums could be beneficial as well. He said that the

State of Massachusetts is now offering security grants for non-profit groups. He added that they have been working with the Congregation Sha'aray Shalom on a grant to fund increased security measures for the temple. He added that they consider this a pilot program and hope that, in the future, similar grants, valued up to \$50,000, could include a small group of parishes. He requested that the Selectmen join the Hingham Police Department in supporting this grant application and any other to follow.

Mr. Fisher stated that the Chief of Police has written a letter of support of the synagogue's application. He also commented that we, in Hingham, often think that these sort of hate crimes do not happen here and went on to read a portion of the Chief's letter:

"The surrounding towns have investigated over 12 incidents of anti-Semitic vandalism in the past several years. On January 12, 2020 we investigated postings at the Derby Shops mall from a group known as "Patriot Front." They are tied to anti-Semitic actions. They also posted about the incident on Twitter to gain a larger viewing. The Temple is about one mile from the mall."

Mr. Fisher then read the following letter of support from the Selectmen to the Commonwealth of Massachusetts:

"The Board of Selectmen encourages and endorses the efforts of Congregation Sha'aray Shalom to secure a grant for funding to enhance facility and safety and security. The Town of Hingham values and respects places of worship for all religions. We have a proud tradition of being a welcoming community. The Hingham Police Department is ever vigilant and on guard against hate crimes and those who would target faith-based organizations.

Unfortunately, anti-Semitic events on the South Shore and throughout the country have prompted Congregation Sha'aray Shalom to focus its time, attention and resources on enhancing security. The synagogue has consulted with and received recommendations from the Police Chief and other security professionals to take specific steps to address facility vulnerability.

We applaud the vigilance of Congregation Sha'aray Shalom. There is no place for hate in the Town of Hingham."

Mary thanked Mr. Fisher and Chief Olsson in working together on this and said that the Selectmen would enthusiastically endorse this tonight.

Vote: Mr. Fisher made a motion to sign the letter of support for Congregation Sha'aray Shalom's grant application to enhance facility safety and security. Ms. Power seconded. All were in favor, 3-0.

Warrant Article

Article DD: Citizens Petition: Hingham Cemetery Expansion

Will the Town grant The Hingham Cemetery Corporation permission to use for burial an approximately 2,470 square foot parcel of land abutting existing land of The Hingham Cemetery Corporation at the rear of the property at 24 South Street shown as Assessors Map 61, Lot 129, subject to the approval of the Board of Health as required by Section 34 of Chapter 114 of the Massachusetts General Laws, or act on anything relating thereto?

Mr. John Davenport, 63 Burditt Avenue, from the Board of the Hingham Cemetery, said that Mr. Jonathan Bouve who has been a lifelong resident of 24 South Street has offered to donate a parcel of his land, which abuts the cemetery, to the cemetery. There is a statute that requires approval from the Town to use that land for burial which is subject to approval by the Board of Health. He stated that they have dug two test pits to test for groundwater and an engineer's report has been submitted to the Board of Health. Their hearing is scheduled for February 15, 2020. He added that the area is zoned as open space which would allow for cemetery use with a special permit. The Planning Board has already given their approval and if Town Meeting agrees, the cemetery will take title to the property and apply to the ZBA for this special permit. He thanked Emily Wentworth for her help with this project.

Ms. Johnson stated that the Hingham Cemetery Corporation is its own entity and this vote allows them to go forward and seek the proper permission to add this piece of land to the cemetery.

Mr. Fisher asked if moving forward with the Warrant would cause the expenditure of any Town funds. Mr. Davenport said that it would not and it would allow to make the cemetery to earn more revenue and stay self-sufficient.

Mr. Fisher also asked if there had been an abutters notification program or if they had received any concerns. Ms. Susan Murphy, Town real estate counsel, stated that there have been no concerns.

Ms. Power thanked Mr. Bouve for his generous donation to the Cemetery Corporation.

Vote: Mr. Fisher made a motion to recommend favorable action of Article DD. Ms. Power seconded. All were in favor, 3-0.

Senior Citizen Means-Tested Tax Exemption

Ms. Johnson said they have been working on this for several years and the Town has filed a special act requesting the authorization to allow a senior means-tested tax exemption to circuit-breaker eligible senior citizens whose primary residence is in Hingham. She added that this is one of the few exceptions that the state has allowed to benefit the needy senior citizens of the Town.

