

Select Board

February 17, 2022

Present:

- Select Board: Mr. Joseph Fisher (Chair) and Ms. Liz Klein, and Mr. Bill Ramsey
- Mr. Tom Mayo, Town Administrator
- Ms. Michelle Monsegur, Assistant Town Administrator for Finance
- Mr. Art Robert, Assistant Town Administrator for Operations

6:02 PM: Call to order

Mr. Fisher called the meeting to order and read the following statement:

“This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording. “

Mr. Fisher asked if any participants were recording the meeting. No one indicated they were recording.

Select Board members participating in the meeting were himself and Ms. Liz Klein. Mr. Ramsey joined while the meeting was in progress.

Approval of Minutes

Vote: Ms. Klein made a motion to approve the minutes dated February 3, 2022. Mr. Fisher seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Fisher: yes

Mr. Ramsey: not yet present

Vote: Ms. Klein made a motion to approve the minutes dated February 8, 2022, as amended by Mr. Fisher. Mr. Fisher seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Fisher: yes

Mr. Ramsey: not yet present

Bertucci's: Change of Manager

Ms. Soraya Rosso explained that the change of manager was due to internal promotions. Ms. Rosso would now be the General Manager. A successful CORI check has been performed.

Vote: Ms. Klein made a motion to approve the request of Bertucci's Restaurants, LLC, d/b/a Bertucci's Brick Oven Ristorante, 90 Derby Street, Hingham, MA for a Change of Manager from Erin Landaverde to Soraya Rosso in accordance with the Application for Change of Manager filed with the Town of Hingham on January 24, 2022; subject to the approval of the Alcoholic Beverages Control Commission. Mr. Fisher seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Fisher: yes

Mr. Ramsey: not yet present

Reserve Fund Transfer Request related to Straits Pond

Ms. Emily Sullivan, Conservation Officer, presented. She explained that Hingham is a participant in the Straits Pond Technical Advisory Committee that began in 2007 and relates to the management and possible improvement of Straits Pond, which is part of the Weir River Estuary. The pond lies on the border of Hingham, Cohasset and Hull. Hull and Cohasset also participate in the Advisory Committee, along with many other stakeholders. Since the tidal gate was upgraded to an automatic gate in 2007, Hingham has been asked to contribute financially to a number of various projects, maintenance and annual operational requirements. Historically, Hingham and Cohasset have contributed financially at a 25% rate, while Hull has contributed at a rate of 50% each year. This year, Hull has requested Hingham's contribution to be \$21,148, which is unexpectedly higher than what the Town has contributed in the past, due to additional sediment surveying and environmental improvement work. Hingham's typical contribution is \$5,000. The funds requested for this year would be put towards some sediment surveying and environmental improvement work that has been undertaken over the past year, including repairing the automated tidal gate, assessment of the gate, auxiliary gate, and maintenance operations.

Vote: Ms. Klein made a motion to recommend a transfer from the Reserve Fund to Conservation Commission Expenses: Repair and Maintenance (Grounds) in the amount of \$21,148. Mr. Fisher seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Fisher: yes

Mr. Ramsey: not yet present

2022 Annual Town Meeting Warrant Articles

Mr. Ramsey jointed the meeting.

Article BB: Reduction of Speed Limits

Town Engineer, J.R. Frey presented. He explained that Article BB proposes that the Town of Hingham accept as municipal law MA General Law Chapter 90, Section 17c, which gives authority to the Select Board to assign a speed limit of 25 mph, either town-wide, or on such roads as the Board deems appropriate. Article BB provides that the Traffic Committee should be the body to recommend the speed limit reductions, for review and approval by the Select Board. Article BB proposes to set speed limits of those streets, which have a functional classification of local, by MassDOT, to 25 miles per hour

and to also apply the 25 mph speed limit within the downtown district. There are some additional roads for which the Traffic Committee is recommending the 25 mph speed limit, due to the incidence of traffic accidents. Mr. Frey reported that he has received generally positive feedback from residents of the affected neighborhoods. Sgt. Jeffrey Kilroy of the Hingham Police Department Traffic Division felt that the decision would improve safety. Following approval by the Select Board, the Town would apply for a Shared Streets Equipment-Only Grant that would provide funding for the new signage. Pending approval, the new speed limits could be implemented by the end of June. Ms. Klein asked about the possibility of a further reduction in speed limits, which Mr. Frey noted would be possible only after an engineering study of the road in question.

Vote: Mr. Ramsey made a motion to recommend favorable action of Article BB. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

Article G: Transfer from the Stabilization Fund

Mr. Mayo explained that the Article would allow the Town to transfer a sum of money from the Stabilization Fund and or from available reserves for the purpose of reducing the FY23 tax rate or for the payment of debt service and/or capital expenditures or act on anything relating to that. Ms. Monsecur reported that this is a perennial Warrant Article. She said that the Sustainable Budget Task Force has been looking into the Stabilization Fund to see if the Town could accelerate or use the rest of available funds to help close the FY23 budget gap. The current balance in that account is \$2,161,425. The Task Force is recommending that that balance be applied to the FY23 budget in a more general way this year. Mr. John Coughlin, Town Counsel, added that once the Stabilization Fund is established and funded, under MGL Chapter 40, Section 5b, it could be used for any lawful purpose.

Vote: Ms. Klein made a motion to amend Warrant Article G regarding a transfer from the Stabilization Fund in the form attached hereto and to approve said Warrant Article as amended. Mr. Ramsey seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

Article GG: Real Estate Transfer Fee

Article GG proposes a fee of 1% of the purchase price of real estate purchases at the responsibility of the buyer. Ms. Monsecur said that the Town would propose an exemption, in the amount of 80% of the average property's assessed value, which would be approximately \$562,880, but would change depending on the year. She noted that the median home sale price in Hingham has been just over \$1 million for the past three years. Estimated annual revenue from Article GG could be \$2,289,266. This fee would not be applicable to any affordable housing purchases, as those purchase prices are typically under \$562,880. Ms. Monsecur said that implementation of this fee would help the Town address some of the anticipated revenue shortfalls in FY23. All fees collected would be unrestricted revenue for the

Town. Ms. Klein explained some of the research that the Sustainable Budget Task Force did regarding this potential Warrant Article. She said that feedback from residents has been generally positive, but she would like to collect more over the next few weeks. Attorney John Coughlin also noted that there would be no additional burden on the Registry of Deeds to collect this fee. The buyers would pay the fee directly to the Town and would bring their certificate of payment to the Registry when recording their deed. Home purchases could also be recorded with the proof of payment but the Town would have the right to pursue collection of that fee. Mr. Fisher suggested that this should be evaluated as a potentially viable and fair source of revenue for the Town.

Vote: Mr. Fisher made a motion to open the F22 Town Meeting Warrant for submission of Warrant Article GG, Real Estate Tax Fee and to close the Warrant. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

Article HH: Re-allocate Borrowed but Unspent Funds for Completed Capital Projects

Ms. Monsegur explained that the Town's finance team has identified borrowed but unspent funds from completed projects that are remaining in some of the Town's capital accounts. They have identified four School projects that have been completed but have remaining funds totaling \$1,101,791.21. Article HH proposes to reallocate these funds towards a different capital project, namely the Plymouth River School windows projects that was previously approved by Town Meeting. This would significantly offset the cost of that project.

Vote: Mr. Fisher made a motion to open the 2022 Town Meeting Warrant for submission of Article HH to reallocate borrowed but unspent funds for completed capital projects and to close the Warrant. Mr. Ramsey seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

Vote: Mr. Ramsey made a motion to recommend favorable action of Article HH. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

Article R: Public Safety Facility - Funds for Pre-Construction Costs

7:08 PM: Mr. Bob Garrity called to order the meeting of the Public Safety Building Committee. He then provided some background on the project, including what has been completed to date. Article R would ask the Town for additional funds to get the entire project through the design completion stage. There would be no request for construction funds at this time. The first design phase is the schematic design.