She explained that, if we grant this tax exemption, then the citizens who meet the requirements would receive up to a \$964 per year reduction in their annual property tax bill. Ms. Johnson explained that if the special legislation were to be adopted, the Town would need to identify a funding source for the levy to offset that exemption. Ms. Johnson stated that if everyone who was eligible for this exemption filed for it, the cost to the Town would be approximately \$500,000. She said that approximately 500 people were eligible currently. Ms. Johnson suggested using the unused levy capacity as a funding source. Ms. Johnson explained that the unused levy capacity (\$500,000 per year) has been a tax benefit spread out to each taxpayer in Hingham but she felt that to narrowly focus that tax relief on the Town's neediest seniors was a good choice.

Ms. Power explained that the unused levy capacity is the result of applying meals tax revenue toward the cost of the Hingham Middle School – and that for the last 10 years, every taxpayer in the community has benefitted from it. She added that there are not many meaningful forms of tax relief for our most vulnerable citizens and that the Town should take advantage of this opportunity, particularly in light of upcoming capital projects that could require a tax increase. She asked Ms. Nickerson what happens to any extra money if we don't use it all. Ms. Nickerson said that it would stay in the reserve fund for abatements and exemptions until it is released by the Board of Assessors.

Ms. Johnson said that this would show the public that we are sensitive to those in need in our community. She added that this vote is an exercise under the special act that the Board of Selectmen would be asked to undertake every year so they it would be possible to figure out amounts and percentages. She thanked Sue Nickerson, Jean Montgomery, Rick Nowlan and members of the Elder Services staff who worked as a team with the Selectmen on this project.

Mr. Fisher reiterated that this would be an annual vote for the Board of Selectmen. He asked about the funding source and Ms. Nickerson stated that it would be called an Overlay Account.

Vote: Ms. Power made a motion to use Overlay as a funding source for the Senior Citizen Means-Tested Tax Exemption; subject to the approval of Bill S.2243 – An Act Relative to the Establishment of a Hingham Means-Tested Property Tax Exemption. Mr. Fisher seconded. All were in favor, 3-0.

Mr. Fisher made a motion that the Board of Selectmen set the FY21 exemption amount for the Senior Citizen Means-Tested Tax Exemption at 100% percent of the amount of the 2019 circuit breaker income tax credit; subject to the approval of Bill S.2243 - An Act Relative to the Establishment of a Hingham Means-Tested Property Tax Exemption. Ms. Power seconded. All were in favor, 3-0.

Option to Purchase 270 Central Street

Emily Wentworth, Senior Planner for the Town of Hingham and Tim White, Chair of the Hingham Affordable Housing Trust

Ms. Wentworth explained that the Town recently received a notice dated December 18th of 2019 of an anticipated sale of a deed-restricted home at 270 Central Street. She stated that the restriction provides the Board of Selectmen 45 days from the date of notice or until February 2, 2020 to either:

1. Exercise the Town's option to purchase the property as provided for in the deed restriction or

2. Grant a release of the Town's option to allow the owner to convey the property to an income-eligible buyer

She gave some background regarding the property and stated that the property was improved by a single-family dwelling constructed by South Shore Habitat for Humanity in 1995 on land that was acquired from the Town for \$1.00. She said that the deed restriction allows the Town to exercise their right to either purchase the property or to release it. There is a deed restriction on this purchase but it doesn't comply with current standards established by the MA Department of Housing and Community Development. The Town in the past has tried to add the property to their list of subsidized housing inventory, which is maintained by DHCD, but the State has rejected the request because the restriction doesn't include a certain number of procedural processes and protections that are standard today. She added that, if the Board were to exercise their option to purchase the property, the Town, acting through the HAHT, would be able to update the restriction in order to qualify it for inclusion on the subsidized housing list prior to then recoveyng it to another income-qualified and appropriately-sized household. She said that the Affordable Trust has considered this request and reaffirmed that it would be interested in acquiring the home for the purchase price of \$118,200.40 with authorization from the Board of Selectmen. She went on to say that, since July, the property received an offer to purchase from a relative. The potential buyer has since submitted his financial qualifications to both the Town and South Shore Habitat for Humanity. The HAHT has concluded that he would be income-qualified. She explained that, if the Town were to release its option to purchase, the estate could convey the unit to him but the unit would remain ineligible for inclusion on the subsidized housing inventory. She added that this is a difficult decision for the Board to make. The prospective buyer would personally benefit to being able to purchase the home that he has been living in for some time now, but there would be substantial public benefit to be gained if the Town were to exercise its option in bringing the deed restriction up to current marketing and monitoring standards, making some improvements physically to the home and then selling it through an affirmative fair marketing process to an income-eligible and appropriately-sized household. She explained that an added benefit to the Town would be that adding this one unit to our subsidized housing list would offset the construction of ten market-rate units.