The second phase is design development and the third phase is to produce construction documents. The final phase is to produce a detailed set of documents that would be used during the bidding process. The Town has received the final set of design development documents and they are currently being reviewed by the OPM as well as the Police Department. Article R would request an additional \$1,585,000 to continue the project through the construction documents phase, the bidding phase, and any other additional services that the designer or OPM would perform in preparation for bidding.

Mr. Sean Schmigle of KBA Architects presented some photos of the building's design. Mr. Garrity highlighted green energy characteristics of the design, including the possibility of installing solar panels among others. Mr. Paul Healy noted that the Public Safety Building Committee has tried to come up with a design that reflects maximum efficiency. He thanked Fire Chief Murphy and Police Chief Jones for their cooperation during the process. He also noted that Hingham Net Zero has been a good partner throughout the process. Chief Jones and Chief Murphy both said that they were satisfied with the design and felt that it would solve all of the departments' current challenges. There was some additional discussion regarding provisions in the design for future growth.

Mr. John Borger, 53 Lafayette Avenue, provided a report on the project on behalf of Hingham Net Zero.

Vote: Ms. Klein made a motion to recommend favorable action of Article R. Mr. Ramsey seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

8:24 PM: The meeting of the Public Safety Building Committee adjourned

Article CC: Transfer Care, Custody, and Control of a Portion of Transfer Station Site to HMLP

Mr. Tom Morahan of HMLP presented an overview of the Hingham Electrical Infrastructure Reliability Project. He explained that Hingham is currently served by two lines that run on a single set of towers. The new 3.7 mile line would be placed underground and would interconnect with Eversource in Weymouth, terminating at the new substation to be built at the Transfer Station. The new line is expected to be operational around 2025/2026. Mr. Morahan explained why the 115 kV transmission line is needed and said that a tower failure associated with the existing line could result in a power outage for Hingham residents. Recent severe weather events prompted the consideration of an underground line. HMLP identified and considered several locations including North Hingham near the Shipyard, South Hingham near the National Grid interconnection, 308 Cushing Street, which is the former HMLP facility, and near the existing substation, which is the preferred location. As for the next steps, Ms. Tracy Adamski of HMLP explained the key permits and approvals needed to complete the project. Mr. Robert Shapiro of HMLP explained the conditions of the Siting Board approval and the approval timeframe. He also noted that Hingham is currently engaging in outreach to Weymouth with respect to the proposed route of the cable.

There was some additional discussion regarding the proposed substation layout. She explained that most of the other proposed locations had considerable restraints, most notably wetlands. The Board

asked several questions regarding the timeframe, the planning process for the route and the expected life of the new cable.

Ms. Laura Burns, 479 Main Street, felt that HMLP did a great job giving an overview of the project.

Mr. Bob Achille, 194 Old Hobart Street, asked who would be responsible for any after or before hour's noise coming from the proposed substation. Mr. Morahan said that HMLP would assume responsibility. He also asked if HMLP had yet received a list of repairs or improvements that Weymouth would ask HMLP to pay for, as a result of connecting to the cable in Weymouth. Mr. Morahan noted that HMLP has not yet received anything in writing from Weymouth.

Mr. Steve, Girardi, HMLP Engineer, added that, as part of the project, HMLP plans to upgrade the existing substation so they can open or close breakers remotely, which would decrease the number of trucks entering the site in the middle of the night.

Vote: Mr. Ramsey made a motion to recommend favorable action of Article CC. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

HMLP Memorandum of Agreement

Vote: Ms. Klein made a motion to approve and execute the Memorandum of Understanding between the Town of Hingham and the Hingham Municipal Lighting Plant regarding the proposed Electrical Substation on the Town's Transfer Station Property at Old Hobart Street in the form attached hereto. Mr. Ramsey seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

Linden Ponds Project

Mr. Art Robert presented. He explained that a Public Hearing was conducted, as posted in the Patriot Ledger, on Monday, February 14, 2022. Mr. Craig Heron of the law firm of White, Taylor and Preston and Alex Dinkels of Marathon Capital Strategies, financial advisor, were also present, as were Scott Sawicki and Dan Tyler of NSC, the parent organization of Linden Ponds. Jim Santola, Executive Director of Linden Ponds, and several members of Erickson Living were also present. Mr. Heron explained that they have been working with Mr. Robert to satisfy certain regulations of the IRS code with respect to tax- exempt bond financing. He suggested that Linden Ponds, as a 501 C3, is eligible to take advantage of this bond financing. Certain approvals are required prior to the issuance of the bonds. For example, the IRS and the Town of Hingham must approve the bonds. Mr. Robert added that the issuance of the bonds would support refinancing of existing debt and construction of a new facility, not to exceed \$15 million. The bond sale would be facilitated through the Public Finance Authority. Mr. Robert requested that the Select Board approve the issuance of the bonds. Mr. Robert stressed that a favorable vote from

the Select Board did not reflect a Select Board position on the project itself. A favorable vote would not damage or favor the project during the Town's permitting process. A favorable vote would also not create any financial obligations for the Town.

Vote: Mr. Ramsey made a motion to Authorize the Chair to execute an approval of the issuance of private bonds for the Linden Ponds, Inc. project under the provisions of Section 147 of the Internal Revenue Code of 1986, as amended, in the form attached hereto, which approval shall be limited to the issuance of said private bonds under the provisions of said Section 147 and shall not be deemed as granting or approving any other required permits or approvals for said project. Ms. Klein seconded.

Roll Call Vote:

Ms. Klein: yes

Mr. Ramsey: yes

Mr. Fisher: yes

COVID-19 Report

Mr. Mayo gave the following update on the COVID-19 pandemic:

"The DPH is reporting that the 7-day average of confirmed COVID-19 cases has declined substantially, from 2,684 on February 7 to 1,550 on February 14. Statewide hospitalizations have fallen, from 1,325 on February 7 to 902 on February 13. The latest data show the Hingham case count is declining. DPH reported a 14-day average daily incidence rate of 71 new daily COVID-19 cases in Hingham through February 3, 2022. DPH reported a 14-day daily incidence rate of 54 cases in Hingham through February 10, 2022. It is important to note that many residents are now taking home-based testing which is most often not reported and therefore not in these statistics. As a result we are assuming that the actual number of positive cases is higher than these statistics show. The overall vaccination rate for Hingham is now 84% (for fully vaccinated individuals, up from 83% in last week's report). Further, 49 % of Hingham residents have received a booster dose. According to DPH, 79% of Hingham residents ages 5-11 are fully vaccinated (up from 68% in last report).

I decided to close the regional COVID-19 drive-thru testing site at 335 Lincoln Street in Hingham effective February 15. Given ongoing performance issues closing at this time was necessary. We asked the vendor to reach out directly to residents to cancel any existing appointment – and ensure delivery of test results to everyone tested on or before February 14. Residents who have not received test results by February 19, or feel they have been incorrectly billed by the vendor, should notify the town, using a "fill in" form on our web site.

The Town of Hingham has received over 16,000 rapid antigen test kits from Plymouth County. The Town conducted two successful distribution days for Hingham residents. On Sunday, February 13, our team distributed approximately 400 test kits and on Tuesday, February 15, we distributed approximately 700 test kits. We are reviewing other options for making remaining kits available to the community.