Mr. White, 35 Kimball Beach Road, expressed the interest of the HAHT in buying the property. He said that the HAHT has very limited funding and that their mission is to create, maintain and improve affordable housing as set forth in the bylaw of Town Meeting in 2007. He added that, should they purchase the property, they would work to add it to the affordable housing inventory. He also added that, while he was very impressed with the man who would like to purchase it, it is a three-bedroom house and there are families that could benefit from a similar property.

Mr. Fisher said that he has looked at the deed and the materials and he sees a real substantial benefit to the Town and he viewed this Board as acting as fiduciaries in this situation. He concluded that he feels this property is a Town asset that should be used for the benefit of the Town.

Ms. Power stated that this was one of the more difficult decisions that she has had to make and she appreciated the process they have undergone to fully vet all of the different options. She added that this vote is in keeping with her commitment to the community to keep Hingham within its 40b safe harbor.

Mr. David Cunningham, on behalf of the estate, stated that this is a property the proposed purchaser has lived in for 25 years and was purchased by his mother, a Town employee, who purchased it through an affordable housing program. He stated that by exercising the Town's right to purchase this home, the Town would displace someone who could benefit from affordable housing, adding that the potential purchaser would probably have to move to a different town. He added that the potential buyer has lived in the property most of his life and is a life-long resident of Hingham. He stated that his mother would love to see him purchase this home.

Mr. Cunningham also suggested that may be a way to work with the purchaser with respect to updating the deed restrictions and suggested that the potential buyer would probably view it in his best interest to cooperate with the Town.

Ms. Susan Murphy, Real Estate counsel for the Town of Hingham, said that the issue, with respect for qualifying for the purchase, was really the size of the household. She explained that an individual would not qualify under the current guidelines for a three-bedroom house. She said that the goal of affordable housing is to match the size of the household with the size of the property. She stated that an individual

would only qualify for a one-bedroom unit. She added that, under the affordable housing deed restrictions, affordable housing is not allowed to be handed down to a family member.

Mr. Fisher asked if there was a lottery or selection process that the next purchaser would have to go through. Ms. Murphy said that the property would be subject to all the usual regulations which explain how the next owner is chosen.

Jason Moran, 270 Central Street, stated that he was the potential buyer of the property. He thanked the Board and Ms. Wentworth for all their help. He stated that he has been a member of the community for 35 years and he would like to stay in the community and that would not be possible without the home.

Ms. Johnson said that this was a very difficult issue emotionally and legally. She felt that the household size coupled with the ability to add this property to the town's stock of affordable housing were compelling arguments for her as someone charged with representing the best interests of the Town.

Mr. Fisher concurred and said that they have deliberated about how they could keep the resident in the house while also meeting their responsibilities with respect to affordable housing. He concluded that he didn't see any other way that they could fulfill their responsibilities to affordable housing.

Vote: Mr. Fisher made a motion to exercise the Town's option to purchase the Property at 270 Central Street for \$118,241.19 pursuant to the terms of a deed dated July 11, 1995 and recorded in the Plymouth County Registry of Deeds in Book 13696, Page 2 and to authorize the Hingham Affordable Housing Trust, to both act on behalf of the Town to purchase the Property and to extend the option for up to three months on terms and conditions acceptable to the Town in order to allow the current resident to find alternative housing. Ms. Power seconded. All were in favor, 3-0.

Public Comment

Holly Constant, 34 Jarvis Avenue came to the meeting to reiterate the critical nature of funding a Director of Fine and Performing Arts at Hingham High School. the school department's arts director. She felt that the Arts are very important to the mental and social health of our children, adding that having a creative outlet in the Arts can lessen the effects of the considerable amount of stress and anxiety felt by teens today. She knows that this position has not been funded and she urged the Board to consider funding a Director of Fine and Performing Arts.

Ms. Johnson stated that because public comments are not posted on the agenda, the Board is not able to make many comments of the topic. She thanked the public for their concerns and explained that, procedurally, the Board of Selectmen and the Advisory Committee recommend a budget number and it is up to the elected School Committee to figure out how to allocate that budget.

8:00 PM: Joint Session with the Advisory Committee and Community Preservation Committee

Larry Lindner, 22 Water Street, Chair of the CPC and Vice Chair Dan White presented

Mr. Lindner said that he was excited to share with the Board their recommendations for Town Meeting 2020. He said that the total amount they had to spend was \$1,692,999 which included explained that in 2019 the Town collected \$1,081,374 from taxpayer dollars, a State contribution of \$152,625, and returned funds of \$495,000. He explained that their total comes to about \$500,00 more than their budget He listed the projects and the recommended allocations as follows:

<u>Projects</u>	<u>Allocation</u>
Tennis Courts at Plymouth River School	\$75,000
Second Parish Clock Tower	\$32,030
Hingham Affordable Housing Trust	\$272,300
Pool at Country Club (design/construction documents)	\$500,000
Lehner Land Improvements	\$8,000
Benjamin Lincoln House	\$772,000
Canterbury Street Cemetery	\$40,000
 <u>Debt Service</u>	
Heritage Museum (ATM 2013\$1.1MM)	\$133,000
Lehner Land Improvements (ATM 2016 \$5MM)	\$356,000

New Debt Service

\$495,331

Ms. Johnson thanked Mr. Lindner and Mr. White for their presentation and for their work on all the CPC applications. Ms. Johnson asked Mr. Linder was the state match was currently. He responded that it is about 20% at the moment and added that the state is going to be allocating more funds to CPC but they will not be available to use until next year.

Ms. Power added that the Community Preservation Fund was adopted by Town Meeting many years ago and explained that the CPC funds can only be used for specific purposes such as Historic Preservation, Affordable Housing, Open Space, and Recreation. Mr. Lindner added that CPC funds, within the guidelines, are typically used for iconoclastic projects that would otherwise not get funded. He further explained that CPC is funded through a 1.5% property tax.

Ms. Johnson said that she appreciated all of the efforts of the Community Preservation Committee.

Ms. Power asked what the state match was currently. Larry said that it was currently 20%.

Mr. Andy McElaney of the Advisory Committee asked how much an actual pool would cost if the construction documents are \$500,000. Mr. Lindner stated that it would likely cost \$5-\$7 million.

There were no further questions about the CPC projects.

Warrant Articles

Article Y: Acceptance of Solar Pilot Agreement 1

Will the Town approve an Agreement for Payment In Lieu of Taxes beginning in Fiscal Year 2020 by and between TGC III MA Portfolio Operating, LLC (as assigned to TGC III MA Portfolio Operating 1, LLC) and the Town of Hingham for the solar project located at the MBTA Nantasket Junction Station, 190 Summer Street, Hingham, MA, or act on anything relating thereto?

Tom stated that the MBTA contracted with a private entity to construct two solar canopies at two train stations in town. He explained that while the town is tax exempt, the property is actually owned by a third party so they must enter into a pilot agreement.

Vote: Mr. Fisher made a motion to recommend favorable action of Article Y. Ms. Power seconded. All were in Favor, 3-0.

Article Z: Acceptance of Solar Pilot Agreement 2

Will the Town approve an Agreement for Payment In Lieu of Taxes beginning in Fiscal Year 2020 by and between TGC III MA Portfolio Operating, LLC (as assigned to TGC III MA Portfolio Operating 1, LLC) and the Town of Hingham for the solar project located at the MBTA West Hingham Station, 20 Fort Hill Road, Hingham, MA, or act on anything relating thereto?

Vote: Ms. Power made a motion to recommend favorable action of Article Z. Mr. Fisher seconded. All were in Favor, 3-0

Pledge of Allegiance Selectmen's Policy Discussion

Keith Jermyn, Director of Veterans Affairs, explained the history of the flag purchase program. He stated that, in 2011, the Department of Veterans Services instituted a Consolidated Flag Purchasing Program for all departments within the municipality as a cost savings measure. He added that as a by-product of this program, decorative indoor U.S. Flag display sets have been provided to the Town at no cost. Since that time, nine of these sets have been added and proudly displayed in each and every public meeting room in the Town Hall, including the Sanborn Auditorium. He added that it seems only fitting that citizens of this town, who so graciously volunteer to serve, or be elected to public office for the purpose of promoting its governments should strive to remember and be reminded of the government to which they serve. And said now that each and every meeting room in the Town Hall, he feels that the BOS could now begin each meeting with the pledge of allegiance.