The Outdoor Table Service program in effect during the Covid-19 state of emergency will expire on April 1, 2022. While there is a possibility that the legislation may be further extended, we currently anticipate that our zoning regulations for restaurants will go back into effect in April. We encourage all restaurants that have not already contacted us, and would like to maintain outdoor table seating areas approved

during the state of emergency to contact Emily Wentworth, Community Planning Director, for guidance on any permitting applications that may be required.

On March 5, from 9a to 1p, HPS will conduct a vaccination clinic at Hingham Middle School. Vaccinations will be available for eligible Hingham students. The clinic will be run by the state and make available Pfizer and Moderna vaccine. Pre-registration is required. Tomorrow, HPS will provide clinic information and a link to parents – and post this information on their web site, <https://hinghamschools.org/>.

Effective September 7, 2021, I instituted a COVID-19 mask policy, acting under Chapter 263 of the Acts of 2016. Under this policy, all individuals age 5 and over, regardless of vaccination status, are REQUIRED to wear a mask covering the nose and mouth when indoors in non-school municipal facilities, with certain exceptions. On February 14, Hingham High School moved to a “Mask Optional” policy. The entire school district plans to implement a “Mask Optional” policy on February 28. I, alongside our Executive Health Officer and our COVID-19 Command Group, continue to evaluate COVID 19 data and trends. Consistent with discussions of this group, I am currently planning to lift the mask mandate on non-school municipal buildings on March 7.

Please continue to take precautions to protect yourself and others from COVID-19. As we all know, vaccination, wearing face coverings, practicing social distancing, and frequently washing hands, among other measures, help protect us all from COVID-19. On January 7, 2022, the Hingham Board of Health issued a Health Advisory strongly recommending the use of face coverings by all patrons, visitors, and employees within any indoor space open to the public in Hingham. The Health Advisory is directed to all visitors and employees within any indoor space in all public places, public housing, assisted living facilities, membership associations, and workplaces in Hingham. The [CDC](#) and the [Massachusetts DPH](#) guidance on face coverings can be found on their respective websites. The Board of Health recommends the use of an N-95, KN-95, or a (non-woven, multi-ply) surgical mask. Woven cloth masks, gators, and bandanas provide significantly less protection against this airborne respiratory virus. Also remember that any face covering should be fitted closely to one’s skin to prevent unwanted gaps and leaks.”

Appointments

Vote: Mr. Fisher made a motion to appoint Joseph Ruccio to the Zoning Board of Appeals to fill an unexpired term ending June 30, 2023. Mr. Ramsey seconded.

Roll Call Vote:

Mr. Ramsey: yes

Ms. Klein: yes

Mr. Fisher: yes

Public Comment

“The Hingham Select Board encourages community engagement and welcomes questions and comments as agenda items are discussed at the meeting. In addition, we have set aside up to fifteen minutes for public comment for items that fall under the purview of the Select Board and are not already on tonight’s agenda. If any guests wish to speak, please seek to be recognized. Once recognized, state your name and address and address your comments to the Chair. Comments will be limited to three minutes per speaker and must relate to topics within the scope of the responsibilities of the Select Board. Speakers are encouraged to present their remarks in a respectful manner and not to indulge in personalities. The Public Comment period is not a time for debate by members of the Select Board. The Select Board is not adopting or endorsing any of the comments made during the Public Comment period.”

There were no comments from the public.

Town Administrator/Select Board Reports

Mr. Ramsey thanked Hingham Police K-9 Officers Bob Achille and Ryan Ross for supporting Cub Scouts Pack 27. The officers brought their K-9 dogs to the Pack 27 meeting this evening. Officer Ramsey also attended.

Ms. Klein announced that Saturday, February 19 is Lincoln Day in Hingham.

Vote: Mr. Ramsey made a motion to adjourn. Ms. Klein seconded.

Roll Call Vote:

Mr. Ramsey: yes

Ms. Klein: yes

Mr. Fisher: yes

The meeting adjourned at 9:35 PM.

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