Mr. Fisher asked if the bulk purchasing of flags could be made available to the residents of the Town. Mr. Jermyn said that several other organizations already do take part in in this process and he hopes that in the future residents will be able to.

Mr. Fisher also asked if Mr. Jermyn has asked other committees what their thoughts were on this topic. He said that he was starting with the Board of Selectmen and would finish with a comprehensive assessment.

Ms. Power thanked Mr. Jermyn for his work on the flag program, and encouraged him to get input from committee chairs and department heads with respect to further expansion of the Pledge of Allegiance.

Ms. Johnson stated that the BOS would add the reciting of the Pledge of Allegiance to their next meeting agenda.

Selectmen/Town Administrator Reports

Mr. Fisher asked Ms. Monsegur and Mr. Mayo to give the Board an update about the MMA conference that they attended. Mr. Mayo said that it was a very good conference and it provided a great cross section about the various different types of governments that we have here in MA. He stated that Mr. Fisher and some members of the Advisory Committee were all able to go together

Michelle stated that she felt that their experience was very worthwhile and she attended a great program on employee wellness which she felt was very good.

Ms. Power stated that she felt that this was going to be a challenging budget year with only 2.2% revenue growth. She added that while we are looking at services in town most of the money is coming from taxpayer dollars.

Executive Session to discuss strategy with respect to litigation pursuant to M.G.L. c.30A, §21(a3).

Votes

Vote: Ms. Power made a motion to open the Warrant and to replace the prior submitted Warrant Articles GG and HH for the revised versions attached hereto and to close the warrant, and to refer Article GG and the referenced plan as modified to the Planning Board. Mr. Fisher seconded. All were in favor, 3-0.

Vote: Mr. Fisher moved to approve the issuance of a Special (One Day) Wine and Malt Beverages license to Michael Snowdale on behalf of Stellwagen Beer Company for "New Year, New You Resolutions Bonfire" to be held at Weir River Farm on January 31, 2020 with a rain/snow date of February 1, 2020 from 6 pm to 9 pm. All were in favor, 3-0.

Ms. Johnson commented to the public that they Board appreciates all the email they get from the public.

She also commented on the importance of small businesses in the Square and encouraged the public to visit the businesses in the Square.

She also wanted to commend Ms. Monsegur for her work on

They are going to have a forecast meeting tomorrow with the Advisory Committee and School Department on their financial forecast.

Selectmen/Town Administrator Reports

Mr. Johnson said that he attended the annual MMA Conference with Ms. Monsegur and Mr. Mayo. Mr. Mayo added that it is a great conference and that all the municipalities across the State are represented. He said that the conference brings together Finance Committee members, Advisory Committee members, Boards of Selectmen, Town Administrators, Accountants, Treasurers. He added that it is a great opportunity to see how town governments are run throughout the state.

Ms. Monsegur added that attending the conference is a very worthwhile opportunity each year. She said that she attended a workshop on employee wellness programs and that the conference provides great resources and ideas that could be implemented here in Hingham.

Ms. Power gave a brief budget update, stating that the Town's revenue is anticipated to grow by 2.2% (\$2.5M). She said that some of the Town's costs are set, but some are anticipated to grow by 7%.

Ms. Johnson thanked Chief Olsson for coming in to speak about the events that took place at the Shipyard last weekend.

Ms. Johnson also encouraged the public to frequent the stores in the Square as well as other local merchants.

Ms. Johnson also stated that she and Ms. Monsegur were recently at the Harvard Kennedy School of Government talking to a class that will be providing insight as to how the Town can best pay for the Stormwater mandates the Town has from the federal government, while at the same time protecting the local watershed.

Ms. Power made a motion to adjourn. Mr. Fisher seconded. All were in favor, 3-0.

Executive Session

The Chair States: The Board will convene to Executive Session to discuss strategy with respect to litigation pursuant to M.G.L .c.30A, §21(a3) because discussion of this matter in open session may have a detrimental effect on the litigating position of the town. The Board will not return to Open Session.
ROLL CALL VOTE.

Ms. Power - yes

Ms. Johnson - yes

Mr. Fisher – yes

Ms. Power made a motion to adjourn. Mr. Fisher seconded. All were in favor, 3-0.

Meeting adjourned at: 8:44 PM

Documents: A complete meeting packet of supporting documentation is on file and available for public review in the Board of Selectmen's Office.

